



**U.S. Department of Housing and Urban Development**  
 451 Seventh Street, SW  
 Washington, DC 20410  
[www.hud.gov](http://www.hud.gov)  
[espanol.hud.gov](http://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-SBF-06883

**HEROS Number:** 900000010291077

**State / Local Identifier:**

**Project Location:** , Ponce, PR 00717

**Additional Location Information:**

The project is located at latitude 17.996350, longitude -66.625782 at the address given above. Tax ID Number: 411-010-946-15-001

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

This project entails the award of a small business recovery grant to Atrevida Boutique, a clothing business, at 2437 Paseo Perla del Sur CANAS URBANO WD., Ponce, PR 00717. The specific scope of work for this project includes payment of rent/mortgage, purchase of inventory, and the purchase of equipment including PC w/monitor and scanner (\$ 4,997.43), Server (\$ 3,345.00), Display case aluminum glass (\$ 2,453.00), Corner display case (\$ 613.25), Register stand (\$ 306.63), Black Showcases (\$ 1,282.25), White Female Mannequin (\$ 529.63), White Male Mannequin (\$ 457.15), Abstract Male Glossy-Mann (\$ 607.68), Female Mannequin Plus Size (\$ 579.80), 2 Piece nesting table (\$ 444.89), Custom showcase tower (\$ 1,031.38), Custom woodwork counter (\$ 696.88), Gooseneck displayer (\$ 44.60), Single displayer (\$ 239.73), Rack two ways (\$ 276.52), Showcase display (\$ 2,007.00), Custom corner showcase (\$ 752.63); and affixed equipment including: Generator 15kw (affixed to the structure cement roof and requires new transfer switch installation) (\$17,836.26), replacement Wall Rack 20' (\$ 1,722.68), replacement Wall Rack 33' (\$ 2,609.10), Wall Rack 8' (\$ 696.88). No ground disturbance required. Total funding amount is \$50,000.00.

**Level of Environment Review Determination:**

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

**Funding Information**

Grant Number	HUD Program	Program Name
B-17-DM-72-0001	Other	CDBG-DR Puerto Rico Small Business Financing Program
B-18-DP-72-0001	Other	CDBG-DR Puerto Rico Small Business Financing Program

**Estimated Total HUD Funded Amount:** \$50,000.00

**Estimated Total Project Cost [24 CFR 58.2 (a) (5)]:** \$50,000.00

**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:**

<input type="checkbox"/>	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
--------------------------	--

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

Preparer Signature: *J. Lorenzo* Date: Nov. 10, 2022

Name / Title/ Organization: Ivelisse Lorenzo / / Department of Housing - Puerto Rico

Responsible Entity Agency Official Signature: *J. Lorenzo* Date: Nov. 10, 2022

Name/ Title: Ivelisse Lorenzo, 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).**



**U.S. Department of Housing and Urban  
Development**  
451 Seventh Street, SW  
Washington, DC 20410  
[www.hud.gov](http://www.hud.gov)  
[espanol.hud.gov](http://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-SBF-06883

**HEROS Number:** 900000010291077

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

**State / Local Identifier:**

**RE Preparer:** Ivelisse Lorenzo

**Certifying Office**  
**r:**

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

**Point of Contact:**

**Consultant (if applicabl HORNE LLP**  
**e):**

**Point of Contact:** Ricardo Lamoso Rivera

**Project Location:** , Ponce, PR 00717

**Additional Location Information:**

The project is located at latitude 17.996350, longitude -66.625782 at the address  
given above. Tax ID Number: 411-010-946-15-001

**Direct Comments to:**

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

This project entails the award of a small business recovery grant to Atrevida Boutique, a clothing business, at 2437 Paseo Perla del Sur CANAS URBANO WD., Ponce, PR 00717. The specific scope of work for this project includes payment of rent/mortgage, purchase of inventory, and the purchase of equipment including PC w/monitor and scanner (\$ 4,997.43), Server (\$ 3,345.00), Display case aluminum glass (\$ 2,453.00), Corner display case (\$ 613.25), Register stand (\$ 306.63), Black Showcases (\$ 1,282.25), White Female Mannequin (\$ 529.63), White Male Mannequin (\$ 457.15), Abstract Male Glossy-Mann (\$ 607.68), Female Mannequin Plus Size (\$ 579.80), 2 Piece nesting table (\$ 444.89), Custom showcase tower (\$ 1,031.38), Custom woodwork counter (\$ 696.88), Gooseneck displayer (\$ 44.60), Single displayer (\$ 239.73), Rack two ways (\$ 276.52), Showcase display (\$ 2,007.00), Custom corner showcase (\$ 752.63); and affixed equipment including: Generator 15kw (affixed to the structure cement roof and requires new transfer switch installation) (\$17,836.26), replacement Wall Rack 20' (\$ 1,722.68), replacement Wall Rack 33' (\$ 2,609.10), Wall Rack 8' (\$ 696.88). No ground disturbance required. Total funding amount is \$50,000.00.

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

**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
✓	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)).

**Approval Documents:**

**7015.15 certified by Certifying Officer on:**

**7015.16 certified by Authorizing Officer  
on:**

**Funding Information**

Grant / Project Identification Number	HUD Program	Program Name
B-17-DM-72-0001	Other	CDBG-DR Puerto Rico Small Business Financing Program
B-18-DP-72-0001	Other	CDBG-DR Puerto Rico Small Business Financing Program

**Estimated Total HUD Funded,  
Assisted or Insured Amount:** \$50,000.00

**Estimated Total Project Cost:** \$50,000.00

**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)
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 &amp; § 58.6</b>		
<b>Airport Hazards</b> Clear Zones and Accident Potential Zones; 24 CFR Part 51 Subpart D	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The nearest airport RPZ/CZ is approximately 16,157 feet away. The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The project is in compliance with Airport Hazards requirements.
<b>Coastal Barrier Resources Act</b> 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 13,760 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.
<b>Flood Insurance</b> Flood Disaster Protection Act of	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Flood: Flood Map Number 72000C2010J, effective on

<p>1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]</p>		<p>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.</p>
<p><b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 &amp; § 58.5</b></p>		
<p><b>Air Quality</b> Clean Air Act, as amended, particularly section 176(c) &amp; (d); 40 CFR Parts 6, 51, 93</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Based on the project description, this project includes no activities that would require further evaluation under the Clean Air Act. The project is in compliance with the Clean Air Act.</p>
<p><b>Coastal Zone Management Act</b> Coastal Zone Management Act, sections 307(c) &amp; (d)</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>The project is located 1,849 feet from the coastal zone. This project is not located in or 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.</p>
<p><b>Contamination and Toxic Substances</b> 24 CFR 50.3(i) &amp; 58.5(i)(2)]</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>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.</p>

<p><b>Endangered Species Act</b> Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>This project clears via the project criteria 4 of the USFWS Blanket Clearance Letter. "Rehabilitation of existing occupied single-family homes, and buildings; provided that equipment storage or staging areas are not located on vacant property harboring a wetland and/or forested vegetation and that the lighting associated to the new facility is not visible directly or indirectly from a beach." Furthermore the project is 11,021 feet from the nearest endangered species critical habitat. 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.</p>
<p><b>Explosive and Flammable Hazards Above-Ground Tanks</b>[24 CFR Part 51 Subpart C</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>Based on the project description the project includes no activities that would require further evaluation under this section. The project is in compliance with explosive and flammable hazard requirements.</p>
<p><b>Farmlands Protection</b> Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>This project does not include any activities that could potentially convert agricultural land to a non-agricultural use. The project is in compliance with the Farmland Protection Policy Act.</p>
<p><b>Floodplain Management</b> Executive Order 11988, particularly section 2(a); 24 CFR Part 55</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>Flood Map Number 72000C2010J, effective on 11/18/2009: This project is located in a 100-year floodplain. 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.</p>
<p><b>Historic Preservation</b> National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>(c. 1960) Based on Section 106 consultation there are No Historic Properties Affected because there are no historic properties present. The project is in compliance with Section 106.</p>
<p><b>Noise Abatement and Control</b> Noise Control Act of 1972, as amended by the Quiet Communities</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>Based on the project description, this project includes no activities that would require further evaluation under HUD's noise regulation. The project is in</p>

Act of 1978; 24 CFR Part 51 Subpart B		compliance with HUD's Noise regulation.
<b>Sole Source Aquifers</b> 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	Based on the project description, the project consists of activities that are unlikely to have an adverse impact on groundwater resources. The project is in compliance with Sole Source Aquifer requirements.
<b>Wetlands Protection</b> 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.
<b>Wild and Scenic Rivers Act</b> 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 305,308 feet from the nearest Wild and Scenic River. The project is in compliance with the Wild and Scenic Rivers Act.
<b>HUD HOUSING ENVIRONMENTAL STANDARDS</b>		
<b>ENVIRONMENTAL JUSTICE</b>		
<b>Environmental Justice</b> 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.

**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 insurance coverage must at least equal the outstanding principal balance of the loan or the maximum limit of coverage made available under the	N/A		

	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.			
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		

**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. In accordance with Puerto Rican Permit requirements any generator above 10HP requires an Emergency Generators General Permit of the Puerto Rico Natural and Environmental Resources Department prior to installation.

**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 nearest airport RPZ/CZ is approximately 16,157 feet away. The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The project is in compliance with Airport Hazards requirements.

#### Supporting documentation

[PR-SBF-06883 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 13,760 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-SBF-06883 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-SBF-06883 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. 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

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: Flood Map Number 72000C2010J, 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 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**

The project is located 1,849 feet from the coastal zone. This project is not located in or 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.

#### **Supporting documentation**

[PR-SBF-06883 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)

**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?)**

- No

**Explain:**

Based on ECHO reports for the facilities, there is no impact for the intended use of this project. See attached table.

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-SBF-06883 Toxics\(1\).pdf](#)

[PR-SBF-06883 Toxics Table.docx](#)

**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.

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**

This project clears via the project criteria 4 of the USFWS Blanket Clearance Letter. "Rehabilitation of existing occupied single-family homes, and buildings; provided that equipment storage or staging areas are not located on vacant property harboring a wetland and/or forested vegetation and that the lighting associated to the new facility is not visible directly or indirectly from a beach." Furthermore the project is 11,021

feet from the nearest endangered species critical habitat. 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**

[USFWS 29Oct18.pdf](#)

[PR-SBF-06883 Endangered Species.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.)	<a href="#">7 CFR Part 658</a>

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

Yes

No

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

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

### Screen Summary

#### **Compliance Determination**

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

#### **Supporting documentation**

[PR-SBF-06883 Farmlands.pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

No

## Floodplain Management

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

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

- 55.12(c)(3)
- 55.12(c)(4)
- 55.12(c)(5)
- 55.12(c)(6)
- 55.12(c)(7)
- 55.12(c)(8)
- 55.12(c)(9)
- 55.12(c)(10)
- 55.12(c)(11)
- None of the above

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

[PR-SBF-06883 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**

Flood Map Number 72000C2010J, effective on 11/18/2009: This project is located in a 100-year floodplain. 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-SBF-06883 5 step plan.docx](#)

**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” <a href="https://www.govinfo.gov/content/pkg/CFR-2012-title36-vol3/pdf/CFR-2012-title36-vol3-part800.pdf">https://www.govinfo.gov/content/pkg/CFR-2012-title36-vol3/pdf/CFR-2012-title36-vol3-part800.pdf</a>

**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 were Affected and No tribal lands 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:**

The building at 2437 Paseo Perla del Sur in the municipality of Ponce and the adjacent properties from which the generator will be visible.

**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:**

There are no historic properties 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**

(c. 1960) 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-SBF-06883\\_Ponce\\_SHPO\\_Consultation\\_Package\\_NHPA.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
<b>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.</b>	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

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

No

### Screen Summary

#### **Compliance Determination**

Based on the project description, the project consists of activities that are unlikely to have an adverse impact on groundwater resources. The project is in compliance with Sole Source Aquifer requirements.

#### **Supporting documentation**

**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.

#### Supporting documentation

[PR-SBF-06883 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 305,308 feet from the nearest Wild and Scenic River. The project is in compliance with the Wild and Scenic Rivers Act.

#### **Supporting documentation**

[PR-SBF-06883 W S Rivers.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.

#### **Supporting documentation**

**Are formal compliance steps or mitigation required?**

Yes

No

**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-06883  
Atrevida Boutique

***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 new generator affixed to cement roof with a new transfer switch being installed and replacement wall clothing racks for the Small Business. The project is located at 2437 Paseo Perla del Sur Ponce, PR 00717. The Tax Parcel ID of the site is 411-010-946-15-001. The Latitude is 17.996350 and the Longitude -66.625782. The project is located entirely within the 100-year floodplain. The property is shown as being within Zone AO on the Official Flood Insurance Rate Map (FIRM) Panel no. 72000C2010J, 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. The subject unit occupies 3,798 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 affixing new generator attached to the cement roof with a new transfer switch being installed and replacement wall clothing racks 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.



**GOVERNMENT OF PUERTO RICO**  
STATE HISTORIC PRESERVATION OFFICE

Executive Director | Carlos A. Rubio-Cancela | [carubio@prshpo.pr.gov](mailto:carubio@prshpo.pr.gov)

Wednesday, November 2, 2022

**Lauren Bair Poche**

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

SHPO: 10-24-22-10 PONCE, PUERTO RICO DISASTER RECOVERY, CDBG-DR PROGRAM:  
SMALL BUSINESS FINANCING PROGRAM (SBF), PR-SBF-06883, ATREVIDA BOUTIQUE,  
2437 PASEO PERLA DEL SUR, PONCE, 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/EVR



October 24, 2022

Carlos A. Rubio Cancela  
Director Ejecutivo  
Oficina Estatal de Conservación Histórica  
Cuartel de Ballajá (Tercer Piso)

## **Puerto Rico Disaster Recovery, CDBG-DR Program: Small Business Financing Program (SBF)**

### **Case PR-SBF-06883, Atrevida Boutique, 2437 Paseo Perla del Sur, Ponce, Puerto Rico - *No Historic Properties Affected***

Dear Architect Rubio Cancela,

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 (PRDOH) aims to lead a comprehensive and transparent recovery for the benefit of Puerto Rico residents. To faithfully comply with HUD's environmental requirements, the PRDOH contracted Horne Federal, LLC (HORNE) to provide environmental records review services that will support their objectives for CDBG-DR.

On behalf of PRDOH and the subrecipient for the Small Business Financing Program (SBF), the Economic Development Bank for Puerto Rico, we are submitting documentation for the purchase and installation of a generator and transfer switch on the roof of the building, and the replacement of wall clothing racks. The building is greater than 45 years in age but is not individually eligible, listed in the National Register of Historic Places (NRHP) or located within or adjacent to an eligible or listed Historic District. A recommendation of "No Historic Properties Affected", pursuant to 36 CFR 800.4(d)(1), has been made for this proposed project.

We look forward to your response. Please contact me with any questions or concerns by email at [lauren.poche@horne.com](mailto:lauren.poche@horne.com) or by phone at 225-405-7676.

Kindest regards,



**Lauren Bair Poche, MA**

Architectural Historian, Historic Preservation Senior Manager  
Enclosures

<b>PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM</b> <b>SMALL BUSINESS FINANCING PROGRAM (SBF)</b> <b>Section 106 NHPA Effect Determination</b>	
<b>Subrecipient:</b> Economic Development Bank for Puerto Rico	
<b>Program ID Number:</b> PR-SBF-06883	
<b>Applicant:</b> Atrevida Boutique	

<b>Project Location:</b> 2437 Paseo Perla del Sur, Ponce, PR 00717	
<b>Project Coordinates:</b> 17.99635, -66.625782	
<b>TPID (Número de Catastro):</b> 411-010-946-15-001	
<b>Type of Undertaking:</b> <input checked="" type="checkbox"/> Substantial Repair/Improvements <input type="checkbox"/> New Construction	
<b>Construction Date (AH est.):</b> c. 1960	<b>Property Size (acres):</b> 0.09

<b>SOI-Qualified Architect/Architectural Historian:</b> Andrea McCarthy, M.A.
<b>Date Reviewed:</b> 10/20/22
<b>SOI-Qualified Archaeologist:</b> n/a
<b>Date Reviewed:</b> n/a

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

### Project Description (Undertaking)

The proposed undertaking is the purchase and installation of new interior clothing racks and a new generator at 2437 Paseo Perla del Sur in the municipality of Ponce. The generator will be mounted on top of the flat concrete roof. The generator is the only item that will be visible from the exterior, and no ground disturbance is proposed.

### Area of Potential Effects

As defined in 36 CFR §800.16(d), the area of potential effects (APE) is the geographic area or areas within which an undertaking may directly or indirectly cause changes in the character or use of historic properties if any such properties exist. Based on this definition and the nature and scope of the Undertaking, the Program has determined that the Direct APE for this project is the building located at 2437 Paseo Perla del Sur in the municipality of Ponce. The Indirect/Visual APE is defined as the viewshed of the proposed project, which includes the adjacent properties from which the generator will be visible.

### Identification of Historic Properties - Archaeology

No ground disturbance is anticipated.

<b>PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM</b> <b>SMALL BUSINESS FINANCING PROGRAM (SBF)</b> <b>Section 106 NHPA Effect Determination</b>	
<b>Subrecipient:</b> Economic Development Bank for Puerto Rico	
<b>Program ID Number:</b> PR-SBF-06883	
<b>Applicant:</b> Atrevida Boutique	

### 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 a listed or eligible historic district.

The subject property is a commercial building located on the southern end of an urban region, where densely populated concrete structures are situated on small parcels. Most of the buildings in the area are one or two stories. This block has parking in front of the buildings and is located just north of the main highway. The building was likely constructed circa 1960, as it appears on the 1967 aerial imagery, but is absent from the 1950 imagery. The building is a one-story tall concrete structure, situated on a slab foundation with a flat concrete slab. The middle of the building has two banks of windows which are covered by metal rejas. The entrance is located within the left bay, which is recessed and has a glass storefront and entrance door. The far right bay has a metal garage door.

The building lacks any distinguishable architectural features but is typical of a small-scale concrete commercial structure from the 1960s. The building is not located in a listed or eligible historic district and does not convey the qualities of significance that would make it eligible for listing on the National Register of Historic Places.

### Determination

The following historic properties have been identified within the APE:

- Direct Effect:
  - There are no historic properties within the Direct APE.
- Indirect Effect:
  - There are no historic properties within the Indirect APE.

Based on the results of historic property identification efforts, no previously identified historic properties are present within the Direct APE or the Indirect/Visual APE. The Program has determined that no historic properties will be affected by the proposed activities.

<b>PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM</b> <b>SMALL BUSINESS FINANCING PROGRAM (SBF)</b> <b>Section 106 NHPA Effect Determination</b>	 GOVERNMENT OF PUERTO RICO DEPARTMENT OF HOUSING
<b>Subrecipient:</b> Economic Development Bank for Puerto Rico	
<b>Program ID Number:</b> PR-SBF-06883	
<b>Applicant:</b> Atrevida Boutique	

**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"/> <b>Concurs</b> with the information provided. <input type="checkbox"/> <b>Does not concur</b> with the information provided.	
<b>Comments:</b>  	
Carlos Rubio-Cancela State Historic Preservation Officer	Date:

**PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM  
SMALL BUSINESS FINANCING PROGRAM (SBF)  
Section 106 NHPA Effect Determination**



GOVERNMENT OF PUERTO RICO  
DEPARTMENT OF HOUSING

**Subrecipient:** Economic Development Bank for Puerto Rico

**Program ID Number:** PR-SBF-06883

**Applicant:** Atrevida Boutique

**Project Location - Aerial Base  
Puerto Rico Department of Housing  
Small Business Financing Program**

Latitude: 17.9964  
Longitude: -66.6258



**Application ID#:** PR-SBF-06883

**Address:** 2437 Paseo Perla del Sur, Ponce, PR 00717



**PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM  
SMALL BUSINESS FINANCING PROGRAM (SBF)  
Section 106 NHPA Effect Determination**



GOVERNMENT OF PUERTO RICO  
DEPARTMENT OF HOUSING

**Subrecipient:** Economic Development Bank for Puerto Rico

**Program ID Number:** PR-SBF-06883

**Applicant:** Atrevida Boutique

**Project Location - Topographic Base**

**Puerto Rico Department of Housing  
Small Business Financing Program**

**Application ID#:** PR-SBF-06883

**Address:** 2437 Paseo Perla del Sur, Ponce, PR 00717

**Latitude:** 17.9964  
**Longitude:** -66.6258



**PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM  
SMALL BUSINESS FINANCING PROGRAM (SBF)  
Section 106 NHPA Effect Determination**



GOVERNMENT OF PUERTO RICO  
DEPARTMENT OF HOUSING

**Subrecipient:** Economic Development Bank for Puerto Rico

**Program ID Number:** PR-SBF-06883

**Applicant:** Atrevida Boutique

**Historic Properties - Aerial Base  
Puerto Rico Department of Housing  
Small Business Financing Program**

Latitude: 17.9964  
Longitude: -66.6258



**Application ID#:** PR-SBF-06883

**Address:** 2437 Paseo Perla del Sur, Ponce, PR 00717



PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM

SMALL BUSINESS FINANCING PROGRAM (SBF)

Section 106 NHPA Effect Determination



GOVERNMENT OF PUERTO RICO  
DEPARTMENT OF HOUSING

Subrecipient: Economic Development Bank for Puerto Rico

Program ID Number: PR-SBF-06883

Applicant: Atrevida Boutique

### Historic Properties - Topographic Base

Puerto Rico Department of Housing

Small Business Financing Program

Application ID#: PR-SBF-06883

Address: 2437 Paseo Perla del Sur, Ponce, PR 00717

Latitude: 17.9964  
Longitude: -66.6258



**PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM  
SMALL BUSINESS FINANCING PROGRAM (SBF)  
Section 106 NHPA Effect Determination**



**Subrecipient:** Economic Development Bank for Puerto Rico

**Program ID Number:** PR-SBF-06883

**Applicant:** Atrevida Boutique



**Photo #: 1**

**Description (include direction):** South-facing façade of the subject building, photo taken facing north.

**Date:** 10/20/22

**PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM  
SMALL BUSINESS FINANCING PROGRAM (SBF)  
Section 106 NHPA Effect Determination**



**Subrecipient:** Economic Development Bank for Puerto Rico

**Program ID Number:** PR-SBF-06883

**Applicant:** Atrevida Boutique



**Photo #: 2**

**Description (include direction):** Location where generator switch will be installed, photo facing to the northeast.

**Date:** 10/22/22

**PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM  
SMALL BUSINESS FINANCING PROGRAM (SBF)  
Section 106 NHPA Effect Determination**



**Subrecipient:** Economic Development Bank for Puerto Rico

**Program ID Number:** PR-SBF-06883

**Applicant:** Atrevida Boutique



**Photo #:** 3

**Description (include direction):** Location on roof where generator will be installed.

**Date:** 10/20/22

**PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM  
SMALL BUSINESS FINANCING PROGRAM (SBF)  
Section 106 NHPA Effect Determination**



**Subrecipient:** Economic Development Bank for Puerto Rico

**Program ID Number:** PR-SBF-06883

**Applicant:** Atrevida Boutique



**Photo #: 4**

**Description (include direction):** View from the subject building's roof of the area where the new generator will be connected to the transfer switch.

**Date:** 10/20/22



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 printed name of the signatory.

Juan C. Pérez Bofill, P.E. M.Eng

Director of Disaster Recovery

CDBG DR-MIT



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

Caribbean Ecological Services

Field Office

P.O. Box 491

Boqueron, PR 00622

**JAN 14 2013**

In Reply Refer To:  
FWS/R4/CESFO/BKT/HUD

Mr. Efrain Maldonado  
Field Office Director  
U.S. Department of Housing and Urban Development  
235 Federico Costa Street, Suite 200  
San Juan, Puerto Rico 00918

Re: Blanket Clearance Letter for Federally  
sponsored projects, Housing and Urban  
Development

Dear Mr. Maldonado:

The U.S. Fish and Wildlife Service (USFWS) is one of two lead Federal Agencies responsible for the protection and conservation of Federal Trust Resources, including threatened or endangered species listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) (ESA). In the U.S. Caribbean, the USFWS has jurisdiction over terrestrial plants and animals, the Antillean manatee and sea turtles when nesting. The National Marine Fisheries Service has jurisdiction over marine species, except for the manatee. The ESA directs all Federal agencies to participate in conserving these species. Specially, section 7 of the ESA requires Federal agencies to consult with the USFWS to ensure that actions they fund authorize, permit, or otherwise carry out will not jeopardize the continued existence of any listed species or adversely modify designated critical habitat. The USFWS issued regulations in 1986 detailing the consultation process. As part of this consultation process, the USFWS review development projects to assist Federal agencies on the compliance of the ESA.

The U.S. Department of Housing and Urban Development (HUD) typically allocate grant funds for rural and urban development projects. Obligations under the ESA, as well as the National Environmental Policy Act (NEPA), require HUD to perform consultation and an environmental impact review prior to the project's authorization. Primarily, these projects involve repair or reconstruction of existing facilities associated with developed land.

In order to expedite the consultation process, the Caribbean Ecological Services Field Office has developed this Blanket Clearance Letter (BCL) to cover for activities and projects that typically result in no adverse effects to federally-listed species under our jurisdiction. If projects comply with the project criteria discussed below, no further consultation with the USFWS is needed.

Project Criteria

1. Street resurfacing.
2. Construction of gutters and sidewalks along existing roads.
3. Reconstruction or emergency repairs of existing buildings, facilities and homes.
4. Rehabilitation of existing occupied single family homes, and buildings; provided that equipment storage or staging areas are not located on vacant property harboring a wetland and/or forested vegetation and that the lighting associated to the new facilities is not visible directly or indirectly from a beach.
5. Demolition of dilapidated single family homes or buildings; provided that the demolition debris is disposed in certified receiving facilities; equipment storage or staging areas are not located on vacant property harboring a wetland and/or forested vegetation.
6. Rebuilding of demolished single family homes or buildings, provided that the new construction is within the existing footprint of the previous structure and/or within pre-existing grassed or paved areas, and that the lighting associated to the new facilities are not visible directly or indirectly from a beach.
7. Activities within existing Right of Ways (ROWs) of roads, bridges and highways, when limited to actions that do not involve cutting native vegetation or mayor earth moving; and are not located within, or adjacent to, drainages, wetlands, or aquatic systems. These activities include the installation of potable water and sanitary pipelines.
8. Improvements to existing recreational facilities, including the installation of roofs to existing basketball courts, provided that the lighting associated to the facilities are not visible directly or indirectly from the beach.
9. Construction of electric underground systems in existing towns and communities, provided that the property is not a wetland area and the lighting associated to the facilities are not visible directly or indirectly from the beach.
10. Construction of facilities on vacant properties covered with grasses in urban areas, provided that the lighting associated to the facilities are not visible directly or indirectly from the beach.
11. Construction of houses, buildings or acquiring lands in urban areas covered by grass for relocation of low income families and/or facilities that have been affected by weather conditions.

Determination:

Based on the nature of the projects described above and habitat characteristics described on project criteria, we have determined that the actions and type of projects described above may be conducted within this BCL without adversely affecting federally-listed

species under our jurisdiction. Thus, consultation under Section 7 of the Endangered Species Act is not required.

In all situations, HUD, and the municipalities are expected to implement Best Management Practices, where applicable, to ensure that impacts from erosion and stream sedimentation are appropriately minimized.

The Service encourages your agency to enhance the conservation of our trust resources (i.e.; listed species, wetlands, aquatic habitats, migratory birds and marine mammals). We therefore, provide the following recommendations that have proven to help in this way.

Water Crossing Structures:

1. Use of bottomless culverts or single span bridges instead of traditional box or RCP culverts or any other water crossing structure that impacts the stream bottom, particularly in streams which support native fish. The use of bottomless culverts or a short span bridge would provide a more stable crossing and would not alter the stream habitat. However, if bottomless structures or bridges are not feasible due to cost or engineering constraints, we recommend the following criteria be used to maintain good habitat in the streams:
  - a. The stream should not be widened to fit the bridge since this can lead to sedimentation during low flows and possible bank erosion during high flows. Rather, the bridge should be designed to fit the stream channel at the point of crossing. Culverts should be sized to carry natural bank full flow. Additional flow can be capture by culverts placed at a higher elevation so as not to impact bank full flows.
  - b. Bridge abutments, wing walls or any other structures should not intrude into the active stream channel.
  - c. All culvert footings must be countersunk into the stream channel at both the invert and outlet ends at a minimum of 10% of the culvert height. This will align the water crossing structure with the slope of the stream.
  - d. Waterways must not be blocked as to impede the free movement of water and fish. Materials moved during construction, such as grubbing, earth fills, and earth cut materials must not be piled where they can fall back into the stream and block the drainage courses.
  - e. Appropriate erosion and/or sedimentation controls measures are to be undertaken to protect water quality until riverbanks are re-vegetated. It has been our experience that appropriate erosion and/or sedimentation control measures are not implemented properly by project contractors. In order to function properly, silt fences need to be buried 6" (proper depth is marked by a line on the silt fence) and supported at regular intervals by wood stakes. For that reason we are recommending that

the enclosed drawing of proper silt fence installation is included in all final project construction plans.

- f. Upon completion of a water crossing construction, any temporary fill, must be removed from the construction area and disposed in a landfill.

Limitations:

Actions that do not meet the above project criteria, such as actions requiring placement of fill, disturbance, or modification to land outside of an existing access road or ROW; actions that occur on vacant property harboring a wetland and/or forest vegetation; actions requiring excavation, clearing of native vegetation, or alteration of storm water drainage patterns; or actions that require lighting which can be directly or indirectly seen from a beach, must be individually coordinated through the Caribbean Ecological Services Field Office and will be evaluated on a case by case basis.

**The Service reserves the right to revoke or modify this BCL if:**

1. New information reveals that the categories of work covered in this BCL may affect listed or designated critical habitat in a manner, or to an extent, not previously considered.
2. The categories of work included in this BCL are subsequently modified to include activities not considered in this review.
3. New species are listed or critical habitat designated that may be affected.

It is our mission to work with others, to conserve, protect and enhance fish wildlife and plants and their habitats for the continuing benefit of our people.

To obtain additional information on threatened and endangered species, you may visit our website <http://www.fws.gov/caribbean/ES> where you will also find the Map of the Species by Municipality and the Map of Critical Habitat. The USFWS has also developed a web based tool called IPac. Please visit <http://www.ecos.fws.gov/ipac> and familiarize yourself with the features we offer. We encourage you to begin your project planning process by requesting an **Official Species List** for your individual project that will include all species that may occur in the vicinity of the action area and includes a map of the action area. The site will also identify designated critical habitat, or other natural resources of concern that may be affected by your proposed project. At this time, best management practices or conservation measures are not available at the site but we expect the site to continue growing in its offering.

These maps provide information on the species/habitat relations within a municipality and could provide the applicants an insight if the proposed action is covered under this BCL or may affect a species, thus requiring individual review.

If you have any additional question regarding this BCL, please do not hesitate to contact Marelisa Rivera, Deputy Field Supervisor, at 787-851-7297 extension 206.

Sincerely yours,



Edwin E. Muñiz  
Field Supervisor

Enclosures (Fact Sheets)

cc: OCAM, San Juan  
Office of Federal Funds, 78 Municipalities of Puerto Rico  
AAA  
PRFAA  
DNER



## Ecological Services in the Caribbean

Caribbean Field Office

# Project evaluation



**Our mission** is to conserve, protect and enhance fish and wildlife and their habitats through consultation, cooperation and communication for the continuing benefit of the American people.

### Legal authorities:

- Endangered Species Act (ESA)
- Fish and Wildlife Coordination Act
- Migratory Bird Treaty Act
- Coastal Barriers Act

### Roles and Responsibilities:

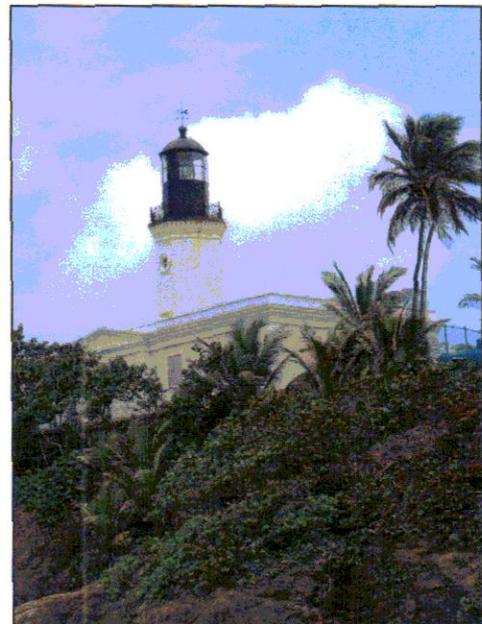
- Provide technical assistance to Federal and Commonwealth agencies to minimize possible impacts of land and water projects to our trust resources
  - \*Wetlands and other aquatic habitats
  - \*Endangered Species and their habitats
  - \*Migratory Birds
  - \*Critical Wildlife Areas
  - \*Coastal Barriers
- Assist with ESA Section 7 compliance through informal and formal consultation processes

### How do we assist others?

- Determine presence / absence of wetland resources, threatened and endangered species habitat, coastal barriers, important wildlife areas within the action area
- Evaluate possible direct, indirect and cumulative impacts
- Provide conservation recommendations to avoid, minimize and/or mitigate impacts
- General recommendations for habitat enhancement

### Minimum requirements for the evaluation of projects:

- An 8.5 by 11 inch copy of the specific site location on a USGS topographic map (1:20,000) marked with an arrow (➔)
- Project description
- Aerial photo of the project site
- Latitude and Longitude (degrees, minutes and seconds or decimal degrees)
- Environmental Documents (EA and EIS)
- Specific studies (by qualified personnel)



### For more information:

US Fish and Wildlife Service  
Caribbean Field Office  
Raod 301, Km. 5.1  
Bo. Corozo

Boquerón, PR 00622

<http://www.fws.gov>

<http://www.fws.gov/caribbean/es>



## Endangered Species Lists Using Web-based Tools

The U.S. Fish and Wildlife Service's Caribbean Ecological Services Field Office (CESFO) provides technical assistance to private individuals and organizations, as well as Federal, state, and local agencies pursuant to the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.). To assist project sponsors or applicants with the process of determining whether a Federally-listed species and/or "critical habitat" may occur within their proposed project area, we have developed Web-based tools. These tools were developed primarily to assist Federal agencies that are consulting with us under Section 7(a)(2) of the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

**IPaC.** The US Fish & Wildlife Service (USFWS) has a tool named IPaC. IPaC stands for Information, Planning, and Conservation. This system is designed for easy, public access to the natural resources information for which the USFWS has trust or regulatory responsibility. Examples include Threatened and Endangered species, migratory birds, National Refuge lands, Coastal Barrier Resource Units, and the management of invasive species. One of the primary goals of the IPaC system is to provide information in a manner that assists individuals in planning their activities within the context of natural resource conservation. The IPaC system also assists people through the various regulatory consultation, permitting and approval processes administered by the USFWS, helping achieve more effective and efficient results for both the project proponents and natural resources. Through IPaC, you can get a preliminary USFWS species list in addition to links to species life history information, the USFWS Migratory Bird program, and more. You can access IPaC at: <http://ecos.fws.gov/ipac>

**CESFO List of Threatened & Endangered Species and Critical Habitat Designations:** CESFO has developed another tool (Species Map) that can be used as a quick reference to find out where the Federally-listed species



are known to occur, as well as those likely to occur, in any given municipality in Puerto Rico and island in the

U.S. Virgin islands. It identifies general areas where the species may be located. However, it does not represent the absolute distribution of the species and does not constitute a recommendation or comment issued by our agency in reference to a proposed project. This list represents the best available information regarding known or likely occurrences of Federally-listed species and is subject to change as new information becomes available. You can access this database at <http://www.fws.gov/caribbean/es/PDF/Map/pdf>



Be aware that Section 9 of the ESA prohibits unauthorized taking of listed species and applies to Federal and non-Federal activities. Under the Act, it is illegal for any person subject to the jurisdiction of the United States to take (includes harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect; or to attempt any of these), import or export, ship in interstate or foreign commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce any endangered fish or wildlife species and most threatened fish and wildlife species. It is also illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. "Harm" includes any act which actually kills or injures fish or wildlife, and case law has clarified that such acts may include significant habitat modification or degradation that significantly impairs

essential behavioral patterns of fish or wildlife. For projects not authorized, funded, or carried out by a Federal agency, consultation with the Service pursuant to Section 7(a)(2) of the ESA is not required. However, no person is authorized to "take" any listed species without appropriate authorizations from the Service. Therefore, we provide technical assistance to individuals and agencies to assist with project planning to avoid the potential for "take," or when appropriate, to provide assistance with their application for an incidental take permit pursuant to Section 10(a)(1)(B) of the ESA.

If the project is within the distribution of the species, additional information may be needed to determine the presence of habitat. In some cases, specialized surveys may be needed to determine the presence or absence of the species in a particular area.

For additional information on fish and wildlife resources or State-listed species, we suggest contacting the Puerto Rico Department of Natural and Environmental Resources and the U.S. Virgin Islands Department of Planning and Natural Resources.

For further assistance, please feel free to contact us at (787) 851-7297 or visit our Web page at [www.fws.gov/caribbean/es](http://www.fws.gov/caribbean/es) if you need further assistance.

For further information visit our national websites at:

<http://www.fws.gov>

<http://ecos.fws.gov>



U.S. Fish & Wildlife Service

# Consultations with Federal Agencies

## *Section 7 of the Endangered Species Act*

The purposes of the Endangered Species Act are to provide a means for conserving the ecosystems upon which endangered and threatened species depend and a program for the conservation of such species. The ESA directs all Federal agencies to participate in conserving these species. Specifically, section 7 (a)(1) of the ESA charges Federal agencies to aid in the conservation of listed species, and section 7 (a)(2) requires the agencies to ensure that their activities are not likely to jeopardize the continued existence of listed species or adversely modify designated critical habitats.

### **How does the consultation process support the recovery of species and their ecosystems?**

The Endangered Species Program of the U.S. Fish and Wildlife Service uses section 7 tools in partnership with other Service programs and other Federal agencies to collaboratively solve conservation challenges, as well as create opportunities, using section 7 consultations, to recover the ecosystems of listed species. Consultations also provide ways to implement recovery tasks by addressing threats to listed species that may result from Federal agency programs and activities.

### **What is the consultation process that occurs under section 7(a)(2)?**

The provision under section 7 that is most often associated with the Service and other Federal agencies is section 7(a)(2). It requires Federal agencies to consult with the Service to ensure that actions they fund, authorize, permit, or otherwise carry out will not jeopardize the continued existence of any listed species or adversely modify designated critical habitats. The



Photo Credit: USGS - Sirenia Project

USGS

*In response to requests for consultations from the U. S. Coast Guard with regard to manatees and sea turtles, the South Florida Office of the U. S. Fish and Wildlife Service has provided guidance about events such as fireworks displays, regattas, boat parades and races, and fishing tournaments.*

Service issued regulations in 1986 detailing the consultation process, and we have since completed a handbook describing the process in detail. The handbook is available on our web site at [http://www.fws.gov/endangered/esa-library/pdf/esa\\_section7\\_handbook.pdf](http://www.fws.gov/endangered/esa-library/pdf/esa_section7_handbook.pdf).

### **What is the Service doing to facilitate the consultation process?**

Designing projects in ways that are compatible with the conservation needs of listed species and their ecosystems is among the most effective methods of ensuring a more rapid and efficient section 7 consultation process, as well as species' recovery. The Information, Planning, and Conservation System is an emerging tool for action agencies, their applicants, and other project proponents to use

during the initial phases of project development and assessment. The system will allow for more effective integration of listed resource conservation needs and the eventual streamlining of section 7(a)(2) consultation.

### **How does a consultation get started?**

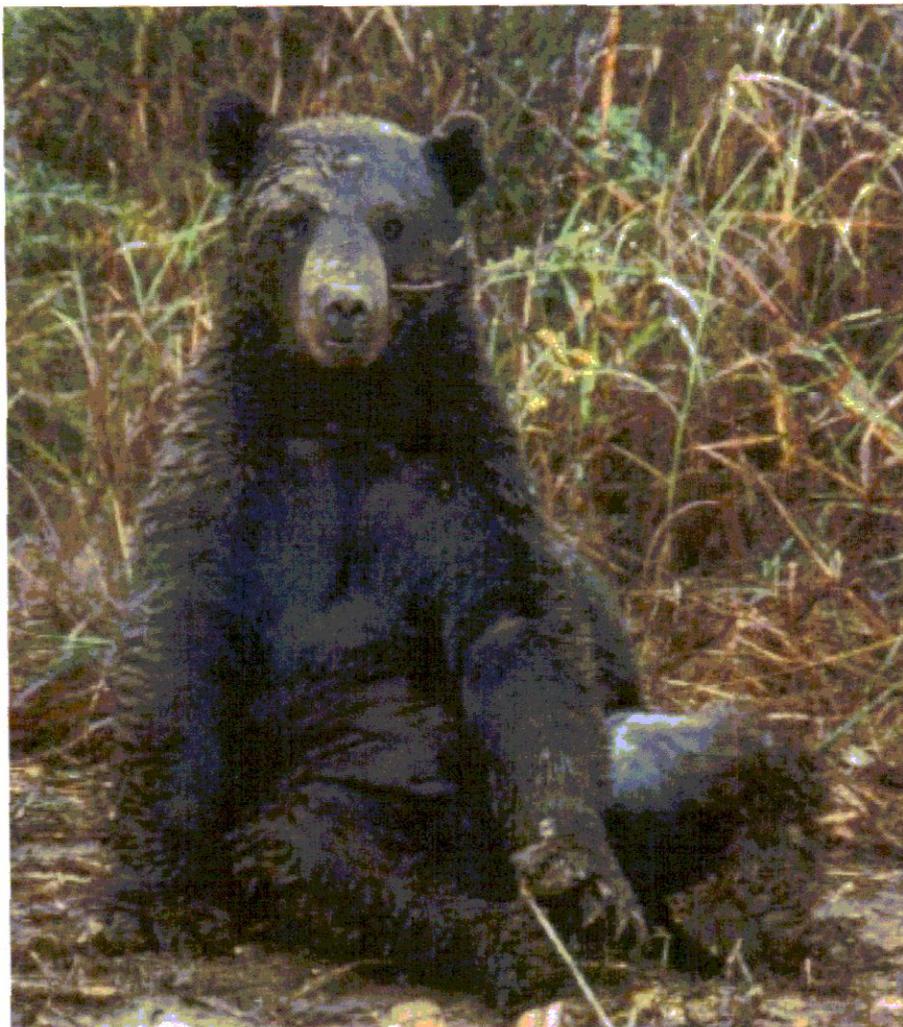
Early coordination is one of the most effective methods of (1) streamlining section 7 consultation, (2) reducing the need to make project modifications during the consultation process, and (3) improving the ability of section 7 to fulfill its role as a recovery tool. Federal agencies, applicants, and the Service engage in early coordination to develop methods of integrating proposed activities with the conservation needs of listed resources before the proposed actions are fully designed.

Before initiating an action, the Federal agency or its non-Federal permit applicant should coordinate with the Service as to the species that may be within their action area. If a listed species is present, the Federal agency must determine whether the project may affect it. If so, consultation may be required. If the action agency determines (and the Service agrees) that the project is not likely to adversely affect a listed species or designated critical habitat, and the Service concurs in writing, then the consultation (informal to this point) is concluded.

#### **What happens if a Federal project may adversely affect a listed species?**

If the Federal agency determines that a project is likely to adversely affect a listed species or designated critical habitat, the agency initiates formal consultation by providing information with regard to the nature of the anticipated effects. The ESA requires that consultation be completed within 90 days, and the regulations allow an additional 45 days for the Service to prepare a biological opinion. The analysis of whether or not the proposed action is likely to jeopardize the continued existence of the species or adversely modify designated critical habitat is contained in a biological opinion. If a jeopardy or adverse modification determination is made, the biological opinion must identify any reasonable and prudent alternatives that could allow the project to move forward.

The Service must anticipate any incidental take that may result from the proposed project and, provided that such take will not jeopardize the continued existence of the listed species, authorize that take in an incidental take statement. The latter contains clear terms and conditions designed to reduce the impact of the anticipated take to the species involved. The authorization of incidental take is contingent upon the Federal agency carrying out the terms and conditions. If the Service issues either a non-jeopardy opinion or a jeopardy opinion that contains reasonable and prudent alternatives, it may include an incidental take statement.



Dan Anderson/USFWS

*This Louisiana black bear was one of the largest ever captured on Tensas River National Wildlife Refuge, weighing in at over 400 pounds. The bear was trapped using a leg-hold cable snare that does not injure the animal. The biological information obtained, including weight, sex, a tooth for aging, and other measurements, is part of the Service's ongoing research efforts to aid in the recovery of this threatened subspecies. Afterwards, the bear was released on site.*

#### **What is the consultation workload?**

In Fiscal Year 2010, the Service assisted Federal agencies in carrying out their responsibilities under section 7 on more than 30,000 occasions. The vast majority of the workload was technical assistance to Federal agencies and informal consultations on actions that were not likely to adversely affect listed species or their designated critical habitat. A large percentage of projects, as initially planned, would have had adverse impacts to listed species, but were dealt with through informal consultation. In these situations, the Federal agency made changes to the project design so that adverse impacts to listed species were avoided.

#### **What type of guidance is available for other Federal agencies?**

Guidance is available on our section 7 web site at <http://www.fws.gov/endangered/what-we-do/consultations-overview.html>. Please call us at 703-358-2171 if you have any questions, or see our Endangered Species Program Contacts at <http://www.fws.gov/endangered/regions/index.html> to locate a Service office in your area.

**U. S. Fish and Wildlife Service  
Endangered Species Program  
4401 N. Fairfax Drive, Room 420  
Arlington, VA 22203  
703-358-2171  
<http://www.fws.gov/endangered/>**

April 2011

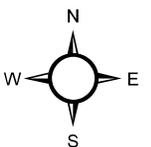
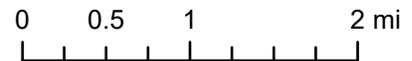


# PR-SBF-06883 Airports



## Legend

- 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

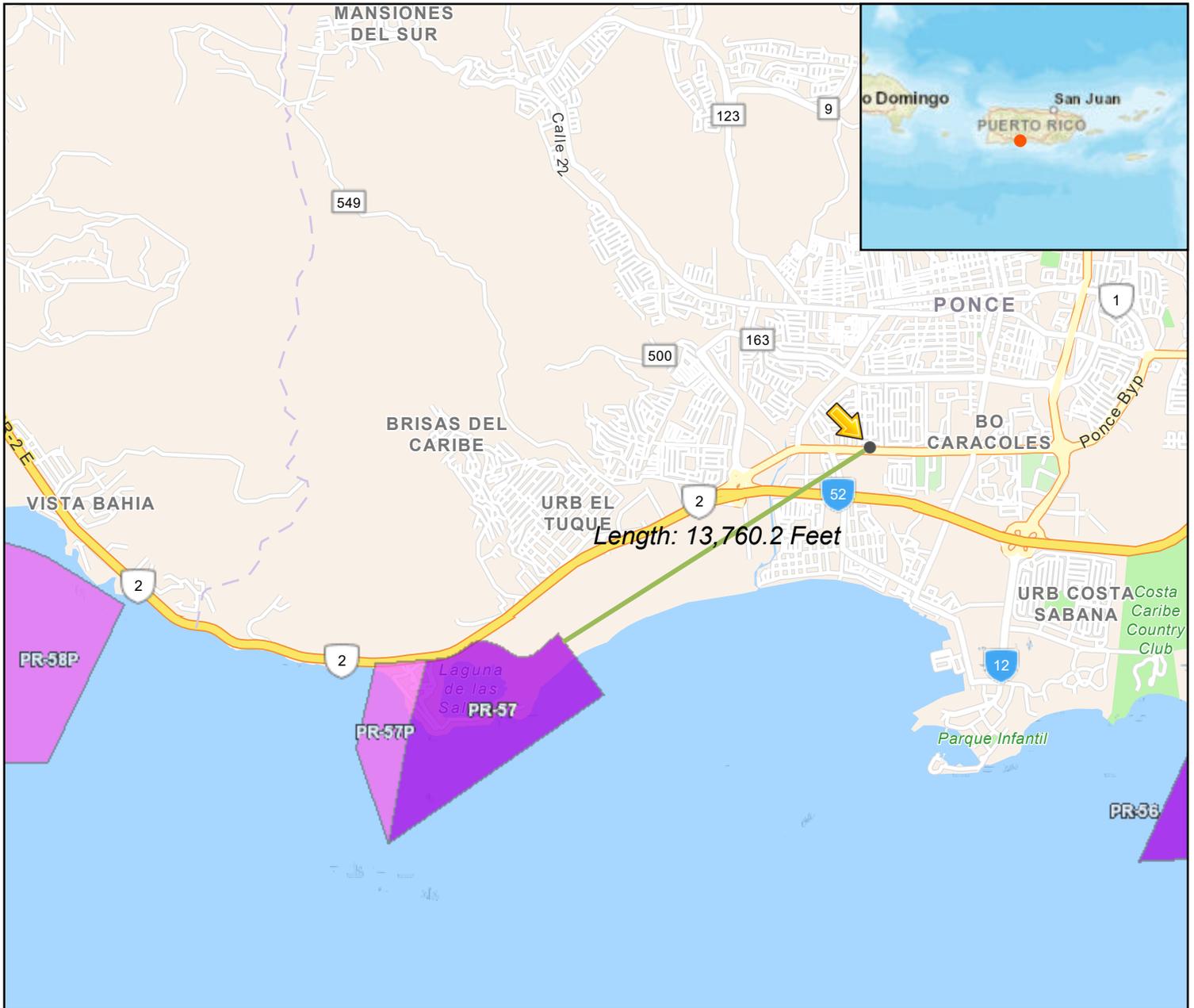


Runway Protection Zones

Major Civil and Military Airports

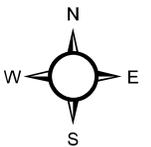
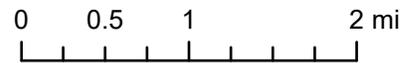


# PR-SBF-06883 CBRS



## Legend

- Otherwise Protected Area
- System Unit

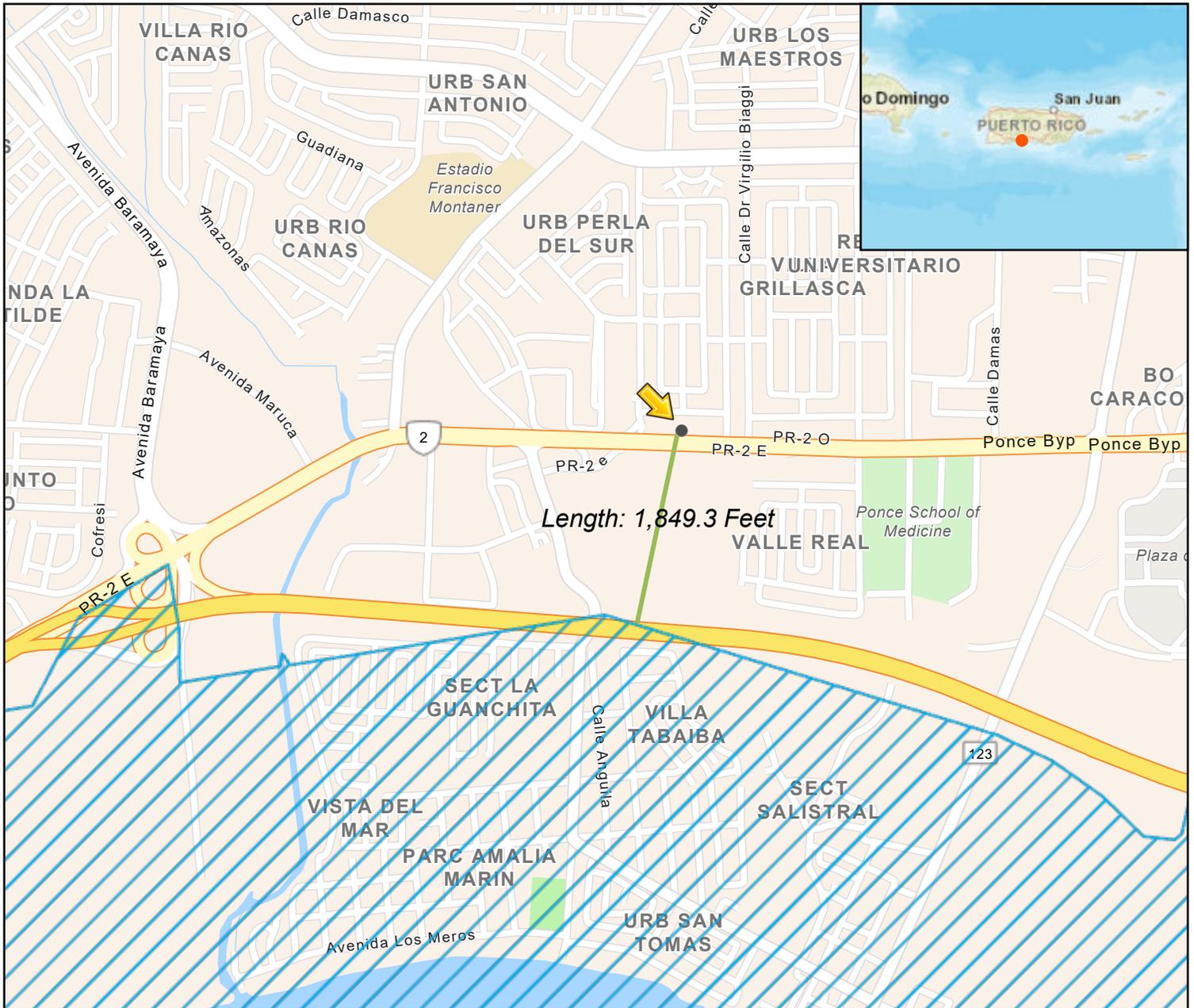


U.S. Fish and Wildlife Service

Coastal Barrier Resources Act Program

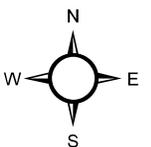
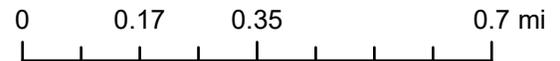


# PR-SBF-06883 CZM



### Legend

 Coastal Zone Management Act Boundary



NOAA

Coastal Zone Management Act

<https://coast.noaa.gov/arcgis/rest/services/Hosted/CoastalZoneManagementAct/FeatureServer/0>

10/20/2022 10:13 AM

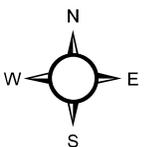
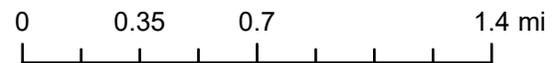


# PR-SBF-06883 Endangered Species



### Legend

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

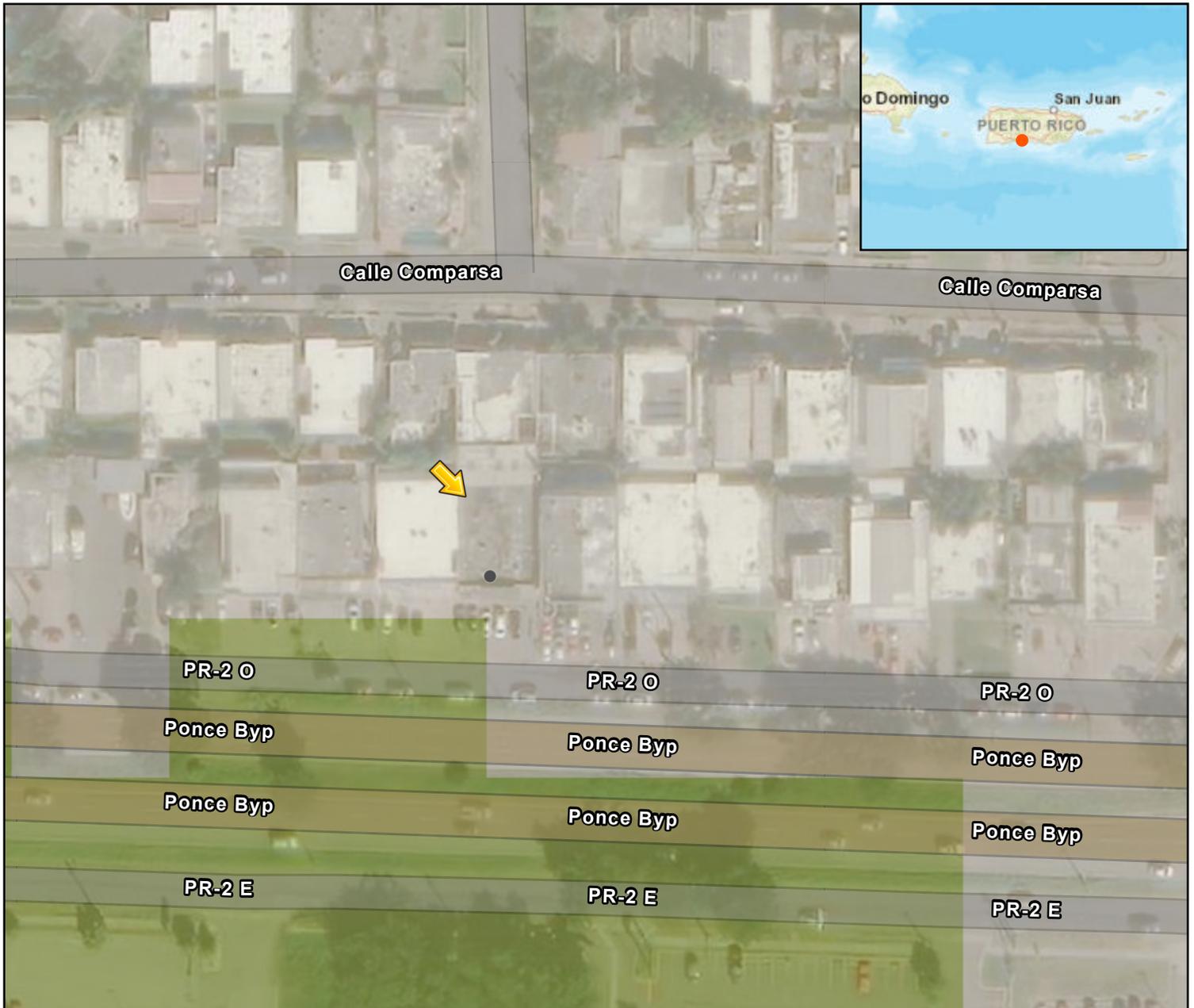


Endangered Species Habitat

U.S. Fish and Wildlife Service

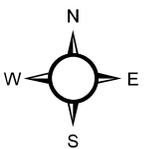
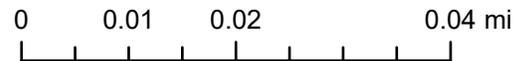


# PR-SBF-06883 Farmlands



## Legend

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



USGS USA Soils

Farmland dataset

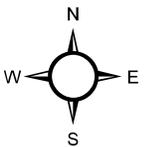
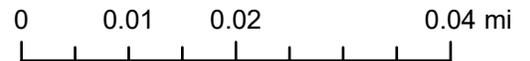


# PR-SBF-06883 Flood Map



## 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

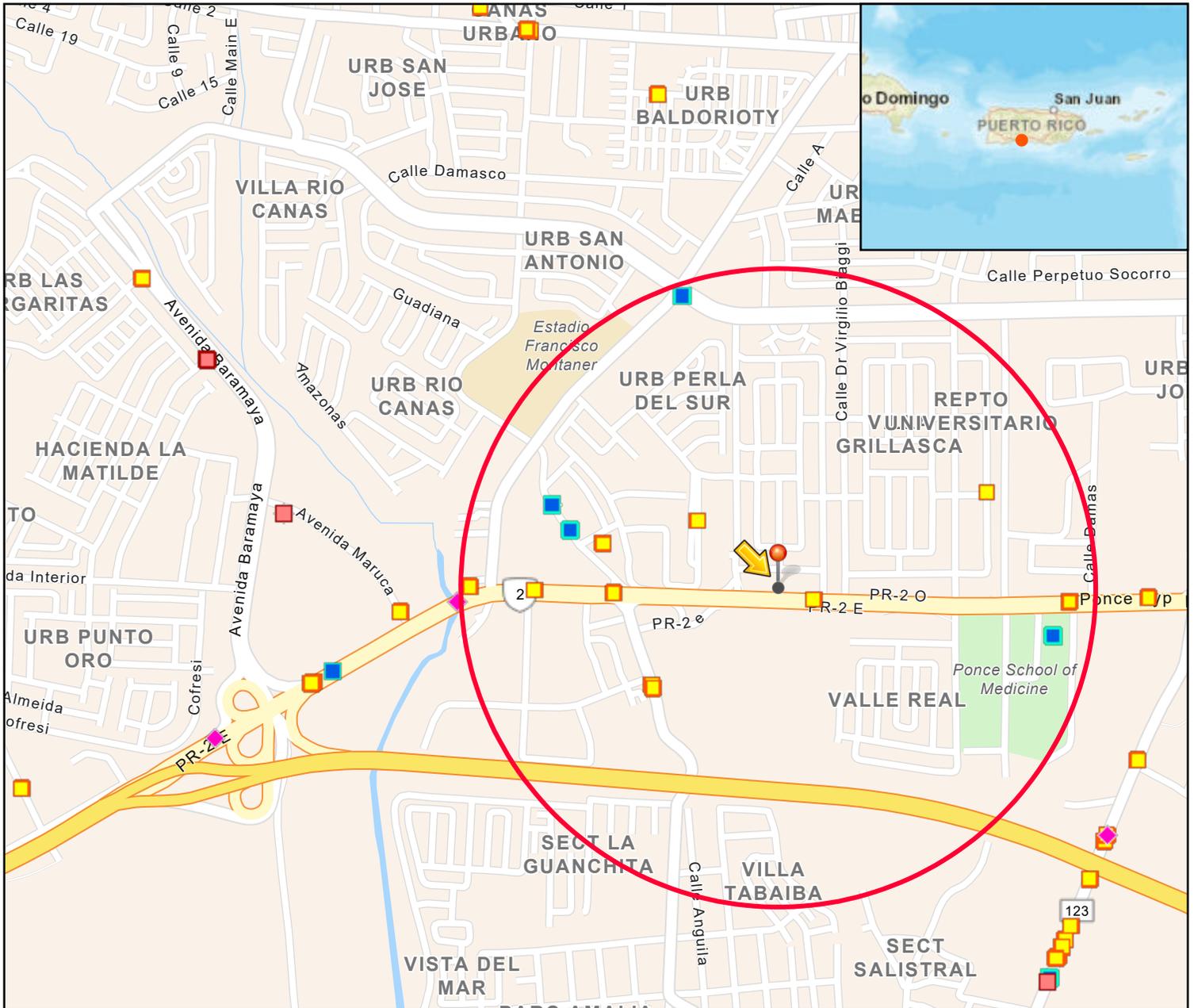
Flood Insurance Rate Maps

<https://hazards.fema.gov/gis/nfhl/rest/services/public/NFHL/MapServer>

10/20/2022 10:07 AM

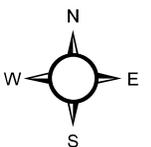
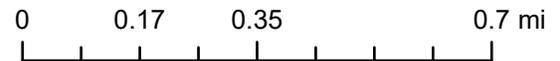


# PR-SBF-06883 Toxics



## Legend

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

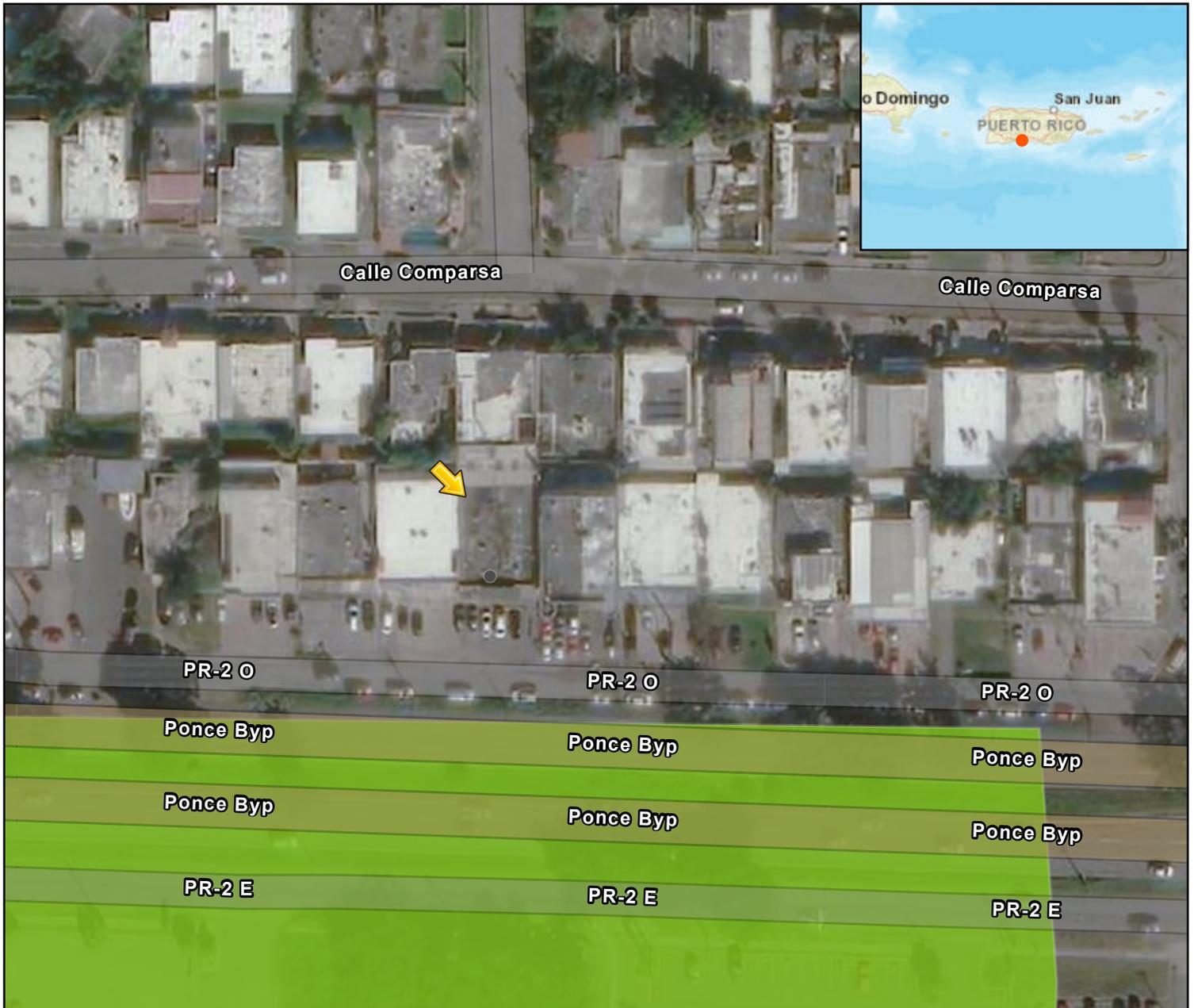


Envirofacts Facility Locations

EPA

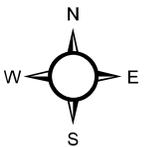
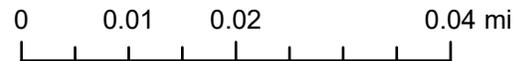


# PR-SBF-06883 Wetlands



## Legend

 Freshwater Emergent Wetland



National Wetlands Inventory

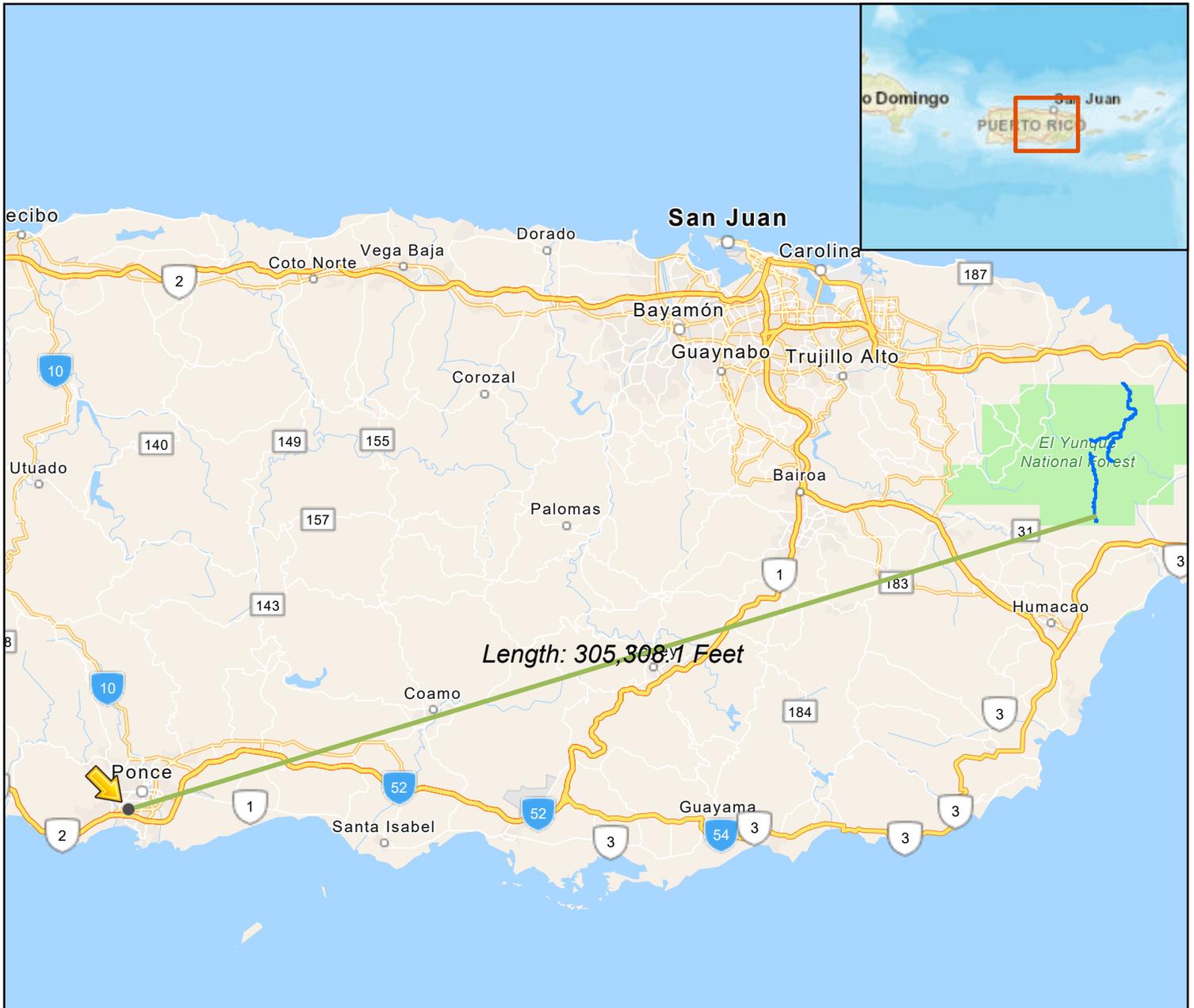
U.S. Fish and Wildlife Service

<https://www.fws.gov/wetlandsmapping/rest/services/Wetlands/MapServer>

10/20/2022 10:08 AM

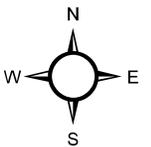
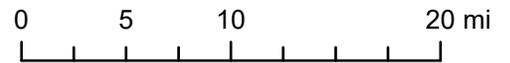


# PR-SBF-06883 W & S Rivers



## Legend

— Wild and Scenic Rivers



National Wild and Scenic River System

National Park Service

FRS ID	Name	Location	Municipio	Lat	Long	Type	Report	Distance (ft)	Impact
110007822339	INSTITUTO TECNOLÓGICO DE PONCE	PONCE BYPASS RD 2 KM 226.8	PONCE	17.996051	-66.624821	RCRAINFO	<a href="https://echo.epa.gov/detail-facility-report?fid=110007822339">https://echo.epa.gov/detail-facility-report?fid=110007822339</a>	360.03	Cleared Via Distance
110006868782	CAPTAIN PEDRO J PARRA - USAR CENTER	HWY 2 KM 226.8	PONCE	17.996051	-66.624821	RCRAINFO	<a href="https://echo.epa.gov/detail-facility-report?fid=110006868782">https://echo.epa.gov/detail-facility-report?fid=110006868782</a>	360.03	Cleared Via Distance
110031363575	SAMS CLUB #6690	2188 AVE EDUARDO RUBERTE CARR ESTATAL #2	PONCE	17.99384	-66.62922	RCRAINFO	<a href="https://echo.epa.gov/detail-facility-report?fid=110031363575">https://echo.epa.gov/detail-facility-report?fid=110031363575</a>	1,517.03	Cleared Via Distance
110004893508	WAL-MART 2026 ONE HR PHOTO LAB	2180 AVE EDUARDO RUBERTE	PONCE	17.99375	-66.62919	RCRAINFO	<a href="https://echo.epa.gov/detail-facility-report?fid=110004893508">https://echo.epa.gov/detail-facility-report?fid=110004893508</a>	1,529.33	Cleared Via Distance
110007818558	SHELL CO PR LTD SHELL SS 2984 LOS NEGRIT	CARR PR 132 BARRIO PAMPANOS	PONCE	17.9975	-66.630556	RCRAINFO	<a href="https://echo.epa.gov/detail-facility-report?fid=110007818558">https://echo.epa.gov/detail-facility-report?fid=110007818558</a>	1,703.67	Cleared Via Distance
110066879729	USPS PONCE VMF	2320 EDUARDO RUBERTE AVENUE	PONCE	17.99784	-66.63144	NPDES	<a href="https://echo.epa.gov/detail-facility-report?fid=110066879729">https://echo.epa.gov/detail-facility-report?fid=110066879729</a>	2,031.52	Cleared Via Distance
110041679305	ESCUELA DE TECNOLOGIA MEDICA-PONTIFICIA UNIVERSIDAD CATOLICA DE PR	2322 CALLE UNIVERSIDAD	PONCE	17.998821	-66.62011	RCRAINFO	<a href="https://echo.epa.gov/detail-facility-report?fid=110041679305">https://echo.epa.gov/detail-facility-report?fid=110041679305</a>	2,155.19	Cleared Via Distance

110030900032	USPS P&DC & VMF	2340 EDUARDO RUBERTE AVE.	PONCE	17.9985	-66.63193	AIR	<a href="https://echo.epa.gov/detail-facility-report?fid=110030900032">https://echo.epa.gov/detail-facility-report?fid=110030900032</a>	2,264.87	Cleared Via Distance
110030900032	UNITED STATES POSTAL SERVICE PONCE	2340 EDUARDO RUBERTE AVENUE	PONCE	17.9985	-66.63193	NPDES	<a href="https://echo.epa.gov/detail-facility-report?fid=110030900032">https://echo.epa.gov/detail-facility-report?fid=110030900032</a>	2,264.87	Cleared Via Distance
110056334961	CVS PHARMACY #10110	2511 PONCE BYP	PONCE	17.996295	-66.632423	RCRA INFO	<a href="https://echo.epa.gov/detail-facility-report?fid=110056334961">https://echo.epa.gov/detail-facility-report?fid=110056334961</a>	2,306.82	Cleared Via Distance
110070827263	PONCE HEALTH AND SCIENCES UNIVERSITY - NEW ACADEMIC AND CLINIC BUILDINGS	388 ZONA INDUSTRIAL REPARADA 2	PONCE	17.9951	-66.6183	NPDES	<a href="https://echo.epa.gov/detail-facility-report?fid=110070827263">https://echo.epa.gov/detail-facility-report?fid=110070827263</a>	2,643.33	Cleared Via Distance
110012243786	HOSPITAL DAMAS	2213 PONCE BYPASS	PONCE	17.99599	-66.61786	RCRA INFO	<a href="https://echo.epa.gov/detail-facility-report?fid=110012243786">https://echo.epa.gov/detail-facility-report?fid=110012243786</a>	2,756.86	Cleared Via Distance
110070546273	IMPROVEMENTS TO ROAD PR-163 FROM KM. 0.0 TO KM. 4.5	PR-163, KM. 0.0	PONCE	18.0039	-66.6284	NPDES	<a href="https://echo.epa.gov/detail-facility-report?fid=110070546273">https://echo.epa.gov/detail-facility-report?fid=110070546273</a>	2,864.00	Cleared Via Distance