

1 **DRAFT**
2 **FINDING OF NO SIGNIFICANT IMPACT**
3 **ENVIRONMENTAL ASSESSMENT FOR THE REPLACEMENT OF THE PIER**
4 **AND BOAT RAMP AT THE BORDER PATROL & AIR AND MARINE**
5 **FACILITY, PONCE, PUERTO RICO**

6 **Introduction**

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

16 Pursuant to the National Environmental Policy Act (NEPA), CBP, a component of the Department
17 of Homeland Security, has prepared an Environmental Assessment (EA), which is attached hereto
18 and incorporated herein by reference to document its consideration of the potential environmental
19 impacts for the proposed demolition and removal of the temporary structure, removal of the
20 original concrete pier, construction of a new pier, replacement of the boat ramp, and continued
21 operation and maintenance of the Ponce Marine Unit facility, leased and operated by CBP, in
22 Ponce, Puerto Rico. The original concrete pier was displaced by Hurricane Maria in September
23 2017. A temporary structure was constructed to replace the original concrete pier in order to fulfill
24 the immediate operational need of deploying CBP assets from the Ponce Marine Unit. The Ponce
25 Marine Unit is a Border Patrol & Air and Marine (BPAM) facility in CBP's Ramey Sector and
26 supports vessel inspection of foreign ships and small passenger vessels, safety and security
27 inspections at waterfront facilities, and pollution incident investigations. The original concrete pier
28 and boat ramp are currently in disrepair, unusable, and the temporary structure and boat ramp are
29 inadequate in size and length to support two CBP vessels and, when needed, one seized vessel.
30 CBP uses Midnight Express vessels, which total 39 feet in length. Larger SAFE 410 Apostle
31 vessels, which total 41 feet in length, may replace the Midnight Express vessels in the near future.

32 **Proposed Action**

33 CBP's Proposed Action includes the demolition and removal of the temporary structure, removal
34 of the original pier, replacement of the boat ramp, construction of a pier, and continued operation
35 and maintenance of CBP's Ponce Marine Unit facility located at 41 Bonaire Street in the
36 municipality of Ponce, Puerto Rico. The replacement boat ramp would be constructed in the same
37 location as the existing boat ramp and the pier would be constructed south of the Ponce Marine
38 Unit facility. Construction activities associated with the Proposed Action would be contained
39 within the project area (approximately 2.65 acres – comprised of 1.05 acres of land and 1.6 acres
40 of water) where the Ponce Marine Unit is located. Under the Proposed Action, the concrete boat
41 ramp would be lengthened from 36 feet to 56 feet. Prior to demolition and construction of the boat

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

3 Following the removal of the original concrete pier and the demolition of the temporary pier
4 structure, the new pier would be constructed with 18 hollow cylindrical steel piles (14 pier piles
5 and 4 mooring piles). Each 18-inch diameter pile would be approximately 100 feet in length,
6 pointed, driven, and coated in bitumen and filled with grout once driven. The top 19 feet of the
7 piles would be reinforced with a cage extending into the cast-in-place concrete pile caps. The pile
8 caps would be 50 inches high from underside to the top deck, 53 inches wide, and approximately
9 11 feet long. The pilings would be inserted into the subsurface floor by using a barge-mounted
10 diesel pile-driving rig, tugboat, and other tending boats as required. The final length of the piles
11 and the pile driving method are unknown at this time and would be dictated by the project's
12 specifications.

13 Purpose and Need

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

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

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

28 Alternatives

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

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

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1 **Alternative 2: Proposed Action Alternative.** Under this alternative, the concrete boat ramp would
2 be lengthened from 36 feet to 56 feet to replace the existing boat ramp. The new ramp would have
3 varying slope from 7 percent to 13 percent; the maximum slope of the existing ramp is
4 12.6 percent. The steeper slope would increase the depth at the end of the ramp by approximately
5 2.5 feet, allowing the ramp to be used across a broader range of tides. The minimum thickness of
6 the ramp, 8 inches, was determined based on the launch type, towing vehicle, and boat and trailer
7 (SAFE 410 Apostle vessel and Ford F-550 crew cab, respectively). Prior to demolition and
8 construction of the boat ramp, a single-row coffer dam would be installed across the inlet to remove
9 water from the area. Dredging is not anticipated as part of this project.

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

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

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

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1 Public Involvement

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

- 5 • NOAA National Marine Fisheries Service, Southeast Regional Office, Protected
6 Resources Division
- 7 • NOAA National Marine Fisheries Service, Habitat Conservation Division
- 8 • NOAA National Marine Fisheries Service, Protected Resources Division, MMPA Branch
- 9 • U.S. Department of Transportation/Federal Highway Administration (FHWA)
- 10 • USACE Jacksonville District, Antilles Regulatory Section
- 11 • U.S. Fish and Wildlife Service, Caribbean Ecological Services Field Office
- 12 • Natural Resources Conservation Service (NRCS)
- 13 • Puerto Rico State Historic Preservation Office (Oficina Estatal de Conservación
14 Histórica)
- 15 • Puerto Rico Aqueduct and Sewer Authority
- 16 • Puerto Rico Department of Agriculture (Departamento de Agricultura)
- 17 • Puerto Rico Department of Economic Development and Commerce
- 18 • Puerto Rico Department of Natural and Environmental Resources (Departamento de
19 Recursos Naturales y Ambientales)
- 20 • Puerto Rico Department of Transportation and Public Works
- 21 • Puerto Rico Electric Power Authority
- 22 • Puerto Rico Environmental Quality Board (Junta de Calidad Ambiental)
- 23 • Puerto Rico Planning Board
- 24 • Puerto Rico Ports Authority
- 25 • Archeology and Ethnohistory program of the Puertorican Institute of Culture (Programa
26 de Arqueología y Etnohistoria del Instituto de Cultura Puertorriqueña)
- 27 • Historical built heritage program of the Puertorican Institute of Culture (Programa de
28 Patrimonio Histórico Edificado del Instituto de Cultura Puertorriqueña)
- 29 • Municipality of Ponce

30
31 A Notice of Availability for the draft EA and FONSI, in both English and Spanish, was published
32 in representative newspapers of local and regional distribution. This was done to solicit comments
33 on the Proposed Action and No-Action alternatives and involve the local community in the
34 decision-making process. Substantive comments from the public and other Federal, state, and local
35 agencies were considered and incorporated into the Final EA.

36 During the 30-day public review and comment period for the Draft EA and Draft FONSI, CBP
37 accepted comments submitted by email and postal mail from the public; Federal and state agencies;
38 Federal, state, and local elected officials; stakeholder organizations; and businesses.

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1 **Environmental Consequences**

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

6 Implementation of the Proposed Action would not result in disproportionately high or adverse
7 human or environmental effects on children, minorities, or low-income populations. Construction
8 of the Proposed Action is expected to have a positive economic impact to the regional and local
9 economies due to temporary employment and an increase in sales from construction-related
10 services, materials, and supplies.

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

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

17 Short-term, minor, adverse, indirect impacts on water resources adjacent to the project site,
18 including surface waters, could occur due to erosion and sedimentation during construction. Given
19 the temporary nature of the potential environmental disturbances and the implementation of BMPs,
20 the operation of the Proposed Action would not result in long-term adverse effects on surface
21 waters and groundwater in the area. The Proposed Action would have no impacts to jurisdictional
22 wetland areas and Waters of the United States. Given the location of the proposed site (waterfront)
23 and nature of floods in the area, construction of the Proposed Action would have no effect on the
24 flood levels outside the project site.

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

32 The potential for finding pre-colonial or colonial historic properties within the project area is low;
33 therefore no significant impacts on cultural resources from the implementation of the Proposed
34 Action would be expected. A Phase I maritime survey, consisting of a remote-sensing survey and
35 the collection of magnetic and acoustic data, did not identify potential submerged cultural
36 resources. Cultural resources on land were evaluated through an inventory and a Phase IB survey,
37 which concluded that no historical buildings or landscapes were present at the project site. The
38 Proposed Action consists of a low-profile undertaking with minimal visual impacts on the

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1 surrounding landscape and therefore does not have the potential to adversely affect the character
2 of aboveground potential historic properties located in the surrounding area.

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

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

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

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

14 *Comparison of Analyzed Impacts*

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

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Mitigation and Best Management Practices

The EA describes the BMPs and protection measures that would be implemented to reduce or eliminate potential adverse impacts to the human and natural environments during construction and operation of the Proposed Action. Some of the BMPs to be implemented during the construction and operation phases of the new marine facility are listed below:

- Development and implementation of a Sediment and Erosion Control Plan and a Stormwater Pollution Prevention Plan to manage stormwater runoff during construction activities. An effective combination of soil erosion and sediment controls would be in place prior to earth-moving activities to prevent sediment from leaving the site, entering a stormwater drainage, or receiving water such as Ensenada Honda.
- Good housekeeping practices and preventive maintenance during operation of the facility would be undertaken.
- BMPs and mitigation measures would be implemented during construction activities to minimize impacts on aquatic species (i.e., mammals, fish, and sea turtles) to the maximum extent practicable.
- A protected species observer would be present during pile driving activities to screen construction operations to ensure adherence with BMPs and advise the construction contractor as needed.
- The project work area would be surveyed for the presence of federally protected biological species at least one hour before the commencement of construction activities. If any protected species are present, the contractor would wait for the animal to leave the area by itself and be at least 100 feet from the in-water project area.
- A coral survey of the project area, conducted in July 2018, revealed 50 hard corals and no soft corals in the proposed pier survey area. Only one hard coral is within the immediate footprint of the proposed pier. An additional benthic survey for corals would be completed prior to the beginning of in-water construction.
- Avoidance of construction activities during migratory bird nesting season to the extent practicable. If construction cannot occur outside the migratory bird nesting season, surveys would be conducted prior to initiation of the construction activity to determine whether nests are present within the area of impact. If active nests are identified within the vicinity of the project site, construction activities would be avoided until nestlings have fledged or the nest fails. If activity must occur, a buffer zone around the nest would be established, and no activities would occur within that zone until nestlings have fledged and left the nest area.
- Proper and routine maintenance of all construction equipment and vehicles would ensure that emissions are within design standards.
- Waste stream of contaminated media would be handled through institutional controls, which would consist of physical barriers to restrict access to the site, such as fencing and the installation of appropriate “no trespassing” signs to warn of potential hazards onsite.
- Hazardous materials and waste would be managed using applicable storage, transfer, and disposal regulations.
- Safety buffer zones would be designated around the construction site to ensure public health and safety.

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1 A complete, detailed description of BMPs can be found in Chapter 5 of the EA and are incorporated
2 herein by reference.

3 **Finding**

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

8 Chad Gilcrest
9 Director
10 Facilities Management and Engineering