

Environmental Assessment Determinations and Compliance Findings for HUD-assisted Projects 24 CFR Part 58

Project Information

Project ID: PR-RGRW-01938

Project Name: Sao Farm Inc.

Responsible Entity: Puerto Rico Department of Housing

Grant Recipient (if different than Responsible Entity): Not Applicable

State/Local Identifier: Puerto Rico / Municipio of Hatillo

Preparer: Blas Guernica

Certifying Officer Name and Title: Ivelisse Lorenzo, Sally Acevedo Cosme, Pedro De Leon Rodriguez, Maria T. Torres-Bregon, Angel Gabriel Lopez Guzman, Santa Ramirez, Janette Cambrelen, Ianmario Heredia, Monica Machuca Rios, Permit and Environmental Compliance Officers

Consultant (if applicable): HORNE LLP

Direct Comments to: Puerto Rico Department of Housing
(environmentcdbg@vivienda.pr.gov)

Project Location: Car. PR-2 KM 85.5 Bo. Carrizales, Hatillo, PR 00659

Latitude 18.489401, longitude -66.802713

Parcel cadastral # 011-022-050-48-000

Description of the Proposed Project [24 CFR 58.32; 40 CFR 1508.25]: This project entails the award of a grant to Sao Farm Inc. at Car. PR-2 KM 85.5 Bo. Carrizales, Hatillo, PR 00659. The specific scope of work for this project includes the purchase of agriculture equipment including: a container and a solar system which will be placed on top of the requested container. Additionally, the applicant will purchase an egg washer, sink, and refrigerator, which will be placed inside the container. The former and proposed land use is the same; The applicant currently grows coconut trees and raises chickens for egg production. The renovations will be both external and internal. The intended use of grant funds is documented in Appendix A.

Figure A illustrates the two potential locations of the requested container, which will contain the egg washing machine, sink and refrigerator requested. The egg washing machine and sink will require a connection that will drain directly to the household septic system. The drainage tubes are already present, therefore no alterations to the septic system are required, outside of connecting the equipment to the existing tubes. The equipment that requires an electric connection will be connected to the requested solar panels that will be on top of the container. The existing structure that drains wastewater into the household septic system is an outdoor kitchen separate from the small 20'x40' apartment on the property. This apartment has a solar system and is independent from the scope of work, it will not be modified.

The container will be placed on pre-fabricated beams that will elevate the container 2.5' off the ground. The container will be anchored to the beams. The ground in the area will be leveled and flattened, and two palm trees will be uprooted to accommodate the container and the beams.

Statement of Purpose and Need for the Proposal [40 CFR 1508.9(b)]: The Re-Grow Puerto Rico Urban-Rural Agriculture Program (Re-Grow) will build agricultural capacity and is focused on promoting and increasing food security island wide and enhancing and expanding agricultural production related to economic revitalization and sustainable development activities. This agricultural project associated with the container placement and rehabilitation is in keeping with the overall objectives of the economic development program.

Existing Conditions and Trends [24 CFR 58.40(a)]: The existing area for the proposed container placement is used for agricultural purposes. Therefore, there is no change in land use associated with this container placement.

Funding Information

Grant Number	HUD Program	Funding Amount
B-17-DM-72-0001 and B-18-DP-72-0001	CDBG-DR, Re-Grow Puerto Rico Urban-Rural Agriculture Program	\$172,500,000

Estimated Total HUD Funded Amount: \$43,440.35

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]: \$43,440.35

Compliance with 24 CFR 58.5 and 58.6 Laws and Authorities

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits or approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 58.6		
Airport Hazards 24 CFR Part 51 Subpart D	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport, nor is it within an airport Runway Protection Zone (RPZ). The nearest airport RPZ/CZ is approximately 105,697 feet away. The project is in compliance with Airport Hazards requirements. See the attached Airports map (Figure 1).
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	This project is not located in a CBRS Unit. It is 227 feet from a protected area. Therefore, this project has no potential to impact a CBRS Unit and is in compliance with the Coastal Barrier Resources Act. See the attached CBRS map (Figure 2).
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project site is located in a Zone X, Panel 72000C0210J, effective 11/18/2009. The project does not require flood insurance or is excepted from flood insurance; therefore, is in compliance with flood insurance requirements. See the attached Flood Map (Figure 3).
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 58.5		
Clean Air Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	This project consists only of purchase and installation of equipment (container, egg washing machine, sink, refrigerator, solar panels) for an agricultural site, and is not located in a non-attainment municipality of Puerto Rico. See

		<p>attached EPA published list of Puerto Rico Nonattainment/Maintenance Status for Each County by Year for All Criteria Pollutants (Appendix B). Based on the project description, this project includes no activities that would require further evaluation under the Clean Air Act. The project is in compliance with the Clean Air Act.</p>
<p>Coastal Zone Management</p> <p>Coastal Zone Management Act, sections 307(c) & (d)</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>The project is located in the coastal zone but will have no effect because it complies with the Puerto Rico Coastal Zone Management Program (PRCZMP). The project activities do not fall under those listed in the PRZMPC Appendix B Section 2 (a)-(d). See attached map (Figure 4). See attached PRZCMP (Appendix C).</p>
<p>Contamination and Toxic Substances</p> <p>24 CFR Part 58.5(i)(2)</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>Site contamination was evaluated through online data search. On-site or nearby toxic, hazardous, or radioactive substances that could affect the health and safety of project occupants or conflict with the intended use of the property were not found. There are 5 amount of toxic sites within 3,000 feet of the project area but they will not impact the project based on ECHO reports and/or distance. The project is in compliance with contamination and toxic substances requirements. See the attached Toxics map (Figure 5) and Toxics table (Figure 6).</p>
<p>Endangered Species</p> <p>Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>This project and proposed activity will have No Effect on listed species due to the nature of the activities involved in the project. Additionally, the project has no critical habitats in the area. The nearest critical habitat is approximately 27,543 feet away. This project is in compliance with the Endangered Species Act. See attached Critical Habitats map (Figure 7). If a Puerto Rican Boa is found in the project activity site, work shall cease until the Boa moves off on its own. If the Boa does not</p>

		move off, the Construction Manager shall contact the Puerto Rico Department of Natural and Environmental Resources and ask for them to relocate the Boa.
Explosive and Flammable Hazards 24 CFR Part 51 Subpart C	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	Based on the project description the project includes no activities that would require further evaluation under this section. The project does not include development of a hazardous facility and does not include increasing residential density. The project is in compliance with explosive and flammable hazard requirements.
Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project site is not in prime farmland. This project does not include any activities that could potentially convert agricultural land to non-agricultural use. The project is in compliance with the Farmland Protection Policy Act. See the attached Farmlands map (Figure 8).
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	This project occurs in a ABFE with a 0.2% annual chance to flood. The project is in compliance with Flood plain management requirements. See attached ABFE map (Figure 9).
Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	Documentation with maps was submitted to SHPO on March 21, 2023 (Appendix D). SHPO concurred with a finding of No Historic Properties Affected within the project's Area of Potential on Effects on March 29, 2023. This project is in compliance with Historic Preservation requirements. See attached historic map (Figure 13).
Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	Based on the project description, this project includes no activities that would require further evaluation under HUD's noise regulation. There is no new construction for residential use nor rehabilitation of residential properties. The project is in compliance with HUD's

		Noise regulation.
Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	There are no sole source aquifers in Puerto Rico. The project is in compliance with this citation without further evaluation.
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	There are no wetlands within or in the vicinity of the project area. The project is in compliance with Executive Order 11990. See the attached Wetlands map (Figure 10).
Wild and Scenic Rivers Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project is not within the proximity of a NWSRS river. The nearest Wild and Scenic River is approximately 68 miles east of the project site. Therefore, this project is in compliance with the Wild and Scenic Rivers Act. See the attached map (Figure 11).
ENVIRONMENTAL JUSTICE		
Environmental Justice Executive Order 12898	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	There were no findings in this review that would indicate an adverse impact on sensitive populations. The project is in compliance with Executive Order 12898.

Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 & 1508.27] Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features and resources of the project area. Each factor has been evaluated and documented, as appropriate and in proportion to its relevance to the proposed action. Verifiable source documentation has been provided and described in support of each determination, as appropriate. Credible, traceable and supportive source documentation for each authority has been provided. Where applicable, the necessary reviews or consultations have been completed and applicable permits of approvals have been obtained or noted. Citations, dates/names/titles of contacts, and page references are clear. Additional documentation is attached, as appropriate. **All conditions, attenuation or mitigation measures have been clearly identified.**

Impact Codes: Use an impact code from the following list to make the determination of impact for each factor.

(1) Minor beneficial impact

(2) No impact anticipated

(3) Minor Adverse Impact – May require mitigation

(4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement

Environmental Assessment Factor	Impact Code	Impact Evaluation
LAND DEVELOPMENT		
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	2	The proposed action is continued agricultural use of property which is compatible with zoning and existing land use. There is no urban design associated with this rural, agricultural site.
Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff	2	The soil is currently in agriculture. The site is flat in the immediate area of the proposed container. The container is sufficiently small so as to not be affected by land development issues. The landslide data indicates low susceptibility (Figure 12).
Hazards and Nuisances including Site Safety and Noise	2	There are no specific environmental hazards that have been identified for this site. The site is not in a high Noise Level area, nor will the project generate any additional noise. Additionally, the project does not include housing or such to where inhabitants would be affected.
Energy Consumption	2	The project includes the addition of solar panels, which will provide more sustainable, clean, self-reliant energy for the applicant. The applicant's energy consumption will benefit.
Environmental Assessment Factor	Impact Code	Impact Evaluation
SOCIOECONOMIC		
Employment and Income Patterns	1	The project is not anticipated to have a significant impact on Employment and Income Patterns. However, since the project will include an economic component, it may aid in restoring some employment opportunities and increase income.
Demographic Character		The proposed project will not alter the demographic characteristics of Hatillo, PR. The project may allow for

Changes, Displacement	2	displaced community members to return to agricultural activities.
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Environmental Assessment Factor	Impact Code	Impact Evaluation
COMMUNITY FACILITIES AND SERVICES		
Educational and Cultural Facilities	2	The proposed project will have no impact on educational or cultural facilities.
Commercial Facilities	2	The proposed project may aid in restoring the demand for local commercial services; however, not to the point of putting undue pressure on commercial facilities.
Health Care and Social Services	2	The proposed project will have no impact on Health Care and Social Services.
Solid Waste Disposal / Recycling	2	The proposed project will have no impact on Solid Waste Disposal / Recycling services. The products and by-products are agricultural, and any waste would be biodegradable.
Wastewater / Sanitary Sewers	2	There will be little to no impact on Wastewater / Sanitary Sewers. There will be little to no additional runoff associated with the project. The wastewater from the egg washing machine will be drained into the household septic tank.
Water Supply	2	The amount of water the egg washing machine needs will not cause undue burden on the municipal water supply.
Public Safety - Police, Fire and Emergency Medical	2	The proposed project will have no impact on Public Safety. The project takes place on private property that is not close to any public facilities. The project is for a container with an egg washing machine which does not have the potential to put the public in danger.
Parks, Open Space and Recreation	2	The proposed project will have no impact to Parks, Open Space and Recreation. The property being used is agricultural and it will continue as agricultural use.
Transportation and Accessibility	2	The proposed project will have no impact to Transportation and Accessibility nor any infrastructure

on Puerto Rico.

Environmental Assessment Factor	Impact Code	Impact Evaluation
NATURAL FEATURES		
Unique Natural Features, Water Resources	2	The proposed project will be situated on previous agriculture property and will have no impact to unique natural features or water resources.
Vegetation, Wildlife	2	The proposed project will occur in land previously used for agricultural purposes and will continue in that capacity. Some ground disturbance will be required with no significant impact anticipated.
Climate Change	2	This is a small project with no measurable impact on climate change factors. The egg washing machine will increase energy usage, however the energy supply is solar, which does not increase Carbon Dioxide emissions.

Additional Studies Performed: Not applicable

Field Inspection (Date and completed by):

List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]:

FAA, National Plan for Integrated Airport Systems:

[www.faa.gov/airports/planning_capacity/npias/reports/NPIAS-Report-2017-2021-](http://www.faa.gov/airports/planning_capacity/npias/reports/NPIAS-Report-2017-2021-Appendix-B-Part6.pdf)

[Appendix-B-Part6.pdf](http://www.faa.gov/airports/planning_capacity/npias/reports/NPIAS-Report-2017-2021-Appendix-B-Part6.pdf)

John H. Chafee Coastal Barrier Resources System, Puerto Rico map.

www.fws.gov/CBRA/Maps/Locator/PR.pdf

National Park Service, National Registry of Natural Landmarks.

www.nature.nps.gov/nnl/docs/NNLRegistry.pdf

US Fish and Wildlife Service, Wild and Scenic Rivers – correspondence to Agency on

October 16, 2018

National Wild and Scenic Rivers System: www.rivers.gov/puerto-rico.php

Puerto Rico Community Development Block Grant Disaster Recovery Action Plan, July

2018. www.cdbg-dr.pr.gov/en/action-plan/

Programmatic Agreement among the Federal Emergency Management Agency, the Puerto Rico State Historic Preservation Office and the Central Office for Recovery, Reconstruction and Resilience – amended to include the Puerto Rico Department of Housing. (Appendix F)

Sierra Research for Office of Mobile Sources. US Environmental Protection Agency. Report No. SR93-03-02, Evaluation of Methodologies to Estimate Nonroad Mobile Source Usage, March 19, 1993: <http://nepis.epa.gov/Exe/ZyPURL.cgi?Dockkey=9100UR51.txt>

US Environmental Protection Agency, National Ambient Air Quality Standards, Nonattainment Areas for Criteria Pollutants (Green Book):

www3.epa.gov/airquality/greenbook/anayo_pr.html

US EPA, Environmental Topics, Air Topics: www.epa.gov/environmental-topics/air-topics

US Fish and Wildlife Service, Environmental Conservation Online System:

<https://ecos.fws.gov/ecp0/reports/species-listed-by-state-report?state=PR&status=listed>

Federal Emergency Management Agency, Flood Mapping Service:

<https://msc.fema.gov/portal/home> (compilation of numerous maps)

Puerto Rico Planning Board, Communication regarding Floodplain Management, November 29, 2018.

US Fish and Wildlife Service, National Wetlands Inventory:

www.fws.gov/wetlands/data/mapper.html (compilation of numerous maps)

US Army Corps of Engineers, Jacksonville District, Antilles Section, Communication regarding Wetlands Management, November 13, 2018.

Puerto Rico Coastal Zone Management Program Plan, September 2009.

Puerto Rico Planning Board, Communication regarding Coastal Zone Management, November 16, 2018 (No response).

US EPA, Sole Source Aquifers. Esri HERE, Garmin, NOAA, USGS, EPA.

US Fish and Wildlife Service, Caribbean Ecological Services Field Office. E-mail communication regarding October 23, 2018 letter on Threatened and Endangered Species and Critical Habitats.

NOAA Fisheries / National Marine Fisheries Service, NEPA Coordinator Southeast Regional Office. Communication on October 16, 2018 regarding designated critical habitat. (No response).

US Geological Survey, Data Release of May Showing Concentration of Landslides Caused by Hurricane Maria, <https://doi:10.5066/F7JD4VRF>

List of Permits Obtained: Not applicable

Public Outreach [24 CFR 58.43]: Puerto Rico Department of Agriculture has worked closely with the agricultural community. This project includes a FONSI/NOI-RROF in compliance with NEPA regulations for HUD.

Cumulative Impact Analysis [24 CFR 58.32]: In accordance with 24 CFR 58.32 (Aggregation), there are no cumulative impacts associated with the placement of the container on this agricultural site.

Alternatives [24 CFR 58.40(e); 40 CFR 1508.9] : Placing the container in a different area on the property. This is not feasible because there is no space anywhere else; the rest of the property is occupied by a residency and chicken coops, as well as a coconut tree farm in the flood zone. The current proposed location is the closest available space to the existing water lines, is outside the flood zone, and provides easy access to the eggs the chickens will lay.

No Action Alternative [24 CFR 58.40(e)]:

The 'No-Action' alternative would mean that the applicant would not receive federal funding to provide for the container and equipment which would inhibit the economic growth opportunity that the applicant would not otherwise have under the PRDOH Re-Grow Puerto Rico program. As a result, these owners may not be able to experience the growth needed to recover and expand their agriculture activities. A provision of the grant allows for economic development for businesses. The No-Action alternative would not allow for this economic development for this applicant.

Summary of Findings and Conclusions: The proposed activity has been found to not have any adverse effects on the environmental nor is there the requirement for further consultation with any agency. There are no environmental review topics addressed that result in the need for formal compliance steps or the requirement for mitigation.

Mitigation Measures and Conditions [40 CFR 1505.2(c)]

Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development

agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure

Determination:

Finding of No Significant Impact [24 CFR 58.40(g)(1); 40 CFR 1508.27]

The project will not result in a significant impact on the quality of the human environment.

Finding of Significant Impact [24 CFR 58.40(g)(2); 40 CFR 1508.27]

The project may significantly affect the quality of the human environment.



Preparer Signature: _____

Date: _____

Name/Title/Organization: Blas Guernica; Environmental Associate; HORNELLP

Certifying Officer Signature: *Santa D. Ramirez Lebrón* Date: April 28, 2023

Name/Title: Santa D. Ramirez Lebrón / Permits and Environmental Compliance Specialist

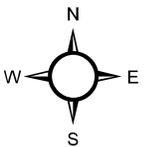
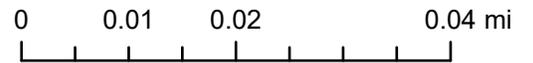
This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).



Figure A: PR-RGRW-01938 Site



Legend



Red Line - Parcel Boundary

Orange Line - Potential Area for Container

Blue Line - Potential Area for Container

Blue = Potential Area

Orange = Potential Area

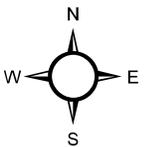
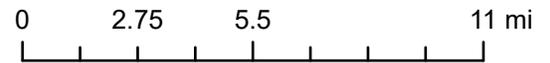


Figure 1: PR-RGRW-01938 Airport



Legend

- Civilian Airports 2,500ft Buffer
- Military Accident Potential Zones APZ 2
- Military Accident Potential Zones APZ 1
- Runway Protection Zones
- Airport Runways
- Major
- Minor Airport



Runway Protection Zones

Major Civil and Military Airports

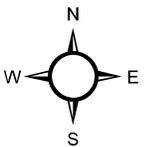
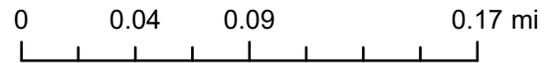


Figure 2: PR-RGRW-01938 CBRS



Legend

- Otherwise Protected Area
- System Unit



<https://fwprimary.wim.usgs.gov/CBRSMapper-v2/>

U.S. Fish and Wildlife Service

Coastal Barrier Resources Act Program



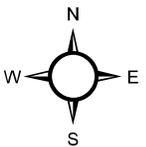
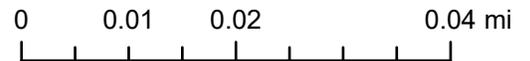
Figure 3: PR-RGRW-01938 Flood Map



<https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd>

Legend

-  1% Annual Chance Flood Hazard
-  Regulatory Floodway
-  Special Floodway
-  Area of Undetermined Flood Hazard
-  0.2% Annual Chance Flood Hazard
-  Future Conditions 1% Annual Chance Flood Hazard
-  Area with Reduced Risk Due to Levee
-  FEMA Floodzone Panels - Effective

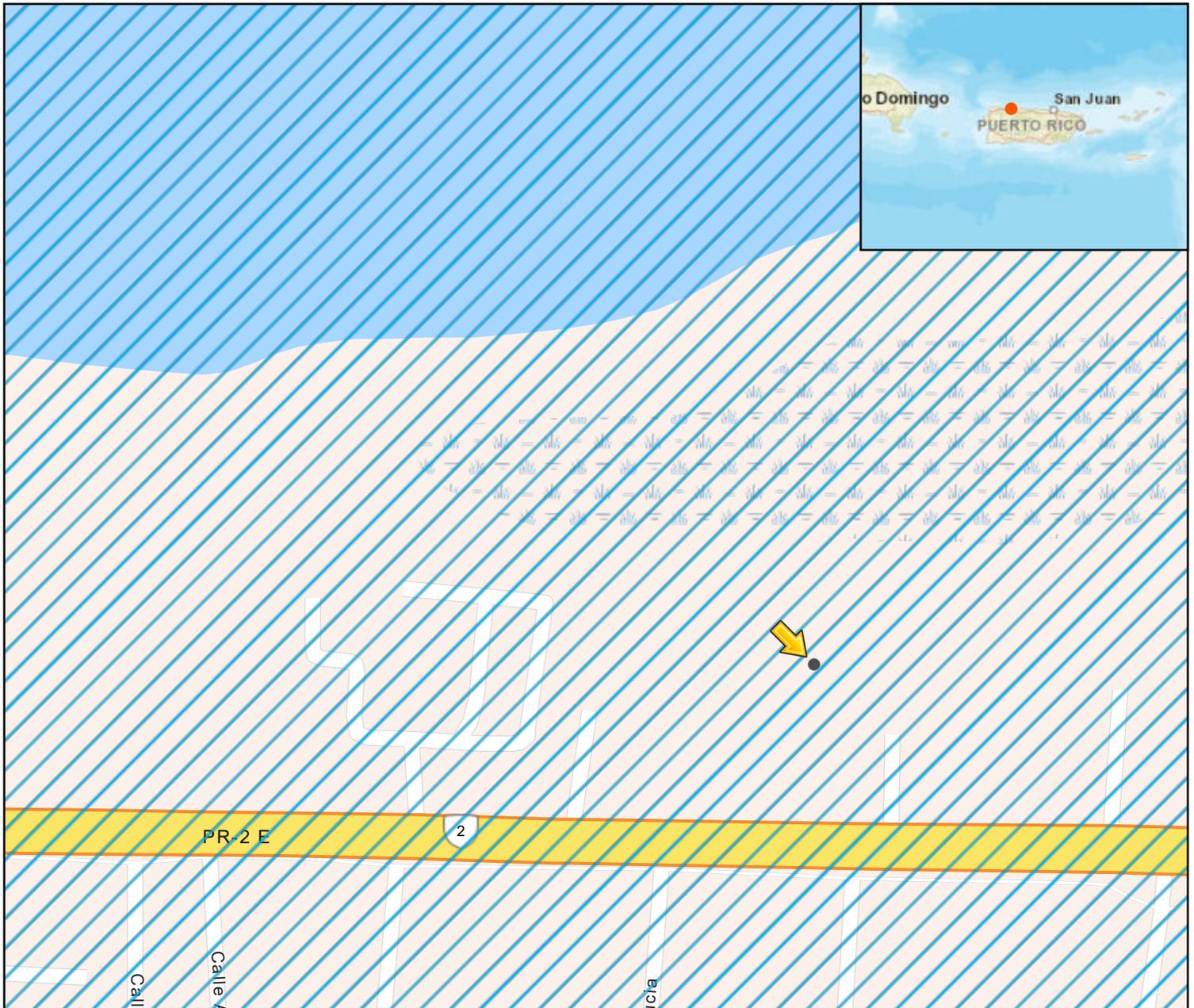


FEMA Map Service

Flood Insurance Rate Maps

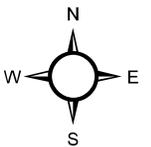
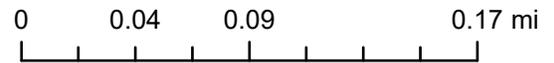


Figure 4: PR-RGRW-01938 CZM



Legend

Coastal Zone Management Act Boundary



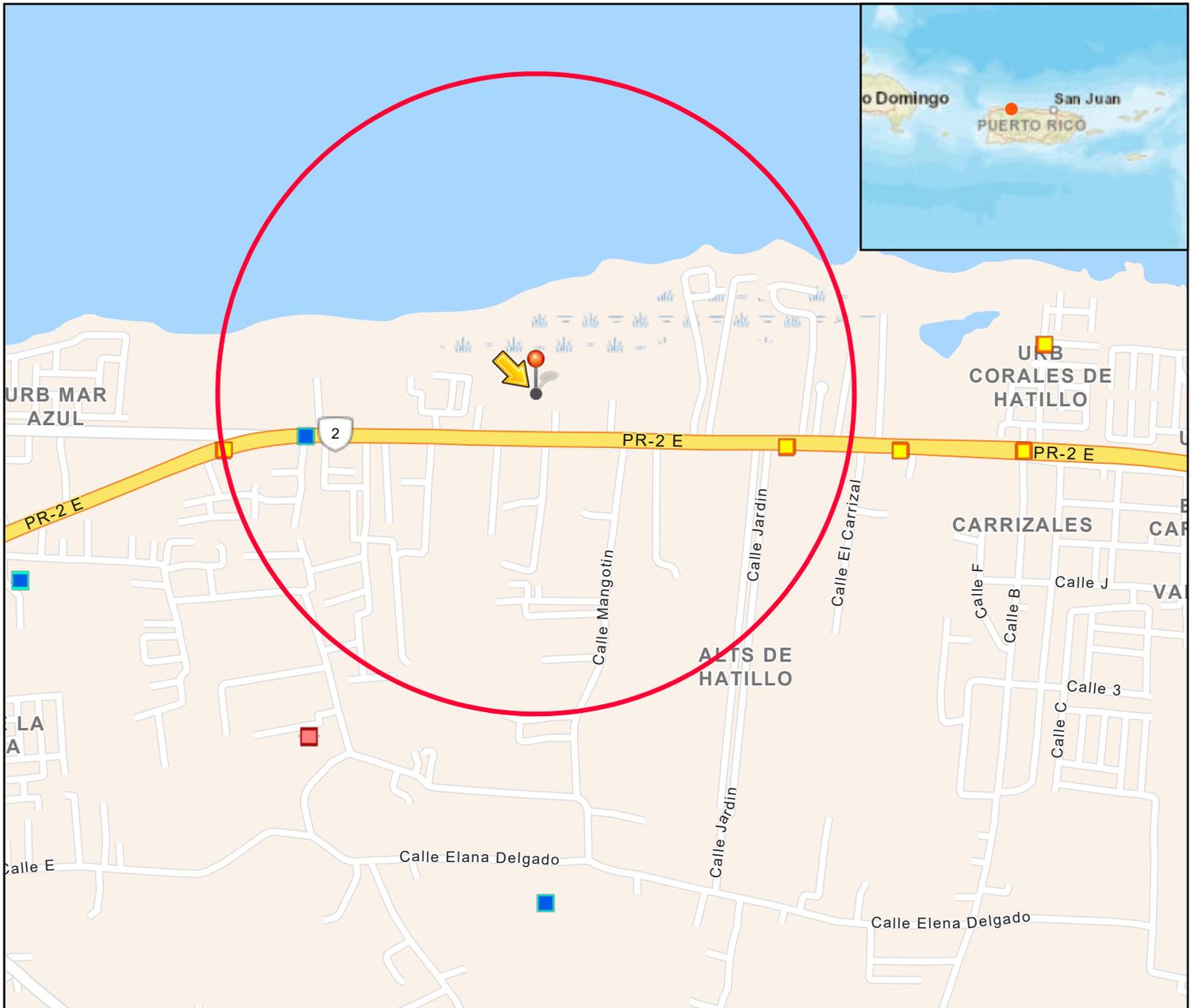
<https://arcgis.horne.com/portal/apps/experiencebuilder/experience/?id=883eb165a91d411996af67b92f45a429>

NOAA

Coastal Zone Management Act

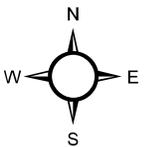
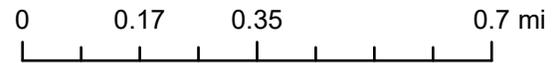


Figure 5: PR-RGRW-01938 Toxics



Legend

- Toxic Substances Control Act
- ◆ Brownfields
- Hazardous waste
- ◆ Air pollution
- Water dischargers
- Toxic releases
- ⊙ Superfund



Envirofacts Facility Locations

EPA

CaseID	Registry_ID	PGM_SYS_ID	Name	Location	Municipio	Latitude	Longitude	Type	Report	Distance	Impi	Update_Date
PR-RGRW-01938	1.10005E+11	PRD98063132	PRASA HATILLO FILTER PLANT	CARR 2 KM 88.9 - INT	HATILLO	18.48831	-66.809	RCRAINFO	https://echo.epa.gov/detailed-facility-report?fdi=110004889283	2205.299	No	1/5/2023, 8:00 PM
PR-RGRW-01938	1.10014E+11	PRR000015321	SAMS CLUB #6270	CARRETERA #2 KM 84.2 BARRIO CARRIZALES	HATILLO	18.48831	-66.809	RCRAINFO	https://echo.epa.gov/detailed-facility-report?fdi=110014362634	2205.299	No	1/5/2023, 8:00 PM
PR-RGRW-01938	1.10005E+11	PRN008003584	CABRERA HNOS	CARR 2 KM 82 HM. 2	HATILLO	18.48831	-66.809	RCRAINFO	https://echo.epa.gov/detailed-facility-report?fdi=110004890477	2205.299	No	1/5/2023, 8:00 PM
PR-RGRW-01938	1.10005E+11	PRD024163	PRASA HATILLO WTP	STATE ROAD 2, KM 88.9	HATILLO	18.48831	-66.809	NPDES	https://echo.epa.gov/detailed-facility-report?fdi=110004889283	2205.299	No	1/5/2023, 8:00 PM
PR-RGRW-01938	1.10005E+11	PRD98063132	PRASA HATILLO FILTER PLANT	CARR 2 KM 88.9 - INT	HATILLO	18.48831	-66.809	RCRAINFO	https://echo.epa.gov/detailed-facility-report?fdi=110004889283	2205.299	No	1/5/2023, 8:00 PM
PR-RGRW-01938	1.10014E+11	PRR000015321	SAMS CLUB #6270	CARRETERA #2 KM 84.2 BARRIO CARRIZALES	HATILLO	18.48831	-66.809	RCRAINFO	https://echo.epa.gov/detailed-facility-report?fdi=110014362634	2205.299	No	1/5/2023, 8:00 PM
PR-RGRW-01938	1.10005E+11	PRN008003584	CABRERA HNOS	CARR 2 KM 82 HM. 2	HATILLO	18.48831	-66.809	RCRAINFO	https://echo.epa.gov/detailed-facility-report?fdi=110004890477	2205.299	No	1/5/2023, 8:00 PM
PR-RGRW-01938	1.10005E+11	PRD024163	PRASA HATILLO WTP	STATE ROAD 2, KM 88.9	HATILLO	18.48831	-66.809	NPDES	https://echo.epa.gov/detailed-facility-report?fdi=110004889283	2205.299	No	1/5/2023, 8:00 PM
PR-RGRW-01938	1.10005E+11	PRD98063132	PRASA HATILLO FILTER PLANT	CARR 2 KM 88.9 - INT	HATILLO	18.48831	-66.809	RCRAINFO	https://echo.epa.gov/detailed-facility-report?fdi=110004889283	2205.299	No	1/5/2023, 8:00 PM
PR-RGRW-01938	1.10014E+11	PRR000015321	SAMS CLUB #6270	CARRETERA #2 KM 84.2 BARRIO CARRIZALES	HATILLO	18.48831	-66.809	RCRAINFO	https://echo.epa.gov/detailed-facility-report?fdi=110014362634	2205.299	No	1/5/2023, 8:00 PM
PR-RGRW-01938	1.10005E+11	PRN008003584	CABRERA HNOS	CARR 2 KM 82 HM. 2	HATILLO	18.48831	-66.809	RCRAINFO	https://echo.epa.gov/detailed-facility-report?fdi=110004890477	2205.299	No	1/5/2023, 8:00 PM
PR-RGRW-01938	1.10005E+11	PRD024163	PRASA HATILLO WTP	STATE ROAD 2, KM 88.9	HATILLO	18.48831	-66.809	NPDES	https://echo.epa.gov/detailed-facility-report?fdi=110004889283	2205.299	No	1/5/2023, 8:00 PM
PR-RGRW-01938	1.10067E+11	PRR000025569	WALMART SUPERCENTER #1854	STATE RD #2 KM 84.7 CARRIZALES WARD	HATILLO	18.48803	-66.7959	RCRAINFO	https://echo.epa.gov/detailed-facility-report?fdi=110065978319	2413.815	No	1/5/2023, 8:00 PM
PR-RGRW-01938	1.10067E+11	PRR000025569	WALMART SUPERCENTER #1854	STATE RD #2 KM 84.7 CARRIZALES WARD	HATILLO	18.48803	-66.7959	RCRAINFO	https://echo.epa.gov/detailed-facility-report?fdi=110065978319	2413.815	No	1/5/2023, 8:00 PM
PR-RGRW-01938	1.10008E+11	PRD091025536	SIGMA DEL CARIBE INC	RTE 119 & 2	HATILLO	18.48795	-66.8112	RCRAINFO	https://echo.epa.gov/detailed-facility-report?fdi=110007807178	2987.198	No	1/5/2023, 8:00 PM
PR-RGRW-01938	1.10008E+11	PRD091025536	SIGMA DEL CARIBE INC	RTE 119 & 2	HATILLO	18.48795	-66.8112	RCRAINFO	https://echo.epa.gov/detailed-facility-report?fdi=110007807178	2987.198	No	1/5/2023, 8:00 PM
PR-RGRW-01938	1.10008E+11	PRD091025536	SIGMA DEL CARIBE INC	RTE 119 & 2	HATILLO	18.48795	-66.8112	RCRAINFO	https://echo.epa.gov/detailed-facility-report?fdi=110007807178	2987.198	No	1/5/2023, 8:00 PM

Figure 6: Toxics Table

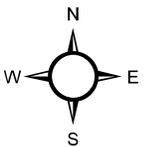
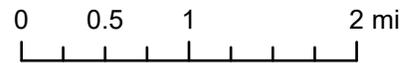


Figure 7:PR-RGRW-01938 Endangered Species



Legend

 USFWS Critical Habitat - Polygon Features - Final (agency service)



<https://fws.maps.arcgis.com/home/webmap/viewer.html?webmap=9d8de5e265ad4fe09893cf75b8dbfb77>

Endangered Species Habitat

U.S. Fish and Wildlife Service

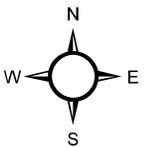
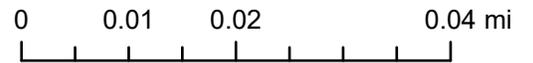


Figure 8: PR-RGRW-01938 Farmlands



Legend

- Prime Farmland
- Farmland of Local Importance
- Farmland of Statewide Importance
- Farmland of Unique Importance
- Not Prime Farmland



USGS USA Soils

Farmland dataset

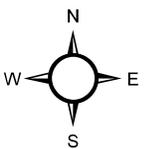
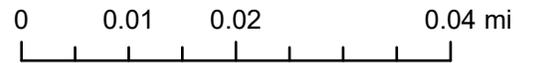


Figure 9: PR-RGRW-01938 ABFE



Legend

- | | |
|-------------------------------|---|
| A | Zone/BFE Boundary |
| AO | 1% Annual Chance Flood |
| AE | 0.2% Annual Chance Flood |
| Coastal A Zone | Limit of Moderate Wave Action (LiMWA) |
| VE | Advisory Base Flood Elevation (zoom in to make visible) |
| 0.2% Annual Chance Flood Zone | Streamline (zoom in to make visible) |
| A-Floodway | AE |
| AE-Floodway | 0.2% Annual Chance Flood Zone |
| Coastal A Zone and Floodway | Zone/BFE Boundary |



FEMA Map Service

ABFE

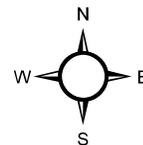
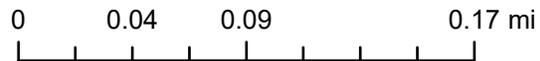


Figure 10: PR-RGRW-01938 Wetlands



Legend

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland



<https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/>

National Wetlands Inventory
U.S. Fish and Wildlife Service

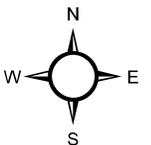
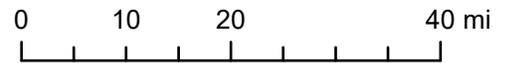


Figure 11: PR-RGRW-01938 W & S Rivers



Legend

— Wild and Scenic Rivers



<https://nps.maps.arcgis.com/apps/View/index.html?appid=ff42a57d0aae43c49a88daee0e353142>

National Wild and Scenic River System

National Park Service



Figure 12: PR-RGRW-01938 Landslide



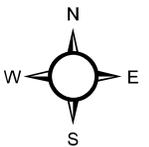
Legend

rainLSsuc

Low

Moderate

0 0.02 0.04 0.08 mi

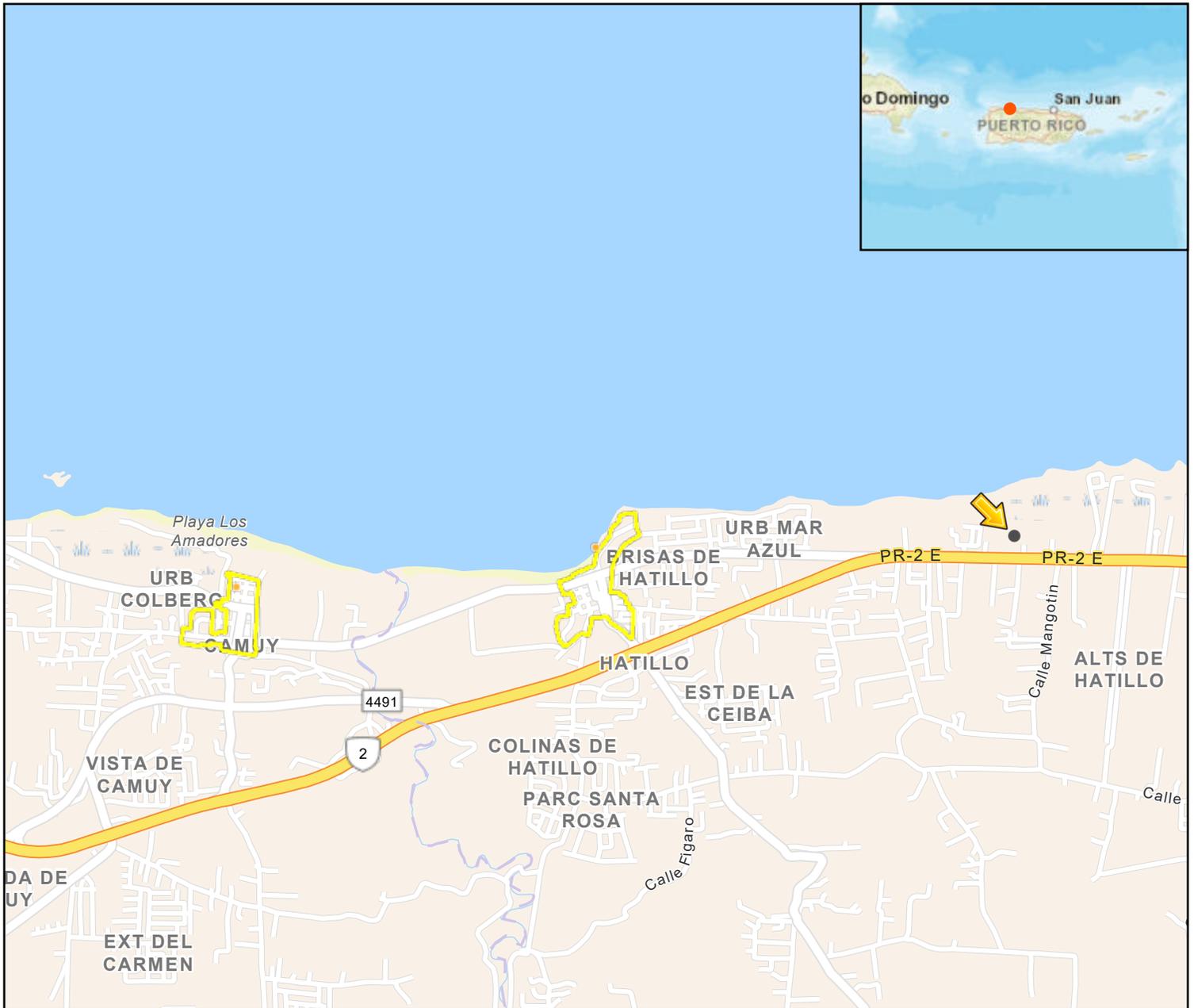


Landslide Susceptibility

USGS

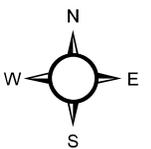
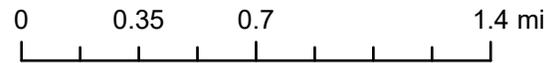


Figure 13: PR-RGRW-01938 Historic



Legend

- National Historic Landmark
 - National Register of Historic Places
 - National Historic Landmark
 - National Register of Historic Places
 - Traditional Urban Centers
- National Register Of Historic Places Points
- National Register of Historic Places Polygons



National Register of Historic Places

Local Historic Areas digitized by Horne

<https://arcgis.home.com/portal/apps/experiencebuilder/experience/?id=883eb165a91d411996af67b92f45a429>

<https://sigejp.pr.gov/portal/apps/webappviewer/index.html?id=b36c00df6e064b6a8f70a6593cf64b7e>

<https://www.nps.gov/maps/full.html?mapId=7ad17cc9-b808-4ff8-a2f9-a99909164466>

APPENDIX A



GOBIERNO DE PUERTO RICO
DEPARTAMENTO DE LA VIVIENDA

**DEPARTAMENTO DE LA VIVIENDA
PROGRAMA RENACER AGRÍCOLA DE PUERTO RICO –
AGRICULTURA URBANA Y RURAL
FORMULARIO SOBRE USO PREVISTO DE LOS FONDOS**

Yo, Yadira Feliciano, representante autorizado/a para el negocio Sap Farm Inc., con el Caso Número PR-RGRW-01998 para el Programa Renacer Agrícola de Puerto Rico – Agricultura Urbana y Rural (Programa Renacer Agrícola), por la presente reconozco que fondos de subvención por la suma de \$43,440.35 se usarán de conformidad con el uso de fondos descrito a continuación. Además, reconozco que, como parte del proceso de revisión de recibos, el Formulario sobre Uso Previsto de los Fondos será comparado con los recibos recopilados para verificar el cumplimiento con la información provista en dicho formulario.

Item	Equipment Expense Type RGRW	Unmet Need	Initials
Container	Farm Infrastructure (Regrow Only)	\$8,339.00	YF
Egg washing machine	Farm Equipment (Regrow Only)	\$3,456.35	YF
Refrigerator	Production Supplies (Regrow Only)	\$7,190.00	YF
Sink	Production Supplies (Regrow Only)	\$555.00	YF
Solar system	Farm Infrastructure (Regrow Only)	\$23,900.00	YF

\$43,440.35
Total de Uso Previsto de los
Fondos

Además, reconozco y entiendo que:

- El incumplimiento con el uso previsto de los fondos descrito en este Formulario podría requerir el pago de los fondos a Departamento de la Vivienda.
- Los fondos del Programa Renacer Agrícola solo pueden ser utilizados para actividades elegibles y el uso permitido de los fondos, según se establece en las Guías del Programa Renacer Agrícola.
- El Formulario sobre Uso Previsto de los Fondos será revisado por el equipo del Programa Renacer Agrícola y, si es aprobado, será el formulario oficial que se utilizará durante el proceso de revisión de los recibos.

Yadira Feliciano

Yadira Feliciano 12/10/2022
29/12/2022

APPENDIX B



You are here: EPA Home > Green Book > >National Area and County-Level Multi-Pollutant Information >Puerto Rico Nonattainment/Maintenance Status for Each County by Year for All Criteria Pollutants

Puerto Rico Nonattainment/Maintenance Status for Each County by Year for All Criteria Pollutants

Data is current as of April 30, 2022

Listed by County, NAAQS, Area. The 8-hour Ozone (1997) standard was revoked on April 6, 2015 and the 1-hour Ozone (1979) standard was revoked on June 15, 2005.

* The 1997 Primary Annual PM-2.5 NAAQS (level of 15 µg/m³) is revoked in attainment and maintenance areas for that NAAQS. For additional information see the PM-2.5 NAAQS SIP Requirements Final Rule, effective October 24, 2016. (81 FR 58009)

Change the State:

Important Notes

Download National Dataset: [dbf](#) | [xls](#) | [Data dictionary \(PDF\)](#)

County	NAAQS	Area Name	Nonattainment in Year	Redesignation to Maintenance	Classification	Whole or/ Part County	Population (2010)	State/ County FIPS Codes
PUERTO RICO								
Arecibo Municipio	Lead (2008)	Arecibo, PR	11 12 13 14 15 16 17 18 19 20 21 22	//		Part	32,185	72/013
Bayamon Municipio	Sulfur Dioxide (2010)	San Juan, PR	18 19 20 21 22	//		Part	22,921	72/021
Catano Municipio	Sulfur Dioxide (2010)	San Juan, PR	18 19 20 21 22	//		Whole	28,140	72/033
Guaynabo Municipio	PM-10 (1987)	Mun. of Guaynabo, PR	929394959697989900010203040506070809	02/11/2010	Moderate	Part	90,470	72/061
Guaynabo Municipio	Sulfur Dioxide (2010)	San Juan, PR	18 19 20 21 22	//		Part	23,802	72/061
Salinas Municipio	Sulfur Dioxide (2010)	Guayama-Salinas, PR	18 19 20 21 22	//		Part	23,401	72/123
San Juan Municipio	Sulfur Dioxide (2010)	San Juan, PR	18 19 20 21 22	//		Part	147,963	72/127
Toa Baja Municipio	Sulfur Dioxide (2010)	San Juan, PR	18 19 20 21 22	//		Part	52,441	72/137

APPENDIX C



Appendix B.
*The Puerto Rico Program and The Coastal
Zone Management Act*

THE PUERTO RICO COASTAL ZONE MANAGEMENT PROGRAM AND THE COASTAL ZONE MANAGEMENT ACT

The federal *Coastal Zone Management Act of 1972* (CZMA), as amended, authorizes the U.S. Department of Commerce (USDOC) Secretary to grant funds to coastal states, in this case the Commonwealth of Puerto Rico, in order to administer the Management Program. This shall be done in accordance to Section 306 of the CZMA.

The CZMA establishes requirements that must be satisfied before the Secretary approves a management program. This appendix relates the PRCZMP with the requirements of the CZMA and the corresponding regulations according to *Code of Federal Regulations* (15 CFR, Part 23).

REQUIREMENTS OF SECTION 306 (D) OF THE CZMA

In accordance with Section 306 (b), the USDOC Secretary can grant funds to any coastal state only if it is found that the state's Management Program meets the requirements of Section 306(d), which establishes the Program elements to be considered. These elements are:

(1) BOUNDARIES

The Management Program must include an identification of the boundaries of the coastal zone subject to the management program. (Section 306(d)(2)(A)).

(a) Inland Boundary

Section 304 of the CZMA establishes that the coastal zone *extends inland from the shorelines only to the extent necessary to control shore lands, the uses of which have a direct and significant impact on coastal waters, and to control those geographical areas which are likely to be affected by or vulnerable to sea level rise.*

In Puerto Rico, the coastal zone includes:

1. A coastal strip on the Main Island of Puerto Rico extending (a) 1,000 meters inland from the shoreline and (b) additional distances where necessary to assure the inclusion of key natural systems of the coast. (see Map 3).
2. All islands in the Commonwealth¹, other than the Main Island of Puerto Rico. The coastal zone, thus, includes the entire area of Vieques, Culebra, Mona, along with the other offshore islands and cays.²

(b) Territorial sea

Section 304 defines the term coastal waters as those waters, adjacent to the shorelines, which contain a measurable quantity or percentage of sea water, including, but not limited to, sounds, bays, lagoons, bayous, ponds, and estuaries.

¹ Other Commonwealth's terrestrial jurisdictions.

² Includes all the islands of Vieques and Culebra, except federal excluded lands.

In the Commonwealth of Puerto Rico, the coastal zone extends seaward up to nine nautical miles (3 marine leagues or 10.35 terrestrial miles) and includes islands and cays under the Commonwealth's jurisdiction.³ (For the purposes of this Program the Commonwealth accepts the 9-mile limit. However, the Commonwealth does not relinquish any authority it may have over areas lying beyond the 9 mile limit specified).

The territorial waters also include the submerged lands under the Puerto Rico's territorial waters, which property rights belong to the Commonwealth.

(c) Islands, transitional and intertidal areas, salt marshes, wetlands, and beaches

Section 304 states that the coastal zone includes the "islands, transitional and inter-tidal areas, salt marshes, wetlands, and beaches. The Puerto Rico coastal zone includes all such coastal features.

The islands were discussed in the internal limit section.

The transition and inter-tidal areas in Puerto Rico correspond to the maritime zone. It includes the space in Puerto Rico's coasts that the sea bathes with its flow and ebb, where the tides are sensitive and the greatest waves during storms, where tides are not sensitive, and includes lands taken from the sea, the actions and accretions caused by it, and the river margins up to the point they are navigable and where the tides can be felt.

Salt-marshes- Salt marshes are typical from temperate ecosystems. However, in Puerto Rico, estuaries and some type of mangroves are considered salt marshes.

In Puerto Rico, wetlands are classified as palustrine, lacustrine, riverine, estuarine, and marine⁴ (The wetland categories are described in Chapter 3).

The beaches are the sea's or the ocean's shores formed by non-consolidated sand, occasionally gravel or pieces of stone, in almost flat surfaces, with a slight slope, with or without characteristic vegetation. Its origin can be terrigenous, marine or volcanic.

(d) Interstate limits

Puerto Rico has no common limit with any state or U.S. territory.

(e) Excluded federal lands

Section 304 defines the coastal zone as excluding "those lands the use of which is by law subject solely to the discretion of or which is held in trust by the Federal Government, its officers or agents." An opinion of the U.S. Attorney General has established that all lands owned, leased, held in trust, or otherwise used as solely by the Federal Government are excluded from the Coastal Zone by the Act.

³ The coastal zone external limit was modified in 2003 by an RPC according to 48 USC § 749 and 16 USC § 1453(1)).

⁴ This classification system for wetlands was proposed by Cowardin et al. (1977) and is used by the USFWS to draw maps and conduct inventories of U.S. wetlands.

The PRCZMP excludes those lands in the Puerto Rico coastal zone whose exclusion is required by Section 304. These include lands that belong, is leased, held in trust, or otherwise used by the Federal Government, as presented on Map 32). The Commonwealth Government does not relinquish any authority it may have, aside from the requirements of the CZMA, over lands excluded from the coastal zone for purposes of the Coastal Zone Management Program only.

Several maps presented (i.e. Map 14) show resources and other characteristics of the coastal zone without considering federal limits. These maps intend to show the extension of the coastal resources, in spite that some of them are excluded from the CZMA.

(2) USES SUBJECT TO MANAGEMENT

The Management Program must identify land and water uses which have a direct and significant impact on the coastal waters (Section 306(d) (2) (b)). These uses are subject to the terms of the management program.

For this determination, the following definitions were developed:

Impact— Any modification in coastal waters' elements such as quality, quantity, living and aesthetical resources or human or natural use thereof. Impacts can be both, negative or positive.

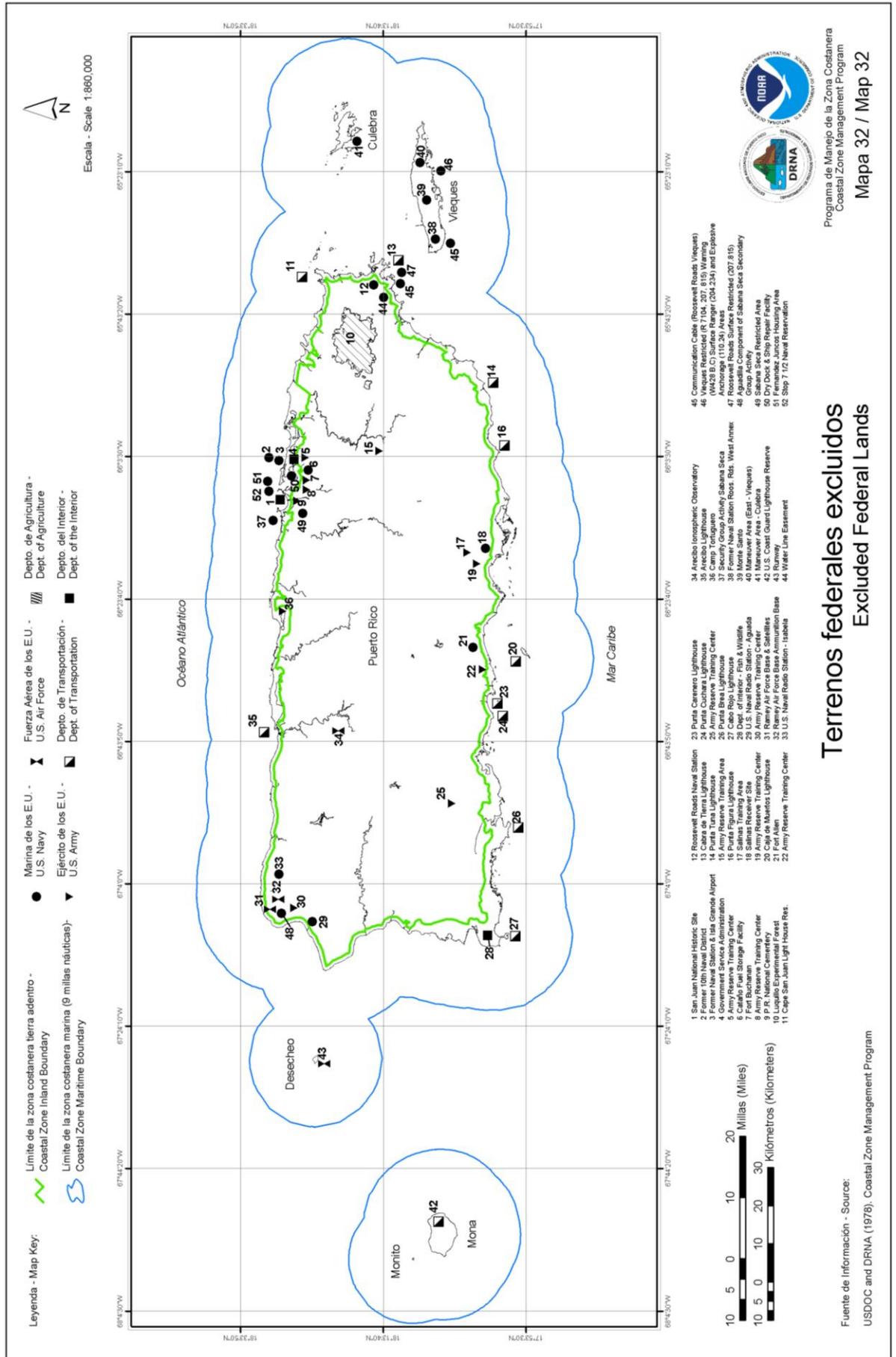
Direct— Indicates a causal relationship denoting that the impact on coastal waters derives as a consequence from the action or use.

Significant impacts- Are those which affect the characteristics of the coastal, marine and estuarine ecosystems; affect other uses of coastal waters; affect the interest of the public; are inevitable; or serve short term objectives to the disadvantage of the long term objectives.

When applying these definitions, the following uses subject to the management were determined:

- (a) all uses of coastal waters and the submerged land,
- (b) all the uses of the maritime zone (*zona marítimo terrestre*- the publicly owned "maritime zone" along the shorefront),
- (c) all the uses within areas that are or will be designated as Natural Reserves and
- (d) the following major uses: land subdivisions, urbanizations, industrial projects, urban waterfronts, commercial centers, hotels, tourist villages and trailer camps.

Permitted uses will be determined, in each case, by reviewing the development proposal in light of the policies set forth in the Puerto Rico's Land Use Plan Objectives and Public Policies (1995), including additional policies established in the PRCZMP, the policies and standards of the Environmental Quality Board (EQB), the Puerto Rico Planning Board (PRPB), the Regulations and Permit Administration (RPA), and the Department of Natural and Environmental Resources (DNER). Most actions require a permit from the USACE, subject to the evaluation of the DRNA.



In addition, both Commonwealth and Federal law require the preparation of environmental impact statements before taking any action that would significantly affect the environment.

(3) AREAS OF PARTICULAR CONCERN

The CZMA also states that the Management Program must include an inventory and designation of Areas of Particular Concern (Section 306 (d) (2) (c)).

Areas of Particular Concern (APC's) for the PRCZMP have been designated as Special Planning Areas on Chapter 4. (see Map 21.)

Guidelines regarding priorities of uses in these areas, including lowest priorities, are found below. These designations are based on:

- (a) A review of natural and man-made coastal resources. An inventory of such resources appears in Chapter 3.
- (b) Consideration of the following factors contained in 15 CFR 923.21:
 - i) Areas of unique, scarce, fragile or vulnerable natural habitat; unique or fragile, figuration; historical significance, cultural value or scenic importance (including resources on or determined to be eligible for the National Register of Historic Places.);
 - ii) Areas of high natural productivity or essential habitat for living resources, including fish, wildlife, and endangered species and the various trophic levels in the food web critical to their well-being;
 - iii) Areas of substantial recreational value and/or opportunity;
 - iv) Areas where developments and facilities are dependent upon the utilization of, or access to, coastal waters;
 - v) Areas of unique hydrologic, geologic or topographic significance for industrial or commercial development or for dredge spoil disposal;
 - vi) Areas or urban concentration where shoreline utilization and water uses are highly competitive;
 - vii) Areas where, if development were permitted, it might be subject to significant hazards due to storms, slides, floods, erosion, settlement, salt water intrusion, and sea level rise;
 - viii) Areas needed to protect, maintain or replenish coastal lands or resources including coastal flood plains, aquifers and their recharge areas, estuaries, sand dunes, coral and other reefs, beaches, offshore sand deposits and mangrove stands.

Based on these criteria, in the PRCZMP of 1978, 26 areas were recommended as Areas for Preservation and Restoration (APR's) from which, to this date, 21 have been designated as Natural Reserves.

APC's in Puerto Rico contain a resource feature that both: (1) has outstanding value when judged by the criteria set forth above, and (2) has potential for more than one use or may be sought by potentially incompatible users. Thus, APC's represent areas of significant conflict- present or potential- over future use. Although all of Puerto Rico is subject to direct planning and control by the Commonwealth Government, the presence of significant conflicts makes these areas of particular concern to the Commonwealth, which are subject to more intensive planning and management.

(4) MEANS OF EXERTING COMMONWEALTH CONTROL⁵

The PRCZMP must include an identification of the means by which the state proposes to exert control over the land and water uses, including a listing of relevant constitutional provisions, laws, regulations, and judicial decisions. (Section 306 (d) (2) (d)).

Chapter 4 presented a description of the powers and programs of the PRPB, RPA, EQB and the DNER. Special reference is made to the following statutes and regulations:

STATUTES

- a) **Puerto Rico Planning Board (PRPB), Organic Law**, No. 75 of 1975, as amended.
- b) **Regulations and Permits Administration (RPA)**, Organic Law No. 76 of 1975, as amended. Also, the laws to which Law No. 76 makes reference, through which the RPA's Administrator shall exercise his authority and functions. These are:
 - Law No. 92 of 1953, Airport Zone Act
 - Law No. 374 of 1949, as amended, which govern historic and tourist sites
 - Law No. 89 of 1955, as amended, created the Institute of Puerto Rican Culture
 - Law No. 3 of 1951, Buildings and Other Historic Structures Act
 - Law No. 3 of 1961, To Control Buildings in Flood Prone Zones Act
 - Law No. 168 of 1949, Puerto Rico Buildings Regulations
 - Law No. 135 of 1967, as amended, For the Certification of Blueprints and Specifications Act
 - Law No. 25 of 1962, Neighborhood Facilities Act
 - Law No. 427 of 1951, for the collocation of signs and announcements in Puerto Rico's streets⁶
 - Law No. 104 of 1958, Horizontal Property Act⁷

⁵ These mean or legal authorities are the enforceable policies of the Program, along with policies included in Chapter 3 and the OPP-PRLUP. According to the CZMA, the term "enforceable policy" means State [Commonwealth] policies which are legally binding through constitutional provisions, laws, regulations, land use plans, ordinances, or judicial or administrative decisions, by which a State exerts control over private and public land and water uses and natural resources in the coastal zone.

⁶ Repealed by the "Uniform Signs and Advertisements Act of Puerto Rico", Law No. 355 of 1999.

⁷ Amended and renamed by Law No. 103 of 2003 as the Condominiums Act.

c) **Environmental Quality Board (EQB)**, Environmental Public Policy Act, Law No. 416 of 2004

d) **Department of Natural and Environmental Resources (DNER)**, Organic Law of the Department of Natural and Environmental Resources, and the following acts which it refers:

- Hunting Law, Law No. 374 of 1950
- Fishing Law, Law No. 83 of 1936⁸
- Forestry Law, Law No. 22 of 1917; Law No. 19 of 1925 (planting); Law No. 38 of 1930 (forest reserves); Law No. 307 of 1946 (land acquisition); and Law No. 149 of 1945 (nurseries)⁹
- Mining Law, Law No. 6 of 1954¹⁰
- Joint Resolution No. 4 of 1967, Watershed Act
- Watershed Protection and Flood Prevention Act, Law No. 28 of 1964

OTHER STATUTES:

- a) Law No. 144 of 1976, as amended (extraction of materials from the earth's crust)
- b) Law for the Conservation and Development of Culebra, Law No. 66 of 1975, as amended
- c) Law No. 70 of 1976 (wildlife)¹¹
- d) Law No. 132 of 1975 (squatters)
- e) Law No. 211 of 1946 (Soil Conservation Districts)
- f) Law No. 21 of 1969 (penalizes littering in public and private places)
- g) Law of Ports for the island of Puerto Rico of 1886
- h) Law of Piers and Ports of 1968
- i) Civil Code of Puerto Rico, 31 LPRA, Art. 254
- j) Law No. 38 of 1949, (beach concessions)
- k) Law No. 128 of 1977 (created the Energy Affairs office)
- l) Law No. 136 of 1976, Preservation, Development, and Use of the Puerto Rico Water Resources Act
- m) Penal Code of Puerto Rico, Law No. 115 of 1974, repealed and replaced by The New Penal Code of the Commonwealth of Puerto Rico, Law No. 149 of 2004

⁸ Repealed and replaced by the "New Puerto Rico Fisheries Act", Law No. 278 of 1998.

⁹ All these laws were repealed and substituted by "Puerto Rico Forests Act", Law No. 133 of 1975, as amended.

¹⁰ Repealed and replaced by the "Mining Act", Law No. 9 of 1993.

¹¹ Repealed and replaced by the "New PR Wildlife Act", Law No. 241 of 1999.

- a) Law No. 82 of 1979, Organic Law of the Corporation for the Development of and Administration of Marine, Lacustrine and Fluvial Resources (CODREMAR)¹²
- b) Law No. 80 of 1979, amendment to Law Relating to Control of Development on Floodable Areas¹³
- c) Law No. 111 of 1985, Puerto Rico Caves, Caverns or Sinkholes Protection and Preservation Act, as amended¹⁴
- a) Law No. 48 of 1986, Boating Safety, Protection of Bathing Beaches, Registration of Recreational Vessels Act¹⁵
- b) Law No. 150 of 1988, The Puerto Rico Natural Heritage Program Act¹⁶
- c) Law No. 83 of 1983 (Amendment to the Organic Law of the Department of Natural Resources)¹⁷
- d) Senate Joint Resolution No. 2683, To Establish the Natural Hazard Mitigation Planning Program¹⁸
- e) Executive Order 4784-B (E.O. on the Coordination of Executive Functions for Disasters and Emergencies)¹⁹
- f) Executive Order 4974-E (E.O. Creating a Program for the Management and Mitigation of Flood Hazards)²⁰
- g) Resolution JPE-039, Waiver of permits for DNER passive recreational projects²¹
- h) Administration Bulletin No. 5126-A (E.O. to Establish Earthquake Safety Commission)²²
- i) Inter-agency Agreement on Joint Enforcement between the RPA and the DNER on the Process to Intervene in the Relation to the Legality of Structures, Uses, and Acts in the Maritime Zone, the Coastal Zone, and Lands under the Jurisdiction of the DNER.²³

¹² Added by an RPC on December 28 1989. This act was repealed by Law No. 61 of 1990, as amended, known as the "Act for the Promotion and Development of the Fishing and Aquaculture Industry".

¹³ Added by RPC on December 28, 1989.

¹⁴ Added by RPC on December 28, 1989.

¹⁵ Added by RPC on December 28, 1989. This law was repealed and replaced by the "Puerto Rico Navigation and Aquatic Safety Act", Law No. 430 of 2000.

¹⁶ Added by RPC on September 13, 1991.

¹⁷ Added by RPC on December 28, 1989.

¹⁸ Added by RPC on September 13, 1991.

¹⁹ Added by RPC on November 29, 1988.

²⁰ Added by RPC on November 29, 1988.

²¹ Added by RPC on November 29, 1988.

²² Added by RPC on September 13, 1991.

²³ Added by RPC on December 20, 2004.

REGULATIONS

a) Puerto Rico Planning Board

- Regulation No. 3, Land Subdivision and Urbanization Regulation²⁴
- Regulation No. 4, Puerto Rico Zoning Regulation
- Regulation No. 7, The Building Regulation²⁵
- Regulation No. 12, Regulation for the Certification of Construction Projects
- Regulation No. 13, The Floodable Areas Regulation
- Planning Regulation No. 17, Zoning Regulations for the Coastal Zone and the Access to Beaches and Coasts of Puerto Rico²⁶

b) Department of Natural and Environmental Resources

- Regulation for the Extraction, Excavation, Removal and Dredging of Earth Crust Components, Regulation No. 2305
- Regulation on the Conservation and Management of Wildlife, Exotic Species and Hunting in the Commonwealth of Puerto Rico, Regulation 3416
- Fishing Regulation, Regulation No. 6768
- Regulation to Control the Extraction, Possession, Transportation and Sale of Coralline Resources, Regulation No. 2577²⁷
- Regulation for Use, Surveillance, Conservation, and Management of the Territorial Waters and Submerged Lands Thereunder and the Maritime Zone, Regulation No. 4860²⁸

c) Environmental Quality Board

- Regulation for the Management of Non-Hazardous Solid Waste, Regulation No. 5717
- Puerto Rico Water Quality Standards Regulation, Regulation No. 6616
- Regulation for the Control of Atmospheric Pollution, Regulation No. 5300

²⁴ This regulation replaced Regulation No. 9, "The Neighborhood Facilities Regulation" and the Regulation No. 11, "The Simple Subdivision Regulation".

²⁵ Repealed by the Puerto Rico Building Code, effective on December 8, 1999.

²⁶ Added by RPC on November 29, 1988.

²⁷ Added by RPC on November 29, 1988.

²⁸ Added by RPC on June 24, 2003.

(5) USE PRIORITIES IN PARTICULAR AREAS

The PRCZMP must include broad guidelines on priorities of uses in particular areas, including specifically those uses of lowest priority. (Section 306(d)(2)(E)).

There are various priority uses for APC's (Special Planning Areas or SPAs), as detailed below.

For mangrove wetlands, use priorities are derived from policy established in Chapter 3, section on Mangrove Wetlands. These priorities are as follows:

- a) (Highest priority). Uses specified in the mangrove wetlands policy as being permitted in Natural Reserves (for example, burring cables or pipelines).
- b) Uses specified in the mangrove wetland policy as being permitted in other mangrove wetlands, such as research, nature studies, aquaculture, or similar resource dependent activities.
- c) (Lowest priority). All other uses.

The SPA of Puerto Rico Mangroves has a Management Plan adopted by the PRPB in 2003, by Resolution PU-002-2003- Mangle PR. This document specifies priority uses on these areas.

For other APC's. The Program provides for detailed planning, regulation and enforcement, so that natural systems will be protected in so far as practicable in each case, consistent with achievement of needed economic development. In some cases, development disruptive of natural systems may be unavoidable. Such development will be permitted, however, only after full consideration of location and design alternatives that would cause less disruption of natural systems. (The Commonwealth's environmental impact statement procedure, already described, assures this evaluation). As a result of this policy, the priority of uses for APC's (except for mangroves) is as follows:

- a) Highest priority- Uses that maintain the integrity of estuaries and coastal waters.
- b) Coastal- dependent uses that cannot practicably be redesign or relocated to cause less impact on natural resources. (See Chapter 3 on Coastal Dependent Uses).
- c) Uses strongly benefited by coastal location including: (1) industries such as power plants that need cooling waters or which uses large quantities of imported products; and (2) industries that serve or are supplied by water related industries and, therefore, seek locations near them and which cannot practicably be redesign or relocated to cause less impact on natural systems. (See Chapter 3, section on Coastal Dependent Uses).
- d) Non-dependent, non-related uses that retain flexibility of future use and do not prematurely or inalterably commit shorelands to more intensive uses. (See Chapter 3, Section on Coastal Dependent Uses).
- e) Lowest priority. Non-dependent, non-related uses that cause a permanent or long-term change in the features of coastal shore-lands or coastal waters.

In addition to mangroves, in the PRCZMP (1978), were designated seven APC's as Special Planning Areas. Of these, three have management plans adopted by the PRPB and incorporated into the Land-Use Plan for Puerto Rico. These management plans specifies appropriate uses for these areas of concern and those that are priorities or most beneficial.

Special Planning Areas with adopted management plans are:

- Piñones-Loíza
- Sudoeste- La Parguera Sector
- Laguna Tortuguero

Other Special Planning Areas have final drafts of their management plans, some of which are under the consideration of the PRPB. These are:

- Boquerón Sector and Guánica Sector
- Bajura de Isabela-Aguadilla
- Bahía de Jobos
- Pandura-Guardarraya

Once these management plans are approved, they will establish the appropriate uses for the APC's.

(6) ORGANIZATIONAL STRUCTURE

The Program must include a description of the organizational structure proposed to implement the program, including the responsibilities and interrelationships of local, area wide, State, regional, and interstate agencies in the management process. (Section 306(2)(d)(2-F)).

In 1978, former Governor of Puerto Rico designated the DRN²⁹ as the lead agency for administering the PRCZMP. This decision reflects the two emphases of the Program, as described in Chapter 4: Guiding Development on Public and Private Property and b) Active Management of Coastal Resources.

a) Guiding Development on Public and Private Property. Responsibility for developing guidance function, which are for policy-making, planning and regulatory nature, is concentrated in the PRPB. The issuances of permits pursuant to PRPB regulations, as well as some other largely ministerial duties, are the responsibility of the RPA. Additional policies and regulations have been established by the EQB and the DNER. All four agencies are described in Chapter 4.

The responsibilities of the PRPB, which is administratively attached to the Office of the Governor, are extremely broad. The PRPB is responsible for the full range of public objectives, for considering the full range of methods available to achieve them, and for the entire area of the

²⁹ Currently the DRNA, through the Reorganization Plan of 1993.

Commonwealth. Guiding development in the coastal zone is thus only one of many “sectors” for which the PRPB has planning responsibilities.

The development guidance emphasis of the PRCZMP, as explained in Chapter 4, is not one of establishing a new guidance process at the Commonwealth level, since such a process has been operative for many years. Rather, the Program emphasis is on refining existing process- by fine tuning regulations and by making more site- specific decisions before development proposals are submitted, so that the process may respond more sensitively to the problems and opportunities of the immediate littoral area.

Although, many of the need refinements must ultimately be accepted or rejected by the PRPB, the range of PRPB’s duties dictates that this agency will be responsible for initiating them and pressing for their adoption and implementation. Other agencies with narrower ranges of responsibilities, are better able to focus on the needs of individual sectors such as this. In the case of coastal management, principal sectorial responsibility is assigned to the DNER by its Organic Law. (By its Organic Law, the PRBP is obligated to assist agencies in preparing and implementing their functional and sectorial plans and programs.

b) Active Management of Coastal Resources. Active management of coastal resources is the second emphasis of the PRCZMP, with particular attention on public lands and waters. This emphasis includes measures to protect and maintain costal resources (i.e. regulating resources extraction, franchising, surveillance and enforcement). It also includes measures to enhance public use and enjoyment of the resources (i.e. property acquisition, beach cleaning and provision of recreational facilities). The established responsibilities of the DNER, explained in Chapter 4, make it the appropriate agency to be responsible for this aspect of the Program as well.

Linkages among the four principal agencies responsible for implementing the PRCZMP are of critical importance. These are described in Chapter 4.

REQUIREMENTS OF SECTION 306 (C) OF THE CZMA

(1) ADOPTION, PARTICIPATION, FEDERAL POLICY

Before approving any program submitted by a coastal state, in this case the Commonwealth of Puerto Rico, the Secretary of the USDOC must ascertain “*whether the State have developed and adopted a management program for its coastal zone in accordance with the rules and regulations promulgated by the Secretary (USDOC), after notice, and with the opportunity of full participation by the federal agencies, state agencies, local governments, regional organizations, port authorities and other interested parties or individual, public or private, which is adequate to carry out the purposes of this Act and is compatible with the policies stated in Section 303*”. (Section 306 (d) (1)).

a) Public participation

During the elaboration process of the PRCZMP, an extensive public participation process was carried out, including public hearings in December of 1977 and January and April of 1978. The comments were included in the document of the PRCZMP finally adopted in 1978.

For this process of revision and update of the PRCZMP, the public participation approach included the following activities:

- Interviews with key informants: Interviews were conducted to individuals selected for their expertise and knowledge on the principal subjects of the PRCZMP. The interviewees represented the academy (University of Puerto Rico and the Metropolitan University), collaborators of the “Puerto Rico and the Sea” document and a representative of the San Juan Bay Estuary Program.
- Distribution of digital copies of the final draft of the revised and updated document in the 44 coastal municipalities to scrutiny by local government personnel and the general public.
- Publication in a newspaper of broader circulation, on the availability of the document for review by citizens and the schedule for the public meetings.
- Invitations by email to individuals and environmental and community-based organizations related to the subject.
- Public meetings in the following municipalities throughout Puerto Rico during September 2008: San Juan, Ponce, Cabo Rojo, Arecibo, Vieques and Culebra.

The comments submitted by the public and the corresponding actions are presented in Appendix D.

b) Federal participation

Descriptions of federal agencies that affect the coastal zone are presented in Appendix A. Federal agencies participation in the initial formulation of the PRCZMP (1978) includes four elements:

- 1) Consultation arising out of meetings on the Culebra Segment in 1975, which generated discussions on coastal zone activities, programs and problems. This raised expectations on the need of a Program for Puerto Rico, which was finally adopted in 1978 and is reviewed and updated in this document.
- 2) Informal consultations on the preparation of the document. Both, in the preparation of this document and in the process of revising and updating, Federal agencies were consulted for information on their programs and technical advice. These communications were handled by phone or in writing.
- 3) Meetings to review the draft document. Both, in developing and in the process of revising and updating the PRCZMP, meetings and telephone consultations with staff of federal agencies were executed, particularly with NOAA staff to review and discuss the draft of the reviewed and updated PRCZMP. The final draft document, which incorporates comments from the public meetings, will be submitted to the NOAA staff for review.

Federal agencies also participate in the following manner:

- Informal consultation in the process of developing plans, policies and regulations. For example, in drafting management plans for Natural Reserves and Special Planning

Areas, as well as in the preparation of the DNER's regulations, this Agency seeks for technical and policy advice from the federal agencies.

- Consultation and coordination with federal agencies affected by the Program's implementation. This occurs through the Federal Consistency Review Process, administered by the PRPB.

c) Commonwealth's agencies consultation

Descriptions of Commonwealths' agencies affecting the coast are presented in Appendix A. The comments of these agencies to the final draft of the revised and updated PRCZMP presented on public meetings on September 2008 are included in Appendix D.

In this revision and update process, Commonwealth agencies participated through the following means:

- Steering Committee: At the beginning of the process of revising and updating the PRCZMP, a steering committee was created. It consisted of staff from various divisions and units of the DNER and staff from the Coastal Zone Unit of the PRPB.
- Interviews with key informants: Interviews were conducted to individuals selected for their expertise and knowledge on the principal subjects of the PRCZMP. The interviewees represented the DNER's staff, the PRPB, the RPA, the Institute of Puerto Rican Culture and the State Historic Preservation Office.
- Informal Consultations: Commonwealth agencies have participated in preparing the document through informal consultations, to obtain technical, programmatic and policy advice.
- Review of several drafts of the revised and updated PRCZMP prior to the public consultation process.

d) Local governments

The coastal zone includes portions of 44 municipalities.³⁰ Before the public meetings process in September 2008, copies in digital format of the revised and updated draft of the PRCZMP were delivered to these municipalities, so it can be reviewed by the municipalities' officials and by the general public.

The comments from the coastal municipalities to the document and corresponding actions are found in Appendix D.

e) Regional organizations

Municipalities in Puerto Rico are able to organize in consortiums for planning the use of their territories. Currently, there is only a consortium organized for this purpose in the North coast: Camuy- Hatillo- Quebradillas. These Municipalities are working together on the final phase of their Land Use Plan. In these municipalities, as well as in other coastal towns, copies of the revised and updated draft of the PRCZMP for evaluation were provided.

³⁰ In Puerto Rico, the municipalities have the legal power to manage land use after having their Municipal Land Use Plans approved by the PRPB. At the moment, 13 of the 44 coastal municipalities have an approved Municipal Land Use Plan, while the remaining are in some stage of preparation.

f) Port authorities

Participation of the Puerto Rico Ports Authority within the PRCZMP is presented in Appendix A.

g) Consistency with the Federal policy in Section 303 of the CZMA

Through its policies and implementation authorities, the PRCZMP intends to be consistent with and to enhance the national policies of Section 303 of the CZMA by:

- *to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone for this and succeeding generations*
- *to encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone, giving full consideration to ecological, cultural, historic, and esthetic values as well as the needs for compatible economic development, which programs should at least provide for-*
 - *the protection of natural resources, including wetlands, floodplains, estuaries, beaches, dunes, barrier islands, coral reefs, and fish and wildlife and their habitat, within the coastal zone,*
 - *the management of coastal development to minimize the loss of life and property caused by improper development in flood-prone, storm surge, geological hazard, and erosion-prone areas and in areas likely to be affected by or vulnerable to sea level rise, land subsidence, and saltwater intrusion, and by the destruction of natural protective features such as beaches, dunes, wetlands, and barrier islands,*
 - *the management of coastal development to improve, safeguard, and restore the quality of coastal waters, and to protect natural resources and existing uses of those waters,*
 - *priority consideration being given to coastal-dependent uses and orderly processes for siting major facilities related to national defense, energy, fisheries development, recreation, ports and transportation, and the location, to the maximum extent practicable, of new commercial and industrial developments in or adjacent to areas where such development already exists,*
 - *public access to the coasts for recreation purposes,*
 - *assistance in the redevelopment of deteriorating urban waterfronts and ports, and sensitive preservation and restoration of historic, cultural, and esthetic coastal features,*
 - *the coordination and simplification of procedures in order to ensure expedited governmental decision-making for the management of coastal resources,*
 - *continued consultation and coordination with, and the giving of adequate consideration to the views of, affected Federal agencies,*
 - *the giving of timely and effective notification of, and opportunities for public and local government participation in, coastal management decision-making,*

- *assistance to support comprehensive planning, conservation, and management for living marine resources, including planning for the siting of pollution control and aquaculture facilities within the coastal zone, and improved coordination between State and Federal coastal zone management agencies and State and wildlife agencies, and*
- *the study and development, in any case in which the Secretary considers it to be appropriate, of plans for addressing the adverse effects upon the coastal zone of land subsidence and of sea level rise; and*
- *to encourage the preparation of special area management plans which provide for increased specificity in protecting significant natural resources, reasonable coastal-dependent economic growth, improved protection of life and property in hazardous areas, including those areas likely to be affected by land subsidence, sea level rise and improved predictability in governmental decision-making;*
- *to encourage the participation and cooperation of the public, State and local governments, and interstate and other regional agencies, as well as of the Federal agencies having programs affecting the coastal zone, in carrying out the purposes of this chapter;*
- *to encourage coordination and cooperation with and among the appropriate Federal, State, and local agencies, and international organizations where appropriate, in collection, analysis, synthesis, and dissemination of coastal management information, research results, and technical assistance, to support State and Federal regulation of land use practices affecting the coastal and ocean resources of the United States; and*
- *to respond to changing circumstances affecting the coastal environment and coastal resource management by encouraging States to consider such issues as ocean uses potentially affecting the coastal zone.*

(2) COORDINATION WITH LOCAL, AREAWIDE, INTERSTATE PLANS AND GOVERNMENTS

a) Local, areawide and interstate plans

The State must have coordinated its Program with local, areawide, and interstate plans applicable to areas within the coastal zone- (i) existing on January 1 of the year in which the State's management program is submitted to the Secretary; and (ii) which have been developed by a local government, an areawide agency, a regional agency, or an interstate agency (Section 306 (d) (3) (A)).

In the initial elaboration process of the PRCZMP in 1978, there was not any plan applicable within the coastal zone developed by a local, areawide, regional or interstate agency. For this reason, this requirement was not applicable.

Currently, local plans and area plans associated with land uses in the coastal zone have been developed after the adoption of PRCZMP and are subject to revision and adoption by the PRPB. Also, these plans are revised and commented by the DNER.

b) Effective mechanisms for continuing coordination

The State should have “established an effective mechanism for continuing consultation and coordination between the management agency...and with local governments, interstate agencies, regional agencies, and area-wide agencies within the coastal zone to assure full participation of those local governments and agencies in carrying out the purposes of this title...” Special provision is made for any management program decision that will conflict with local zoning. (Section 306 (d)(3)(B)).

The Commonwealth Government consults with the various entities, when appropriate, for their participation and guidance to ensure continuous coordination between their programs and the PRCZMP. Government agencies responsible for development guidance in Puerto Rico- PRPB, DNER, EQB and PRA- have established consultation and information exchange mechanisms among agencies and the general public. On the other hand, formal and informal mechanisms to promote public participation must be included:

- Public information programs of the Commonwealth’s agencies
- Public hearings required by the Commonwealth law before adoption of plans and regulations, and
- The presence of private citizen members of the EQB.

In the particular case of the revision and updating of the PRCZMP, no formal mechanisms are required, since all Commonwealth programs must be updated in response to changing conditions. Accordingly, revisions and updates to the PRCZMP will be a regular part of the PRPB and the DNER activities. Although there is no formal requirement for consultation, during this revision and update process various mechanisms for public participation were incorporated.

(3) PUBLIC HEARINGS

The State must have held public hearings in the development of the Management Program. (Section 306 (d)(4)). Section 311 requires that “all public hearings required under this chapter must be announced at least thirty days prior to the hearing date and, that all documents and other agency materials are available at the time of the announcement.”

According to the CZMA provisions, during the preparation of PRCZMA (1978) public hearings were held in San Juan, Ponce and Mayagüez on January 24, 26 and 31 of 1978. Public notice of the hearings was published in three newspapers. Copies of the document’s draft were available to the general public at the time of the public notice at the PRPB and the DNR.

During the revision and update process, public meetings were held in San Juan, Cabo Rojo, Vieques, Culebra, Ponce and Arecibo. Public notice of these meetings was published with 15 days notice in a newspaper. Copies of the revised and updated draft of the PRCZMP were distributed to the 44 coastal municipalities and were available for review by the public in the DNER and the PRPB offices. Also, the document was available at the Program’s link at the DNER’s Web page.

It should be noted that during this process of review and update, public meetings were held and not public hearings. This was because the process does not include significant changes to the

PMZCPR nor the inclusion of new policies, except for those incorporated for the past years by the RPC mechanism.

(4) REVIEW AND APPROVAL BY GOVERNOR

The Management Program and any changes thereto must have been reviewed and approved by the Governor (Section 306 (d) (5)).

The PMZCPR was approved by the former Governor of Puerto Rico, Carlos Romero Barceló, on July 12, 1978 and the letter of approval was included in the original document.

(5) DESIGNATION OF A SINGLE AGENCY

The Governor must have designated a single agency to receive and administer the grants for implementing the management program (Section 306 (d) (6)).

In the 1978 PRCZMP, the Governor of Puerto Rico certified the DNER as the single designated agency to receive and administer grants for implementing the Coastal Management Program. The DNER was also designated as the lead agency for implementation of the Coastal Management Program. Responsibilities delegated to the DNER were described in Chapter 4.

Among the DNER statutory powers, conferred by its Organic Law, are powers to advise the Governor, the Legislative Assembly and other governmental bodies concerning the implementation of public policy governing natural resources; to make contracts and agreements with Federal, States and Commonwealth agencies in order to achieve the objectives of the DNER on its programs and to accept funds from these agencies.

These powers, explicitly or by implication, include the capabilities required by NOAA to accept and administer grant funds, to monitor and evaluate management of Puerto Rico's coastal resources and to make periodic reports to NOAA, the Governor and the Legislature, and to request approval from NOAA to changes to the Management Program whenever needed.

(6) ORGANIZATION FOR IMPLEMENTATION

The State must be organized to implement the Management Program (Section 306 (d) (7)).

Commonwealth organization for implementation of the Program has been described in Chapter 4.

(7) AUTHORITY FOR MANAGEMENT

The state must have authority to implement the Program, including the authority required under subsection 306(d) of the CMZA.

The authorities of the PRPB, RPA, EQB and the DNER to administer land and water regulations and guide development are described in Chapter 4. Authorities to acquire land are set forth below in Section 306 (d).

(8) CONSIDERATION OF THE NATIONAL INTEREST

Before approving a management program submitted by a coastal State, the Secretary shall find that...the Management Program provides for adequate consideration of the national interest involved in planning for, and managing the coastal zone, including the siting of facilities such as energy facilities which are of greater than local significance. In the case of energy facilities, the Secretary shall find that the State has given consideration to any applicable national or interstate energy plan or program.

In order to meet the requirements of national interest, states must:

- Describe which national interests were considered in the planning for and siting of facilities... during the Program's development and the sources relied upon for such consideration;
- Indicate how and where the consideration of those national interests is reflected in the substance of the Management Program, including, where appropriate, indication of when and where national interests in identified facilities may compete or conflict with other national interests in coastal resources conservation...;
- Describe a process for continued consideration of identified national interests...during program implementation...including a clear detailed description of administrative processes.

a) Identification and consideration of national interests in the Commonwealth's coastal area

Through comments and policy statements of affected Federal agencies, the DNER has identified and included these agencies considerations of particular interest in the development of the PRCZMP. Also, federal legislations and Presidential Executive Orders have been consulted to define the national interests applying to Puerto Rico's coastal zone.

b) National interests considered

The PRCZMP (1978) considered the objectives of the federal agencies related to national defense energy production and transmission, transportation and recreation.

National Defense

The Department of Defense, the NAVY, ARMY, the Air Force and the National Guard, were contacted during the period of Program development. The following were major objectives of national defense:

- to ensure sovereignty of the Nation and protect its citizens from physical harm or expropriation and
- to establish and maintain the facilities necessary to carry out the first objectives.

The Commonwealth recognizes the importance of national defense facilities. Even though Naval presence in the Commonwealth have declined during last decades, it remains significant in terms of facilities and area. While the management program excludes federally owned and leased land from the coastal zone, it anticipates that the defense agencies will conform to the PRCZMP to the maximum extent practicable and that federal consistency mediation procedures will be used as necessary.

Specifically, the following policies found in Chapter 3 indicate how and where on the Management Program the national interest in defense facilities are considered.

- Special protection of wetlands and
- Criteria for diking, filling, dredging and deposit of dredged sediments.

Energy production and transmission

Related agencies in some way to this subject are the Department of the Interior, the USACE and the Department of Energy. In developing the PMZCPR (1978) the objectives of the National Energy Plan were considered. The following were the major objectives for energy:³¹

- To reduce dependency on foreign oil and vulnerability to supply interruptions, and
- To have renewable and essentially inexhaustible sources of energy to sustain economic growth.

National interest in energy production was considered in the Section of Coastal Dependent Uses. Also, specific policies for energy facilities are included in the PRLUP-OPP in Chapter 2.

Transportation

Federal agencies related to Transportation are: the various agencies under the U.S. Department of Transportation, the US Coast Guard, and the USACE. In the development of the PRCZMP (1978) the “National Transportation Needs Study” was considered. It established the following objectives for Puerto Rico:

- To develop a balanced transportation system
- To provide safe, efficient and convenient access via one or more modes of transportation for the movement of people, goods and services, to, from and through the coastal zone.

National interest in transportation facilities is recognized in the PRLUP-OPP. Furthermore, the importance of transportation facilities is reflected in the dredge and filling criteria, found in Chapter 3.

Recreation

Federal agencies related to recreation are the NPS and the USFWS. Also, in the preparation of the PRCZMP (1978) the “National Historic Preservation Act” of 1966, was revised and the SCORP,

³¹ Both objectives still relevant under the national security goals, which include: developing and deploying new energy technologies, reducing our dependence on foreign energy sources, ensuring that America remains competitive in the global marketplace, among others, presented in the *US Department of Energy Strategic Plan* of 2006.

which was also included in this revision and update. The following were the major objectives for recreation:

- Recreation should be considered as equal among competing users of the coastal areas
- To provide high quality recreational opportunities to all people of the US while protecting the coastal environment
- To protect existing recreation areas from adverse contiguous uses
- To accelerate the identification of non-cost transfer or surplus and under-utilized federal property

National interest in recreation was described and considered in Chapter 3, in the following sections: reefs, mangroves, dunes, beaches, coastal forests, historic, cultural and recreational places. The policies and objectives found in Chapter 2 present further consideration.

c) Continued consideration

All affected Commonwealth agencies are committed, as the result of the approval of the PRCZMP to consider the national interest in making permit decisions and approving plans for or in the coastal zone. To identify the national interest, Puerto Rico will rely on comments and policy statements of Federal Agencies, Federal legislation, Presidential executive orders, plans, reports and studies by relevant agencies and testimony at public hearings and other public input.

Decision points where the national interests can be considered are detailed in Chapter 4, in the development control process for the RPA and the PRPB. Furthermore, Federal agencies will be consulted during the development of management plans for the Natural Reserves and Special Planning Areas.

(9) AREAS FOR PRESERVATION OR RESTORATION

The Management Program must make provision for procedures whereby specific areas may be designated for the purpose of preserving or restoring them for their conservation, recreational, ecological, or aesthetic values (Section 306 (d) (10).

Areas recommended in the PRCZMP (1978) for preservation and restoration and those designated after the documents approval as Natural Reserves are detailed in Chapter 4 and described in Appendix C.

In all cases, the objective of designation is to preserve important natural features and values. As indicated in Chapter 4, formal designation of areas of preservation and restoration is to be done by statute or administratively by the PRPB.

REQUIREMENTS OF SECTION 306 (D) (10) OF THE CZMA

AUTHORITY FOR MANAGEMENT

The State, acting through its chosen agency or agencies has authority for the management of the coastal zone in accordance with the Management Program. Such authority shall include power--

- ***to administer land use and water use regulations to control development to ensure compliance with the management program, and to resolve conflicts among competing uses; and***
- ***to acquire fee simple and less than fee simple interests in land, waters, and other property through condemnation or other means when necessary to achieve conformance with the management program.(Section 306(d)(10)).***

Statutory power to adopt and administer land and water use regulations, and to control development is granted by the statutes described in Chapter 4.

The power to resolve conflicts among competing uses is inherent in the planning and regulatory powers conferred by the PRPB. As described in Chapter 4, the Governor is explicitly empowered to resolve conflicts between the PRPB and the EQB.

The DNER has the power to acquire property pursuant to its Organic Law and under the “Natural Heritage Program Act”, Law No. 150 of 1998. The Puerto Rico Lands Administration, has broad power to acquire lands or interests therein, by expropriation or otherwise, according to its Organic Law.

REQUIREMENTS OF SECTION 306 (D) OF THE CZMA

(1) TECHNIQUES FOR CONTROLLING LAND AND WATER USES

The management program must provide “for any one or a combination of the following general techniques for control of land and water uses within the coastal zone...(B) Direct State land and water use planning and regulation...” (Section 306 (d) (11))

The Commonwealth uses the method explained in Section 306(d)(11) of the CZMA: *Direct Commonwealth land and water use planning and regulation.*

(2) ASSURING LOCAL REGULATIONS NOT UNREASONABLY RESTRICTIVE

The Management Program must provide for a “method of assuring that local land use and water use regulations within the coastal zone do not unreasonably restrict or exclude land uses and water uses of regional benefit (Section 306 (d) (12)).

There are no local regulations for land and water uses anywhere in Puerto Rico. The PRPB Organic Law empowers the agency to delegate some of its powers, including the development of land use plans and its corresponding zoning ordinances. Currently, the delegation is carried out

through the “Autonomous Municipalities Act”, Law No. 81 of 1991. However, the PRPB, retains the power to approve such plans.

REQUIREMENTS OF SECTION 306 (H) OF CZMA

SEGMENTATION

If a state Coastal Zone Management Program is adopted in Segments, the state must adequately provide for the ultimate coordination of the various segments of the Management Program into a single program. (Section 306(h) of the CZMA of 1972).

The Culebra Segment of the PRCZMP was adopted prior to the remainder of the PRCZMP in 1978. It was developed to respond to the urgent coastal zone management needs of the Culebra island and its surrounding keys and waters.

Following approval of the full PRCZMP, the Culebra Segment was incorporated to it. Management measures described in the PRCZMP apply to Culebra as well as the rest of Puerto Rico and Vieques.

In the particular case of Culebra, the island is subject to the provisions of the Law for the Conservation and Development of Culebra, Law No. 66 of 1975 and the Authority for the Conservation and Development of Culebra. These measures were created to address the particular needs of Culebra.

The process of revising and updating the PMZCPR extended the process to the Culebra Segment and also added a Vieques Segment to the revised and updated PRCZMP. However, the latter does not contain additional specific policies for Vieques.

REQUIREMENTS OF SECTION 307 OF THE CZMA

FEDERAL CONSISTENCY

In addition to general requirements for cooperation that the CZMA places on all federal government agencies, specific requirements address the consistency of federal activities, development projects, licenses and permits with the and financial assistance with the Coastal Program. (Section 307 (c (1, 2, 3) and d)).

a) Standards for Determining Consistency

In determining whether federal activities, development projects, licenses and permits, and financial assistance are consistent with the PRCZMP, the following criteria shall be applied.

1. The Objectives and Public Policies for the Puerto Rico Land Use Plans (1995) adopted by the PRPB. (Included in Chapter 2).
2. The following additional policies and criteria:
 - Policy on special protection for mangroves (Chapter 3, section on Mangroves)

- Policy on appropriate access to Federal beaches hereafter declared surplus (Chapter 3, section on Beaches)
 - Policy on public access to beaches (Chapter 3, section on Beaches)
 - Criteria for diking, filling, dredging, and deposit of dredged sediments (Chapter 3, Section on Coastal Waters, and
 - Policy on sites for coastal dependent development (Chapter 3, section on Coastal-Dependent Uses)
3. Water Quality Standards adopted by the EQB (Chapter 3, section on Coastal Waters)
 4. The following policies, regulations and administrative means incorporated for the past years to the Program, by means of RPC:
 - Law No. 82 of 1979, Organic Law of the Corporation for the Development of and Administration of Marine, Lacustrine and Fluvial Resources (CODREMAR)³²
 - Law No. 80 of 1979, amendment to Law Relating to Control of Development on Floodable Areas
 - Law No. 111 of 1985, Puerto Rico Caves, Caverns or Sinkholes Protection and Preservation Act, as amended
 - Law No. 48 of 1986, Boating Safety, Protection of Bathing Beaches, Registration of Recreational Vessels Act
 - Law No. 150 of 1988, The Puerto Rico Natural Heritage Program Act
 - Law No. 83 of 1983 (Amendment to the Organic Law of the Department of Natural Resources)
 - Regulation to Control the Extraction, Possession, Transportation and Sale of Coralline Resources, Regulation No. 2577
 - Regulation for Use, Surveillance, Conservation, and Management of the Territorial Waters and Submerged Lands Thereunder and the Maritime Zone, Regulation No. 4860
 - Planning Regulation No. 17, Zoning Regulations for the Coastal Zone and the Access to Beaches and Coasts of Puerto Rico
 - Executive Order 4784-B (E.O. on the Coordination of Executive Functions for Disasters and Emergencies)
 - Executive Order 4974-E (E.O. Creating a Program for the Management and Mitigation of Flood Hazards)

³² Added by an RPC on December 28 1989. This act was repealed by Law No. 61 of 1990, as amended, known as the "Act for the Promotion and Development of the Fishing and Aquaculture Industry".

- Administration Bulletin No. 5126-A (E.O. to Establish Earthquake Safety Commission)
 - Resolution JPE-039, Waiver of permits for the DNER passive recreational projects
 - Inter-agency Agreement on Joint Enforcement between the Regulations and Permits Administration (RPA) and the Department of Natural and Environmental Resources (DNER) on the Process to Intervene in the Relation to the Legality of Structures, Uses, and Acts in the Maritime Zone, the Coastal Zone, and Lands under the Jurisdiction of the DNER
 - Senate Joint Resolution No. 2683, To Establish the Natural Hazard Mitigation Planning Program
5. Any policy, regulation, and additional plans, including plans for the Special Planning Areas and Natural Reserves, which will be incorporated into the Program in the future.

Federal agencies administering authority within the Puerto Rico coastal zone boundary are required to administer said authority in conformance with Section 307 of the CZMA and NOAA implementing regulations.

b) Commonwealth Agency Responsible for Consistency Review

The PRPB is the single agency designed to receive and review and make final decisions on consistency certifications and determinations. The DNER advises and assist in the evaluation of the applications. All official information, notice, etc. will go to the PRPB and will come from the PRPB.

c) Federal Activities and Development Projects

Section 307(C)(1) and (2) of the CZMA, require that the Federal activity, including development projects, significantly affecting the coastal zone, “shall be conducted in a manner which is, to the maximum extent practicable, consistent with approved state management program”.

In the case of excluded Federal lands, activities on these lands with an impact on the coastal zone beyond the boundaries of the Federal properties will be subject to this provision, as will the activities beyond the boundary of other coastal zone that will significantly affect the coast. Federal agencies themselves, determine whether or not an activity or project will significantly affect the coastal zone and whether or not it is consistent, to the maximum extent practicable, with the Coastal Management Program. The Federal agency, must, however, notify Puerto Rico of its proposed action and its consistency determination.

Certain categories of Federal actions can generally be acknowledged as not affecting the coastal zone. These include:

- (1) radio transmission and maintenance of navigation aids placed or authorized by the US Coast Guard; and
- (2) any action for which the agencies’ environmental impact procedures, established pursuant to the “National Environmental Policy Act” of 1969, does not require issuance of an Environmental Impact Statement or negative declaration.

Other activities and projects generally can be considered as significantly affecting the coastal zone. These include:

- Federal agencies applying for licenses and permits;
- development projects in the coastal zone;
- land acquisition in the coastal zone;
- road construction in the coastal watershed;
- waste discharge in the coastal watershed;
- activities affecting or altering surface runoff quality or quantity in the coastal watershed; and
- dredge, fill, development, construction, or waste discharge in coastal waters.

To save time and funds and to avoid conflicts involving substantial commitments of resources, consistency should be assessed at the earliest possible time. Preferably, it should take place as an integral part of the earliest planning and budgetary decisions.

The PRPB is the single Commonwealth agency responsible for reviewing Federal agency determinations that their projects and activities are or are not consistent with the PRCZMP. The PRPB's A-95 project notification process will be used and, as necessary, extended, to provide specific opportunity for review of consistency determinations. If a Federal consistency determination is under review, an item will be added to the A-95 notification requesting reviewing agencies to comment whether the project or activity is consistent with the coastal Management Program. The DNER Coastal Zone Division will be among the recipients of A-95 notification in such cases.

d) Federal Licenses and Permits 307 C (3)

CZMA Section 307 C (3) provides that any applicant for a required Federal license or permit to conduct an activity, in or outside of the coastal zone, affecting any land or water use or natural resource of the coastal zone shall provide in the application to the licensing or permitting agency a certification that the proposed activity complies with the enforceable policies of the state's approved program and that such activity will be conducted in a manner consistent with the program. At the same time, the applicant shall furnish to the state or its designated agency a copy of the certification, with all necessary information and data. Each coastal state shall establish procedures for public notice in the case of all such certifications and, to the extent it deems appropriate, procedures for public hearings in connection therewith. At the earliest practicable time, the state or its designated agency shall notify the Federal agency concerned that the state concurs with or objects to the applicant's certification. If the state or its designated agency fails to furnish the required notification within six months after receipt of its copy of the applicant's certification, the state's concurrence with the certification shall be conclusively presumed.

Table B-1 lists the types of Federal licenses and permits which may significantly affect the coastal zone, which the Commonwealth wishes to review for consistency with the Coastal

Management Program. Such revision is desired only for those licenses and permits authorizing activities within the boundaries of the coastal zone. If it is found that the issuance of other kinds of other Federal permits and licenses causes significant effects on coastal land and water uses, the list will be expanded through appropriate NOAA procedures for changes to the Program.

Table B-1 designates the single Commonwealth Agency, responsible for consistency review of each listed type of Federal license and permit. If the same Commonwealth agency is responsible, both for consistency review and for review under another Federal or Commonwealth law, or regulation, the two types of review will be combined. In all cases, the review process will include notifications of the type required for A-95 clearance. Reviewing agencies will be requested to comment whether the license or permit is consistent with the Coastal Management Program. The DNER Coastal Zone Division will be among the recipients of the notifications.

Table B-1

Federal licences and permits which must be certified for consistency with the Puerto Rico Coastal Management Program	
Type of Federal Licence or Permit	Commonwealth Agency responsible for preliminary consistency review*
<u>Department of Defense- USACE</u>	
Permits and licences required under Sections 9 and 10 of the Rivers and Harbor Act of 1899	DNER
Permits and licences required under Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972, Ocean Dumping	DNER
Permits and licences required under Section 404 of the Federal Water Pollution Control Act of 1972, as amended	DNER
<u>Nuclear Regulatory Commission</u>	
Permits and licences required for siting and operation of nuclear power plants	PRPB
<u>Department of Interior- Bureau of Land Management</u>	
Permits for pipelines right of way	DNER
<u>Department of Homeland Security- US Coast Guard</u>	
Permits for construction of bridges under 33 USC 401, 4591-507 and 525-534	PRPB
Permits for deep-water ports (33-CFR 158 et seq.)	PRPB
<u>Department of Energy- Federal Energy Regulatory Commission (FERC)</u>	
Permits for construction and operation of natural gas pipelines and terminal facilities	PRPB
<u>Department of Interior- USGS (Section 307 (c) (3) (b))</u>	
OCS plans that describe in detail Federal licence and permit activities (Review pursuant to Section 307 (c) (3)(b) of the CZMA	DNER

* Final consistency review is the responsibility of the PRPB.

e) Federal Assistance 307 (d)

CZMA section 307 (d) establishes consistency requirements for federal financial assistance to the Commonwealth and to local governments. Federal assistance includes any grants, loans, contracts, subsidies, insurances, insurances, or other forms of financial aid. If any such said “affect the coastal zone”, it must be consistent with the Management Program.

The PRPB is the single Commonwealth agency responsible for determining if the Federal assistance significantly affecting the coastal zone is consistent with the CZMP. The PRPB’s A-95 notification process will be used to review financial aid applications to assure consistency with the Coastal Management Program.

In cases in which Federal assistance may affect the coastal zone, an item will be added to the A-95 notification, requesting reviewing agencies to comment whether the assistance is consistent with the Coastal Management Program. The DNER's Coastal Zone Division, will be among recipients of A-95 notifications in such cases.

f) PROCESSING OF COMMENTS ON CONSISTENCY

Puerto Rico will rely upon the public notice provided by the Federal agency reviewing the applications for Federal licenses or permits. If this notice does not satisfy the minimum requirements of NOAA's regulations adopted pursuant to Section 307, the Commonwealth's agency will give additional required notice. The Commonwealth's agency will consult with the affected Federal agencies to determine whether the federal notice comply with the NOAA regulations.

The Commonwealth's agency will review all comments within the time limit specified in the NOAA's regulation. In addition, the Commonwealth's agency will make its own initial determination of consistency. If timely comments are received suggesting that the action is not consistent, or if the Commonwealth's agency itself makes an initial determination that the action is not consistent, the responsible agency will attempt, through negotiation, to modify the project or take other appropriate measures to achieve consistency. If the conflict cannot be solved to the mutual satisfaction of all reviewers, the responsible agency will review all comments and make a determination of consistency or lack of consistency on behalf of the Commonwealth.

REQUIREMENTS OF SECTION 307 (F) OF THE CZMA

AIR AND WATER POLLUTION CONTROL REQUIREMENTS

The management program must incorporate the requirements established by, or pursuant to, the Federal Water Pollution Control Act, as amended, and the Clean Air Act, as amended (Section 307 (h)).

The policies and requirements of the Federal "Water Pollution Control Act" and the "Clean Air Act" are the minimum water and air pollution control requirements applicable to the PRCZMP and are incorporated by reference.

The PRCZMP has been developed in consultation with the EQB, which is the Commonwealth agency responsible for pollution control. While the revised and updated draft of the PRCZMP was placed under consideration of the EQB as well as other agencies.

REFERENCES

Coastal Zone Management Act of 1972. [As amended through H.B. 106-580 December 29, 2000].

Code of Federal Regulations. CFR Title 15, Part. 23.

U.S. Department of Energy. (2006). U.S. Department of Energy Strategic Plan. Retrieved from:
<http://www.cfo.doe.gov/strategicplan/docs/2006StrategicPlan.pdf>].

APPENDIX D



GOVERNMENT OF PUERTO RICO
STATE HISTORIC PRESERVATION OFFICE

Executive Director | Carlos A. Rubio-Cancela | carubio@prshpo.pr.gov

March 29, 2023

Lauren Bair Poche

HORNE
10000 Perkins Rowe, Suite 610, Bldg G
Baton Rouge, LA 70810

SHPO 03-20-23-05 SECTION 106 NHPA EFFECT DETERMINATION
SUBMITTAL: PR-RGRW-01938 – SAO FARM INC., CAR. PR-2, KM 85.5, BARRIO
CARRIZALES, HATILLO, PUERTO RICO

Dear Ms. Bair,

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*.

Our records support your finding of **no historic properties affected** for this undertaking.

Please note that should you discover other historic properties at any point during project implementation, you should notify the SHPO immediately. If you have any questions regarding our comments, please do not hesitate to contact our Office.

Sincerely,

Carlos A. Rubio-Cancela
State Historic Preservation Officer

CARC/GMO/MB



March 21, 2023

Carlos A. Rubio Cancela
Director Ejecutivo
Oficina Estatal de Conservación Histórica
Cuartel de Ballajá (Tercer Piso)
San Juan, PR 00902-3935

Puerto Rico Disaster Recovery, CDBG-DR Re-Grow PR Urban-Rural Agricultural (Re-Grow PR) Program

Section 106 NHPA Effect Determination Submittal: PR-RGRW-01938 – Sao Farm Inc. – Car. PR-2 KM 85.5 Bo. Carrizales, Hatillo, Puerto Rico – *No Historic Properties Affected*

Dear Architect Rubio Cancela,

In accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800, HORNE is providing information for your review and requesting your concurrence regarding the above-referenced projects on behalf of the Puerto Rico Department of Housing (PRDOH) and the Home Repair, Reconstruction, or Relocation (R3) Program. On February 9, 2018, an allocation of Community Development Block Grant - Disaster Recovery (CDBG-DR) funds was approved by the United States Department of Housing and Urban Development (HUD) under the Federal Register Volume 83, No. 28, 83 FR 5844, to assist the Commonwealth of Puerto Rico in meeting unmet needs in the wake of Hurricanes Irma and Maria. On August 14, 2018, an additional \$8.22 billion recovery allocation was allocated to Puerto Rico under the Federal Register Volume 83, No. 157, 83 FR 40314. With these funding allocations, the Puerto Rico Department of Housing (Housing) aims to lead a comprehensive and transparent recovery for the benefit of Puerto Rico residents.

On behalf of PRDOH and the subrecipient, the Puerto Rico Department of Agriculture, we are submitting documentation for activities proposed by Sao Farm Inc. at Car. PR-2 KM 85.5, in Bo. Carrizales in the municipality of Hatillo. The proposed undertaking for this project includes installing a container to house an egg washing machine and sink, installing solar panels, removing two trees, and land leveling to accommodate the container. Electricity will be supplied by new solar panels affixed to the container's roof, water will be connected to an existing waterline near the proposed container location, and the discharge from the egg washing machine and sink will go directly into existing connections to the current septic system. The container will be anchored to beams placed directly on the ground surface. To ensure the container is level, ground-disturbing activities will include the removal of two trees, moving a mound of dirt and gravel, and using construction vehicles to level and compact the ground surface.

Based on the submitted documentation prepared by SOI-qualified professional, Jennifer Ort, M.S., the Program requests a concurrence that a determination of No Historic Properties Affected is appropriate for this proposed project.

Please contact me by email at lauren.poche@horne.com or phone at 225-405-7676 with any questions or concerns.

Kindest regards,



Lauren Bair Poche, M.A.

Architectural Historian, Historic Preservation Senior Manager

Attachments

PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM ReGROW PUERTO RICO PROGRAM Section 106 NHPA Effect Determination		
Applicant Name: Sao Farm Inc.		
Case ID: PR-RGRW-01938		City: Hatillo

Project Location: Car. PR-2 KM 85.5 Bo. Carrizales, Hatillo, Puerto Rico	
Project Coordinates: 18.489401, -66.802713	
TPID (Número de Catastro): 011-022-050-48	
Type of Undertaking: <input type="checkbox"/> Substantial Repair/Improvements <input checked="" type="checkbox"/> New Construction	
Construction Date (AH est.): ca. 2015	Property Size (acres): 1.5 acres

SOI-Qualified Architect/Architectural Historian: n/a
Date Reviewed: n/a
SOI-Qualified Archaeologist: Jennifer Ort, M.S.
Date Reviewed: 3/2/2023

In compliance with Section 106 of the National Historic Preservation Act (NHPA), the Program is responsible for identifying historic properties listed in the NRHP and any properties not listed that would be considered eligible for listing that are located within the geographic area of potential effects (APE) of the proposed project and assessing the potential effects of its undertakings on these historic properties.

Project Description (Undertaking)

The proposed activities for Sao Farm, Inc. include installing a container to house an egg washing machine and sink, installing solar panels, removing two trees, and land leveling to accommodate the container. Electricity will be supplied by new solar panels affixed to the container's roof, water will be connected to an existing waterline near the proposed container location, and the discharge from the egg washing machine and sink will go directly into existing connections to the current septic system. The container will be anchored to beams placed directly on the ground surface. To ensure the container is level, ground-disturbing activities will include the removal of two trees, moving a mound of dirt and gravel, and using construction vehicles to level and compact the ground surface.

The project area is located at Car. PR-2 KM 85.5 Bo. Carrizales within the Municipality of Hatillo within an active agricultural setting. Based on a review of historical aerial imagery and topographic mapping, the general area was sparsely populated, consisting of farms and agricultural fields between 1930 (the earliest available aerial imagery for the area) and 1950. By 1972 aerial imagery, the area appears more residential, with most structures on either side of PR-2E. No structures are present within the project area in historic nor on historic topographic mapping.

PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM ReGROW PUERTO RICO PROGRAM Section 106 NHPA Effect Determination	
Applicant Name: Sao Farm Inc.	
Case ID: PR-RGRW-01938	City: Hatillo

Area of Potential Effects

As defined in 36 CFR CFR §800.16(d), the area of potential effects (APE) is the geographic area or areas within which an undertaking may directly or indirectly cause changes in the character or use of historic properties if any such properties exist. Based on this definition and the nature and scope of the Undertaking, the Program has determined that the direct APE for this project is a 0.30-acre area at the southern edge of the parcel boundary; it excludes the chicken coop in the southwestern corner of the parcel and the existing structure at the south-central edge of the parcel boundary (see attached Area of Potential Effect map). The visual APE is the viewshed of the proposed project.

Identification of Historic Properties - Archaeology

Existing information on previously identified historic properties has been reviewed to determine if any such properties are located within the APE of this Undertaking. The review of this current information by a Program contracted Historic Preservation Specialist meeting the Secretary of the Interior's Professional Qualification Standards (36 CFR Part 61) shows that there is one reported significant cultural property within a half-mile (mi) radius of the project location. The closest cultural resource is the Antigua Vía del Ferrocarril, a discontinued historic railroad located 0.03 miles (mi; 0.29 kilometers [km]) south of the project area. A review of historical aerial imagery and USGS 7.5-minute topographic mapping shows no structures associated with the railroad were within the project area or the surrounding environs.

The proposed project is located in a rural area at the boundary of the Coastal Plains (east) and the Northern Karst (west) physiographic zones, at an elevation of 11 feet (ft; 3.35 meters [m]) above modern sea level. Per the USGS/NRCS Web Soil Survey, the project area crosses one mapped soil series: Carrizales fine sand, 2 to 12 percent slopes (CeC). The project area APE is an open field located within an active agricultural setting with one existing ca. 2015 structure on the south-central edge of the parcel. The closest freshwater source is an emergent freshwater wetland located 0.17 mi (0.27 km) south-southeast of the project area. The northern coast is approximately 0.2 mi (0.32 km) from the project area.

Determination

Based on our historic property identification efforts and pedestrian survey results, the Program has determined that project actions will not affect historic properties that compose the Area of Potential Effect. The project area is not within or adjacent to the boundaries of a National Register of Historic Places (NRHP)-eligible or listed historic district or Traditional Urban Center. No known archaeological sites or NRHP listed/eligible historic properties are within or adjacent to the property or the parcel in which the Area of

PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM REGrow PUERTO RICO PROGRAM Section 106 NHPA Effect Determination	 GOVERNMENT OF PUERTO RICO DEPARTMENT OF HOUSING
Applicant Name: Sao Farm Inc.	
Case ID: PR-RGRW-01938	City: Hatillo

Potential Effect of case PR-RGRW-01938 is located. The closest freshwater is 0.2 mi (0.32 km) south-southeast of the project area. Agricultural activities have impacted the surrounding terrain and the APE. Therefore, no impact to cultural properties is anticipated for this reconstruction project.

PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM REGROW PUERTO RICO PROGRAM Section 106 NHPA Effect Determination	 GOVERNMENT OF PUERTO RICO DEPARTMENT OF HOUSING
Applicant Name: Sao Farm Inc.	
Case ID: PR-RGRW-01938	City: Hatillo

Recommendation

The Puerto Rico Department of Housing requests that the Puerto Rico SHPO concur that the following determination is appropriate for the Undertaking (Choose One):

- No Historic Properties Affected
- No Adverse Effect
 Condition (if applicable): n/a
- Adverse Effect

This Section is to be Completed by SHPO Staff Only

The Puerto Rico State Historic Preservation Office has reviewed the above information and: <input type="checkbox"/> Concurs with the information provided. <input type="checkbox"/> Does not concur with the information provided.	
Comments: 	
Carlos Rubio-Cancela State Historic Preservation Officer	Date:

Applicant Name: Sao Farm Inc.

Case ID: PR-RGRW-01938

City: Hatillo

Project (Parcel) Location – Area of Potential Effect Map (Aerial)



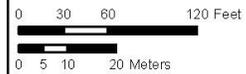
Car. PR-2 KM 85.5 Bo. Carrizales, Hatillo, Puerto Rico



Legend

-  PR-RGRW-01938
-  Parcel Boundary
-  Area of Potential Effect

N



Name: WGS 1984 Web Mercator Auxiliary Sphere

Scale: 1:1,000



Applicant Name: Sao Farm Inc.

Case ID: PR-RGRW-01938

City: Hatillo

Project (Parcel) Location - Aerial Map

Historic Properties - Aerial Base

Puerto Rico Department of Housing

Re-Grow Program

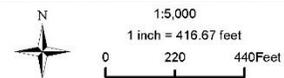
Application ID#: PR-RGRW-01938

Address: Carr PR-2 Km 85.5 Bo Carrizales, Hatillo, PR 00659

Latitude: 18.4894
Longitude: -66.8027



-  Applicant Parcel
-  Parcels
-  Historic Districts
-  Historic Communities
-  Traditional Urban Centers



Sources: Esri Imagery Basemap service.

PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM

REGrow PUERTO RICO PROGRAM

Section 106 NHPA Effect Determination



Applicant Name: Sao Farm Inc.

Case ID: PR-RGRW-01938

City: Hatillo

Project (Parcel) Location - USGS Topographic Map

Historic Properties - Topographic Base

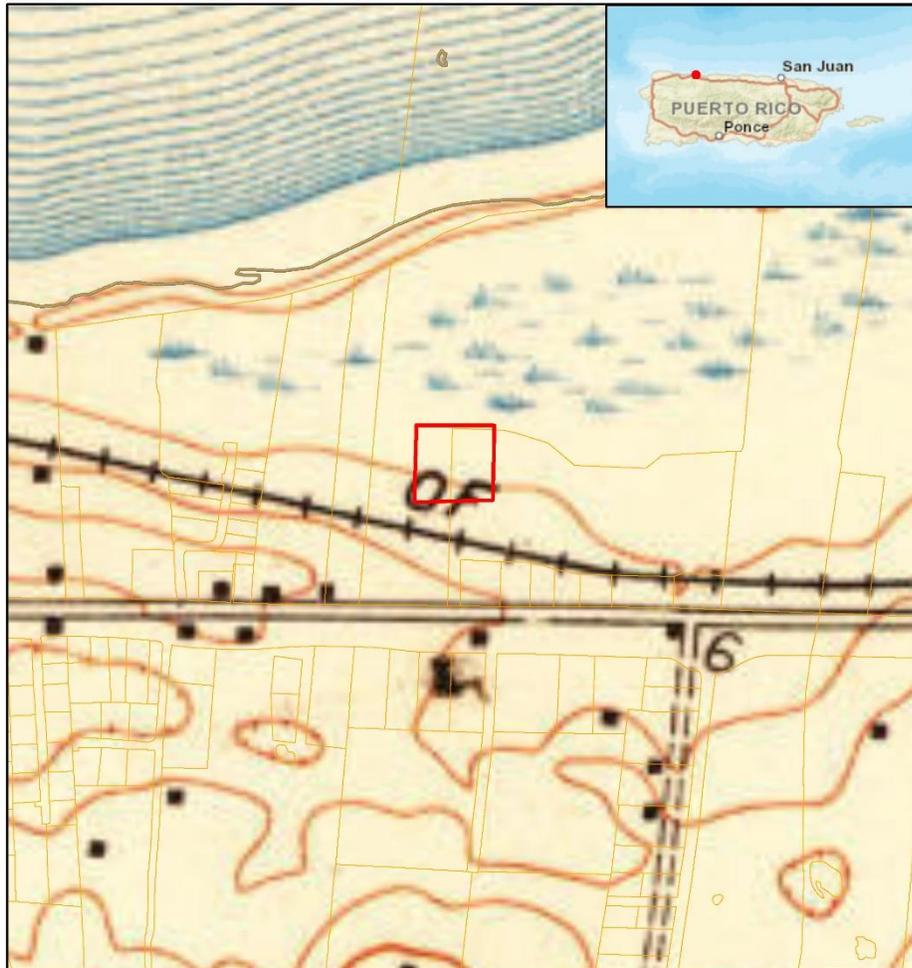
Puerto Rico Department of Housing

Re-Grow Program

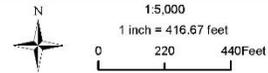
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Address: Carr PR-2 Km 85.5 Bo Carrizales, Hatillo, PR 00659

Latitude: 18.4894
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-  Applicant Parcel
-  Parcels
-  Historic Districts
-  Historic Communities
-  Traditional Urban Centers



Sources: Esri Imagery Basemap service.

Applicant Name: Sao Farm Inc.

Case ID: PR-RGRW-01938

City: Hatillo

Project (Parcel) Location – Soils Map

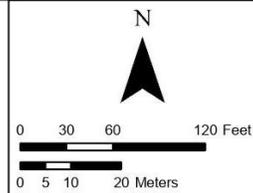


Car. PR-2 KM 85.5 Bo. Carrizales, Hatillo, Puerto Rico



Legend

-  PR-RGRW-01938
-  Parcel Boundary
-  Area of Potential Effect
-  NRCS Soil Units



Name: WGS 1984 Web Mercator Auxiliary Sphere

Scale: 1:1,000

Applicant Name: Sao Farm Inc.

Case ID: PR-RGRW-01938

City: Hatillo

Project (Parcel) Location with Previous Investigations - Aerial Map



Car. PR-2 KM 85.5 Bo. Carrizales, Hatillo, Puerto Rico

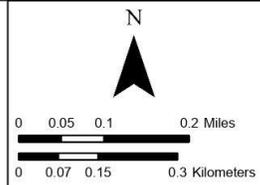


Legend

-  PR-RGRW-01938
-  Parcel Boundary
-  Area of Potential Effect
-  Half-Mile Buffer
-  Linear Cultural Features
-  Railroad

Name: WGS 1984 Web Mercator Auxiliary Sphere

Scale: 1:9,000



Applicant Name: Sao Farm Inc.

Case ID: PR-RGRW-01938

City: Hatillo

Project (Parcel) Location with Previously Recorded Cultural Resources USGS Topographic Map



Car. PR-2 KM 85.5 Bo. Carrizales, Hatillo, Puerto Rico

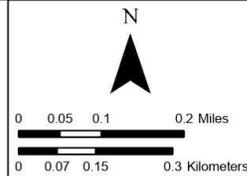


Legend

-  PR-RGRW-01938
-  Parcel Boundary
-  Area of Potential Effect
-  Half-Mile Buffer
- Linear Cultural Features
-  Railroad

Name: WGS 1984 Web Mercator Auxiliary Sphere

Scale: 1:9,000



Applicant Name: Sao Farm Inc.

Case ID: PR-RGRW-01938

City: Hatillo

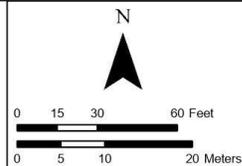
Photograph Key



Car. PR-2 KM 85.5 Bo. Carrizales, Hatillo, Puerto Rico



- Legend
- PR-RGRW-01938
 - ▭ Parcel Boundary
 - ▭ Area of Potential Effect



Name: WGS 1984 Web Mercator Auxiliary Sphere Scale: 1:500

Applicant Name: Sao Farm Inc.

Case ID: PR-RGRW-01938

City: Hatillo



Photo #: 1

Description (include direction): Aerial overview of Area of Potential Effect, looking west.

Date: 2/28/2023



Photo #: 2

Description (include direction): Overview of Area of Potential Effect, looking southeast.

Date: 2/28/2023

Applicant Name: Sao Farm Inc.

Case ID: PR-RGRW-01938

City: Hatillo



Photo #: 3

Description (include direction): Overview of existing water line, looking south.

Date: 2/28/2023



Photo #: 4

Description (include direction): Existing concrete pad with existing water and septic connections, looking east.

Date: 2/28/2023

Applicant Name: Sao Farm Inc.

Case ID: PR-RGRW-01938

City: Hatillo



Photo #: 5

Description (include direction): Overview from proposed container location, looking southwest.

Date: 2/28/2023



Photo #: 6

Description (include direction): Overview from proposed container location, looking north.

Date: 2/28/2023

Applicant Name: Sao Farm Inc.

Case ID: PR-RGRW-01938

City: Hatillo



Photo #: 7

Description (include direction): Tree to be removed, looking south.

Date: 2/28/2023



Photo #: 8

Description (include direction): Tree to be removed and mound to be leveled, looking northwest.

Date: 2/28/2023

PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM

ReGROW PUERTO RICO PROGRAM

Section 106 NHPA Effect Determination



Applicant Name: Sao Farm Inc.

Case ID: PR-RGRW-01938

City: Hatillo



Photo #: 9

Description (include direction): Second mound to be leveled, looking southwest.

Date: 2/28/2023



October 20, 2022

Arch. Carlos A. Rubio Cancela

Executive Director

State Historic Preservation Officer

Cuartel de Ballajá Bldg.

San Juan, Puerto Rico

Re: Authorization to Submit Documents

Dear Arch. Rubio Cancela:

The U.S. Department of Housing (HUD) approved the allocations of Community Development Block Grant (CDBG-DR) funds on February 9, 2018. It also approved the allocation of Community Development Block Grant Mitigation (CDBG-MIT) funds on January 27, 2020. The purpose of these allocations is to address unsatisfied needs as a result of Hurricanes Irma and Maria in September 2017; and to carry out strategic and high-impact activities to mitigate disaster risks and reduce future losses.

To comply with the environmental requirements established by HUD, the Department of Housing of Puerto Rico (PRDOH) contracted Horne Federal LLC to provide environmental registry review services, among others, that will support the objectives of the agenda for both CDBG-DR and CDBG -MIT Programs.

In line to expedite the processes, Horne Federal LLC, is authorized to submit to the State Historic Preservation Officer, documentation of projects related to both the CDBG-DR and CDBG-MIT on behalf of PRDOH.

Cordially,

A handwritten signature in blue ink, appearing to read 'Juan C. Pérez Bofill'.

Juan C. Pérez Bofill, P.E. M.Eng

Director of Disaster Recovery

CDBG DR-MIT