



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-00745-W

HEROS Number: 900000010460135

Start Date: 03/20/2025

State / Local Identifier:

Project Location: , Hatillo, PR 00659

Additional Location Information:

The project is located at latitude 18.346374, longitude -66.800859 at the address given above. Tax ID Number: 103-082-139-10-000 and 103-082-139-24-000

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

This project (PR-RGRW-00745-W) entails the award of a grant to EL OLAM FARM, LLC, an agricultural business, at Carretera 129 Km. 16.4 Int., Bo. Bayaney Sect. Berrocal, Hatillo, PR 00659. Tax ID Number: 103-082-139-10-000 and 103-082-139-24-000. Coordinates (latitude 18.346374, longitude -66.800859). The proposed project involves the purchase and installation of a new "Farm in the City" vertical hydroponic greenhouse. The proposed greenhouse is approximately 320 square feet (sq ft; 40 ft by 8 ft) with a height of approximately 9 ft. The greenhouse will be secured with 6 to 8 concrete footers, with a minimum 1-foot (ft) radius, that extend 2 ft into the ground. To secure the greenhouse, the applicant will create a 44 ft by 12 ft base using 4 inch (in) by 4 in thick hardwood posts and fill the inside of the base with gravel. The greenhouse will be installed on top of the gravel base. The greenhouse container weighs approximately nine tons and can withstand winds up to 180 miles per hour; therefore, no further anchoring mechanism is anticipated. The site is on a gentle slope, so the gravel will also serve to level the site. Water and electricity connections to the greenhouses will be required. A single column and electrical meter will be installed in the southeast corner of the property to route electricity to the greenhouse. An aboveground cable will run from the principal electrical line approximately 57 ft southeast of the greenhouse to the adjacent electrical meter to the greenhouse. Water to irrigate the greenhouse will be provided from a water connection at the street that is connected to the aqueduct managed by the Puerto Rico Aqueducts and Sewers Authority (PRASA). All irrigation piping and connections to the greenhouse are projected to be aboveground surface lines; however, the applicant stated a small possibility that the irrigation piping will be installed underground. This review therefore has identified the potential area on the included figures for assessment, although the actual impact would be limited to a trench no more than approximately 1 ft wide and 1 ft deep. The electrical connections and irrigation system are not part of the Intended Use of Grant Funds. While tree clearing is not anticipated there is overgrown vegetation within the project area that will need to be cleared prior to construction. The

applicant owns the property; therefore, no acquisition is required. The project EL OLAM FARM, LLC, PR-RGRW-00745-W 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 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:
58.34(a)(12)
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: \$100,000.00

Estimated Total Project Cost [24 CFR 58.2 (a) (5)]: \$151,500.00

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

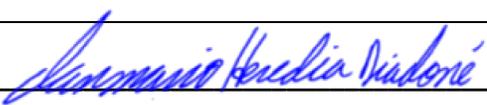
Summarized below are all mitigation measures adopted by the Responsible Entity to reduce, avoid or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, 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	We have reviewed the information provided in your letter and our files, and concur with your 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. As per the conservation recommendations, please note that if a Puerto Rican boa is encountered during the project activities, it	N/A	

	<p>should not be captured. If a boa needs to be moved out of harm's way, the Puerto Rico Department of Natural and Environmental Resources (PRDNER) should be contacted for safe capture and relocation of the animal. If immediate relocation is not an option, project-related activities in the area where the boa is found must stop until it moves out of harm's way on its own.</p> <p>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.</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"/>	<p>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)).</p>

Preparer Signature:  Date: March.26.2025

Name / Title/ Organization: Ianmario Heredia / / Department of Housing - Puerto Rico

Responsible Entity Agency Official Signature:  _____ Date: 03/26/202

Name/ Title: Abdul X. Feliciano Plaza, Permits and Environmental 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-00745-W

HEROS Number: 900000010460135

Start Date: 03/20/2025

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

State / Local Identifier:

RE Preparer: Ianmario Heredia

Certifying Officer Abdul X Feliciano
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: , Hatillo, PR 00659

Additional Location Information:

The project is located at latitude 18.346374, longitude -66.800859 at the address given above. Tax ID Number: 103-082-139-10-000 and 103-082-139-24-000

Direct Comments to:

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

This project (PR-RGRW-00745-W) entails the award of a grant to EL OLAM FARM, LLC, an agricultural business, at Carretera 129 Km. 16.4 Int., Bo. Bayaney Sect. Berrocal, Hatillo, PR 00659. Tax ID Number: 103-082-139-10-000 and 103-082-139-24-000. Coordinates (latitude 18.346374, longitude -66.800859). The proposed project involves the purchase and installation of a new "Farm in the City" vertical hydroponic greenhouse. The proposed greenhouse is approximately 320 square feet (sq ft; 40 ft by 8 ft) with a height of approximately 9 ft. The greenhouse will be secured with 6 to 8 concrete footers, with a minimum 1-foot (ft) radius, that extend 2 ft into the ground. To secure the greenhouse, the applicant will create a 44 ft by 12 ft base using 4 inch (in) by 4 in thick hardwood posts and fill the inside of the base with gravel. The greenhouse will be installed on top of the gravel base. The greenhouse container weighs approximately nine tons and can withstand winds up to 180 miles per hour; therefore, no further anchoring mechanism is anticipated. The site is on a gentle slope, so the gravel will also serve to level the site. Water and electricity connections to the greenhouses will be required. A single column and electrical meter will be installed in the southeast corner of the property to route electricity to the greenhouse. An aboveground cable will run from the principal electrical line approximately 57 ft southeast of the greenhouse to the adjacent electrical meter to the greenhouse. Water to irrigate the greenhouse will be provided from a water connection at the street that is connected to the aqueduct managed by the Puerto Rico Aqueducts and Sewers Authority (PRASA). All irrigation piping and connections to the greenhouse are projected to be aboveground surface lines; however, the applicant stated a small possibility that the irrigation piping will be installed underground. This review therefore has identified the potential area on the included figures for assessment, although the actual impact would be limited to a trench no more than approximately 1 ft wide and 1 ft deep. The electrical connections and irrigation system are not part of the Intended Use of Grant Funds. While tree clearing is not anticipated there is overgrown vegetation within the project area that will need to be cleared prior to construction. The applicant owns the property; therefore, no acquisition is required. The project EL OLAM FARM, LLC, PR-RGRW-00745-W 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 have been classified as CEST under the waiver.

Maps, photographs, and other documentation of project location and description:[PR-RGRW-00745-W Site Map.pdf](#)[PR-RGRW-00745-W IUGF.pdf](#)[PRDOH Regrow Puerto Rico Program - 5836 Waiver \(002\).pdf](#)[Farm Service Agency Adopted Categorical Exclusions Identified in FR-6492-N-01.pdf](#)[PR-RGRW-00745-W EFOR\(1\).pdf](#)**Level of Environmental Review Determination:****Categorically Excluded per 24 CFR 58.35(a), and subject to laws and authorities at 58.5:**

58.34(a)(12)

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:[00745-SIG-PAGE.pdf](#)**7015.15 certified by Certifying Officer
on:****7015.16 certified by Authorizing Officer
on:**

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: \$100,000.00

Estimated Total Project Cost: \$151,500.00

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, Rafael Hernandez, is located 121,729 ft (23 miles [mi]) from the project site. The nearest military airport, Luis Munoz Marin International Airport, is located 274,118 ft (52 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 50,005 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 72000C0585H, effective on 4/19/2005: 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 47,279 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. 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. The project is in compliance with contamination and toxic substances requirements.
Endangered Species Act Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	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.
Explosive and Flammable Hazards Above-Ground Tanks)[24 CFR Part 51 Subpart C	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	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.
Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	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.
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Flood Map Number 72000C0585H, effective on 4/19/2005: This project does not occur in the FFRMS floodplain. The project is in compliance with Executive Orders 11988 and 13690. 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 Hatillo; therefore, PFIRM information was not available for the area and therefore not considered in the review.
Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	(Applicant's house ca. 1993-2003) 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.
Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	<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 HUD's noise regulation. The project is in compliance with HUD's Noise regulation.
Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	<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.

<p>Wetlands Protection Executive Order 11990, particularly sections 2 and 5</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>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.</p>
<p>Wild and Scenic Rivers Act Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>This project is not within proximity of a NWSRS river. The project is located 351,073 feet from the nearest Wild and Scenic River. The project is in compliance with the Wild and Scenic Rivers Act.</p>
<p>HUD HOUSING ENVIRONMENTAL STANDARDS</p>		
<p>ENVIRONMENTAL JUSTICE</p>		
<p>Environmental Justice Executive Order 12898</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>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.</p>

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>We have reviewed the information provided in your letter and our files, and concur with your 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. As per the conservation recommendations, please note that if a Puerto Rican boa is encountered during the project activities, it should not be captured. If a boa needs to be moved out of harm's way, the Puerto Rico Department of Natural and Environmental Resources (PRDNER) should be contacted for safe capture and relocation of the animal. If immediate relocation is not an option, project-related activities in the area where the boa is found must stop until it moves out of harm's way on its own. 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</p>	N/A		

	may be affected by the identified action.			
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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. We have reviewed the information provided in your letter and our files, and concur with your 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. As per the conservation recommendations, please note that if a Puerto Rican boa is encountered during the project activities, it should not be captured. If a boa needs to be moved out of harm's way, the Puerto Rico Department of Natural and Environmental Resources (PRDNER) should be contacted for safe capture and relocation of the animal. If immediate relocation is not an option, project-related activities in the area where the boa is found must stop until it moves out of harm's way on its own. 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.

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, Rafael Hernandez, is located 121,729 ft (23 miles [mi]) from the project site. The nearest military airport, Luis Munoz Marin International Airport, is located 274,118 ft (52 mi) from the project site. The project is in compliance with Airport Hazards requirements.

Supporting documentation

[PR-RGRW-00745-W 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 50,005 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-00745-W 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-00745-W 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 72000C0585H, effective on 4/19/2005: 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 47,279 feet from the coastal zone. The project is in compliance with the Coastal Zone Management Act.

Supporting documentation

[PR-RGRW-00745-W 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* (excluding radon) 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?)

Provide a map or other documentation of absence or presence of contamination** and explain evaluation of site contamination in the Screen Summary at the bottom of this screen.

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

* This question covers the presence of radioactive substances excluding radon. Radon is addressed in the Radon Exempt Question.

** Utilize EPA's Enviromapper, NEPAssist, or state/tribal databases to identify nearby dumps, junk yards, landfills, hazardous waste sites, and industrial sites, including EPA National Priorities List Sites (Superfund sites), CERCLA or state-equivalent sites, RCRA Corrective Action sites with release(s) or suspected release(s) requiring clean-up action and/or further investigation. Additional supporting documentation may include other inspections and reports.

3. Evaluate the building(s) for radon. Do all buildings meet any of the exemptions* from having to consider radon in the contamination analysis listed in CPD Notice [CPD-23-103](#)?

Yes

Explain:

✓ No

* Notes:

- Buildings with no enclosed areas having ground contact.
- Buildings containing crawlspaces, utility tunnels, or parking garages would not be exempt, however buildings built on piers would be exempt, provided that there is open air between the lowest floor of the building and the ground.
- Buildings that are not residential and will not be occupied for more than 4 hours per day.
- Buildings with existing radon mitigation systems - document radon levels are below 4 pCi/L with test results dated within two years of submitting the application for HUD assistance and document the system includes an ongoing maintenance plan that includes periodic testing to ensure the system continues to meet the current EPA recommended levels. If the project does not require an application, document test results dated within two years of the date the environmental review is certified. Refer to program office guidance to ensure compliance with program requirements.
- Buildings tested within five years of the submission of application for HUD assistance: test results document indoor radon levels are below current the EPA's recommended action

levels of 4.0 pCi/L. For buildings with test data older than five years, any new environmental review must include a consideration of radon using one of the methods in Section A below.

4. Is the proposed project new construction or substantial rehabilitation where testing will be conducted but cannot yet occur because building construction has not been completed?

Yes

Compliance with this section is conditioned on post-construction testing being conducted, followed by mitigation, if needed. Radon test results, along with any needed mitigation plan, must be uploaded to the mitigation section within this screen.

No

5. Was radon testing or a scientific data review conducted that provided a radon concentration level in pCi/L?

Yes

No

If no testing was conducted and a review of science-based data offered a lack of science-based data for the project site, then document and upload the steps taken to look for documented test results and science-based data as well as the basis for the conclusion that testing would be infeasible or impracticable.

Explain:

Radon testing is not feasible or practicable for this case, please see the attached Radon Memo.

File Upload:

[Radon Attachments.pdf](#)
[PR-RGRW-00745-W Radon Memo.docx](#)

Based on the response, the review is in compliance with this section. Continue to the Screen Summary at the bottom of this screen.

Non-radon contamination was found in a previous question.

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. 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. The project is in compliance with contamination and toxic substances requirements.

Supporting documentation

[PR-RGRW-00745-W Toxics.pdf](#)

[PR-RGRW-00745-W 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:

We have reviewed the information provided in your letter and our files, and concur with your 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. As per the conservation recommendations, please note that if a Puerto Rican boa is encountered during the project activities, it should not be captured. If a boa needs to be moved out of harm's way, the Puerto Rico Department of Natural and Environmental Resources (PRDNER) should be contacted for safe capture and relocation of the animal. If immediate relocation is not an option, project-related activities in the area where the boa is found must stop until it moves out of harm's way on its own. 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.

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-00745-W USFWS Determination Letter.pdf](#)
[PR-RGRW-00745-W USFWS Consultation Package.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:

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-00745-W 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 * Executive Order 13690 * 42 USC 4001-4128 * 42 USC 5154a * only applies to screen 2047 and not 2046	24 CFR 55

1. Does this project meet an exemption at 24 CFR 55.12 from compliance with HUD's floodplain management regulations in Part 55?

Yes

(a) HUD-assisted activities described in 24 CFR 58.34 and 58.35(b).

(b) HUD-assisted activities described in 24 CFR 50.19, except as otherwise indicated in § 50.19.

(c) The approval of financial assistance for restoring and preserving the natural and beneficial functions and values of floodplains and wetlands, including through acquisition of such floodplain and wetland property, where a permanent covenant or comparable restriction is place on the property's continued use for flood control, wetland projection, open space, or park land, but only if:

(1) The property is cleared of all existing buildings and walled structures; and

(2) The property is cleared of related improvements except those which:

(i) Are directly related to flood control, wetland protection, open space, or park land (including playgrounds and recreation areas);

(ii) Do not modify existing wetland areas or involve fill, paving, or other ground disturbance beyond minimal trails or paths; and

(iii) Are designed to be compatible with the beneficial floodplain or wetland function of the property.

(d) An action involving a repossession, receivership, foreclosure, or similar acquisition of property to protect or enforce HUD's financial interests under previously approved loans, grants, mortgage insurance, or other HUD assistance.

(e) Policy-level actions described at 24 CFR 50.16 that do not involve site-based decisions.

(f) A minor amendment to a previously approved action with no additional adverse impact on or from a floodplain or wetland.

(g) HUD's or the responsible entity's approval of a project site, an incidental portion of which is situated in the FFRMS floodplain (not including the floodway, LiMWA, or coastal high hazard area) but only if: (1) The proposed project site does not include any existing or proposed buildings or improvements that modify or occupy the FFRMS floodplain except de minimis improvements such as recreation areas and trails; and (2) the proposed project will not result in any new construction in or modifications of a wetland .

(h) Issuance or use of Housing Vouchers, or other forms of rental subsidy where HUD, the awarding community, or the public housing agency that administers the contract awards rental subsidies that are not project-based (i.e., do not involve site-specific subsidies).

(i) Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and persons with disabilities.

Describe:

No

2. Does the project include a Critical Action? Examples of Critical Actions include projects involving hospitals, fire and police stations, nursing homes, hazardous chemical storage, storage of valuable records, and utility plants.

Yes

Describe:

No

3. Determine the extent of the FFRMS floodplain and provide mapping documentation in support of that determination

The extent of the FFRMS floodplain can be determined using a Climate Informed Science Approach (CISA), 0.2 percent flood approach (0.2 PFA), or freeboard value approach (FVA). For projects in areas without available CISA data or without FEMA Flood Insurance Rate Maps (FIRMs), Flood Insurance Studies (FISs) or Advisory Base Flood Elevations (ABFEs), use the best available information¹ to determine flood elevation. Include documentation and an explanation of why this is the best available information² for the site. Note that newly constructed and substantially improved³ structures must be elevated to the FFRMS floodplain regardless of the approach chosen to determine the floodplain.

Select one of the following three options:

CISA for non-critical actions. If using a local tool, data, or resources, ensure that the FFRMS elevation is higher than would have been determined using the 0.2 PFA or the FVA.

- ✓ 0.2-PFA. Where FEMA has defined the 0.2-percent-annual-chance floodplain, the FFRMS floodplain is the area that FEMA has designated as within the 0.2-percent-annual-chance floodplain.

FVA. If neither CISA nor 0.2-PFA is available, for non-critical actions, the FFRMS floodplain is the area that results from adding two feet to the base flood elevation as established by the effective FIRM or FIS or — if available — a FEMA-provided preliminary or pending FIRM or FIS or advisory base flood elevations, whether regulatory or informational in nature. However, an interim or preliminary FEMA map cannot be used if it is lower than the current FIRM or FIS.

¹ Sources which merit investigation include the files and studies of other federal agencies, such as the U. S. Army Corps of Engineers, the Tennessee Valley Authority, the Soil Conservation Service and the U. S. Geological Survey. These agencies have prepared flood hazard studies for several thousand localities and, through their technical assistance programs, hydrologic studies, soil surveys, and other investigations have collected or developed other floodplain information for numerous sites and areas. States and communities are also sources of information on past flood 'experiences within their boundaries and are particularly knowledgeable about areas subject to high-risk flood hazards such as alluvial fans, high velocity flows, mudflows and mudslides, ice jams, subsidence and liquefaction.

² If you are using best available information, select the FVA option below and provide supporting documentation in the screen summary. Contact your [local environmental officer](#) with additional compliance questions.

³ Substantial improvement means any repair or improvement of a structure which costs at least 50 percent of the market value of the structure before repair or improvement or results in an increase of more than 20 percent of the number of dwelling units. The full definition can be found at [24 CFR 55.2\(b\)\(12\)](#).

5. Does your project occur in the FFRMS floodplain?

Yes

No

Screen Summary

Compliance Determination

Flood Map Number 72000C0585H, effective on 4/19/2005: This project does not occur in the FFRMS floodplain. The project is in compliance with Executive Orders 11988 and 13690. 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 Hatillo; therefore, PFIRM information was not available for the area and therefore not considered in the review.

Supporting documentation

[PR-RGRW-00745-W 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
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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

(Applicant's house ca. 1993-2003) 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-00745-W 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
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.	Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300f et seq., and 21 U.S.C. 349)	40 CFR Part 149

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-00745-W 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-00745-W 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 351,073 feet from the nearest Wild and Scenic River. The project is in compliance with the Wild and Scenic Rivers Act.

Supporting documentation

[PR-RGRW-00745-W 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

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-6492-N-01]

Notice of Adoption of U.S. Department of Agriculture Farm Service
Agency Categorical Exclusions Pursuant to Section 109 of the National
Environmental Policy Act

AGENCY: Office of the Secretary, HUD.

ACTION: Notice.

SUMMARY: HUD has identified categorical exclusions (CEs) to the
National Environmental Policy Act (NEPA) established by the U.S.
Department of Agriculture--Farm Service Agency (USDA-FSA) that cover
categories of actions that HUD proposes to adopt. This notice
identifies the USDA-FSA CEs and HUD's categories of proposed actions
for which it intends to use USDA-FSA's CEs and describes the
consultation between the agencies.

DATES: This action is effective upon publication.

FOR FURTHER INFORMATION CONTACT: Lauren Hayes Knutson, Environmental
Planning Division Director, Office of Environment and Energy, U.S.
Department of Housing and Urban Development, 451 7th Street SW, Room
7282, Washington, DC 20410-5000; telephone 202-402-4270 (this is not a
toll-free number); email EnvironmentalPlanningDivision@hud.gov. HUD
welcomes and is prepared to receive calls from individuals who are deaf
or hard of hearing, as well as individuals with speech and
communication disabilities. To learn more about how to make an
accessible telephone call, please visit <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>.

SUPPLEMENTARY INFORMATION:

I. Background

National Environmental Policy Act and Categorical Exclusions

Congress enacted the National Environmental Policy Act, 42 U.S.C.
4321-4347, (NEPA) in order to encourage productive and enjoyable
harmony between humans and the environment, recognizing the profound
impact of human activity and the critical importance of restoring and
maintaining environmental quality to the overall welfare of humankind.
42 U.S.C. 4321, 4331. NEPA seeks to ensure that agencies consider the
environmental effects of their proposed major actions in their
decision-making processes and inform and involve the public in that
process. NEPA created the

[[Page 95811]]

Council on Environmental Quality (CEQ), which promulgated NEPA
implementing regulations, 40 CFR parts 1500 through 1508 (CEQ
regulations).

To comply with NEPA, agencies determine the appropriate level of
review for any major Federal action--an environmental impact statement
(EIS), environmental assessment (EA), or categorical exclusion (CE). 40
CFR 1501.3. If a proposed action is likely to have significant
environmental effects, the agency must prepare an EIS and document its
decision in a record of decision. 40 CFR part 1502, 1505.2. If the
proposed action is not likely to have significant environmental effects

or the effects are unknown, the agency may instead prepare an EA, which involves a more concise analysis and process than does an EIS. 40 CFR 1501.5. Following the EA, the agency may conclude that the action will have no significant effects and document that conclusion in a finding of no significant impact. 40 CFR 1501.6. If the analysis concludes that the action is likely to have significant effects, however, then an EIS is required.

Under NEPA and the CEQ regulations, a Federal agency also can establish CEs--categories of actions that the agency has determined normally do not significantly affect the quality of the human environment--in their agency NEPA procedures. 42 U.S.C. 4336e(1); 40 CFR 1501.4, 1507.3(e)(2)(ii), 1508.1(d). If an agency determines that a CE covers a proposed action, it then evaluates the proposed action for extraordinary circumstances in which a normally excluded action may have a significant effect. 40 CFR 1501.4(b). If no extraordinary circumstances are present, the agency may apply the CE to the proposed action without preparing an EA or EIS. 42 U.S.C. 4336(a)(2), 40 CFR 1501.4. If extraordinary circumstances are present, the agency nevertheless may still categorically exclude the proposed action if it determines that there are circumstances that lessen the impacts or other conditions sufficient to avoid significant effects.

Section 109 of NEPA, enacted as part of the Fiscal Responsibility Act of 2023, allows a Federal agency to ``adopt'' another Federal agency's CEs for proposed actions. 42 U.S.C. 4336c. To use another agency's CEs under section 109, the borrowing agency must identify the relevant CE listed in another agency's (``establishing agency'') NEPA procedures that covers the borrowing agency's category of proposed actions or related actions; consult with the establishing agency to ensure that the proposed adoption of the CE for a category of actions is appropriate; identify to the public the CE that the borrowing agency plans to use for its proposed actions; and document adoption of the CE. 42 U.S.C. 4336c. HUD has prepared this notice to meet these statutory requirements.

HUD Programs

For many HUD programs, HUD is authorized by statute to allow Responsible Entities (REs), typically states, units of general local government, and tribes, to assume responsibility to conduct NEPA reviews under HUD regulations at 24 CFR part 58. For other HUD programs, HUD performs the environmental review under 24 CFR part 50. HUD intends to apply these categorical exclusions to reviews conducted under both parts 50 and 58.

Both parts 50 and 58, as well as 24 CFR part 51, contain additional environmental requirements that certain HUD projects must comply with. Proposed actions that are categorically excluded from NEPA but still subject to these requirements are known as ``Categorically Excluded Subject to'' the requirements listed in 24 CFR 58.5 and 50.4 (CEST), and proposed actions that are categorically excluded from NEPA but not subject to these requirements are known as ``Categorically Excluded Not Subject to'' the requirements listed in Sec. Sec. 58.5 and 50.4 (CENST). HUD has evaluated the identified USDA-FSA CEs and has designated each as CENST or CEST in Section II. USDA-FSA Categorical Exclusions.

HUD Regulatory Limitations on Adopting CEs

HUD's regulations at 24 CFR 58.36 and 50.17 limit HUD's ability to utilize adopted categorical exclusions without a waiver. This notice will not go into effect until 58.36 and 50.17 are amended or until a waiver of these regulations is issued.

II. USDA-FSA Categorical Exclusions

HUD has identified the following CEs listed in USDA-FSA regulation, 7 CFR part 799 Subpart D--Categorical Exclusions, for adoption. Under each CE, HUD has described categories of proposed actions for which HUD, under part 50, or an RE, under part 58, may use the CE and if the activity will be evaluated as CENST or CEST. The list of categories comprises the proposed actions for which HUD contemplates using the CEs at this time, primarily in support of agricultural activities funded with HUD's Community Development Block Grant--Disaster Recovery (CDBG-

DR) program. However, HUD may expand the use of the CEs identified below to other substantially similar agricultural activities, where appropriate.

1. 7 CFR 799.31(b)(2)(i): Existing fence repair.

HUD Level of Review: CENST.

Potential application to HUD activities:

Repair, improvement, or minor modification of existing fences.

2. 7 CFR 799.31(b)(2)(ii): Improvement or repair of farm-related structures under 50 years of age.

HUD Level of Review: CENST.

Potential application to HUD activities:

Repair, improvements, or minor modifications of farm-related structures under 50 years of age.

3. 7 CFR 799.32(d)(2)(i): Minor construction, such as a small addition.

HUD Level of Review: CENST.

Potential application to HUD activities:

Minor construction, such as a small addition, without ground disturbance, of agricultural related structures.

4. 7 CFR 799.32(d)(2)(iv): Grading, leveling, shaping, and filling.

HUD Level of Review: CENST.

Potential application to HUD activities:

Grading, leveling, shaping, and filling occurring specifically in areas with previous ground disturbance, soils that are not likely to possess intact and distinct soil horizons and have the reduced likelihood of possessing historic properties with their original depositional contexts in the area and to the depth to be excavated, also referred to as the plow zone.

5. 7 CFR 799.32(d)(2)(xiii): Trough or tank installation.

HUD Level of Review: CENST.

Potential application to HUD activities:

Agricultural water trough or tank installation without ground disturbance.

6. 7 CFR 799.32(d)(3)(i): Fence installation and replacement.

HUD Level of Review: CENST.

Potential application to HUD activities:

Fence installation and replacement that support agricultural needs, without ground disturbance.

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.

8. 7 CFR 799.32(e)(2)(xi): Grading, leveling, shaping, and filling in areas or to depths not previously disturbed.

[[Page 95812]]

HUD Level of Review: CEST.

Potential application to HUD activities:

Grading, leveling, shaping, and filling in areas or to depths not previously disturbed for agricultural efforts.

9. 7 CFR 799.32(e)(2)(xiv): Land smoothing.

HUD Level of Review: CEST.

Potential application to HUD activities:

Land smoothing for agricultural needs.

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.

11. 7 CFR 799.32(e)(2)(xxviii): Wells.

HUD Level of Review: CEST.

Potential application to HUD activities:

Well installation and repairs for agricultural needs, with ground disturbance.

III. Consideration of Extraordinary Circumstances

When applying the adopted CEs, HUD or the RE will evaluate the proposed action to ensure evaluation of integral elements listed above. In addition, in considering extraordinary circumstances, HUD will consider whether the proposed action has the potential to result in significant effects as described in USDA-FSA's extraordinary circumstances listed at 7 CFR 799.33. USDA-FSA defines extraordinary circumstances in which a normally categorically excluded action may have a significant environmental effect, including, but not limited to, scientific controversy about the environmental effects of the proposal; uncertain effects or effects involving unique or unknown risks; a proposed action connected to other actions with potential impacts; a proposed action that is related to other proposed actions with cumulative impacts; proposed actions that do not comply with 40 CFR 1506.1 Limitations on actions during the NEPA process; and/or contains violations of any existing Federal, State, or local government law, policy, or requirements.

IV. Consultation With USDA-FSA and Determination of Appropriateness

HUD and USDA-FSA began consultation in December 2023 to identify USA-FSA CEs that could apply to HUD proposed agricultural actions. This consultation included a review of USDA-FSA's experience developing and applying the CEs and the types of actions for which HUD plans to utilize the CEs. Based on this consultation and review, HUD has determined that the types of agricultural projects it intends to undertake are substantially similar to such projects for which USDA-FSA has applied the CE. Accordingly, the impacts of HUD projects will be substantially similar to the impacts of USDA-FSA projects, which are not significant, absent the existence of extraordinary circumstances. Therefore, HUD has determined that its proposed use of the agricultural-related CEs, as described within this notice, would be appropriate.

V. Conclusion

This notice documents adoption of the USDA-FSA CEs listed above in accordance with 42 U.S.C. 4336c(4), and they will be available for use by HUD and REs effective either upon amendment of 24 CFR 58.36 and 50.17 or upon issuance of a waiver of these regulations.

Marion McFadden,
Principal Deputy Assistant Secretary for Community Planning and
Development, Office of Community Planning and Development.
[FR Doc. 2024-28293 Filed 12-2-24; 8:45 am]
BILLING CODE 4210-67-P



United States Department of the Interior

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



In Reply Refer to:
FWS/R4/CESFO/72065-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-00745El Olam Farm
LLC, Hatillo, Puerto Rico

Dear Mr. Pérez-Bofill

Thank you for your letter dated October 31, 2023, requesting comments 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) on behalf of El Olam Farm LLC (the Applicant) is proposing the installation of a new hydroponic modular container to be used as a vertical greenhouse (8 feet x 40 feet) on a 0.81 acre property. The installation of the greenhouse would require pruning of the vegetation within the project area. The project will be located at PR-129 Km. 16.4 Int., Bo. Bayaney, Berrocal Sector (18°20'47.2"N 66°48'02.6"W) in the municipality of Hatillo, Puerto Rico.

Using the Information for Planning and Consultation (IPaC) system the proponent has determined that the proposed project lies within the range of Puerto Rican boa (*Epicrates inornatus* now known as *Chilabothrus inornatus*), *Cordia bellinis* and palo de nigua (*Cornutia obovata*).

Based on the nature of the project, scope of work, information available, and analysis of the IPaC lists (Project code: 2023-0126167) along field direct observations of the area where the project will be developed, the proponent has determined that the proposed project may affect, but is not likely to adversely affect (NLAA) the Puerto Rican boa with the implementation of the conservation measures.

As for palo de nigua and *cordia bellonis*, since the existing habitat conditions at the proposed greenhouse location consist of dense grasses and some young shrubs with no forested areas within or adjacent to the project site, PRDOH has determined that the proposed project will have no effect (NE) on these species due to the lack of suitable habitat within the project area.

We acknowledge receipt of your NE determination for *Cordia bellonis* and palo de nigua. Currently we do not have any information to refute your determination. Because you made a NE determination, you are not required to conduct formal or informal section 7 consultation with the Service, and the Service is not required to concur with your NE determination.

We have reviewed the information provided in your letter and our files, and concur with your 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. As per the conservation recommendations, please note that if a Puerto Rican boa is encountered during the project activities, it should not be captured. If a boa needs to be moved out of harm's way, the Puerto Rico Department of Natural and Environmental Resources (PRDNER) should be contacted for safe capture and relocation of the animal. If immediate relocation is not an option, project-related activities in the area where the boa is found must stop until it moves out of harm's way on its own.

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 yours,

EDWIN MUNIZ

Digitally signed by EDWIN
MUNIZ
Date: 2023.11.27 09:00:11
-04'00'

Edwin E. Muñiz
Field Supervisor

drr

cc:

Susan Fischer, SWCA



OFFICE OF COMMUNITY PLANNING
AND DEVELOPMENT

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-7000

MEMORANDUM FOR: Marion M. McFadden, Principal Deputy Assistant Secretary
for Community Planning and Development, D

THROUGH: Kera Package, Deputy Assistant Secretary
for Grant Programs, DG

FROM: Kristin Fontenot, Director, Office of Environment and Energy, DGE

SUBJECT: Puerto Rico Department of Housing - ReGrow Puerto Rico Program:
24 CFR 58.36 Waiver to Utilize the U.S. Department of Agriculture,
Farm Service Agency Adopted Categorical Exclusions Identified in
FR-6492-N-01

BACKGROUND:

Pursuant to the waiver authority of §7(q) of the Department of Housing and Urban Development Act (codified at 42 U.S.C. §3535(q)) and 24 CFR § 5.110, I hereby temporarily waive the requirement of 24 CFR § 58.36 as provided in more detail below. This temporary waiver is limited to the Puerto Rico Department of Housing's (PRDOH) agricultural activities under the ReGrow Puerto Rico Program¹ for two (2) years, effective at the execution of the waiver.

The ReGrow Puerto Rico Program is one of the Community Development Block Grant - Disaster Recovery (CDBG-DR) programs supported by PRDOH. This program offers financial assistance to small and medium agricultural businesses and non-governmental organizations engaged in sustainable agricultural activities that contribute to strengthening the agricultural economy since the impacts of Hurricane Irma and Maria. As with all HUD-funded projects, the ReGrow Puerto Rico Program is subject to HUD's environmental review regulations.

Since HUD predominantly supports residential and community development activity, the proposed agricultural projects supported in the ReGrow Puerto Rico Program fall outside the listed activities in 24 CFR 58 Subpart D – Environmental Review Process: Documentation, Range of Activities, Project Aggregation and Classification. As a result, these projects, many with a minimum potential to impact the environment, must be evaluated as an Environmental Assessment (EA) and require additional time and resources to complete compared to lower levels of environmental reviews like a Categorical Exclusion (CE).

This temporary waiver issued to the PRDOH will allow the department to utilize specific CEs identified by the United States Department of Agriculture, Farm Service Agency (USDA-FSA), per 7 CFR 799 Subpart D- Categorical Exclusions, and adopted by HUD in FR-6492-N-01²

¹ <https://cdbg-dr.pr.gov/en/re-grow-pr-urban-rural-agriculture-program/>

² <https://www.federalregister.gov/documents/2024/12/03/2024-28293/notice-of-adoption-of-us-department-of-agriculture-farm-service-agency-categorical-exclusions>

through the Section 109 process of the National Environmental Policy Act (NEPA), enacted as part of the Fiscal Responsibility Act (FRA) of 2023. In total, there are eleven (11) applicable CEs adopted in FR-6492-N-01 that are consistent with ReGrow Puerto Rico's CDBG-DR funded program that can be utilized to document environmental compliance.

The \$172,500 million ReGrow Puerto Rico program contains 2,596 applications. Approximately 200 of the applications require an EA level of review under Part 58 but would be classified as one (1) of the eleven (11) adopted USDA-FSA CEs. These include such activities as minor rehabilitation of agricultural buildings and structures; fence repairs; installation of generators; new construction of agricultural structures for agricultural production and livestock; and farmland management activities. Despite their limited impact, however, they do not meet HUD's categorical exclusions at 24 CFR § 58.34 and 35, because these are not activities HUD typically supports.

Pursuant to 24 CFR § 58.36, Environmental Assessments, "If a project is not exempt or categorically excluded under § 58.34 and 58.35, the responsible entity must prepare an EA..." To date, PRDOH has processed 106 of the 200 identified projects as an EA, with approximately 100 remaining for review. Based on the 106 reviews completed between May 2022 and April 2024, each EA has taken approximately four (4) months to complete, at an average cost of \$13,000. Based on the available data, it will take an equivalent time of two (2) years and \$1.3 million to complete the remaining 100 reviews as EAs. Through this waiver, PRDOH is permitted to utilize the adopted CEs listed in FR-6492-N-01, expediting the environmental reviews process to complete the remaining 100 projects. The use of the adopted CEs will allow PRDOH to process each review within days and at a fraction of the initial cost. This will expedite the agricultural recovery efforts and will preserve the cost savings to address additional disaster recovery efforts.

FINDINGS:

1. Agricultural activities as referenced above, do not meet the criteria of HUD's 24 CFR § 58.35 (a) and (b), and therefore require the completion of an environmental assessment level of review pursuant to 24 CFR § 58.36.
2. An environmental assessment requires additional analysis of environmental factors beyond the related laws and authorities required for a HUD categorical exclusion at 24 CFR § 58.35 (a).
3. Many of the CDBG-DR activities funded through the ReGrow Puerto Rico program are consistent with the USDA-FSA's categorical exclusions.
4. HUD consulted with the USDA-FSA and documented the consultation and their approval of the use of eleven (11) categorical exclusions.
5. Performing environmental assessments has an average cost of \$13,000.
6. HUD adopted USDA-FSA's eleven (11) categorical exclusions through publication in the Federal Register, FR-6492-N-01
7. Upon approval of a temporary waiver of 24 CFR § 58.36, PRDOH will be permitted to utilize the adopted CEs listed in FR-6492-N-01.

DETERMINATIONS:

1. To assist with the timely recovery of the agricultural community, a temporary waiver of 24 CFR § 58.36 must be granted to utilize another agency's adopted CE through the NEPA Section 109 process, enacted as part of the FRA of 2023.
2. The approval of this temporary waiver is consistent with HUD's objective to perform an analysis of a project's impacts to the environment or the environment's impact on the project.
3. Adopting the USDA-FSA's categorical exclusions, FR-6492-N-01, ensures that the environmental review will be conducted to a level appropriate to the activity and environmental impact.
4. Pursuant to the authority contained in 24 CFR § 5.110, the above findings constitute good cause for granting the temporary waiver of 24 CFR § 58.36.
5. This temporary waiver shall be effective for two (2) years, upon the date the waiver is issued.

DECISION:

Approve

Disapprove

Date

Comments



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-00745-W

HEROS Number: 900000010460135

Start Date: 03/20/2025

State / Local Identifier:

Project Location: , Hatillo, PR 00659

Additional Location Information:

The project is located at latitude 18.346374, longitude -66.800859 at the address given above. Tax ID Number: 103-082-139-10-000 and 103-082-139-24-000

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

This project (PR-RGRW-00745-W) entails the award of a grant to EL OLAM FARM, LLC, an agricultural business, at Carretera 129 Km. 16.4 Int., Bo. Bayaney Sect. Berrocal, Hatillo, PR 00659. Tax ID Number: 103-082-139-10-000 and 103-082-139-24-000. Coordinates (latitude 18.346374, longitude -66.800859). The proposed project involves the purchase and installation of a new "Farm in the City" vertical hydroponic greenhouse. The proposed greenhouse is approximately 320 square feet (sq ft; 40 ft by 8 ft) with a height of approximately 9 ft. The greenhouse will be secured with 6 to 8 concrete footers, with a minimum 1-foot (ft) radius, that extend 2 ft into the ground. To secure the greenhouse, the applicant will create a 44 ft by 12 ft base using 4 inch (in) by 4 in thick hardwood posts and fill the inside of the base with gravel. The greenhouse will be installed on top of the gravel base. The greenhouse container weighs approximately nine tons and can withstand winds up to 180 miles per hour; therefore, no further anchoring mechanism is anticipated. The site is on a gentle slope, so the gravel will also serve to level the site. Water and electricity connections to the greenhouses will be required. A single column and electrical meter will be installed in the southeast corner of the property to route electricity to the greenhouse. An aboveground cable will run from the principal electrical line approximately 57 ft southeast of the greenhouse to the adjacent electrical meter to the greenhouse. Water to irrigate the greenhouse will be provided from a water connection at the street that is connected to the aqueduct managed by the Puerto Rico Aqueducts and Sewers Authority (PRASA). All irrigation piping and connections to the greenhouse are projected to be aboveground surface lines; however, the applicant stated a small possibility that the irrigation piping will be installed underground. This review therefore has identified the potential area on the included figures for assessment, although the actual impact would be limited to a trench no more than approximately 1 ft wide and 1 ft deep. The electrical connections and irrigation system are not part of the Intended Use of Grant Funds. While tree clearing is not anticipated there is overgrown vegetation within the project area that will need to be cleared prior to construction. The

applicant owns the property; therefore, no acquisition is required. The project EL OLAM FARM, LLC, PR-RGRW-00745-W 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 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:
58.34(a)(12)
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: \$100,000.00

Estimated Total Project Cost [24 CFR 58.2 (a) (5)]: \$151,500.00

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	We have reviewed the information provided in your letter and our files, and concur with your 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. As per the conservation recommendations, please note that if a Puerto Rican boa is encountered during the project activities, it	N/A	

	<p>should not be captured. If a boa needs to be moved out of harm's way, the Puerto Rico Department of Natural and Environmental Resources (PRDNER) should be contacted for safe capture and relocation of the animal. If immediate relocation is not an option, project-related activities in the area where the boa is found must stop until it moves out of harm's way on its own.</p> <p>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.</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"/>	<p>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)).</p>

Preparer Signature:  Date: March.26.2025

Name / Title/ Organization: Ianmario Heredia / / Department of Housing - Puerto Rico

Responsible Entity Agency Official Signature:  _____ Date: 03/26/202

Name/ Title: Abdul X. Feliciano Plaza, Permits and Environmental 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).



GOBIERNO DE PUERTO RICO
DEPARTAMENTO DE LA VIVIENDA

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

Yo, Maria Correa Bosque, representante autorizado/a para el negocio EL OLAM FARM, LLC, con el Caso Número PR-RGRW-00745 para el Programa Renacer Agrícola de Puerto Rico – Agricultura Urbana y Rural (**Programa Renacer Agrícola**), por la presente reconozco que fondos de subvención por la suma de \$100,000.00 se usarán de conformidad con el uso de fondos descrito a continuación.

Además, reconozco que, como parte del proceso de revisión de recibos, el Formulario sobre Uso Previsto de los Fondos será comparado con los recibos recopilados para verificar el cumplimiento con la información provista en dicho formulario.

Item	Equipment Expense Type RGRW	Unmet Need	Initials
infrastructure	Farm Infrastructure (Regrow Only)	\$151,500.00	Mcb

\$100,000.00

Total de Uso Previsto de los
Fondos

Además, reconozco y entiendo que:

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

Maria Correa Bosque

Nombre

Maria Correa Bosque

Firma

04/05/2023

Fecha



DEPARTMENT OF

HOUSING

GOVERNMENT OF PUERTO RICO



Memorandum to File

Date: 3/20/2025

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

Application Number: PR-RGRW-00745-W

Project: EL OLAM FARM, LLC

Re: Justification for the Infeasibility and Impracticability of Radon Testing

After reviewing Application Number PR-RGRW-00745-W 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

December 6, 2023

Lauren Bair Poche

HORNE

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

SHPO: 12-01-23-14 PR-RGRW-00745 EL OLAM FARM, LLC., CARR. 129 KM. 16.4 INT. BO.
BAYANEY SECTOR BERROCAL, HATILLO, PUERTO RICO

Dear Ms. Poche,

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

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

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

Sincerely,

Carlos A. Rubio-Cancela
State Historic Preservation Officer
CARC/GMO/OEDJR



December 1, 2023

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-00745 – El Olam Farm, LLC – Carretera 129 Km. 16.4 Int., Bo. Bayaney Sect. Berrocal, Hatillo, Puerto Rico – *No Historic Properties Affected*

Dear Architect Rubio Cancela,

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

On behalf of PRDOH and the subrecipient, the Puerto Rico Department of Agriculture, HORNE is submitting documentation for activities proposed by El Olam Farm, LLC located at Carretera 129 Km. 16.4 Int., Bo. Bayaney Sect. Berrocal, in the municipality of Hatillo. The undertaking for this project includes the purchase and installation of a new “Farm in the City” vertical hydroponic greenhouse. The proposed greenhouse is approximately 320 square feet (sq. ft; 40 ft by 8 ft) with a height of approximately 9 feet (ft). The greenhouse will be secured with 6 to 8 concrete footers, anchored 2 ft into the ground. New utility connections to the greenhouse will be required. A single column and electrical meter will be installed in the southeast corner of the property to route electricity to the greenhouse and be connected to the greenhouse via overhead lines. A new water connection to Puerto Rico Aqueducts and Sewers Authority (PRASA) will be required. While the preferred option is an above-ground

connection, water lines may be buried at an estimated depth of 1 ft. While tree clearing is not anticipated there is overgrown vegetation within the project area that will be cleared prior to construction.

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

Attachments

PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM		
REGROW PUERTO RICO PROGRAM		
Section 106 NHPA Effect Determination		
Applicant: EL OLAM FARM, LLC		
Case ID: PR-RGRW-00745	City: Hatillo	
Project Location: Carretera 129 Km. 16.4 Int., Bo. Bayaney Sect. Berrocal, Hatillo, PR 00659		
Project Coordinates: (as provided by applicant during field visit) Vertical Greenhouse: 18.346374, -66.800859 Area for Water Connection: 18.346454, -66.800737		
TPID (Número de Catastro): 103-082-139-10		
Type of Undertaking: <input type="checkbox"/> Substantial Repair/Improvements <input checked="" type="checkbox"/> New Construction		
Construction Date (AH est.): Applicant's house ca. 1993-2003 Neighboring buildings ca. 1993-2004	Property Size (acres): 0.81 acres total Vertical Greenhouse: 0.007346 acres (320 sq. ft.) APE for Utility Connections: 0.020222 acres (881 sq. ft.)	
SOI-Qualified Architect/Architectural Historian: Erin Edwards, MPS		
Date Reviewed: October 25, 2023		
SOI-Qualified Archaeologist: Brian McNamara, M.A., R.P.A.		
Date Reviewed: October 31, 2023		

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

Project Description (Undertaking)

The proposed project involves the purchase and installation of a new "Farm in the City" vertical hydroponic greenhouse. The proposed greenhouse is approximately 320 square feet (sq. ft; 40 ft by 8 ft) with a height of approximately 9 feet (ft). The greenhouse will be secured with 6 to 8 concrete footers, with a minimum 1-ft radius, that extend 2 ft into the ground. To secure the greenhouse, the applicant will create a 44 ft by 12 ft base using 4 inch (in) by 4 in thick hardwood posts and fill the inside of the base with gravel. The greenhouse will be installed on top of the gravel base. The greenhouse container weighs approximately nine tons and can withstand winds up to 180 miles (mi) per hour; therefore, no further anchoring mechanism is anticipated. The site is on a gentle slope, so the gravel will also serve to level the site.

Water and electricity connections to the greenhouses will be required. A single column and electrical meter will be installed in the southeast corner of the property to route electricity to the greenhouse. An aboveground cable will run from the principal electrical line approximately 57 ft southeast of the greenhouse to the adjacent electrical meter to the greenhouse. Water to irrigate the greenhouse will be provided from a water connection at

PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM REGROW PUERTO RICO PROGRAM Section 106 NHPA Effect Determination	
Applicant: EL OLAM FARM, LLC	
Case ID: PR-RGRW-00745	City: Hatillo

the street that is connected to the aqueduct managed by the Puerto Rico Aqueducts and Sewers Authority (PRASA). All irrigation piping and connections to the greenhouse are projected to be aboveground surface lines; however, the applicant stated a small possibility that the irrigation piping will be installed underground. This review therefore has identified the potential area on the included figures for assessment, although the actual impact would be limited to a trench no more than approximately 1 ft. wide and 1 ft. deep. The electrical connections and irrigation system are not part of the Intended Use of Grant Funds.

While tree clearing is not anticipated there is overgrown vegetation within the project area that will need to be cleared prior to construction. The applicant owns the property; therefore, no acquisition 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 vertical greenhouse and base, and the electrical and water hookup, 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 which shows that there are no reported archaeological materials or significant cultural properties within a half-mile radius of the project location. No archaeological evaluations and no studies of cultural resources have been conducted within the 0.5 mi review radius with no cultural resources found. The proposed project is located in a relatively flat portion of the Atlantic coastal plain at an elevation of 1 173 ft (357.5 meters [m]) above mean sea level. Per the USGS/NRCS Web Soil Survey, the project area crosses one mapped soil series: SoF Soller clay, 20 to 60 percent slopes. The APE is in an urbanized agricultural landscape which is comprised mainly of single-family homes and associated private agricultural enterprises. The general project

PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM REGROW PUERTO RICO PROGRAM Section 106 NHPA Effect Determination	 GOVERNMENT OF PUERTO RICO DEPARTMENT OF HOUSING
Applicant: EL OLAM FARM, LLC	
Case ID: PR-RGRW-00745	City: Hatillo

area is located on a flat plain surrounded by gently sloping foothills. The closest freshwater source is an unnamed tributary of Rio Camuy, located 1.5 mi (2.4 kilometers [km]) north northwest of the project area. The Atlantic coast is approximately 10 mi (16 km) due north of 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 a National Register of Historic Places (NRHP)-eligible or listed Traditional Urban Center or Historic District. There have been no Section 106 surveys within the 0.50-mi review area.

The project area is in a mostly rural area of southern Hatillo, in Bayaney Barrio. The area is primarily surrounded by undeveloped land and agricultural fields, with some residential housing following the road to the east. The project area is southeast of Bayaney city. Historic aerials from NETR Online (<https://www.historicaerials.com>) show one house to the north of the project area that is still extant, and three others to the north and south of the project site that are no longer in place. Google Earth historic imagery shows that the owner's house to the north of the project site was built between 1993 and 2003. Neighboring buildings were built between 1993 and 2004. (<https://www.googleearth.com>). As the project site is on the downward side of a hill, buildings in the neighborhood will not see the project site. The two buildings to the south (Photograph 9) and east (Photograph 7) of the property will see the project site, but neither of those buildings are historic.

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

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: EL OLAM FARM, LLC	
Case ID: PR-RGRW-00745	City: Hatillo

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. No known archaeological sites or NRHP listed/eligible historic properties are within or adjacent to the property or the parcel in which the Area of Potential Effect of case PR-RGRW-00745 is located. The closest freshwater body is an unnamed tributary of Rio Camuy, located approximately 1.5 mi (2.4 km) north northwest of the project area. The size of the proposed project activities are very small (320 sq. ft. and a single electrical pole and a potential 1 ft wide x 1 ft deep water utility trench within the designated 881 sq. ft. area of potential disturbance) and construction of public roads / residential buildings / agricultural infrastructure has impacted the surrounding terrain to some extent. 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: EL OLAM FARM, LLC	
Case ID: PR-RGRW-00745	City: Hatillo

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:

Applicant: EL OLAM FARM, LLC

Case ID: PR-RGRW-00745

City: Hatillo

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



REGROW PROGRAM

Project Location Area of Potential Effects (APE) Map

Applicant ID: PR-RGRW-00745



- Site
- ▭ Site Parcel
- ▭ Project Footprint (Option)
- ▭ Potential Area of Disturbance
- ▭ APE (Buffer (15-meters))

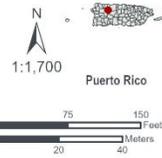
Carr. 129 Km. 16.4 Int., Bo.
Bayaney Sect. Berrocal
Hatillo, Puerto Rico 00659

Parcel ID: 103-082-139-10

Parcel Center:
66.800811°W 18.346405°N

Base Map: ESRI ArcGIS Online,
accessed September 2023
Updated: 9/5/2023

Layout: APE
Aprx: 72428_RegrowTier2Maps



Applicant: EL OLAM FARM, LLC

Case ID: PR-RGRW-00745

City: Hatillo

Project (Parcel) Location - Aerial Map



REGROW PROGRAM

**Figure A-2:
Site Vicinity**

Applicant ID: PR-RGRW-00745

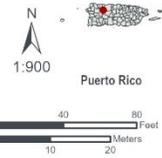


- Site
- ▭ Site Parcel
- ▭ Project Footprint (Option)
- ▭ Potential Area of Disturbance

Carr. 129 Km. 16.4 Int., Bo.
Bayaney Sect. Berrocal
Hatillo, Puerto Rico 00659

Parcel ID: 103-082-139-10
Parcel Center:
66.801125°W 18.346412°N

Base Map: ESRI ArcGIS Online,
accessed September 2023
Updated: 9/5/2023
Layout: Site Vicinity
Aprx: 72428_ReGrowTier2Maps



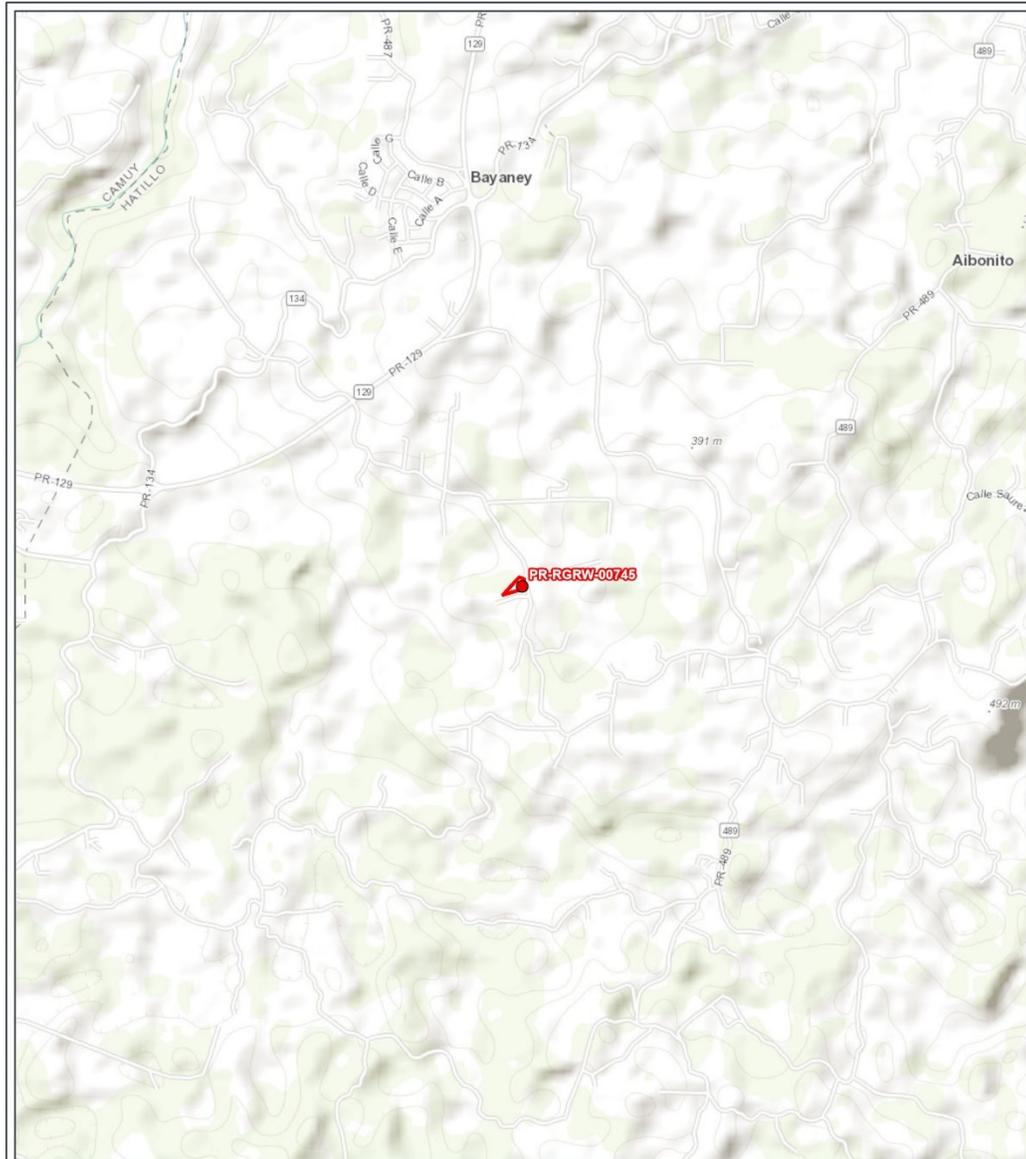


Applicant: EL OLAM FARM, LLC

Case ID: PR-RGRW-00745

City: Hatillo

Project (Parcel) Location - USGS Topographic Map



REGROW PROGRAM

Figure A-1:
Site Location

Applicant ID: PR-RGRW-00745



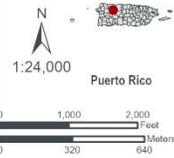
- Site
- Site Parcel

Carr. 129 Km. 16.4 Int., Bo.
Bayaney Sect. Berrocal
Hatillo, Puerto Rico 00659

Parcel ID: 103-082-139-10
Parcel Center:
66.800811°W 18.346405°N

Base Map: ESRI ArcGIS Online,
accessed September 2023
Updated: 9/5/2023

Layout: Site Location
Aprx: 72428_ReGrowTier2/Maps



Applicant: EL OLAM FARM, LLC

Case ID: PR-RGRW-00745

City: Hatillo

Project (Parcel) Location – Soils Map (Only if Archaeology Review is Required)



Mapunit Symbol	Mapunit Name
SoF	Soller clay, 20 to 60 percent slopes

REGROW PROGRAM

USDA Soils Map

Applicant ID: PR-RGRW-00745



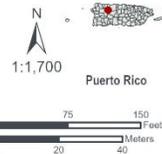
- Site
- ▭ Site Parcel
- ▭ Project Footprint (Option)
- ▭ Potential Area of Disturbance
- ▭ Soil Mapunit

Carr. 129 Km. 16.4 Int., Bo. Bayaney Sect. Berrocal Hatillo, Puerto Rico 00659

Parcel ID: 103-082-139-10

Parcel Center: 66.800811°W 18.346405°N

Data Source: <https://websoilsurvey.nrcs.usda.gov/app/>
Base Map: ESRI ArcGIS Online, accessed September 2023
Updated: 9/5/2023
Layout: Soils
Aprx: 72428_ReGrowTier2Maps



Applicant: EL OLAM FARM, LLC

Case ID: PR-RGRW-00745

City: Hatillo

Project (Parcel) Location with Previous Investigations - Aerial Map



REGROW PROGRAM

Previous Investigation Map

Applicant ID: PR-RGRW-00745



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

Carr. 129 Km. 16.4 Int., Bo. Bayaney Sect. Berrocal Hatillo, Puerto Rico 00659

Parcel ID: 103-082-139-10
Parcel Center: 66.800811°W 18.346405°N

Data Source: State Historic Preservation Office and Puerto Rico Institute of Culture

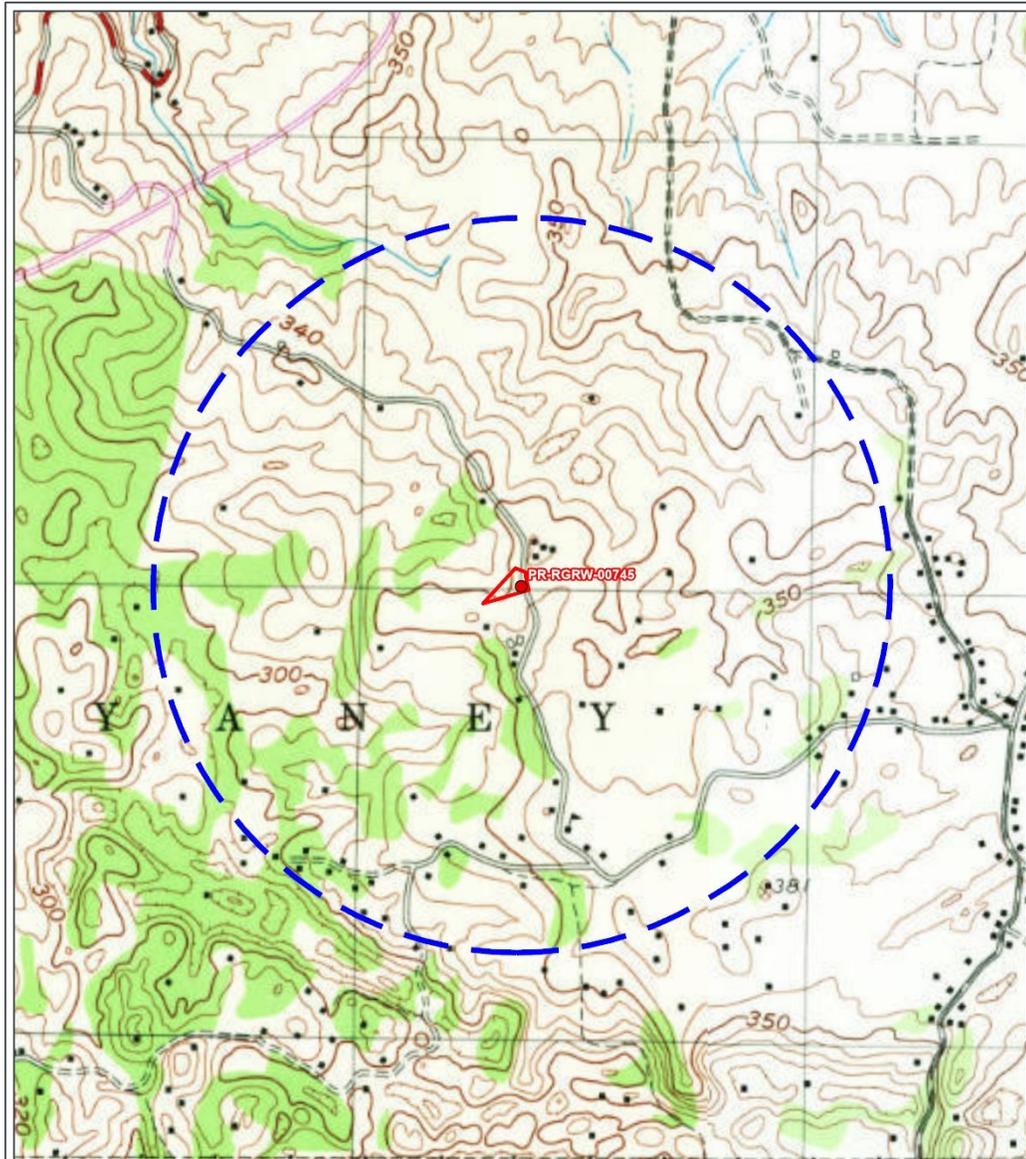
Base Map: ESRI ArcGIS Online, accessed September 2023
Updated: 9/20/23
Layout: Previous Investigation Aprx: T2428_ReGrowTier2Maps



1:11,000

Puerto Rico

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



REGROW PROGRAM

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

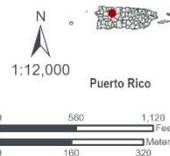
Applicant ID: PR-RGRW-00745



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

Carr. 129 Km. 16.4 Int., Bo. Bayaney Sect. Berrocal Hatillo, Puerto Rico 00659
Parcel ID: 103-082-139-10
Parcel Center: 66.800811°W 18.346405°N

Data Source: State Historic Preservation Office and Puerto Rico Institute of Culture
Base Map: ESRI ArcGIS Online, accessed September 2023
Updated: 9/5/2023
Layout: Cultural Resources
Aprx: 72429_ReGrowTier2Maps



Applicant: EL OLAM FARM, LLC

Case ID: PR-RGRW-00745

City: Hatillo

Photograph Key



Applicant: EL OLAM FARM, LLC

Case ID: PR-RGRW-00745

City: Hatillo

<p>Photo #: 01</p>	<p>Date: 07/25/ 2023</p>	
<p>Photo Direction: Southwest</p>		
<p>Description: This picture is an overview of the site location for a vertical greenhouse 40x8 ft with a gravel and hardwood platform 44x12 ft, and it shows the area's vegetation and the neighborhood.</p>		

<p>Photo #: 02</p>	<p>Date: 07/25/ 2023</p>	
<p>Photo Direction: Southwest</p>		
<p>Description: This picture is an overview from the northeast corner of the project location for a vertical greenhouse 40x8 ft installed over a gravel and hardwood platform 44x12 ft, and it shows the area's vegetation and the neighborhood.</p>		

Applicant: EL OLAM FARM, LLC

Case ID: PR-RGRW-00745

City: Hatillo

Photo #: 03	Date: 07/25/ 2023	
Photo Direction: Northeast		
Description: Overview from the southwest corner of the project location for a vertical greenhouse 40x8 ft installed over a gravel and hardwood platform 44x12 ft, and it shows the area's vegetation and a family member's residence under construction.		

Photo #: 04	Date: 07/25/ 2023	
Photo Direction: Close-up, South		
Description: Water connection and underground pipes running parallel to the main street of the community; the applicant plans on using this connection for the vertical greenhouse.		

Applicant: EL OLAM FARM, LLC

Case ID: PR-RGRW-00745

City: Hatillo

<p>Photo #: 05</p>	<p>Date: 07/25/ 2023</p>	
<p>Photo Direction: Northwest</p>		
<p>Description: This picture presents the electrical pole the applicant plans on using to connect the electricity for the vertical greenhouse. The applicant will build a concrete column (2x1 ft, 1 to 2 ft deep) where the meter will go next to the pole, inside the property; the cables will be installed aboveground.</p>		
<p>Photo #: 06</p>	<p>Date: 07/25/ 2023</p>	
<p>Photo Direction: North</p>		
<p>Description: This picture taken from the project location overviews a family member's residence under construction inside the property which will have a direct view of the project location; the structure was started being built around the 1990s.</p>		

Applicant: EL OLAM FARM, LLC

Case ID: PR-RGRW-00745

City: Hatillo

<p>Photo #: 07</p>	<p>Date: 07/25/ 2023</p>	
<p>Photo Direction: East</p>		
<p>Description: This picture overviews a structure built around 2000 in front of the applicant's property which could have a direct or partial view of the project location. The project is being installed on a slope using the gravel and hardwood platform to level the area.</p>		
<p>Photo #: 08</p>	<p>Date: 07/25/ 2023</p>	
<p>Photo Direction: Southeast</p>		
<p>Description: This picture overviews multiple structures alongside the southeast portion of the neighborhood from the applicant's property which could have a direct or partial view of the project location. The project is being installed on a slope using the gravel and hardwood platform to level the area.</p>		

Applicant: EL OLAM FARM, LLC

Case ID: PR-RGRW-00745

City: Hatillo

<p>Photo #: 09</p>	<p>Date: 07/25/ 2023</p>	
<p>Photo Direction: South</p>		
<p>Description: This picture overlooks the neighbor's residence built around 2000, to the south of the project location which will have a direct view of the project location.</p>		

<p>Photo #: 10</p>	<p>Date: 07/25/ 2023</p>	
<p>Photo Direction: Southwest</p>		
<p>Description: This picture overviews multiple structures built around 2000, south of the applicant's property showing the neighborhood that could have a direct or partial view of the project location. The project is being installed on a slope using the gravel and hardwood platform to level the area.</p>		



October 20, 2022

Arch. Carlos A. Rubio Cancela

Executive Director

State Historic Preservation Officer

Cuartel de Ballajá Bldg.

San Juan, Puerto Rico

Re: Authorization to Submit Documents

Dear Arch. Rubio Cancela:

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

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

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

Cordially,

A handwritten signature in blue ink, appearing to be 'JB', is written over the typed name.

Juan C. Pérez Bofill, P.E. M.Eng

Director of Disaster Recovery

CDBG DR-MIT



ENVIRONMENTAL FIELD ASSESSMENT FORM
ReGrow

Applicant Name: El Olam Farm LLC	Program ID: PR-RGRW-00745
Project Coordinates: 18.34643, -66.800724	Parcel ID: 103-082-139-10
Parcel Address: Carretera 129 Km. 16.4 Int., Bo. Bayaney Sect. Berrocal	Municipio: Hatillo, PR
Zip Code: 00659	

Inspector Name: Delise Torres-Ortiz	Inspection Date: July, 25 th , 2023
-------------------------------------	--

General Site Conditions

Was property accessible by vehicle?	Yes	Comment:
Access issues?	No	Comment:
Are water wells present?	No	Comment:
Are creeks or ponds present?	No	Comment:
Are any potential wetlands on-site or visible on adjacent parcel?	No	Comment:

Parcel Conditions

Note – for Any Yes answers specify type, contents and location

Do any of the proposed project work areas show evidence of site preparation?	No	Comment:
Are commercial or industrial hazardous facilities at parcel or within visual sight?	Yes	Comment: There is a cattle farm across the street.
Are there signs of underground storage tanks?	No	Comment:
Are above-ground tanks >10 gallons present? If Yes, also state condition.	No	Comment:



ENVIRONMENTAL FIELD ASSESSMENT FORM
ReGrow

Are 55-gallon drums present? If Yes, also state condition.	No	Comment:
Are abandoned vehicles or electrical equipment present?	No	Comment:
Is other potential environmentally hazardous debris on the parcel?	No	Comment:
Is there non-environmentally hazardous debris on the parcel?	No	Comment:
Are any leaks, soil stains, or stressed vegetation present associated with any of the above or separately?	No	Comment:
Are there any pungent, foul or noxious odors?	No	Comment:
Are there any potentially hazardous trees that could fall?	No	Comment:
Are any bird nests visible?	No	Comment:
Are there any animal burrows visible?	No	Comment:
Are there any buildings in direct visual sight of the project locations?	Yes	Comment: Structure inside the property (segregated) – 1990; Community – throughout the 2000s



ENVIRONMENTAL FIELD ASSESSMENT FORM

ReGrow

Additional Needs 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	Comment:
--	----	----------

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

Delise Torres-Ortiz
{Delise Torres-Ortiz}
{July 25th, 2023}



ENVIRONMENTAL FIELD ASSESSMENT FORM

ReGrow

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

Project #: PR-RGRW-00745	Photographer: Delise Torres-Ortiz
Location Address: Carretera 129 Km. 16.4 Int., Bo. Bayaney Sect. Berrocal, Hatillo, PR 00659	Coordinates: 18.34643, -66.800724

Photo #: 01	Date: 07/25/ 2023	
Photo Direction: Southwest		
Description: This picture is an overview of the site location for a vertical greenhouse – freight container 40x8ft with a gravel and hardwood platform 44x12ft, and it shows the area’s vegetation and the neighborhood.		

Photo #: 02	Date: 07/25/ 2023	
Photo Direction: Southwest		
Description: This picture is an overview from the northeast corner of the project location for a vertical greenhouse 40x8ft installed over a gravel and hardwood platform 44x12ft, and it shows the area’s vegetation and the neighborhood.		

Project #: PR-RGRW-00745	Photographer: Delise Torres-Ortiz
Location Address: Carretera 129 Km. 16.4 Int., Bo. Bayaney Sect. Berrocal, Hatillo, PR 00659	Coordinates: 18.34643, -66.800724

Photo #: 03	Date: 07/25/ 2023	
Photo Direction: Northeast		
Description: This picture is an overview from the southeast corner of the project location for a vertical greenhouse 40x8ft installed over a gravel and hardwood platform 44x12ft, and it shows the area's vegetation and the neighborhood towards the main street.		

Photo #: 04	Date: 07/25/ 2023	
Photo Direction: Northeast		
Description: This picture is an overview from the southwest corner of the project location for a vertical greenhouse 40x8ft installed over a gravel and hardwood platform 44x12ft, and it shows the area's vegetation and a family member's residence under construction.		

Project #: PR-RGRW-00745	Photographer: Delise Torres-Ortiz
Location Address: Carretera 129 Km. 16.4 Int., Bo. Bayaney Sect. Berrocal, Hatillo, PR 00659	Coordinates: 18.34643, -66.800724

Photo #: 05	Date: 07/25/ 2023	
Photo Direction: Southeast		
Description: This picture is an overview from the northwest corner of the project location for a vertical greenhouse 40x8ft installed over a gravel and hardwood platform 44x12ft, and it shows the area's vegetation.		

Photo #: 06	Date: 07/25/ 2023	
Photo Direction: Close-up, South		
Description: This picture is a close-up of the water connection and underground pipes running parallel to the main street of the community; the applicant plans on using this connection for the vertical container. The picture shows a partial view of the paved street with the top of the container underground meter for the potable water provided by the AAA or PRASA, in English, the area's vegetation, and the applicant's property. The water connections are going to be aboveground because the area is rocky, and the bedrock is close to the surface.		

Project #: PR-RGRW-00745	Photographer: Delise Torres-Ortiz
Location Address: Carretera 129 Km. 16.4 Int., Bo. Bayaney Sect. Berrocal, Hatillo, PR 00659	Coordinates: 18.34643, -66.800724

Photo #: 07	Date: 07/25/ 2023	
Photo Direction: Northwest		
Description: This picture presents the electrical pole the applicant plans on using to connect the electricity for the vertical greenhouse. The applicant will build a concrete column (2x1ft, 1 to 2ft deep -approximately) where the meter will go next to the pole, inside the property; the cables will be installed aboveground-air and they will follow the property line. The electricity will be provided by the main electricity providers in Puerto Rico: GENERA, LUMA, and AEE, or PREPA, in English.		

Photo #: 08	Date: 07/25/ 2023	
Photo Direction: North		
Description: This picture taken from the project location overviews a family member's residence under construction inside the property which will have a direct view of the project location; the structure was started being built around the 1990s.		

Project #: PR-RGRW-00745	Photographer: Delise Torres-Ortiz
Location Address: Carretera 129 Km. 16.4 Int., Bo. Bayaney Sect. Berrocal, Hatillo, PR 00659	Coordinates: 18.34643, -66.800724

Photo #: 09	Date: 07/25/ 2023	
Photo Direction: East		
Description: This picture overviews a structure built around the 2000s in front of the applicant's property which could have a direct or partial view of the project location. The project is being installed on a slope using the gravel and hardwood platform to level the area.		

Photo #: 10	Date: 07/25/ 2023	
Photo Direction: Southeast		
Description: This picture overviews multiple structures alongside the southeast portion of the neighborhood from the applicant's property which could have a direct or partial view of the project location. The project is being installed on a slope using the gravel and hardwood platform to level the area.		

Project #: PR-RGRW-00745	Photographer: Delise Torres-Ortiz
Location Address: Carretera 129 Km. 16.4 Int., Bo. Bayaney Sect. Berrocal, Hatillo, PR 00659	Coordinates: 18.34643, -66.800724

Photo #: 11	Date: 07/25/ 2023	
Photo Direction: South		
Description: This picture overlooks the neighbor's residence built around the 2000s to the south of the project location which will have a direct view of the project location.		

Photo #: 12	Date: 07/25/ 2023	
Photo Direction: Southwest		
Description: This picture overviews multiple structures built around the 2000s south of the applicant's property showing the neighborhood that could have a direct or partial view of the project location. The project is being installed on a slope using the gravel and hardwood platform to level the area.		

October 31, 2023

Edwin E Muñiz, Field Supervisor
Caribbean Ecological Services Field Office
U.S. Fish and Wildlife Service
P.O. Box 491
Boquerón, Puerto Rico 00622
Email: caribbean@es@fws.gov

**Re: Federally Listed Threatened and Endangered Species Evaluation for the Puerto Rico
Department of Housing ReGrow PR-RGRW-00745 Project/ SWCA Project No. 72428**

Dear Mr. Muñiz:

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-00745 Project (project). The Project is located on 0.81 acre at Carretera 129 Km. 16.4 Int., Bo. Bayaney Sect. Berrocal, Hatillo, Puerto Rico (18.34643, -66.800724).

The proposed Project involves the installation of a new hydroponic modular container to be used as a vertical greenhouse. Installation of the greenhouse would require pruning of the vegetation within the project area.

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
<i>Cordia bellonis</i>	Endangered
Palo De Nigua (<i>Cornutia obovata</i>)	Endangered

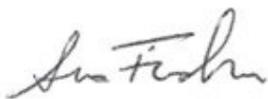
No designated or proposed critical habitat for any listed species was identified within the project area. Based on the nature of the project, scope of work, information available, and a careful analysis of the existing habitat, we have made the following effects determinations:

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
<i>Cordia alliodora</i>	No effect (NE)	No Conservation Measures
Palo De Nigua (<i>Cornutia obovata</i>)	No effect (NE)	No Conservation Measures

In accordance with the 2023 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



ENVIRONMENTAL CONSULTANTS

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Houston, Texas 77040
Tel 281.617.3217 Fax 713.896.3189
www.swca.com

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: September 7, 2023

Re: **Threatened and Endangered Species Evaluation for the Puerto Rico Department of Housing ReGrow PR-RGRW-00745 Project/ SWCA Project No. 72428**

Project Description

El Olam Farm, LLC, the applicant, is proposing to install a new hydroponic modular container to be used as a vertical greenhouse on a 0.81-acre property in the Municipio of Hatillo, Puerto Rico (project) (Appendix A, Figure 1). The project is located at Carretera 129 Km. 16.4 Int., Bo. Bayaney Sect. Berrocal, Hatillo, Puerto Rico, in a rural area. The estimated dimensions of the greenhouse will be approximately 320 square feet (8 feet by 40 feet) (Appendix A, Figure 2).

Existing conditions

The existing habitat conditions at the proposed greenhouse location consist of dense grasses and some young shrubs. There are no forested areas within or adjacent to the project site. Installation of the greenhouse would require pruning of the vegetation within the project area. Representative photographs of the proposed location are provided in Appendix B.

Federal and State Protected Species

SWCA obtained a federal threatened and endangered species list from the USFWS (2023a) Information for Planning and Consultation (“IPaC”) website for a 100-foot buffer around the greenhouse (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, three federally listed endangered species has the potential to occur in the review area; the Puerto Rican boa (*Chilabothrus inornatus*), *Cordia bellinis*, and palo de nigua (*Cornutia obovata*). 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”).

SWCA accessed the Puerto Rico Department of Natural and Environmental Resources (PRDNER) Species Ranges, and Puerto Rico State Wildlife Action Plan_a Ten Year Review online mapping databases

(PRDNER 2023a, PRDNER 2023b) and referenced the *Puerto Rico State Wildlife Action Plan: Ten Year Review* (PRDNER 2015) to compile a list of state threatened and endangered species with ranges that overlap with the review area. The review identified one additional listed species with the potential to occur within the review area: the state listed endangered brown pelican (*Pelecanus occidentalis*).

The bald and golden eagle’s range do not extend into Puerto Rico (Cornell Lab of Ornithology 2023); 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. Federal and State 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
Birds				
Brown Pelican (<i>Pelecanus occidentalis</i>)	D/EN	The brown pelican is a common resident to Puerto Rico, inhabiting shallow inshore waters, estuaries, and bays, but is also present in inland freshwater reservoirs (Birds of Puerto Rico 2023a).	<i>Unlikely to occur.</i> There are no waterbodies located in the project area.	<i>No impact.</i> There is no suitable habitat for the brown pelican in the project area.
Reptiles				
Puerto Rican Boa (<i>Chilabothrus inornatus</i>)	FE/CR	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> Dense vegetative ground cover is present within the project area.	<i>May affect, but not likely to adversely affect.</i> See discussion below.
Plants				
<i>Cordia alliodora</i>	FE/--	Occurs on mountain slopes and serpentine hills where it has been found in serpentine soils at road edges, on river margins, on steep slopes, on sunny banks along dirt roads growing in thickets of vegetation, and in open saddles between limestone hills. It is currently restricted to three public forests: the Maricao Commonwealth Forest in the municipality of Maricao, the Susúa Commonwealth Forest in the municipality of Susúa, and the Río Abajo Commonwealth Forest in the municipalities of Utuado and Arecibo (USFWS 1999).	<i>Unlikely to occur.</i> The project area is not situated on steep slopes or hills.	<i>No effect.</i> There is no suitable habitat for <i>Cordia alliodora</i> in the project area.
Palo De Nigua <i>Cornutia obovata</i>	FE/--	This species is only known from three areas in Puerto Rico: the Río Abajo Commonwealth Forest in the municipalities of Utuado and Arecibo, the Arecibo Observatory just west of Río Abajo, and the municipality of Barranquitas in the central mountains (USFWS 1992).	<i>Unlikely to occur.</i> There are no forested areas within the project area.	<i>No effect.</i> There is no suitable habitat for the palo de nigua in the project area.

*Status Definitions:

D = Federally delisted; EN = State listed endangered; FE = Federally listed endangered; CR = State listed critically endangered

Federally Protected Species

Based on a site visit and habitat evaluations, *Cordia alliodora* and palo de nigua are considered unlikely to occur due to lack of suitable habitat within the project areas. Therefore, the project will have *no effect* on these federally listed species. Due to the generalist nature of the Puerto Rican boa and dense ground cover present throughout, the Puerto Rican boa may occur within the project area. The applicant will employ the conservation measures outlined in the 2023 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.

State Protected Species

Based on a site visit and habitat evaluations, there is no suitable habitat for the brown pelican within the project area. Therefore, the project will have *no impact* on state listed species.

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 3) (USFWS 2023b).

LITERATURE CITED

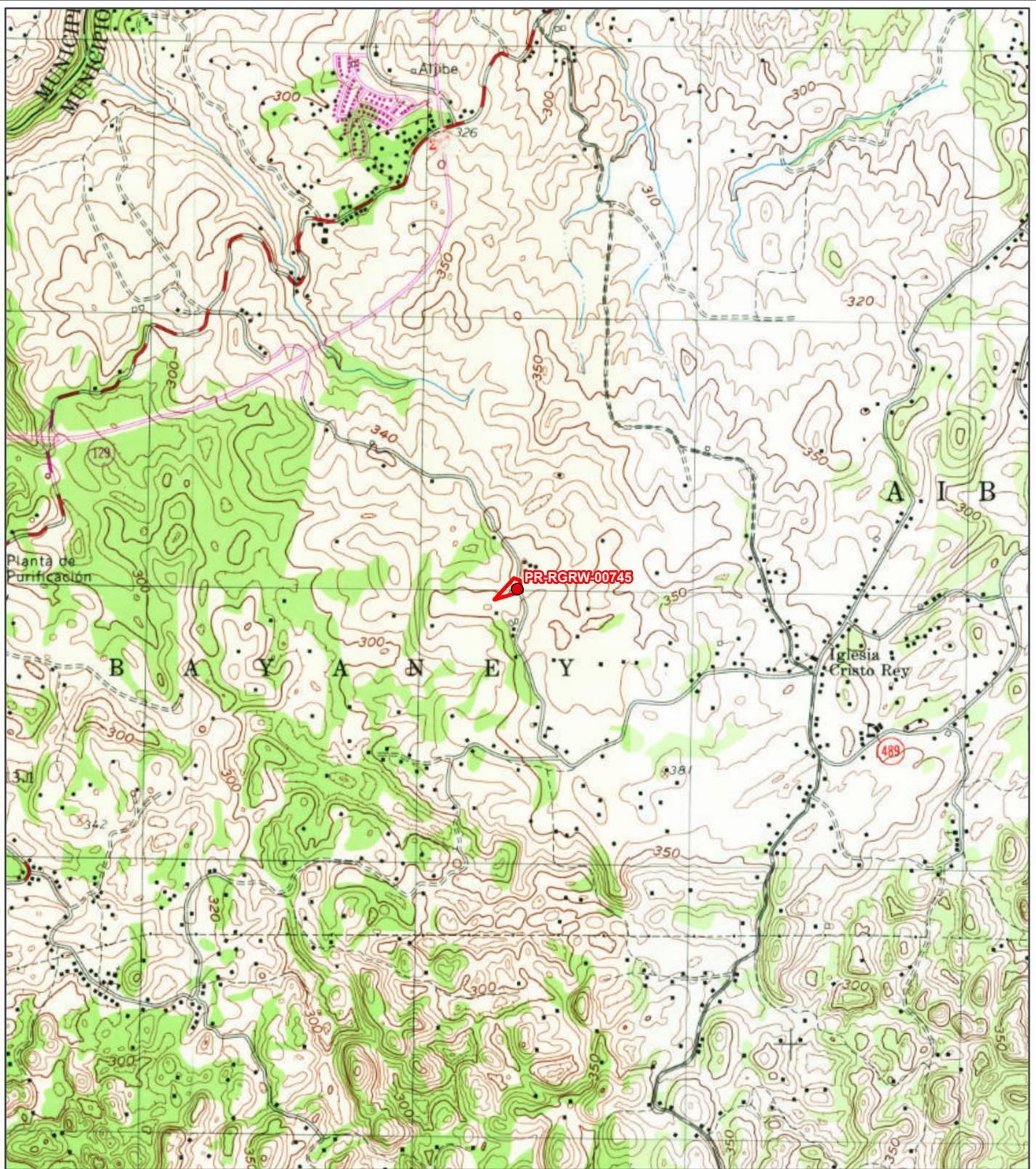
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- . 2023b. Critical Habitat for Threatened & Endangered Species [USFWS]. Available at: <https://fws.maps.arcgis.com/home/webmap/viewer.html?webmap=9d8de5e265ad4fe09893cf75b8dbfb77>. Accessed September 2023.

APPENDIX A

Maps

Figure 1

USGS Topographic Map



REGROW PROGRAM

USGS Topographic Map

Applicant ID: PR-RGRW-00745



- Site
- Site Parcel

Carr. 129 Km. 16.4 Int., Bo. Bayaney Sect. Berrocal Hatillo, Puerto Rico 00659

Parcel ID: 103-082-139-10

Parcel Center:
66.800811°W 18.346405°N

Base Map: ESRI ArcGIS Online,
accessed September 2023
Updated: 9/5/2023

Layout: USGS Topographic Map
Aprx: 72428_ReGrowTier2Maps



Figure 2
Site Vicinity Map



REGROW PROGRAM

Site Vicinity

Applicant ID: PR-RGRW-00745



- Site
- Site Parcel
- Project Footprint (Option)
- Potential Area of Disturbance

Carr. 129 Km. 16.4 Int., Bo.
Bayaney Sect. Berrocal
Hatillo, Puerto Rico 00659

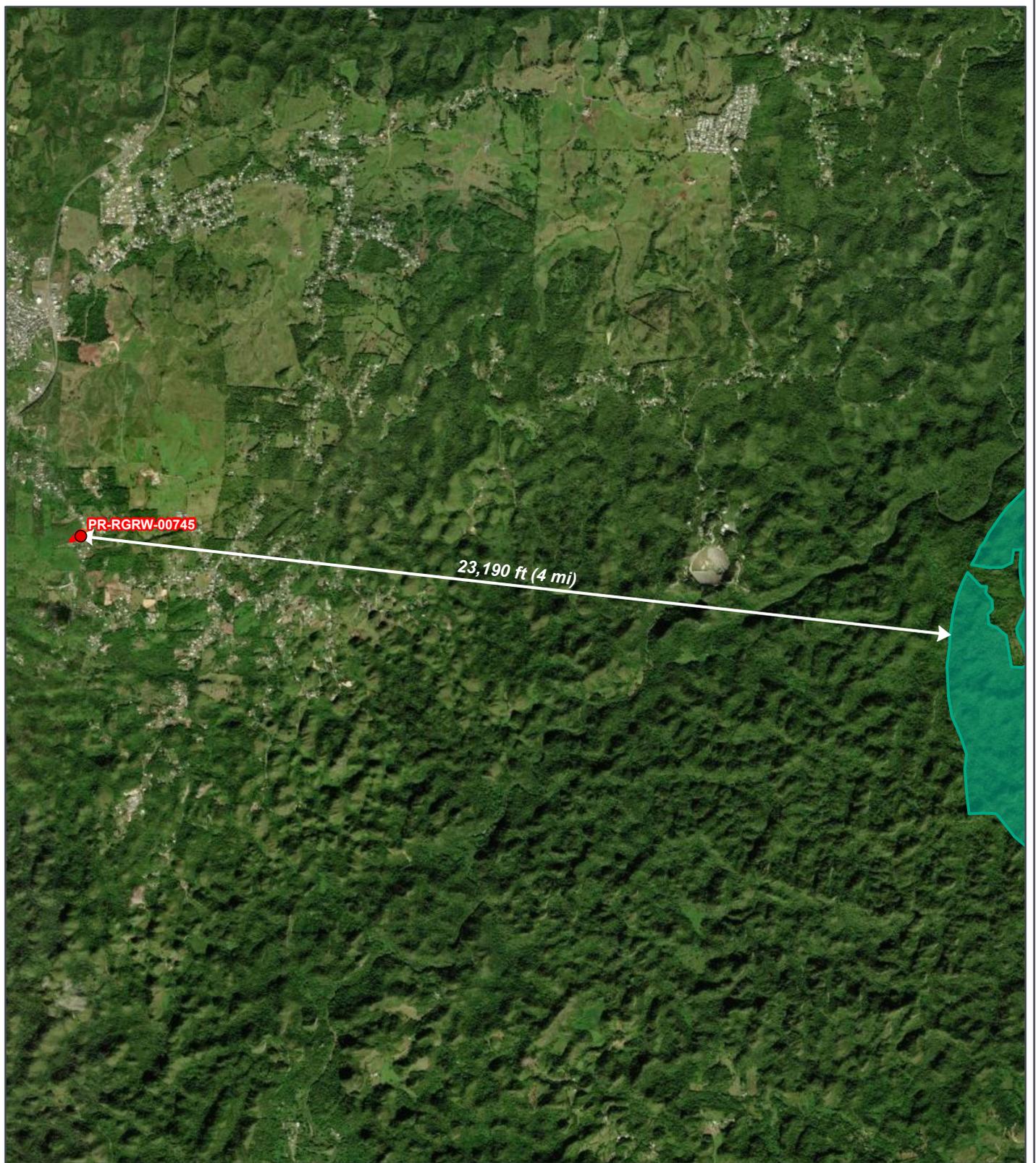
Parcel ID: 103-082-139-10
Parcel Center:
66.801125°W 18.346412°N

Base Map: ESRI ArcGIS Online,
accessed September 2023
Updated: 9/5/2023

Layout: Site Vicinity
Aprx: 72428_ReGrowTier2Maps



Figure 3
Critical Habitat Map



REGROW PROGRAM

Critical Habitat Map

Applicant ID: PR-RGRW-00745

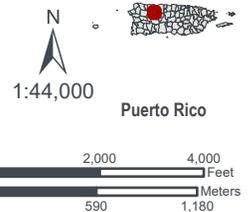


- Site
- Site Parcel
- Buffer (100-ft)
- Critical Habitat - Final
- National Wildlife Refuges

Carr. 129 Km. 16.4 Int., Bo.
Bayaney Sect. Berrocal
Hatillo, Puerto Rico 00659

Parcel ID: 103-082-139-10
Parcel Center:
66.76758°W 18.342866°N

Data Source: https://services.arcgis.com/QVENGdaPbd4LUkLV/arcgis/rest/services/USFWS_Critical_Habitat/
Base Map: *ESRI ArcGIS Online*,
accessed September 2023
Updated: 9/5/2023
Layout: Critical Habitat
Aprx: 72428_ReGrowTier2Maps



APPENDIX B

Photographic Log

Project #: PR-RGRW-00745	Photographer: Delise Torres-Ortiz
Location Address: Carretera 129 Km. 16.4 Int., Bo. Bayaney Sect. Berrocal, Hatillo, PR 00659	Coordinates: 18.34643, -66.800724

Photo #: 01	Date: 07/25/ 2023	
Photo Direction: Southwest		
Description: This picture is an overview of the site location for a vertical greenhouse – freight container 40x8ft with a gravel and hardwood platform 43x11ft, and it shows the area’s vegetation and the neighborhood.		

Photo #: 02	Date: 07/25/ 2023	
Photo Direction: Southwest		
Description: This picture is an overview from the northeast corner of the project location for a vertical greenhouse 40x8ft installed over a gravel and hardwood platform 43x11ft, and it shows the area’s vegetation and the neighborhood.		

Project #: PR-RGRW-00745	Photographer: Delise Torres-Ortiz
Location Address: Carretera 129 Km. 16.4 Int., Bo. Bayaney Sect. Berrocal, Hatillo, PR 00659	Coordinates: 18.34643, -66.800724

Photo #: 03	Date: 07/25/ 2023	
Photo Direction: Northeast		
Description: This picture is an overview from the southeast corner of the project location for a vertical greenhouse 40x8ft installed over a gravel and hardwood platform 43x11ft, and it shows the area's vegetation and the neighborhood towards the main street.		

Photo #: 04	Date: 07/25/ 2023	
Photo Direction: Northeast		
Description: This picture is an overview from the southwest corner of the project location for a vertical greenhouse 40x8ft installed over a gravel and hardwood platform 43x11ft, and it shows the area's vegetation and a family member's residence under construction.		

Project #: PR-RGRW-00745	Photographer: Delise Torres-Ortiz
Location Address: Carretera 129 Km. 16.4 Int., Bo. Bayaney Sect. Berrocal, Hatillo, PR 00659	Coordinates: 18.34643, -66.800724

Photo #: 05	Date: 07/25/ 2023	
Photo Direction: Southeast		
Description: This picture is an overview from the northwest corner of the project location for a vertical greenhouse 40x8ft installed over a gravel and hardwood platform 43x11ft, and it shows the area's vegetation.		

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: (787) 834-1600 Fax: (787) 851-7440
Email Address: CARIBBEAN_ES@FWS.GOV

In Reply Refer To:
Project Code: 2023-0126167
Project Name: PR-RGRW-00745

September 07, 2023

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
- 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

(787) 834-1600

PROJECT SUMMARY

Project Code: 2023-0126167
Project Name: PR-RGRW-00745
Project Type: Disaster-related Grants
Project Description: Greenhouse (8' x 40')
Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@18.346427300000002,-66.80086093251441,14z>



Counties: Hatillo County, Puerto Rico

ENDANGERED SPECIES ACT SPECIES

There is a total of 3 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/IHYPSM45ZGD5HTX4DHKYYOZOA/documents/generated/6941.pdf	Endangered

FLOWERING PLANTS

NAME	STATUS
Cordia bellonis No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7228	Endangered
Palo De Nigua <i>Cornutia obovata</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/4918	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.

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 habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

-
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.

MIGRATORY BIRDS FAQ

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as

occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go to the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may query your location using the [RAIL Tool](#) and look at the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can

implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

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.

THERE ARE NO WETLANDS WITHIN YOUR PROJECT AREA.

IPAC USER CONTACT INFORMATION

Agency: SWCA Environmental Consultants
Name: Susan Fischer
Address: 10245 West Little York Road
Address Line 2: Suite 600
City: Houston
State: TX
Zip: 77040
Email: susan.fischer@swca.com
Phone: 3463881157

APPENDIX D

Project Design Guidelines for the Puerto Rican Boa

General Project Design Guidelines (1 Species)

Generated September 08, 2023 02:17 AM UTC, IPaC v6.97.0-rc3



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Puerto Rican Boa - Caribbean Ecological Services Field Office	2

Species Document Availability

Species with general design guidelines

Puerto Rican Boa *Chilabothrus inornatus*

Species without general design guidelines available

Cordia alliodora

Palo De Nigua *Cornutia obovata*

General Project Design Guidelines - *Cordia bellonis* and 2 more species

Published by Caribbean Ecological Services Field Office for the following species included in your project

Cordia bellonis

Palo De Nigua *Cornutia obovata*

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 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 Puerto Rican 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 like roadsides or houses, especially if near their habitat in rural areas. This 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 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. The PR boa is considered more active at night. Thus, in order to maximize its detection, the species should be searched at nights prior to habitat disturbance.
5. Once the area has been searched for PR boas, vegetation should first be cleared by hand to the maximum extent possible. Vegetation should be cut about one meter above ground prior to the use of heavy machinery for land clearing. Cutting vegetation by hand will allow boas present on site to move away on their own to adjacent available habitat. Any stone walls or naturally occurring rock piles must be carefully dismantled by hand as these are refuges for the snake. This will allow any boas present to vacate the site without injury.
6. 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.

7. If a PR boa is found within any of the working or construction areas, activities should stop at that area and information recorded (see #6). **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 this 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.
8. If a PR boa is captured by the PRDNER, record the name of the PRDNER staff and information on where the PR boa will be taken. This information should be reported to the Service.
9. 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 #7). If not possible, the animal should be left alone until it leaves the vehicle on its own.
10. 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.
11. If a dead PR boa is found, immediately cease all work in that area and record the information accordingly (see #6). 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 that 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.
12. 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:

- Marelisa Rivera, Deputy Field Supervisor
 - Email: marelisa_rivera@fws.gov
 - Office phone (786) 244-0081 or mobile (305) 304-1814
- José Cruz-Burgos, Endangered Species Coordinator
 - Email: jose_cruz-burgos@fws.gov
 - Office phone (786) 244-0081 or mobile (305) 304-1386

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: (787) 834-1600 Fax: (787) 851-7440
Email Address: CARIBBEAN_ES@FWS.GOV

In Reply Refer To:
Project code: 2023-0126167
Project Name: PR-RGRW-00745

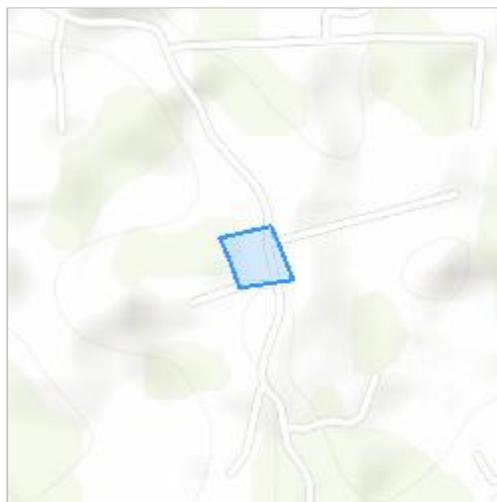
September 07, 2023

Subject: Consistency letter for the project named 'PR-RGRW-00745' 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 September 07, 2023, Susan Fischer used the Caribbean DKey; dated February 08, 2023, in the U.S. Fish and Wildlife Service's online [IPaC application](#) to evaluate potential impacts to federally listed species, from a project named 'PR-RGRW-00745'. The project is located in Hatillo County, Puerto Rico (shown below).

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@18.346427300000002,-66.80086093251441,14z>



The following description was provided for the project 'PR-RGRW-00745':

Greenhouse (8' x 40')

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

PR-RGRW-00745

2. Description

The following description was provided for the project 'PR-RGRW-00745':

Greenhouse (8' x 40')

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@18.346427300000002,-66.80086093251441,14z>



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, etc.)

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.

No

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

No

12. 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

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

Automatically answered

Yes

IPAC USER CONTACT INFORMATION

Agency: SWCA Environmental Consultants
Name: Susan Fischer
Address: 10245 West Little York Road
Address Line 2: Suite 600
City: Houston
State: TX
Zip: 77040
Email: susan.fischer@swca.com
Phone: 3463881157

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 Povelko, Povelko.Oleg@epa.gov
Mr. Matthew Lantila, lantila.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

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Sincerely,

William O. Rodríguez Rodríguez, Esq.
Secretary

Cc: Dr. Carlos Marín, 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

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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

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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

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William O. Rodríguez Rodríguez, Esq.
Secretary

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



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.

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. 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

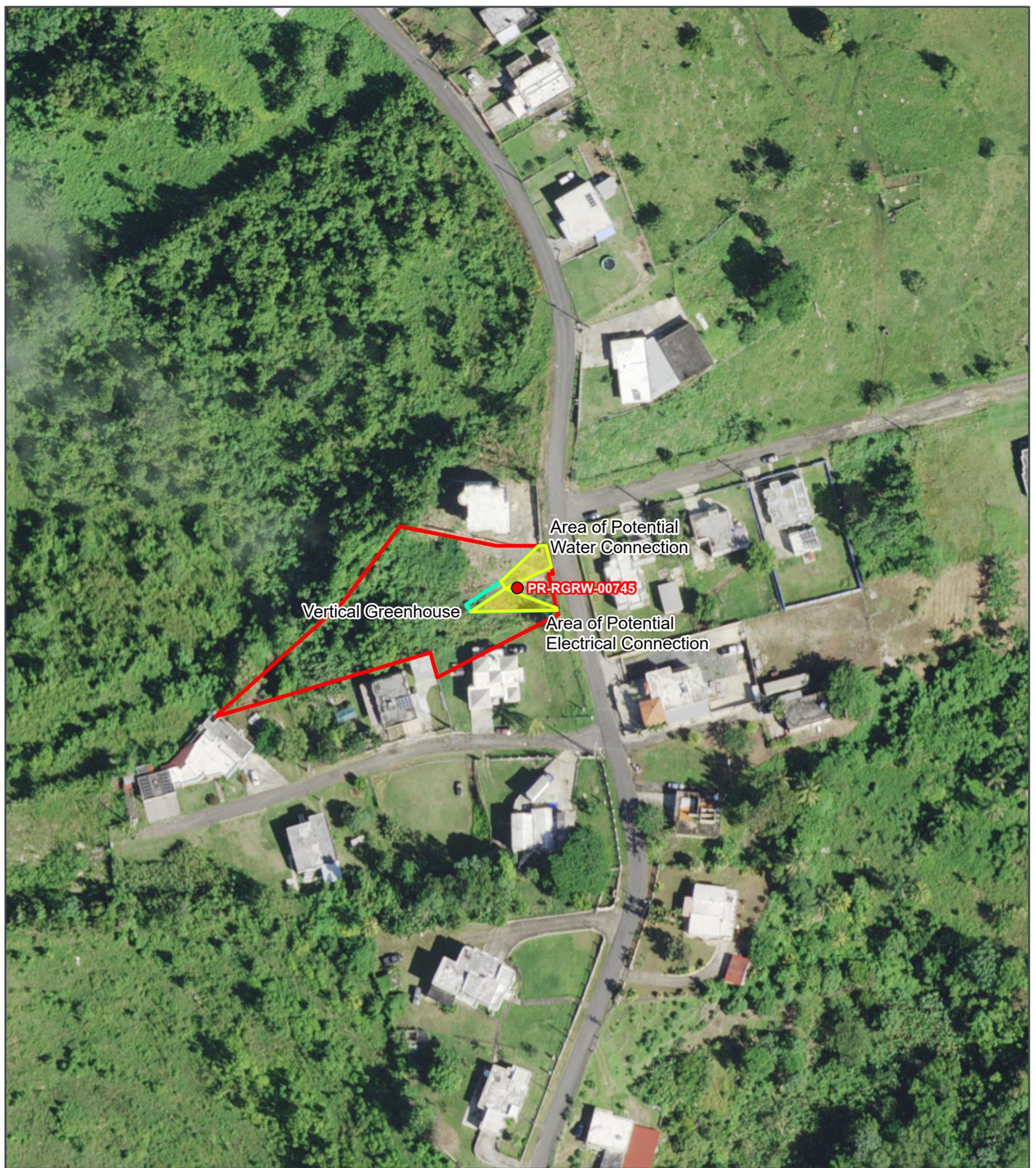
2

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: cesarrodriiguez@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-00745



- Site
- Site Parcel
- Project Footprint (Option)
- Potential Area of Disturbance
- 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

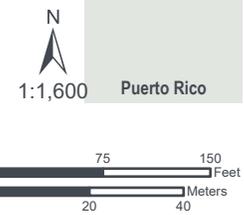
Carr. 129 Km. 16.4 Int., Bo. Bayaney
Sect. Berrocal
Hatillo, Puerto Rico 00659

Parcel ID: 103-082-139-10-000
103-082-139-24-000

66.800811°W 18.346405°N

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

Base Map: USA NAIP Imagery
Imagery Year: 2022
Updated: 11/7/2024
Layout: ABFE 1Pct
Aprx: 72428_ReGrowTier2Maps





REGROW PROGRAM

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

Applicant ID: PR-RGRW-00745

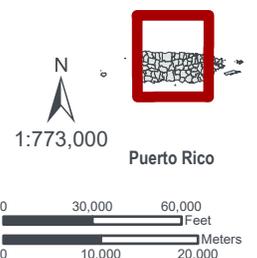


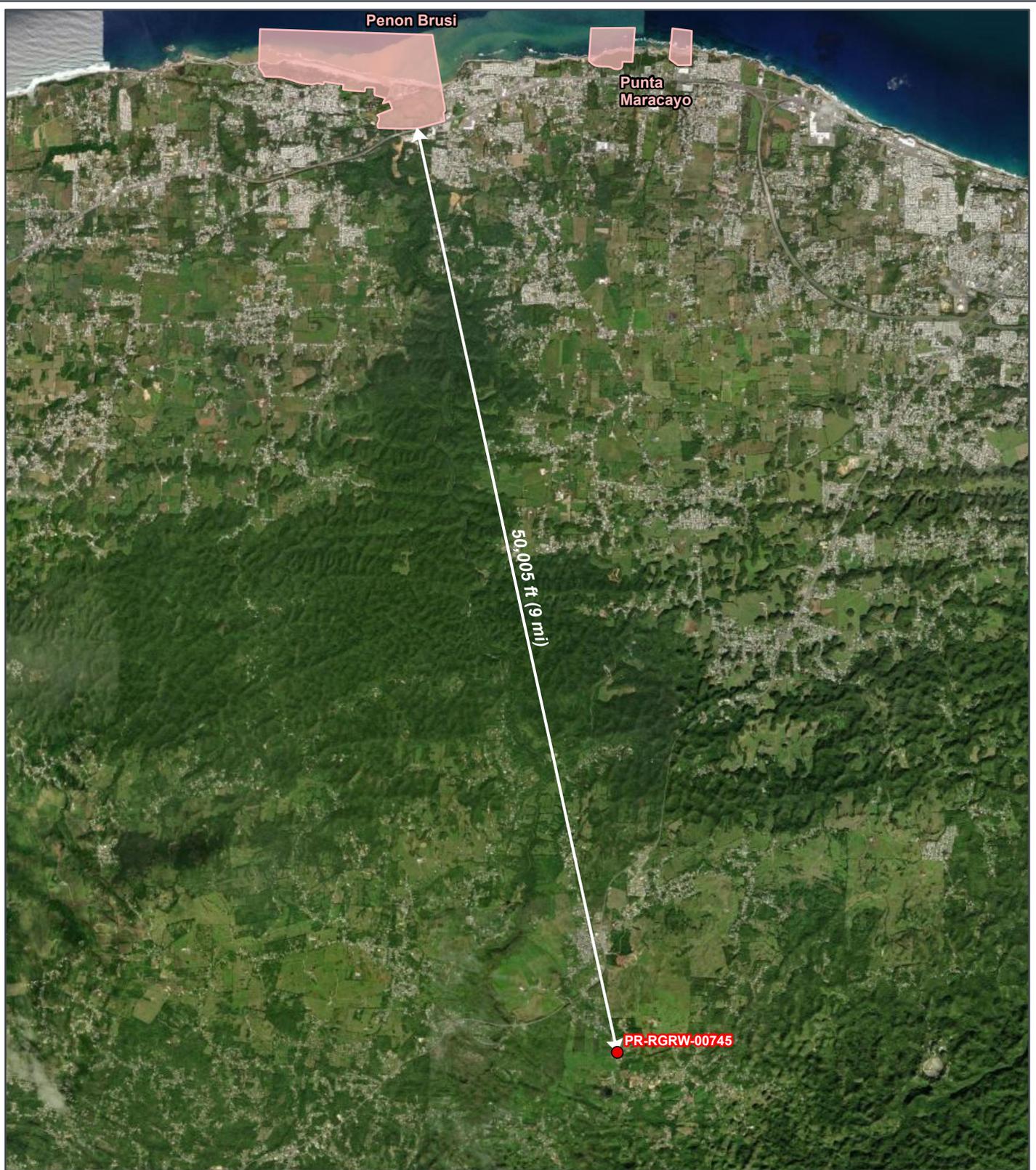
- Site
- Airport Runway
- Accident Potential Zones (APZ)
- Runway Protection Zones (RPZ)
- 2,500-FT Civil Airport Buffer
- 15,000-FT Military Airport Buffer

Carr. 129 Km. 16.4 Int., Bo.
Bayaney Sect. Berrocal Hatillo,
Puerto Rico 00659

Parcel ID: 103-082-139-10-000
and 103-082-139-24-000
Parcel Center: 66.800811°W
18.346405°N

Data Source: <https://geodata.bts.gov/>
Base Map: ESRI ArcGIS Online,
accessed September 2023
Updated: 9/5/2023
Layout: Airport Hazards
Aprx: 72428_ReGrowTier2Maps





REGROW PROGRAM

Figure B 2-1: Coastal Barrier Resources Map

Applicant ID: PR-RGRW-00745



- Site
- Otherwise Protected Area
- System Unit

Carr. 129 Km. 16.4 Int., Bo. Bayaney Sect. Berrocal Hatillo, Puerto Rico 00659

Parcel ID: 103-082-139-10-000 and 103-082-139-24-000
Parcel Center: 66.800811°W 18.346405°N

Data Source: <https://cbrsgis.wim.usgs.gov/arcgis/rest/services/CoastalBarrierResourcesSystem/MapServer>
Base Map: ESRI ArcGIS Online, accessed September, 2023
Updated: 9/5/2023
Layout: Coastal Barrier Resources System



1:88,000

Puerto Rico





REGROW PROGRAM

Figure B 5-1: Coastal Zone Management Map

Applicant ID: PR-RGRW-00745

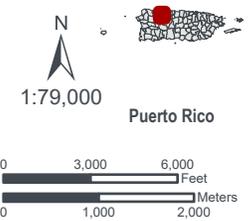


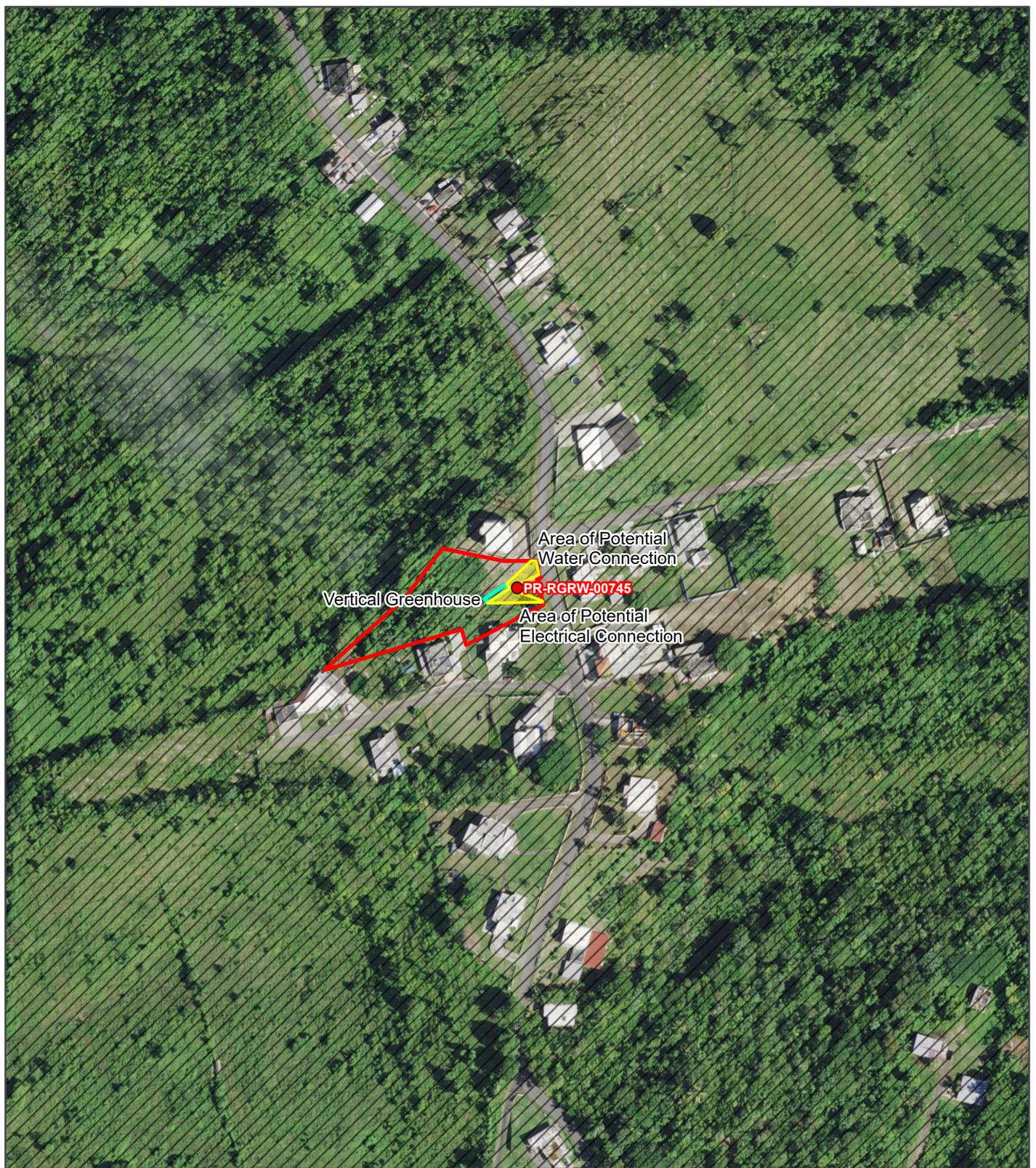
- Site
- Coastal Management Zone

Carr. 129 Km. 16.4 Int., Bo. Bayaney Sect. Berrocal Hatillo, Puerto Rico 00659

Parcel ID: 103-082-139-10-000 and 103-082-139-24-000
 Parcel Center: 66.800811°W 18.346405°N

Data Source: <https://coast.noaa.gov/arcgis/rest/services/Hosted/CoastalZoneManagementAct/>
 Base Map: ESRI ArcGIS Online, accessed September 2023
 Updated: 9/5/2023
 Layout: Coastal Zone Management
 Aprx: 72428_ReGrowTier2Maps





REGROW PROGRAM

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

Applicant ID: PR-RGRW-00745

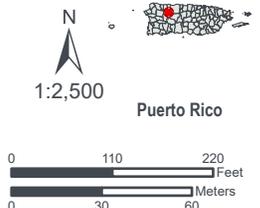


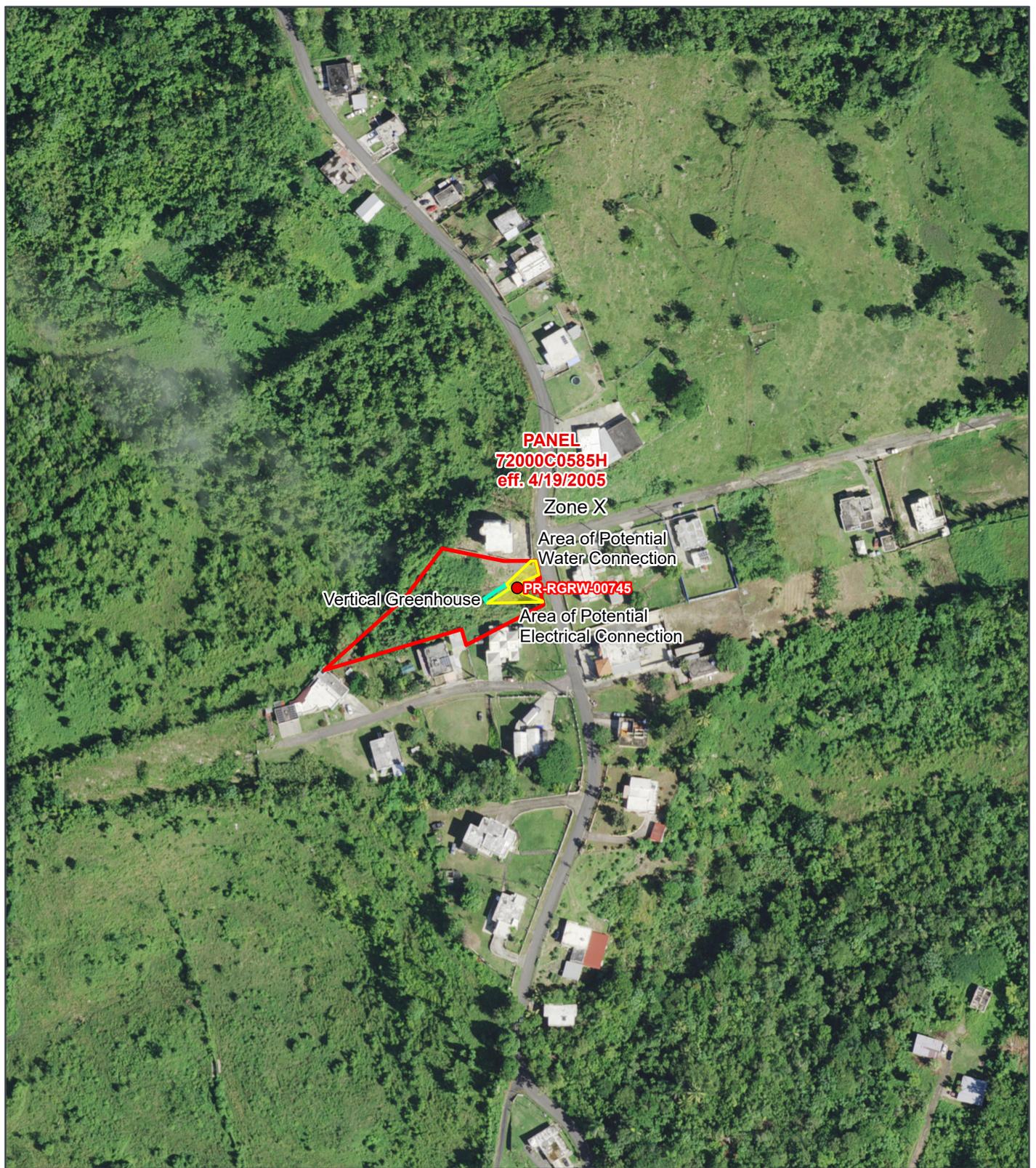
- Site
- Site Parcel
- Project Footprint (Option)
- Repair/Replacement Area
- All areas are prime farmland
- Farmland of statewide importance
- Farmland of statewide importance, if irrigated
- Prime farmland if drained
- Prime farmland if irrigated
- Prime farmland if irrigated and reclaimed of excess salts and sodium
- Prime farmland if protected from flooding or not frequently flooded during the growing season
- Not prime farmland
- Not Public Information

Carr. 129 Km. 16.4 Int., Bo.
Bayaney Sect. Berrocal
Hatillo, Puerto Rico 00659
Parcel ID: 103-082-139-10
103-082-139-24-000

66.800811°W 18.346405°N

Data Source: <https://websoilsurvey.nrcs.usda.gov/app/>
Base Map: USA NAIP Imagery
Imagery Year: 2022
Updated: 11/7/2024
Layout: Prime Farmland
Aprx: 72428_ReGrowTier2Maps





REGROW PROGRAM

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

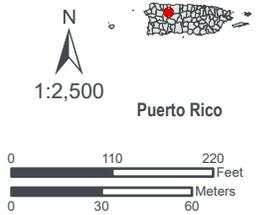
Applicant ID: PR-RGRW-00745

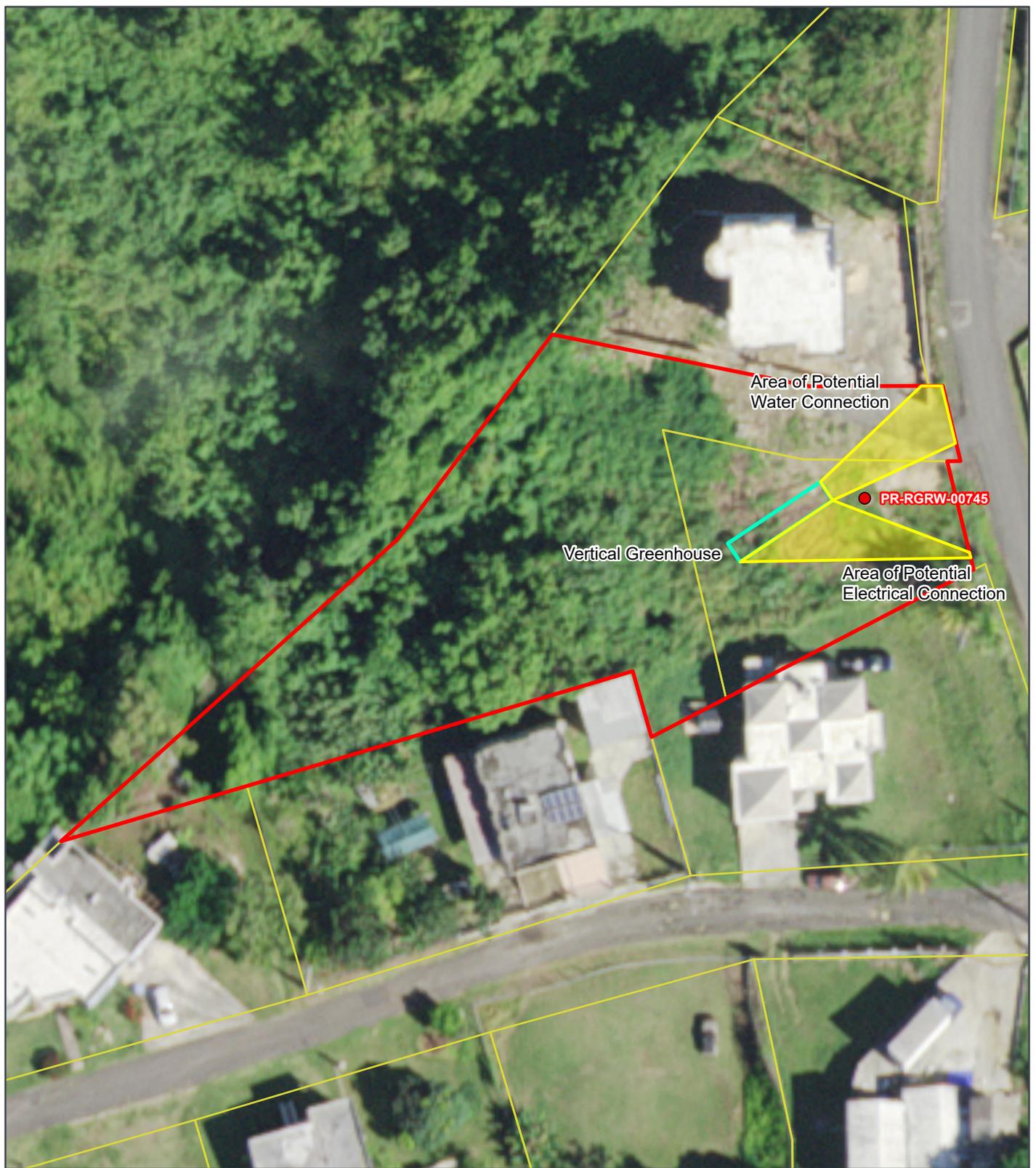


- Site
- Site Parcel
- Project Footprint (Option)
- Base Flood Elevations
- Zone A
- Zone AE
- Zone AH
- Zone AO
- Zone VE
- Floodway
- Zone X - Shaded (500-year floodplain)
- Zone X - Unshaded
- Area Not Included
- Open Water

Carr. 129 Km. 16.4 Int., Bo.
 Bayaney Sect. Berrocal
 Hatillo, Puerto Rico 00659
 Parcel ID: 103-082-139-10
 103-082-139-24-000
 66.800811°W 18.346405°N

Data Source: <https://hazards.fema.gov/gis/nfhl/rest/services/public/NFHL/MapServer>
 Base Map: USA NAIP Imagery
 Imagery Year: 2022
 Updated: 11/7/2024
 Layout: Effective Floodplain
 Aprx: 72428_ReGrowTier2Maps





REGROW PROGRAM

**Figure A-2:
Site Vicinity**

Applicant ID: PR-RGRW-00745



- Site
- Site Parcel
- Project Footprint (Option)
- Potential Area of Disturbance

Carr. 129 Km. 16.4 Int., Bo.
Bayaney Sect. Berrocal
Hatillo, Puerto Rico 00659

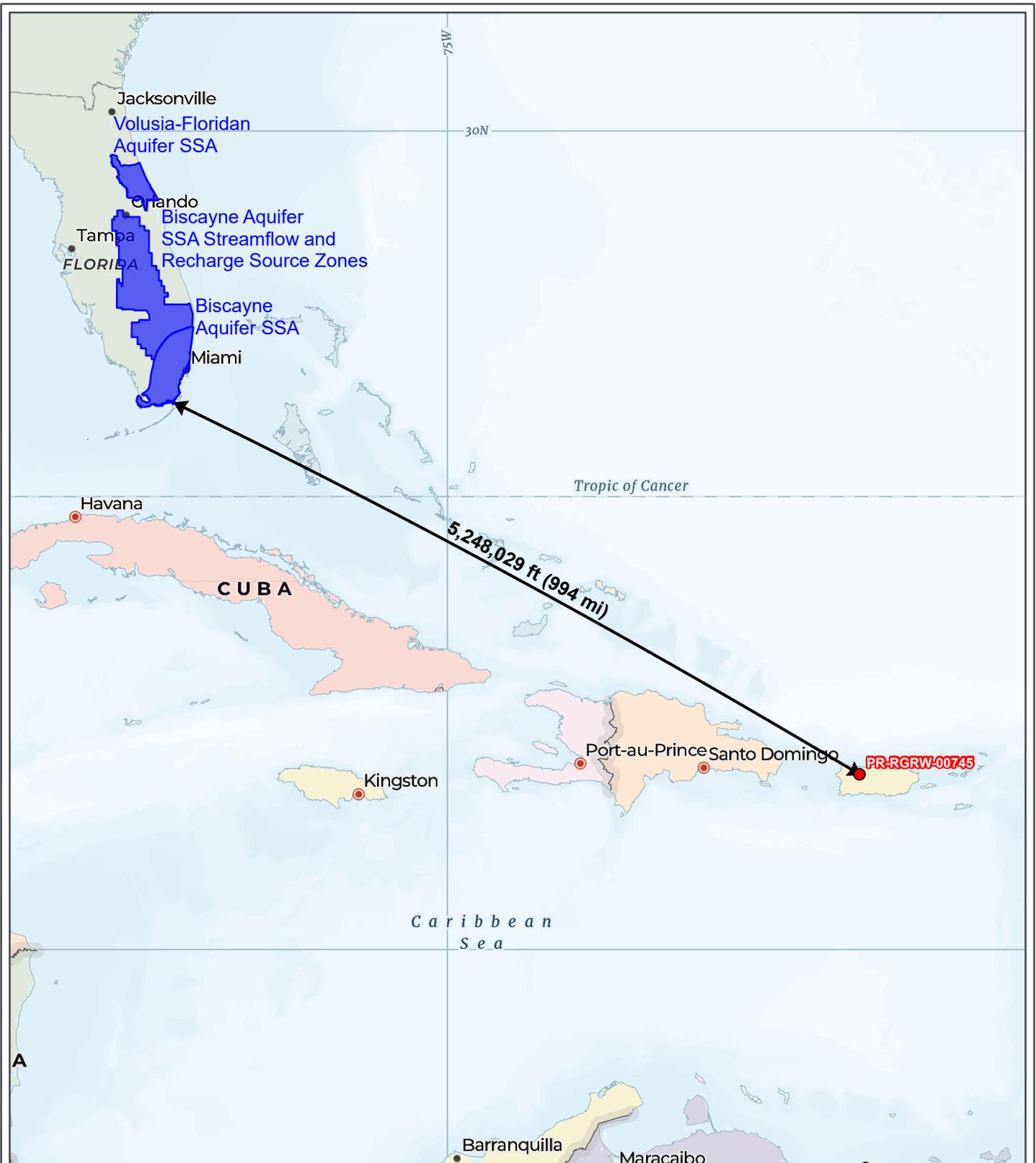
Parcel ID: 103-082-139-10-000
103-082-139-24-000

66.800811°W 18.346405°N

Base Map: USA NAIIP Imagery
Imagery Year: 2022
Updated: 11/7/2024

Layout: Site Vicinity
Aprx: 72428_ReGrowTier2Maps





REGROW PROGRAM

Figure 12-1: Sole Source Aquifers Map

Applicant ID: PR-RGRW-00745



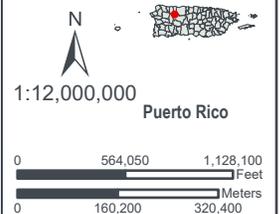
- Site
- Sole Source Aquifers

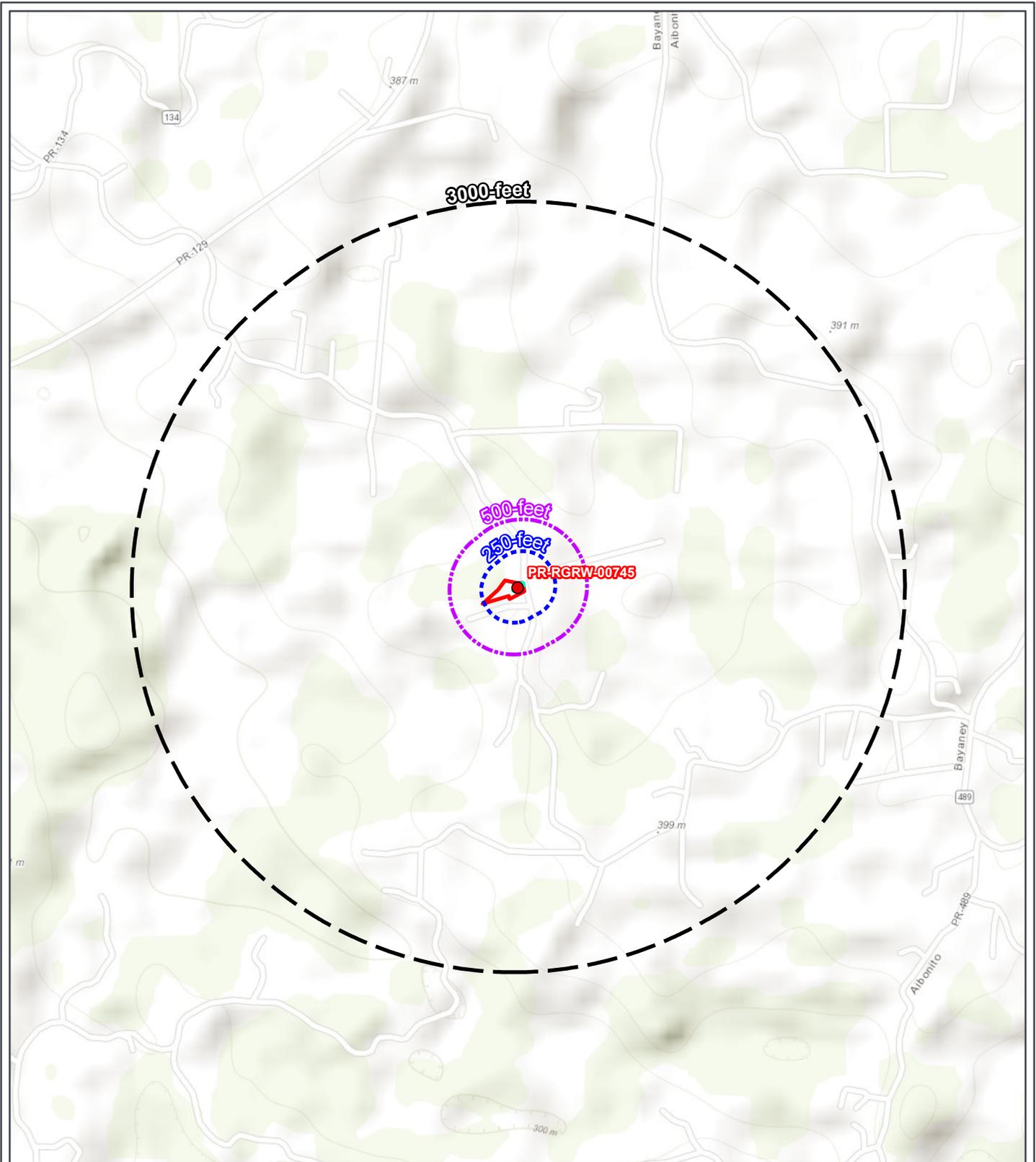
***There are no Sole Source Aquifers in Puerto Rico.**

Carr. 129 Km. 16.4 Int., Bo. Bayaney
Sect. Berrocal
Hatillo, Puerto Rico 00659
Parcel ID: 103-082-139-10-000 and
103-082-139-24-000

66.800811°W 18.346405°N

Data Source: <https://services.arcgis.com/cJ9YHowT8TUTDUn/arcgis/rest/services/SoleSourceAquifers/FeatureServer>
Base Map: ESRI ArcGIS Online,
accessed February 2024
Updated: 2/23/2024
Layout: Sole Source Aquifers
Aprx: 72420_RegrowFor2Maps





REGROW PROGRAM

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

Applicant ID: PR-RGRW-00745



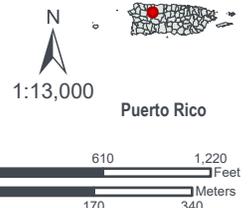
- Site
- ▭ Site Parcel
- ▭ Project Footprint (Option)
- ▭ Buffer (250-feet)
- ▭ Buffer (500-feet)
- ▭ Buffer (3000-feet)
- ▭ Water dischargers

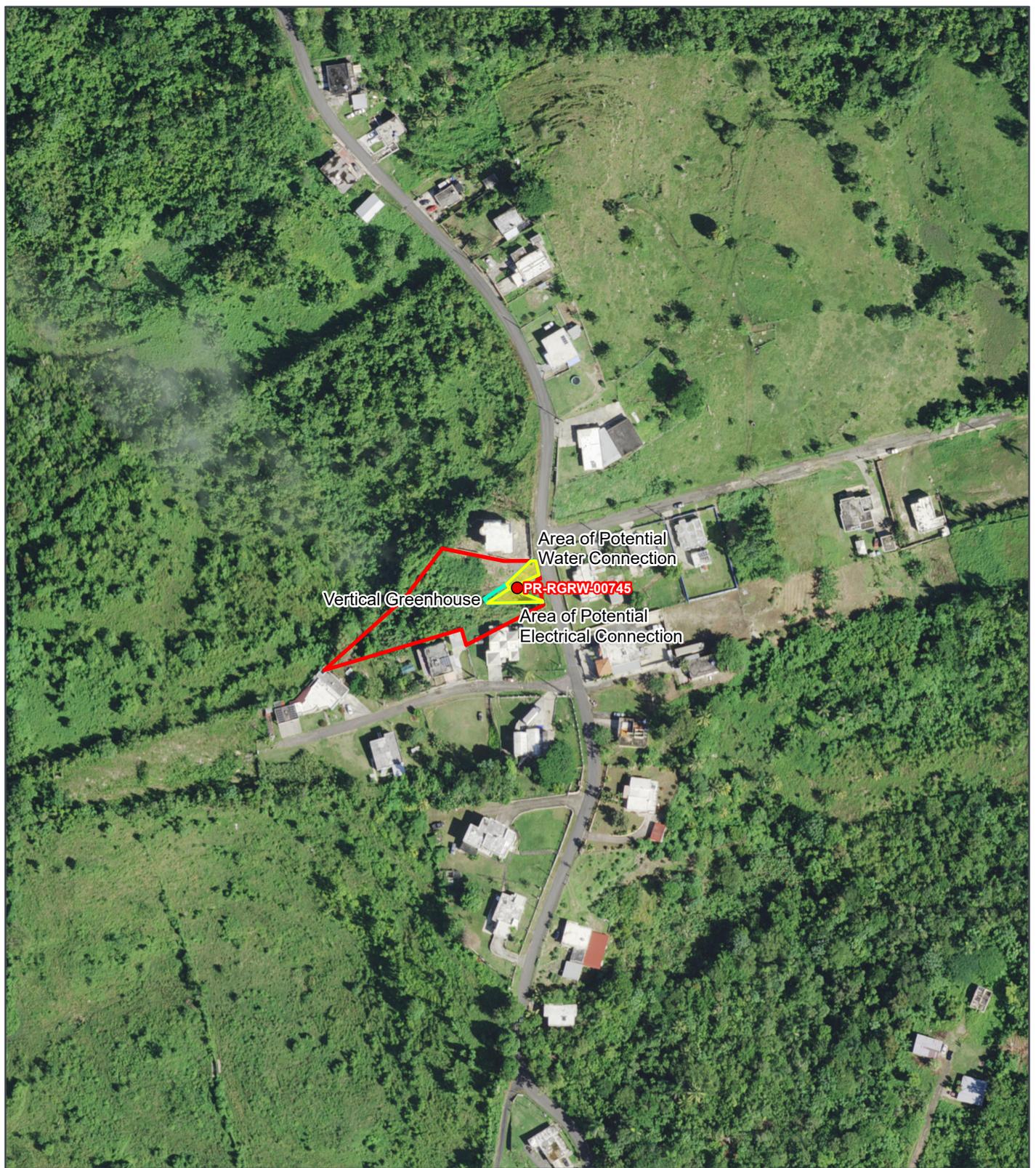
- ▭ Toxic Substances Control Act
- ▭ Toxic releases
- ▭ Superfund
- ▭ Hazardous waste
- ▭ Brownfields
- ▭ Air pollution

Carr. 129 Km. 16.4 Int., Bo.
Bayaney Sect. Berrocal
Hatillo, Puerto Rico 00659
Parcel ID: 103-082-139-10
103-082-139-24-000

66.800811°W 18.346405°N

Data Source: <https://geopub.epa.gov/arcgis/rest/services/EMEF/!e!points/MapServer>
Base Map: ESRI ArcGIS Online, accessed November 2024
Updated: 11/5/2024
Layout: Contamination and Toxic Substances





REGROW PROGRAM

**Figure B 13-1:
Wetlands Protection
Map**

Applicant ID: PR-RGRW-00745

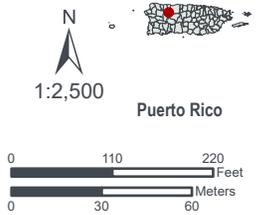


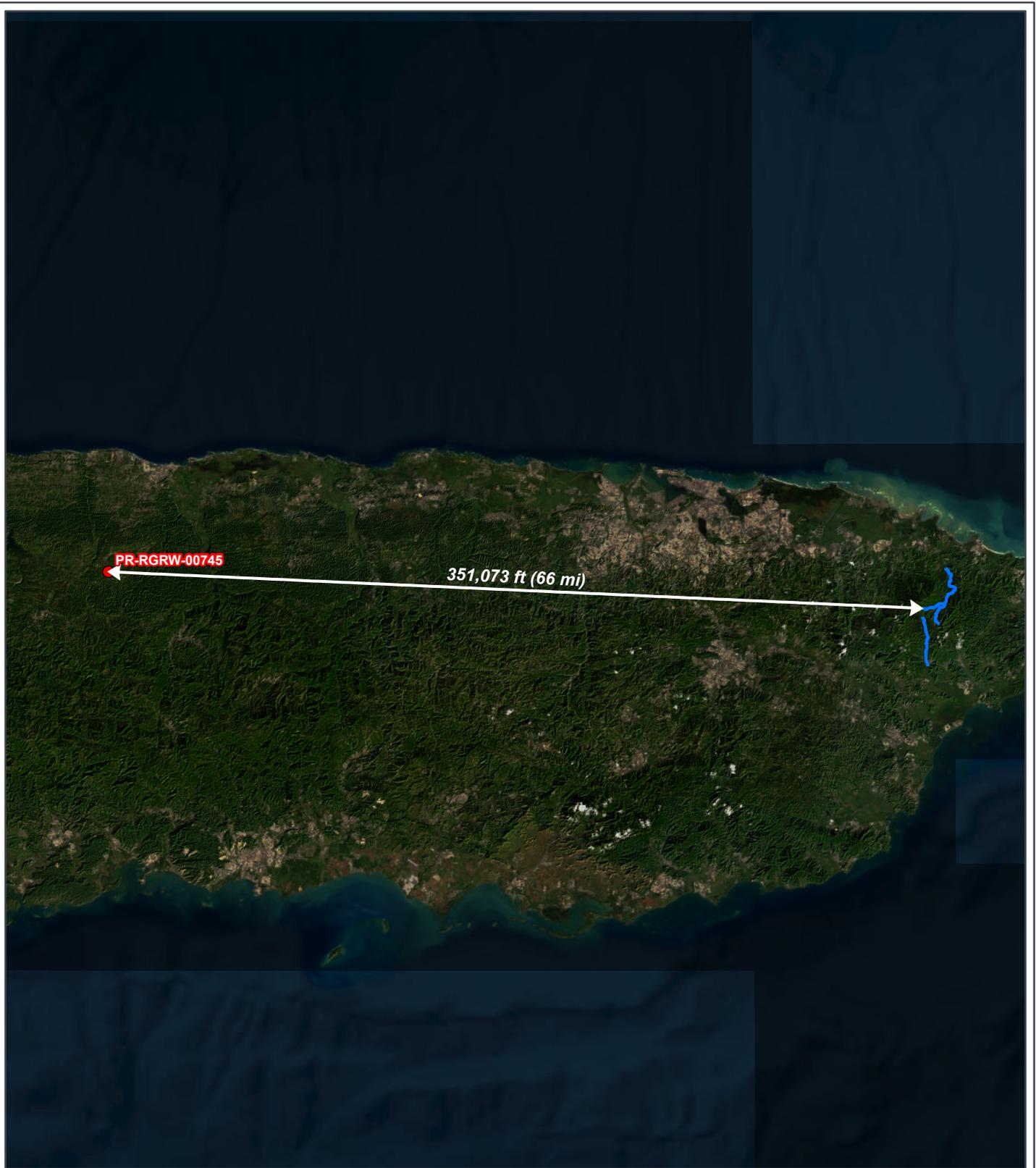
- Site
- Site Parcel
- Project Footprint (Option)
- Potential Area of Disturbance
- NHD Stream
- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Riverine

Carr. 129 Km. 16.4 Int., Bo.
Bayaney Sect. Berrocal Hatillo,
Puerto Rico 00659 Parcel ID:
103-082-139-10-000
103-082-139-24-000

66.800811°W 18.346405°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: 11/7/2024
 Layout: Wetlands Protection





REGROW PROGRAM

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

Applicant ID: PR-RGRW-00745



- Site
- National Wild and Scenic River

Carr. 129 Km. 16.4 Int., Bo.
Bayaney Sect. Berrocal Hatillo,
Puerto Rico 00659

Parcel ID: 103-082-139-10-000
and 103-082-139-24-000
Parcel Center: 66.800811°W
18.346405°N

Data Source: https://apps.fs.usda.gov/arcx/rest/services/EDW/EDW_WildScenicRiverSegments_01/MapServer

Base Map: *ESRI ArcGIS Online*,
accessed September 2023
Updated: 9/5/2023

Layout: Wild and Scenic Rivers

