U.S. General Services Administration

Environmental Impact Statement for the Kenneth G. Ward (Lynden) and Sumas Land Ports of Entry Modernization and Expansion Projects Lynden and Sumas, Washington

Volume II – Appendix B
Floodplain Assessment and Statement of Findings

Final

November 2024

Identification Number: EISX-023-00-010-1728643103

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ACRONYMS

Acronym	Definition
AADT	Annual Average Daily Traffic
ACM	asbestos-containing material
ADA	Americans with Disabilities Act
AG	Agriculture
APE	area of potential effect
AST	aboveground storage tank
ASTM	American Society for Testing and Materials
BC	British Columbia
BCC	birds of conservation concern
BGEPA	Bald and Golden Eagle Protection Act
BMP	best management practices
BNSF	Burlington Northern Santa Fe Railroad
BTS	Bureau of Transportation Statistics
CAA	Clean Air Act
CBP	Customs and Border Protection
CBSA	Canada Border Services Agency
CCD	census county division
CEQ	Council on Environmental Quality
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
CGP	Construction General Permit
CH_4	methane
CO_2	carbon dioxide
COG	Council of Government
COV	commercially owned vehicle
CWA	Clean Water Act
dB	decibels
DFA	Duty Free Americas
dBA	decibels on an A-weighted scale
DOSH	Division of Occupational Safety and Health
EIS	Environmental Impact Statement
EISA	Energy Independence and Security Act
EO	Executive Order
ESA	Environmental Site Assessment
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FIRM	Flood Insurance Rate Map
GHG	greenhouse gas
GMA	Growth Management Act
GSA	U.S. General Services Administration
GWP	global warming potential
HAP	hazardous air pollutant
HSS	highways of statewide significance
HUC	Hydrologic Unit Code
IDP	Inadvertent Discovery Plan
IECC	International Energy Conservation Code
IPaC	Information for Planning and Consultation

Acronym	Definition
LBP	lead-based paint
LEED®	Leadership in Energy and Environmental Design
LPOE	Land Port of Entry
LRR	Land Resource Region
LUST	leaking underground storage tank
MBTA	Migratory Bird Treaty Act
MLRA	Major Land Resource Area
mph	miles per hour
MPO	Metropolitan Planning Organization
msl	mean sea level
MTCA	Model Toxics Control Act
N_2O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NAICS	North American Industry Classification System
NEPA	National Environmental Policy Act
NESHAP	National Emission Standards for Hazardous Air Pollutants
NFIP	National Flood Insurance Program
NHPA	National Historic Preservation Act
NII	non-intrusive inspection
NO_x	nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resources Conservation Service
NSPS	New Source Performance Standard
NSR	New Source Review
NWCAA	Northwest Clean Air Agency
O_3	ozone
OSHA	Occupational Health and Safety Administration
PBS	Public Buildings Service
PCB	non-polychlorinated biphenyl
PDS	Program Development Study
$PM_{2.5}$	very fine particulate matter 2.5 micrometers or smaller
PM_{10}	fine particulate matter 10 micrometers or smaller
POV	privately owned vehicle
ppm	parts per million
PPV	peak particle velocity
PSD	Prevention of Significant Deterioration
PSE	Puget Sound Energy
RCRA	Resources Conservation and Recovery Act of 1976
RCW	Revised Code of Washington
ROD	Record of Decision
ROI	region of influence
SC-GHG	social cost of greenhouse gases
SHPO	State Historic Preservation Officer
SIP	State Implementation Plan
SITES	Sustainable Sites Initiative
SO_2	sulfur dioxide
SPCC	spill prevention, control, and countermeasures
SR	State Route
STIP	State Transportation Improvement Program
SWPPP	stormwater pollution prevention plan

Acronym	Definition
TC	Tourist Commercial
THPO	Tribal Historic Preservation Officer
TMDL	Total Maximum Daily Load
U.S.C.	U.S. Code
USDA	U.S. Department of Agriculture
U.S. DOT	U.S. Department of Transportation
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
UST	underground storage tank
VOC	volatile organic compound
vpd	vehicles per day
vph	vehicles per hour
WAC	Washington Administrative Code
WDFW	Washington Department of Fish and Wildlife
WHO	World Health Organization
WNHP	Washington Natural Heritage Program
WOTUS	Waters of the U.S.
WRIA	Water Resource Inventory Area
WSDOT	Washington State Department of Transportation
WSS	Web Soil Survey

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APPENDIX B FLOODPLAIN ASSESSMENT AND STATEMENT OF FINDINGS

B.1 INTRODUCTION

In accordance with 44 Code of Federal Regulations (CFR) Part 9 (*Floodplain Management and Protection of Wetlands*), Executive Order (EO) 11988 (*Floodplain Management*), EO 13690 (*Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input*), and United States General Services Administration's (GSA) *Public Buildings Service (PBS) Floodplain Management Desk Guide, November 2023* (Companion to GSA Order PBS 1095.8A), GSA is required to take action to reduce the risk of flood loss and to avoid, to the extent possible, the long- and short-term adverse impacts associated with the occupancy and modification of floodplains and the direct or indirect support of floodplain development wherever there is a practicable alternative. Executive Order (EO) 13690 amends EO 11988 by expanding the floodplain of concern for federally funded projects to a higher vertical elevation and corresponding horizontal extent of the floodplain; this expanded floodplain of concern is referred to as the Federal Flood Risk Management Standard (FFRMS) floodplain. The FFRMS floodplain for federally funded projects is determined by one of the following approaches:

- Climate Informed Science Approach (where data is available);
- Freeboard Value Approach (1-percent-annual-chance flood elevation [also referred to as the 100-year flood or base flood elevation] plus 3 feet for critical actions); or
- 0.2-percent-annual-chance Flood (also referred to as the 500-year flood) Approach.

If there is no practicable alternative to locating within or encroaching the FFRMS floodplain, then GSA is required to provide justification for no practicable alternatives, evaluate the potential impacts on floodplains, and provide the public an opportunity to review and comment on a statement of findings.

According to GSA's *PBS Floodplain Management Desk Guide*, a "critical action" is any activity or action for which even a slight chance of flooding would be too great. GSA coordinated with the United States Customs and Border Protection (CBP) to obtain a critical action determination from CBP for the Lynden and Sumas LPOEs. CBP determined that the Lynden and Sumas LPOEs qualify as critical action facilities indicating that damage or disruption from a local flooding event at either LPOE could lead to regional or national catastrophic impacts (e.g., the LPOE being closed for a period following a storm event would have an impact on transportation of goods nationally). Per GSA's *P100 Facilities Standards for the Public Buildings Service, October 2021*, facilities must be located above the FFRMS floodplain elevation to minimize current and future flood risks. The critical action determination letters are included in Section B.8. GSA is proposing to modernize and expand the Lynden and Sumas Land Port of Entry (LPOEs) Whatcom County, Washington. As no data is readily available for the Climate Informed Science Approach, a review of Federal Emergency Management Agency (FEMA) mapping was conducted to determine if the existing LPOEs and their proposed maximum limits of disturbance project sites are located within FFRMS floodplains.

The existing Lynden LPOE and proposed maximum limits of disturbance for the modernization and expansion project are not located in the 1-percent annual-chance floodplain or in the 0.2-percent annual-chance floodplain. Therefore, this Floodplain Assessment and Statement of Findings will not discuss the Lynden LPOE modernization and expansion project.

The existing Sumas LPOE and proposed limits of disturbance for the modernization and expansion project are located in the 1-percent annual-chance floodplain or in the 0.2-percent annual-chance floodplain. As such, GSA prepared this Floodplain Assessment and Statement of Findings in accordance with EO 11988, EO 13690, and guidance outlined in the floodplain management desk guide.

This document is also prepared as part of a National Environmental Policy Act (NEPA) review process for the project and incorporates analysis and results from the *Environmental Impact Statement (EIS) for the Kenneth G. Ward (Lynden) and Sumas Land Ports of Entry Modernization and Expansion Project in Lynden and Sumas, Washington*.

B.2 PURPOSE AND NEED FOR THE PROPOSED ACTION

Congress enacted the Infrastructure Investment and Jobs Act, also known as the Bipartisan Infrastructure Law, on November 15, 2021, and included $3.4 billion for GSA to undertake 26 construction and modernization projects at LPOEs nationwide. Many of the country's LPOEs, including the Sumas LPOE, are outdated, long overdue for modernization, operate at full capacity, and have surpassed the needs for which they were originally designed.

The purpose of these projects is for GSA to support the United States Customs and Border Protection (CBP) mission through modernizing and expanding the Sumas LPOE. Accomplishing this purpose would increase the functionality, capacity, operational efficiency, effectiveness, security, sustainability, and safety of the Sumas LPOE.

The project is generally needed to update the current facilities at the LPOE, which no longer functions adequately and cannot meet CBP current operational needs or Program of Requirements. The existing LPOE has not undergone major improvements since its construction in the late 1980s and does not have sufficient space for modernization and expansion within its current layout. Additionally, the constrained layout limits CBP's ability to incorporate new technologies as they become available. As part of the modernization and expansion effort, GSA intends to achieve Gold-level certification under the Leadership in Energy and Environmental Design (LEED®) green building rating system, which aligns with the Council on Environmental Quality's *Guiding Principles of Sustainable Federal Buildings*.

The existing Sumas LPOE does not have enough space for efficient traffic flows, which leads to congestion and delays. Commercial vehicles do not have sufficient room to maneuver in the port, particularly when undergoing secondary inspection or moving to the non-intrusive inspection building. These inefficiencies can cause increased processing time, impede incoming vehicles, and result in increased congestion. This congestion can lead to traffic that accumulates beyond the secure inspection areas at the LPOE, which impedes the port's operations and causes traffic and safety concerns in the surrounding urban area. This is both a concern for southbound traffic into the U.S. and northbound traffic to Canada. Currently southbound commercially owned vehicles (COVs) queue on Railroad Avenue after they have passed primary inspection but have not yet been cleared to enter the U.S. The location where COVs queue on Railroad Avenue awaiting clearance is located outside of the LPOE property, which, therefore, creates security issues. Northbound traffic to Canada does not currently have a location within the Sumas LPOE in which to queue; therefore, traffic queues on Cherry Street in the Sumas downtown. The queued traffic on Cherry Street can gridlock the downtown area of Sumas, especially during heavy traffic periods, causing difficulties for locals attempting to access nearby businesses and the U.S. Post Office. Additionally, the Main Building at the Sumas LPOE does not have adequate space to house the commercial inspection and processing operations, and there are potential security vulnerabilities due to the current layout. Therefore, the modernized and expanded Sumas LPOE is needed to:

- meet CBP operational needs;
- optimize operational and traffic flows;
- address facility deficiencies;
- improve customer service;
- provide a comfortable and safe working environment for port personnel;
- permit CBP flexibility to install new technology as it becomes available; and
- provide adequate space for both northbound and southbound vehicle queuing within the port property.

B.3 PROJECT DESCRIPTION

B.3.1 Site Description

The Sumas LPOE is located on Washington State Route (SR) 9, directly south of the international border in the city of Sumas, Whatcom County, Washington. The LPOE is approximately 100 miles north of Seattle, Washington and 45 miles southeast of Vancouver, British Columbia.

The existing LPOE site is approximately 4 acres and is surrounded by the Burlington Northern and Santa Fe railway line industrial and residential areas to the west; commercial businesses to the south; SR 9 (Cherry Street), commercial businesses, and residential areas to the east; and the international border and a Canada Border Services Agency inspection facility (Abbotsford LPOE) to the north.

B.3.2 Project Alternatives Analyzed in the EIS

GSA analyzed four alternatives for the Sumas LPOE project area in the EIS:

Sumas LPOE Alternative 1 – No Action Alternative

Sumas LPOE Alternative 1, No Action Alternative, assumes that there would be no demolition of existing facilities, no construction of newer and larger facilities, and no expansion of LPOE operations. This alternative would not meet the purpose and need of the project because the existing LPOE does not have the space or functionality to meet the current operational demands. The Sumas LPOE would continue to operate as under current conditions, with limited inspection areas, inefficient vehicle processing infrastructure, and with undersized and outdated workspace for staff and other personnel (including staff needing to drive against non-commercial vehicles on a one-way route to access the staff parking area). Minor repairs would occur as needed; however, this alternative would not enable the LPOE to meet its current operational needs, which require modernized and expanded inspection areas and LPOE infrastructure, revised lane formation for more efficient traffic flow and maneuverability and modernized and expanded building space for LPOE staff and other personnel.

Although the No Action Alternative does not meet the purpose of and need for the project, this alternative is carried forward to provide a baseline for comparison of effects from the Proposed Action alternatives.

Sumas LPOE Alternative 2 – Feasibility Study Preferred Alternative

Sumas LPOE Alternative 2 would modernize and expand the LPOE to a capacity that would allow the port to meet its current and future operational needs. LPOE modernization and expansion would include potential land acquisition, site preparation (full or partial demolition, grading and filling, rock excavation, and paving), and construction. GSA may fully demolish all structures, foundations, and utilities in the project area, or they may reuse existing foundations and utilities. The extent of demolition activities would be determined during design. The maximum proposed limits of disturbance for Sumas LPOE Alternative 2 would be approximately 12.6 acres (see Figure B-1). Sumas LPOE Alternative 2 would have an orientation or layout of the commercial inspection facility, including loading docks, adjoining the Main Building toward the eastern side of the LPOE. A majority of the modernization and expansion construction activities, including staging activities, would take place within the maximum proposed limits of disturbance. Expansion to the west is not possible due to the existing BNSF railway located immediately west of the existing port. The expansion would support expanded inbound (southbound) and outbound (northbound) commercial and non-commercial operations, and significantly improve pedestrian traffic safety while traversing the port to and from the U.S.

The proposed facilities to be constructed under Sumas LPOE Alternative 2 would generally include:

- Main Building
- Inbound Commercial Inspection Area
- Outbound Inspections Area
- NII Building

- Inspection Booths and Canopies
- Hazardous Materials and Agriculture Inspection Platforms
- Commercial Inspection Yard
- Outdoor Parking and Staging Areas
- Utility infrastructure, including potable water supply, septic, stormwater detention, and generators

The LPOE would include a dedicated lane for the CBP NEXUS program. The NEXUS program allows pre-screened travelers expedited processing when entering the U.S. and Canada. With the exception of the NEXUS lane, all inbound POV and outbound POV lanes would be reversible as needed for seasonal traffic patterns.

Facility functions may be consolidated or expanded pending final design. Construction activities such as connecting to existing utilities and repairing roadway or shoulder pavement may occur outside the maximum proposed limits of disturbance (see Figure B-1). The extent of this construction activity would be determined during design. The roadway pavements and shoulders within these utility connection areas shown on Figure B-1 would not be subject to the project's potential land acquisition. GSA would coordinate with various stakeholders, including the Washington State Department of Transportation (WSDOT), local municipalities, and associated utility providers regarding these connections and any service outages prior to commencing construction activities.

Under Sumas LPOE Alternative 2, a new Main Building, complete with an adjoining commercial inspection facility, would provide an established clear line-of-sight in both the north and south directions. The new Main Building would support port operations. The larger Main Building would also provide additional interior building space to better support port operational requirements and employees. A separate smaller building would support the port's outbound commercial inspection requirements. In addition, parking and other paved surfaces would support expanded employee, visitor (POV, bus, and pedestrian travelers), and commercial vehicle parking requirements, and would provide enhanced safety for pedestrian visitors. Inspection lanes and facilities would be expanded and upgraded to handle traffic flows and improve operational efficiency.

Operations at the Sumas LPOE would be comparable to existing conditions but would be more efficient. Ongoing maintenance would be required for newly constructed facilities. The number of employees present onsite varies during peak and off-peak hours. Based on funding and resource availability, CBP may increase the current staff at the Sumas LPOE by approximately 26 personnel after the modernization and expansion project is completed.

Sumas LPOE Alternative 3 – Commercial Inspection West

Sumas LPOE Alternative 3 would include the same action as Sumas LPOE Alternative 2, with the one noted difference being the orientation of the commercial inspection facility adjoining the proposed Main Building. Under Sumas LPOE Alternative 3, the maximum proposed limits of disturbance would be approximately 12.6 acres (see Figure B-1); however, the orientation or layout of the commercial inspection facility, including loading docks, adjoining the Main Building, would be "flipped" to the western side of the LPOE compared to Sumas LPOE Alternative 2. The Sumas LPOE Alternative 3 layout proposes to have the commercial hard secondary loading dock/garage area located on the building's west side, compared to Sumas LPOE Alternative 2 where this area would be located on the east side. This alternative configuration would facilitate a slight adjustment of commercial and non-commercial support facilities, resulting in a potentially smaller overall building footprint. This orientation option, compared to Sumas LPOE Alternative 2, would also potentially facilitate more efficient commercial traffic flow, particularly for any agricultural/livestock vehicles requiring U.S. Department of Agriculture (USDA) inspection at the port. All other proposed work under Sumas LPOE Alternative 3, including potential land acquisition and development of the port's east side area in support of outbound commercial inspections, along with the

other site preparation and construction, proposed number of buildings, inspection lanes, and phasing, would be the same as Sumas LPOE Alternative 2.

Sumas LPOE Alternative 4 – Multi-Story Construction LPOE Expansion

Sumas LPOE Alternative 4 would include the same action as Sumas LPOE Alternatives 2 or 3; however, GSA would construct a multi-story Main Building. Operational space within the Main Building would be consolidated on multiple levels, minimizing the overall building footprint. Sumas LPOE Alternative 4 would also potentially include an employee pedestrian bridge to be constructed across Cherry Street, linking the east side parking and commercial outbound inspection facility with the west side's Main Building and adjoining commercial inspection facility, further increasing employee safety as they traverse the port. Under Sumas LPOE Alternative 4, the maximum proposed limits of disturbance would be approximately 12.6 acres (see Figure B-1). All other proposed work under Sumas LPOE Alternative 4, including development of the port's east side area in support of outbound commercial inspections, along with the other site preparation and construction, proposed number of buildings, inspection lanes, and phasing, would be similar to Sumas LPOE Alternatives 2 and 3.

B.4 DESCRIPTION OF EXISTING FLOODPLAINS

Figure B-2 illustrates the surface water features within proximity of the project area. No surface water resources occur within the boundaries of the existing LPOE and the proposed expansion area. The nearest named surface waterbody is Sumas Creek, located approximately 1,100 feet southwest. Sumas Creek originates to the west of the project area, flowing east and southeast into Johnson Creek south of the existing LPOE, near Cherry Street. Johnson Creek originates southwest of the project area and flows northeast before converging with the Sumas River at a point southeast of the project area. The Sumas River flows northeast over the U.S. – Canada line, ultimately discharging to the Pacific Ocean.

Based on a review of FEMA mapping (Flood Insurance Rate Map panels 53073C0219E and 53073C0732E), the project area includes 6.7 acres and 5.9 acres of FEMA-designated 1-percent annual-chance (also referred to as the base floodplain or 100-year floodplain) and 0.2-percent annual-chance (also referred to as the 500-year floodplain) floodplains along the Johnson River, respectively (see Figure B-3). The 1-percent annual-chance flood elevation is approximately 48 feet. According to FEMA's National Risk Index for relative riverine flood risk, Whatcom County has relatively low risk for riverine flooding.

The most recent flood event occurred in November 2021. This flood impacted the project area when three rainfall events occurred over a 72-hour period, resulting in 9.88 inches of rain and flooding breakouts of the Sumas River and Johnson Creek. According to aerial drone footage on November 19, 2021, within the project area, sections of Cherry Street, the La Gloria Groceries and Food Truck (444 Cherry Street) parking lot, 430 Cherry Street, and Garfield Street were flooded.

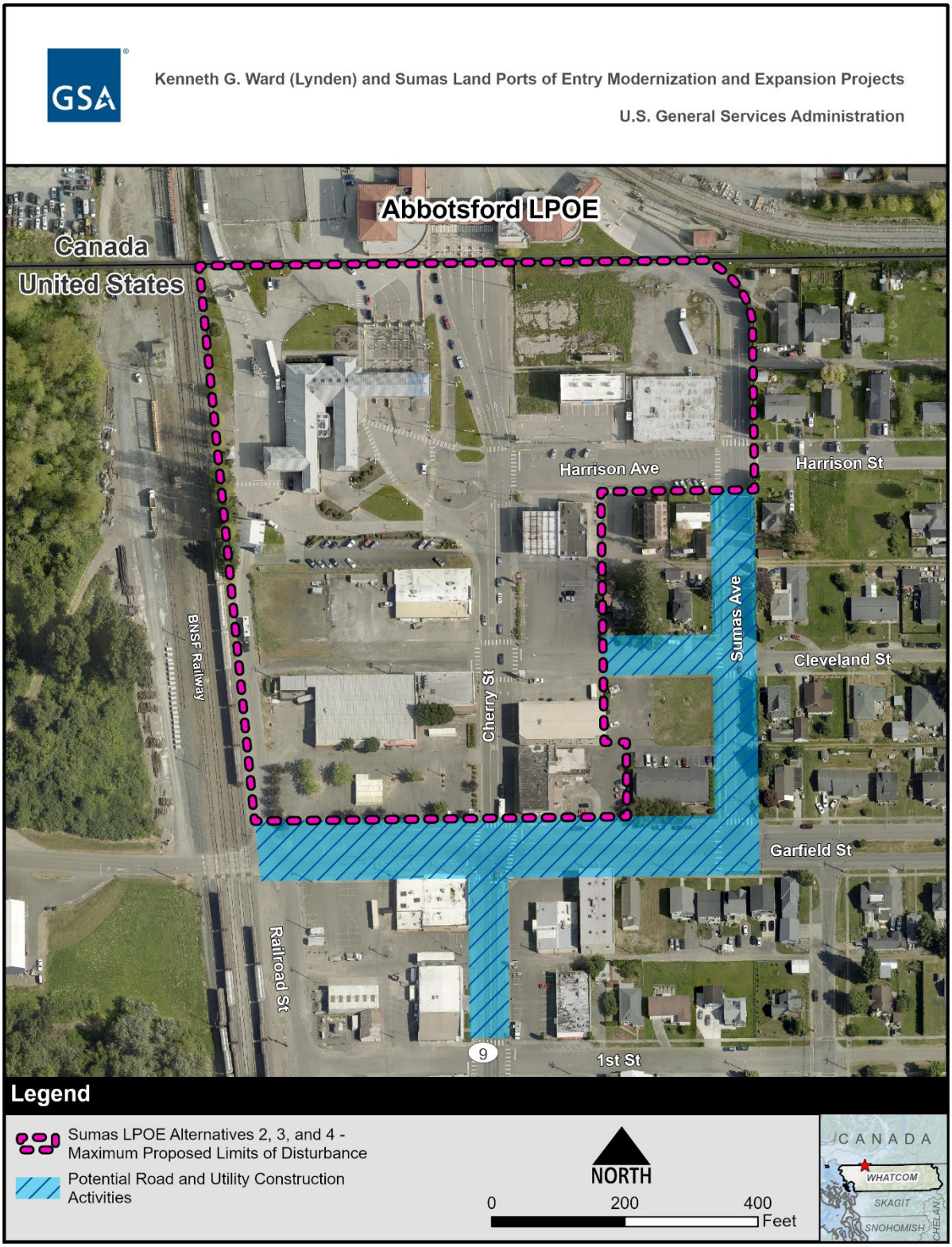

Figure B-1. Sumas LPOE Alternatives 2, 3, and 4 – Maximum Proposed Limits of Disturbance

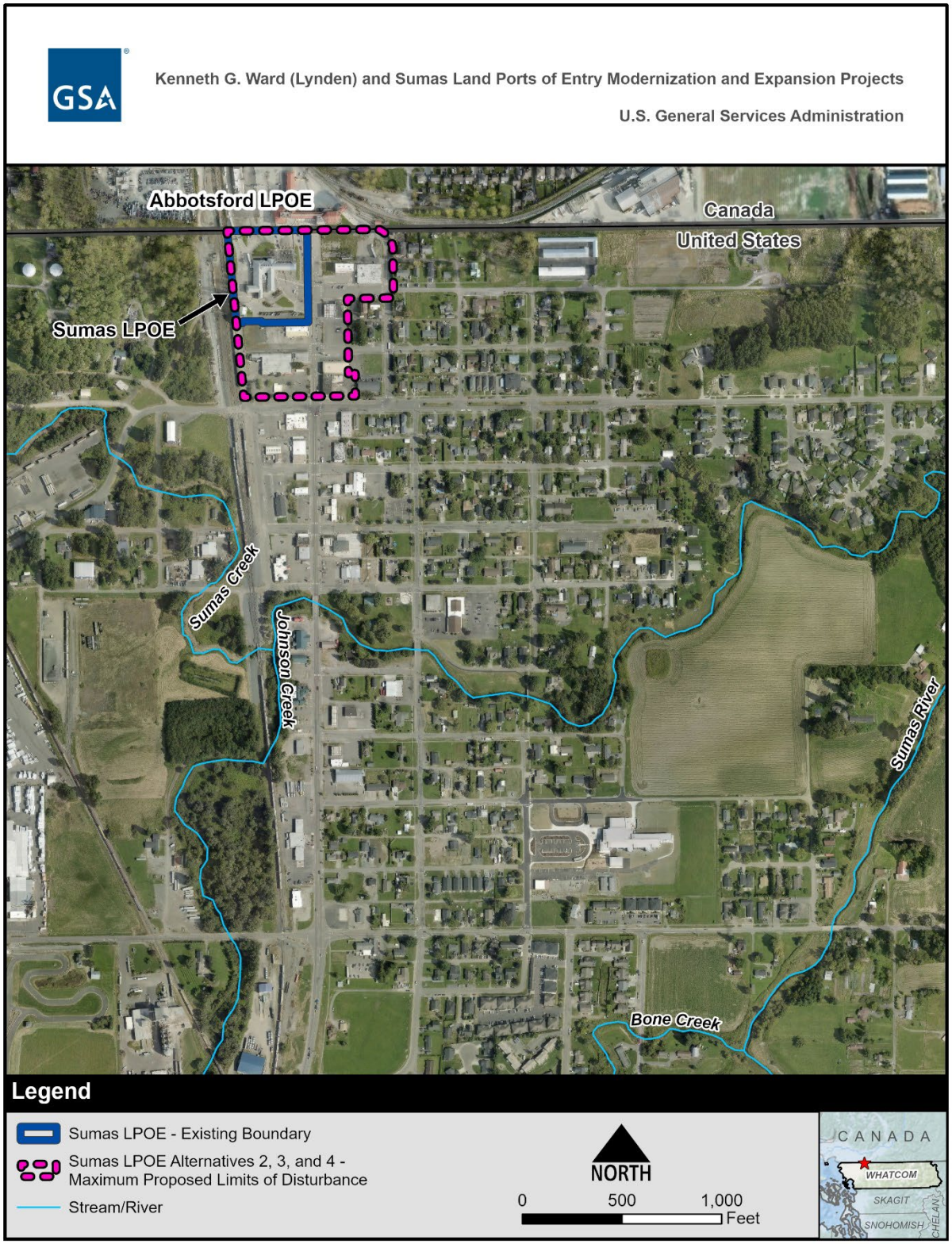

Figure B-2. Surface Waters in Proximity to the Sumas LPOE Project Area

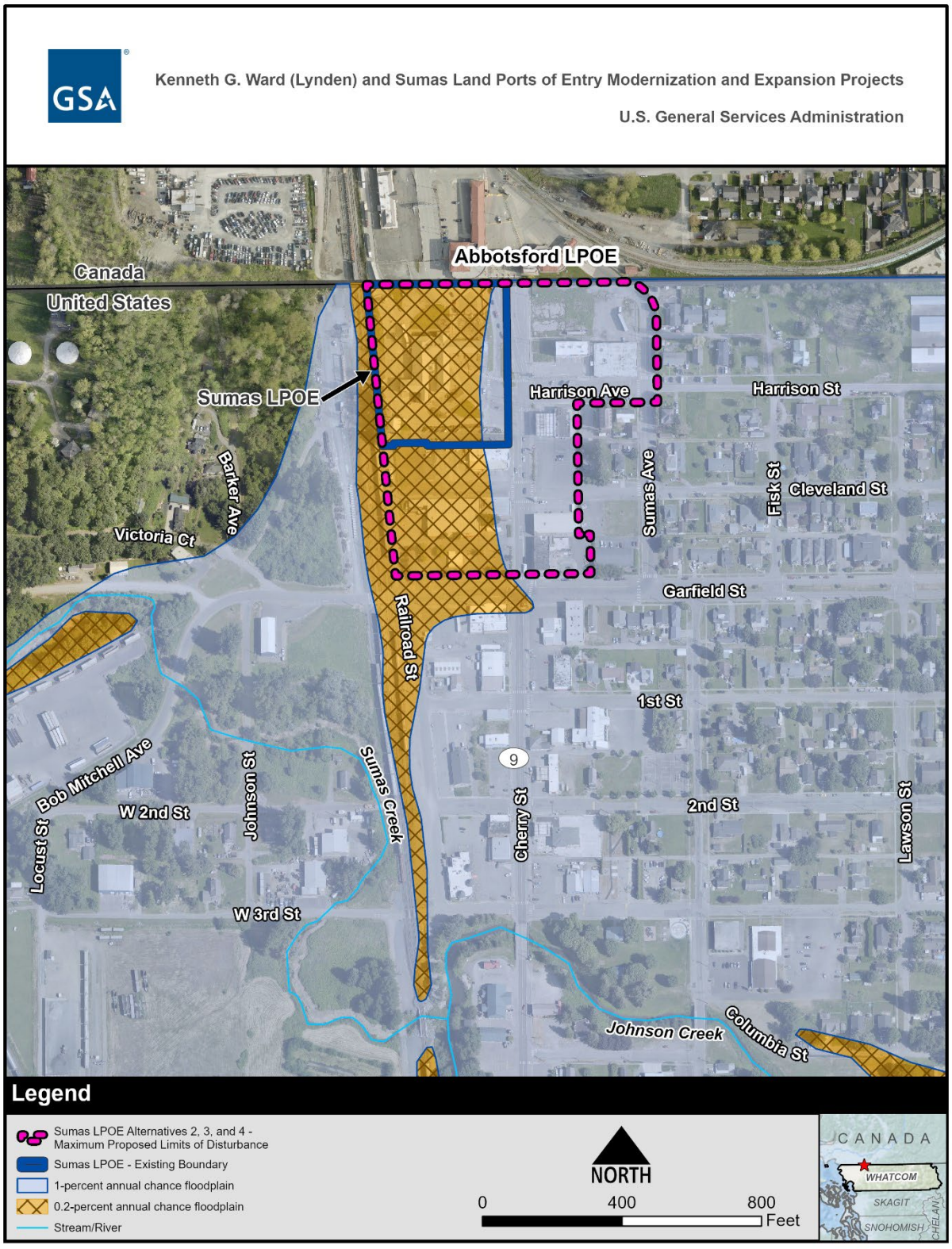

Figure B-3. FEMA Floodplains within the Sumas LPOE Project Area

B.5 POTENTIAL IMPACTS TO FLOODPLAINS

Under all action alternatives considered under the Proposed Action at the Sumas LPOE, the operational footprint of the modernized and expanded Sumas LPOE would expand east and south. Construction activities would result in up to approximately 12.6 acres of ground disturbance. Conservatively assuming that the entire 12.6-acre project area would consist of impervious surfaces post-construction, the Proposed Action would result in an overall increase in impervious area of approximately 1.8 acres from existing conditions.

The Proposed Action is anticipated to have long-term, negligible to minor, direct and indirect, adverse impacts to floodplains occurring within the project area. Complete avoidance of floodplains for this project is not considered practicable, as the LPOE is spatially constrained by a railroad, residences, and other surrounding infrastructure. Approximately 6.7 acres of the project area is located within the 1-percent annual chance floodplain, and approximately 5.9 acres of the project area is located within the 0.2-percent annual chance floodplain.

GSA's final site layout would use strategies to maintain or restore, to the maximum extent technically feasible, the predevelopment hydrology of the disturbed areas. As the project area is currently developed, it is not anticipated that construction would result in elevation changes within the 1-percent annual chance or 0.2-percent annual chance floodplains that would increase the chance of flooding. Final design would incorporate standard measures to reduce or manage stormwater flows as well as impacts to the floodplain and from flooding on proposed structures, including those measures specified in the *Facilities Standards for the Public Buildings Service* (P100 Standards) and associated 2022 Addendum in facilities design, which establishes GSA's mandatory standards and criteria for GSA-owned facilities. Where applicable, GSA would construct the proposed facilities in accordance with the American Society of Civil Engineers' ASCE-24 standard (*Flood Resistant Design and Construction*), which FEMA has determined meets or exceeds the National Flood Insurance Program (NFIP), and in accordance with Section 438 of the 2007 Energy Independence and Security Act.

GSA coordinated with CBP to obtain a critical action determination for the Lynden and Sumas LPOEs. CBP determined that and Sumas LPOE qualifies as a critical action facility indicating that damage or disruption from a local flooding event at the LPOE could lead to regional or national catastrophic impacts (e.g., the LPOE being closed for a period following a storm event would have an impact on transportation of goods nationally). Per GSA's *P100 Facilities Standards for the Public Buildings Service, October 2021*, facilities must be located above the FFRMS floodplain elevation to minimize current and future flood risks. The critical action determination letter is included in Section B.8.

Because the Sumas LPOE and maximum limits of disturbance are located in the 1-percent annual-chance floodplain and 0.2-percent annual-chance floodplain, the proposed Sumas LPOE facilities would be elevated above the 1-percent annual-chance floodplain plus 3 feet or the 0.2-percent annual-chance floodplain, whichever is higher. The higher vertical elevation and corresponding floodplain would address current and future flood risks. Critical infrastructure, such as electrical and mechanical equipment, would be located above this elevation. Additionally, new construction would adhere to the city of Sumas's critical area ordinance (Sumas Municipal Code Chapter 15.20), which identifies the FEMA-designated 1-percent annual-chance floodplain as an area of special flood hazard, subject to the city's flood damage prevention regulations (Sumas Municipal Code Chapter 14.30). The flood damage prevention regulations include construction standards for all development within areas of special flood hazard and dictate that critical facilities should have the lowest floor elevated at least 3 feet above the level of the FEMA-designated base flood elevation (1-percent annual chance floodplain). Additionally, floodproofing and sealing measures must be taken to ensure toxic substances would not be displaced by or released into floodwaters. To the extent possible, the regulations require that access routes to critical facilities be elevated to or above the level of the base floodplain.

B.6 CONCLUSIONS AND FINDINGS

Modernization and expansion of the existing Sumas LPOE is necessary to improve the capacity and functionality of the LPOE. Expansion of the LPOE site is necessary to accommodate increases in building and parking requirements for CBP operations. Because the LPOE is surrounded by existing development, proposed site layout options are limited. An alternative to the Proposed Action that would minimize land acquisition was considered; however, implementation of that alternative would result in limited space for truck maneuvering in the commercial lot, inefficient commercial space configuration, and little to no room for future expansion, and was dismissed from further analysis in the EIS. Additionally, GSA considered an alternative that would not require the demolition activities; however, the alternative would require significant land acquisition to the south and realignment of Cherry Street, as well as an offset intersection at Garfield Street, and was dismissed from further analysis in the EIS. With regard to the No Action Alternative (Sumas LPOE Alternative 1), GSA finds that complete avoidance of the 1-percent annual-chance and 0.2-percent annual-chance floodplains (and FFRMS floodplain) is not practicable for this project due to the fact that the Purpose and Need of the project would not be met and there is no other location for the modernization and expansion of the Sumas LPOE to be constructed.

It is anticipated that this project would not result in major adverse impacts to the 1-percent annual-chance and 0.2-percent annual-chance floodplains. No effects to lives and property associated with floodplain disturbance are anticipated. Although the final design of the proposed LPOE is not yet available, GSA will coordinate with the appropriate federal, state, and/or local agencies and provide a design that maintains or restores, to the maximum extent technically feasible, the predevelopment hydrology of disturbed areas, and that minimizes impacts to the greatest extent practicable. In general, compliance with conditions under applicable federal, state, and local permits and the consideration of local zoning ordinances prior to construction would be expected to minimize potential adverse impacts to floodplains.

Final design of the Sumas LPOE would incorporate standard measures, including those specified in GSA's P100 guidelines to reduce or manage stormwater flows as well as impacts to floodplains and from flooding on the proposed facility's buildings. GSA would construct the proposed facilities in accordance with the American Society of Civil Engineer's ASCE-24 standard (*Flood Resistant Design and Construction*), which FEMA deems to meet or exceed the NFIP unless the standards and criteria are demonstrably inappropriate for a given type of structure or facility. The standard for flood resistant design and construction in P100 is consistent with the construction standards in NFIP unless the community has adopted a higher standard, in which case GSA would determine whether following the community's standard is appropriate or is demonstrably inappropriate for the action.

Furthermore, in accordance with Section 438 of the Energy Independence and Security Act, GSA would use site planning, design, construction, and maintenance strategies to maintain or restore, to the maximum extent technically feasible, the predevelopment hydrology of the property with regard to the temperature, rate, volume, and duration of flow. GSA would also consider green infrastructure and low impact development practices, such as reducing impervious surfaces, using vegetated swales and revegetation, and using porous pavements. Relevant guidance includes:

- U.S. Environmental Protection Agency (USEPA) Technical Guidance On Implementing The Stormwater Runoff Requirements For Federal Projects Under Section 438 Of The Energy Independence And Security Act; and
- GSA PBS Chief Architect Memorandum On Compliance With Section 438 (Stormwater) Requirements Of The Energy Independence And Security Act Of 2007.

GSA would also be subject to USEPA Construction General Permit (CGP) or Individual Permit requirements, as applicable, under the federal National Pollutant Discharge Elimination System (NPDES). The conditions of the CGP would require the development of appropriate documentation, including a Stormwater Pollution Prevention Plan (SWPPP), implementation of erosion and sediment controls and

pollution prevention practices, routine inspections conducted by a qualified person, and compliance with any additional requirements listed in Part 9 of the permit, including those that might be required by the Washington State Department of Ecology under Section 401 of the Clean Water Act. A SWPPP is required to address control of pollutant discharges using best management practices (BMPs) selected for the project and to address stormwater monitoring. If required, an Individual Permit would include project-specific requirements to protect local water quality. Post-construction, GSA would be required to meet the conditions of the Notice of Termination, which involves a closeout process to certify that: the site has been stabilized with vegetation; the drainage system is stable; temporary BMPs have been removed; and final housekeeping tasks are completed. Adherence to the conditions of the NPDES permit would minimize potential impacts to surface waters.

GSA would consider the Department of Ecology's Stormwater Manual for Western Washington when designing the permanent stormwater management system for the modernized and expanded LPOE. This manual provides specific measures to control the quantity and quality of stormwater produced by new development and outlines the appropriate approach for implementing construction BMPs and documenting them in a SWPPP. An update to the 2019 manual is being published in 2024. Depending on the amount of aboveground oil storage on site, GSA would develop a spill prevention, control, and countermeasures plan to minimize the risks of a potential discharge of oil into a stormwater system or receiving waterbody.

As part of the public review of the Draft EIS, the USEPA submitted comments, which stated that the EIS should discuss floodplain impacts and actions to be taken to minimize impacts. No other public comments specific to regulatory floodplains were received.

In addition to the measures listed above, GSA would implement the following impact reduction measures:

GSA requires that new construction and substantial renovation of its facilities obtain a LEED® Gold certification. The LEED® certification for the project is based on an accumulation of several scored green building features that include objectives for reducing adverse impacts to water quality and minimizing risks from flooding hazards. In addition, GSA requires a minimum Sustainable Sites Initiative (SITES) Silver rating. Regarding water, all major capital projects with a scope of site work exceeding 5,000 square feet must meet the equivalent of the following SITES certification credits:

- SITES credit 3.1, "Manage Precipitation On Site" to reduce adverse impacts to aquatic resources, channel morphology, and dry weather base flow by replicating natural hydrologic conditions and retaining precipitation onsite.
- SITES credit 3.3, "Manage Precipitation Beyond Baseline" with the goal to capture and manage the equivalent of the 95th percentile precipitation event.

As a best practice and in consideration of existing flooding issues in the Sumas area, new construction within the Sumas area would strive to adhere to the city of Sumas' critical area ordinance (Sumas Municipal Code Chapter 15.20) to address current and future flood risks.

GSA additionally commits to:

- Developing in compliance with Section 438 of the 2007 EISA with the objective of restoring the hydrology to predevelopment conditions; and
- Considering green infrastructure and low impact development practices, such as reducing impervious surfaces, using vegetated swales and revegetation, and using porous pavements.

B.7 NOTICE OF FLOODPLAIN ACTION AND COMMENT PERIOD

In accordance with 44 CFR Part 9, GSA provided this Floodplain Assessment and Statement of Findings as part of the Draft EIS to appropriate government agencies and other interested parties for review and comments. GSA published a Notice of Availability in the *Cascadia Daily News* and *Lynden Tribune* in August 2024 regarding the availability of the Draft EIS and Floodplain Assessment and Statement of Findings. Comments received during the 45-day comment period were considered in preparation of the Final EIS and this Floodplain Assessment and Statement of Findings.

The Final EIS and Floodplain Assessment and Statement of Findings are available electronically on the following GSA websites:

- **Lynden LPOE**: www.gsa.gov/lynden
- **Sumas LPOE**: www.gsa.gov/sumas

B.8 CRITICAL ACTION DETERMINATION LETTERS

GSA coordinated with CBP to obtain a critical action determination from CBP for the Lynden and Sumas LPOEs. CBP determined that the Lynden and Sumas LPOEs qualify as critical action facilities indicating that damage or disruption from a local flooding event at either LPOE could lead to regional or national catastrophic impacts (e.g., the LPOE being closed for a period following a storm event would have an impact on transportation of goods nationally). The critical action determination letters are included below.

B.8.1 Lynden Critical Action Determination Letter

U.S. General Services Administration

Date: June 10, 2024

To: U.S. Customs and Border Protection

Regarding: Kenneth G. Ward (Lynden), WA Land Port of Entry

Subject: Determination of Facility as a Critical Action Facility or Non-Critical Action Facility

Dear Yvonne R. Medina,

We are requesting a determination from U.S. Customs and Border Protection (CBP) on the Critical Action Facility designation for the Kenneth G. Ward (Lynden), WA Land Port of Entry (LPOE).

The Department of Homeland Security Federal Emergency Management Agency has defined a facility as "Critical Action" when even a slight chance of flooding is too great.

We have provided additional information to assist you in determining whether or not your facilities are Critical Action facilities below. This determination is necessary because GSA's P100 sets requirements for Building enclosure and electrical equipment placement based on whether a facility is a "critical action" or not.

Should the agency fail to determine a facility's Critical Action designation, it risks improper design per Executive Order 14030 on Climate-Related Financial Risk. In addition to the risks to the projects themselves, this also poses audit risks for the BIL program as a whole.

Critical Facility Designation Matrix

Is this a critical action facility?	How does this affect my project? (applies regardless of location outside of floodplain, in 100-year floodplain, or 500-year floodplain)

No	• Per PBS 1095.8A, for projects with a source of funding designated before November 30, 2023, the facility is to be located outside the 100-year floodplain extent and elevation.
	• Under P100 2022, the non-Critical Action design flood elevation (DFE) for flood resistance is set as follows:
	  ○ Building/enclosures (Ch 3.1) = 100 yr + 2 ft;
	  ○ Civil/site (Ch 4.6) = 100 yr + 2 ft;

	○ Mechanical (Ch 5.3) = 100 yr + 5 ft; and ○ Electrical (Ch 6.5.5.8) = 100 yr + 5 ft. ● Under ASCE 24: ○ The design class is set at 2 (minimum). ○ DFE applies, per P100 requirement.
Yes	● Per PBS 1095.8A, for projects with a source of funding designated before November 30, 2023, the facility is to be located outside the 500-year floodplain extent and elevation. ● Per P100 2022, the Critical Action DFE is set as follows: ○ Critical infrastructure (Ch 1.3.9.2) above 500 yr elevation; ○ Building/enclosures (Ch 3.1) = 100 yr + 3 ft or 500 yr, whichever is higher; ○ Civil/site (Ch 4.6) = 100 yr + 2 ft; ○ Mechanical (Ch 5.3) = 100 yr + 5 ft; ○ Electrical (Ch 6.5.5.8) = 500 yr + 5 ft; and ○ Generator (Ch 6.5.9.2) above 500 yr elevation. ● Under ASCE 24: ○ The design class is set at 3 (minimum). ○ DFE applies, per P100 requirement.

Please use the enclosed form to designate whether or not your agency considers its proposed use to be a critical action, sign in the space provided, and return to me via e-mail no later than **6/12/2024**. If you have any questions or would like to discuss this project further, please contact Emily Grimes at 253-394-4026 or emily.grimes@gsa.gov.

Sincerely,

EMILY GRIMES Digitally signed by EMILY GRIMES
Date: 2024.06.10 11:24:35 -07'00'

6/10/24

Emily Grimes
Environmental Protection Specialist
Northwest/Arctic Region 10
U.S. General Services Administration

Date

Enclosure to Critical Action Determination Letter

Based on the definition of critical actions below, please have your agency's national or regional facilities representative or other designated official indicate their selection and sign in the space provided.

A critical action is any activity for which even a slight chance of flooding would be too great.

The Government must consider alternative locations or mitigation methods if a potential property for purchase or lease is located in: (1) a 100-year floodplain; or (2) a 500-year floodplain and is a "critical action". The enclosure provides a definition of "critical actions". This classification may impact the geographic location of your proposed agency facility or affect the conditions of your occupancy.

Based on the enclosed definition, does your agency consider the proposed use of the facility a "critical action"? If so, GSA will analyze the use as a critical action, as required by E.O. 11988 and the GSA Floodplain Management Policy.

Examples of actions that may be critical actions include, but are not limited to:

- Storage of national strategic and critical material
- Storage of irreplaceable records
- Acquisition of health facilities for client agencies
- Child care facilities
- Public benefit conveyances for schools, prisons, and some other institutional uses
- Site acquisition and construction of new courthouses
- Storage of volatile, toxic, or water-reactive materials
- Construction or operation of hospitals and schools
- Construction or operation of utilities and emergency services that would be inoperative if flooded

Additional considerations for critical actions include:

- If flooded, would the proposed action create an added dimension or consequence to the hazard?
    - Is the action a structure or facility producing or storing highly volatile, toxic, radioactive, or water-reactive materials?
- If the action involves structures such as hospitals, nursing homes, prisons, and schools, would occupants of these structures be sufficiently mobile and have available transport capability to avoid loss of life and injury given the flood warning lead times available?
    - Would emergency services functions be delayed or unavailable as a result of the location of the action?
    - Are there routes to and from the structure that would be inaccessible during a flood and hinder evacuation?

  - Would the location of the structure result in unacceptable hazards to human safety, health, and welfare of the occupants?
- Would essential or irreplaceable resources, utilities, or other functions be damaged beyond repair, destroyed, or otherwise made unavailable?
  - Would utilities, critical equipment, systems, networks, or functions be damaged beyond repair or destroyed?
  - Would physical or electronic records without backups or copies be destroyed or made unavailable as a result of where these items are located in a structure?
  - Would national laboratory research activities or items of significant value to research communities be damaged or destroyed as a result?
  - Would items or structures of substantial cultural significance be damaged, destroyed, or otherwise harmed?
- Would the damage or disruption from a local flooding event lead to regional or national catastrophic impacts (e.g., a port being closed for a period following a storm event, which has an impact on transportation of goods nationally)?
- Would damage or disruption to a given facility or infrastructure component have potential for cascading damage or disruption to other facilities and infrastructure classes, some of which may already be stressed by flood conditions (e.g., electricity outage due to substation damage resulting in wastewater treatment facility shutdown or gasoline pump outage)?

On behalf of the U.S. Customs and Border Protection:

X_____ This agency **DOES** consider its proposed use (as described above and based on the definition) to be a Critical Action.

_____ This agency **DOES NOT** consider its proposed use (as described above and based on the definition) to be a Critical Action.

YVONNE R MEDINA Digitally signed by YVONNE R MEDINA Date: 2024.09.23 19:03:27 -04'00'

9/23/24

Yvonne R Medina
Assistant Commissioner
Office of Facilities and Asset Management
U.S. Customs and Border Protection

Date

B.8.2 Sumas Critical Action Determination Letter

U.S. General Services Administration

Date: June 10, 2024

To: U.S. Customs and Border Protection

Regarding: Sumas, WA Land Port of Entry

Subject: Determination of Facility as a Critical Action Facility or Non-Critical Action Facility

Dear Yvonne R. Medina,

We are requesting a determination from U.S. Customs and Border Protection (CBP) on the Critical Action Facility designation for the Sumas, WA Land Port of Entry (LPOE).

The Department of Homeland Security Federal Emergency Management Agency has defined a facility as “Critical Action” when even a slight chance of flooding is too great.

We have provided additional information to assist you in determining whether or not your facilities are Critical Action facilities below. This determination is necessary because GSA’s P100 sets requirements for Building enclosure and electrical equipment placement based on whether a facility is a “critical action” or not.

Should the agency fail to determine a facility’s Critical Action designation, it risks improper design per Executive Order 14030 on Climate-Related Financial Risk. In addition to the risks to the projects themselves, this also poses audit risks for the BIL program as a whole.

Critical Facility Designation Matrix

Is this a critical action facility?	How does this affect my project? (applies regardless of location outside of floodplain, in 100-year floodplain, or 500-year floodplain)
No	● Per PBS 1095.8A, for projects with a source of funding designated before November 30, 2023, the facility is to be located outside the 100-year floodplain extent and elevation. ● Under P100 2022, the non-Critical Action design flood elevation (DFE) for flood resistance is set as follows: ○ Building/enclosures (Ch 3.1) = 100 yr + 2 ft; ○ Civil/site (Ch 4.6) = 100 yr + 2 ft; ○ Mechanical (Ch 5.3) = 100 yr + 5 ft; and

	○ Electrical (Ch 6.5.5.8) = 100 yr + 5 ft. • Under ASCE 24: ○ The design class is set at 2 (minimum). ○ DFE applies, per P100 requirement.
Yes	• Per PBS 1095.8A, for projects with a source of funding designated before November 30, 2023, the facility is to be located outside the 500-year floodplain extent and elevation. • Per P100 2022, the Critical Action DFE is set as follows: ○ Critical infrastructure (Ch 1.3.9.2) above 500 yr elevation; ○ Building/enclosures (Ch 3.1) = 100 yr + 3 ft or 500 yr, whichever is higher; ○ Civil/site (Ch 4.6) = 100 yr + 2 ft; ○ Mechanical (Ch 5.3) = 100 yr + 5 ft; ○ Electrical (Ch 6.5.5.8) = 500 yr + 5 ft; and ○ Generator (Ch 6.5.9.2) above 500 yr elevation. • Under ASCE 24: ○ The design class is set at 3 (minimum). ○ DFE applies, per P100 requirement.

Please use the enclosed form to designate whether or not your agency considers its proposed use to be a critical action, sign in the space provided, and return to me via e-mail no later than **6/12/2024**. If you have any questions or would like to discuss this project further, please contact Emily Grimes at 253-394-4026 or emily.grimes@gsa.gov.

Sincerely,

EMILY GRIMES Digitally signed by EMILY GRIMES
Date: 2024.06.10 11:25:49 -07'00'

6/10/24

Emily Grimes
Environmental Protection Specialist
Northwest/Arctic Region 10
U.S. General Services Administration

Date

Enclosure to Critical Action Determination Letter

Based on the definition of critical actions below, please have your agency's national or regional facilities representative or other designated official indicate their selection and sign in the space provided.

A critical action is any activity for which even a slight chance of flooding would be too great.

The Government must consider alternative locations or mitigation methods if a potential property for purchase or lease is located in: (1) a 100-year floodplain; or (2) a 500-year floodplain and is a "critical action". The enclosure provides a definition of "critical actions". This classification may impact the geographic location of your proposed agency facility or affect the conditions of your occupancy.

Based on the enclosed definition, does your agency consider the proposed use of the facility a "critical action"? If so, GSA will analyze the use as a critical action, as required by E.O. 11988 and the GSA Floodplain Management Policy.

Examples of actions that may be critical actions include, but are not limited to:

- Storage of national strategic and critical material
- Storage of irreplaceable records
- Acquisition of health facilities for client agencies
- Child care facilities
- Public benefit conveyances for schools, prisons, and some other institutional uses
- Site acquisition and construction of new courthouses
- Storage of volatile, toxic, or water-reactive materials
- Construction or operation of hospitals and schools
- Construction or operation of utilities and emergency services that would be inoperative if flooded

Additional considerations for critical actions include:

- If flooded, would the proposed action create an added dimension or consequence to the hazard?
    - Is the action a structure or facility producing or storing highly volatile, toxic, radioactive, or water-reactive materials?
- If the action involves structures such as hospitals, nursing homes, prisons, and schools, would occupants of these structures be sufficiently mobile and have available transport capability to avoid loss of life and injury given the flood warning lead times available?
    - Would emergency services functions be delayed or unavailable as a result of the location of the action?
    - Are there routes to and from the structure that would be inaccessible during a flood and hinder evacuation?

  - Would the location of the structure result in unacceptable hazards to human safety, health, and welfare of the occupants?
- Would essential or irreplaceable resources, utilities, or other functions be damaged beyond repair, destroyed, or otherwise made unavailable?
  - Would utilities, critical equipment, systems, networks, or functions be damaged beyond repair or destroyed?
  - Would physical or electronic records without backups or copies be destroyed or made unavailable as a result of where these items are located in a structure?
  - Would national laboratory research activities or items of significant value to research communities be damaged or destroyed as a result?
  - Would items or structures of substantial cultural significance be damaged, destroyed, or otherwise harmed?
- Would the damage or disruption from a local flooding event lead to regional or national catastrophic impacts (e.g., a port being closed for a period following a storm event, which has an impact on transportation of goods nationally)?
- Would damage or disruption to a given facility or infrastructure component have potential for cascading damage or disruption to other facilities and infrastructure classes, some of which may already be stressed by flood conditions (e.g., electricity outage due to substation damage resulting in wastewater treatment facility shutdown or gasoline pump outage)?

On behalf of the U.S. Customs and Border Protection:

X_____ This agency **DOES** consider its proposed use (as described above and based on the definition) to be a Critical Action.

_____ This agency **DOES NOT** consider its proposed use (as described above and based on the definition) to be a Critical Action.

YVONNE R MEDINA Digitally signed by YVONNE R MEDINA Date: 2024.09.17 16:04:11 -04'00'

9/17/24

Yvonne R Medina
Assistant Commissioner
Office of Facilities and Asset Management
U.S. Customs and Border Protection

Date