

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-01276

**HEROS Number:** 900000010300668

State / Local Identifier:

**Project Location:** , Guayama, PR 00784

#### **Additional Location Information:**

Parcel centroid latitude 17.962474, longitude -66.188242 Parcel cadastral #440-000-005-03-000

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

JAVIER R. BENITO COLON is a farm located in Guayama, PR which consists of approximately 150 Acres of land. The scope of work includes the purchase of a new tractor and new solar panels. The solar panels will be placed on galvanized metal at the coordinates provided on this review. The racks on which the solar panels will rest will go on bare ground and will be held down with weights placed on the racks, "resistant to 180mph winds". There will be no ground disturbance. Additionally, the requested tractor will be kept inside a structure which has also been highlighted in the maps.

# **Level of Environment Review Determination:**

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

# **Funding Information**

<b>Grant Number</b>	HUD Program	Program Name
		CDBG-DR Re-Grow Puerto Rico Urban-Rural Agriculture
B-17-DM-72-0001	Other	Program
		CDBG-DR Re-Grow Puerto Rico Urban-Rural Agriculture
B-18-DP-72-0001	Other	Program

**Estimated Total HUD Funded Amount:** \$138,950.00

**Estimated Total Project Cost [24 CFR 58.2 (a) (5)]:** \$138,950.00

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

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

Law, Authority, or Factor	Mitigation Measure or Condition	Comments on Completed Measures	Complete
Flood Insurance	For loans, loan insurance or guarantees, the amount of flood insurance coverage must at least equal the outstanding principal balance of the loan or the maximum limit of coverage made available under the National Flood Insurance Program, whichever is less. For grants and other non-loan forms of financial assistance, flood insurance coverage must be continued for the life of the building irrespective of the transfer of ownership. The amount of coverage must at least equal the total project cost or the maximum coverage limit of the National Flood Insurance Program, whichever is less.	N/A	
Floodplain Management	Mitigation/minimization measures not required as the project activities are not substantial improvement and the building footprint is not being increased. Flood insurance is required.	N/A	

#### **Determination:**

	it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license; <b>Funds may be committed and drawn down after certification of this part</b> 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, <b>publish NOI/RROF and obtain "Authority to Use Grant Funds"</b> (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)).

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Preparer Signa	ature:	'n A. de de	Date:	1/12/2023
Name / Title/	Organization:	Pedro De Leon Rodriguez	/ / Department of Hou	using - Puerto Rico
Responsible E	ntity Agency O	Pedro De Leon Rodríguez,	A. de du	Date: 1/12/2022
Name/ Title:		León / Permits and Enviro		

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).

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

# **Project Information**

Toject information
Project Name: PR-RGRW-01276
<b>HEROS Number:</b> 900000010300668
Responsible Entity (RE): Department of Housing - Puerto Rico, P.O. Box 21365 San Juan PR, 00928
State / Local Identifier:
RE Preparer: Pedro A. De Leon Rodriguez
Certifying Office Pedro A. de León Rodríguez r:
Grant Recipient (if different than Responsible Ent ity):
Point of Contact:
Consultant (if applicabl e):
Point of Contact:

# **Additional Location Information:**

Project Location: , Guayama, PR 00784

Parcel centroid latitude 17.962474, longitude -66.188242 Parcel cadastral #440-000-005-03-000

**Direct Comments to:** Departamento de la Vivienda de Puerto Rico, 606 Ave.

Barbosa, Edif. Juan C. Cordero Davila, Rio Piedras, PR

00918. www.cdbg-dr.pr.gov/en/

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

JAVIER R. BENITO COLON is a farm located in Guayama, PR which consists of approximately 150 Acres of land. The scope of work includes the purchase of a new tractor and new solar panels. The solar panels will be placed on galvanized metal at the coordinates provided on this review. The racks on which the solar panels will rest will go on bare ground and will be held down with weights placed on the racks, "resistant to 180mph winds". There will be no ground disturbance. Additionally, the requested tractor will be kept inside a structure which has also been highlighted in the maps.

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

PR-RGRW-01276 Location of solar panels.pdf PR-RGRW-01276 Intended Use of Grant Funds.pdf

#### Level of Environmental Review Determination:

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

58.35(a)(3)(iii)

# **Determination:**

	This categorically excluded activity/project converts to <b>EXEMPT</b> 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; <b>Funds may be committed and drawn down after certification of this part</b> for this (now) EXEMPT project; OR
<b>√</b>	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, <b>publish NOI/RROF</b> 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:**

PR-RGRW-01276 firma.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
		CDBG-DR Re-Grow Puerto Rico Urban-Rural Agriculture
B-17-DM-72-0001	Other	Program
		CDBG-DR Re-Grow Puerto Rico Urban-Rural Agriculture
B-18-DP-72-0001	Other	Program

**Estimated Total HUD Funded,** \$138,950.00

**Assisted or Insured Amount:** 

**Estimated Total Project Cost:** \$138,950.00

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

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §50.4, §58.5, and §58.6	Are formal compliance steps or mitigation required?	Compliance determination (See Appendix A for source determinations)
STATUTES, EXECUTIVE ORD	DERS, AND REGULATIO	ONS LISTED AT 24 CFR §50.4 & § 58.6
Airport Hazards Clear Zones and Accident Potential Zones; 24 CFR Part 51 Subpart D	□ Yes ☑ No	The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The nearest airport RPZ/CZ is approximately 125,235 feet away. 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]	□ Yes ☑ No	Although there is a proposed OPA CBRS unit that intersects approximately 35,000 square feet of the southwest edge of the parcel, the tractor and solar panels will not be placed within the unit. Additionally, this is a proposed OPA unit, therefore, it does not require

		In all the state of
		consultation with USFWS. Therefore,
		this project has no potential to impact a
		CBRS Unit and is in compliance with the
		Coastal Barrier Resources Act.
Flood Insurance	☑ Yes □ No	Flood Map Number 72000C2105J,
Flood Disaster Protection Act of		effective on 11/18/2009 and
1973 and National Flood Insurance		72000C2110J, effective on
Reform Act of 1994 [42 USC 4001-		11/18/2009:The structure or insurable
4128 and 42 USC 5154a]		property is located in a FEMA-
		designated Special Flood Hazard Area.
		The community is participating in the
		National Flood Insurance Program. For
		loans, loan insurance or guarantees, the
		amount of flood insurance coverage
		must at least equal the outstanding
		principal balance of the loan or the
		maximum limit of coverage made
		available under the National Flood
		Insurance Program, whichever is less.
		For grants and other non-loan forms of
		financial assistance, flood insurance
		coverage must be continued for the life
		of the building irrespective of the
		transfer of ownership. The amount of
		coverage must at least equal the total
		project cost or the maximum coverage
		limit of the National Flood Insurance
		Program, whichever is less. With flood
		insurance the project is in compliance
		with flood insurance requirements.
STATUTES, EXECUTIVE ORI	DERS, AND REGULATION	ONS LISTED AT 24 CFR §50.4 & § 58.5
Air Quality	☐ Yes ☑ No	Based on the project description, this
Clean Air Act, as amended,		project includes no activities that would
particularly section 176(c) & (d); 40		require further evaluation under the
CFR Parts 6, 51, 93		Clean Air Act. The project is in
		compliance with the Clean Air Act.
Coastal Zone Management Act	☐ Yes ☑ No	The project is located in the coastal
Coastal Zone Management Act,		zone but will have no effect because it
sections 307(c) & (d)		does not include new construction,
		conversion, major rehabilitation, or
		substantial improvement activities.
		Based on the project description the
		project does not include any activities
		that would affect a Coastal Zone. The
		that would affect a coastal Zolle. The

		project is in compliance with the Coastal
		Zone Management Act.
Contamination and Toxic Substances 24 CFR 50.3(i) & 58.5(i)(2)]	□ Yes ☑ No	Site contamination was evaluated as follows: None of the above. On-site or nearby toxic, hazardous, or radioactive substances that could affect the health and safety of project occupants or conflict with the intended use of the property were not found. The project is in compliance with contamination and toxic substances requirements.
Endangered Species Act Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	☐ Yes ☑ No	The project is 36,883 feet from the nearest endangered species critical habitat. If a Puerto Rican Boa is found in the project activity site, work shall cease until the Boa moves off on its own. If the Boa does not move off, the CM shall contact the local office of the PRDNER and ask for them to relocate the Boa. This project will have No Effect on listed species due to the nature of the activities involved in the project. This project is in compliance with the Endangered Species Act.
Explosive and Flammable Hazards Above-Ground Tanks)[24 CFR Part 51 Subpart C	□ Yes ☑ 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	☐ Yes ☑ 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	☐ Yes ☑ No	This project is located in a 100-year floodplain. Flood Map Number 72000C2105J,, effective on x: The 5-Step Process is applicable per 55.12(a)(1-4). With the 5-Step Process the project will be in compliance with Executive Order 11988.
Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	☐ Yes ☑ No	Based on the project description the project is covered by a Programmatic Agreement that includes an applicable exemption that exempts this project

		from the requirements of Section 106.	
		The project is in compliance with	
		Section 106.	
Noise Abstract and Control	D Vaa D Na		
Noise Abatement and Control	☐ Yes ☑ No	Based on the project description, this	
Noise Control Act of 1972, as		project includes no activities that would	
amended by the Quiet Communities		require further evaluation under HUD's	
Act of 1978; 24 CFR Part 51 Subpart		noise regulation. The project is in	
В		compliance with HUD's Noise	
		regulation.	
Sole Source Aquifers	☐ Yes ☑ No	Puerto Rico does not have sole source	
Safe Drinking Water Act of 1974, as		aquifers. The project is not located on a	
amended, particularly section		sole source aquifer area. The project is	
1424(e); 40 CFR Part 149		in compliance with Sole Source Aquifer	
		requirements.	
Wetlands Protection	☐ Yes ☑ No	Based on the project description this	
Executive Order 11990, particularly		project includes no activities that would	
sections 2 and 5		require further evaluation under this	
		section. The project is in compliance	
		with Executive Order 11990.	
Wild and Scenic Rivers Act	☐ Yes ☑ No	This project is not within proximity of a	
Wild and Scenic Rivers Act of 1968,		NWSRS river. The project is located	
particularly section 7(b) and (c)		171,520 feet from the nearest Wild and	
, , , , , ,		Scenic River.The project is in compliance	
		with the Wild and Scenic Rivers Act.	
HUD HO	DUSING ENVIRONMEN	ITAL STANDARDS	
ENVIRONMENTAL JUSTICE			
Environmental Justice	☐ Yes ☑ No	No adverse environmental impacts were	
Executive Order 12898		identified in the project's total	
		environmental review. The project is in	
		compliance with Executive Order 12898.	
l	l .	<u> </u>	

# 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
Flood Insurance	For loans, loan insurance or guarantees, the amount of flood	N/A		

			1
	insurance coverage must at least		
	equal the outstanding principal		
	balance of the loan or the		
	maximum limit of coverage		
	made available under the		
	National Flood Insurance		
	Program, whichever is less. For		
	grants and other non-loan forms		
	of financial assistance, flood		
	insurance coverage must be		
	continued for the life of the		
	building irrespective of the		
	transfer of ownership. The		
	amount of coverage must at		
	least equal the total project cost		
	or the maximum coverage limit		
	of the National Flood Insurance		
	Program, whichever is less.		
	Mitigation/minimization		
	measures not required as the		
Floodalain	project activities are not		
Floodplain	substantial improvement and the	N/A	
Management	building footprint is not being		
	increased. Flood insurance is		
	required.		

# **Project Mitigation Plan**

Buyer must purchase flood insurance because the grant exceeds \$10,000 and the site is located in a Special Flood Hazard Area.

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		24 CFR Part 51 Subpart D
prevent incompatible development		
around civil airports and military airfields.		

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 airport RPZ/CZ is approximately 125,235 feet away. The project is in compliance with Airport Hazards requirements.

# **Supporting documentation**

PR-RGRW-01276 Airports.pdf

Are formal compliance steps or mitigation required?

Yes

√ No

# **Coastal Barrier Resources**

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

# 1. Is the project located in a CBRS Unit?

√ No

Document and upload map and documentation below.

Yes

# **Screen Summary**

# **Compliance Determination**

Although there is a proposed OPA CBRS unit that intersects approximately 35,000 square feet of the southwest edge of the parcel, the tractor and solar panels will not be placed within the unit. Additionally, this is a proposed OPA unit, therefore, it does not require consultation with USFWS. 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-01276 CBRS.pdf PR-RGRW-01276 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	Flood Disaster	24 CFR 50.4(b)(1)
used in floodplains unless the community participates	Protection Act of 1973	and 24 CFR 58.6(a)
in National Flood Insurance Program and flood	as amended (42 USC	and (b); 24 CFR
insurance is both obtained and maintained.	4001-4128)	55.1(b).

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

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-01276 5 Step process.docx PR-RGRW-01276 ABFE.pdf PR-RGRW-01276 Flood Map.pdf

The Federal Emergency Management Agency (FEMA) designates floodplains. The <u>FEMA Map Service Center</u> 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 FEMAdesignated Special Flood Hazard Area?

No

✓ Yes

- 3. Is the community participating in the National Flood Insurance Program or has less than one year passed since FEMA notification of Special Flood Hazards?
  - ✓ Yes, the community is participating in the National Flood Insurance Program.

Based on the response, the review is in compliance with this section. Flood insurance under the National Flood Insurance Program must be obtained and maintained for the economic life of the project, in the amount of the total project cost or the maximum coverage limit, whichever is less.

Document and upload a copy of the flood insurance policy declaration or a paid receipt for the current annual flood insurance premium and a copy of the application for flood insurance below.

Yes, less than one year has passed since FEMA notification of Special Flood Hazards.

No. The community is not participating, or its participation has been suspended.

# **Screen Summary**

#### **Compliance Determination**

Flood Map Number 72000C2105J, effective on 11/18/2009 and 72000C2110J, effective on 11/18/2009:The structure or insurable property is located in a FEMA-designated Special Flood Hazard Area. The community is participating in the National Flood Insurance Program. For loans, loan insurance or guarantees, the amount of flood insurance coverage must at least equal the outstanding principal balance of the loan or the maximum limit of coverage made available under the National Flood Insurance Program, whichever is less. For grants and other non-loan forms of financial assistance, flood insurance coverage must be continued for the life of the building irrespective of the transfer of ownership. The amount of coverage must at least equal the total project cost or the maximum coverage limit of the National Flood Insurance Program, whichever is less. With flood insurance 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	Clean Air Act (42 USC 7401 et	40 CFR Parts 6, 51
by the U.S. Environmental	seq.) as amended particularly	and 93
Protection Agency (EPA), which	Section 176(c) and (d) (42 USC	
sets national standards on	7506(c) and (d))	
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.		

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

**Coastal Zone Management Act** 

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

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

✓	Yes

No

2. Does this project include new construction, conversion, major rehabilitation, or substantial improvement activities?

Yes

✓ No

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

# **Screen Summary**

# **Compliance Determination**

The project is located in the coastal zone but will have no effect because it does not include new construction, conversion, major rehabilitation, or substantial improvement activities. Based on the project description the project does not include any activities that would affect a Coastal Zone. The project is in compliance with the Coastal Zone Management Act.

# Supporting documentation

PR-RGRW-01276 CZM.pdf

# Are formal compliance steps or mitigation required?

Yes

# **Contamination and Toxic Substances**

General requirements	Legislation	Regulations
It is HUD policy that all properties that are being		24 CFR 58.5(i)(2)
proposed for use in HUD programs be free of		24 CFR 50.3(i)
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.		

1. How was site contamination evaluated? Select all that apply. Document and upload documentation and reports and evaluation explanation of site contamination below.

American Society for Testing and Materials (ASTM) Phase I Environmental Site Assessment (ESA)

**ASTM Phase II ESA** 

Remediation or clean-up plan

**ASTM Vapor Encroachment Screening** 

- ✓ None of the Above.
- 2. Were any on-site or nearby toxic, hazardous, or radioactive substances found that could affect the health and safety of project occupants or conflict with the intended use of the property? (Were any recognized environmental conditions or RECs identified in a Phase I ESA and confirmed in a Phase II ESA?)



# **Explain:**

There are no toxic sites within 3,000 feet of the applicant location.

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

Yes

# **Screen Summary**

# **Compliance Determination**

Site contamination was evaluated as follows: None of the above. On-site or nearby toxic, hazardous, or radioactive substances that could affect the health and safety of

project occupants or conflict with the intended use of the property were not found. The project is in compliance with contamination and toxic substances requirements.

# **Supporting documentation**

# PR-RGRW-01276 Toxics.pdf

Are formal compliance steps or mitigation required?

Yes

# **Endangered Species**

General requirements	ESA Legislation	Regulations
Section 7 of the Endangered Species Act (ESA)	The Endangered	50 CFR Part
mandates that federal agencies ensure that	Species Act of 1973	402
actions that they authorize, fund, or carry out	(16 U.S.C. 1531 et	
shall not jeopardize the continued existence of	seq.); particularly	
federally listed plants and animals or result in	section 7 (16 USC	
the adverse modification or destruction of	1536).	
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").		

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

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

This selection is only appropriate if none of the activities involved in the project have potential to affect species or habitats. Examples of actions without potential to affect listed species may include: purchasing existing buildings, completing interior renovations to existing buildings, and replacing exterior paint or siding on existing buildings.

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

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.

#### **Screen Summary**

# **Compliance Determination**

The project is 36,883 feet from the nearest endangered species critical habitat. If a Puerto Rican Boa is found in the project activity site, work shall cease until the Boa moves off on its own. If the Boa does not move off, the CM shall contact the local office of the PRDNER and ask for them to relocate the Boa. This project will have No

Effect on listed species due to the nature of the activities involved in the project. This project is in compliance with the Endangered Species Act.

# **Supporting documentation**

PR-RGRW-01276 Endangered Species.pdf

Are formal compliance steps or mitigation required?

Yes

**Explosive and Flammable Hazards** 

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

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 fu	el 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?

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

# **Farmlands Protection**

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

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



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

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

#### Screen Summary

#### **Compliance Determination**

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

# **Supporting documentation**

PR-RGRW-01276 Farmlands.pdf

Are formal compliance steps or mitigation required?

Yes

# Floodplain Management

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

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

55.12(c)(3)

55.12(c)(4)

55.12(c)(5)

55.12(c)(6)

55.12(c)(7)

55.12(c)(8)

55.12(c)(9)

55.12(c)(10)

55.12(c)(11)

✓ None of the above

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

PR-RGRW-01276\_5 Step process.docx PR-RGRW-01276\_ABFE.pdf PR-RGRW-01276\_Flood Map.pdf

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

# Does your project occur in a floodplain?

No

✓ Yes

Select the applicable floodplain using the FEMA map or the best available information:

Floodway

Coastal High Hazard Area (V Zone)

√ 100-year floodplain (A Zone)

500-year floodplain (B Zone or shaded X Zone)

# **8-Step Process**

Does the 8-Step Process apply? Select one of the following options:

# **8-Step Process applies**

✓ **5-Step Process** is applicable per 55.12(a)(1-4). Provide documentation of 5-Step Process.

Document and upload the completed 5-Step Process below. Select the applicable citation: [only one can be selected]

55.12(a)(1)

55.12(a)(2)

55.12(a)(3)

✓ 55.12(a)(4)

**8-Step Process** is inapplicable per 55.12(b)(1-5).

# **Mitigation**

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/minimization measures not required as the project activities are not substantial improvement and the building footprint is not being increased. Flood insurance is required.

Which of the following mitigation/minimization measures have been identified for this project in the 8-Step or 5-Step Process? Select all that apply.

Permeable surfaces

Natural landscape enhancements that maintain or restore natural hydrology

Planting or restoring native plant species

**Bioswales** 

Evapotranspiration

Stormwater capture and reuse

Green or vegetative roofs with drainage provisions

Natural Resources Conservation Service conservation easements or similar easements

Floodproofing of structures

Elevating structures including freeboarding above the required base flood elevations

✓ Other

#### **Screen Summary**

# **Compliance Determination**

This project is located in a 100-year floodplain. Flood Map Number 72000C2105J,, effective on x: The 5-Step Process is applicable per 55.12(a)(1-4). With the 5-Step Process the project will be in compliance with Executive Order 11988.

#### Supporting documentation

PR-RGRW-01276 5 Step process(1).docx

# Are formal compliance steps or mitigation required?

Yes

# **Historic Preservation**

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

# 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).

# Threshold (a). Either upload the PA below or provide a link to it here:

https://www.hudexchange.info/sites/onecpd/assets/File/PR-FEMA-Prototype-2019-PA-Section-106.pdf

# **Upload exemption(s) below or copy and paste all applicable text here:**

Architecture- Appendix B, Tier I, Allowance B.1: I. First Tier Allowances B. BUILDINGS AND STRUCTURES 1. Repair, retrofit, and reconstruction of buildings, and structures less than forty-five (45) years old, unless located in or adjacent to a historic district. Archeology- Appendix B, Tier I, Allowance A: I. First Tier Allowances A. GROUND DISTURBING ACTIVITIES AND SITE MODIFICATION, when proposed activities described below substantially conform to the original footprint and/or are performed in previously disturbed soils,

including the area where the activity is staged.

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

# **Screen Summary**

# **Compliance Determination**

Based on the project description the project is covered by a Programmatic Agreement that includes an applicable exemption that exempts this project from the requirements of Section 106. The project is in compliance with Section 106.

# **Supporting documentation**

# PR-RGRW-01276 Historic.pdf

Are formal compliance steps or mitigation required?

Yes

# **Noise Abatement and Control**

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

#### 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

# **Sole Source Aquifers**

3010 3041 30 7 14 411 C13			
General requirements	Legislation	Regulation	
The Safe Drinking Water Act of 1974	Safe Drinking Water	40 CFR Part 149	
protects drinking water systems	Act of 1974 (42 U.S.C.		
which are the sole or principal	201, 300f et seq., and		
drinking water source for an area	21 U.S.C. 349)		
and which, if contaminated, would			
create a significant hazard to public			
health.			

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

Yes

✓ No

# 2. Is the project located on a sole source aguifer (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**

Puerto Rico does not have sole source aquifers. The project is not located on a sole source aquifer area. The project is in compliance with Sole Source Aquifer requirements.

# **Supporting documentation**

Are formal compliance steps or mitigation required?

Yes

# **Wetlands Protection**

General requirements	Legislation	Regulation
Executive Order 11990 discourages direct or	Executive Order	24 CFR 55.20 can be
indirect support of new construction impacting	11990	used for general
wetlands wherever there is a practicable		guidance regarding
alternative. The Fish and Wildlife Service's		the 8 Step Process.
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.		

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.

# **Supporting documentation**

# PR-RGRW-01276 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	The Wild and Scenic Rivers	36 CFR Part 297
provides federal protection for	Act (16 U.S.C. 1271-1287),	
certain free-flowing, wild, scenic	particularly section 7(b) and	
and recreational rivers	(c) (16 U.S.C. 1278(b) and (c))	
designated as components or		
potential components of the		
National Wild and Scenic Rivers		
System (NWSRS) from the effects		
of construction or development.		

# 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 171,520 feet from the nearest Wild and Scenic River. The project is in compliance with the Wild and Scenic Rivers Act.

# **Supporting documentation**

PR-RGRW-01276 Wild and Scenic Rivers.pdf

Are formal compliance steps or mitigation required?

Yes

# **Environmental Justice**

General requirements	Legislation	Regulation
Determine if the project	Executive Order 12898	
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.		

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



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.

# **Supporting documentation**

Are formal compliance steps or mitigation required?

Yes

# EXECUTIVE ORDER 11988 – FLOODPLAIN MANAGEMENT FIVE-STEP PROCESS AS PROVIDED BY 24 CFR §55.20 U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT COMMUNITY DEVELOPMENT BLOCK GRANT – DISASTER RELIEF (CDBG-DR) PROGRAM

Puerto Rico Department of Housing (PRDOH)
ReGrow (RGRW) Program Project No. PR-RGRW-01276
Municipality of JAVIER R. BENITO COLON

#### Step 1: Determine whether the action is located in a 100-year floodplain (or a 500-year floodplain for critical actions).

The proposed project is intended to renovate the building as part of the Economic Development portion of the CDBG-DR grant. The renovation is intended to install solar panels which will be placed on galvanized metal racks and will be held down with weights placed on the racks, "resistant to 180mph winds". The project is located at BO. JOBOS CARRETERA 3 KM. 149, Guayama, PR 00784. The Tax Parcel ID of the site is 440-000-005-03-000. The Latitude is 17.962474 and the Longitude is -66.188242. The project is located entirely within the 100-year floodplain. The property is shown as being within Zone AE on the Official Flood Insurance Rate Map (FIRM) Panel no. 72000C2105J, effective November 18, 2009 and Panel no. 72000C2110J, effective November 18, 2009.

Executive Order (EO) 11988 within HUD Regulations 24 CFR Part 55 details floodplain management. The purpose of EO 11988 is "to avoid to the extent possible the long- and short-term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative." The project is located within the 100-year floodplain and for this reason, EO 11988 applies. An evaluation of direct and indirect impacts associated with construction, occupancy, and modification of the floodplain is required.

The project is a renovation of a non-residential structure. The renovation is not considered substantial improvement in accordance with 24 CFR 55.2 nor is the footprint increased; therefore, per 24 CFR 55.12(a)(4), public notification of the proposed activity (Step 2), identification and evaluation of practicable alternatives (Step 3) and the determination of no practicable alternative and publication of a final notice (Step 7) do not need to be conducted.

#### Step 2: Notify the public for early review of the proposal and involve the affected and interested public in the decision-making process.

The project is a renovation of a non-residential building. The building renovation is not considered substantial improvement and the building footprint is not being increased; therefore, per 24 CFR 55.12(a) (4), public notification of the proposed activity (Step 2 of the 8-Step Process) does not need to be conducted.

#### Step 3: Identify and evaluate practicable alternatives to locating in the base floodplain.

The project is a renovation of a non-residential building. The structure is not undergoing substantial improvement nor is the footprint increasing, therefore, per 24 CFR 55.12(a)(4), identification and evaluation of practicable alternatives to the proposed activity (Step 3 of the 8-Step Process) does not need to be conducted.

#### Step 4: Identify Potential Direct and Indirect Impacts of Associated with Floodplain Development.

The HUD-funded ReGrow program is intended to provide economic stimulus to Farm Businesses for economic development. HUD's regulations limit what actions can be considered under the RGRW program, including prohibition of any construction in the floodway. Descriptions of the potential impacts from the proposed action is below:

 Option A (Proposed Action) – This option would involve renovation of the non-residential building. The building is not undergoing substantial improvement and the footprint is not being increased; therefore, elevation is not required. The proposal does include a minor renovation of installing solar panels on an aluminum platform with no ground disturbance.

## Step 5: Where practicable, design or modify the proposed action to minimize the potential adverse impacts to lives, property, and natural values within the floodplain and to restore, and preserve the values of the floodplain.

The PRDOH and the Puerto Rico Permits Management Office requires elevation or flood proofing of all "substantially damaged or improved" structures in the floodplain. When followed, these regulations will reduce the threat of flooding damage to properties located in the floodplain and reduce the impact of development on the floodplain. Applicants are required to adhere to the most recent floodplain elevation levels when considering reconstruction of their "substantially damaged or improved" property. It is noted; however, that because the property is not to be substantially improved and the footprint of the structure is not increased, floodplain management options are not required.

#### Step 6: Reevaluate the Proposed Action.

Option A would involve renovation of the non-residential building. This option would not adversely impact the floodplain and would help the farm business benefit as part of the economic recovery needed because of Hurricanes Irma and Maria. This meets the program goals of revitalizing and supporting the economic development and recovery of Puerto Rico.

#### Step 7: Determination of No Practicable Alternative.

The project is a renovation of a non-residential structure. The structure is not undergoing substantial improvement nor is the footprint of the structure expanding; therefore, per 24 CFR 55.12(a)(4), the determination of no practicable alternative and publication of a final notice (Step 7 of the 8-Step Process) does not need to be conducted.

#### **Step 8: Implement the Proposed Action**

Step eight is implementation of the proposed action. The PRDOH will ensure that all measures prescribed in the steps above will be followed, as required.



#### DEPARTAMENTO DE AGRICULTURA DE PUERTO RICO PROGRAMA RENACER AGRÍCOLA DE PUERTO RICO -**AGRICULTURA URBANA Y RURAL** FORMULARIO SOBRE USO PREVISTO DE LOS FONDOS

Yo, JAVIER R. BENITO COLON representante autorizado/a para el negocio JAVIER R. BENITO COLON, con el Caso Número PR-RGRW-01276 para el Programa Renacer Agrícola de Puerto Rico - Agricultura Urbana v Rural (Programa Renacer Agricola), por la presente reconozco que fondos de subvención por la suma de \$138,950.00 se usarán de conformidad con el uso de fondos descrito a continuación.

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

Uso Previsto de los Fondos	Descripción	Total \$	Iniciales
SISTEMA DE ENERGIA SOLAR	Farm Infrastructure (Regrow Only) o equipo equivalente	\$63,000.00	L.R.B.C.
TRACTOR 110HP	Farm Equipment (Regrow Only) o equipo equivalente	\$75,950.00	J.R.B.C

\$138,950.00 Total de Uso Previsto de los Fondos

Además, reconozco y entiendo que:

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

JAVIER R. BENITO COLON

[Representante Autorizado]

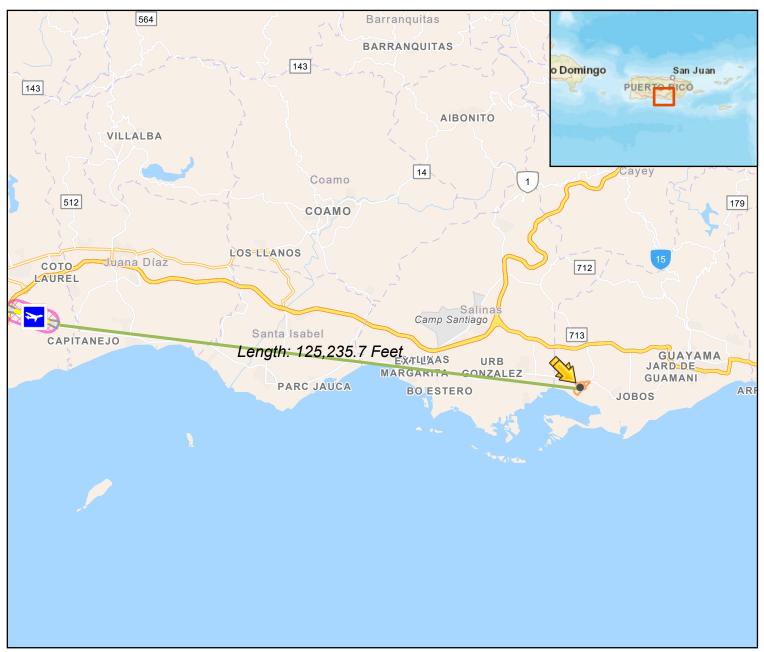
Nombre

[Representante Autorizado] 8-29-2022

Signature



## PR-RGRW-01276 Airports





Airport Runways

Minor Airport

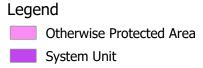
Major

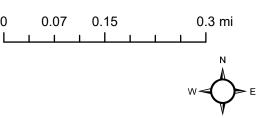
Coastal Barrier Resources Act Program

11 mi

### PR-RGRW-01276 CBRS



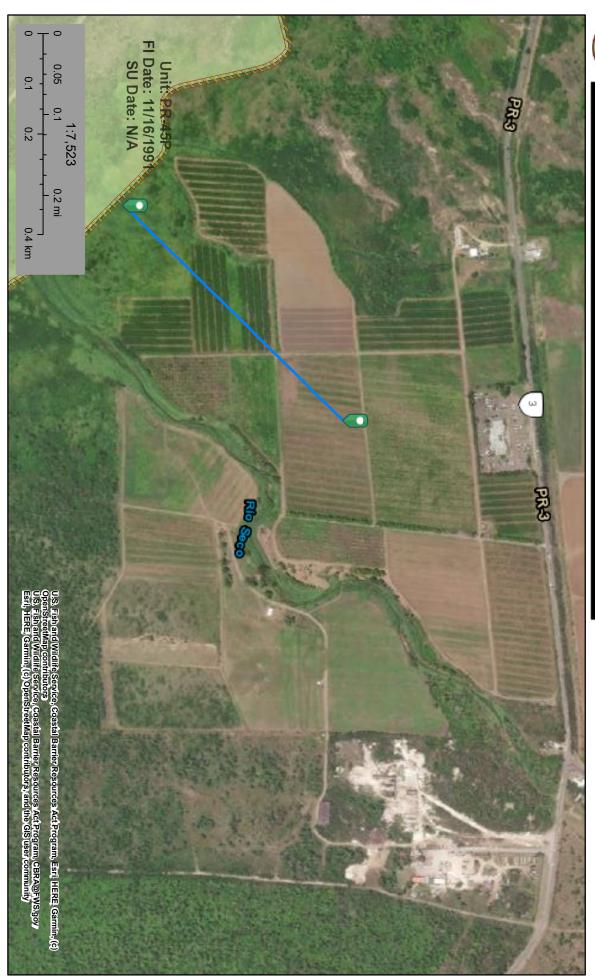




U.S. Fish and Wildlife Service

Coastal Barrier Resources Act Program

# Coastal Barrier Resources System



January 12, 2023

CBRS Buffer Zone

System Unit

**CBRS Units** 

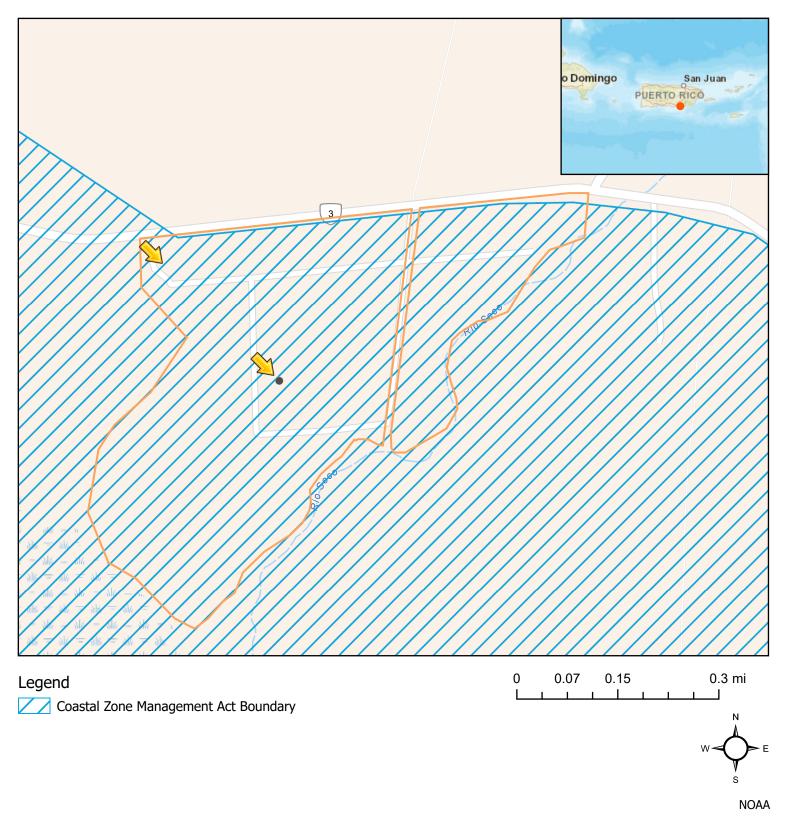
Otherwise Protected Area

This map is for general reference only. The Coastal Barrier Resources System (CBRS) boundaries depicted on this map are representations of the controlling CBRS boundaries, which are shown on the official maps, accessible at <a href="https://www.fws.gov/library/collections/official-coastal-barrier-resources-system-maps">https://www.fws.gov/library/collections/official-coastal-barrier-resources-system-maps</a>. All CBRS related data should be used in accordance with the layer metadata found on the CBRS Mapper website.

project site is located "in" or "out" of the CBRS. The CBRS Buffer Zone represents the area immediately adjacent to the CBRS boundary where users are advised to contact the Service for an official determination (https://www.fws.gov/service/coastal-barrier-resources-system-property-documentation) as to whether the property or

CBRS Units normally extend seaward out to the 20- or 30-foot bathymetric contour (depending on the location of the unit). The true seaward

### PR-RGRW-01276 CZM



Coastal Zone Management Act

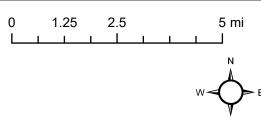


## PR-RGRW-01276 Endangered Specie





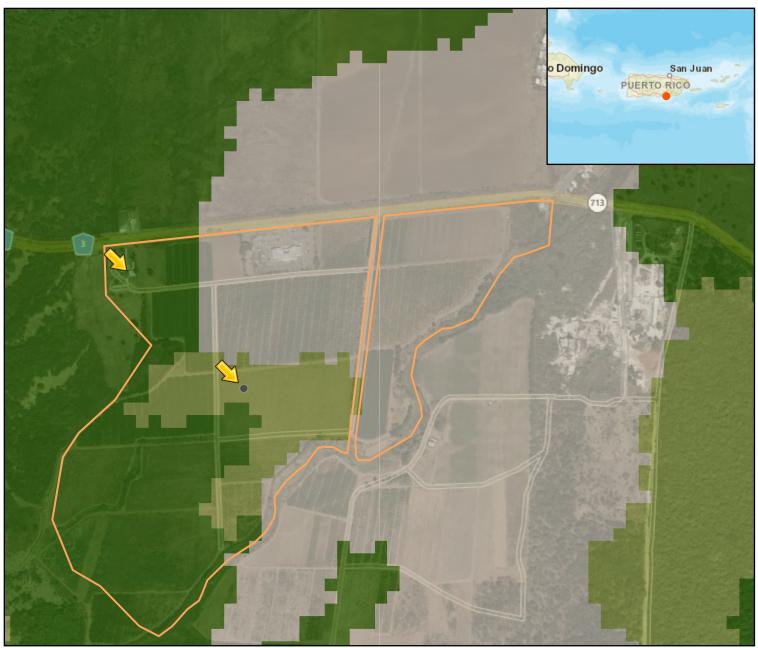
USFWS Critical Habitat - Polygon Features - Final (agency service)



**Endangered Species Habitat** 

Coastal Zone Management Act

## PR-RGRW-01276 Farmlands 17.96247429, -66.18824163



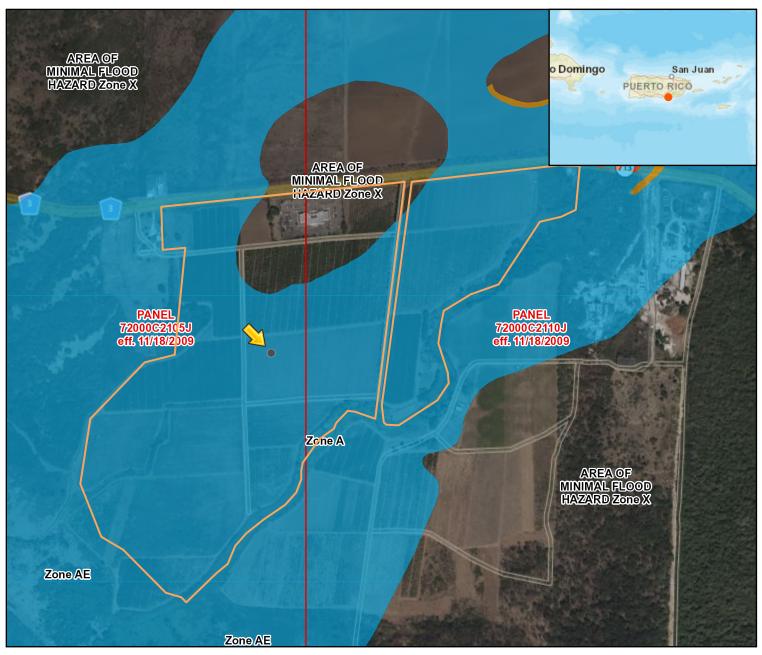


Farmland dataset



17.96247429, -66.18824163

## PR-RGRW-01276 Flood Map





1% Annual Chance Flood Hazard

Regulatory Floodway

Special Floodway

Area of Undetermined Flood Hazard

0.2% Annual Chance Flood Hazard

Future Conditions 1% Annual Chance Flood Hazard

Area with Reduced Risk Due to Levee

FEMA Floodzone Panels - Effective

0 0.07 0.15 0.3 mi



**FEMA Map Service** 

Flood Insurance Rate Maps

#### PR-RGRW-01276 Historic





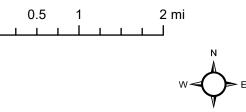
- National Historic Landmark
- National Register of Historic Places
- National Historic Landmark

  National Register of Historic Places

Historic Districts

National Register Of Historic Places Points

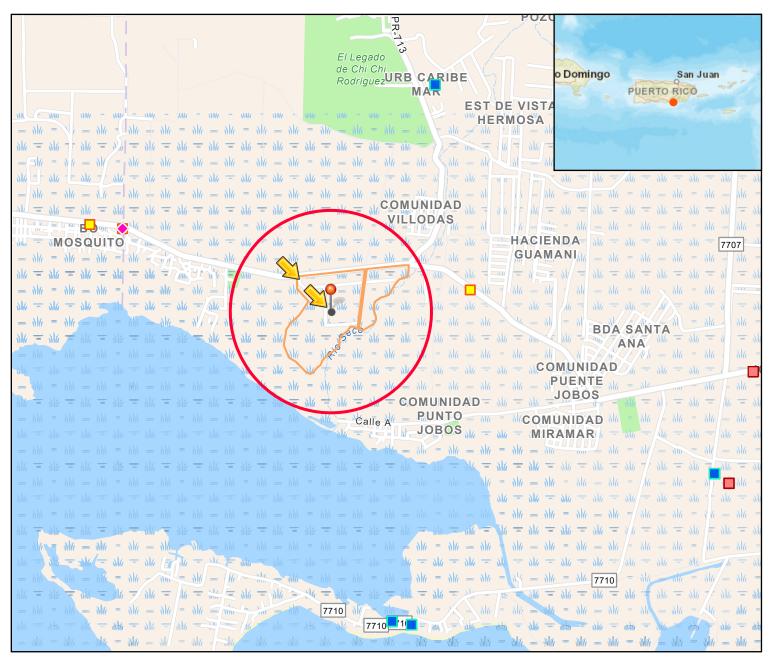
National Register of Historic Places Polygons



National Register of Historic Places

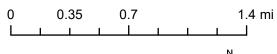
Local Historic Areas digitized by Horne

#### PR-RGRW-01276 Toxics





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





**Envirofacts Facility Locations** 

EPA

17.96247429, -66.18824163

## PR-RGRW-01276 Wetlands



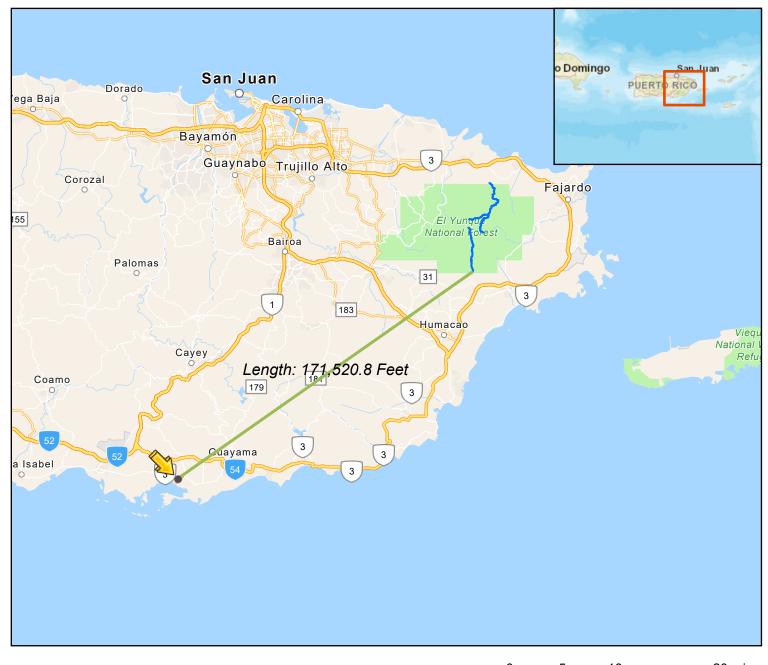
Legend
Estuarine and Marine Wetland
Freshwater Emergent Wetland
Freshwater Forested/Shrub Wetland
Riverine

0 0.07 0.15 0.3 mi

National Wetlands Inventory

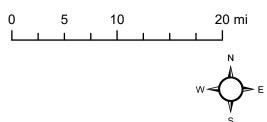
U.S. Fish and Wildlife ServiceU.S. Fish and Wildlife Service

# PR-RGRW-01276 Wild and Scenic Rivers



Legend

Wild and Scenic Rivers **Dynamic Print Text** 



National Wild and Scenic River System

National Park Service