

Environmental Review for Activity/Project that is Categorically Excluded Subject to Section 58.5

Pursuant to 24 CFR 58.35(a)

Project Information

Project ID: PR-RGRW-00249

Project Name: José A. Santiago Valcarcel (Finca Valmar)

Responsible Entity: Puerto Rico Department of Housing

Grant Recipient (if different than Responsible Entity): Same as above

State/Local Identifier: Puerto Rico / Guayanilla, PR

Preparer: Ricardo Lamoso Rivera

Certifying Officer Name and Title: Sally Acevedo Cosme, Pedro De Leon Rodriguez,
Maria T. Torres-Bregon, Permit and Environmental Compliance Officers

Consultant: HORNE LLP

Project Location: Road 103 Kilometer 6.8 Sector Monte Grande

Cabo Rojo, P.R. 00623

Parcel centroid latitude 18.075721, longitude -67.148907

Parcel cadastral # 332-000-004-53-901

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

Purchase of a tractor, van, and an affixed generator (platform already installed).

Level of Environmental Review Determination:

Categorical Exclusion Subject to 58.5

Determination for Activities 24 CFR 58.35(a)

<input type="checkbox"/>	58.35(a) (1). Acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities and improvements (other than buildings) when the facilities and improvements are in place and will be retained in the same use without change in size or capacity of more than 20 percent (e.g., replacement of water or sewer lines, reconstruction of curbs and sidewalks, repaving of streets);
<input type="checkbox"/>	58.35(a) (2). Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and handicapped persons;
	58.35(a) (3). Rehabilitation of buildings and improvements when the following conditions are met:
<input type="checkbox"/>	58.35(a) (3) (i) <i>In the case of a building for residential use (with one to four units), the density is not increased beyond four units, the land use is not changed, and the footprint of the building is not increased in a floodplain or in a wetland;</i>
<input type="checkbox"/>	58.35(a) (3) (ii). <i>In the case of multifamily residential buildings: (A) Unit density is not changed more than 20 percent; (B) The project does not involve changes in land use from residential to non-residential; and (C) The estimated cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation.</i>
<input checked="" type="checkbox"/>	58.35(a) (3) (iii). <i>In the case of non-residential structures, including commercial, industrial, and public buildings:</i> <i>(A) The facilities and improvements are in place and will not be changed in size or capacity by more than 20 percent; AND</i> <i>(B) The activity does not involve a change in land use, such as from non-residential to residential, commercial to industrial, or from one industrial use to another.</i>
<input type="checkbox"/>	58.35(a) (4) (i) An individual action on up to four dwelling units where there is a maximum of four units on any one site. The units can be four one-unit buildings or one four-unit building or any combination in between; or
<input type="checkbox"/>	58.35(a)(4)(ii) An individual action on a project of five or more housing units developed on scattered sites when the sites are more than 2,000 feet apart and there are not more than four housing units on any one site. 58.35(a) (iii) Paragraphs (a) (4) (i) and (ii) of this section do not apply to rehabilitation of a building for residential use (with one to four units) (see paragraph (a) (3) (i) of this section).
<input type="checkbox"/>	58.35(a) (5). Acquisition (including leasing) or disposition of, or equity loans on an existing structure, or acquisition (including leasing) of vacant land provided that the structure or land acquired, financed, or disposed of will be retained for the same use.
<input type="checkbox"/>	58.35(a) (6). Combinations of the above activities.

Funding Information

Grant Number	HUD Program	Funding Amount
B-17-DM-72-0001	CDBG-DR Re-Grow Puerto	\$0.00
B-18-DP-72-0001	Rico Urban-Rural	\$41,279,480
	Agriculture Program	

Estimated Total HUD Funded Amount: \$100,000

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]: \$100,000

Compliance with 24 CFR 58.5 and 58.6 Laws and Authorities

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 58.6		
Airport Hazards 24 CFR Part 51 Subpart D	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	This project consists only of purchase of a tractor, a van, and a generator and will have no impact and is in compliance with the HUD's Airport Hazard regulations without further evaluation. The site is located 64,347.6 feet from the nearest airport. See the attached Airport map.
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	This project is not located in a CBRS Unit. The project is located 11,021.8 feet northwest of the nearest CBRS. Therefore, this project has no potential to impact a CBRS Unit and is in compliance with the Coastal Barrier Resources Act. See the attached CBRS map.
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>	Based on the project description of purchase of a tractor, a van, and a generator, the project includes no activities that would require further evaluation under this section. Furthermore, the project site is located in a Zone A, Flood Map Number 72000C1535J, effective on 11/18/2009. The project does require flood insurance. See the attached Flood Map.
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 58.5		
Clean Air Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	This project consists only of purchase of purchase of a tractor, a van, and a generator and will have no impact and is in compliance with the Clean Air Act without further evaluation.

<p>Coastal Zone Management</p> <p>Coastal Zone Management Act, sections 307(c) & (d)</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>This project is located 35.8 feet from the nearest Coastal Zone Management area and does not affect a Coastal Zone as defined in the state Coastal Management Plan. The project is in compliance with the Coastal Zone Management Act. See the attached CZMA map.</p>
<p>Contamination and Toxic Substances</p> <p>24 CFR Part 50.3(i) & 58.5(i)(2)</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>This project consists only of purchase of equipment for an agricultural project and will have no impact and is in compliance with these citations without further evaluation. Furthermore, there are no toxic sites located within the project area. See the attached Toxics map.</p>
<p>Endangered Species</p> <p>Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>This project and proposed activity will have No Effect on listed species due to the nature of the activities involved in the project. The scope of work includes continued agricultural use of the property with no intention to cut down trees. This project is in compliance with the Endangered Species Act. See attached Endangered Species map.</p>
<p>Explosive and Flammable Hazards</p> <p>24 CFR Part 51 Subpart C</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>This project consists of purchase of a tractor, a van, and a generator and will have no impact and is in compliance with these citations without further evaluation.</p>
<p>Farmlands Protection</p> <p>Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>This project does not include any activities that could potentially convert agricultural land to non-agricultural use. The project is in compliance with the Farmland Protection Policy Act.</p>
<p>Floodplain Management</p> <p>Executive Order 11988, particularly section 2(a); 24 CFR Part 55</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>Based on the project description the project includes no activities that would require further evaluation under this section. Furthermore, the project site is located in a Zone A, Flood Map Number 72000C1535J, effective on 11/18/2009.</p>

		The project is in compliance with Flood plain management requirements.
<p>Historic Preservation</p> <p>National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>Based on the project description, consultation with the Puerto Rico State Historic Preservation Office (SHPO) is not required. This property is not considered historic or contributing to an historic district (See attached Historical map). Therefore, this activity is in compliance. Project will clear under programmatic allowances: For Architectural Resources Appendix B, Tier I, Allowance B.1 and Appendix B, Tier I, Allowance A for Archaeological Resources. See the attached historic map.</p>
<p>Noise Abatement and Control</p> <p>Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>This project consists only of purchase of a tractor, a van, and a generator and will have no impact and is in compliance with these citations without further evaluation.</p>
<p>Sole Source Aquifers</p> <p>Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>There are no sole source aquifers in Puerto Rico. The project is in compliance with this citation without further evaluation.</p>
<p>Wetlands Protection</p> <p>Executive Order 11990, particularly sections 2 and 5</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>Based on the project description this project includes no activities that would require further evaluation under this section. The project is in compliance with Executive Order 11990. See the attached Wetlands map.</p>
<p>Wild and Scenic Rivers</p> <p>Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>This project consists only of purchase of a tractor, a van, and a generator and will have no impact and is located miles from the nearest Wild and Scenic River. The project is in compliance with these citations without further evaluation. See attached Wild and Scenic Rivers map.</p>

ENVIRONMENTAL JUSTICE		
<p>Environmental Justice</p> <p>Executive Order 12898</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>Based on the scope of work for this project, there will be no additional impact on low-income or minority residents. This proposed activity will not have a negative impact on Environmental Justice. Therefore, the proposed activity complies with this section.</p>

Field Inspection (Date and completed by): Not applicable.

Summary of Findings and Conclusions:

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

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

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

Law, Authority, or Factor	Mitigation Measure
Floodplain Management	Buyer must purchase flood insurance because the grant exceeds \$10,000 and the site is located in a Special Flood Hazard Area.

Determination:

- This categorically excluded activity/project converts to Exempt, per 58.34(a)(12) because there are no circumstances which require compliance with any of the federal laws and authorities cited at §58.5. **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 because there are circumstances which require compliance with one or more federal laws and authorities cited at §58.5. 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 now subject to a full Environmental Assessment according to Part 58 Subpart E due to extraordinary circumstances (Section 58.35(c)).

Preparer

Signature: *Ricardo Lamoso Rivera* Date: 8/2/2022

Name/Title/Organization: Ricardo Lamoso Rivera / Senior Associate/ HORNE LLP

Certifying Officer's Signature:

Signature:  Date: 8/30/2022

Name/Title/Organization: [Pedro A. de León Rodríguez/MSEM/Permits and Environmental Compliance Specialist/CDBG-DR Program](#)

Figures

**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)
Small Business Financing (SBF) Program Project No. PR-SBF-00626
La Plata Farm Inc

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 Transfer switch for generator for the Farm. The project is located at Road 103 Kilometer 6.8 Sector Monte Grande Cabo Rojo, P.R. 00623. The Tax Parcel ID of the site is 332-000-004-53-901. The Latitude is 18.075721 and the Longitude is -67.148907. The project is located almost 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. 72000C1535H, effective April 19, 2005.

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. The subject unit occupies 439,085 square feet of the floodplain. 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 SBF program is intended to provide economic stimulus to Small Businesses for economic development. HUD's regulations limit what actions can be considered under the SBF 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 a transfer switch for a generator 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 small 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, Jose Alejandro Santiago Valcárcel representante autorizado/a para el negocio José A. Santiago Valcárcel (Finca Valmar), con el Caso Número PR-RGRW-00249 para el Programa Renacer Agrícola de Puerto Rico – Agricultura Urbana y Rural (**Programa Renacer Agrícola**), por la presente reconozco que fondos de subvención por la suma de \$114,487.25 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
Generador eléctrico 30kw	Farm Infrastructure (Regrow Only) o equipo equivalente	\$16,892.25	JASV
Tractor 92hp	Farm Equipment (Regrow Only) o equipo equivalente	\$59,900.00	JASV
Vehículo Van de carga	Vehicles (Regrow Only) o equipo equivalente	\$37,695.00	JASV

\$114,487.25

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.

Jose A. Santiago Valcárcel

[Representante Autorizado]

Nombre



[Representante Autorizado]

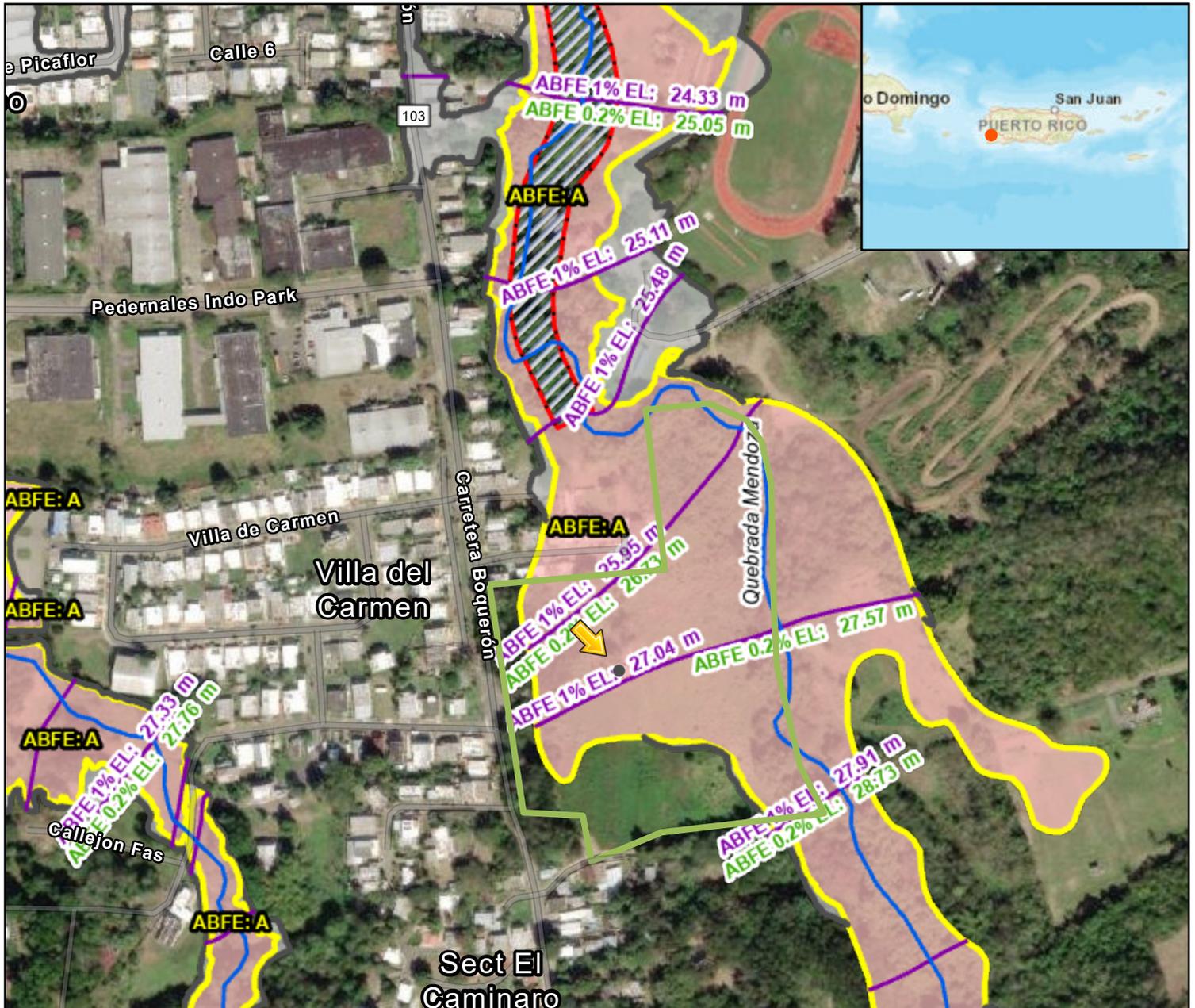
Signature

14/marzo/2022

Fecha

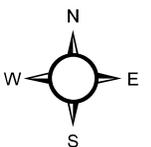
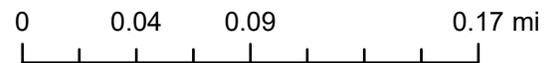


PR-RGRW-00249 ABFE



Legend

- Floodway
- Zone/BFE Boundary
- 1% Annual Chance Flood
- 0.2% Annual Chance Flood
- Advisory Base Flood Elevation (zoom in to make visible)
- Streamline (zoom in to make visible)

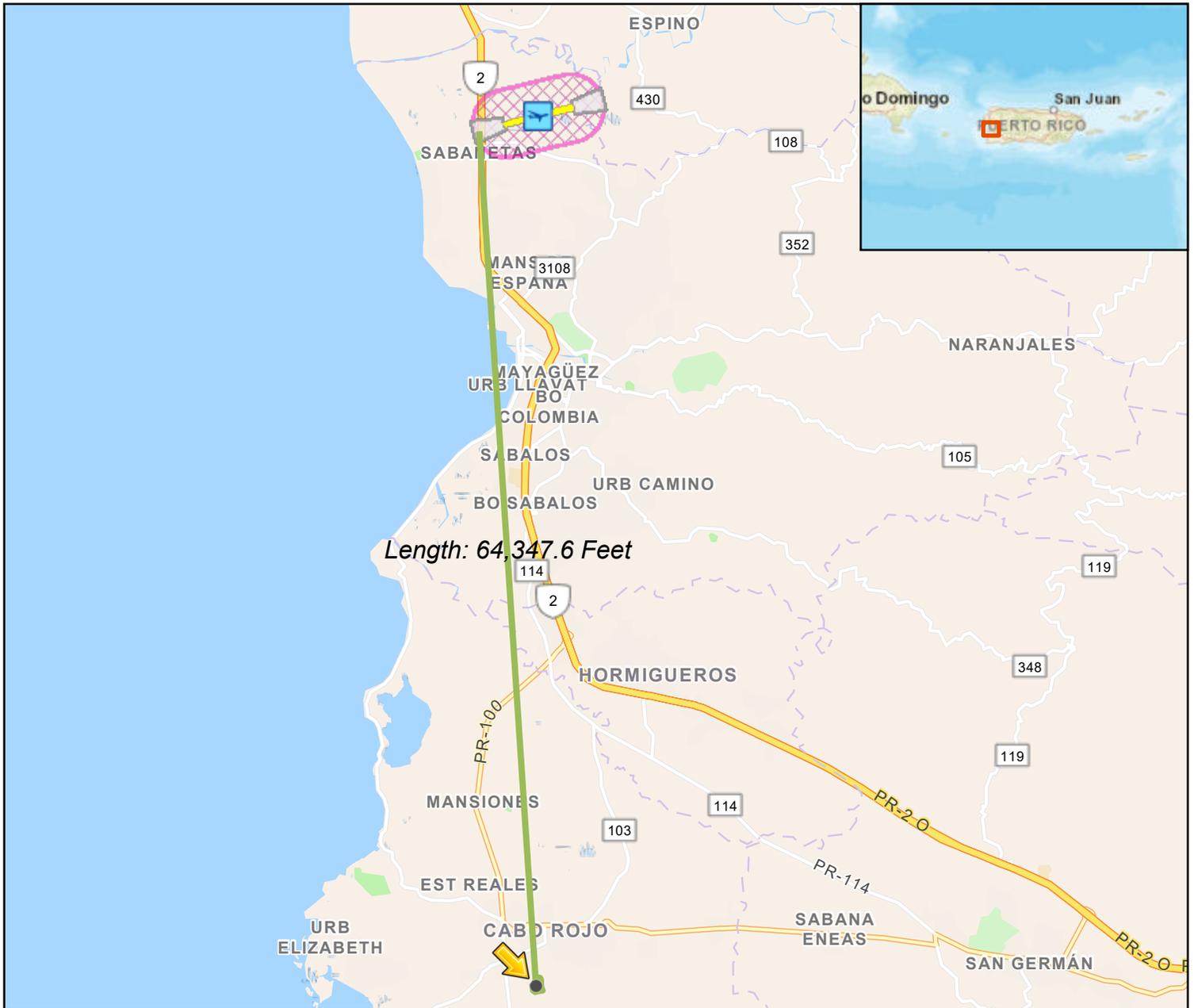


FEMA Map Service

Flood Insurance Rate Maps

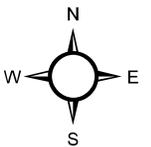
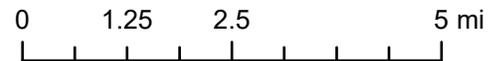


PR-RGRW-00249 Airports



Legend

- Military Airports 15,000ft Buffer
- Civilian Airports 2,500ft Buffer
- Military Accident Potential Zones APZ 2
- Military Accident Potential Zones APZ 1
- Runway Protection Zones
- Airport Runways
- Major
- Minor Airport

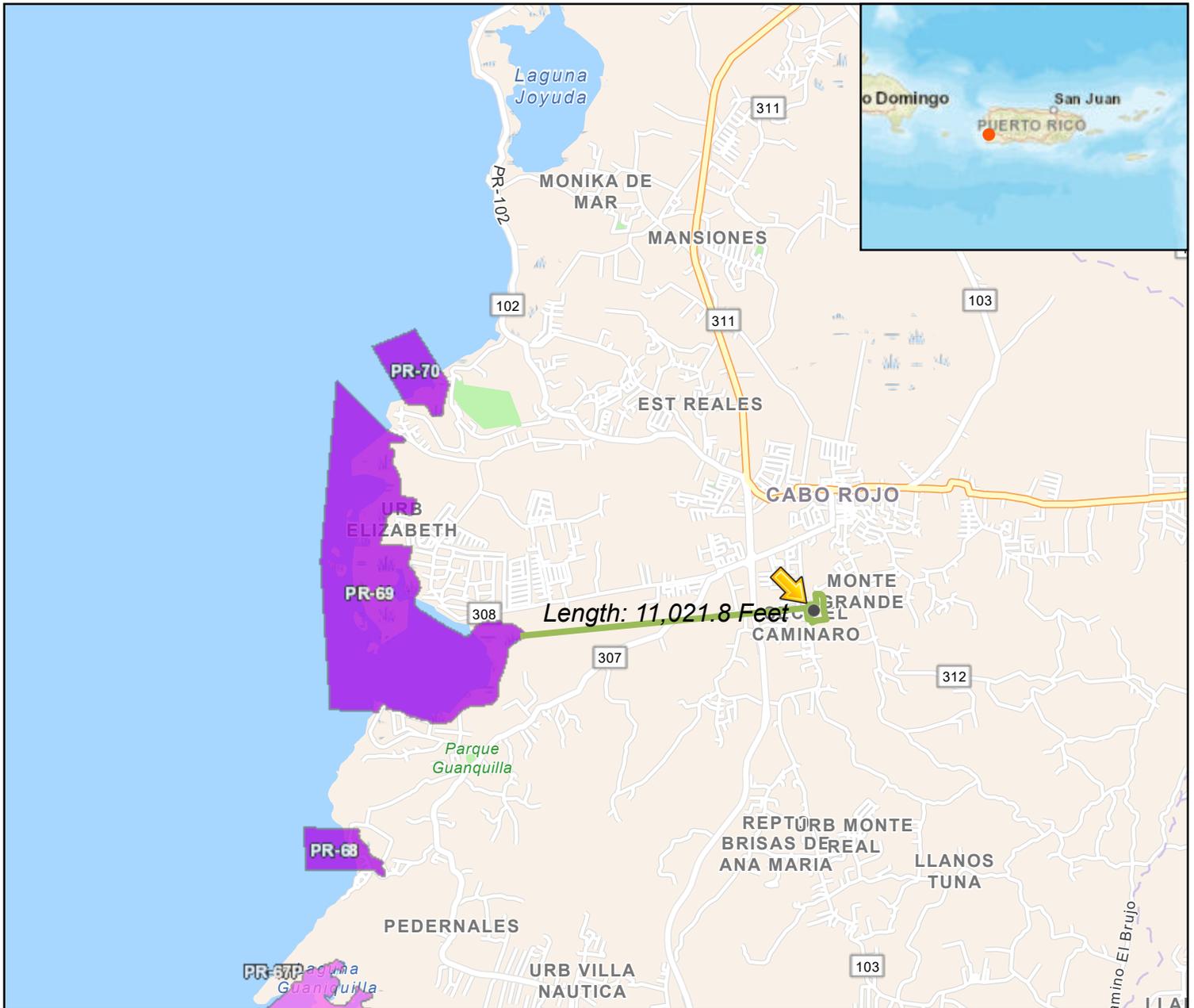


Runway Protection Zones

Major Civil and Military Airports

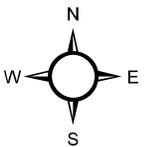
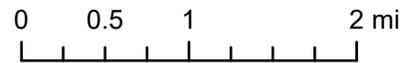


PR-RGRW-00249 CBRS



Legend

- Otherwise Protected Area
- System Unit



U.S. Fish and Wildlife Service

Coastal Barrier Resources Act Program

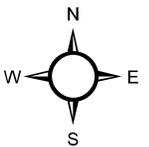
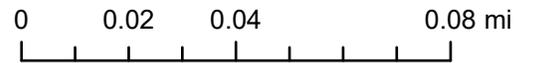


PR-RGRW-00249 CZM



Legend

 Coastal Zone Management Act Boundary

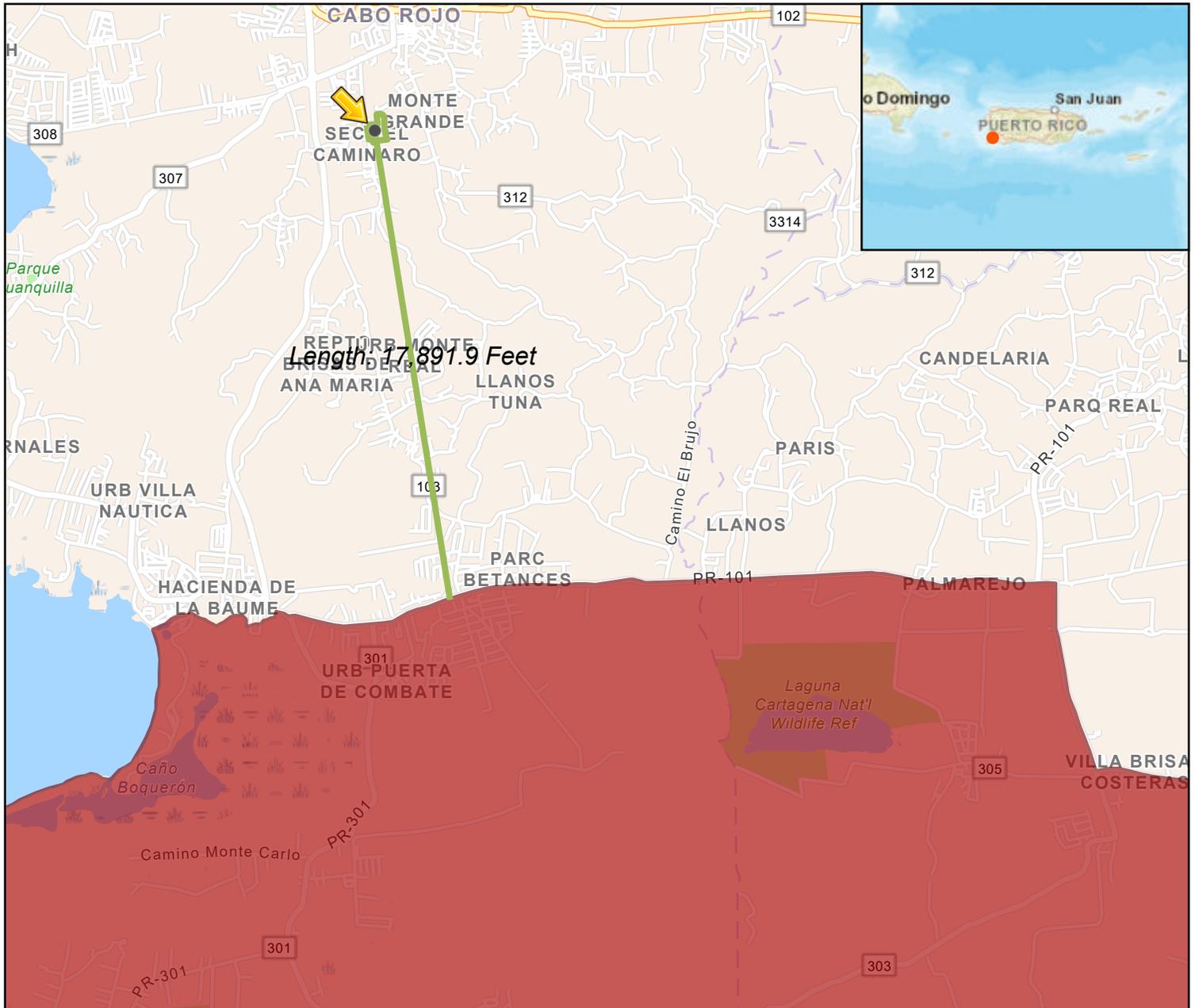


NOAA

Coastal Zone Management Act

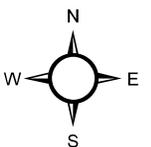
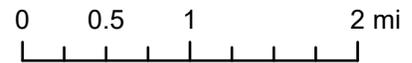


PR-RGRW-00249 Endangered Species



Legend

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



Endangered Species Habitat

U.S. Fish and Wildlife Service

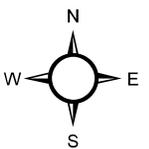
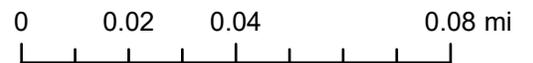


PR-RGRW-00249 Farmlands



Legend

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



USGS USA Soils

Farmland dataset

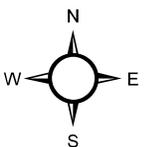
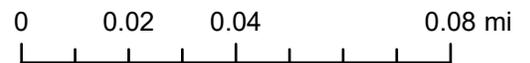


PR-RGRW-00249 Flood Map



Legend

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



FEMA Map Service

Flood Insurance Rate Maps

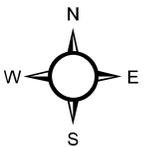
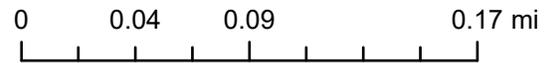


PR-RGRW-00249 Prelim Flood Map



Legend

-  Preliminary FIRM Panels
-  Preliminary FIRM Panel Index



FEMA Map Service

Flood Insurance Rate Maps

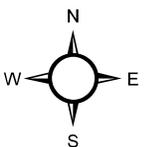
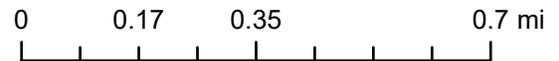


PR-RGRW-00249 Toxics



Legend

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



Envirofacts Facility Locations

EPA

FRS ID	Name	Location	Municipio	Lat	Long	Type	Report	Distance (ft)	Impact
110007 822865	CUTLER HAMMER ELECTRICAL CO	RD 308 KM 0.9 PEDERNALES WARD	CABO ROJO	18.078 85	- 67.1502 96	TRIS	https://echo.epa.gov/detailed-facility-report?fid=110007822865	1,234. 45	Cleared Via Distance
110007 822865	CUTLER HAMMER - EATON	RD 308 KM 0.9 PEDERNALES WARD	CABO ROJO	18.078 85	- 67.1502 96	RCRA INFO	https://echo.epa.gov/detailed-facility-report?fid=110007822865	1,234. 45	Cleared Via Distance
110000 498159	CABO ROJO WOOD TREATING PLANT CORP	RD 312-313 KM11 BO BALLA JA	CABO ROJO	18.075 308	-67.14	TRIS	https://echo.epa.gov/detailed-facility-report?fid=110000498159	1,977. 85	Cleared Via Distance
110000 498159	CABO ROJO WOOD TREATING PLT CORP	CARR 312 313 KM 1.1	CABO ROJO	18.075 308	-67.14	RCRA INFO	https://echo.epa.gov/detailed-facility-report?fid=110000498159	1,977. 85	Cleared Via Distance

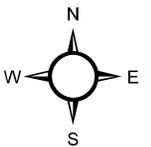
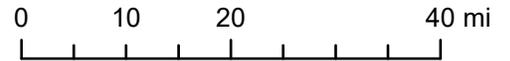


PR-RGRW-00249 W & S Rivers



Legend

— Wild and Scenic River Lines



National Wild and Scenic River System

National Park Service

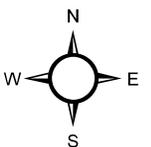
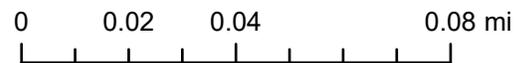


PR-RGRW-00249 Wetlands



Legend

- Freshwater Forested/Shrub Wetland
- Riverine



National Wetlands Inventory

U.S. Fish and Wildlife Service