



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-01422-W

HEROS Number: 900000010461353

Start Date: 03/26/2025

State / Local Identifier:

Project Location: , Vega Baja, PR 00693

Additional Location Information:

The project is located at latitude 18.373436, longitude -66.39083 at the address given above. Tax ID Number: 081-000-009-51-001

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

This project (PR-RGRW-01422-W) entails the award of a grant to Hacienda Luna de Madrid LLC, an agricultural business, at PR 645 Km 5.8 Almirante Sur, Vega Baja, PR 00693. Tax ID Number: 081-000-009-51-001. Coordinates (latitude 18.373436, longitude -66.39083). The proposed use of grant funds is for the purchase of land and a lawn tractor along with the purchase and installation of a greenhouse, a refrigerated container, and a water tank. The applicant plans to purchase a vacant land lot with an approximate area of 20,477 square meters (m²). The purpose of the land is to install a greenhouse to produce a variety of vegetables in tables, a refrigerated container to be used as storage for materials, and two (2) 1,000 gallons water storage tanks to provide water for the proposed operation. The intent use of funds includes the purchase of a G110D (13HP Honda Gas Engine) Tractor. Ground disturbance activities will be required for the installation of the new greenhouse and the installation of the water tank. The proposal includes the purchase and installation of a greenhouse (SOW-1). The proposed greenhouse is a metal structure covered with plastic and Saran sheet that has an approximate footprint of 100-foot (ft) x 25 ft. The applicant is evaluating two possible locations for the greenhouse. Possible locations are Site Area A (Site A) at coordinates 18.373410, -66.391246, while Site Area B (Site B) is at coordinates 18.373567, -66.390828. If Area B is selected, tree removal along with heavier clearing and grading activities will be required to accommodate the new structure. The greenhouse will be anchored to the ground with 2 inches diameter pillars. Proposed greenhouse includes the installation of ground cover, no concrete pad is included as part of the SOW. The proposal includes the purchase and installation of a refrigerated container (SOW-2) with a 40 feet long trailer platform. This container will be placed at coordinates 18.373085, -66.390984. The container will be kept in the trailer platform and no ground disturbance will be required for the installation of container. The applicant plans to purchase and install two (2) 1,000-gallon water tank (SOW-3). Tanks will be placed on bare ground at coordinates 18.373326, -66.391150. Minimal clearing, grubbing, and leveling activities may be

required for the secure installation of the cisterns. Water supply to the greenhouse will be achieved by gravity with the installation of aboveground PVC tube pipe. No anchoring of pipes is anticipated. Facilities are not currently connected to the water and power local services providers (PRASA and PREPA/LUMA). No water or power connection to local utility services are intended as part of the proposed project or for any of the scopes of works (SOWs). The project Hacienda Luna de Madrid LLC, PR-RGRW-01422-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, CE: #8 - 8. 7 CFR 799.32(e) (2) (xi): Grading, leveling, shaping, and filling in areas or to depths not previously disturbed. 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, and CE: #10 - 10. 7 CFR 799.32(e) (2) (xxxvii): Watering tank or trough installation, if in areas not previously disturbed. HUD Level of Review: CEST. Potential application to HUD activities: Agricultural watering tank or trough installation that includes new ground disturbance have been classified as CEST under the waiver.

Level of Environment Review Determination:

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

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: \$87,012.75

Estimated Total Project Cost [24 CFR 58.2 (a) (5)]: \$87,012.75

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

Summarized below are all mitigation measures adopted by the Responsible Entity to reduce, avoid or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

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

| | | | |
|--|--|--|--|
| | <p>and their files, and on May 15, 2024 concurred with the determination that the proposed project actions will have May Affect, but is Not Likely to Adversely Affect (NLAA) the Puerto Rican Boa. The USFWS NLAA concurrence is conditioned to the following: (1) if a Boa is encountered, the Conservation Measures will be in accordance with the USFWS Puerto Rican Boa Conservation Measures 2024. Obligations under section 7 of the Act must be reconsidered if: (1) new information reveals impacts of this identified action that may affect listed species or critical habitat in a manner that was not previously considered; (2) this action is subsequently modified in a manner not previously considered in this assessment; or, (3) a new species is listed, or critical habitat determined that may be affected by the identified action.</p> <p>In conclusion, the USFWS concurred with the CDBG-DR/MIT Permits and Environmental Compliance Division NLAA determination. However, the applicant must be informed about the conditions of the determination of concurrence and implement them as described.</p> | | |
|--|--|--|--|

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 28, 2025

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

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

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

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

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

Project Information

Project Name: PR-RGRW-01422-W

HEROS Number: 900000010461353

Start Date: 03/26/2025

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

State / Local Identifier:

RE Preparer: Ricardo Espiet Lopez

**Certifying Office
r:**

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

Point of Contact:

Point of Contact: Justin Neely

Consultant (if applicable): HORNE LLP

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

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

Project Location: , Vega Baja, PR 00693

Additional Location Information:

The project is located at latitude 18.373436, longitude -66.39083 at the address given above. Tax ID Number: 081-000-009-51-001

Direct Comments to: environmentcdbg@vivienda.pr.gov

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

This project (PR-RGRW-01422-W) entails the award of a grant to Hacienda Luna de Madrid LLC, an agricultural business, at PR 645 Km 5.8 Almirante Sur, Vega Baja, PR 00693. Tax ID Number: 081-000-009-51-001. Coordinates (latitude 18.373436, longitude -66.39083). The proposed use of grant funds is for the purchase of land and a lawn tractor along with the purchase and installation of a greenhouse, a refrigerated container, and a water tank. The applicant plans to purchase a vacant land lot with an approximate area of 20,477 square meters (m²). The purpose of the land is to install a greenhouse to produce a variety of vegetables in tables, a refrigerated container to be used as storage for materials, and two (2) 1,000 gallons water storage tanks to provide water for the proposed operation. The intent use of funds includes the purchase of a G110D (13HP Honda Gas Engine) Tractor. Ground disturbance activities will be required for the installation of the new greenhouse and the installation of the water tank. The proposal includes the purchase and installation of a greenhouse (SOW-1). The proposed greenhouse is a metal structure covered with plastic and Saran sheet that has an approximate footprint of 100-foot (ft) x 25 ft. The applicant is evaluating two possible locations for the greenhouse. Possible locations are Site Area A (Site A) at coordinates 18.373410, -66.391246, while Site Area B (Site B) is at coordinates 18.373567, -66.390828. If Area B is selected, tree removal along with heavier clearing and grading activities will be required to accommodate the new structure. The greenhouse will be anchored to the ground with 2 inches diameter pillars. Proposed greenhouse includes the installation of ground cover, no concrete pad is included as part of the SOW. The proposal includes the purchase and installation of a refrigerated container (SOW-2) with a 40 feet long trailer platform. This container will be placed at coordinates 18.373085, -66.390984. The container will be kept in the trailer platform and no ground disturbance will be required for the installation of container. The applicant plans to purchase and install two (2) 1,000-gallon water tank (SOW-3). Tanks will be placed on bare ground at coordinates 18.373326, -66.391150. Minimal clearing, grubbing, and leveling activities may be required for the secure installation of the cisterns. Water supply to the greenhouse will be achieved by gravity with the installation of aboveground PVC tube pipe. No anchoring of pipes is anticipated. Facilities are not currently connected to the water and power local services providers (PRASA and PREPA/LUMA). No water or power connection to local utility services are intended as part of the proposed project or for any of the scopes of works (SOWs). The project Hacienda Luna de

Madrid LLC, PR-RGRW-01422-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, CE: #8 - 8. 7 CFR 799.32(e) (2) (xi): Grading, leveling, shaping, and filling in areas or to depths not previously disturbed. 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, and CE: #10 - 10. 7 CFR 799.32(e) (2) (xxxvii): Watering tank or trough installation, if in areas not previously disturbed. HUD Level of Review: CEST. Potential application to HUD activities: Agricultural watering tank or trough installation that includes new ground disturbance have been classified as CEST under the waiver.

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

- [PR-RGRW-01422-W Site Map.pdf](#)
- [PR-RGRW-01422-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-01422-W EFOR.pdf](#)

Level of Environmental Review Determination:

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

58.5:

- 58.35(a)(5)
- 58.35(a)(6)
- 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:
[01422-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: \$87,012.75

Estimated Total Project Cost: \$87,012.75

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 airport, "Aeropuerto Fernando Luis Ribas |

| | | |
|---|---|--|
| | | Dominicci", is approximately 103,110 feet from the proposed site. The nearest military airport, "Aeropuerto Luis Munoz Marin (SJU)", is approximately 132,054 feet from the proposed 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 33,647 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 72000C0660H, 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 29,675 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 |

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| | | 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 checked="" type="checkbox"/> Yes <input 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 72000C0660H, 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 Vega Baja; 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 | (AH est.): c2000, 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 | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Based on the project description, this project includes no activities that would |

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| amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B | | 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. |
| Wetlands Protection Executive Order 11990, particularly sections 2 and 5 | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Based on the project description this project includes no activities that would require further evaluation under this section. The project is in compliance with Executive Order 11990. This project does not involve new construction, so a visual wetlands survey was not conducted. |
| Wild and Scenic Rivers Act Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c) | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | This project is not within proximity of a NWSRS river. The project is located 29,675 feet from the nearest Wild and Scenic River. The project is in compliance with the Wild and Scenic Rivers Act. |
| HUD HOUSING ENVIRONMENTAL STANDARDS | | |
| ENVIRONMENTAL JUSTICE | | |
| Environmental Justice Executive Order 12898 | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898. On January 21, 2025, President Donald Trump issued the Executive Order 14173 titled "Ending Illegal Discrimination and Restoring Merit-Based Opportunity", which revoked Executive Order 12898 and eliminated federal mandates requiring agencies to assess environmental justice impacts. Consequently, there is no longer a federal requirement to address environmental justice concerns in the environmental compliance review process. |

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

Summarized below are all mitigation measures adopted by the Responsible Entity to reduce, avoid or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

| Law, Authority, or Factor | Mitigation Measure or Condition | Comments on Completed Measures | Mitigation Plan | Complete |
|----------------------------------|--|---------------------------------------|------------------------|-----------------|
| Endangered Species Act | <p>The United States Fish and Wildlife Service (USFWS) Caribbean Ecological Services Field Office reviewed the information provided and their files, and on May 15, 2024 concurred with the determination that the proposed project actions will have May Affect, but is Not Likely to Adversely Affect (NLAA) the Puerto Rican Boa. The USFWS NLAA concurrence is conditioned to the following: (1) if a Boa is encountered, the Conservation Measures will be in accordance with the USFWS Puerto Rican Boa Conservation Measures 2024. Obligations under section 7 of the Act must be reconsidered if: (1) new information reveals impacts of this identified action that may affect listed species or critical habitat in a manner that was not previously considered; (2) this action is subsequently modified in a manner not previously considered in this assessment; or, (3) a new species is listed, or critical habitat determined that may be affected by the identified action. In conclusion, the USFWS concurred with the CDBG-DR/MIT Permits and Environmental</p> | N/A | | |

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

Project Mitigation Plan

Should new ground disturbance occur the Karst zone must be evaluated and when necessary DNER must be consulted prior to construction activities. The United States Fish and Wildlife Service (USFWS) Caribbean Ecological Services Field Office reviewed the information provided and their files, and on May 15, 2024 concurred with the determination that the proposed project actions will have May Affect, but is Not Likely to Adversely Affect (NLAA) the Puerto Rican Boa. The USFWS NLAA concurrence is conditioned to the following: (1) if a Boa is encountered, the Conservation Measures will be in accordance with the USFWS Puerto Rican Boa Conservation Measures 2024. Obligations under section 7 of the Act must be reconsidered if: (1) new information reveals impacts of this identified action that may affect listed species or critical habitat in a manner that was not previously considered; (2) this action is subsequently modified in a manner not previously considered in this assessment; or, (3) a new species is listed, or critical habitat determined that may be affected by the identified action. In conclusion, the USFWS concurred with the CDBG-DR/MIT Permits and Environmental Compliance Division NLAA determination. However, the applicant must be informed about the conditions of the determination of concurrence and implement them as described.

Supporting documentation on completed measures

APPENDIX A: Related Federal Laws and Authorities

Airport Hazards

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

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

✓ No

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

Yes

Screen Summary

Compliance Determination

The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The nearest civil airport, "Aeropuerto Fernando Luis Ribas Dominicci", is approximately 103,110 feet from the proposed site. The nearest military airport, "Aeropuerto Luis Munoz Marin (SJU)", is approximately 132,054 feet from the proposed site. The project is in compliance with Airport Hazards requirements.

Supporting documentation

[PR-RGRW-01422-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 33,647 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-01422-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-01422-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 72000C0660H, 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 29,675 feet from the coastal zone. The project is in compliance with the Coastal Zone Management Act.

Supporting documentation

[PR-RGRW-01422-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, NEPAAssist, 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-01422-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-01422-W Toxics.pdf](#)

[PR-RGRW-01422-W EFOR\(1\).pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Endangered Species

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

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

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

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

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

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

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

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

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

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

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

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

4. Informal Consultation is required

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

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

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

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

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

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

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

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

✓ Mitigation as follows will be implemented:

The United States Fish and Wildlife Service (USFWS) Caribbean Ecological Services Field Office reviewed the information provided and their files, and on May 15, 2024 concurred with the determination that the proposed project actions will have May Affect, but is Not Likely to Adversely Affect (NLAA) the Puerto Rican Boa. The USFWS NLAA concurrence is conditioned to the following: (1) if a Boa is encountered, the Conservation Measures will be in accordance with the USFWS Puerto Rican Boa Conservation Measures 2024. Obligations under section 7 of the Act must be reconsidered if: (1) new information reveals impacts of this identified action that may affect listed species or critical habitat in a manner that was not previously considered; (2) this action is subsequently modified in a manner not previously considered in this assessment; or, (3) a new species is listed, or critical habitat determined that may be affected by the identified action. In conclusion, the USFWS concurred with the CDBG-DR/MIT Permits and Environmental Compliance Division NLAA determination. However, the applicant must be informed about the conditions of the determination of concurrence and implement them as described.

No mitigation is necessary.

Screen Summary

Compliance Determination

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

Supporting documentation

[PR-RGRW-01422-W USFWS Consultation Package.pdf](#)

[PR-RGRW-01422-W USFWS Conservation Measures.pdf](#)
[PR-RGRW-01422-W USFWS Concurrence Letter.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Explosive and Flammable Hazards

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

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

No

Yes

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

No

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

Yes

Screen Summary

Compliance Determination

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

Supporting documentation

Are formal compliance steps or mitigation required?

Yes

No

Farmlands Protection

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

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

Yes

No

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

The project consists of the purchase of land and a lawn tractor, along with the purchase and installation of a greenhouse (SOW- 1), a refrigerated container (SOW-2), and 2 water tanks (SOW-3). The proposed project is located on a vacant lot. The project site is zoned as "Conservacion de Recursos (CR)." The proposed agricultural use of land is in compliant with the land permitted uses.

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-01422-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 72000C0660H, 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 Vega Baja; therefore, PFIRM information was not available for the area and therefore not considered in the review.

Supporting documentation

[PR-RGRW-01422-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 |
|-------------------------------|--------------------------|------------------|-----------------------|
|-------------------------------|--------------------------|------------------|-----------------------|

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

(AH est.): c2000, 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-01422-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-01422-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-01422-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 29,675 feet from the nearest Wild and Scenic River. The project is in compliance with the Wild and Scenic Rivers Act.

Supporting documentation

[PR-RGRW-01422-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



GOVERNMENT OF PUERTO RICO

STATE HISTORIC PRESERVATION OFFICE

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

November 27, 2023

Lauren Bair Poche

HORNE- Architectural Historian Manager
10000 Perkins Rowe, Suite 610 Bldg G
Baton Rouge, LA 70810

SHPO: 11-15-23-03 PUERTO RICO DISASTER RECOVERY, CDBG-DR RE-GROW PR URBAN-RURAL AGRICULTURAL RE-GROW PROGRAM, PR-RGRW-01422, HACIENDA LUNA DE MADRID LLC, PR-645 KM 5.8, BO. ALMIRANTE SUR, VEGA BAJA, 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/LGC



November 15, 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-01422 – Hacienda Luna de Madrid LLC – PR 645 Km 5.8 Almirante Sur, Vega Baja, 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 Hacienda Luna de Madrid LLC located at PR 645 Km 5.8 Almirante Sur, in the municipality of Vega Baja. The undertaking for this project includes the purchase the purchase of a 5.06-acre property and the installation of a new greenhouse, new refrigerated container, and new cistern on that same property.

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 | | |
| Subrecipient: Hacienda Luna de Madrid LLC | | |
| Case ID: PR-RGRW-01422 | City: Vega Baja | |

| | |
|--|------------------------------------|
| Project Location: PR 645 Km 5.8 Almirante Sur | |
| Project Coordinates: 18.373436, -66.39083 | |
| TPID (Número de Catastro): 081-000-009-51 | |
| Type of Undertaking: | |
| <input type="checkbox"/> Substantial Repair | |
| <input checked="" type="checkbox"/> New Construction | |
| Construction Date (AH est.): c2000 | Property Size (acres): 5.06 |

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| SOI-Qualified Architect/Architectural Historian: Maria F. Lopez Schmid |
| Date Reviewed: 10/18/2023 |
| SOI-Qualified Archaeologist: Roberto G. Muñoz-Pando, Ph.D. |
| Date Reviewed: 10/23/2023 |

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 scope of work (SOW) for the proposed project includes the purchase of land and a lawn tractor along with the purchase and installation of a greenhouse, a refrigerated container, and a water tank. The land has been and currently is a vacant lot.

The applicant plans to purchase a vacant land lot with an approximate area of 20,477 square meters (m²). The purpose of the land is to install a greenhouse to produce a variety of vegetables in tables, a refrigerated container to be used as storage for materials, and a water tank to provide water for the proposed operation. The proposal includes the purchase and installation of a greenhouse (SOW-1). The proposed greenhouse is a metal structure covered with plastic and Saran sheet that has an approximate footprint of 100-foot (ft) x 25 ft. The applicant is evaluating two possible locations for the greenhouse. Possible locations are Area A at coordinates 18.373410, -66.391246, while Area B is at coordinates 18.373567, -66.390828. If Area B is selected, ground clearing and tree removal will be required to accommodate the new structure.

The proposal includes the purchase and installation of a refrigerated container (SOW-2) with a 40 feet long trailer platform. This container will be placed at coordinates 18.373085, -

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| PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM REGROW PUERTO RICO PROGRAM Section 106 NHPA Effect Determination |  GOVERNMENT OF PUERTO RICO DEPARTMENT OF HOUSING |
| Subrecipient: Hacienda Luna de Madrid LLC | |
| Case ID: PR-RGRW-01422 | City: Vega Baja |

66.390984. The container will be kept in the trailer platform and no ground disturbance will be required for the installation of container.

The applicant plans to purchase and install a 1,000-gallon water tank (SOW-3). This water tank will be placed on bare ground at coordinates 18.373326, -66.391150. Minimal clearing and leveling activities may be required for the secure installation of the cistern. The purpose of the tank is to provide water to the greenhouse. Water supply to the greenhouse will be achieved by gravity with the installation of above-ground PVC tube pipe. Water connection distance from the tank will vary depending on the final location of the greenhouse. If the greenhouse is located at Area A (described above), an estimated 30 ft long PVC pipe connection will be needed. On the other hand, an estimated 150 ft long PVC pipe connection will be needed if greenhouse final location is Area B.

No power connection is intended for any of the scopes of work. In the future, the applicant will evaluate the connection to PREPA or the installation of a PV system.

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 are Scopes of Work 1, 2, and 3 (as described in the SOW section of this form), with up to a 15-meter buffer to allow for variation in placement where not limited by the landform. 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 Historic Preservation Specialist meeting the Secretary of the Interior's Professional Qualification Standards (36 CFR Part 61), shows that the project area has no previously performed archaeological resource surveys within a 0.5 miles radius of the project area. Similarly, no archaeological sites have been previously identified within a 0.5 mile radius of the APE. The APE lies on Colinas clay loam soil (CIF2) with 40 to 60 percent slopes making the probability of finding new, significant, and *in situ* archaeological sites in that area low to moderate.

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| PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM ReGROW PUERTO RICO PROGRAM Section 106 NHPA Effect Determination |  |
| Subrecipient: Hacienda Luna de Madrid LLC | |
| Case ID: PR-RGRW-01422 | City: Vega Baja |

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. Additionally, there are **no** NRHP-listed historic properties within the quarter mile buffer zone from the APE.

The proposed project is located in a rural, mountainous terrain with mature vegetation surrounding the property. This property is located east and west of Road PR-645 in Vega Baja that turns around the property. A circa 2000 building is located to the west of geocoordinates. The building appears on a 2004 aerial image, shown below, but not a 1995 one.



Figure 1 & 2. Detail of the 2004 aerial image indicating location of the house on the property and photograph of the building, view to the south.

This building is a reinforced concrete and wood frame house with a side gable corrugated metal roof over wood beams and rafters. The house is built on an incline, has concrete columns and walls on the first level supporting the main part of the house wood frame structure on the second level. A full width front porch continues in an L-shape on the left side of the house and is supported by simple wood columns. The porch is reached by a concrete driveway on the left side, and it is enclosed with simple wood railing. The property is limited in front by a cyclone fence. This building shown above is modern and **does not** meet the requirements to be eligible for listing on the National Register of Historic Places.

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| PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM ReGROW PUERTO RICO PROGRAM Section 106 NHPA Effect Determination |  GOVERNMENT OF PUERTO RICO DEPARTMENT OF HOUSING |
| Subrecipient: Hacienda Luna de Madrid LLC | |
| Case ID: PR-RGRW-01422 | City: Vega Baja |

Determination

The following historic properties have been identified within the APE:

- Direct Effect:
 - N/A
- Indirect Effect:
 - N/A

Based on the results of our historic property identification efforts, the Program has determined 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. No previously identified historic properties or archaeological sites are located within or adjacent to the parcel or proposed Area of Potential Effects. The CIF2 soil and the absence of previously identified important archaeological sites in the APE make the probability of finding any other archaeological resources in the area low to moderate. Therefore, no historic properties will be affected by the proposed project activities.

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| PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM REGrow PUERTO RICO PROGRAM Section 106 NHPA Effect Determination |  GOVERNMENT OF PUERTO RICO DEPARTMENT OF HOUSING |
| Subrecipient: Hacienda Luna de Madrid LLC | |
| Case ID: PR-RGRW-01422 | City: Vega Baja |

Recommendation

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

- No Historic Properties Affected
- No Adverse Effect
 Condition (if applicable):
- Adverse Effect
 Proposed Resolution (if applicable)

This Section is to be Completed by SHPO Staff Only

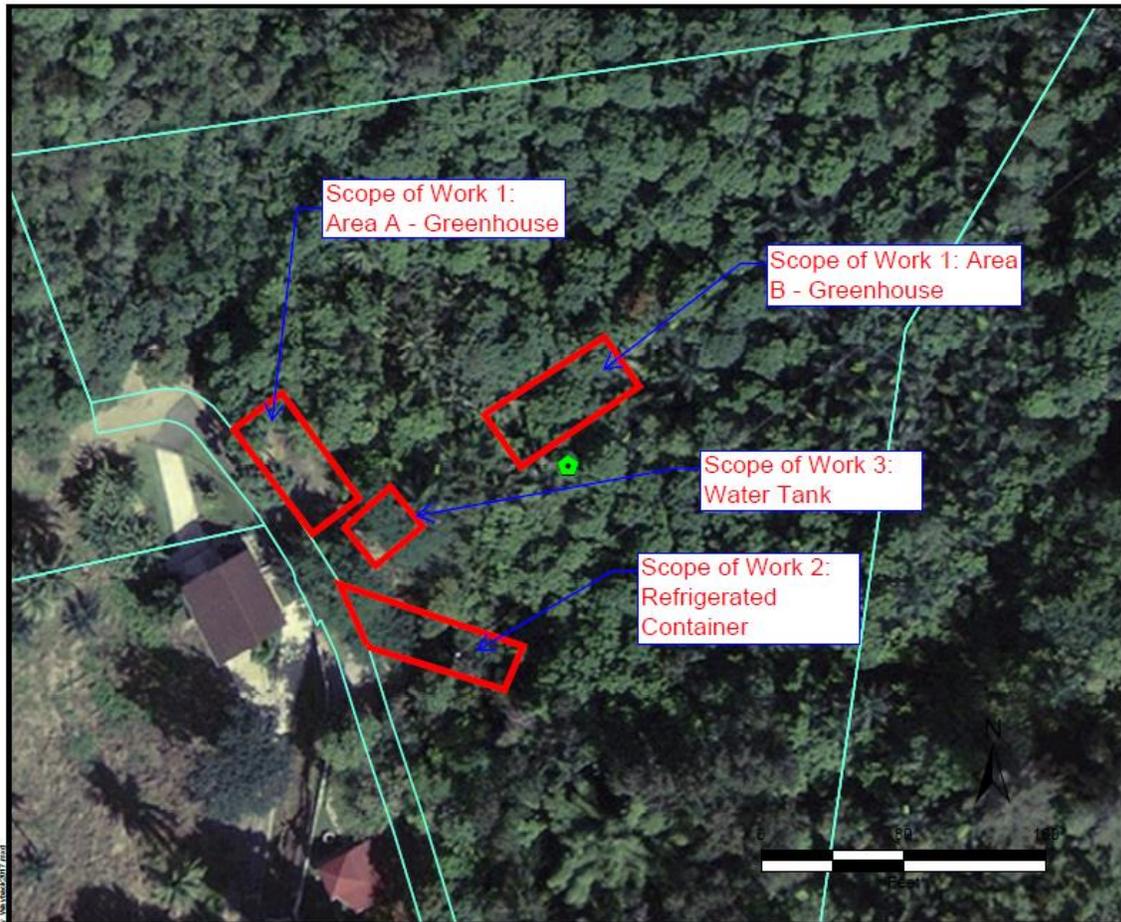
| | |
|--|--------------|
| The Puerto Rico State Historic Preservation Office has reviewed the above information and: <input type="checkbox"/> Concurs with the information provided. <input type="checkbox"/> Does not concur with the information provided. | |
| Comments: | |
| Carlos Rubio-Cancela State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

Subrecipient: Hacienda Luna de Madrid LLC

Case ID: PR-RGRW-01422

City: Vega Baja

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



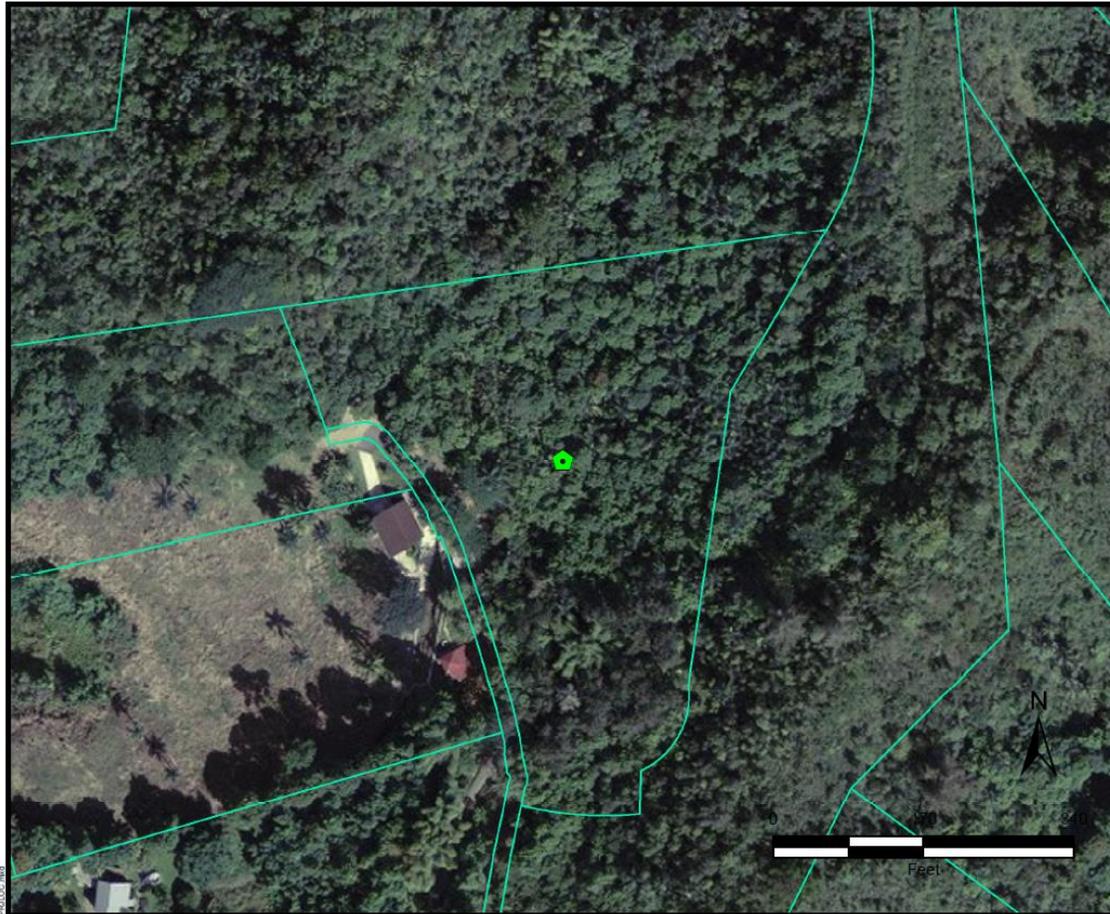
| | | |
|---|--|--|
|  <p>TETRA TECH</p> <p>Source: CRIM</p> <p>Author: TG Date: 10/7/2022</p> | <p>Legend</p> <ul style="list-style-type: none"> Tier 2 Site Area of Potential Effect Parcelario |  <p>The inset map shows the location of Vega Baja within Puerto Rico, with a red square indicating the project area. Labels include 'Vega Baja' and '27'.</p> |
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Subrecipient: Hacienda Luna de Madrid LLC

Case ID: PR-RGRW-01422

City: Vega Baja

Project (Parcel) Location - Aerial Map



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|---|---|---|
|  <p>TETRA TECH</p> <p>Source: CRIM</p> <p>Author: TG Date: 9/22/2022</p> | <p>Legend</p> <ul style="list-style-type: none"> Tier 2 Site Historic Comunidades Traditional Urban Centers Cultural Resource District Polygon Parcelario |  |
|---|---|---|

Subrecipient: Hacienda Luna de Madrid LLC

Case ID: PR-RGRW-01422

City: Vega Baja

Project (Parcel) Location - USGS Topographic Map



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|  <p>TETRA TECH</p> <p>Source: USGS</p> <p>Author: TG Date: 9/19/2023</p> | <p>Legend</p> <ul style="list-style-type: none"> Tier 2 Site Historic Comunidades Traditional Urban Centers Cultural Resource District Polygon |  <p>Map showing the location of Vega Baja in Puerto Rico. The map includes labels for 'Norte', 'Vega Baja', and 'C of'.</p> |
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Subrecipient: Hacienda Luna de Madrid LLC

Case ID: PR-RGRW-01422

City: Vega Baja

Project (Parcel) Location – Soils Map



Source:USDA

Author: TG

Date: 7/27/2023

- Legend**
-  Tier 2 Site
 -  Parcelario
 - Soil Type**
 -  CIF2:Colinas clay loam, 40 to 60 percent slopes
 -  CmF2:Colinas oobbly clay loam, 20 to 60 percent slopes, eroded

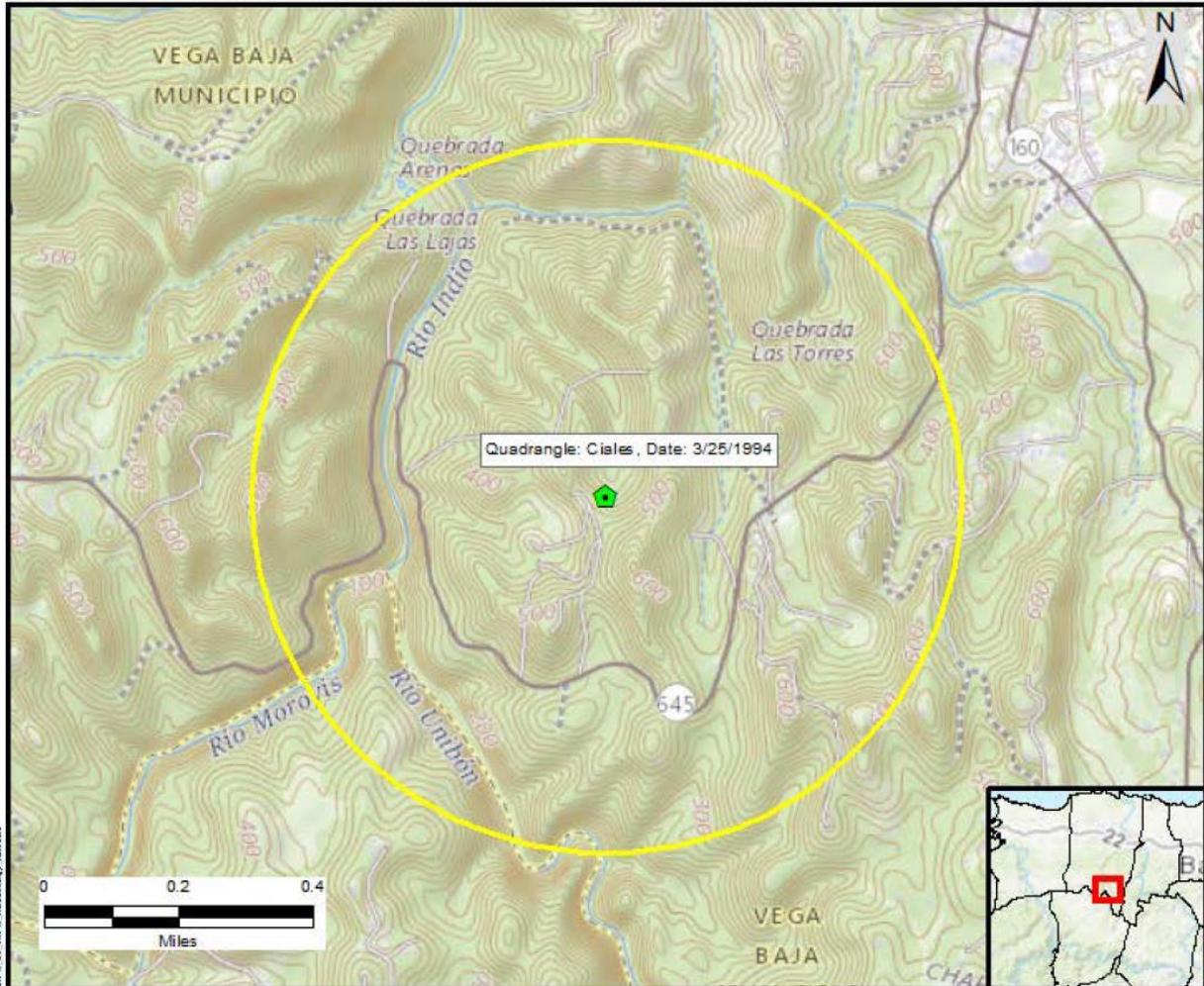


Subrecipient: Hacienda Luna de Madrid LLC

Case ID: PR-RGRW-01422

City: Vega Baja

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



Source: National Park Service

Author: TG

Date: 7/21/2023

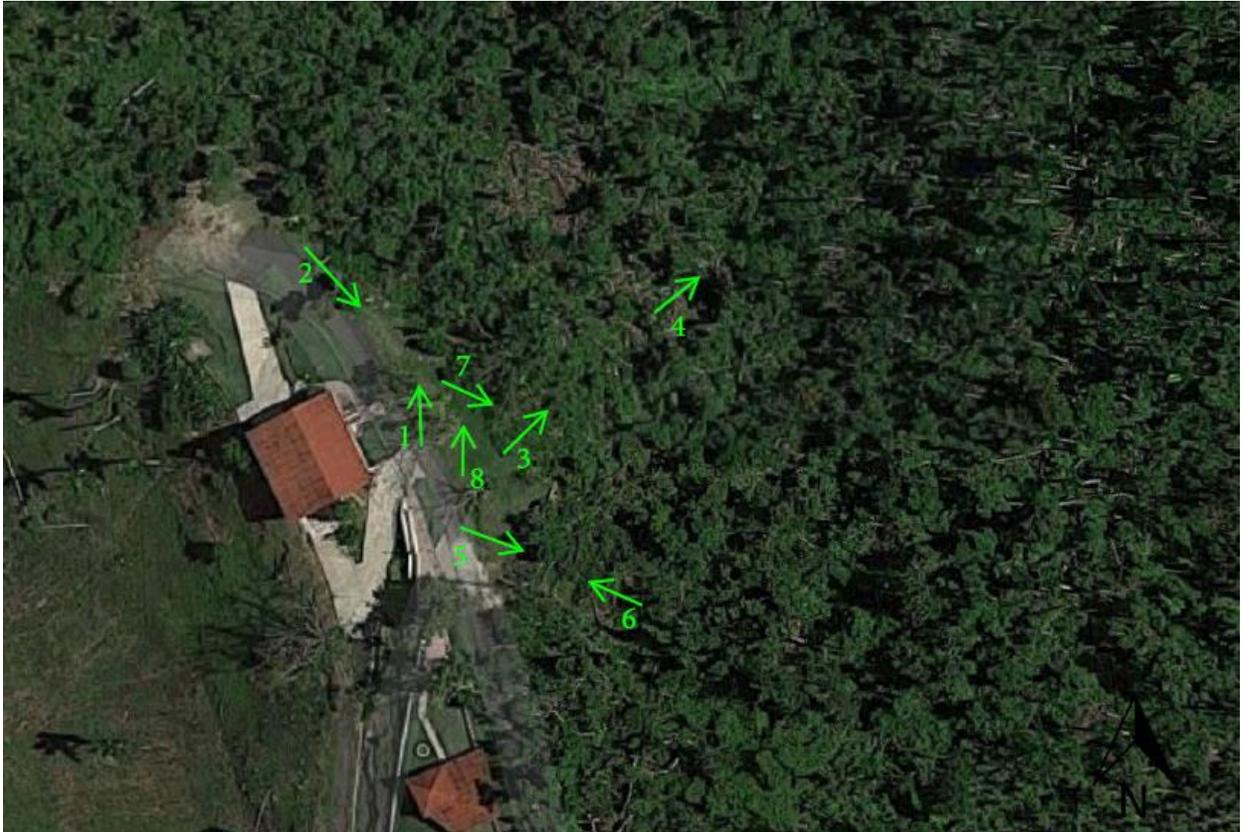
- Legend
- Tier 2 Site
 - Half Mile Buffer
 - Historic Comunidades
 - Traditional Urban Centers
 - Cultural Resource District Polygon

Subrecipient: Hacienda Luna de Madrid LLC

Case ID: PR-RGRW-01422

City: Vega Baja

Photograph Key



Subrecipient: Hacienda Luna de Madrid LLC

Case ID: PR-RGRW-01422

City: Vega Baja



Photo #: 1

Description (include direction): Scope of Work 1: Installation of a Greenhouse – Area A, view to the North

Date: 09/26/2023



Photo #: 2

Description (include direction): Scope of Work 1: Installation of a Greenhouse – Area A, view to the Southeast

Date: 09/26/2023

Subrecipient: Hacienda Luna de Madrid LLC

Case ID: PR-RGRW-01422

City: Vega Baja



Photo #: 3

Description (include direction): Scope of Work 1: Installation of a Greenhouse – Area B, view to the Northeast

Date: 09/26/2023



Photo #: 4

Description (include direction): Scope of Work 1: Installation of a Greenhouse – Area B, view to the Northeast

Date: 09/26/2023

Subrecipient: Hacienda Luna de Madrid LLC

Case ID: PR-RGRW-01422

City: Vega Baja



Photo #: 5

Description (include direction): Scope of Work 2: Refrigerated Container, view to the Southeast

Date: 09/26/2023



Photo #: 6

Description (include direction): Scope of Work 2: Refrigerated Container, view to the Northwest

Date: 09/26/2023

Subrecipient: Hacienda Luna de Madrid LLC

Case ID: PR-RGRW-01422

City: Vega Baja



Photo #: 7

Description (include direction): Scope of Work 3: Water Tank, view to the Southeast

Date: 09/26/2023



Photo #: 8

Description (include direction): Scope of Work 3: Water Tank, view to the North

Date: 09/26/2023



October 20, 2022

Arch. Carlos A. Rubio Cancela

Executive Director

State Historic Preservation Officer

Cuartel de Ballajá Bldg.

San Juan, Puerto Rico

Re: Authorization to Submit Documents

Dear Arch. Rubio Cancela:

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

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

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

Cordially,

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

Juan C. Pérez Bofill, P.E. M.Eng

Director of Disaster Recovery

CDBG DR-MIT



DEPARTAMENTO DE LA VIVIENDA

GOBIERNO DE PUERTO RICO

Secretaría | Hon. Ciary Pérez Peña

February 5, 2025

TO: José M. Olmo Terrasa, Esq.

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

**RE: Endangered Species Concurrence - Conservation Measures Implementation
Hacienda Luna de Madrid LLC. (PR-RGRW-01422)**

Dear Mr. Olmo:

This memorandum is to notify the CDBG-DR Re-Grow PR Urban-Rural Agriculture Program (Re-Grow Program) that on March 21, 2024, for the case **PR-RGRW-01422**, the CDBG-DR/MIT Permits and Environmental Compliance Division submitted an informal consultation under Section 7 (a)(2) of the Endangered Species Act (Act) (87 Stat. 884, as amended; 16 United States Code 1531 et seq.), and in accordance with the Fish and Wildlife Coordination Act (47 Stat. 401, as amended; 16 U.S.C. 661 et seq.) for the proposed project of the purchase of a parcel and the purchase and installation of a metal structure covered with plastic and saran sheet for a greenhouse, for Hacienda Luna de Madrid LLC, an agricultural business, located at PR-645 Km 5.8, Almirante Sur Ward, Vega Baja, PR 00693; latitude 18.373436, longitude -66.39083.

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

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

The United States Fish and Wildlife Service (USFWS) Caribbean Ecological Services Field Office reviewed the information provided and their files, and on May 15, 2024 concurred with the determination that the proposed project actions will have **May Affect, but is Not Likely to Adversely Affect (NLAA)** the Puerto Rican Boa.

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

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

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

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

USFWS Caribbean Ecological Services Field Office key contact information:

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

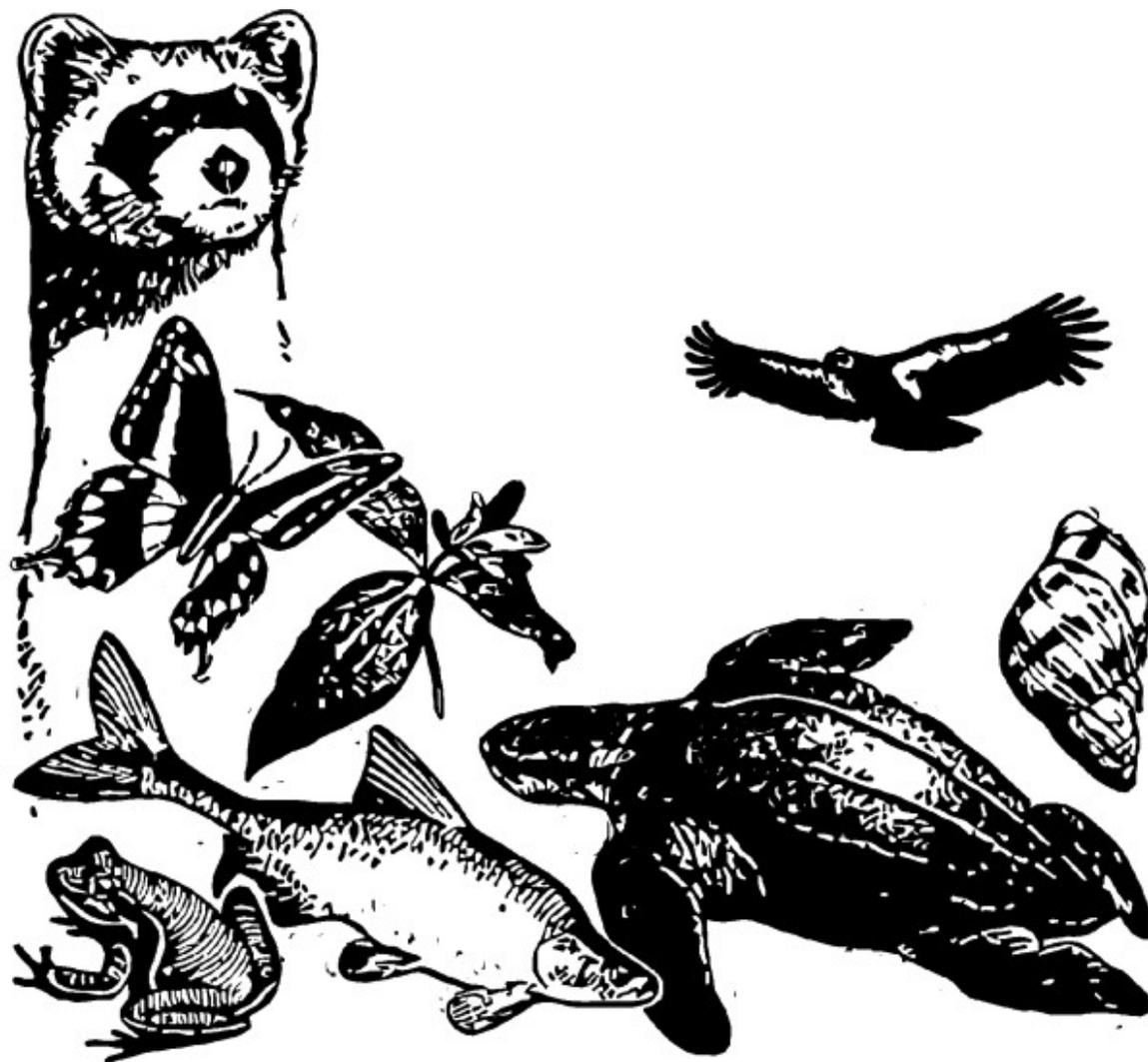
Sincerely,

Permits and Environmental Compliance Division
Disaster Recovery Office

Caribbean ES Puerto Rican Boa

Puerto Rican Boa

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

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

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

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



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

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

Conservation Measures:

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

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

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

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



November 13, 2024

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

**RE: Puerto Rico Department of Housing / Re-Grow Program
PR-RGRW-01422 – Hacienda Luna de Madrid LLC
Endangered Species Concurrence for NLAA Determination (V3)**

Dear Ms. Mena:

The Puerto Rico Department of Housing (PRDOH) is requesting an informal consultation under Section 7 (a)(2) of the Endangered Species Act (Act) (87 Stat. 884, as amended; 16 United States Code 1531 et seq.), and in accordance with the Fish and Wildlife Coordination Act (47 Stat. 401, as amended; 16 U.S.C. 661 et seq.) for the proposed project PR-RGRW-01422, located at PR-645 Road Km 5.8, Almirante Sur, Vega Baja, PR 00693 (Parcel ID# 081-000-009-51).

The project is part of the Re-Grow Puerto Rico Urban-Rural Agriculture Program (RGRW) that aims to increase agricultural capacity while promoting and increasing food security island wide. This Program will enhance and expand agricultural production related to economic revitalization and sustainable development activities.

The proposed project, PR-RGRW-01422, includes three scopes of work (SOW) within the parcel. SOW-1 consists in the purchase and installation of a greenhouse. The proposed greenhouse is a metal structure covered with plastic and Saran sheet that has an approximate footprint of 100 feet x 25 feet. The applicant is evaluating two possible locations for the greenhouse. Possible locations are Site Area A (Site A) at coordinates 18.373410, -66.391246, while Site Area B (Site B) is at coordinates 18.373567, -66.390828. If Site B is selected, tree removal along with heavier clearing and grading activities will be required to accommodate the new structure. The greenhouse will be anchored to the ground with 2-inch diameter pillars. Greenhouse front and side pillars are reinforced by a ratchet fixed to the ground to a maximum depth of 3 feet and attached to the top of each pillar with galvanized cord. Lateral and central pillar spacing varies depending on the greenhouse size. In average, lateral pillar spacing is 8 feet and central pillar spacing is 15 feet. The proposed greenhouse will require at least 30 posts. The proposed

greenhouse includes the installation of ground cover, no concrete pad is included as part of the SOW. The proposed project area for Site A consists of already cleared land, adjacent to a thick vegetated area. A dirt road and fence can be seen in the site photos at the location of Site A (see Appendix C). Some underbrush may need to be removed at this site. The proposed project area for Site B consists of thick vegetation and underbrush. Site B would need more disturbance and vegetation removal than Site A.

SOW-2 includes the purchase and installation of a refrigerated container with a 40-foot long trailer platform. This container will be placed at coordinates 18.373085, -66.390984. The container will be kept in the trailer platform and no ground disturbance will be required for the installation of container. The proposed project area is located on an already cleared portion of the parcel. No vegetation will need to be cleared for the project. Surrounding landscape includes relatively flat forested land within and surrounding the parcel.

SOW-3 consists in the purchase and installation of two (2) 1,000-gallon water tanks. The tanks will be placed on bare ground at coordinates 18.373326, -66.391150. Minimal clearing, grubbing, and leveling activities may be required for the secure installation of the cisterns. The purpose of the cisterns is to provide water to the greenhouse. At this stage of the project it is unclear the final water supply and connection to supply water to the tanks. The applicant has stated his intention to, in the future, evaluate the connection to local service provider (PRASA). Water supply to the greenhouse will be achieved by gravity with the installation of above-ground PVC tube pipe. No anchoring of pipes is anticipated. Water connection distance from the tanks will vary depending on the final location of the greenhouse. If the greenhouse is located at Site A, an estimated 30-foot long PVC pipe connection will be needed. On the other hand, an estimated 150-foot long PVC pipe connection will be needed if greenhouse final location is Site B.

The proposed project area is located on an already mostly cleared portion of the parcel. Surrounding landscape includes relatively flat forested land with some undulation within and surrounding the parcel. The parcel has previously been vacant, the applicant will use grant funds to purchase the parcel and use it for growing table vegetables with the new greenhouse. According to site photos and aerial imagery, some areas of the parcel are already cleared. Surrounding landscape includes relatively flat forests with some undulation within and surrounding the parcel. A road and driveway are located to the west of the proposed project area. The National Wetlands Inventory (NWI) indicated that no wetlands are located within the parcel.

Using the Information for Planning and Consultation (IPaC) system, we have determined that the proposed project scope and locations are located within the range of the following federally listed species:

| Name of the species | Threatened/Endangered/Candidate |
|---|---------------------------------|
| Puerto Rican Boa (<i>Chilabothrus inornatus</i>) | Endangered |
| Critical Habitat | |
| There are no critical habitats at this location. | |

The Puerto Rican Boa habitat requirements per the U.S. Fish and Wildlife Service are as follows: "The Puerto Rican Boa is considered a habitat generalist and tolerates a wide variety of habitat types (terrestrial and arboreal). These include: rocky areas and haystack hills, trees and branches, rotting stumps, caves (entrances and inside), plantations, various types of forested areas such as karst and mangrove forests, forested urban and rural areas, and along streams and road edges. Cave ecosystems and their surrounding forests are considered particularly important because of the availability of such ecological resources such as prey, shelter, thermal gradients, and mates for reproduction."

Upon review of iNaturalist.org, no sightings of the Puerto Rican Boa have been recorded within at least 3 miles of the proposed project area. Based on the nature of the project, current site disturbance, scope of work, information available, and a careful analysis of the Project Site, and IPaC species list, we have made the following effects determinations:

| Name of the species | Effect Determination | Conservation Measures that will be implemented |
|---|---------------------------------------|---|
| Puerto Rican Boa (<i>Chilabothrus inornatus</i>) | Not Likely to Adversely Affect (NLAA) | USFWS Puerto Rican Boa Conservation Measures 2024 |

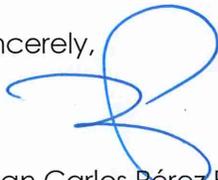
Given the current land use and frequent disturbance and lack of sightings of the listed species within the vicinity, PRDOH has determined that the project is not likely to adversely affect the listed species provided the attached Conservation Measures are implemented as part of the proposed project. The automated informal consultation process was completed on November 4th through USFWS Information for Planning and Consultation website (<https://ipac.ecosphere.fws.gov/>). An informal consultation was previously conducted on March 21, 2024, and concurrence received on May 15, 2024, however, due to additional scope of work, we are requesting a new consultation.

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.

For any questions or clarifications, please do not hesitate to contact us at the information below.

Thank you in advance for your consideration of this issue.

Sincerely,



Juan Carlos Pérez Bofill, PE, MEng.
Director – Disaster Recovery, CDBG-DR/MIT Program
environmentcdbg@vivienda.pr.gov | 787.274.2527 ext. 4320

Attachments:

Appendix A:

- Figure 1 – Project Location Map
- Figure 2 – Area of Potential Effect Map
- Figure 3 – Endangered Species Map
- Figure 4 – Critical Habitats Map
- Figure 5 – Farmland Protection Map
- Figure 6 – Wetland Map

Appendix B: Species List Caribbean Ecological Services and Consistency Letter

Appendix C: Site Photos

Appendix D: USFWS Puerto Rican Boa Conservation Measures 2024

Appendix A: Figures



- Legend**
- ◆ Project Parcel
 - Parcels
 - Area of Potential Effect
 - Water connection

PUERTO RICO

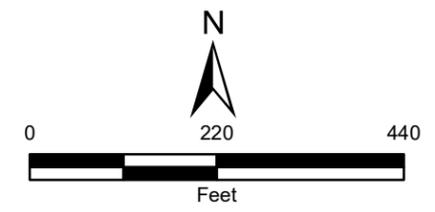


Figure 1: PROJECT LOCATION
APPLICANT ID: PR-RGRW-01422

ADDRESS: PR 645 Km 5.8 Almirante Sur Vega Baja, PR 00693
 Name of Development: Hacienda Luna de Madrid LLC
 Parcel Coordinates: 18.373436, -66.39083



Source: CRIM
<https://catastro.crimpr.net/cdprpc/>
 Author: TG Date: 2/20/2024



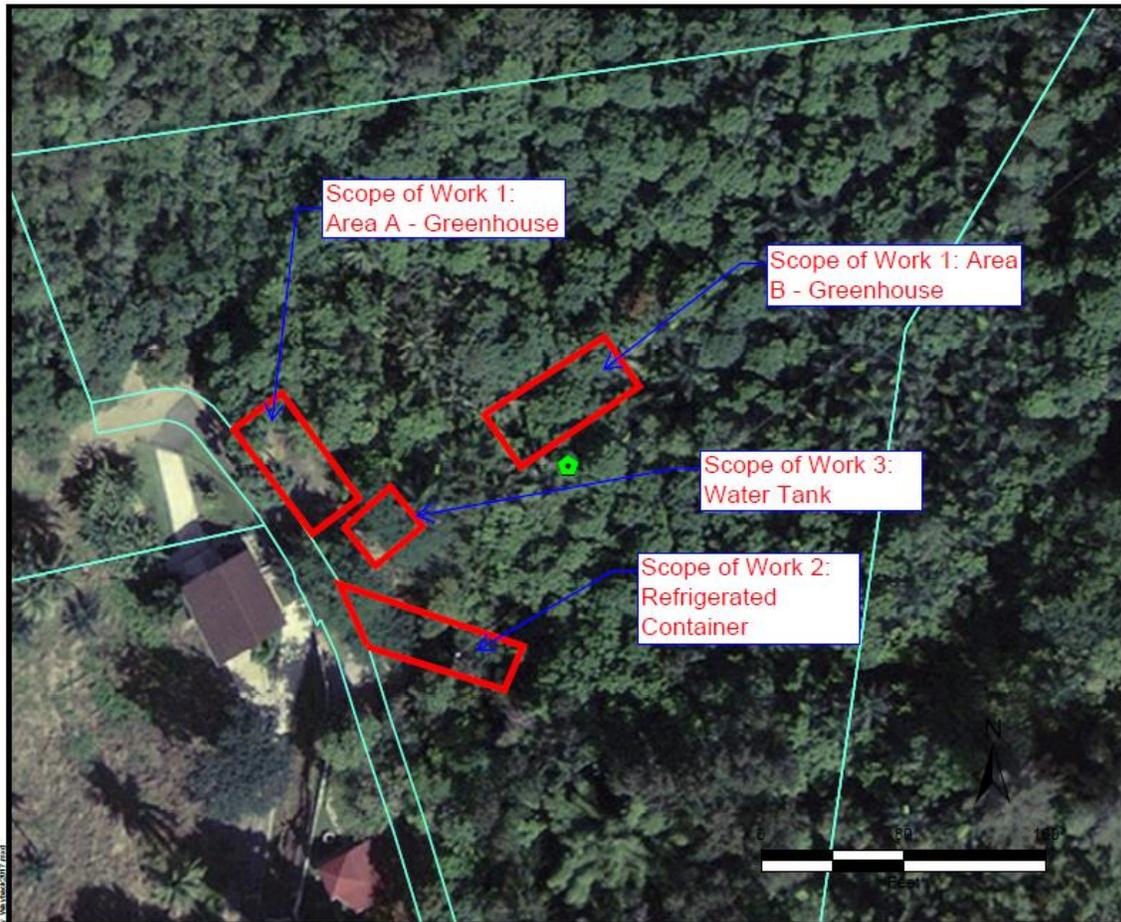
File Path: Z:\data\USRT\TetraPR\CDPR\Region_Secundary_Images\7.mxd

Subrecipient: Hacienda Luna de Madrid LLC

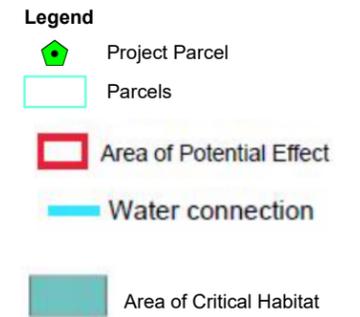
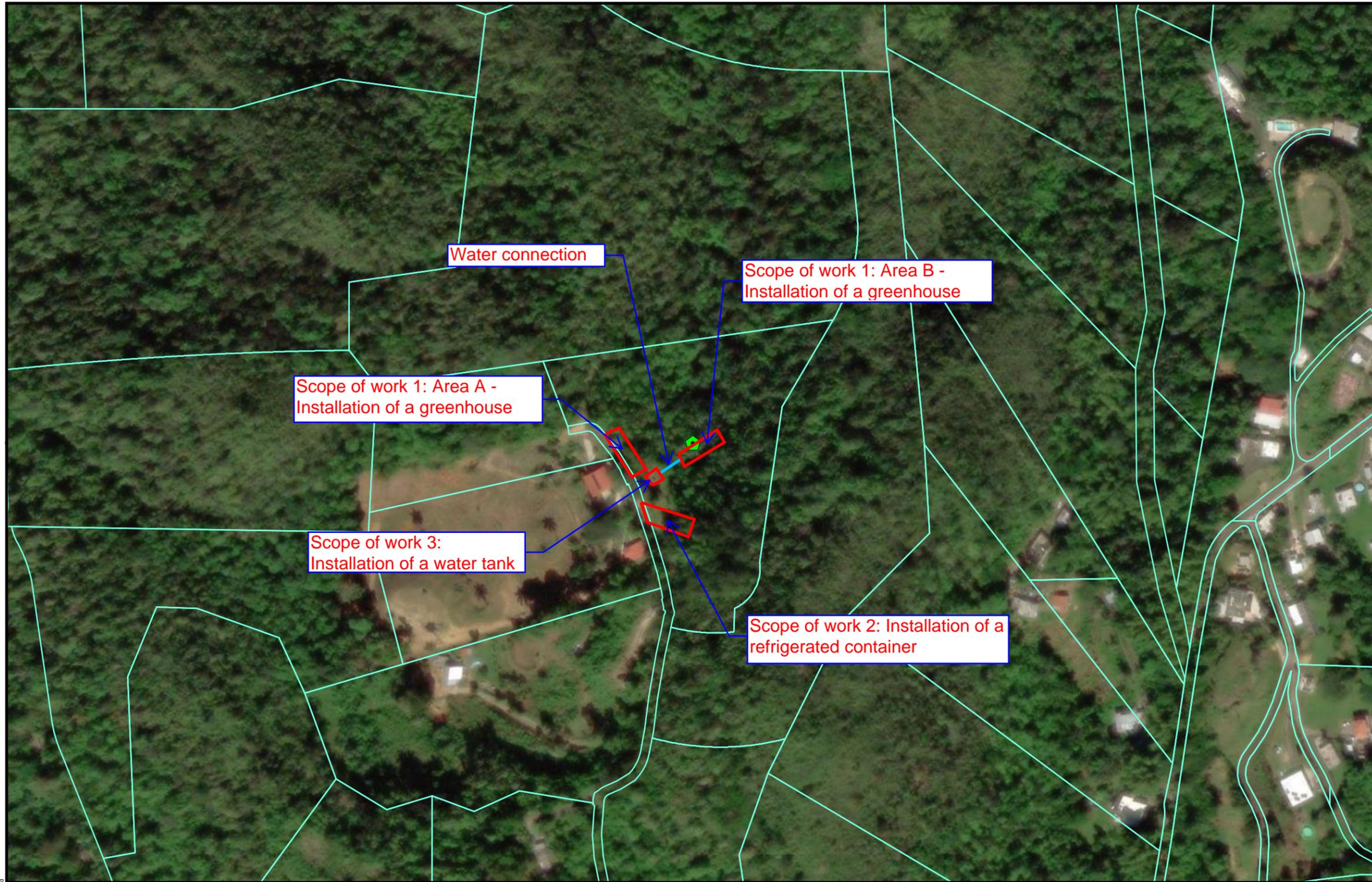
Case ID: PR-RGRW-01422

City: Vega Baja

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



| | | |
|---|--|--|
|  <p>TETRA TECH</p> <p>Source: CRIM</p> <p>Author: TG Date: 10/7/2022</p> | <p>Legend</p> <ul style="list-style-type: none"> Tier 2 Site Area of Potential Effect Parcelario |  <p>The inset map shows the location of Vega Baja within Puerto Rico, with a red square indicating the project area. Labels include 'Vega Baja', '27', and '2'.</p> |
|---|--|--|



PUERTO RICO



Figure 10: ENDANGERED SPECIES ACT

APPLICANT ID: PR-RGRW-01422

ADDRESS: PR 645 Km 5.8 Almirante Sur Vega Baja, PR 00693

Name of Development: Hacienda Luna de Madrid LLC

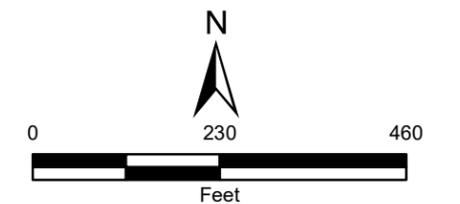
Parcel Coordinates: 18.373436, -66.39083

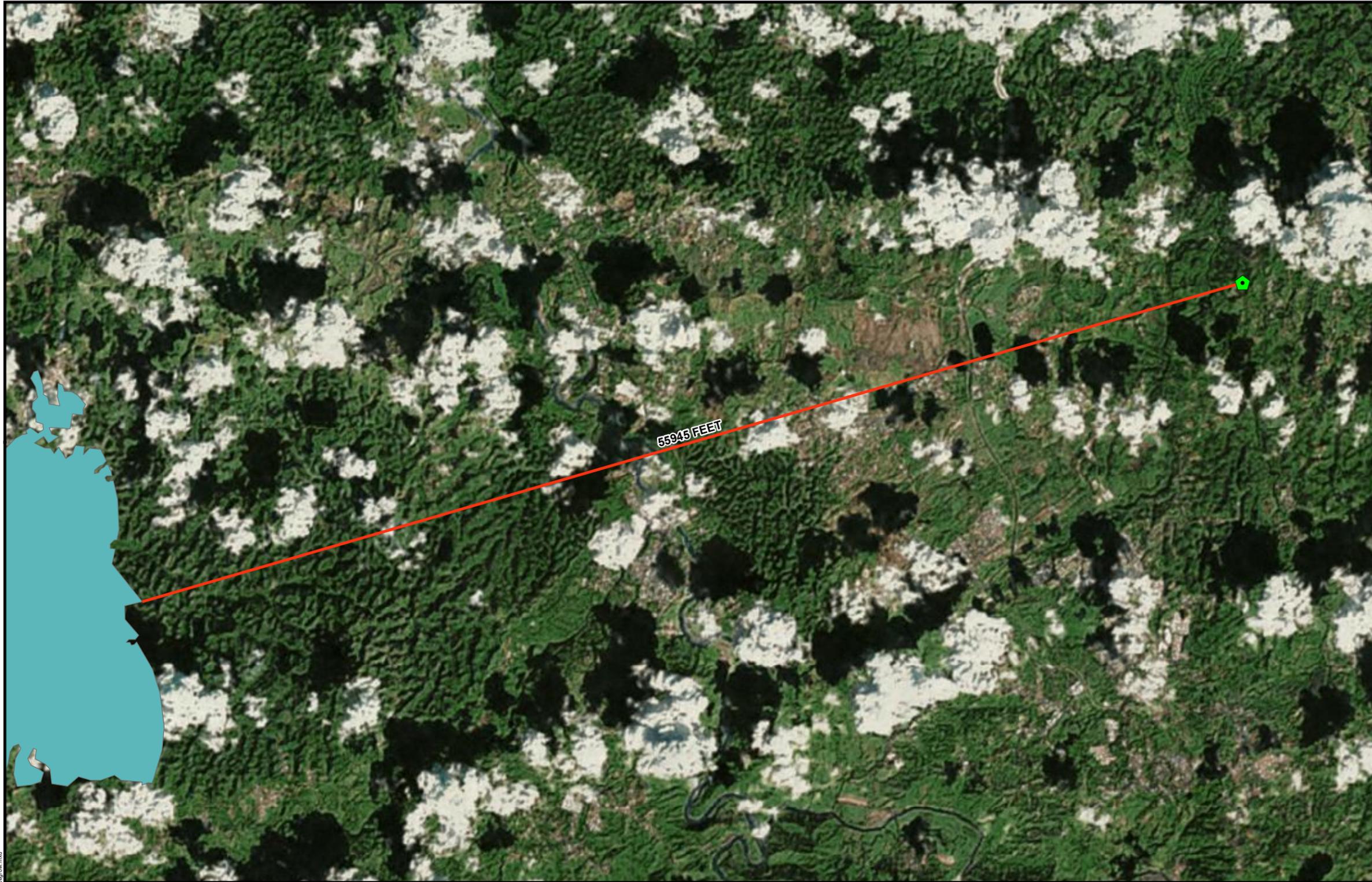


Source: U.S. FISH & WILDLIFE SERVICE
<https://ecos.fws.gov>

Author: TG

Date: 1/25/2024





Legend

-  Project Parcel
- comname**
-  Puerto Rico harlequin butterfly

Distance to Nearest Critical Habitat in Feet:
55945 Feet

PUERTO RICO



**Figure 11: CRITICAL HABITATS
APPLICANT ID: PR-RGRW-01422**

ADDRESS: PR 645 Km 5.8 Almirante Sur Vega Baja, PR 00693

Name of Development: Hacienda Luna de Madrid LLC

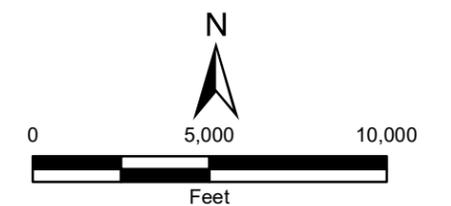
Parcel Coordinates: 18.373436, -66.39083

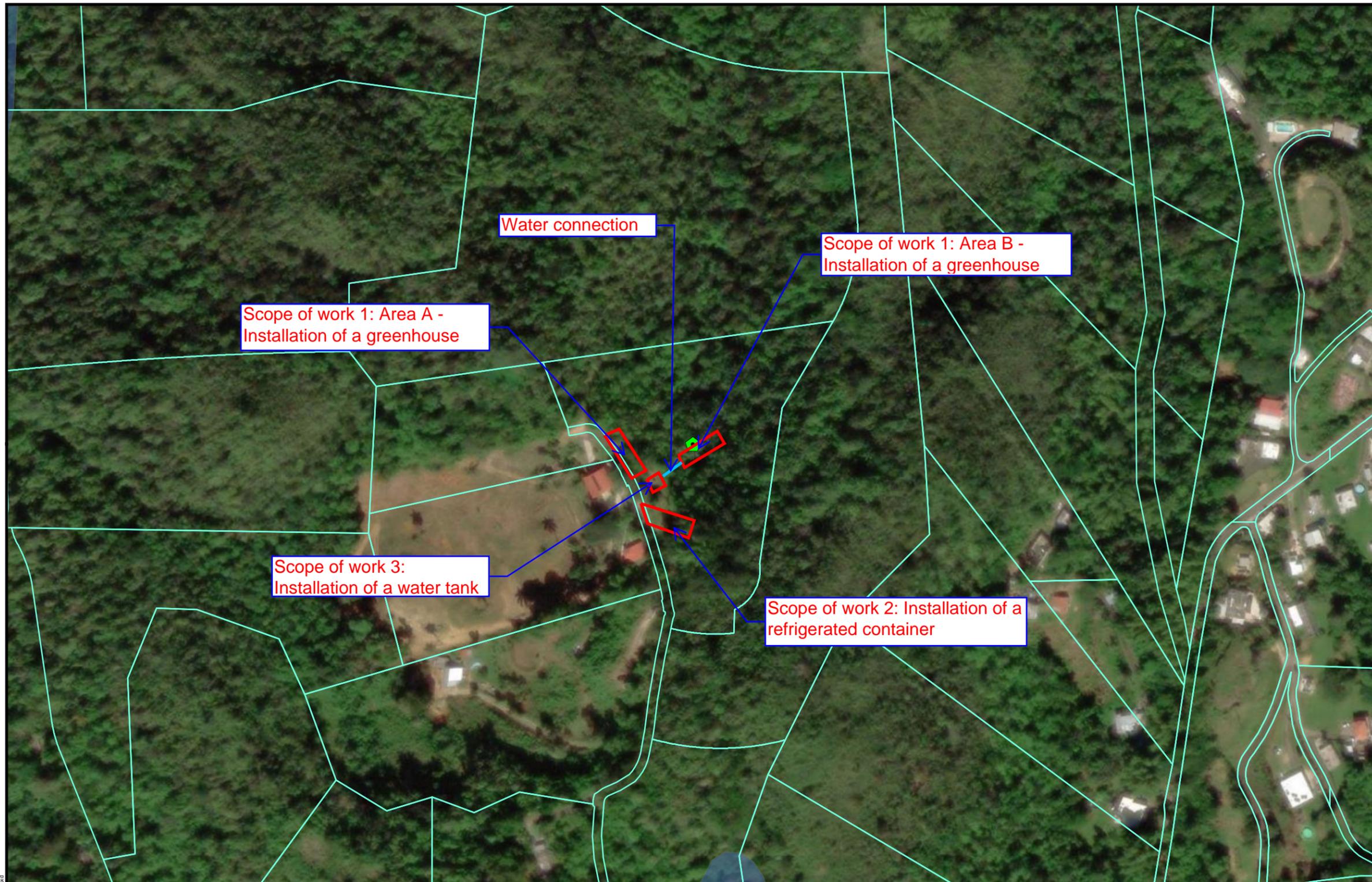


Source: U.S. FISH & WILDLIFE SERVICE
<https://ecos.fws.gov>

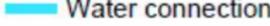
Author: TG

Date: 6/29/2023





Legend

-  Project Parcel
- Farm Class**
-  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
-  Area of Potential Effect
-  Water connection

PUERTO RICO



Figure 12: FARMLAND PROTECTION

APPLICANT ID: PR-RGRW-01422

ADDRESS: PR 645 Km 5.8 Almirante Sur Vega Baja, PR 00693

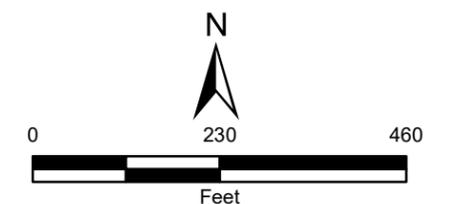
Name of Development: Hacienda Luna de Madrid LLC

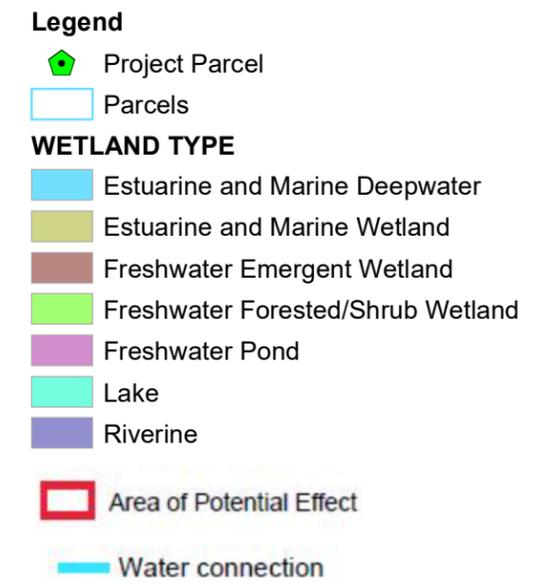
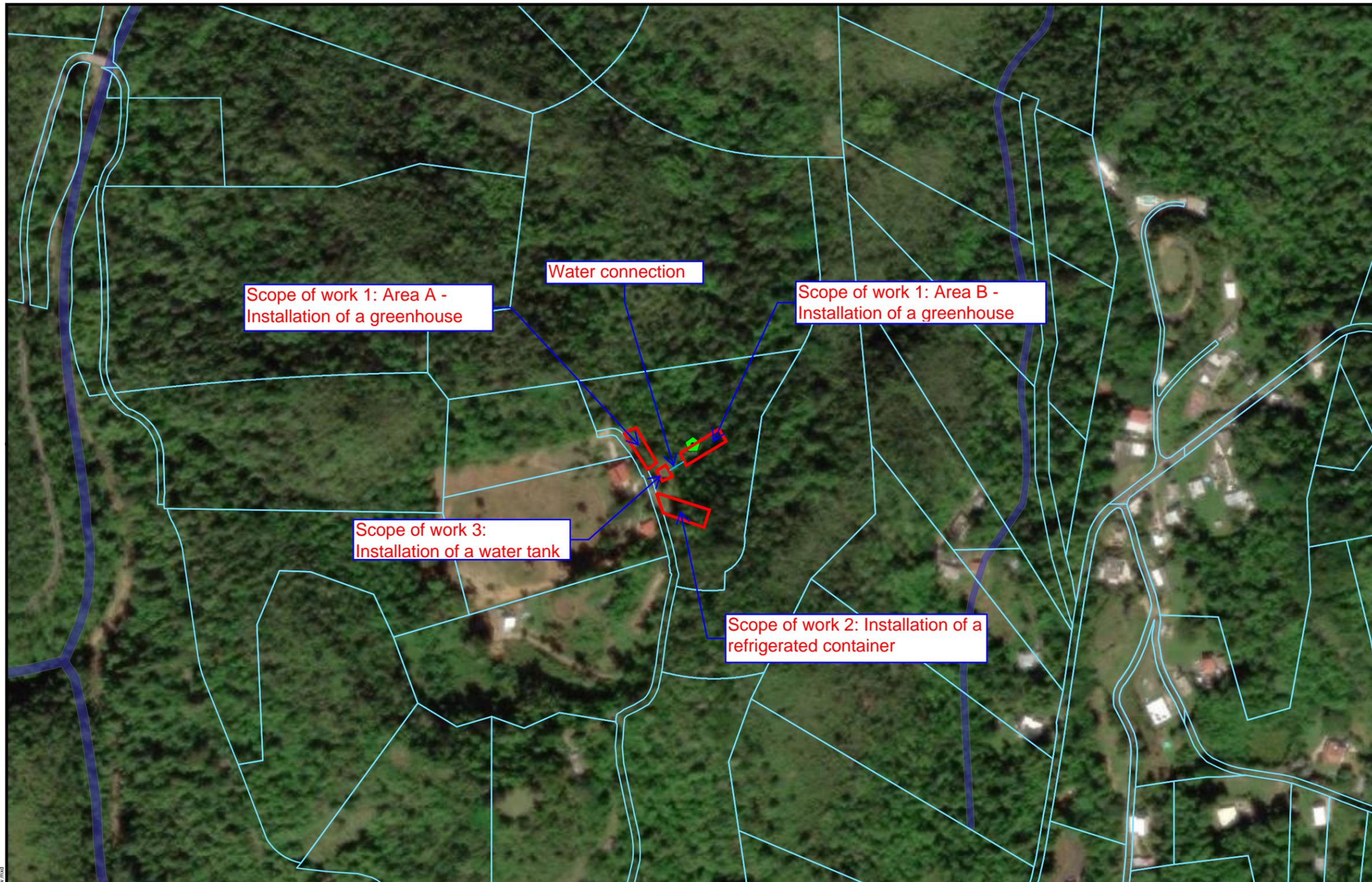
Parcel Coordinates: 18.373436, -66.39083



Source: USDA
<https://websoilsurvey.sc.egov.usda.gov>

Author: TG Date: 1/25/2024





PUERTO RICO



Figure 14: WETLANDS
APPLICANT ID: PR-RGRW-01422

ADDRESS: PR 645 Km 5.8 Almirante Sur Vega Baja PR 00693

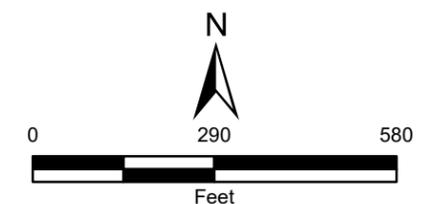
Name of Development: Hacienda Luna de Madrid LLC

Parcel Coordinates: 18.373436, -66.39083



Source: U. S. Fish & Wildlife Service
<https://www.fws.gov>

Author: TG Date: 2/15/2024



Appendix B:
Species List Caribbean Ecological Services
and Consistency Letter



United States Department of the Interior



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

In Reply Refer To:
Project Code: 2025-0014799
Project Name: PR-RGRW-01422

11/04/2024 17:35:03 UTC

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

To Whom It May Concern:

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

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

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

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

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

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

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

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

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

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

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

This species list is provided by:

Caribbean Ecological Services Field Office

caribbean_es@fws.gov

Post Office Box 491

Boqueron, PR 00622-0491

(786) 244-0081

Attachment(s):

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

OFFICIAL SPECIES LIST

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

This species list is provided by:

Caribbean Ecological Services Field Office

Post Office Box 491

Boqueron, PR 00622-0491

(939) 320-3135

PROJECT SUMMARY

Project Code: 2025-0014799

Project Name: PR-RGRW-01422

Project Type: Restoration / Enhancement - Agricultural

Project Description: The proposal includes the purchase and installation of a greenhouse (SOW-1). The proposed greenhouse is a metal structure covered with plastic and Saran sheet that has an approximate footprint of 100-foot (ft) x 25 ft. The applicant is evaluating two possible locations for the greenhouse. Possible locations are Site Area A (Site A) at coordinates 18.373410, -66.391246, while Site Area B (Site B) is at coordinates 18.373567, -66.390828. If Area B is selected, tree removal along with heavier clearing and grading activities will be required to accommodate the new structure. The greenhouse will be anchored to the ground with 2 inches diameter pillars. Greenhouse front and side pillars are reinforced by a ratchet fixed to the ground to a maximum depth of 3 feet and attached to the top of each pillar with Galvanized Cord. Lateral and central pillar spacing varies depending on the greenhouse size. In average, lateral pillar spacing is 8 ft and central pillar spacing is 15 ft. The proposed greenhouse will require at least 30 posts. Proposed greenhouse includes the installation of ground cover, no concrete pad is included as part of the SOW. The proposed project area for Area A consists of already cleared land, adjacent to a thick vegetated area. A dirt road and fence can be seen in the site photos (see attachments) at the location of Area A. Some underbrush may need to be removed at this site. The proposed project area for Area B consists of thick vegetation and underbrush. This project area would need more disturbance and vegetation removal than Area A.

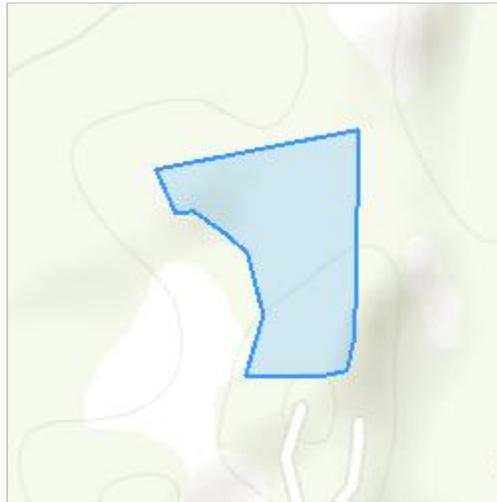
The proposal includes the purchase and installation of a refrigerated container (SOW-2) with a 40 feet long trailer platform. This container will be placed at coordinates 18.373085, -66.390984. The container will be kept in the trailer platform and no ground disturbance will be required for the installation of container. The proposed project area is located on an already cleared portion of the parcel. No vegetation will need to be cleared for the project. Surrounding landscape includes relatively flat forested land within and surrounding the parcel.

The applicant plans to purchase and install two (2) 1,000-gallon water tank (SOW-3). Tanks will be placed on bare ground at coordinates 18.373326, -66.391150. Minimal clearing, grubbing, and leveling activities may be required for the secure installation of the cisterns. The purpose of the tanks is to provide water to the greenhouse. At this stage of the project is unclear the final water supply and connection to supply water to the tanks. Applicant has stated his intention to, in the future,

evaluate the connection to local service provider (PRASA). Water supply to the greenhouse will be achieved by gravity with the installation of above-ground PVC tube pipe. No anchoring of pipes is anticipated. Water connection distance from the tank will vary depending on the final location of the greenhouse. If the greenhouse is located at Area A (described above), an estimated 30 ft long PVC pipe connection will be needed. On the other hand, an estimated 150 ft long PVC pipe connection will be needed if greenhouse final location is Area B. The proposed project area is located on an already mostly cleared portion of the parcel. Surrounding landscape includes relatively flat forested land with some undulation within and surrounding the parcel.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@18.373663450000002,-66.39047333884338,14z>



Counties: Vega Baja County, Puerto Rico

ENDANGERED SPECIES ACT SPECIES

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

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

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

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

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

REPTILES

| NAME | STATUS |
|--|------------|
| Puerto Rican Boa <i>Chilabothrus inornatus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6628 General project design guidelines: https://ipac.ecosphere.fws.gov/project/5GKPO6WEGVEVXPNOB4OJAC2KNE/documents/generated/7159.pdf | Endangered |

CRITICAL HABITATS

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

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

USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

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

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

BALD & GOLDEN EAGLES

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

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

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

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

MIGRATORY BIRDS

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

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

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

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

WETLANDS

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

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

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

THERE ARE NO WETLANDS WITHIN YOUR PROJECT AREA.

IPAC USER CONTACT INFORMATION

Agency: Tetra Tech
Name: Shelby McDowell
Address: 2301 Lucien Way #120
City: Maitland
State: FL
Zip: 32751
Email: shelby.mcdowell@tetratech.com
Phone: 4096591563



United States Department of the Interior



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

In Reply Refer To:
Project code: 2025-0014799
Project Name: PR-RGRW-01422

11/04/2024 17:40:10 UTC

Subject: Concurrence letter for the project named 'PR-RGRW-01422' 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 November 04, 2024, Shelby McDowell used the Caribbean DKey; dated April 03, 2024, in the U.S. Fish and Wildlife Service's online [IPaC application](#) to evaluate potential impacts to federally listed species, from a project named 'PR-RGRW-01422'. The project is located in Vega Baja County, Puerto Rico (shown below).

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@18.373663450000002,-66.39047333884338,14z>



The following description was provided for the project 'PR-RGRW-01422':

The proposal includes the purchase and installation of a greenhouse (SOW-1). The proposed greenhouse is a metal structure covered with plastic and Saran sheet that has an approximate footprint of 100-foot (ft) x 25 ft. The applicant is evaluating two possible locations for the greenhouse. Possible locations are Site Area A (Site A) at coordinates 18.373410, -66.391246, while Site Area B (Site B) is at coordinates 18.373567, -66.390828. If Area B is selected, tree removal along with heavier clearing and grading activities will be required to accommodate the new structure. The greenhouse will be anchored to the ground with 2 inches diameter pillars. Greenhouse front and side pillars are reinforced by a ratchet fixed to the ground to a maximum depth of 3 feet and attached to the top of each pillar with Galvanized Cord. Lateral and central pillar spacing varies depending on the greenhouse size. In average, lateral pillar spacing is 8 ft and central pillar spacing is 15 ft. The proposed greenhouse will require at least 30 posts. Proposed greenhouse includes the installation of ground cover, no concrete pad is included as part of the SOW. The proposed project area for Area A consists of already cleared land, adjacent to a thick vegetated area. A dirt road and fence can be seen in the site photos (see attachments) at the location of Area A. Some underbrush may need to be removed at this site. The proposed project area for Area B consists of thick vegetation and underbrush. This project area would need more disturbance and vegetation removal than Area A.

The proposal includes the purchase and installation of a refrigerated container (SOW-2) with a 40 feet long trailer platform. This container will be placed at coordinates 18.373085, -66.390984. The container will be kept in the trailer platform and no ground disturbance will be required for the installation of container. The proposed project area is located on an already cleared portion of the parcel. No vegetation will need to be cleared for the project. Surrounding landscape includes relatively flat forested land within and surrounding the parcel.

The applicant plans to purchase and install two (2) 1,000-gallon water tank (SOW-3). Tanks will be placed on bare ground at coordinates 18.373326, -66.391150. Minimal clearing, grubbing, and leveling activities may be required for the secure installation of the cisterns. The purpose of the tanks is to provide water to the greenhouse. At this stage of the project is unclear the final water supply and connection to supply water to the tanks. Applicant has stated his intention to, in the future, evaluate the connection to local service provider (PRASA). Water supply to the greenhouse will be achieved by gravity with the installation of above-ground PVC tube pipe. No anchoring of pipes is anticipated. Water connection distance from the tank will vary depending on the final location of the greenhouse. If the greenhouse is located at Area A (described above), an estimated 30 ft long PVC pipe connection will be needed. On the other hand, an estimated 150 ft long PVC pipe connection will be needed if greenhouse final location is Area B. The proposed project area is located on an already mostly cleared portion of the parcel. Surrounding landscape

includes relatively flat forested land with some undulation within and surrounding the parcel.

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 | NLAA |

Based on the answers provided in IPaC, the proposed project is consistent with a “may affect but is not likely to adversely affect” (NLAA) for the species listed above because your project impacts to the species will be avoided or minimized using the **Conservation Measures** you agreed to implement. These conservation measures must be implemented during the project development to ensure compliance with Section 7(a)(2) of the ESA.

No further action is required for the species listed above. However, be aware that reinitiation of consultation may be necessary if later modifications are made to the project so that it no longer meets the criteria or outcome described above, or if new information reveals effects of the action that could affect listed species or critical habitat in a manner or to an extent not previously considered, or if a new species is listed.

The Service will notify you within 30 calendar days if we determine that this proposed Action does not meet the criteria for a “may affect, not likely to adversely affect” (NLAA) determination for federally listed species in the Caribbean. If we do not notify you within that timeframe, you may proceed with the Action under the terms of the NLAA concurrence provided here. This verification period allows the Caribbean Ecological Services Field Office to apply local knowledge to evaluate the Action, as we may identify a small subset of actions having unanticipated impacts. In such instances, the Caribbean Ecological Services Field Office may request additional information to verify the effects determination reached through the DKey.

Note: Projects located within the range of the Puerto Rican boa or the Virgin Islands tree boa might encounter these species during project activities. **This letter does not provide take to handle or move these species.** If relocation of the species is needed, please contact either the Puerto Rico Department of Natural Resources (DNER) at 787-724-5700, 787-230-5550, or 787-771-1124 for projects in Puerto Rico, or the Virgin Islands Department of Planning and Natural Resources, Division of Fish and Wildlife (DFW) at 340-775-6762 for projects in the Virgin Islands. Otherwise, contact the Caribbean Ecological Services Field Office (caribbean_es@fws.gov) to determine whether the consultation needs to be reinitiated.

If the proposed project is located within species range where a DKey has not been developed for those species, please follow the established guidance for initiating section 7 consultation Caribbean Ecological Services Field Office.

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-01422

2. Description

The following description was provided for the project 'PR-RGRW-01422':

The proposal includes the purchase and installation of a greenhouse (SOW-1). The proposed greenhouse is a metal structure covered with plastic and Saran sheet that has an approximate footprint of 100-foot (ft) x 25 ft. The applicant is evaluating two possible locations for the greenhouse. Possible locations are Site Area A (Site A) at coordinates 18.373410, -66.391246, while Site Area B (Site B) is at coordinates 18.373567, -66.390828. If Area B is selected, tree removal along with heavier clearing and grading activities will be required to accommodate the new structure. The greenhouse will be anchored to the ground with 2 inches diameter pillars. Greenhouse front and side pillars are reinforced by a ratchet fixed to the ground to a maximum depth of 3 feet and attached to the top of each pillar with Galvanized Cord. Lateral and central pillar spacing varies depending on the greenhouse size. In average, lateral pillar spacing is 8 ft and central pillar spacing is 15 ft. The proposed greenhouse will require at least 30 posts. Proposed greenhouse includes the installation of ground cover, no concrete pad is included as part of the SOW. The proposed project area for Area A consists of already cleared land, adjacent to a thick vegetated area. A dirt road and fence can be seen in the site photos (see attachments) at the location of Area A. Some underbrush may need to be removed at this site. The proposed project area for Area B consists of thick vegetation and underbrush. This project area would need more disturbance and vegetation removal than Area A.

The proposal includes the purchase and installation of a refrigerated container (SOW-2) with a 40 feet long trailer platform. This container will be placed at coordinates 18.373085, -66.390984. The container will be kept in the trailer platform and no ground disturbance will be required for the installation of container. The proposed project area is located on an already cleared portion of the parcel. No vegetation will need to be cleared for the project. Surrounding landscape includes relatively flat forested land within and surrounding the parcel.

The applicant plans to purchase and install two (2) 1,000-gallon water tank (SOW-3). Tanks will be placed on bare ground at coordinates 18.373326, -66.391150. Minimal clearing, grubbing, and leveling activities may be required for the secure installation of the cisterns. The purpose of the tanks is to provide water to the greenhouse. At this stage of the project is unclear the final water supply and connection to supply water to the tanks. Applicant has stated his intention to, in the future, evaluate the

connection to local service provider (PRASA). Water supply to the greenhouse will be achieved by gravity with the installation of above-ground PVC tube pipe. No anchoring of pipes is anticipated. Water connection distance from the tank will vary depending on the final location of the greenhouse. If the greenhouse is located at Area A (described above), an estimated 30 ft long PVC pipe connection will be needed. On the other hand, an estimated 150 ft long PVC pipe connection will be needed if greenhouse final location is Area B. The proposed project area is located on an already mostly cleared portion of the parcel. Surrounding landscape includes relatively flat forested land with some undulation within and surrounding the parcel.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@18.373663450000002,-66.39047333884338,14z>



QUALIFICATION INTERVIEW

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

No

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

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

No

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

No

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

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

No

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

No

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

No

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

No

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

No

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

No

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

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

Yes

11. Is the project area more than 1 acre?

No

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

No

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

Yes

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

Automatically answered

Yes

15. Will the proposed project implement the U.S. Fish and Wildlife [Puerto Rican boa Conservation Measures](#)?

Yes

16. Are you the Federal agency or designated non-federal representative for the proposed action?

Yes

IPAC USER CONTACT INFORMATION

Agency: Tetra Tech
Name: Shelby McDowell
Address: 2301 Lucien Way #120
City: Maitland
State: FL
Zip: 32751
Email: shelby.mcdowell@tetratech.com
Phone: 4096591563

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Department of Housing and Urban Development

Appendix C: Site Photos

Front of Structure

Photo Direction: Northeast



Facing Away From Front

Photo Direction: Southwest



Side #1 of Structure

Photo Direction: Southeast



Facing Away From Side #1

Photo Direction: Northwest



Back of Structure

Photo Direction: Northwest



Facing Away From Back

Photo Direction: Southeast



Side #2 of Structure

Photo Direction: East



Facing Away From Side #2

Photo Direction: West



Streetscape #1

Photo Direction: South



Streetscape #2

Photo Direction: North



Address

Photo Direction: North



Structural Details

Photo Description: Architectural details

Photo Direction: Southeast



Structural Details

Photo Description: Architectural details

Photo Direction: South



Structural Details

Photo Description: Architectural details

Photo Direction: Northeast



Structural Details

Photo Description: Architectural details

Photo Direction: East



Structural Details

Photo Description: Architectural details

Photo Direction: East



Structural Details

Photo Description: Architectural details

Photo Direction: Northeast



Structural Details

Photo Description: Architectural details

Photo Direction: East



Structural Details

Photo Description: Architectural details

Photo Direction: North



Structural Details

Photo Description: Architectural details

Photo Direction: South



Structural Details

Photo Description: Architectural details

Photo Direction: South



Structural Details

Photo Description: Architectural details

Photo Direction: South



Structural Details

Photo Description: Architectural details

Photo Direction: East



Scope Of Work

Photo Description: Scope of work 1, Area A Inst. of a greenhouse

Photo Direction: North



Scope Of Work

Photo Description: Scope of work 1, Area A Inst. of a greenhouse

Photo Direction: Southeast



Scope Of Work

Photo Description: Scope of work 1, Area A Inst. of a greenhouse

Photo Direction: North



Scope Of Work

Photo Description: Scope of work 1, Area B Inst. of a greenhouse

Photo Direction: Northeast



Scope Of Work

Photo Description: Scope of work 1, Area B Inst. of a greenhouse

Photo Direction: Northeast



Scope Of Work

Photo Description: Scope of work 1, Area B Inst. of a greenhouse

Photo Direction: North



Scope Of Work

Photo Description: Scope of work 2: Refrigerated container

Photo Direction: Southeast



Scope Of Work

Photo Description: Scope of work 2: Refrigerated container

Photo Direction: South



Scope Of Work

Photo Description: Scope of work 2: Refrigerated container

Photo Direction: Northwest



Scope Of Work

Photo Description: Scope of work 3 : Water tank

Photo Direction: North



Scope Of Work

Photo Description: Scope of work 3: Water tank

Photo Direction: Southeast



Scope Of Work

Photo Description: Scope of work 3: Water tank

Photo Direction: North

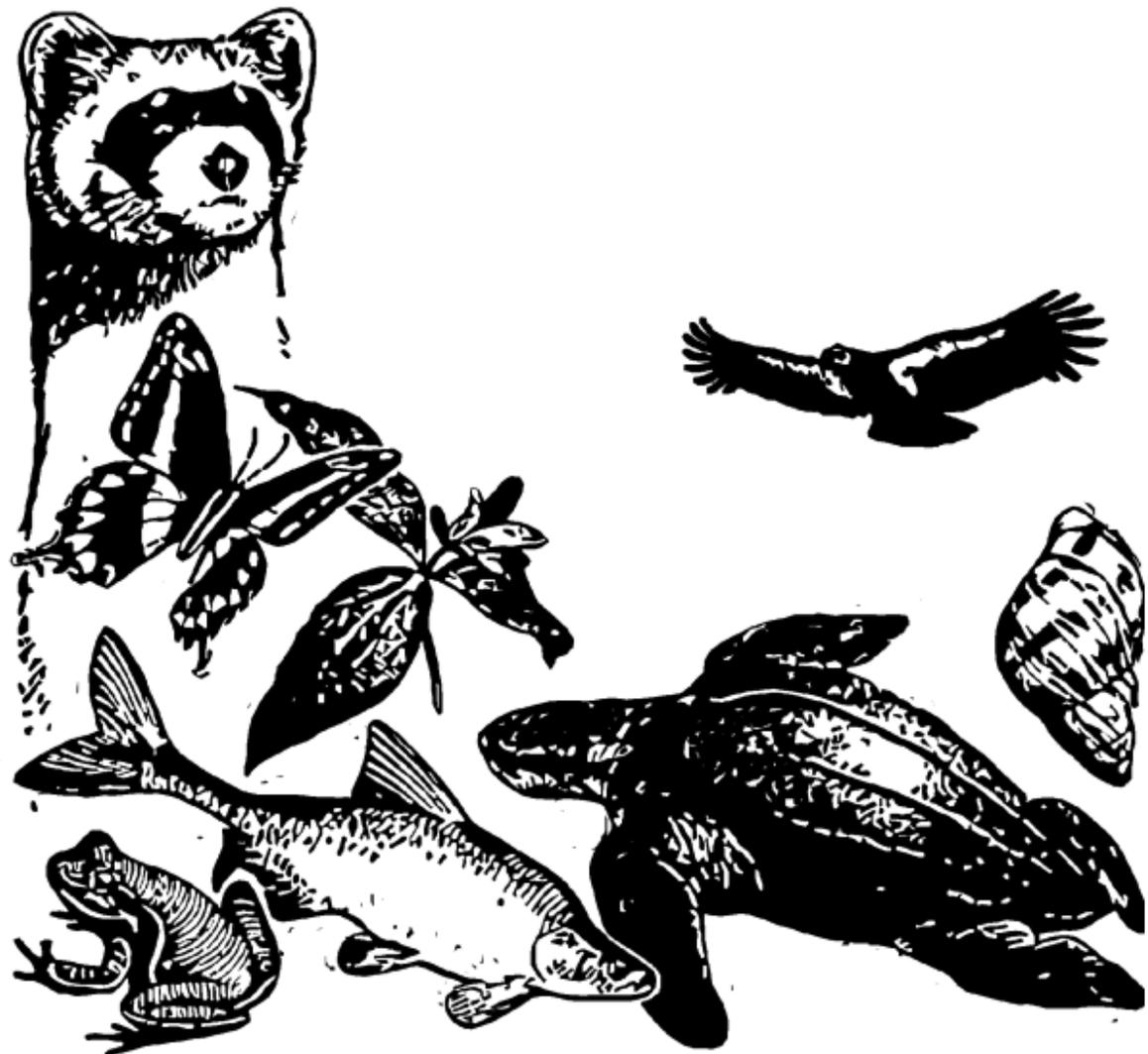


Appendix D:
USFWS Puerto Rican Boa Conservation Measures 2024

Caribbean ES Puerto Rican Boa

Puerto Rican Boa

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



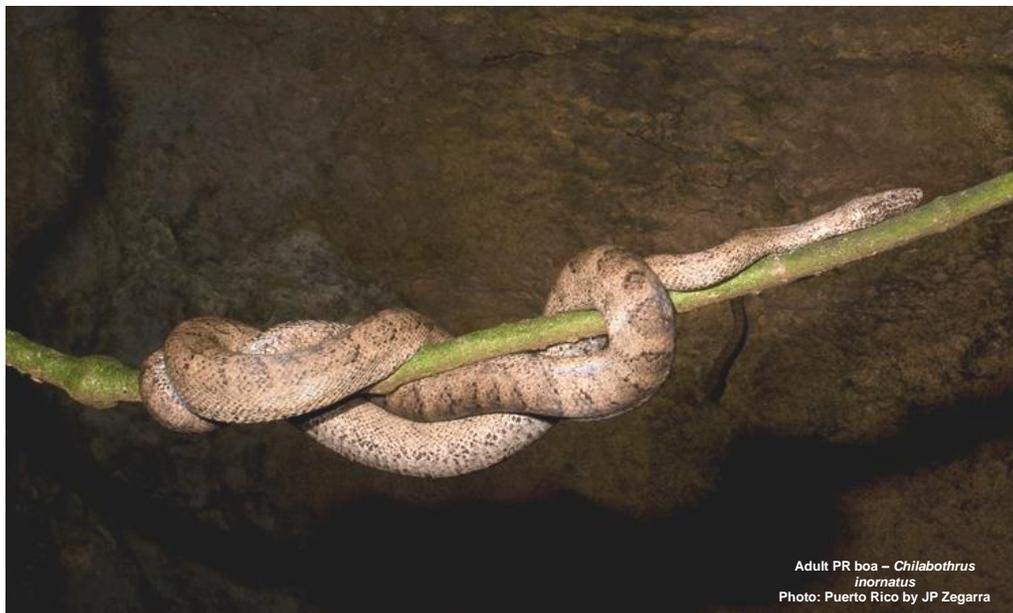


U.S. FISH AND WILDLIFE SERVICE CARIBBEAN ECOLOGICAL SERVICES FIELD OFFICE

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

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

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



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

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

Conservation Measures:

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

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

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

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



United States Department of the Interior

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



In Reply Refer to:
FWS/R4/CESFO/72145-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-01422 Hacienda Luna
de Madrid LLC, Vega Baja, Puerto Rico

Dear Mr. Pérez-Bofill

Thank you for your letter dated March 21, 2024, requesting informal consultation on the above referenced project. As per your request, our comments are provided under the Endangered Species Act (Act) (87 Stat. 884, as amended; 16 United States Code 1531 et seq.), and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.).

The Puerto Rico Department of Housing (PRDOH) is proposing the purchase of a parcel located on State Road PR-645, Km 5.8, Almirante Sur (18°22'24.4"N 66°23'27.0"W) and the purchase and installation of a metal structure covered with plastic and saran sheet for a greenhouse. The proposed greenhouse has an approximate footprint of 100-feet x 25-feet. There are two possible site specific locations for the greenhouse:

Site A: 18°22'24.3"N 66°23'28.5"W

- Consists of already cleared land with dirt road and a fence.
- Some underbrush may need to be removed.

Site B: 18°22'24.8"N 66°23'27.0"W

- Consists of thick vegetation and underbrush.
- This project area would need more disturbance and vegetation removal

Using the U.S. Fish and Wildlife Service's (Service) Information for Planning and Consultation (IPaC) system, the PRDOH has determined that the proposed project sites are within the range of Puerto Rican boa (*Epicrates inornatus* now known as *Chilabothrus inornatus*).

The PRDOH has determined that the proposed actions will have no effect (NE) on the Puerto Rican boa for site A, due to the lack of suitable habitat, current disturbance, and land use. The Service acknowledge receipt of PRDOH's NE determination for the Puerto Rican boa for site A. 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 PRDOH's NE determination.

As for site B, based on the nature of the project, scope of work, information available, and existing habitat (thick vegetation and underbrush), the PRDOH has determined that the proposed project at this site may affect, but is not likely to adversely affect the Puerto Rican boa. Conservation measures previously provided by the Service will be implemented prior to and during the installation of the greenhouse to avoid and minimize impacts to this species.

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 at site B with the implementation of the conservation measures. As per the conservation recommendations (updated conservation measures enclosed), 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 impacts of this identified action that may affect listed species or critical habitat in a manner that was not previously considered; (2) this action is subsequently modified in a manner not previously considered in this assessment; or, (3) a new species is listed, or critical habitat determined that may be affected by the identified action.

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,

ROBERT
TAWES

Digitally signed by
ROBERT TAWES
Date: 2024.05.15
19:44:18 -04'00'

Robert Tawes
Acting Field Supervisor

dr

Enclosure: Puerto Rican boa conservation measures_2024



DEPARTMENT OF

HOUSING

GOVERNMENT OF PUERTO RICO



Memorandum to File

Date: 3/26/2025

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

Application Number: PR-RGRW-01422-W

Project: Hacienda Luna de Madrid LLC

Re: Justification for the Infeasibility and Impracticability of Radon Testing

After reviewing Application Number PR-RGRW-01422-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.

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

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: 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

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

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Barbosa Ave. #606, Building Juan C. Cordero Dávila, Río Piedras, PR 00918 | PO Box 21365 San Juan, PR 00928-1365
Tel. (787) 274-2527 | www.viviendapr.gov

CDBG-DR/MIT Program
Request for Information in relation with HUD CPD-23-103 for Puerto Rico
Page 2 / 2

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Sincerely,


William O. Rodríguez Rodríguez, Esq.
Secretary



August 20, 2024

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

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

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

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Barbosa Ave. #606, Building Juan C. Cordero Dávila, Río Piedras, PR 00918 | PO Box 21365 San Juan, PR 00928-1365
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CDBG-DR/MIT Program
Request for Information in relation with HUD CPD-23-103 for Puerto Rico
Page 2 / 2

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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

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

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Sincerely,

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: hsweyers@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.

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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>; Silvina Cancelos Mancini <silvina.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: Silvina Cancelos Mancini <silvina.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

Silvina 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: silvina.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

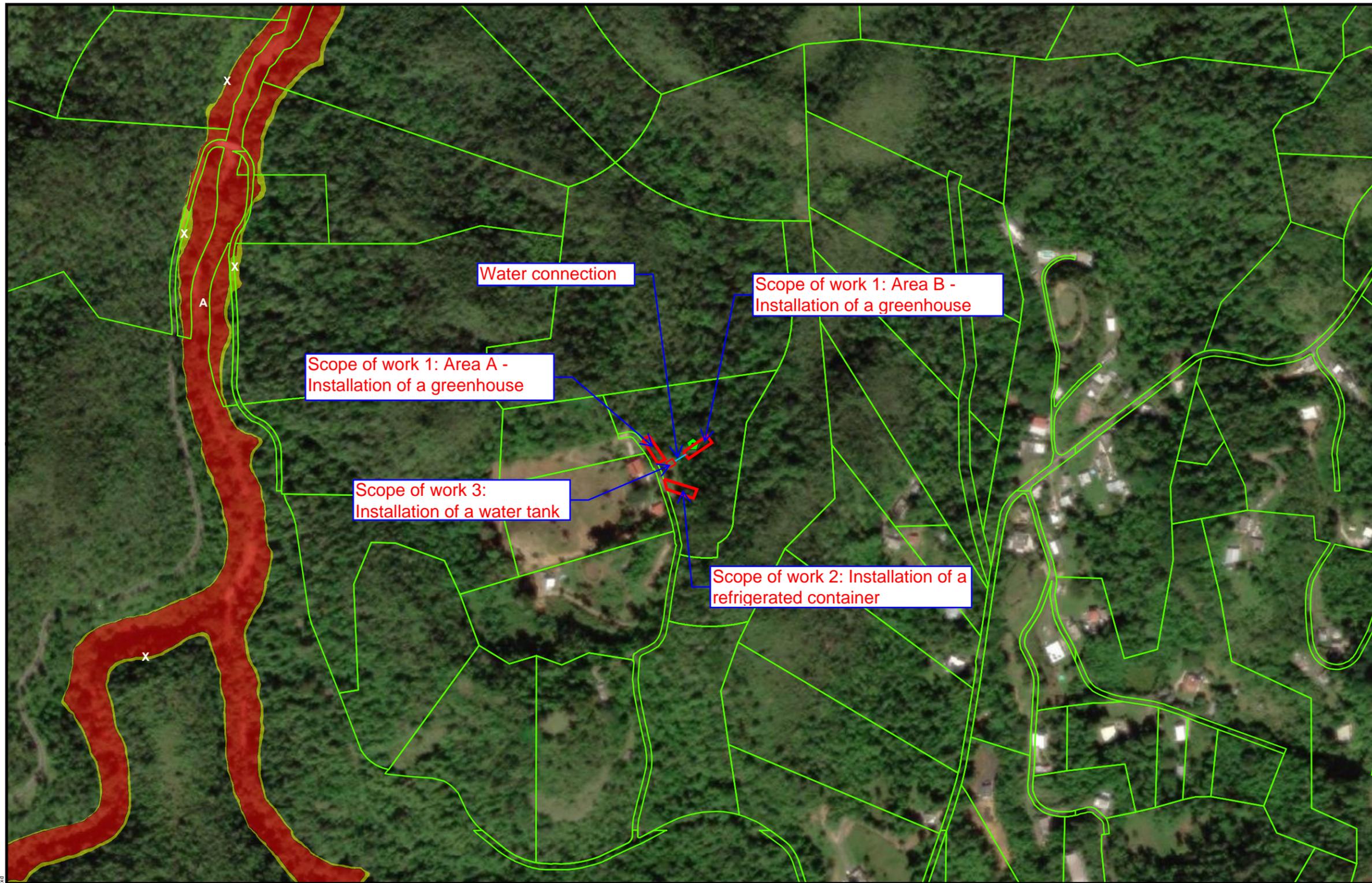
2

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



- Legend**
- ◆ Project Parcel
 - Parcels
 - ABFE Flood Zone
 - A
 - AE
 - AO
 - VE
 - X
 - Area of Potential Effect
 - Water connection

PUERTO RICO



Figure 6: ADVISORY BASE FLOOD ELEVATION

APPLICANT ID: PR-RGRW-01422

ADDRESS: PR 645 Km 5.8 Almirante Sur Vega Baja, PR 00693

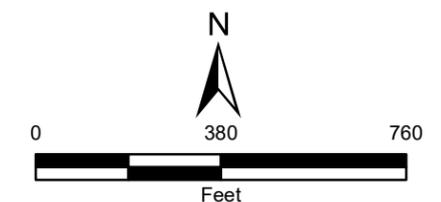
Name of Development: Hacienda Luna de Madrid LLC

Parcel Coordinates : 18.373436 , -66.39083

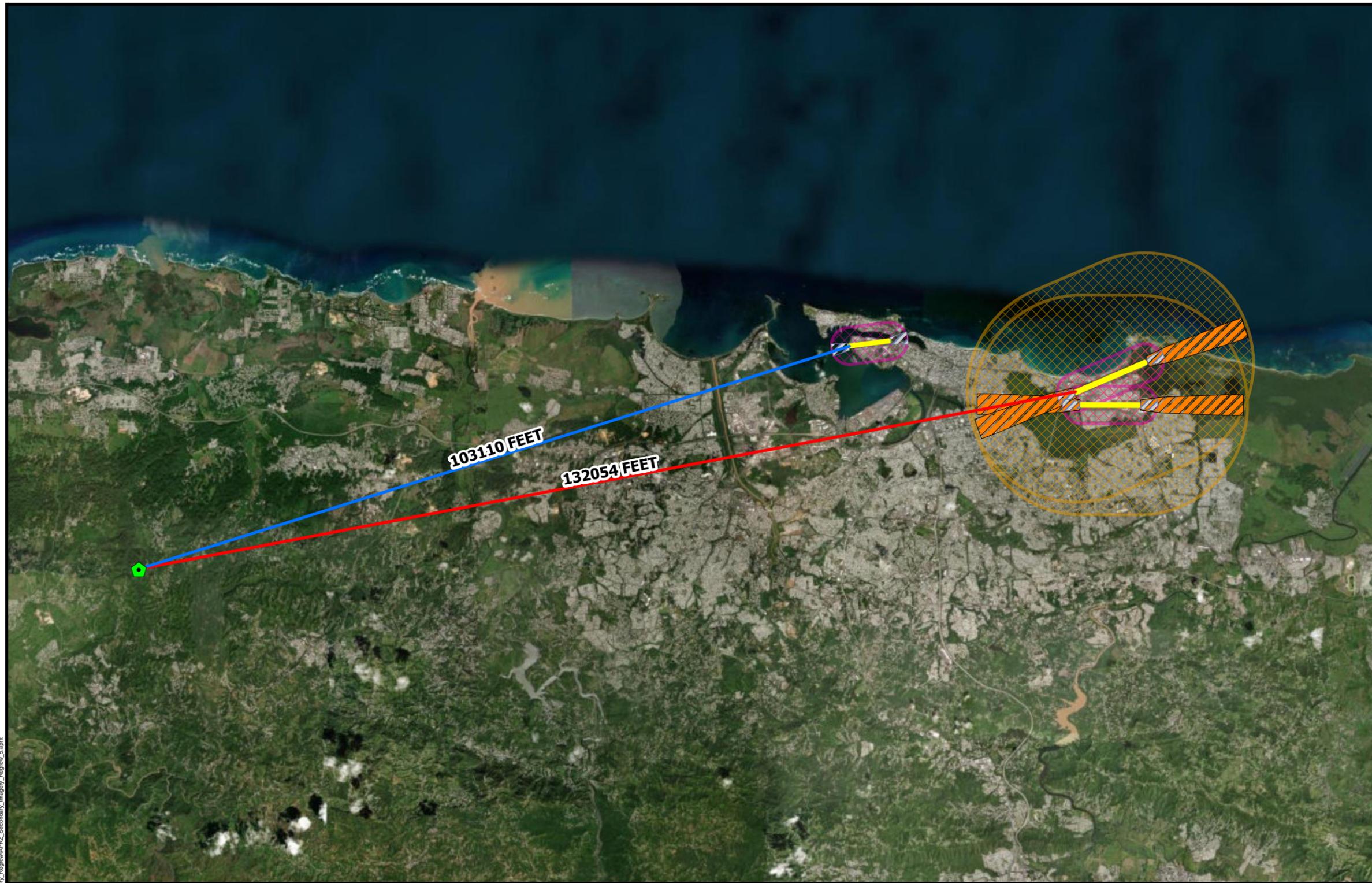


Source: FEMA
<https://gis.fema.gov>

Author: TG Date: 2/15/2024



File Path: Z:\data\USFRT\Fig\ABFE_Secundary_Imagery_Register.mxd



Legend

-  Project Parcel
-  Civilian Runway Protection Zones
-  Military Accident Potential Zones
-  Airport Runways
-  Civilian Airport 2,500 Feet Buffer
-  Military Airport 15,000 Feet Buffer

**Distance to Nearest Airport
in Feet: 103,110**

**Distance to Nearest Civilian Airport
in Feet: 103,110**

**Distance to Nearest Military Airport
in Feet: 132,054**

PUERTO RICO

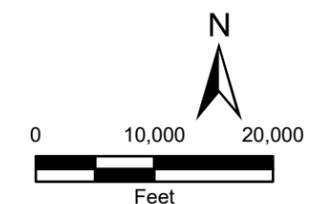


Figure 2: AIRPORT ZONES
APPLICANT ID: PR-RGRW-01422
 ADDRESS: PR 645 Km 5.8 Almirante Sur Vega Baja, PR 00693
 Name of Development: Hacienda Luna de Madrid LLC
 Parcel Coordinates: 18.373436 , -66.390830



Source: USDOT
<https://www.faa.gov>

Author: TG Date: 2/14/2024



File Path: Z:\data\USRT\Tier2\Regrow\APRZ_Secondary_Imagery_Regrow\APRZ_Secondary_Imagery_Regrow_5.aprx



Legend

Project Parcel

Coastal Barrier Resources System Boundary

Unit

- PR-82P
- PR-83
- PR-84

Distance to Nearest Coastal Barrier Resources System:
33647 Feet

PUERTO RICO



33647 FEET

PR-82P

PR-83

PR-84

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Source: U. S. Fish & Wildlife Service
<https://www.fws.gov>

Author: TG

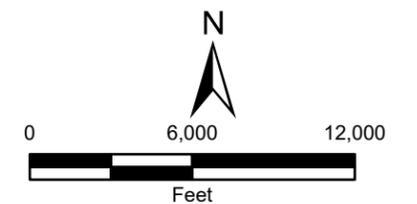
Date: 10/17/2023

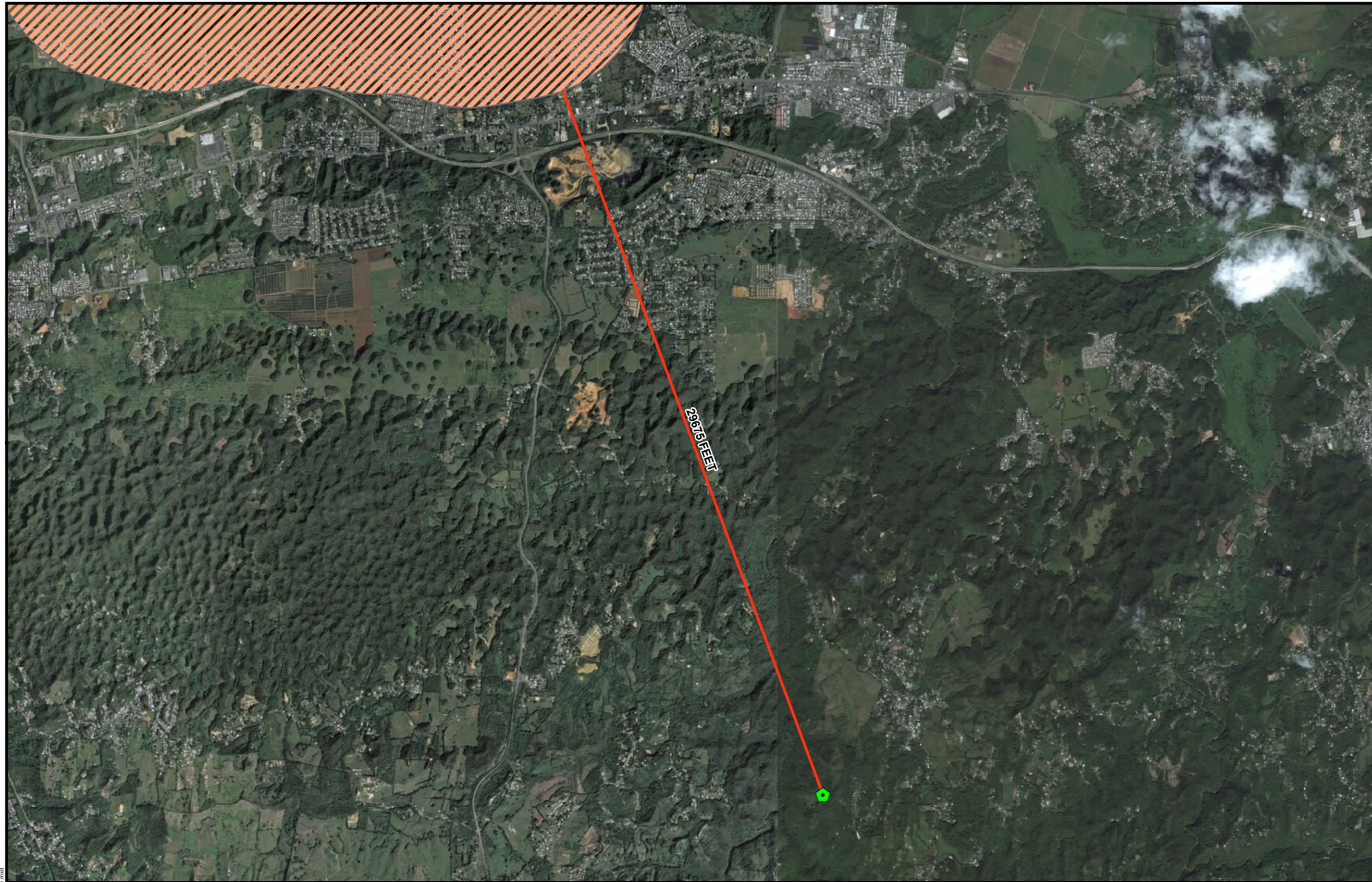
Figure 3: COASTAL BARRIERS IMPROVEMENT ACT
APPLICANT ID: PR-RGRW-01422

ADDRESS: PR 645 Km 5.8 Almirante Sur Vega Baja, PR 00693

Name of Development: Hacienda Luna de Madrid LLC

Parcel Coordinates: 18.373436, -66.390830





Legend

-  Project Parcel
-  Coastal Zone Management Boundary

Distance to Nearest Coastal Zone:
29675 Feet

PUERTO RICO



Figure 7: COASTAL ZONE MANAGEMENT

APPLICANT ID: PR-RGRW-01422

ADDRESS: PR 645 Km 5.8 Almirante Sur Vega Baja, PR 00693

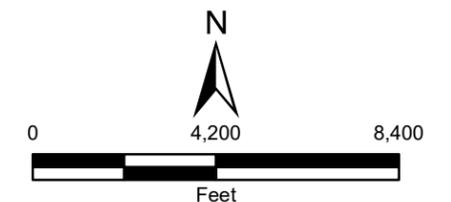
Name of Development: Hacienda Luna de Madrid LLC

Parcel Coordinates: 18.373436, -66.39083



Source: NOAA's Ocean Service
<https://data.noaa.gov>

Author: TG Date: 6/29/2023



Environmental Field Observation - Puerto Rico Department of Housing

| APPLICANT INFORMATION | | | |
|---|-----------------------------|-------------------------------------|----------|
| Application ID | PR-RGRW-01422 | | |
| Applicant Name | Hacienda Luna de Madrid LLC | | |
| Property Address | PR 645 Km 5.8 Almirante Sur | | |
| Parcel ID | ---- | | |
| Coordinates | 18.373436, -66.390830 | | |
| Inspector Name | Carlos O. Medina | | |
| Inspection Date | 09/26/2023 | | |
| Building Type | vacant | | |
| Number of Units | 0 | | |
| Number of Stories | 0 | | |
| Year Built; Data Source | ----; Historian | | |
| ENVIRONMENTAL OBSERVATIONS (attach photos and notes, as necessary, for any YES answers) | | | |
| OBSERVATION ITEMS | YES | NO | COMMENTS |
| A. Is the structure in use ? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| B. Is structure a greenhouse ? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| C. Is Electricity connected ? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| D. Is water connected ? (Utilities or Well) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| 1. Are there signs of poor housekeeping on site? (mounds of rubble, garbage, storm debris, solid waste, petroleum products, paint, pesticides, cleaning fluids, vehicle batteries, abandoned vehicles, pits, pools, ponds of hazardous substances, etc.) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| 2. Are there any 55-gallon drums visible on site? If yes, are they leaking? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| 3. Are there any (or signs of any) underground storage tanks on the property? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| 4. Are there signs of ASTs on the parcel or adjacent parcel? If yes, list approximate size and contents, if known. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| 5. Is there any stained soil or pavement on the parcel? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| 6. Is a water drainage system in use? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| 7. Is a warehouse in use for storage of Fertilizer or Pesticides ? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| 8. Are there any groundwater monitoring wells on the site or adjacent parcel? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| 9. Is there evidence of a faulty septic system ? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| 10. Is there distressed vegetation on the parcel? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| 11. Is there any visible indication of MOLD ? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |

| | | | |
|---|--------------------------|-------------------------------------|--|
| 12. Is there any visible evidence of asbestos, chipping, flaking or peeling paint, or hazardous materials present in or on the structure? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| 13. Are any additional site hazards observed? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| 14. Is there any permanent standing water , such as a pond or stream, located on the site (do not include ponding from recent rain / weather events)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| 15. Does the subject property have water frontage ? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| 16. Is there any indication of the presence of Wetlands ? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| 17. Are there any obvious signs of animals or birds nesting on or near the site? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| 18. Is the applicant aware of any significant historical event or persons associated with the structure, or of it being located in a historic district/area? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| 19. Is a historic marker present? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |

Additional Notes:

Case: PR-RGRW-01422
Project Name: Hacienda Luna de Madrid LLC
Coordinates: 18.373436, -66.390830

Is the field graded? For what purpose the field was graded? Month, Year: no graded

Scope of Work: The proposed project includes the purchase of land and the purchase and installation of a greenhouse, refrigerated container, water tanks and a tractor.

Land current in use for: Vacant lot

Past Land use was: vacant

The applicant plans to do:
Applicant plans to purchase a land of approximately 20,477 square meter. In this land the applicant plans to installed a greenhouse, a refrigerated container and a water tank.

Where the applicant plans to do the ground disturbances for the scopes of work, add the coordinates, descriptions and approximately the measurements:

Scope of Work 1: Installation of a greenhouse of approximately 100' x 25'. To produce variety of vegetables in tables. This greenhouse will be constructed in metal and plastic. Applicant informed their are two area in evaluation for the greenhouse:

Area A: 18.373410, -66.391246

Area B: 18.373567, -66.390828

Scope of Work 2: Purchase of a refrigerated container with trailer platform of 40 feet. This container will be placed 18.373085, -66.390984, no ground disturbance will be required.

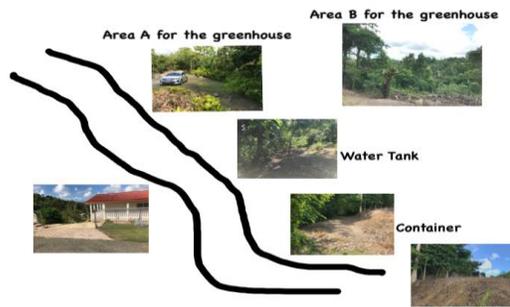
Scope of Work 3: Purchase of a water tank of 1000 gallons. This water tank will be placed over the ground in the coordinates 18.373326, -66.391150. This water tank will provide water by gravity to the greenhouse.

Any new water connection or power connection?

No power connection is intended to have for the scopes of work. In the future the applicant will be evaluating a PREPA power connection aerial in front of the trailer or the installation of PV system.

Water from the water tank by gravity, and installation of PVC tubes over the ground.

Site Sketch



Front of Structure

Photo Direction: Northeast



Facing Away From Front

Photo Direction: Southwest



Side #1 of Structure

Photo Direction: Southeast



Facing Away From Side #1

Photo Direction: Northwest



Back of Structure

Photo Direction: Northwest



Facing Away From Back

Photo Direction: Southeast



Side #2 of Structure

Photo Direction: East



Facing Away From Side #2

Photo Direction: West



Streetscape #1

Photo Direction: South



Streetscape #2

Photo Direction: North



Address

Photo Direction: North



Structural Details

Photo Description: Architectural details

Photo Direction: Southeast



Structural Details

Photo Description: Architectural details

Photo Direction: South



Structural Details

Photo Description: Architectural details

Photo Direction: Northeast



Structural Details

Photo Description: Architectural details

Photo Direction: East



Structural Details

Photo Description: Architectural details

Photo Direction: East



Structural Details

Photo Description: Architectural details

Photo Direction: Northeast



Structural Details

Photo Description: Architectural details

Photo Direction: East



Structural Details

Photo Description: Architectural details

Photo Direction: North



Structural Details

Photo Description: Architectural details

Photo Direction: South



Structural Details

Photo Description: Architectural details

Photo Direction: South



Structural Details

Photo Description: Architectural details

Photo Direction: South



Structural Details

Photo Description: Architectural details

Photo Direction: East



Scope Of Work

Photo Description: Scope of work 1, Area A Inst. of a greenhouse

Photo Direction: North



Scope Of Work

Photo Description: Scope of work 1, Area A Inst. of a greenhouse

Photo Direction: Southeast



Scope Of Work

Photo Description: Scope of work 1, Area A Inst. of a greenhouse

Photo Direction: North



Scope Of Work

Photo Description: Scope of work 1, Area B Inst. of a greenhouse

Photo Direction: Northeast



Scope Of Work

Photo Description: Scope of work 1, Area B Inst. of a greenhouse

Photo Direction: Northeast



Scope Of Work

Photo Description: Scope of work 1, Area B Inst. of a greenhouse

Photo Direction: North



Scope Of Work

Photo Description: Scope of work 2: Refrigerated container

Photo Direction: Southeast



Scope Of Work

Photo Description: Scope of work 2: Refrigerated container

Photo Direction: South



Scope Of Work

Photo Description: Scope of work 2: Refrigerated container

Photo Direction: Northwest



Scope Of Work

Photo Description: Scope of work 3 : Water tank

Photo Direction: North



Scope Of Work

Photo Description: Scope of work 3: Water tank

Photo Direction: Southeast

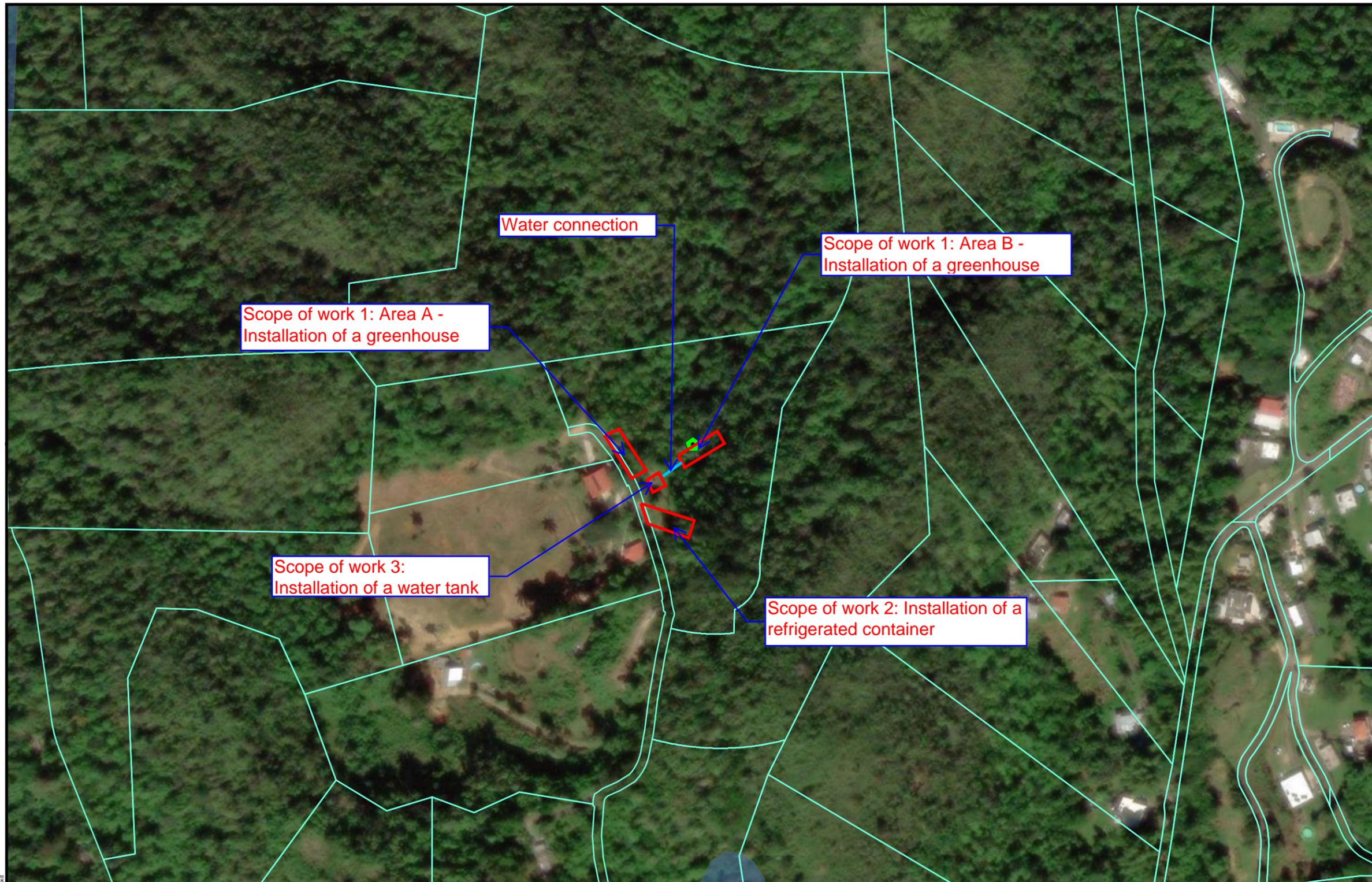


Scope Of Work

Photo Description: Scope of work 3: Water tank

Photo Direction: North





Legend

- ◆ Project Parcel
- Farm Class**
- 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
- Area of Potential Effect
- Water connection

PUERTO RICO



Figure 12: FARMLAND PROTECTION

APPLICANT ID: PR-RGRW-01422

ADDRESS: PR 645 Km 5.8 Almirante Sur Vega Baja, PR 00693

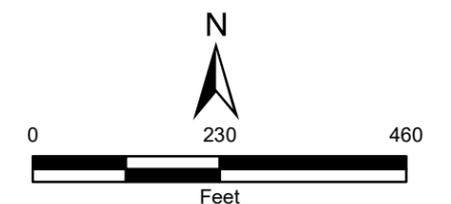
Name of Development: Hacienda Luna de Madrid LLC

Parcel Coordinates: 18.373436, -66.39083



Source: USDA
<https://websoilsurvey.sc.egov.usda.gov>

Author: TG Date: 1/25/2024



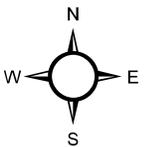
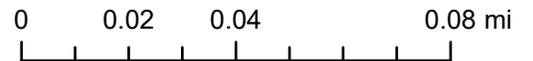
PR-RGRW-01422-W FIRM



Legend

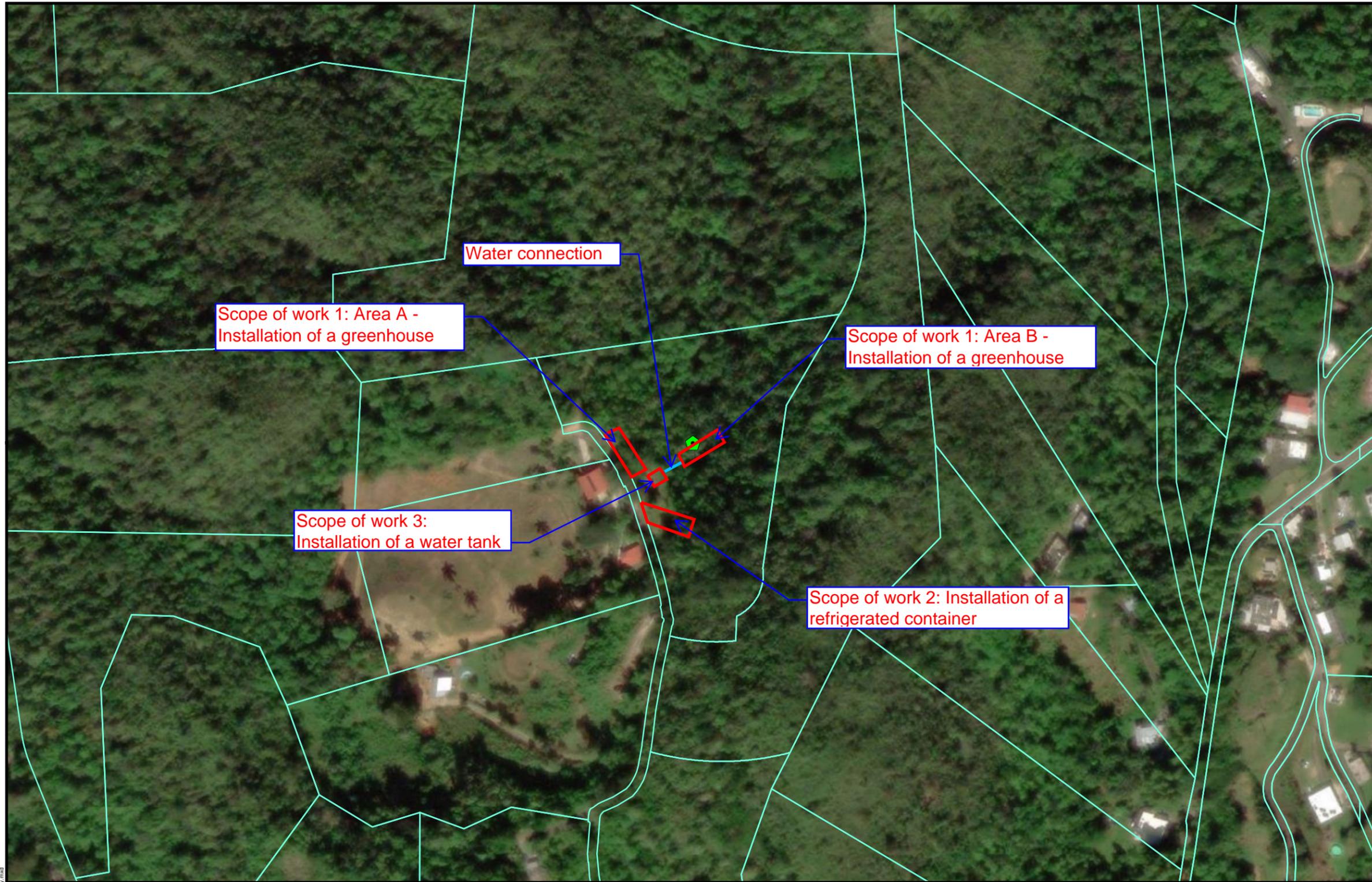
FEMA Flood Zones - Effective

-  1% Annual Chance Flood Hazard
-  Regulatory Floodway
-  Special Floodway
-  Area of Undetermined Flood Hazard
-  0.2% Annual Chance Flood Hazard
-  Future Conditions 1% Annual Chance Flood Hazard
-  Area with Reduced Risk Due to Levee
-  X, Area of Minimal Flood Hazard
-  FEMA Flood Zone Panel



FEMA Map Service

Flood Insurance Rate Maps



- Legend**
- Project Parcel
 - Parcels
 - Area of Potential Effect
 - Water connection

PUERTO RICO

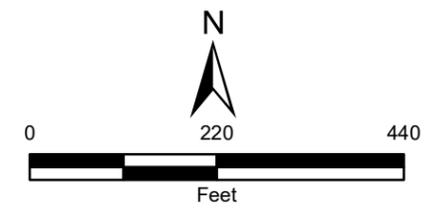


Figure 1: PROJECT LOCATION
APPLICANT ID: PR-RGRW-01422

ADDRESS: PR 645 Km 5.8 Almirante Sur Vega Baja, PR 00693
 Name of Development: Hacienda Luna de Madrid LLC
 Parcel Coordinates: 18.373436, -66.39083



Source: CRIM
<https://catastro.crimpr.net/cdprpc/>
 Author: TG Date: 2/20/2024



File Path: Z:\data\USRT\TetraPR\CDPR\Region_Secundary_Images\7.mxd



- Legend**
- ◆ Project Parcel
 - Biscayne Aquifer SSA Streamflow and Recharge Source Zones
 - Sole Source Aquifer
 - Biscayne Aquifer SSA

Distance to Nearest Aquifer:
5,355,228 FT

PUERTO RICO



File Path: Z:\data\USPR\Tier2\Regrow\SSA\QUIFER_Secundary_Imagery_Regrow_L1.aprx



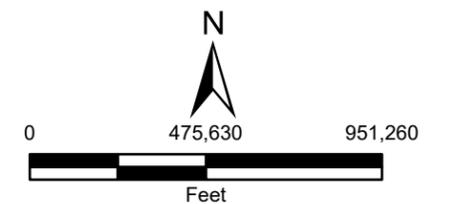
Source: USGS
<https://catalog.data.gov/dataset/epa-sole-source-aquifers>
 Author: TG Date: 2/21/2024

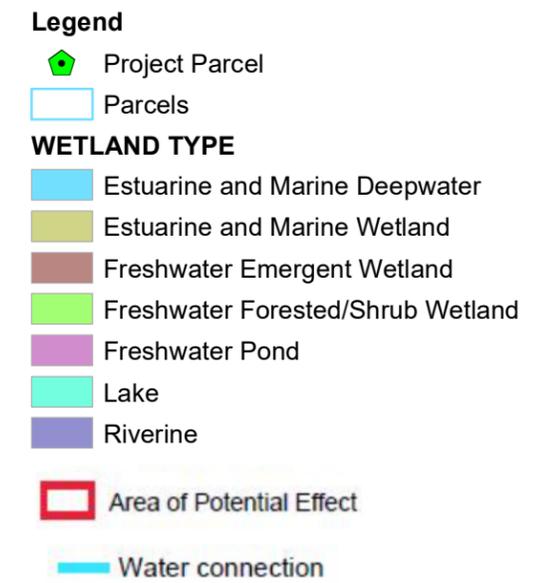
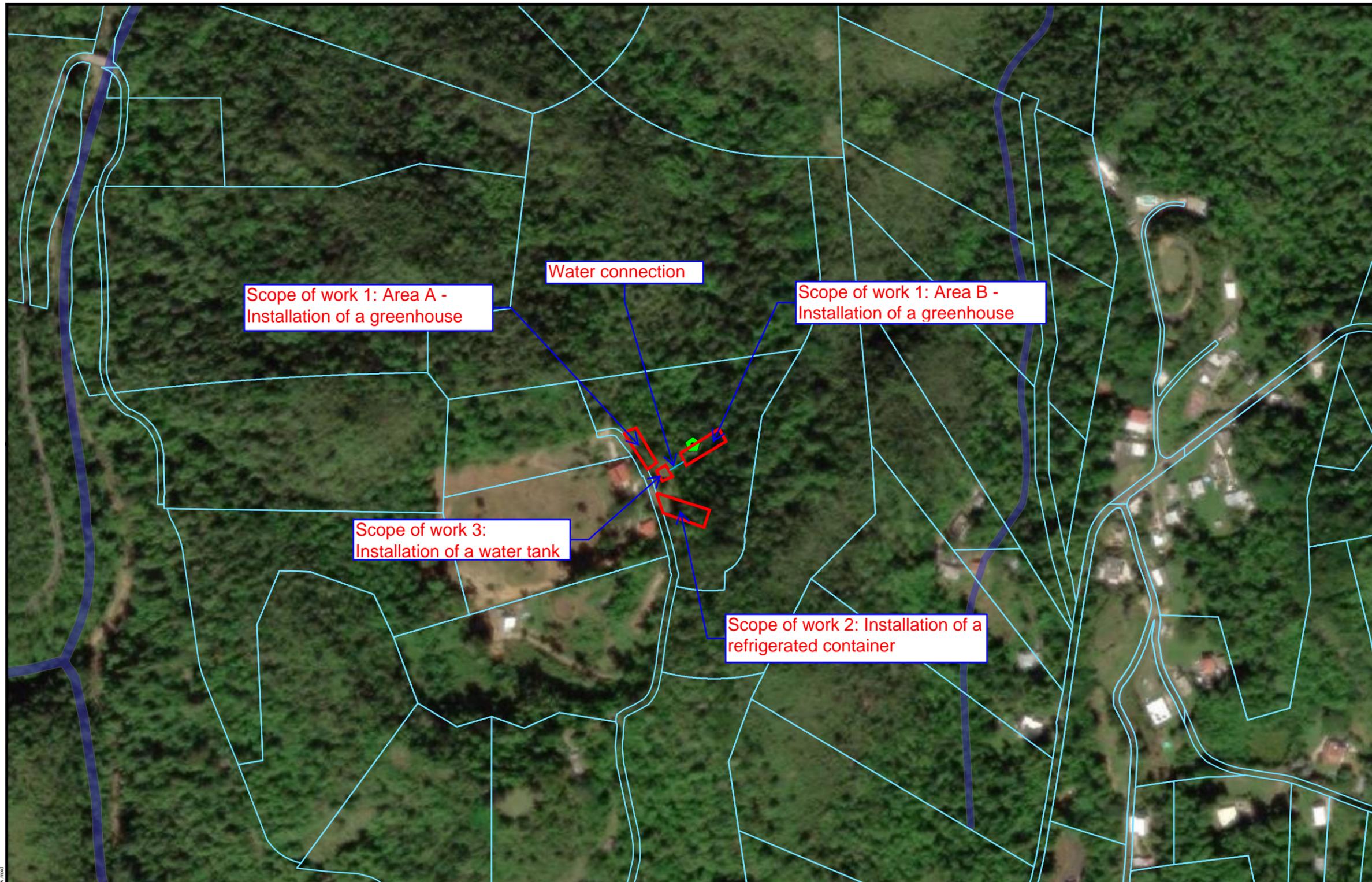
FIGURE 17: SOLE SOURCE AQUIFERS
APPLICANT ID: PR-RGRW-01422

ADDRESS: PR 645 Km 5.8 Almirante Sur Vega Baja, PR 00693

Name of Development: Hacienda Luna de Madrid LLC

Parcel Coordinates: 18.373436, -66.39083





PUERTO RICO

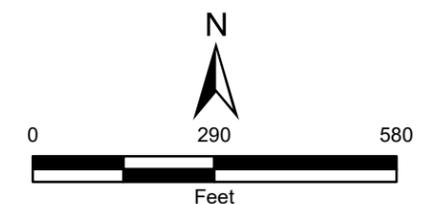


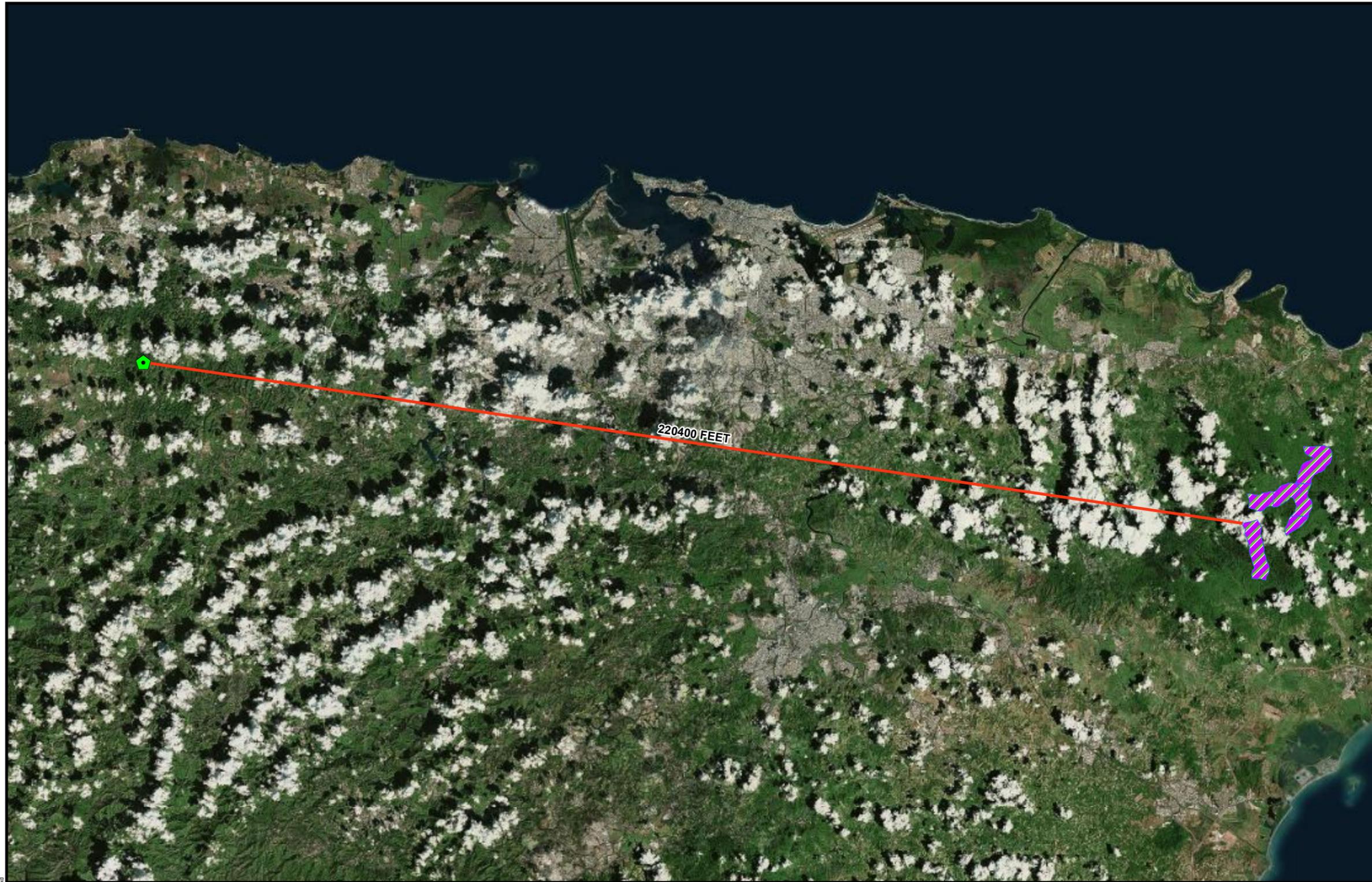
Figure 14: WETLANDS
APPLICANT ID: PR-RGRW-01422
 ADDRESS: PR 645 Km 5.8 Almirante Sur Vega Baja PR 00693
 Name of Development: Hacienda Luna de Madrid LLC
 Parcel Coordinates: 18.373436, -66.39083



Source: U. S. Fish & Wildlife Service
<https://www.fws.gov>

Author: TG Date: 2/15/2024





Legend

-  Project Parcel
-  Wild and Scenic Rivers

Distance to Nearest Wild and Scenic River in Feet: 220400 Feet

PUERTO RICO



**Figure 15: WILD AND SCENIC RIVERS ACT
APPLICANT ID: PR-RGRW-01422**

ADDRESS: PR 645 Km 5.8 Almirante Sur Vega Baja, PR 00693

Name of Development: Hacienda Luna de Madrid LLC

Parcel Coordinates: 18.373436, -66.39083



Source: U. S. Forest Service
<https://www.fs.usda.gov>

Author: TG Date: 6/29/2023

