

***Environmental Assessment for the Replacement  
of the Pier and Boat Ramp at the  
U.S. Border Patrol & Air and Marine Facility,  
Ponce, Puerto Rico***



**U.S. Customs and  
Border Protection**

**U.S. Customs and Border Protection**

**February 2019**

## **Environmental Assessment for the Replacement of the Pier and Boat Ramp at the U.S. Border Patrol & Air and Marine Facility, Ponce, Puerto Rico**

**Lead Agency:** U.S. Customs and Border Protection (CBP)

**Proposed Action:** The demolition and removal of the temporary structure, removal of the original pier, construction of a new pier, and replacement of the boat ramp 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.

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**Date:** February 2019

**Abstract:** CBP proposes to remove the original concrete pier, demolish and remove the temporary structure, construct a new pier, replace the existing boat ramp, and continue operation and maintenance at its Ponce Marine Unit facility at 41 Bonaire Street, Ponce, Puerto Rico. As a part of CBP's Ramey Sector, the Ponce Marine Unit supports vessel inspection of foreign ships and small passenger vessels, safety and security inspections at waterfront facilities, and pollution incident investigations.

CBP requires the ability to safely and efficiently launch boats from the Ponce Marine Unit to support mission-critical operations. CBP uses Midnight Express vessels, each at 39 feet in length. Larger SAFE 410 Apostle vessels, at 41 feet in length, may replace the Midnight Express vessels in the near future. Following Hurricane Maria, which hit the island of Puerto Rico in September 2017, the original concrete pier at the facility was displaced and is now unusable. CBP constructed a temporary structure in the location of the original pier in order to continue operations. The temporary structure and the boat ramp at the facility are inadequate in size and length to support two CBP vessels and, when needed, one seized vessel. CBP proposes to remove the original pier and temporary structure, replace the existing boat ramp, and construct a new pier to enable CBP to carry out its mission by providing adequate infrastructure to support boating operations. Specifically, Ponce Marine Unit must support operations of two SAFE 410 Apostle vessels docked at the same time.

CBP evaluated two alternatives in this Environmental Assessment: the No-Action and the Proposed Action alternatives. CBP's proposed action includes the demolition and removal of the original pier and temporary structure, construction of a new pier, and replacement of the existing boat ramp. 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.

## Executive Summary

U.S. Customs and Border Protection (CBP) prepared this Environmental Assessment (EA) to analyze the potential impacts of the Proposed Action: 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 CBP's Ponce Marine Unit facility in Ponce, Puerto Rico. The EA was prepared in accordance with the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. § 4321 et seq.); Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA (40 CFR 1500–1508); DHS Implementation Manual 023-01-001-01, rev. 01 "Implementation of the National Environmental Policy Act (NEPA)" (DHS 2014); the Environmental Public Policy Act of Puerto Rico; the Puerto Rico Environmental Quality Board's Regulation for Evaluation and Processing of Environmental Documents; and the Puerto Rico Joint Regulation for Construction and Land Use Permits.

CBP has not concluded consultation with NOAA Fisheries (in compliance with the Endangered Species Act), 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 permit in compliance with Section 404 of the Clean Water Act from the U.S. Army Corps of Engineers, as well as necessary permits from the government of Puerto Rico, prior to construction.

## Background

CBP's proposed action includes 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 CBP's Ponce Marine Unit facility located at 41 Bonaire Street in the municipality of Ponce, Puerto Rico. CBP is a Federal law enforcement organization within DHS dedicated to serving and protecting the American people. The mission of 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 Ponce Marine Unit, leased and operated by CBP, is part of a Border Patrol & Air and Marine (BPAM) facility in CBP's Ramey Sector. It is a part of the Caribbean Air and Marine Branch (CAMB) within the Southeast Region of Air and Marine Operations. The facility 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 was displaced by Hurricane Maria and is unusable. A temporary structure was constructed in the location of the original pier in order to continue CBP operations and meet mission requirements. The temporary structure and boat ramp are inadequate in size and length 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.

## Purpose and Need

CBP needs to provide a sufficient docking and launch capability for the maintenance and repair of CAMB's 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 has deteriorated to the point that they no longer adequately support CBP's mission requirements. Hurricane Maria also 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 agents and personnel.

### Proposed Action and Alternatives

CBP evaluated two alternatives in this EA: the No-Action and Proposed Action alternatives. Under the No-Action Alternative, a new pier would not be constructed and the boat ramp would not be replaced, and the CBP Ponce Marine Unit would continue its operation from the Ponce Marine Unit in its current conditions. Under the Proposed Action, 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.

### Alternatives Considered but Eliminated from Further Consideration

**Location and layout Alternatives:** During the project planning phase, CBP considered additional pier locations, including construction of the replacement pier in the same location as the original concrete pier and temporary structure to be removed as part of this action. CBP also considered an "L" shaped pier in the original pier location to allow for additional space for maneuver CBP vessels. However, due to the shallow waters and limited space within the small cove where the original pier and temporary structure are located, CBP determined that constructing a replacement pier in this location would not allow adequate space for vessels to maneuver and access the pier. In addition, the pier would not be long enough to accommodate two docked vessels at the same time.

**Sea Wall Alternative:** CBP also considered developing a sea wall for wave attenuation as part of the Proposed Action. However, a CBP-conducted wave study determined that a sea wall was not needed to support the project. Neither of these alternatives or components were carried forward for further analysis in this EA.

**Design Alternative:** CBP also considered various materials (i.e., concrete, metal, and/or slatted design) to be used for the top of the pier. Due to operational constraints, a concrete top was the preferred material that was carried forward for analysis. A pier with slats or a grate was not carried forward for analysis in this EA due to the safety and security risks that could be imposed upon CBP agents and personnel during the transport of detainees.

### Impact Comparison Matrix

This EA evaluates the potential impact on the environmental conditions from implementing the No-Action Alternative and Proposed Action Alternative. Implementation of either alternative is not expected to result in major environmental or socioeconomic effects. For each resource analyzed in the EA, the expected consequences of the alternatives are summarized in Table ES-1.



*Environmental Assessment for the Replacement of the Pier and Boat Ramp at the U.S. Border Patrol & Air and Marine Facility, Ponce, Puerto Rico*

*Table ES-1: Comparison of Analyzed Impacts*

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

## Acronyms and Abbreviations

ACM	asbestos-containing material
AHPA	Archaeological and Historic Preservation Act
APE	area of potential effect
ARPA	Archaeological Resources Protection Act
BCR	bird conservation region
BMP	Best Management Practice
BPAM	Border Patrol & Air and Marine
CAA	Clean Air Act
CAMB	Caribbean Air and Marine Branch
CBP	U.S. Customs and Border Protection
CEQ	Council on Environmental Quality
CERCLA	Comprehensive Environmental, Response, Compensation, and Liability Act
CFR	<i>Code of Federal Regulations</i>
CO	carbon monoxide
CO <sub>2</sub>	carbon dioxide
CWA	Clean Water Act
CZMA	Coastal Zone Management Act
dBA	A-weighted decibels
DHS	Department of Homeland Security
EA	Environmental Assessment
EO	Executive Order
EPA	U.S. Environmental Protection Agency
EQB	Environmental Quality Board
ESA	Endangered Species Act
FERC	Federal Energy Regulatory Commission
FONSI	Finding of No Significant Impact
IPaC	Information for Planning and Consultation (USFWS tool)
LBP	lead-based paint
m <sup>2</sup>	meters squared
MBTA	Migratory Bird Treaty Act
Mgal/d	million gallons per day
µg/m <sup>3</sup>	micrograms per cubic meter
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act
NFPA	National Fire Protection Association
NHPA	National Historic Preservation Act
NOAA Fisheries	NOAA National Marine Fisheries Service
NO <sub>2</sub>	nitrogen dioxide
NOAA	National Oceanic and Atmospheric Administration
NO <sub>x</sub>	nitrogen oxide
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
O <sub>3</sub>	ozone
OECH	Oficina Estatal de Conservación Histórica

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OSHA	Occupational Safety and Health Administration
Pb	lead
PCB	polychlorinated biphenyl
PM <sub>2.5</sub>	particulate matter, 2.5 microns
PM <sub>10</sub>	particulate matter, 10 microns
POL	petroleum, oil, and lubricants
ppb	parts per billion
ppm	parts per million
PRASA	Puerto Rico Aqueduct and Sewer Authority
PREC	Puerto Rico Energy Commission
PREPA	Puerto Rico Electric Power Authority
RCRA	Resource Conservation and Recovery Act
ROI	region of influence
SHPO	State Historic Preservation Office
SO <sub>2</sub>	sulfur dioxide
SO <sub>x</sub>	sulfur oxide
SPCC	spill prevention, control, and countermeasure
SWPPP	Stormwater Pollution Prevention Plan
USACE	U.S. Army Corps of Engineers
USBP	U.S. Border Patrol
U.S.C.	<i>United States Code</i>
USCB	U.S. Census Bureau
USCG	U.S. Coast Guard
USDA	U.S. Department of Agriculture
USFS	U.S. Forest Service
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
WoUS	Waters of the United States

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## 1 Introduction

U.S. Customs and Border Protection (CBP) prepared this Environmental Assessment (EA) to analyze the potential impacts of the Proposed Action: demolition and removal of the original pier and temporary structure, replacement of the boat ramp, construction of a pier, and continued operation and maintenance of CBP's Ponce Marine Unit facility in Ponce, Puerto Rico. The EA was prepared in accordance with the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. § 4321 et seq.); Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA (40 CFR 1500–1508); DHS Implementation Manual 023-01-001-01, rev. 01 "Implementation of the National Environmental Policy Act (NEPA)" (DHS 2014); the Environmental Public Policy Act of Puerto Rico; the Puerto Rico Environmental Quality Board's Regulation for Evaluation and Processing of Environmental Documents; and the Puerto Rico Joint Regulation for Construction and Land Use Permits.

### 1.1 Background

CBP is a Federal law enforcement organization within DHS dedicated to serving and protecting the American people (CBP 2017a). Its mission 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." CBP interdiction agents are authorized to enforce U.S.C. Title 8 (Aliens and Nationality) and U.S.C. Title 19 (Customs), in addition to the general law enforcement powers bestowed upon Federal law enforcement agents. Operating throughout the United States, Puerto Rico, and U.S. Virgin Islands, CBP interdicts unlawful people and cargo approaching U.S. borders, investigates criminal networks, and provides domain awareness in the air and maritime environments. CBP's specialized law enforcement capabilities enable it to make significant contributions to DHS efforts, as well as to Federal, state, local, and tribal agencies (CBP 2017a).

The Ponce Marine Unit, leased and operated by CBP, is part of a Border Patrol & Air and Marine (BPAM) facility in CBP's Ramey Sector, within the Caribbean Air and Marine Branch within the Southeast Region of Air and Marine Operations, and supports vessel inspection of foreign ships and small passenger vessels, safety and security inspections at waterfront facilities, and pollution incident investigations (HDR 2013). The original concrete pier was displaced by Hurricane Maria and is unusable. A temporary structure was constructed in the location of the original pier in order to continue CBP operations and meet mission requirements. The temporary structure and boat ramp are inadequate in size and length 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.

### 1.2 Purpose and Need

CBP's mission 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 purpose of the Proposed Action is to facilitate the primary goals and objectives of CBP's strategy: to enhance enforcement activities while providing safe working conditions for CBP agents.

Constructing a new pier and boat ramp is needed to continue to support CBP's mission: "to detect, interdict, and apprehend those who attempt to illegally enter or smuggle any person or contraband across and identify, classify, respond, and resolve emerging threats along the sovereign borders of the United States." Ponce Marine Unit'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 has 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 agents and personnel.

### 1.3 Location and Description of the Ponce Marine Unit

CBP's Ponce Marine Unit operates from facilities located at 41 Calle Bonaire (Bonaire Street) in Ponce, Puerto Rico (Figure 1-1). The coordinates of the project area are N 17°58'44", W 66°37'12", at sea level. The property is owned by the U.S. Coast Guard (USCG) and leased by CBP and consists of 1.05-acres of land on the south side of Calle Bonaire adjacent to the Caribbean Sea (HDR 2013). The property is in an area known alternately as Playa de Ponce and Playa Barrio, approximately 2 miles south of the Ponce town center. The property is located in the original wharf (muelle) area of Playa de Ponce and is surrounded by warehouses and administrative buildings. To the east is a waterfront park and parking area used for events and concerts (HDR 2013).

The project area is enclosed by a security fence, with a vehicle gate entrance located on Calle Bonaire. The project area is approximately 2.65 acres – comprised of 1.05 acres of land and 1.6 acres of water. Most of the land area is covered in asphalt paving or structures, except for a 2.8 square meter (m<sup>2</sup>) strip of grassy sand located behind a fence along a beach west of the facility and an 85 m<sup>2</sup> strip of landscaped lawn east of the facility's main parking lot (HDR 2013). As shown in Figure 1-2, the facility consists of four buildings and seven structures: a main office building, a security booth, two modular offices, three shipping cargo containers used for storage, a flat-roof vehicle shelter in front of the containers, a vehicle wash canopy, a metal-clad storage shed, and the Playa Ponce Rear Range Light (a 25-foot cast iron and steel tower capped by a navigation light).

Adjacent to the east of the Ponce Marine Unit is a small cove where the original concrete pier and boat ramp are located. The original pile design concrete pier extended approximately 15 feet east into the cove, but was displaced by Hurricane Maria, which hit the island of Puerto Rico on September 20, 2017. The concrete pier is currently turned over on the riprap shore, but remains partly in the water (Lenz & Whalon 2018) (Figure 1-3). A temporary structure was constructed following Hurricane Maria in order to fulfill the immediate operational need of deploying CBP assets from the Ponce Marine Unit. The temporary structure is a wooden pier approximately 3 feet by 18 feet and supported by three polyvinyl chloride (PVC) pipes. North of the original concrete pier is a boat ramp totaling 15 feet in length. The ramp is in severely deteriorated condition;

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Source: Stell Environmental Enterprises/HDR 2013, Air and Marine Facility, Ponce Cultural Resources Inventory.

*Figure 1-1. Location of the Ponce Marine Unit in Ponce, Puerto Rico*



Source: HDR 2013.

*Figure 1-2. Facilities at CBP's Ponce Marine Unit*

extremely worn and broken where it extends into the water. South of the original concrete pier consists of riprap protected shoreline extending to Ponce Bay. The replacement of the pier and boat ramp are necessary to support CBP's operations from the site.

Also due to damage caused by Hurricane Maria, the entire fence surrounding the perimeter of the facility was replaced in April 2018. As part of the fence replacement, the pedestrian and main entrance gates were also replaced. The fence was secured with a new combination lock and equipped with a security camera for adequate observation of the area.



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Source: HDR 2016a, HDR 2018, Lenz & Whalon 2018.

*Figure 1-3. Current Ponce Marine Unit Pier and Ramp Facilities*

## 1.4 Public Involvement

CBP is committed to communicating with the public to help ensure that potentially affected communities and other interested parties understand proposed actions and are given opportunities to participate in decisions that may affect them. Consideration of the views and information of all interested persons promotes open communication and enables better decision making. CBP urged all agencies, organizations, and members of the public with an interest in the proposed action to participate in the NEPA decision-making process.

**Review of the Draft EA.** Public involvement for this Draft EA began with publication of the Notice of Availability in the *La Perla del Sur* newspaper on October 31 and November 7, 2018 announcing the availability of the Draft EA and draft Finding of No Significant Impact (FONSI) for public review and the beginning of the 30-day review period. Copies of the Draft EA and Draft FONSI were made available for download from the Internet at <http://www.cbp.gov/about/environmental-cultural-stewardship/nepa-documents/docs-review>; hard copies were made available for review at this public location:

Ponce Municipal Library (Mariana Suarez De Longo Municipal)  
Miguel Pou Boulevard  
Ponce, PR 00733

Pursuant to the CEQ's regulations and DHS Implementation Manual 023-01-001-01, rev. 01 "Implementation of the National Environmental Policy Act (NEPA)," CBP invited public participation in the NEPA process through its solicitation of comments on the Draft EA and Draft FONSI. To be considered for inclusion in the Final EA, comments on the Draft EA and Draft FONSI must have been received by November 30, 2018. Comments could be provided using the following methods:

*U.S. Mail:*

Joseph Zidron  
Real Estate and Environmental Branch Chief  
Border Patrol & Air and Marine Program Management Office  
24000 Avila Road, Suite 5020  
Laguna Niguel, CA 92677

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*Email:*

Comments could also be emailed to [joseph.zidron@cbp.dhs.gov](mailto:joseph.zidron@cbp.dhs.gov). The email subject line should have read, “CBP Ponce Pier and Boat Ramp EA.”

Coordination and consultation with Federal and state agencies occurred during preparation of this EA (copies of correspondence are provided in Appendix A). CBP coordinated with the following stakeholders:

- 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, Marine Mammal Protection Act (MMPA) Branch
- U.S. Department of Transportation/Federal Highway Administration
- 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 (NRCS)
- 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 (DNER) (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
- U.S. Department of Transportation / Federal Highway Administration (FHWA)
- Municipality of Ponce (Gobierno de Puerto Rico Municipio Autonomo de Ponce Oficina de Ordenacion Territorial)

CBP received two comment letters during the 30-day review period. A copy of these letters, along with CBP’s responses, are provided in Appendix B. Consultation letters are included in Appendix A. CBP has not concluded consultation with NOAA Fisheries (in compliance with the Endangered Species Act), 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 permit in compliance with Section 404 of the Clean Water Act from the U.S. Army Corps of Engineers, as well as necessary permits from the government of Puerto Rico, prior to construction.

## 1.5 Organization of This EA

This EA contains Chapters 1 through 8, and two appendices:

- Chapter 1, Introduction, provides background information on the purpose and need for the Proposed Action, summarizes the public involvement in developing this EA, and provides an overview of its organization.
- Chapter 2, Proposed Action and Alternatives, describes the Proposed Action and alternatives and summarizes impacts of the alternatives.
- Chapter 3, Affected Environment and Environmental Consequences, describes the potentially affected resources within the project site and the environmental consequences of the proposed alternatives.
- Chapter 4, Cumulative Impacts, describes the cumulative impacts of the proposed alternatives.
- Chapter 5, Mitigation Measures and Best Management Practices, describes the measures to mitigate consequences of the Proposed Action and best management practices to be undertaken.
- Chapter 6, Agencies, Organizations, and Persons Consulted.
- Chapter 7, References.
- Chapter 8, List of Preparers.
- Appendix A, Consultation and Coordination Letters.
- Appendix B, Draft EA Public Review Period Correspondence.

## 1.6 Framework for Analysis

NEPA is a federal statute requiring the identification and analysis of potential environmental impacts of proposed federal actions before those actions are taken. CEQ is responsible for the administration of NEPA. CEQ regulations mandate that all federal agencies use a systematic, interdisciplinary approach to environmental planning and the evaluation of actions that might affect the environment. This process evaluates potential environmental consequences associated with a proposed action and considers alternative courses of action. The intent of NEPA is to protect, restore, or enhance the environment through well-informed federal decisions.

The process for implementing NEPA is codified in 40 CFR §§ 1500–1508, *Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act*. CEQ was established under NEPA to implement and oversee federal policy in this process. CEQ regulations specify that an EA may be prepared for the following reasons:

- Briefly provide evidence and analysis for determining whether to prepare a FONSI or an Environmental Impact Statement (EIS).
- Aid in an agency's compliance with NEPA when an EIS is unnecessary.
- Facilitate preparation of an EIS when one is necessary.

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Within DHS and CBP, NEPA is implemented using DHS Instruction Manual 023-01-001-01, Rev. 1, and CBP policies and procedures.

To comply with NEPA, the planning and decision-making process for actions proposed by federal agencies involves a study of other relevant environmental statutes and regulations. However, the NEPA process does not replace procedural or substantive requirements of other environmental statutes and regulations. It addresses them collectively in the form of an EA or EIS, which enables the decision maker to have a comprehensive view of major environmental issues and requirements associated with the Proposed Action. According to CEQ regulations, the requirements of NEPA must be integrated “with other planning and environmental review procedures required by law or by agency so that all such procedures run concurrently rather than consecutively.”

Within the framework of environmental impact analysis under NEPA, additional authorities that might be applicable include the Clean Air Act (CAA), Clean Water Act (CWA) (including a National Pollutant Discharge Elimination System [NPDES] stormwater discharge permit and Section 404 permit), Noise Control Act, Endangered Species Act (ESA), Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens), National Historic Preservation Act (NHPA), Archaeological Resources Protection Act (ARPA), and various Executive Orders (EOs). Table 1-1 lists major federal and state permits, approvals, and interagency coordination that could be required to construct, operate, and maintain the Ponce Pier and Boat Ramp.

*Table 1-1. Key Permits and Approvals (as applicable) and Interagency Coordination*

Agency	Permit/Approval/Coordination
NOAA Fisheries	<ul style="list-style-type: none"><li>• ESA Section 7 coordination/consultation</li><li>• MMPA</li><li>• Essential fish habitat (EFH) in accordance with Section 305(b)(2) of the Magnuson-Stevens Act</li></ul>
USFWS	<ul style="list-style-type: none"><li>• ESA Section 7 coordination/consultation</li></ul>
USACE	<ul style="list-style-type: none"><li>• CWA Section 404 Joint Permit Application</li></ul>
Puerto Rico SHPO	<ul style="list-style-type: none"><li>• NHPA Section 106 consultation</li></ul>
Puerto Rico Department of Natural and Environmental Resources	<ul style="list-style-type: none"><li>• Application for Certification of Categorization of Wildlife Natural Habitats</li></ul>
Puerto Rico Oficina de Gerencia de Permisos (OGPe)	<ul style="list-style-type: none"><li>• Application for Environmental Recommendation</li></ul>
Puerto Rico Water Quality Board	<ul style="list-style-type: none"><li>• Water Quality Certification</li></ul>
Puerto Rico Planning Board	<ul style="list-style-type: none"><li>• Coastal Zone Management Certification</li></ul>



## 2 Proposed Action and Alternatives

This chapter describes the two alternatives evaluated in this EA. These alternatives are the No-Action Alternative and the Proposed Action for the replacement of the pier and boat ramp and continued operation and maintenance of the CBP Ponce Marine Unit facility in Ponce, Puerto Rico.

### 2.1 No-Action Alternative

This alternative is required by the CEQ to identify the baseline conditions against which the potential effects of implementing the alternatives are evaluated. The No-Action Alternative must be described because it represents the benchmark condition of the environment if the proposed actions are not implemented. Under the No-Action Alternative, a new pier would not be constructed and the boat ramp would not be replaced, and the CBP Ponce Marine Unit would continue its operation from the facility in its current conditions. If the No-Action Alternative were chosen, CBP's requirements 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.

### 2.2 Proposed Action Alternative—Replacement of Existing Boat Ramp and Pier

CBP's proposed action includes 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 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 Marine Unit facility, as shown in Figure 2-1. Construction activities associated with the proposed action would be contained within an area of approximately 2.65 acres (comprised of 1.05 acres of land and 1.6 acres of water) where the CBP Ponce Marine Unit is located. The Proposed Action is anticipated to take 7 months to complete.

Under the proposed action, a concrete boat ramp lengthened from 36 feet to 56 feet would replace the existing boat ramp. The new ramp would have varying slope from 7 percent to 13 percent, whereas 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 about 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 element.

The temporary structure and the original concrete pier 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 total approximately 205 feet from the landward curb and fence line, not including the sloping entrance ramp and fenced entry point (USACE 2018a). The pier would measure 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.

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Sources: Imagery - DigitalGlobe (2010); Waters of the U.S. Delineation - HDR (2018); Habitat & Coral Surveys - CSA Ocean Sciences Inc. (2018); Design - Baskerville-Donovan, INC (2-2018).

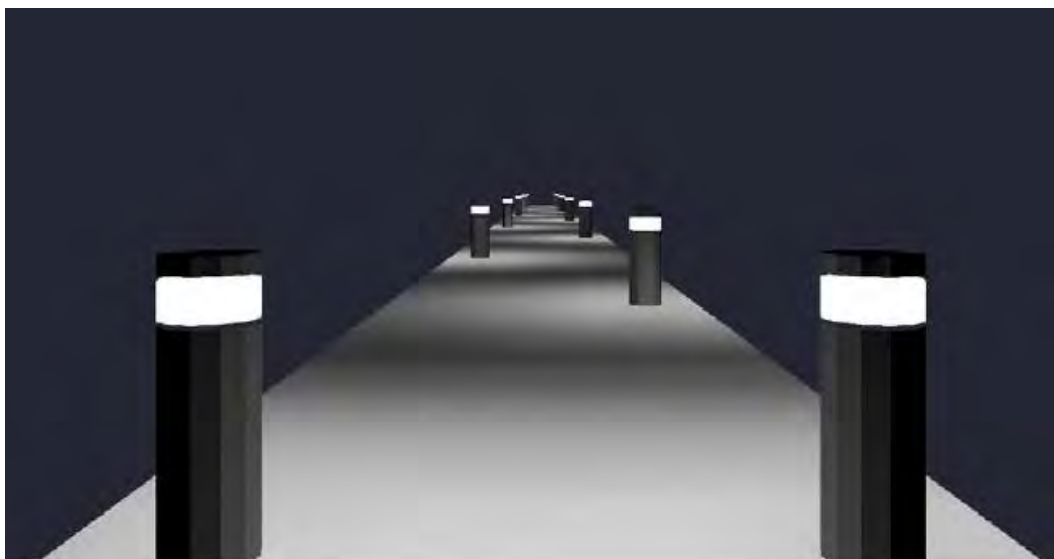
Source: HDR 2018.

*Figure 2-1. Ponce Marine Unit Proposed Action Alternative*

Each pile would be approximately 100 feet in length, but 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. These 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, which is mainly soft-bottom sandy/silty substrate within grass beds, using a barge-mounted diesel pile-driving rig, tugboat, and other tending boats as required. This would help attenuate the potential adverse sound impacts from pile-driving on harder surfaces.

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 water reaches the end of the pier. Low-profile light bollards would be placed along the pier (see Figure 2-2), minimizing spill light and glare into the surrounding water.



Source: USACE 2018a.

*Figure 2-2. Bollard-Style LED Lighting along the Pier*

### 2.3 Alternatives Considered but Eliminated from Further Consideration

**Location and layout Alternatives:** During the project planning phase, CBP considered additional pier locations, including construction of the replacement pier in the same location as the original concrete pier and temporary structure to be removed as part of this action. CBP also considered an “L” shaped pier in the original pier location to allow for additional space for maneuver CBP vessels. However, due to the shallow waters and limited space within the small cove next to the original pier and temporary structure, CBP determined that constructing a replacement pier in this location would not meet the purpose and need of the Proposed Action.

**Sea Wall Alternative:** CBP also considered developing a sea wall for wave attenuation as part of the Proposed Action. However, a CBP-conducted wave study determined a sea wall was not needed to support the project. Neither of these alternatives or components was carried forward in the analysis in this EA.

**Design Alternative:** CBP also considered various materials (i.e., concrete, metal, and/or slatted design) to be used for the top of the pier. Due to operational constraints, a concrete top was the preferred material that was carried forward for analysis. A pier with slats or a grate was not carried forward for analysis in this EA due to the safety and security risks that could be imposed upon CBP agents and personnel during the transport of detainees.

## 2.4 Impact Comparison Matrix

This EA evaluates the potential impact on the environmental conditions from implementing the No-Action Alternative and Proposed Action Alternative. Implementing any of the alternatives is not expected to result in major environmental or socioeconomic effects. For each resource analyzed in the EA, the expected consequences of the alternatives are summarized in Table 2-1.

*Table 2-1. Comparison of Analyzed Impact*

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

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### 3 Affected Environment and Environmental Consequences

This chapter describes the affected environment and potential environmental and human health impacts that might be associated with implementation of the Proposed Action considered in this EA, including the No-Action Alternative. This EA considers all potentially relevant resource areas: geology and soils, water, biological, cultural, historical, and archaeological, air quality, noise, utilities and infrastructure, hazardous materials, and human health and safety. We analyzed these resources in a manner commensurate with their importance or the relative expected level of impact by using a sliding-scale assessment approach. The general impact assessment method used to evaluate each resource area, and applicable mitigation and monitoring, are also discussed in this chapter.

#### 3.1 Analytical Methods

This section characterizes the potential direct and indirect effects of each alternative on the affected environment. Each alternative was evaluated for its potential to affect physical, biological, and socioeconomic resources. Cumulative and other effects are discussed in Chapter 4. The following are possible characteristics of impacts:

- *Short-term or long-term.* These characteristics are determined case by case and do not refer to any rigid time period. In general, short-term effects are those expected to occur only with respect to a particular activity, for a finite period, or during the time required for maintenance and repair activities. Long-term effects are more likely to be persistent and chronic.
- *Direct or indirect.* A direct effect is caused by and occurs contemporaneously at or near the location of the action. An indirect effect is caused by a Proposed Action and might occur later in time or be farther removed in distance but still be a reasonably foreseeable outcome of the action. For example, a direct effect of erosion on a stream might include sediment-laden waters in the vicinity of the action, whereas an indirect effect of the same erosion might lead to lack of spawning and result in lowered reproduction rates of indigenous fish downstream.
- *Negligible, minor, moderate, or major.* These terms characterize the relative magnitude or intensity of an impact:
  - Negligible effects might be perceptible but are at the lower level of detection.
  - A minor effect is slight but detectable.
  - A moderate effect is readily apparent.
  - A major effect is one that is severely adverse or exceptionally beneficial.
- *Adverse or beneficial.* An adverse effect has unfavorable or undesirable outcomes on the manmade or natural environment, while a beneficial effect produces at least one positive outcome. A single act might result in adverse effects on one environmental resource and beneficial effects on another resource.
- *Significance.* Significant effects meet the thresholds set forth in CEQ regulations (40 CFR § 1508.27).
- *Context.* The context of an effect can be localized or more widespread (e.g., regional).
- *Intensity.* The intensity of an effect reflects several factors, including whether an alternative might have an adverse impact on the unique characteristics of an area (i.e., historical resources or ecologically critical areas), public health or safety, threatened or endangered



species, or designated critical habitat. Effects are also considered in terms of their potential for violation of Federal, state, or local environmental laws; their controversial nature; the degree of uncertainty or unknown effects, or unique or unknown risks; whether there are precedent-setting effects; and their cumulative impacts (see Chapter 4).

## 3.2 Resources Not Carried Forward for Analysis

### 3.2.1 Land Use

No effects on land use plans or policies are anticipated from the Proposed Action or No-Action Alternative. Puerto Rico's Land Use Plan classifies the proposed project area as urban land (PR 2017). Although a waterfront park exists to the east of the proposed project site, the Proposed Action is compatible with historical and current land use in the area and would not result in changes to land use. Therefore, a detailed discussion of land use was eliminated from further consideration in this EA.

### 3.2.2 Socioeconomics

Impacts on socioeconomic conditions would be considered significant if they included displacement or relocation of residences or commercial buildings, increases in long-term demands for public services in excess of existing and projected capacities, or disproportionate impacts on minority and low-income families. Construction and operation activities as described by the Proposed Action would not result in impacts on the region's economy, residential areas, populations, or minority or low-income families. Therefore, an analysis of the impacts on socioeconomic factors was not carried forward in this EA.

### 3.2.3 Environmental Justice

Impacts on environmental justice would be considered significant if an action had a disproportionately high and adverse effect on minority and low-income populations. Estimates from 2012–2016 U.S. Census data for the municipality of Ponce state that 99 percent of the population self-identified as Hispanic or Latino (USCB 2016a). The poverty level for Puerto Rican residents and Ponce are 45.1 percent and 51.3 percent, respectively, both significantly higher than the national level of 15.1 percent (USCB 2016b–d). Further, Ponce, at \$16,561, is below both the national (\$55,322) and state (\$19,606) median household income. However, the Ponce Marine Unit is located within an industrial area and no residential areas are within the immediate area of the Proposed Action. Additionally, the Proposed Action would not be expected to result in disproportionate adverse impacts on minority and low-income populations regardless of their proximity to the project area. Therefore, a discussion of environmental justice was eliminated from further analysis in this EA.

### 3.2.4 Protection of Children

Impacts on protection of children would be considered significant if an action had a disproportionately high and adverse effect on children. Executive Order (EO) 13045, Protection of Children from Environmental Health Risks and Safety Risks, requires each Federal agency “to identify and assess environmental health risks and safety risks that may disproportionately affect children” and “ensure that its policies, programs, activities, and standards address disproportionate risks to children that result from environmental health risks or safety risks.” This EO was prompted by the recognition that children, still undergoing physiological growth and development, are more

sensitive to adverse environmental health and safety risks than adults. The potential for impacts on the health and safety of children is greater for projects located near residential areas.

The Proposed Action would not occur close to neighborhoods, as the project area borders warehouses and administration buildings. Part of this area borders a waterfront park used for concerts and events; using BMPs (Chapter 5) to limit speed on the roadways should protect children. The Proposed Action would not require additional demands on public services, such as schools or daycare facilities, during or after its activities. Construction and maintenance crews would stop work if children were observed approaching the project area and would safely guide them away from the site before resuming. Therefore, the Proposed Action would not pose a threat to the health of children in the project area, and discussion of the protection of children was eliminated from further consideration in this EA.

### 3.2.5 Roadways and Traffic

The Proposed Action area is located at 41 Calle Bonaire (Bonaire Street), a short side road along Route 123 in Ponce, Puerto Rico. An unpaved driveway on Calle Bonaire leads to CBP's Ponce Marine Unit. Construction-related activities would cause a temporary increase in local traffic from construction equipment and vehicles during the 7-month period. During this construction period, we anticipate that construction vehicles would make two trips per day as they enter and leave the project area. The short-term increase in local traffic would not be expected to adversely affect road and traffic conditions. Facility operations under the Proposed Action would not increase traffic as the project is intended to improve the existing facility, and major staffing increases are not expected. Under the No-Action Alternative, CBP would continue operating from the facility. Therefore, an analysis of the impacts on roadways and traffic was not carried forward in this EA.

### 3.2.6 Aesthetics and Visual Resources

All existing structures within the facility would be maintained, and the pier and boat ramp would be replaced with an improved pier and boat ramp. The Proposed Action area is closed to public access and used only by CBP personnel, so there is no impact to public enjoyment or appreciation of resources. Removal of the original concrete pier, temporary structure, and boat ramp would benefit the project location's aesthetics. No major effect on aesthetic and visual resources would be anticipated. Therefore, a detailed discussion of aesthetics and visual resources was eliminated from further consideration in this EA.

## 3.3 Geology and Soils

Geological resources consist of the Earth's surface and subsurface materials. Puerto Rico is a volcanic island that lies entirely within the Caribbean Plate. The North American Plate is to the north and the South American Plate to the south. Along the boundary at the northeast corner of the Caribbean and North American plates is the Puerto Rico Trench, the deepest part of the Atlantic Ocean at depths of up to 28,000 feet. The trench was created as the two plates slid past one another (USGS 2003).

Topography and physiography pertain to the general shape and arrangement of a land surface, including its height and the position of its features. Topographic features can be important determiners of successful construction as well as used to predict potential for effects from given

activities. For example, “steep slopes” is a topographic term; disturbing steep slopes by removing vegetation can result in erosion and sedimentation.

Soils, the unconsolidated materials overlying bedrock or other parent material, are typically described in terms of their complex type, slope, and physical characteristics. Differences among soil types regarding their structure, elasticity, strength, shrink-swell potential, and erosion potential affect their abilities to support certain applications and uses. The U.S. Department of Agriculture (USDA) performs soil mapping as part of its mission; soil maps exist for every county in the United States. When considered together, geology, topography, physiography, and soils critically influence water resources, habitat, wildlife success, and many more resources.

### 3.3.1 Affected Environment

#### 3.3.1.1 *Geology*

Puerto Rico is approximately 35 miles wide and 100 miles long (USGS 2003). The center of the island contains a mountain range with elevations of more than 3,000 feet above mean sea level. Tectonic activity in the Puerto Rico Trench is capable of producing earthquakes with a magnitude of greater than 8.0 and tsunamis. Puerto Rico is composed mainly of limestone sediments and volcanic and sedimentary rocks. The Ponce Marine Unit is located in a tertiary limestone–dominant area along the southern coast of Puerto Rico. The southern coastline can also be characterized by recent unconsolidated deposits, alluvial plains, sand dunes, and beach rock (Morelock et al. 2000).

#### 3.3.1.2 *Topography and Physiography*

The Ponce Marine Unit, located along the southern coast, is less than 10 feet above mean sea level (Rivera 1998). The project area has been built up by fill and armoring to its current elevation above sea level. Part of the project involves a boat ramp that would extend into shallow marine areas where sediments and biological structures (corals) are important parts of the physiography.

#### 3.3.1.3 *Soils*

Soils adjacent to and potentially underlying the project area are the Constancia-Jacaquas-San Anton association. These soils are nearly level, somewhat poorly drained to well drained, neutral to moderately alkaline, loamy and clayey soils that are deep or shallow to sand and gravel on the coast and river floodplains. The specific soil types include Constancia clay, tidal flats, and hydraquents. These soils have developed in a combination of topographic situations: floodplains, basin floors, fans, terraces, and valleys. The field work at the site indicates that the area is heavily filled and armored with no native soils at the surface.

### 3.3.2 Environmental Consequences

Adverse effects on geological or soil resources may occur when an activity directly or indirectly alters the geology or soil characteristics of a given site or requires the alteration of other areas to provide materials for the Proposed Action. Examples of adverse effects include destroying or damaging all or part of the resource (such as changing the slope or load-bearing characteristics at the site or at a remote site), altering characteristics of the resource (changing the site or a remote site so that it can no longer perform its normal function, such as prime farmland), and neglecting the resource that results in its deterioration.

#### *3.3.2.1 No-Action Alternative*

Under this alternative, existing conditions and operations at the Ponce Marine Unit would remain unchanged, and no construction activities would occur. No rock, gravel, or other materials would be required from a remote site. Therefore, geological and soil resources would not be affected.

#### *3.3.2.2 Proposed Action Alternative*

Short-term or long-term effects on geological or soil resources would be limited to the immediate areas associated with the removal of original piles, utility trenching, and boat ramp replacement. The site is almost completely armored by riprap at the shoreline and concrete throughout most of the remainder of the site. No dredging would occur. Limited excavation would occur, primarily to remove the existing boat ramp. Additional trenching would occur to place power and water supply cabling across the property to the proposed new pier. No new rock or soil materials would be required from a remote site. Aggregate would be a required component of the concrete used to replace the boat ramp, fill the pilings at the proposed pier, fabricate the precast concrete panels for the proposed pier, and cover the utilities trench across the property to contain the power and water supply lines for the proposed pier. The aggregate for these purposes is not a critical commodity and would be obtained from regularly used sources; it would not have an effect on geological or soil resources.

### **3.4 Water Resources**

Water resources are typically described in terms of water use, water quality, groundwater, surface water, and the regulatory aspects of waters of the United States (WoUS). Groundwater, which flows beneath the Earth's surface and recharges surface water sources or is available for withdrawal, is stored in and moves throughout soil, sand, and rocks (i.e., aquifers). Surface water resources include lakes, rivers, streams, and wetlands. When considered together, these water resources are dependent on geology, topography, and soils and, in turn, critically influence habitat, wildlife success, endangered species, human behaviors, and many other resources.

Water use patterns in a region are tied to the supply of water, which in turn is dependent on rainfall, groundwater, and surface water availability. Changes in usage can drastically affect the total supply of water available for continued human activities as well as habitat.

Water quality affects the amount of water available for a given use, because the quality of water drives its availability for given uses. Land use practices can influence water quality by direct contamination from runoff or by contaminant release.

Water in a region exists as groundwater or surface water. These interconnected water sources depend on drainage features and hydrology, which recharge the aquifer that both provides water for extraction from wells and can flow into surface water in gaining streams or rivers. Evaluation of hydrology requires a study of the occurrence, distribution, and movement of water and its relationship with the environment. Many factors affect the hydrology of a region, including natural precipitation and evaporation rates and outside influences such as groundwater withdrawals. Groundwater is a subsurface hydrologic resource that can recharge, or be recharged by, surface water. It is used for drinking, irrigation, and industrial processes. Groundwater can typically be described in terms of its depth from the surface, aquifer or well capacity, water quality, recharge rate, and surrounding geologic formations.

The laws and regulations of the United States recognize certain water features as WoUS, which require specific analyses to ensure their protection. Projects cannot impair these waters' ability to attain their designated uses under the CWA of 1972, 33 U.S.C. § 1251 et seq., the primary law governing water quality in the United States and its territories. Changes that affect the flow of water require coordination with the U.S. Army Corps of Engineers (USACE) Regulatory Branch. WoUS include recognized surface waters, wetlands, ephemeral streams, and other types of water that have a significant nexus to traditionally navigable waters.

The CWA provides for the restoration and maintenance of the chemical, physical, and biological integrity of the Nation's waters. CWA Section 301(a) specifies that the discharge of any pollutant is unlawful unless it is in compliance with the act. Section 402 establishes the Federal limits (through the National Pollutant Discharge Elimination System) on the quantity of pollutants discharged into surface waters from point (e.g., a vessel) and nonpoint (e.g., stormwater runoff) sources. It emphasizes technology-based control strategies and requires dischargers to have permits to use public resources for waste discharge. The CWA also limits the amount of pollutants that may be discharged and requires wastewater to be treated with the best technology economically achievable, regardless of receiving water conditions. A Water Quality Certification will be obtained from the Puerto Rico Water Quality Board, in compliance with the CWA.

The Coastal Zone Management Act of 1972, 16 U.S.C. § 1451 et seq., authorizes the National Coastal Zone Management Program, which comprehensively addresses the Nation's coastal issues through a voluntary partnership between the Government and coastal and Great Lakes states and territories. This program is administered at the Federal level by NOAA, Office for Coastal Management. Section 307 of the act requires that Federal actions having reasonably foreseeable effects on any coastal use (land or water) or natural resource of the coastal zone be consistent with the enforceable policies of a state's federally approved coastal management program. Puerto Rico DNER is responsible for implementing the Puerto Rico Coastal Zone Management Program. Federal actions include agency activities, license or permit activities, and financial assistance activities. Such agency activities must be consistent to the maximum extent practicable with the enforceable policies of a state coastal management program; license, permit, and financial assistance activities must be fully consistent. CBP will coordinate with the Puerto Rico DNER to obtain a Coastal Zone Consistency Determination.

### 3.4.1 Affected Environment

#### 3.4.1.1 Water Use

Most public drinking water used in the area of Ponce is withdrawn from the south coast aquifer or from surface water and provided by the Puerto Rico Aqueduct and Sewer Authority (PRASA) (USGS 2014). The water requirements were more than 4.48 million gallons per day (Mgal/d) in 2010, of which 1.14 Mgal/d were withdrawn from surface water and 3.34 Mgal/d from groundwater. Estimated water usage for non-PRASA-supplied water is only 0.2 Mgal/d, with 0.07 Mgal/d from surface water and 0.13 Mgal/d from groundwater (USGS 2014). Less than 1 percent of Puerto Rico depends on private wells or springs for household water needs. Water for irrigation is predominantly withdrawn from surface water features and characterized as the Juana Diaz Irrigation District.



The project area lies at the farthest south edge of any sources used for water supply. The coastal area of Ponce is among the lowest rainfall-receiving areas in Puerto Rico, with an annual mean precipitation rate of 35–40 inches (USFS 2009).

#### *3.4.1.2 Water Quality*

No impaired waters are listed for the Southern Puerto Rico Watershed within the Ponce Marine Unit project area (EPA 2018). Groundwater is not currently impaired, but further groundwater development in Ponce could be hindered by the potential water quality deterioration caused by brackish and saline groundwater intrusion, particularly in the coastal plain (USGS 2005).

#### *3.4.1.3 Groundwater and Surface Water*

There are two subsurface aquifers in Puerto Rico: the South Coast aquifer and the North Coast Limestone aquifer system. East of Ponce, the South Coast aquifer is composed of clay, silt, and sand deposited by flowing streams. It is the principal source of potable water for the towns of Santa Isabel; Coamo; Salinas; and parts of Ponce, Juana Díaz, and Guayama. The Ponce Marine Unit is not located directly within either of these aquifers (USGS 2016).

The Portugués River is approximately 2,000 feet west of the Ponce Marine Unit. The river flows from the steep mountain slopes southward to the Caribbean Sea. Prior to the construction of a dam completed in 2014, frequent flooding occurred in residential and urban areas after significant rainfall events (Water Technology 2016). The Caribbean Sea borders Puerto Rico on the western and southern sides of the island; the Atlantic Ocean borders Puerto Rico on the eastern and northern sides.

#### *3.4.1.4 Regulated Waters*

Although the area surrounding the Ponce Marine Unit is lowland coastal plain, the project area has historically been a filled shoreline. The site is shaped and protected by hardened surfaces, including concrete rubble riprap and a small area of poured concrete for the boat ramp, adjacent concrete pier, and adjoining water edges. Portions of the concrete and rock riprap along the shoreline were displaced as a result of Hurricane Maria (Lenz & Whalon 2018). The project is located within U.S. territorial waters near the northern limit of the Caribbean Sea, and the area associated with the boat ramp and original pier is contiguous with these waters (HDR 2016b). The USCG facility is entirely covered by buildings and concrete pavement.

According to the Waters Delineation letter report prepared by CBP (HDR 2016a), no hydrophytic vegetation, mangrove fringe, or individual mangrove shrubs were found along the shoreline for use in interpretation of a wetland delineation (Figure 3-1). The delineation of WoUS relied on the interpretation of mean high-water indicators, particularly water stains and algal growth, which were used to locate the landward limits of USACE's jurisdiction. The delineation of WoUS was overlaid on current aerial photography, as shown in Figure 3-1Figure 3-2. A second mean high water delineation was conducted in July 2018 because of the disruption of the shoreline by Hurricane Maria (HDR 2018). This re-delineation revealed that the southwest site shoreline edge was reduced by the hurricane.

The U.S. Fish and Wildlife Service (USFWS) considers the waters just off the Ponce Marine Unit, where the pier construction would occur, to be deep-water estuarine and marine (USFWS 2018); see Figure 3-2.

*Environmental Assessment for the Replacement of the Pier and Boat Ramp at the U.S. Border Patrol & Air and Marine Facility, Ponce, Puerto Rico*



Sources: Imagery - DigitalGlobe (2010); Survey Area and Waters of the U.S. Delineation - HDR (2016).

Source: HDR 2016a.

*Figure 3-1. Delineation of WoUS*



*Environmental Assessment for the Replacement of the Pier and Boat Ramp at the U.S. Border Patrol & Air and Marine Facility, Ponce, Puerto Rico*



March 22, 2018

**Wetlands**

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland

- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond

- Lake
- Other
- Riverine

Note: Yellow Star indicates Ponce Marine Unit facility.  
Source: USFWS 2018.

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.

*Figure 3-2. USFWS Habitat Classification for the Ponce Marine Unit, Ponce, Puerto Rico*



#### *3.4.1.5 Coastal Zone Management Area*

The Puerto Rico DNER administers the Coastal Zone Management Program for the island (Climate Adaptation Knowledge Exchange 2018). The designated coastal zone extends to 1,000 meters from the coastline and includes coastal natural systems, territorial waters, and the submerged lands beneath them. The Proposed Action would occur in the coastal zone management area and CBP will obtain a Coastal Zone Management Certification from the Puerto Rico Planning Board.

#### *3.4.1.6 Floodplains*

The Ponce Marine Unit is located in floodplain Zone AE according to the Federal Emergency Management Agency, Flood Insurance Rate Map 72000C2030J (FEMA 2009). The base flood elevation is 2.2 meters. Zone AE is considered a high-risk flood area and is subject to inundation by the 1-percent annual chance flood event.

### *3.4.2 Environmental Consequences*

Adverse effects on aquatic resources may occur when an activity directly or indirectly alters the water demand, quality, or characteristics of a given site or requires the alteration of other areas to provide materials for the Proposed Action. Examples of adverse effects include overuse of a scarce water supply either at the site or to provide materials for the action, destroying or damaging all or part of the resource (such as changing the slope, or a stream rerouting a surface water body or filling a wetland or other WoUS), altering any characteristic of the resource (changing the site or a remote site so that it can no longer perform its normal function such as WoUS), contaminating any WoUS, or neglecting the resource that results in its deterioration.

#### *3.4.2.1 No-Action Alternative*

Under this alternative, conditions and operations at the Ponce Marine Unit would remain unchanged, and no construction activities would occur. No water would be required from a remote site. Because the site is armored at the shoreline and paved, no erosion is reasonably expected that may change the characteristics of the marine environment or contaminate the water. Boats operated by CBP would continue from the Ponce Marine Unit facility and the risk of contamination due to mishap or during fueling operations would remain as is.

#### *3.4.2.2 Proposed Action Alternative*

Under the Proposed Action, short-term, minor, adverse effects would be expected during construction, but no long-term effects would be expected during continued operation. During construction, there would be temporary increased demand for water use, both at the site of the Proposed Action to wash equipment and work spaces and at a remote location to provide water to make the concrete used to construct the replacement boat ramp, fill the pilings at the proposed pier, fabricate the concrete panels for the proposed pier, and cover the utilities trench across the property to the proposed pier. Water quality would not be degraded at the site because adequate silt fences and typical construction sedimentation and erosion control devices would be employed, as required by the BMPs and described in a spill prevention control and countermeasure (SPCC) plan.

Short-term impacts on WoUS 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. A short-term effect during construction is this dewatering. CBP would coordinate with USACE and has BMPs in place for this activity. In addition, the proposed pier would be constructed within WoUS designated as shallow or deepwater marine or estuarine.

### 3.5 Biological Resources

Biological resources include plants, animals, and the habitat (i.e., forests, wetlands, seagrasses, coral systems) in which they live. Protected resources include federally threatened and endangered, candidate, and proposed species; designated or proposed critical habitat; state-listed species; species of concern; and migratory bird species. Together, these resources form the ecological character of a given site. While the other discussed resources such as geology, soils, and water have a large influence on which biological resources can be present, it is the vegetation that helps decide which animal species can be present and how many individuals can be supported. These factors constitute habitat. Critical habitat is described by USFWS as necessary to support the special needs of protected species.

Vegetation resources include all plants found within the region of analysis. Vegetation analysis and descriptions were conducted using Bailey's multi-tiered classification of ecoregions contained in the U.S. Forest Service's *Descriptions of the Ecoregions of the United States* (USFS 1995). In addition, the U.S. Geological Survey's Gap Analysis Program Level 3 data and associated NatureServe descriptions of the ecological systems were used to describe the vegetation in the region of analysis (USGS 2018). Site visits and surveys were made and discussed in a report prepared by CBP (HDR 2016a).

The Migratory Bird Treaty Act (MBTA) implements a series of treaties into which the United States has entered with Canada, Mexico, Japan, and Russia for the conservation of migratory birds. USFWS has statutory authority and responsibility to enforce the MBTA, under which it is federally prohibited, unless permitted by regulations, to "pursue, hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport or cause to be transported, carry or cause to be carried by any means whatever, receive for shipment, transportation or carriage, or export, at any time, or in any manner, any migratory bird, included in the terms of this Convention... for the protection of migratory birds... or any part, nest, or egg of any such bird" (16 U.S.C. § 703). The Secretary of the Interior is authorized, subject to limitations, to allow exceptions to these regulations. If Federal actions are likely to negatively affect migratory bird populations, the Federal agency must consult with USFWS.

The ESA of 1973, 16 U.S.C. § 1531 et seq. establishes policy to protect and conserve threatened and endangered species and the habitat in which they are found and on which they depend. The ESA is administered by USFWS and NOAA Fisheries. Section 7 of the ESA requires Federal agencies to consult with USFWS, NOAA Fisheries, and the appropriate state agencies to determine whether a proposed action might affect listed or candidate species or designated critical habitat. Pursuant to the ESA, certain areas are designated as critical habitat for species listed under the ESA.

### 3.5.1 Affected Environment

A biological survey was completed on August 1–3, 2016, to scan the project area for the presence of aquatic and terrestrial habitat, wildlife, and threatened and endangered species. During the survey, no native or natural land based habitat were identified in the Proposed Action area or on adjoining parcels to the east, west, and north. The study area appears to be part of the larger developed commercial and residential land uses associated with the old shoreline area of the City of Ponce (HDR 2016a).

A follow-up Biological Resources survey was completed in August 2018 to examine the area for potentially changed site conditions following the impacts of Hurricane Maria (HDR 2018). Updated findings from the second survey are discussed below in the corresponding sub-section.

#### 3.5.1.1 Vegetation

An ecoregion contains geographically distinct environmental communities and conditions based on several tiers of classification. These include domains, divisions, and provinces. Domains are the largest geographic level of ecoregional classification and generally defined by climate. Domains are split into divisions, which are defined according to climate and vegetation. Divisions are subsequently split into provinces that are typically defined by their major plant formations. Because ecoregions are defined by their shared biotic and abiotic characteristics, they represent practical units on which to base conservation planning.

##### 3.5.1.1.1 Terrestrial Vegetation

Most trees in Puerto Rico are tropical evergreen hardwoods. The southern coastal area is characterized as subtropical dry forest (USFS 2009) and, like most dry tropical and subtropical forests worldwide, has been highly altered by human interactions due in part to the favorable conditions for human habitation and industry. The Ponce area is highly altered, and the project area consists of mostly paved surfaces within an industrial area.

The shoreline at the Ponce Marine Unit is shaped and protected by hardened surfaces, including concrete rubble riprap and a small area of poured concrete for the boat ramp, adjacent dock, and adjoining water edges. Hurricane Maria removed portions of the concrete and rock riprap along the site shoreline, but minor fill placement was added in the uplands since the hurricane (Lenz & Whalon 2018). The trees and shrubs on and adjacent to the Ponce Marine Unit include ten *Portia* trees (*Thespesia populnea*), two lebbeck trees (*Albizia lebbeck*), and one *Ficus* sp. Most specimens are multi-trunk shrubs or small trees present along the eastern and southeastern site edges, with the exception of one lebbeck tree at the southwest property corner.

Groundcover is present on the upland fringe between the property fence and the concrete riprap that slopes to the water (see Figure 3-3). Predominate plant species on the upland fringe include buffelgrass (*Cenchrus ciliaris*) and guinea grass (*Panicum maximum*), along with limestone sandmat (*Chamaesyce blodgettii*), sensitive pea (*Chamaecrista nictitans*), rose natalgrass (*Melinis repens*), swollen fingergrass (*Chloris barbata*), and desert horsepurshlane (*Trianthema portulacastrum*) (HDR 2016a).



Source: HDR 2018.

*Figure 3-3. Southern and Western Shorelines of the Ponce Marine Unit*

The adjacent community park to the east, Parque Pasivo Enrique Gonzalez, supports landscape trees, including black olive (*Terminalia buceras*), coconut palm, and Australian pine (*Casuarina equisetifolia*), with a maintained grass and weed groundcover. The northern basin edge is formed by concrete stairs that descend from the park into the water to the basin bottom (see Figure 3-4) (HDR 2016a).



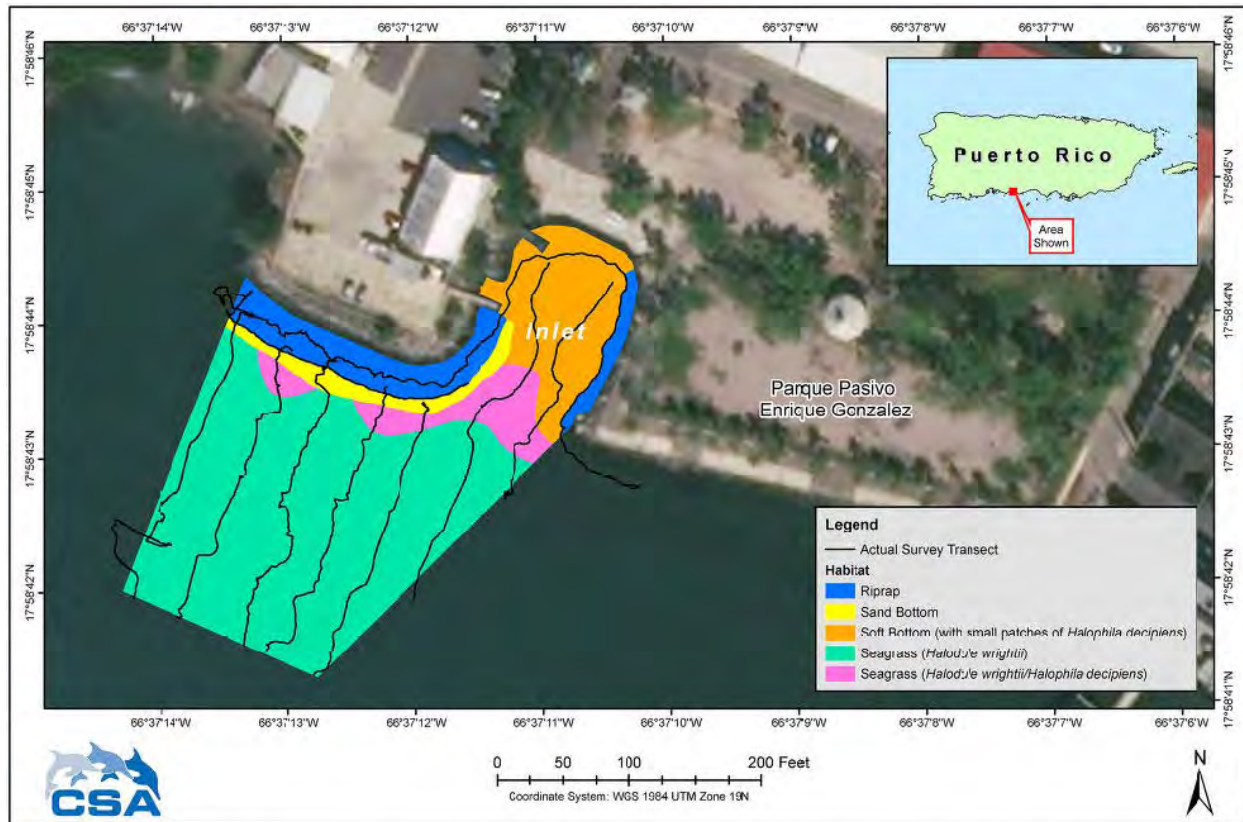
Source: HDR 2016a.

*Figure 3-4. Park Adjacent to the Basin*

#### 3.5.1.1.2 Aquatic Vegetation

A survey of biological resources and benthic habitat at the Ponce Marine Unit basin was conducted in August 2016. Three habitat types were identified during the survey: soft bottom, seagrass, and riprap (see Figure 3-5). The basin is relatively disturbed and predominately soft-bottom habitat, with loose, silty clays and minimal sand. The basin is adjacent to a public park and fishing area (Parque Pasivo Enrique Gonzalez) and contains small areas of litter and debris (see Figure 3-5) (HDR 2016a).





Source: HDR 2018.

*Figure 3-5. Habitat Types Mapped during Biological Survey*

The area south of the basin is characterized by less silty sediments with fine sand waves adjacent to marginal seagrass habitat (*Halodule wrightii*) blades. Further south, the seagrass habitat is more prominent, including *Halodule wrightii* and *Halophila decipiens*. Approximately 60 percent of the surveyed area was covered with *Halodule wrightii* seagrass. Overall, the seagrass habitat appeared healthy, with no appreciable harmful growth (HDR 2016b). While the distribution of seagrass was similar between the 2016 and 2018 surveys, the average percent cover of *Halodule wrightii* was slightly lower in 2018 and the distribution of *Halophila decipiens* was more closely confined to the shore in 2018 than in 2016 (HDR 2018).

The third habitat type, riprap, is found along the southern boundary of the Ponce Marine Unit facility's fence line, southwest of the basin and along the eastern edge of the basin. The riprap is composed of various-sized boulders and concrete pieces. The riprap embankment slopes down to the water line, with submerged sections extending up to more than 30 feet from water level (HDR 2016b).

### *3.5.1.2 Aquatic Wildlife and Terrestrial Wildlife*

Because WoUS, surface waters, and traditionally navigable waters (but no wetlands) are known to exist in the area of this project, surveys were performed for terrestrial and aquatic wildlife. Parts of the project area are classified as marine or estuarine deepwater; therefore, coral is discussed. Corals are especially imperiled due to climate change and afforded special protections by Federal and Puerto Rico regulations. The Coral Reef Conservation Act of 2000 protects coral reefs within

refuges and affords certain protections to other coral reefs outside protected areas under Federal law, and Puerto Rico protects corals and coral reefs under No. 147 of the Act for the Protection, Conservation and Management of the Coral Reefs in Puerto Rico.

#### 3.5.1.2.1 Aquatic Wildlife

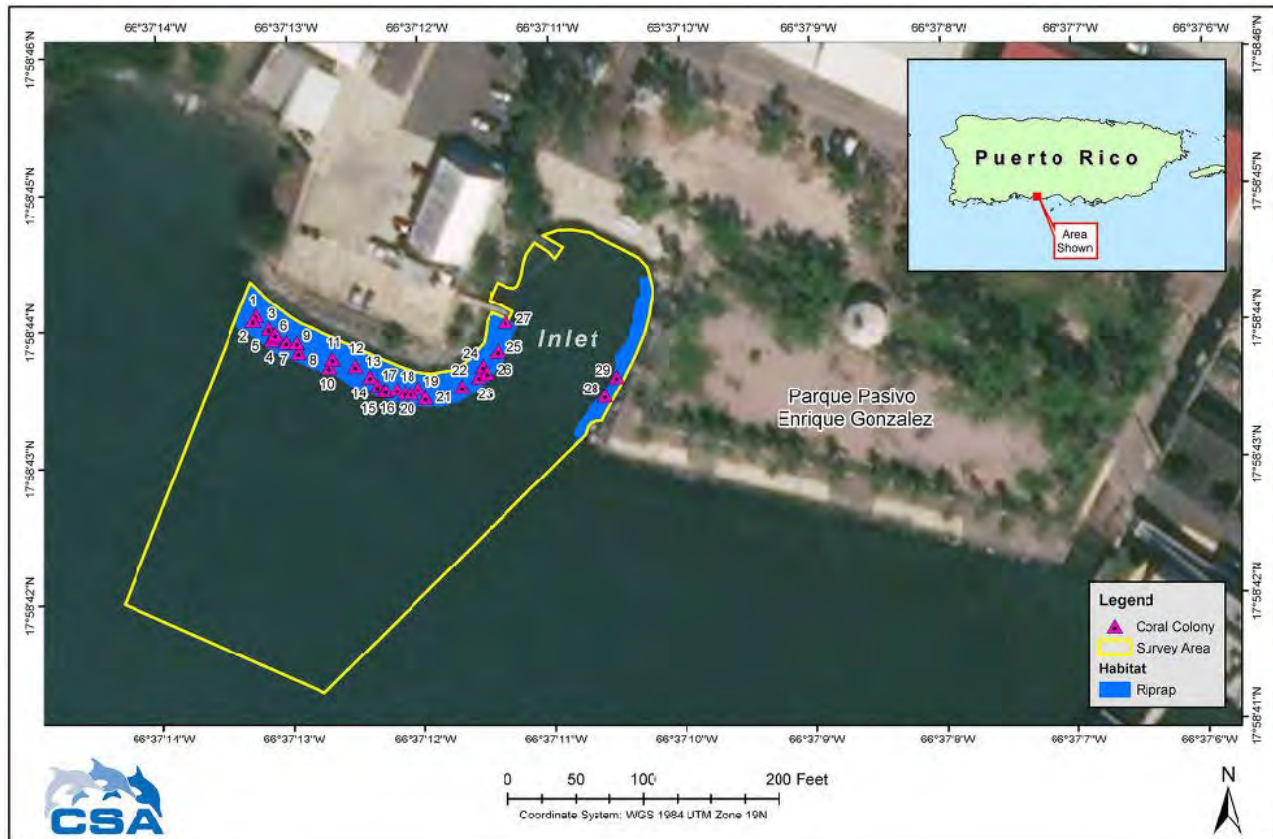
Twenty-two macroinvertebrate species were identified during the 2016 survey, with the majority (18 species) occurring in the riprap habitat. Species commonly observed in the riprap habitat area were rock boring sea urchin (*Echinometra lacunter*), mat zoanthid (*Zoanthus pulchellus*), and two species of anemones (*Actinoporus elegans* and *Bartholomea annulata*), conspicuous spiny lobster (*Panulirus argus*), and long-spine sea urchin (*Diadema antillarum*). Ten macroinvertebrate taxa were recorded in the seagrass and sand/mud substrate types, including several red cushion sea stars (*Oreaster reticulatus*), elegant anemones, cerith snails (*Cerithium* sp.), and two corallimorphs. Non-coral invertebrate richness was similar between the 2016 and 2018 surveys. The 2018 survey identified twenty-four macroinvertebrate species, most of which were again observed within the riprap habitat (HDR 2018).

Forty-two species of fish were identified during the 2016 survey. The majority of these species were observed near the submerged riprap habitat along the shoreline, as this area provided shelter and food sources. Fewer species were observed in the soft-bottom and seagrass habitat. The most commonly seen fish were the ocean surgeonfish (*Acanthurus tractus*), snapper, grunt, and a variety of wrasse and parrotfish (HDR 2016b). The 2018 survey identified forty-one fish species; twenty-five of these species occurred during both the 2016 and 2018 surveys (HDR 2018). No listed fish species were observed in the survey area (HDR 2016a, HDR 2016b, HDR 2018).

Also within the riprap habitat area were coral colonies attached to boulders or hard substrate. Fifty-four hard-coral and three soft-coral colonies were found across 25 locations within the survey area (see Figure 3-6). The hard-coral colonies primarily consisted of two species, *Siderastrea sidereal* and *Solenastrea bournoni*. The three soft-coral colonies were *Pseudopterogorgia bipinnata*. Fifty hard-coral colonies were identified during the 2018 survey. The majority of the hard-corals were described as relatively healthy during both surveys, but more corals showed small areas of damaged tissue with fouling algae growth during the 2018 survey (HDR 2018). The proposed location for the pier is close to one colony of hard coral (labeled as coral #12 in Figure 3-6). Five of the hard-coral colonies were described as detached, which may have resulted from strong wave activity during the hurricane. Two of the soft-coral colonies identified during the 2016 survey were dead and the third colony was missing during the 2018 survey (HDR 2018).



*Environmental Assessment for the Replacement of the Pier and Boat Ramp at the U.S. Border Patrol & Air and Marine Facility, Ponce, Puerto Rico*



Source: HDR 2018.

*Figure 3-6. Coral Presence near the Proposed Action Alternative Structures*

#### 3.5.1.2.2 Terrestrial Wildlife

Terrestrial wildlife resources include native and naturalized terrestrial animals and the habitat in which they exist. Species addressed in this section include those not listed as federally threatened or endangered.

The Ponce Marine Unit's grounds were surveyed August 1–3, 2016. The area was surveyed by walking meandering transects around the Ponce Marine Unit's perimeter and adjoining parcels to the east and west, including adjacent streets to the north to identify terrestrial habitat at the site and document the presence of wildlife. No native or natural habitats were present at the site or on adjoining parcels to the east, west, and north. The study area appears to be part of the larger developed commercial and residential land uses associated with the old shoreline area of the City of Ponce. Green iguanas (*Iguana iguana*) were present along the southern shoreline, and Puerto Rican crested anoles (*Anolis cristatellus cristatellus*) were present in the upland vegetation and trees at the southwest corner and western side of the site (HDR 2016a).

#### 3.5.1.3 Migratory Bird Treaty Act

In 2008, USFWS published Birds of Conservation Concern, a listing that established several bird conservation regions and the birds found within those regions. A listing of birds expected to be found in the U.S. Caribbean Islands (Puerto Rico and the U.S. Virgin Islands) was also established (USFWS 2008). MBTA species lists are generally kept up to date by USFWS at the Information

for Planning and Conservation (IPaC) website, although a current list of MBTA birds is not available for Puerto Rico at this time (USFWS 2018). Table 3-1 lists species (common name and scientific name) provided by USFWS in 2008 that are expected to be found in Puerto Rico.

*Table 3-1. MBTA Species with the Potential to Occur in Puerto Rico*

Common Name	Scientific Name
West Indian Whistling Duck	<i>Dendrocygna arborea</i>
White-Cheeked Pintail	<i>Anas bahamensis</i>
Masked Duck; Ruddy Duck (jamaicensis ssp.)	<i>Nomonyx dominicus</i>
Audubon's Shearwater	<i>Puffinus lherminieri</i>
Masked Booby	<i>Sula dactylatra</i>
Brown Booby	<i>Sula leucogaster</i>
Red-Footed Booby	<i>Sula</i>
Magnificent Frigatebird	<i>Fregata magnificens</i>
Least Bittern	<i>Ixobrychus exilis</i>
American Flamingo	<i>Phoenicopterus ruber</i>
Black Rail	<i>Laterallus jamaicensis</i>
Yellow-Breasted Crake	<i>Hapalocrex flaviventer</i>
Caribbean Coot	<i>Fulica caribaea</i>
Limpkin	<i>Aramus guarauna</i>
Snowy Plover <sup>(c)</sup>	<i>Charadrius nivosus</i>
Wilson's Plover	<i>Charadrius wilsonia</i>
American Oystercatcher	<i>Haematopus palliatus</i>
Red Knot (rufa ssp.) <sup>(a), (nb)</sup>	<i>Calidris canutus</i>
Semipalmated Sandpiper (Eastern) <sup>(nb)</sup>	<i>Calidris pusilla</i>
White-Crowned Pigeon	<i>Patagioenas leucocephala</i>
Bridled Quail-Dove	<i>Geotrygon mystacea</i>
Antillean Mango <sup>(d)</sup>	<i>Anthracothorax dominicus</i>
Loggerhead Kingbird	<i>Tyrannus caudifasciatus</i>
Puerto Rican Vireo	<i>Vireo latimeri</i>
Elfin Woods Warbler <sup>(a)</sup>	<i>Setophaga angelae</i>
Greater Antillean Oriole	<i>Icterus portoricensis</i>

Notes: (a) ESA candidate, (c) non-listed subspecies or population of threatened or endangered species, (d) MBTA protection uncertain or lacking, (nb) non-breeding in this bird conservation region.

Source: USFWS 2008.

During the 2016 survey, a variety of birds were observed flying over or near the project area, including the little blue heron (*Egretta caerulea*), green heron (*Butorides virescens*), brown pelican (*Pelecanus occidentalis*), sandwich tern (*Thalasseus sandvicensis*), magnificent frigatebird (*Fregata magnificens*), bank swallow (*Riparia riparia*), and black swift (*Cypseloides niger*). In addition, Monk parakeets (*Myiopsitta monachus*) had a communal nest in the tallest coconut palm (*Cocos nucifera*) just outside the property front gate at the northeast corner of the site (HDR 2016a).

Migratory birds protected under the MBTA identified in the park during the 2016 survey included white-crowned pigeon (*Patagioenas leucocephala*), greater Antillean grackle (*Quiscalus niger*), and gray kingbird (*Tyrannus dominicensis*). The rock dove (*Columba livia*) and house sparrow (*Passer domesticus*) were also observed (HDR 2016a).

No active bird nests or nesting behavior of MBTA-protected species was observed during the 2016 survey. No breeding activity was observed for any of the avian species present. CBP would conduct additional nesting surveys in advance of project execution.

#### *3.5.1.4 Threatened and Endangered Species*

CBP is currently conducting informal ESA Section 7 consultation with NOAA Fisheries Caribbean Field Office and USFWS Caribbean Ecological Services Field Office to consider impacts on threatened and endangered species that have the potential to occur in the project area. Early consultation was initiated on January 26, 2017 (see Appendix A). USFWS responded on March 2, 2017, stating that the project lies within the habitat of the endangered Antillean manatee (*Trichechus manatus manatus*), a sub-species of the West Indian manatee (*Trichechus manatus*). USFWS provided several recommendations to be implemented during the project and included in the project's permit conditions, but concluded the Proposed Action is not likely to adversely affect any federally listed species within their jurisdiction.

CBP also initiated informal consultation with NOAA Fisheries Marine Mammal Branch in compliance with the MMPA of 1972 (16 U.S.C. Chapter 31) in October 2018 (see Appendix A). Additional details on the consultation processes with NOAA Fisheries and USFWS are included in Section 6.3.

In addition to the consultation, elemental occurrence data from NatureServe were used to determine the presence of species within the region of analysis. NatureServe defines an elemental occurrence as an area of land or water wherein a species or natural community is or was present and has conservation value. These occurrence data require that a species is in appropriate habitat, at the appropriate time of the year, and is naturally occurring (NatureServe 2013). This section presents those federally listed species known to occur or that have the potential to occur within the region of analysis.

Federally threatened or endangered species that have the potential to occur in the project area, based on the USFWS IPaC website, are presented in Table 3-2. None of the listed species or suitable habitat for these species was observed in the survey area (HDR 2016a, HDR 2016b, HDR 2018).

The hawksbill sea turtle (*Eretmochelys imbricata*) and West Indian manatee (*Trichechus manatus*) could use the nearshore areas adjacent to the site, including seagrass meadows and submerged riprap shoreline for foraging. However, sea turtles are not expected to nest on rocky shorelines (HDR 2016a, HDR 2016b). Juvenile green sea turtles (*Chelonia mydas*) could use the areas near the site, as they are common in Puerto Rico waters and feed on sea grasses as juveniles. No green sea turtles were present during in the survey area during the surveys conducted in 2016 and 2018, (HDR 2016a, HDR 2016b, HDR 2018).

*Table 3-2. Federally Threatened or Endangered Species Listed as Potentially Occurring at the Ponce Marine Unit, Puerto Rico*

Common Name	Scientific Name	Federal Status	Observed during Survey?
<b>Reptiles</b>			
Puerto Rican Boa	<i>Epicrates inornatus</i>	Endangered	No
Green Sea Turtle	<i>Chelonia mydas</i>	Threatened	No
Hawksbill Sea Turtle	<i>Eretmochelys imbricata</i>	Endangered	No
<b>Mammals</b>			
West Indian Manatee	<i>Trichechus manatus</i>	Endangered	No
<b>Birds</b>			
Puerto Rican Broad-Winged Hawk	<i>Buteo platypterus brunnescens</i>	Endangered	No
Puerto Rican Nightjar	<i>Caprimulgus noctitherus</i>	Endangered	No
Puerto Rican Plain Pigeon	<i>Columba inornata wetmorei</i>	Endangered	No
Puerto Rican Sharp-Shinned Hawk	<i>Accipiter striatus venator</i>	Endangered	No
Roseate Tern	<i>Sterna dougallii</i>	Threatened	No
Yellow-Shouldered Blackbird	<i>Agelaius xanthomus</i>	Endangered	No
<b>Fish</b>			
Nassau grouper	<i>Epinephelus striatus</i>	Threatened	No
Giant manta ray	<i>Manta birostris</i>	Threatened	No
<b>Ferns and Allies</b>			
Cordillera Maiden Fern	<i>Thelypteris inabonensis</i>	Endangered	No
Elfin Tree Fern	<i>Cyathea dryopteroides</i>	Endangered	No
no common name	<i>Elaphoglossum serpens</i>	Endangered	No
<b>Flowering Plants</b>			
Bariaco	<i>Trichilia triacantha</i>	Endangered	No
Cook's Holly	<i>Ilex cookii</i>	Endangered	No
Higo Chumbo	<i>Harrisia portoricensis</i>	Threatened	No
Palo de Nigua	<i>Cornutia obovata</i>	Endangered	No

### 3.5.2 Environmental Consequences

Adverse effects on biological resources may occur when an activity directly or indirectly alters habitat or results in take of an organism with special protections, such as marine mammals, endangered corals, or species of birds protected by the MBTA. Examples of adverse effects include destroying or damaging all or part of the resource or habitat for the resource, altering any characteristic of the resource, interrupting breeding activities, or causing the death or wounding of a protected species.

#### 3.5.2.1 *No-Action Alternative*

Under this alternative, conditions and operations at the Ponce Marine Unit would remain unchanged, and no construction activities would occur. Therefore, no effects are expected for vegetation, terrestrial or aquatic wildlife, MBTA species, corals, or ESA-protected species.

#### 3.5.2.2 *Proposed Action Alternative*

As the site is highly disturbed, it contains little vegetation or habitat for terrestrial wildlife or MBTA-protected species. No species protected by the ESA or critical habitat for ESA species were identified as potentially present during literature searches or as actually present during terrestrial and aquatic site surveys. The waters of Ponce Harbor are excluded from critical habitat designation as an existing federally authorized harbor per 50 CFR §226.216(c)(3). However, wildlife in adjacent areas may be temporarily displaced during construction activities due to noise disturbances and increased human activity. CBP believes that the in-water noise generated by the installation of piles and sheet piles to construct the cofferdam and pile-supported structures, may affect, but is not likely to adversely affect ESA-listed sea turtles, manatees, Nassau grouper, and giant manta ray. Additionally, ramp up procedures would be implemented during pile driving activities to allow any individuals to leave the area. CBP does not expect ESA-listed species to suffer physical injury, temporary or permanent hearing loss, or threshold shifts from the noise. In the unlikely event that these species would be present during pile driving, they are highly mobile and can avoid these zones, making it extremely unlikely that they would experience behavioral impacts, and thus the effect would be negligible. Additionally, to avoid effects on sea turtles a monitor would be present and shut-down procedures would be implemented if any ESA-listed species were present, during pile driving activities. Avoidance behavior is an effect, however CBP believes this effect would be negligible. CBP will continue to work with NOAA Fisheries to develop BMPs and mitigation measures to avoid adverse effects from pile driving on listed species.

While the pile driving method has not been selected, a vibratory driver would be used if possible, and an impact hammer would only be used if necessary. Larger mobile species, such as sea turtles and manatees, would be expected to avoid in-water construction noise. Smaller juvenile Nassau grouper may be less willing to move long distances than larger, adult fish. Smaller fish are more susceptible to predation than larger fish so they must determine if moving to avoid a potential threat outweighs the risk of staying in a preferred location such as nearshore seagrass and algae beds. Smaller fish are also biologically more susceptible to physical injury from sound exposure and may need to move further than larger fish to avoid noise that could cause physical injury. However, CBP believes even smaller fish would move at least short distances to avoid both the physical commotion and noise of in-water construction. Nassau grouper spawning aggregation sites are located in offshore areas, away from nearshore construction activities and associated noise. There are also no nursery grounds for the giant manta ray near the project area. Therefore, no impacts on giant manta ray nurse areas would be expected.

A series of transects were surveyed for the presence of corals and identified in the area where the pier would be located under the Proposed Action Alternative. Hard coral colonies were identified and observed during the 2018 survey and primarily consist of two species, *Siderastrea sidereal* and *Solenastrea bournoni*. No soft corals were identified during the 2018 survey. Figure 3-6 shows that the proposed location for the pier is close to a colony of hard coral. No other coral colonies are close to the proposed pier or berthing areas.



Corals enjoy a symbiotic relationship with algae and require sunlight to thrive. Shadows from the proposed pier would not affect the close coral colonies, with the possible exception of the single colony identified. In-water surveys would be conducted prior to the onset of this construction to ensure no colonies would be affected. CBP has determined that there is the potential for long-term minor adverse impacts on corals.

BMPs would be employed during construction activities to limit the noise disturbances to biological species in the area. Through consultation, USFWS concluded that the Proposed Action is not likely to adversely affect any federally listed species within their jurisdiction.

CBP initiated informal consultation with the NOAA Fisheries (Habitat Conservation Division and Protected Resources Division) on January 26, 2017, in compliance with the ESA and the Magnuson-Stevens Act (see Appendix A). CBP also provided a copy of the Draft EA to NOAA Fisheries during the public review period. CBP has not received a formal response from NOAA Fisheries Habitat Conservation Division or Protected Resources Division, 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.

Additionally, CBP coordinated with the Puerto Rico DNER regarding the Categorization of Natural Habitats for Wildlife and will implement agreed upon mitigation measures as a result of the correspondence (see Appendix A).

### 3.6 Cultural, Historical, and Archaeological Resources

“Cultural resources” is a broad term that encompasses resources defined in several Federal laws and EOs, including the NHPA, the Archaeological and Historic Preservation Act (AHPA), and the ARPA. The NHPA focuses on the preservation of a wide range of historical and archaeological cultural resources that may include buildings, structures, objects, or sites. Resources deemed eligible are added to the National Register of Historic Places (NRHP) and are thus protected by the NHPA.

To be listed as eligible for the NRHP, a cultural resource must possess one of these four criteria (36 CFR § 60.4):

1. The resource is associated with events that have made a significant contribution to the broad patterns of our history.
2. The resource is associated with the lives of persons significant in our past.
3. The resource embodies the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction.
4. The resource has yielded, or may be likely to yield, information important in prehistory or history.

Archaeological resources are defined as material remains of human life or activities that are at least 100 years old and capable of providing insight into past human behavior and cultural adaptation (40 CFR § 7.3). Resources that align with this definition are eligible for inclusion in the



NRHP. More recent resources may warrant protection if they are deemed to be of high importance or have the potential to gain significance.

### 3.6.1 Affected Environment

The area of potential effect (APE) for visual impacts on historic resources includes a 1-mile radius around the project area. The APE for direct impacts on archaeological resources includes 1.05 acres on land and 1.6 acres in water, encompassing the area where construction would occur. The cultural, historical, and archaeological resources of the 1-mile radius APE were evaluated through a cultural resources inventory and a Phase 1B survey. The objective of the survey was to identify and evaluate the eligibility of cultural resources at this facility for the NRHP. The cultural resources survey involved a pedestrian walkover with shovel testing by an archaeologist and an NRHP evaluation of all buildings and structures at the facility (HDR 2013).

The cultural resources inventory, conducted at the Oficina Estatal de Conservación Histórica (OECH)—the Puerto Rico State Historic Preservation Office in San Juan, Puerto Rico—revealed no previously listed archaeological sites within a 1-mile radius of the facility (HDR 2013). Two unnumbered underwater resources were listed just off the coast from the project site, approximately 1,125 feet and 1 mile to the southeast, but no other information could be found regarding these listings (HDR 2013). A NRHP-listed U.S. Customs House, built in 1841, is located across Calle Bonaire and is a separate CBP-owned facility.

The ground survey revealed that the facility has been “heavily impacted by construction” and the presence of undisturbed ground surface is nonexistent (HDR 2013). The majority of the facility’s ground surface is disturbed, with the exception of a narrow strip of landscaping along the northern half of the eastern perimeter and built-up sand dunes behind the retaining wall in the southwest corner. Two soil tests were excavated in these locations.

Four buildings and seven structures were surveyed at the Ponce Marine Unit. One building and one structure date between 1952 and 1958, the timing of the first USCG establishment in Ponce, Puerto Rico. The remaining buildings were constructed just prior to or after 1998. None of the buildings or structures assessed is eligible for NRHP listing, as the landscaping and siting of the facility is not significant, and no other historic or cultural landscapes were found (HDR 2013).

CBP consulted with OECH on April 28, 2017, in compliance with Section 106 of the NHPA and 36 CFR Part 800 (see Appendix A). OECH responded on May 10, 2017, requesting that an underwater archeological survey of the archaeological resources APE be conducted to determine the presence of archaeological material remains. The Phase I maritime survey, conducted by an outside contractor, SEARCH, was completed in July 2017 (SEARCH 2017). SEARCH conducted background research and a remote-sensing survey, which included the collection of magnetic data and acoustic imagery of the 0.6 acres of water within the APE. The investigation did not identify potential submerged cultural resources; therefore, cultural resource clearance for this project is recommended (SEARCH 2017).

CBP delayed the submittal of the Phase I maritime survey findings to OECH until March 13, 2018, due to disruption in operations caused by Hurricane Maria, which struck the island of Puerto Rico on September 20, 2017. Consultation with OECH was completed on April 5, 2018, with OECH concluding no adverse effect to archaeological resources.

### 3.6.2 Environmental Consequences

Adverse effects on cultural, historical, or archaeological resources may occur when an activity “directly or indirectly alters characteristics of a historic property that qualify it for inclusion” in the NRHP (36 CFR § 800.5). Examples of adverse effects include destroying or damaging all or part of the resource; altering any characteristic of the resource; relocating the property; changing the use or physical features of a property’s setting; neglecting the resource that results in its deterioration; or transferring, leasing, or selling the property out of Federal ownership without adequate protections.

#### 3.6.2.1 No-Action Alternative

Under this alternative, conditions and operations at the Ponce Marine Unit would remain unchanged, and no construction activities would occur. Therefore, no cultural, historical, or archaeological resources would be affected.

#### 3.6.2.2 Proposed Action Alternative

No adverse impacts on archaeological or historical resources would be expected under the Proposed Action. Cultural, historical, and archaeological resources within the APE were assessed through a Phase IB survey and Phase I maritime survey. The Phase IB survey concluded that no surface or subsurface archaeological sites exist in the proposed project area. The soil tests concluded that because it is likely the area was modified prior to construction and paving, the potential for buried resources is minimal. The project-specific study concluded that the potential for intact cultural resources within the proposed project area is low, and no historic buildings or structures are located within the proposed project area. The Phase I maritime survey found no presence of potential submerged cultural resources. Therefore, the Proposed Action is not likely to adversely affect the surrounding historic district, including any cultural, historical, or archaeological resources. In the event that any historical resources are discovered during construction, all work would cease and CBP would contact OECH.

### 3.7 Air Quality

The Clean Air Act, last amended in 1990, grants the U.S. Environmental Protection Agency (EPA) the authority to regulate existing and new sources of emissions through set limits, stringent control technology, and permitting requirements for new sources (EPA 2018b). Although the CAA is primarily administered at the state and local levels, EPA established National Ambient Air Quality Standards (NAAQS) for the six criteria air pollutants: carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO<sub>2</sub>), ozone (O<sub>3</sub>), sulfur dioxide (SO<sub>2</sub>), and particulate matter (PM). The NAAQS is split into primary standards, which provide public health protection (especially for the protection of asthmatics, children, and the elderly) and secondary standards, which provide public welfare protection, including against decreased visibility and damage to animals, crops, vegetation, and buildings (EPA 2016a). The NAAQS is shown in Table 3-3.

Areas that do not meet NAAQS are called nonattainment areas, which are regulated by the General Conformity Rule, under 40 CFR Parts 51 and 93. The General Conformity Rule requires that Federal agencies work with state, tribal, and local governments in nonattainment areas to ensure that proposed Federal actions conform to state, tribal, and local air quality plans. If the Proposed Action would exceed established limits, the agency must implement mitigation measures.

*Table 3-3. National Ambient Air Quality Standards*

Pollutant		Primary/Secondary	Averaging Time	Level	Form
Carbon monoxide		Primary	8 hours	9 parts per million (ppm)	Not to be exceeded more than once per year
			1 hour	35 ppm	
Lead		Primary and secondary	Rolling 3-month average	0.5 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ )	Not to be exceeded
Nitrogen dioxide		Primary	1 hour	100 parts per billion (ppb)	98th percentile, averaged over 3 years
		Primary and secondary	1 year	53 ppb	Annual mean
Ozone		Primary and secondary	8 hours	0.070 ppm	Annual fourth-highest daily maximum 8-hour concentration, averaged over 3 years
Sulfur dioxide		Primary	1 hour	75 ppb	99th percentile of 1-hour daily maximum concentrations, averaged over 3 years
		Secondary	3 hours	0.5 ppm	Not to be exceeded more than once per year
Particle pollution	PM <sub>2.5</sub>	Primary	1 year	12.0 $\mu\text{g}/\text{m}^3$	Annual mean, averaged over 3 years
		Secondary	1 year	15.0 $\mu\text{g}/\text{m}^3$	Annual mean, averaged over 3 years
		Primary and secondary	24 hours	35 $\mu\text{g}/\text{m}^3$	98th percentile, averaged over 3 years
	PM <sub>10</sub>	Primary and secondary	24 hours	150 $\mu\text{g}/\text{m}^3$	Not to be exceeded more than once per year on average over 3 years

Source: <https://www.epa.gov/criteria-air-pollutants/naaqs-table>, as of December 20, 2016.

Regarding emissions from marine vessels, the EPA published the gasoline marine final rule in 1996 that established emission standards for spark-ignition gasoline marine engines (EPA 1996a). This rule applies to outboard and gasoline engines used in personal watercraft and jet boat applications; it focuses on emissions of hydrocarbons, a greenhouse gas and carcinogen. The final rule requires marine vessel manufacturers to use cleaner technology in all vessels manufactured after 1998 to meet EPA standards (40 CFR Part 91).

### 3.7.1 Affected Environment

There is only one non-attainment area in Puerto Rico, in the municipality of Arecibo, located approximately 50 miles north of Ponce, on the northern shore of the island (EPA 2018a). Arecibo is in nonattainment with the 2008 standards for lead. The proposed project area in Ponce is in attainment for all NAAQS. Therefore, a general air conformity analysis under 40 CFR Parts 51 and 93 is not required for this project.

Puerto Rico's Environmental Quality Board (EQB) monitors air quality through several stations throughout the island. There is one monitoring station in the municipality of Ponce, Site ID 72-113-0004, which measures CO concentrations. It is located approximately 3 miles to the northwest

of the project site. The annual CO 8-hour max at this station for 2011 through 2016 ranged from 0.8 ppm to 4.4 ppm (EPA 2017a).

### 3.7.2 Environmental Consequences

Impacts associated with air quality would be considered significant if conditions resulting from construction or operation resulted in the violation of Federal, state, or local standards and regulations. The air quality impact analysis is based on estimates of emissions from the combustion of fossil fuels as part of construction and operational activities. It is assumed that construction would take place during a 7-month period, for 8 hours each day, 5 days a week.

Operational emissions would occur from the use of the pier and boat ramp, including CBP marine vessels and ground vehicles that would service the dock. With the intent to replace the original concrete pier, the temporary structure, and boat ramp to improve safety and functionality, the Proposed Action would not result in increases in operational emissions. Therefore, the analysis focuses only on construction activities required to replace the original pier and boat ramp.

#### 3.7.2.1 No-Action Alternative

Under this alternative, no construction activities would occur at the proposed project site. In addition, the type and intensity of operations and the emissions associated with the use of vehicles and marine vessels at the Ponce Marine Unit would remain the same. Therefore, no impacts on ambient air quality under the No-Action Alternative would be expected.

#### 3.7.2.2 Proposed Action Alternative

Under the Proposed Action, there would be short-term, temporary, minor adverse impacts on local air quality due to emissions from the equipment used during project construction. Air emissions were calculated using the method described in EPA's AP-42 document and only for NAAQS—nitrogen oxide (NO<sub>x</sub>), CO, sulfur oxide (SO<sub>x</sub>), PM<sub>10</sub>—and greenhouse gases (specifically carbon dioxide [CO<sub>2</sub>]) with known emission factors (EPA 1996b). Table 3-4 estimates the emissions under the Proposed Action for pollutants with emissions factors listed in AP-42 (EPA 1996b). Construction activities associated with the Proposed Action were separated into pier and ramp removal and pier and ramp construction.

*Table 3-4. Estimated Emissions Associated with the Proposed Action*

Pollutant		Emissions (tons/year)
NAAQS	NO <sub>x</sub>	19.52
	CO	4.21
	SO <sub>x</sub>	1.29
	PM <sub>10</sub>	1.38
	sum	26.40
Greenhouse gases	CO <sub>2</sub>	723.96

Puerto Rico's EQB follows EPA's definition of a major stationary source, a facility or source with the potential to emit 100 tons per year or more of any air pollutant, except greenhouse gases (EQB 1995; 42 U.S.C. § 7401 et seq.). Emissions would be substantial if they exceed this threshold. Table 3-4 demonstrates that the potential air emissions associated with the Proposed Action would not exceed pollutant thresholds as established by EPA. Greenhouse gases and air pollutants would be emitted during construction activities as a result of burning fossil fuels used by construction

equipment (e.g., impact hammer, boat emissions, and crane). Construction activities for the Proposed Action would likely require electrical tools, which contribute significantly to emissions. The use of tugboats to tow barges during the removal of the original pier and temporary structure and construction of the new pier are also included in the air emissions calculations.

Construction activities are expected to be minimal and temporary (lasting 7 months), and no additional long-term emissions would be expected. CBP would follow construction BMPs outlined in Section 5.6 to minimize impacts from construction equipment emissions and dust particles. In addition, minor emissions from the operation of the Ponce Marine Unit and associated vehicles and marine vessels would continue as currently operated. CBP intends to replace two Midnight Express vessels with two SAFE 410 Apostle vessels. Although slightly larger in size, the SAFE 410 Apostle vessels have the same engine size as the Midnight Express vessels; both types of vessels are powered by four Mercury Verado outboard engines, which generate a maximum of 300 horsepower each (CBP 2016; HST 2018). As CBP is currently operating at the Ponce Marine Unit and no increase in emissions from the new Apostle vessels would be expected, no impact on air quality would be expected as a result of operations associated with the Proposed Action.

### 3.8 Noise

Sound is defined as a particular auditory effect produced by a given source. Noise is defined as any undesirable sound that interferes with communication, is strong enough to damage hearing, or is otherwise bothersome. Noise can be intermittent or continuous and include any number of sources and frequencies. Major sources of noise include transportation vehicles and equipment, machinery, and appliances (EPA 1972). Human response to increased sound levels varies according to the source type, features of the sound source, distance between the source and receptor, receptor sensitivity, and time of day. Affected receptors can be specific (i.e., churches, schools, hospitals) or broad areas (i.e., nature preserves or designated districts).

#### 3.8.1 Noise Metrics

Although human response to noise varies, measurements can be calculated with instruments that record instantaneous sound levels in decibels. A-weighted decibels (dBA) characterize sound levels that can be sensed by the human ear. “A-weighted” denotes the adjustment of the frequency range to what the average human ear can sense when experiencing an audible event. The threshold of audibility is generally within the range of 10 to 25 dBA for normal hearing. The threshold of pain occurs at the upper boundary of audibility, which is normally in the region of 135 dBA (EPA 1981). Table 3-5 compares common sounds and shows how they rank in terms of effects on hearing.

Maintenance and repair work can cause an increase in sound that is well above the ambient level. A variety of sounds are emitted from loaders, trucks, saws, and other work equipment. Table 3-6 lists noise levels associated with common types of equipment (EPA 1971).

*Table 3-5. Sound Levels and Human Response*

Noise Level (dBA)	Common Sounds	Effect
10	Just audible	Negligible
30	Soft whisper (15 feet)	Very quiet
50	Light auto traffic (100 feet)	Quiet
60	Air conditioning unit (20 feet)	Intrusive
70	Noisy restaurant or freeway traffic	Telephone use difficult
80	Alarm clock (2 feet)	Annoying
90	Heavy truck (50 feet) or city traffic	Very annoying; hearing damage (8 hours)
100	Garbage truck	Very annoying
110	Pile drivers	Strained vocal effort
120	Jet takeoff (200 feet) or auto horn (3 feet)	Maximum vocal effort
140	Carrier deck jet operation	Painfully loud

Source: EPA 1981b.

*Table 3-6. Predicted Noise Levels for Maintenance and Repair Equipment*

Equipment	Predicted Noise Level at 50 Feet (dBA)
Bulldozer	80
Grader	0–93
Truck	83–94
Roller	73–75
Backhoe	72–93
Jackhammer	81–98
Concrete mixer	74–88
Welding generator	71–82
Paver	86–88

Source: EPA 1971.

### 3.8.2 Noise Regulations

Puerto Rico's EQB regulates noise control through the Regulation for the Control of Noise Pollution, last amended in 2011 (EQB 2011). These regulations define four receptor zones classified via frequent activities (residential, commercial, industrial, etc.) and establish standards and requirements for noise control in each zone (EQB 2011). Zone I encompasses areas where humans may live and noise can interfere with the enjoyment of such property (e.g., residences, hotels, apartments, campsites, orphanages). Zone II comprises areas where interpersonal communication is achieved by speech, with which noise levels can interfere (e.g., restaurants, gas stations, funeral parlors, theaters, stadiums, churches). Zone III contains areas where people stay for long periods of time engaged in activities such that higher noise levels are anticipated (e.g., warehouses, docks, refineries, farms). Zone IV is the quiet zone and a designated area where a need may exist for exceptional quietness (e.g., hospitals, clinics, courts of justice). Table 3-7 provides noise limits for sound that crosses property boundaries of the source site, which will be measured at or within the proper receiving zone.



*Table 3-7. Noise Level Limits (dBA)*

Emitting Source	Receiving Zones							
	Zone I (Residential)		Zone II (Commercial)		Zone III (Industrial)		Zone IV (Quiet Zone)	
	Day	Night	Day	Night	Day	Night	Day	Night
Zone I (Residential)	60	50	65	55	70	60	55	50
Zone II (Commercial)	65	50	70	60	75	65	55	50
Zone III (Industrial)	65	50	70	65	75	75	55	50
Zone IV (Quiet Zone)	65	50	70	65	75	75	55	50

Note: Day represents the time period from 7:00 a.m. to 10:00 p.m.; night represents the time period from 10:01 p.m. to 6:59 a.m.

Source: EQB Regulation for the Control of Noise Pollution (EQB 2011).

### 3.8.3 Affected Environment

The proposed project area is located in the wharf of Playa de Ponce and surrounded by warehouses and administrative buildings, with a waterfront park and parking area directly to the east. In addition to the temporary structure and boat ramp at the Ponce Marine Unit, there are several piers along the southern coast of Puerto Rico within 1 mile of the proposed project area. The proposed project area is located in Zone III, the industrial zone, but borders Zone II (commercial), with the waterfront park to the east and Zone III to the west and north.

Current noise levels at the project site are mostly influenced by vehicular traffic in the area and CBP operations at the Ponce Marine Unit. The closest residential area to the project site is located approximately one-third of a mile to the east. The closest school is Our Lady of Carmen School (in the quiet zone), located approximately one-half mile north of the project site. Hospital Dramas is the closest hospital (quiet zone), located approximately 1.6 miles north of the project site.

### 3.8.4 Environmental Consequences

Noise impact analyses typically evaluate potential changes to the existing noise environment that would result from implementation of a proposed action. Potential changes in the acoustical environment can be beneficial (i.e., if they reduce the number of sensitive receptors exposed to unacceptable noise levels or reduce the ambient sound level), negligible (i.e., if the total number of sensitive receptors exposed to unacceptable noise levels is essentially unchanged), or adverse (i.e., if they result in increased sound exposure to unacceptable noise levels or ultimately increase the ambient sound level). Projected noise effects were evaluated qualitatively for the project.

#### 3.8.4.1 No-Action Alternative

Under this alternative, no construction activities would occur at the project site. Therefore, noise levels would result only from operational activities at the site. Current operations at the Ponce Marine Unit would continue, with no anticipated change in noise levels. Therefore, no additional noise impacts would be expected from the No-Action Alternative.

#### 3.8.4.2 Proposed Action Alternative

Under the Proposed Action, underwater and ambient noise levels would temporarily increase during the 7-month construction period and depend on the number and type of equipment used, equipment location, and duration of use. Table 3-8 presents typical noise emission levels for common construction equipment that may be used as part of the Proposed Action Alternative. Noise emission levels could increase to up to 95 dBA during construction activities.

*Table 3-8. Noise Emission Levels for Construction Equipment*

Equipment	L <sub>max</sub> at 50 Feet (dBA)
Backhoe and chain	80
Concrete mixer truck	85
Concrete pump truck	82
Barge-mounted pile-driver (impact)	95
Barge-mounted pile-driver (vibratory)	95
Wharf crane	85
Flatbed truck	84
Dump truck	84
Concrete saw	90

Source: Federal Highway Administration *Construction Noise Handbook*, Chapter 9.0 Construction Equipment Noise Levels and Ranges, August 24, 2017.

The maximum noise emission level for Zone III (industrial), per the EQB, is 75 dBA (diurnal and nocturnal). Construction noise levels associated at the closest sensitive receptors (quiet zone) are anticipated to reach no more than 30 dBA; the regulatory limit is 55 dBA (diurnal). Although noise levels could exceed regulatory limits at the project site, the predicted noise levels represent the worst-case scenario. The noise from construction equipment would be localized, short-term, and intermittent during machinery operation, likely producing lower noise emissions during construction. Further, the existing buildings and structures at the Ponce Marine Unit would restrict the transmission of sound from construction activities to the surrounding area. See Section 3.5.2 for additional information regarding impacts from underwater noise during construction activities.

Ambient noise emissions during operation of the Ponce Marine Unit would be the same as current conditions, resulting from the use of CBP vehicles and vessels operating at the pier. Therefore, operations would have no significant effect on ambient noise levels in the area. Underwater noise will increase, but it not likely to adversely affect the species in the area, as described in Section 3.5.2.

### 3.9 Utilities and Infrastructure

This section focuses on utilities and infrastructure within the vicinity of the project area, including public utilities, solid waste management, and transportation systems. Public utilities include natural gas, electric, water, and wastewater infrastructure. Solid waste management involves the generation, collection, and disposal of non-hazardous solid waste, including construction and demolition debris. The transportation resource is defined as the system of roadways and highways that could reasonably be affected by the project.

#### 3.9.1 Affected Environment

Electric service is overseen by the Puerto Rico Energy Commission, or PREC (PREC 2018). Electricity is provided by the Puerto Rico Electric Power Authority, or PREPA (PREPA 2018).

PREPA is a government-owned corporation that generates, distributes, and transmits power throughout Puerto Rico and to the project site (PREPA 2018). Solid waste facilities and landfills in Puerto Rico face serious challenges (EPA 2016), particularly in light of the massive debris generated from Hurricane Maria (NPR 2017). Even before the massive cleanup effort required after the hurricane, the majority of Puerto Rico's operating landfills were beyond capacity (EPA 2016). Water and wastewater treatment is provided by PRASA (USGS 2014).

### 3.9.2 Environmental Consequences

#### 3.9.2.1 *No-Action Alternative*

The Ponce Marine Unit is a small, industrial site, with limited personnel and limited demands on water, sewage, electricity, and waste removal. Under the No-Action Alternative, no changes would be made at the site. There would be no additional requirements for water, electricity, or solid waste disposal.

#### 3.9.2.2 *Proposed Action Alternative*

Under the Proposed Action, there would be short-term impacts on power consumption, water consumption, and solid waste disposal increases during the construction phase, both onsite and offsite. The boat ramp construction plan calls for erection of a temporary coffer dam at the mouth of the inlet. This action would increase power consumption from power pumps to drain the area for the removal of the original pier, temporary structure, and boat ramp and to keep it drained during the subsequent construction of the replacement boat ramp. If nighttime work were required, additional electricity would be needed to power lights to illuminate the work area. Additional water would be required to wash equipment and mix grout onsite, as well as to prepare the concrete to cast the boat ramp at an offsite location. Disposal of the debris from the original concrete pier, temporary structure, and boat ramp would be sent to a local permitted landfill.

Construction of the pier would likely lead to increased power consumption onsite, as it would require pile driving of hollow pilings and emplacement of precast concrete panels. These items and the concrete to fill the pilings would be fabricated offsite and require power and water at the fabrication sites. Power to sink the pilings would be provided by barges and autonomous engines and therefore would not be expected to require onsite water or power. There could be a need for minimal water and power to prepare patches and grout to join the concrete panels and plug voids from power line and water line installation.

Excavation of a trench from the property line to the proposed pier for power and water lines would also be constructed. This trench would be covered with concrete upon completion. The process would generate concrete and potentially some soil debris to be disposed of in a landfill. The long-term effects of the pier and boat ramp installation would slightly increase the need for power and water to the site to serve the three planned base stations and the lighting along the proposed pier, and for lighting at the proposed ramp replacement.

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

### 3.10 Hazardous Materials

Hazardous materials are defined by 49 CFR § 171.8 as “hazardous substances, hazardous wastes, marine pollutants, elevated temperature materials, materials designated as hazardous in the Hazardous Materials Table (see 49 CFR 172.101), and materials that meet the defining criteria for hazard classes and divisions” in 49 CFR Part 173. Transportation of hazardous materials is regulated by the U.S. Department of Transportation in 49 CFR Parts 105–180.

Statutes and regulations govern the management of hazardous materials and hazardous waste activities at Federal operations. The Comprehensive Environmental, Response, Compensation, and Liability Act (CERCLA) requires the cleanup of hazardous waste and holds the responsible party liable for the funding and remedial actions required. The Resource Conservation and Recovery Act (RCRA) establishes a Federal program to manage hazardous waste to protect human health and the environment. The RCRA Subtitle C program requires the immediate cleanup resulting from improper waste management and helps state and local agencies develop hazardous waste management programs (EPA 2017b).

Special hazards include substances that pose a risk to human health and are addressed separately from other hazardous substances. They include asbestos-containing materials (ACM), polychlorinated biphenyls (PCBs), and lead-based paint (LBP). EPA regulates asbestos abatement and worker safety under 40 CFR Part 763. Whether from lead abatement or other activities, depending on the quantity and concentration, the disposal of LBP waste may be regulated by the RCRA or by 40 CFR Part 260. The disposal of PCBs is addressed in 40 CFR Parts 750 and 761.

All generators of hazardous waste must implement BMPs when operating and maintaining the site of generation to minimize the risk of fire, explosion, or unplanned release of hazardous wastes to air, soil, or surface water that could negatively affect human health or the environment. The evaluation of hazardous material affects and pollution prevention include potential hazardous materials that could be used during construction and operation of a project, the potential to encounter hazardous materials at contaminated sites during construction and operation, and the potential to interfere with ongoing remediation of existing contaminated sites at the proposed project site or in the immediate vicinity (FAA 2015).

The evaluation of solid waste impacts include the availability of landfills to support the population’s residential, commercial, and industrial needs and the potential for waste streams caused by the construction or operation of the project to overwhelm these facilities. Some localities possess landfills designated for disposal of construction and demolition debris. Recycling programs are available for various waste categories.

#### 3.10.1 Affected Environment

No potential or existing environmental contamination was identified at the proposed project site. Therefore, no Phase I or Phase II assessments were conducted as part of this EA. There are no fuel storage tanks or fueling operations onsite.

A search of EPA’s Envirofacts RCRAInfo website indicated one hazardous waste generator within a 1-mile radius of the project site (EPA 2017c). Homeca Recycling Center Co., Inc., is located approximately 230 feet to the north of the proposed project area, at 1 Calle Salmon. This facility is classified as a conditionally exempt small-quantity generator and is able to accept up to

1,000 kilograms of ignitable, corrosive, and reactive waste, as well as lead, mercury, and other waste codes.

No sites on EPA's National Priorities List are located within a 1-mile radius of the project site (EPA 2017d). However, EPA identifies three brownfield properties within 1 mile (EPA 2016b–d). Two brownfield sites are undergoing assessment, and as such, contaminant reports are unavailable (HAZ050 and HAZ102). Site HAZ100, located at 69 Calle Comercio in Ponce, was assessed in 2014, but cleanup activities have not been reported. No evidence of hazardous wastes or materials (e.g., drums, oil stains) was observed during the August 2016 site survey. Further, ACM, PCBs, and LBP are not expected during construction and operation at the Ponce Marine Unit facility due to the age of construction and the type of facilities under the Proposed Action.

### **3.10.2 Environmental Consequences**

Risks associated with hazardous material use would be considered significant if the Proposed Action resulted in exposure to hazardous materials above regulated thresholds, if the Proposed Action did not comply with Federal and state regulations, or if the Proposed Action produced hazardous materials at a quantity beyond CBP's capacity to manage it. An effect on solid waste management would be considered significant if the Proposed Action exceeded the capacity of existing landfills or caused a long-term interruption of waste management, a permit violation, or a utility plan violation.

#### **3.10.2.1 No-Action Alternative**

Under this alternative, there would be no increase in the presence or risk of hazardous materials or waste. No new hazardous waste or material would be generated, as construction of the pier and boat ramp would not occur. Operations at the Ponce Marine Unit would continue and may include the use of petroleum, oil, and lubricants (POL). The operation and maintenance of vehicles and marine vessels pose the risk for accidental release of hazardous materials. This risk is minimized by the implementation of standard CBP BMPs. CBP's process for the handling and disposal of hazardous waste would be in effect as part of its normal operations. Therefore, there would be no short- or long-term impacts under the No-Action Alternative.

#### **3.10.2.2 Proposed Action Alternative**

No long-term impacts due to the storage, transport, handling, and use of hazardous substances, petroleum products, and hazardous and petroleum wastes are expected from the implementation of the Proposed Action Alternative. Under the Proposed Action, construction activities have the potential to utilize hazardous materials that may include oil, oil filters, and refrigerant to operate machinery during construction. Short-term, direct, negligible, adverse impacts would be expected from the presence of hazardous materials onsite during construction and therefore increase the potential of a spill. All such hazardous materials would be used and stored in accordance with the project's SPCC plan, as well as with Federal, state, and local regulations. POL would be stored properly and within designated containers, which would include primary and secondary containment measures. Cleanup materials (e.g., oil mops), in accordance with the project's SPCC plan, would be maintained at the site to allow for immediate response in case a spill occurs.

Similarly, solid and hazardous waste generated from construction would be properly contained, controlled, and disposed of in accordance with measures outlined in the SPCC plan. Disposal



contractors would use existing roads to transport equipment and waste, and all waste would be disposed of in compliance with Federal, state, and local regulations.

The construction of the pier would involve slight disturbances to soil beneath the site, as soil cuttings and removal would take place during the structural foundation development of the pier. However, any waste streams would be handled properly through CBP BMPs (see Chapter 5). Although the proposed project area is within a 1-mile radius of three brownfield properties, it is not expected that ground disturbance involved in construction would encounter contaminated soils, as the brownfield properties are small, located to the north, and only suspected of asbestos and lead presence throughout the buildings and aboveground structures (EPA 2016c–e).

### 3.11 Human Health and Safety

This section discusses potential impacts on human health and safety of CBP personnel and community members within the vicinity of the project area. Effects on human health and safety include direct factors, such as exposure to chemicals, extreme temperatures, and weather, and indirect factors, such as physical safety and security of the surrounding environment.

#### 3.11.1 Affected Environment

The proposed project area is located in a developed area with no known contamination issues. Factors in the project area that could affect human health include automobile and boating accidents, workplace accidents, criminal activities, and extreme weather.

CBP, as a Government employer, is subject to regulations established by the Federal Occupational Safety and Health Administration (OSHA), which issues standards specifying the amount and type of training required for industrial workers, the use of protective equipment and clothing, engineering controls, and maximum exposure limits with respect to workplace stressors. Puerto Rico has an OSHA-approved state program, which adopts all OSHA standards and regulations applicable to state and local government and private-sector employment, with minor revisions to the recordkeeping regulation (OSHA undated). Section 19 of the Occupational Safety and Health Act of 1970 requires that all Federal agencies have a safety and health program that meets the same standards as private employers (OSHA 2016).

#### 3.11.2 Environmental Consequences

##### 3.11.2.1 No-Action Alternative

Under this alternative, risks to health and safety associated with existing conditions and operations at the Ponce Marine Unit would continue. CBP would construct a new pier and replacement boat ramp. The original pier was displaced by Hurricane Maria and the boat ramp is severely worn and broken where it extends into the water. Long-term, direct, moderate adverse impacts would be expected to CBP personnel through the continued use of the existing facilities, due to the continuation of the health and safety risks associated with the existing conditions.

##### 3.11.2.2 Proposed Action Alternative

Under the Proposed Action, direct, adverse risks to human health and safety of construction personnel would increase slightly during the construction phase. CBP would minimize risk by adhering to occupational safety and health regulations, the use of protective gear and equipment, and BMPs. Access to the construction site would be restricted to construction workers and

*Environmental Assessment for the Replacement of the Pier and Boat Ramp at the U.S. Border Patrol & Air and Marine Facility, Ponce, Puerto Rico*

applicable CBP personnel. Risks to human health and safety during construction of the Proposed Action would therefore be short-term and negligible.

During the operations phase, potential long-term, adverse impacts on human health and safety would be minimized by ensuring compliance with applicable construction and safety codes. Employees would adhere to fire safety standards set forth in the Puerto Rico building and National Fire Protection Association codes. Operations of marine vessels would continue in accordance with applicable CBP safety regulations.

Construction of the pier and replacement of the boat ramp would also have the potential to decrease adverse risks to overall human health and safety. The original concrete pier and deteriorated boat ramp at the Ponce Marine Unit are unusable in their current state. Under the Proposed Action, both would be replaced to enable CBP personnel to safely operate out of the Ponce Marine Unit facility. The new pier and ramp would be larger and possess several safety features (i.e., guardrails and lighting) to decrease safety risks and increase efficiencies of the facility's daily operations.

Replacement of the pier and boat ramp would facilitate CBP's ability to carry out its mission of interdicting unlawful people and cargo attempting to encroach U.S. borders. This would result in a long-term, beneficial impact on the health and safety of nearby residents and community members by creating a more secure environment.

## 4 Cumulative Impacts

The cumulative impacts analysis has been conducted in accordance with CEQ regulations that implement the NEPA and CEQ handbook, *Considering Cumulative Effects under the National Environmental Policy Act* (CEQ 1997). This EA addresses the potential cumulative impacts of the two alternatives proposed for the Ponce Marine Unit and all related and similar actions that could contribute to cumulative impacts. The CEQ regulations define “cumulative impact” as “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions” (40 C.F.R. §1508.7). Cumulative impacts can result from the combination of individually minor effects of actions over time, and NEPA requires the analysis of cumulative impacts on assess the overall effect of a proposed action on its surrounding environment.

This chapter assesses the Ponce Marine Unit project’s potential cumulative impacts of the replacement of a pier and boat ramp. As previously discussed, the Proposed Action would be located within the boundaries of the existing Ponce Marine Unit in Puerto Rico. The APE for this Proposed Action, analyzed for cumulative impacts, is shown in Figure 4-1. Localized around the Ponce Marine Unit, the APE consists of a 1-mile radius around the project area. This project is limited to construction activities and the 1-mile radius encompasses the furthest extent of possible impacts from the project activities.



Source: Google Earth 2018.

*Figure 4-1. Ponce Marine Unit Area of Potential Effect for the Proposed Action*

### 4.1 CBP Activities Included in the Cumulative Impacts Analysis

CBP’s law enforcement operations throughout the Caribbean Sea have been continuous since its inception. Past actions by CBP fall under maintenance and security operations that occurred within the APE before the development of this EA. The original concrete pier was displaced by Hurricane Maria and boat ramp is extremely dilapidated and therefore, both are unusable. After the recent hurricane damage to the Ponce Marine Unit, the perimeter fence was replaced and a temporary

structure was built to replace the original pier. CBP continues to operate out of the Ponce Marine Unit. Future actions would consist of the maintenance and repair of the new tactical infrastructure that is part of this Proposed Action. There are no additional planned CBP actions within the APE for this Proposed Action; therefore, there is no potential for cumulative effects arising from CBP-sponsored actions (CBP 2018a).

Adverse impacts of future and ongoing projects would be prevented or minimized with continued funding and implementation of CBP's environmental conservation measures, including environmental education and training of agents and the use of biological and archaeological monitors. CBP's activities have had many positive cumulative impacts.

#### **4.2 Non-CBP Activities Included in the Cumulative Impacts Analysis**

CBP completed a search of actions planned by other agencies that may also affect the region's natural and human environment. None were found to occur within the designated APE (USACE 2018b, USACE 2017). A search of projects within the Federal Energy Regulatory Commission revealed two projects involving liquefied natural gas terminals (FERC 2017, FERC 2018). As these projects are located more than 50 miles from the project area and therefore not within the APE, they are not included in this analysis.

Federal actions within the region most likely to contribute to cumulative effects along with this project are related to sanitary landfill capacity. Even prior to the major hurricane damage sustained in Puerto Rico, solid waste disposal landfills have operated at or beyond their designed capacity. EPA has tried to close existing landfills and help establish adequate disposal capacity (EPA 2016b). The development of this Proposed Action would add solid waste to landfills as part of demolition and construction activities. EPA does not list additional environmental assessments or environmental impact statements for the municipality of Ponce, Puerto Rico (EPA 2018).

#### **4.3 Resources Evaluated for Cumulative Impacts**

This EA evaluates cumulative impacts due to the Proposed Action and No-Action alternatives. All impacts are evaluated for their potential effects on the following resource areas:

- Geology and soils
- Water resources
- Biological resources
- Cultural, historical, and archaeological resources
- Air quality
- Noise
- Utilities and infrastructure
- Hazardous materials, and
- Human health and safety.

Cumulative impacts related to land use, socioeconomic resources, environmental justice, protection of children, roadways and traffic, and aesthetics and visual resources were not evaluated further due to their lack of direct effect from the No-Action and Proposed Action alternatives.

#### 4.4 Cumulative Impacts: Geology and Soils

The Proposed Action is small in its areal coverage and would not permanently displace geological or soil resources. Excavation of the trench to carry utilities to the proposed new pier would require the removal of soils, however the majority of that soil would be used to fill the trench following the placement of utility cables. No short- or long-term cumulative effects are anticipated.

#### 4.5 Cumulative Impacts: Water Resources

The Proposed Action would not be expected to cause short-term effects on water resources during construction or long-term effects on water use requirements, water quality surfaces, or water resources, including wetlands and regulatory WoUS. Debris from demolition of infrastructure (i.e., existing boat ramp, original concrete pier and temporary structure, and excavation debris from construction of a utilities trench to the new pier) would have a minor impact on solid waste disposal capacity in the region. EPA is working with Puerto Rican officials to establish new landfills (EPA 2016b). New landfill siting would require National Pollutant Discharge Elimination System (NPDES) permitting. Although there is potential for a minor, adverse cumulative effect, the NPDES program exists to ensure that there are no adverse impacts from permitted activities; therefore, the adverse impact is only a potential impact.

#### 4.6 Cumulative Impacts: Biological Resources

No additional projects were identified within the APE. Therefore, no cumulative effects from the Proposed Action would be expected.

#### 4.7 Cumulative Impacts: Cultural, Historical, and Archaeological Resources

No short- or long-term impacts on cultural, historical, or archaeological resources would be expected from the Proposed Action given the absence of historical structures or cultural or archaeological resources within the APE. Therefore, no cumulative impacts would be expected.

#### 4.8 Cumulative Impacts: Air Quality

A minor increase in local air pollution would be expected due to construction activities. Temporary increases in air pollution would result from vehicle emissions from construction workers commuting to the project and the use of vehicles and construction equipment at the facility. Due to the short duration of the project, any impacts on ambient air quality from emissions during construction are expected to be short term and can be reduced through the use of standard BMPs. Operations at the facility would continue, and no increase in emissions from personal vehicles or vehicles and marine vessels operating at the pier would be expected. Therefore, no cumulative impacts on air quality would be expected.

#### 4.9 Cumulative Impacts: Noise

The Proposed Action would not generate sufficient noise to have a cumulative effect on the overall noise levels of the area surrounding the Ponce Marine Unit. Because of the existing structures at the facility and surrounding buildings, the Proposed Action is not anticipated to generate sufficient noise to disturb nearby quiet zone (Zone IV) areas. Therefore, no cumulative impacts on ambient noise levels would be expected.



#### 4.10 Cumulative Impacts: Utilities and Infrastructure

The demolition and construction activities associated with the Proposed Action could have short-term, minor, adverse impacts on landfill capacity and a cumulative impact given the large amount of hurricane damage debris being sent to regional landfills. The amount of debris resulting from the Proposed Action is negligible in comparison to the quantity of debris generated by hurricane cleanup activity. Therefore, short- and long-term, minor, adverse, cumulative effects would be expected.

#### 4.11 Cumulative Impacts: Hazardous Materials

No temporary or permanent effects on the public, wildlife, or other natural resources would be expected from the storage, transport, handling, and use of hazardous materials and substances during the activities associated with the Proposed Action. All activities would be completed in accordance with the project's SPCC plan and Federal, state, and local laws and regulations pertaining to the storage, transport, handling, and use of hazardous materials and substances. Therefore, no cumulative effects would be expected.

#### 4.12 Cumulative Impacts: Human Health and Safety

Although, short-term, minor impacts on human health and safety would be expected during construction activities, adherence to Federal safety regulations would minimize risk and protect workers. There is potential for beneficial cumulative impacts, as the Proposed Action would provide a safer working environment for CBP agents by replacing the pier and ramp and adding several safety features. In addition, the Proposed Action would have a beneficial cumulative impact on the surrounding area by improving CBP's ability to carry out its mission.

#### 4.13 Incomplete or Unavailable Information

Hurricane Irma hit Puerto Rico on September 6, 2017, leaving one million people without electricity (Johnson et al., 2017). Then, on September 20, 2017, Hurricane Maria struck the island as a Category 4 storm, traveling directly across Puerto Rico, with 60,000 people still lacking electricity from Hurricane Irma (Resnick and Barclay, 2017). Hurricane Maria had a significant impact on Puerto Rico, affecting buildings and island infrastructure, and led to major power outages. At the time that this EA was written, Puerto Rico was still assessing damage from the hurricanes and working to rebuild lost and impaired infrastructure. The scope and timeline of these infrastructure projects are unknown at this time, but they are neither anticipated to affect nor be affected by the Proposed Action. Thus, no cumulative impacts are expected from hurricane recovery efforts.

## 5 Mitigation Measures and Best Management Practices

It is CBP's policy to reduce effects on air quality, wildlife, landscapes, and other natural and cultural resources through a sequence of avoidance, minimization, mitigation, and compensation. Mitigation efforts vary by project and setting and may include activities such as implementation of appropriate BMPs and restoration of habitat. CBP coordinates its environmental design measures with appropriate Federal and state resource agencies. General BMPs have been developed during the preparation of this EA.

This section describes those measures that may be implemented to reduce or eliminate potential adverse effects on the human and natural environment. Many of these measures have been incorporated by CBP as standard operating procedures on past projects. Table 5-1 summarizes BMPs and mitigation measures by resource area for each potentially affected resource category.

*Table 5-1. Resource Area BMPs and Associated Mitigation Resource Area*

Resource Area	Mitigation Measures and Best Management Practices
Geology and soils	<ul style="list-style-type: none"> <li>• Stormwater Pollution Prevention Plan (SWPPP)</li> <li>• Sediment and Erosion Control Plan and associated BMPs</li> <li>• Drainage improvements and revegetation</li> </ul>
Water resources	<ul style="list-style-type: none"> <li>• SPCC Plan and associated BMPs</li> <li>• Construction Mitigation and Restoration Plan and associated BMPs</li> <li>• SWPPP and associated BMPs</li> <li>• Sediment and Erosion Control Plan and associated BMPs</li> <li>• Proper storage and use of fuels and hazardous materials</li> </ul>
Biological resources	<ul style="list-style-type: none"> <li>• Biological monitoring onsite during construction</li> <li>• Biological surveys in advance of construction</li> <li>• General and species specific BMPs</li> </ul>
Cultural, historical, and archaeological resources	<ul style="list-style-type: none"> <li>• Consultation with state representatives</li> </ul>
Air quality	<ul style="list-style-type: none"> <li>• Dust control measures and associated BMPs</li> <li>• Fire Prevention and Suppression Plan and associated BMPs</li> <li>• Maintenance of equipment and vehicles according to specifications</li> </ul>
Noise	<ul style="list-style-type: none"> <li>• Adherence with OSHA requirements</li> <li>• Proper design and maintenance of equipment and vehicles</li> <li>• Seasonal activity restrictions</li> </ul>
Utilities and infrastructure	<ul style="list-style-type: none"> <li>• Marking and avoidance</li> <li>• Repair or replacement</li> </ul>
Hazardous materials	<ul style="list-style-type: none"> <li>• SPCC Plan and associated BMPs</li> <li>• Proper storage and use of hazardous materials</li> <li>• Proper management and disposal of solid and hazardous waste</li> <li>• Vehicle maintenance</li> </ul>
Human health and safety	<ul style="list-style-type: none"> <li>• Fire Prevention and Suppression Plan and associated BMPs</li> <li>• SPCC Plan and associated BMPs</li> <li>• Adherence with OSHA requirements</li> </ul>

### 5.1 General Construction Activities

BMPs would be implemented as standard operating procedures during construction activities. As part of the project, the following plans would be prepared and implemented, consistent with Federal, state, and local requirements and standard industry practices:

- Construction Mitigation and Restoration Plan
- Dust Control Plan
- Fire Prevention and Suppression Plan
- Spill Prevention, Control, and Countermeasures (SPCC) Plan
- Stormwater Pollution Prevention Plan (SWPPP).

Each of these plans identifies BMPs that would be implemented to avoid or minimize effects to resource areas. In addition to preparing and implementing plans directing construction design measures and practices, all construction practices would be limited to approved areas.

### 5.2 Geology and Soils

A SWPPP would be prepared prior to construction activities. Site-specific BMPs would be implemented as described in the SWPPP to reduce erosion and the impact of non-point source pollution during construction activities. These BMPs would greatly reduce the amount of soil lost to runoff during heavy rain events and ensure the integrity of the construction site. A Sediment and Erosion Control Plan would be implemented, along with other soil control BMPs to reduce impacts of soil disturbance and compaction. These BMPs can also beneficially affect air quality by reducing the amount of fugitive dust.

Areas with highly erodible soils would be given special consideration to ensure incorporation of various and effective compaction techniques, aggregate materials, wetting compounds, and rehabilitation to reduce potential soil erosion. Erosion control measures such as waterbars, gabions, straw bales, and revegetation would be implemented during and after construction activities. Silt fencing and floating silt curtains would be installed and maintained to prevent movement of soil and sediment and to minimize turbidity increases in water. Aggregate materials for the pile fillings and precast pile caps would be obtained from developed or previously used sources that are compatible with the project area and from legally permitted sites. Materials from undisturbed areas adjacent to the project area would not be used. All excavated materials would be stored and disposed of in approved areas.

The construction plan calls for the use of a barrier to be pumped and kept dewatered during the construction of the boat ramp. This practice would prevent uncured concrete from coming into contact with surface waters. In addition, a single entry and exit point to the construction site would be established to avoid unnecessary soil compaction. After construction is complete, compacted soils would be scarified or aerated to minimize potential impacts.

### 5.3 Water Resources

To minimize potential effects from hazardous and regulated materials, all fuels, waste oils, and solvents would be collected and stored in tanks or drums within a secondary containment system that consists of an impervious floor and bermed sidewalls capable of containing the volume of accepted industry guidelines, and all vehicles would have drip pans during storage to contain minor

spills and drips. Although a major spill is unlikely, any spill of 5 gallons or more would be contained immediately within an earthen dike, and an absorbent (e.g., granular, pillow, sock) would be applied to contain the spill. An SPCC Plan would be in place prior to the start of construction, and all personnel would be briefed on its implementation and responsibilities.

A Sediment and Erosion Control Plan and SWPPP would be developed and implemented to minimize pollutants in stormwater runoff. The contractor would avoid contaminating natural aquatic and wetland systems with runoff by limiting all equipment maintenance, staging, laydown, and dispensing of hazardous liquids (e.g., fuel and oil) to designated upland areas. Runoff would be prevented from entering drainages or storm drains by placing fabric filters, sand bag enclosures, or other capture devices around the work area. The capture devices would be emptied or cleaned out at the end of each day, with any waste properly disposed. Contamination of ground and surface waters would be avoided by storing concrete wash water, with any water that has been contaminated (e.g., with construction materials, oils, or equipment residue) in closed containers onsite until removed for disposal. In upland areas, storage tanks must be on-ground containers. Water tankers that convey untreated surface water would not discard unused water where it has the potential to enter aquatic or wetland habitat. In the event of heavy rains, all construction activities would temporarily cease until conditions are suitable to move equipment and material again without an increased risk of runoff.

Impacts on surface water could occur during operation of the Ponce Marine Unit, associated with boat washing activities and accidental POL spills. This risk is present with current operations at the Ponce Marine Unit and is not expected to increase due to the Proposed Action. Site-specific spill prevention and stormwater runoff management BMPs would be implemented during operations to manage runoff to nearby surface waters.

#### 5.4 Biological Resources

CBP initiated informal consultation with the NOAA Fisheries (Habitat Conservation Division and Protected Resources Division) on January 26, 2017, in compliance with the ESA and the Magnuson-Stevens Act (see Appendix A). CBP also provided a copy of the Draft EA to NOAA Fisheries during the public review period. Consultation with NOAA Fisheries, Protected Resources Division was assigned a tracking number (SER-2018-19665). CBP has not received a formal response from NOAA Fisheries Habitat Conservation Division or Protected Resources Division, 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 also initiated informal consultation with USFWS and the BMPs recommended in their March 2017 letter, shown in Appendix A, will be implemented and are incorporated in this section of the EA. BMPs would be employed during construction activities to limit the noise disturbances to biological species in the area. Through consultation, USFWS concluded that the Proposed Action is not likely to adversely affect any federally listed species within their jurisdiction. Additionally, permanent USFWS-approved manatee signs, in accordance with the guidelines specified in the USFWS consultation, would be installed near the Ponce Marine Unit.

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 protected species observer would notify the construction manager of activities that might harm or

harass an individual of a federally listed species. Upon such notification, the construction manager may temporarily suspend all activities in question and notify the contracting officer, administrative contracting officer, and contracting officer's representative of the suspension so that the key client contact can be notified and apprised of the situation and when a resolution can be reached. Additionally, ramp up procedures would be implemented during pile driving activities to allow any ESA-listed species/individuals to leave the area. Shut-down procedures would be used if a protected species has the potential to enter the project area. Prior to arrival on the worksite, all personnel would be made aware of these species and familiar with the proper BMPs to implement in case they encounter these species and be informed that the harming, harassment, or killing of listed species involves civil and criminal penalties.

Construction activities would be performed only in areas that have been surveyed for biological resources, and the project work area would be surveyed for the presence of any listed species at least one hour before any in-water construction activity occurs. All vessels associated with construction activities would operate at a "no wake" or "idle" speed at all times while in water within a federally listed species habitat area, and vessels would follow deepwater routes whenever possible.

Additionally, CBP coordinated with the Puerto Rico DNER regarding the Categorization of Natural Habitats for Wildlife and will implement agreed upon mitigation measures as a result of the correspondence (see Appendix A).

A coral survey would be conducted prior to the onset of pier construction to determine the locations of coral colonies in the immediate construction footprint. Healthy individuals of coral colonies that would be disturbed by the proposed project would be relocated, if determined to be in the direct footprint of the construction area.

If herbicides or pesticides are used, applications would be made under the supervision of a licensed applicator. A log of the event—including the date, time, chemical and amount used, and specific location—would be maintained. The contractor would follow guidance from EPA on applications in or near riparian areas.

A Fire Prevention and Suppression Plan would be developed and implemented for all construction activities that require welding or otherwise have a risk of starting a wildfire.

The LED bollard lighting would be designed and located to avoid unnecessary impacts on natural areas and wildlife along the pier.

## **5.5 Cultural, Historical, and Archaeological Resources**

The Phase IB and Phase I maritime surveys, as well as the cultural resources inventory search, determined that the probability of encountering cultural, historical, or archaeological resources within the APE is extremely low. If previously unidentified cultural resources are encountered during construction activities, the contractor would stop all ground-disturbing activities until OECH and CBP are notified and the nature and significance of the find can be evaluated.



## 5.6 Air Quality

All construction equipment and vehicles must be kept in good operating condition to minimize exhaust emissions. Standard BMPs would be used to control fugitive dust during the construction phases of the project. In addition, a Dust Control Plan outlining dust suppression methods would be developed and implemented prior to construction.

## 5.7 Noise

All motorized equipment would possess working mufflers and be kept properly tuned to reduce engine noise and backfires. All motorized generators would be in baffle boxes (a sound-resistant box placed over or around a generator), have an attached muffler, or use other noise-abatement methods in accordance with industry standards. Activities that produce significant noise emissions would be conducted during regular working hours to minimize disturbance to the surrounding area.

## 5.8 Utilities and Infrastructure

Before beginning construction, contractors would locate and mark utilities in the field. All overhead and underground public and private utility lines (e.g., gas, electric, water, sewer, communication) and customer service lines would be identified and protected during excavation, clearing and grading, and other construction activities. Contractors would work with PREPA and PRASA to coordinate activities. The use of LED lighting along the pier would be more energy efficient than other lamp types and minimize demand on the electricity grid that powers the lights.

Effects to roads and the use of such infrastructure for CBP's operations would be localized to areas under construction and would be temporary and minimal. The contractor would maintain adequate drainage and control potential effects from erosion and sedimentation through implementation of appropriate measures. Damage to roads, concrete-lined ditches, fence, utilities, and other existing structures would be replaced or repaired to original condition or better.

The management and disposal of solid waste and recyclables created during construction activities would be in accordance with Federal and state regulations. Only an approved, authorized contractor would handle and transport waste material from the project site.

## 5.9 Hazardous Materials

When hazardous and regulated materials are handled, workers would collect and store all fuels, waste oils, and solvents in clearly labeled closed tanks and drums within a secondary containment system that consists of an impervious floor and bermed sidewalls capable of containing the volume of the largest container stored therein.

All vehicles and other equipment would be maintained to prevent leakage of fluids. Any leaked fluids would be collected and disposed of properly.

Solid waste receptacles would be maintained at staging areas and other locations. All food-related trash such as wrappers, cans, bottles, and scraps would be disposed of in closed containers. Non-hazardous solid waste (trash and waste construction materials) would be collected and deposited in onsite receptacles. Waste and other discarded materials contained in these receptacles would be removed from the site as quickly as possible. Solid waste would be collected and disposed of properly by an approved contractor.

#### **5.10 Human Health and Safety**

A buffer zone surrounding the construction area would be established to ensure the health and safety of the public. Federal OSHA regulations would be fully complied with, and an onsite emergency plan would be developed in the case of a dangerous natural event or construction accident. Contractors would be trained in emergency response and safety measures.

## 6 Agencies, Organizations, and Persons Consulted

### 6.1 Introduction

CBP is committed to communicating with the public to help ensure that potentially affected communities and other interested parties understand proposed actions and are given opportunities to participate in decisions that may affect them. To that end, CBP made the draft Ponce Marine Unit EA and Draft FONSI available for public review, providing stakeholders with the opportunity to comment.

### 6.2 Draft Environmental Assessment

A Notice of Availability was published in the *La Perla del Sur* newspaper on October 31 and November 7, 2018, which informed the public of the opportunity to comment on the Draft EA and Draft FONSI. Both documents were available for comment on CBP's website (<http://www.cbp.gov/about/environmental-cultural-stewardship/nepa-documents/docs-review>) and in hardcopy at the following location:

Ponce Municipal Library (Mariana Suarez De Longo Municipal)  
Miguel Pou Boulevard  
Ponce, PR 00733

Comments on the Draft EA and FONSI must have been submitted during the 30-day comment period and received by November 30, 2018. Comments submitted by mail were to be addressed to:

Joseph Zidron  
Real Estate and Environmental Branch Chief  
Border Patrol & Air and Marine Program Management Office  
24000 Avila Road, Suite 5020  
Laguna Niguel, CA 92677

Comments could have also been emailed to [joseph.zidron@cbp.dhs.gov](mailto:joseph.zidron@cbp.dhs.gov) with the email subject line "CBP Ponce Pier and Ramp EA."

CBP received two comment letters during the 30-day review period. A copy of these letters along with CBP's responses are provided in Appendix B.

### 6.3 Consultations

Certain statutes, such as the ESA (16 U.S.C. § 1531 et seq.), MMPA of 1972 (16 U.S.C. Chapter 31), NHPA (16 U.S.C. § 470 et seq.), and the CWA (33 U.S.C. § 1251 et seq.), require consultation and coordination by CBP with Federal, state, and local agencies. CBP conducted natural resource and cultural surveys of the proposed project area to collect information on plant and animal species, habitat, and cultural resources that might be present.

Natural resource consultations relate to the potential for the Proposed Action to disturb sensitive species or habitats. The project area is approximately 2.65 acres – comprised of 1.05 acres of land and 1.6 acres of water, where no federally threatened or endangered species have been identified as occurring within this area.

Copies of the consultation and coordination letters are provided in Appendix A. During the consultation process BMPs and mitigation measures were identified. These are outlined in the correspondence letters in Appendix A and Section 5 of this Final 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.

Cultural resource consultations pertain to the potential to encounter important cultural resources and archaeological sites during the Proposed Action. CBP coordinated with the Puerto Rico Oficina Estatal de Conservación Histórica, as required by Section 106 of the NHPA. Copies of the consultation and coordination letters are provided in Appendix A.

CBP will also obtain a Section 404 CWA permit from USACE, as well as, necessary permits from the government of Puerto Rico, prior to construction. CBP submitted the Application for Environmental Recommendation to the Puerto Rico OGPe in December 2018. CBP received the approved permit application in January 2019, which also included various conditions. CBP will comply with the approved permit and will continue to work with OGPe prior to beginning construction. Additionally, CBP coordinated with the Puerto Rico DNER regarding the Categorization of Natural Habitats for Wildlife and will implement agreed upon mitigation measures as a result of the correspondence.

#### 6.4 Distribution

CBP provided a letter informing the following stakeholders of record, as listed below, of the availability of the Draft EA for the Replacement of the Pier and Boat Ramp at the Ponce Marine Facility. A copy of this letter is included in Appendix B.

- 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 (NRCS)
- Puerto Rico Aqueduct and Sewer Authority
- Puerto Rico Department of Agriculture (Departamento de Agricultura)
- Puerto Rico Department of Economic Development and Commerce
- Puerto Rico DNER (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
- U.S. Department of Transportation / Federal Highway Administration (FHWA)
- Municipality of Ponce (Gobierno de Puerto Rico Municipio Autonomo de Ponce Oficina de Ordenación Territorial)

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## 7.1 Code of Federal Regulations

36 CFR § 60.4, National Register of Historic Places, Criteria for Evaluation.

36 CFR § 800.5, Advisory Council on Historic Preservation, Protection of Historic Properties, Assessment of Adverse Effects.

40 CFR Part 51, Environmental Protection Agency, Requirements for Preparation, Adoption, and Submittal of Implementation Plans.

40 CFR Part 91, Environmental Protection Agency, Control of Emissions from Marine Spark-Ignition Engines.

40 CFR Part 93, Environmental Protection Agency, Determining Conformity of General Federal Actions to State or Federal Implementation Plans.

40 CFR Part 260, Environmental Protection Agency, Hazardous Waste Management System, General.

40 CFR Parts 750 and 761, Environmental Protection Agency, Toxic Substances Control Act.

40 CFR Part 763, Environmental Protection Agency, Asbestos.



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40 CFR Parts 1500–1508, Council on Environmental Quality, Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act.

49 CFR Parts 105–180, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, Hazardous Materials Regulations.

## 7.2 Executive Orders

Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks, April 23, 1997.

## 7.3 United States Code

16 U.S.C. § 470 et seq., National Historic Preservation Act.

16 U.S.C. § 703 et seq., Migratory Bird Treaty Act.

16 U.S.C. § 1451 et seq., Coastal Zone Management Act of 1972.

16 U.S.C. § 1531 et seq., Endangered Species Act of 1973.

16 U.S.C. § 6401 et seq., Coral Reef Conservation Act of 2000.

29 U.S.C. § 651 et seq., Occupational Safety and Health Act of 1970.

33 U.S.C. § 1251 et seq., Clean Water Act of 1972.

42 U.S.C. § 4321 et seq., National Environmental Policy Act of 1969.

42 U.S.C. § 6901 et seq., Resource Conservation and Recovery Act of 1976.

42 U.S.C. § 7401 et seq., Clean Air Act of 1970.

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## 8 List of Preparers

### U.S. Customs and Border Protection

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EA Responsibilities: *Real Estate and Environmental Branch Chief, Border Patrol & Air and Marine Program Management Office*

**Lauri Regan**

EA Responsibilities: *EA Project Manager, Border Patrol & Air and Marine Program Management Office*

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**Kaitlyn Carter**

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**Natalie Fike**

EA Responsibilities: *Technical Editor*

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EA Responsibilities: *Water Resources, Biological Resources, Utilities and Infrastructure and Geological Resources Lead*

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**John Ruffing**

EA Responsibilities: *Manager, Chapter 1—"Purpose and Need for the Action"; Chapter 2—"Purpose and Need for the Action"*

Education: *BS, Environmental Resource Management, Pennsylvania State University*

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**Amy Stewart**

EA Responsibilities: *Document Production Lead*

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*Environmental Assessment for the Replacement of the Pier and Boat Ramp at the U.S. Border Patrol & Air and Marine Facility, Ponce, Puerto Rico*

**Audra Upchurch, PMP, CEP**

EA Responsibilities: *Quality Manager; Manager, Chapter 8—"List of Preparers"; Appendix A—Consultation and Coordination Letters*

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EA Responsibilities: *Manager, Chapter 3—"Affected Environment and Environmental Consequences"; Document Manager*

Education: MEM, Environmental Management, Duke University;  
BA, Environmental Studies and Policy, Hendrix College

Experience: 10 years

## Appendix A. Federal and State Agency Consultation and Coordination Letters

The consultation letters and responses are provided below.



## A.1 U.S. Fish and Wildlife Service (USFWS)

### CBP Letter to USFWS, January 2017

1300 Pennsylvania Avenue NW  
Washington, DC 20229



**U.S. Customs and  
Border Protection**

JAN 26 2017

Dr. José A. Cruz-Burgos  
Caribbean Endangered Species Program Coordinator  
Caribbean Ecological Services Field Office  
P.O. Box 491  
Road 301, KM 5.1  
Boquerón, PR 00622  
Email: jose\_cruz-burgos@fws.gov

**Subject:** Early Endangered Species Act Section 7 Consultation and General Project Information related to the Air and Marine Facilities (AMF), U.S. Customs Border Protection (CBP) Ramey Sector, Puerto Rico, Ponce Replacement Pier and Boat Ramp

Dear Dr. José A. Cruz-Burgos:

The U.S. Department of Homeland Security (DHS), CBP is proposing to construct a replacement pier and boat ramp at the U.S. Coast Guard (USCG) Ponce Boathouse located at 41 Bonaire Street, Ponce, Puerto Rico 00716 (Latitude: N 17° 58.734303' Longitude: W 66° 37.196585') (see **Attachment 1**). A general description of the proposed project is provided in subsequent paragraphs. CBP has retained the services of HDR to complete the environmental permitting process, including the completion biological surveys of the proposed project area. While the project is in the early planning stages, the purpose of this letter is to inform the U.S. Fish and Wildlife Service (USFWS) about the project and initiate informal consultation in accordance with Section 7(a)(2) of the Endangered Species Act.

CBP, with the support of USACE, is planning to design and construct a new pier and boat ramp capable of supporting operations for a minimum of two SAFE™ 410 Apostle Vessels docked simultaneously, and constructed a minimum of 3 feet above the mean high water level. The pier would be constructed of cast-in-place reinforced concrete, and would be a minimum of 15 feet wide over its entire length. The location of the pier will either be east of the USCG Ponce Boathouse property line (at or near to the existing pier and boat ramp) (Pier Option A), or south of the USCG Ponce Boathouse property line, pending final approvals (Pier Option B). The project includes replacing the existing boat ramp to permit the safe launch and recovery of 45-foot-long trailered marine vessels at mean low water.

The project will obtain a permit under Section 404 of the Clean Water Act and as part of that process, CBP plans on presenting a brief description of the proposed project at an upcoming U.S. Army Corps of Engineers (USACE) interagency meeting. At that time we would like to discuss the results of the biological surveys conducted by HDR and CSA Ocean Sciences, Inc., as well as any concerns that USFWS might have regarding the project's potential impacts on protected species.

Dr. José A. Cruz-Burgos  
Page 2

Should you have any questions about the proposed project, please contact Audra Upchurch at (202) 748-4435 or by email at [audra.upchurch@cbp.dhs.gov](mailto:audra.upchurch@cbp.dhs.gov).

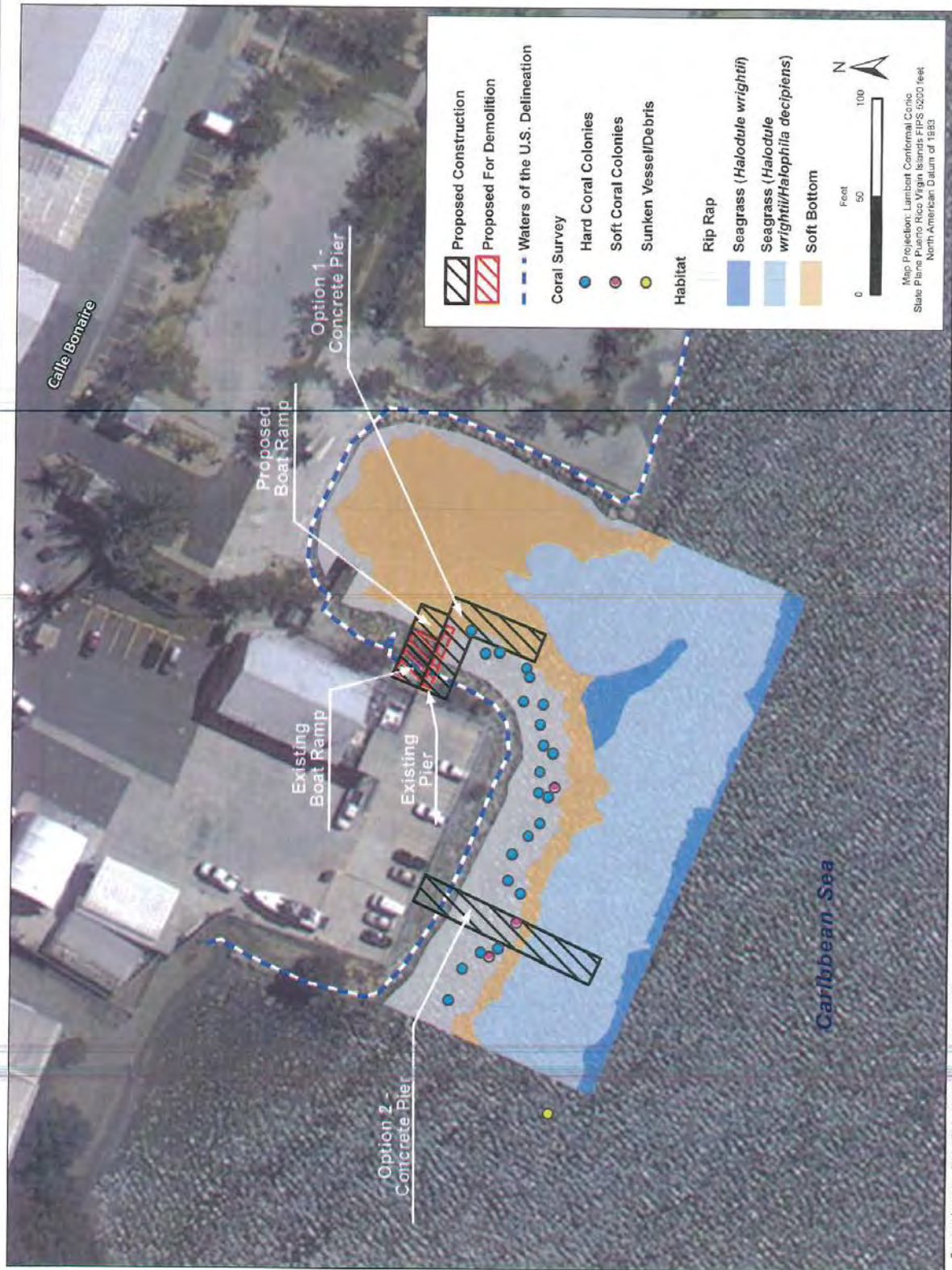
Thank you for your consideration on this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Enriquez".

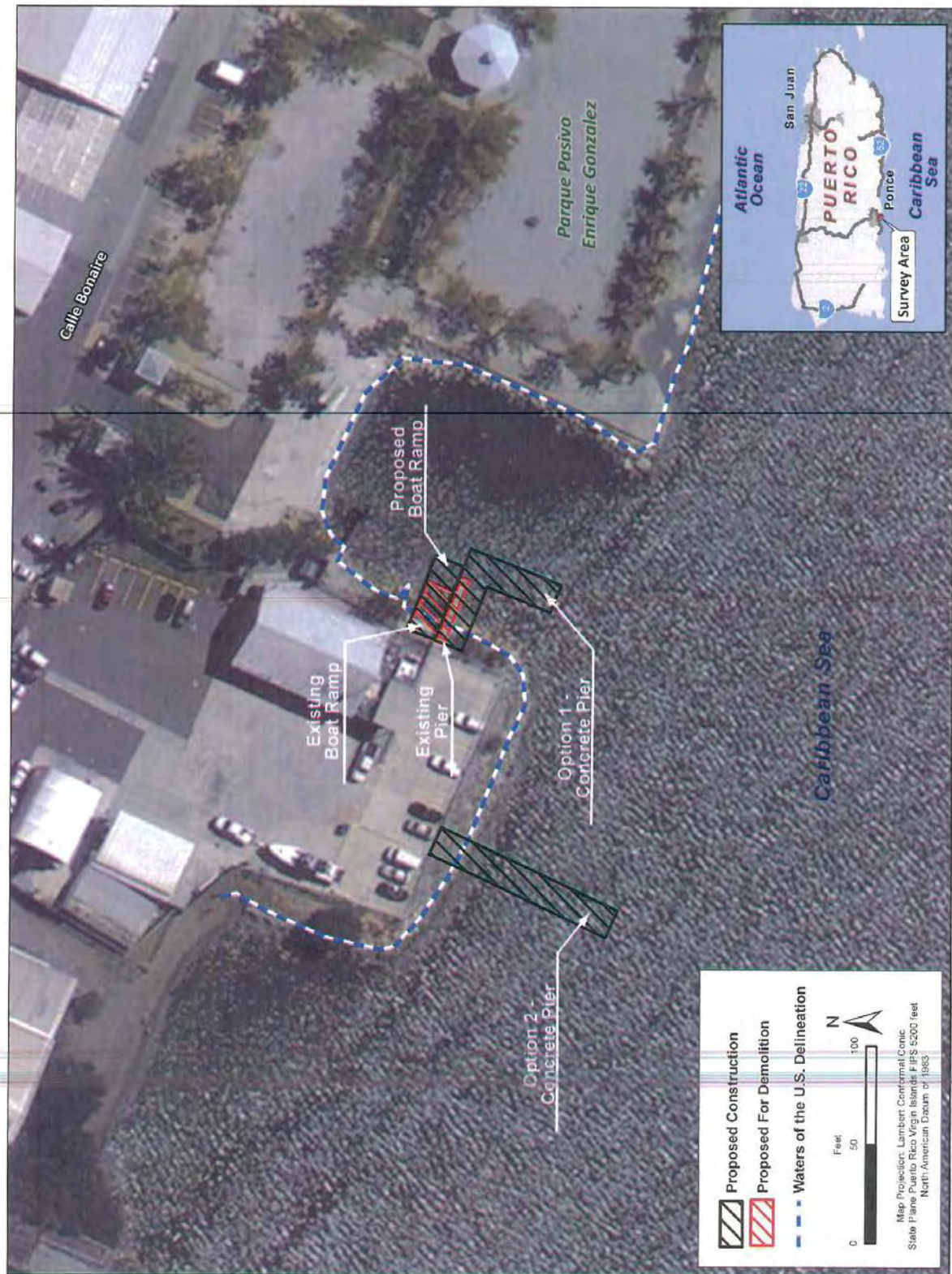
Paul Enriquez  
Real Estate and Environmental Branch Chief  
Border Patrol and Air & Marine  
Program Management Office

Enclosure(s)



Sources: Imagery - Digital Globe (2010); Survey Area and Waters of the U.S. Delineation - HDR (2016).





Sources: Imagery - DigitalGlobe (2010); Survey Area and Waters of the U.S. Delineation - HDR (2016).



## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

Caribbean Ecological Services

Field Office

P.O. Box 491

Boqueron, PR 00622

**MAR 02 2017**



In Reply Refer To:  
FWS/R4/CESFO/72113-101

Mr. Paul Enriquez  
Real Estate and Environmental Branch Chief  
Border Patrol and Air & Marine  
U.S. Customs and Border Protection  
1300 Pennsylvania Avenue NW  
Washington, DC 20229

Re: U.S. Customs Border Protection pier  
and boat ramp replacement.

Dear Mr. Enriquez:

We have reviewed your request for information regarding endangered and threatened species and their habitats for the above referenced action. Our comments are provided under the Endangered Species Act (Act) (87 Stat. 884, as amended; 16 United States Code 1531 *et seq.*), and in accordance with the Fish and Wildlife Coordination Act (47 Stat. 401, as amended; 16 U.S.C. 661 *et seq.*).

The proposed project consists of the construction of a pier and a boat ramp at the U.S. Coast Guard Ponce Boathouse located at 41 Bonaire Street, Ponce, Puerto Rico. The pier would be constructed of cast-in-place reinforced concrete, and would be a minimum of 15 feet wide over its entire length. Also, the project would include the replacement of an existing boat ramp.

The proposed action lies within the habitat of the endangered Antillean manatee (*Trichechus manatus manatus*). The Service has developed recommendations with the purpose of assisting other agencies, private organizations and community to avoid or minimize adverse impacts on Antillean manatees during project development in an area where the manatee may occur. Please find Service's recommendation attached to this letter. These recommendations should be included in the project permit conditions and implemented during construction and operations.

Based on the above, we believe that the proposed project is not likely to adversely affect federally-listed species under the jurisdiction of the Fish and Wildlife Service. Thank you for the opportunity to comment on this project. We appreciate your interest in protecting

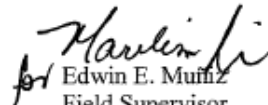


Mr. Enriquez

2

endangered species and their habitats. If you have any questions or require additional information, please do not hesitate to contact Angel Colón at 787-851-7297.

Sincerely yours,

  
for Edwin E. Muffiz  
Field Supervisor

agcs

Enclosure: USFWS January 2012 Technical Assistance to Evaluate Effects on Antillean Manatees

cc  
COE, San Juan  
DRNA, San Juan



U.S. FISH & WILDLIFE SERVICE  
CARIBBEAN ECOLOGICAL SERVICES FIELD OFFICE  
JANUARY 2012

#### **TECHNICAL ASSISTANCE TO EVALUATE EFFECTS ON ANTILLEAN MANATEES**

The Service considers shallow coastal areas, bays, estuaries, river mouths and mangrove lagoon ecosystems as important for the conservation of the Antillean manatee because these areas contain all the natural elements preferred by manatees: abundant sea grass relatively calm waters, sheltered spots, and freshwater sources, as well as a relatively low number of boats within the bay. Actions proposed for these areas should be carefully examined, to ensure that elements required by this species are not compromised.

To evaluate the potential effect of proposed action on manatees, we need the applicants to address the following issues:

1. Type and amount of watercraft associated to the project
2. Amount of boat facilities (e.g. ramps, piers, dry-stacks, buoys, among others)
3. Amount of habitat to be affected (e.g. acres of sea grasses and/or mangroves)
4. Provisions / restrictions to be taken to prevent collisions with manatees (e.g. delineation of an entrance channel, marking buoys, navigation aids, among others).
5. Outreach efforts to be implemented concerning boat operation. One of the main components of a successful operation of facilities that implement mechanisms to safeguard threatened and endangered species is a comprehensive outreach program that clearly indicates to the public 1) the actions that the facility is undertaking to protect such species (including assurances on the implementation of protection measures), and 2) the activities that the public should take to minimize or prevent impacts to sensitive species and their habitats. Guidelines for safe operation of watercrafts should be included as part of the outreach/education component of the proposed project (example attached below).
6. Any other site-specific conservation measure applicable for the project.

#### **EXAMPLE OF CONSERVATION MEASURES FOR IN-WATER PROJECTS (INCLUDING DREDGING ACTIVITIES)**

The following manatee conservation measures are recommended:

1. The contractor instructs all personnel associated with construction of the facility of the presence of manatees and the need to avoid collisions with manatees.
2. All construction personnel will be advised that there are civil and criminal penalties for harming, harassing, or killing manatees, which are protected under the Endangered Species Act of 1973 and the Marine Mammal Protection Act of 1972. The permit holder and/or contractor will be held responsible for any manatee harmed, harassed, or killed as a result of construction of the project.

3. The project work area shall be surveyed for the presence of manatees at least one hour before any dredging starts and prior to the installation of the silt fence. If manatees are found before any in-water project activity starts, the contractor shall wait for the manatee to leave the area by itself and be at least 100 feet from the project in-water area. Manatees must not be herded or harassed into leaving the area.
4. Siltation barriers will be made of material in which manatee cannot become entangled, are properly secured, and are regularly monitored to avoid manatee entrapment. Barriers must not block manatee entry to or exit from essential habitat.
5. All vessels associated with the project construction will operate at "no-wake/idle" speed at all times while in water within manatee areas and vessels will follow routes of deep water whenever possible.
6. If manatees are seen within 100 yards (300 feet) of the in-water work area, all appropriate precautions shall be implemented to ensure protection of the manatees. These precautions shall include operating all equipment in such a manner that moving equipment does not come any closer than 50 to 100 feet of any manatee. If a manatee is within 50 feet of in-water work, all in-water activities must shut down, until manatee moves on its own at least 100 feet away from the in-water work area. Manatees must not be herded or harassed into leaving the area.
7. Any collision with and/or injury to a manatee shall be reported immediately to the Department of Natural and Environmental Resources Law Enforcement (787-724-5700) and the USFWS Caribbean Ecological Services Field Office (787-851-7297).
8. The contractor shall keep a log detailing sightings, collisions, or injury to manatees, which have occurred during the contract period. Following project completion, a report summarizing the above incidents and sightings will be submitted to the U.S. Fish and Wildlife Service, Caribbean Ecological Services Field Office, P.O. Box 491, Boquerón, Puerto Rico 00622.
9. The permit holder and/or contractor shall install and maintain temporary and permanent manatee signs as recommended by the following guidelines:
  - a. Signs must be placed in a prominent location for maximum visibility. Areas that are recommended include: dock walkways, dock master offices, near restrooms or other high patron foot traffic areas.
  - b. Signs must be replaced when faded, damaged or outdated.
  - c. If the facility is large or has multiple docks with separate walkways that are a considerable distance apart, multiple signs should be installed.
  - d. These signs must not face the water, must never be attached to pilings or navigational markers in the water. Some exceptions to signs facing the water exist for temporary signs during in-water work.
  - e. For durability, all signs should be fiberglass, PVC or metal with rounded corners (hand-sanded to remove all sharp edges and burrs), constructed of 0.08 Gauge 5052-H38 Aluminum with an Alodine 1200 conversion coating and Engineer Grade Type I reflective sheeting. Signs constructed to other specifications may not provide durability acceptable to the consumer.
  - f. Signs other than depicted may be considered, but should be approved by USFWS.

**PRECAUCIÓN: HÁBITAT DE MANATÍ**  
**CAUTION: MANATEE HABITAT**

**Toda embarcación**  
**VELOCIDAD MÁXIMA 5MPH**  
All project vessels **IDLE SPEED/NO WAKE**

Si observa un manatí a 50 pies o menos del área de trabajo,  
toda actividad en el agua debe

**DETENERSE**

When a manatee is within 50 feet of work all in-water activities must **SHUT DOWN**

Informe cualquier accidente con un manatí.  
Report any collision with or injury to a manatee.



**Vigilantes DRNA**  
**(787)724-5700**

This **temporary** bilingual sign is required as part of the standard manatee construction conditions and is intended to be placed near dredge, tugboat and work boat operators. Minimum size should be at least 8½" inches tall by 11" inches wide, and besides the above recommendation, the sign may be in laminated paper. This sign shall be installed or distributed prior to the initiation of construction. Temporary signs will be removed by the permit holder upon completion of construction.

To obtain a ready to print copy of this sign, please contact the USFWS Caribbean Ecological Services Field Office at 787-851-7297 ext. 220 or by email at [jan\\_zegarra@fws.gov](mailto:jan_zegarra@fws.gov)

**PRECAUCIÓN**  
**Manatíes en el Área**  
Caution: Watch for Manatees



**VELOCIDAD MÁXIMA 5MPH**  
**IDLE SPEED/NO WAKE**

Informe cualquier accidente con un manatí.

**Vigilantes DRNA**  
**(787) 724-5700**

Report collisions, sick, dead or injured manatees.

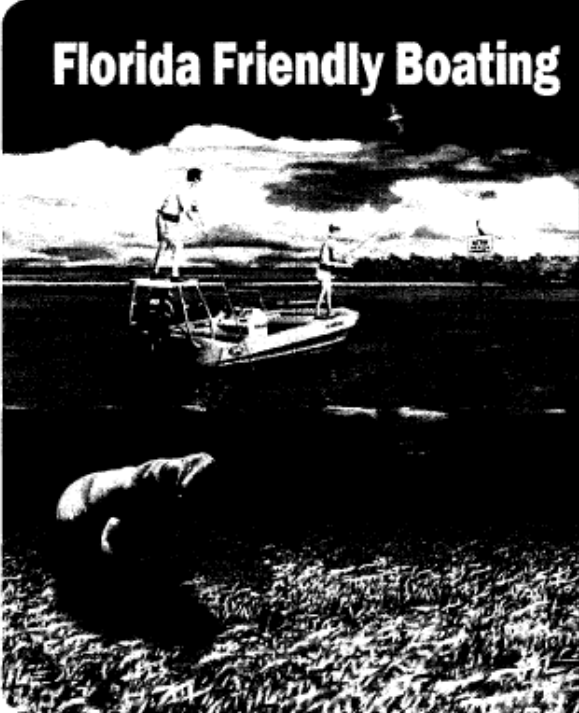
This **permanent** bilingual sign is required as part of the standard manatee construction conditions and is intended to be placed within docking and launching facilities. Minimum size should be at least 30" inches tall by 24" inches wide with rounded corners. This sign shall be installed prior, during or after project construction. This permanent sign may not be required for coastal projects that **do not** have docking and/or launching facilities.

To obtain a ready to print copy of this sign, please contact the USFWS Caribbean Ecological Services Field Office at 787-851-7297 ext. 220 or by email at [jan\\_zegarra@fws.gov](mailto:jan_zegarra@fws.gov)



10. A permanent bilingual manatee educational sign should be installed and maintained prior to mooring occupancy at a prominent location to increase the awareness of boaters using the facility of boats to these animals. The numbers of educational signs that may be installed will depend on the docking facility design. One manatee educational sign is recommended at each boat ramp or travel lift (if applicable). Manatee educational signs remain the responsibility of the owner(s) and the Service recommends the signs be maintained for the life of the docking facility in a manner acceptable to the Corps of Engineers.

#### EXAMPLE MANATEE EDUCATIONAL SIGN



**Be friendly to wildlife**

• Before doing work activities, including mooring and boat work, look for manatees. Remember the 10-10-10 rule: 10 feet, 10 seconds, 10 minutes. Stay clear and out of the way of manatees. If you see a manatee, stop the boat and wait 10 minutes before proceeding. If you see a manatee, stop the boat and wait 10 minutes before proceeding. If you see a manatee, stop the boat and wait 10 minutes before proceeding.

**Look out below**

• Boaters with boats can have injury and death among manatees, sea turtles and dolphins.

• Manatees are an endangered species native to Florida, and are designated as the State's official marine mammal. They are in fact, graceful and calm water creatures, and not aquatic vegetation such as manatees. If you see a manatee, stop the boat and wait 10 minutes before proceeding. If you see a manatee, stop the boat and wait 10 minutes before proceeding. If you see a manatee, stop the boat and wait 10 minutes before proceeding.

**How to recognize a manatee's presence**

- Look for a tail or dorsal fin above the water.
- Look for a tail or dorsal fin above the water.
- Look for a tail or dorsal fin above the water.

**How to recognize a sea turtle's presence**

- Look for a tail or dorsal fin above the water.
- Look for a tail or dorsal fin above the water.
- Look for a tail or dorsal fin above the water.

**What boaters can do**

- While boating, stay clear of manatees. Manatees are in fact, graceful and calm water creatures, and not aquatic vegetation such as manatees. If you see a manatee, stop the boat and wait 10 minutes before proceeding. If you see a manatee, stop the boat and wait 10 minutes before proceeding. If you see a manatee, stop the boat and wait 10 minutes before proceeding.
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**Wear a life jacket**

**Wildlife Alert:**  
1-888-404-FWCC (3922)  
call \*FWC or #FWC

Report manatee, sea turtle or dolphin sightings to the FWC, and any violations to boating law violations.

For more information go to [FWC.com](http://FWC.com)

This **permanent** educational sign should have a minimum size of at least 30" inches tall by 36" inches wide with rounded corners.

11. A notarized verification letter stating that permanent signs have been installed at designated locations shall be forwarded to the Corps of Engineers, Antilles Regulatory Section, as soon as they are installed. Signs and pilings remain the responsibility of the owner(s) and are to be maintained for the life of the docking and launching facility in a manner acceptable to the Corps of Engineers.
12. Signs other than depicted above may be considered, but should be approved by USFWS. Signs shall have at least the following minimal recommend information:
- a. Temporary bilingual signs:

**PRECAUCIÓN**

**MANATÍES EN EL ÁREA**

Mantenga velocidad de 5 mph dentro del área de construcción  
Informe cualquier incidente con un manatí  
Vigilantes DRNA 787-724-5700

**CAUTION**

**MANATEES IN THE AREA**

Maintain idle speed/no wake (5 mph) within construction site  
Report any collisions with or injury to a manatee

- b. Permanent bilingual signs:

**PRECAUCIÓN**

**MANATÍES EN EL ÁREA**

Velocidad máxima 5 mph  
Informe cualquier incidente con un manatí  
Vigilantes DRNA 787-724-5700

**CAUTION**

**MANATEES IN THE AREA**

Idle speed/No wake (5 mph) zone  
Report collisions, sick, dead or injured manatees

- c. Permanent bilingual educational sign and some of the of the recommended information it should include:

**GUÍA PARA LA PROTECCIÓN Y CONSERVACIÓN DEL MANATÍ  
(MANATEE PROTECTION AND CONSERVATION GUIDELINES)**

1. Utilice gafas polarizadas mientras navega. Éstas ayudan a detectar mejor al manatí, las áreas llanas y cualquier obstáculo en el mar. *(Use polarized sunglasses while navigating. These help to detect any manatee, shallow waters and any other obstacle in the water.)*
2. Si usted ve un manatí en la trayectoria de su embarcación, reduzca la velocidad a 5 mph y conduzca la embarcación fuera del paso del manatí o espere a que el manatí salga del área poniendo su embarcación en neutro. *(If you see a manatee within the*

*path of your vessel, reduce the velocity to 5 mph and turn your vessel away from the manatee's path or wait until the manatee has moved from the area by putting your vessel in neutral.)*

3. Luego de asegurarse de que el manatí esté fuera de la trayectoria de su embarcación, continúe navegando despacio (no más de 5 mph) hasta que su embarcación se encuentre a no menos de 50 pies (15 metros) del manatí. *(After you are certain that the manatee is well outside of the path of your vessel, resume navigation slowly (not more than 5 mph) until your vessel is not less than 50 feet (15 meters) away from the manatee.)*
4. Obedezca las zonas con límites de velocidad y reduzca la velocidad en aguas llanas menores a 10 pies de profundidad en particular cerca de la costa, en las desembocaduras de ríos, en praderas de hierbas marinas y manglares. *(Obey regulatory speed zones and reduce velocity in shallow waters less than 10 feet, particularly close to the coast, in river mouths, in sea grass beds and mangroves.)*
5. Si observa un manatí mientras usted está en el agua, obsérvelo pasivamente, no lo persiga, acose o lo toque. *(If you observe a manatee while in the water, passively observe it, do not follow it, nor harass or touch.)*
6. No tire basura al agua. El manatí puede ingerirla o enredarse en ella, lo cual podría causarle heridas o la muerte. *(Do not throw trash in the water. Manatees may ingest or entangle on trash, which may injure or kill it.)*
7. Nunca alimente o le ofrezca agua a un manatí. Es ilegal y los malacostumbra a acercarse a lugares donde pueden ser lastimados. *(Never feed or give water to a manatee. It is illegal and will wrongly habituate them to approach areas where they can be injured.)*

Informe accidentes con un manatí inmediatamente. Si encuentra un bebé manatí solo, en peligro, herido o muerto, llame al Cuerpo de Vigilantes del Departamento de Recursos Naturales y Ambientales al 787-724-5700 o al Programa de Rescate de Mamíferos Marinos al 787-833-2025, 787-538-4684 ó 787-645-5593. *(Inform any accident with a manatee immediately. If you find a baby manatee alone, in danger, injured or dead, call the Department of Natural and Environmental Resources Law Enforcement at 787-724-5700 or the Marine Mammal Rescue Program at 787-833-2025, 787-538-4684 or 787-645-5593.)*

Herir o matar un manatí puede conllevar multas de más de \$50,000 y/o no menos de dos años de cárcel. ¡EVÍTESE ESE RIESGO!  
*(Harming or killing a manatee could carry fines of more than \$50,000 and/or not less than two years in prison. AVOID THIS RISK!)*

**GRACIAS POR AYUDAR A SALVAR LOS MANATÍES  
THANKS FOR HELPING SAVE THE MANATEES**



U.S. Customs and  
Border Protection

October 30, 2018

Mr. Edwin E. Muñiz  
Field Supervisor  
Carr 301, KM 5.1, BO Corozo  
Boqueron, PR 00622

**SUBJECT: FWS/R4/CESFO/72113-101**  
**U.S. Customs and Border Protection Draft Environmental Assessment (EA)**  
**and Draft Finding of No Significant Impact (FONSI) for the Replacement of**  
**the Pier and Boat Ramp at the U.S. Border Patrol & Air and Marine Facility,**  
**Ponce, Puerto Rico**

Dear Mr. Muñiz,

U.S. Customs and Border Protection (CBP), a component of the U.S. Department of Homeland Security (DHS), has prepared a Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) for the proposal to demolish and remove the temporary structure, remove the original concrete pier, construct a new pier, replace an existing boat ramp, and continued operation and maintenance of the CBP Ponce Marine Unit facility in Ponce, Puerto Rico. The Draft EA complies with National Environmental Policy Act (NEPA) of 1969, 42 United States Code (USC) 4321 et seq., the Council on Environmental Quality regulations in 40 Code of Federal Regulations (CFR) Parts 1500-1508, and DHS Instruction Manual 023-01-001-01, rev. 01 "Implementation of the National Environmental Policy Act." This letter:

- Requests comments on the Draft EA and Draft FONSI (50 CFR Section 1503.1),
- Responds to your letter dated March 2, 2017, and
- Requests your concurrence that the project is not likely to adversely affect listed species and designated critical habitat under the U.S. Fish and Wildlife Service (USFWS) jurisdiction in accordance with Section 7(a) of the Endangered Species Act (ESA).

Our initial ESA Section 7 consultation letter dated January 26, 2017, provided two location options and some details on the construction of the proposed pier and boat ramp. We have improved details on the construction and location of the pier based on the final design. Details on the construction and operation of the pier and boat ramp are summarized below and Section 2 of the Draft EA provides a detailed description of the proposed project. Attachment 1 provides the general design and location of the proposed pier and boat ramp replacement.

CBP proposes to replace and upgrade the pier and boat ramp at the Ponce Marine Unit facility located at 41 Bonaire Street, Ponce, Puerto Rico 00716. The Draft EA evaluates the potential



impacts of the demolition and removal of a temporary pier, removal of the original pier, construction of a new pier, and replacement of the boat ramp facilities 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 on the south shoreline of the Ponce Marine Unit facility (see enclosed maps) (see **Figure 1**).

Under the proposed action, a concrete boat ramp lengthened from 36 to 56 feet would replace the existing boat ramp. The new ramp would have a varying slope from 7 to 13 percent, whereas 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 (Ford F-550 Crew Cab and SAFE 410 Apostle Vessel, respectively). Prior to demolition and construction of the boat ramp, a cofferdam built from a single row of sheet piles would be installed across the inlet and pumped dry to allow casting of the new concrete boat ramp (see **Figure 2**). Dredging is not anticipated to be required.

During Hurricane Maria, the original concrete pier was displaced and a temporary structure was installed in its previous location. Under the Proposed Action, the temporary structure and the original concrete pier would be removed, once the inlet is dewatered. This includes first removing the top of the temporary structure and then removing the PVC pipes using a nominal-sized backhoe and chain, and hauling the original concrete pier away from the project area. Additionally, riprap adjacent to the pier and boat ramp locations would be removed prior to construction and replaced after construction is complete. The new pier, constructed south of the Ponce Marine Unit, would total approximately 205 feet from the landward curb and fence line, not including the sloping entrance ramp and fenced entry point. The width is 10 feet.

The pier would be constructed with sixteen 18-inch-diameter hollow cylindrical steel piles in waters of the United States (12 pier piles and 4 mooring dolphin piles), two 18-inch-diameter steel piles on land, and concrete cast-in-place and pre-cast components. There would be one additional sacrificial tension pile on land. Each pile would be approximately 100 feet in length, but the final length would be dictated by the project's specifications. While the pile driving method has not been selected, a vibratory driver would be used if possible, and an impact hammer would only be used if necessary. A pile cushion would be used during impact hammering and ramp-up procedures or pile tapping would be used at the beginning of pile driving. The pilings would be inserted into the subsurface floor using a barge-mounted diesel pile-driving rig, tugboat, and other tending boats as required.

The piles would be coated in bitumen and filled with grout once driven. The top 19 feet of the piles would be reinforced with a cage extending into the cast-in-place concrete pile caps. These pile caps would be 50 inches high from underside to the top deck, 53 inches wide, and approximately 11 feet long.

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 multiple 30-foot spans would include horizontal rubber fenders and deck cleats for vessel mooring.

In addition to the four 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, going across 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 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. The pier would be accessed via a new personnel gate installed in the existing chain link fence surrounding the facility.

We intend to implement the recommendations provided in your March 2, 2017 letter in order to avoid effects on the endangered Antillean manatee (*Trichechus manatus manatus*). Additionally, a protected species observer would be present during pile driving activities to monitor for any protected species that might potentially enter a 100-yard buffer zone around the pile driving area. Shut-down procedures would be implemented if protected species are observed in the 100-yard buffer zone. Pile driving would only occur during daytime hours.

Based on our review of the new details for the proposed pier and boat ramp replacement and implementation of USFWS recommendations and BMPs, the determination that the project is not likely to adversely affect the Antillean manatee remains unchanged from your March 2, 2017 letter. In accordance with 50 CFR 402.13, CBP requests your concurrence that the project is not likely to adversely affect listed species and designated critical habitat under from the USFWS jurisdiction.

Copies of the Draft EA and Draft FONSI can be downloaded from the Internet at <http://www.cbp.gov/about/environmental-cultural-stewardship/nepa-documents/docs-review> and hard copies can be reviewed at the following public location: Ponce Municipal Library (Mariana Suarez De Longo Municipal), Miguel Pou Boulevard, Ponce, PR 00733.

CBP also invites your comments on the Draft EA and Draft FONSI during the 30-day comment period beginning on October 31, 2018. Comments must be received by November 30, 2018, to be considered for incorporation into the Final EA. When submitting comments, please include your name and address, and identify your comments or email subject line as intended for the "CBP Ponce Pier and Boat Ramp EA." Submit your comments on the Draft EA and Draft FONSI by email to [joseph.zidron@cbp.dhs.gov](mailto:joseph.zidron@cbp.dhs.gov) or by mail to:

Mr. Joseph Zidron  
Real Estate and Environmental Branch Chief  
Border Patrol & Air and Marine Program Management Office  
24000 Avila Road, Suite 5020  
Laguna Niguel, CA 92677

Mr. Muñiz  
Page 4

If you have any questions or concerns please feel free to contact Mr. Zidron by phone at 949.643.6392, or via email at [joseph.zidron@cbp.dhs.gov](mailto:joseph.zidron@cbp.dhs.gov). Thank you for your cooperation and assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joseph Zidron", is written over a faint, circular official seal.

Joseph Zidron  
Real Estate and Environmental Branch Chief  
Border Patrol and Air and Marine Program Management Office  
U.S. Customs and Border Protection

Enclosure(s)





Figure 1. Overview of the CBP Ponce Pier and Boat Ramp Project, Ponce, Puerto Rico



Figure 2. Action Area for the CBP Ponce Pier and Boat Ramp Project, Ponce, Puerto Rico



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Caribbean Ecological Services

Field Office

P.O. Box 491

Boqueron, PR 00622



In Reply Refer To:  
FWS/R4/CESFO/72113-101

NOV 01 2018

Mr. Joseph Zidron  
Real Estate and Environmental Branch Chief  
Border Patrol & Air and Marine Program  
24000 Avila Road Suite 5020  
Laguna Nigel, CA 92677

Re: Replacement of Pier and Boat Ramp at facilities in  
Ponce, Puerto Rico

Dear Mr. Zidron:

This is in reply to your October 30, 2018, letter requesting our comments on the proposed replacement and upgrade of the pier and boat ramp facilities in Ponce, Puerto Rico which were damaged by Hurricane Maria. Our comments are issued in accordance with the Endangered Species Act (16 U.S.C. 1531 et seq as amended).

The Service originally provided comments on this project on March 2, 2017. The current proposal is to rebuild the boat ramp at its current location and extend the pier from 36 feet to 56 feet. Customs and Border Protection (CBP) will implement the conservation measures outlined in our 2017 letter for the Antillean manatee (*Trichechus manatus manatus*), be advised that these conservation measures also include permanent signage for manatee awareness of boat crews.

CBP has determined that the changes to the existing facility are not likely to adversely affect the Antillean manatee. Based on the information provided, we concur with your determination that the proposed action will not adversely affect the Antillean manatee. Therefore no further consultation is required. Nevertheless, if the project is modified or if information on impacts to listed species becomes available this office should be contacted concerning the need for the re-initiation of consultation under section 7 of the Act. If you have any questions, please contact Felix Lopez of my office at 787 851 7297 x 210.

Sincerely,

  
Edwin E. Muñiz  
Field Supervisor

cc:  
DNER, San Juan  
COE, San Juan



## A.2 NOAA Fisheries, Protected Resource Division (ESA Consultation)

### CBP Letter to NOAA Fisheries, January 2017

1300 Pennsylvania Avenue NW  
Washington, DC 20229



**U.S. Customs and  
Border Protection**

JAN 26 2017

Dr. Lisamarie Carrubba  
NOAA Fisheries  
Caribbean Field Office, PRD  
P.O. Box 1310  
Boquerón, PR 00622  
Email: lisamarie.carruba@noaa.gov

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**Subject:** Early Endangered Species Act (ESA) Section 7 Consultation and Project  
Information related to the Air and Marine Facilities (AMF), U.S. Customs Border  
Protection (CBP) Ramey Sector, Puerto Rico, Ponce Pier and Ramp

Dear Dr. Carrubba:

The U.S. Department of Homeland Security (DHS), CBP is proposing to construct a replacement pier and boat ramp at the U.S. Coast Guard (USCG) Ponce Boathouse located at 41 Bonaire Street, Ponce, Puerto Rico 00716 (Latitude: N 17° 58.734303' Longitude: W 66° 37.196585') (see **Attachment I**). A general description of the proposed project is provided in subsequent paragraphs. CBP has retained the services of HDR to complete the environmental permitting, including the completion of biological surveys of the proposed project area. While the project is in early planning stages, the purpose of this letter is to inform the National Marine Fisheries Service (NMFS) about the project and initiate informal in accordance with Section 7(a)(2) of the Endangered Species Act.

CBP, with the support of the U.S. Army Corps of Engineers (USACE) is planning to design and construct a new pier and boat ramp capable of supporting operations for a minimum of two SAFE™ 410 Apostle Vessels docked simultaneously and constructed a minimum of 3 feet above the mean high water level. The pier would be constructed of cast-in-place reinforced concrete and would be a minimum of 15 feet wide over its entire length. The location of the pier will either be east of the USCG Ponce Boathouse property line (at or near to the existing pier and boat ramp) (Pier Option A), or south of the USCG Ponce Boathouse property line, pending final approvals (Pier Option B). In order to permit the safe launch and recovery of 45-foot trailered marine vessels, during mean low water level, the project would include replacement of the existing boat ramp.

The project will obtain a permit under Section 404 of the Clean Water Act and as part of that process, we plan on presenting a brief description of the project in an upcoming U.S. Army Corps of Engineers (USACE) interagency meeting. At that time we would like to discuss the results of the biological surveys conducted by HDR and CSA Ocean Sciences, Inc. and any concerns that NMFS might have regarding the project's potential impacts on protected species.

Dr. Lisamarie Carrubba  
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Should you have any questions about the proposed project, please contact Audra Upchurch at (202) 748-4435 or by email at [audra.upchurch@cbp.dhs.gov](mailto:audra.upchurch@cbp.dhs.gov).

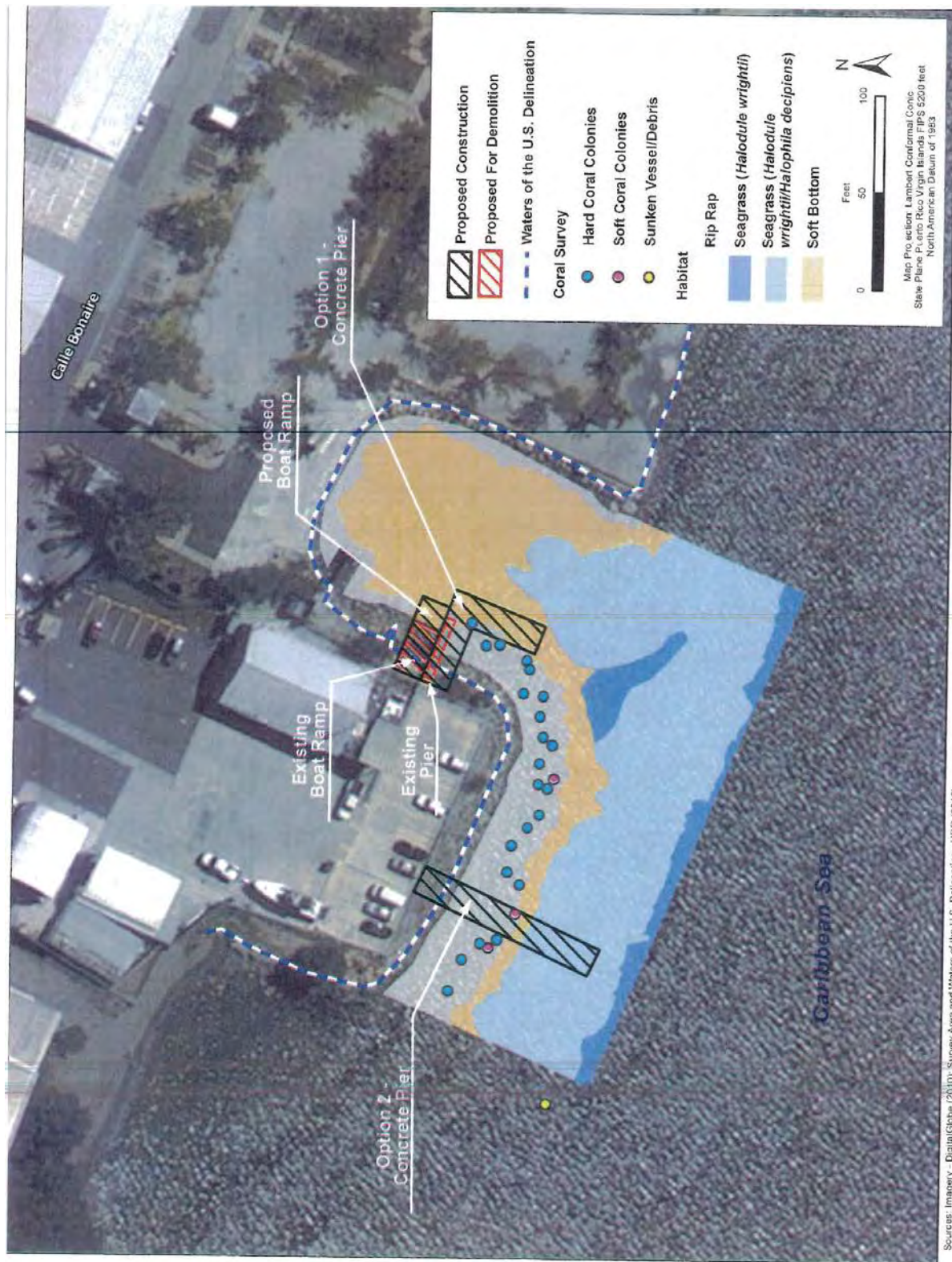
Thank you for your consideration on this request.

Sincerely,



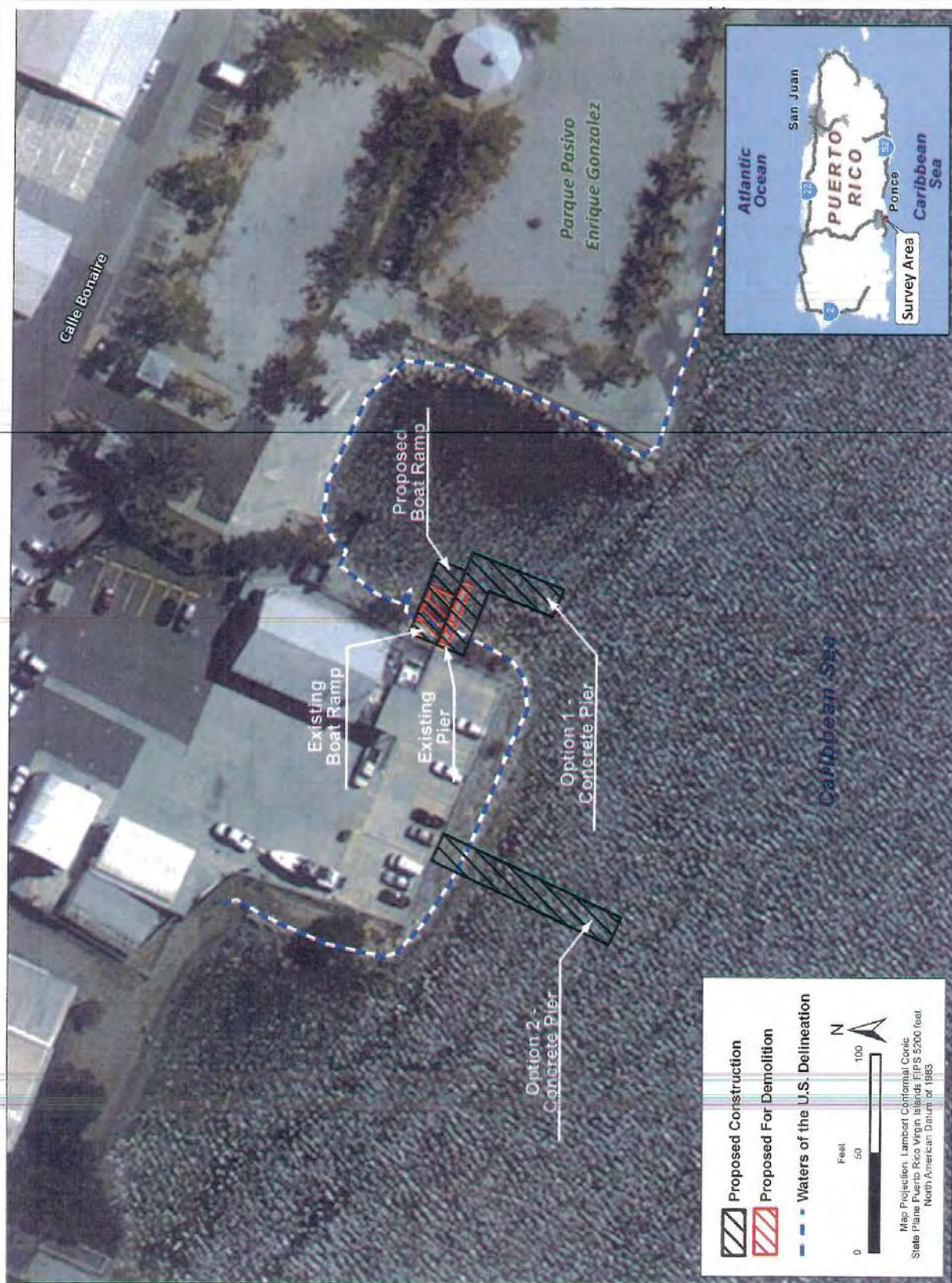
Paul Enriquez  
Real Estate and Environmental Branch Chief  
Border Patrol and Air & Marine  
Program Management Office

Enclosure(s)



Sources: Imagery - DigitalGlobe (2010); Survey Area and Waters of the U.S. Delineation - HDR (2016).





Sources: Imagery - DigitalGlobe (2010); Survey Area and Waters of the U.S. Delineation - HDR (2016).





U.S. Customs and  
Border Protection

October 30, 2018

Mr. Mark Lamb  
NOAA Fisheries  
Southeast Regional Office  
263 13th Avenue South  
St. Petersburg, FL 33701

**Project Name: U.S. Customs Border Protection Replacement of the Pier and Boat Ramp at the U.S. Border Patrol & Air and Marine Facility, Ponce, Puerto Rico**

Dear Mr. Mark Lamb:

U.S. Customs and Border Protection (CBP), a component of the Department of Homeland Security (DHS), has prepared a Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) for the proposal to demolish and remove the temporary structure, remove the original concrete pier, construct a new pier, replace an existing boat ramp, and continue operation and maintenance at its Ponce Marine Unit facility in Ponce, Puerto Rico. The Draft EA complies with National Environmental Policy Act (NEPA) of 1969, 42 United States Code (USC) § 4321 et seq., the Council on Environmental Quality regulations in 40 Code of Federal Regulations (CFR) §§ 1500–1508, and DHS Instruction Manual 023-01-001-01, rev. 01 "Implementation of the National Environmental Policy Act." This letter requests the following:

- Concurrence from National Oceanic and Atmospheric Administration National Marine Fisheries Service (NMFS or NOAA Fisheries) that the project is not likely to adversely affect listed species and designated critical habitat under NOAA Fisheries jurisdiction in accordance with Section 7(a) of the Endangered Species Act (ESA); and
- Comments on the Draft EA and Draft FONSI (50 CFR § 1503.1).

CBP previously initiated informal consultation with a letter dated January 26, 2017, and spoke to you about the project on a conference call on May 21, 2018. During this call, you provided technical advice and recommended that we provide our request for concurrence that the project is not likely to adversely affect listed species (if appropriate) in the same format used by U.S. Army Corps of Engineers (USACE), which is the template we used to develop this letter.

CBP has determined that the proposed project may affect but is not likely to adversely affect (NLAA) federally-listed species under NOAA Fisheries and their designated critical habitat, as described below, and is therefore requesting concurrence with our determinations pursuant to Section 7 of the ESA of 1973, as amended (16 USC § 1536), and the consultation procedures at 50 CFR § 402.

Pursuant to our request for informal consultation, CBP is providing the following information:

- a description of the action to be considered,
- a description of the action area,
- a description of any listed species or designated critical habitat (DCH) that may be affected by the action, and
- an analysis of the potential routes of effect on any listed species or DCH.



## 1. PROPOSED ACTION

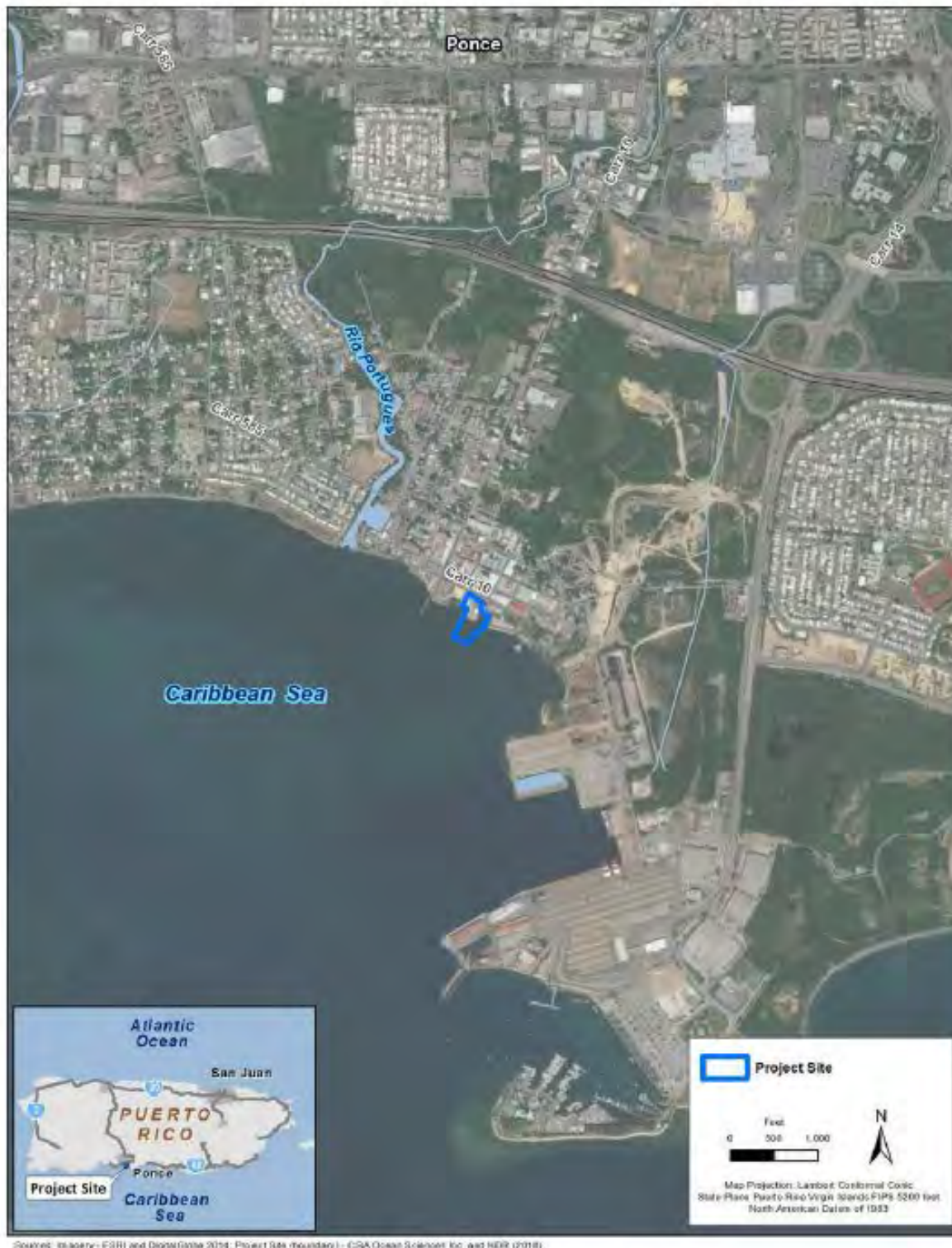
### a. Description of the project:

CBP's proposed action includes demolition and removal of the temporary structure, removal of the original concrete pier, and replacement of the boat ramp at 41 Bonaire Street in the municipality of Ponce, Puerto Rico (see **Figure 1**). 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 Marine Unit facility. Construction associated with the proposed action would be contained within an area of approximately 2.65 acres where the CBP Ponce Marine Unit is located. Anticipated project completion is within 7 months. **Figure 2** provides an overview of the proposed action.

Under the proposed action, a concrete boat ramp lengthened from 36 to 56 feet would replace the existing boat ramp. The new ramp would have a varying slope from 7 to 13 percent, whereas 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 cofferdam built from a single row of sheet piles would be installed across the inlet (see **Figure 3**) and pumped dry to allow casting of the new concrete boat ramp. Dredging is not anticipated as part of this project.

Once the inlet is dewatered, the temporary structure and the original concrete pier would be removed. This includes first removing the top of the temporary structure and then removing the PVC pipes using a nominal-sized backhoe and chain, and hauling the original concrete pier away from the project area. Additionally, riprap adjacent to the pier and boat ramp locations would be removed prior to construction and replaced after construction is complete. The new pier, constructed south of the Ponce Marine Unit, would total approximately 205 feet from the landward curb and fence line, not including the sloping entrance ramp and fenced entry point. The width is 10 feet.

The pier would be constructed with sixteen 18-inch-diameter hollow cylindrical steel piles in waters of the United States (12 pier piles and 4 mooring dolphin piles), two 18-inch-diameter steel piles on land, and concrete cast-in-place and precast components. There would be one additional sacrificial tension pile on land (see **Table 1**). Each pile would be approximately 100 feet in length, but the final length would be dictated by the project's specifications. While the pile driving method has not been selected, a vibratory driver would be used if possible, and an impact hammer would only be used if necessary. A pile cushion would be used during impact hammering. The pilings would be inserted into the subsurface floor using a barge-mounted diesel pile-driving rig, tugboat, and other tending boats as required.



**Figure 1. Location of the CBP Ponce Pier and Boat Ramp Project, Ponce, Puerto Rico**





Figure 2. Overview of the CBP Ponce Pier and Boat Ramp Project, Ponce, Puerto Rico



Figure 3. Action Area for the CBP Ponce Pier and Boat Ramp Project, Ponce, Puerto Rico



**Table 1. In-water Piling Information**

Pile Material	Pile Diameter (inches)	Number of Piles	Installation/ Removal Method	# of Strikes per Pile (if using impact hammer)	Duration of Pile-driving Activity (days)	Confined Space or Open Water
Steel	18	16	Impact*/vibratory driver	Unknown	Unknown	Open Water

Note: \*A pile cushion would be used during pile driving.

The piles would be coated in bitumen and filled with grout once driven. The top 19 feet of the piles would be reinforced with a cage extending into the cast-in-place concrete pile caps. These pile caps would be 50 inches high from underside to the top deck, 53 inches wide, and approximately 11 feet long.

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 multiple 30-foot spans would include horizontal rubber fenders and deck cleats for vessel mooring.

In addition to the four 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, going across 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 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.

The pier would be accessed via a new personnel gate installed in the existing chain link fence surrounding the facility. Gate installation requires ground disturbance to insert the gateposts in the ground. The gate would be secured with a padlock, and a security camera would be placed on top of the gatepost for observation of the pier.

**b. Description of the project purpose:**

CBP requires the ability to safely and efficiently launch boats from the Ponce Marine Unit to support mission-critical operations. The site's boat dock and ramp are used intermittently through the day, 24 hours per day, 365 days per year to access the adjacent inlet to the Caribbean Sea. Two vessels are launched every day, which is no change to existing operations. As a result of age and use, the condition of the facilities has deteriorated to the point that they no longer adequately support CBP's mission requirements. CBP intends to remove the pier, repair the boat ramp, and construct a new pier to facilitate CBP's ability to carry out its mission by providing the adequate infrastructure necessary to support boating operations. Specifically, the facilities at Ponce Marine Unit must support operations of two 410 SAFE Apostle Vessels docked at the same time.



**c. Description of minimization measures:**

The following minimization measures are examples of mitigation measures that would be implemented to reduce impacts on ESA-listed species that could occur in the action area. CBP would coordinate with NOAA Fisheries to develop the full suite of best management practices (BMPs) to avoid adverse effects on listed species throughout consultation.

- **Pile Driving<sup>1</sup>**
  - During pile driving activities, a protected species observer would be present to screen for protected species that might potentially enter a 100-yard buffer zone around the pile driving area.
  - Monitoring for protected species would occur for 1 hour, prior to pile driving, during daylight hours.
  - Shut-down procedures would be used during pile driving activities if protected species are observed in the 100-yard buffer zone.
  - Pile driving would only occur during daytime hours.
  - A pile cushion would be used during pile driving.
  - A vibratory hammer would be used to install piles to the maximum extent practicable.
  - Ramp-up procedures or pile tapping would be used at the beginning of pile driving.
- **Corals**
  - Healthy individuals of coral colonies that would be disturbed by the proposed project would be relocated if determined to be in the direct footprint of the construction area or nearby.
- **Submerged Aquatic Vegetation (SAV)**
  - The piling-supported structure would be aligned to minimize the size of the footprint over SAV beds, to the extent practicable.
  - The height of the piling-supported structure would be a minimum of 5 feet (actual 5.74 feet) above mean high water (MHW)/ordinary high water as measured from the top surface of the decking.
  - Over-SAV bed portions of the piling-supported structure would be placed in a north-south orientation to the maximum extent practicable.
  - Pilings would be installed in a manner which would not result in the formation of sedimentary deposits ("donuts" or "halos") around the newly installed pilings. Pile driving is the preferred method of installation, but jetting with a low pressure pump may be used.
  - The spacing of pilings through SAV beds would be a minimum of 10 feet on center, to the maximum extent practicable. Proposed spacing is 30 feet between piling caps and 4 feet between piles supporting each pile cap.
  - All impacts to non-ESA listed native, non-invasive seagrasses would be avoided and minimized to the extent practicable.
- **Monitoring**
  - Prior to arrival on the worksite, all onsite personnel would be made aware of protected species, be familiar with the BMPs to implement in case they encounter these species, and be responsible for screening the project area for protected species during in-water construction activities.

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<sup>1</sup> These are examples of pile-driving measures to be implemented. Final pile-driving measures to avoid and minimize impacts on listed species would be developed with input from NOAA Fisheries during consultation.



- Personnel would notify the construction manager of activities that might harm or harass a protected species.
- Upon such notification, the construction manager may temporarily suspend all activities in question and notify the contracting officer, administrative contracting officer, and contracting officer's representative of the suspense so that the key client contact can be notified and apprised of the situation a resolution can be reached.
- Construction would be performed only in areas that have been surveyed for biological resources.
- **Vessel Traffic**
  - Construction contractors would implement the *NMFS Southeast Region Vessel Strike Avoidance Measures and Reporting for Mariners*, revised February 2008 for all vessel activities.
- **Construction Equipment**
  - All construction contractors would implement the *Sea Turtle and Smalltooth Sawfish Construction Conditions*, dated March 23, 2006.
  - If a protected species is seen within 100 yards of the active daily construction operation or vessel movement, all appropriate precautions shall be implemented to ensure its protection.
  - Operation of any mechanical construction equipment would cease immediately if a protected species is observed within a 50-foot radius of construction equipment and would not resume until the species has departed the area on its own.
  - If the detection of species is not possible during certain weather conditions (e.g., fog, rain, wind), then in-water operations would cease until weather conditions improve and detection is again feasible.
- **Turbidity and Entrapment**
  - Construction contractors would adhere to the *Measures for Reducing Entrapment Risk to Protected Species*, Revised May 22, 2012.
  - All work would occur during daylight hours.
  - Turbidity control BMPs would be throughout construction to control erosion and siltation and ensure that turbidity levels within the project area does not exceed background conditions.
  - Silt curtains would be made of material in which listed species cannot become entangled (i.e., reinforced impermeable polycarbonate vinyl fabric [PVC]), and shall be monitored to ensure listed species are not entangled or trapped in the project area.
  - Silt curtains would be removed promptly when the work is complete and the water quality in the project area has returned to background conditions.
- **Reporting**
  - Collisions with and/or injuries to any protected species would be reported appropriately to NOAA Fisheries.

## 2. ACTION AREA

Pursuant to 50 CFR § 402.02, the term *action area* is defined as "all areas to be affected directly or indirectly by the federal action and not merely the immediate area involved in the action."

Accordingly, the action area typically includes the affected jurisdictional waters and other areas affected by the authorized work or structures within a reasonable distance. The ESA regulations



recognize that, in some circumstances, the action area may extend beyond the limits of the USACE regulatory jurisdiction. For the purposes of this consultation, the CBP has defined the action area to include all areas directly or indirectly impacted by the construction and operation of the pier and boat ramp, as shown in Figure 3. CBP conducted surveys of the action area in August 2016 and July 2018 (enclosed).

Habitats observed during the August 2016 and July 2018 surveys, were categorized into three marine habitat types: soft/sand bottom, seagrass, and manmade riprap. These are described in more detail in subsequent paragraphs. Soft bottom was predominant within the manmade inlet, characterized by loose, silty muck with clays in the northern section and grading into fine sand toward the south.

The inlet bottom was somewhat disturbed, with small areas of ejected sediments (possibly caused by launch and recovery of vessels), discarded litter, and debris. South of the mouth of the inlet and along the riprap shoreline of the property the sediment was fine sand with ripple marks, grading into marginal seagrass habitat with scattered natural and/or manmade "sediment blowouts." Water depths in this area ranged from approximately 5 to 7 feet and sediments were primarily composed of fine to medium grain sands with shell fragments. Farther south, seagrass was the primary habitat comprised predominantly of *Halodule wrightii*, often interspersed with low densities of *Halophila decipiens* in nearshore areas. Dense assemblages of *H. wrightii* were noted in the southern portions of the survey area. Overall, the seagrass habitat appeared healthy, with minimal epiphytic growth on the seagrass blades.

The manmade riprap was composed of various-sized boulders and concrete pieces and was the only hard substrate observed within the survey area. No natural hard bottom habitat was identified within the delineated survey area. The riprap embankment began at the southern edge of the upland facility's fence line and sloped down to the water line with submerged sections extending up to more than 30 feet from the water-substrate interface. A small littoral zone was present with several intertidal species (e.g., chitons, crabs, snails). The old concrete dock utilized as a staging area during the August 2016 survey had collapsed and was displaced by recent hurricanes along the riprap area to the south of its previous location during the 2018 survey.

Macroalgae were observed in each of the three habitat types, with the greatest diversity and cover within the riprap habitat. Nineteen macroalgae species or taxa were identified during the 2016 survey and 15 species were identified during the 2018 survey, including species of green macroalgae (Chlorophyta), red macroalgae (Rhodophyta), and brown macroalgae (Ochrophyta). Several species of the green macroalgae *Caulerpa* were documented within the riprap and seagrass habitats and were the most visually dominant green macroalgae in the survey area. The one species of brown macroalgae, *Dictyota* sp., was noted throughout the riprap habitat. Red macroalgae also were observed throughout the riprap habitat.

Twenty-two non-coral invertebrate taxa were identified during the 2016 and 24 were identified during the 2018 survey, with the majority observed in the riprap habitat. Species commonly observed included rock boring sea urchin (*Echinometra lacuniter*), mat zoanthid (*Zoanthus* sp.), and two species of anemones (*Actinoporus elegans* and *Bartholomea annulata*). The conspicuous spiny lobster (*Pamulirus argus*) and long-spine sea urchin (*Diadema antillarum*) were also seen among the riprap substrate during the 2016 survey. Seven invertebrate taxa were recorded in the seagrass and sand/mud substrate types including several large cushion sea stars (*Oreaster reticulatus*), elegant anemones, cerith snails (*Cerithium* sp.), and a corallimorph (Order: Corallimorpharia).



Forty-two fish species representing 20 families were observed in the 2016 survey and 41 fish species representing 16 families, were observed during the 2018 survey. The most commonly observed fishes included the ocean surgeonfish (*Acanthurus tractus*), various snappers (Family: Lutjanidae), grunts (Family: Haemulidae), and a variety of wrasses (Family: Labridae) and parrotfish (Family: Labridae).

The majority of the identified fish taxa were observed within the riprap habitat along the shoreline in the northern portion of the survey area. This was a preferred habitat for fish, providing shelter and an available food source for many of the observed taxa. Fewer fish were noted in the sand/mud and seagrass habitats, but included several species of parrotfish, goatfish (Family: Mullidae), and wrasses.

Adult and juvenile life stages were recorded during the survey, including a large number of juvenile grunts and parrotfish. Juveniles were typically observed near or within the riprap substrate, or hidden in adjacent seagrass beds. Seven and six federally-managed species were recorded during the surveys (2016 and 2018, respectively), including mutton snapper, dog snapper, schoolmaster snapper, lane snapper, yellowtail snapper, hogfish, red hind (2016) and mahogany snapper (2018). All managed species were at immature life stages and found near the riprap substrate. No Federally-listed species protected under the ESA were observed in the 2016 or 2018 surveys.

Coral colonies were observed only within the riprap habitat, attached directly to exposed boulders or to hard substrate just below the sediment surface. Most corals were of an upright boulder growth form while some were encrusting and angled in a vertical orientation on the sides of the boulders. Colonies were often obscured by macroalgae, and a layer of silt up to 1 inch thick was observed on many boulders immediately adjacent to healthy coral colonies.

Fifty-four hard coral colonies were observed during the 2016 survey and 50 hard coral colonies were observed during the 2018 survey. Hard coral colonies included two species, *Siderastrea siderea* and *Solenastrea bournoni*. The majority of the coral colonies appeared healthy, with 90 to 100 percent live tissue cover, and resilient to the somewhat turbid environment, where sediments were easily resuspended. Several coral colonies exhibited signs of stress and partial mortality, with some showing slight paling or areas of bleaching. Many colonies had small areas of dead tissue on their upper surfaces, colonized by turf algae. Three previously healthy and large (>3 feet tall) octocoral colonies (*Pseudopterogorgia bipinnata*) documented during the 2016 survey were identified as dead (two) or missing (one) during the 2018 survey.

### 3. AFFECTED SPECIES/HABITAT

Project activities have the potential to affect the listed species as shown in **Table 2**, and DCH, as shown in **Table 3**. Nearshore activities, such as construction of piers and boat ramps, occur along shorelines in shallow water, in areas too shallow for whales to access (NMFS 2015). As described in Section 4, CBP has determined that the proposed action is not likely to adversely affect the species in **Table 2**.

Blue, fin, sei, and sperm whales generally occur in deeper waters and are not anticipated to occur in the action area; therefore CBP believes there would be no effect to the ESA-listed whales. Other cetaceans, such as dolphins, may occur in the action area but are not listed under the ESA. Scalloped hammerhead shark and the oceanic whitetip shark also occur in deeper waters (Baum et al. 2006). Scalloped hammerhead females migrate to the coastal areas to have their pups (Baum et al. 2009); however, there are no pupping or possible nursery areas in or near the project area. The 2016 and



2018 surveys confirmed that the listed corals do not occur in the action area. Therefore, these species are not being carried forward. Table 4 provides the listed species' use of the action area.

**Table 2. Species in the action area**

Species	ESA Listing Status	Listing Rule/Date	Most Recent Recovery Plan Date	CBP Effect Determination (Species)
Green sea turtle <sup>2</sup>	T	81 Federal Register (FR) 20057/ April 6, 2016	October 1991	Not likely to adversely affect
Leatherback sea turtle	E	35 FR 8491/ June 2, 1970	April 1992	Not likely to adversely affect
Loggerhead sea turtle <sup>3</sup>	T	76 FR 58868/ September 22, 2011	January 2009	Not likely to adversely affect
Hawksbill sea turtle	E	35 FR 8491/ June 2, 1970	December 1993	Not likely to adversely affect
Nassau grouper	T	81 FR 42268/ June 29, 2016	N/A	Not likely to adversely affect
Giant manta ray	T	83 FR 2916/ January 22, 2018	N/A	Not likely to adversely affect

**Table 3. DCH in the action area**

Species	DCH in the Action Area	DCH Rule/Date	CBP Effect Determination (DCH)
Elkhorn coral	Puerto Rico Area	73 FR 72210/ November 26, 2008	No effect
Staghorn coral	Puerto Rico Area	73 FR 72210/ November 26, 2008	No effect

**Table 4. Species use of the action area**

Species	Species Use of the Action Area
Green sea turtle	With the exception of post-hatchlings, green sea turtles live in nearshore tropical and subtropical waters (generally high energy oceanic beaches) where they feed on marine algae and seagrasses (NMFS 2015). The green sea turtle forages by day in shallow flats and seagrass meadows where they eat seagrasses, mangrove leaves, and algae. They sleep within scattered rock ledges, oyster bays and coral reefs. The project site contains shallow protected waters where green sea turtles could be present and forage, based on the presence of SAV beds; however, the absence of <i>Thalassia testudinum</i> beds near the project site reduces the likelihood of foraging at or near the project site. There were no observations of any sea turtles during the 2016 and 2018 surveys.
Leatherback sea turtle	Leatherback sea turtles are the most pelagic of the sea turtles. Adult females require sandy nesting beaches with proximity to deep water and generally rough seas. Leatherbacks feed on soft-bodied animals, such as jellyfish and salps. The lack of nesting beaches near the project

<sup>2</sup> North Atlantic and South Atlantic DPS

<sup>3</sup> Northwest Atlantic Ocean DPS



Species	Species Use of the Action Area
	site reduces the likelihood of nesting; however, leatherbacks could be foraging in the area. There were no observations of any sea turtles during the 2016 and 2018 surveys.
Loggerhead sea turtle	Adult loggerhead sea turtles utilize a variety of habitats. They may be found miles out to sea and in inshore areas such as bays, lagoons, salt marshes, creeks, ship channels and mouths of large river. Juveniles are omnivorous and forage on crabs, mollusks, jellyfish, and vegetation at or near the surface. The lack of nesting beaches near the project site reduces the likelihood of nesting; however loggerheads could be foraging in the area. There were no observations of any sea turtles during the 2016 and 2018 surveys.
Hawksbill sea turtle	Hawksbill sea turtles typically inhabit inshore reef and hard bottom areas where they forage primarily on encrusting sponges. The hawksbill sea turtle could use the nearshore areas adjacent to the site, including seagrass meadows and submerged riprap shoreline for foraging. There were no observations of any sea turtles during the 2016 and 2018 surveys.
Nassau grouper	All life stages of Nassau grouper may be present throughout Puerto Rico. Nassau grouper spawn in specific aggregation sites in the Caribbean. They start out as planktonic larvae that transition from oceanic open water environments to bottom dwelling juveniles living in nearshore areas. The preferred habitat of juvenile Nassau grouper is believed to be macroalgal clumps (primarily <i>Laurencia</i> ), seagrass beds, and corals (particularly <i>Porites</i> spp.). As Nassau grouper transition to larger juveniles and adults, they shift to nearshore reef habitats and then progressively move further offshore from fore reef habitat (i.e., ecosystem of the seaward side of a coral reef) to deeper water reefs, crevices, caves, and ledges up to 427 feet deep (NMFS 2017). Juvenile Nassau grouper could occur in the shallow waters of the project area; however the absence of reefs reduces their likelihood of occurring there. Nassau grouper were not observed during the 2016 and 2018 surveys.
Giant manta ray	The giant manta ray is a migratory species, and seasonal visitor along productive coastlines with regular upwelling, in oceanic island groups, and near offshore pinnacles and seamounts. They are filter feeders and eat large quantities of zooplankton (Miller and Klimovich 2017). The giant manta ray could use the nearshore areas adjacent to the site for foraging; however the absence of regular upwelling zones reduces the likelihood that manta rays are foraging in the project area. There are also no known nursery grounds near the project area. Giant manta rays were not observed during the 2016 and 2018 surveys.
<i>Acropora</i> coral DCH	The project is located within the geographical boundaries of <i>Acropora</i> Critical Habitat Area – Puerto Rico. The feature essential to the conservation of the species is substrate of suitable quality and availability, in water depths from the MHW line to 98 feet, to support successful larval settlement, recruitment, and reattachment of fragments. For purposes of this definition, “substrate of suitable quality and availability” meant consolidated hardbottom or dead coral skeleton that is free from fleshy macroalgae cover and sediment cover (73 FR 72225). Based on the 2016 and 2018 surveys, the project area does not support the essential features. These surveys indicated that no natural hardbottom occurs in the project area and the only hardbottom is manmade riprap.

#### 4. ROUTE(S) OF EFFECT TO SPECIES

Potential temporary impacts on habitat would result from pile driving, removal and replacement of riprap, installation and dewatering of a cofferdam, and construction vessel operations and anchoring. Temporary impacts would include an increase in turbidity in the water column and seafloor disturbance. Construction impacts on seagrasses would be temporary and would occur within a 0.75-acre area of construction in the ocean, but the actual area of seagrass that may be temporarily impacted is not quantifiable. Long-term impacts on seagrass would occur from pile installation, shading from the pier, and pier operations. It is estimated, that up to 0.03 acres of seagrass could be impacted, based on the area of the pier that covers seagrasses.



Up to one coral colony would be disturbed by the proposed construction. Healthy individuals of coral colonies that would be disturbed by the proposed project would be relocated if determined to be in the direct footprint of the construction area.

Potential routes of effects to sea turtles, Nassau grouper, and giant manta ray:

**Physical Effects.** CBP believes that pile driving would not present a plausible route of effect for an injury related to direct physical contact with mobile protected species (i.e., sea turtles, grouper, and manta ray). It is not plausible to expect that these mobile species would remain underneath a pile being installed and suffer a contact injury. In addition, the *NMFS Sea Turtle and Smalltooth Sawfish Construction Conditions* requires construction to stop temporarily if an ESA-listed species is sighted within 50 feet of in-water mechanical construction equipment. Therefore, the potential for physical effects such as injury on ESA-listed mobile species would be discountable.

A cofferdam would be installed during construction of the boat ramp and other turbidity controls (such as a turbidity curtain) may be deployed to enclose a small portions of the project site during construction activities. These controls would be removed after construction and would not appreciably block use of the area by ESA-listed species. They would serve, however, as a barrier to species' presence during construction of the boat ramp in the inlet. No seagrasses were observed within the inlet during the 2016 and 2018 surveys thereby reducing the likelihood of sea turtles foraging in that area and reducing the potential for injury of sea turtles. The NOAA Fisheries Measures for *Reducing Entrapment Risk to Protected Species* would also be implemented, as necessary and practicable, throughout construction. Therefore, the potential for physical effects on sea turtles are expected from this activity is expected to be discountable.

**Foraging and Sheltering.** Sea turtles, Nassau grouper, and giant manta rays may be affected by being temporarily unable to use an area for forage or refuge habitat due to potential avoidance of construction activities caused by pile placement. These effects would be insignificant given work is limited to the existing pier and boat ramp that likely has frequent vessel traffic and is unlikely to be used by these species for foraging or refuge habitat. Activities that could affect small juvenile Nassau grouper are those activities that would place materials on or remove macroalgae and seagrasses. These effects would be insignificant since Nassau grouper are unspecialized feeders and because they are mobile species that would be able to move away from these areas during construction and forage or seek refuge in other surrounding areas.

As described in Section 1.c, the pier was designed to avoid and minimize adverse effects on seagrasses, which are potentially used for sea turtle foraging. Temporary construction impacts on seagrasses would be confined to a 0.75-acre area (but are not quantifiable within that area) and BMPs would be implemented by construction vessels to avoid and minimize effects on seagrasses within this area. Long-term impacts on seagrasses from piles and shading would be less than 0.03 acre. Operation of vessels are not expected to impact seagrasses as vessels would take care to avoid interactions with the bottom.

Based on the 2016 and 2018 surveys, there are no seagrasses within the inlet area. This area, which would be blocked by a cofferdam during construction, does not offer suitable foraging habitat. Turbidity curtains, if used, would only block potential use of the area by enclosing a small portion of the project sites at any time and would be removed after construction. In addition, the *NMFS Sea Turtle and Smalltooth Sawfish Construction Conditions* requires construction to stop temporarily if an ESA-listed species is sighted within 50 feet of in-water mechanical construction equipment.



**Migration.** The risk of effects to the migration of listed species from the replacement of the pier and boat ramp is considered discountable. While piers and boat ramps are likely to have frequent vessel traffic, the number of vessels operating from the proposed boat ramp would not increase under the proposed action. The replacement of the boat ramp and addition of the pier would not significantly change the total footprint of in-water structures and therefore, would not change the migration pathways of species in the area. For these reasons, migration effects would be discountable.

**Noise.** CBP believes that the noise generated by the installation of piles and sheet piles to construct the cofferdam and pile-supported structures, may affect, but is not likely to adversely affect ESA-listed sea turtles, Nassau grouper, and giant manta ray. CBP does not expect ESA-listed sea turtles and fish to suffer physical injury, temporary or permanent hearing loss, or threshold shifts from the noise. In the unlikely event that these species would be present during pile driving, they are highly mobile and can avoid these zones, making it extremely unlikely that they would experience behavioral impacts, and thus the effect is discountable. Additionally, a monitor would be present and shut-down procedures would be implemented during pile driving to avoid effects on sea turtles. Pile-ramp up procedures would allow any Nassau grouper and giant manta ray individuals to leave the area prior to pile driving. Avoidance behavior is an effect, but CBP believes this effect is insignificant. CBP would work with NOAA Fisheries to develop measures to avoid adverse effects from pile driving on all listed species.

While the pile driving method has not been selected, a vibratory driver would be used if possible, and an impact hammer would only be used if necessary. Larger mobile species, such as sea turtles and giant manta rays, would be expected to avoid in-water construction noise. Smaller juvenile Nassau grouper may be less willing to move long distances than larger, adult fish. Smaller fish are more susceptible to predation than larger fish so they must determine if moving to avoid a potential threat outweighs the risk of staying in a preferred location such as nearshore seagrass and algae beds. Smaller fish are also biologically more susceptible to physical injury from sound exposure and may need to move further than larger fish to avoid noise that could cause physical injury. However, CBP believes even smaller fish would move at least short distances to avoid both the physical commotion and noise of in-water construction. Nassau grouper spawning aggregation sites are located in offshore areas, away from nearshore construction activities and associated noise. There are also no nursery grounds for the giant manta ray near the project area. Therefore, in-water construction in those areas would not interfere with fish behavior.

**Vessel Strikes.** Sea turtles, Nassau grouper, and giant manta rays are susceptible to vessel strikes resulting from the construction activities. However, there is no anticipated increase in the number of vessels associated with the project. All vessels would adhere to the *NMFS Southeast Region Vessel Strike Avoidance Measures and Reporting*. Therefore, no effects from vessel strikes from the replacement of the pier and boat ramp are expected.

## **5. ROUTES OF EFFECT TO CRITICAL HABITAT**

The project is located within the boundary of *Acropora* coral DCH. However, none of the essential features/primary constituent elements are present, and there are no potential routes of effect to any DCH.

## **6. DETERMINATION**

CBP has reviewed the proposed project for its impacts on federally listed species and their DCH. Based on measures developed to avoid and minimize adverse effects on listed species, CBP has



Mr. Lamb  
Page 15

concluded the project may affect but is not likely to adversely affect the species listed in **Table 2**, and would not affect any DCH. This analysis was prepared based on the best scientific and commercial data available.

CBP is requesting NOAA Fisheries written concurrence with these determinations. CBP appreciates your cooperation in completing this informal Section 7 consultation by concurring with the CBP effect determination(s) in a timely manner.

Copies of the Draft EA and Draft FONSI can be downloaded from the Internet at <http://www.cbp.gov/about/environmental-cultural-stewardship/nepa-documents/docs-review> and hard copies can be reviewed at the following public location: Ponce Municipal Library (Mariana Suarez De Longo Municipal), Miguel Pou Boulevard, Ponce, PR 00733.

CBP also invites your comments on the Draft EA and Draft FONSI during the 30-day comment period beginning on **October 31, 2018**. Comments must be received by **November 30, 2018**, to be considered for incorporation into the Final EA. When submitting comments, please include your name and address, and identify your comments or email subject line as intended for the "CBP Ponce Pier and Boat Ramp EA." Submit your comments on the Draft EA and Draft FONSI by email to [joseph.zidron@cbp.dhs.gov](mailto:joseph.zidron@cbp.dhs.gov) or by mail to:

Mr. Joseph Zidron  
Real Estate and Environmental Branch Chief  
Border Patrol & Air and Marine Program Management Office  
24000 Avila Road, Suite 5020  
Laguna Niguel, CA 92677

If you have any questions or concerns please feel free to contact Mr. Zidron by phone at 949.643.6392, or via email at [joseph.zidron@cbp.dhs.gov](mailto:joseph.zidron@cbp.dhs.gov). Thank you for your cooperation and assistance.

Sincerely,



Joseph Zidron  
Real Estate and Environmental Branch Chief  
Border Patrol and Air and Marine Program Management Office  
U.S. Customs and Border Protection

Enclosure(s)

cc: David Bernhart, Assistant Regional Administrator

**Literature Cited**

- Baum, J. 2006. *Carcharhinus longimanus*, 2006. In IUCN 2010, IUCN Red List of Threatened Species, Version 2010.4. <[www.iucnredlist.org](http://www.iucnredlist.org)>
- Baum, J. 2009. "*Sphyrna lewini*," 2009. In IUCN Red List of Threatened Species. <[www.iucnredlist.org](http://www.iucnredlist.org)>
- Miller, M.H. and C. Klimovich. 2017. Endangered Species Act Status Review Report: Giant Manta Ray (*Manta birostris*) and Reef Manta Ray (*Manta alfredi*). Report to National Marine Fisheries Service, Office of Protected Resources, Silver Spring, MD. September 2017. pg. 128.
- National Marine Fisheries Service (NMFS). 2017. USACE Jacksonville District Programmatic Biological Opinion (JAXBO). National Marine Fisheries Service, Jacksonville, FL.
- NMFS. 2015. Biological Opinion on Authorization of Minor In-water Activities throughout Florida. National Marine Fisheries Service, St Petersburg, FL.

NOAA Fisheries, Protected Resource Division (ESA Consultation) Email Correspondence,  
November 2018

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**From:** Sarah Furtak - NOAA Federal <[sarah.furtak@noaa.gov](mailto:sarah.furtak@noaa.gov)>

**Sent:** Thursday, November 1, 2018 1:46 PM

**To:** ZIDRON, JOSEPH <[JOSEPH.ZIDRON@cbp.dhs.gov](mailto:JOSEPH.ZIDRON@cbp.dhs.gov)>

**Subject:** Update: SER-2018-19665 Pier/Boat Ramp

Dear Joseph:

I am writing to let you know that the subject project -- National Marine Fisheries Service (NMFS) tracking number SER-2018-19665 USCBP Pier and Boat Ramp -- has been assigned to me, and to give you my contact information in case you have any questions.

You can check the status of your consultation through the Public Consultation Tracking System (PCTS) at <https://pcts.nmfs.noaa.gov/>. Please follow the attached directions to access the project and get information on the status of the project. Please scroll all the way to the bottom of the record to read status updates. If there is no new information in that section, then there is no new information on the status of the project.

Please note the NMFS tracking number above on future emails for reference.

Best,

**Sarah Furtak**

National Oceanic and Atmospheric Administration (NOAA) Fisheries  
Southeast Regional Office - Protected Resources Division - Coral Conservation Branch  
8000 North Ocean Drive, Suite 227  
Dania Beach, FL 33004

Mobile Phone (954) 734-4713

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On Thu, Nov 1, 2018 at 5:09 PM ZIDRON, JOSEPH <[JOSEPH.ZIDRON@cbp.dhs.gov](mailto:JOSEPH.ZIDRON@cbp.dhs.gov)> wrote:

Thank you, much appreciated!

**Joseph Zidron**

Real Estate and Environmental Branch Chief  
Border Patrol & Air and Marine PMO  
U.S. Customs and Border Protection  
Office: 949.643.6392  
Mobile: 949.307.2982  
[joseph.zidron@dhs.gov](mailto:joseph.zidron@dhs.gov)

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**From:** Sarah Furtak - NOAA Federal <[sarah.furtak@noaa.gov](mailto:sarah.furtak@noaa.gov)>

**Date:** 11/30/18 4:33 PM (GMT-08:00)

**To:** "ZIDRON, JOSEPH" <[JOSEPH.ZIDRON@cbp.dhs.gov](mailto:JOSEPH.ZIDRON@cbp.dhs.gov)>

**Subject:** Request: SER-2018-19665 Pier/Boat Ramp

Dear Joseph,

Thank you for the comprehensive consultation request letter (dated Oct. 30, 2018), benthic survey, and other background materials.

I am reviewing the subject project and have the questions below:

### **Lighting**

1. Will all lighting installed (p. 6 of consultation request letter) be sea turtle friendly lighting? Turtle-friendly lighting is lighting that is installed in a manner that does not allow light to be seen from the water so that it does not disorient hatchlings leaving the beach.

(JAXBO, which you cited in the consultation request letter describes turtle-friendly lighting for Florida [as an example] (p. 113): "Docks installed within visible distance of ocean beaches are required to comply with turtle-friendly lighting, if lighting is necessary to the project. Turtle-friendly lighting is explained and examples are provided on the Florida Fish and Wildlife Conservation Commission website: <http://myfwc.com/wildlifehabitats/managed/sea-turtles/lighting/>)

### **Pile Driving**

2. Will turbidity curtains be used (between proposed piles and surrounding waters)?

3. Is the "pile cushion" noise attenuation described within the consultation request the same as a "cushion block"? Is the device wood? Micarta? Nylon? The material of the cushion block determines the degree of attenuation.

4. Would the "pile cushion" noise attenuation be used in the case of vibratory hammer installation as well?

5. Vibratory hammer, as opposed to impact hammer, is less impactful to listed species (e.g., small juvenile Nassau grouper) that could occur in the area during construction. The consultation request letter is not definitive about the method of pile installation. Given the uncertainty as to whether the vibratory hammer will be used, I may need to employ the most conservative noise analysis (i.e., using impact hammer). I may have additional questions.

5a. Can you estimate the number of piles to be installed per day with impact hammer?

5b. What is the number of strikes per pile with impact hammer?

### **Coral**



6a. I understand no Endangered Species Act (ESA)-listed coral occur within the action area. Are there plans to relocate non-Endangered Species Act (ESA) listed coral from the project footprint?

6b. How many non-ESA listed coral will be relocated? Who will be doing the work, and what will be their qualifications?

**Seagrass**

7. Does CBP have any plans to relocate any of the non-ESA listed seagrass that will be lost (I understand this is about 0.03 acre or 1,306.8 square feet)?

If you have any questions, please let me know. We could set up a conference call if that would be helpful.

If no response to this request for additional information is received within 60 days, we will assume the consultation is no longer active. We will then close out the consultation request and change the status of the request to “withdrawn”.

**Sarah Furtak**

National Oceanic and Atmospheric Administration (NOAA) Fisheries  
Southeast Regional Office - Protected Resources Division - Coral Conservation Branch  
8000 North Ocean Drive, Suite 227  
Dania Beach, FL 33004  
Mobile Phone (954) 734-4713

### A.3. NOAA Fisheries, Habitat Conservation Division (EFH Consultation) CBP Letter to NOAA Fisheries, January 2017

1300 Pennsylvania Avenue NW  
Washington, DC 20229



**U.S. Customs and  
Border Protection**

JAN 26 2017

Mr. Jose A. Rivera, Fishery Biologist  
National Marine Fisheries Service  
Habitat Conservation Division  
c/o Jacksonville District Corps of Engineers, Antilles Office  
Fundación Angel Ramos, Annex Building  
383 Franklin Delano Roosevelt Avenue, Suite 202  
San Juan, PR 00918  
Email: Jose.A.Rivera@noaa.gov

**Subject:** Early Essential Fish Habitat Consultation and General Project Information related to the Air and Marine Facilities (AMF), U.S. Customs Border Protection (CBP) Ramey Sector, Puerto Rico, Ponce Replacement Pier and Boat Ramp

Dear Mr. Rivera:

The U.S. Department of Homeland Security (DHS), CBP is proposing to construct a replacement pier and boat ramp at the U.S. Coast Guard (USCG) Ponce Boathouse located at 41 Bonaire Street, Ponce, Puerto Rico 00716 (Latitude: N 17° 58.734303' Longitude: W 66° 37.196585') (see **Attachment 1**). A general description of the proposed project is provided in subsequent paragraphs. CBP has retained the services of HDR to complete the environmental permitting, including completion of biological surveys of the proposed project area. While the project is in early planning stages, the purpose of this letter is to inform the National Marine Fisheries Service (NMFS) about the project, and to initiate Essential Fish Habitat consultation, in accordance with Section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act.

CBP, with the support of the U.S. Army Corps of Engineers (USACE), is planning to design and construct a new pier and boat ramp capable of supporting operations for a minimum of two SAFE™ 410 Apostle Vessels docked simultaneously, and constructed a minimum of 3 feet above the mean high water level. The pier would be constructed of cast-in-place reinforced concrete, and would be a minimum of 15 feet wide over its entire length. The location of the pier will either be east of the USCG Ponce Boathouse property line (at or near to the existing pier and boat ramp) (Pier Option A), or south of the USCG Ponce Boathouse property line, pending final approvals (Pier Option B). The project includes replacing the existing boat ramp, in order to permit the safe launch and recovery of 45-foot trailered marine vessels at mean low water.

The project will obtain a permit under Section 404 of the Clean Water Act and as part of that process, CBP plans on presenting a brief description of the project at an upcoming U.S. Army Corps of Engineers (USACE) interagency meeting. At that time we would like to discuss the results of biological surveys conducted by HDR and CSA Ocean Sciences, Inc., as well as any concerns that NMFS might have regarding the project's potential impacts on essential fish habitat in the proposed project area.

Mr. Jose A. Rivera  
Page 2

Should you have any questions about the proposed project, please contact Audra Upchurch at (202) 748-4435 or by email at [audra.upchurch@cbp.dhs.gov](mailto:audra.upchurch@cbp.dhs.gov).

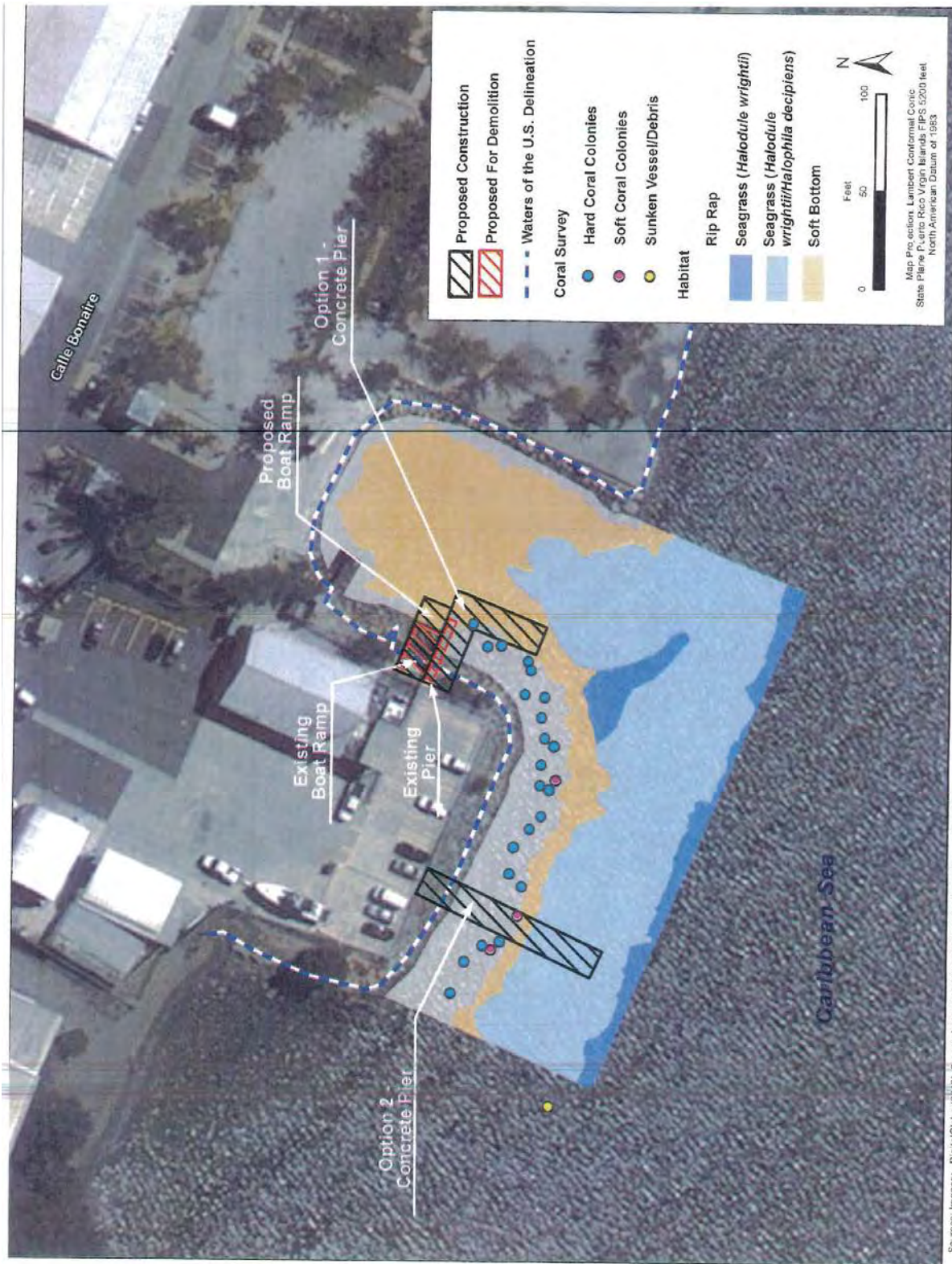
Thank you for your consideration on this request.

Sincerely,



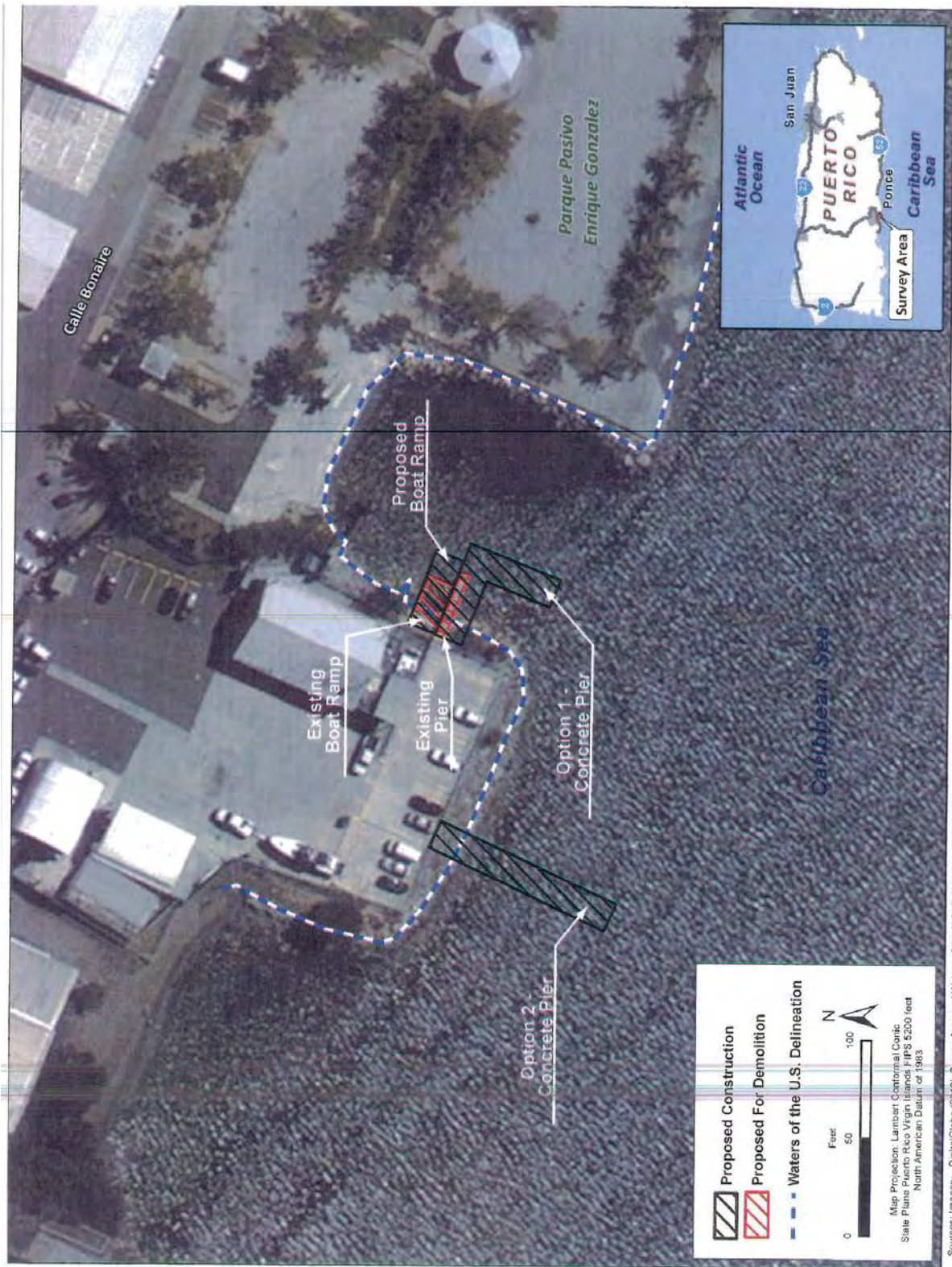
Paul Enriquez  
Real Estate and Environmental Branch Chief  
Border Patrol and Air & Marine  
Program Management Office

Enclosure(s)



Sources: Imagery - DigitalGlobe (2010); Survey Area and Waters of the U.S. Delineation - HDR (2016).









U.S. Customs and  
Border Protection

October 30, 2018

Mr. Jose A. Rivera  
Fisheries Biologist  
National Marine Fisheries Service  
Habitat Conservation Division  
c/o Jacksonville District Corps of Engineers, Antilles Office  
Fundacion Angel Ramos, Annex Building  
383 Franklin Delano Roosevelt Avenue, Suite 202  
San Juan, Puerto Rico 00918  
[Jose.A.Rivera@noaa.gov](mailto:Jose.A.Rivera@noaa.gov)

**SUBJECT: U.S. Customs and Border Protection Draft Environmental Assessment and Draft Finding of No Significant Impact for the Replacement of the Pier and Boat Ramp at the U.S. Border Patrol & Air and Marine Facility, Ponce, Puerto Rico**

Dear Mr. Rivera:

U.S. Customs and Border Protection (CBP), a component of the U.S. Department of Homeland Security (DHS), has prepared a Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) for the proposal to demolish and remove the temporary structure, remove the original concrete pier, construct a new pier, replace an existing boat ramp, and continue operation and maintenance of CBP's Ponce Marine Unit facility in Ponce, Puerto Rico. The Draft EA complies with National Environmental Policy Act (NEPA) of 1969, 42 United States Code (USC) 4321 et seq., the Council on Environmental Quality regulations in 40 Code of Federal Regulations (CFR) Parts 1500-1508, and DHS Instruction Manual 023-01-001-01, rev. 01 "Implementation of the National Environmental Policy Act." This letter requests your review and comments on the Draft EA and Draft FONSI, in accordance with NEPA (50 CFR Section 1503.1). We also request concurrence with our conclusion that the replacement of the pier and boat ramp at the Ponce Marine Unit facility would result in minimal adverse effects on essential fish habitat (EFH) in accordance with Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (50 CFR 60.920(h)).

Since CBP's initial EFH consultation letter dated January, 26, 2017, the design was finalized and a second marine survey was conducted in July 2018 (enclosed). We have enclosed a summary with additional details on the proposed action, 2016 and 2018 benthic survey results, and an assessment of potential impacts on EFH. The enclosed summary documents CBP's conclusion that, based on implementation of the environmental controls incorporated into the project, the replacement of the pier and boat ramp at the Ponce Marine Unit facility would result in "minimal" adverse effects on EFH. CBP requests your concurrence with this conclusion within 30 days per 50 CFR 600.920(h)(2).

Copies of the Draft EA and Draft FONSI can be downloaded from the Internet at <http://www.cbp.gov/about/environmental-cultural-stewardship/nepa-documents/docs-review> and hard copies can be reviewed at the following public location: Ponce Municipal Library (Mariana Suarez De Longo Municipal), Miguel Pou Boulevard, Ponce, PR 00733.

Mr. Rivera

Page 2

CBP also invites your comments on the Draft EA and Draft FONSI during the 30-day comment period beginning on **October 31, 2018**. Comments must be received by **November 30, 2018**, to be considered for incorporation into the Final EA. When submitting comments, please include your name and address, and identify your comments or email subject line as intended for the "CBP Ponce Pier and Boat Ramp EA." Submit your comments on the Draft EA and Draft FONSI by email to [joseph.zidron@cbp.dhs.gov](mailto:joseph.zidron@cbp.dhs.gov) or by mail to:

Mr. Joseph Zidron  
Real Estate and Environmental Branch Chief  
Border Patrol & Air and Marine Program Management Office  
24000 Avila Road, Suite 5020  
Laguna Niguel, CA 92677

If you have any questions or concerns please feel free to contact Mr. Zidron by phone at 949.643.6392, or via email at [joseph.zidron@cbp.dhs.gov](mailto:joseph.zidron@cbp.dhs.gov). Thank you for your cooperation and assistance.

Sincerely,



Joseph Zidron  
Real Estate and Environmental Branch Chief  
Border Patrol and Air and Marine Program Management Office  
U.S. Customs and Border Protection

Enclosure(s)

cc: Pace Wilber, Branch Chief



A4. NOAA Fisheries, Marine Mammal Branch (MMPA Consultation)  
CBP Letter to NOAA Fisheries, Marine Mammal Branch, October 2018



U.S. Customs and  
Border Protection

October 30, 2018

Ms. Laura Engleby  
Branch Chief  
Marine Mammal Branch  
NOAA Fisheries  
Southeast Regional Office  
263 13th Avenue South  
St. Petersburg, FL 33701  
[laura.engageby@noaa.gov](mailto:laura.engageby@noaa.gov)

**SUBJECT: U.S. Customs and Border Protection Draft Environmental Assessment and Draft Finding of No Significant Impact for the Replacement of the Pier and Boat Ramp at the U.S. Border Patrol & Air and Marine Facility, Ponce, Puerto Rico**

Dear Ms. Engleby:

U.S. Customs and Border Protection (CBP), a component of the U.S. Department of Homeland Security (DHS), has prepared a Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) for the proposal to demolish and remove the temporary structure, remove the original concrete pier, construct a new pier, replace an existing boat ramp and continue operation and maintenance of CBP's Ponce Marine Unit facility in Ponce, Puerto Rico. The Draft EA complies with the National Environmental Policy Act (NEPA) of 1969, 42 United States Code § 4321 et seq., the Council on Environmental Quality regulations in 40 Code of Federal Regulations (CFR) §§ 1500–1508, and DHS Instruction Manual 023-01-001-01, rev. 01 "Implementation of the National Environmental Policy Act." This letter requests your review and comments on the Draft EA and Draft FONSI, in accordance with NEPA (50 CFR § 1503.1), as well as your written concurrence on our plan to avoid impacts on marine mammals under your jurisdiction.

CBP proposes to replace and upgrade the pier and boat ramp at the Ponce Marine Unit facility located at 41 Bonaire Street, Ponce, Puerto Rico 00716. The Draft EA evaluates the potential impacts of the demolition and removal of a temporary structure, removal of the original pier, construction of a new pier, and replacement of a boat ramp. 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 along the south shoreline of the Ponce Marine Unit facility.

Under the proposed action, a concrete boat ramp lengthened from 36 to 56 feet would replace the existing boat ramp. The new ramp would have a varying slope from 7 to 13 percent, whereas 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 (Ford F-550 Crew Cab and SAFE 410 Apostle Vessel, respectively). Prior to demolition and construction of the boat ramp, a cofferdam built from a single row of sheet piles would be installed across the inlet and pumped dry to allow casting of the new concrete boat ramp. Dredging is not anticipated to be required.



During Hurricane Maria, the original concrete pier was displaced and a temporary structure was installed in its previous location. Under the Proposed Action, the temporary structure and the original concrete pier would be removed, once the inlet is dewatered. This includes first removing the top of the temporary structure and then removing the PVC pipes using a nominal-sized backhoe and chain, and hauling the original concrete pier away from the project area. Additionally, riprap adjacent to the pier and boat ramp locations would be removed prior to construction and replaced after construction is complete. The new pier, constructed on south side of the Ponce Marine Unit, would total approximately 205 feet from the landward curb and fence line, not including the sloping entrance ramp and fenced entry point. The width is 10 feet.

The pier would be constructed with sixteen 18-inch-diameter steel piles (12 pier piles and 4 mooring dolphin piles) in the waters of the U.S., two 18-inch-diameter steel piles on land, and concrete cast-in-place and pre-cast components. There would be one additional sacrificial tension pile on land. Each pile would be approximately 100 feet in length, but the final length would be dictated by the project's specifications. While the pile driving method has not been selected, a vibratory driver would be used if possible, and an impact hammer would only be used if necessary. A pile cushion would be used during impact hammering. The pilings would be inserted into the subsurface floor using a barge-mounted diesel pile-driving rig, tugboat, and other tending boats as required.

The piles would be coated in bitumen and filled with grout once driven. The top 19 feet of the piles would be reinforced with a rebar cage extending into the cast-in-place concrete pile caps. These pile caps would be 50 inches high from underside to the top deck, 53 inches wide, and approximately 11 feet long.

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. The first span (48 feet) would have modular aluminum tube guardrails for fall protection, and the sides and ends of the multiple 30-foot spans would include horizontal rubber fenders and deck cleats for vessel mooring.

In addition to the four mooring dolphin piles, the pier would be equipped with mooring whips, mooring cleats, power, fresh water kiosks, LED bollard lighting, and video surveillance, which would tie into existing systems. Utilities would be routed in uplands from the main facility to the pier via a new utility trench originating at the main facility, aligned across 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 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. The pier would be accessed via a new personnel gate installed in the existing chain link fence surrounding the facility.

Enclosed is a summary of marine mammals under National Oceanic and Atmospheric Administration National Marine Fisheries Service (NMFS or NOAA Fisheries) jurisdiction with the potential to occur in the project site, as well as measures we are proposing to avoid impacts on those marine mammals. While there is some potential for marine mammals to occasionally occur within the project site, we do not expect them to be common because water depth at the project site is less than 3 meters (9.84 feet); however, we are proposing measures to avoid impacts on marine mammals (as described in the enclosed marine mammal summary), including a monitoring and shutdown plan to avoid impacts on marine mammal during pile driving in the event marine mammals are present.



Ms. Engelby  
Page 3

Based on the small number of piles required to construct the pier, and our plan to avoid Level A and Level B harassment of marine mammals, we do not believe an Incidental Harassment Authorization under the Marine Mammal Protection Act would be required. We request your concurrence on our plan for avoiding impacts on marine mammals.

Copies of the Draft EA and Draft FONSI can be downloaded from the Internet at <http://www.cbp.gov/about/environmental-cultural-stewardship/nepa-documents/docs-review> and hard copies can be reviewed at the following public location: Ponce Municipal Library (Mariana Suarez De Longo Municipal), Miguel Pou Boulevard, Ponce, PR 00733.

CBP also invites your comments on the Draft EA and Draft FONSI during the 30-day comment period beginning on October 31, 2018. Comments must be received by November 30, 2018, to be considered for incorporation into the Final EA. When submitting comments, please include your name and address, and identify your comments or email subject line as intended for the "CBP Ponce Pier and Boat Ramp EA." Submit your comments on the Draft EA and Draft FONSI by email to [joseph.zidron@cbp.dhs.gov](mailto:joseph.zidron@cbp.dhs.gov) or by mail to:

Mr. Joseph Zidron  
Real Estate and Environmental Branch Chief  
Border Patrol & Air and Marine Program Management Office  
24000 Avila Road, Suite 5020  
Laguna Niguel, CA 92677

If you have any questions or concerns please feel free to contact Mr. Zidron by phone at 949.643.6392, or via email at [joseph.zidron@cbp.dhs.gov](mailto:joseph.zidron@cbp.dhs.gov). Thank you for your cooperation and assistance.

Sincerely,



Joseph Zidron  
Real Estate and Environmental Branch Chief  
Border Patrol & Air and Marine Program Management Office  
U.S. Customs and Border Protection

Enclosure(s)

cc: David Bernhart, Assistant Regional Administrator

**Enclosure 1: Replacement of the Pier and Boat Ramp at the U.S. Border Patrol & Air and Marine Facility, Ponce, Puerto Rico, Marine Mammal Summary**

Marine mammals are not expected to be common at the project site because the majority of cetaceans occupying the Caribbean Sea surrounding Puerto Rico are deep-water species (Mignucci-Giannoni 1998). The project site only extends into the Caribbean Sea approximately 80 meters (262.46 feet) from the shore, and the water depth within the area would not exceed more than 3 meters (9.84 feet) (see Figure 1). Most marine mammals found in the waters surrounding Puerto Rico do not frequent such shallow waters. Five species of marine mammals under National Oceanic and Atmospheric Administration National Marine Fisheries Service (NMFS or NOAA Fisheries) jurisdiction have the potential to occur at the project site. While the following species occur in the waters surrounding Puerto Rico, they are expected to occur in offshore waters, defined as past the continental shelf edge in areas of high sea floor relief, and are not expected to occur at the project site (Mignucci-Giannoni 1998; Grupo Editorial EPRL 2014):

Toothed Whales (Suborder Odontoceti)

- Risso's dolphin, *Grampus griseus*
- Striped dolphin, *Stenella coerulescens*
- Sperm whale, *Physeter macrocephalus*
- Orca, *Orcinus orca*
- Short-finned pilot whale, *Globicephala macrorhynchus*
- Pygmy killer whale, *Feresa attenuata*
- Cuvier's beaked whale, *Ziphius cavirostris*
- Dwarf sperm whale, *Kogia sima*
- Common dolphin, *Delphinus delphis*
- Antillean or Gervais' beaked whale, *Mesoplodon europaeus*
- Melon-headed whale, *Peponocephala electra*
- Pygmy sperm whale, *Kogia breviceps*
- Rough-toothed dolphin, *Steno bredanensis*

Baleen Whales (Suborder Mysticeti)

- Bryde's whale, *Balaenoptera edeni*
- Fin Whale, *Balaenoptera physalus*
- Minke whale, *Balaenoptera acutirostrata*
- Sei Whale, *Balaenoptera borealis*

The species presented in Table 1 are expected to occur in nearshore waters, defined as within the continental shelf in areas of low sea floor relief, and have the potential to occur at the project site (Mignucci-Giannoni 1998; Grupo Editorial EPRL 2014). The most common species are expected to be bottlenose dolphins, Atlantic spotted dolphins, and spinner dolphins—as evident by the number of sightings and potential to be found in nearshore waters (see Table 1) (Mignucci-Giannoni 1998). While humpback whales were the most commonly sighted mammal, most sightings occurred in offshore waters. A few mother-calf pairs or solitary humpback whales are rarely observed in the shallow, near-shore waters of the southern coast of Puerto Rico (MacKay et al. 2016). Similarly, false killer whales typically are found in deep, offshore waters but are rarely observed in shallow, coastal waters (VAMSC Undated).





Figure 1. Overview of the CBP Ponce Pier and Boat Ramp Project, Ponce, Puerto Rico



**Table 1. Marine Mammals with Potential to Occur near the CBP Project Pier and Boat Ramp Project, Ponce, Puerto Rico**

Common Name, Scientific Name	Sighting and Abundance Information	Type of Habitat	Potential to Occur at the Project Site
<b>Baleen whales (Suborder Mysticeti)</b>			
Humpback whale, <i>Megaptera novaeangliae</i>	1,597 sightings between 1957 and 1989 (seen offshore)	Seasonal resident, breeding ground during winter months offshore in deeper waters	Rare
<b>Toothed Whales (Suborder Odontoceti)</b>			
Bottlenose dolphin, <i>Tursiops truncatus</i>	151 sightings between 1966 and 1989	Year-round resident	Occasional
Atlantic spotted dolphin, <i>Stenella frontalis</i>	31 sightings between 1958 and 1987	Year-round resident	Occasional
Spinner dolphin, <i>Stenella longirostris</i>	41 sightings between 1956 and 1988	Year-round resident	Occasional
False killer whale, <i>Pseudorca crassidens</i>	1 sighting in 1988	Year-round resident	Rare

The pier would be constructed with sixteen 18-inch-diameter hollow cylindrical steel piles in waters of the United States (12 pier piles and 4 mooring dolphin piles), two 18-inch-diameter steel piles on land, and concrete cast-in-place and pre-cast components (Table 2). There would be one additional sacrificial tension pile on land. Each pile would be approximately 30.48 meters (100 feet) in length, but the final length would be dictated by the project's specifications. While the pile driving method has not been selected, a vibratory driver would be used if possible, and an impact hammer would only be used if necessary. A pile cushion would be used during impact hammering. The pilings would be inserted into the subsurface floor using a barge-mounted diesel pile-driving rig, tugboat, and other tending boats as required.

**Table 2. In-water Piling Information**

Pile Material	Pile Diameter (inches)	Number of Piles	Installation/ Removal Method	# of Strikes per Pile (if using impact hammer)	Duration of Pile- driving Activity (days)	Confined Space or Open Water
Steel	18	16	Impact*/ vibratory hammer	Unknown	Unknown	Open Water

Note: \*A pile cushion would be used during pile driving.



NOAA Fisheries has subdivided marine mammals into five functional hearing groups as presented in Table 3. The humpback whale is a low-frequency cetacean while the toothed whales (dolphins and false killer whale) as shown in Table 3, are mid-frequency cetaceans. Whether impact or vibratory, pile driving is a broadband noise that spans across a wide range of frequencies and could be heard by both hearing groups. Impact pile driving is considered an impulsive noise and vibratory pile driving is a continuous noise.

**Table 3. Marine Mammal Hearing Groups**

Hearing Group	Generalized Hearing Range*
Low-frequency (LF) cetaceans (baleen whales)	7 Hz to 35 kHz
Mid-frequency (MF) cetaceans (dolphins, toothed whales, beaked whales, bottlenose whales, false killer whales)	150 Hz to 160 kHz
High-frequency (HF) cetaceans (true porpoises, <i>Kogia</i> , river dolphins, cephalorhynchid) <i>Lagenorhynchus cruciger</i> & <i>L. australis</i> )	275 Hz to 160 kHz
Phocid pinnipeds (PW) (underwater) (true seals)	50 Hz to 86 kHz
Otariid pinnipeds (OW) (underwater) (sea lions and fur seals)	60 Hz to 39 kHz

Notes: \* Represents the generalized hearing range for the entire group as a composite (i.e., all species within the group), where individual species' hearing ranges are typically not as broad. Generalized hearing range was chosen based on an approximate 65-decibel (dB) threshold from normalized composite audiogram, with the exception for lower limits for LF cetaceans (Southall et al. 2007 as cited in NMFS 2018) and PW pinniped (approximation). Hz=Hertz, kHz=kilohertz.

The following avoidance and minimization measures are examples of measures that could be implemented to avoid impacts on marine mammals from pile installation and removal. CBP would coordinate with NOAA Fisheries Marine Mammal Branch to develop the full suite of best management practices (BMPs) to avoid incidental harassment on marine mammals under NOAA Fisheries jurisdiction.

- **Pile Driving**
  - During pile driving activities, a protected species observer would be present to screen for marine mammals, as well as other protected species, that might potentially enter a 100-yard buffer zone around the pile driving area.
  - Monitoring for marine mammals and protected species would occur for 1 hour, prior to pile driving, during daylight hours.
  - Shut-down procedures would be used if marine mammals or protected species are observed in the 100-yard buffer zone.
  - Pile driving would only occur during daytime hours.
  - A pile cushion would be used during pile driving.
  - A vibratory hammer would be used to install piles to the maximum extent practicable.
  - Ramp-up procedures or pile tapping would be used at the beginning of pile driving.
- **Monitoring**
  - Prior to arrival on the worksite, all onsite personnel would be made aware of protected species, be familiar with the BMPs to implement in case they encounter these species, and screen the ensonified area for protected species during in-water construction activities.
  - Personnel would notify the construction manager of activities that might harm or harass a protected species.

- Upon such notification, the construction manager may temporarily suspend all activities in question and notify the contracting officer, administrative contracting officer, and contracting officer's representative of the suspense so that the key client contact can be notified and apprised of the situation a resolution can be reached.
- Construction would be performed only in areas that have been surveyed for biological resources.
- **Vessel Traffic**
  - Construction contractors would implement the *NMFS Southeast Region Vessel Strike Avoidance Measures and Reporting for Mariners*, revised February 2008, for all vessel activities.
- **Construction Equipment**
  - All construction contractors would implement the *Sea Turtle and Smalltooth Sawfish Construction Conditions*, dated March 23, 2006. These measures would also be applied to marine mammals.
  - If a protected species is seen within 100 yards of a moving vessel associated with the project, the vessel would take all appropriate precautions to avoid the individual.
  - Operation of any mechanical construction equipment would cease immediately if a protected species is observed within a 15.2-meter (50-foot) radius of construction equipment and would not resume until the species has departed the area on its own.
  - If the detection of species is not possible during certain weather conditions (e.g., fog, rain, wind), then in-water operations would cease until weather conditions improve and detection is again feasible.
- **Reporting**
  - Collisions with and/or injuries to any protected species would be reported appropriately to NOAA Fisheries.



#### Literature Cited

- Grupo Editorial EPRL. 2014. *The marine mammals*. Available online: <https://enciclopediapr.org/en/encyclopedia/the-marine-mammals/#1478142306304-38313e81-668e>. Accessed on September 27, 2018.
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- MacKay, M.M., Wursig, B., Bacon, C.E., & Selwyn, J.D. 2016. North Atlantic humpback whale (*Megaptera novaeangliae*) hotspots defined by bathymetric features off western Puerto Rico. *Canadian Journal of Zoology*, 94, 517-527.
- National Marine Fisheries Service. 2018. 2018 Revisions to: Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Version 2.0): Underwater Thresholds for Onset of Permanent and Temporary Threshold Shifts. U.S. Dept. of Commer., NOAA. NOAA Technical Memorandum NMFS-OPR-59, 167 p.
- Vancouver Aquarium Marine Science Centre. (VAMSC). Undated. *False killer whales*. Available online: <https://www.vanaqua.org/learn/aquafacts/cetaceans/false-killer-whales>. Accessed on September 27, 2018.



## CBP Email to NOAA Fisheries, Marine Mammal Branch, December 2018

---

**From:** ZIDRON, JOSEPH  
**Sent:** Wednesday, December 19, 2018 2:35 PM  
**To:** laura.ingleby@noaa.gov  
**Cc:** REGAN, LAURI R  
**Subject:** Customs and Border Protection - Ponce MMPA Consultation  
**Attachments:** RMY NMFS MMPA Letter\_Final.pdf

Dear Ms. Engleby:

Attached is an electronic copy of the informal consultation letter CBP sent to your office on October 30, 2018. Included in the letter is a project description and summary of marine mammals under NOAA Fisheries jurisdiction with the potential to occur in the project site, as well as measures we are proposing to avoid impacts on those marine mammals. The Draft EA and Draft FONSI can be downloaded at <http://www.cbp.gov/about/environmental-cultural-stewardship/nepa-documents/docs-review>. The public review period for the Draft EA was October 31 through November 30, 2018.

This project is critically important for our law enforcement personnel in Puerto Rico as the current condition of the infrastructure at this facility is impacting their ability to perform maritime operations. As such, CBP would appreciate if could review and respond to the attached material as soon as possible. If you have any questions about the project, please contact me directly.

Thanks,

**Joseph Zidron**

Real Estate and Environmental Branch Chief  
Border Patrol & Air and Marine PMO  
U.S. Customs and Border Protection  
Office: 949.643.6392  
Mobile: 949.307.2982  
[joseph.zidron@dhs.gov](mailto:joseph.zidron@dhs.gov)

## A.5. Puerto Rico Oficina Estatal de Conservación Historica

### CBP Letter to Puerto Rico Oficina Estatal de Conservación Historica

1300 Pennsylvania Avenue NW  
Washington, DC 20229



**U.S. Customs and  
Border Protection**

APR 28 2017

Mr. Carlos A. Rubio Cancela, Architect  
State Historic Preservation Officer  
Oficina Estatal de Conservación Histórica  
Cuartel de Ballajá, Oficina 336-A, Tercer Piso  
San Juan, PR 00902

**REFERENCE:** U.S. Customs and Border Protection (CBP), Air and Marine Facilities (AMF)  
Ramey Sector, Puerto Rico, Ponce Pier and Boat Ramp Replacement

Dear Mr. Rubio Cancela:

The U.S. Department of Homeland Security (DHS), U.S. Customs and Border Protection (CBP) proposes to construct a replacement pier and boat ramp at the U.S. Coast Guard (USCG) Ponce Boathouse located at 41 Bonaire Street, Ponce, PR 00716 (Parcel ID: 412-061-611-04; see Attachment A for project location). CBP is the lead federal agency for this undertaking. Pursuant to Section 106 of the National Historic Preservation Act (NHPA) and implementing regulations (36 CFR Part 800), this letter and enclosures constitute a request for concurrence with CBP's determination of effects on historic properties from this undertaking.

#### **Description of the Undertaking**

Due to age and deterioration, the condition of the existing facilities can no longer adequately support CBP's mission requirements. Additionally, the existing pier cannot accommodate CBP vessel sizes and; therefore, is no longer usable and has been abandoned in place. CBP, with the support of the U.S. Army Corps of Engineers (USACE), proposes to design and construct a new pier and boat ramp capable of supporting operations for a minimum of two SAFE™ 410 Apostle Vessels docked simultaneously and constructed a minimum of three (3) feet above the mean high water level. Additionally, the proposed project consists of replacing the existing boat ramp, in order to permit the safe launch and recovery of 45-foot trailered marine vessels at mean low water.

The proposed pier would be constructed of cast-in-place reinforced concrete and would be a minimum of 15 feet wide over its entire length. The location of the pier will either be east of the USCG Ponce Boathouse property line (at or near the existing pier and boat ramp; Option 1) or south of the USCG Ponce Boathouse property line (Pier Option 2). See Attachment B for location and placement of the pier and boat ramp options.

#### **Determination and Documentation of the Area of Potential Effects**

The Area of Potential Effects (APE) delineated for this project accounts for all potential direct and indirect effects from the undertaking on historic properties. In general, effects from the project are not expected to extend landward outside of the USCG parcel boundaries. Construction would occur on the waterside/southern end of the parcel. The existing buildings and structures on the USCG parcel would restrict views and transmission of sound from construction activities to the adjacent Bonaire Street. The APE boundaries (Attachment B) extend into the water where construction will occur and include 1.37 acres on land and 1.01 acres on water.

#### **Identification and Evaluation of Historic Properties**

In 2013, CBP conducted a comprehensive cultural resources survey of the USCG Ponce Boathouse property to fulfill its responsibilities under Section 110 of the NHPA. The report was reviewed by OECH and the determinations of eligibility concurred with by OECH (OECH Correspondence 26 August 2013; Attachment C). The survey included a literature and record search of files at OECH within 1 mile of the facility and a Phase IB archeological survey conducted in 1992, in accordance with the *Procedimiento para la radicación y evaluación de proyectos de construcción y desarrollo* (Procedure for the placement and evaluation of construction and development projects) published by the *Consejo Para la Protección del Patrimonio Arqueológico Terrestre de Puerto Rico* (Council for the Protection of the Terrestrial Archeological Patrimony of Puerto Rico). The architectural survey was conducted in 2002, in accordance with the *Reglamento para la designación, registro y conservación de sitios y zonas históricas en Puerto Rico* (Regulations for the designation, registration, and conservation of historic sites and districts in Puerto Rico) published by the *Estado Libre Asociado de Puerto Rico, Oficina de la Gobernadora, Junta de Planificación* (Free Associated State of Puerto Rico, Office of the Governor, Planning Council).

The literature and record search conducted in 2013 found no previously recorded terrestrial archeological sites within 1 mile of the facility. Two unnumbered maritime archeological sites were identified outside of the APE (343 meters and 1.66 kilometers southeast of the facility). Additionally, the 1841 U.S. Customs House, located across Bonaire Street from the USCG Ponce Boathouse was listed in the NRHP in 1988. However, the Customs House is 85 and 95 meters, respectively, from the proposed pier and boat ramp Options 1 and 2, which is outside of the APE delineated for this project.

The 2013 archeological investigation found no archeological sites at the USCG Ponce Boathouse. A pedestrian survey of 100% of the parcel was conducted and two shovel test pits dug. The survey revealed that the facility had been heavily impacted by construction and the potential for archeological deposits was extremely low. The architectural survey evaluated four buildings and six structures for NRHP eligibility. One structure on the parcel was not evaluated



Mr. Carlos A. Rubio Cancela  
Page 3

in 2013, the Playa Ponce Rear Light, which constructed between 1952 and 1958 and is owned by USCG. The ten buildings and structures at the facility were determined not eligible for listing in the NRHP with OECH concurrence.

**Determination of Effects on Historic Properties**

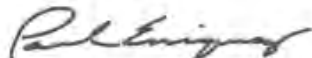
No archeological sites are present on the USCG parcel or within the APE. Therefore, no archeological sites would be affected by the undertaking.

The Playa Ponce Rear Light is the only unevaluated building or structure on the USCG parcel. As no formal determination of eligibility has been made for it, it is assumed to be NRHP-eligible for the purposes of this consultation. Based on the project design and scope, anticipated effects on the Playa Ponce Rear Light are minimal and do not negatively impact the property's historic integrity. The construction of the pier and boat ramp would minimally change the setting of the light. The pier and boat ramp would be replacing existing non-historic structures and the new construction would continue existing and historic governmental maritime uses at the site. Therefore, CBP has determined this project has no adverse effects on historic properties.

We request concurrence on our determination of no historic properties affected as contained in the enclosed report. If CBP has not received a response from your office within 30 days of your receipt of this determination letter, CBP will consider its responsibilities under Section 106 to have been fulfilled.

If you have any questions or concerns, please feel free to contact Lauri Regan at (202) 313-1872, lauri.r.regan@cbp.dhs.gov; US Customs and Border Protection, 24000 Avila Road, Suite 5020, Laguna Niguel, CA 92677, Attn: *Paul Enriquez*. We also request you provide an electronic copy of your response to Ms. Regan at lauri.r.regan@cbp.dhs.gov.

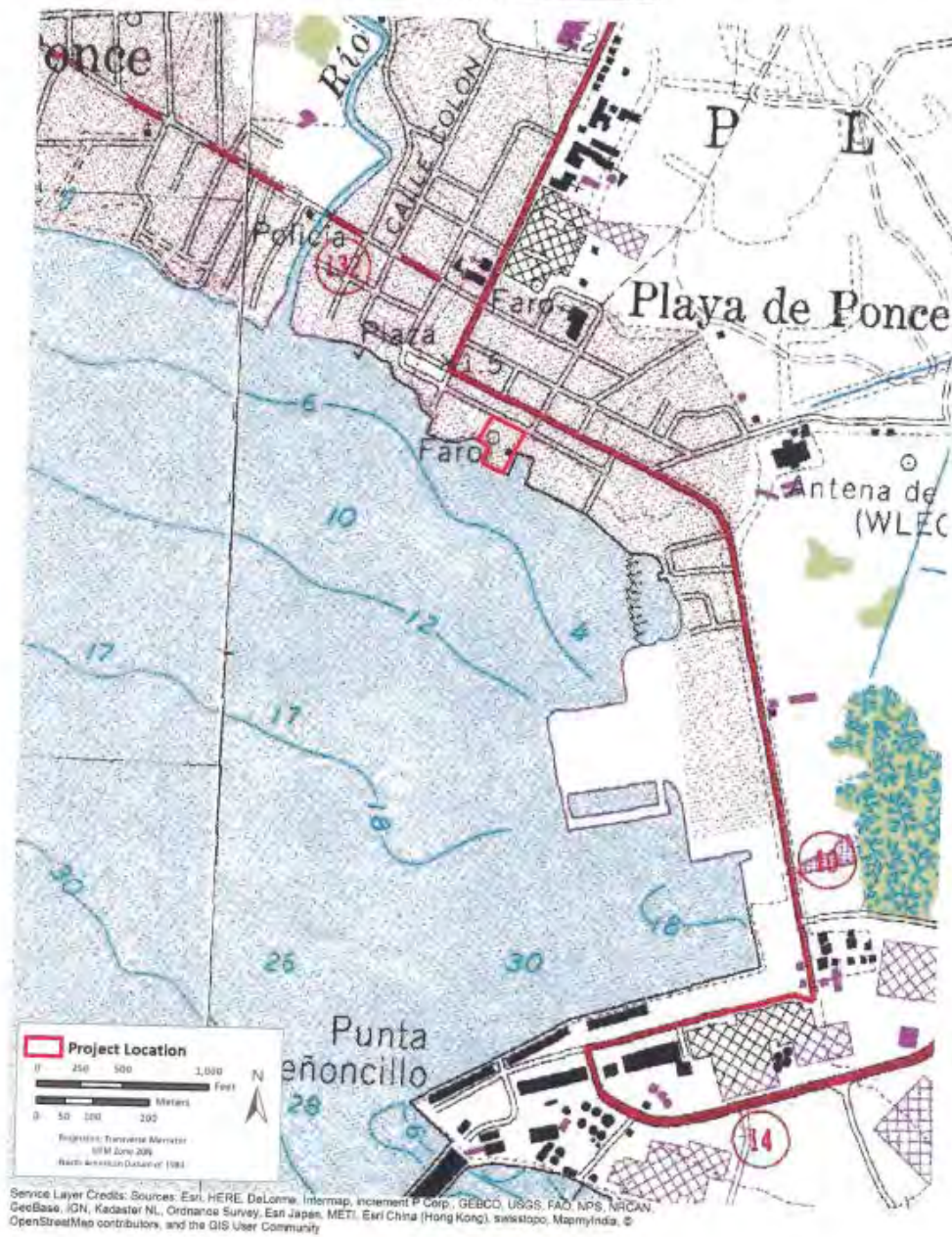
Sincerely,



Paul Enriquez  
Real Estate and Environmental Branch Chief  
Border Patrol and Air & Marine  
Program Management Office

Enclosures: Attachment A – Project Location (USGS Topographic Quadrangle)  
Attachment B – Area of Potential Effects/Construction Design  
Attachment C – OECH Correspondence to CBP, dated 26 August 2013  
Attachment D – Section 106 Delivery Control Form

**Attachment A – Project Location (USCG property boundary)**



## Attachment B – Area of Potential Effects Map



Sources: Imagery - DigitalGlobe (2012); Survey Area and Visitors of the U.S. Overseas - HCR (2016)



**Attachment C – OECH Correspondence to CBP, dated 26 August 2013**

OFICINA ESTATAL DE  
CONSERVACIÓN HISTÓRICA  
OFICINA DEL GOBIERNO  
STATE HISTORIC  
PRESERVATION OFFICE



October 23, 2013

Jennifer DeHart Hass, Director  
Environmental and Energy Division  
U.S. Customs and Border Protection  
1300 Pennsylvania Avenue NW  
Washington DC, 20229

**SHPO #08-26-13-01 IDENTIFICATION AND EVALUATION OF AIR AND MARINE FACILITY CARIBBEAN IN AGUADILLA, RAMEY BORDER PATROL STATION IN AGUADILLA AND AIR AND AIR AND MARINE FACILITY IN PONCE, ISLANDWIDE, PUERTO RICO**

Dear Ms. DeHart:

We acknowledge the receipt of the cultural resources inventories prepared for the above referenced facilities in accordance with Section 110 of the National Historic Preservation Act (NHIPA). We are providing you the following comments for each one:

Air and Marine Facility Caribbean, (Aguadilla). We concur with the survey's evaluation and NRHP recommendations for all properties within the boundaries of the AMF Caribbean facility with the exception of the hangar (Building PR4043) as it seems with enough integrity and significance to be individually eligible for inclusion in the National Register of Historic Places (NRHP).

Ramey Border Patrol Station, (Aguadilla). We concur with the survey's evaluation and NRHP recommendations for all properties within the boundaries of the BPS facility.

Air and Marine Facility, (Ponce). We concur with the survey's evaluation and NRHP recommendations for all properties within the boundaries of the AMF facility with the exception of the US Coast Guard Marine Safety Division boathouse (Building PR 4924) and the Playa de Ponce rear range light (PMU 5). Close consideration need to be taken with these two resources in their direct association with the USCG context.

We appreciate the opportunity to comment on this matter. If you have any questions or comments or require any further assistance, do not hesitate to architect Santiago Gela Aguilera or historian Juan Llano Santos of our Office.

Sincerely,

Diana López Sotomayor, Archaeologist  
State Historic Preservation Officer

DLS/NP/BRS/JLS/SG

[WWW.OECH.GOBIERNO.PR](http://WWW.OECH.GOBIERNO.PR)

P.O. Box 0020025  
00910-0025, P.R.

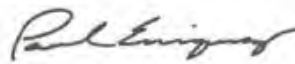
Teléfono/Voice (787) 720-3777  
Fax (787) 720-3773



**Formulario para el control de entrega.  
Proyectos de sección 106**

(Delivery control form 106 Section)



Sección A. Información a ser llenada por el proponente* (Section A. Information to be filled by proponent)			
Nombre del Proyecto/ Project's name		Número de referencia federal/ Reference federal number	
CBP Ponce Pier and Boat Ramp Replacement		SEAC-RP2004905	
Municipio/ Municipality	Barrio/ Ward	Nombre del Proponente/ Proponent's name	
Ponce	Playa	U.S. Customs and Border Protection	
Agencia Federal/ Federal Agency		Total de fondos federales solicitados/ Total of federal funds to be requested	Total de acres/ Total amount of acres
CBP		\$1,886,500.00	Terrestrial: 1.37 ac Maritime: 1.01 ac
Nombre de la persona que entrega/ Name of person who delivers		Firma/Signature	
Paul Enriquez			
Sección B. Información a ser llenada por la OECH al momento de la entrega del proyecto (Section B. Information to be filled by SHPO upon delivery)			
Fecha de entrega en la OECH/ SHPO delivery date		Nombre y firma de la persona que recibe/ Name and signature of person who received	

- \* Para poder cumplir su labor ministerial la OECH requiere que la Sección A de este formulario sea completada en su totalidad. Por tal razón, no se aceptarán proyectos que incumplan este requerimiento.  
(To carry out our duties, the SHPO requires that Section A of this form be totally filled-out. For this reason, we will not accept an incomplete form.)



## GOBIERNO DE PUERTO RICO

### Oficina Estatal de Conservación Histórica

May 10, 2017

#### Paul Enriquez

Real Estate and Environmental Branch Chief  
Border Patrol and Air & Marine  
U.S. Customs and Border Protection  
1300 Pennsylvania Avenue NW  
Washington, DC 20229

SHPO 05-04-17-01 U.S. CUSTOMS AND BORDER PROTECTION (CBP), AIR AND MARINE FACILITIES (AMF) RAMEY SECTOR, PONCE PIER AND BOAT RAMP REPLACEMENT, PONCE, PUERTO RICO

Dear Mr. Enriquez,

Our Office has received and reviewed the above referenced project in accordance with 54 U.S.C. 306108 (commonly known as Section 106 of the National Historic Preservation Act) and 36 CFR Part 800, *Protection of Historic Properties*. The State Historic Preservation Officer (SHPO) is to advise and assist federal agencies and other responsible entities when identifying historic properties, assessing effects upon them, and considering alternatives to avoid or reduce the project's effects.

The waters where the scheduled improvements are to be carried out experienced heavy maritime commercial activity during the nineteenth and early twentieth centuries. Therefore, it is likely that archaeological material remains associated with this activity lie within the area of potential effects (APE) of this undertaking. The 2013 Cultural Resources Inventory of the Ponce facility did not include the surrounding waters. As such, an underwater archaeological survey of the APE should be carried out to determine the presence of these remains. You should submit a report documenting the results of this survey to our Office for review and comment.

If you have any questions regarding this matter, please contact Miguel Bonini at (787) 721-3737 or [mbonini@prshpo.pr.gov](mailto:mbonini@prshpo.pr.gov).

Sincerely,

Carlos A. Rubin-Cancel  
State Historic Preservation Officer

CARC/BRB/MB





**GOBIERNO DE PUERTO RICO**  
**Oficina Estatal de Conservación Histórica**

Monday, February 12, 2018

**Paul Enriquez**

Real Estate and Environmental Branch Chief  
Border Patrol and Air and Marine  
Program Management Office  
US Customs and Border Protection  
1300 Pennsylvania Avenue NW  
Washington DC, 20229

**SHPO 01-12-18-01 POST-HURRICANE MARIA EMERGENCY REPAIRS TO  
THE USCG PONCE BOATHOUSE PERIMETER FENCE, PONCE, PUERTO  
RICO**

Dear Mr. Enriquez:

Our Office has received and reviewed the above referenced project in accordance with Section 106 of the *National Historic Preservation Act of 1966*, as amended and *36 CFR Part 800: Protection of Historic Properties* from the Advisory Council on Historic Preservation. The State Historic Preservation Officer (SHPO) is to advise and assist federal agencies and other responsible entities when identifying historic properties, assessing effects upon them, and considering alternatives to avoid or reduce the project's effects.

Our records support your finding of no historic properties affected within the project's area of potential effects.

If you have any questions or comments regarding this matter, do not hesitate to contact Santiago Gala Aguilera, of our Office at [sgala@prshpo.pr.gov](mailto:sgala@prshpo.pr.gov) or extension 2010.

Sincerely,



**Carlos A. Rubio Calles**  
State Historic Preservation Officer

CARC/OMO/SG



OFICINA DE LA GOBERNADORA  
GOBIERNO DE PUERTO RICO  
OFFICE OF THE GOVERNOR  
GOVERNMENT OF PUERTO RICO

Cuartel de Dilejé, San Juan, PR • PO Box 9023935, San Juan, PR 00902-3935 • [www.oech.pr.gov](http://www.oech.pr.gov) • 787-721-3737

## CBP Response Transmitting Underwater Survey, 2018

1300 Pennsylvania Avenue NW  
Washington, DC 20229



**U.S. Customs and  
Border Protection**

**MAR 15 2018**

Carlos A. Rubio Cancela  
State Historic Preservation Officer  
Oficina Estatal de Conservación Histórica  
Cuartel de Ballajá, Oficina 336-A, Tercer Piso  
San Juan, Puerto Rico 00902

Re: SHPO 05-04-17-01  
U.S. Customs and Border Protection, Air and Marine Facilities Ramey Sector, Ponce Pier  
and Boat Ramp Replacement, Ponce, Puerto Rico  
REPORT REVIEW: *Underwater Archaeology Survey for the Proposed Ponce Marine Unit  
Boat Ramp and Pier, Ponce Municipality, Puerto Rico*

Dear Mr. Cancela,

At your request during initial consultation for the referenced project (letter dated May 10, 2017), the U.S. Department of Homeland Security, U.S. Customs and Border Protection (CBP) contracted SEARCH to conduct a Phase I maritime archaeological investigation of the project's Area of Potential Effects (APE). The survey was completed on July 26, 2017 to assist CBP with its obligation under Section 106 of the National Historic Preservation Act and implementing regulations (36 CFR Part 800). While the survey was completed in July of last year, CBP has delayed this submittal to allow the SHPO to reestablish their operations and handle emergency response undertakings.

Instrumentation for the Phase I survey included a differentially corrected global positioning system receiver, a marine magnetometer, and a side-scan sonar. SEARCH designed the survey to cover the 0.6 acres of the marine APE with parallel survey lines spaced 20 feet apart. The survey was designed and directed by professional maritime archaeologists who meet the Secretary of the Interior's *Standards and Guidelines for Archeology and Historic Preservation*, and employed data acquisition technologies and methodologies that surpassed best current practices for maritime archaeological survey. SEARCH applied data processing techniques to identify and recognize potential submerged cultural resources and used a thorough maritime context to assist with the archaeological interpretation of the data.

Mr. Cancela  
Page 2

No remote-sensing targets were identified within the APE that would be indicative of potential submerged cultural resources. Therefore, SEARCH recommends a clearance for cultural resources for this project. Enclosed is the draft technical report of findings for your review. We look forward to receiving and addressing your comments. If you have any questions or require additional information, please feel free to contact Lauri Regan at (202) 313-1872, lauri.r.regan@cbp.dhs.gov, U.S. Customs and Border Protection, 24000 Avila Road, Suite 5020, Laguna Niguel, CA 92677, Attn: *Paul Enriquez*. We also request you provide an electronic copy of your response to Ms. Regan at lauri.r.regan@cbp.dhs.gov.



Paul Enriquez  
Real Estate and Environmental Branch Chief  
Border Patrol and Air & Marine  
Program Management Office

Encl. (1): Draft Technical Report of Findings: *Underwater Archaeology Survey for the Proposed Ponce Marine Unit Boat Ramp and Pier, Ponce Municipality, Puerto Rico*





GOBIERNO DE PUERTO RICO  
Oficina Estatal de Conservación Histórica

April 3, 2018

**Paul Enriquez**

Real Estate and Environmental Branch Chief  
Border Patrol and Air Marine  
Program Management Office  
U.S. Customs and Border Protection  
1300 Pennsylvania Avenue NW  
Washington, DC 20229

SHPO 05-04-17-01 U.S. CUSTOMS AND BORDER PROTECTION PONCE  
PIER AND BOAT RAMP REPLACEMENT, PONCE, PUERTO RICO

Dear Mr. Enriquez,

We have reviewed the underwater archaeological survey report prepared for the above referenced project. The survey did not detect any historically significant resources. Therefore, we do not recommend any additional identification efforts. Nevertheless, the undertaking lies within Playa de Ponce, a district eligible for inclusion in the National Register of Historic Places under Criteria A and C. Notwithstanding, we do not believe that implementation of the undertaking will adversely affect this historic district and, therefore, believe that a finding of no adverse effect would be appropriate for the project.

Please note that should the Agency discover other historic properties at any point during project implementation, you should notify the SHPO immediately. If you have questions regarding this matter, please contact our Office at (787) 721-3737 or email, [ediaz@prshpo.pr.gov](mailto:ediaz@prshpo.pr.gov).

*Sincerely,*

Carlos A. Rubio-Cancela  
State Historic Preservation Officer

CARC/GMO/BRS/MB





U.S. Customs and  
Border Protection

October 30, 2018

Carlos A. Rubio Cancela  
State Historic Preservation Officer  
Oficina Estatal de Conservación Histórica  
Cuartel de Ballajá, Oficina 336-A, Tercer Piso  
San Juan, Puerto Rico 00902

SUBJECT: SHPO 05-04-17-01  
U.S. Customs and Border Protection, Draft Environmental Assessment and Draft  
Finding of No Significant Impact for the Replacement of the Pier and Boat Ramp  
at the U.S. Border Patrol & Air and Marine Facility, Ponce, Puerto Rico

Dear Mr. Cancela:

U.S. Customs and Border Protection (CBP) proposes to remove the original concrete pier, demolish and remove the temporary structure, construct a new pier, replace the existing boat ramp, and continue operation and maintenance at its Ponce Marine Unit facility at 41 Bonaire Street, Ponce, Puerto Rico. CBP is pleased to provide notification of availability of the Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) for the Replacement of the Pier and Boat Ramp at the U.S. Border Patrol & Air and Marine Facility, Ponce, Puerto Rico, which analyzes the potential impacts from the Proposed Action.

CBP previously corresponded with the Puerto Rico SHPO regarding this project in letters dated April 28, 2017, March 15, 2018, and April 3, 2018. At your request during initial consultation for the referenced project, CBP completed a Phase I maritime archaeological investigation of the project Area of Potential Effects (APE). CBP submitted a draft technical report of findings to your office for review (letter dated March 15, 2018) and subsequently received concurrence of the report findings and your assessment of no adverse effect for the undertaking (letter dated April 3, 2018).

We appreciate your participation in this public process and request your review of the enclosed Draft EA and Draft FONSI. The 30-day public comment period begins on **October 31, 2018**, and comments must be received by **November 30, 2018**, to be considered for incorporation into the Final EA. When submitting comments, please include your name and address, and identify your comments or email subject line as intended for the "CBP Ponce Pier and Boat Ramp EA." Submit your comments on the draft EA and draft FONSI by email to [joseph.zidron@cbp.dhs.gov](mailto:joseph.zidron@cbp.dhs.gov) or by mail to:

Mr. Cancela  
Page 2

Mr. Joseph Zidron  
U.S. Customs and Border Protection  
24000 Avila Road  
Suite 5020  
Laguna Niguel, CA 92677

If you have any questions or concerns please feel free to contact Mr. Zidron by phone at 949.643.6392, or via email at [joseph.zidron@cbp.dhs.gov](mailto:joseph.zidron@cbp.dhs.gov). Thank you for your cooperation and assistance.

Sincerely,



Joseph Zidron  
Real Estate and Environmental Branch Chief  
Border Patrol Facilities and Tactical Infrastructure  
Program Management Office

Enclosure

## Response to CBP, November 2018



GOBIERNO DE PUERTO RICO  
Oficina Estatal de Conservación Histórica  
State Historic Preservation Office

November 21, 2018

### Joseph Zidron

U.S. Customs and Border Protection  
24000 Avila Road  
Suite 5020  
Laguna Niguel, CA 92677

SHPO 05-04-17-01 CBP PONCE PIER AND BOAT RAMP EA, PONCE,  
PUERTO RICO

Dear Mr. Zidron,

We acknowledge receipt of the draft Environmental Assessment prepared for the above referenced project. As stated in our letter of April 3, 2018, we believe that implementation of the project will not adversely affect Playa de Ponce, a district eligible for inclusion in the National Register of Historic Places under Criteria A and C.

If you have questions regarding this matter, please contact our Office at (787) 721-3737 or email, [ediaz@prshpo.pr.gov](mailto:ediaz@prshpo.pr.gov).

**Sincerely,**

Carlos A. Rubio-Cancela  
State Historic Preservation Officer

CARC/GMO/MB

Consejo de Gobierno (Torre Ponce)  
Calle Merced, 100, Ponce, Puerto Rico 00733-0000

PHS Box 9002935, San Juan, PR 00902-9355  
Tel: (787) 721-3737 Fax: (787) 721-3738  
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A.6. Puerto Rico Department of Natural Resources (Departamento de Recursos Naturales y Ambientales)

Application to Puerto Rico Department of Natural Resources, October 2018

Number Secretariat

Form, Rev.

GOVERNMENT OF PUERTO RICO  
DEPARTMENT OF NATURAL AND ENVIRONMENTAL RESOURCES  
P.O. BOX 366147  
SAN JUAN PR 00936

APPLICATION FOR CERTIFICATION OF CATEGORIZATION OF WILDLIFE NATURAL HABITATS

Type of request:

☒ New  
☐ Amendment or Additional information

Additional Information, amendment, or previous certification number: \_\_\_\_\_

1. Name of applicant: U.S. Customs and Border Protection (CBP)  
2. Profession: N/A Professional License: N/A  
3. Physical Address: Ponce Marine Unit, 41 Bonaire Street, Ponce, Puerto Rico 00716  
4. Mailing Address: Mr. Joseph Zidron, Real Estate and Environmental Branch Chief, U.S. Customs and Border Protection, Border Patrol Air & Marine, 24000 Avila Road, Suite 5020, Laguna Niguel, CA 92677  
5. Home Phone: N/A 6. Work Phone: 949-643-6392  
7. Cell Phone: 949-307-2982 8. E-mail (e-mail): Joseph.Zidron@cbp.dhs.gov  
8. Fax number: N/A  
9. Name the agent, consultant or authorized representative (including authorization letter): None  
10. Name of the owner or holder of the project site: U.S. Coast Guard (owner), CBP (lessee)  
11. Physical Address: Lessee, same as above  
12. Mailing Address: Same as above  
13. Home Phone: Same as above 14. Work Phone: Same as above  
15. Cell phone: Same as above 16. E-mail (e-mail): Same as above  
17. Fax number: Same as above

Information from the project site:

18. Physical Address: 41 Bonaire Street, Municipality of Ponce, Puerto Rico 00716  
No. Carretera Km Hm Sector Barrio: Playa, Municipality: Ponce  
19. Zoning area: Urban 20. Total Area: The project area is a total of 2.8 cuerdas (2.7 acres).  
20. Coordinates Lambert (centroid-NAD83) X: 66°37'12" W Y: 17°58'44" N

21. Description of access to the project site (where it is located, how to arrive to the site, who should be contacted to enter, whether or not there are guard dogs or doors/fences that impede access, whether or not there are access trails/roads, etc.)

From downtown Ponce, Puerto Rico, drive east on Calle Comercio (PR-133), drive south on Calle Mayor Cantera, drive south approximately 3.4 km on Avenida Hostos (PR-123), drive east on Calle Bonaire to the project site at 41 Calle Bonaire, Ponce, Puerto Rico. The project area is enclosed by a security fence. A security guard is present at the gate 24 hours per day. Access to the site is through the vehicle gate entrance located on Bonaire Street. There are no security dogs. Site access can be obtained by contacting Mr. Antonio Monllor, SMIA Ponce Marine Unit, 787-908-3833, [ANTONIO.MONLLOR@cbp.dhs.gov](mailto:ANTONIO.MONLLOR@cbp.dhs.gov).

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22. Requirements for the filing of this application<sup>1</sup>:

You must comply with the following:

- a. Request a copy of this form from the Office of Secretary of the Department and complete it appropriately. Make sure that, along with this permit application, you receive a copy of the "Criteria for the Designation of a Natural Habitat in Puerto Rico through Mitigation via the Purchase and Transfer of Land to the Department of Natural and Environmental Resources." This document explains how the habitat designation is established according to Law 241.
- b. When filing this application appropriately completed with the DRNA's Office of the Secretary, the same shall be accompanied by a document with the following information:

- i. **Description and location of the farm project under evaluation.**

CBP's Ponce Marine Unit is located at 41 Calle Bonaire in Ponce, Puerto Rico. The property is owned by the U.S. Coast Guard and leased by CBP and consists of a 1.13 cuerda (1.1-acre) parcel on the south side of Calle Bonaire adjacent to the Caribbean Sea. The Ponce area is highly developed and urbanized, and the project area consists of mostly paved surfaces within an industrial area.

The property is located in the original wharf area of Playa de Ponce and is surrounded by warehouses and administrative buildings. To the east is a waterfront park and parking area. Most of the project area is covered in asphalt paving or structures, except for a 2.8-square meter (m<sup>2</sup>) strip of grassy sand located behind a fence along a beach west of the facility, and an 85-m<sup>2</sup> strip of landscaped lawn east of the facility's main parking lot.

- ii. **Recent inventory of the fauna and flora of the work, highlighting the presence, if any, of rare, vulnerable or endangered species that are critical wildlife elements according to the DRNA lists or the federal government.**

Table 1 provides an inventory of the terrestrial and marine flora and fauna that occur at the project site. None of these species are considered federally rare, vulnerable, threatened or endangered or critical wildlife elements per the DRNA or federal government lists.

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<sup>1</sup> These requirements are derived from Law 241 (August 15, 1999) ("New Wildlife Law of Puerto Rico"), Wildlife Regulations No. 6765 and 6766, and the Administrative Order No. 2010-09

Table 1. Terrestrial and Marine Flora and Fauna that Occur at the Project Site

Common Name	Scientific Name
<b>Plants/Trees</b>	
Lebeck tree	<i>Albizia lebeck</i>
Buffegrass	<i>Cenchrus ciliaris</i>
Guineagrass	<i>Panicum maximum</i>
Limestone sandmat	<i>Chamaesyce blodgettii</i>
Sensitive pea	<i>Chamaecrista nititans</i>
Rose natalgrass	<i>Melinis repens</i>
Swollen fingergrass	<i>Chloris barbata</i>
Desert horsepurshlane	<i>Trianthema portulacastrum</i>
<b>Birds</b>	
Little blue heron	<i>Egretta caerulea</i>
Green heron	<i>Butorides virescens</i>
Brown pelican	<i>Pelecanus occidentalis</i>
Sandwich tern	<i>Thalasseus sandwicensis</i>
Magnificent frigate bird	<i>Fregata magnificens</i>
Bank swallow	<i>Riparia riparia</i>
Black swift	<i>Cypseloides niger</i>
<b>Reptiles</b>	
Green iguana	<i>Iguana iguana</i>
<b>Macroalgae</b>	
Chlorophyta (green)	<i>Acetabularia</i> sp.
	<i>Caulerpa Mexicana</i>
	<i>Caulerpa racemosa</i>
	<i>Caulerpa verticillata</i>
	<i>Caulerpa</i> sp.
	<i>Halimeda</i> sp.
	<i>Udotea</i> sp.
Chlorophyta (brown)	<i>Dictyota</i> sp.
Rhodophyta (red)	<i>Acanthophora spicifera</i>
	<i>Agardhiella subulata</i>
	<i>Bryothamnion</i> sp.
	<i>Gracilaria cylindrical</i>
	<i>Gracilaria cervicornis</i>
Coralline algae	Not specified
<b>Non-coral invertebrates</b>	
Arrow crab	<i>Stenorhynchus seticornis</i>
Branded coral shrimp	<i>Stenopus hispidus</i>
Bleeding tooth	<i>Nerita peloronta</i>
Brittle-star	Class: Ophiuroidea
Bumpy ball sponge	<i>Ircinia strobilina</i>
Cerith snail	<i>Cerithium</i> sp.
Corallimorph	Order: Corallimorpharia
Corkscrew anemone	<i>Bartholomea annulata</i>
Elegant anemone	<i>Actinoporus elegans</i>
Fuzzy chiton	<i>Acanthopleura granulate</i>
Hermit crab	SuperFamily: Paguroidea
Magnificent feather duster worm	<i>Sabellastarte magnifica</i>
Mat zoanthid	<i>Zoanthus</i> sp.
Orange ball sponge	<i>Cinachyra</i> sp.
Pen shell	<i>Atrina rigida</i>
Red cushion sea star	<i>Oreaster reticulatus</i>
Rock boring sea urchin	<i>Echinometra lacunata</i>
Spider crab	<i>Mithrax</i> sp.
Three-rowed sea cucumber	<i>Isostichopus badiionotus</i>
Black solitary tunicate	<i>Ascidia nigra</i>



Common Name	Scientific Name
<b>Non-coral invertebrates (continued)</b>	
Variiegated sea urchin	<i>Lytechinus variegatus</i>
Warty anemone	<i>Bunodosoma</i> sp.
West Indian topshell	<i>Cittarium pica</i>
Variety of encrusting and amorphous sponges	Class: Demospongia
<b>Fish</b>	
Squirrelfish	<i>Holocentrus adscensionis</i>
Spotted scorpionfish	<i>Scorpaena plumieri</i>
Reef croaker	<i>Odontoscion dentex</i>
High-hat	<i>Pareques acuminatus</i>
Yellowtail snapper*	<i>Ocyurus chrysurus</i>
Dog snapper*	<i>Lutjanus jocu</i>
Schoolmaster*	<i>Lutjanus apodus</i>
Lane snapper*	<i>Lutjanus synagris</i>
Mutton snapper*	<i>Lutjanus analis</i>
Mahogany snapper*	<i>Lutjanus mahogoni</i>
Porkfish	<i>Anisotremus virginicus</i>
Black margate	<i>Anisotremus surinamensis</i>
Tomtate	<i>Haemulon aurolineatum</i>
Smallmouth grunt	<i>Haemulon chrysargyreum</i>
French grunt	<i>Haemulon flavolineatum</i>
Bluestripe grunt	<i>Haemulon sciurus</i>
Yellowfin mojarra	<i>Gerres cinereus</i>
Mojarra	<i>Eucinostomus</i> spp.
Ocean surgeon	<i>Acanthurus tractus</i>
Blue tang	<i>Acanthurus coeruleus</i>
Doctorfish	<i>Acanthurus chirurgus</i>
French angelfish	<i>Pomacanthus paru</i>
Striped butterflyfish	<i>Chaetodon striatus</i>
Night sergeant	<i>Abudefduf Taurus</i>
Sergeant major	<i>Abudefduf saxatilis</i>
Beaugregory	<i>Stegastes leucostictus</i>
Dusky damselfish	<i>Stegastes adustus</i>
Puddingwife	<i>Halichoeres radiatus</i>
Blackear wrasse	<i>Halichoeres poeyi</i>
Slippery dick	<i>Halichoeres bivittatus</i>
Bluehead wrasse	<i>Thalassoma bifasciatum</i>
Striped parrotfish	<i>Scarus iseri</i>
Yellowtail parrotfish	<i>Sparisoma rubripinne</i>
Emerald parrotfish	<i>Nicholsina usta</i>
Horseeye jack	<i>Caranx latus</i>
Yellow jack	<i>Caranx bartholomaei</i>
Yellow chub	<i>Kyphosus vaigiensis</i>
Goldspot goby	<i>Gnatholepis thompsoni</i>
Masquerader hairy blenny	<i>Labrisomus conditus</i>
Barfin blenny	<i>Malacoctenus versicolor</i>
Porcupinefish	<i>Diodon hystrix</i>
<b>Coral</b>	
Round starlet coral	<i>Siderastrea siderea</i>
Smooth star coral	<i>Solenastrea bournoni</i>

Note: \*These species are federally managed.



Monk parakeets (*Myiopsitta monachus*) had a communal nest in the tallest coconut palm (*Cocos nucifera*) just outside the property front gate at the northeastern corner of the site. No active bird nests or nesting behavior of MBTA-protected species was observed. No breeding activity was observed for any of the avian species present on site. CBP would conduct additional nesting surveys in advance of project execution.

iii. Description of the methodologies used for the inventory.

Methodology used for the Terrestrial Biological Survey

In August 2016 and July 2018, an environmental scientist walked meandering transects around the perimeter of the Ponce Marine Unit property and adjoining parcels to the east and west including adjacent streets to the north to identify terrestrial habitat at the site and document the presence of wildlife. Particular attention was given to the character of the riprap shoreline and sea level indicators for the mean high water delineation and for the presence of any listed species on the ground, or migratory bird species overhead or using the shoreline and trees for roosting or nesting. The terrestrial wildlife survey report is provided as **Attachment 1** and provides a full description of the methodology used.

Methodology used for the Benthic Marine Biological Survey

Marine biologist divers surveyed the marine portions of the project site in August 2016 and July 2018, using self-contained underwater breathing apparatus. All operations were conducted from the adjacent shoreline. Survey techniques included collection of geospatial data, qualitative video data, and still photographs along with pre-determined benthic transects and *in situ* diver observations of any invertebrates, fishes, coral, marine mammals, and sea turtles within the survey footprint. A seagrass/macroalgae assessment was also conducted using a modified Braun-Blanquet (B-B) technique. Qualitative photographs were collected of representative flora and fauna using a Nikon digital camera in an underwater housing. The benthic marine biological report is provided as **Attachment 2** and provides a full description of the methodology used.

iv. Presence on the project site of water bodies, drinking water wells, wetlands, forests, caves, residual hills, sinks, discharges of used or rain water, beaches, sand dunes, cliffs, etc.

The project is located within U.S. territorial waters near the northern limit of the Caribbean Sea, and the area associated with the existing boat ramp and original pier (now collapsed) is contiguous with these waters. According to the Waters Delineation letter report prepared by CBP, no hydrophytic vegetation, mangrove fringe, or individual mangrove shrubs were found along the shoreline for use in interpretation of a wetland delineation.<sup>2</sup>

The U.S. Fish and Wildlife Service considers the waters just off the Ponce Marine Unit, where the pier construction would occur, to be deep-water estuarine and marine (USFWS 2018).

Although the area surrounding the Ponce Marine Unit is lowland coastal plain, the project area has historically been a filled shoreline. The site is shaped and protected by hardened surfaces,

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<sup>2</sup> HDR. 2016. Ponce Marine Unit, Facility Repairs and Alterations, Ponce, Puerto Rico Determination of Waters of the U.S. and Listed Species Survey. September 28, 2016.

including concrete rubble riprap, and a small area of poured concrete for the boat ramp, adjacent concrete pier, and adjoining water edges.

The Ponce Marine Unit is not located directly over an aquifer. The Portugués River is approximately 609 meters (2,000 feet) west of the Ponce Marine Unit. No wells are located in the project site. **Attachment 3** contains maps depicting the following environmental resources in and within a 400-meter (1,312-foot) buffer around the project area obtained from the Junta de Planificación GIS website:

- Aquifers
- Watersheds
- Ecological value
- Water resources
- Habitats
- Forests
- Protected lands
- Flora and fauna

**v. Description of natural habitats of high ecological value present on the proposed project site. Description of actual or potential impacts of the proposed project on these systems or any other with current natural value.**

Habitat observed during the August 2016 and July 2018 marine benthic surveys, can be categorized into marine habitat types: soft/sand bottom, seagrass, and manmade riprap, which are described in more detail in subsequent paragraphs. Soft bottom was predominant within the manmade inlet, characterized by loose, silty muck with clays in the northern section and grading into fine sand toward the south. The seagrass and manmade riprap provide ecological value, but not high ecological value because the seagrasses, corals, and fishes are generally common and wide ranging species that are not specific to this type of physiography (physical geography).

Potential temporary impacts on habitat would result from pile driving, removal and replacement of riprap, installation and dewatering of a cofferdam, and construction vessel operations and anchoring. Temporary impacts would include an increase in turbidity in the water column and seafloor disturbance. Construction impacts on seagrasses would be temporary and would occur within a 0.75-acre area of construction in the ocean, but the actual area of seagrass that may be temporarily impacted is not quantifiable.

Seagrass was the primary marine habitat, comprised predominantly of *Halodule wrightii* and often interspersed with low densities of *Halophila decipiens* in nearshore areas. Relatively dense assemblages of *H. wrightii* were noted in the southern portions of the survey area. Overall, the seagrass habitat was healthy with minimal epiphytic growth on the seagrass blades. Long-term impacts on seagrass would occur from pile installation, shading from the pier, and pier operations. It is estimated, that up to 0.03 acres of seagrass could be impacted, based on the area of the pier that covers seagrasses.

The shoreline surrounding the property is comprised of manmade riprap of various-sized boulders and concrete pieces and was the only hard substrate observed within the survey area. No natural hard bottom habitat was identified within the delineated survey area. The riprap embankment began at the southern edge of the upland facility's fence line and sloped down to the water line with submerged sections extending up to more than 30 feet from the water-substrate interface. A small littoral zone was present with several intertidal species (e.g., chitons, crabs, snails).



Macroalgae were observed in each of the three habitat types with the greatest diversity and cover within the riprap. There were 19 macroalgae species or taxa identified in the 2016 survey and 15 species identified in the 2018 survey. These included species of green macroalgae (Chlorophyta), red macroalgae (Rhodophyta), and brown macroalgae (Ochrophyta). Several species of the green macroalgae *Caulerpa*, were documented within the riprap and seagrass habitats and were the most visually dominant green macroalgae. The one species of brown macroalgae, *Dictyota* sp., was noted throughout the riprap. Red macroalgae also were observed throughout the riprap.

Coral colonies were observed only within the riprap habitat, attached directly to exposed boulders or to hard substrate just below the sediment surface. Most corals were of an upright growth form, while some were encrusting and angled in a vertical orientation on the sides of the boulders. Colonies were often obscured by macroalgae and a layer of silt up to 1 inch thick was observed on many boulders immediately adjacent to healthy coral colonies. At least one coral colony has the potential to be disturbed by construction. All healthy corals with the potential to be impacted by construction would be relocated prior to construction.

**vi. Brief description of past human activities conducted at the site of the proposed project, especially those that had caused permanent impacts.**

The terrestrial wildlife survey revealed that the facility has been "heavily impacted by construction" and the presence of undisturbed ground surface is nonexistent.<sup>3</sup> The majority of the facility's ground surface is hardened with the exception of a narrow strip of landscaping north of the inlet along the eastern site perimeter and pushed-up sand and gravel behind the riprap in the southwestern site corner. Most of the terrestrial portions of the project site is covered in asphalt paving or structures. The project area has been built up by fill and armoring to its current elevation above sea level. The field work at the site indicates that there are no native soils at the surface.

The shoreline along the Ponce Marine Unit property is lined with manmade riprap. The riprap is comprised of various-sized boulders and concrete pieces and was the only hard substrate observed within the marine survey area. No natural hard bottom habitat was identified within the delineated marine survey area. The riprap embankment begins at the waterward edge of the upland facility's fence line and slopes down to the water line with submerged sections extending up to more than 30 feet from the water-substrate interface.

The Ponce Marine Unit launches their vessels from a boat ramp within a manmade inlet. This is the boat ramp which is to be replaced. The inlet bottom is somewhat disturbed with small holes and depressions possibly caused by launch and recovery of vessels. There is also submerged litter and debris scattered across the inlet bottom. South of the inlet and along the riprap shoreline of the property, the sediment was fine sand with ripple marks, grading into marginal seagrass habitat with scattered natural and/or man-made "sediment blowouts." A small concrete dock on piles extended approximately 15 feet from the shore just south of the boat ramp, but collapsed and was displaced during Hurricane Maria in September 2017.

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<sup>3</sup> Blackwell, Chad, and Matt Edwards. 2013. Final Cultural Resources Inventory of Air and Marine Facility Ponce, Ponce Municipality, Puerto Rico. August 2013.



- vii. Legible copy of topographic map 1:20,000 clearly marking the location of the project site.



Sources: 1:20,000 Cuadrangulo National Geographic Society (Playa De Ponce NW); Project Site (boundary) - CSA Ocean Sciences Inc. and HDR (2018)

viii. Aerial photograph clearly marking the location of the proposed project site.





- ix. Development plan of the project (in NAD83 coordinates) marking the impact footprint of the proposed project.



Sources: Imagery - DigitalGlobe (2019); Waters of the U.S. Determination - HDR (2019); Habitat & Coral Surveys - CSA Ocean Sciences Inc. (2019); Design - Baskerville-Donovan, LLC (2-2019)



**x. Determination of Natural Habitat category recommended for the proposed project according to the information submitted and Law 241 and its regulations.**

The terrestrial portion of the project area, developed with buildings and facilities, contains no natural habitat. In order to categorize the marine portion of the project area, the *Key to Determine Category of Natural Habitat* and the *Procedure to Evaluate and Determine the Category of a Natural Habitat according to the New Wildlife Law of Puerto Rico (Clave para Determinar Categoría de Hábitat Natural and the Procedimiento para Evaluar y Determinar la Categoría de un Hábitat Natural de acuerdo a la Nueva Ley de Vida Silvestre de Puerto Rico)* was considered. As explained in these two documents, a habitat with ecological value (category 4) is that which has "a high diversity or density of species not limited to a specific physiographic region." The species inventoried during the terrestrial and marine benthic surveys are not specific to this geographic region (i.e., can be found in other geographic areas as well). Therefore, the portion of the marine portion of the project area falls under category 4 (Habitat of Ecological Value).

**xi. Description of the area proposed for mitigation, according to recommended Natural Habitat Category and the dispositions of Law 241 and its regulations.**

Healthy individuals of coral colonies that would be disturbed by the proposed project would be relocated if determined to be in the direct footprint of the construction area or nearby.

The pier was designed to avoid and minimize adverse effects on seagrass habitat as follows:

- The piling-supported structure shall be aligned so as to minimize the size of the footprint over Submerged Aquatic Vegetation (SAV) beds.
- The height of piling-supported structure shall be a minimum of 5 feet (actual 5.74') above mean high water/ordinary high water as measured from the top surface of the decking. Over-SAV bed portions of the piling-supported structure shall be oriented in a north-south orientation, to the maximum extent that is practicable.
- Pilings shall be installed in a manner which would not result in the formation of sedimentary deposits ("donuts" or "halos") around the newly installed pilings. Pile driving is the preferred method of installation, but jetting with a low pressure pump may be used.
- The spacing of pilings through SAV beds is a minimum of 10 feet on center (actual 30' between piling caps and 4' between piles supporting each pile cap), to the maximum extent practicable.

A Sediment and Erosion Control Plan and Stormwater Pollution Prevention Plan would be developed and implemented to control and minimize pollutant transport in stormwater runoff. The contractor will avoid contaminating natural aquatic and wetland systems with runoff by limiting all equipment maintenance, staging, laydown, and dispensing of hazardous liquids (e.g., fuel and oil) to designated upland areas. Runoff would be prevented from entering drainages or storm drains by placing fabric filters, sand bag enclosures, or other capture devices around the work area. The capture device would be emptied or cleaned out at the end of each day, with any waste properly disposed.

Contamination of ground and surface waters would be avoided by storing concrete wash water with any water that has been contaminated in closed containers on site until removed for disposal. In upland areas, storage tanks must be on-ground containers. Water tankers that

convey untreated surface water would not discard unused water where it has the potential to enter aquatic or wetland habitat.

In the event of heavy rains, all construction would temporarily cease until conditions are suitable to move equipment and material again without an increased risk of runoff.

Impacts to surface water could occur during operation of the Ponce Marine Unit, associated with boat-washing activities and accidental petroleum, oil, and lubricants spills. This risk is present with current operations at the Ponce Marine Unit and is not expected to increase due to the project. Site-specific spill prevention and stormwater runoff management best management practices would continue during operations to manage runoff to nearby surface waters.

I AUTHORIZE THE PERSONNEL OF THE DEPARTMENT OF NATURAL AND ENVIRONMENTAL RESOURCES TO ENTER AND CHECK THE PROJECT PROPERTY IN ORDER TO EVALUATE THIS APPLICATION. IN ADDITION, I CERTIFY THAT THE INFORMATION CONTAINED IN THIS APPLICATION AND IN ANY ATTACHMENTS TO THIS APPLICATION IS ACCURATE AND TRUE TO THE BEST OF MY KNOWLEDGE.

---

Joseph Zidron

Name of the petitioner or  
authorized representative



Signature

22-10-2018

Date (DD-MM-YY)

For use by the Secretary Office

---

Signature of the official receiving the request

Puerto Rico DNER (Departamento de Recursos Naturales y Ambientales) Response to CBP,  
December 2018



GOBIERNO DE PUERTO RICO

Departamento de Recursos Naturales y Ambientales

DEC 03 2018

JOSEPH ZIDRON  
US CUSTOMS AND BORDER PROTECTION  
24000 ÁVILA ROAD SUITE 5020  
LAGUNA NIGUEL CA 00777

Dear Mr. Zidron:

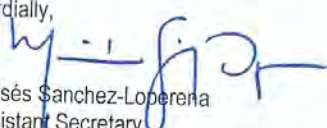
**Re: Application Certificación para Categorización de  
Hábitats Naturales para Vida Silvestre  
(Wildlife Natural Habitats Categorization)  
Pier and Boat Ramp at US Border Patrol Facility  
Bo. Playa, Ponce  
O-SE-CCH01-SJ-01453-08112018**

The cited application was submitted at DNER on November 8, 2018. Upon inspection, it was found that the documents included offered no information regarding the size, dimensions, materials, construction methodology, and mitigation proposal (if any) for the proposed new pier and boat ramp. This lack of information does not allow for an evaluation of possible impacts on marine environments or the formulation of additional relevant comments.

To be able to resume this application's evaluation, the above mentioned information, should be submitted to us as soon as possible.

For doubts or comments, you can write to our address, phone to 787-999-2200 extensions 2834 & 2846, or fax: to 787-999-2299.

Cordially,

  
Moisés Sánchez-Loperena  
Assistant Secretary  
Office of Permits, Endorsements and Special Services

MSL/lgr





**From:** ZIDRON, JOSEPH  
**Sent:** Wednesday, November 28, 2018 12:38 PM  
**To:** Félix A. Grana Raffucci  
**Cc:** Moisés Sánchez Loperena; REGAN, LAURI R  
**Subject:** RE: US Customs proposed New Pier and Boat Ramp at Ponce, Puerto Rico: Categorization of Natural Habitats and Possible Mitigation (O-SE-CCH01-SJ-01453-08112018)  
**Attachments:** PoncePier&BoatRamp\_ProjectDescription.pdf; PoncePier&BoatRamp\_Design-Construction Plans.pdf

Dear Mr. Grana-Raffucci:

Thank you for your response regarding the proposed Ponce Pier and Boat Ramp. U.S. Customs and Border Protection (CBP), a component of the Department of Homeland Security (DHS), proposes to demolish and remove the temporary structure/pier, remove the original concrete pier, construct a new pier, and replace an existing boat ramp at its Ponce Marine Unit facility in Ponce, Puerto Rico. Attached are 1) a project description, which includes a description of minimization measures and 2) the construction design documents for the proposed pier and boat ramp.

Additional details can be found in Section 2 of the Draft Environmental Assessment (EA). The Draft EA can be downloaded from the following website: <http://www.cbp.gov/about/environmental-cultural-stewardship/nepa-documents/docs-review>.

Please contact me if you have additional questions.

Thanks,

Joseph Zidron  
Real Estate and Environmental Branch Chief  
Border Patrol & Air and Marine PMO  
U.S. Customs and Border Protection

---

**From:** Félix A. Grana Raffucci <fgrana@drna.pr.gov>  
**Sent:** Wednesday, November 28, 2018 4:31 AM  
**To:** ZIDRON, JOSEPH <JOSEPH.ZIDRON@cbp.dhs.gov>  
**Cc:** Moisés Sánchez Loperena <moises.sanchez@drna.pr.gov>  
**Subject:** US Customs proposed New Pier and Boat Ramp at Ponce, Puerto Rico: Categorization of Natural Habitats and Possible Mitigation (O-SE-CCH01-SJ-01453-08112018)

Joseph Zidron  
US Customs and Border Protection  
24000 Avila Road, Suite 5020  
Laguna Niguel, CA 92677

Dear Mr. Zidron:

RE: US Customs proposed New Pier and Boat Ramp at Ponce, Puerto Rico: Categorization of Natural Habitats and Possible Mitigation (O-SE-CCH01-SJ-01453-08112018)

The documents included in your request do not include any information regarding size, dimensions, materials, proposed construction methodology, proposed mitigation (if any).

This lack of information hinders the evaluation of the impacts of your proposed activity over marine environments, as well as the formulation of relevant comments. Please send, as soon as possible, the requested information so we can resume the evaluation of your proposed project.

Sincerely,

Felix Grana-Raffucci  
Technical Advisor  
Puerto Rico DNER

## **DESCRIPTION OF THE PROJECT:**

CBP's proposed action includes demolition and removal of the temporary structure, removal of the original concrete pier, and replacement of the boat ramp 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 Marine Unit facility. Construction associated with the proposed action would be contained within an area of approximately 2.65 acres where the CBP Ponce Marine Unit is located. Anticipated project completion is within 7 months. **Figure 1** provides an overview of the proposed action.

Under the proposed action, a concrete boat ramp lengthened from 36 to 56 feet would replace the existing boat ramp. The new ramp would have a varying slope from 7 to 13 percent, whereas 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 cofferdam built from a single row of sheet piles would be installed across the inlet (see **Figure 2**) and pumped dry to allow casting of the new concrete boat ramp. Dredging is not anticipated as part of this project.

Once the inlet is dewatered, the temporary structure and the original concrete pier would be removed. This includes first removing the top of the temporary structure and then removing the PVC pipes using a nominal-sized backhoe and chain, and hauling the original concrete pier away from the project area. Additionally, riprap adjacent to the pier and boat ramp locations would be removed prior to construction and replaced after construction is complete. The new pier, constructed south of the Ponce Marine Unit, would total approximately 205 feet from the landward curb and fence line, not including the sloping entrance ramp and fenced entry point. The width is 10 feet.

The pier would be constructed with sixteen 18-inch-diameter hollow cylindrical steel piles in waters of the United States (12 pier piles and 4 mooring dolphin piles), two 18-inch-diameter steel piles on land, and concrete cast-in-place and precast components. There would be one additional sacrificial tension pile on land. Each pile would be approximately 100 feet in length, but the final length would be dictated by the project's specifications. While the pile driving method has not been selected, a vibratory driver would be used if possible, and an impact hammer would only be used if necessary. A pile cushion would be used during impact hammering. The pilings would be inserted into the subsurface floor using a barge-mounted diesel pile-driving rig, tugboat, and other tending boats as required.

The piles would be coated in bitumen and filled with grout once driven. The top 19 feet of the piles would be reinforced with a cage extending into the cast-in-place concrete pile caps. These pile caps would be 50 inches high from underside to the top deck, 53 inches wide, and approximately 11 feet long.





Figure 1. Overview of the CBP Ponce Pier and Boat Ramp Project, Ponce, Puerto Rico



Figure 2. Action Area for the CBP Ponce Pier and Boat Ramp Project, Ponce, Puerto Rico



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 multiple 30-foot spans would include horizontal rubber fenders and deck cleats for vessel mooring.

In addition to the four 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, going across 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 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.

The pier would be accessed via a new personnel gate installed in the existing chain link fence surrounding the facility. Gate installation requires ground disturbance to insert the gateposts in the ground. The gate would be secured with a padlock, and a security camera would be placed on top of the gatepost for observation of the pier.

#### **DESCRIPTION OF MINIMIZATION MEASURES:**

The following minimization measures are examples of mitigation measures that would be implemented to reduce impacts on ESA-listed species that could occur in the action area. CBP would coordinate with NOAA Fisheries to develop the full suite of best management practices (BMPs) to avoid adverse effects on listed species throughout consultation.

- **Pile Driving<sup>1</sup>**
  - During pile driving activities, a protected species observer would be present to screen for protected species that might potentially enter a 100-yard buffer zone around the pile driving area.
  - Monitoring for protected species would occur for 1 hour, prior to pile driving, during daylight hours.
  - Shut-down procedures would be used during pile driving activities if protected species are observed in the 100-yard buffer zone.
  - Pile driving would only occur during daytime hours.
  - A pile cushion would be used during pile driving.
  - A vibratory hammer would be used to install piles to the maximum extent practicable.
  - Ramp-up procedures or pile tapping would be used at the beginning of pile driving.
- **Corals**
  - Healthy individuals of coral colonies that would be disturbed by the proposed project would be relocated if determined to be in the direct footprint of the construction area or nearby.

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<sup>1</sup> These are examples of pile-driving measures to be implemented. Final pile-driving measures to avoid and minimize impacts on listed species would be developed with input from NOAA Fisheries during consultation.



- **Submerged Aquatic Vegetation (SAV)**
  - The piling-supported structure would be aligned to minimize the size of the footprint over SAV beds, to the extent practicable.
  - The height of the piling-supported structure would be a minimum of 5 feet (actual 5.74 feet) above mean high water (MHW)/ordinary high water as measured from the top surface of the decking.
  - Over-SAV bed portions of the piling-supported structure would be placed in a north-south orientation to the maximum extent practicable.
  - Pilings would be installed in a manner which would not result in the formation of sedimentary deposits ("donuts" or "halos") around the newly installed pilings. Pile driving is the preferred method of installation, but jetting with a low pressure pump may be used.
  - The spacing of pilings through SAV beds would be a minimum of 10 feet on center, to the maximum extent practicable. Proposed spacing is 30 feet between piling caps and 4 feet between piles supporting each pile cap.
  - All impacts to non-ESA listed native, non-invasive seagrasses would be avoided and minimized to the extent practicable.
- **Monitoring**
  - Prior to arrival on the worksite, all onsite personnel would be made aware of protected species, be familiar with the BMPs to implement in case they encounter these species, and be responsible for screening the project area for protected species during in-water construction activities.
  - Personnel would notify the construction manager of activities that might harm or harass a protected species.
  - Upon such notification, the construction manager may temporarily suspend all activities in question and notify the contracting officer, administrative contracting officer, and contracting officer's representative of the suspense so that the key client contact can be notified and apprised of the situation a resolution can be reached.
  - Construction would be performed only in areas that have been surveyed for biological resources.
- **Vessel Traffic**
  - Construction contractors would implement the *NMFS Southeast Region Vessel Strike Avoidance Measures and Reporting for Mariners*, revised February 2008 for all vessel activities.
- **Construction Equipment**
  - All construction contractors would implement the *Sea Turtle and Smalltooth Sawfish Construction Conditions*, dated March 23, 2006.
  - If a protected species is seen within 100 yards of the active daily construction operation or vessel movement, all appropriate precautions shall be implemented to ensure its protection.
  - Operation of any mechanical construction equipment would cease immediately if a protected species is observed within a 50-foot radius of construction equipment and would not resume until the species has departed the area on its own.

- If the detection of species is not possible during certain weather conditions (e.g., fog, rain, wind), then in-water operations would cease until weather conditions improve and detection is again feasible.
- **Turbidity and Entrapment**
  - A Sediment and Erosion Control Plan and Stormwater Pollution Prevention Plan would be developed and implemented to control and minimize pollutant transport in stormwater runoff.
  - Construction contractors would adhere to the NOAA Fisheries *Measures for Reducing Entrapment Risk to Protected Species*, Revised May 22, 2012.
  - All work would occur during daylight hours.
  - Turbidity control BMPs would be throughout construction to control erosion and siltation and ensure that turbidity levels within the project area does not exceed background conditions.
  - Silt curtains would be used to reduce turbidity to the maximum extent practicable. Silt curtains would be made of material in which listed species cannot become entangled (i.e., reinforced impermeable polycarbonate vinyl fabric [PVC]), and shall be monitored to ensure listed species are not entangled or trapped in the project area.
  - Silt curtains would be removed promptly when the work is complete and the water quality in the project area has returned to background conditions.
- **Reporting**
  - Collisions with and/or injuries to any protected species would be reported appropriately to NOAA Fisheries.



Puerto Rico DNER (Departamento de Recursos Naturales y Ambientales) Response to CBP,  
December 2018



GOBIERNO DE PUERTO RICO

Departamento de Recursos Naturales y Ambientales

DEC 05 2018

JOSEPH ZIDRON  
US CUSTOMS AND BORDER PROTECTION  
24000 ÁVILA ROAD SUITE 5020  
LAGUNA NIGUEL CA 00777

Estimado señor Zidron:

**Certificación para Categorización de  
Hábitats Naturales para Vida Silvestre  
Pier and Boat Ramp at US Border Patrol Facility  
Ponce Marine Unit  
Calle Bonaire #41  
Bo. Playa, Ponce  
O-SE-CCH01-SJ-01453-08112018**

W.S.  
El Departamento de Recursos Naturales y Ambientales (DRNA) evaluó una Solicitud de Certificación para Categorización de Hábitats Naturales para la Vida Silvestre para el proyecto de epígrafe. La misma fue evaluada de acuerdo con las disposiciones relacionadas con la fauna y la flora de la Ley 416 del 2004, según enmendada (*Ley Sobre Política Pública Ambiental*), su Reglamento 7948 de 2010 (*Reglamento de evaluación y trámite de documentos ambientales de la Junta de Calidad Ambiental*), la Ley 23 del 1972, según enmendada (*Ley Orgánica del Departamento de Recursos Naturales y Ambientales de Puerto Rico*), de la Ley 241 del 1999, según enmendada (*Nueva Ley de vida silvestre de Puerto Rico*) y sus Reglamentos 6765 de 2004 (*Reglamento para regir la conservación y el manejo de la vida silvestre, las especies exóticas y la caza en el Estado Libre Asociado de Puerto Rico*) y 6766 del 2004 (*Reglamento para regir las especies vulnerables y en peligro de extinción en el Estado Libre Asociado de Puerto Rico*), así como de la Orden Administrativa del DRNA 2010-09.

El predio del proyecto ocupa unas 2.7 cdas. y está localizado frente al mar. La acción propuesta es la reconstrucción y ampliación de una rampa para botes existente y la reconstrucción y ampliación de un muelle con pilotes de acero y losas de concreto. La porción terrestre del predio propuesto está totalmente desarrollada e impermeabilizada, ocupada por facilidades del Servicio Federal de Aduanas. Sin embargo, esta porción terrestre es propiedad del gobierno federal, por tanto está fuera de la jurisdicción de las normativas estatales. Por otro lado, unos 446.2 m<sup>2</sup> corresponderían a Terrenos Sumergidos Bajos Aguas Territoriales sobre los que se construirían la rampa y el muelle propuestos. Estas estructuras están sujetas a las disposiciones de esta certificación.

**DESCRIPCIÓN DE LOS HÁBITATS MARINOS DE LA HUELLA DEL PROYECTO Y VALORACIÓN ECOLÓGICA**

Los Terrenos Sumergidos donde se construiría la porción marina del proyecto están cubiertos por una pradera de hierbas marinas de la especie *Halodule wrightii* o yerba de bajos, mezclada en algunas áreas con

Carr. 8838 Km 6.3 Sector El Cinco, Río Piedras, PR 00926 • PO Box 366147, San Juan, PR 00936

787.999.2200 787.999.2303 [www.drna.pr.gov](http://www.drna.pr.gov)





*Syringodium filiforme* o yerba de manatíes. Las praderas de hierbas marinas están entre los ecosistemas más productivos y diversos del planeta. Las especies mencionadas están adaptadas para vivir en ambientes intermareales donde la temperatura, la salinidad y la turbidez del agua oscilan entre valores extremos. Un acre de una pradera de yerba de bajos puede producir más de 10,131 kilogramos de hojas al año. Esta biomasa provee alimento y refugio a más de 40,000 peces y 50 millones de invertebrados por acre por año y constituye un reservorio de carbono reduciendo el calentamiento global al sacar el exceso de carbono de la atmósfera. La biodiversidad de las praderas marinas incluye especies de valor pesquero comercial, así como especies capturadas para el tráfico acuarista. Las raíces de estas plantas fijan los sedimentos del fondo reduciendo tanto la erosión de los mismos como la resuspensión de particulados en la columna de agua (turbidez). Las hojas también atrapan sedimentos y nutrientes. Cuando se arrancan o se matan estas praderas, se observan aumentos notables de turbidez en el agua, resuspensión y erosión de los fondos y concentración de fosfatos y cloruros en el agua. También se observa disminución de la pesca.

Entre las especies de peces de valor pesquero que podemos encontrar en estas praderas en alguna etapa de sus vidas, podemos mencionar a los roncós (*Haemulon* sp.), pargos (*Lutjanus* sp.), mojarras (*Eucinostomus* sp.) y cotorros (*Sparisoma* sp.), entre otros.

m.s.

La susceptibilidad de estas plantas hace que los esfuerzos de trasplante y restauración de estos sistemas sean difíciles, costosos y de resultados mixtos, en el mejor de los casos. La técnica más sencilla es tratar de restaurar una buena calidad del agua y dejar que las hierbas marinas recolonizen las áreas por sí mismas. Aunque en condiciones naturales y libres de contaminantes, la yerba de bajos es una colonizadora agresiva, los proyectos de trasplante de plantas han sido decepcionantes ya que casi todas las plantas trasplantadas mueren. Ninguna compañía privada dedicada a la restauración de praderas marinas garantiza más de 50% de supervivencia por lo que, en Estados Unidos, las agencias reguladoras han optado por requerir mitigación en proporciones no menores de 2:1.

Los científicos, al inspeccionar bajo el agua de muelles existentes, encontraron que la falta de penetración apropiada de la luz, provocada por el muelle no sólo había eliminado las praderas en el fondo directamente debajo de la estructura del muelle, sino que además, la frecuencia de la estadia de embarcaciones amarradas al muelle había provocado la eliminación de las hierbas marinas **bajo dichas embarcaciones**, creando una franja desprovista de vegetación de unos 4 metros alrededor del borde del muelle (Sabater, pág. 6, Secc. III.B). Esta es una información fundamental que debe tomarse en cuenta de ahora en adelante para estimar los impactos de muelles y boyas de anclaje también.

Por todo lo arriba mencionado, la parte sumergida del predio de epígrafe cualifica como **Hábitat Natural de Alto Valor Ecológico (Categoría 3)**, que no puede ser mitigado excepto por una compensación en dinero que el Departamento pueda utilizar para proyectos de restauración de este tipo de hábitat. Por la calidad ecológica del hábitat afectado y por las dificultades inherentes a su mitigación, se recomienda una proporción de 3:1.

#### IMPACTOS PREVISIBLES DE LA ACCIÓN PROPUESTA

Durante la fase de construcción de las estructuras sobre terrenos sumergidos, la colocación de pilotes para el muelle implica la remoción de parchos de la pradera, parchos que no se recuperarán porque su espacio será



*Syringodium filiforme* o yerba de manatíes. Las praderas de hierbas marinas están entre los ecosistemas más productivos y diversos del planeta. Las especies mencionadas están adaptadas para vivir en ambientes intermareales donde la temperatura, la salinidad y la turbidez del agua oscilan entre valores extremos. Un acre de una pradera de yerba de bajos puede producir más de 10,131 kilogramos de hojas al año. Esta biomasa provee alimento y refugio a más de 40,000 peces y 50 millones de invertebrados por acre por año y constituye un reservorio de carbono reduciendo el calentamiento global al sacar el exceso de carbono de la atmósfera. La biodiversidad de las praderas marinas incluye especies de valor pesquero comercial, así como especies capturadas para el tráfico acuarista. Las raíces de estas plantas fijan los sedimentos del fondo reduciendo tanto la erosión de los mismos como la resuspensión de particulados en la columna de agua (turbidez). Las hojas también atrapan sedimentos y nutrientes. Cuando se arrancan o se matan estas praderas, se observan aumentos notables de turbidez en el agua, resuspensión y erosión de los fondos y concentración de fosfatos y cloruros en el agua. También se observa disminución de la pesca.

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m.s.

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m.s.

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Los científicos, al inspeccionar bajo el agua de muelles existentes, encontraron que la falta de penetración apropiada de la luz, provocada por el muelle no sólo había eliminado las praderas en el fondo directamente debajo de la estructura del muelle, sino que además, la frecuencia de la estadia de embarcaciones amarradas al muelle había provocado la eliminación de las hierbas marinas **bajo dichas embarcaciones**, creando una franja desprovista de vegetación de unos 4 metros alrededor del borde del muelle (Sabater, pág. 6, Secc. III.B). Esta es una información fundamental que debe tomarse en cuenta de ahora en adelante para estimar los impactos de muelles y boyas de anclaje también.

Por todo lo arriba mencionado, la parte sumergida del predio de epígrafe cualifica como **Hábitat Natural de Alto Valor Ecológico (Categoría 3)**, que no puede ser mitigado excepto por una compensación en dinero que el Departamento pueda utilizar para proyectos de restauración de este tipo de hábitat. Por la calidad ecológica del hábitat afectado y por las dificultades inherentes a su mitigación, se recomienda una proporción de 3:1.

#### IMPACTOS PREVISIBLES DE LA ACCIÓN PROPUESTA

Durante la fase de construcción de las estructuras sobre terrenos sumergidos, la colocación de pilotes para el muelle implica la remoción de parchos de la pradera, parchos que no se recuperarán porque su espacio será



*Syringodium filiforme* o yerba de manatíes. Las praderas de hierbas marinas están entre los ecosistemas más productivos y diversos del planeta. Las especies mencionadas están adaptadas para vivir en ambientes intermareales donde la temperatura, la salinidad y la turbidez del agua oscilan entre valores extremos. Un acre de una pradera de yerba de bajos puede producir más de 10,131 kilogramos de hojas al año. Esta biomasa provee alimento y refugio a más de 40,000 peces y 50 millones de invertebrados por acre por año y constituye un reservorio de carbono reduciendo el calentamiento global al sacar el exceso de carbono de la atmósfera. La biodiversidad de las praderas marinas incluye especies de valor pesquero comercial, así como especies capturadas para el tráfico acuarista. Las raíces de estas plantas fijan los sedimentos del fondo reduciendo tanto la erosión de los mismos como la resuspensión de particulados en la columna de agua (turbidez). Las hojas también atrapan sedimentos y nutrientes. Cuando se arrancan o se matan estas praderas, se observan aumentos notables de turbidez en el agua, resuspensión y erosión de los fondos y concentración de fosfatos y cloruros en el agua. También se observa disminución de la pesca.

Entre las especies de peces de valor pesquero que podemos encontrar en estas praderas en alguna etapa de sus vidas, podemos mencionar a los roncós (*Haemulon* sp.), pargos (*Lutjanus* sp.), mojarras (*Eucinostomus* sp.) y cotorros (*Sparisoma* sp.), entre otros.

m.s.

La susceptibilidad de estas plantas hace que los esfuerzos de trasplante y restauración de estos sistemas sean difíciles, costosos y de resultados mixtos, en el mejor de los casos. La técnica más sencilla es tratar de restaurar una buena calidad del agua y dejar que las hierbas marinas recolonizen las áreas por sí mismas. Aunque en condiciones naturales y libres de contaminantes, la yerba de bajos es una colonizadora agresiva, los proyectos de trasplante de plantas han sido decepcionantes ya que casi todas las plantas trasplantadas mueren. Ninguna compañía privada dedicada a la restauración de praderas marinas garantiza más de 50% de supervivencia por lo que, en Estados Unidos, las agencias reguladoras han optado por requerir mitigación en proporciones no menores de 2:1.

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A.7. Gobierno de Puerto Rico Oficina de Gerencia de Permisos (OGPe)  
Application Submittal, December 2018

<https://ogpe.pr.gov/freedom/wizards/permitRenewal> ☀ - Una vez entre a la dirección, asegúrese que su rol de solicitante esté seleccionado.

## Resumen del Permiso

Utilice esta página para ver la información acerca del trámite solicitado.

### Proyecto:

-Nombre del Proyecto: Replacement of the Pier and Boat Ramp at the U.S. Border Patrol & Air and Marine Facility

-Tipo Proyecto: Privada

-Tipo de Zona: Urbano

### Localización:

-Número de Catastro: 412-061-611-04

-Tipo de Suelo: N/A

-área Total (Mensura): 4177.36 m<sup>2</sup>

-área Total (Escritura): 4177.36 MC

-Municipio: Ponce

-Zona o Sitio Histórico: false



-Zona Inundable: AE (93.4%), VE (6.6%)

-Calificación: D

-Clasificación: NA

## Dueño del Proyecto:

-Nombre: U.S. Customs and Border Protection

## Dueño del Solar:

-Nombre: LT Andres B Luai

## Tipo de Permiso:

### REA

Tipos de Uso:

### REA-Recomendación Ambiental

Institucional Sin Fines de Lucro: No	Facilidad de seguridad

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## Datos de la Solicitud:

Roles del Solicitante	Persona Autorizada a Radicar
Tipo(s) de Acceso	Privado
Tipo(s) de Servidumbre	

<b>Solicitud de Recomendación Ambiental</b>	DEA
<b>Descripción Detallada de la Acción Propuesta</b>	<p>The Proposed Action includes 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 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 Marine Unit facility. Construction activities associated with the proposed action would be contained within an area of approximately 2.65 acres (comprised of 1.05 acres of land and 1.6 acres of water) where the U.S. Customs and Border Protection Ponce Marine Unit is located. The Proposed Action is anticipated to take 7 months to complete. Under the Proposed Action, a concrete boat ramp lengthened from 36 feet to 56 feet would replace the existing boat ramp. The new ramp would have varying slope from 7 percent to 13 percent, whereas 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 about 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 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 element.</p>
<b>Estimado del Costo Total del Proyecto</b>	USD 875,000.00
<b>Tipo de Financiamiento</b>	Federal que requiera NEPA-like Proccess
<b>Número de Plantas de la Estructura Principal</b>	0
<b>Localización</b>	Urbano

**Descripción del  
Medio Ambiente**

See the attached EA for a complete description of the environmental resources that occur at and near the project area. Puerto Rico's Land Use Plan classifies the proposed project area as urban land (PR 2017). Although a waterfront park exists to the east of the proposed project site, the Proposed Action is compatible with historical and current land use in the area and would not result in changes to land use. The Ponce Marine Unit, located along the southern coast, is less than 10 feet above mean sea level (Rivera 1998). The project area has been built up by fill and armoring to its current elevation above sea level. Part of the project involves a boat ramp that would extend into shallow marine areas where sediments and biological structures (corals) are important parts of the physiography. The proposed project area in Ponce is in attainment for all NAAQS. Puerto Rico's Environmental Quality Board (EQB) monitors air quality through several stations throughout the island. There is one monitoring station in the municipality of Ponce, Site ID 72-113-0004, which measures CO concentrations. It is located approximately 3 miles to the northwest of the project site. The annual CO 8-hour max at this station for 2011 through 2016 ranged from 0.8 ppm to 4.4 ppm (EPA 2017a). There are two subsurface aquifers in Puerto Rico: the South Coast aquifer and the North Coast Limestone aquifer system. East of Ponce, the South Coast aquifer is composed of clay, silt, and sand deposited by flowing streams. It is the principal source of potable water for the towns of Santa Isabel; Coamo; Salinas; and parts of Ponce, Juana Díaz, and Guayama. The Ponce Marine Unit is not located directly within either of these aquifers (USGS 2016). The Portugués River is approximately 2,000 feet west of the Ponce Marine Unit. The river flows from the steep mountain slopes southward to the Caribbean Sea. Prior to the construction of a dam completed in 2014, frequent flooding occurred in residential and urban areas after significant rainfall events (Water Technology 2016). The project is located within U.S. territorial waters near the northern limit of the Caribbean Sea, and the area associated with the boat ramp and original pier is contiguous with these waters (HDR 2016b). The proposed project area is located in the wharf of Playa de Ponce and surrounded by warehouses and administrative buildings, with a waterfront park and parking area directly to the east. There are several piers along the southern coast of Puerto Rico within 1 mile of the proposed project area. The proposed project area is located in Zone III, the industrial zone, but borders Zone II (commercial), with the waterfront park to the east and Zone III to the west and north. Current noise levels at the project site are mostly influenced by vehicular traffic in the area and CBP operations at the Ponce Marine Unit. The closest residential area to the project site is located approximately one-third of a



	<p>mile to the east. The closest school is Our Lady of Carmen School (in the quiet zone), located approximately one-half mile north of the project site. Hospital Dramas is the closest hospital (quiet zone), located approximately 1.6 miles north of the project site. The flora or fauna that occur at the project site include plants/trees, birds, macroalgae, non-coral invertebrates, fish, and coral. None of these species are considered federally rare, vulnerable, threatened or endangered or critical wildlife elements per the Department of Natural and Environmental Resources (DRNA) or federal government lists. Detailed descriptions of the terrestrial and marine flora and fauna are provided in Sections 3.5.1.1 and 3.5.1.2 of the attached Environmental Assessment and in the attached Description of Flora and Fauna.</p>
<b>Identificación de los Impactos al Ambiente</b>	See the attached EA for a complete description of the impacts resulting from the Proposed Action.
<b>Características de los Suelos</b>	Soils adjacent to and potentially underlying the project area are the Constancia-Jacaquas-San Anton association. These soils are nearly level, somewhat poorly drained to well drained, neutral to moderately alkaline, loamy and clayey soils that are deep or shallow to sand and gravel on the coast and river floodplains. The specific soil types include Constancia clay, tidal flats, and hydraquents. These soils have developed in a combination of topographic situations: floodplains, basin floors, fans, terraces, and valleys. The field work at the site indicates that the area is heavily filled and armored with no native soils at the surface.
<b>Formaciones Geológicas</b>	The Ponce Marine Unit is located in a tertiary limestone –dominant area along the southern coast of Puerto Rico. The southern coastline can also be characterized by recent unconsolidated deposits, alluvial plains, sand dunes, and beach rock (Morelock et al. 2000). Reference: Morelock, Jack, Jorge Capella, Jorge R. Garcia, and Maritza Barreto. 2000. Puerto Rico—Seas at the Millennium. Available at <a href="http://geology.uprm.edu/Morelock/pdfdoc/morlok2.pdf">http://geology.uprm.edu/Morelock/pdfdoc/morlok2.pdf</a> . Last accessed 12/16/2016.
<b>Distancia a la residencia más cercana</b>	530
<b>Distancia a la zona de tranquilidad más cercana</b>	800

<b>¿Requiere Movimiento de Tierra?</b>	No
<b>Medidas para Reducir Erosión y Sedimentación (Durante Construcción)</b>	Water quality would not be degraded at the site because adequate silt fences and typical construction sedimentation and erosion control devices would be employed, as required by the Best Management Practices and described in a spill prevention control and countermeasure (SPCC) plan.
<b>Medidas para Reducir Erosión y Sedimentación (Durante Operación)</b>	Not applicable
<b>Medidas para Reducir Deforestación (Durante Construcción)</b>	Not applicable
<b>Medidas para Reducir Deforestación (Durante Operación)</b>	Not applicable
<b>Medidas para Reducir Polvo Fugitivo (Durante Construcción)</b>	Standard Best Management Practices would be used to control fugitive dust during the construction phases of the project. In addition, a Dust Control Plan outlining dust suppression methods would be developed and implemented prior to construction.
<b>Medidas para Reducir Polvo Fugitivo (Durante Operación)</b>	Not applicable
<b>¿Hincado de pozos?</b>	No
<b>Volumen Estimado de Aguas Usadas Durante Construcción</b>	0

<b>Volumen Estimado de Aguas Usadas Durante Operación</b>	0
<b>Lugar de Disposición Final Durante Construcción</b>	Almacenamiento y Acarreo
<b>Lugar de Disposición Final Durante Operación</b>	Almacenamiento y Acarreo
<b>Compuestos a Removerse</b>	Not applicable since no wastewater will be generated.
<b>Sistema de Almacenamiento</b>	Not applicable since no wastewater will be generated.
<b>Disposición final del efluente</b>	Not applicable Ponce, Puerto Rico, 00716
<b>Disposición final de los lodos</b>	Not applicable Ponce, Puerto Rico, 00716
<b>¿Utilizará un tanque para almacenar fluídos?</b>	No
<b>Cuerpo de Agua Receptor</b>	The Caribbean Sea will receive the water from the dewatering of the cofferdam.
<b>Tipo de Cuerpo de Agua</b>	Océanos
<b>¿Requiere un permiso NPDES?</b>	No
<b>¿Se propone canalizar?</b>	No



¿Tendrá instalaciones para el manejo de desperdicios sólidos peligrosos?	No
¿Necesita instalar generadores de electricidad de emergencia?	No
¿Va a haber demolición?	Si
¿Requiere procesamiento y trituración en el lugar del proyecto?	Si
Largo de la estructura	0
Ancho de la estructura	0
Volumen total a generarse	0
Altura de la estructura	0
Cantidad de plantas o niveles en la estructura	1
Uso actual de la estructura	247
Material de construcción principal de las paredes exteriores	Hormigón armado

<b>Material de construcción principal de las paredes interiores</b>	Hormigón armado
<b>Material de construcción principal del techo</b>	Hormigón armado
<b>Material de construcción principal del piso</b>	Hormigón armado
<b>¿La demolición requiere el uso de explosivos?</b>	No

## Desglose de Estacionamientos:

<b>Nº de Espacios de Estacionamientos Compactos</b>	0
<b>Nº de Espacios de Estacionamientos de Impedidos</b>	0
<b>Nº de Espacios de Estacionamientos Regulares</b>	0
<b>Nº de Espacios para Visitantes del Total de Estacionamientos</b>	0

## Tipo de Desperdicios Sólidos:

	<b>Durante la construcción</b>	<b>Durante la operación</b>
<b>Nombre</b>	Concrete	Not applicable
<b>Tipo</b>	NP	NP
<b>Volumen o Peso</b>	20	0
<b>Método de Almacenaje</b>	stock pile	Not applicable
<b>Método de Transporte</b>	truck	Not applicable
<b>Método de Tratamiento</b>	not required	Not applicable
<b>Método de Disposición Final</b>	permitted landfill	Not applicable

Fuentes de Emisión Atmosférica:



	Durante la construcción	Durante la operación
<b>Fuentes de emisión atmosférica</b>	Greenhouse gases and air pollutants would be emitted during construction activities as a result of burning fossil fuels used by construction equipment (e.g., impact hammer, boat emissions, and crane). Construction activities for the Proposed Action would likely require electrical tools, which contribute significantly to emissions. The use of tugboats to tow barges during the removal of the original pier and temporary structure and construction of the new pier are also included in the air emissions calculations.	Minor emissions from the operation of the Ponce Marine Unit and associated vehicles and marine vessels would continue as currently operated.
<b>Capacidad máxima estimada</b>	0	0
<b>Métodos, equipos y medidas para el control de emisiones</b>	All construction equipment and vehicles must be kept in good operating condition to minimize exhaust emissions. Standard Best Management Practices would be used to control fugitive dust during the construction phases of the project. In addition, a Dust Control Plan outlining dust suppression methods would be developed and implemented prior to construction.	Not applicable
<b>Estimado de emisiones de contaminantes atmosféricos críticos y peligrosos</b>	Not applicable	Not applicable

## Anejos del Trámite

Nombre del Archivo	Tipo de Anejo	Borrar
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Puerto Rico

Versión de la Aplicación: 4.5.6 |  
Términos y Condiciones

## Approved Permit with Conditions, January 2019



GOBIERNO DE PUERTO RICO  
Departamento de Desarrollo y Comercio  
Oficina de Gerencia de Permisos

Número de Caso:  
2018-246833-REA-002874

### Recomendación Ambiental

Replacement of the Pier and Boat Ramp at the U.S. Border Patrol & Air and Marine Facility

#### Fecha de Expedición:

14/JAN/2019

#### Datos de localización

De acuerdo a la información suministrada se propone una actividad Privada en el Distrito de Clasificación identificado a continuación:

#### Dirección Física

41 CALLE BONAIRE, , PUERTO RICO, 00716  
Ponce, Puerto Rico, 00716

#### Dueño

U.S. Customs and Border Protection

#### Número(s) de Catastro

412-061-611-04

#### Calificación

Distrito(s) de Calificación: D

Distrito en el Mapa de Inundabilidad: AE (93.4%), VE

Tipo de Suelo: SNS (71.2%)

#### Datos de permiso

##### Cabida

4177.36 MC

##### Servidumbres

Acueductos (AAA), Electricidad (AEE)

#### Infraestructura

Recomendación Infraestructura:

Autoridad de Carreteras y Transportación:

ACT contesta REA - El Programa de Construcción de Mejoras Permanentes vigente de esta Autoridad no incluye proyectos propuestos que pudieran verse afectados por la acción propuesta. En cuanto al aspecto ambiental no tenemos comentarios a la acción propuesta.

#### Medioambiente

El 11 de enero de 2019 el Departamento de Recursos Naturales y Ambientales (DRNA) expidió carta en la cual indica conformidad con el documento ambiental presentado. No obstante, deberá cumplir con lo requerido en dicha carta.

ADS:

10 de diciembre de 2018 ADS SUPERSIP-2018-246833-REA-002874 Muelle y Rampa US Custom & Border Patrol Municipio de Ponce La División de Medioambiente de la OGPc recibió una solicitud de recomendación ambiental para el proyecto de referencia. El mismo consiste de la demolición y construcción de un muelle y rampa de botes. Está localizado en la calle Bonaire #41, en el Municipio de Ponce. Luego de revisar la información suministrada, la ADS no objeta la acción propuesta, ya que la misma no tiene aspectos contrarios a la política pública de la Agencia. Sin embargo, el proponente cumplirá con las siguientes leyes y reglamentos relacionados

Oficina de Gerencia de Permisos  
PO Box 41179 San Juan, Puerto Rico  
00940-1179

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## Recomendación Ambiental

con el manejo y disposición de los residuos sólidos y materiales reciclables: 1. Ley Núm. 70, de 18 de septiembre de 1992, Ley para la Reducción y Reciclaje de los Desperdicios Sólidos, según enmendada, establece el desarrollo e implantación de estrategias económicamente viables y ambientalmente seguras que resulten en la disminución del volumen de desperdicios sólidos que requerirá disposición final. Como parte de estas estrategias, se considera necesario modificar las prácticas de manejo y disposición existentes para reducir la intensidad de uso de los Sistemas de Relleno Sanitario (SRS) del país. 2. Reglamento para la Reducción, Reutilización y Reciclaje de Desperdicios Sólidos (Reglamento Núm. 6825 de 15 de junio de 2004), según enmendado. Aplicará a toda persona, natural o jurídica, ya sea municipios, cooperativas, industrias, comunidades, condominios, complejos de vivienda vertical tipo "walk-up", residenciales público, agencias gubernamentales, empresas o instituciones privadas (comercios y organizaciones sin fines de lucro) y empresas comunitarias que generen o manejen desperdicios sólidos, que contengan material reciclable, dentro de la jurisdicción del Estado Libre Asociado de Puerto Rico. 3. Reglamento Conjunto de Permisos para Obras de Construcción Uso de Terrenos (Reglamento Conjunto) de 29 de noviembre de 2010. El proponente cumplirá con la información requerida, según lo dispuesto en: a. Capítulo 9, Procedimientos Adjudicativos: de los Permisos. Regla 9.2 Permisos de Demolición Sección 9.2.1 requisitos de Presentación (f) Regla 9.3 Permiso de construcción. Sección 9.3.2. (e) Plan de Reciclaje. b. Capítulo 47 Corte, Poda y Forestación Regla 47.1 Disposiciones Generales. Sección 47.1.3 (c) En el caso de corte y poda, se deberá presentar alternativas para el manejo y disposición del material vegetativo generado, conforme al Capítulo IX del Reglamento para la Reducción, Reutilización y Reciclaje de Desperdicios Sólidos, según enmendado (Reglamento 7940 de 2 de noviembre de 2010). c. Capítulo 49, Desperdicios Sólidos Regla 49.1 Disposición General: Sección 49.1.1 Disposición de Desperdicios Sólidos No Reciclables. a. Los recipientes comunes para disponer de los desperdicios no reciclables se colocarán en los patios posteriores o laterales de los edificios. Se construirán verjas que los disimulen a la vista desde la calle o en propiedades colindantes. b. Sección 49.1.3 Recuperación de Materiales Reciclables en Proyectos Comerciales, Industriales, Institucionales, Turísticos y Recreativos. Durante la etapa de construcción, se considera lo siguiente: 1. Descripción del proyecto: ubicación, cantidad de empleados. 2. Tiempo de construcción del proyecto. 3. Información sobre el manejo de los desperdicios sólidos. 4. Cantidad de desperdicios y materiales reciclables a ser generados durante la construcción. Se deberá considerar los desperdicios generados por los empleados. 5. Entidad responsable del manejo y disposición de los desperdicios sólidos y materiales reciclables. 6. Lugar de disposición de los desperdicios sólidos. 7. Alternativas para el manejo de material vegetativo y paletas de madera. Presentar evidencia de aprobación de la ADS del Plan de Reducción, Reutilización y Reciclaje y el Informe Trimestral de Reciclaje de los materiales generados durante la etapa de construcción. Para obtener el formulario puede acceder nuestra página electrónica <http://www.ads.pr.gov> Este se completará y entregará a la Oficina de la ADS o vía correo electrónico a través de [construccion.ads.pr.gov](mailto:construccion.ads.pr.gov). El desarrollador será responsable de notificar al contratista del proyecto el cumplimiento de esta Ley. Esta regla aplicará igualmente a la fase de operación del proyecto. La aprobación del Plan para la fase de construcción, es requisito para otorgar el Permiso de Construcción, otorgado por la Oficina de Gerencia de Permisos (OGPE). Los siguientes aspectos serán incorporados en el proyecto propuesto en esta consulta: 1. Notificar al Coordinador de Reciclaje Municipal sobre las áreas designadas para la recuperación y disposición de los materiales reciclables. Si el municipio tiene recogido de materiales reciclables en el área, podrán coordinar con el mismo para el recogido de los mismos. 2. Indicar el responsable del recogido y disposición de los desperdicios sólidos (privado o municipal). 3. Implantar técnicas de prevención de contaminación: • Utilizar productos sin materiales tóxicos. • Emplear materiales reusables o reciclables. • Mantener los contaminantes segregados. • Conservar el agua y los recursos energéticos. • Rotular recipientes y contenedores, apropiadamente, para lo que estén designados. Las recomendaciones emitidas aplican a los hechos presentados y evaluados al momento. La ADS se reserva el derecho de reevaluar y modificar los mismos en el caso de surgir información oficial que identifique que las condiciones han cambiado, o cuando los comentarios hayan sido emitidos bajo premisas falsas. Además, la ADS tiene la facultad de solicitar cualquier información adicional que entienda pertinente y que de conformidad con las leyes y reglamentaciones vigentes, garantice el interés público y la protección del ambiente.

## Arqueología y Conservación Histórica

COMENTARIO DACH-ICP A CASO NÚM. 2018-246833-REA-002874: I. BASE LEGAL Se emite el siguiente comentario en base a la Ley 374 del 14 de marzo de 1949, según enmendada, Ley de Zonas Antiguas o Históricas y Zonas de Interés Turístico, Ley 3 del 2 de marzo de 1951, Ley de Edificios y otras Estructuras Históricas y la Ley 89 del 21 de junio de 1955, según enmendada, conocida como Ley Orgánica del Instituto de Cultura Puertorriqueña y la Ley 161 del 1 de diciembre de 2009, conocida como Ley para la Reforma del Proceso de Permisos de Puerto Rico. Estas leyes le confieren jurisdicción sobre los siguientes asuntos: 1. Edificios, lugares y zonas incluidas en el Registro de Sitios y Zonas Históricas de Puerto Rico de la Junta de Planificación (REGLAMENTO CONJUNTO DE PERMISOS PARA OBRAS DE CONSTRUCCIÓN Y USOS DE TERRENOS); 2. Edificios, lugares y zonas declaradas históricas a través de





## Recomendación Ambiental

legislación (o de resolución de la JUNTA DE DIRECTORES DEL ICP; 3. Plazas de recreo y edificios circundantes (REGLAMENTO CONJUNTO DE PERMISOS PARA OBRAS DE CONSTRUCCIÓN Y USOS DE TERRENOS); 4. Propiedades zonificadas "P" construidas previo a 1960 (RESOLUCIÓN JPE-25 Y RESOLUCIÓN JPE-047); 5. Propiedades zonificadas "CRH", "SH" o "R-ZH"- Según REGLAMENTO CONJUNTO DE PERMISOS PARA OBRAS DE CONSTRUCCIÓN Y USOS DE TERRENO; 6. Propiedades elegibles a sitios históricos; propiedades de valor histórico que satisfacen los criterios de elegibilidad como sitios históricos para ser designada como tal individualmente (LEY NÚM. 89 DE 1955; REGLAMENTO CONJUNTO DE PERMISOS PARA OBRAS DE CONSTRUCCIÓN Y USOS DE TERRENOS); II. EVALUACION: El Instituto de Cultura Puertorriqueña a través de los Programas de Patrimonio Histórico Edificado y Arqueología y Etnohistoria han evaluado los documentos relacionados al proyecto de referencia, recibidos a través de la División de Arqueología y Conservación Histórica de la Oficina de Gerencia de Permisos (OGPe). El Programa de Patrimonio Histórico Edificado, en comunicación del 10 de diciembre de 2018, emitió los siguientes comentarios: "DeDe acuerdo a nuestros expedientes y lainformación provista, concluimos que: 1. Esta propiedad queda adyacente a una Zona Histórica promulgada hacia 1962 por la Junta de Directores del Instituto de Cultura Puertorriqueña: el distrito de los almacenes de la Playa de Ponce. Aunque dentro del terreno no hay edificios de valor histórico o arquitectónico, queda adyacente a la Aduana de Ponce, originalmente construida en 1841 y que también pertenece al Registro Nacional de Lugares Históricos de Estados Unidos. El resto de la zona de almacenes y varias áreas residenciales adjuntas también son elegibles para designación estatal (Junta de Planificación de Puerto Rico) y federal. 2. En documentos antiguos, se ha encontrado que el emplazamiento de este muelle y rampa tenía relleno y/o muelles en este preciso lugar. Entre los documentos consultados están los siguientes: a. Mapa del tranvía de la ciudad, 1898, por el Ingeniero Municipal. Fuente: Archivo Histórico Municipal de Ponce. Varias estructuras que parecen muelles o dársenas sobresalen de la costa en el lugar donde queda la propiedad bajo evaluación. b. Fotografías del libro ilustrado de formato grande por José de Olivares, Our Islands and Their People (St. Louis, N.D. Thompson Publishing Co., 1899). Varias imágenes muestran numerosas plataformas y muelles sobresaliendo entre las aguas del puerto. 3. Muchas de estas plataformas se rellenaban y se empleaban para atracar ancones y yolas que transferían carga y pasajeros entre los barcos y la orilla (el fondo del puerto era demasiado llano para permitir que los barcos, en particular aquellos de vela de quilla profunda, pudieran aproximarse a la orilla). 4. Por esto, pueden quedar remanentes de antiguos pilares de soporte de muelles, rellenos, muros, y otras obras de construcción debajo del actual Muelle de Guardacostas. Se debe tener mucho cuidado en cualquier trabajo a hacerse aquí, aunque no hayan objetos evidentes. Por lo tanto, de acuerdo a nuestro conocimiento y creencia, y la información sometida, se establece una determinación de NO OBJECCIÓN a la acción propuesta pero con los siguientes COMENTARIOS: 1. El terreno del proyecto, a pesar de los hallazgos negativos iniciales, tiene alguna probabilidad de tener componentes de valor histórico dentro de su huella y en áreas sumergidas adyacentes. 2. Debe tenerse el cuidado necesario con las obras, para así salvaguardar la integridad del lugar. Este proyecto debe ser revisado para determinar cumplimiento con la Ley de Patrimonio Arqueológico Terrestre, Ley 112 del 12 de agosto de 1988 según enmendada. Se debe establecer contacto con nuestro Programa de Arqueología y Etnohistoria para mayor información. También se debe asegurar el cumplimiento, donde aplique, con la Ley 10 del 7 de agosto de 1987, Ley de Protección, Conservación y Estudio de los Sitios y Recursos Arqueológicos Subacuáticos. Quedamos a sus órdenes para cualquier aclaración. Por su parte, el Programa de Arqueología y Etnohistoria comentó lo siguiente en carta del 8 de enero de 2019: "La evaluación realizada sugiere que, basado en los datos existentes al presente, las probabilidades de impactar un recurso arqueológico, según definido por la Ley 112 del 20 de julio de 1988, según enmendada, son mínimas. Por lo tanto, en lo concerniente a recursos culturales de naturaleza arqueológica, no tenemos objeción al proyecto según fue radicado y evaluado. Le notificamos que esta autorización es de tipo parcial y que el proponente queda sujeto a las responsabilidades y obligaciones que impone la Ley 112 del 20 de julio de 1988, según enmendada. Esta establece que, se deberá paralizar todo tipo de actividad de excavación, movimiento y remoción de la corteza terrestre, y notificar en un plazo de veinticuatro (24) horas al Consejo de Arqueología Terrestre, en caso de que, durante el desarrollo del proyecto, se descubra o impacte algún depósito, elemento, estructura o vestigio de naturaleza arqueológica. Se le apercibe que el incumplimiento de estos requerimientos podrá ser objeto de sanciones administrativas según lo establecido en las citadas leyes. Esta autorización tiene vigencia de (1) año." III. RECOMENDACIÓN: La División de Arqueología y Conservación Histórica de la OGPe recomienda favorablemente el proyecto, según establecido por los Programas que componen Instituto de Cultura Puertorriqueña. El caso deberá radicarse ante el Consejo de Arqueología Subacuática del ICP. Se anejan documentos.

## División de Evaluación de Cumplimiento Ambiental

En el Documento de Evaluación Ambiental (DEA) que se someta se deberá atender los comentarios y requerimientos que hayan emitido las agencias comentadoras. La DEA deberá ser tramitada a través del Sistema Unificado de Información (SUI). Se incluyen los comentarios de la Junta de Calidad Ambiental, emitidos en carta fechada 26 de diciembre de 2018.





## Recomendación Ambiental

### Condiciones Generales

Esta recomendación es solamente aplicable a la situación de hechos y los datos según presentados y evaluados en el caso. La OGPe se reserva el derecho de reevaluar, variar o modificar el mismo en cualquier momento anterior a la emisión del permiso o requerir la acción administrativa correspondiente por parte de la agencia solicitante o proponente cuando surja nueva información oficial específica estableciendo que el derecho aplicable o las condiciones ambientales en el predio han cambiado sustancialmente, o cuando la recomendación original se emitió bajo premisas falsas o fraudulentas.

Habido recibido los comentarios de las agencias gubernamentales concernidas. Esta información será utilizada para la presentación del Documento Ambiental correspondiente a ser evaluado por la División de Evaluación de Cumplimiento Ambiental.

### Vigencia

Las vigencias de las diferentes agencias del proceso de recomendación serán los establecidos en las comunicaciones que en estas emitan conforme a sus reglamentos. Esta recomendación ambiental tendrá una vigencia de trescientos sesenta y cinco (365) días a partir de su expedición.

### Condiciones Especiales

NINGUNA

### Firma / Sellos

#### Fecha de Expedición:

14/JAN/2019

  
Ing. Rosana Aguilar  
Secretaría Auxiliar Interina  
Oficina de Gerencia de Permisos  
Departamento de Desarrollo Económico y Comercio

**Ing. Rosana Aguilar**

**Secretaría Auxiliar Interina de la OGPe, DDEC**





## **Environmental Recommendation**

Replacement of the Pier and Boat Ramp at the U.S. Border Patrol & Air and Marine Facility

### **Issuance date:**

14 / JAN / 2019

### **Location data**

According to the information provided, a Private activity is proposed in the Classification District identified below:

Physical address

41 Calle Bonaire,  
Ponce, Puerto Rico, 00716

Owner

U.S. Customs and Border Protection

Cadastral Number (s)

412-061-611-04

Qualification

Rating District (s): D  
District on the Flood Map: AE (93.4%), VE  
Soil Type: SNS (71.2%)

### **Permit data**

**Area**

4177.36 square meters

**Easements**

Aqueducts (AAA), Electricity (AEE)

### **Infrastructure**

Infrastructure Recommendation:

Highway and Transportation Authority:

The Highway and Transportation Authority (Autoridad de Carreteras y Transportación [ACT]) answers  
REA - The current Permanent Improvements Construction Program of this Authority does not include

proposed projects that could be affected by the proposed action. Regarding the environmental aspect, we have no comments on the proposed action.

## **Environment**

On January 11, 2019, the Department of Natural and Environmental Resources (Departamento de Recursos Naturales y Ambientales [DRNA]) issued a letter indicating compliance with the environmental document submitted. However, you must comply with the requirements of this letter.

Solid Waste Authority (La Autoridad de Desperdicios Sólidos [ADS]):

December 10, 2018 ADS SUPERSIP-2018-246833-REA-002874 Dock and Ramp US Custom & Border Patrol Municipality of Ponce. The Division of Environment of the Office of Permits Management (Oficina de Gerencia de Permisos [OGPe]) received a request for environmental recommendation for the reference project. It consists of the demolition and construction of a dock and boat ramp. It is located on Bonaire Street # 41, in the Municipality of Ponce. After reviewing the information provided, the ADS does not object to the proposed action, since it does not have aspects contrary to the public policy of the Agency. However the proponent will comply with the following laws and related regulations with the management and disposal of solid waste and recyclable materials:

1. Act No. 70 of September 18, 1992, Law for the Reduction and Recycling Solid Waste, as amended, establishes the development and implementation of economically viable and environmentally safe strategies that result in the reduction of the volume of solid waste that will require final disposal. As part of these strategies, it is considered necessary to modify the existing management and disposal practices to reduce the intensity of use of the Landfill (SRS) of the country.
2. Regulation for the Reduction, Reuse and Recycling of Solid Waste (Regulation No. 6825 of 15 of June 2004), as amended. It will apply to every person, natural or legal, be it municipalities, cooperatives, industries, communities, condominiums, vertical residential complexes such as "walk-up", public housing, government agencies, companies or private institutions (shops and non-profit organizations) and community businesses that generate or handle solid waste, containing recyclable material, within the jurisdiction of the Commonwealth of Puerto Rico.
3. Joint Permit Regulation for Construction Works Land Use (Regulation Set) of November 29, 2010. The proponent will comply with the required information, as provided in:
  - a. Chapter 9, Procedures Adjudicative: Permits. Rule 9.2 Demolition Permits, Section 9.2.1 Submission requirements (f); Rule 9.3 Construction Permit, Section 9.3.2 (e) Recycling Plan.
  - b. Chapter 47 Cutting, Pruning and Forestation Rule 47.1 General Provisions. Section 47.1.3 (c): In the case of cutting and pruning, alternatives for the management and disposition of the vegetative material generated must be presented, according to Chapter IX of the Regulation for the Reduction, Reuse and Recycling of Solid Waste, as amended (Regulation 7940 of November 2, 2010).
  - c. Chapter 49, Solid Waste Rule 49.1 General Provision: Section 49.1.1 Disposal of Solid Waste Not Recyclable.
    - a. The common containers to dispose of non-recyclable waste will be placed in the back or side yards of buildings. Gates will be built to disguise them in sight from the street or in adjoining properties.

b. Section 49.1.3 Recovery of Recyclable Materials in Commercial, Industrial Projects, Institutional, Tourist and Recreational.

During the construction stage, the following is considered:

1. Description of the project: location, amount of employees.
2. Project construction time.
3. Information on the management of solid waste.
4. Amount of waste and materials recyclables to be generated during construction. Waste generated by employees should be considered.
5. Entity responsible for management and disposal of solid waste and recyclable materials.
6. Place of disposal of solid waste.
7. Alternatives for management of vegetative material and wooden pallets.

Present evidence of the Reduction, Reuse and Recycling Plan and the Quarterly Recycling Report of the materials generated during the construction stage to the ADS for approval. To obtain the form you can access our electronic page <http://www.ads.pr.gov>. This will be completed and delivered to the ADS Office or via email through [construccion.ads.pr.gov](mailto:construccion.ads.pr.gov).

The developer will be responsible for notifying the project contractor of compliance with this Law. This rule will also apply to the operation phase of the project. The approval of the Plan for the construction phase requires that the proponent obtain the Construction Permit, granted by the Office of Permit Management (Oficina de Gerencia de Permisos [OGPE]). The following aspects will be incorporated into the proposed project in this consultation:

1. Notify the Coordinator of Municipal Recycling of the areas designated for the recovery and disposal of recyclable materials. If the municipality offers recyclable materials pickup in the area, you may coordinate with them for the collection of them.
2. Indicate the person responsible for the collection and disposal of solid waste (private or municipal).
3. Implement pollution prevention techniques:
  - Use products without toxic materials.
  - Use reusable or recyclable materials.
  - Keep pollutants segregated.
  - Conserve water and energy resources.
  - Label containers and containers, appropriately, for what they are designated.

recommendations issued apply to the facts presented and evaluated at the moment. The ADS reserves the right to reevaluate and modify them in the event of the emergence of official information that verifies that the conditions have changed, or when comments have been issued under false premises. In addition, the ADS has the power to request any additional information that it deems pertinent and that,



in accordance with the laws and regulations in force, guarantees the public interest and the protection of the environment

## **Archeology and Historical Conservation**

DACH-ICP COMMENT TO CASE NO. 2018-246833-REA-002874:

### **I. LEGAL BASIS**

The following comment is issued on the basis of Law 374 of March 14, 1949, as amended, *Law of Historic or Ancient Zones and Areas of Tourist Interest*, Law 3 of March 2, 1951, *Law on Buildings and Other Historical Structures*, Law 89 of June 21, 1955, as amended, known as the *Organic Law of the Institute of Puerto Rican Culture* and Law 161 of December 1, 2009, known as the *Law for the Reform of the Permitting Process of Puerto Rico*.

These laws give you jurisdiction over the following matters:

1. Buildings, places and zones included in the Register of Historic Sites and Areas of Puerto Rico of the Planning Board (JOINT REGULATION OF PERMITS FOR CONSTRUCTION WORKS AND USES OF LANDS);
2. Historic declared buildings, places and areas through legislation (or resolution of the BOARD OF DIRECTORS OF THE ICP [Instituto de Cultura Puertorriqueña]);
3. Recreation places and surrounding buildings (REGULATIONS SET OF PERMITS FOR CONSTRUCTION WORKS AND USES OF LANDS);
4. Zoned "P" properties built prior to 1960 (RESOLUTION JPE-25 AND RESOLUTION JPE-047);
5. Zoned properties "CRH", "SH" or "R-ZH" (According to JOINT REGULATIONS OF PERMITS FOR CONSTRUCTION WORKS AND USES OF TERRAIN);
6. Properties eligible as historical sites; properties with historical value that meet the eligibility criteria as historical sites to be designated as such individually (LAW NUMBER 89 DE 1955; JOINT REGULATIONS OF PERMITS FOR CONSTRUCTION WORKS AND USES OF LANDS).

### **II. EVALUATION**

The Institute of Puerto Rican Culture through the Programs of Historic Built Heritage and Archeology and Ethnohistory have evaluated the documents related to the reference project, received through the Division of Archeology and Historical Conservation of the Office of Permit Management (OGPe). The Program of Built Historic Heritage, in communication of December 10, 2018, issued the following comments:

"According to our records and the information provided, we conclude that:

1. This Property is adjacent to a Historic Zone enacted in 1962 by the Board of Directors of the Institute of Culture Puerto Rican: the district of the warehouses of the Ponce Beach. Although there are no buildings of historical value or architecture, the Property is adjacent to the Ponce Customs House, originally built in 1841 and belongs to the National Register of Historic Places of the United States. The rest of the warehouse area and several attached residential areas are also eligible for state (Puerto Rico Planning Board) and Federal designation.
2. In ancient documents, it has been found that the location of this dock and ramp had filling and/or docks in this precise place. Among the documents consulted are the following:

- a. Map of the city streetcar, 1898, by the Municipal Engineer. Source: Municipal Historic Archive of Ponce. Several structures that look like docks protrude from the shore at the place where the property under evaluation remains.
  - b. Photographs of the large format illustrated book by José de Olivares, *Our Islands and Their People* (St. Louis, N.D. Thompson Publishing Co., 1899). Several images show numerous platforms and docks protruding between the waters of the port.
- 3. Many of these platforms were filled and used to dock anchors and jays that transferred cargo and passengers between boats and the shore (the bottom of the harbor was too flat to allow boats, particularly those with keel sail deep, could approach the shore).
- 4. Because of this, there may be remnants of old spring support pillars, fillings, walls, and other construction works under the current Coast Guard Dock. One must be very careful in any work to be done here, although there are no obvious objects. Therefore, according to our knowledge and belief, and the information submitted, a determination of NO OBJECTION is established to the proposed action but with the following COMMENTS:
  - a. The project terrain, despite the initial negative findings, is somewhat likely to have components with historic value within its footprint and in adjacent submerged areas.
  - b. The necessary care must be taken with construction, in order to safeguard the integrity of the place. This project must be reviewed to determine compliance with the *Law of Terrestrial Archaeological Heritage*, Law 112 of August 12, 1988 as amended. Contact should be established with our Program of Archeology and Ethnohistory for more information. Compliance must also be ensured, where applicable, with Law 10 of 7 of August 1987, *Law for the Protection, Conservation and Study of Underwater Archaeological Sites and Resources*. We are available for any clarification. For its part, the Archeology and Ethnohistory Program commented the following in a letter dated 8 January 2019: "The evaluation carried out suggests that, based on the data existing at present, the probabilities of impacting an archaeological resource, as defined by Law 112 of July 20, 1988, as amended, are minimal. Therefore, in regards to cultural resources of an archaeological nature, we have no objection to the project as it was filed and evaluated. We are notifying you that this authorization is partial and that the proponent is subject to the responsibilities and obligations imposed by Law 112 of July 20, 1988, as amended. This establishes that all types of activity involving excavation, movement and removal of the earth's crust must stop, and notify the Terrestrial Archeology Board of Directors within twenty-four (24) hours in the event that, during the development of the project, a deposit, element, structure or remnants of archaeological nature is discovered or impacted. You are aware that failure to comply with these requirements may be subject to penalties administrative procedures as established in the aforementioned laws. This authorization is valid for one (1) year. "

### III. RECOMMENDATION

The Division of Archeology and Historical Conservation of the OGP favors the project, as established by the Programs that make up the Institute of Puerto Rican Culture. The case must be submitted to/filed with the Council of Underwater Archeology of the ICP. Documents are attached.

## **Division of Evaluation of Environmental Compliance**

The comments and requirements from the agencies must be addressed in the Environmental Assessment Document (DEA) submitted. The DEA must be processed through the Unified Information System (SUI). Comments from the Quality Board are included Environmental, issued in letter dated December 26, 2018.

### **General conditions**

This recommendation is only applicable to the situation of facts and data as presented and evaluated in the case. The OGPe reserves the right to re-evaluate, vary or modify it at any time prior to the issuance of the permit or request the corresponding administrative action by the requesting or proponent agency when it arises new specific official information establishing that the applicable law or environmental conditions on the premises have changed substantially, or when the original recommendation was issued under false or fraudulent premises.

I have received the comments of the government agencies concerned. This information will be used for the presentation of the corresponding Environmental Document to be evaluated by the Compliance Evaluation Division Environmental.

### **Validity**

The validity of the different agencies of the recommendation process will be those established in the communications that they issue in accordance with their regulations. This environmental recommendation will be valid for three hundred sixty-five (365) days from its issuance.

### **Special conditions**

NONE

### **Signature / Seals**

Issuance date:

14 / JAN / 2019



## Appendix B. Draft EA Public Review Period Correspondence

### B.1. Interested Party Letters

CBP provided a letter informing the following stakeholders of record of the availability of the Draft EA for the Replacement of the Pier and Boat Ramp at the Ponce Marine Facility. A copy of this letter is provided in this section.

- 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 (NRCS)
- Puerto Rico Aqueduct and Sewer Authority
- Puerto Rico Department of Agriculture (Departamento de Agricultura)
- Puerto Rico Department of Economic Development and Commerce
- Puerto Rico DNER (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
- U.S. Department of Transportation / Federal Highway Administration (FHWA)

Interested Party Letter (sent to all interested parties), October 2018



U.S. Customs and  
Border Protection

October 26, 2018

Archeology and Ethnohistory Program of the Puertorican Institute of Culture  
(Programa de Arqueología y Etnohistoria del Instituto de Cultura Puertorriqueña)  
P.O. Box 9024184  
San Juan, Puerto Rico 00902-4184

SUBJECT: U.S. Customs and Border Protection Draft Environmental Assessment (EA) and  
Draft Finding of No Significant Impact (FONSI) for the Replacement of the Pier  
and Boat Ramp at the U.S. Border Patrol & Air and Marine Facility, Ponce,  
Puerto Rico

Dear To Whom it May Concern:

U.S. Customs and Border Protection (CBP) is pleased to announce the availability of the Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) for the Replacement of the Pier and Boat Ramp at the U.S. Border Patrol & Air and Marine Facility, Ponce, Puerto Rico. The 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 in Ponce, Puerto Rico.

Copies of the Draft EA and Draft FONSI can be downloaded from the Internet at <http://www.cbp.gov/about/environmental-cultural-stewardship/nepa-documents/docs-review> and hard copies can be reviewed at the following public location: Ponce Municipal Library (Mariana Suarez De Longo Municipal), Miguel Pou Boulevard, Ponce, PR 00733.

CBP invites your participation in this public process and requests your review of the Draft EA and Draft FONSI. The 30-day public comment period begins on October 31, 2018, and comments must be received by November 30, 2018, to be considered for incorporation into the Final EA. When submitting comments, please include your name and address, and identify your comments or email subject line as intended for the "CBP Ponce Pier and Boat Ramp EA." Submit your comments on the draft EA and draft FONSI by email to [joseph.zidron@cbp.dhs.gov](mailto:joseph.zidron@cbp.dhs.gov) or by mail to:

Mr. Joseph Zidron  
U.S. Customs and Border Protection  
24000 Avila Road  
Suite 5020  
Laguna Niguel, CA 92677

Interested Party Letter, October 26, 2018

Page 2

If you have any questions or concerns please feel free to contact Mr. Zidron by phone at 949.643.6392, or via email at [joseph.zidron@cbp.dhs.gov](mailto:joseph.zidron@cbp.dhs.gov). Thank you for your cooperation and assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "Joseph Zidron", written in a cursive style.

Joseph Zidron  
Real Estate and Environmental Branch Chief  
Border Patrol Facilities and Tactical Infrastructure  
Program Management Office





**GOBIERNO DE PUERTO RICO**  
**Instituto de Cultura Puertorriqueña**

November 29, 2018

Mr. Paul Joseph Zidron  
US Customs and Border Protection  
24000 Avila Road, Suite 5020  
Laguna Niguel, CA 92677

**PRELIMINARY EVALUATION OF IMPACT ON HISTORIC RESOURCES  
(STATE LEVEL)**

<b>CASE:</b>	<b>PIER AND BOAT RAMP IMPROVEMENTS COAST GUARD PIER, USED BY USCBP</b>
<b>MUNICIPALITY:</b>	<b>PONCE</b>
<b>LOCATION:</b>	<b>41 BONAIRE STREET PLAYA DE PONCE, PONCE, PUERTO RICO 00731</b>
<b>CADASTRAL NUMBER:</b>	<b>63-412-061-611-04-001</b>
<b>ZONING:</b>	<b>DT (GOVERNMENT USE)</b>
<b>OWNER:</b>	<b>UNITED STATES COAST GUARD</b>
<b>APPLICANT:</b>	<b>DEPARTMENT OF HOMELAND SECURITY U.S. CUSTOMS AND BORDER PROTECTION</b>

Dear Sir:

The Institute of Puerto Rican Culture, through its regional Preservation Architect for the South and Southeastern Regional Office, has examined this Project to determine whether it affects properties of historical or architectural value, whether designated or not, following the laws and regulations that our agency is responsible of administering in any role.

These laws and regulations include the historic preservation components of: 1) Law 89 of June 21, 1955, the Organic Act of the Institute of Puerto Rican Culture; 2) the Joint Regulation ("*Reglamento Conjunto*") for Construction Work and Land Uses, Puerto Rico Planning Regulation 31, promulgated in 2010; 3) several other Puerto Rico State Government laws, regulations and/or jurisprudence that affect land use and building; and 4) cases submitted voluntarily by the owners or custodians of properties.

According to our records and knowledge, and the information submitted by the applicant, these are our conclusions:

1. This property (Pier and Boat Ramp for USCBP, henceforth "Subject Property") is adjacent to a historic zone that has been proclaimed as such since 1962 by the Institute of Puerto Rican Culture: the *Old Warehouse District* of Playa de Ponce. It is true that there are no evident buildings - within the project limits - that are of historic or architectural value. However it is adjacent to the old 1841 Customs House, which is NRHP-listed. The Warehouse District is NRHP-eligible also. There are, adjacent to this District, several traditional residential zones that are designable by both State and Federal (NRHP) criteria.

Institute of Puerto Rican Culture/Built Heritage Program  
Southern and Southeastern Region, PO Box 331801, Ponce, PR 00733  
Telephone: (787) 290-6617, (787) 724-0700 ext. 3065 / [jorgeortizeicp.pr.gov](mailto:jorgeortizeicp.pr.gov)



COMMENTS FOR REVIEW

IMPROVEMENTS TO COAST GUARD DOCK FOR CBP, PLAYA DE PONCE, PONCE, P.R.

CADASTRAL NUMBER 63-412-061-611-04-000

November 29, 2018

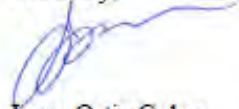
2

2. At least one graphic document implies that the specific area of the Subject Property had filled-in or dock-type structures precisely in the same location. Among the documents preliminarily surveyed there are the following:
  - a. Plan for the city's trolley system, 1898, done by the City Engineer. Source: Ponce City Archives. Two protuberating structures that seem like docks or wharfs jut out from the area where the subject property is located.
  - b. Period photographs from the large-format illustrated book by José de Olivares, *Our Islands and Their People* (St. Louis, N.D. Thompson Publishing Co., 1899). Several of the images show the quantity of platforms and docks protuberating out to the waters of the harbor.
3. Many of these platforms were filled in and used for docking of lighters and small boats that transferred cargo and passengers between ships and shore (the harbor bottom was too shallow for seafaring ships, especially deep-keeled sailing craft, to get to shore directly).
4. Thus, there may be remains of historic dock pilings, causeway bases, and other historic construction work beneath the present pier area. It is our opinion that extreme care should be taken in any work to be done here, even if no old objects are readily visible.

Therefore, to our belief and knowledge, the Subject Property has a high chance of having historically significant components embedded inside its built-up footprint and adjacent submerged areas. These may require specific interventions to assure their integrity.

This project should also be reviewed to assure compliance with Puerto Rico State Law 112 of August 12, 1988, Puerto Rico Terrestrial Archaeology Act. The applicant should communicate with our Archaeology and Ethnohistory Program ("Programa de Arqueología y Etnohistoria") for more information, requirements and procedures. Compliance with the Puerto Rico Underwater Archaeology Act (State Law 10 of August 7, 1987) is also mandatory where applicable.

Cordially,



Jorge Ortiz Colom  
Preservation Architect, South and Southeastern Region  
Built Heritage Program  
Institute of Puerto Rican Culture

jo

cc: Case docket

Institute of Puerto Rican Culture/Built Heritage Program  
Southern and Southeastern Region, PO Box 331801, Ponce, PR 00733  
Telephone: (787) 290-6617, (787) 724-0700 ext. 3065 / jorgeortiz@icp.pr.gov







U.S. Customs and  
Border Protection

December 7, 2018

Jorge Ortiz Colom  
Preservation Architect, South and Southeastern Region  
Institute of Puerto Rican Culture/Built Heritage Program  
Southern and Southeastern Region  
PO Box 331801  
Ponce, Puerto Rico 00733

Re: **CADASTRAL NUMBER:** 63-412-061-611-04-001  
**CASE:** PIER AND BOAT RAMP IMPROVEMENTS  
**COAST GUARD PIER, USED BY USCBP**  
U.S. Customs and Border Protection, Draft Environmental Assessment (EA) and Draft  
Finding of No Significant Impact (FONSI) for the Replacement of the Pier and Boat  
Ramp at the U.S. Border Patrol & Air and Marine Facility, Ponce, Puerto Rico

Dear Mr. Colom,

Thank you for your response and review of CBP's Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) for the Replacement of the Pier and Boat Ramp at the U.S. Border Patrol & Air and Marine Facility, Ponce, Puerto Rico.

In response to your letter dated November 29, 2018, I would like to provide additional information that addresses your concerns. CBP initiated consultation with the Puerto Rico State Historic Preservation Office (SHPO) on April 28, 2017. The Puerto Rico SHPO requested that CBP conduct an underwater archaeological survey of the Area of Potential Effects (APE). CBP contracted with SEARCH to conduct a Phase I maritime archaeological investigation of the project's APE to assist CBP with its obligation under Section 106 of the National Historic Preservation Act and implementing regulations (36 CFR Part 800).

The survey was completed on July 26, 2017 and included a differentially corrected global positioning system receiver, a marine magnetometer, and a side-scan sonar. SEARCH designed the survey to cover the 0.6 acres of the marine APE with parallel survey lines spaced 20 feet apart. The survey was designed and directed by professional maritime archaeologists who meet the Secretary of the Interior's *Standards and Guidelines for Archeology and Historic Preservation*, and employed data acquisition technologies and methodologies that surpassed best current practices for maritime archaeological survey. SEARCH applied data processing techniques to identify and recognize potential submerged cultural resources and used a thorough maritime context to assist with the archaeological interpretation of the data.

No remote-sensing targets were identified within the APE that would be indicative of potential submerged cultural or archeological resources. Therefore, no submerged cultural or archeological sites would be affected by this undertaking. CBP has determined that this project



Mr. Colom  
Page 2

would have no adverse effects on cultural or archeological resources. The Puerto Rico SHPO concurred with this conclusion and did not recommend any additional identification efforts.

CBP provided a copy of the Underwater Archaeology Survey Report on March 15, 2018. The Puerto Rico SHPO concluded that the implementation of the undertaking would not adversely affect the neighboring historic district and a finding of no adverse effect is appropriate for this project (April 3, 2018). CBP also provided a copy of the Draft EA during the public review period and responded with a no adverse effect determination (letter dated November 21, 2018). Copies of the SHPO correspondence are included in Appendix A of the Draft EA.

Therefore, CBP believes that the concerns raised in your letter dated November 29, 2018 have been addressed and no further action is required. If you have any questions or concerns please feel free to contact me by phone at 949.643.6392, or via email at [joseph.zidron@cbp.dhs.gov](mailto:joseph.zidron@cbp.dhs.gov). Thank you for your cooperation and assistance.

Sincerely,



Joseph Zidron  
Real Estate and Environmental Branch Chief  
Border Patrol and Air & Marine  
Program Management Office  
24000 Avila Road – Suite 5020  
Laguna Niguel, CA 92677

## **DESCRIPTION OF THE PROJECT:**

CBP's proposed action includes demolition and removal of the temporary structure, removal of the original concrete pier, and replacement of the boat ramp 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 Marine Unit facility. Construction associated with the proposed action would be contained within an area of approximately 2.65 acres where the CBP Ponce Marine Unit is located. Anticipated project completion is within 7 months. **Figure 1** provides an overview of the proposed action.

Under the proposed action, a concrete boat ramp lengthened from 36 to 56 feet would replace the existing boat ramp. The new ramp would have a varying slope from 7 to 13 percent, whereas 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 cofferdam built from a single row of sheet piles would be installed across the inlet (see **Figure 2**) and pumped dry to allow casting of the new concrete boat ramp. Dredging is not anticipated as part of this project.

Once the inlet is dewatered, the temporary structure and the original concrete pier would be removed. This includes first removing the top of the temporary structure and then removing the PVC pipes using a nominal-sized backhoe and chain, and hauling the original concrete pier away from the project area. Additionally, riprap adjacent to the pier and boat ramp locations would be removed prior to construction and replaced after construction is complete. The new pier, constructed south of the Ponce Marine Unit, would total approximately 205 feet from the landward curb and fence line, not including the sloping entrance ramp and fenced entry point. The width is 10 feet.

The pier would be constructed with sixteen 18-inch-diameter hollow cylindrical steel piles in waters of the United States (12 pier piles and 4 mooring dolphin piles), two 18-inch-diameter steel piles on land, and concrete cast-in-place and precast components. There would be one additional sacrificial tension pile on land. Each pile would be approximately 100 feet in length, but the final length would be dictated by the project's specifications. While the pile driving method has not been selected, a vibratory driver would be used if possible, and an impact hammer would only be used if necessary. A pile cushion would be used during impact hammering. The pilings would be inserted into the subsurface floor using a barge-mounted diesel pile-driving rig, tugboat, and other tending boats as required.

The piles would be coated in bitumen and filled with grout once driven. The top 19 feet of the piles would be reinforced with a cage extending into the cast-in-place concrete pile caps. These pile caps would be 50 inches high from underside to the top deck, 53 inches wide, and approximately 11 feet long.





Figure 1. Overview of the CBP Ponce Pier and Boat Ramp Project, Ponce, Puerto Rico





Sources: Imagery - DigitalGlobe (2010); Waters of the U.S. Delineation - NERR (2018); Habitat & Coral Surveys - CSA Ocean Sciences Inc. (2018); Design - Bionoville-Dorovian, INC (2-2018).

**Figure 2. Action Area for the CBP Ponce Pier and Boat Ramp Project, Ponce, Puerto Rico**

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 multiple 30-foot spans would include horizontal rubber fenders and deck cleats for vessel mooring.

In addition to the four 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, going across 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 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.

The pier would be accessed via a new personnel gate installed in the existing chain link fence surrounding the facility. Gate installation requires ground disturbance to insert the gateposts in the ground. The gate would be secured with a padlock, and a security camera would be placed on top of the gatepost for observation of the pier.

#### **DESCRIPTION OF MINIMIZATION MEASURES:**

The following minimization measures are examples of mitigation measures that would be implemented to reduce impacts on ESA-listed species that could occur in the action area. CBP would coordinate with NOAA Fisheries to develop the full suite of best management practices (BMPs) to avoid adverse effects on listed species throughout consultation.

- **Pile Driving<sup>1</sup>**
  - During pile driving activities, a protected species observer would be present to screen for protected species that might potentially enter a 100-yard buffer zone around the pile driving area.
  - Monitoring for protected species would occur for 1 hour, prior to pile driving, during daylight hours.
  - Shut-down procedures would be used during pile driving activities if protected species are observed in the 100-yard buffer zone.
  - Pile driving would only occur during daytime hours.
  - A pile cushion would be used during pile driving.
  - A vibratory hammer would be used to install piles to the maximum extent practicable.
  - Ramp-up procedures or pile tapping would be used at the beginning of pile driving.
- **Corals**
  - Healthy individuals of coral colonies that would be disturbed by the proposed project would be relocated if determined to be in the direct footprint of the construction area or nearby.

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<sup>1</sup> These are examples of pile-driving measures to be implemented. Final pile-driving measures to avoid and minimize impacts on listed species would be developed with input from NOAA Fisheries during consultation.



- **Submerged Aquatic Vegetation (SAV)**
  - The piling-supported structure would be aligned to minimize the size of the footprint over SAV beds, to the extent practicable.
  - The height of the piling-supported structure would be a minimum of 5 feet (actual 5.74 feet) above mean high water (MHW)/ordinary high water as measured from the top surface of the decking.
  - Over-SAV bed portions of the piling-supported structure would be placed in a north-south orientation to the maximum extent practicable.
  - Pilings would be installed in a manner which would not result in the formation of sedimentary deposits ("donuts" or "halos") around the newly installed pilings. Pile driving is the preferred method of installation, but jetting with a low pressure pump may be used.
  - The spacing of pilings through SAV beds would be a minimum of 10 feet on center, to the maximum extent practicable. Proposed spacing is 30 feet between piling caps and 4 feet between piles supporting each pile cap.
  - All impacts to non-ESA listed native, non-invasive seagrasses would be avoided and minimized to the extent practicable.
- **Monitoring**
  - Prior to arrival on the worksite, all onsite personnel would be made aware of protected species, be familiar with the BMPs to implement in case they encounter these species, and be responsible for screening the project area for protected species during in-water construction activities.
  - Personnel would notify the construction manager of activities that might harm or harass a protected species.
  - Upon such notification, the construction manager may temporarily suspend all activities in question and notify the contracting officer, administrative contracting officer, and contracting officer's representative of the suspense so that the key client contact can be notified and apprised of the situation a resolution can be reached.
  - Construction would be performed only in areas that have been surveyed for biological resources.
- **Vessel Traffic**
  - Construction contractors would implement the *NMFS Southeast Region Vessel Strike Avoidance Measures and Reporting for Mariners*; revised February 2008 for all vessel activities.
- **Construction Equipment**
  - All construction contractors would implement the *Sea Turtle and Smalltooth Sawfish Construction Conditions*, dated March 23, 2006.
  - If a protected species is seen within 100 yards of the active daily construction operation or vessel movement, all appropriate precautions shall be implemented to ensure its protection.
  - Operation of any mechanical construction equipment would cease immediately if a protected species is observed within a 50-foot radius of construction equipment and would not resume until the species has departed the area on its own.



- If the detection of species is not possible during certain weather conditions (e.g., fog, rain, wind), then in-water operations would cease until weather conditions improve and detection is again feasible.
- **Turbidity and Entrapment**
  - A Sediment and Erosion Control Plan and Stormwater Pollution Prevention Plan would be developed and implemented to control and minimize pollutant transport in stormwater runoff.
  - Construction contractors would adhere to the NOAA Fisheries *Measures for Reducing Entrapment Risk to Protected Species*, Revised May 22, 2012.
  - All work would occur during daylight hours.
  - Turbidity control BMPs would be throughout construction to control erosion and siltation and ensure that turbidity levels within the project area does not exceed background conditions.
  - Silt curtains would be used to reduce turbidity to the maximum extent practicable. Silt curtains would be made of material in which listed species cannot become entangled (i.e., reinforced impermeable polycarbonate vinyl fabric [PVC]), and shall be monitored to ensure listed species are not entangled or trapped in the project area.
  - Silt curtains would be removed promptly when the work is complete and the water quality in the project area has returned to background conditions.
- **Reporting**
  - Collisions with and/or injuries to any protected species would be reported appropriately to NOAA Fisheries.

## B.2. CBP Letter to Mayor of Ponce, October 2018

CBP Letter to Mayor Melendez, October 2018



U.S. Customs and  
Border Protection

Mayor Maria Meléndez  
P.O. Box 331709  
Ponce, PR 00733-1709  
[mariae.melendez@ponce.pr.gov](mailto:mariae.melendez@ponce.pr.gov)

**SUBJECT:** U.S. Customs and Border Protection Draft Environmental Assessment and Draft Finding of No Significant Impact for the Replacement of the Pier and Boat Ramp at the U.S. Border Patrol & Air and Marine Facility, Ponce, Puerto Rico

Dear Mayor Meléndez:

U.S. Customs and Border Protection (CBP) proposes to demolish and remove the temporary structure, remove the original concrete pier, construct a new pier, replace the existing boat ramp, and continue operation and maintenance at its Ponce Marine Unit facility at 41 Bonaire Street, Ponce, Puerto Rico. CBP is pleased to forward the Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) for the Replacement of the Pier and Boat Ramp at the U.S. Border Patrol & Air and Marine Facility, Ponce, Puerto Rico, which analyzes the potential impacts from the Proposed Action.

The operations of the Ponce Marine Unit would remain as currently deployed and no increase in the use of local, public roads are being proposed as a part of this project. During construction activities, CBP's contractor would access the Ponce Marine Unit facility via local, public roads, however the use of oversized construction equipment is not anticipated. Construction is expected to last for approximately 7 months, however there would not be a major, daily influx of vehicles and traffic to the site for the entire duration of the activities. Once construction equipment is onsite, it would remain there until construction was completed and then removed from the facility. We request a letter endorsing the project to be used as part of the Oficina de Gerencia de Permisos (OGPe) application that will be submitted for approval.

Copies of the Draft EA and Draft FONSI can be downloaded from the Internet at <http://www.cbp.gov/about/environmental-cultural-stewardship/nepa-documents/docs-review> and hard copies can be reviewed at the following public location: Ponce Municipal Library (Mariana Suarez De Longo Municipal), Miguel Pou Boulevard, Ponce, PR 00733.

CBP also invites your participation in this public process and requests your review of the enclosed Draft EA and Draft FONSI. The 30-day public comment period begins on October 31, 2018, and comments must be received by November 30, 2018, to be considered for incorporation into the Final EA. When submitting comments, please include your name and address, and identify your comments or email subject line as intended for the "CBP Ponce Pier and Boat Ramp EA." Submit your comments on the Draft EA and Draft FONSI by email to [joseph.zidron@cbp.dhs.gov](mailto:joseph.zidron@cbp.dhs.gov) or by mail to:

Mr. Joseph Zidron  
U.S. Customs and Border Protection  
24000 Avila Road  
Suite 5020  
Laguna Niguel, CA 92677

If you have any questions or concerns please feel free to contact Mr. Zidron by phone at 949.643.6392, or via email at [joseph.zidron@cbp.dhs.gov](mailto:joseph.zidron@cbp.dhs.gov). Thank you for your cooperation and assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joseph Zidron".

Joseph Zidron  
Real Estate and Environmental Branch Chief  
Border Patrol Facilities and Tactical Infrastructure  
Program Management Office

Enclosure



Response Letter from Municipality of Ponce to CBP, January 2019



Hon. María Meléndez Altieri  
Alcalde(a)

January 8, 2019

Mr. Joseph Zidron  
U.S. Customs and Border Patrol  
24000 Avila Road  
Suite 5020  
Laguna Niguel, CA 92677

Gobierno de Puerto Rico  
MUNICIPIO AUTÓNOMO DE PONCE

*Oficina de Ordenación Territorial*

Apartado 331709 Ponce, Puerto Rico 00733-1709 Tel: 787-284-4141  
[www.visitponce.com](http://www.visitponce.com)

**SUBJECT: U.S. CUSTOMS AND BORDER PROTECTION DRAFT ENVIRONMENTAL ASSESSMENT AND DRAFT FINDING OF NO SIGNIFICANT IMPACT FOR THE REPLACEMENT OF THE PIERS AND BOAT RAMP AT THE U.S. BORDER PATROL & AIR AND MARINE FACILITY AT 41 BONAIRE STREET, PLAYA DE PONCE NEIGHBORHOOD, MUNICIPALITY OF PONCE, PUERTO RICO.**

Dear Mr. Zidron:

The Office of Territorial Planning of the Autonomous Municipality of Ponce has evaluated the case described in the section in accordance with the regulations and norms in force. The same was elevated to this office on November 6, 2018 by the Permit Office of Ponce for the corresponding action. According to the information in your communication, an *Endorsement* is requested for the demolish and removal of the temporary structure, removal of the original concrete pier, construction of a new pier, replacement of the existing boat ramp, and continuing operation and maintenance at its Ponce Marine Unit facility at 41 Bonaire Street, Playa de Ponce Neighborhood of the Municipality of Ponce. The property subject of this application is located inside the Special Area of Flood Hazard (Flood Zone) A, according to the floodplains of the Planning Board of Puerto Rico and the Insurance Rate Maps (FIRM, for its acronym in English), from the Federal Emergency Management Agency (FEMA, for its acronym in English).

The property, in turn, locates in an Ordination District EH.2, so we have evaluated its conformity with Chapter 19 - District of Ordination D (Endowment) in Urban Land, and other related chapters of the Regulation of Ordination in force. In this evaluation we find that the proposed draft complies with the activities or uses permitted in said district (see Section 19.2). In addition to the foregoing, the intensity of construction and use for the proposed intervention do not exceeds that established in the district. Based on the conditions found on the site, and what is proposed in the submitted draft, the Autonomous Municipality of Ponce **has no objection to endorse the actions as proposed.**

Sincerely,

Hon. María E. Meléndez Altieri, OMD

Mayor

Autonomous Municipality of Ponce

LRL/rpb

Oficina de Ordenación Territorial \* Tel. 787-259-2260 \* Fax 787-844-0726 \* Calle Mayor #72, Oficina 1.20 \* Edificio Ponce Servicios  
[ootponce@gmail.com](mailto:ootponce@gmail.com)

### B.3. Library Letter



U.S. Customs and  
Border Protection

26 October 2018

Ponce Municipal Library  
Ave Boulevard Miguel Pou  
Mariana Suarez De Longo Municipal  
Ponce, Puerto Rico 00733

SUBJECT: U.S. Customs and Border Protection Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) for the Replacement of the Pier and Boat Ramp at the U.S. Border Patrol & Air and Marine Facility, Ponce, Puerto Rico

Dear Sir/Madam,

Enclosed please find a copy of the Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) for the Replacement of the Pier and Boat Ramp at the U.S. Border Patrol & Air and Marine Facility, Ponce, Puerto Rico. Please make this Draft EA and Draft FONSI available to the public for a review period of 30 days beginning on October 31, 2018. Include a copy of this letter with the Draft EA and FONSI for public review.

Copies of the Draft EA and Draft FONSI can also be downloaded from the Internet at <http://www.cbp.gov/about/environmental-cultural-stewardship/nepa-documents/docs-review>. Comments on the Draft EA and Draft FONSI must be received no later than November 30, 2018, to be considered for incorporation into the Final EA. When submitting comments, please include your name and address, and identify your comments or email subject line as intended for the "CBP Ponce Pier and Boat Ramp EA." Submit your comments on the Draft EA and Draft FONSI by email to [joseph.zidron@cbp.dhs.gov](mailto:joseph.zidron@cbp.dhs.gov) or by mail to:

Mr. Joseph Zidron  
U.S. Customs and Border Protection  
24000 Avila Road, Suite 5020  
Laguna Niguel, CA 92677

If you have any questions or concerns please feel free to contact Mr. Zidron by phone at 949.643.6392, or via email at [joseph.zidron@cbp.dhs.gov](mailto:joseph.zidron@cbp.dhs.gov). Thank you for your cooperation and assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "Joseph Zidron".

Joseph Zidron  
Real Estate and Environmental Branch Chief  
Border Patrol & Air and Marine  
Program Management Office  
Enclosure



## **AVISO DE DISPONIBILIDAD**

**BORRADOR DE LA EVALUACIÓN AMBIENTAL Y BORRADOR DEL  
HALLAZGO DE AUSENCIA DE IMPACTO SIGNIFICATIVO PARA EL  
REEMPLAZO DEL MUELLE Y DE LA RAMPA PARA EMBARCACIONES  
DE LA PATRULLA FRONTERIZA DE LOS EE. UU. E INSTALACIONES  
AÉREAS Y MARÍTIMAS, PONCE, PUERTO RICO  
AGENCIA DE ADUANAS Y PROTECCIÓN FRONTERIZA DE LOS  
ESTADOS UNIDOS, DEPARTAMENTO DE SEGURIDAD NACIONAL**

Por la presente se notifica al público la disponibilidad del borrador de la Evaluación ambiental (Environmental Assessment, EA) y el borrador del Hallazgo de ausencia de impacto significativo (Finding of No Significant Impact, FONSI) preparados por la Agencia de Aduanas y Protección Fronteriza (Customs and Border Protection, CBP) de los EE. UU. para las medidas propuestas de demoler y retirar la estructura temporal, retirar el muelle de hormigón original, construir un muelle nuevo, reemplazar una rampa existente para embarcaciones y la operación y el mantenimiento continuos de las instalaciones de la Unidad Marítima de Ponce del CBP en Ponce, Puerto Rico, ubicadas en la calle Bonaire n.º 41 en el municipio de Ponce, Puerto Rico. La rampa de reemplazo para embarcaciones se construiría en el mismo lugar que la rampa existente para embarcaciones, y el muelle se construiría al sur de las instalaciones de la Unidad Marítima de Ponce. El borrador de la EA y el borrador del FONSI estarán disponibles para su revisión el 31 de octubre de 2018, en la Biblioteca Municipal de Ponce (Mariana Suárez De Longo Municipal), ubicada en el Boulevard Miguel Pou, Ponce, Puerto Rico 00733. Los documentos también están disponibles para su revisión y descarga en la siguiente dirección URL: <http://www.cbp.gov/about/environmental-cultural-stewardship/nepa-documents/docs-review>.

La CBP solicita comentarios sobre el borrador de la EA y el borrador del FONSI durante el período de comentarios de 30 días que comienza el 31 de octubre de 2018. Puede enviar comentarios al Sr. Paul Joseph Zidron mediante uno de los siguientes métodos: 1) por correo postal al Sr. Joseph Zidron, U.S. Customs and Border Protection, 24000 Avila Road, Suite 5020, Laguna Niguel, CA 92677 o 2) por correo electrónico a [joseph.zidron@cbp.dhs.gov](mailto:joseph.zidron@cbp.dhs.gov). Cuando envíe comentarios, incluya su nombre y dirección, e identifique sus comentarios o la línea para asuntos del correo electrónico como "EA del muelle y rampa para embarcaciones de Ponce de la CBP". Para asegurar que sean considerados, los comentarios deben recibirse antes del 30 de noviembre de 2018.