



**U.S. Department of Housing and Urban
Development**
451 Seventh Street, SW
Washington, DC 20410
www.hud.gov
espanol.hud.gov

**Environmental Review for Activity/Project that is
Categorically Excluded Subject to Section 58.5
Pursuant to 24 CFR 58.35(a)**

Project Information

Project Name: PR-RGRW-00697-W-RE

HEROS Number: 900000010372111

Start Date: 12/19/2023

State / Local Identifier:

Project Location: , Moca, PR 00676

Additional Location Information:

The project is located at coordinates - Greenhouse: (18.327169, -67.054793), Solar System/freight container: (18.327134, -67.054702), Water Cistern 1: (18.327136, -67.054656), Water Cistern 2: (18.327121, -67.054662), Water Cistern 3: (18.327649, -67.054806) at the address given above. Tax ID Numbers: 128-000-001-89-000 and 128-042-063-21-000

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:

This project (PR-RGRW-00697-W-RE) entails the award of a grant to E&D Herbs Medicine Natural Products, an agricultural business, at Carr 423 Km 12.8, Bo Plata Alta, PR 00676. Tax ID Numbers: 128-000-001-89-000 and 128-042-063-21-000. Coordinates - Greenhouse: (18.327169, -67.054793), Solar System/freight container: (18.327134, -67.054702), Water Cistern 1: (18.327136, -67.054656), Water Cistern 2: (18.327121, -67.054662), Water Cistern 3: (18.327649, -67.054806). This project had an original CENST review which included the purchase of farm equipment including fertile soil, UTV, and a trailer placed on bare ground for project cost of \$ 38,659.12. See attached CENST environmental review. This review includes scope items previously considered as an EA level of review which are now evaluated as CEST level of review in accordance with FR-6492-N-01 with a project cost of \$90,811.00. The proposed project includes the construction and installation of a new greenhouse, a solar system, three 2,500-gallon water cisterns, and a water sprayer system. The new greenhouse is approximately 1,920 square feet [sq ft] in size (32 feet [ft] by 60 ft) with a total height of approximately 16 ft. The greenhouse will be built on an anti-acid net with 16 posts placed approximately 8 ft apart secured by 2 ft by 2 ft concrete footers extending no more 2 ft deep. No grading or tree clearing will be required for the greenhouse. The three, plastic water cisterns hold 2,500-gallons each and will be placed directly on the ground. Two of the water cisterns will be connected to the new greenhouse and one cistern will be connected to an existing greenhouse on the property (18.3277, -67.0547) that has an existing water pump connection that will be added to cistern 3. The electrical connection will be above ground. All three cisterns will be connected to a water source provided by AAA using aboveground PVC pipe. Approximately 250 ft of PVC pipe will be used to make the connections from the water source to the new greenhouse's two cisterns, and an additional 60 ft will be needed for the connection from the third cistern to

the existing greenhouse. A sprayer system will be installed in the new greenhouse and will be connected above ground to the two cisterns and a solar system. The water spray system will be connected aboveground within the footprint of the greenhouse. The proposed solar system is expected to be no larger than 40 ft by 8 ft (320 sq ft) and will be placed on top of an existing 40 ft by 8 ft by 8.5 ft shipping container that will be moved adjacent to the greenhouse in an area that is currently vacant and flat therefore, grading will not be required. The photovoltaic system will provide the greenhouse, cisterns, and water pumps with the required electricity therefore a connection from a municipal source will not be required. No tree clearing is required for construction. The project E&D Herbs Medicine Natural Products, PR-RGRW-00697-W-RE has been evaluated in accordance with FR-6492-N-01. The activities identified CE: #7 - 7. 7 CFR 799.32(e) (2) (iii): Construction of a new farm storage facility. HUD Level of Review: CEST. Potential application to HUD activities: Construction of a new farm storage facility with ground disturbance, and CE: #10 - 10. 7 CFR 799.32(e) (2) (xxvii): Watering tank or trough installation, if in areas not previously disturbed. HUD Level of Review: CEST. Potential application to HUD activities: Agricultural watering tank or trough installation that includes new ground disturbance have been classified as CEST under the waiver.

Level of Environment Review Determination:

Categorically Excluded per 24 CFR 58.35(a), and subject to laws and authorities at §58.5: 58.35(a)(3)(iii)

Funding Information

Grant Number	HUD Program	Program Name	
B-17-DM-72-0001	Community Planning and Development (CPD)	Community Development Block Grants (Disaster Recovery Assistance)	\$0.00
B-18-DE-72-0001	Community Planning and Development (CPD)	Community Development Block Grants (Disaster Recovery Assistance)	\$0.00
B-18-DP-72-0001	Community Planning and Development (CPD)	Community Development Block Grants (Disaster Recovery Assistance)	\$0.00
B-19-DP-78-0002	Community Planning and Development (CPD)	Community Development Block Grants (Disaster Recovery Assistance)	\$0.00

Estimated Total HUD Funded Amount: \$90,811.00

Estimated Total Project Cost [24 CFR 58.2 (a) (5)]: \$90,811.00

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

Summarized below are 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.

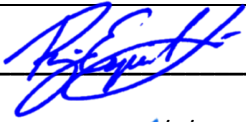
Law, Authority, or Factor	Mitigation Measure or Condition	Comments on Completed Measures	Complete
Endangered Species Act	The United States Fish and Wildlife Service (USFWS) Caribbean Ecological Services Field	N/A	

	<p>Office reviewed the information provided and their files, and on October 28, 2024 concurred with the determination that the proposed project actions will have May Affect, but is Not Likely to Adversely Affect (NLAA) the Puerto Rican Boa.</p> <p>The USFWS NLAA concurrence is conditioned to the following: (1) if a Boa is encountered, the Conservation Measures will be in accordance with the USFWS Puerto Rican Boa Conservation Measures 2024.</p> <p>Obligations under section 7 of the Act must be reconsidered if: (1) new information reveals impacts of this identified action that may affect listed species or critical habitat in a manner that was not previously considered; (2) this action is subsequently modified in a manner not previously considered in this assessment; or, (3) a new species is listed, or critical habitat determined that may be affected by the identified action.</p> <p>In conclusion, the USFWS concurred with the CDBG-DR/MIT Permits and Environmental Compliance Division NLAA determination. However, the applicant must be informed about the conditions of the determination of concurrence and implement them as described.</p>		
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Determination:

<input type="checkbox"/>	<p>This categorically excluded activity/project converts to EXEMPT per Section 58.34(a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license; Funds may be committed and drawn down after certification of this part for this (now) EXEMPT project; OR</p>
<input checked="" type="checkbox"/>	<p>This categorically excluded activity/project cannot convert to Exempt status because one or more statutes or authorities listed at Section 58.5 requires formal consultation or mitigation. Complete consultation/mitigation protocol requirements, publish NOI/RROF and obtain “Authority to Use Grant Funds” (HUD 7015.16) per Section 58.70 and 58.71 before committing or drawing down any funds; OR</p>

<input type="checkbox"/>	This project is not categorically excluded OR, if originally categorically excluded, is now subject to a full Environmental Assessment according to Part 58 Subpart E due to extraordinary circumstances (Section 58.35(c)).
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Preparer Signature:  Date: April 7, 2025

Name / Title/ Organization: Ricardo Espiet Lopez / / Department of Housing - Puerto Rico

Responsible Entity Agency Official Signature:  Date: 4/7/2025

Name/ Title: Pedro A. de León Rodríguez, MSEM/Permits and Environmental Compliance Specialist

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

**Environmental Review for Activity/Project that is
Categorically Excluded Subject to Section 58.5
Pursuant to 24 CFR 58.35(a)**

Project Information

Project Name: PR-RGRW-00697-W-RE

HEROS Number: 900000010372111

Start Date: 12/19/2023

Responsible Entity (RE): Department of Housing - Puerto Rico, P.O. Box 21365 San
Juan PR, 00928

State / Local Identifier:

RE Preparer: Ricardo Espiet Lopez

Certifying Office
r:

**Grant Recipient (if different than Responsible Ent
ity):**

Point of Contact:

Point of Contact: Justin Neely

Consultant (if applicable): HORNE LLP

40 CFR 1506.5(b)(4): The lead agency or, where appropriate, a cooperating agency shall prepare a disclosure statement for the contractor's execution specifying that the contractor has no financial or other interest in the outcome of the action. Such statement need not include privileged or confidential trade secrets or other confidential business information.

- ✓ By checking this box, I attest that as a preparer, I have no financial or other interest in the outcome of the undertaking assessed in this environmental review.

Project Location: , Moca, PR 00676

Additional Location Information:

The project is located at coordinates - Greenhouse: (18.327169, -67.054793), Solar System/freight container: (18.327134, -67.054702), Water Cistern 1: (18.327136, -67.054656), Water Cistern 2: (18.327121, -67.054662), Water Cistern 3: (18.327649, -67.054806) at the address given above. Tax ID Numbers: 128-000-001-89-000 and 128-042-063-21-000

Direct Comments to: environmentcdbg@vivienda.pr.gov

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:

This project (PR-RGRW-00697-W-RE) entails the award of a grant to E&D Herbs Medicine Natural Products, an agricultural business, at Carr 423 Km 12.8, Bo Plata Alta, PR 00676. Tax ID Numbers: 128-000-001-89-000 and 128-042-063-21-000. Coordinates - Greenhouse: (18.327169, -67.054793), Solar System/freight container: (18.327134, -67.054702), Water Cistern 1: (18.327136, -67.054656), Water Cistern 2: (18.327121, -67.054662), Water Cistern 3: (18.327649, -67.054806). This project had an original CENST review which included the purchase of farm equipment including fertile soil, UTV, and a trailer placed on bare ground for project cost of \$ 38,659.12. See attached CENST environmental review. This review includes scope items previously considered as an EA level of review which are now evaluated as CEST level of review in accordance with FR-6492-N-01 with a project cost of \$90,811.00. The proposed project includes the construction and installation of a new greenhouse, a solar system, three 2,500-gallon water cisterns, and a water sprayer system. The new greenhouse is approximately 1,920 square feet [sq ft] in size (32 feet [ft] by 60 ft) with a total height of approximately 16 ft. The greenhouse will be built on an anti-acid net with 16 posts placed approximately 8 ft apart secured by 2 ft by 2 ft concrete footers extending no more 2 ft deep. No grading or tree clearing will be required for the greenhouse. The three, plastic water cisterns hold 2,500-gallons each and will be placed directly on the ground. Two of the water cisterns will be connected to the new greenhouse and one cistern will be connected to an existing greenhouse on the property (18.3277, -67.0547) that has an existing water pump connection that will be added to cistern 3. The electrical connection will be above ground. All three cisterns will be connected to a water source provided by AAA using aboveground PVC pipe. Approximately 250 ft of PVC pipe will be used to make the connections from the water source to the new greenhouse's two cisterns, and an additional 60 ft will be needed for the connection from the third cistern to the existing greenhouse. A sprayer system will be installed in the new greenhouse and will be connected above ground to the two cisterns and a solar system. The water spray system will be connected aboveground within the footprint of the greenhouse. The proposed solar system is expected to be no larger than 40 ft by 8 ft (320 sq ft) and will be placed on top of an existing 40 ft by 8 ft by 8.5 ft shipping container that will be

moved adjacent to the greenhouse in an area that is currently vacant and flat therefore, grading will not be required. The photovoltaic system will provide the greenhouse, cisterns, and water pumps with the required electricity therefore a connection from a municipal source will not be required. No tree clearing is required for construction. The project E&D Herbs Medicine Natural Products, PR-RGRW-00697-W-RE has been evaluated in accordance with FR-6492-N-01. The activities identified CE: #7 - 7. 7 CFR 799.32(e) (2) (iii): Construction of a new farm storage facility. HUD Level of Review: CEST. Potential application to HUD activities: Construction of a new farm storage facility with ground disturbance, and CE: #10 - 10. 7 CFR 799.32(e) (2) (xxxvii): Watering tank or trough installation, if in areas not previously disturbed. HUD Level of Review: CEST. Potential application to HUD activities: Agricultural watering tank or trough installation that includes new ground disturbance have been classified as CEST under the waiver.

Maps, photographs, and other documentation of project location and description:

- [ReEvaluation Memo .docx](#)
- [PR-RGRW-00697-W-RE Site Map.pdf](#)
- [PR-RGRW-00697-W-RE IUGF.pdf](#)
- [PR-RGRW-00697 CENST ERR.pdf](#)
- [PRDOH Regrow Puerto Rico Program - 5836 Waiver \(002\).pdf](#)
- [Farm Service Agency Adopted Categorical Exclusions Identified in FR-6492-N-01.pdf](#)

Level of Environmental Review Determination:

Categorically Excluded per 24 CFR 58.35(a), and subject to laws and authorities at 58.5:
 58.35(a)(3)(iii)

Determination:

	This categorically excluded activity/project converts to EXEMPT per Section 58.34(a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license; Funds may be committed and drawn down after certification of this part for this (now) EXEMPT project; OR
✓	This categorically excluded activity/project cannot convert to Exempt status because one or more statutes or authorities listed at Section 58.5 requires formal consultation or mitigation. Complete consultation/mitigation protocol requirements, publish NOI/RROF and obtain "Authority to Use Grant Funds" (HUD 7015.16) per Section 58.70 and 58.71 before committing or drawing down any funds; OR
	This project is not categorically excluded OR, if originally categorically excluded, is now subject to a full Environmental Assessment according to Part 58 Subpart E due to extraordinary circumstances (Section 58.35(c)).

Approval Documents:[00697-SIG-PAGE\(1\).pdf](#)**7015.15 certified by Certifying Officer**

on:

7015.16 certified by Authorizing Officer

on:

Reevaluation of a Completed Review

The environmental findings of a completed environmental review were re-evaluated to determine if the original findings are still valid for all of the three scenarios below:

- a. Substantial changes in the nature, magnitude, or extent of the project, including adding new activities not anticipated in the original scope of the project are proposed.
- b. There are new circumstances and environmental conditions which may affect the project or have a bearing on its impact, such as concealed or unexpected conditions discovered during the implementation of the project, or
- c. The selection of an alternative not in the original finding is proposed.

It was determined that the original findings were not still valid.

Statement or memo documenting determination:

The project E&D Herbs Medicine Natural Products, PR-RGRW-00697-W-RE has been evaluated in accordance with FR-6492-N-01. The activities identified CE: #7 - 7. 7 CFR 799.32(e) (2) (iii): Construction of a new farm storage facility. HUD Level of Review: CEST. Potential application to HUD activities: Construction of a new farm storage facility with ground disturbance, and CE: #10 - 10. 7 CFR 799.32(e) (2) (xxxvii): Watering tank or trough installation, if in areas not previously disturbed. HUD Level of Review: CEST. Potential application to HUD activities: Agricultural watering tank or trough installation that includes new ground disturbance have been classified as CEST under the waiver.

[ReEvaluation Memo \(1\).docx](#)[PRDOH Regrow Puerto Rico Program - 5836 Waiver \(002\)\(1\).pdf](#)[Farm Service Agency Adopted Categorical Exclusions Identified in FR-6492-N-01\(1\).pdf](#)

Funding Information

Grant / Project Identification Number	HUD Program	Program Name	Funding Amount
B-17-DM-72-0001	Community Planning and Development (CPD)	Community Development Block Grants (Disaster Recovery Assistance)	\$0.00
B-18-DE-72-0001	Community Planning and Development (CPD)	Community Development Block Grants (Disaster Recovery Assistance)	\$0.00
B-18-DP-72-0001	Community Planning and Development (CPD)	Community Development Block Grants (Disaster Recovery Assistance)	\$0.00
B-19-DP-78-0002	Community Planning and Development (CPD)	Community Development Block Grants (Disaster Recovery Assistance)	\$0.00

Estimated Total HUD Funded, Assisted or Insured Amount: \$90,811.00

Estimated Total Project Cost: \$90,811.00

Compliance with 24 CFR §50.4, §58.5 and §58.6 Laws and Authorities

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §50.4, §58.5, and §58.6	Are formal compliance steps or mitigation required?	Compliance determination (See Appendix A for source determinations)
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 & § 58.6		
Airport Hazards Clear Zones and Accident Potential Zones; 24 CFR Part 51 Subpart D	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The nearest civil primary or commercial service airport, Eugenio Maria De Hostos, is located 39,374 ft (7 miles [mi]) from the project site. The nearest military airport, Luis Munoz Marin International Airport, is located 362,385 ft (69 mi) from the project site. The project is in compliance with Airport Hazards requirements.
Coastal Barrier Resources Act Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project is not located in a CBRS Unit. It is at 47,749 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.
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Flood Map Number 72000C0535J, effective on 11/18/2009: The structure or insurable property is not located in a FEMA-designated Special Flood Hazard Area. While flood insurance may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). The project is in compliance with flood insurance requirements.
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 & § 58.5		
Air Quality Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	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.
Coastal Zone Management Act Coastal Zone Management Act, sections 307(c) & (d)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project is not located in or does not affect a Coastal Zone as defined in the state Coastal Management Plan. The project is located 42,073 feet from the coastal zone. The project is in compliance with the Coastal Zone Management Act.
Contamination and Toxic Substances 24 CFR 50.3(i) & 58.5(i)(2)]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Site contamination was evaluated as follows: None of the above. 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. The project is in compliance with contamination and toxic substances requirements. At the time of this review, this section has not been updated in HEROS to include questions regarding radon. A review of science-based radon data offered a lack of data for the project site and radon testing was determined to be infeasible or impracticable. See attached radon documents.

<p>Endangered Species Act Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>This project May Affect, but is Not Likely to Adversely Affect, listed species, and informal consultation was conducted. With mitigation, identified in the mitigation section of this review, the project will be in compliance with the Endangered Species Act.</p>
<p>Explosive and Flammable Hazards Above-Ground Tanks)[24 CFR Part 51 Subpart C</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>Based on the project description the project includes no activities that would require further evaluation under this section. The project is in compliance with explosive and flammable hazard requirements.</p>
<p>Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>This project does not include any activities that could potentially convert agricultural land to a non-agricultural use. The project is in compliance with the Farmland Protection Policy Act.</p>
<p>Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>Flood Map Number 72000C0535J, effective on 11/18/2009: This project does not occur in a floodplain. The project is in compliance with Executive Order 11988. PFIRMS in Puerto Rico were only developed for certain sections of the municipalities of Carolina, Canovanas, Loiza, San Juan and Trujillo Alto. The proposed project is located in the municipality of Moca; therefore, PFIRM information was not available for the area and therefore not considered in the review. At the time of this review, this section has not been updated in HEROS to include questions regarding FFRMS. This project does not occur in the FFRMS floodplain. The project is in compliance with Executive Orders 11988 and 13690.</p>
<p>Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>Based on Section 106 consultation there are No Historic Properties Affected because there are no historic properties present. The project is in compliance with Section 106.</p>
<p>Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>Based on the project description, this project includes no activities that would require further evaluation under HUD's noise regulation. The project is in</p>

Act of 1978; 24 CFR Part 51 Subpart B		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	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project is not located on a sole source aquifer area. According to EPA, there are no sole source aquifers in Puerto Rico. The project is in compliance with Sole Source Aquifer requirements.
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Based on the project description this project includes no activities that would require further evaluation under this section. The project is in compliance with Executive Order 11990. This project does not involve new construction, so a visual wetlands survey was not conducted.
Wild and Scenic Rivers Act Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project is not within proximity of a NWSRS river. The project is located 438,902 feet from the nearest Wild and Scenic River. The project is in compliance with the Wild and Scenic Rivers Act.
HUD HOUSING ENVIRONMENTAL STANDARDS		
ENVIRONMENTAL JUSTICE		
Environmental Justice Executive Order 12898	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898. On January 21, 2025, President Donald Trump issued the Executive Order 14173 titled "Ending Illegal Discrimination and Restoring Merit-Based Opportunity", which revoked Executive Order 12898 and eliminated federal mandates requiring agencies to assess environmental justice impacts. Consequently, there is no longer a federal requirement to address environmental justice concerns in the environmental compliance review process.

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

Summarized below are 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 or Condition	Comments on Completed Measures	Mitigation Plan	Complete
Endangered Species Act	<p>The United States Fish and Wildlife Service (USFWS) Caribbean Ecological Services Field Office reviewed the information provided and their files, and on October 28, 2024 concurred with the determination that the proposed project actions will have May Affect, but is Not Likely to Adversely Affect (NLAA) the Puerto Rican Boa.</p> <p>The USFWS NLAA concurrence is conditioned to the following: (1) if a Boa is encountered, the Conservation Measures will be in accordance with the USFWS Puerto Rican Boa Conservation Measures 2024.</p> <p>Obligations under section 7 of the Act must be reconsidered if: (1) new information reveals impacts of this identified action that may affect listed species or critical habitat in a manner that was not previously considered; (2) this action is subsequently modified in a manner not previously considered in this assessment; or, (3) a new species is listed, or critical habitat determined that may be affected by the identified action.</p> <p>In conclusion, the USFWS concurred with the CDBG-DR/MIT Permits and Environmental</p>	N/A		

	Compliance Division NLAA determination. However, the applicant must be informed about the conditions of the determination of concurrence and implement them as described.			
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Project Mitigation Plan

Should new ground disturbance occur the Karst zone must be evaluated and when necessary DNER must be consulted prior to construction activities. The United States Fish and Wildlife Service (USFWS) Caribbean Ecological Services Field Office reviewed the information provided and their files, and on October 28, 2024 concurred with the determination that the proposed project actions will have May Affect, but is Not Likely to Adversely Affect (NLAA) the Puerto Rican Boa. The USFWS NLAA concurrence is conditioned to the following: (1) if a Boa is encountered, the Conservation Measures will be in accordance with the USFWS Puerto Rican Boa Conservation Measures 2024. Obligations under section 7 of the Act must be reconsidered if: (1) new information reveals impacts of this identified action that may affect listed species or critical habitat in a manner that was not previously considered; (2) this action is subsequently modified in a manner not previously considered in this assessment; or, (3) a new species is listed, or critical habitat determined that may be affected by the identified action. In conclusion, the USFWS concurred with the CDBG-DR/MIT Permits and Environmental Compliance Division NLAA determination. However, the applicant must be informed about the conditions of the determination of concurrence and implement them as described.

Supporting documentation on completed measures

APPENDIX A: Related Federal Laws and Authorities

Airport Hazards

General policy	Legislation	Regulation
It is HUD's policy to apply standards to prevent incompatible development around civil airports and military airfields.		24 CFR Part 51 Subpart D

1. To ensure compatible land use development, you must determine your site's proximity to civil and military airports. Is your project within 15,000 feet of a military airport or 2,500 feet of a civilian airport?

✓ No

Based on the response, the review is in compliance with this section. Document and upload the map showing that the site is not within the applicable distances to a military or civilian airport below

Yes

Screen Summary

Compliance Determination

The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The nearest civil primary or commercial service airport, Eugenio Maria De Hostos, is located 39,374 ft (7 miles [mi]) from the project site. The nearest military airport, Luis Munoz Marin International Airport, is located 362,385 ft (69 mi) from the project site. The project is in compliance with Airport Hazards requirements.

Supporting documentation

[PR-RGRW-00697-W-RE Airports.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Coastal Barrier Resources

General requirements	Legislation	Regulation
HUD financial assistance may not be used for most activities in units of the Coastal Barrier Resources System (CBRS). See 16 USC 3504 for limitations on federal expenditures affecting the CBRS.	Coastal Barrier Resources Act (CBRA) of 1982, as amended by the Coastal Barrier Improvement Act of 1990 (16 USC 3501)	

1. Is the project located in a CBRS Unit?

No

Document and upload map and documentation below.

Yes

Screen Summary

Compliance Determination

This project is not located in a CBRS Unit. It is at 47,749 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.

Supporting documentation

[PR-RGRW-00697-W-RE CBRS.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Flood Insurance

General requirements	Legislation	Regulation
Certain types of federal financial assistance may not be used in floodplains unless the community participates in National Flood Insurance Program and flood insurance is both obtained and maintained.	Flood Disaster Protection Act of 1973 as amended (42 USC 4001-4128)	24 CFR 50.4(b)(1) and 24 CFR 58.6(a) and (b); 24 CFR 55.1(b).

1. Does this project involve financial assistance for construction, rehabilitation, or acquisition of a mobile home, building, or insurable personal property?

No. This project does not require flood insurance or is excepted from flood insurance.

✓ Yes

2. Upload a FEMA/FIRM map showing the site here:

[PR-RGRW-00697-W-RE FIRM.pdf](#)

The Federal Emergency Management Agency (FEMA) designates floodplains. The [FEMA Map Service Center](#) provides this information in the form of FEMA Flood Insurance Rate Maps (FIRMs). For projects in areas not mapped by FEMA, use the best available information to determine floodplain information. Include documentation, including a discussion of why this is the best available information for the site. Provide FEMA/FIRM floodplain zone designation, panel number, and date within your documentation.

Is the structure, part of the structure, or insurable property located in a FEMA-designated Special Flood Hazard Area?

✓ No

Based on the response, the review is in compliance with this section.

Yes

4. While flood insurance is not mandatory for this project, HUD strongly recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). Will flood insurance be required as a mitigation measure or condition?

Yes

✓ No

Screen Summary

Compliance Determination

Flood Map Number 72000C0535J, effective on 11/18/2009: The structure or insurable property is not located in a FEMA-designated Special Flood Hazard Area. While flood insurance may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). The project is in compliance with flood insurance requirements.

Supporting documentation

Are formal compliance steps or mitigation required?

Yes

✓ No

Air Quality

General requirements	Legislation	Regulation
The Clean Air Act is administered by the U.S. Environmental Protection Agency (EPA), which sets national standards on ambient pollutants. In addition, the Clean Air Act is administered by States, which must develop State Implementation Plans (SIPs) to regulate their state air quality. Projects funded by HUD must demonstrate that they conform to the appropriate SIP.	Clean Air Act (42 USC 7401 et seq.) as amended particularly Section 176(c) and (d) (42 USC 7506(c) and (d))	40 CFR Parts 6, 51 and 93

1. Does your project include new construction or conversion of land use facilitating the development of public, commercial, or industrial facilities OR five or more dwelling units?

Yes

✓ No

Based on the response, the review is in compliance with this section.

Screen Summary

Compliance Determination

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.

Supporting documentation

Are formal compliance steps or mitigation required?

Yes

✓ No

Coastal Zone Management Act

General requirements	Legislation	Regulation
Federal assistance to applicant agencies for activities affecting any coastal use or resource is granted only when such activities are consistent with federally approved State Coastal Zone Management Act Plans.	Coastal Zone Management Act (16 USC 1451-1464), particularly section 307(c) and (d) (16 USC 1456(c) and (d))	15 CFR Part 930

1. Is the project located in, or does it affect, a Coastal Zone as defined in your state Coastal Management Plan?

Yes

No

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below.

Screen Summary

Compliance Determination

This project is not located in or does not affect a Coastal Zone as defined in the state Coastal Management Plan. The project is located 42,073 feet from the coastal zone. The project is in compliance with the Coastal Zone Management Act.

Supporting documentation

[PR-RGRW-00697-W-RE CZM.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Contamination and Toxic Substances

General Requirements	Legislation	Regulations
It is HUD policy that all properties that are being proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of the occupants or conflict with the intended utilization of the property.		24 CFR 58.5(i)(2) 24 CFR 50.3(i)
Reference		
https://www.onecpd.info/environmental-review/site-contamination		

1. How was site contamination evaluated?* Select all that apply.

ASTM Phase I ESA

ASTM Phase II ESA

Remediation or clean-up plan

ASTM Vapor Encroachment Screening.

None of the above

* HUD regulations at 24 CFR § 58.5(i)(2)(ii) require that the environmental review for multifamily housing with five or more dwelling units or non-residential property include the evaluation of previous uses of the site or other evidence of contamination on or near the site.

For acquisition and new construction of multifamily and nonresidential properties HUD strongly advises the review include an ASTM Phase I Environmental Site Assessment (ESA) to meet real estate transaction standards of due diligence and to help ensure compliance with HUD's toxic policy at 24 CFR §58.5(i) and 24 CFR §50.3(i). Also note that some HUD programs require an ASTM Phase I ESA.

2. Were any on-site or nearby toxic, hazardous, or radioactive substances found that could affect the health and safety of project occupants or conflict with the intended use of the property? (Were any recognized environmental conditions or RECs identified in a Phase I ESA and confirmed in a Phase II ESA?)

No

Explain:

There are no toxic sites within 3,000 feet of the applicant location. The environmental field observation did not note any items of concern. See the attached environmental field observation report. A google earth review of the area shows no visible hazards. The past land use for the last 10-15 year is agricultural.

Yes

Screen Summary

Compliance Determination

Site contamination was evaluated as follows: None of the above. 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. The project is in compliance with contamination and toxic substances requirements. At the time of this review, this section has not been updated in HEROS to include questions regarding radon. A review of science-based radon data offered a lack of data for the project site and radon testing was determined to be infeasible or impracticable. See attached radon documents.

Supporting documentation

[Radon Attachments.pdf](#)

[PR-RGRW-00697-W-RE Toxics.pdf](#)

[PR-RGRW-00697-W-RE Radon Memo.docx](#)

[PR-RGRW-00697-W-RE EFOR.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Endangered Species

General requirements	ESA Legislation	Regulations
Section 7 of the Endangered Species Act (ESA) mandates that federal agencies ensure that actions that they authorize, fund, or carry out shall not jeopardize the continued existence of federally listed plants and animals or result in the adverse modification or destruction of designated critical habitat. Where their actions may affect resources protected by the ESA, agencies must consult with the Fish and Wildlife Service and/or the National Marine Fisheries Service (“FWS” and “NMFS” or “the Services”).	The Endangered Species Act of 1973 (16 U.S.C. 1531 <i>et seq.</i>); particularly section 7 (16 USC 1536).	50 CFR Part 402

1. Does the project involve any activities that have the potential to affect species or habitats?

No, the project will have No Effect due to the nature of the activities involved in the project.

No, the project will have No Effect based on a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office

- ✓ Yes, the activities involved in the project have the potential to affect species and/or habitats.

2. Are federally listed species or designated critical habitats present in the action area?

No, the project will have No Effect due to the absence of federally listed species and designated critical habitat

- ✓ Yes, there are federally listed species or designated critical habitats present in the action area.

3. What effects, if any, will your project have on federally listed species or designated critical habitat?

No Effect: Based on the specifics of both the project and any federally listed species in the action area, you have determined that the project will have absolutely no effect on listed species or critical habitat. in the action area.

- ✓ May Affect, Not Likely to Adversely Affect: Any effects that the project may have on federally listed species or critical habitats would be beneficial, discountable, or insignificant.

Likely to Adversely Affect: The project may have negative effects on one or more listed species or critical habitat.

4. Informal Consultation is required

Section 7 of ESA (16 USC. 1536) mandates consultation to resolve potential impacts to endangered and threatened species and critical habitats. If a HUD-assisted project may affect any federally listed endangered or threatened species or critical habitat, then compliance is required with Section 7. See 50 CFR Part 402 Subpart B Consultation Procedures.

Did the Service(s) concur with the finding that the project is Not Likely to Adversely Affect?

- ✓ Yes, the Service(s) concurred with the finding.

Based on the response, the review is in compliance with this section. Document and upload the following below:

- (1) A biological evaluation or equivalent document
- (2) Concurrence(s) from FWS and/or NMFS
- (3) Any other documentation of informal consultation

Exception: If finding was made based on procedures provided by a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office, provide whatever documentation is mandated by that agreement.

No, the Service(s) did not concur with the finding.

6. For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the exact measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation. This information will be automatically included in the Mitigation summary for the environmental review. If negative effects cannot be mitigated, cancel the project using the button at the bottom of this screen.

✓ Mitigation as follows will be implemented:

The United States Fish and Wildlife Service (USFWS) Caribbean Ecological Services Field Office reviewed the information provided and their files, and on October 28, 2024 concurred with the determination that the proposed project actions will have May Affect, but is Not Likely to Adversely Affect (NLAA) the Puerto Rican Boa. The USFWS NLAA concurrence is conditioned to the following: (1) if a Boa is encountered, the Conservation Measures will be in accordance with the USFWS Puerto Rican Boa Conservation Measures 2024. Obligations under section 7 of the Act must be reconsidered if: (1) new information reveals impacts of this identified action that may affect listed species or critical habitat in a manner that was not previously considered; (2) this action is subsequently modified in a manner not previously considered in this assessment; or, (3) a new species is listed, or critical habitat determined that may be affected by the identified action. In conclusion, the USFWS concurred with the CDBG-DR/MIT Permits and Environmental Compliance Division NLAA determination. However, the applicant must be informed about the conditions of the determination of concurrence and implement them as described.

No mitigation is necessary.

Screen Summary

Compliance Determination

This project May Affect, but is Not Likely to Adversely Affect, listed species, and informal consultation was conducted. With mitigation, identified in the mitigation section of this review, the project will be in compliance with the Endangered Species Act.

Supporting documentation

[PR-RGRW-00697-W-RE USFWS Consultation Package.pdf](#)

[PR-RGRW-00697-W-RE USFWS Conservation Measures.pdf](#)
[PR-RGRW-00697-W-RE USFWS Concurrence Letter.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Explosive and Flammable Hazards

General requirements	Legislation	Regulation
HUD-assisted projects must meet Acceptable Separation Distance (ASD) requirements to protect them from explosive and flammable hazards.	N/A	24 CFR Part 51 Subpart C

1. Is the proposed HUD-assisted project itself the development of a hazardous facility (a facility that mainly stores, handles or processes flammable or combustible chemicals such as bulk fuel storage facilities and refineries)?

No

Yes

2. Does this project include any of the following activities: development, construction, rehabilitation that will increase residential densities, or conversion?

No

Based on the response, the review is in compliance with this section.

Yes

Screen Summary

Compliance Determination

Based on the project description the project includes no activities that would require further evaluation under this section. The project is in compliance with explosive and flammable hazard requirements.

Supporting documentation

Are formal compliance steps or mitigation required?

Yes

No

Farmlands Protection

General requirements	Legislation	Regulation
The Farmland Protection Policy Act (FPPA) discourages federal activities that would convert farmland to nonagricultural purposes.	Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 et seq.)	7 CFR Part 658

1. Does your project include any activities, including new construction, acquisition of undeveloped land or conversion, that could convert agricultural land to a non-agricultural use?

Yes

No

If your project includes new construction, acquisition of undeveloped land or conversion, explain how you determined that agricultural land would not be converted:

The project activities include the construction of a greenhouse, a new solar system on top of an existing freight container, a water sprayer system, and three water cisterns within open areas. The project site locations are classified as A-P (Agricola Productivo) land use. The proposed action is continued agricultural use of property, which is compatible with zoning and existing land use.

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below.

Screen Summary

Compliance Determination

This project does not include any activities that could potentially convert agricultural land to a non-agricultural use. The project is in compliance with the Farmland Protection Policy Act.

Supporting documentation

[PR-RGRW-00697-W-RE Farmlands.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Floodplain Management

General Requirements	Legislation	Regulation
Executive Order 11988, Floodplain Management, requires federal activities to avoid impacts to floodplains and to avoid direct and indirect support of floodplain development to the extent practicable.	Executive Order 11988	24 CFR 55

1. Do any of the following exemptions apply? Select the applicable citation? [only one selection possible]

- 55.12(c)(3)
- 55.12(c)(4)
- 55.12(c)(5)
- 55.12(c)(6)
- 55.12(c)(7)
- 55.12(c)(8)
- 55.12(c)(9)
- 55.12(c)(10)
- 55.12(c)(11)

None of the above

2. Upload a FEMA/FIRM map showing the site here:

[PR-RGRW-00697-W-RE FIRM.pdf](#)

The Federal Emergency Management Agency (FEMA) designates floodplains. The FEMA Map Service Center provides this information in the form of FEMA Flood Insurance Rate Maps (FIRMs). For projects in areas not mapped by FEMA, use **the best available information** to determine floodplain information. Include documentation, including a discussion of why this is the best available information for the site.

Does your project occur in a floodplain?

No

Based on the response, the review is in compliance with this section.

Yes

Screen Summary**Compliance Determination**

Flood Map Number 72000C0535J, effective on 11/18/2009: This project does not occur in a floodplain. The project is in compliance with Executive Order 11988. PFIRMs in Puerto Rico were only developed for certain sections of the municipalities of Carolina, Canovanas, Loiza, San Juan and Trujillo Alto. The proposed project is located in the municipality of Moca; therefore, PFIRM information was not available for the area and therefore not considered in the review. At the time of this review, this section has not been updated in HEROS to include questions regarding FFRMS. This project does not occur in the FFRMS floodplain. The project is in compliance with Executive Orders 11988 and 13690.

Supporting documentation

[PR-RGRW-00697-W-RE ABFE.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Historic Preservation

General requirements	Legislation	Regulation
Regulations under Section 106 of the National Historic Preservation Act (NHPA) require a consultative process to identify historic properties, assess project impacts on them, and avoid, minimize, or mitigate adverse effects	Section 106 of the National Historic Preservation Act (16 U.S.C. 470f)	36 CFR 800 “Protection of Historic Properties” https://www.govinfo.gov/content/pkg/CFR-2012-title36-vol3/pdf/CFR-2012-title36-vol3-part800.pdf

Threshold

Is Section 106 review required for your project?

No, because the project consists solely of activities listed as exempt in a Programmatic Agreement (PA). (See the PA Database to find applicable PAs.)
 No, because the project consists solely of activities included in a No Potential to Cause Effects memo or other determination [36 CFR 800.3(a)(1)].

- ✓ Yes, because the project includes activities with potential to cause effects (direct or indirect).

Step 1 – Initiate Consultation

Select all consulting parties below (check all that apply):

- ✓ State Historic Preservation Offer (SHPO) Completed

Indian Tribes, including Tribal Historic Preservation Officers (THPOs) or Native Hawaiian Organizations (NHOs)

Other Consulting Parties

Describe the process of selecting consulting parties and initiating consultation here:

Only SHPO was consulted as No Historic Properties Affected was determined and no Tribal Lands were identified.

Document and upload all correspondence, notices and notes (including comments and objections received below).

Was the Section 106 Lender Delegation Memo used for Section 106 consultation?

- Yes
- No

Step 2 – Identify and Evaluate Historic Properties

1. Define the Area of Potential Effect (APE), either by entering the address(es) or uploading a map depicting the APE below:

In the chart below, list historic properties identified and evaluated in the APE. Every historic property that may be affected by the project should be included in the chart.

Upload the documentation (survey forms, Register nominations, concurrence(s) and/or objection(s), notes, and photos) that justify your National Register Status determination below.

Address / Location / District	National Register Status	SHPO Concurrence	Sensitive Information
-------------------------------	--------------------------	------------------	-----------------------

Additional Notes:

No Historic Properties present within the APE

2. Was a survey of historic buildings and/or archeological sites done as part of the project?

- Yes
- ✓ No

Step 3 –Assess Effects of the Project on Historic Properties

Only properties that are listed on or eligible for the National Register of Historic Places receive further consideration under Section 106. Assess the effect(s) of the project by applying the Criteria of Adverse Effect. (36 CFR 800.5)] Consider direct and indirect effects as applicable as

per guidance on direct and indirect effects.

Choose one of the findings below - No Historic Properties Affected, No Adverse Effect, or Adverse Effect; and seek concurrence from consulting parties.

No Historic Properties Affected

Based on the response, the review is in compliance with this section. Document and upload concurrence(s) or objection(s) below.

Document reason for finding:

No historic properties present.

Historic properties present, but project will have no effect upon them.

No Adverse Effect

Adverse Effect

Screen Summary

Compliance Determination

Based on Section 106 consultation there are No Historic Properties Affected because there are no historic properties present. The project is in compliance with Section 106.

Supporting documentation

[PR-RGRW-00697-W-RE SHPO Package.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Noise Abatement and Control

General requirements	Legislation	Regulation
HUD’s noise regulations protect residential properties from excessive noise exposure. HUD encourages mitigation as appropriate.	Noise Control Act of 1972 General Services Administration Federal Management Circular 75-2: “Compatible Land Uses at Federal Airfields”	Title 24 CFR 51 Subpart B

1. What activities does your project involve? Check all that apply:

New construction for residential use

Rehabilitation of an existing residential property

A research demonstration project which does not result in new construction or reconstruction

An interstate land sales registration

Any timely emergency assistance under disaster assistance provision or appropriations which are provided to save lives, protect property, protect public health and safety, remove debris and wreckage, or assistance that has the effect of restoring facilities substantially as they existed prior to the disaster

None of the above

Screen Summary

Compliance Determination

Based on the project description, this project includes no activities that would require further evaluation under HUD's noise regulation. The project is in compliance with HUD's Noise regulation.

Supporting documentation

Are formal compliance steps or mitigation required?

Yes

No

Sole Source Aquifers

General requirements	Legislation	Regulation
<p>The Safe Drinking Water Act of 1974 protects drinking water systems which are the sole or principal drinking water source for an area and which, if contaminated, would create a significant hazard to public health.</p>	<p>Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300f et seq., and 21 U.S.C. 349)</p>	<p>40 CFR Part 149</p>

1. Does the project consist solely of acquisition, leasing, or rehabilitation of an existing building(s)?

- Yes
- No

2. Is the project located on a sole source aquifer (SSA)?

A sole source aquifer is defined as an aquifer that supplies at least 50 percent of the drinking water consumed in the area overlying the aquifer. This includes streamflow source areas, which are upstream areas of losing streams that flow into the recharge area.

- < No
-

Based on the response, the review is in compliance with this section. Document and upload documentation used to make your determination, such as a map of your project (or jurisdiction, if appropriate) in relation to the nearest SSA and its source area, below.

Yes

3. Does your region have a memorandum of understanding (MOU) or other working agreement with Environmental Protection Agency (EPA) for HUD projects impacting a sole source aquifer?

Yes

No

Screen Summary

Compliance Determination

The project is not located on a sole source aquifer area. According to EPA, there are no sole source aquifers in Puerto Rico. The project is in compliance with Sole Source Aquifer requirements.

Supporting documentation

[PR-RGRW-00697-W-RE Sole Source Aquifers.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Wetlands Protection

General requirements	Legislation	Regulation
Executive Order 11990 discourages direct or indirect support of new construction impacting wetlands wherever there is a practicable alternative. The Fish and Wildlife Service's National Wetlands Inventory can be used as a primary screening tool, but observed or known wetlands not indicated on NWI maps must also be processed. Off-site impacts that result in draining, impounding, or destroying wetlands must also be processed.	Executive Order 11990	24 CFR 55.20 can be used for general guidance regarding the 8 Step Process.

1. Does this project involve new construction as defined in Executive Order 11990, expansion of a building's footprint, or ground disturbance? The term "new construction" shall include draining, dredging, channelizing, filling, diking, impounding, and related activities and any structures or facilities begun or authorized after the effective date of the Order

✓ No

Based on the response, the review is in compliance with this section.

Yes

Screen Summary

Compliance Determination

Based on the project description this project includes no activities that would require further evaluation under this section. The project is in compliance with Executive Order 11990. This project does not involve new construction, so a visual wetlands survey was not conducted.

Supporting documentation

[PR-RGRW-00697-W-RE Wetlands.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Wild and Scenic Rivers Act

General requirements	Legislation	Regulation
The Wild and Scenic Rivers Act provides federal protection for certain free-flowing, wild, scenic and recreational rivers designated as components or potential components of the National Wild and Scenic Rivers System (NWSRS) from the effects of construction or development.	The Wild and Scenic Rivers Act (16 U.S.C. 1271-1287), particularly section 7(b) and (c) (16 U.S.C. 1278(b) and (c))	36 CFR Part 297

1. Is your project within proximity of a NWSRS river?

No

Yes, the project is in proximity of a Designated Wild and Scenic River or Study Wild and Scenic River.

Yes, the project is in proximity of a Nationwide Rivers Inventory (NRI) River.

Screen Summary

Compliance Determination

This project is not within proximity of a NWSRS river. The project is located 438,902 feet from the nearest Wild and Scenic River. The project is in compliance with the Wild and Scenic Rivers Act.

Supporting documentation

[PR-RGRW-00697-W-RE Wild and Scenic.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Environmental Justice

General requirements	Legislation	Regulation
Determine if the project creates adverse environmental impacts upon a low-income or minority community. If it does, engage the community in meaningful participation about mitigating the impacts or move the project.	Executive Order 12898	

HUD strongly encourages starting the Environmental Justice analysis only after all other laws and authorities, including Environmental Assessment factors if necessary, have been completed.

1. Were any adverse environmental impacts identified in any other compliance review portion of this project’s total environmental review?

Yes

No

Based on the response, the review is in compliance with this section.

Screen Summary

Compliance Determination

No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898. On January 21, 2025, President Donald Trump issued the Executive Order 14173 titled "Ending Illegal Discrimination and Restoring Merit-Based Opportunity", which revoked Executive Order 12898 and eliminated federal mandates requiring agencies to assess environmental justice impacts. Consequently, there is no longer a federal requirement to address environmental justice concerns in the environmental compliance review process.

Supporting documentation

Are formal compliance steps or mitigation required?

Yes

No



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Caribbean Ecological Services Field Office
Bayamón | Mayagüez | Maricao | Río Grande | St Croix
P.O. Box 491
Boquerón, Puerto Rico 00622



In Reply Refer to:
FWS/R4/CESFO/72099-Gen

Submitted Via Electronic Mail: jcperez@vivienda.pr.gov

Juan Carlos Pérez-Bofill, PE, MEng.
Director – Disaster Recovery CDBG-DR Program
Puerto Rico Department of Housing
P.O. Box 21365
San Juan, P.R 00928-1365

Re: CDBG-DR PR-RGRW-00697 E&D Herbs
Medicine Natural Products LLC, Moca, Puerto
Rico

Dear Mr. Pérez-Bofill

Thank you for your letter dated September 11, 2024, requesting informal consultation on the above referenced project. As per your request, our comments are provided under the Endangered Species Act (Act) (87 Stat. 884, as amended; 16 United States Code 1531 et seq.), and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.).

The Puerto Rico Department of Housing (PRDOH) is proposing the construction of a new greenhouse and installation of a new solar system, water spraying system and three 2,500-gallon cisterns. The project will be located on a 21.7 acres property on State Road PR-423, Cerro Gordo Ward (18°19'38.0"N 67°03'16.8"W) in the municipality of Moca, Puerto Rico. Ground disturbance is expected but no tree clearing, or vegetation removal is proposed.

Using the U.S. Fish and Wildlife Service's (Service) Information for Planning and Consultation (IPaC) system, the PRDOH has determined that the proposed project site is located within the range of the Puerto Rican boa (*Chilabothrus inornatus*).

The Caribbean Determination Key (DKey) in the IPaC application was used to evaluate the potential impacts to federally listed species for this project (Project code: 2024-0120986). Based on the answers provided, a consistency letter was obtained for the Puerto Rican boa, which determined that the proposed actions for this project may affect likely to adversely affect (MLAA) this species.

Based on the nature of the project, scope of work, information available, and analysis of the site which consists of grasses or barren ground and forested areas are present approximately 80 feet south of the project location, PRDOH has determined that the proposed project may affect, but is

not likely to adversely affect (NLAA) the Puerto Rican boa instead of the MLAA obtained by using the DKey. Conservation measures will be implemented in case an encounter with these species occur.

We have reviewed the information provided and our files, and concur with PRDOH's determination that the proposed project may affect, but is not likely to adversely affect the Puerto Rican boa with the implementation of the conservation measures.

In view of this, we believe that requirements of section 7 of the Endangered Species Act (Act) have been satisfied. However, obligations under section 7 of the Act must be reconsidered if: (1) new information reveals impact of this identified action that may affect listed species or critical habitat in a manner that was not previously considered; (2) this action is subsequently modified in a manner not previously considered in this assessment; or, (3) a new species is listed, or critical habitat determined that may be affected by the identified action.

Thank you for the opportunity to comment on this project. If you have any questions or require additional information, please contact us via email at caribbean_es@fws.gov or by phone at (786) 244-0081.

Sincerely,

LOURDES
MENA

Lourdes Mena
Field Supervisor

 Digitally signed by LOURDES
MENA
Date: 2024.10.28 22:00:20 -04'00'

drr

cc:
Susan Fischer, SWCA
HUD



❖ **Site-Visit Form**

❖ General Site Conditions and Field Notes:			
Does the address match the parcel location?	Yes	Does the lat/long match the parcel location?	Yes
Comments on location:			
<u>Question</u>	<u>Yes /No</u>	<u>Comments:</u>	
Was property accessible by vehicle?	Yes		
Were there any access issues? Examples of access issues: Dogs, Locked gate, Traffic hazards, Uncooperative residents, Confrontational Neighbors, *If no access issues please indicate with "None"	No		
Are water wells present? *please include lat/long of water well so it can be denoted on the sitemap	No		
Are creeks or ponds present? *please include lat/long of water well so it can be denoted on the sitemap	No		
Are any potential wetlands on-site or visible on adjacent parcel? *please include lat/long of water well so it can be denoted on the sitemap	No		
❖ Parcel Conditions			
Note – for Any Yes answers specify type, contents, and location			
Are commercial or industrial hazardous facilities at parcel or within visual sight?	No		
Are there signs of underground storage tanks?	No		



Are any above-ground tanks >10 gallons present? If yes, what are the content and conditions of each tank?	No	
Are 55-gallon drums present? If yes, what are the content and conditions of each tank?	No	
Are abandoned vehicles or electrical equipment present?	No	
Are there any signs of illegal dumping within or next to the applicant parcel?	No	
Is other potential environmentally hazardous debris on the parcel?	No	
Is there non-environmentally hazardous debris on the parcel?	No	
Are any leaks, soil stains, or stressed vegetation present? If yes, what is the source of the staining/stress?	No	
Are there any pungent, foul or noxious odors?	No	
Other Components (e.g., gas tanks, cisterns, water tanks, abandoned vehicles, etc.)		
Type	Details	
Are there any potentially hazardous trees that could fall?	No	
Are any bird nests visible?	No	



Are there any animal burrows visible?	No	
Are there any signs of potential/preferred T&E habitat in the area?	Yes	Applicant's farm and surrounding areas are suitable for puertorrican T&E species.
Natural Resources (e.g., endemic plants, endangered species, water bodies, wetlands, etc.) {include the ones inside the property and in direct sight view of the site location}		
Type or Species	Description	
Are there any buildings in direct visual sight of the project locations? Take photo and ask applicant when the structure was built)	No	Only applicant's house
Structures (e.g., residences, commercial buildings, etc.) {include the ones inside the property and in direct sight view of the site location}		
Built Date	Type of Construction	
❖ Additional Environmental Hazards Analysis		
Based on the above findings, does additional information need to be obtained from the applicant to determine whether an environmental hazard is present?	No	

I verify that I have physically visited this property and that the findings outlined above are accurate.



Inspector Signature *Armando Ramos*

{Inspector Name} Armando Ramos

{Inspection Date} 03/05/2024

Following pages are used for:

Location Map with parcel boundaries and building point (Aerial base with streets labelled)

Photos taken during inspection, with Date / Type / Direction associated with the photo



Site-Visit Tips:

Tips before going to the field:

1. Confirm with the applicant the appointment the same week, the day prior, or the same day hours before leaving for the site inspection.
2. Check the vehicle, and equipment (e.g. did you download the field map)
3. Don't leave the field without the contact information of the applicant, you may need directions along the way.
4. Make sure you read the Pre-Site Environmental Questionnaire.
 - a. It is good practice to ask the EA writer and the Project Manager (PM) if they want us to pay attention or to ask something in particular.
5. The RFA document might give you what the funds were requested for, this is important because sometimes they applicants will keep talking about the projects, but not mention who's going to pay what.
6. Sign the JHA; make sure the PM has the time to prepare the document.

For the following always take pictures:

1. If there is a sign of site preparation, please ask when it happened and what they did (e.g. grading, filling, etc.)
2. Tree clearing – ask them about permits, and what type of tree it is.
3. When an applicant is not sure about the exact location of the project, make sure you take several overview pictures or a central point with N, E, S, and W views.
 1. Please be prepared to let the applicant know where wetlands are located within their parcel boundaries. This will help ensure they do not try and plan to locate any activities within wetlands (and/or ensure we know which permits will be required).
4. Ask about any organic debris (grasses, dirt, etc.) and other materials such as construction materials, buckets, tarps, etc., and what they plan to do to them.
5. Structures with a direct view of the project (ask when it was built).
6. Natural resources – water bodies, burrows, birds or nests, wetlands, erosion, landslides, etc.

Project #: PR-RGRW-00697	Photographer: Armando Ramos
Location Address: Carr 423 Km 12.5, Bo Plata Alta, PR 00676	Coordinates: 18.328349, -67.05565

Photo #: 01	Date: 03/05/20 24	
Photo Direction: Southwest		
Description: Overview of site location for greenhouse 32x60x16ft and 3 cisterns.		

Photo #: 02	Date: 03/05/20 24	
Photo Direction: South		
Description: Overview of site location for greenhouse 32x60x16ft and 3 cisterns.		

Photo #: 03	Date: 03/05/20 24	
-----------------------	--------------------------------	--

Project #: PR-RGRW-00697	Photographer: Armando Ramos
Location Address: Carr 423 Km 12.5, Bo Plata Alta, PR 00676	Coordinates: 18.328349, -67.05565

Photo Direction: Northwest
Description: SE corner of location for greenhouse 32x60x16ft.



Photo #: 04	Date: 03/05/20 24
Photo Direction: East	
Description: West corner of location for greenhouse 32x60x16ft.	



Photo #: 05	Date: 03/05/20 24
Photo Direction: South	

Project #: PR-RGRW-00697	Photographer: Armando Ramos
Location Address: Carr 423 Km 12.5, Bo Plata Alta, PR 00676	Coordinates: 18.328349, -67.05565

Description:
North corner of location for greenhouse 32x60x16ft.



Photo #: 06	Date: 03/05/20 24
-----------------------	--------------------------------

Photo Direction:
West

Description:
East corner of location for greenhouse 32x60x16ft.



Photo #: 07	Date: 03/05/20 24
-----------------------	--------------------------------

Photo Direction:
Northwest

Project #: PR-RGRW-00697	Photographer: Armando Ramos
Location Address: Carr 423 Km 12.5, Bo Plata Alta, PR 00676	Coordinates: 18.328349, -67.05565

Description:
Location for solar panels.



Photo #: 08	Date: 03/05/20 24
Photo Direction: Southeast	
Description: Location for 3 cisterns.	



Photo #: 09	Date: 03/05/20 24
Photo Direction: East	

Project #: PR-RGRW-00697	Photographer: Armando Ramos
Location Address: Carr 423 Km 12.5, Bo Plata Alta, PR 00676	Coordinates: 18.328349, -67.05565

Description:
Water source for
greenhouse.





DEPARTMENT OF

HOUSING

GOVERNMENT OF PUERTO RICO



Memorandum to File

Date: 3/27/2025

From: Justin Neely
Environmental Manager
CDBG-DR Program
Regrow Puerto Rico Program
Puerto Rico Department of Housing

Application Number: PR-RGRW-00697-W-RE

Project: E&D Herbs Medicine Natural Products

Re: Justification for the Infeasibility and Impracticability of Radon Testing

After reviewing Application Number PR-RGRW-00697-W-RE under the Regrow Puerto Rico Program, administered by the Puerto Rico Department of Housing (**PRDOH**), to complete the property's contamination analysis in accordance with 24 C.F.R. § 50.3(i) and 24 C.F.R. § 58.5(i), we have determined that testing the property's radon levels is infeasible and impracticable.

Per the U.S. Department of Housing and Urban Development's (**HUD**) CPD Notice 23-103, the recommended best practices and alternative options for radon testing are infeasible and impracticable in this case due to the following reasons:

- As required by the CPD Notice 23-103, the scientific data reviewed in lieu of testing must consist of a minimum of ten documented test results over the previous ten years. If there are less than ten documented results over this

period, it is understood that there is a lack of scientific data. The latest report for radon testing in Puerto Rico was prepared in 1995 by the U.S. Department of the Interior in Cooperation with the U.S. Environmental Protection Agency. No other completed studies and reports on radon testing are available in Puerto Rico.

- There is no available science-based or state-generated information for Puerto Rico for the last ten years that can be used to determine whether the project site is in a high-risk area. The Department of Health and Human Services, Centers for Disease Control and Prevention (**CDC**), National Environmental Public Health Tracking, and Radon Testing map do not include Puerto Rico data.
- There are only two (2) licensed professionals in Puerto Rico who can conduct radon testing using the American National Standards Institute/American Association of Radon Scientists and Technologists (**ANSI/AARST**) testing standards, which makes it difficult, time-consuming, and highly expensive to coordinate and secure a site visit for the contamination evaluation.
- Do-it-yourself (**DIY**) radon test kits are known to be unreliable in assuring and controlling the quality of the test results; they are not readily available in Puerto Rico, and the cost and time required for purchasing and sending them for analysis are unreasonable when weighed against the results' reliability and the need for prompt results.
- Local authorities in Puerto Rico do not have the specialized radon monitoring equipment or trained staff needed to conduct the radon testing analysis and ensure proper quality control and quality assurance practices are adhered to. We also do not have a radiation laboratory certified for radon testing.

As part of the evaluation for this determination, PRDOH sent information requests to six (6) local agencies at the state and federal levels. We received responses from the following agencies:

- United States Geological Survey;
- Centers for Disease Control and Prevention;
- Puerto Rico Department of Health; and
- United States Environmental Protection Agency.

The agencies mentioned above confirmed the lack of scientific data on Radon testing for Puerto Rico and the technical difficulties that we face to comply with HUD's Radon testing requirement. For the above-mentioned reasons, Radon testing is infeasible and impracticable for this property, and no further consideration of Radon is needed for the environmental review.



GOVERNMENT OF PUERTO RICO

STATE HISTORIC PRESERVATION OFFICE

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

Tuesday, June 25, 2024

Lauren B Poche

269 Avenida Ponce de Leon, San Juan, PR, 00917

SHPO-CF-06-07-24-06 PR-RGRW-00697 (Moca), E&D Herbs Medicine Natural Products LLC

Dear Ms. Poche,

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



Cuartel de Ballajá (Tercer Piso), Calle Norzagaray, Esq. Beneficencia, Viejo San Juan, PR 00901 | PO Box 9023935, San Juan, PR 00902-3935



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,

Juan C. Pérez Bofill, P.E. M.Eng

Director of Disaster Recovery

CDBG DR-MIT

June 7, 2024

Carlos A. Rubio Cancela
State Historic Preservation Officer
Puerto Rico State Historic Preservation Office
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-00697 – E&D Herbs Medicine Natural Products LLC– Carretera 423 km 12.5, Bo. Plata Alta, Moca, 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). On February 9, 2018, an allocation of Community Development Block Grant - Disaster Recovery (CDBG-DR) funds were 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, HORNE is submitting documentation for activities proposed by A&D Herbs Medicine Natural Products L.L.C. located at Carretera 423 km 12.5, Bo. Plata Ata, in the municipality of Moca. The undertaking for this project includes the construction and installation of a new greenhouse, a solar system, three 5,000-gallon water cisterns, and a water sprayer system. The new greenhouse is approximately 1,920 square feet in size (32 feet [ft] by 60 ft) with a total height of approximately 16 ft. The greenhouse will be built on an anti-acid net with 16 posts secured by concrete footers extending 2 ft deep. No grading or tree clearing will be required for the greenhouse.

The three plastic water cisterns hold 5,000-gallons, are about 4 ft wide, and will be placed directly on the ground. Two of the water cisterns will be connected to the new greenhouse and one cistern will be connected to an existing greenhouse on the property (18.3277, -67.0547). All three cisterns will be connected to a water source provided by AAA using aboveground PVC pipe. Approximately 250 ft of PVC pipe will be used to make the connections from the water source to the new greenhouse's two cisterns, and an additional 60 ft will be needed for the connection from the third cistern to the existing greenhouse. A sprayer system will be installed in the new greenhouse and will be connected aboveground to the two cisterns and a solar system. The water spray system will be connected above ground.

The proposed solar system is expected to be no larger than 40 ft by 8 ft (320 square feet [sq ft]). The solar system will consist of 12 panels and up to two batteries. It will be placed on top of an existing shipping container on the property moved adjacent to the greenhouse. The freight container is 40 ft long, 8 ft wide, and 8.5 ft tall. The area where the photovoltaic system will be installed is vacant and flat; therefore, grading will not be required.

Based on the submitted documentation, the Program requests a concurrence that a finding 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, EHP Senior Manager
LBP/JLE

Attachments

PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM		
REgROW PUERTO RICO PROGRAM		
Section 106 NHPA Effect Determination		
Applicant: E&D Herbs Medicine Natural Products LLC		
Case ID: PR-RGRW-00697	City: Moca	

Project Location: Carretera 423 km 12.5 Barrio Plata Alta, Moca, PR 00676	
Project Coordinates: (as provided by applicant during field visit)	
Cistern (1): 18.327136, -67.054656	
Cistern (2): 18.327121, -67.054662	
Cistern (3): 18.327649, -67.054806	
Greenhouse (1): 18.327169, -67.054793	
Solar Panels: 18.327134, -67.054702	
TPID (Número de Catastro): 128-000-001-89-000, 128-042-063-21-000	
Type of Undertaking:	
<input type="checkbox"/> Substantial Repair/Improvements	
<input checked="" type="checkbox"/> New Construction	
Construction Date (AH est.): Applicant's House: ca. 1990	Property Size (acres): 21.70 acres total Cistern (1): 0.000646 acre (28 sq ft) Cistern (2): 0.000646 acre (28 sq ft) Cistern (3): 0.000646 acre (28 sq ft) Greenhouse (1): 0.044077acre (1920 sq ft) Solar Panels: 0.007346 acre (320 sq ft)

SOI-Qualified Architect/Architectural Historian: Julia Russ, M.U.R.P. & Erin Edwards, MPS
Date Reviewed: March 19, 2024
SOI-Qualified Archaeologist: Brian McNamara, M.A., R.P.A. & Delise Torres-Ortiz, M.A.
Date Reviewed: March 11, 2024


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 project includes the construction and installation of a new greenhouse, a solar system, three 5,000-gallon water cisterns, and a water sprayer system.

The new greenhouse is approximately 1,920 square feet in size (32 feet [ft] by 60 ft) with a total height of approximately 16 ft. The greenhouse will be built on an anti-acid net with 16 posts secured by concrete footers extending 2 ft deep. No grading or tree clearing will be required for the greenhouse.

The three plastic water cisterns hold 5,000-gallons, are about 4 ft wide, and will be placed directly on the ground. Two of the water cisterns will be connected to the new greenhouse and one cistern will be connected to an existing greenhouse on the property (18.3277, -67.0547). All three cisterns will be connected to a water source provided by AAA using

PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM REGROW PUERTO RICO PROGRAM Section 106 NHPA Effect Determination	 <small>GOVERNMENT OF PUERTO RICO DEPARTMENT OF HOUSING</small>
Applicant: E&D Herbs Medicine Natural Products LLC	
Case ID: PR-RGRW-00697	City: Moca

aboveground PVC pipe. Approximately 250 ft of PVC pipe will be used to make the connections from the water source to the new greenhouse's two cisterns, and an additional 60 ft will be needed for the connection from the third cistern to the existing greenhouse.

A sprayer system will be installed in the new greenhouse and will be connected aboveground to the two cisterns and a solar system. The water spray system will be connected aboveground.

The proposed solar system is expected to be no larger than 40 ft by 8 ft (320 square feet [sq ft]). The solar system will consist of 12 panels and up to two batteries. It will be placed on top of an existing shipping container on the property that will be moved adjacent to the greenhouse. The freight container is 40 ft long, 8 ft wide, and 8.5 ft tall. The area where the photovoltaic system will be installed is vacant and flat; therefore, grading will not be required.

No tree clearing is required for construction. The applicant owns the property and currently uses it for agricultural use; therefore, no acquisition or conversion is required.


Area of Potential Effects

As defined in 36 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 the location of the greenhouse, water cisterns, and a water sprayer system plus a 15-meter horizontal buffer to allow for some variation in final placement during construction and 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 existing information by a Program contracted archaeologist meeting the Secretary of the Interior's Professional Qualification Standards (36 CFR Part 61) who searched the records at the SHPO and the Instituto de Cultura Puertorriqueña (ICP) which shows that there is one (1) previously recorded archaeological site, SHPO#MA-1, within a half-mile (mi) radius of the project location. No archaeological evaluations have been conducted within the 0.5-mi review radius and no cultural resources found. There are two (2) Section 106 studies within the 0.5-mi review radius, with no cultural resources found.

Site MA-1 or Plata PRMC-001 (MC0100001) is located 0.33 mi east of the project location. The Pre-Columbian Taíno site is a scatter, which includes lithic artifacts, like a petaloid ax.

PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM ReGROW PUERTO RICO PROGRAM Section 106 NHPA Effect Determination	 <small>GOVERNMENT OF PUERTO RICO DEPARTMENT OF HOUSING</small>
Applicant: E&D Herbs Medicine Natural Products LLC	
Case ID: PR-RGRW-00697	City: Moca

The investigators recommended additional study due to nearby construction activity associated with urban expansion.

Section 106 SHPO#03-09-16-01 was conducted 0.05 mi northeast of the project area in 2016 and funded by the U.S. Department of Agriculture (USDA) to rehabilitate roads in the municipality of Moca. SHPO#02-06-15-03 was conducted 0.42 mi west of the project area in 2015 and was funded by the Housing and Urban Development Department (HUD) to repave multiple municipal roads in Barrio Cerro Gordo. No cultural resources were reported as a result of either study.


The proposed project is located in the northwestern quadrant of Puerto Rico, at an elevation of 363 feet (ft; 111 meters [m]) above mean sea level. Per the USGS/NRCS Web Soil Survey, the project area crosses two (2) mapped soil series: CoE (Consumo clay, 20 to 40 percent slopes) and HmF2 (Humatas clay, 40 to 60 percent slopes). The project area APE is in the southeastern region of the municipality of Moca. The general project area is located in a flat valley within the mountainous region of Puerto Rico. The closest freshwater source is a tributary of Río Culebrinas, located 0.19 mi (0.31 kilometers [km]) west of the project area. The north coast is approximately 13 mi (21 km) from the project area.

Identification of Historic Properties - Architecture

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 existing information, by a Program contracted Historic Preservation Specialist meeting the Secretary of the Interior's Professional Qualification Standards (36 CFR Part 61) shows that the project area is not within the boundaries of the National Register of Historic Places (NRHP)-eligible Historic District. None of the buildings surrounding the project area are of historic age and therefore they are not eligible for the NRHP.

Two Section 106 surveys have occurred in the project area (SHPO#03-09-16-01 and SHPO#02-06-15-03). These studies are discussed in the preceding section.

The area surrounding the proposed project is rural. There are other houses and outdoor structures near the applicant, but they are not within the project area viewshed. Most of the development around the proposed project area occurred ca. 1980s. Historic Aerials imagery (<https://www.historicaerials.com/viewer>) from 1958 and 1975 shows the presence of roads in the area and but not the presence of any built structures. Google Earth Pro imagery from 1993 shows the development of built structures in the area, including the applicant's house. The area is mountainous and has a moderate amount of vegetation.


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: E&D Herbs Medicine Natural Products LLC	
Case ID: PR-RGRW-00697	City: Moca

Determination

The following historic properties have been identified within the APE:

- Direct Effect:
 - None
- Indirect Effect:
 - None

Based on the results of our historic property identification efforts, 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. There are no reported archaeological materials or significant cultural properties within a half-mile radius of the proposed project location. There is one (1) archaeological site and no NRHP listed/eligible historic properties are within or adjacent to the property or the parcel in which the Area of Potential Effect of case PR-RGRW-00697 is located. The Pre-Columbian site MA-1 consisted of a scatter with lithic artifacts; recommended for additional studies. The closest freshwater body is approximately 0.19 mi (0.31 km) west of the project area. The size of the proposed project activities is very small (0.097 acres or 4,216 sq ft) and construction of public roads, residential structures, agricultural infrastructure and practices has impacted the surrounding terrain. Therefore, no historic properties will be affected by the proposed project activities.

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: E&D Herbs Medicine Natural Products LLC	
Case ID: PR-RGRW-00697	City: Moca

Recommendation (Please keep on same page as SHPO Staff Section)

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):
- Adverse Effect
 Proposed Resolution (if applicable)

This Section is to be Completed by SHPO Staff Only

The Puerto Rico State Historic Preservation Office has reviewed the above information and: <ul style="list-style-type: none"> <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:

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



REGROW PROGRAM

Project Location Area of Potential Effects (APE) Map

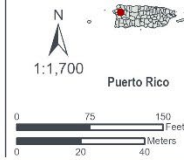
Applicant ID: PR-RGRW-00697



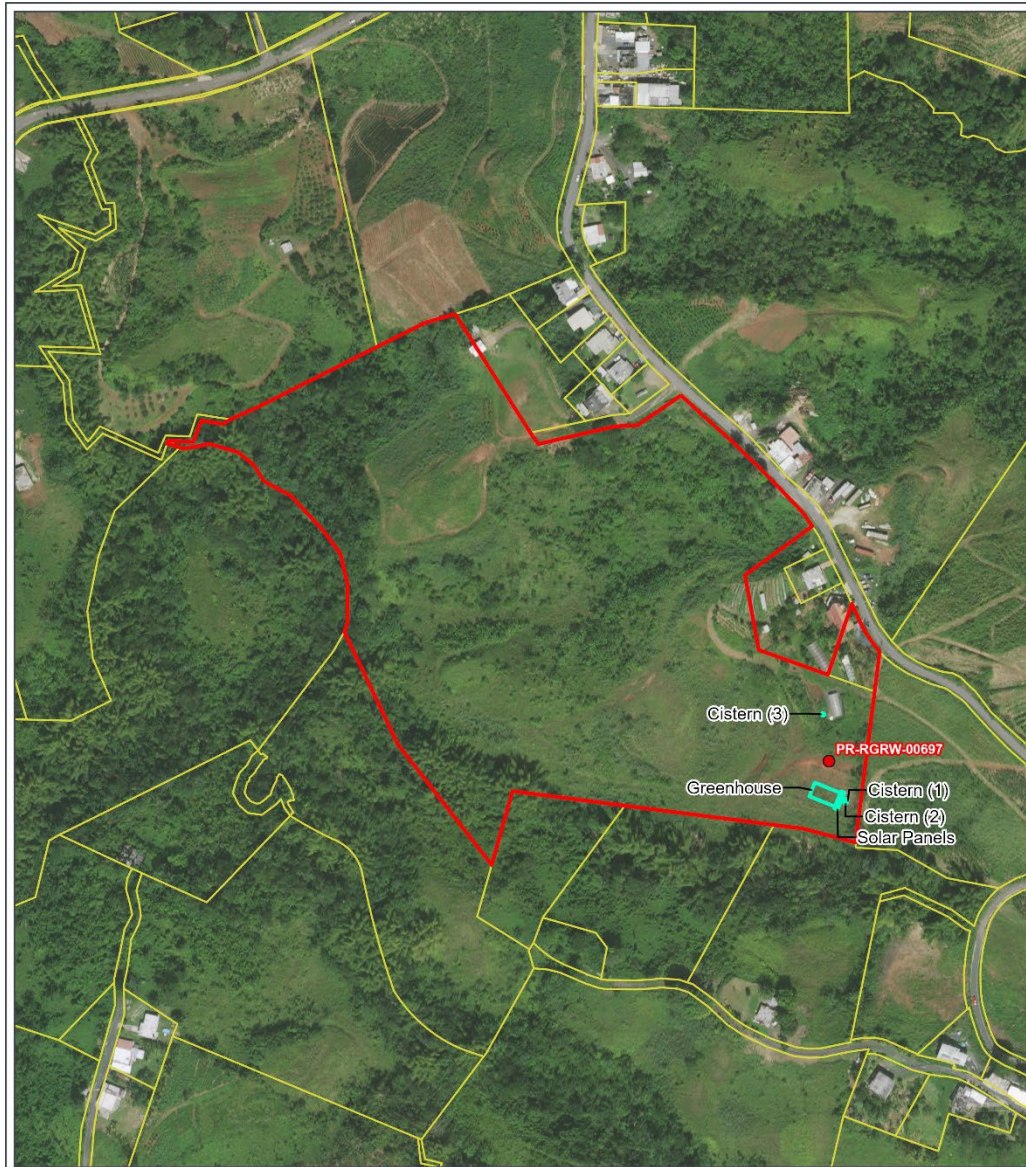
- Site
- ▭ Site Parcel
- ▭ Project Footprint (Option)
- ▭ APE (Buffer (15-meters))

Carr 423, Bo Cerro Gordo
Moca, Puerto Rico 00676
Parcel ID: 128-000-001-89-000,
128-042-063-21-000
Parcel Center:
67.054768°W 18.32737°N

Base Map: USA NADIP Imagery
Imagery Year: 2022
Updated: 4/22/2024
Layout: APE
Aprx: 72428_RegrowTier2Maps



Project (Parcel) Location - Aerial Map



REGROW PROGRAM

**Figure A-2:
Site Vicinity**

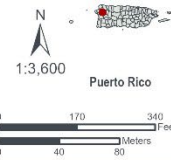
Applicant ID: PR-RGRW-00697



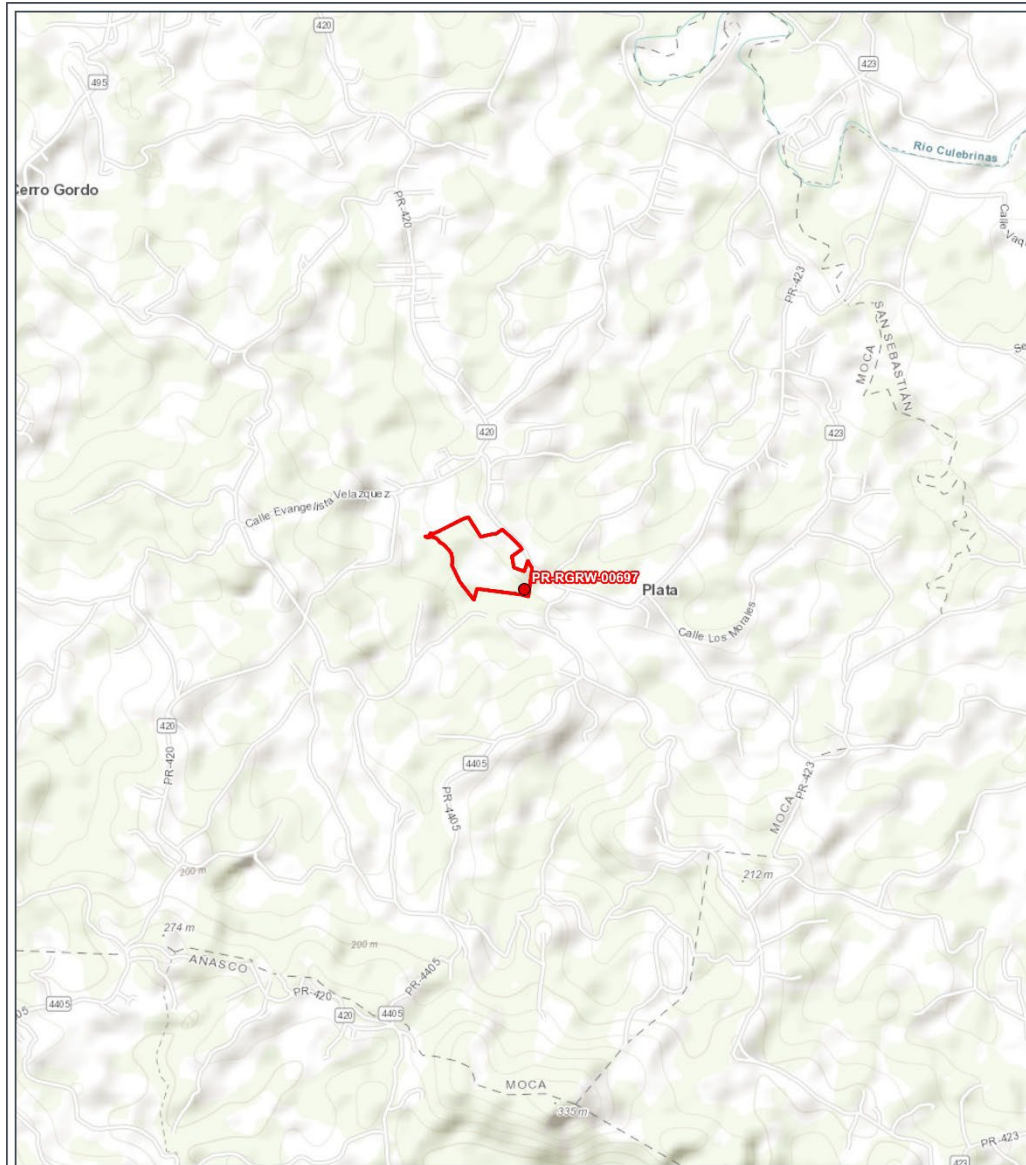
- Site
- ▭ Site Parcel
- ▭ Project Footprint (Option)

Carr 423, Bo Cerro Gordo
Moca, Puerto Rico 00676
Parcel ID: 128-000-001-99-000,
128-042-063-21-000
Parcel Center:
67.056687°W 18.328391°N

Base Map: USA NAIP Imagery
Imagery Year: 2022
Updated: 4/22/2024
Layout: Site Vicinity
Aprx: 72428_RegrowTier2Maps



Project (Parcel) Location - USGS Topographic Map



REGROW PROGRAM

Figure A-1:
Site Location

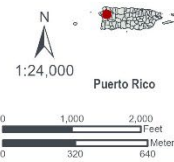
Applicant ID: PR-RGRW-00697



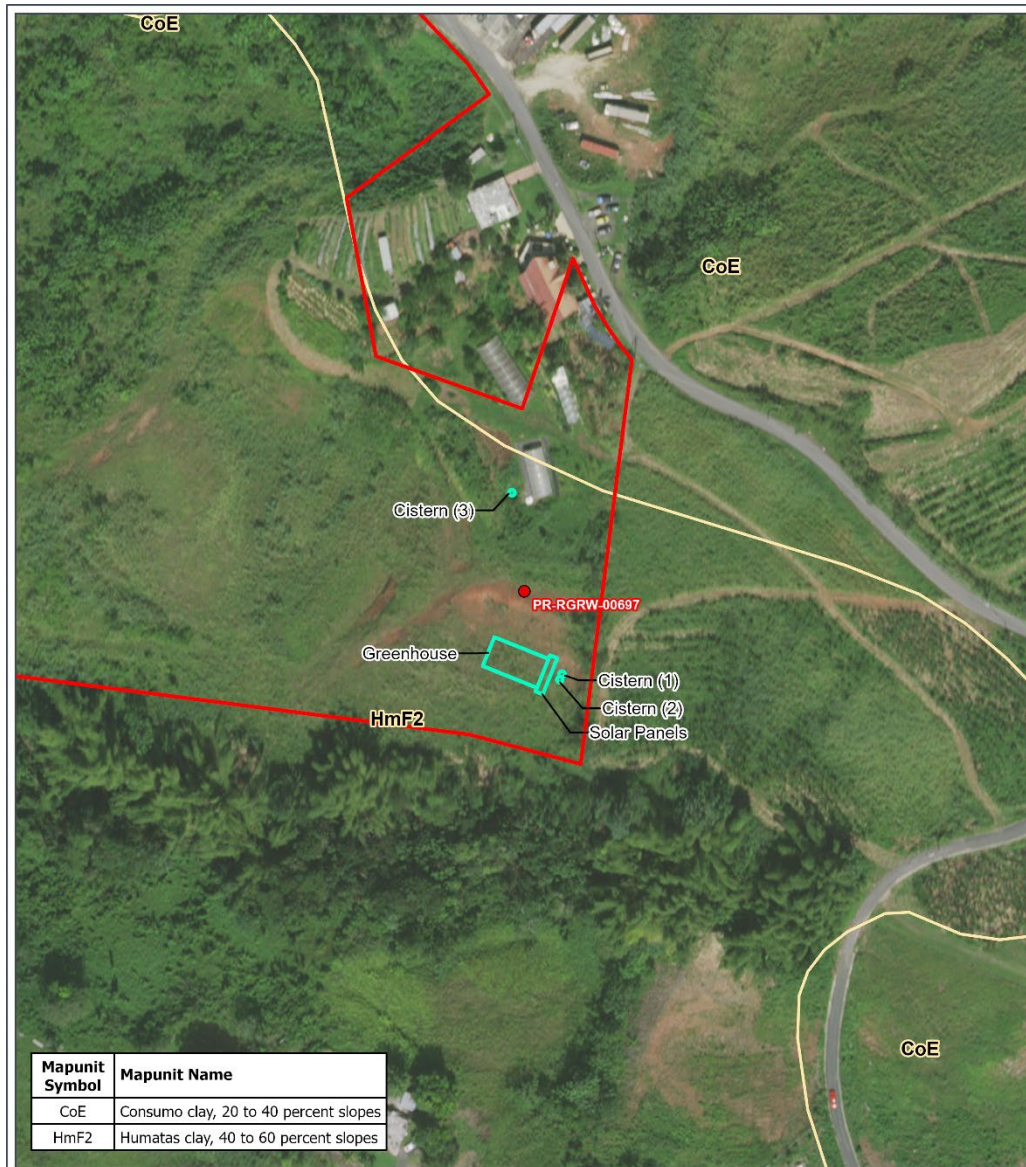
- Site
- ▭ Site Parcel

Carr. 423, Bo Cerro Gordo
Moca, Puerto Rico 00676
Parcel ID: 128-000-001-89-000,
128-042-063-21-000
Parcel Center:
67.05477°W 18.327165°N

Base Map: ESRI ArcGIS Online,
accessed March 2024
Updated: 3/6/2024
Layout: Site Location
Aprx: 72428_RegrowTier2Maps



Project (Parcel) Location – Soils Map



Mapunit Symbol	Mapunit Name
CoE	Consumo clay, 20 to 40 percent slopes
HmF2	Humatas clay, 40 to 60 percent slopes

REGROW PROGRAM

USDA Soils Map

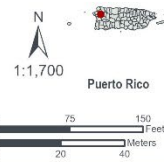
Applicant ID: PR-RGRW-00697



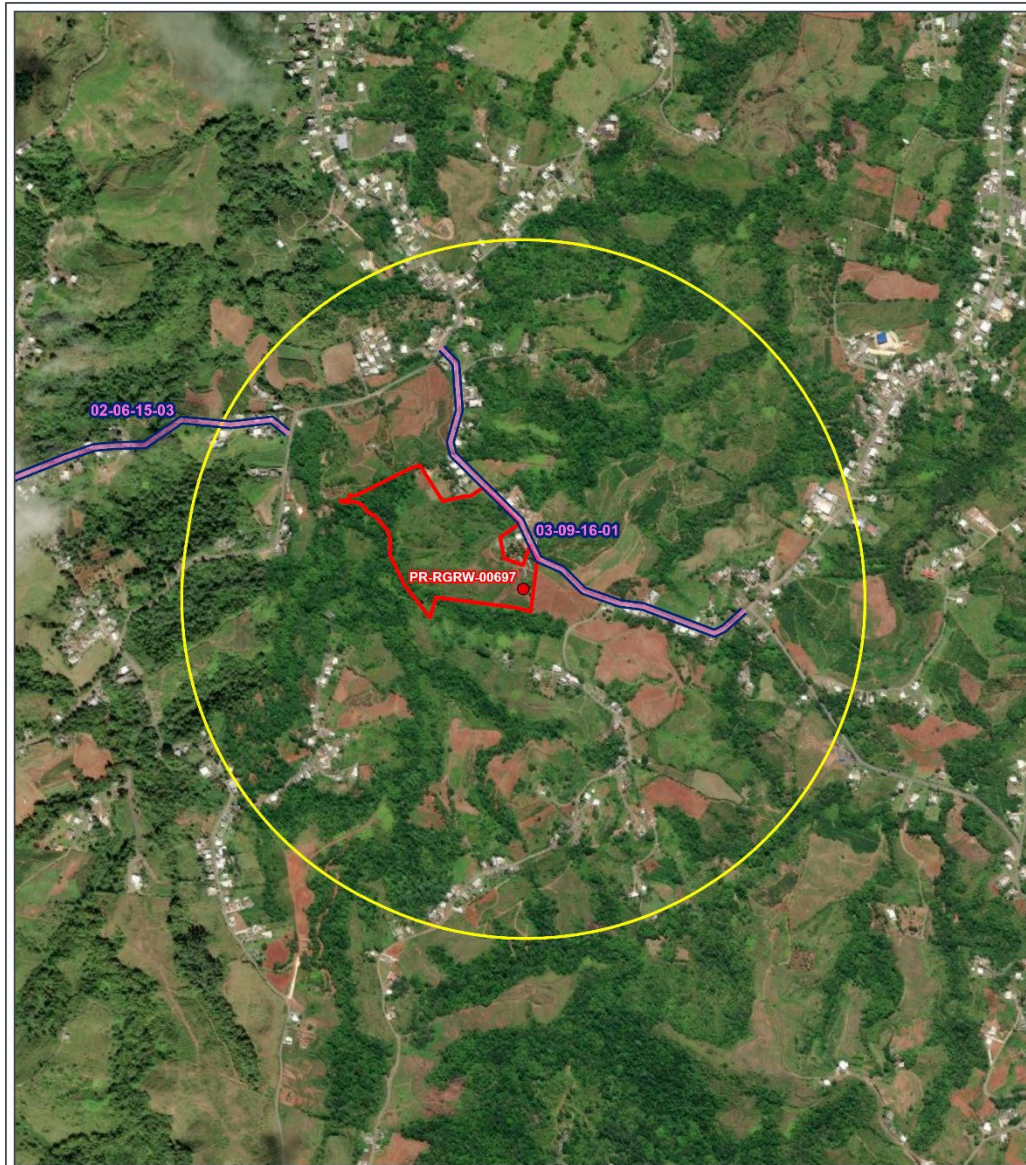
- Site
- ▭ Site Parcel
- ▭ Project Footprint (Option)
- ▭ Soil Mapunit

Carr 423, Bo Cerro Gordo
Moca, Puerto Rico 00676
Parcel ID: 128-000-001-89-000,
128-042-063-21-000
Parcel Center:
67.054768°W 18.32737°N

Data Source: <https://websoilsurvey.nrcs.usda.gov/app/>
Base Map: USA NAD83 Imagery
Imagery Year: 2022
Updated: 4/22/2024
Layout: Soils
Aprx: 72428_RegrowTier2Maps



Project (Parcel) Location with Previous Investigations - Aerial Map



REGROW PROGRAM

Previous Investigation Map

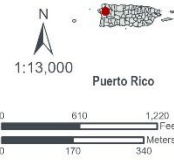
Applicant ID: PR-RGRW-00697



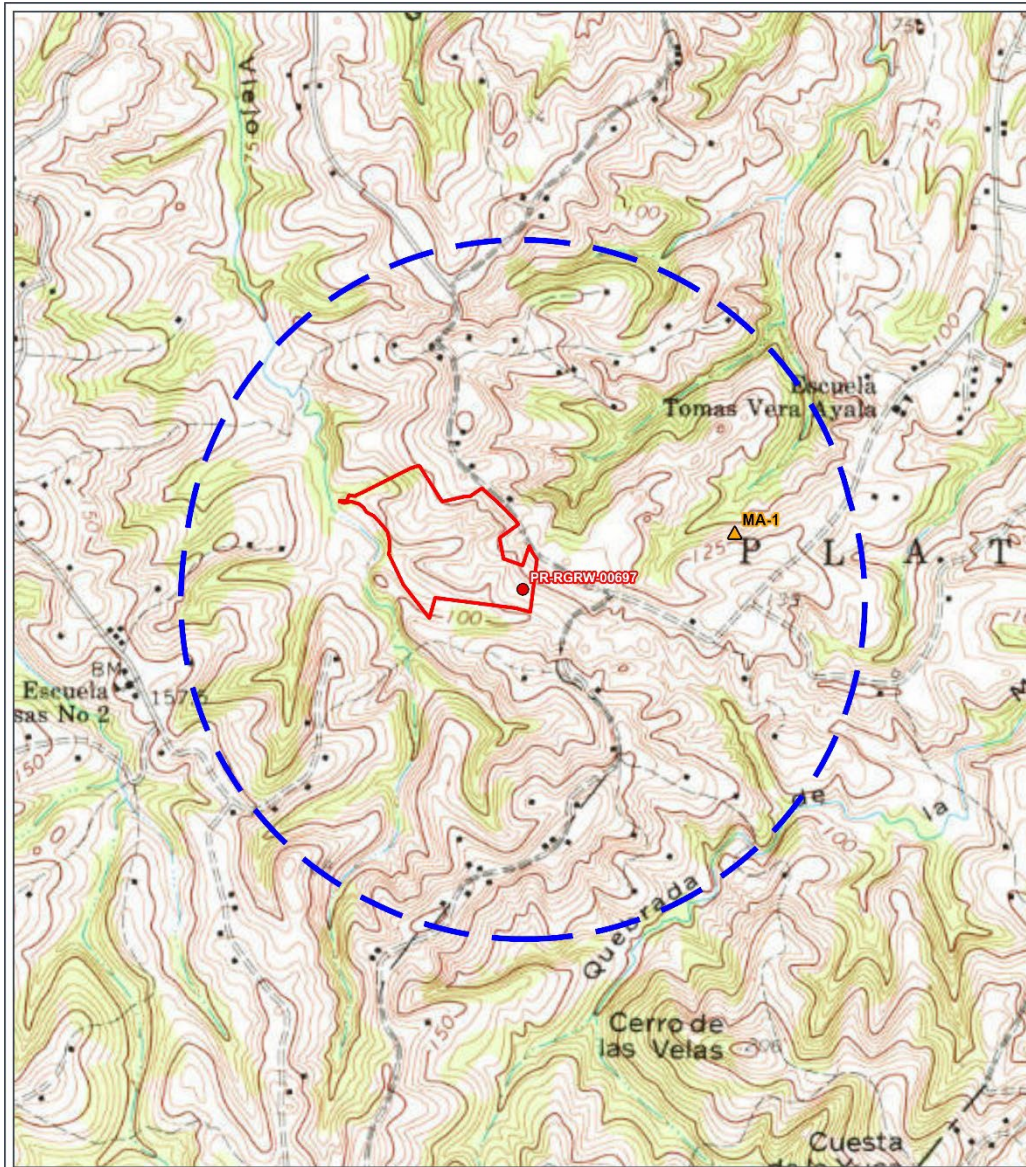
- Site
- ▭ Site Parcel
- ▭ Project Footprint (Option)
- Buffer (0.5-mile)
- ▭ Previously Recorded Survey
- ▭ MIPR Arqueologia
- ▭ Traditional Urban Centers

Carr 423, Bo Cerro Gordo
Moca, Puerto Rico 00676
Parcel ID: 128-000-001-89-000,
128-042-063-21-000
Parcel Center:
67.054768°W 18.32737°N

Data Source: State Historic
Preservation Office and Puerto Rico
Institute of Culture
Base Map: ESRI ArcGIS Online,
accessed March 2024
Updated: 3/18/2024
Layout: Previous Investigation
Apr: 72428_ReGrowTier2Map



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



REGROW PROGRAM

**Figure B 11-1:
Previously Recorded
Cultural Resources
Map**

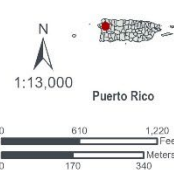
Applicant ID: PR-RGRW-00697



- | | | |
|--|--|-----------------------------|
| ● Site | ● National Historic Landmark | ■ Manati Historic Zone |
| ▭ Site Parcel | ■ National Register of Historic Places | ■ Miramar Historic Zone |
| ▭ Buffer (0.5-mile) | ▲ Archaeological Site | ■ Ponce Historic Zone |
| ▲ Historical Place | ★ Historic Area Point | ■ San German Historic Zone |
| ★ JP Historical Sites | ■ Historic Community | ■ San Juan Historic Zone |
| ■ National Register of Historic Places | ■ Historic District | ■ Arroyo Historic Zone |
| | ■ Guayama Historic Zone | ■ Caguas Historic Zone |
| | | ■ Coamo Historic Zone |
| | | ■ Vega Baja Historic Zone |
| | | ■ Traditional Urban Centers |

Carr 423, Bo Cerro Gordo
Moca, Puerto Rico 00676
Parcel ID: 128-000-001-89-000,
128-042-063-21-000
Parcel Center:
67.054768°W 18.32737°N

Data Source: State Historic
Preservation Office and Puerto Rico
Institute of Culture
Base Map: ESRI/ArcGIS Online
accessed March 2024
Updated: 3/18/2024
Layer: Cultural Resources
Apr: 72428_ReGrowTier2Maps



Photograph Key



Applicant: E&D Herbs Medicine Natural Products LLC

Case ID: PR-RGRW-00697

City: Moca

<p>Photo #: 01</p>	<p>Date: 03/05/20 24</p>	
<p>Photo Direction: Southwest</p>		
<p>Description: Overview of site location for greenhouse 32x60x16ft and 2 cisterns.</p>		

<p>Photo #: 02</p>	<p>Date: 03/05/20 24</p>	
<p>Photo Direction: South</p>		
<p>Description: Overview of site location for greenhouse 32x60x16ft and 2 cisterns.</p>		

Applicant: E&D Herbs Medicine Natural Products LLC

Case ID: PR-RGRW-00697

City: Moca

Photo #: 03	Date: 03/05/20 24	
Photo Direction: Northwest		
Description: SE corner of location for greenhouse 32x60x16ft.		

Photo #: 04	Date: 03/05/20 24	
Photo Direction: East		
Description: West corner of location for greenhouse 32x60x16ft.		

Applicant: E&D Herbs Medicine Natural Products LLC

Case ID: PR-RGRW-00697

City: Moca

<p>Photo #: 05</p>	<p>Date: 03/05/20 24</p>	
<p>Photo Direction: South</p>		
<p>Description: North corner of location for greenhouse 32x60x16ft.</p>		

<p>Photo #: 06</p>	<p>Date: 03/05/20 24</p>	
<p>Photo Direction: West</p>		
<p>Description: East corner of location for greenhouse 32x60x16ft.</p>		

Applicant: E&D Herbs Medicine Natural Products LLC

Case ID: PR-RGRW-00697

City: Moca

<p>Photo #: 07</p>	<p>Date: 03/05/20 24</p>	
<p>Photo Direction: Northwest</p>		
<p>Description: Location for solar panels.</p>		

<p>Photo #: 08</p>	<p>Date: 03/05/20 24</p>	
<p>Photo Direction: Southeast</p>		
<p>Description: Location for 3 cisterns.</p>		

PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM

REGrow PUERTO RICO PROGRAM

Section 106 NHPA Effect Determination



Applicant: E&D Herbs Medicine Natural Products LLC

Case ID: PR-RGRW-00697

City: Moca

Photo #: 09	Date: 03/05/20 24	
Photo Direction: East		
Description: Water source for greenhouse.		



March 6, 2025

TO: José M. Olmo Terrasa, Esq.

Deputy Director for Economic Recovery Grant Management
Re-Grow PR Urban Rural Agriculture Program

**RE: Endangered Species Concurrence - Conservation Measures Implementation
E&D Herbs Medicine Natural Products LLC (PR-RGRW-00697)**

Dear Mr. Olmo:

This memorandum is to notify the CDBG-DR Re-Grow PR Urban-Rural Agriculture Program (Re-Grow Program) that on September 11, 2024, for the case **PR-RGRW-00697**, the CDBG-DR/MIT Permits and Environmental Compliance Division submitted an informal consultation under Section 7 (a)(2) of the Endangered Species Act (Act) (87 Stat. 884, as amended; 16 United States Code 1531 et seq.), and in accordance with the Fish and Wildlife Coordination Act (47 Stat. 401, as amended; 16 U.S.C. 661 et seq.) for the proposed project which consist of the construction of a new greenhouse, installation of a new solar system, water spraying system and three cisterns, for E&D Herbs Medicine Natural Products LLC, an agricultural business, located at PR-423 Km 12.8, Plata Alta Ward, Moca, PR 00676; latitude 18.328131, longitude -67.054555.

Using the Information for Planning and Consultation (IPaC) system, the proponent has determined that the proposed project lies within the range of the following federally listed species:

Name of Species	Status
Puerto Rican Boa	Endangered
Critical Habitat	
There were no Critical Habitats noted within the project area.	

The United States Fish and Wildlife Service (USFWS) Caribbean Ecological Services Field Office reviewed the information provided and their files, and on October 28, 2024 concurred with the determination that the proposed project actions will have **May Affect, but is Not Likely to Adversely Affect (NLAA)** the Puerto Rican Boa.

The USFWS NLAA concurrence is conditioned to the following: (1) if a Boa is encountered, the Conservation Measures will be in accordance with the USFWS Puerto Rican Boa Conservation Measures 2024.

Obligations under section 7 of the Act must be reconsidered if: (1) new information reveals impacts of this identified action that may affect listed species or critical habitat in a manner that was not previously considered; (2) this action is subsequently modified in a manner not previously considered in this assessment; or, (3) a new species is listed, or critical habitat determined that may be affected by the identified action.

In conclusion, the USFWS concurred with the CDBG-DR/MIT Permits and Environmental Compliance Division NLAA determination. However, **the applicant must be informed about the conditions of the determination of concurrence and implement them as described.**

In order to facilitate the species identification, please, find attached the Caribbean Endangered and Threatened Animals Fact Sheets for: Puerto Rican Boa.

USFWS Caribbean Ecological Services Field Office key contact information:

- José Cruz-Burgos, Endangered Species Coordinator
Office phone (786) 244-0081 or mobile (305) 304-1386
Email: jose_cruz-burgos@fws.gov

Sincerely,

Permits and Environmental Compliance Division Disaster
Recovery Office

Caribbean ES Puerto Rican Boa

Puerto Rican Boa

Generated August 01, 2024 02:11 PM UTC, IPaC v6.112.0-rc2





U.S. FISH AND WILDLIFE SERVICE CARIBBEAN ECOLOGICAL SERVICES FIELD OFFICE

Conservation Measures for the Puerto Rican boa (*Chilabothrus inornatus*)

Section 7 (a)(1) of the Endangered Species Act (ESA) charges Federal agencies to aid in the conservation of listed species, and section 7 (a)(2) requires the agencies, through consultation with the U.S. Fish and Wildlife Service (Service), to ensure their activities are not likely to jeopardize the continued existence of listed species or adversely modify designated critical habitats. Section 7 applies to the management of Federal lands as well as Federal actions that may affect federally listed species, such as Federal approval of private activities through the issuance of Federal funding, permits, licenses, or other actions. Any person that injures, captures, or kills a Puerto Rico boa is subject to penalties under the ESA. If Federal funds or permits are needed, the funding or permitting agency should initiate Section 7 consultation with the Service. To initiate a consultation under the Section 7 of the ESA, you must submit a project package with the established minimum requirements. These conservation measures should be incorporated into the project plans to minimize possible impacts to the species.

The endangered Puerto Rican (PR) boa (*Chilabothrus inornatus*, formerly *Epicrates inornatus*) is the largest endemic snake species that inhabits Puerto Rico. The PR boa is non-venomous and does not pose any life threatening danger to humans, but some individuals may try to bite if disturbed or during capture or handling. Its body color ranges from tan to dark brown with irregular diffuse marking on the dorsum, but some individuals lack marking and are uniformly dark. Juveniles may have a reddish color with more pronounced markings. In general, as they mature, their body color tends to darken.



The PR boa was federally listed in 1970. Currently, the species has an island-wide distribution and occurs in a wide variety of habitat types, ranging from wet montane to subtropical dry forest and can be found from mature forest to areas with different degrees of human disturbance such as roadsides or houses, especially if near their habitat in rural areas. The PR boa is considered mostly nocturnal, remaining less active, concealed or basking under the sun during the day.

The Service has developed the following conservation measures with the purpose of assisting others to avoid or minimize adverse effects to the PR boa and its habitat. These recommendations may be incorporated into new project plans and under certain circumstances into existing projects. Depending on the project, additional conservation measures can be implemented besides the ones presented in this document.

Conservation Measures:

1. Inform all project personnel about the potential presence of the PR boa in areas where the proposed work will be conducted. A pre-construction meeting should be conducted to inform all project personnel about the need to avoid harming the species as well as penalties for harassing or harming PR boas. An educational poster or sign with photo or illustration of the species should be displayed at the project site.
2. Prior to any construction activity, including removal of vegetation and earth movements, the boundaries of the project and areas to be excluded and protected should be clearly marked in the project plan and in the field in order to avoid further habitat degradation into forested and conservation areas.
3. Once areas are clearly marked, and prior to the use of heavy machinery and any construction activity (including removal of vegetation and earth movement), a biologist or project personnel with experience on this species should survey the areas to be cleared to verify the presence of any PR boa within the work area.
4. If a PR boa is found within any of the working or construction areas, activities should stop at that area and information recorded (see #5). **Do not capture the boa.** If boas need to be moved out of harm's way, designated personnel shall immediately contact the Puerto Rico Department of Natural and Environmental Resources (PRDNER) Rangers for safe capture and relocation of the animal (PRDNER phone #: (787) 724-5700, (787) 230-5550, (787) 771-1124). **If immediate relocation is not an option, project-related activities at that area must stop until the boa moves out of harm's way on its own.** Activities at other work sites, where no boas have been found after surveying the area, may continue.
5. For all boa sightings (dead or alive), record the time and date of the sighting and the specific location where it was found. PR boa data should also include a photo of the animal (dead or alive), site GPS coordinates, the time and date, and comments on how the animal was detected and its behavior.

6. If a PR boa is captured by PRDNER personnel, record the name of that person and information on where the PR boa will be taken. This information should be reported to the Service.
7. Measures should be taken to avoid and minimize PR boa casualties by heavy machinery or motor vehicles being used on site. Any heavy machinery left on site (staging) or near potential PR boa habitat (within 50 meters of potential boa habitat), needs to be thoroughly inspected each morning before work starts to ensure that no boas have sheltered within engine compartments or other areas of the equipment. If PR boas are found within vehicles or equipment, do not capture the animal, and let it move on its own or call PRDNER Rangers for safe capture and relocation of the animal (see #4). If not possible, the animal should be left alone until it leaves the vehicle on its own.
8. PR boas may seek shelter in debris piles. Measures should be taken to avoid and minimize boa casualties associated with sheltering in debris piles as a result of project activities. Debris piles should be placed far away from forested areas. Prior to moving, disposing or shredding, debris piles should be carefully inspected for the presence of boas. If debris piles will be left on site, we recommend they be placed in areas that will not be disturbed in the future.
9. If a dead PR boa is found, immediately cease all work in that area and record the information accordingly (see #5). If the PR boa was accidentally killed as part of the project actions, please include information on what conservation measures had been implemented and what actions will be taken to avoid further killings. A dead boa report should be sent by email (see contacts below) to the Service within 48 hours of the event.
10. Projects must comply with all state laws and regulations. Please contact the PRDNER for further guidance.

If you have any questions regarding the above conservation measures, please contact the Service:

- José Cruz-Burgos, Endangered Species Program Coordinator
 - Email: jose_cruz-burgos@fws.gov
 - Office phone (305) 304-1386
- Jan Zegarra, Fish and Wildlife Biologist
 - Email: jan_zegarra@fws.gov
 - Office phone (786) 933-1451



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www.swca.com

September 10, 2024

Lourdes Mena
Field Supervisor
Caribbean Ecological Services Field Office
U.S. Fish and Wildlife Service
Office Park I, Suite 303
State Road #2 Km 156.5
Mayagüez, Puerto Rico 00680
Email: [Caribbean es@fws.gov](mailto:Caribbean_es@fws.gov); Lourdes Mena@fws.gov

Re: Federally Listed Threatened and Endangered Species Evaluation for the Puerto Rico Department of Housing ReGrow PR-RGRW-00697 Project/ SWCA Project No. 72428

Dear Ms. Mena:

SWCA Environmental Consultants (SWCA), on behalf of the Puerto Rico Department of Housing, is requesting informal consultation under Section 7(a)(2) of the Endangered Species Act (Act) (87 Stat. 884, as amended; 16 United States Code 1531 *et seq.*), and in accordance with the Fish and Wildlife Coordination Act (47 Stat. 401, as amended; 16 U.S.C. 661 *et seq.*) for the proposed ReGrow PR-RGRW-00697 Project (project). The Project is located on 21.7 acres at Carr 423, Bo Cerro Gordo Moca, Puerto Rico 00676 (18.32722005, -67.05467856).

The proposed Project involves the construction of a new greenhouse and installation of a new solar system, water spraying system and three 2,500-gallon cisterns. Ground disturbance is expected but no tree clearing or vegetation removal is proposed.

Using the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) system, we have determined that the proposed project lies within the range of the following federally listed species:

Species	Listing Status
Puerto Rican Boa (<i>Chilabothrus inornatus</i>)	Endangered

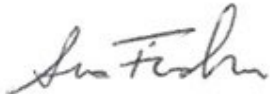
No designated or proposed critical habitat for any listed species was identified within the project area. Based on the nature of the project, scope of work, information available, and a careful analysis of the existing habitat, we have made the following effects determinations:

Species	Effect Determination	Conservation Measures to be Implemented
Puerto Rican Boa (<i>Chilabothrus inornatus</i>)	Not likely to adversely affect (NLAA)	Puerto Rican Boa General Project Design Guidelines

In accordance with the 2024 Puerto Rican Boa General Project Design Guidelines, if a Puerto Rican Boa (PR Boa) is found in the project action site, work shall cease until the individual moves off on its own. If the PR Boa does not move off, the construction manager shall contact the Puerto Rico Department of Natural and Environmental Resources and ask for them to relocate the PR Boa.

In order to complete the informal consultation process, we are requesting your concurrence for the NLAA determinations included in this letter. Attached to this letter, we are including the documents used to reach our effect determinations for the listed species. If you have any questions or require any additional information, please contact me at (346) 388-1157 or susan.fischer@swca.com.

Sincerely,



Susan Fischer
Wildlife Ecologist
SWCA Environmental Consultants

Attachments: Threatened and Endangered Species Technical Memorandum



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TECHNICAL MEMORANDUM

To: Caribbean Ecological Services Field Office
U.S. Fish and Wildlife Service
P.O. Box 491
Boquerón, Puerto Rico 00622

From: Susan Fischer, Project Biologist on behalf of the Puerto Rico Department of Housing

Date: July 27, 2024

Re: **Threatened and Endangered Species Evaluation for the Puerto Rico Department of Housing ReGrow PR-RGRW-00697 Project/ SWCA Project No. 72428**

Project Description

E&D Herbs Medicine Natural Products LLC, the applicant, is proposing the construction of a new greenhouse and installation of a new solar system, water spraying system, and three 2,500-gallon cisterns on a 21.7-acre property in the Municipio of Moca, Puerto Rico (project) (Appendix A, Figure 1). The project is located at Carr 423, Bo Cerro Gordo Moca, Puerto Rico 00676, in a rural area. The estimated dimensions of the greenhouse will be approximately 32 feet by 60 feet (1,920 square feet) (Appendix A, Figure 2).

Existing conditions

The existing habitat conditions at the proposed project area consists of grasses or barren ground. Forested areas are present approximately 80 feet south of the project location. No wetlands or waterbodies are mapped within or adjacent to the project area (Appendix A, Figure 3). Ground disturbance is expected but no tree clearing or vegetation removal is anticipated. Representative photographs of the proposed locations are provided in Appendix B.

Federally Protected Species

SWCA obtained a federal threatened and endangered species list from the USFWS (2024a) Information for Planning and Consultation (“IPaC”) website for a 100-foot buffer around the greenhouse, solar system, water spraying system and three cistern locations (review area) (Appendix C). The IPaC automatically generates a list of species and other resources of concern, such as critical habitat, that are known or expected to be in the specified area and could potentially be directly or indirectly affected. According to the IPaC query for the project, one federally listed endangered species has the potential to occur in the review area; the Puerto Rican boa (*Chilabothrus inornatus*). SWCA also evaluated the review area for potential habitat for bald eagles (*Haliaeetus leucocephalus*) and golden eagles (*Aquila chrysaetos*) as they are protected by the Bald and Golden Eagle Protection Act of 1940 (“BGEPA”).

The bald and golden eagle’s range do not extend into Puerto Rico (Cornell Lab of Ornithology 2024); therefore, these species were eliminated from further analysis for this project. Table 1 identifies the species

carried forward for further evaluation and summarizes each species' habitat requirements, potential for occurrence in the project area, and determination of effects.

Table 1. Federally Listed Species Range and/or Habitat Requirements

Common Name (Scientific Name)	Status*	Range or Habitat Requirements	Potential for Occurrence in Project Area	Determination of Effects/Impacts
Reptiles				
Puerto Rican Boa (<i>Chilabothrus inornatus</i>)	FE	Considered to be a habitat generalist, the Puerto Rican boa tolerates a wide variety of terrestrial and arboreal habitats, including rocky areas, haystack hill, trees and branches, rotting stumps, caves, plantations, various types of forested areas such as karst and mangrove forests, forested urban and rural areas, and along streams and road edges (USFWS 2011).	<i>May occur.</i> Forested areas are located approximately 80 feet south of the project area.	<i>May affect, but not likely to adversely affect.</i> See discussion below.

*Status Definitions:
FE = Federally listed endangered

Due to the generalist nature of the Puerto Rican boa and forested habitat just south of the project area, the Puerto Rican boa may occur within the project area. The applicant will employ the conservation measures outlined in the 2024 USFWS General Project Design Guidelines for the Puerto Rican boa (Appendix D), including but not limited to issuing a stop work if a Puerto Rican boa were to occur within the project area, and contacting the PRDNER for safe capture and relocation of the individual if such action is required. Consequently, it is anticipated that the project *may affect, but is not likely to adversely affect* the Puerto Rican boa. The USFWS Consistency Letter obtained through IPaC is included in Appendix E.

Critical Habitat and National Wildlife Refuges

Potential effects to habitat(s) within the project area critical to endangered species must be analyzed along with the endangered species themselves, while any activity proposed on National Wildlife Refuge lands must undergo a compatibility determination conducted by the Refuge. No designated critical habitats are present within 100-feet of any of the proposed project location options (Appendix A, Figure 4) (USFWS 2024b).

LITERATURE CITED

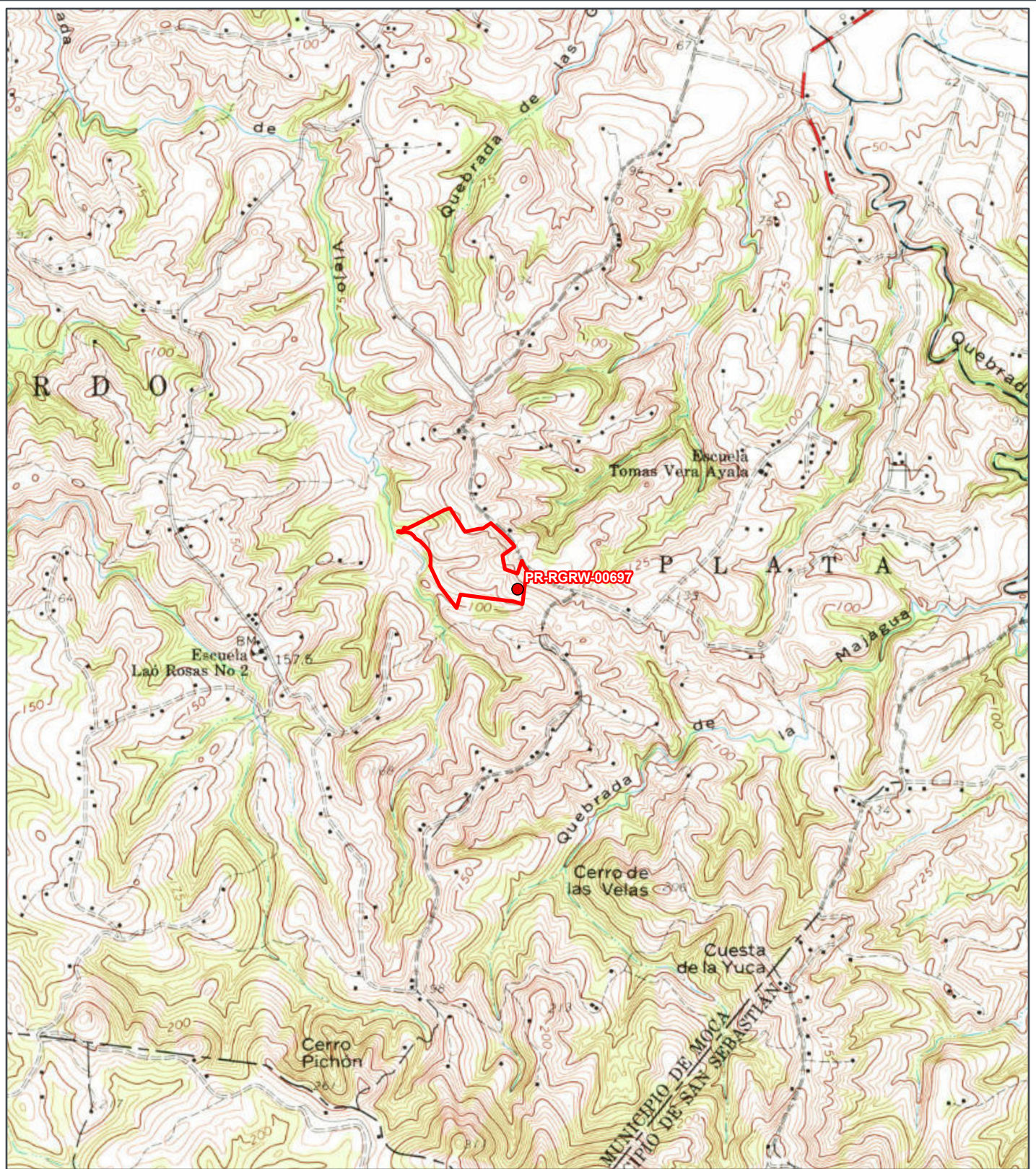
- Cornell Lab of Ornithology. 2024. All About Birds. Available at: <https://www.allaboutbirds.org/guide/>. Accessed July 2024.
- U. S. Fish and Wildlife Service (USFWS). 2011. *Puerto Rican Boa (Epicrates inornatus) 5-Year Review: Summary and Evaluation*. U.S. Fish and Wildlife Service, Southeast Region. Boquerón, Puerto Rico.
- . 2024a. Information for Planning and Consultation System (IPaC). Available at: <http://ecos.fws.gov/ipac/>. Accessed July 2024.
- . 2024b. Critical Habitat for Threatened & Endangered Species [USFWS]. Available at: <https://fws.maps.arcgis.com/home/webmap/viewer.html?webmap=9d8de5e265ad4fe09893cf75b8dbfb77>. Accessed July 2024.

APPENDIX A

Maps

Figure 1

USGS Topographic Map

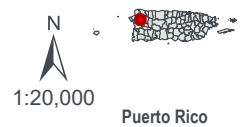


REGROW PROGRAM
USGS Topographic Map
 Applicant ID: PR-RGRW-00697



- Site
- Site Parcel

Carr 423, Bo Cerro Gordo
 Moca, Puerto Rico 00676
 Parcel ID: 128-000-001-89-000,
 128-042-063-21-000
 Center of Map:
 67.054768°W 18.32737°N



Base Map: ESRI ArcGIS Online,
 accessed July 2024
 Updated: 7/24/2024
 Layout: USGS Topographic Map
 Aprx: 72428_ReGrowTier2Maps

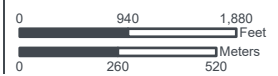
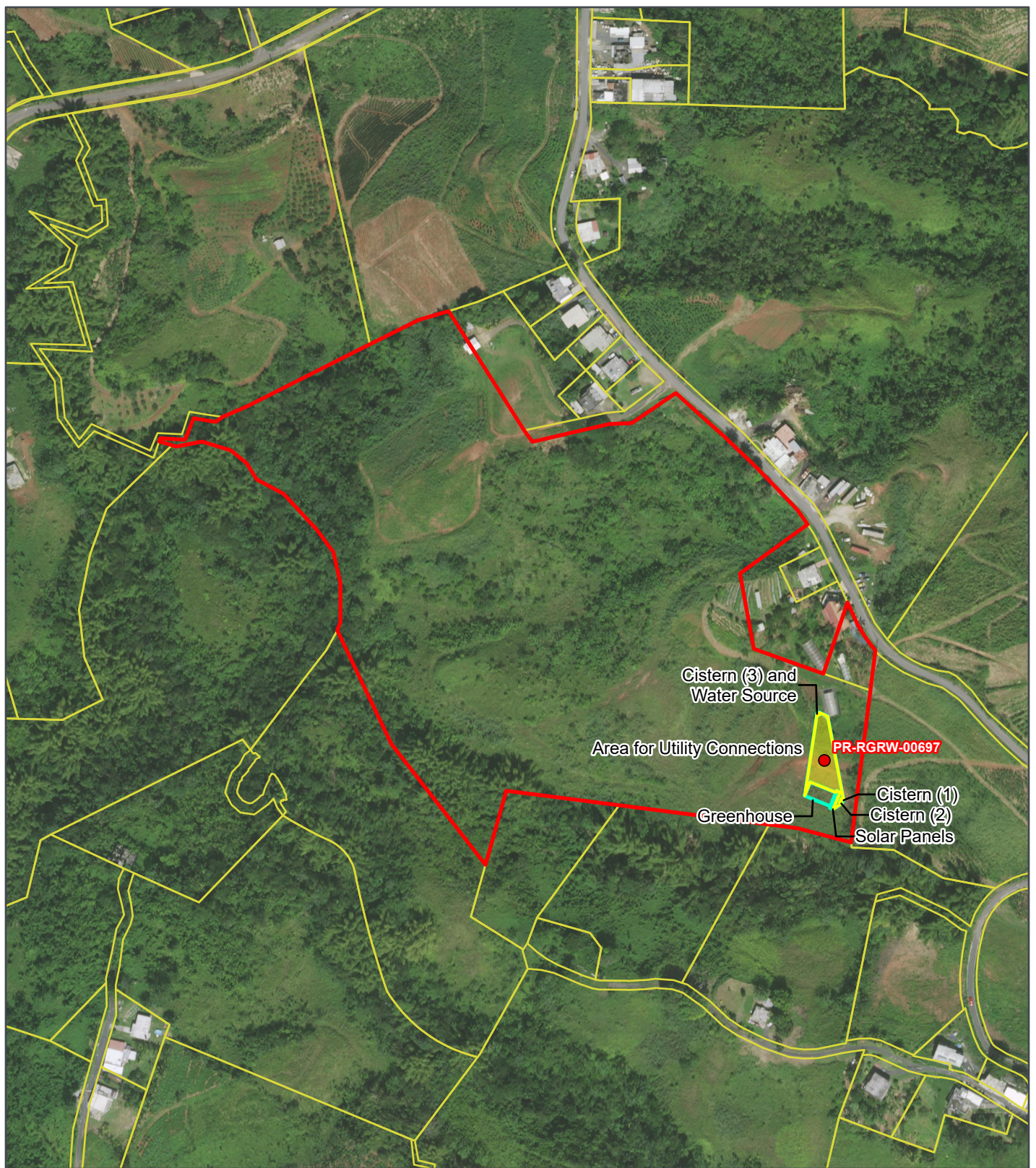


Figure 2
Site Vicinity Map



REGROW PROGRAM

Site Vicinity

Applicant ID: PR-RGRW-00697



- Site
- Site Parcel
- Project Footprint (Option)
- Above Ground Utilities Location

Carr 423, Bo Cerro Gordo
 Moca, Puerto Rico 00676
 Parcel ID: 128-000-001-89-000,
 128-042-063-21-000
 Center of Map:
 67.05668°W 18.328391°N

Base Map: USA NAIIP Imagery
 Imagery Year: 2022
 Updated: 7/24/2024
 Layout: Site Vicinity
 Aprx: 72428_ReGrowTier2Maps

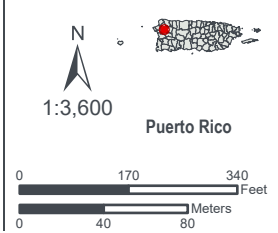
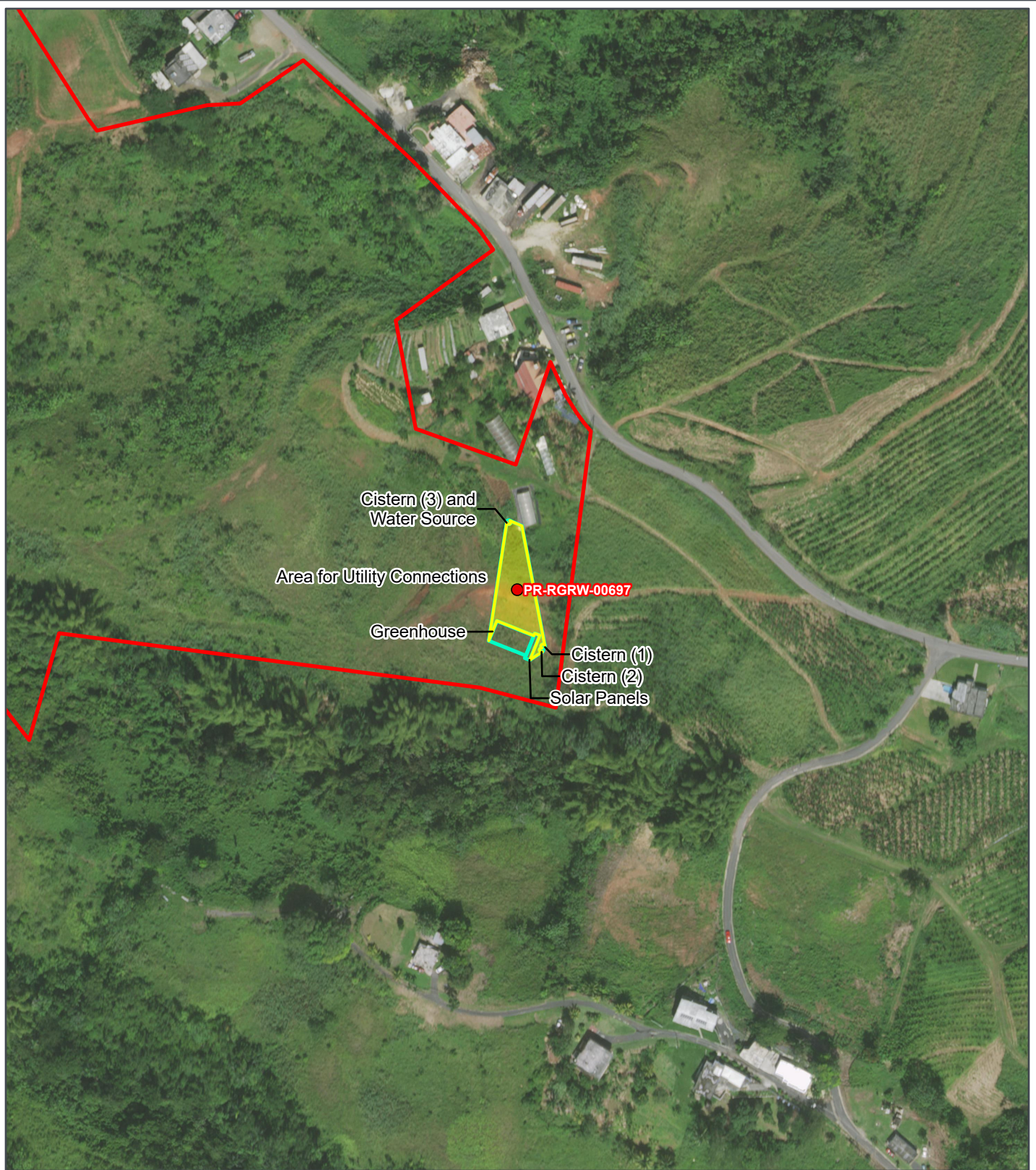


Figure 3
Wetlands Map



REGROW PROGRAM

Wetlands Protection Map

Applicant ID: PR-RGRW-00697



- Site
- Site Parcel
- Project Footprint (Option)
- Above Ground Utilities Location
- NHD Stream
- Estuarine and Marine Deepwater

- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Riverine

Carr 423, Bo Cerro Gordo
 Moca, Puerto Rico 00676
 Parcel ID: 128-000-001-89-000,
 128-042-063-21-000
 Center of Map:
 67.054768°W 18.32737°N

Data Source: <https://apps.nationalmap.gov/downloader/#/>
<https://www.fws.gov/program/national-wetlands-inventory/data-download>
 Base Map: USA NAIP Imagery
 Imagery Year: 2022
 Updated: 7/24/2024
 Layout: Wetlands Protection

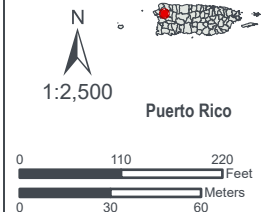
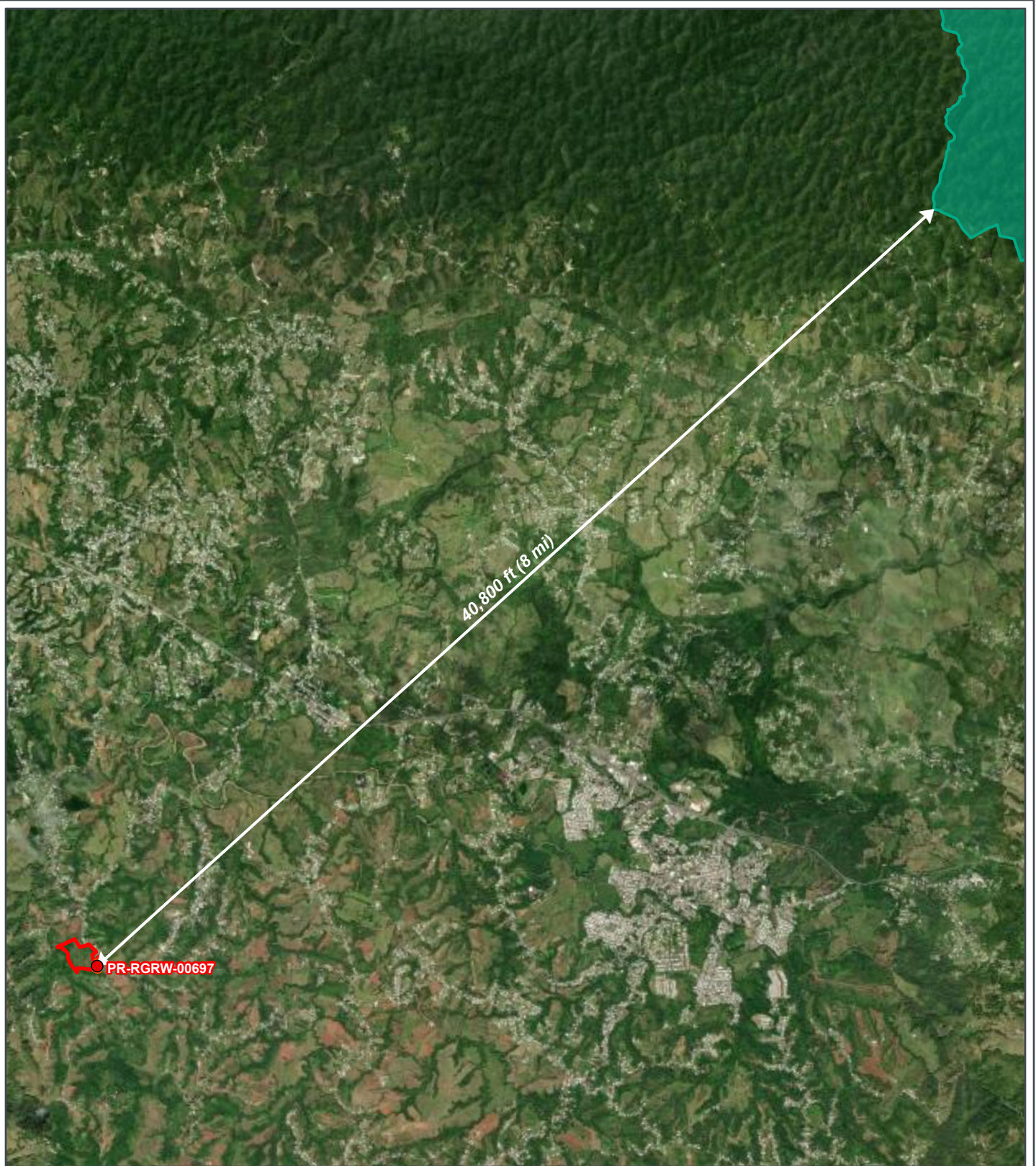


Figure 4
Critical Habitat Map



REGROW PROGRAM

Critical Habitat Map

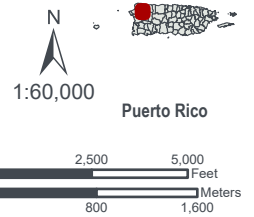
Applicant ID: PR-RGRW-00697



- Site
- Site Parcel
- Buffer (100-ft)
- Critical Habitat - Final
- National Wildlife Refuges

Carr 423, Bo Cerro Gordo
 Moca, Puerto Rico 00676
 Parcel ID: 128-000-001-89-000,
 128-042-063-21-000
 Parcel Center:
 67.011264°W 18.365186°N

Data Source: https://services.arcgis.com/OVENGdaPbd4LUkLV/arcgis/rest/services/USFWS_Critical_Habitat/
 Base Map: ESRI/ArcGIS Online, accessed March 2024
 Updated: 3/12/2024
 Layout: Critical Habitat
 Aprx: 72428_ReGrowTier2Maps



APPENDIX B

Photographic Log

Project #: PR-RGRW-00697	Photographer: Armando Ramos
Location Address: Carr 423 Km 12.8, Bo Plata Alta, PR 00676	Coordinates: 18.32722005, -67.05467856

Photo #: 01	Date: 03/05/2024
Photo Direction: Southwest	
Description: Overview of site location for greenhouse 32x60x16ft and 3 cisterns.	



Photo #: 02	Date: 03/05/2024
Photo Direction: South	
Description: Overview of site location for greenhouse 32x60x16ft and 3 cisterns.	



Project #: PR-RGRW-00697	Photographer: Armando Ramos
Location Address: Carr 423 Km 12.8, Bo Plata Alta, PR 00676	Coordinates: 18.32722005, -67.05467856

Photo #: 03	Date: 03/05/2024
Photo Direction: Northwest	
Description: SE corner of location for greenhouse 32x60x16ft.	



Photo #: 04	Date: 03/05/2024
Photo Direction: East	
Description: West corner of location for greenhouse 32x60x16ft.	



Project #: PR-RGRW-00697	Photographer: Armando Ramos
Location Address: Carr 423 Km 12.8, Bo Plata Alta, PR 00676	Coordinates: 18.32722005, -67.05467856

Photo #: 05	Date: 03/05/2024
Photo Direction: South	
Description: North corner of location for greenhouse 32x60x16ft.	



Photo #: 06	Date: 03/05/2024
Photo Direction: West	
Description: East corner of location for greenhouse 32x60x16ft.	



Project #: PR-RGRW-00697	Photographer: Armando Ramos
Location Address: Carr 423 Km 12.8, Bo Plata Alta, PR 00676	Coordinates: 18.32722005, -67.05467856

Photo #: 07	Date: 03/05/2024
Photo Direction: Northwest	
Description: Location for solar panels.	



Photo #: 08	Date: 03/05/2024
Photo Direction: Southeast	
Description: Location for 3 cisterns.	



Project #: PR-RGRW-00697	Photographer: Armando Ramos
Location Address: Carr 423 Km 12.8, Bo Plata Alta, PR 00676	Coordinates: 18.32722005, -67.05467856

Photo #: 09	Date: 03/05/2024	
Photo Direction: East		
Description: Water source for greenhouse.		

APPENDIX C

USFWS Information for Planning and Consultation



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Caribbean Ecological Services Field Office
Post Office Box 491
Boqueron, PR 00622-0491
Phone: (939) 320-3135 Fax: (787) 851-7440
Email Address: CARIBBEAN_ES@FWS.GOV

In Reply Refer To:

07/24/2024 18:50:13 UTC

Project Code: 2024-0120986

Project Name: ETO-015 PR-RGRW-00697

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

THE FOLLOWING SPECIES LIST IS NOT A SECTION 7 CONSULTATION. PLEASE CONTACT OUR OFFICE TO COMPLETE THE CONSULTATION PROCESS

The purpose of the Endangered Species Act (Act) is to provide a means whereby threatened, and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 et seq.), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect those species and/or their designated critical habitat.

Federal agencies are required to "request of the Secretary of Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action". The enclosed species list provides information to assist with the U.S. Fish and Wildlife Service (Service) consultation process under section 7 of the Act. However, **the enclosed species list does not complete the required consultation process**. The species list identifies threatened, endangered, proposed and candidate species, as well as proposed and designated critical habitats, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. A discussion between the Federal agency and the Service should include what types of listed species may occur in the proposed action area and what effect the proposed action may have on those species. This process initiates informal consultation.

Once a species list is obtained for the proposed project, an effect determination for endangered and threatened species should be made. The applicant could make an effect determination by using available keys on IPaC for specific species. For species with no determination keys, the applicant should request concurrence from the Service by sending a project package

to caribbean_es@fws.gov. To obtain guidance for completing this process and the minimum requirements for project packages, please visit:

<https://www.fws.gov/sites/default/files/documents/consultation-under-section-7-of-the-endangered-species-act-with-the-caribbean-ecological%20Services-field-office-template-letter.pdf>

When a federal agency, after discussions with the Service, determines that the proposed action is not likely to adversely affect any listed species, or adversely modify any designated critical habitat, and the Service concurs, the informal consultation is complete, and the proposed project moves ahead. If the proposed action is suspected to affect a listed species or modify designated critical habitat, the Federal agency may then prepare a Biological Assessment (B.A.) to assist in its determination of the project's effects on species and their habitat. However, a B.A. is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a B.A. where the agency provides the Service with an evaluation on the likely effects of the action to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a B.A. are described at 50 CFR 402.12.

If a federal agency determines, based on its B.A. or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to further consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species, and proposed critical habitat be addressed within the consultation process. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species.

This list is provided pursuant to Section 7 of the Endangered Species Act and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action". Please use this list to determine whether your project requires consultation and to make your effects determination. For more guidance, use the Guideline for Consultation under Section 7 of the Endangered Species Act with the Caribbean Ecological Services Field Office by clicking [here](#).

This species list is provided by:

Caribbean Ecological Services Field Office

caribbean_es@fws.gov

Post Office Box 491

Boqueron, PR 00622-0491

(786) 244-0081

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Bald & Golden Eagles
- Migratory Birds
- Wetlands

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Caribbean Ecological Services Field Office

Post Office Box 491

Boqueron, PR 00622-0491

(939) 320-3135

PROJECT SUMMARY

Project Code: 2024-0120986

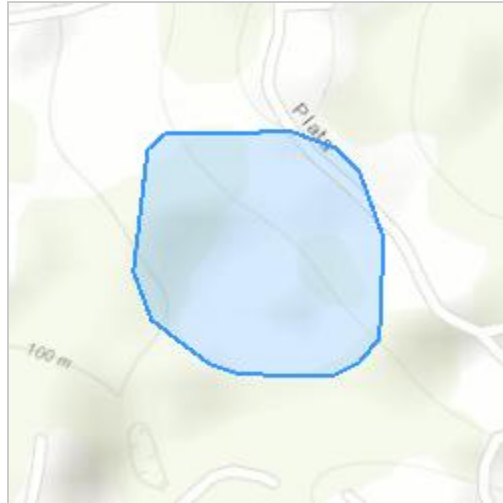
Project Name: ETO-015 PR-RGRW-00697

Project Type: Disaster-related Grants

Project Description: The installation of a new greenhouse, a solar system, three 2,500-gallon water cisterns, and a water sprayer system

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@18.3286485,-67.05652937008233,14z>



Counties: Moca County, Puerto Rico

ENDANGERED SPECIES ACT SPECIES

There is a total of 1 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

REPTILES

NAME	STATUS
Puerto Rican Boa <i>Chilabothrus inornatus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6628 General project design guidelines: https://ipac.ecosphere.fws.gov/project/SU77PK3AIJBQZCJMCN2Z75LT3Y/documents/generated/7159.pdf	Endangered

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

BALD & GOLDEN EAGLES

Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act¹ and the Migratory Bird Treaty Act².

Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or their habitats³, should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "[Supplemental Information on Migratory Birds and Eagles](#)".

-
1. The [Bald and Golden Eagle Protection Act](#) of 1940.
 2. The [Migratory Birds Treaty Act](#) of 1918.
 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

THERE ARE NO BALD AND GOLDEN EAGLES WITHIN THE VICINITY OF YOUR PROJECT AREA.

MIGRATORY BIRDS

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats³ should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "[Supplemental Information on Migratory Birds and Eagles](#)".

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

THERE ARE NO FWS MIGRATORY BIRDS OF CONCERN WITHIN THE VICINITY OF YOUR PROJECT AREA.

WETLANDS

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

RIVERINE

- R4SBC

IPAC USER CONTACT INFORMATION

Agency: SWCA

Name: Rachel Howsmon

Address: 13 Palafox Pl

City: Pensacola

State: FL

Zip: 32502

Email: rachel.howsmon@swca.com

Phone: 8504948710

APPENDIX D

Project Design Guidelines

General Project Design Guidelines (1 Species)

Generated July 24, 2024 06:56 PM UTC, IPaC v6.112.0-rc2

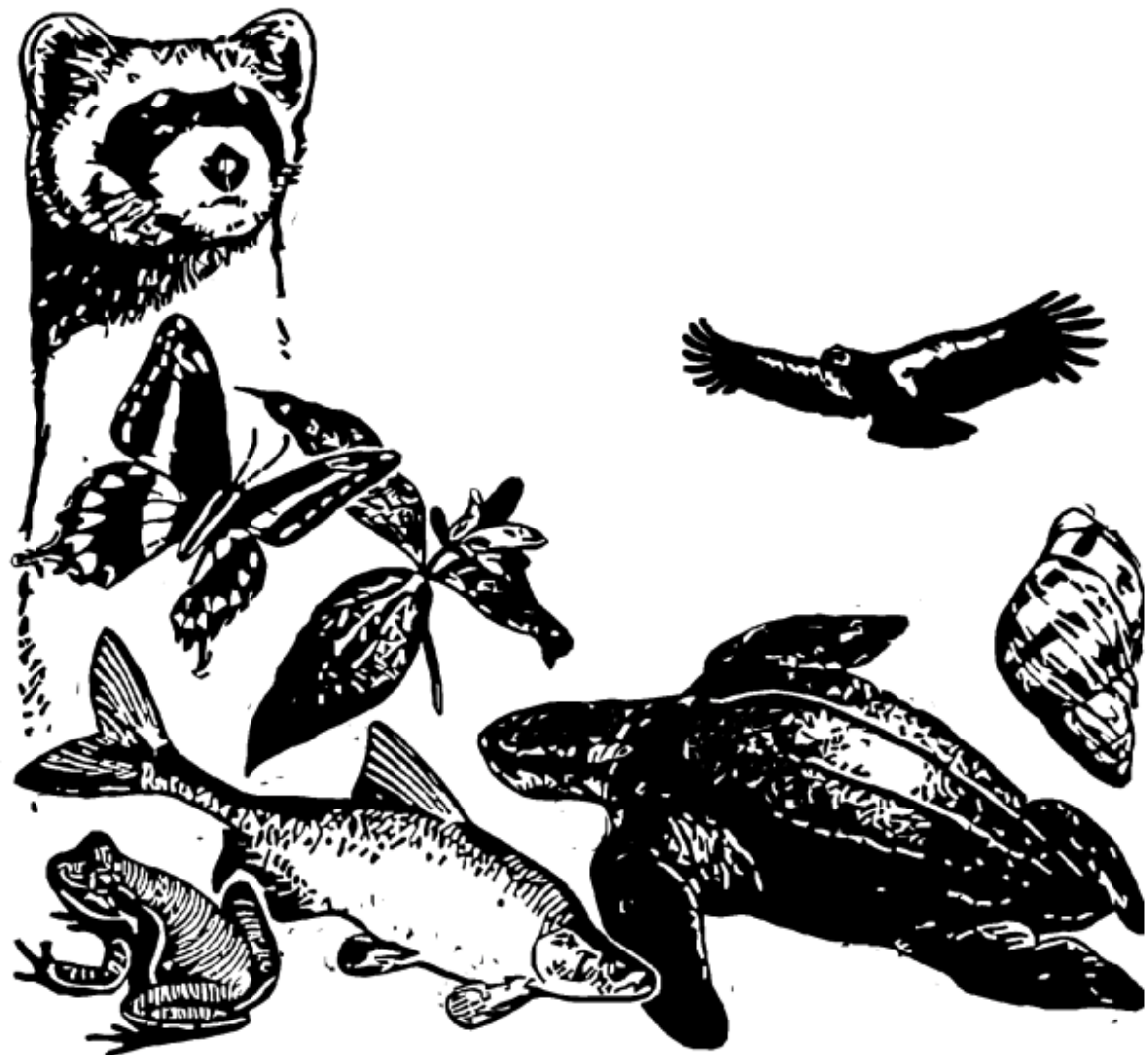


Table of Contents

Species Document Availability	1
Puerto Rican Boa - Caribbean Ecological Services Field Office	2

Species Document Availability

Species with general design guidelines

Puerto Rican Boa *Chilabothrus inornatus*



U.S. FISH AND WILDLIFE SERVICE CARIBBEAN ECOLOGICAL SERVICES FIELD OFFICE

Conservation Measures for the Puerto Rican boa (*Chilabothrus inornatus*)

Section 7 (a)(1) of the Endangered Species Act (ESA) charges Federal agencies to aid in the conservation of listed species, and section 7 (a)(2) requires the agencies, through consultation with the U.S. Fish and Wildlife Service (Service), to ensure their activities are not likely to jeopardize the continued existence of listed species or adversely modify designated critical habitats. Section 7 applies to the management of Federal lands as well as Federal actions that may affect federally listed species, such as Federal approval of private activities through the issuance of Federal funding, permits, licenses, or other actions. Any person that injures, captures, or kills a Puerto Rico boa is subject to penalties under the ESA. If Federal funds or permits are needed, the funding or permitting agency should initiate Section 7 consultation with the Service. To initiate a consultation under the Section 7 of the ESA, you must submit a project package with the established minimum requirements. These conservation measures should be incorporated into the project plans to minimize possible impacts to the species.

The endangered Puerto Rican (PR) boa (*Chilabothrus inornatus*, formerly *Epicrates inornatus*) is the largest endemic snake species that inhabits Puerto Rico. The PR boa is non-venomous and does not pose any life threatening danger to humans, but some individuals may try to bite if disturbed or during capture or handling. Its body color ranges from tan to dark brown with irregular diffuse marking on the dorsum, but some individuals lack marking and are uniformly dark. Juveniles may have a reddish color with more pronounced markings. In general, as they mature, their body color tends to darken.



The PR boa was federally listed in 1970. Currently, the species has an island-wide distribution and occurs in a wide variety of habitat types, ranging from wet montane to subtropical dry forest and can be found from mature forest to areas with different degrees of human disturbance such as roadsides or houses, especially if near their habitat in rural areas. The PR boa is considered mostly nocturnal, remaining less active, concealed or basking under the sun during the day.

The Service has developed the following conservation measures with the purpose of assisting others to avoid or minimize adverse effects to the PR boa and its habitat. These recommendations may be incorporated into new project plans and under certain circumstances into existing projects. Depending on the project, additional conservation measures can be implemented besides the ones presented in this document.

Conservation Measures:

1. Inform all project personnel about the potential presence of the PR boa in areas where the proposed work will be conducted. A pre-construction meeting should be conducted to inform all project personnel about the need to avoid harming the species as well as penalties for harassing or harming PR boas. An educational poster or sign with photo or illustration of the species should be displayed at the project site.
2. Prior to any construction activity, including removal of vegetation and earth movements, the boundaries of the project and areas to be excluded and protected should be clearly marked in the project plan and in the field in order to avoid further habitat degradation into forested and conservation areas.
3. Once areas are clearly marked, and prior to the use of heavy machinery and any construction activity (including removal of vegetation and earth movement), a biologist or project personnel with experience on this species should survey the areas to be cleared to verify the presence of any PR boa within the work area.
4. If a PR boa is found within any of the working or construction areas, activities should stop at that area and information recorded (see #5). **Do not capture the boa.** If boas need to be moved out of harm's way, designated personnel shall immediately contact the Puerto Rico Department of Natural and Environmental Resources (PRDNER) Rangers for safe capture and relocation of the animal (PRDNER phone #: (787) 724-5700, (787) 230-5550, (787) 771-1124). **If immediate relocation is not an option, project-related activities at that area must stop until the boa moves out of harm's way on its own.** Activities at other work sites, where no boas have been found after surveying the area, may continue.
5. For all boa sightings (dead or alive), record the time and date of the sighting and the specific location where it was found. PR boa data should also include a photo of the animal (dead or alive), site GPS coordinates, the time and date, and comments on how the animal was detected and its behavior.

6. If a PR boa is captured by PRDNER personnel, record the name of that person and information on where the PR boa will be taken. This information should be reported to the Service.
7. Measures should be taken to avoid and minimize PR boa casualties by heavy machinery or motor vehicles being used on site. Any heavy machinery left on site (staging) or near potential PR boa habitat (within 50 meters of potential boa habitat), needs to be thoroughly inspected each morning before work starts to ensure that no boas have sheltered within engine compartments or other areas of the equipment. If PR boas are found within vehicles or equipment, do not capture the animal, and let it move on its own or call PRDNER Rangers for safe capture and relocation of the animal (see #4). If not possible, the animal should be left alone until it leaves the vehicle on its own.
8. PR boas may seek shelter in debris piles. Measures should be taken to avoid and minimize boa casualties associated with sheltering in debris piles as a result of project activities. Debris piles should be placed far away from forested areas. Prior to moving, disposing or shredding, debris piles should be carefully inspected for the presence of boas. If debris piles will be left on site, we recommend they be placed in areas that will not be disturbed in the future.
9. If a dead PR boa is found, immediately cease all work in that area and record the information accordingly (see #5). If the PR boa was accidentally killed as part of the project actions, please include information on what conservation measures had been implemented and what actions will be taken to avoid further killings. A dead boa report should be sent by email (see contacts below) to the Service within 48 hours of the event.
10. Projects must comply with all state laws and regulations. Please contact the PRDNER for further guidance.

If you have any questions regarding the above conservation measures, please contact the Service:

- José Cruz-Burgos, Endangered Species Program Coordinator
 - Email: jose_cruz-burgos@fws.gov
 - Office phone (305) 304-1386
- Jan Zegarra, Fish and Wildlife Biologist
 - Email: jan_zegarra@fws.gov
 - Office phone (786) 933-1451

APPENDIX E

USFWS Consistency Letter



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Caribbean Ecological Services Field Office
Post Office Box 491
Boqueron, PR 00622-0491
Phone: (939) 320-3135 Fax: (787) 851-7440
Email Address: CARIBBEAN_ES@FWS.GOV

In Reply Refer To:

07/24/2024 18:53:27 UTC

Project code: 2024-0120986

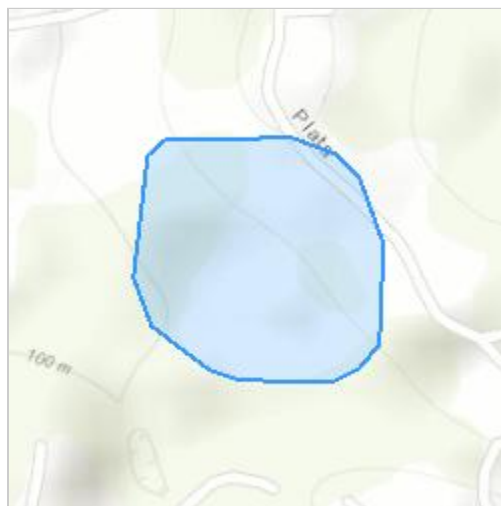
Project Name: ETO-015 PR-RGRW-00697

Subject: Consistency letter for the project named 'ETO-015 PR-RGRW-00697' for specified threatened and endangered species, that may occur in your proposed project location, pursuant to the IPaC determination key titled Caribbean Determination Key (DKey).

Dear Applicant:

Thank you for using the assisted evaluation keys in IPaC. This letter is provided pursuant to the Service's authority under the Endangered Species Act of 1973, as amended (ESA) (87 Stat. 884; 16 U.S.C. 1531et seq.). On July 24, 2024, Rachel Howsmon used the Caribbean DKey; dated April 03, 2024, in the U.S. Fish and Wildlife Service's online [IPaC application](#) to evaluate potential impacts to federally listed species, from a project named 'ETO-015 PR-RGRW-00697'. The project is located in Moca County, Puerto Rico (shown below).

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@18.3286485,-67.05652937008233,14z>



The following description was provided for the project 'ETO-015 PR-RGRW-00697':

The installation of a new greenhouse, a solar system, three 2,500-gallon water cisterns, and a water sprayer system

Based on your answers and the assistance of the Service's Caribbean DKey, you made the following effect determination(s) for the proposed Action:

Species	Listing Status	Determination
Puerto Rican Boa (<i>Chilabothrus inornatus</i>)	Endangered	May affect

Consultation with the Service is not complete. Further consultation with the Caribbean Ecological Services office is required for those species with a determination of "may affect" listed above. Please contact the Caribbean Ecological Services office to discuss methods to avoid or minimize potential adverse effects to those species.

We appreciate your interest in protecting endangered species and their habitats. It is the Service's mission to work with others to conserve, protect, and enhance fish, wildlife, and plants and their habitats for the continuing benefit of our people. If you have any questions or require additional information, please contact our office at Caribbean_es@fws.gov.

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

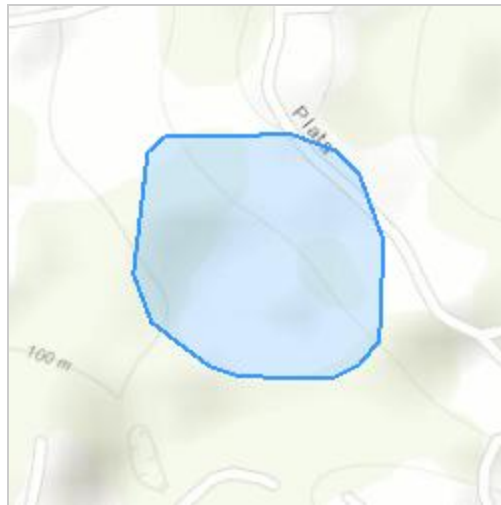
ETO-015 PR-RGRW-00697

2. Description

The following description was provided for the project 'ETO-015 PR-RGRW-00697':

The installation of a new greenhouse, a solar system, three 2,500-gallon water cisterns, and a water sprayer system

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@18.3286485,-67.05652937008233,14z>



QUALIFICATION INTERVIEW

1. Is the proposed project an EPA Multi-Sector General Permit (MSGP) renewal for an existing project? ([MSGP Fact Sheet](#))

No

2. Is the proposed project within an urban developed area? (i.e., cities, downtowns, shopping malls etc.)

Note: Urban and developed areas has one or more of the following characteristics: Presence of existing buildings, residential areas, and commercial establishments. Well-established infrastructure including roads, utilities, and urban facilities. High population density. Established neighborhoods and urban amenities ("urbanizaciones"). Developed landscape with paved surfaces, parking lots, and industrial areas. Signs of human activity and urbanization, such as shopping centers and recreational facilities. Location within the boundaries of a city or town ("casco urbano"). High concentration of built-up structures and limited open spaces. Aerial imagery might be requested to the applicant. .

No

3. Does the proposed project consist of rehabilitation or demolition of existing single-family homes and buildings?

No

4. Does the proposed project consist of improvements to existing facilities?

Note: Examples of facilities are occupied single family homes, and buildings; existing recreational facilities, including the installation of roofs to existing basketball courts, etc.

No

5. Does the proposed project consist of repavement or repair of existing roads and installing transit signage or guardrails?

No

6. Does the proposed project consist of the construction of gutters and/or sidewalks along existing roads, and developments?

No

7. Does the proposed project consist of replacement or repair of existing bridges which include cutting vegetation or earth movement?

No

8. Does the proposed project consist of activities within existing Right of Ways (ROWs) along roads which include cutting vegetation or earth movement?

No

9. Is the proposed project located within a rural area covered by grassland (pasture lands "pastos")?

No

10. Is the proposed project adjacent or within a forested area?

Note: Examples of immediately adjacent to forested areas are rock walls and haystack hills (“mogotes”), wet montane forest, lowland wet forest, remnant coastal, mangrove forest, damp and dry limestone karst forests, pastureland with patches of exotic trees.

Yes

11. Is the project area more than 1 acre?

No

12. Is the proposed project an existing facility or the expansion of an existing facility within the footprint of the already developed area?

No

13. Is the proposed project a new facility which would require earth moving, vegetation clearing, or debris removal using heavy machinery, the use of staging areas, construction of temporary access roads?

No

14. [Hidden Semantic] Does the proposed project intersect the Puerto Rican boa area of influence?

Automatically answered

Yes

IPAC USER CONTACT INFORMATION

Agency: SWCA

Name: Rachel Howsmon

Address: 13 Palafox Pl

City: Pensacola

State: FL

Zip: 32502

Email: rachel.howsmon@swca.com

Phone: 8504948710

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Department of Housing and Urban Development

Radon
Attachments



August 20, 2024

Mrs. Carmen R. Guerrero Pérez
Director
Caribbean Environmental Protection Division
City View Plaza II – Suite 7000
#48 Rd. 165 km 1.2
Guaynabo, PR 00968-8069

Via email: guerrero.carmen@epa.gov

RE: Request for information regarding available data on radon testing and levels within Puerto Rico

The Puerto Rico Department of Housing (PRDOH) kindly requests your assistance in gathering data, information, or reports related to radon testing in Puerto Rico, as this information is crucial for our compliance with the U.S. Department of Housing and Urban Development (HUD) Community Planning and Development (CPD) Notice CDP-23-103.

This Notice emphasizes the importance of radon testing and mitigation in ensuring safe living environments, particularly in HUD-assisted properties. PRDOH, as the grantee of the Community Development Block Grant for Disaster Recovery and Mitigation (CDBG-DR/MIT), is responsible for ensuring compliance with environmental requirements under CDBG-DR/MIT programs. To fulfill our obligations under this Notice, we must compile comprehensive and up-to-date information on radon levels, testing practices, and any mitigation efforts within the islands of Puerto Rico.

Specifically, we are seeking for possible availability of the following information:

Radon testing data – Results from radon testing conducted within your agency's purview, including details on location, testing methods, and recorded radon levels.

Reports and assessments – Any reports, studies, or assessments your agency has produced or commissioned that address radon testing or mitigation.

Policies and guidelines – Information or any policy, guideline, or protocol your agency follows concerning radon testing, exposure limits, or mitigation.

Historical data – If available, historical data or trends in radon levels within the regions you monitor that may impact HUD-assisted housing.

This information is vital to ensure that our radon management strategies are practical and compliant with federal requirements. If some of this information may be sensitive or confidential, we are prepared to discuss any necessary agreements or protocols for sharing this data securely.

Please let us know if you require additional details or have any questions regarding this request. We would greatly appreciate your response by September 15, 2024, so we can incorporate this data into our ongoing compliance efforts.

Thank you in advance for your cooperation and support. We look forward to working together on this critical initiative.

Sincerely,

William O. Rodríguez Rodríguez, Esq.
Secretary

Cc: [Mr. Oleg Pavelko, \[Pavelko.Oleg@epa.gov\]\(mailto:Oleg.Pavelko_Pavelko.Oleg@epa.gov\)](mailto:Oleg.Pavelko_Pavelko.Oleg@epa.gov)
[Mr. Matthew Lautita, \[Lautita.Matthew@epa.gov\]\(mailto:Matthew.Lautita.Matthew@epa.gov\)](mailto:Matthew.Lautita.Matthew@epa.gov)



August 20, 2024

Dr. Silvina Cancelos
Professor
College of Engineering
University of Puerto Rico – Mayagüez Campus
259 Norte Blvd. Alfonso Valdés Cobián
Mayagüez, Puerto Rico

Via email: silvina.cancelos@upr.edu

RE: Request for information regarding available data on radon testing and levels within Puerto Rico

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Thank you in advance for your cooperation and support. We look forward to working together on this critical initiative.

Sincerely,

William O. Rodríguez Rodríguez, Esq.
Secretary

Cc: [Dr. Carlos Marín, \[carlos.marin3@upr.edu\]\(mailto:Carlos.Marin3@upr.edu\)](mailto:Dr.Carlos.Marin_Carlos.Marin3@upr.edu)



August 20, 2024

Dr. Jessica Izarry
Director
Office of Island Affairs
U.S. Centers for Disease Control and Prevention
1324 CII Canada, San Juan, 00920
Guaynabo, PR 00968-8069

Via email: OIA@cdc.gov

RE: Request for Information regarding available data on radon testing and levels within Puerto Rico

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This information is vital to ensure that our radon management strategies are practical and compliant with federal requirements, if some of this information may be sensitive or confidential, we are prepared to discuss any necessary agreements or protocols for sharing this data securely.

Please let us know if you require additional details or have any questions regarding this request. We would greatly appreciate your response by September 15, 2024, so we can incorporate this data into our ongoing compliance efforts.

Thank you in advance for your cooperation and support. We look forward to working together on this critical initiative.

Sincerely,

William O. Rodríguez Rodríguez, Esq.
Secretary



August 20, 2024

Mrs. Anais Rodríguez
Secretary
Puerto Rico Department of Natural Resources
Carretera 8838, km. 6.3, Sector El Cinco,
Río Piedras San Juan, PR 00926

Via email: anais.rodriguez@dma.pr.gov

RE: Request for Information regarding available data on radon testing and levels within Puerto Rico

The Puerto Rico Department of Housing (PRDOH) kindly requests your assistance in gathering data, information, or reports related to radon testing in Puerto Rico, as this information is crucial for our compliance with the U.S. Department of Housing and Urban Development (HUD) Community Planning and Development (CPD) Notice CDP-23-103.

This Notice emphasizes the importance of radon testing and mitigation in ensuring safe living environments, particularly in HUD-assisted properties. PRDOH, as the grantee of the Community Development Block Grant for Disaster Recovery and Mitigation (CDBG-DR/MIT), is responsible for ensuring compliance with environmental requirements under CDBG-DR/MIT programs. To fulfill our obligations under this Notice, we must compile comprehensive and up-to-date information on radon levels, testing practices, and any mitigation efforts within the islands of Puerto Rico.

Specifically, we are seeking for possible availability of the following information:

Radon testing data – Results from radon testing conducted within your agency's purview, including details on location, testing methods, and recorded radon levels.

Reports and assessments – Any reports, studies, or assessments your agency has produced or commissioned that address radon testing or mitigation.

Policies and guidelines – Information or any policy, guideline, or protocol your agency follows concerning radon testing, exposure limits, or mitigation.

Historical data – if available, historical data or trends in radon levels within the regions you monitor that may impact HUD-assisted housing.

This information is vital to ensure that our radon management strategies are practical and compliant with federal requirements. If some of this information may be sensitive or confidential, we are prepared to discuss any necessary agreements or protocols for sharing this data securely.

Please let us know if you require additional details or have any questions regarding this request. We would greatly appreciate your response by September 15, 2024, so we can incorporate this data into our ongoing compliance efforts.

Thank you in advance for your cooperation and support. We look forward to working together on this critical initiative.

Sincerely,

William O. Rodríguez Rodríguez, Esq.
Secretary

Cc: Mr. Luis Márquez, secretariogaire@dma.pr.gov
Eng. Amarilys Rosario, aire@dma.pr.gov
Mrs. Elid Ortegá, ortega@dma.pr.gov



August 20, 2024

Dr. Carlos R. Mellado López
Secretary
Puerto Rico Department of Health
PO Box 70184
San Juan, PR 00936-8184

Via email: drCarlos.mellado@salud.pr.gov

RE: Request for Information regarding available data on radon testing and levels within Puerto Rico

The Puerto Rico Department of Housing (PRDOH) kindly requests your assistance in gathering data, information, or reports related to radon testing in Puerto Rico, as this information is crucial for our compliance with the U.S. Department of Housing and Urban Development (HUD) Community Planning and Development (CPD) Notice CDP-23-103.

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Radon testing data – Results from radon testing conducted within your agency's purview, including details on location, testing methods, and recorded radon levels.

Reports and assessments – Any reports, studies, or assessments your agency has produced or commissioned that address radon testing or mitigation.



August 20, 2024

Mrs. Holly Weyers
Regional Director, Southeast – Puerto Rico
US Geological Survey
3916 Sunset Ridge Road
Raleigh, NC 27607

Via email: hswyers@usgs.gov

RE: Request for Information regarding available data on radon testing and levels within Puerto Rico

The Puerto Rico Department of Housing (PRDOH) kindly requests your assistance in gathering data, information, or reports related to radon testing in Puerto Rico, as this information is crucial for our compliance with the U.S. Department of Housing and Urban Development (HUD) Community Planning and Development (CPD) Notice CDP-23-103.

This Notice emphasizes the importance of radon testing and mitigation in ensuring safe living environments, particularly in HUD-assisted properties. PRDOH, as the grantee of the Community Development Block Grant for Disaster Recovery and Mitigation (CDBG-DR/MIT), is responsible for ensuring compliance with environmental requirements under CDBG-DR/MIT programs. To fulfill our obligations under this Notice, we must compile comprehensive and up-to-date information on radon levels, testing practices, and any mitigation efforts within the islands of Puerto Rico.

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Radon testing data – Results from radon testing conducted within your agency's purview, including details on location, testing methods, and recorded radon levels.

Reports and assessments – Any reports, studies, or assessments your agency has produced or commissioned that address radon testing or mitigation.

Policies and guidelines – Information or any policy, guideline, or protocol your agency follows concerning radon testing, exposure limits, or mitigation.

Historical data – If available, historical data or trends in radon levels within the regions you monitor that may impact HUD-assisted housing.

This information is vital to ensure that our radon management strategies are practical and compliant with federal requirements. If some of this information may be sensitive or confidential, we are prepared to discuss any necessary agreements or protocols for sharing this data securely.

Please let us know if you require additional details or have any questions regarding this request. We would greatly appreciate your response by September 15, 2024, so we can incorporate this data into our ongoing compliance efforts.

Thank you in advance for your cooperation and support. We look forward to working together on this critical initiative.

Sincerely,

William O. Rodríguez Rodríguez, Esq.
Secretary

Cc: Mr. Raúl Hernández Dabla, rahernandez2@salud.pr.gov

Policies and guidelines – Information or any policy, guideline, or protocol your agency follows concerning radon testing, exposure limits, or mitigation.

Historical data – If available, historical data or trends in radon levels within the regions you monitor that may impact HUD-assisted housing.

This information is vital to ensure that our radon management strategies are practical and compliant with federal requirements. If some of this information may be sensitive or confidential, we are prepared to discuss any necessary agreements or protocols for sharing this data securely.

Please let us know if you require additional details or have any questions regarding this request. We would greatly appreciate your response by September 15, 2024, so we can incorporate this data into our ongoing compliance efforts.

Thank you in advance for your cooperation and support. We look forward to working together on this critical initiative.

Sincerely,

William O. Rodríguez Rodríguez, Esq.
Secretary

Cc: Mr. R. Randall Schumann, rschumann@usgs.gov

From: Charp, Paul (CDC/NCEH/DEHSP) <pac4@cdc.gov>
Sent: Tuesday, September 3, 2024 6:36 AM
To: Miranda, Sandra (CDC/PHIC/DPS); Irizarry, Jessica (CDC/PHIC/DPS); Rzeszotarski, Peter (CDC/NCEH/DEHSP); Vinson, D. Aaron (CDC/NCEH/DEHSP)
Cc: Kostak, Liana (CDC/PHIC/DPS); Vazquez, Germaine (CDC/NCEH/DEHSP)
Subject: RE: REHi: Puerto Rico Request for Information- Randon testing and levels

Good morning, Sandra and others,

In response to the request from Mr. William Rodriguez of the Department of Housing, Government of Puerto Rico, I have reviewed all the available data within the CDC National Environmental Public Health Tracking Network system for data related to radon in Puerto Rico. In addition to the tracking data available on the internet, I also reached out to Mr. Aaron Vinson of the NCEH Tracking Branch.

I was not able to find any data in the CDC systems and this was confirmed by Mr. Vinson. We also reached out the US Environmental Protection Agency who indicated they had no radon data in their systems. Please relay this information to Mr. Rodriguez in your response to his requests

If you have any additional questions, please contact me.

Thank you and best regards,

Paul A. Charp, Ph.D., Fellow, HPS
Senior Health Physicist
Emerging Environmental Hazards and Health Effects Branch (EEHHEB)
Division of Environmental Health Science and Practice (DEHSP)
National Center for Environmental Health (NCEH)
Centers for Disease Control and Prevention (CDC)
pcharp@cdc.gov
770-488-0723 office
404.388.0614 Cell



From: Schumann, R. Randall <rschumann@usgs.gov>
Sent: Wednesday, August 21, 2024 4:39 PM
To: Melanie Medina Smaine <mmedina@vivienda.pr.gov>; Weyers, Holly S <hsweyers@usgs.gov>
Cc: Elaine Dume Mejia <Edume@vivienda.pr.gov>; Luz S Colon Ortiz <Lcolon@vivienda.pr.gov>; Aldo A. Rivera-Vazquez <aarivera@vivienda.pr.gov>
Subject: RE: Request for Information- Radon testing and levels

Dear Ms. Medina Smaine,

In the early 1990s the U.S. Geological Survey (USGS) conducted geologic assessments of radon potential for all 50 states and the territories of Guam and Puerto Rico, in collaboration with the U.S. EPA. I conducted the geologic radon potential assessment for Puerto Rico. The PDF file of the report is too large to attach to this message but it can be obtained at <https://pubs.usgs.gov/of/1993/0292k/report.pdf>. The USGS did not conduct indoor radon testing and we did not conduct field studies associated with this assessment; it was based on existing data. Mr. David Saldana of the Puerto Rico Department of Health kindly provided us with data for 610 homes that were tested for indoor radon by his agency between 1993 and 1995, which are summarized in the report. I am not aware of any other radon-related geologic studies conducted in the Commonwealth of Puerto Rico by the U.S. Geological Survey.

Best regards,

R. Randall Schumann
Scientist Emeritus
U.S. Geological Survey
Geosciences and Environmental Change Science Center
Denver, Colorado, USA
rschumann@usgs.gov
<https://www.usgs.gov/staff-profiles/r-randall-schumann>

From: Raul Hernandez Doble <rhernandez2@salud.pr.gov>
Sent: Wednesday, August 21, 2024 2:13:31 PM
To: Melanie Medina Smaine <mmedina@vivienda.pr.gov>; Dr. Carlos Mellado <drcarlos.mellado@salud.pr.gov>
Cc: Elaine Dume Mejia <Edume@vivienda.pr.gov>; Luz S Colon Ortiz <Lcolon@vivienda.pr.gov>; Aldo A. Rivera-Vazquez <aarivera@vivienda.pr.gov>; Mayra Toro Tirado <mtoro@salud.pr.gov>
Subject: RE: [EXTERNAL]Request for Information- Radon testing and levels

Good afternoon. Ms. Medina

I regret to inform that we do not have any recent information on radon testing, since we do not have a certified radiation laboratory certified for radon testing. There are companies that sell test kits available online that can be done and mailed to a testing laboratory. There are also lists of radon contractors and these companies that process radon testing cartridges with instructions, on the Environmental Protection Agency Indoor air Quality web page. The last radon study in Puerto Rico done by the PR Department of Health was done on the year 1993.

Raul Hernandez Doble
Director, Seccion Salud Radiologica
Division de Salud Ambiental
Secretaria Auxiliar para la Vigilancia y la Proteccion de la Salud Publica
rhernandez2@salud.gov.pr
Phone: (787)765-2929 ext. 3210

From: Reyes, Brenda <Reyes.Brenda@epa.gov>
Sent: Wednesday, September 18, 2024 11:48 AM
To: Cesar O Rodriguez Santos <cesarrodriguez@drna.pr.gov>; Maritza Rosa Olivares <maritzarosaolivares@drna.pr.gov>; Silvana Cancelos Mancini <silvana.cancelos@upr.edu>; Melanie Medina Smaine <mmedina@vivienda.pr.gov>
Cc: Elaine Dume Mejia <Edume@vivienda.pr.gov>; Luz S Colon Ortiz <Lcolon@vivienda.pr.gov>; Aldo A. Rivera-Vazquez <aarivera@vivienda.pr.gov>; Povetko, Oleg (he/him/his) <Povetko.Oleg@epa.gov>
Subject: RE: Request for Information- Randon testing and levels

Saludos.

La EPA esta trabajando una respuesta a su petición. Se sometió borrador a la directora y el subdirector para su aprobación y firma.

Brenda Reyes Tomassini
Public Affairs
U.S. EPA
Region 2
Caribbean Environmental Protection Division
(787) 977-5869/(787) 977-5865
Mobile: 202-834-1290

From: Silvana Cancelos Mancini <silvana.cancelos@upr.edu>
Sent: Friday, September 6, 2024 15:04
To: Melanie Medina Smaine <mmedina@vivienda.pr.gov>
Cc: Elaine Dume Mejia <Edume@vivienda.pr.gov>; Luz S Colon Ortiz <Lcolon@vivienda.pr.gov>; Aldo A. Rivera-Vazquez <aarivera@vivienda.pr.gov>; Maritza Rosa Olivares <maritzarosaolivares@drna.pr.gov>; Reyes, Brenda <Reyes.Brenda@epa.gov>; Povetko, Oleg <Povetko.Oleg@epa.gov>
Subject: Re: Request for Information- Randon testing and levels

Estimada Melanie Medina
Quería dejarte saber que recibimos su correo el 21 de agosto al igual que el de Maritza Rosa el pasado 4 de septiembre. Ya las personas involucradas de EPA, junto conmigo y el Dr. Marín estamos al tanto del asunto y estamos trabajando para poder enviarles la información.

Atentamente

Silvana Cancelos
Professor
Associate Director
Mechanical Engineering Department
University of Puerto Rico - Mayaguez
Call BOX 9000 Mayaguez PR 00680
Tel: 787-832-4040 ext 5956
email: silvana.cancelos@upr.edu



Bubble Dynamics Lab
University of Puerto Rico - Mayaguez



EPA REGION 2
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION

September 23, 2024

VIA EMAIL

William O. Rodriguez Rodriguez, Esq.
Secretary
Puerto Rico Department of Housing
Barbosa Ave. 606 Building Juan C. Cordero
San Juan, PR 00917
Email: W.Rodriguez@vivienda.pr.gov

RE: EPA Response to August 20, 2024 request for information of data on radon testing and levels in Puerto Rico

Dear Honorable Secretary Rodriguez Rodriguez:

This communication is in response to your letter of August 20, 2024 addressed to the Puerto Rico Department of Natural and Environmental Resources (DNER) and referred to the U.S. Environmental Protection Agency (EPA) regarding available data on radon testing and levels within Puerto Rico.

EPA's National Radon Action Plan 2021–2025 sets a goal for the nation to find, fix and prevent high indoor radon levels in 8 million buildings by 2025 and prevent 3,500 lung cancer deaths per year. Under this Plan, leaders from across multiple sectors are working together to plan, guide, and sustain nationwide action to prevent exposure to radon.

Due to the lack of data in Puerto Rico, EPA undertook an investigation in collaboration with the University of Puerto Rico-Mayaguez (UPRM) Campus, Departments of Civil Engineering and Surveying and Mechanical Engineering, to find out if radon presented a problem in Puerto Rico. Up until 2021, the only data we had for Puerto Rico was a 1993-1995 mail-in radon screening study referred to by the U.S. Geological Survey report (USGS, 1995) in which the USGS concluded that several areas of Puerto Rico have the geologic potential to generate indoor radon levels exceeding the EPA Action Level of 4 pCi/L (picocuries per liter), perhaps locally reaching very high levels above 50 pCi/L, if a house construction and

ventilation allow for soil-gas radon to enter and concentrate within the structure.¹ According to the USGS report, most of these areas are located in the northwest part of the island. Please note that the actual 1993-1995 study documentation is not available to the EPA.

Typical radon testing technology used in mainland United States (charcoal canisters or electric-powered devices) are impractical in Puerto Rico because of high humidity and power outages. The recovery and rebuilding of communities following the aftermath of 2017 Hurricanes Irma and Maria presented an opportunity to develop radon prevention and mitigation strategies in 2019. Initially, EPA sampled indoor radon air in over 170 single-family residences in the municipalities of San Sebastian, Lares, Ciales, Arecibo, Morovis, Camuy, and Hatillo and later expanded the project to other municipalities such as Rincon, Aguada, Aguadilla, Isabela, Quebradillas, Barceloneta and Vega Baja. The quality assurance protocols were anchored in American National Standards Institute/American Association of Radon Scientists and Technologists (ANSI/AARST) standards of practice (ANSI/AARS, 2019). The sampling was designed in two stages: scoping and confirmatory sampling. The scoping sampling was conducted using Corentium Home (CH) electronic monitors and E-Perm systems. Locations measuring above the EPA Action Level of 4 pCi/L with CH were measured at the second stage of the sampling using RAD7 and Corentium Pro Continuous Radon Monitors (CRMs). Nationally certified radon sampling professionals led by one such professional from the UPRM conducted confirmatory sampling in the second stage. Also, during the study, the nationally certified radon mitigation professionals inspected several homes with elevated indoor radon levels.

Mapping radon in Puerto Rico proved to be a complicated endeavor given the COVID-19 pandemic in 2020. EPA and UPRM continue to work on the project, however, results have not been finalized, and no scientific report has been published yet. Unfortunately, EPA cannot share preliminary data at this time because it contains privileged information. Nevertheless, preliminary data from the study does show homes with levels over 4 pCi/L (EPA Action Level) that might need mitigation to protect the health of their inhabitants.

Although many states have developed laws and regulations governing radon disclosure, certification, and mitigation, Puerto Rico lacks legislation or mandatory radon testing provisions for new construction, remodeling, selling or buying homes. Given this loophole and aiming to answer your request, the EPA can provide information on Best Management Practices for sampling indoor radon in Puerto Rico.

¹ Reference: USGS. Geologic Radon Potential of Guam and Puerto Rico, Report 93-292-K. Washington, DC: USGS. Retrieved 9/11/2024, from <https://pubs.usgs.gov/of/1993/0292k/report.pdf>.

CITY VIEW PLAZA II BUILDING, 7TH FLOOR
ROUTE 185 GUAYNABO, PR 00988

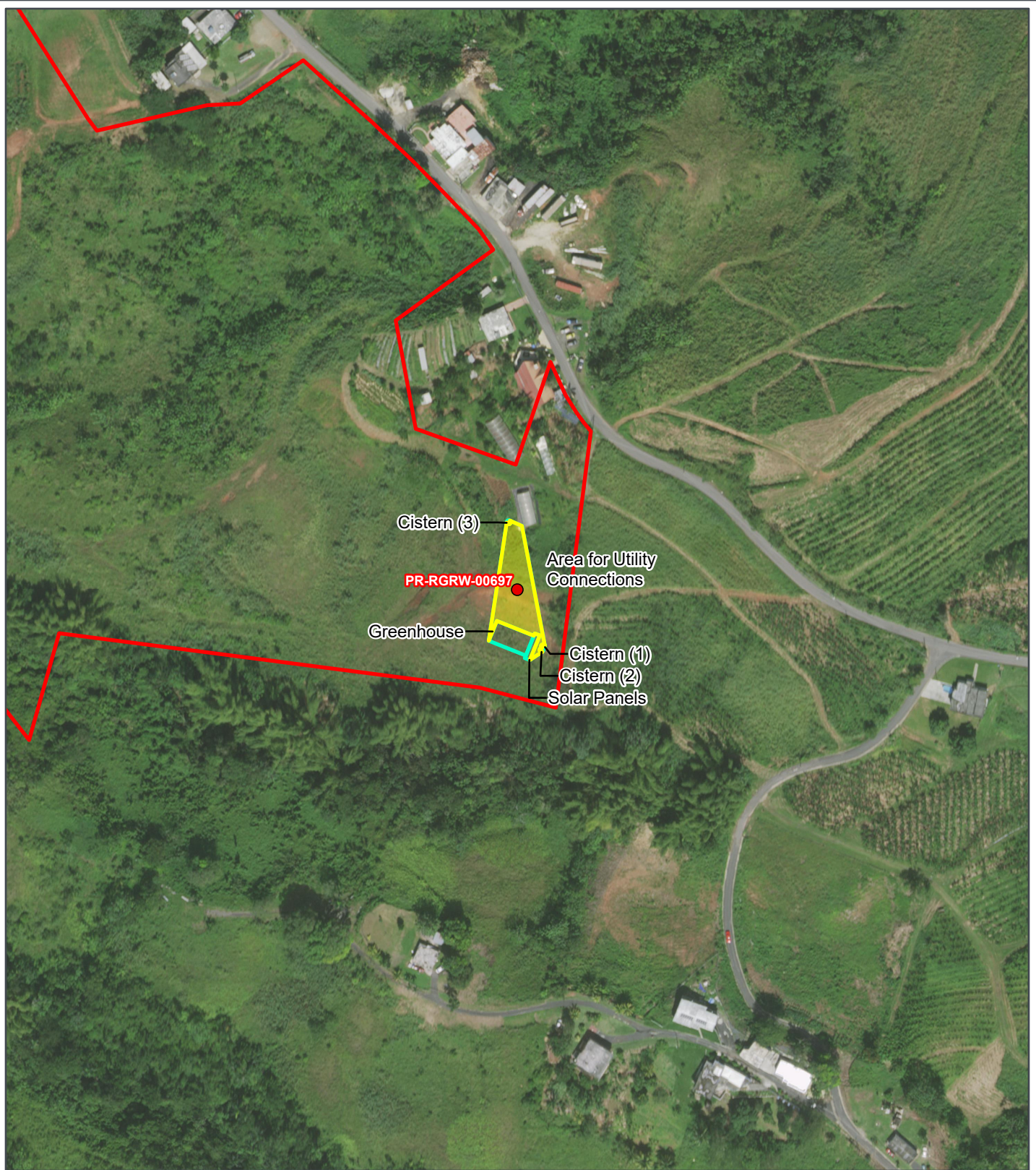
2

If you have any questions or need any additional information, please contact me at 787-977-5865 or guerrero.carmen@epa.gov or have your staff contact Reyes, Brenda at reyes.brenda@epa.gov or (787) 977-5869.

Sincerely,
CARMEN GUERRERO PEREZ
Carmen R. Guerrero Pérez
Director

Digitally signed by
CARMEN GUERRERO PEREZ
Date: 2024.09.23 09:41:39
-04'00'

cc: Roberto Mendez, Esq (Acting Secretary, PR Department of Natural and Env. Resources)
Melany Medina: mmedina@vivienda.pr.gov
Elaine Dume Mejia: Edume@vivienda.pr.gov
Luz S Colon Ortiz: Lcolon@vivienda.pr.gov
Aldo A. Rivera-Vazquez: aarivera@vivienda.pr.gov
Cesar O. Rodriguez: cesarrodriquez@drna.pr.gov
Marita Rosa Olivares: maritzarosaolivares@drna.pr.gov



REGROW PROGRAM

**Figure B 10-1:
Advisory Base Flood
Elevation For 100-Year
Floodplain Map**

Applicant ID: PR-RGRW-00697



- Site
- Site Parcel
- Project Footprint (Option)
- Above Ground Utilities Location
- Advisory Base Flood Elevation (ABFE)
- 0.2% Annual Chance Flood
- 1% Annual Chance Flood
- Zone A
- Zone A-Floodway
- Zone AE
- Coastal A Zone
- Coastal A Zone and Floodway
- Zone AE-Floodway
- Zone AO
- Zone VE
- Zone X (500-year floodplain)
- Zone/BFE Boundary

Carr 423 Km 12.8, Bo Plata Alta
Moca, Puerto Rico 00676

Parcel ID: 128-000-001-89-000,
128-042-063-21-000

67.054768°W 18.32737°N

Data Source: https://gis.fema.gov/arcgis/rest/services/DR/PuertoRico_ABFE_1PCT/MapServer

Base Map: USA NAIIP Imagery
Imagery Year: 2022
Updated: 8/29/2024
Layout: ABFE 1Pct
Aprx: 72428_ReGrowTier2Maps

N

1:2,500 Puerto Rico



REGROW PROGRAM

**Figure B 1-1:
Airport Hazards Map**

Applicant ID: PR-RGRW-00697

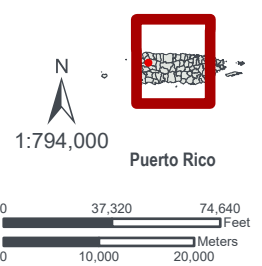


- Site
- Airport Runway
- Accident Potential Zones (APZ)
- Runway Protection Zones (RPZ)
- 2,500-FT Civil Airport Buffer
- 15,000-FT Military Airport Buffer

Carr 423 Km 12.8, Bo Plata Alta
Moca, Puerto Rico 00676
Parcel ID: 128-000-001-89-000,
128-042-063-21-000

67.054768°W 18.32737°N

Data Source: <https://geodata.bts.gov/>
Base Map: ESRI ArcGIS Online,
accessed August 2024
Updated: 8/29/2024
Layout: Airport Hazards
Aprx: 72428_ReGrowTier2Maps





REGROW PROGRAM

Figure B 2-1: Coastal Barrier Resources Map

Applicant ID: PR-RGRW-00697

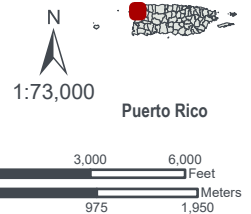


- Site
- Otherwise Protected Area
- System Unit

Carr 423 Km 12.8, Bo Plata Alta
 Moca, Puerto Rico 00676
 Parcel ID: 128-000-001-89-000,
 128-042-063-21-000

67.054768°W 18.32737°N

Data Source: <https://cbrsgis.wim.usgs.gov/arcgis/rest/services/CoastalBarrierResourcesSystem/MapServer>
 Base Map: ESRI ArcGIS Online, accessed August 2024
 Updated: 8/29/2024
 Layout: Coastal Barrier Resources System





REGROW PROGRAM

Figure B 5-1: Coastal Zone Management Map

Applicant ID: PR-RGRW-00697

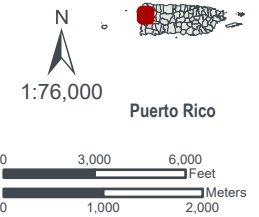


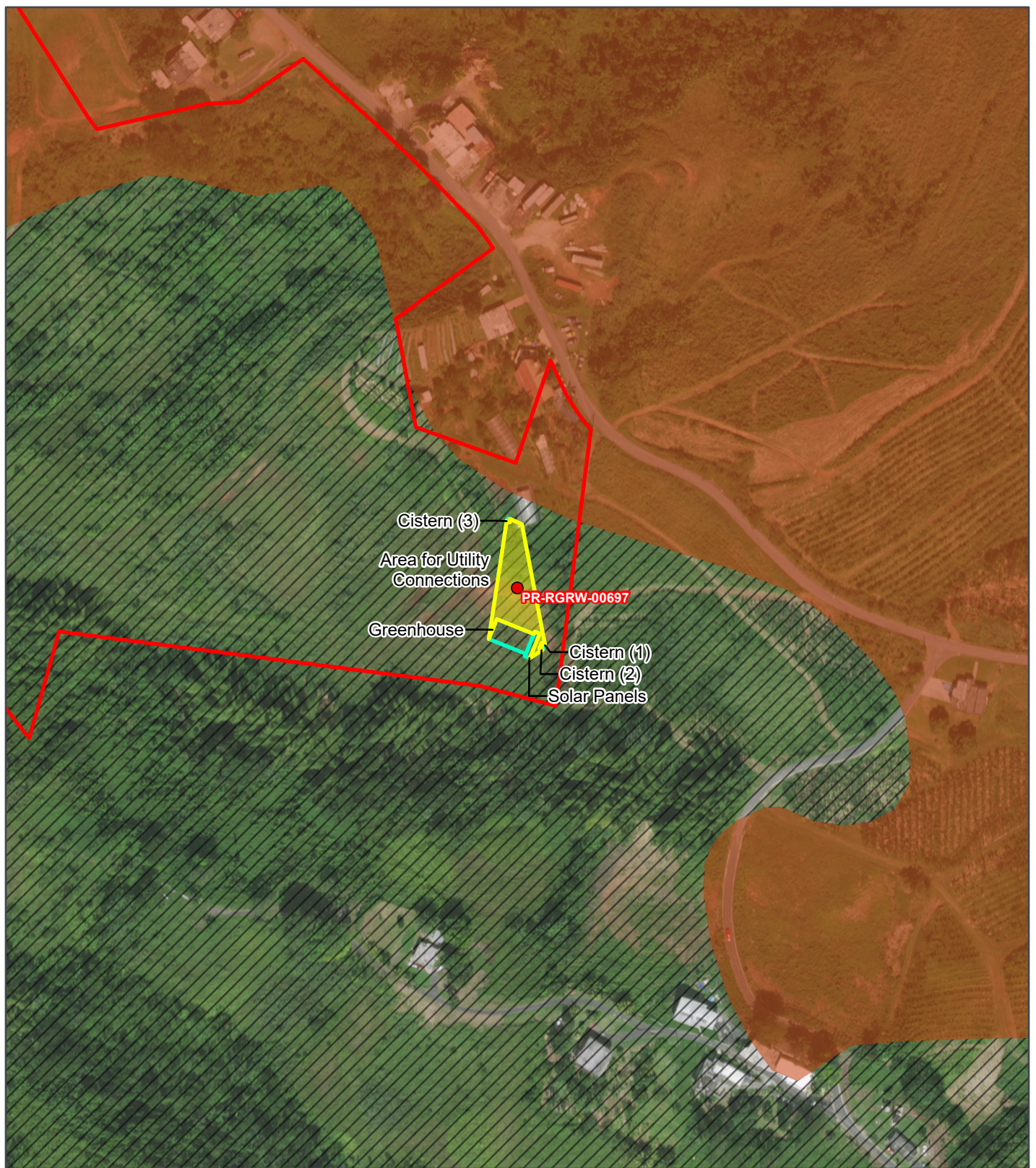
- Site
- Coastal Management Zone

Carr 423 Km 12.8, Bo Plata Alta
 Moca, Puerto Rico 00676
 Parcel ID: 128-000-001-89-000,
 128-042-063-21-000

67.054768°W 18.32737°N

Data Source: <https://coast.noaa.gov/arcgis/rest/services/Hosted/CoastalZoneManagementAct/BaseMap:ESRI/ArcGIS/Online>, accessed August 2024
 Updated: 8/29/2024
 Layout: Coastal Zone Management
 Aprx: 72428_ReGrowTier2Maps





REGROW PROGRAM

**Figure B 9-1:
Prime Farmland Map**

Applicant ID: PR-RGRW-00697



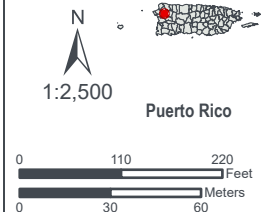
- Site
- Site Parcel
- Project Footprint (Option)
- Above Ground Utilities Location
- All areas are prime farmland
- Farmland of statewide importance
- Farmland of statewide importance, if irrigated

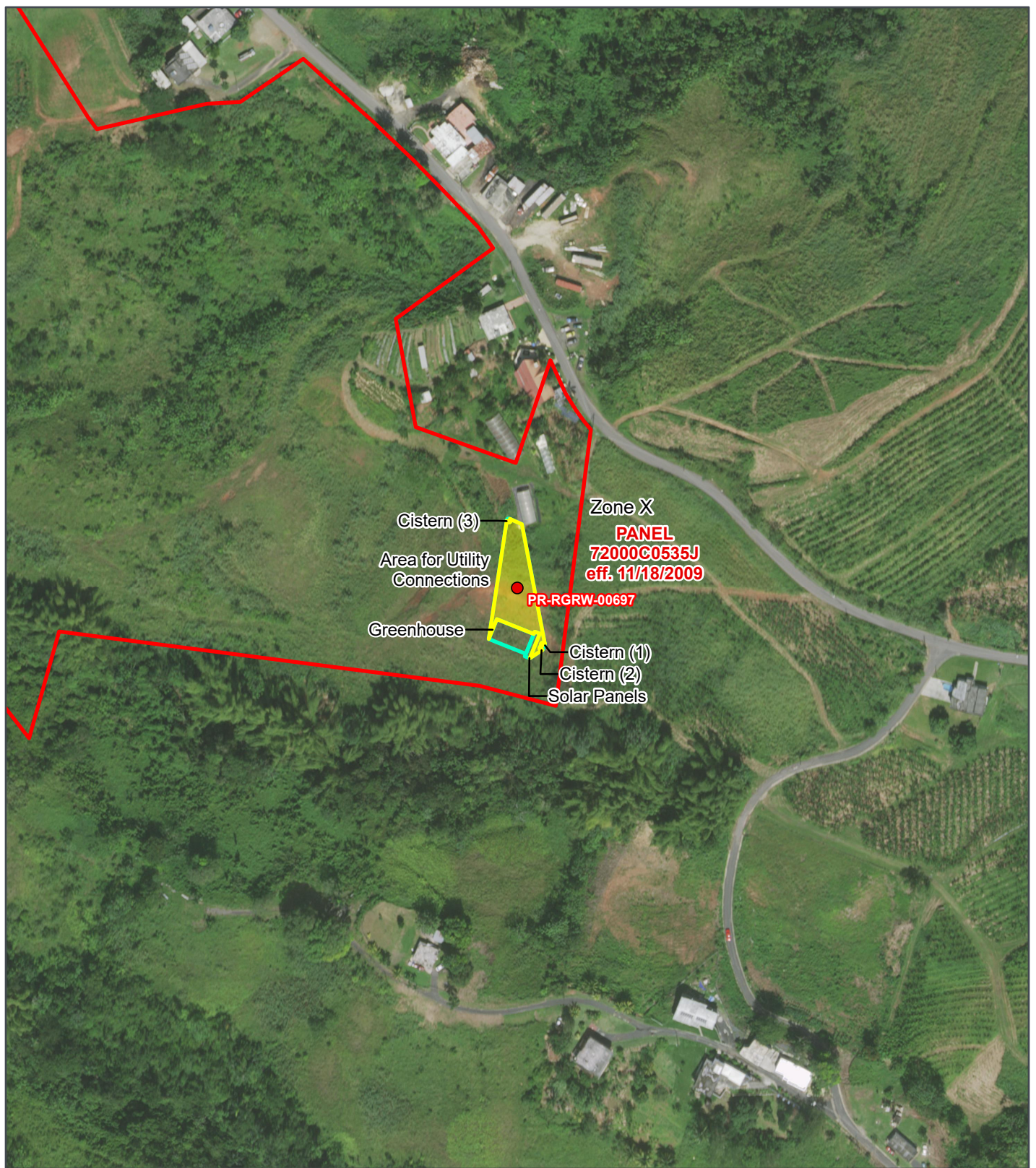
- Prime farmland if drained
- Prime farmland if irrigated
- Prime farmland if irrigated and reclaimed of excess salts and sodium
- Prime farmland if protected from flooding or not frequently flooded during the growing season
- Not prime farmland
- Not Public Information

Carr 423 Km 12.8, Bo Plata Alta
Moca, Puerto Rico 00676
Parcel ID: 128-000-001-89-000,
128-042-063-21-000

67.054768°W 18.32737°N

Data Source: <https://websoilsurvey.nrcs.usda.gov/etop/>
Base Map: USA NAIP Imagery
Imagery Year: 2022
Updated: 8/29/2024
Layout: Prime Farmland
Aprx: 72428_ReGrowTier2Maps





REGROW PROGRAM

Figure B 3-1: Flood Insurance Rate Map (FIRM)

Applicant ID: PR-RGRW-00697



- Site
- Site Parcel
- Project Footprint (Option)
- Above Ground Utilities Location
- Base Flood Elevations
- Zone A
- Zone AE
- Zone AH
- Zone AO
- Zone VE
- Floodway
- Zone X - Shaded (500-year floodplain)
- Zone X - Unshaded
- Area Not Included
- Open Water

Carr 423 Km 12.8, Bo Plata Alta
 Moca, Puerto Rico 00676
 Parcel ID: 128-000-001-89-000,
 128-042-063-21-000

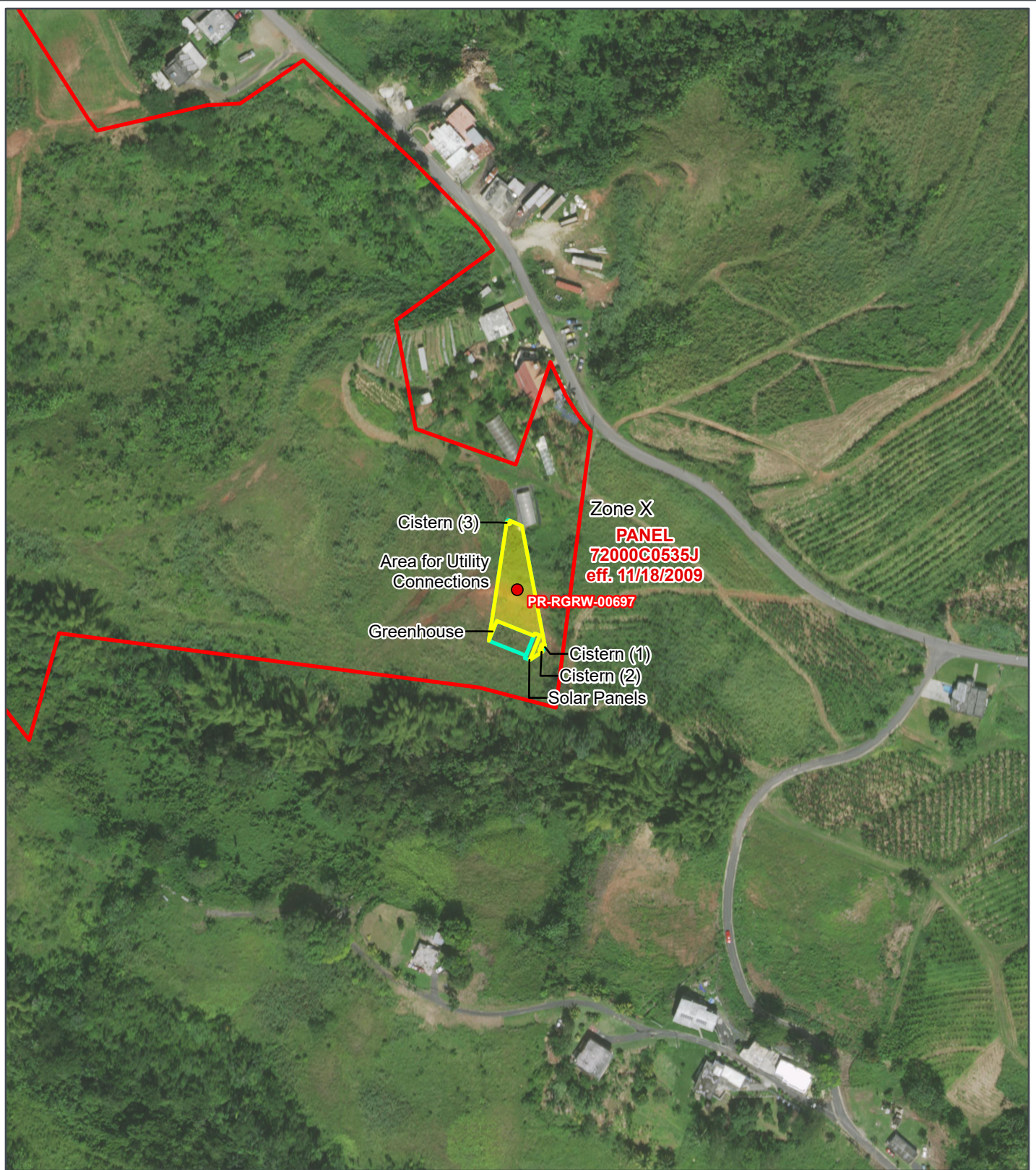
67.054768°W 18.32737°N

Data Source: <https://hazards.fema.gov/gis/nfhl/rest/services/public/NFHL/MapServer>
 Base Map: USA NAIP Imagery
 Imagery Year: 2022
 Updated: 8/29/2024
 Layout: Effective Floodplain
 Aprx: 72428_ReGrowTier2Maps

N

1:2,500

Puerto Rico



REGROW PROGRAM

Figure B 3-1: Flood Insurance Rate Map (FIRM)

Applicant ID: PR-RGRW-00697



- Site
- Site Parcel
- Project Footprint (Option)
- Above Ground Utilities Location
- Base Flood Elevations
- Zone A
- Zone AE
- Zone AH
- Zone AO
- Zone VE
- Floodway
- Zone X - Shaded (500-year floodplain)
- Zone X - Unshaded
- Area Not Included
- Open Water

Carr 423 Km 12.8, Bo Plata Alta
 Moca, Puerto Rico 00676
 Parcel ID: 128-000-001-89-000,
 128-042-063-21-000

67.054768°W 18.32737°N

Data Source: <https://hazards.fema.gov/gis/nfhl/rest/services/public/NFHL/MapServer>
 Base Map: USA NAIP Imagery
 Imagery Year: 2022
 Updated: 8/29/2024
 Layout: Effective Floodplain
 Aprx: 72428_ReGrowTier2Maps

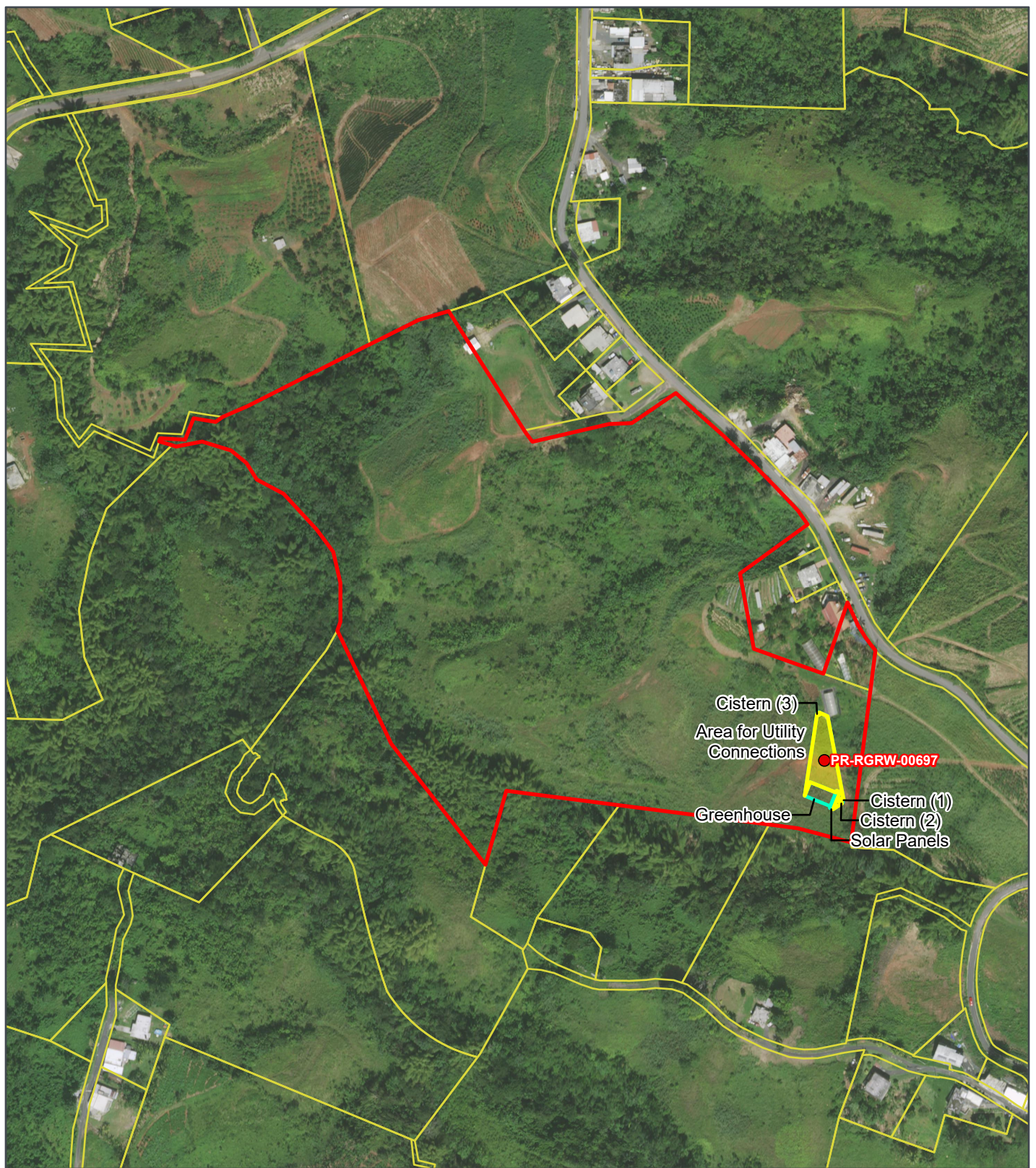
N

1:2,500

Puerto Rico

0 110 220
Feet

0 30 60
Meters



REGROW PROGRAM

**Figure A-2:
Site Vicinity**

Applicant ID: PR-RGRW-00697



- Site
- ▭ Site Parcel
- ▭ Project Footprint (Option)
- ▭ Above Ground Utilities Location

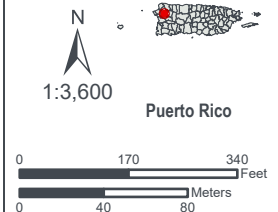
Carr 423 Km 12.8, Bo Plata Alta
Moca, Puerto Rico 00676

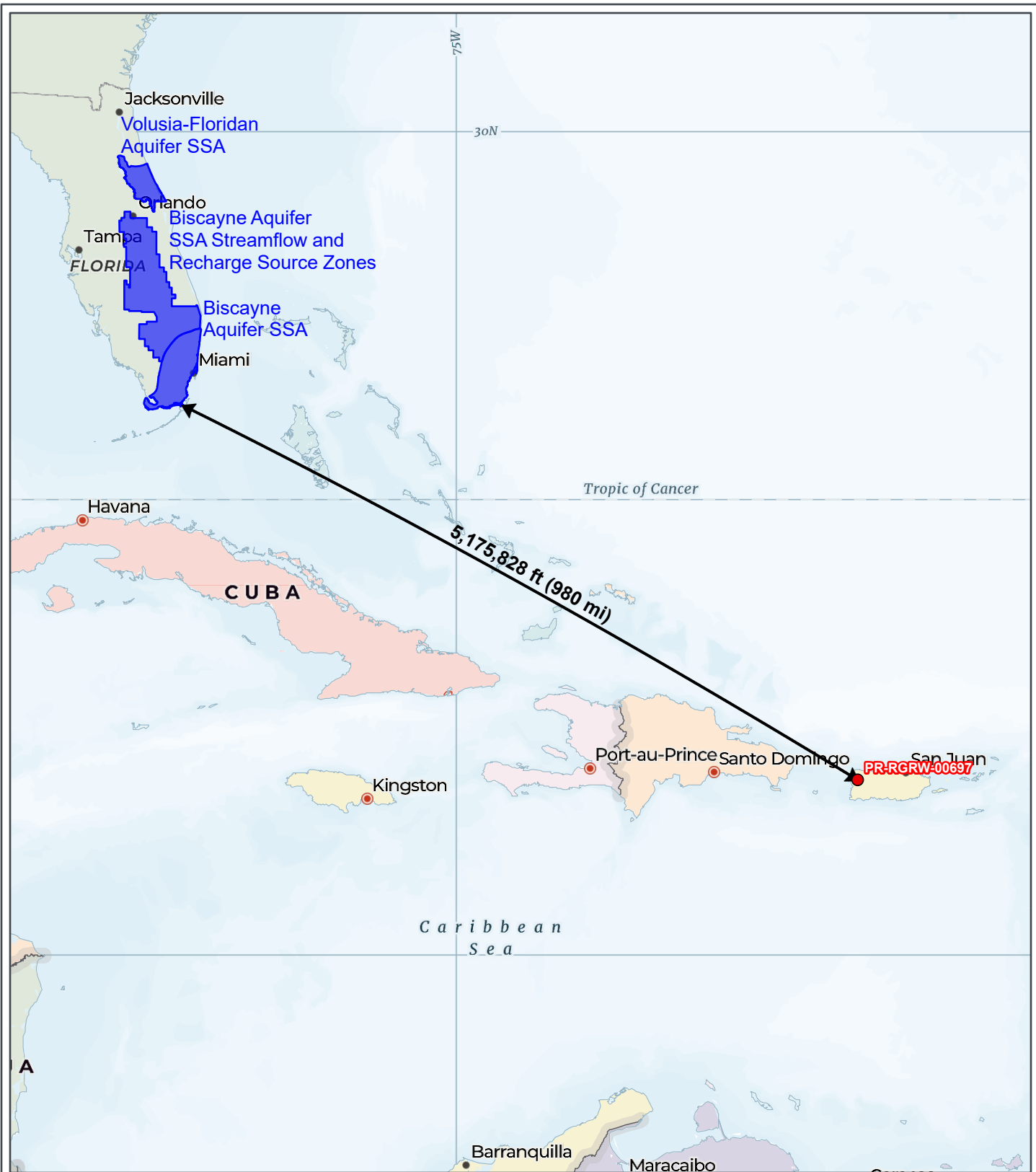
Parcel ID: 128-000-001-89-000,
128-042-063-21-000

67.054768°W 18.32737°N

Base Map: USA NAIIP Imagery
Imagery Year: 2022
Updated: 8/29/2024

Layout: Site Vicinity
Aprx: 72428_ReGrowTier2Maps





REGROW PROGRAM

Figure 12-1: Sole Source Aquifers Map

Applicant ID: PR-RGRW-00697



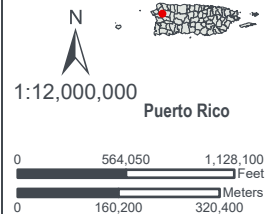
- Site
- Sole Source Aquifers

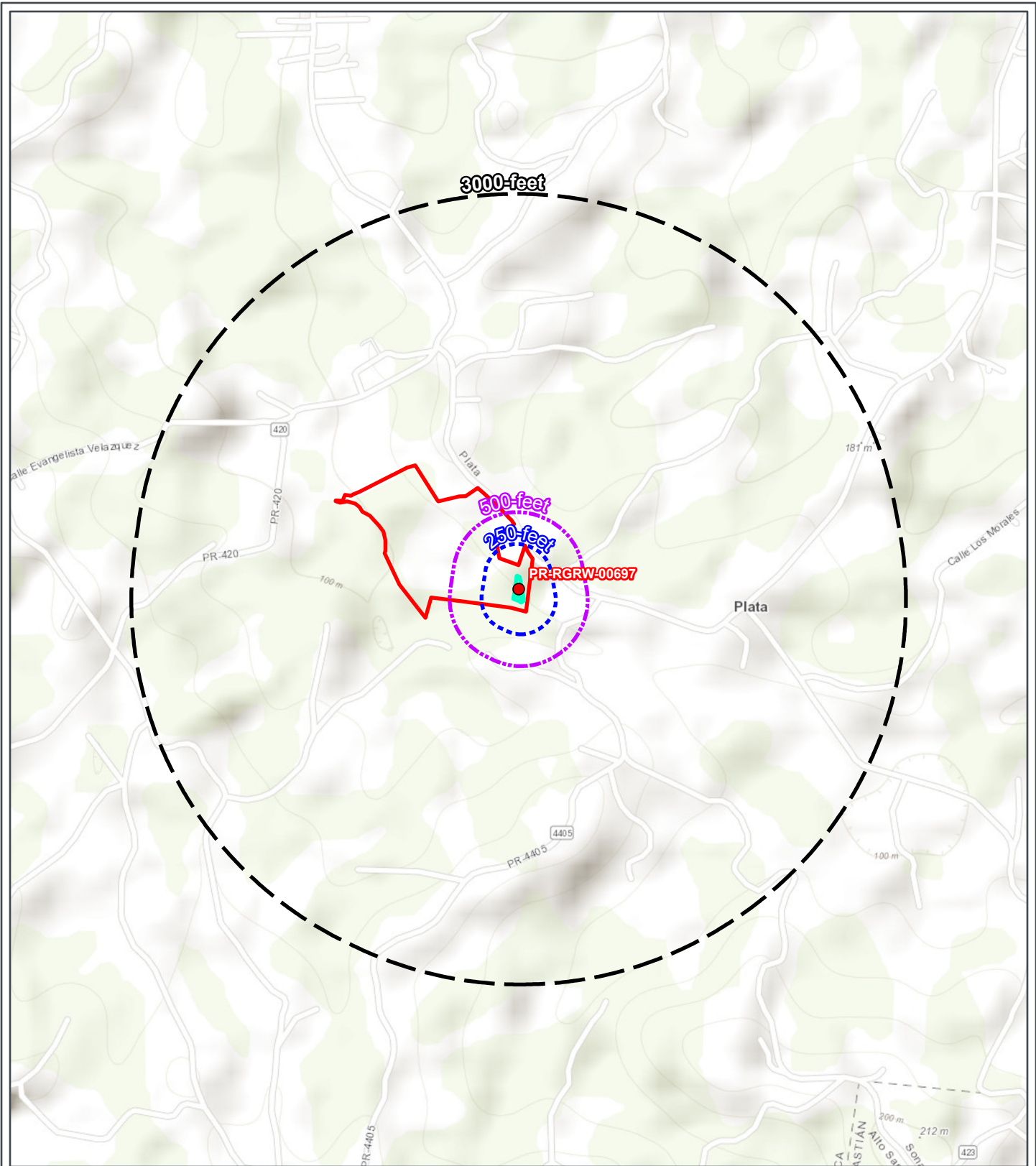
***There are no Sole Source Aquifers in Puerto Rico.**

Carr 423 Km 12.8, Bo Plata Alta
 Moca, Puerto Rico 00676
 Parcel ID: 128-000-001-89-000,
 128-042-063-21-000

67.054768°W 18.32737°N

Data Source: <https://services.arcgis.com/cJ9YHowT8TU7DUyn/arcgis/rest/services/SoleSourceAquifers/FeatureServer>
 Base Map: ESRI ArcGIS Online, accessed August 2024
 Updated: 8/29/2024
 Layout: Sole Source Aquifers
 Aprx: 72428_ReGrowTier2Maps





REGROW PROGRAM

**Figure B 6-1:
Contamination and
Toxic Substances Map**

Applicant ID: PR-RGRW-00697



- Site
- ▭ Site Parcel
- ▭ Project Footprint (Option)
- ▭ Buffer (250-foot)
- ▭ Buffer (500-foot)
- ▭ Buffer (3000-foot)
- ▭ Water dischargers

- ▭ Toxic Substances Control Act
- ▭ Toxic releases
- ▭ Superfund
- ▭ Hazardous waste
- ▭ Brownfields
- ▭ Air pollution

Carr 423 Km 12.8, Bo Plata Alta
Moca, Puerto Rico 00676
Parcel ID: 128-000-001-89-000,
128-042-063-21-000

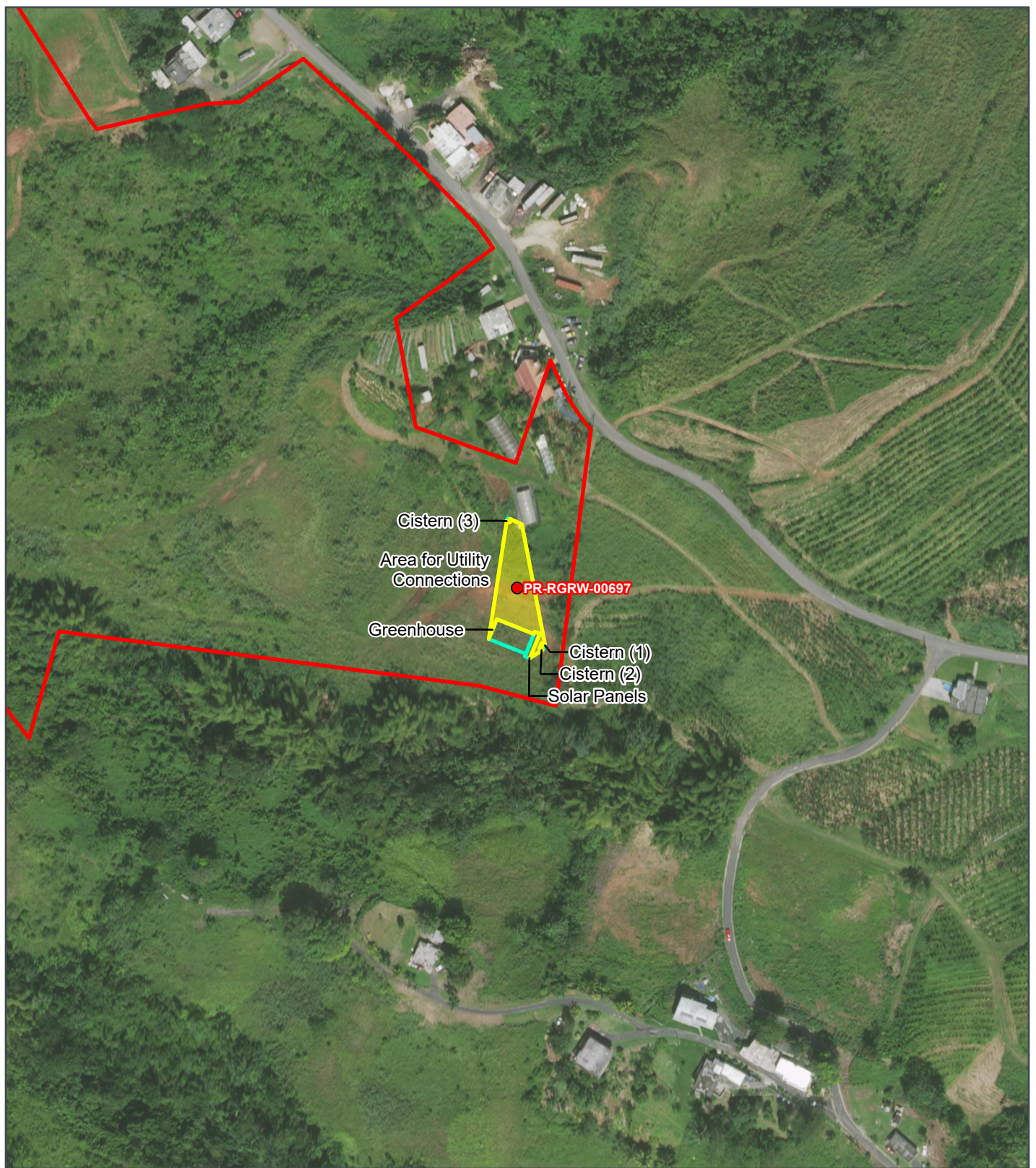
67.054768°W 18.32737°N

Data Source: <https://geopub.epa.gov/arcgis/rest/services/EMEF/MapServer>
Base Map: ESRI ArcGIS Online, accessed August 2024
Updated: 8/29/2024
Layout: Contamination and Toxic Substances

1:13,000

0 610 1,220 Feet
0 170 340 Meters

Puerto Rico



REGROW PROGRAM

Figure B 13-1: Wetlands Protection Map

Applicant ID: PR-RGRW-00697

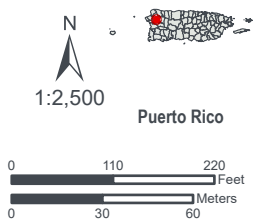


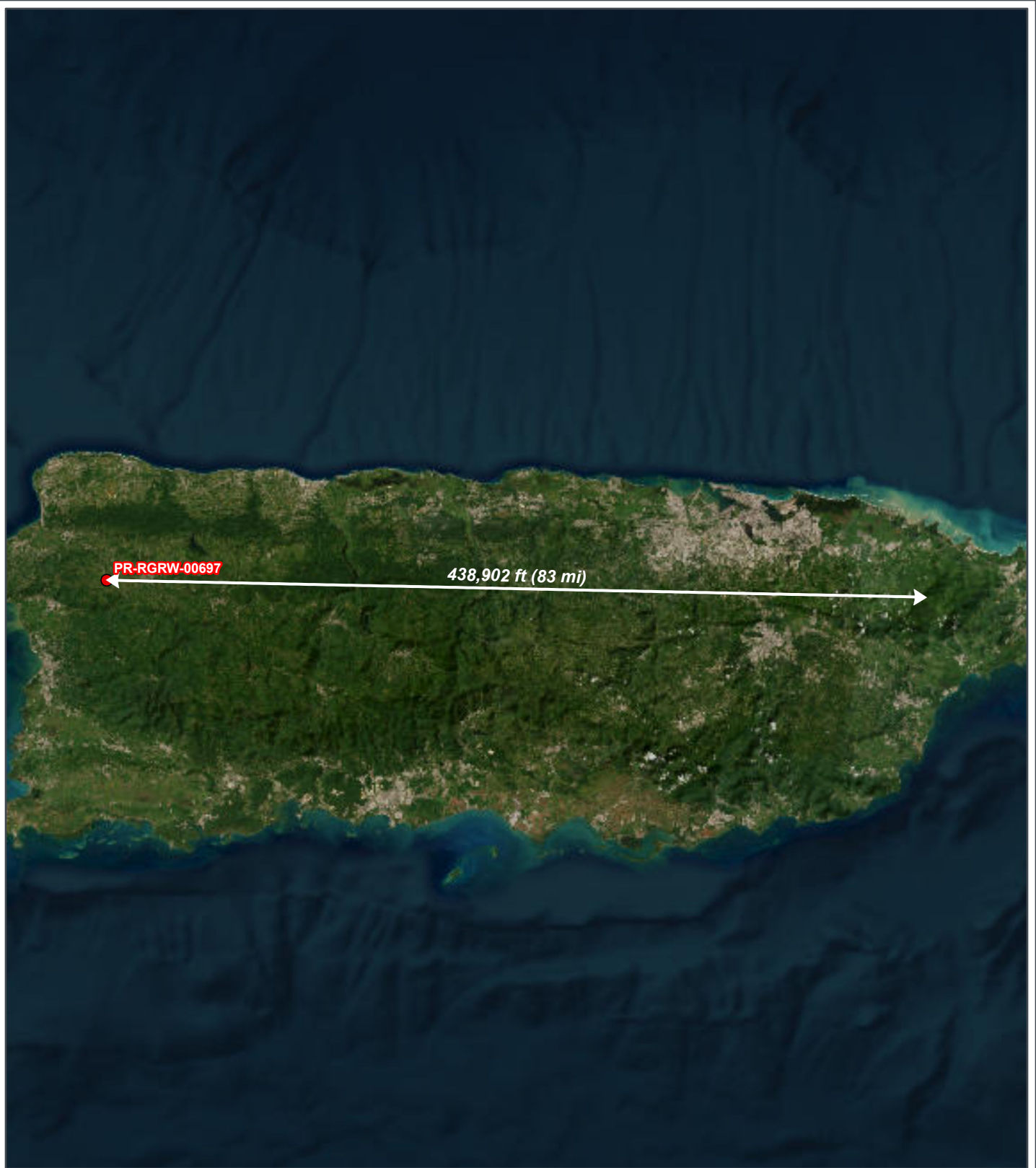
- Site
- Site Parcel
- Project Footprint (Option)
- Above Ground Utilities Location
- NHD Stream
- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Riverine

Carr 423 Km 12.8, Bo Plata Alta
Moca, Puerto Rico 00676
Parcel ID: 128-000-001-89-000,
128-042-063-21-000

67.054768°W 18.32737°N

Data Source: <https://apps.nationalmap.gov/downloader/#/>
<https://www.fws.gov/program/national-wetlands-inventory/data-download>
Base Map: USA NAIP Imagery
Imagery Year: 2022
Updated: 8/29/2024
Layout: Wetlands Protection





REGROW PROGRAM

**Figure B 14-1:
National Wild and
Scenic River Map**

Applicant ID: PR-RGRW-00697



- Site
- National Wild and Scenic River

Carr 423 Km 12.8, Bo Plata Alta
Moca, Puerto Rico 00676
Parcel ID: 128-000-001-89-000,
128-042-063-21-000

67.054768°W 18.32737°N

Data Source: https://apps.fs.usda.gov/arcx/rest/services/EDW/EDW_WildScenicRiverSegments_01/mapserver
Base Map: ESRI ArcGIS Online, accessed August 2024
Updated: 8/29/2024

