



# Electrical Power Reliability and Resilience Program (ER2) - Energy Support Incentive Program 2.0 Set-Aside

Regional Group 1,2,3,4,5, 6

Community Development Block Grant – Disaster Recovery

APRIL 2025

PREPARED FOR:  
Puerto Rico Department of Housing  
(Departamento de la Vivienda de Puerto Rico)

PREPARED BY  
**SWCA Environmental Consultants**

## **Tier I Environmental Review Record:**

**Categorically Excluded per 24 CFR 58.35(a) and Subject to 24 CFR 58.5**

### **Puerto Rico Recovery Program, Group 1**

**Bayamón, Carolina, Cataño, Guaynabo, San Juan, Toa Baja, Trujillo Alto**

### **Puerto Rico Recovery Program, Group 2**

**Arecibo, Barceloneta, Camuy, Dorado, Florida, Hatillo, Manatí, Quebradillas, Toa Alta, Vega Alta, Vega Baja**

### **Puerto Rico Recovery Program, Group 3**

**Aguada, Aguadilla, Añasco, Cabo Rojo, Hormigueros, Isabela, Lajas, Las Marías, Maricao, Mayagüez, Moca, Rincón, Sabana Grande, San German, San Sebastián**

### **Puerto Rico Recovery Program, Group 4**

**Adjuntas, Ciales, Guánica, Guayanilla, Jayuya, Juana Díaz, Lares, Peñuelas, Ponce, Utuado, Villalba, Yauco**


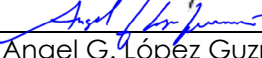
### **Puerto Rico Recovery Program, Group 5**

**Aguas Buenas, Aibonito, Arroyo, Barranquitas, Caguas, Cayey, Cidra, Coamo, Comerío, Corozal, Guayama, Gurabo, Morovis, Naranjito, Orocovis, Patillas, Salinas, Santa Isabel**

### **Puerto Rico Recovery Program, Group 6**

**Canóvanas, Ceiba, Culebra, Fajardo, Humacao, Juncos, Las Piedras, Loíza, Luquillo, Maunabo, Naguabo, Río Grande, San Lorenzo, Vieques, Yabucoa**

<b>Responsible Entity</b> [24 CFR 58.2(a)(7)]	Puerto Rico Department of Housing (PRDOH)
<b>Certifying Officer</b> [24 CFR 58.2(a)(2)]	Angel G. López Guzmán Deputy Director - Permits and Environmental Compliance Division
<b>Program Name</b>	Community Development Block Grant (CDBG-DR): Electrical Power Reliability and Resilience Program (ER2) (Energy Support Incentive Program 2.0 Set-Aside)
<b>Federal Agency</b>	U.S. Department of Housing and Urban Development (HUD)
<b>Project Locations</b>	Scattered locations throughout this regional group
<b>Grant Number</b>	B-18-DE-72-0001
<b>Estimated Total HUD Funded Amount</b>	Energy Support Incentive Program 2.0 Set-Aside - \$30,000,000 set aside from ER2 Total – \$1,316,406,180.00.
<b>Grant Recipient</b>	Puerto Rico Department of Housing
<b>Recipient Address</b>	606 Barbosa Avenue, San Juan, Puerto Rico
<b>Program Representative</b>	Aldo A. Rivera Vázquez / Director - Permits and Environmental Compliance Division Angel G. López-Guzmán, MSEM Deputy Director – Permits and Environmental Compliance Division
<b>Telephone Number</b>	787.274-2527
<b>Conditions for Approval</b>	See Attachment 1 below and Section 4.0

<b>Determination</b>	<input type="checkbox"/> Extraordinary circumstances exist and this project may result in significant environmental impact. This project requires preparation of an Environmental Assessment (EA); OR  <input checked="" type="checkbox"/> There are no extraordinary circumstances which would require completion of an EA, and this project may remain Categorical Excluded Activities Subject to § 58.5 (CEST) per 24 CFR § 58.35(a)
<b>Preparer Signature</b>	
<b>Name/Company/Date</b>	Allyson Rezac / SWCA / March 31, 2025
<b>RE Certifying Officer Signature</b>	
<b>Name/Agency/Date</b>	Angel G. López Guzmán / Deputy Director, Permits and Environmental Compliance Division / May 29, 2025

## Attachment 1

### Conditions for Approval

[24 CFR 58.40(d), 40 CFR 1505.2(c)]

(List all mitigation measures adopted by the responsible entity to eliminate or minimize adverse environmental impacts. These conditions must be included in the project contracts or other relevant documents as requirements.)

The following mitigation measures are required as conditions for approval of the project, as applicable:

#### General

1. All required federal, Puerto Rico and local permits must be obtained prior to commencement of construction, with compliance with all listed permit conditions. PRDOH retains the authority to audit a project at its discretion to ensure the project complies with these conditions and any mitigation actions stated in the application's Tier II site-specific checklist.
2. The Energy Support Incentive Program 2.0 Set- Aside program eligible project activities are limited to improvements to existing buildings. The photovoltaic panels will be exclusively installed on the roof of the property; batteries, control panels and chargers for electric vehicles will be installed on the walls of the structures and must be permanently attached to the structure, and lines must not be buried. If land disturbing activities become part of an application site's proposed scope of work, the project must be halted and the project re-evaluated.
3. All work performed must meet current applicable federal, Puerto Rico and local building codes and standards.
4. Work scope adjustments involving changes in the placement of panels or equipment must first be resubmitted for environmental review to verify that the Tier II findings remain valid. Interior scope changes in buildings noted in the Tier II as being individually designated a historic property must be halted until additional consultation has been completed with the State Historic Preservation Office (SHPO).

#### Coastal Zone Management

5. Construction activities must not result in any ground disturbance or change the existing building footprint. All improvements and equipment installation shall be limited to existing structures.

#### Historic Preservation

6. All activities must comply with Section 106 of the National Historic Preservation Act (NHPA) per the implementing regulations 36 CFR Part 800. Compliance with



Section 106 is achieved through the procedures set forth in the Programmatic Agreement among the Federal Emergency Management Agency, the Puerto Rico State Historic Preservation Officer, and the Central Office for Recovery, Reconstruction and Resilience (COR3) executed on May 6, 2016, and amended on May 31, 2018, as adopted by the Puerto Rico Department of Housing through the HUD Addendum executed on December 18, 2018 and extended to May 5, 2026.

### **Flood Insurance**

7. Applications where the building is partially or fully located inside a Special Flood Hazard Area, as per the FEMA Flood Insurance Rate Map (FIRM), are required to be covered by a flood insurance policy that is compliant with the National Flood Insurance Program (NFIP). All areas within Puerto Rico are participating in the NFIP. Flood insurance must be maintained by the building's owner for its economic life to remain eligible for future federal assistance per 24 CFR 58.6(b).

### **Floodplain Management**

8. All Energy Support Incentive Program 2.0 Set- Aside projects must be evaluated in accordance with PRDOH's Floodplain Management implementation policy dated September 9, 2024.
9. Applications where any portion of the building is located within a regulatory floodway, coastal high hazard area ("V" or "VE" Zones) or within the inland limit of a Coastal A Zone will be evaluated on a case-by-case basis to confirm compliance with limitations for HUD financial assistance under 24 CFR Pat 55.8 and program guidelines for funding. PRDOH may, at its discretion, decide to proceed by treating the application as separate project outside the scope of this tiered review by implementing a separate environmental review record.
10. Except for buildings already listed on the National Register of Historic Places, will be evaluated on a case-by-case basis to confirm compliance with limitations for HUD financial assistance and program guidelines for funding if any portion of the building is situated inside the floodplain and the substantial improvement calculation in the Tier II exceeds 50.0%. PRDOH may, at its discretion, decide to proceed by treating the application as separate project outside the scope of this tiered review by implementing a separate environmental review record.
11. Any application site determined eligible for funding and inside the floodplain must demonstrate compliance with 24 CFR Part 55 floodplain management. PRDOH may, at its discretion, decide to proceed by treating the application as separate project outside the scope of this tiered review by implementing a separate environmental review record.

12. . Floodproofing is not a permitted option under this program. Elevation of equipment is required above base flood elevation even if not listed as a condition on the building permit issued by the Office of Permit Management (OGPe, for its Spanish acronym) or local jurisdiction.

### **Wetlands Protection and Water Quality**

13. No land disturbance is permitted for the Energy Support Incentive Program 2.0 Set- Aside program. Exterior installation activities at application sites with water features and/or wetlands present shall ensure that debris from exterior work does not enter these features.

### **Noise Controls**

13. REICs must comply with all applicable local noise ordinances.

### **Air Quality**

14. REICs shall comply air pollution control measures on all equipment, when required by local and territorial regulations, as applicable.

### **Contamination and Hazardous Materials**

15. All activities must comply with applicable federal, Puerto Rico and local laws and regulations regarding environmental protection, including but not limited to the following:
- Puerto Rico Department of Natural and Environmental Resources rules and regulations related to the handling of contaminated and toxic materials.
  - Occupational Safety and Health Standards noted in 29 CFR 1910 Subpart Z and 29 CFR 1926.62.
16. REICs must comply will all applicable federal, Puerto Rico and local laws and regulations concerning the proper handling, removal, and disposal of hazardous materials resulting from Program activities, including but not limited to, testing, clearance, abatement, and disposal requirements of the Puerto Rico Department of Natural and Environmental Resources (DNER) Regulation No. 9098 for the Proper Management of Lead-based Paint Activities, of July 16, 2019.
17. Program activities where the application business contains a child care facility or is integrated into a residential building and not physically separated from living or common access areas must comply with applicable federal, Puerto Rico and local laws and regulations regarding lead-based paint including HUD's regulations in 24 CFR Part 35, Subpart J and EPA's Lead-Based Paint Renovation,

Repair and Painting Rule (40 CFR 745, Subpart E), and Puerto Rico DNER Regulation 9098.

18. REICs must comply will all applicable federal, Puerto Rico and local laws and regulations concerning the proper handling, removal, and disposal of hazardous materials resulting from Program activities, including but not limited to, asbestos containing materials (ACM) compliance with the NESHAP at 40 CFR Part 61, Subpart M.

## Attachment 2 Change Management

Change No.	Date	Change Description



**Attachment 3**  
**Tier II Template Changes**

Rev.	Date	Modification	Still Valid?

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## ACRONYMS AND ABBREVIATIONS

Acronym	Meaning
ACM	Asbestos-containing Material
APZ	Accident Potential Zone
ASD	Acceptable Separation Distance
AUGF	Authority to Use Grant Funds
CAA	Clean Air Act
CBRS	Coastal Barrier Resource System
CDBG	Community Development Block Grant
CFR	Code of Federal Regulations
CHHA	Coastal High Hazard Area
CPD	Community Planning and Development
CO	Certifying Officer
CZ	Clear Zone
CZMA(P)	Coastal Zone Management Act / Area (Plan)
DEDC	(Puerto Rico) Department of Economic Development and Commerce
DNER	(Puerto Rico) Department of Natural and Environmental Resources
EO	Executive Order
EPA	(United States) Environmental Protection Agency
ERR	Environmental Review Record
ESA	Endangered Species Act
FEMA	Federal Emergency Management Agency
FFRMS	Federal Flood Risk Management Standard
FPPA	Farmland Protection Policy Act
GIS	Geographical Information System
HUD	Housing and Urban Development (U.S. Department of)
LIMWA	Limit of Moderate Wave Action
LMI	Low to Moderate Income
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act
NFIP	National Flood Insurance Program
NHL	National Historic Landmark
NHPA	National Historic Preservation Act
NOAA	National Oceanic and Atmospheric Administration
NOI	Notice of Intent
NPIAS	National Plan of Integrated Airport Systems
NPS	National Park Service



NRHP	National Register of Historic Places
NRCS	Natural Resources Conservation Service
NRI	Nationwide Rivers Inventory
PA	Programmatic Agreement
PRDOH	Puerto Rico Department of Housing (Departamento De La Vivienda)
RCRA	Resource Conservation and Recovery Act
RE	Responsible Entity
REIC	Program-approved Renewable Energy Installation Company
RPZ	Runway Protection Zone
RROF	Request for Release of Funds
SCS	Soil Conservation Service
SFHA	Special Flood Hazard Area
SHPO	State Historic Preservation Office
SMB	Small and Medium Sized Businesses
SSC	Site-Specific Checklist
T&E	Threatened and Endangered Species
USACE	United States Army Corps of Engineers
USC	United States Code
USFWS	United States Fish and Wildlife Service

# 1 PROJECT DESCRIPTION

## 1.1 Background and Statement of Purpose [40 CFR 1508.9(b)]

The 2017 hurricane season brought insurmountable devastation to Puerto Rico (Figure 1) when, in the month of September, the island experienced Category 5 and 4 storms; Hurricane Irma and Hurricane María. Hurricane María was the most devastating natural disaster to hit Puerto Rico since the San Felipe Segundo hurricane (aka Okeechobee hurricane) made landfall nine decades ago in 1928. Since that time, the population has more than doubled in size from 1.5 million residents to today's population of 3.4 million.

**Figure 1. Puerto Rico Location**



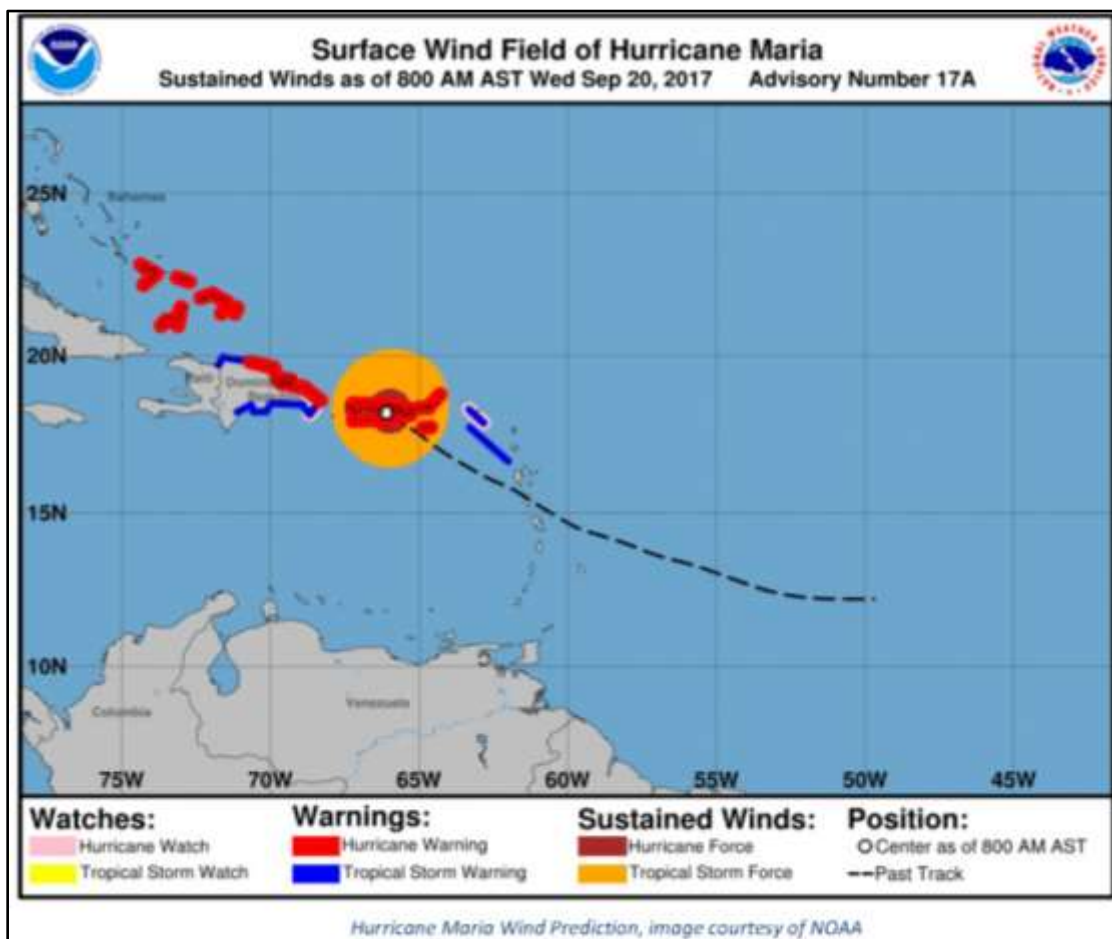
Source: Puerto Rico Action Plan

Hurricane Irma made landfall on September 6, 2017, as a Category 5 storm with winds up to 100 miles per hour. The storm cut power to an estimated two-thirds of the main island, leaving communities ravaged. Just two weeks later, Hurricane María made landfall on September 20, 2017, as a Category 4 storm measuring 35 miles in width, making direct

impact with the 35-mile-wide island. Hurricane María impacted the entirety of Puerto Rico with recorded winds up to 155 miles an hour, river surges up to 47 feet, massive mudslides, and localized catastrophic flooding reaching up to 38 inches. An estimated 64 lives were immediately lost in the storm with hundreds more lost to secondary conditions caused by lack of power, contaminated water sources, and limited to no access to healthcare services.

The National Oceanic and Atmospheric Administration (NOAA) recorded Hurricane María winds (Figure 2) that reached up to 155 mph in the City of San Juan. Early estimates accurately captured extreme wind and rain threats, and a storm trajectory to impact the island head-on before proceeding northwest to the mainland US. Puerto Rico sustained hurricane force winds sweeping at maximum strength first through the islands of Vieques and Culebra, then the northeast coast before sweeping westward across the main island.

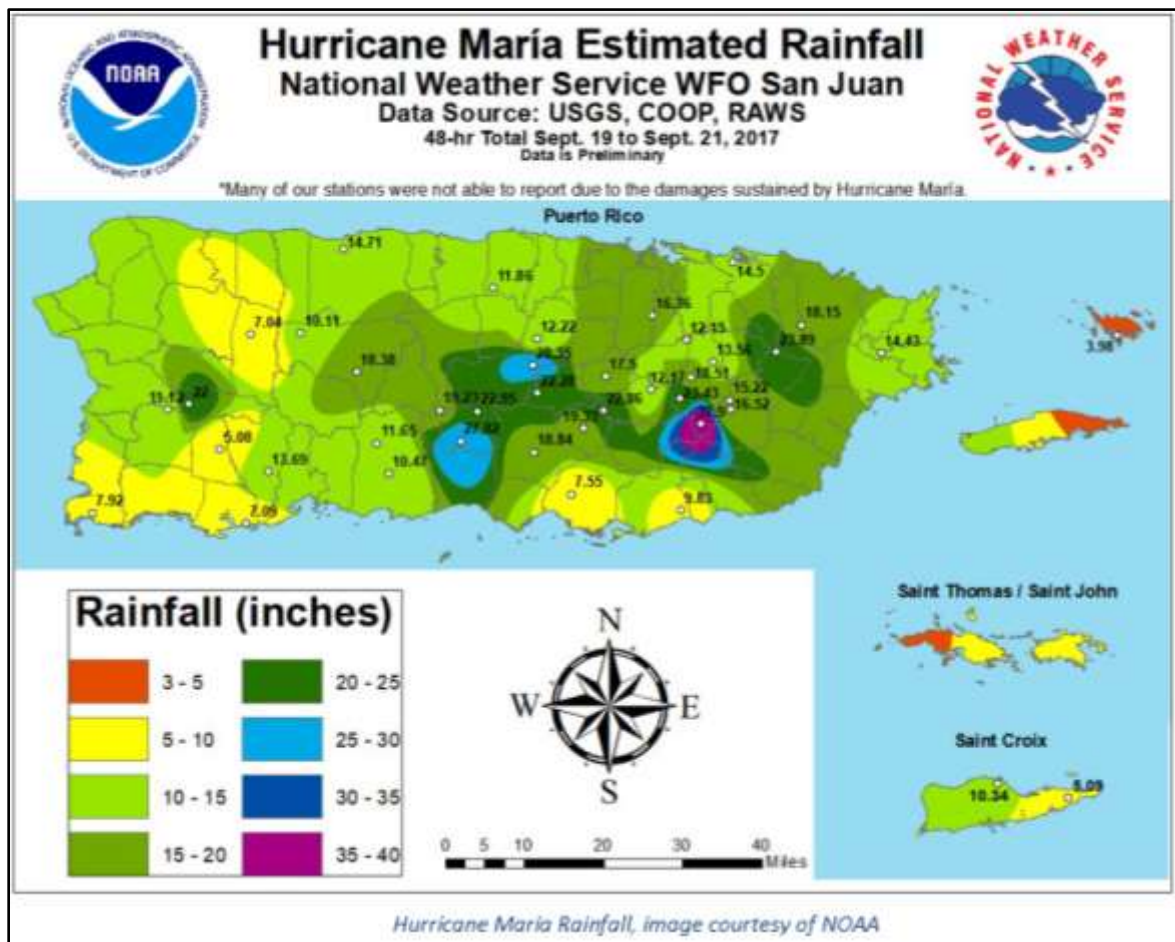
**Figure 2. Wind Speeds for Hurricane María**



Source: Puerto Rico Action Plan

During Hurricane María, most of the island received substantial rainfall (Figure 3), leading to severe flooding and mudslides in every interior mountainous region of the island. Mudslides and sinkholes left some communities unrecognizable and, in many cases, inaccessible. Flooding reached record levels washing away homes, businesses, power generation and transmission, and water treatment facilities, often leaving inches of threatening, stagnant water in the aftermath. The most significant flooding occurred immediately around the La Plata River located on the northern coast of the island and continued to build at peak levels around the southern interior of the main island.

**Figure 3. Rainfall Totals for Hurricane María**



Source: Puerto Rico Action Plan

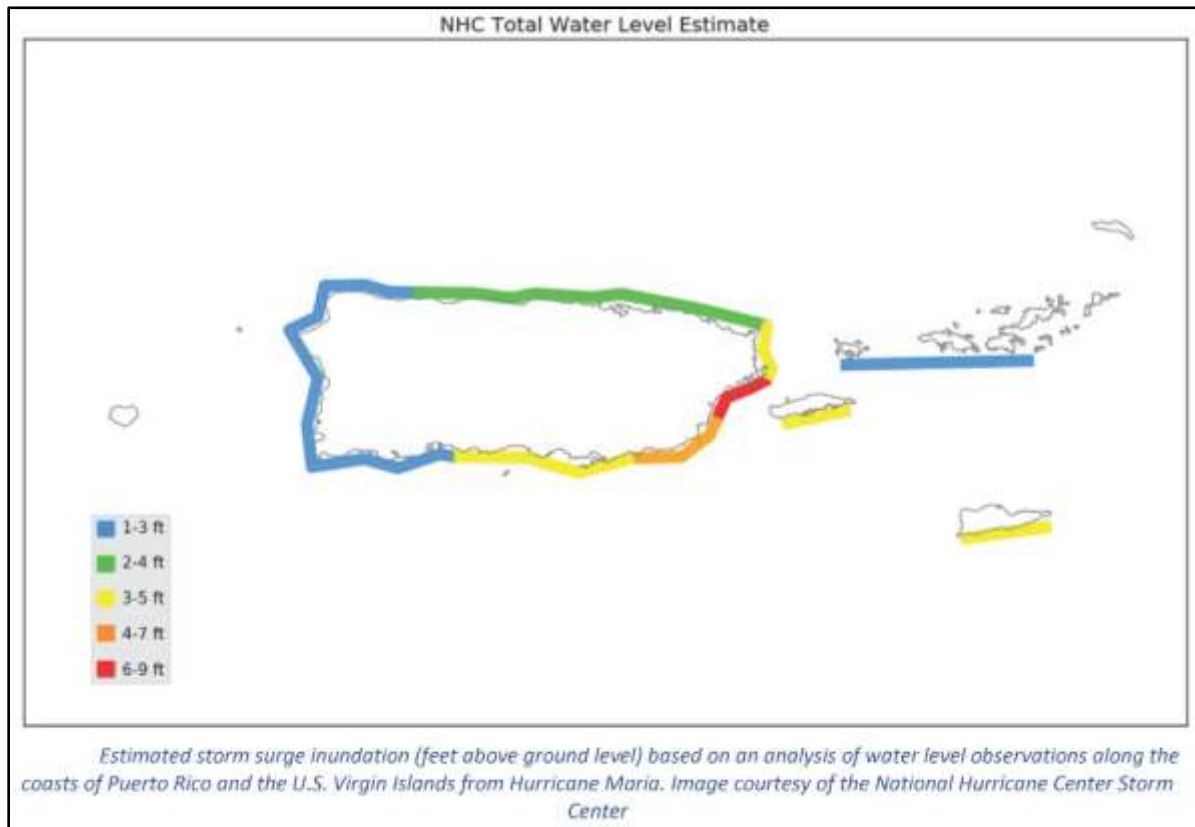
The National Hurricane Center recorded storm surge levels (Figure 4) that reached maximum inundation at 6 to 9 feet above ground level along the coasts of the Humacao, Nagüabo, and Ceiba municipalities. The United States Geological Survey (USGS) data suggests maximum inundation level along the immediate eastern shoreline reached as high as 9 feet. Measurements along the southeastern coast reached 4 to 7 feet in the municipalities of Yabucoa, Maunabo, Patillas, and Arroyo. Along the northeastern coast



in the municipalities of Ceiba and Fajardo, and much of the southern coast from Ponce eastward, inundation levels reached three (3) to five (5) feet.

Specifically, the Group 1 Municipalities received winds of 75 to 155 mph during Hurricane María. Rainfall amounts in the Group ranged from 10 to 20 inches, with storm surges up to 4 feet on the coast.

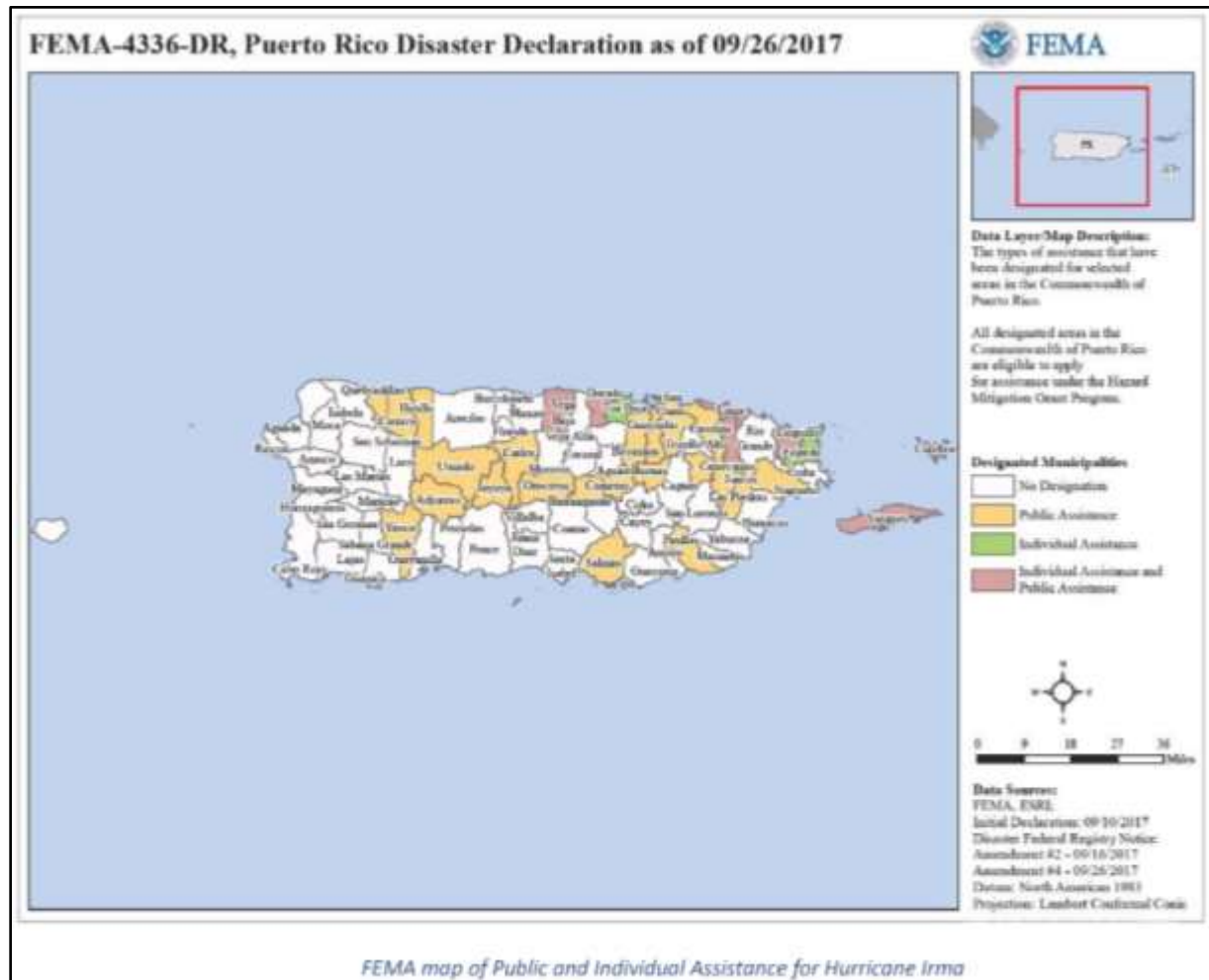
**Figure 4. Storm Surge**



Source: Puerto Rico Action Plan

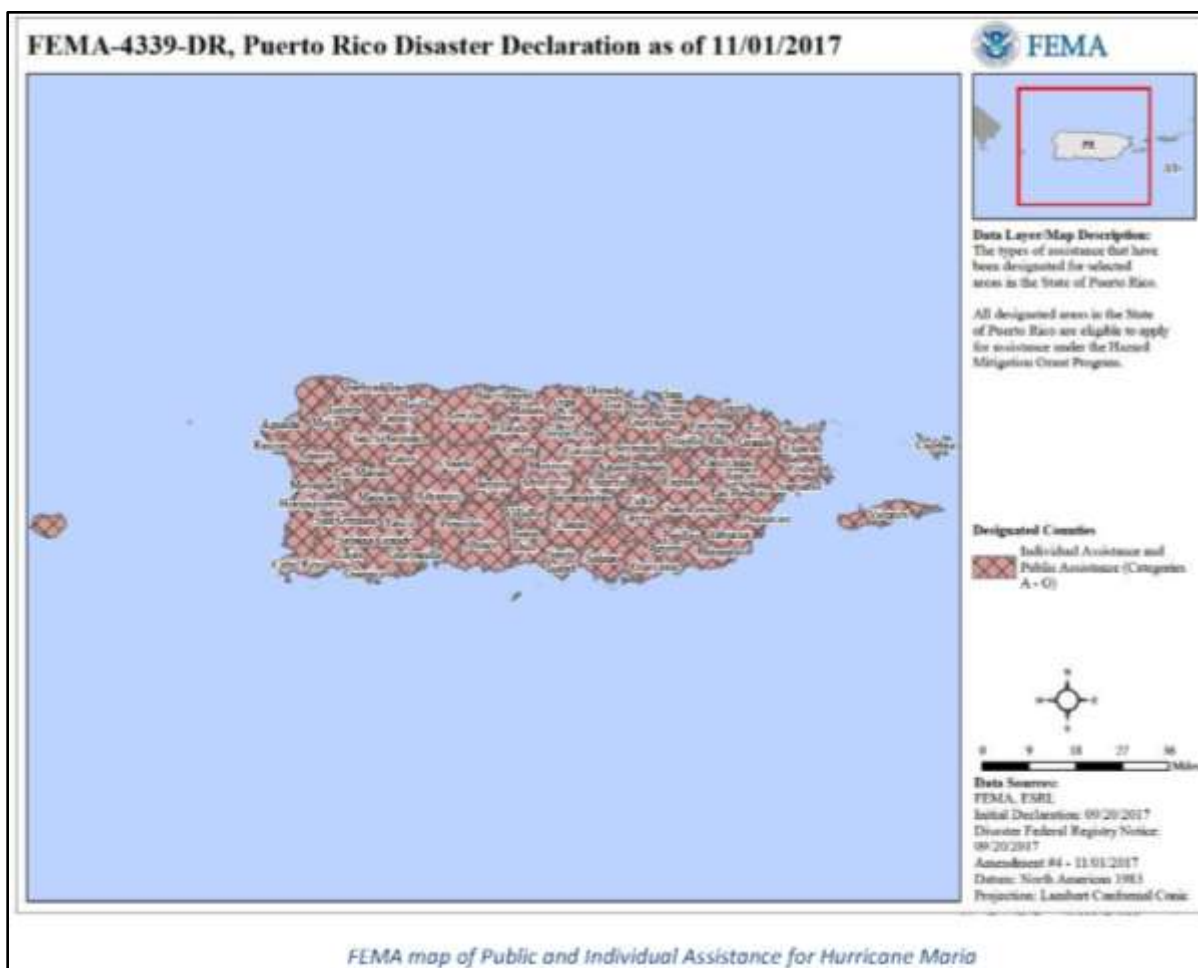
Thirty-three (33) of the island's municipalities were declared disaster areas for both Hurricanes Irma and María (including all 78 municipalities for Hurricane María). Figures 5 and 6 show the declared disaster areas for each storm. As the entirety of the Puerto Rico islands is an impact zone from these two storms, recovery needs have exceeded funding available through FEMA's Disaster Relief Fund.

**Figure 5. Hurricane Irma Declared Disaster Areas**



Source: Federal Emergency Management Agency

**Figure 6. Hurricane María Declared Disaster Areas**

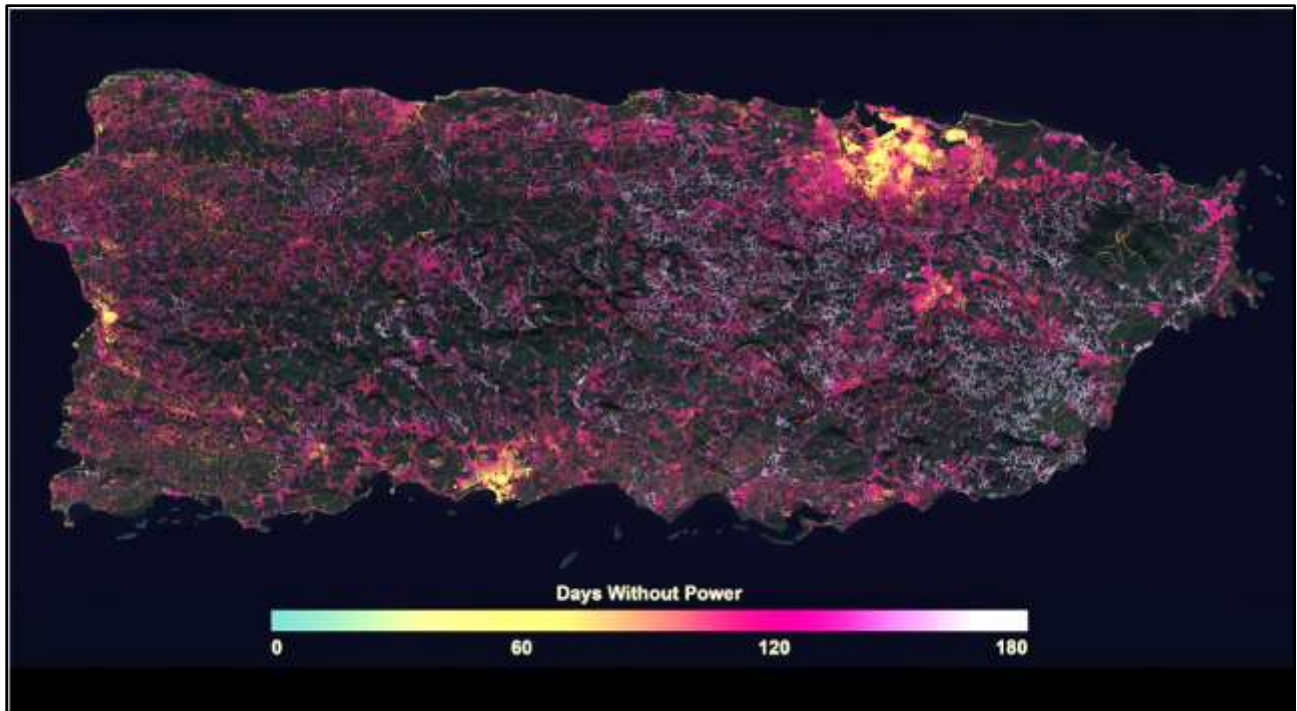


Source: Federal Emergency Management Agency

The impacts by the hurricanes on Puerto Rico's power system led to blackouts lasting approximately 11 months in some communities (see Figure 7), one of the longest power outages in U.S. history. Puerto Rico is currently facing long-term impacts that include rising energy costs, sporadic power outages, and rolling blackouts due to insufficient power generation. These power deficiencies limit or remove access to impacted Community Lifelines, defined by FEMA as "A lifeline enables the continuous operation of critical government and business functions and is essential to human health and safety or economic security."<sup>1</sup>

<sup>1</sup> <https://www.fema.gov/emergency-managers/practitioners/lifelines>

**Figure 7. Puerto Rico Days Without Power After Hurricane Maria**



Source: <https://www.usra.edu/efsi-case-study-hurricane-maria> via <https://blackmarble.gsfc.nasa.gov>

The U.S. Department of Housing and Urban Development (HUD) has allocated \$1.3 billion to Puerto Rico under the Puerto Rico Community Development Block Grant – Disaster Recovery (CDBG-DR) to the Electrical Power Reliability and Resilience Program (ER2) to address the power needs. The purpose of ER2 is to enhance and improve the electrical power system's reliability, affordability, and resiliency by funding projects that qualify under federal regulations. Efforts are focused on creating decentralized sources of power generation, distribution, and storage to minimize blackouts, furthering the goals defined by Act No. 17-2019, as amended, known as the "Puerto Rico Energy Public Act," 22 LPRA § 1141 et seq., which sets the Island on a path to forty percent (40%) and one hundred percent (100%) renewable energy by 2025 and 2050, respectively.

The Puerto Rico Department of Housing (PRDOH) selected the Department of Economic Development and Commerce (DEDC) to be the subrecipient of \$30,000,000 in funds from Energy Support Incentive Program 2.0 Set-Aside). The DEDC's Public Energy Policy Program (PEPP), responsible for the development and implementation of Puerto Rico's energy policies, will use these funds under Energy Support Incentive Program 2.0 Set-Aside (Program) to provide energy resilience to Puerto Rico's small and medium-sized businesses (SMBs).

The Program is designed to assist SMBs in developing renewable energy investments. Not only will renewable energy systems help stabilize the operations of participating



businesses against the effects of interruptions in the electricity service, but they will also reduce the overall demand for electricity and prevent overloading of the grid.

The Program will target businesses which perform critical functions (community lifelines<sup>2</sup>) in the event of a natural disaster, as described by the Federal Emergency Management Agency (FEMA). Moreover, providing these critical businesses with financial assistance for the installation of renewable energy systems is crucial, as it will positively impact the surrounding electrical power systems. Specifically, it will reduce power outages, contribute to the grid's resilience and ease pressure on the aging grid by lowering overall electricity demand.

## **1.2 Project Location**

The geographic scope for the proposed projects actions under this Tiered Environmental Review Record include six (6) region groups as follows:

Regional Group 1 – seven (7) municipalities in this Group (Toa Baja, Cataño, Bayamón, Guaynabo, San Juan, Trujillo Alto and Carolina) including all urban and rural areas therein (Figure 8.1).

Regional Group 2 - eleven (11) municipalities in this Group (Arecibo, Barceloneta, Camuy, Dorado, Florida, Hatillo, Manatí, Quebradillas, Toa Alta Vega Alta, Vega Baja) including all urban and rural areas therein (Figure 8.2).

Regional Group 3 - fifteen (15) municipalities in this Group (Aguada, Aguadilla, Añasco, Cabo Rojo, Hormigueros, Isabela, Lajas, Las Marías, Maricao, Mayagüez, Moca, Rincon, Sabana Grande, San German, San Sebastián) including all urban and rural areas therein (Figure 8.3).

Regional Group 4 - twelve (12) municipalities in this Group (Adjuntas, Ciales, Guánica, Guayanilla, Jayuya, Juana Díaz, Lares, Peñuelas, Ponce, Utuado, Villalba, Yauco) including all urban and rural areas therein (Figure 8.4).

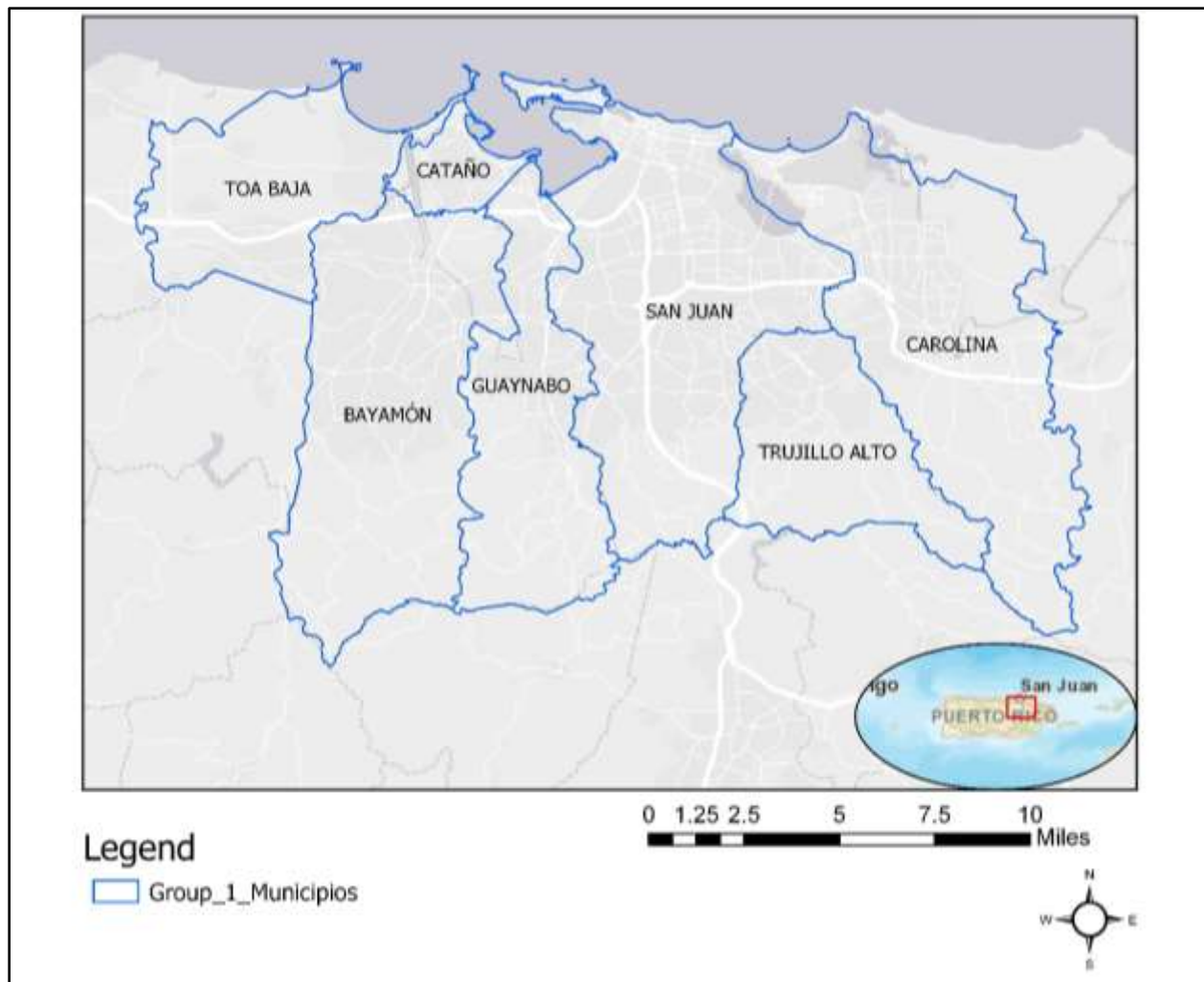
Regional Group 5 - eighteen (18) municipalities in this Group (Aguas Buenas, Aibonito, Arroyo, Barranquitas, Caguas, Cayey, Cidra, Coamo, Comerío, Corozal, Guayama, Gurabo, Morovis, Naranjito, Orocovis, Patillas, Salinas, Santa Isabel) including all urban and rural areas therein (Figure 8).

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<sup>2</sup> <https://www.fema.gov/es/emergency-managers/practitioners/lifelines>

Regional Group 6 - fifteen (15) municipalities in this Group (Canóvanas, Ceiba, Culebra, Fajardo, Humacao, Juncos, Las Piedras, Loíza, Luquillo, Maunabo, Naguabo, Río Grande, San Lorenzo, Vieques, Yabucoa) including all urban and rural areas therein (Figure 8).

**Figure 8.1. Group 1 Municipalities**

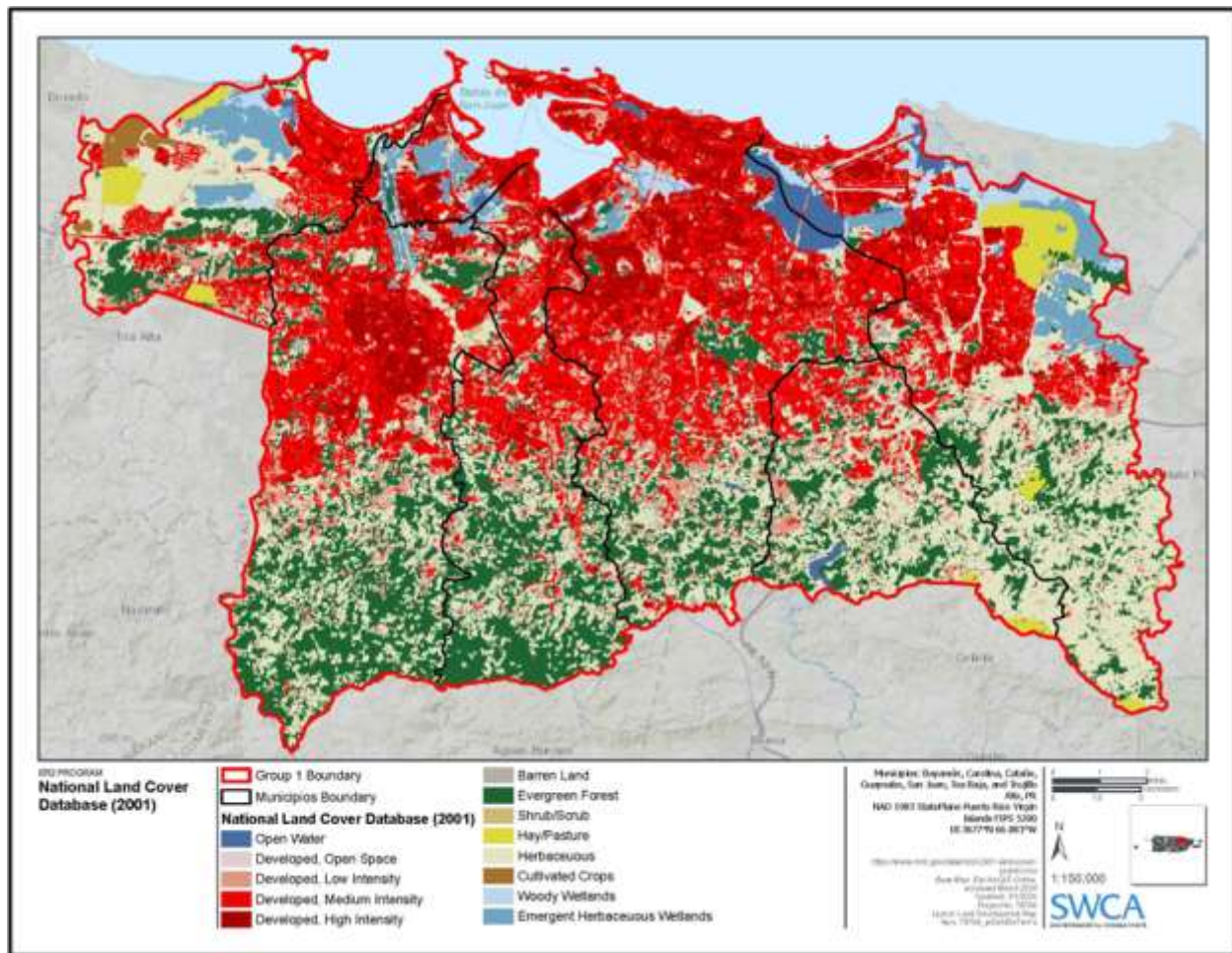


This grouping is based upon the Puerto Rico Emergency Management Agency regions and is herein referred to as Group 1. Based on the National Land Cover Database (NLCD) dataset, Group 1's total area is approximately 140,347 acres. Land cover types classified by the NLCD are shown in **Table 1.1** and **Figure 9.1**.

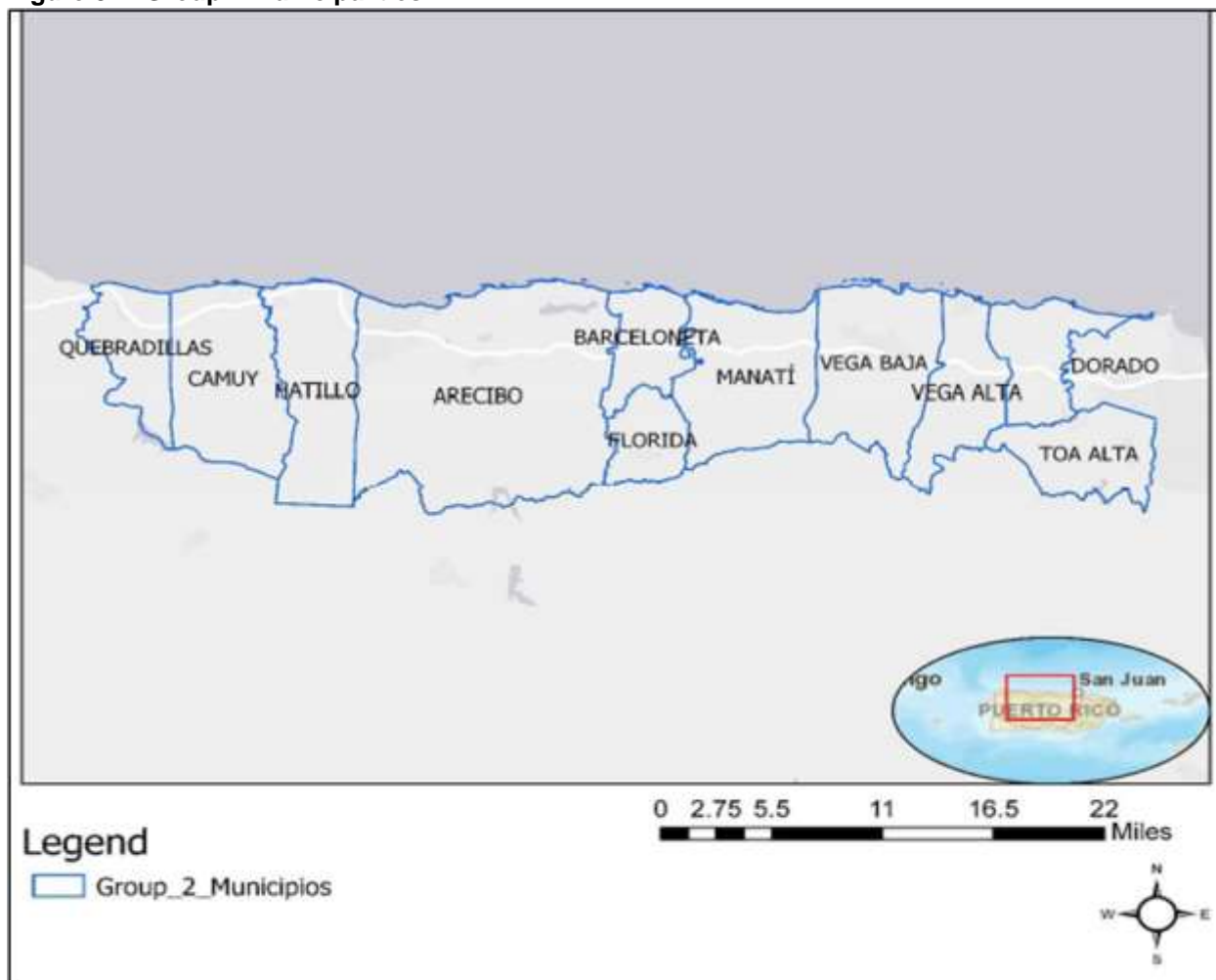
**Table 1.1: Group 1 Land Cover Designations**

Land Cover Type	Acres	Land Cover Type	Acres
Barren Land	818.57	Evergreen Forest	29,958.86
Cultivated Crops	527.13	Grassland/Herbaceous	25,540.87
Developed High Intensity	7,849.01	Open Water	2,817.26
Developed, Low Intensity	23,075.29	Pasture/Hay	2,323.37
Developed, Medium Intensity	31,457.53	Shrub/Scrub	943.94
Developed, Open Space	8,840.59	Woody Wetlands	2,069.12
Emergent Herbaceous Wetlands	4,125.22	<b>Total</b>	<b>140,346.77</b>

**Figure 9.1. Group 1 Land Cover Map**



**Figure 8.2. Group 2 Municipalities**



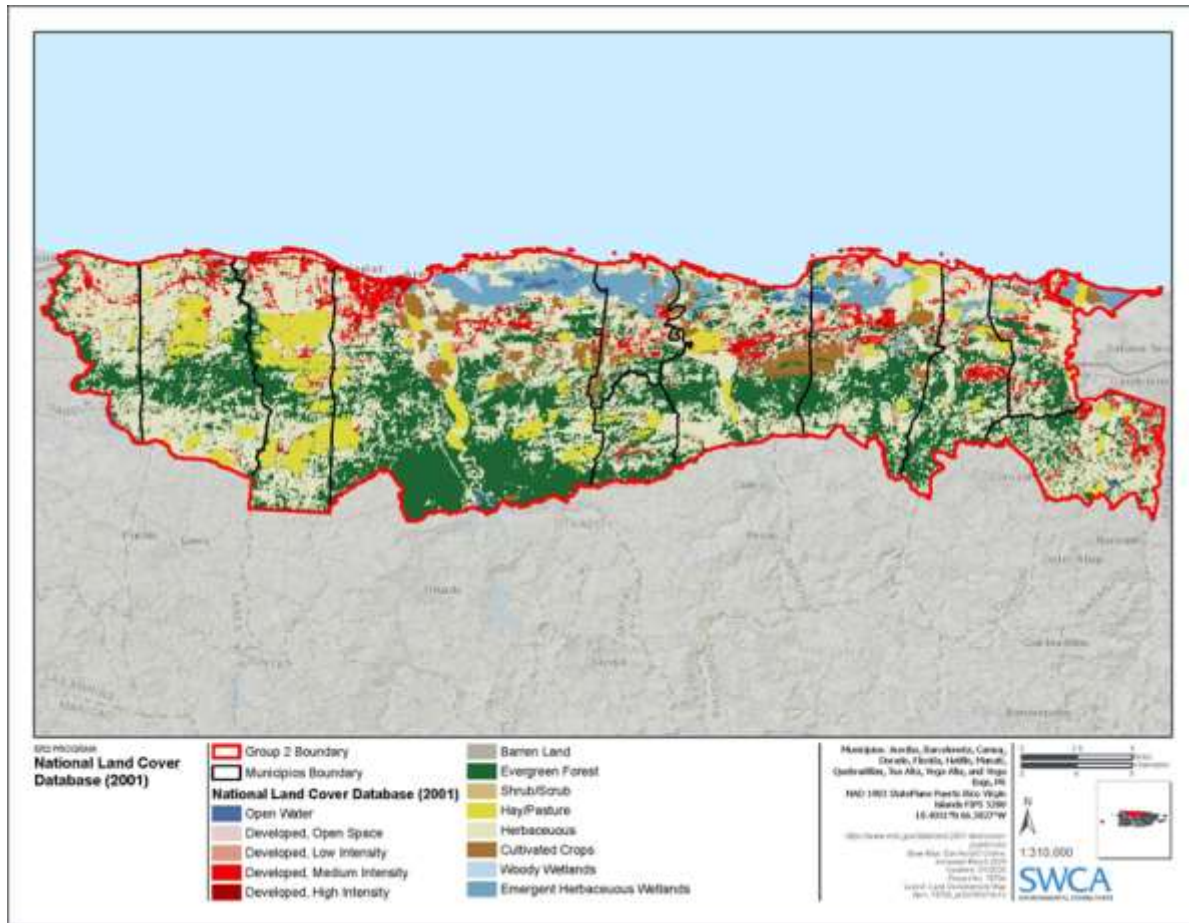
This grouping is based upon the Puerto Rico Emergency Management Agency regions and is herein referred to as Group 2. Based on the National Land Cover Database (NLCD) dataset, Group 2's total area is approximately 283,811 acres. Land cover types classified by the NLCD are shown in **Table 1.2** and **Figure 9.2**.

**Table 1.2: Group 2 Land Cover Designations**

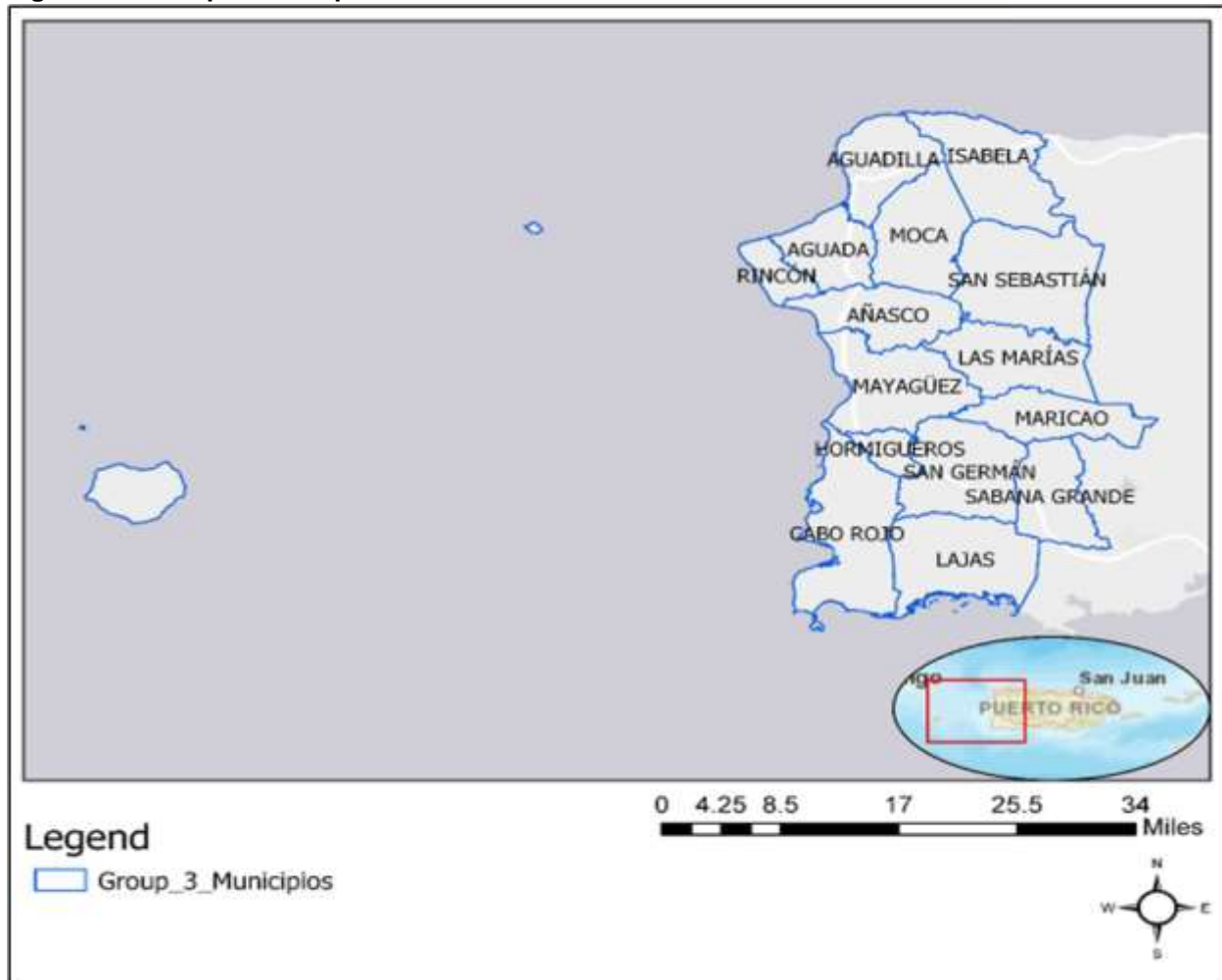
Land Cover Type	Acres	Land Cover Type	Acres
Barren Land	2,757.93	Evergreen Forest	110,282.52
Cultivated Crops	7,909.02	Grassland/Herbaceous	79,019.07
Developed High Intensity	722.50	Open Water	3,512.07
Developed, Low Intensity	24,527.26	Pasture/Hay	18,788.73
Developed, Medium Intensity	9,327.16	Shrub/Scrub	2,058.52
Developed, Open Space	12,264.39	Woody Wetlands	1,637.98
Emergent Herbaceous Wetlands	11,003.43	<b>Total</b>	<b>283,810.58</b>



**Figure 9.2. Group 2 Land Cover Map**



**Figure 8.3. Group 3 Municipalities**



This grouping is based upon the Puerto Rico Emergency Management Agency regions and is herein referred to as Group 3. Based on the National Land Cover Database (NLCD) dataset, Group 3's total area is approximately 444,134 acres. Land cover types classified by the NLCD are shown in **Table 1.3** and **Figure 9.3**.

**Table 1.3: Group 3 Land Cover Designations**

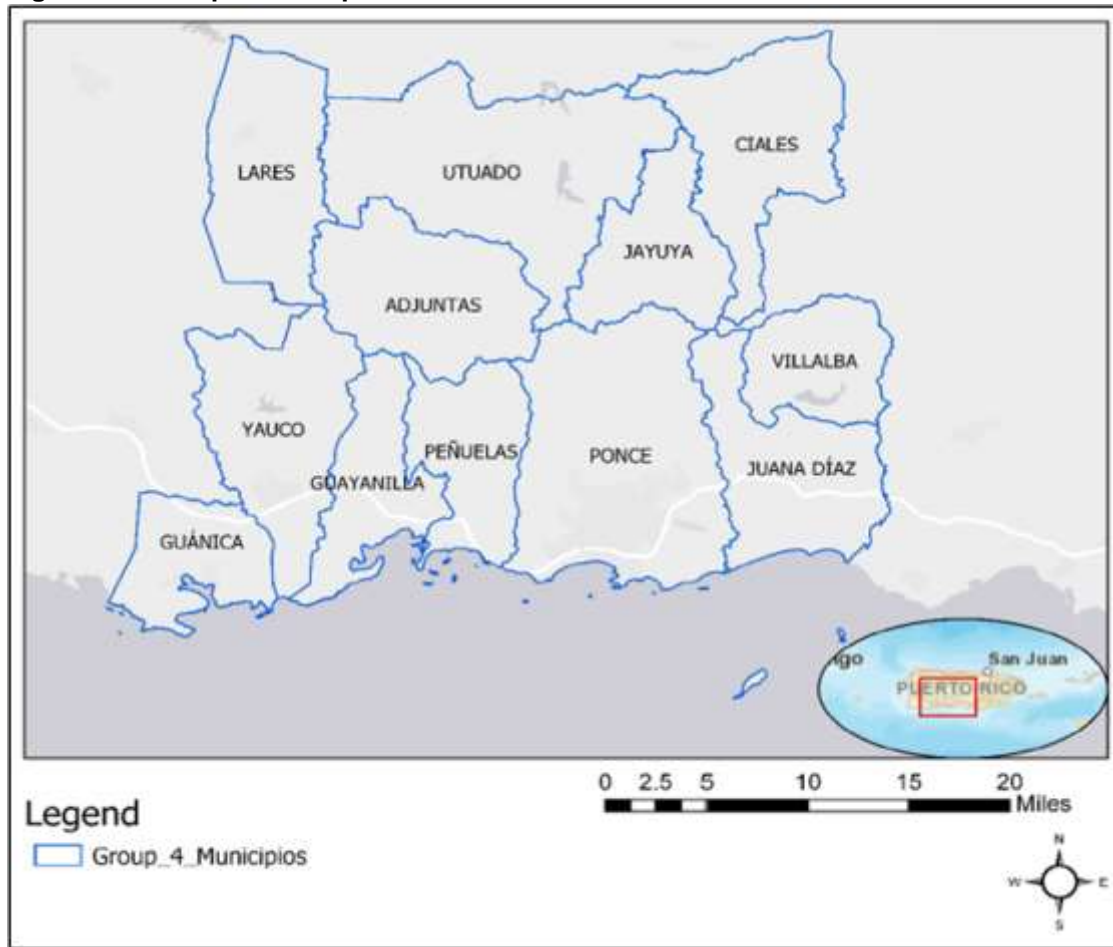
Land Cover Type	Acres	Land Cover Type	Acres
Barren Land	1,879.77	Evergreen Forest	189,383.00
Cultivated Crops	9,516.54	Grassland/Herbaceous	134,378.77
Developed High Intensity	1,269.98	Open Water	3,430.74
Developed, Low Intensity	31,858.24	Pasture/Hay	10,521.30
Developed, Medium Intensity	12,295.05	Shrub/Scrub	12,392.94
Developed, Open Space	16,298.52	Woody Wetlands	2,931.62
Emergent Herbaceous Wetlands	3,550.33	<b>Total</b>	<b>444,133.72</b>

**Figure 9.3. Group 3 Land Cover Map**





**Figure 8.4. Group 4 Municipalities**



This grouping is based upon the Puerto Rico Emergency Management Agency regions and is herein referred to as Group 4. Based on the National Land Cover Database (NLCD) dataset, Group 4's total area is approximately 444,134 acres. Land cover types classified by the NLCD are shown in **Table 1.4** and **Figure 9.4**.

**Table 1.4: Group 4 Land Cover Designations**

Land Cover Type	Acres	Land Cover Type	Acres
Barren Land	2,184.26	Evergreen Forest	306,250.96
Cultivated Crops	10,259.27	Grassland/Herbaceous	103,611.39
Developed High Intensity	1,378.70	Open Water	3,595.74
Developed, Low Intensity	20,121.01	Pasture/Hay	706.40
Developed, Medium Intensity	12,198.19	Shrub/Scrub	17,012.77
Developed, Open Space	6,736.74	Woody Wetlands	1,523.89
Emergent Herbaceous Wetlands	2,254.44	<b>Total</b>	<b>487,833.77</b>

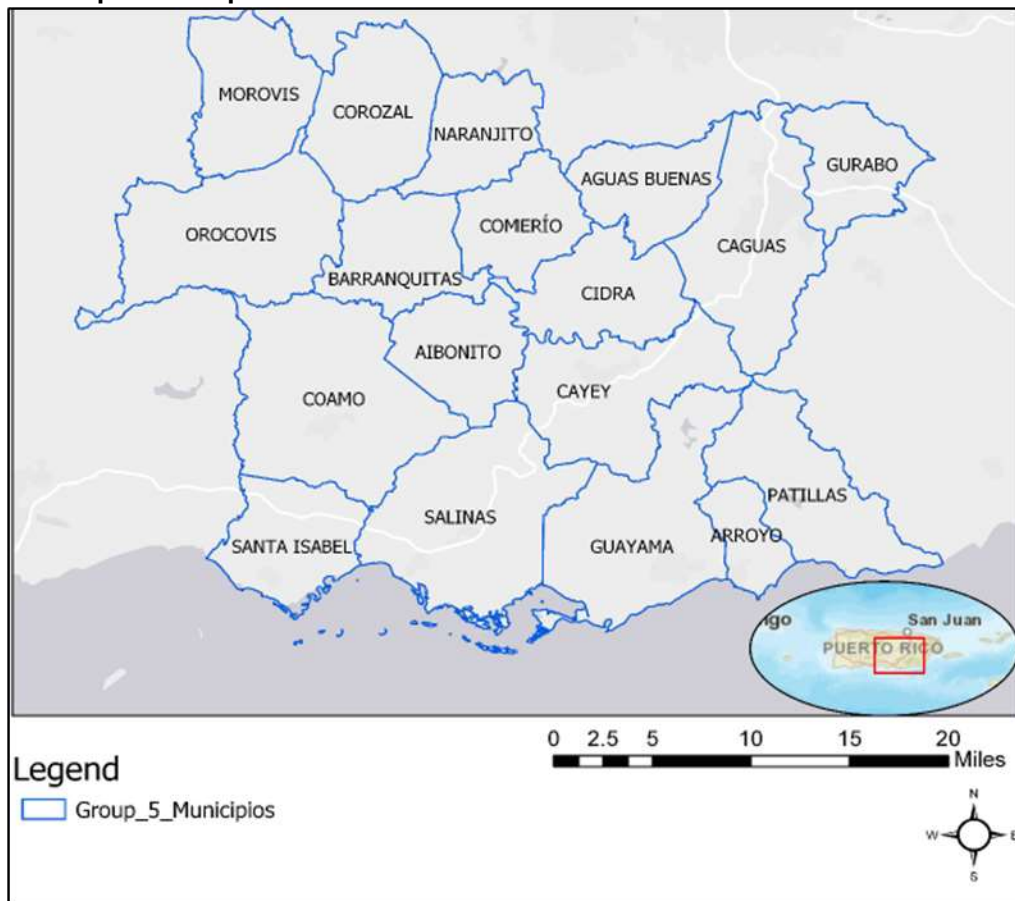
**National Land Cover Database (2001)**

[Red outline] Group 4 boundary	[Dark green] Barren Land
[Black outline] Municipios Boundary	[Medium green] Evergreen Forest
[Blue] Open Water	[Light green] Shrub/Scrub
[Light brown] Developed, Open Space	[Yellow-green] Hay/Pasture
[Orange] Developed, Low Intensity	[Light yellow] Herbaceous
[Red-orange] Developed, Medium Intensity	[Brown] Cultivated Crops
[Dark red] Developed, High Intensity	[Light blue] Woody Wetlands
	[Dark blue] Emergent Herbaceous Wetlands

Scale: 1:340,000  
North Arrow

SWCA  
San Juan County, NM

**Figure 8.5. Group 5 Municipalities**



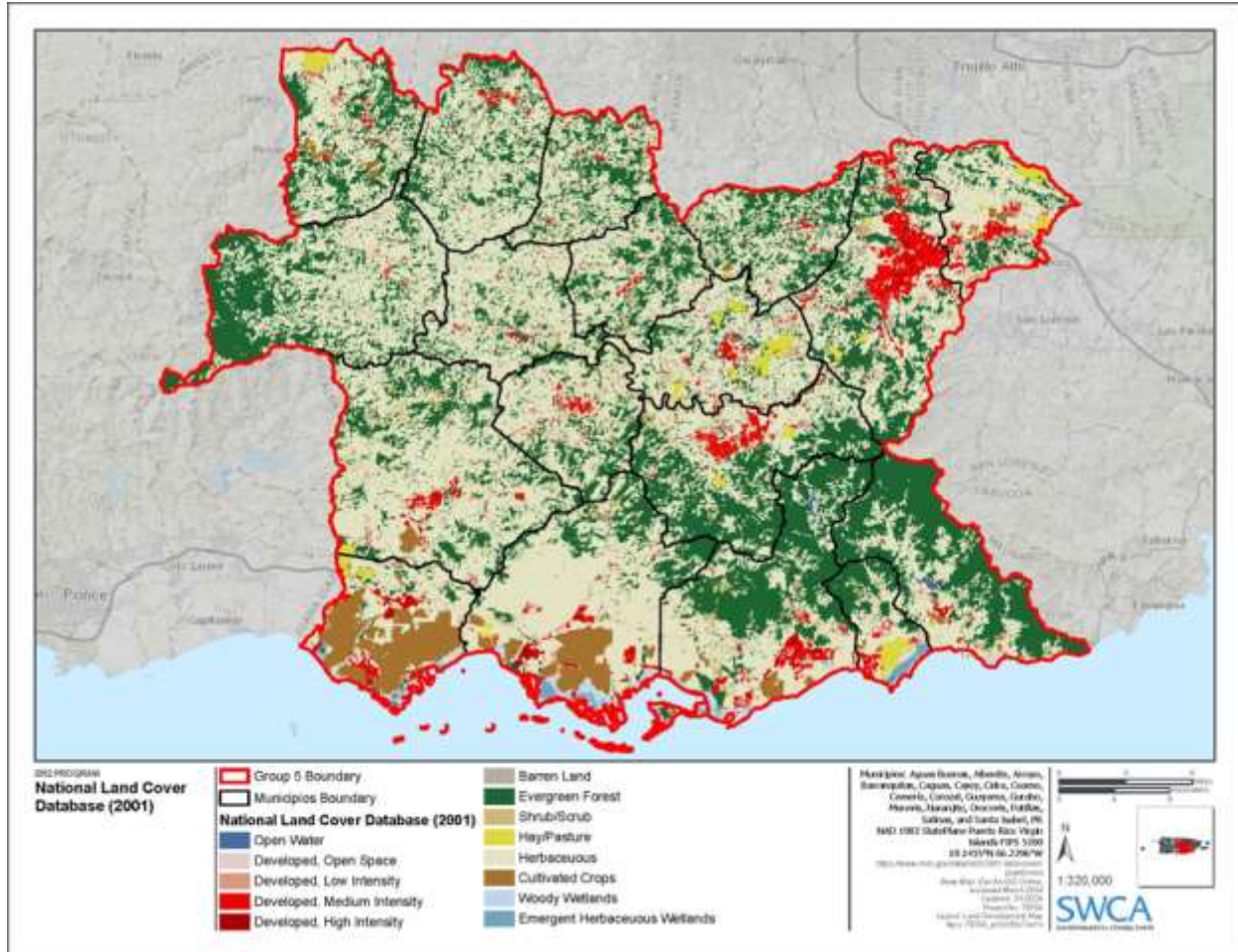
This grouping is based upon the Puerto Rico Emergency Management Agency regions and is herein referred to as Group 5. Based on the National Land Cover Database (NLCD) dataset, Group 5's total area is approximately 501,057.53 acres. Land cover types classified by the NLCD are shown in **Table 1.5** and **Figure 9.5**.

**Table 1.5: Group 5 Land Cover Designations**

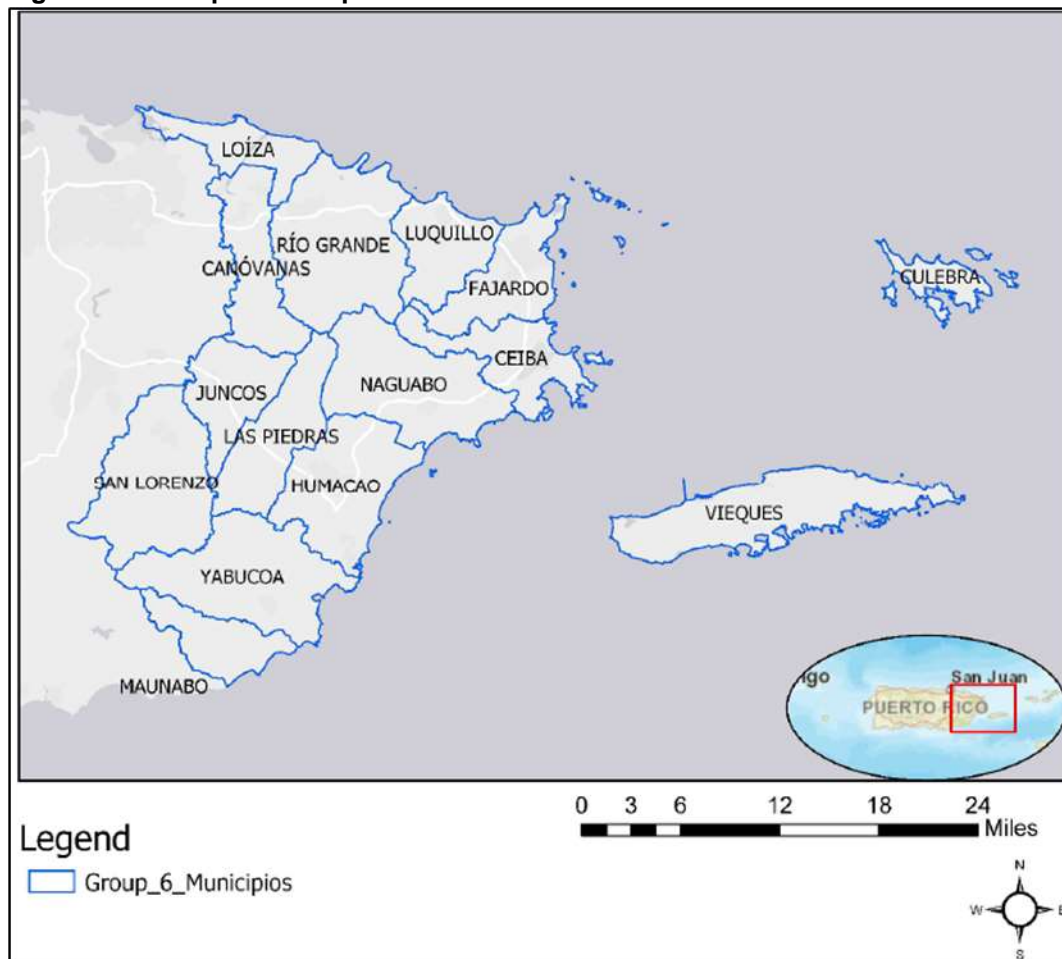
Land Cover Type	Acres	Land Cover Type	Acres
Barren Land	1,916.27	Evergreen Forest	213,605.32
Cultivated Crops	14,589.25	Grassland/Herbaceous	183,333.84
Developed High Intensity	1,202.62	Open Water	1,983.46
Developed, Low Intensity	28,553.76	Pasture/Hay	4,727.19
Developed, Medium Intensity	15,070.84	Shrub/Scrub	20,796.79
Developed, Open Space	10,280.45	Woody Wetlands	3,763.73
Emergent Herbaceous Wetlands	1,234.00	<b>Total</b>	<b>501,057.53</b>



**Figure 9.5. Group 5 Land Cover Map**



**Figure 8.6. Group 6 Municipalities**



This grouping is based upon the Puerto Rico Emergency Management Agency regions and is herein referred to as Group 6. Based on the National Land Cover Database (NLCD) dataset, Group 6's total area is approximately 351,845.60 acres. Land cover types classified by the NLCD are shown in **Table 1.6** and **Figure 9.6**.

**Table 1.6: Group 6 Land Cover Designations**

Land Cover Type	Acres	Land Cover Type	Acres
Barren Land	2,370.46	Evergreen Forest	148,381.59
Cultivated Crops	5,897.86	Grassland/Herbaceous	94,363.01
Developed High Intensity	2,073.00	Open Water	4,906.10
Developed, Low Intensity	22,946.77	Pasture/Hay	21,012.98
Developed, Medium Intensity	13,136.83	Shrub/Scrub	6,353.26
Developed, Open Space	7,045.91	Woody Wetlands	11,526.44
Emergent Herbaceous Wetlands	11,831.37	<b>Total</b>	<b>351,845.60</b>

**2012 PROGRAM**  
**National Land Cover Database (2001)**

**Group 6 Boundary**  
**Municipies Boundary**  
**National Land Cover Database (2001)**

Open Water  
 Developed, Open Space  
 Developed, Low Intensity  
 Developed, Medium Intensity  
 Developed, High Intensity

Barren Land  
 Evergreen Forest  
 Shrub/Scrub  
 Hay/Pasture  
 Herbaceous  
 Cultivated Crops  
 Woody Wetlands  
 Emergent Herbaceous Wetlands

Map Scale: 1:340,000  
 SWCA  
 Sustainable Communities & Climate Solutions

## 1.3 Project Description

HUD has identified the set of electrical power system improvements to be completed with CDBG-DR funds subject to Federal Register Vol. 86, No. 117 (June 22, 2021), 86 FR 32681, as critical factors to the region's long-term recovery from Hurricanes Irma and María and its resilience to future weather events. Per 86 FR 32681, HUD recognizes that the broad scope of these activities may limit the grantees' ability to categorize these CDBG-DR funds into discrete categories of funding eligibility and to appropriately assign a CDBG national objective to each component of the planned improvements. As such, HUD waived compliance with Section 105(a) (42 U.S.C. § 5305(a)) of the Housing and Community Development Act of 1974 (HCDA) and established an alternative requirement only to the extent necessary to create a new eligible activity, electrical power system improvements, which shall be applicable only to the grant funded under the Electrical Power Systems Enhancements and Improvements Action Plan.

Eligible activities for projects funded under the Energy Support Incentive Program 2.0 Set-Aside Program will consist of one or more of the following:

- Installation of a photovoltaic panel system (PVS) on existing roof together with the battery storage system (BSS);
- Integration of BSS in structures that already have an operational PVS in optimal conditions; or
- Installation of electric vehicle charging infrastructure (Level 2). The installation of the electric vehicle charger will not be permitted as the sole activity of the Project. This activity must be carried out in conjunction with one of the aforementioned eligible activities.

All systems will be permanently affixed to the participating property's roof and/or walls and will be installed by a Program-approved Renewable Energy Installation Company (REIC). The PRDOH cannot know specific numbers of SMBs that will be helped until applications are received, and damage or mitigation inspections are made. The applications from SMBs will be evaluated for grants of up to fifty thousand dollars (\$50,000.00) to cover 60% of the total project costs. PRDOH, as the Responsible Entity, has determined that the project will be reviewed in a tiered environmental review for Activity/Project that is Categorically Excluded Subject to Section 58.5 (CEST). The specific addresses of SMBs applying for energy enhancements are not known at the time of the Tier I review. Therefore, under 24 CFR 58.15 (Tiering) and 24 CFR 58.32 (Project



Aggregation), PRDOH will use a tiered approach in combining similar work into geographic as well as functional packages for the environmental review.

## 1.4 Summary of Findings and Conclusions

Based upon completion of this Tier I CEST for the six Regional Groups, no significant changes to existing environmental conditions will result in relation to the following impact categories implemented by HUD in response to the National Environmental Policy Act (NEPA) of 1969 (See Section 1.6). The authorities referenced under HUD's regulations at 24 CFR 58.5 (marked as checked) are compliant with this broad review:

Compliance Factor	Regional Group					
	1	2	3	4	5	6
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.6</b>						
Airport Hazards (Runway Protection Zones and Clear Zones/Accident Potential Zones) [24 CFR Part 51 Subpart D]	X	X	X	X	X	X
Coastal Barrier Resources [Coastal Barrier Resources Act]						
Flood Insurance [24 CFR 58.6]						
Air Quality [40 CFR parts 6, 51, 61, 93]	X	X	X	X	X	X
Coastal Zone Management [Coastal Zone Management Act]	X	X	X	X	X	X
Contamination and Toxic Substances [24 CFR 58.5(i)(2)(i)]						
Endangered Species Act [50 CFR 402; 16 USC 1531 et seq.]	X	X	X	X	X	X
Explosive and Flammable Hazards [24 CFR Part 51C]	X	X	X	X	X	X
Farmland Protection [Farmland Protection Policy Act of 1981 Sections 1504(b) and 1541, 7 CFR 658]	X	X	X	X	X	X
Floodplain Management [Executive Order 11988 and 24 CFR Part 55]						
Historic Preservation [National Historic Preservation Act, 36 CFR Part 800]						
Noise Abatement and Control [24 CFR 51 Subpart B]	X	X	X	X	X	X
Sole Source Aquifers [40 CFR 149]	X	X	X	X	X	X
Wetlands Protection [Executive Order 11990 and 24 CFR Part 55]	X	X	X	X	X	X
Wild and Scenic Rivers [36 CFR 297]	X	X	X	X	X	X

The unchecked subject areas from 24 CFR 58.5 and 58.6 require site-specific analysis before the environmental review can be concluded as causing no significant impacts to the environment.

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## **1.5 Evaluation of Effects**

As proposed, the described Program activities will assist SMBs in upgrading their power sources to alleviate the burden of rising energy costs and blackouts due to insufficient power supply. The desire of PRDOH is to perform a Tiered CEST. This Tiered Review will be combined with a Site-Specific review and shall be prepared for each property as described in Section 2.0, the Tiering Plan for the ERR. This includes a review of the provisions outlined under Parts 58.5 and 58.6. This process will serve to evaluate environmental effects from the Program.

## 1.6 Determination

- ☐ Extraordinary circumstances exist and this project may result in significant environmental impact. This project requires preparation of an Environmental Assessment (EA); OR
- ☒ There are no extraordinary circumstances which would require completion of an EA, and this project may remain CEST.

**Preparer Signature:** Allyson Rezac **Date:** March 31, 2025

**Name/Title/Organization:** Allyson Rezac / Senior Environmental Manager / SWCA

**Responsible Entity Agency Official Signature:**

Angel G. López Guzmán **Date:** May 29, 2025

**Name/Title:** Angel G. López Guzmán, Deputy Director Permits and Environmental Compliance Division

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

**This document represents the Tier 1 or Broad-Level review *only*. As individual sites are selected, this review must be supplemented by individual Tier 2 or Site-Specific reviews for each site. All laws and authorities requiring site-specific analysis will be addressed in these individual reviews.**

## 2 TIERING PLAN FOR ENVIRONMENTAL REVIEW

The Proposed Actions under this program will be evaluated under a tiered CEST pursuant to 24 CFR Part 58.35(a). The environmental "Statutory Checklist" contains compliance components related to 24 CFR 58.5 and 24 CFR 58.6. PRDOH will be the Responsible Entity for all environmental work. The CEST, as prepared for PRDOH, is a two-step, tiered process permitted by HUD per 24 CFR 58.15. The current Tier I broad review document identifies and eliminates the unnecessary, repetitive evaluation of HUD environmental compliance factors that will not occur at the site-specific project level due to their absence Group-wide, or because the program already has systematic general conditions that adequately address them.

Since precise project locations are not precisely identified at this level of review, all potential environmental effects at the site-specific level cannot be evaluated. Nonetheless, the broad analysis can generally describe the environmental conditions and factors that must be considered during execution of a Program. This is performed in Appendix A. Where compliance cannot be determined, the Tier I-level review must define a protocol for how compliance will be achieved at the next, Tier II, site-specific level that encompasses the application building and land parcel. The Tier I protocol should not merely state that the factor will be addressed in the site-specific review; rather, the Tier I should define a strategy including procedures to be followed to determine compliance, mitigate impacts where possible, and dismiss sites that cannot be made compliant. This is performed for this program ERR in Appendix B.

When the exact location of an individual project is identified, a site-specific (Tier II checklist) review must be completed prior to committing HUD CDBG-DR funds to the project. This review concentrates on the issues that were not resolved in the broad-level review as described in the HUD Tiered Environmental Review guidance. Using the protocols established in this broad level review, the site-specific review will determine and document the project's adherence to all established protocols and remaining requirements and dismiss sites that cannot be made compliant. Reviews may also include direct field observation and coordination with resource agencies. If there are no impacts or if impacts will be fully mitigated through individual site conditions, then that project will proceed without further notice to the public.

This Tier I and the subsequent Tier II site-specific parcel review together form a complete, HUD-compliant ERR for that application. Each Tier II site-specific checklist shall also summarize any environmental conditions or mitigation measures required, along with a determination of program compliance and funding permissibility. PRDOH will summarize all reviews and consultations completed as well as any applicable permits or approvals obtained and store them in their system of record. Supporting evidence will be attached

as needed to each application ERR to show that required environmental actions were performed.

**Compliance with 24 CFR 58.35(a) and National Environmental Policy Act of 1969**

The ER2 Energy Support Incentive Program 2.0 Set- Aside program has been determined to require CEST-level NEPA compliance, as listed by HUD in 24 CFR 58.35 (Categorical Exclusions). All CEST requirements are listed and evaluated in Section 3.0 of the Tier I Environmental Review Record along with the corresponding source material in Appendix A, and shall be further addressed, as necessary, in the Tier II Site-Specific Review developed for these programs as outlined in each respective resource topic in Section 3.0.

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## **Compliance with 24 CFR 58.5**

The Statutory Worksheet in **Section 3.0** lists each of the Federal laws and authorities found in HUD's regulations listed at 24 CFR 58.5. It addresses the specific environmental factors for which compliance has been documented regardless of specific site locations within the subject municipalities.

A Tier II Site-Specific Checklist template, to be completed for each application site, has been developed to assess all environmental statutes, authorities, and regulations for which the compliance review has not been completed using the Statutory Worksheet. The Site-Specific Checklist shows requirements to be completed for each property and the process to be used when completing the Tier II checklist, as outlined in Appendix B.

## **Compliance with 24 CFR 58.6**

In addition to the duties under the laws and authorities specified in 24 CFR 58.5 for assumption under the laws cited in Section 58.1(b), PRDOH must comply with the requirements listed in 24 CFR 58.6. The information recording the compliance assessment of the 24 CFR 58.6 review topics is also included in the Section 3.0 worksheets and in the Tier II site-specific checklist procedures in Appendix B for those application sites that require compliance with both 24 CFR 58.5 and 58.6.

## **2.1 Tier I Environmental Review Record**

Tier I of this environmental review focuses on the six (6) Regional Groups as listed in Section 1 and shown in Figures 8, above. This section and the sources outlined in Appendix A address and analyze the various CEST-level environmental review topics in relation to the allowable project activities defined in Section 1.3. For each listed statute, executive order (EO) or regulation, this Tier I portion of the ERR identifies whether all program projects are already in compliance with the regulatory environmental topic, or whether additional evaluations will be needed at the Tier II site-specific level to verify if the project activity can be funded.

This Tier I Environmental Review Record (Tier I ERR) describes the action area targeted by the programs. It provides a basic profile of the proposed project actions and other mitigation activities relative to required compliance factors as presented in the Statutory Checklist. This level of review evaluates impacts of the proposed activities in an aggregated way as determined by the potential for impacts relative to the protected or regulated resources and HUD Environmental Standards. This level of review has resulted in a finding of compliance for certain factors so further review of those factors at the site-specific level is not necessary. PRDOH has also identified the potential for environmental impacts for several compliance factors evaluated during the Tier II Site-specific CEST and

must be completed before individual projects can be environmentally cleared to proceed. Tables and figures prepared to support the Tier I analysis of environmental compliance factors are presented in Appendices following. A list of sources, figures, Agencies, and Persons consulted in support of the Tier I analysis are presented in Appendix A.

The Tier I ERR aids Puerto Rico in understanding the scope of applicable mitigation measures to potentially be selected for projects (Section 4.0). The Tier I ERR of the program is summarized in the Statutory and Environmental Compliance Checklist presented in Section 3.0 and identifies impact categories, as well as the type and degree of impacts anticipated, and whether proposed program activities should be evaluated at the site-specific level to determine conditions and what appropriate mitigation or modification measures might be required.

Appendix A, Exhibit A-11 includes the Programmatic Agreement for Section 106 of the National Historic Preservation Act of 1966 between the Puerto Rico Historic Preservation Office, FEMA, and the COR3. Also included are amendments adding the PRDOH to the Agreement and extending its duration to 2026. This Agreement is used to address the effects of this Program on historic properties and archaeological sites.

Based on the activities to be performed and PRDOH's policies for its implementation, the 8-Step floodplain decision making process outlined in 24 CFR 55.20 was not required. The Energy Support Incentive Program 2.0 Set- Aside program activities under this tiered review meets the exception identified in 24 CFR 55.13(f): *"Special projects for the purpose of improving the energy or water efficiency of utilities or installing renewable energy that involve the repair, rehabilitation, modernization, weatherization, or improvement of existing structures or infrastructure, do not meet the thresholds for "substantial improvement" under § 55.2(b)(12), and do not include the installation of equipment below the floodplain elevation."* PRDOH developed a floodplain management implementation policy to ensure that each application meets the substantial improvement and equipment installation requirements (Appendix A, Attachment A-10-1) and will evaluate each application building at the Tier II site-specific level. A copy of the Tier II Site-Specific Checklist is included in Appendix B.

Appendix C presents the Notice of Intent to Request Release of Funds (NOI/RROF). All public notices, the circulars to which they were published, any comments and responses to those comments will be included in Appendix C. There will be a 7-day comment period for public comments and HUD objections as permitted pursuant to 24 CFR 58.45; Public Comment Periods. The actual RROF and Authority to Use Grant Funds, which is used to formally authorize the use of CDBG-DR grant funds, will be incorporated into Appendix C, once approved by HUD.



The Responsible Entity (RE) for this program is the Puerto Rico Department of Housing. The Certifying Officer (CO) is Aldo A. Rivera Vázquez, Permits and Environmental Compliance Office Director.

Written inquiries regarding this Tier I document can be submitted to:

Angel G. López-Guzmán, MSEM

Deputy Director – Permits and Environmental Compliance Division

606 Barbosa Avenue, Edificio Juan C. Cordero Dávila

Rio Piedras, PR 00918

## 2.2 Tier II ERR Site-Specific Environmental Review Record

Since project locations are not precisely identified at this level of review, impact findings cannot be made for all factors in the Tier I ERR, so the compliance cannot be fully achieved at the programmatic level. When the exact location of an individual project is identified, a Tier II site-specific review must be completed prior to committing HUD CDBG-DR funds to the project. This review concentrates on the issues that were not resolved in the broad-level review as described in the [HUD Tiered Environmental Review](#) guidance. A site-specific compliance documentation checklist has been developed for the Program, and is presented in Appendix B. The following compliance factors, which have been marked will be analyzed for each site-specific application project:

Compliance Factor	Regional Group					
	1	2	3	4	5	6
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.6</b>						
Airport Hazards (Runway Protection Zones and Clear Zones/Accident Potential Zones) [24 CFR Part 51 Subpart D]						
Coastal Barrier Resources [Coastal Barrier Resources Act]	X	X	X	X	X	X
Flood Insurance [24 CFR 58.6]	X	X	X	X	X	X
Air Quality [40 CFR parts 6, 51, 61, 93]						
Coastal Zone Management [Coastal Zone Management Act]						
Contamination and Toxic Substances [24 CFR 58.5(i)(2)(i)]	X	X	X	X	X	X
Endangered Species Act [50 CFR 402; 16 USC 1531 et seq.]						
Explosive and Flammable Hazards [24 CFR Part 51C]						
Farmland Protection [Farmland Protection Policy Act of 1981 Sections 1504(b) and 1541, 7 CFR 658]						

Floodplain Management [Executive Order 11988 and 24 CFR Part 55]	X	X	X	X	X	X
Historic Preservation [National Historic Preservation Act, 36 CFR Part 800]	X	X	X	X	X	X
Noise Abatement and Control [24 CFR 51 Subpart B]						
Sole Source Aquifers [40 CFR 149]						
Wetlands Protection [Executive Order 11990 and 24 CFR Part 55]						
Wild and Scenic Rivers [36 CFR 297]						

Site-specific reviews will include evaluation of the application location, the proposed site activity, and its location and impacts relative to the above compliance factors. Reviews will also include direct field observation with photographs, measurements, and notes for the file, as well as any necessary resource agency consultations. If there are no impacts identified, or if impacts will be fully mitigated through individual site actions, then the proposed project activity planned for a SMB may proceed. No further public notice is required. If impacts are not mitigated during the Tier II site-specific review, then that site may not be eligible for funding, based upon the identified specific mitigation or environmental issue. PRDOH may, at its discretion, decide to proceed by treating the application as separate project outside the scope of this tiered review by implementing a separate environmental review record.

Each completed site-specific checklist and supporting documents shall be submitted to PRDOH for review and approval before individual activity site work begins. The approval of the Tier II will constitute, along with this Tier I, a notice of environmental clearance for each project unless determined to be ineligible. All steps of the ERR process will be completely documented at the site-specific level before the activity proceeds.

Occasionally, a change in the project scope will occur. This will require a re-evaluation of the Tier II to determine if the Tier II is still valid or if a new evaluation is required. The following presents the steps to follow in the event of a re-evaluation. The re-evaluation form is included in Appendix B.

**Steps Taken in the Event of a Scope Change** – the following steps are to be taken if the Program Manager determines there is a scope change with the potential of requiring a review by the Environmental Manager to ascertain if a Tier II re-evaluation is required. All scope changes must be re-evaluated.

1. The Program Manager or subrecipient representative identifies a change in work scope from what was previously identified to PRDOH. The Program Manager evaluates the change request and if approved continues to step 2.

2. The Program Manager informs the project Renewable Energy Installation Company (REIC) to stop any work associated with the scope change until the environmental re-evaluation is complete. The Program Manager forwards the scope change information to the Environmental Managers.
3. The Environmental Manager or their assigned Environmental Consultant reviews the scope change to determine if the revised activity requires a Tier II re-evaluation. If no environmental re-evaluation is needed this can be documented through a memo entered into the project file. The Environmental Manager informs the Program Managers that the project complies with the original Tier II findings and that construction may continue.
4. If the Environmental Manager or assigned Environmental Consultant determines the scope change requires a Tier II Re-Evaluation the project shall be re-assessed. The Environmental Manager shall decide whether the re-evaluation shall use the Program Re-Evaluation form and focus on the sections of the Tier II checklist that are affected or if the change in scope necessitate an entirely new Tier II review for the work.
5. After review and approval by the PRDOH, the Re-Evaluation form and/or new Tier II shall be entered into the ERR and the results provided to the Program Managers. If the project is now found to be ineligible for funding, the project shall be cancelled or the Program determine how the work scope must be changed in order to remain eligible. If the project is found to still be eligible for funding, the Environmental Manager shall inform the Program Managers that work may continue with the project, with any new environmental conditions highlighted.
6. A Tier II Re-Evaluation form is included in Appendix B.

### 3 COMPLIANCE WITH 24 CFR 50.4, 58.5, AND 58.6 LAWS AND AUTHORITIES AND WRITTEN STRATEGIES

**Project Name:** Energy Support Incentive Program 2.0 Set- Aside. This Puerto Rico Department of Housing Hurricanes Irma and María Community Development Block Grant Disaster Recovery Program (CDBG-DR), which is being administered under the US Housing and Urban Development (HUD) Community Development Block Grant (CDBG) Program for Unspecified Sites in the six (6) Regional Groups.

The PRDOH is the Responsible Entity (RE) for the required environmental review as indicated in 24 CFR 58, "Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities," and will oversee completion of environmental and historic preservation reviews of each applicant's proposed project activity in accordance with HUD regulations and guidance.

A "No" answer below means further steps are needed and a Tier II site-specific review is required. A "Yes" answer indicates that compliance is met at the programmatic level.

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	<b>If Yes:</b> Describe compliance determinations made at the broad level.  <b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.6</b>		
<b>Airport Hazards</b>  24 CFR Part 51 Subpart D	Yes    No <input checked="" type="checkbox"/> <input type="checkbox"/>	Compliance determination achieved in the Tier I Broad level Review all Regional Groups (Groups 1-6), as described below.  Exhibit A-1:  Puerto Rico has one (1) military joint-use airport and eight (8) civilian airports, distributed as follows:  <b>Group 1:</b> This group includes a total of three (3) airports, (1) military joint-use airport and two (2) civilian airports: <ul style="list-style-type: none"> <li>• Luis Muñoz Marín International Airport (military joint-use airport with military airfield)</li> <li>• Luis Muñoz Marín International Airport</li> <li>• Fernando Luis Ribas Dominicci Airport</li> </ul> <b>Group 2:</b> There are no airports in this group. <b>Group 3:</b> There are two (2) civilian airports in this group: <ul style="list-style-type: none"> <li>• Eugenio María de Hostos Airport</li> <li>• Rafael Hernández Airport</li> </ul>

<p><b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6</p>	<p>Was compliance achieved at the broad level of review?</p>	<p><b>If Yes:</b> Describe compliance determinations made at the broad level. <b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.</p>
		<p><b>Group 4:</b> This group includes one (1) civilian airport:</p> <ul style="list-style-type: none"> <li>• Mercedita International Airport</li> </ul> <p><b>Group 5:</b> There are no airports in this group.</p> <p><b>Group 6:</b> There are three (3) civilian airports in this group:</p> <ul style="list-style-type: none"> <li>• José Aponte de la Torre Airport</li> <li>• Benjamín Rivera Noriega Airport</li> <li>• Antonio Rivera Rodríguez Airport</li> </ul> <p>The Energy Support Incentive Program 2.0 Set-Aside Program limits eligible project activities to improvements made to existing buildings. The project activities evaluated under this section include the installation of photovoltaic panels exclusively on the roof of the property, along with the permanent mounting of batteries, control panels, and electric vehicle chargers on the walls of existing structures. All associated lines must remain above ground and may not be buried. The project has been evaluated under 24 CFR Part 51 Subpart D to ensure compliance with HUD requirements related to airport hazards, as outlined in that section.</p> <p>Under 24 CFR Part 51 Subpart D, HUD assistance may not be used at this location if the project involves new construction, substantial rehabilitation, acquisition of undeveloped land, or activities that would significantly prolong the physical or economic life of existing facilities that are frequently used or occupied by people. However, the eligible project activities under the Energy Support Incentive Program 2.0 Set-Aside Program do not include any of these disqualifying actions. There will be no new construction or land acquisition involved in the implementation of this program. Additionally, the project does not constitute substantial rehabilitation.</p> <p>The proposed activities qualify as Categorical Exclusions Subject to § 58.5 (CEST) in accordance with 24 CFR § 58.35(a). The activities described involve non-residential structures, such as commercial buildings owned or operated by small and medium-sized businesses (SMBs). Existing facilities will not be expanded in size or capacity by more than 20 percent.</p>

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	<p><b>If Yes:</b> Describe compliance determinations made at the broad level.</p> <p><b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.</p>
		<p>Furthermore, the project will not involve a change in land use—such as from non-residential to residential, from commercial to industrial, or between industrial uses.</p> <p>Installation activities are limited strictly to existing structures. No property acquisition will take place as part of these activities. Per Program Guidelines, to be eligible for participation, the SMB applicant must either own the premises or possess current written authorization from the property owner to carry out the project. If the applicant does not own the property, the owner must provide a current lease agreement along with documented authorization allowing the installation of the system.</p> <p>Lastly, the installation of photovoltaic panels on the roof, and the permanent mounting of batteries, control panels, and EV chargers on the walls of existing structures, is intended to support SMBs with renewable energy solutions. These improvements are designed to enhance grid resilience, reduce power outages, and alleviate pressure on the aging electrical grid. They are not intended to, and do not, significantly prolong the physical or economic life of the existing facilities.</p> <p>For these reasons, the project complies with the airport hazard requirements under 24 CFR Part 51 Subpart D. Compliance has been determined through a broad-level review; no site-specific review is required for this evaluation factor. <u>Regulatory Agency and Review Parties</u></p> <p>See <b>Appendix A Exhibit A-1</b>.</p> <p><b>The proposed project is in compliance with Airport Hazards, particularly 24 CFR Part 51 Subpart D in all Regional Groups (Groups 1-6).</b></p>
<b>Coastal Barrier Resources</b>  Coastal Barrier Resources Act, as amended by the Coastal Barrier	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	Compliance will be achieved during the Tier II site-specific review for all Regional Groups (Group 1-6), as described below.  Exhibit A-2:

<p><b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6</p>	<p>Was compliance achieved at the broad level of review?</p>	<p><b>If Yes:</b> Describe compliance determinations made at the broad level. <b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.</p>
<p>Improvement Act of 1990 [16 USC 3501]</p>		<p><b>Group 1 :</b> There is one designated unit of the Coastal Barrier Resources System (BRS) and two Otherwise Protected Areas (OPAs) in or adjacent to the Group 1 area: PR-86P off the coast of Toa Baja, and PR-87 and PR-87P within and adjacent to Carolina (<b>see Exhibit A-2, Figure A-2-2</b>).</p> <p><b>Group 2:</b> There are six (6) designated units of the Coastal Barrier Resources System (CBRS) or Otherwise Protected Area (OPA) in or adjacent to the Group 2 area; PR-81, PR-79, PR-80, PR-83, PR-84, and PR-82P(<b>Exhibit A-2 Figure A-2-2</b>).</p> <p><b>Group 3:</b> There are fifteen (15) designated units of the Coastal Barrier Resources System (CBRS) or Otherwise Protected Area (OPA) in or adjacent to the Group 3 area; PR-66, PR-68, PR-69, PR-70, PR-72, PR-75, PR-76, PR-77, PR-78, PR-65P, PR-64P, PR-66P, PR-67P, PR-75P, and PR-75P (<b>Exhibit A-2 Figure A-2-2</b>).</p> <p><b>Group 4:</b> There are sixteen (16) designated units of the Coastal Barrier Resources System (CBRS) or Otherwise Protected Area (OPA) in or adjacent to the Group 4 area; PR-51, PR-52, PR-53, PR-54, PR-55, PR-56, PR-57, PR-59, PR-61, PR-50P, PR-57P, PR-58P, PR-60P, PR-62P, PR-63P, and PR-64P (<b>Exhibit A-2 Figure A-2-2</b>).</p> <p><b>Group 5:</b> There are twelve (12) designated units of the Coastal Barrier Resources System (CBRS) or Otherwise Protected Area (OPA) in or adjacent to the Group 5 area; PR-43, PR-44, PR-45, PR-42, PR-46, PR-47, PR-50, PR-51, PR-43P, PR-45P, PR-48P, and PR-49P (<b>Exhibit A-2 Figure A-2-2</b>).</p> <p><b>Group 6:</b> There are twenty-three (23) designated units of the Coastal Barrier Resources System (CBRS) or Otherwise Protected Area (OPA) in or adjacent to the Group 6 area; PR-02, PR-03, PR-05, PR-06, PR-07, PR-08A, PR-10, PR-39, PR-40, PR-41, PR-87, PR-04P, PR-08AP, PR-08P, PR-09P, PR-12P, PR-13P, PR-14P, PR-15P, PR-16P, PR-17P, PR-18P, and PR-87P (<b>Exhibit A-2 Figure A-2-2</b>).</p>



<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	<p><b>If Yes:</b> Describe compliance determinations made at the broad level.</p> <p><b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.</p>
		<p>Federal assistance is prohibited for projects located within a CBRS unit and/or OPA unless the project meets one of the exceptions outlined in 16 U.S.C. § 3505.</p> <p>The project activities evaluated under this section for the Energy Support Incentive Program 2.0 Set-Aside Program are limited to improvements made to existing buildings. Specifically, they include the installation of photovoltaic panels exclusively on the roof of the property, along with the permanent mounting of batteries, control panels, and electric vehicle chargers on the walls of existing structures. All associated lines must remain above ground and may not be buried.</p> <p>These activity types do not qualify for any of the exemptions listed under 16 U.S.C. § 3505. Therefore, all applications will be reviewed during the site-specific review process to determine whether they are located within, or partially within, a CBRS unit and/or OPA.</p> <p><u>Regulatory Agency and Source Review</u>  See <b>Appendix A Exhibit A-2.</b></p> <p><b>Tier II Site-Specific Review Determination Process</b></p> <p>In accordance with HUD regulation 24 CFR § 58.6, each application must be evaluated for compliance with the Coastal Barrier Resources Act (CBRA). To determine whether a project is located within a Coastal Barrier Resources System (CBRS) unit and/or an Otherwise Protected Area (OPA), the structure where the eligible project activities are performed should be reviewed in relation to the current U.S. Fish and Wildlife Service (USFWS) dataset. This evaluation should be conducted using the official USFWS web mapper or the most recent GIS files available at <a href="https://www.fws.gov/program/coastal-barrier-resources-act/maps-and-data">https://www.fws.gov/program/coastal-barrier-resources-act/maps-and-data</a>.</p> <p>If the structure is not located within a CBRS unit or OPA, the project is confirmed to be in compliance with the Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990. This determination must be documented in the Tier II Site-Specific Checklist (SSC), including a project-specific</p>

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	<p><b>If Yes:</b> Describe compliance determinations made at the broad level.</p> <p><b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.</p>
		<p>map showing the nearest CBRS unit or OPA to the project site as evidence.</p> <p>If the structure is located within a CBRS unit or OPA, federal assistance is prohibited for this program, as the eligible project activities do not meet any of the exemptions listed under 16 U.S.C. § 3505. In such cases, federal assistance is prohibited for projects located within a CBRS unit and/or OPA. Application cannot proceed in the Tier II SSC and review is concluded. The Certifying Official must be notified of review finding including a project-specific map in relation to the CBRS unit or OPA to support the determination.</p> <p><u>Consultation for Tier II, if Required</u></p> <p>US Fish and Wildlife Service          Puerto Rico Department of Natural and Environmental Resources (DNER)</p>
<b>Flood Insurance</b>  Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994; 24 CFR 55.5	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>Compliance will be achieved during the Tier II site-specific review for all Regional Groups (Group 1-6), as described below.</p> <p>Exhibit A-3: The Flood Disaster Protection Act of 1973 requires that any project receiving federal assistance must be covered by flood insurance if it is located within a Special Flood Hazard Area (SFHA), as designated by the Federal Emergency Management Agency (FEMA). Since 1978, Puerto Rico has participated in the National Flood Insurance Program (NFIP), which is administered by FEMA. All areas within the Commonwealth of Puerto Rico are eligible for NFIP policies.</p> <p>The Energy Support Incentive Program 2.0 Set-Aside Program limits eligible project activities to improvements made to existing buildings. The activities evaluated under this section include the installation of photovoltaic panels exclusively on the roof of the property, as well as the permanent mounting of batteries, control panels, and electric vehicle chargers on the walls of existing structures. All associated lines must remain above ground and may not be buried.</p>

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	<p><b>If Yes:</b> Describe compliance determinations made at the broad level.</p> <p><b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.</p>
		<p>Any project involving the repair, rehabilitation, or construction of insurable property located within a FEMA-designated SFHA—also known as the 100-year floodplain, as identified on the FEMA Flood Insurance Rate Map (FIRM)—must demonstrate compliance with the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. §§ 4001–4128), unless it qualifies for an exemption from flood insurance requirements.</p> <p>Because the Energy Support Incentive Program 2.0 Set-Aside Program involves improvements to insurable property, any project located within an SFHA and receiving financial assistance must maintain NFIP-compliant flood insurance coverage for the life of the structure, regardless of changes in ownership. The required coverage must be at least equal to the total project cost or the maximum available under the NFIP, whichever is less.</p> <p>Accordingly, all applications will undergo a site-specific review to determine whether the structure where eligible project activities are performed is located within, or partially within, an SFHA based on the current effective FEMA FIRM. If the structure is found to be within or partially within the SFHA, the application will require mitigation in the form of obtaining and maintaining an NFIP-compliant flood insurance policy for the life of the structure, regardless of ownership transfers.</p> <p>In accordance with 24 CFR 55.5(a)(2), if the applicant has previously received federal assistance and failed to maintain a required flood insurance policy, the application will be deemed ineligible during the eligibility review process, prior to environmental review.</p> <p><u>Regulatory Agency and Source Review</u>  See <b>Appendix A Exhibit A-3.</b></p> <p><b>Tier II Site-Specific Review Determination Process</b></p> <p>In accordance with HUD regulation 24 CFR § 55.5, each application must be evaluated for compliance with the Flood Disaster Protection Act. The Program will demonstrate compliance with 24 CFR § 55.5(a)(1) by</p>

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	<p><b>If Yes:</b> Describe compliance determinations made at the broad level.</p> <p><b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.</p>
		<p>requiring applicants to obtain and maintain a National Flood Insurance Program (NFIP)-compliant policy if the project building is located within an eligible Special Flood Hazard Area (SFHA) (100-year floodplain), as identified on the current Effective Flood Insurance Rate Map (FIRM) published by FEMA.</p> <p>For each Program application, compliance will be determined by evaluating whether the structure where eligible project activities are performed is located within an eligible Special Flood Hazard Area (SFHA) (100-year floodplain). This evaluation must reference the building footprint in relation to the Effective FIRM dataset, available through the official FEMA Flood Map Service Center at <a href="https://msc.fema.gov/portal/home">https://msc.fema.gov/portal/home</a>.</p> <p>If the applicable Effective FIRM has not been digitized for use in FEMA's online GIS viewer, the building location must be geo-referenced using the appropriate map panel, which can be downloaded from the same FEMA website.</p> <p>If the footprint of the building structure where eligible project activities are performed is determined to be outside an eligible Special Flood Hazard Area (SFHA) (100-year floodplain), the project is in compliance with the Flood Insurance Reform Act of 1994, as implemented under 24 CFR § 55.5. This finding must be documented in the Tier II Site-Specific Checklist (SSC), including a project-specific map showing the building's location in relation to the nearest floodplain, as identified on the current Effective Flood Insurance Rate Map (FIRM) published by FEMA.</p> <p>If any portion of the building is located within an eligible Special Flood Hazard Area (SFHA) (100-year floodplain), the Tier II SSC must document the mitigation requirement for the applicant to obtain and maintain an NFIP-compliant flood insurance policy. The coverage must be in an amount at least equal to the total project cost and must be maintained for the economic lifespan of the structure, regardless of any changes in ownership.</p>

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	<b>If Yes:</b> Describe compliance determinations made at the broad level.  <b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.
		<p>The Tier II site-specific checklist will serve as evidence that the applicant has met the requirements in accordance with 24 CFR 55.5(a)(2), and may be deemed eligible during the eligibility review process—prior to the environmental review—if federal assistance and a flood insurance policy were previously required.</p> <p><u>Consultation for Tier II, if Required</u></p> <p>Municipality Floodplain Coordinator Puerto Rico Planning Board HUD FEMA</p>

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	<b>If Yes:</b> Describe compliance determinations made at the broad level.  <b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.
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**STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §58.5**

<b>Clean Air</b>  Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes    No <input checked="checked" type="checkbox"/> <input type="checkbox"/>	<p>Compliance determination achieved in the Tier I Broad level Review for all Regional Groups (Group 1-6), as described below.</p> <p>Exhibit A-4: Implementation of the Clean Air Act (CAA) in Puerto Rico is a shared responsibility between the U.S. Environmental Protection Agency (EPA) Region 2 and the Puerto Rico Department of Natural and Environmental Resources (DNER).</p> <p>The Energy Support Incentive Program 2.0 – Set-Aside Program limits eligible activities to improvements made to existing buildings. These activities include the installation of photovoltaic panels exclusively on rooftops, and the permanent mounting of batteries, control panels, and electric vehicle (EV) chargers on the walls of existing structures. All associated electrical lines must remain above ground and may not be buried.</p>
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<p><b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6</p>	<p>Was compliance achieved at the broad level of review?</p>	<p><b>If Yes:</b> Describe compliance determinations made at the broad level. <b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.</p>
		<p>The eligible project activities do not create new sources of air pollution. As described, the project does not involve new construction or a change in land use to facilitate the development of public, commercial, or industrial facilities, nor does it involve five or more dwelling units. Accordingly, under HUD's environmental review procedures, the project is presumed to result in emissions below de minimis levels and is considered compliant with the Clean Air Act (CAA).</p> <p>However, because implementation of the Clean Air Act is also governed by the Puerto Rico Department of Natural and Environmental Resources under the Regulations for the Control of Atmospheric Pollution (RCAP), 1995, Regulation No. 5300—and because Puerto Rico includes areas designated as nonattainment or in maintenance status for certain criteria pollutants—the eligible project activities were further evaluated for compliance with applicable federal, state, and local air quality regulations.</p> <p>This review will identify whether any of the nonattainment and/or maintenance areas are included in the program group where eligible project activities may be performed; and if so, how those activities comply with the Clean Air Act and applicable federal, state, and local air quality regulatory requirements.</p> <p>Puerto Rico has areas designated as nonattainment for National Ambient Air Quality Standard (NAAQS) pollutants, specifically <b>lead</b> and <b>sulfur dioxide (SO<sub>2</sub>)</b>. Additionally, one area is classified as being in <b>maintenance status</b> for <b>particulate matter (PM-10)</b>. These designations require careful evaluation to ensure that any federal action within the affected areas does not contribute to exceedances of air quality standards.</p> <p><b>Group 1:</b> This project group includes areas designated as nonattainment for sulfur dioxide (SO<sub>2</sub>) and an area under maintenance status for particulate matter (PM-10), in accordance with the Clean Air Act (CAA).</p> <p><b>Group 2:</b> This project group includes areas designated as nonattainment for two criteria pollutants: sulfur dioxide (SO<sub>2</sub>) and lead (Pb).</p>



<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	<p><b>If Yes:</b> Describe compliance determinations made at the broad level.</p> <p><b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.</p>
		<p><b>Group 3:</b> All project areas are located outside the nonattainment areas for sulfur dioxide (SO<sub>2</sub>) and lead (Pb), as well as outside the designated maintenance areas for particulate matter (PM-10), in compliance with the Clean Air Act (CAA).</p> <p><b>Group 4:</b> All project areas are located outside the nonattainment areas for sulfur dioxide (SO<sub>2</sub>) and lead (Pb), as well as outside the designated maintenance areas for particulate matter (PM-10), in compliance with the Clean Air Act (CAA).</p> <p><b>Group 5:</b> This project group includes areas designated as nonattainment for sulfur dioxide (SO<sub>2</sub>).</p> <p><b>Group 6:</b> All project areas are located outside the nonattainment areas for sulfur dioxide (SO<sub>2</sub>) and lead (Pb), as well as outside the designated maintenance areas for particulate matter (PM-10), in compliance with the Clean Air Act (CAA).</p> <p>Areas designated as nonattainment for sulfur dioxide (SO<sub>2</sub>) and in maintenance status for particulate matter (PM-10). The federal action associated with the program will not result in direct or indirect emissions exceeding applicable thresholds for either criteria pollutant.</p> <p>SO<sub>2</sub> emissions are typically produced through the combustion of fossil fuels such as coal, petroleum, and fuel oil. The installation of rooftop photovoltaic panels and the permanent wall-mounting of batteries, control panels, and EV chargers are intended to support small and medium-sized businesses with renewable energy solutions. These improvements aim to increase grid resilience, reduce power outages, and relieve pressure on the aging electrical grid. As a result, the eligible project activities are not expected to generate SO<sub>2</sub> emissions and may instead have a beneficial effect by reducing reliance on SO<sub>2</sub>-emitting energy sources.</p> <p>Sources of lead (Pb) emissions in the air are commonly associated industrial activities such as ore and metal processing, as well as piston-engine aircraft that operate on leaded aviation fuel. Other sources may include waste incinerators, utility operations, and lead-acid battery manufacturers and smelting of lead.</p>

<p><b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6</p>	<p>Was compliance achieved at the broad level of review?</p>	<p><b>If Yes:</b> Describe compliance determinations made at the broad level. <b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.</p>
		<p>The proposed project activities—which involve installing energy efficiency improvements to existing structures—are not associated with sources that emit lead into the air. Therefore, the project will neither create new sources of lead emissions nor alter existing lead emission levels in any designated non-attainment area. Any potential lead emissions from equipment installation—such as drilling to mount solar components—are expected to be minimal and well below federal, state, and local <i>de minimis</i> thresholds related to air quality, especially given that the project does not involve new construction or land conversion. Furthermore, the project meets the exemption criteria outlined in Rule 206 of the RCAP (1995), Regulation No. 5300, and is therefore in compliance with the Clean Air Act and all applicable state and local air quality regulations regarding lead emissions. While lead is not a concern under air quality standards for this project, any potential lead-related hazards subject to the Toxic Substances Control Act, the Lead Safe Housing Rule, or applicable Puerto Rico regulations will be evaluated under the <b>Contamination and Toxic Substances</b> section of the environmental review.</p> <p>Sources of lead (Pb) emissions in the air are commonly associated industrial activities such as ore and metal processing, as well as piston-engine aircraft that operate on leaded aviation fuel. Other sources include waste incinerators, utility operations, and lead-acid battery manufacturers and lead smelters. The proposed project activities—which involve installing energy efficiency improvements to existing structures—are not associated with sources that emit lead into the air. Therefore, the project will neither create new sources of lead emissions nor alter existing lead emission levels in any designated non-attainment area. Any potential lead emissions from equipment installation—such as drilling to mount solar components—are expected to be minimal and well below federal, state, and local <i>de minimis</i> thresholds related to air quality, especially given that the project does not involve new construction or land conversion.</p>

<p><b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6</p>	<p>Was compliance achieved at the broad level of review?</p>	<p><b>If Yes:</b> Describe compliance determinations made at the broad level. <b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.</p>
		<p>Furthermore, the project meets the exemption criteria outlined in Rule 206 of the RCAP (1995), Regulation No. 5300, and is therefore in compliance with the Clean Air Act and all applicable state and local air quality regulations regarding lead emissions. While lead is not a concern under air quality standards for this project, any potential lead-related hazards subject to the Toxic Substances Control Act, the Lead Safe Housing Rule, or applicable Puerto Rico regulations will be evaluated under the <b>Contamination and Toxic Substances</b> section of the environmental review.</p> <p>PM-10 refers to inhalable particulate matter with diameters of 10 micrometers or less. Dust from equipment installation—such as drilling to mount solar components—may result in minimal particulate emissions. However, these emissions are expected to remain well below de minimis thresholds, as the project does not involve new construction or land conversion. Furthermore, under Puerto Rico's air quality regulations, the project meets the exemption criteria outlined in Rule 206 of the RCAP (1995), Regulation No. 5300, and is therefore in compliance with the Clean Air Act and all applicable federal, state, and local air quality standards.</p> <p><u>Regulatory Agency and Source Review</u></p> <p>See <b>Appendix A Exhibit A-4.</b></p> <p><b>The proposed project is in compliance with the Clean Air Act in all Regional Groups (Groups 1-6) and all applicable federal, state, and local air quality standards.</b></p>

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	<p><b>If Yes:</b> Describe compliance determinations made at the broad level.</p> <p><b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.</p>
<b>Coastal Zone Management</b>  Coastal Zone Management Act, sections 307(c) & (d)	Yes    No <input checked="checked" type="checkbox"/> <input type="checkbox"/>	<p>Compliance achieved in the Tier I Broad level Review for all Regional Groups (Group 1-6), as described below.</p> <p>Exhibit A-5: The Coastal Zone Management Program (CZMP) is authorized by the <i>Coastal Zone Management Act (CZMA) of 1972</i> and is administered at the federal level by the Coastal Programs Division within the National Oceanic and Atmospheric Administration's (NOAA) Office of Ocean and Coastal Resource Management. Puerto Rico's Coastal Zone Management Program was approved by NOAA in 1978 and is regulated under 24 CFR 58.5(c).</p> <p>The Puerto Rico Planning Board (PRPB) is the designated territorial agency responsible for reviewing and determining federal consistency with the Puerto Rico Coastal Zone Management Program, in accordance with procedures established in 15 CFR Part 930. The designated coastal management zone typically extends 1,000 meters inland from the coastline. However, this boundary may extend further inland in areas determined to contain important coastal resources (see Figure A-5-1).</p> <p>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 plans. The Energy Support Incentive Program 2.0 – Set-Aside Program limits eligible activities to improvements made to existing buildings. These include the installation of rooftop photovoltaic (PV) panels, and the permanent wall-mounted installation of batteries, control panels, and electric vehicle (EV) chargers. All associated electrical lines must remain above ground and may not be buried.</p> <p>Since the Energy Support Incentive Program 2.0 – Set-Aside Program is federally funded, its activities were reviewed for consistency with the Puerto Rico Coastal Zone Management Program. The results are as follows:</p> <p>Program sites located outside the designated Coastal Management Zone are not subject to PR Coastal Zone Management Program requirements and are therefore in compliance with the CZMA.</p>

<p><b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6</p>	<p>Was compliance achieved at the broad level of review?</p>	<p><b>If Yes:</b> Describe compliance determinations made at the broad level. <b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.</p>
		<p>Program sites located within the designated Coastal Management Zone have been found to comply with both HUD and territorial regulations. The PRPB has confirmed that the described project activities—those to be financed under this program—are consistent with the Puerto Rico Coastal Zone Management Program. As such, these activities do not require site-specific reviews or individual federal consistency determinations.</p> <p>The PRPB and the Puerto Rico Department of Housing (PRDOH) adopted Resolution JP-2024-004 on July 24, 2024, and subsequently amended it on December 23, 2024 (<b>see Appendix A, Attachment A-5-1</b>). According to Section A.2 of this resolution (or equivalent criteria under its approved amendments), “<i>Projects or activities that are exempt from construction permits pursuant to Act 161-2009, as amended—known as the Puerto Rico Permit Process Reform Act—and the Joint Regulation for Evaluation and Expedition of Permits Related to Development, Land Use, and Business Operation (Regulation No. 9473),</i>” do not have a significant impact on Puerto Rico’s coastal resources and therefore do not require federal consistency reviews.</p> <p>The Energy Support Incentive Program 2.0 – Set-Aside Program is funded under CDBG-DR, and all eligible project activities do not require a construction permit from the Puerto Rico Office of Permit Management. This is in accordance with the Planning Board’s Joint Regulation 9473, approved on June 16, 2023, specifically Section 9.4.1.3.a.1, which states:</p> <p>“Photovoltaic solar installations that are installed on the roofs of structures and whose capacity is up to one megawatt do not require a construction or use permit. Nor will a building permit be required for systems up to one hundred kilowatts above ground.”</p> <p>In conclusion, all proposed activities under the Energy Support Incentive Program 2.0 – Set-Aside Program have been reviewed and confirmed to be fully compliant with federal and territorial coastal zone management requirements, ensuring the protection of Puerto Rico’s coastal resources while facilitating responsible energy infrastructure development.</p> <p><u>Regulatory Agency and Source Review</u></p>

<p><b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6</p>	<p>Was compliance achieved at the broad level of review?</p>	<p><b>If Yes:</b> Describe compliance determinations made at the broad level. <b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.</p>
		<p>See <b>Appendix A, Exhibit A-5.</b> <b>The proposed project is in compliance with the Coastal Zone Management Act in all Regional Groups (Group 1-6).</b></p>
<p><b>Contamination and Toxic Substances</b></p> <p>24 CFR Part 58.5 40 CFR Part 61, Subpart M Puerto Rico Law No. 9 - 1970 40 CFR Part 745 Subpart E 24 CFR Part 35, Subparts J &amp; R Puerto Rico Law No. 416 – 2004 and its implementation under DNER Regulation 9098</p>	<p>Yes    No <input type="checkbox"/>   <input checked="" type="checkbox"/></p>	<p>Compliance with radon and asbestos achieved in the Tier I Broad level Review for all Regional Groups (Group 1-6), as described below.</p> <p>Compliance for on-site Contamination and Toxic Substances, Hazardous materials and facilities and lead based paint environmental factors under this review topic will be achieved during the Tier II site-specific review, for all Regional Groups (Group 1-6), as described below and in <b>Appendix A, Exhibit A-6.</b></p> <p>The Energy Support Incentive Program 2.0 – Set-Aside Program limits eligible project activities to improvements made to existing buildings. The activities evaluated in this section include the installation of photovoltaic (PV) panels exclusively on rooftops, along with the permanent wall-mounted installation of batteries, control panels, and electric vehicle (EV) chargers. All associated electrical lines must remain above ground and may not be buried. This financial assistance is intended to support small and medium-sized businesses (SMBs) in Puerto Rico by providing access to renewable energy solutions. These improvements are designed to enhance grid resilience, reduce power outages, and alleviate pressure on the island's aging electrical infrastructure.</p> <p>As part of the environmental review process, a Tier II site-specific review—with the exception of radon and asbestos—will be conducted to confirm that each project site is free of contamination. This review will ensure that the health and safety of site occupants are not adversely affected by environmental hazards, in conformance with the requirements of 24 CFR Part 58.5.</p> <p><u><b>Radon</b></u></p>



<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	<p><b>If Yes:</b> Describe compliance determinations made at the broad level.</p> <p><b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.</p>
		<p>On January 11, 2024, HUD issued Notice CPD-23-103, Departmental Policy for Addressing Radon in the Environmental Review Process, which requires the Responsible Entity (RE) to consider radon as part of the site contamination analysis for projects subject to HUD's contamination regulations at 24 CFR 58.5(i), unless the project qualifies for an exemption. According to the notice, radon must be addressed in environmental reviews for projects involving structures that are or will be occupied for at least four (4) hours per day.</p> <p>The eligible business activities under the Energy Support Incentive Program 2.0 – Set-Aside Program are expected to meet this occupancy threshold, and thus would typically require radon consideration as part of the environmental review.</p> <p>However, there is currently no large-scale dataset available for Puerto Rico that meets HUD's standards for determining radon hazard levels. On March 6, 2024, the Puerto Rico Department of Housing (PRDOH) formally consulted with HUD to document the absence of reliable scientific data and to explain that radon testing in Puerto Rico would be impractical and infeasible. This determination was based on prior research efforts that lacked adequate laboratory support, making it difficult to obtain accurate or consistent results. Additionally, there is a limited number of trained radon testing professionals on the island, which presents another barrier to compliance with HUD's testing requirements.</p> <p>In response, on May 15, 2024, HUD requested that PRDOH consult with relevant agencies—including the Environmental Protection Agency (EPA), United States Geological Survey (USGS), University of Puerto Rico – Mayagüez Campus, and the Puerto Rico Department of Natural and Environmental Resources (DNER)—to further document the lack of scientific data, as outlined in Section III.C. of Notice CPD-23-103.</p> <p>On August 20, 2024, PRDOH conducted formal consultations with the above-mentioned agencies and submitted information requests to state and federal entities. Responses were received from the following:</p> <p>United States Geological Survey (USGS);</p>

<p><b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6</p>	<p>Was compliance achieved at the broad level of review?</p>	<p><b>If Yes:</b> Describe compliance determinations made at the broad level. <b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.</p>
		<p>Centers for Disease Control and Prevention (CDC); Puerto Rico Department of Health; United States Environmental Protection Agency (EPA).</p> <p>All responding agencies confirmed the absence of reliable, large-scale radon data for Puerto Rico and acknowledged the technical and logistical challenges associated with radon testing on the island.</p> <p>Based on these consultations and findings, radon testing is deemed infeasible and impracticable for the Energy Support Incentive Program 2.0 – Set-Aside Program. Therefore, no further consideration or site-specific evaluation of radon is required as part of the environmental review, in accordance with HUD Notice CPD-23-103. Supporting documentation is provided in <b>Appendix A, Exhibit A-6.</b></p> <p>In conclusion, after reviewing the program in the context of the site contamination analysis requirements under 24 CFR 58.5(i), PRDOH has determined that radon testing is impractical and infeasible, and no further site-specific evaluation is required for radon. Review analysis concluded in the Tier I Broad level Review.</p> <p><b><u>Asbestos</u></b></p> <p>Asbestos-Containing Materials (ACM) are commonly found in older building components such as roof coatings, sprayed-on fireproofing and insulation, joint compounds, floor mastics, and other materials. The rehabilitation or disturbance of such materials is regulated by the Environmental Protection Agency (EPA) under the National Emission Standards for Hazardous Air Pollutants (NESHAP), including:</p> <p>40 CFR 61.145 – Standards for demolition and renovation</p> <p>40 CFR 61.150 – Standards for waste disposal related to manufacturing, fabricating, demolition, and spraying operations</p>

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	<p><b>If Yes:</b> Describe compliance determinations made at the broad level.</p> <p><b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.</p>
		<p>Puerto Rico Regulation No. 5300 - <i>Regulation for the Control of Atmospheric Pollution</i></p> <p>Under 40 CFR 61.145(a)(4), these asbestos-related requirements apply only when renovation activities disturb more than 160 square feet or 35 cubic feet of ACM.</p> <p>The Energy Support Incentive Program 2.0 – Set-Aside Program does not meet this threshold. All eligible project activities are limited to improvements on existing buildings, specifically:</p> <p>Installation of photovoltaic (PV) panels exclusively on rooftops</p> <p>Permanent wall-mounted installation of batteries, control panels, and electric vehicle (EV) chargers</p> <p>Electrical lines that remain above ground and are surface-mounted.</p> <p>In compliance with 40 CFR 61.145(a)(4) If the total amount of asbestos to be removed or disturbed is less than 260 linear feet, 160 square feet, or 35 cubic feet off of facility components (if the material could not be measured previously), then the Asbestos NESHAP does not require regulated asbestos-containing material to be removed before demolition or renovation activities occur.</p> <p>However, the installations under the Energy Support Incentive Program 2.0 – Set-Aside Program are minor in scope and involve limited surface penetration (e.g., drilling to mount equipment). They do not include demolition or renovation activities that would disturb significant quantities of ACM. The systems being installed have been consistently evaluated as non-invasive and do not trigger permitting thresholds under NESHAP.</p> <p>While minimal dust or particulate emissions may result from surface drilling, these emissions are expected to remain well below de minimis thresholds and do not result in the release of regulated asbestos fibers. Additionally, the program does not include new construction or land conversion.</p>

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	<p><b>If Yes:</b> Describe compliance determinations made at the broad level.</p> <p><b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.</p>
		<p>Under Puerto Rico's air quality regulations, these activities qualify for permitting exemptions under Rule 206 of the Regulation for the Control of Atmospheric Pollution (RCAP), Regulation No. 5300, confirming compliance with the Clean Air Act and all applicable federal, state, and local air quality standards.</p> <p>The Energy Support Incentive Program 2.0 – Set-Aside Program, funded through CDBG-DR, does not involve construction activities that would require a building or use permit. According to Planning Board Joint Regulation 9473, approved on June 16, 2023, Section 9.4.1.3.a.1 states:</p> <p><i>“Photovoltaic solar installations that are installed on the roofs of structures and whose capacity is up to one megawatt do not require a construction or use permit. Nor will a building permit be required for systems up to one hundred kilowatts above ground.”</i></p> <p>As such, the proposed activities do not trigger construction permit requirements and do not involve regulated asbestos disturbance. No renovation or demolition activities that would exceed ACM thresholds are included in the program.</p> <p>Therefore, the compliance review for asbestos under 24 CFR 58.5(i)(2) is considered complete at the Tier I Broad-Level Review, and the program is determined to be in full compliance with all applicable federal and local asbestos-related regulations.</p> <p><b>The proposed project is in compliance with asbestos.</b></p> <p><b><u>On-Site Assessment</u></b></p> <p>The Energy Support Incentive Program 2.0 – Set-Aside Program limits eligible project activities to improvements made to existing buildings. The activities evaluated under this section include the installation of photovoltaic (PV) panels exclusively on rooftops, as well as the permanent wall-mounted installation of batteries, control panels, and electric vehicle (EV) chargers. All associated electrical lines must remain above ground and may not be buried.</p> <p>According to HUD regulation 24 CFR 58.5(i)(2), <i>“It is HUD policy that all property proposed for use in HUD programs be free of hazardous materials,</i></p>

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	<p><b>If Yes:</b> Describe compliance determinations made at the broad level.</p> <p><b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.</p>
		<p><i>contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended utilization of the property."</i> Additionally, 24 CFR 58.5(i)(2)(ii) states that <i>"the environmental review of non-residential property must include the evaluation of previous uses of the site or other evidence of contamination on or near the site, to ensure that the occupants of proposed sites are not adversely affected by any of the hazards."</i></p> <p>To confirm compliance with Contamination and Toxic Substances requirements under 24 CFR Part 58.5, an on-site environmental inspection conducted by a qualified professional is required for all applicant properties as part of the Tier II site-specific review. The inspection must visually assess whether toxic chemicals, hazardous materials, or other contamination hazards are present at the subject building, the land parcel on which it is located, and immediately adjacent properties.</p> <p>If the site inspection indicates that the property is contaminated or likely to be contaminated by toxic substances, hazardous materials, or petroleum products, the applicant must submit an ASTM-certified Phase I Environmental Site Assessment (ESA) report or other applicable environmental studies. Any identified hazards must be evaluated for their potential to affect the health and safety of site occupants and end-users.</p> <p>Relevant information about each property will be documented through field notes, site maps, and photographs. The inspection will focus on identifying visible indicators of environmental hazards, including but not limited to: soil staining, evidence of leaking containers, unusual odors, and signs of stressed or dying vegetation. Each site field inspection report will be included in the Tier II Environmental Review Record (ERR).</p> <p>For any project-specific scenario that falls outside the scope of this tiered review with respect to site contamination, PRDOH may, at its discretion, decide to proceed by treating the application as separate project by implementing a separate environmental review record.</p>

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	<p><b>If Yes:</b> Describe compliance determinations made at the broad level.</p> <p><b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.</p>
		<p><b><u>Hazardous Material Facilities</u></b></p> <p>HUD policy under 24 CFR 58.5(i)(2)(iii) states: <i>"Particular attention should be given to any proposed sites on or in the general proximity of such areas as dumps, landfills, industrial sites, or other locations that contain, or may have contained, hazardous wastes."</i> All applications will undergo evaluation at the Tier II site-specific review level, which will include an on-site inspection by a qualified professional.</p> <p>In accordance with 24 CFR 58.5(i)(2), site-specific reviews for multifamily housing with five or more dwelling units (including leasing) or non-residential properties must include an evaluation of the site's previous uses and other evidence of contamination on or near the site to ensure that future occupants will not be adversely affected by environmental hazards.</p> <p>As part of the Tier II review, the previous uses of each site will be assessed, including both the application parcel and adjoining properties. The evaluation will also include the review of environmental data for facilities located within a 3,000-foot radius of the proposed project activities. This assessment will utilize the best available information, which may include:</p> <p>EPA's Geographic Information System (GIS) databases such as:</p> <ul style="list-style-type: none"> <li>NEPAssist</li> <li>Superfund List</li> <li>National Priorities List (NPL)</li> <li>Toxics Release Inventory (TRI)</li> <li>Brownfields (ACRES)</li> <li>Air Facility System (AFS)</li> <li>Hazardous Waste databases (RCRAInfo)</li> <li>Enforcement and Compliance History Online (ECHO)</li> <li>Relevant digital environmental data from the Puerto Rico Department of Natural and Environmental Resources (DNER).</li> </ul> <p>Any hazardous material facilities identified within the 3,000-foot search radius will be examined to determine</p>



<p><b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6</p>	<p>Was compliance achieved at the broad level of review?</p>	<p><b>If Yes:</b> Describe compliance determinations made at the broad level. <b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.</p>
		<p>their current regulatory status. If a facility has been designated as closed, documentation of its closure status will be attached to the Environmental Review Record (ERR). Active sites will be subject to further investigation to determine the extent of contamination and any potential impacts to the application property.</p> <p>All findings and supporting documentation will be included in the Tier II ERR, along with a summary notation outlining the results of the contamination review.</p> <p>Finally, 24 CFR 58.5(i)(2) also applies to the evaluation of potential contamination hazards related to lead-based paint, which will be addressed accordingly as part of the Tier II site-specific review process, as described below and in <b>Appendix A, Exhibit A-6</b>.</p> <p><b><u>Lead-Based Paint</u></b></p> <p>Lead-based paint (LBP) and associated hazards are a significant concern, particularly in older buildings, due to their adverse health effects. These hazards are regulated under a combination of federal and local laws, including the Lead Safe Housing Rule (LSHR) at 24 CFR Part 35, the EPA Renovation, Repair and Painting (RRP) Rule at 40 CFR Part 745 Subpart E, and Puerto Rico Regulation No. 9098. Collectively, these regulations establish requirements for lead hazard evaluation, disclosure, and safe work practices during renovation and rehabilitation activities. They apply to structures built before January 1, 1978.</p> <p>To provide further clarity, the LSHR, codified at 24 CFR Part 35, applies to "target housing"—defined by the U.S. Department of Housing and Urban Development (HUD) as any housing constructed prior to January 1, 1978, with the exception of units exclusively designated for the elderly or persons with disabilities, unless a child under the age of six resides or is expected to reside there.</p> <p>By contrast, the EPA's RRP Rule applies primarily to renovation activities in child-occupied facilities within commercial or residential buildings. A "child-occupied facility" refers to a portion of a building constructed before 1978 that is visited regularly by the same child</p>

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	<p><b>If Yes:</b> Describe compliance determinations made at the broad level.</p> <p><b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.</p>
		<p>under six years old on at least two different days per week (Sunday–Saturday), for a total of at least six hours per week and more than 60 hours annually. Examples include daycares, preschools, and kindergartens.</p> <p>Complementing these federal regulations, Puerto Rico Regulation No. 9098, titled Regulation for the Proper Management of Lead-Based Paint Activities, governs LBP-related work in any building or facility occupied by sensitive populations. It defines "sensitive people" as the elderly, pregnant women, and others who may be particularly vulnerable to lead exposure. This regulation supplements federal requirements by establishing localized standards and procedures for LBP hazard mitigation across a broader scope of property types in Puerto Rico.</p> <p>Within this regulatory context, the Energy Support Incentive Program 2.0 – Set-Aside Program is limited to improvements made to existing buildings. Evaluated activities under this program include rooftop photovoltaic (PV) panel installation, permanent wall-mounted installation of batteries, control panels, and electric vehicle (EV) chargers. All associated electrical wiring must remain above ground and may not be buried.</p> <p>The program primarily targets small and medium-sized businesses (SMBs) and commercial facilities that have been pre-identified as eligible under the program. Buildings used strictly for commercial purposes have been analyzed under this review to confirm whether they are subject to LSHR, EPA's RRP Rule, and Regulation No. 9098.</p> <p>In some cases, eligible projects under the program may involve mixed-use buildings that contain both commercial and residential units. If these buildings include residential areas, they could be considered "target housing." However, under 24 CFR 35.115(a)(3), such mixed-use buildings that are part of eligible business activities under the program are exempt from LSHR. Therefore, these project activities remain in compliance with LSHR regardless of the building's construction date.</p>

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	<p><b>If Yes:</b> Describe compliance determinations made at the broad level.</p> <p><b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.</p>
		<p>For purposes of compliance with the RRP Rule, while the program does not intend to include buildings that meet the definition of “child-occupied facilities,” certain residential properties may still fall under the scope of the EPA RRP Rule as outlined in 40 CFR 745.82.</p> <p>While EPA's RRP Rule mainly focuses on residential properties and extends coverage to child-occupied facilities, Puerto Rico Regulation No. 9098 has a broader scope than either LSHR or RRP. It applies to a wide range of building types, including but not limited to:</p> <ul style="list-style-type: none"> <li>Office and industrial buildings</li> <li>Residential buildings and housing condominiums</li> <li>Government-owned buildings</li> <li>Schools, universities (public and private), museums, hospitals, and churches</li> <li>Infrastructure such as airports, bridges, highways, sidewalks, traffic signs, and towers</li> <li>Warehouses, stores, and factories</li> </ul> <p>This includes both interior spaces and connected exterior areas such as balconies, corridors, and mechanical systems that support indoor areas.</p> <p>Additionally, in accordance with 40 CFR 745.83 and Puerto Rico Regulation No. 9098, minor repairs and maintenance involving LBP are defined as work disturbing no more than six (6) square feet per room of interior painted surfaces or twenty (20) square feet on exterior painted surfaces. Projects not exceeding these thresholds are exempt from the requirements of both the RRP Rule and Regulation No. 9098.</p> <p>Although the listed installations under the program are generally minor in scope, they may involve limited surface penetration (e.g., drilling for mounting equipment) and could disturb LBP above de minimis thresholds. Therefore, these activities must be evaluated for compliance at the site-specific level with the applicable regulatory thresholds under the RRP Rule and Puerto Rico Regulation No. 9098.</p> <p>Because lead-based paint disturbance may result from drilling or mounting on buildings constructed before</p>

<p><b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6</p>	<p>Was compliance achieved at the broad level of review?</p>	<p><b>If Yes:</b> Describe compliance determinations made at the broad level. <b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.</p>
		<p>1978, it cannot be categorically determined at the Tier I broad-level review whether projects fall below de minimis thresholds. As a result, compliance with the RRP Rule and Regulation No. 9098 must be confirmed at the Tier II site-specific level for all Regional Groups (Group 1-6).</p> <p>If the project building was built after January 1, 1978 or the project demonstrates project activities disturb no more than six (6) square feet per room of interior painted surfaces or twenty (20) square feet on exterior painted surfaces, the project is in compliance with EPA's RRP and Regulation No. 9098.</p> <p>However, a lead-based paint assessment will be required for buildings constructed before 1978 and cannot demonstrate project activities disturb no more than six (6) square feet per room of interior painted surfaces or twenty (20) square feet on exterior painted surfaces. These lead-based paint assessment shall be performed by a DNER Certified LBP Inspector. This will be documented as a mitigation measure in the Tier II site-specific checklist.</p> <p>See <b>Appendix A Exhibit A-6.</b></p> <p><u>Consultation for Tier II, if Required</u></p> <p>HUD Region IV Puerto Rico DNER</p>
<p><b>Endangered Species</b></p> <p>Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</p>	<p>Yes    No</p> <p><input checked="" type="checkbox"/>    <input type="checkbox"/></p>	<p>Compliance determination achieved in the Tier I Broad level Review for all Regional Groups (Group 1-6), as described below.</p> <p>Exhibit A-7: The Endangered Species Act (ESA), as amended, along with its implementing regulations, requires federal agencies to conserve threatened and endangered (T&amp;E) species and to ensure that any action they authorize, fund, or implement does not jeopardize the continued existence of these species in the wild or result in the destruction or adverse modification of their critical habitats. Accordingly, environmental reviews must assess potential impacts not only on listed species but also on any candidate or</p>

<p><b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6</p>	<p>Was compliance achieved at the broad level of review?</p>	<p><b>If Yes:</b> Describe compliance determinations made at the broad level. <b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.</p>
		<p>proposed T&amp;E species and their designated or proposed critical habitats.</p> <p>To initiate consultation with the U.S. Fish and Wildlife Service (USFWS) and the Puerto Rico Department of Natural and Environmental Resources (DNER), the USFWS Information for Planning and Consultation (IPaC) system was accessed to identify federally listed T&amp;E species with potential to occur in the project area. The identified species are listed in <b>Exhibit A-7, Table A-7-1</b>.</p> <p><b>Group 1:</b> Within the Group 1 Municipalities, one (1) designated critical habitat overlaps with the project area (<b>see Exhibit A-7, Figure A-7-1</b>).</p> <p><b>Group 2:</b> Within the Group 2 Municipalities, four (4) designated critical habitats overlap with the project area (<b>see Exhibit A-7, Figure A-7-1</b>).</p> <p><b>Group 3:</b> Within the Group 3 Municipalities, five (5) designated critical habitats overlap with the project area (<b>see Exhibit A-7, Figure A-7-1</b>).</p> <p><b>Group 4:</b> Within the Group 4 Municipalities, four (4) designated critical habitats overlap with the project area (<b>see Exhibit A-7, Figure A-7-1</b>).</p> <p><b>Group 5:</b> Within the Group 5 Municipalities, four (4) designated critical habitats overlap with the project area (<b>see Exhibit A-7, Figure A-7-1</b>).</p> <p><b>Group 6:</b> Within the Group 6 Municipalities, six (6) designated critical habitats overlap with the project area (<b>see Exhibit A-7, Figure A-7-1</b>).</p> <p>The Energy Support Incentive Program 2.0 – Set-Aside Program restricts eligible project activities to improvements made to existing buildings. These activities include the installation of photovoltaic (PV) panels on rooftops, as well as the permanent wall-mounted installation of batteries, control panels, and electric vehicle (EV) chargers. All associated electrical lines must remain above ground and may not be buried. Therefore, program activities are strictly confined to building surfaces—roofs, walls, and floors—with no land disturbance or vegetation clearing allowed.</p>

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	<p><b>If Yes:</b> Describe compliance determinations made at the broad level.</p> <p><b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.</p>
		<p>Given these constraints, all project activities will have No Effect on federally protected species, critical habitats, or other protected areas, as they do not impact the natural habitat of any T&amp;E species.</p> <p>The Puerto Rico Department of Housing (PRDOH) initiated consultation with USFWS and DNER on October 10, 2024, requesting concurrence the program eligible project activities meet Project Criteria 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." under the Blanket Clearance Letter (BCL) for Federally sponsored projects, Housing and Urban Development issued on January 14, 2013.</p> <p>USFWS provided concurrence on November 6, 2024, stating the following: "Based on the information provided, we determined the project proposed qualifies for the blanket clearance letter. Nevertheless, if the project is modified this office should be contacted concerning the need for the initiation of consultation under section 7 of Endangered Species Act of 1973."</p> <p>However, On March 20, 2025, the USFWS and the Puerto Rico Department of Housing (PRDOH) acting as the responsible entity designated by HUD decided to review and update the BCL to ensure that new available information regarding the consultation process is included. The BCL approved by USFWS on April 24, 2025 replaces the January 14, 2013, Blanket Clearance Letter for HUD sponsored projects.</p> <p>Therefore, under the revised BCL, PRDOH update the project criteria the Energy Support Incentive Program 2.0 – Set-Aside Program restricts eligible project activities qualify. Under the current BCL, the project qualifies under project criteria 26. "Installation of solar panels, battery storage systems and/or associated utility infrastructure, either above ground or underground, on existing or new concrete pads, existing or new roofs, ground or pole mounted."</p> <p>Based on the nature of the projects described above and habitat characteristics described on project</p>



<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	<b>If Yes:</b> Describe compliance determinations made at the broad level.  <b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.
		<p>criteria, it was 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. The project is in compliance with Endangered Species and Section 7 of the Endangered Species Act.</p> <p>See USFWS correspondence is included in Appendix A, Exhibit A-7.</p> <p><u>Regulatory Agency and Source Review</u></p> <p>See <b>Appendix A Exhibit A-7.</b></p> <p><b>The proposed project is in compliance Endangered Species and the Endangered Species Act of 1973; particularly section 7.</b></p>

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	<b>If Yes:</b> Describe compliance determinations made at the broad level.  <b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.
<b>Explosive and Flammable Hazards</b>  24 CFR Part 51 Subpart C	Yes    No <input checked="" type="checkbox"/> <input type="checkbox"/>	<p>Compliance determination achieved in the Tier I Broad level Review for all Regional Groups (Group 1-6), as described below.</p> <p>Exhibit A-8: The Energy Support Incentive Program 2.0 – Set-Aside Program limits eligible project activities to improvements made exclusively to existing buildings. Evaluated activities under this section include the installation of photovoltaic (PV) panels on rooftops, along with the permanent wall-mounted installation of batteries, control panels, and electric vehicle (EV) chargers. All associated electrical lines must remain above ground and are not permitted to be buried.</p> <p>These installations are designed to support small- and medium-sized businesses (SMBs) in maintaining operations through the integration of renewable energy solutions. The improvements aim to enhance grid resilience, reduce power outages, and relieve pressure on Puerto Rico's aging electrical infrastructure.</p>

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	<p><b>If Yes:</b> Describe compliance determinations made at the broad level.</p> <p><b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.</p>
		<p>Notably, the program does not involve development, construction, or rehabilitation activities that would increase residential density or result in land use conversion.</p> <p>Under 24 CFR Part 51 Subpart C, the U.S. Department of Housing and Urban Development (HUD) highlights concerns with actions that involve development or rehabilitation likely to increase residential densities or result in land conversion. These concerns are not applicable to the Energy Support Incentive Program 2.0 – Set-Aside Program, as all funded activities are limited to existing commercial structures. As such, a site-specific evaluation under this regulation is not required.</p> <p>Although the program includes the installation of new electrical and energy components, the Puerto Rico Department of Housing (PRDOH) conducted a supplemental evaluation to ensure compliance with federal regulations concerning explosive and flammable hazards. This assessment confirmed that project activities will not pose injury risks to building occupants or end users.</p> <p>The Battery Storage Systems (BSS) included in the program may contain flammable or combustible chemicals. However, when installed in accordance with manufacturer specifications and applicable safety standards, PV panels and battery systems do not present an explosive hazard and fall outside the scope of hazardous materials as defined by 24 CFR Part 51 Subpart C.</p> <p>Additionally, the program ensures that all installations adhere to relevant electrical and fire safety codes. Battery systems will be housed in enclosures that meet fire resistance and safety requirements, further minimizing any potential fire risks.</p> <p>The second requirement under the Explosive and Flammable Hazards section of HUD’s regulations involves evaluating the potential presence of a hazardous facility—a facility that primarily stores, handles, or processes flammable or combustible chemicals, such as bulk fuel storage facilities and refineries. Under 24 CFR 51.204, it is stated:</p>

<p><b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6</p>	<p>Was compliance achieved at the broad level of review?</p>	<p><b>If Yes:</b> Describe compliance determinations made at the broad level. <b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.</p>
		<p>"In reviewing applications for proposed HUD-assisted projects involving the installation of hazardous facilities, the Department shall ensure that such hazardous facilities are located at an acceptable separation distance from residences and from any other facility or area where people may congregate or be present."</p> <p>The Energy Support Incentive Program 2.0 – Set-Aside Program may involve applicants that qualify as hazardous facilities—such as liquefied petroleum gas (LPG) dealers—applying to receive energy improvements to existing building structures located within such facilities.</p> <p>However, as previously described, the project limits eligible activities to improvements made exclusively to existing buildings, including the installation of rooftop photovoltaic (PV) panels and permanent wall-mounted batteries, control panels, and electric vehicle (EV) chargers. These installations support small- and medium-sized businesses (SMBs) by integrating renewable energy solutions to enhance grid resilience, reduce power outages, and relieve pressure on Puerto Rico's aging electrical infrastructure.</p> <p>For compliance under this section, a HUD-assisted project is defined as:</p> <p>"The development, construction, rehabilitation, modernization, or conversion with HUD subsidy, grant assistance, loan, loan guarantee, or mortgage insurance, of any project which is intended for residential, institutional, recreational, commercial, or industrial use."</p> <p>Additionally, for the purposes of this subpart, the terms "rehabilitation" and "modernization" refer specifically to repairs or renovations that result in an increased number of people being exposed to hazardous operations—such as increasing residential densities, converting a building for habitation, or making a vacant building habitable.</p> <p>Importantly, the energy improvements under the Energy Support Incentive Program 2.0 – Set-Aside</p>

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	<p><b>If Yes:</b> Describe compliance determinations made at the broad level.</p> <p><b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.</p>
		<p>Program do not meet the definitions of “rehabilitation” or “modernization,” as the improvements are not repairs or renovations of a building, nor do they increase occupancy or convert a building to habitation.</p> <p>Moreover, due to the nature of the eligible activities—which are limited to rooftop solar panel installation, wall-mounted energy components, and above-ground electrical connections—the project scope under the program does not introduce or exacerbate explosive or flammable hazards, regardless of whether activities occur within or near hazardous facilities.</p> <p>Therefore, the project is in compliance with HUD's Explosive and Flammable Hazards requirements, regardless of whether eligible activities take place within a hazardous facility (e.g., LPG dealer).</p> <p>In conclusion, the project complies with the Explosive and Flammable Hazards requirements set forth in 24 CFR Part 51 Subpart C at the Tier I Broad level review for all Regional Groups (Group 1-6).</p> <p><u>Regulatory Agency and Source Review</u></p> <p>See <b>Appendix A Exhibit A-8.</b></p> <p><b>The proposed project is in compliance Explosive and Flammable Hazards and 24 CFR Part 51 Subpart C.</b></p>

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	<p><b>If Yes:</b> Describe compliance determinations made at the broad level.</p> <p><b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.</p>
<b>Farmlands Protection</b>  Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	Yes    No <input checked="" type="checkbox"/> <input type="checkbox"/>	<p>Compliance determination achieved in the Tier I Broad level Review for all Regional Groups (Groups 1-6), as described below.</p> <p>Exhibit A-9: The Farmland Protection Policy Act (FPPA) of 1981 (7 USC 4201 et seq.) regulates Federal actions with the potential to convert farmland to non-agricultural uses. The purpose of the Act, as regulated</p>

<p><b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6</p>	<p>Was compliance achieved at the broad level of review?</p>	<p><b>If Yes:</b> Describe compliance determinations made at the broad level. <b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.</p>
		<p>in 7 CFR 658, is "to minimize the extent to which Federal programs contribute to the unnecessary and irreversible conversion of farmland to nonagricultural uses."</p> <p>"Farmland", in accordance with 7 CFR 658.2(a), is defined as "prime or unique farmlands as defined in section 1540(c)(1) of the Act or farmland that is determined by the appropriate ... government agency ... to be farmland of statewide or local importance." The definition further explains that farmland does not include land already in or committed to urban development or water storage, and that farmland already in urban development includes all land with a density of 30 structures per 40-acre area.</p> <p>The Department of Agriculture Natural Resources Conservation Service (NRCS) makes determinations of prime and unique farmlands in Puerto Rico, and consultation with the NRCS is required if farmland that is protected under the FPPA is to be converted to nonagricultural uses. <b>Exhibit A-9, Figure A-9-1</b> shows farmlands in Puerto Rico.</p> <p>The proposed Program actions do not include any activities that could potentially convert agricultural land to non-agricultural use. While prime farmland or farmlands of statewide importance may be mapped at Program application sites, all projects are exempt from review under the FPPA as the project activities are limited to affixing PVAs, BBSs and electrical vehicle charging stations to existing building roofs and walls; therefore, designated farmlands will not be impacted since project activities do not include new construction, acquisition of undeveloped land, or conversion, that could potentially convert farmlands to non-agricultural uses.</p> <p>The Program is in compliance with the Farmland Protection Policy Act.</p> <p><u>Regulatory Agency and Source Review</u></p> <p>See <b>Appendix A Exhibit A-9.</b></p> <p><b>Review regarding Farmlands Protection is complete.</b></p>

<p><b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6</p>	<p>Was compliance achieved at the broad level of review?</p>	<p><b>If Yes:</b> Describe compliance determinations made at the broad level.</p> <p><b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.</p>
<p><b>Floodplain Management</b></p> <p>Executive Order 11988; 24 CFR Part 55;</p>	<p>Yes    No</p> <p><input type="checkbox"/>    <input checked="" type="checkbox"/></p>	<p><b>Compliance determination</b> will be achieved during the site-specific review for all Regional Groups (Group 1–6), as described below.</p> <p><b>Exhibit A-10:</b> Effective May 23, 2024, HUD implemented amended floodplain regulations for 24 CFR Part 55 compliance within 89 FR 30850. PRDOH has decided to use the 0.2-Percent-Annual-Chance (500-Year) Flood Approach (0.2PFA) as their primary method for this program (see Appendix A, Attachment A-10-1). This policy also meets or exceeds the regulatory requirements listed in Puerto Rico Planning Board Regulation 13, as currently amended.</p> <p>The floodplain data associated with current FEMA Effective Flood Insurance Rate Map (FIRM), Preliminary Flood Insurance Rate Map (PFIRM), and Puerto Rico Advisory Base Flood Elevations (ABFE) Map, along with the number of acres associated with each flood zone for all Regional Groups (Group 1–6), are presented in Exhibit A-10, Figures A-10-1, 2, and 3.</p> <p>PRDOH's implementation policy for the program will be as follows: "Although Federally generated CISA data exists for nearly 60% of the island, HUD has not adopted it for use in determining the floodplain for Federally funded projects; therefore, PRDOH will apply the most protective initial and preferred approach between the 1-Percent-Annual-Chance and the 0.2-Percent-Annual-Chance Flood Approach (0.2 PFA) to identify the floodplain. The determination shall be made using the best available information and information provided in the latest FEMA resources, including the Flood Insurance Rate Map (FIRM), Preliminary Flood Insurance Rate Map (PFIRM), or Advisory Base Flood Elevation (ABFE) maps. The horizontal extent of the floodplain includes the 100-year floodplain (1% annual chance) and 500-year floodplain (0.2 percent-annual chance) based on FEMA maps. The vertical extent, or floodplain elevation, varies based on the applicable flood zone type and whether the project involves a critical action/facility."</p>

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	<p><b>If Yes:</b> Describe compliance determinations made at the broad level.</p> <p><b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.</p>
		<p>The Energy Support Incentive Program 2.0 – Set-Aside Program limits eligible project activities to improvements made to existing buildings. The activities evaluated in this section include the installation of photovoltaic (PV) panels exclusively on rooftops, along with the permanent wall-mounted installation of batteries, control panels, and electric vehicle (EV) chargers. All associated electrical lines must remain above ground and may not be buried and no ground disturbance will be performed.</p> <p>As described, the proposed activities meet the criteria of special projects for the purpose of improving the energy or water efficiency of utilities or installing renewable energy that involve improvement of existing structures or infrastructure. PRDOH has the activities covered under this tiered review to comply with 24 CFR 55.13(f). Projects that meet the requirements under this regulation are exempted from the need to perform the 8-step decision-making process outlined in 24 CFR 55.20.</p> <p>To verify that the 24 CFR 55.13(f) conditions are met—first, the project must not be a substantial improvement and must not include the installation of equipment below the floodplain elevation—each application site shall undergo a compliance site-specific review that will be documented in the Tier II site-specific checklist.</p> <p>Moreover, it is important to note under the floodplain management review section that the Program will target businesses that perform important functions (community lifelines) as the eligible business activities. While some eligible businesses may potentially meet the general description of a "Critical Action" under 24 CFR 55.2(b)(3), the eligible project activities themselves are not considered critical actions. This determination is based on the fact that the installation of solar panels on existing rooftops will not create, maintain, or extend the life of the structure. These improvements are specifically designed to enhance energy resilience, reduce power outages, and relieve pressure on Puerto Rico's aging electrical grid. They are not intended to, and do not,</p>



<p><b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6</p>	<p>Was compliance achieved at the broad level of review?</p>	<p><b>If Yes:</b> Describe compliance determinations made at the broad level. <b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.</p>
		<p>significantly prolong the physical or economic life of the existing facilities.</p> <p>“PRDOH may, at its discretion, decide to proceed by treating the application as a separate project outside the scope of this tiered review by implementing a separate environmental review record.” If any projects do not meet the conditions and criteria outlined for compliance under this tiered review, the project may be evaluated under a separate ERR to ensure the project meets the compliance requirements under 24 CFR Part 55 and Program Guidelines.</p> <p><u>Regulatory Agency and Source Review</u></p> <p>See <b>Appendix A, Exhibit A-10.</b></p> <p><u>Site-Specific Review Determination Process</u></p> <p>The relevant data sources used to determine the floodplain will include the most recent FEMA data or guidance, such as Advisory Base Flood Elevations (ABFEs), and both Preliminary and Effective Flood Insurance Rate Maps (FIRMs). Properties designated as having a Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR) are excluded from the analysis. Under guidance published in 89 FR 30850, HUD has eliminated the previous exemption found in 24 CFR 55.12(c)(8). Therefore, these properties are to be assessed as though those documents do not exist.</p> <p>The application building will be evaluated in accordance with the PRDOH floodplain management policy using the most current FEMA data available through the FEMA Flood Map Service Center or an equivalent GIS dataset. HUD guidelines require that, when available, Preliminary FIRMs must be reviewed in addition to Effective FIRMs to determine the presence of regulated floodplains. Note that digital data may not always be available on the FEMA Flood Map Service Center website.</p> <p>The horizontal extent of the floodplain will be defined to include all 100-year and 500-year floodplain zones, using the most conservative values from FEMA's Effective FIRMs and ABFE maps. Project sites where the</p>

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	<p><b>If Yes:</b> Describe compliance determinations made at the broad level.</p> <p><b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.</p>
		<p>entire building is located outside of the floodplain are considered compliant with Executive Orders 11988 and 13690, as well as 24 CFR Part 55.</p> <p>The activities under this tiered review will demonstrate compliance with 24 CFR Part 55.13(f). If any portion of the application building is located within a regulated floodway, Coastal High Hazard Area (CHHA) (Zones "V" or "VE"), or within the inland limit of the Coastal A Zone (Limit of Moderate Wave Action), the application does not meet the criteria outlined in 24 CFR 55.16 and shall not proceed under the Tier II form. In such cases, a map must document the reason, and all related activities must be halted and referred to the Certifying Official. PRDOH may, at its discretion, treat the application as a separate project outside the scope of this tiered review by conducting a separate environmental review record.</p> <p>All equipment must be located above the floodplain elevation. Per 24 CFR 55.13(f), no project located within the floodplain may exceed the substantial improvement threshold defined in 24 CFR 55.2(b)(12), except in the case of properties listed on the National Register of Historic Places (NRHP). If such a property is involved, floodplain elevation requirements still apply, and project eligibility must be confirmed through the SHPO consultation process, as described in the Historic Preservation section of Section 3.0.</p> <p>To determine if project activities will result in substantial improvement to any other potentially eligible building, the cost of the proposed funded activity will be compared against the building's improvement value as shown on the 2017 tax record or an independent real estate appraisal. Costs for remediating hazardous materials (e.g., lead-based paint) shall be excluded from the calculation. If the calculated value exceeds 50.0%, the activity is classified as a substantial improvement, rendering the application noncompliant under 24 CFR 55.13(f). All review activities will be stopped and referred to the Certifying Official. PRDOH may, at its discretion, proceed by treating the application as a separate project and initiating a new environmental review record. If the calculation is below</p>

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	<p><b>If Yes:</b> Describe compliance determinations made at the broad level.</p> <p><b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.</p>
		<p>50.0%, then all equipment under the Energy Support Incentive Program 2.0 Set-Aside must be installed above the floodplain elevation.</p> <p>If the most restrictive of the three referenced maps indicates that the building is located in a floodplain, the elevation requirement recorded in Tier II will be the Base Flood Elevation (BFE) in feet above mean sea level (amsl), using the 500-year (0.2% annual chance) flood elevation as the most restrictive and conservative approach. If the map does not include a BFE value, the nearest available 100-year (1% annual chance) BFE shall be used.</p> <p>The Tier II review will confirm that no equipment installation occurs below the floodplain. PRDOH will utilize the best available site-specific information to identify the building's lowest level elevation where equipment will be installed, in relation to the most restrictive BFE. Documentation sources may include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• PR Planning Board's Standard Risk Determination – Determinación Standard</li> <li>• US Geological Survey's The National Map – Elevation Point Query Service (EPQS)</li> <li>• US Geological Survey's topoView – Get Maps   topoView</li> <li>• A FEMA Elevation Certificate signed by a certified professional</li> </ul> <p>The following site-specific scenarios may be encountered:</p> <p><b>(1)</b> The building where all energy improvements will take place is located above the base flood elevation. Therefore, all equipment will be installed above the floodplain elevation. The application is compliant under 24 CFR 55.13(f) and may proceed.</p> <p><b>(2)</b> The building where energy improvement equipment will be installed is below the base flood elevation. The site-specific review will document the building's elevation in relation to the floodplain and specify the</p>

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	<p><b>If Yes:</b> Describe compliance determinations made at the broad level.</p> <p><b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.</p>
		<p>minimum elevation at which equipment must be installed to ensure compliance. The case will be referred for mitigation to confirm adherence to installation requirements.</p> <p>A map showing the delineated floodplain must be included with the Tier II to document findings. The Tier II must also note any identified mitigation requirements for equipment installation as a condition of funding and confirm compliance.</p> <p><u>Consultation for Tier II, if Required</u></p> <p>Municipality Floodplain Coordinator Puerto Rico Planning Board</p>
<b>Historic Preservation</b>  National Historic Preservation Act of 1966, as amended, particularly Section 106; 36 CFR Part 800	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>Compliance will be achieved during the Tier II site-specific review for all Regional Groups (Group 1-6), as described below.</p> <p>The Energy Support Incentive Program 2.0 Set-Aside Program will comply with Section 106 of the National Historic Preservation Act (NHPA) using the framework established in the Programmatic Agreement (PA). This PA was originally executed on May 6, 2016, between FEMA, the Puerto Rico State Historic Preservation Office (SHPO), and the Puerto Rico Emergency Management Agency, and first amended on May 31, 2018. The PA was adopted by the Puerto Rico Department of Housing (PRDOH) through the HUD Addendum on December 18, 2018. A second amendment to the PA was executed on November 13, 2019, and a third amendment was executed on May 5, 2023. This last amendment extended the life of the PA until May 5, 2026.</p> <p>The PA provides a defined process for compliance with Section 106 by stipulating roles and responsibilities, exemptions for certain undertakings from Section 106 review (Programmatic Allowances), establishes protocols for consultation, facilitates the identification and evaluation of historic properties, and streamlines the assessment and resolution of adverse effects. These exemptions, or Programmatic Allowances are for activities that have been determined through FEMA's experience to have no or minimal potential to affect historic properties when implemented as specified in</p>

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	<p><b>If Yes:</b> Describe compliance determinations made at the broad level.</p> <p><b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.</p>
		<p>Appendix B of the PA. (see Exhibit A-11, Attachment A-11-1).</p> <p>The PA outlines specific activities, as defined in Appendix B: Programmatic Allowances, that have been determined to have no or minimal effect on historic properties if implemented as specified without requiring formal SHPO consultation. The Programmatic Allowances consist of two tiers – First Tier and Second Tier.</p> <p>First Tier Allowances can be applied by staff whether or not they meet the Secretary of the Interior's Professional Qualifications Standards. These do not apply to projects within or adjacent to historic districts or individual properties determined to be eligible for or listed in the National Register of Historic Places (NRHP) nor a National Historic Landmark (NHL). Examples of these allowances relevant to the Energy Support Incentive Program 2.0 Set-Aside Program include:</p> <ul style="list-style-type: none"> <li>• Repair, retrofit, and reconstruction of buildings, and structures less than forty-five (45) years old (at the time of review), unless located in or adjacent to a historic district; and</li> <li>• Replacement, relocation or installation of solar panels on the roof of buildings less than forty-five (45) years of age (at the time of review), except when located within or adjacent to a historic district.</li> </ul> <p>At this time there are no Second Tier Allowances that can be applied except for Tier II, Allowance B.13.a which can be applied only when a building has been previously determined ineligible: "Repair or retrofit of buildings/structures that have been previously determined ineligible for listing in the National Register within the last five (5) years." Evidence of this previous determination will be included as supporting evidence, if applicable.</p> <p>If it is determined that a project (undertaking) meets allowances in its entirety, the Section 106 Review process can be completed by documenting the applicable allowances in the project file, without SHPO consultation or notification. However, if the project involves a National Historic Landmark (NHL) and can be cleared on allowances, PRDOH will notify SHPO and the</p>

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	<p><b>If Yes:</b> Describe compliance determinations made at the broad level.</p> <p><b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.</p>
		<p>National Park Service (NPS) NHL Manager of the NPS Southeast Regional Office of this determination and provide the supporting documentation.</p> <p>If allowances cannot be applied to a project (undertaking) its entirety, then consultation as outlined in Stipulation II. C: Standard Project Review, is required with SHPO. Examples of activities that require consultation include but are not limited to: ground disturbing activities and/or installation of equipment on a structure 45 years in age or greater at the time of the review. Documentation will be submitted to SHPO that includes but is not limited to a detailed project description, an assessment of the project's direct and indirect/visual effects on historic properties within and adjacent to the project, and a recommendation. The SHPO will concur or not concur with the recommendation made by the Program.</p> <p>Activities with the potential to affect historic properties will be analyzed to ensure there will be no adverse effects. Resources such as the NPS's Technical Preservation Services Bulletin No. 52 "Interpreting the Secretary of the Interior's Standards for Rehabilitation: Incorporating Solar Panels in a Rehabilitation Project" (<a href="https://www.nps.gov/orgs/1739/upload/its-52-incorporating-solar-panels.pdf">https://www.nps.gov/orgs/1739/upload/its-52-incorporating-solar-panels.pdf</a>) and "Solar Panels on Historic Properties" (<a href="https://www.nps.gov/orgs/1739/solar-panels-on-historic-properties.htm">https://www.nps.gov/orgs/1739/solar-panels-on-historic-properties.htm</a>) will be taken into account.</p> <p>Scope changes will be evaluated to determine if they can be cleared on Programmatic Allowances or if consultation must be initiated.</p> <p>Regulatory Agency and Source Review</p> <p>See Exhibit A-11</p> <p>Consultation for Tier II, if Required</p> <p>Puerto Rico State Historic Preservation Office</p> <p>National Park Service</p> <p>Refer to the Appendix B Tier II: Site-specific Project Review form and strategy for each individual property for compliance determination.</p>

<p><b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6</p>	<p>Was compliance achieved at the broad level of review?</p>	<p><b>If Yes:</b> Describe compliance determinations made at the broad level. <b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.</p>
		<p><u>Consultation for Tier II, if Required</u>  Puerto Rico State Historic Preservation Office Local Historic Preservation Societies National Park Service</p>
<p><b>Noise Abatement and Control</b>  Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</p>	<p>Yes    No <input checked="" type="checkbox"/>    <input type="checkbox"/></p>	<p>Compliance achieved in the Tier I Broad level Review for all Regional Groups (Group 1-6), as described below.</p> <p>Exhibit A-12: The PRDOH has considered noise criteria and standards according to the provision at 24 CFR 51.101(a)(2), which states that "Responsible Entities under 24 CFR 58 must take into consideration the noise criteria and standards in the environmental review process and consider ameliorative actions when noise sensitive land development is proposed in noise exposed areas."</p> <p>The Energy Support Incentive Program 2.0 Set-Aside Program activities are limited to the installation of energy improvements on existing buildings. These eligible project activities will not involve new construction, expansion of the existing building footprint, or a change in the property's use. Therefore, the program's activities are consistent with HUD's noise abatement and control requirements under 24 CFR 51.101(a)(3), as well as PRDOH's regulatory interpretation and applicability.</p> <p>Additionally, the program's eligible project activities will not introduce or create new noise-generating sources. The installations under the Energy Support Incentive Program 2.0 – Set-Aside Program are minor and temporary in scope, involving only limited drilling to mount equipment. These activities do not include demolition or renovation work that could otherwise affect, alter, or change a site's noise acceptability standards.</p> <p>Due to the scope and nature of the project, noise impacts are not anticipated. The Program is in compliance with the Noise Control Act.</p> <p><u>Regulatory Agency and Source Review</u> See <b>Appendix A Exhibit A-12.</b></p>



<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	<b>If Yes:</b> Describe compliance determinations made at the broad level.  <b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.
		<b>The project is in compliance with Noise Abatement and Control.</b>
<b>Sole Source Aquifers</b>  Safe Drinking Water Act of 1974, as amended, particularly section 1424(c); 40 CFR Part 149	Yes    No <input checked="" type="checkbox"/> <input type="checkbox"/>	Compliance determination achieved in the Tier I Broad level Review for all Regional Groups (Group 1-6), as described below.  Exhibit A-13: According to the US Environmental Protection Agency's Source Water Protection, Sole Source Aquifer Protection Program, there are no Sole Source Aquifers in Puerto Rico ( <b>Exhibit A-13 Figure A-13-1</b> ). No further evaluation is required. The project is in compliance with the Safe Drinking Water Act.  <u>Regulatory Agency and Source Review</u>  See <b>Appendix A Exhibit A-13</b> .  <b>The project is in compliance with Sole Source Aquifers.</b>
<b>Wetlands Protection</b>  Executive Order 11990 and 24 CFR 55 Subpart B; 89 FR 30850	Yes    No <input checked="" type="checkbox"/> <input type="checkbox"/>	Compliance achieved in the Tier I Broad level Review for all Regional Groups (Group 1-6), as described below.  Exhibit A-14: Under Executive Order 11990, 24 CFR 55.9, and 24 CFR 55.16, the decision-making process outlined in 24 CFR 55.20 applies to federal assistance for new construction when the project area is in close proximity to wetlands.  The Energy Support Incentive Program 2.0 – Set-Aside Program limits eligible project activities to improvements made exclusively to existing buildings. Evaluated activities under this section include the installation of photovoltaic (PV) panels on rooftops, as well as the permanent, wall-mounted installation of batteries, control panels, and electric vehicle (EV) chargers. All associated electrical lines must remain above ground and are not permitted to be buried.  The project's eligible activities for funding under this program are limited strictly to improvements to existing buildings. The project does not include any new

<p><b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6</p>	<p>Was compliance achieved at the broad level of review?</p>	<p><b>If Yes:</b> Describe compliance determinations made at the broad level. <b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.</p>
		<p>construction activities (i.e., grading, clearing, draining, filling, diking, impounding, or related activities).</p> <p>The installation of equipment on existing structures under this program will not alter site conditions, other than the addition of equipment to structures already in place. These activities do not change the physical conditions of the existing buildings.</p> <p>Therefore, the eligible activities under this program will not have the potential to directly impact onsite wetlands, as no new construction will take place. Nor will the activities indirectly affect wetlands by altering stormwater flow, releasing pollutants, or changing conditions that contribute to wetland viability. Based on the nature of the project activities, there are no impacts to wetlands that require further evaluation or minimization through best management practices.</p> <p>Although HUD strongly encourages measures to preserve wetlands from future impacts—including through restrictive covenants, conservation easements, or other mechanisms—these actions are not within the program's eligible use of funds and are therefore not further evaluated.</p> <p>The National Wetlands Inventory identified in each regional group are shown in <b>Exhibit A-14. (Figure A-14-1).</b></p> <p><u>Regulatory Agency and Source Review</u> See <b>Appendix A Exhibit A-14.</b></p> <p><b>The project is in compliance with wetlands requirements under Executive Order 11990 and 24 CFR 55.9 and 55.10.</b></p>
<p><b>Wild and Scenic Rivers</b></p>	<p>Yes    No <input checked="" type="checkbox"/>    <input type="checkbox"/></p>	<p>Compliance achieved in the Tier I Broad level Review for all Regional Groups (Regional Groups 1-6), as described below.</p>

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	<p><b>If Yes:</b> Describe compliance determinations made at the broad level.</p> <p><b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.</p>
Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)		<p>Exhibit A-15: The Wild and Scenic Rivers Act created the National Wild and Scenic Rivers System in 1968 to protect selected rivers in a free-flowing condition and to recognize their importance to our cultural and natural heritage (16 USC 1271). The Act prohibits federal support for activities—such as the construction of dams or other on-stream developments—that could harm a designated river's free-flowing condition, water quality, or outstanding resource values. Activities require review by the National Park Service only if they could disturb the bed or bank of a designated river.</p> <p>This environmental review factor also evaluated the Nationwide Rivers Inventory (NRI), which is a listing of more than 3,400 free-flowing rivers or river segments in the U.S. that are believed to possess one or more “outstandingly remarkable” natural or cultural values. Under a 1979 Presidential Directive, all federal agencies must seek to avoid or mitigate actions that would adversely affect one or more NRI segments.</p> <p>There are no designated Wild and Scenic Rivers, nor rivers listed in the NRI, in Groups 1, 2, 3, 4, or 5. The only Wild and Scenic Rivers and rivers included in the Nationwide Rivers Inventory in Puerto Rico are located in Regional Group 6, as follows:</p> <p>Río de la Mina, designated from its headwaters to its confluence with Río Mameyes;</p> <p>Río Icacos, designated from its headwaters to the boundary of El Yunque National Forest;</p> <p>Río Mameyes, designated from its headwaters in the Baño de Oro Research Natural Area to the boundary of El Yunque National Forest.</p> <p><b>(See Exhibit A-15, Figure A-15-1)</b></p> <p>The Energy Support Incentive Program 2.0 – Set-Aside Program limits eligible project activities to improvements made exclusively to existing buildings. Evaluated activities under this section include the installation of photovoltaic (PV) panels on rooftops, along with the permanent, wall-mounted installation of batteries, control panels, and electric vehicle (EV)</p>

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	<p><b>If Yes:</b> Describe compliance determinations made at the broad level.</p> <p><b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.</p>
		<p>chargers. All associated electrical lines must remain above ground and are not permitted to be buried.</p> <p>Notably, the project's eligible activities under this program are not considered water resources projects. A water resources project is a federally assisted action that could affect the free-flowing condition of a Wild and Scenic River. Examples include dams, water diversion projects, bridges, roadway construction or reconstruction, boat ramps, and activities requiring a Section 404 permit from the U.S. Army Corps of Engineers (USACE).</p> <p>As outlined, the project activities under the Energy Support Incentive Program 2.0 – Set-Aside Program do not meet the definition of water resources projects and are not subject to the requirements of the Clean Water Act (CWA)—nor do they require a Section 404 permit from the USACE.</p> <p>Therefore, the project activities are in compliance with the Wild and Scenic Rivers Act and applicable environmental review requirements for the Energy Support Incentive Program 2.0 – Set-Aside Program, regardless of whether any project activities are located within Regional Group 6.</p> <p><u>Regulatory Agency and Source Review</u></p> <p>See Appendix A Exhibit A-15.</p> <p><b>The project is in compliance with Wild and Scenic Rivers under the WSA of 1968, particularly section 7(b) and (c).</b></p>

**Determination – the Statutory Checklist requires Site-Specific Reviews including further consultation, mitigation, and potential permit requirements or approvals and cannot revert to Exempt per 24 CFR 58.34 (a) (12). The Responsible Entity must complete pertinent compliance requirement(s), publish a NOI/RROF, request release of funds, and obtain HUD's Authority to Use Grant Funds per 24 CFR 58.70 and 58.71 before committing funds for any choice-limiting project activities.**

**List of Sources, Agencies and Persons Contacted**

[40 CFR 1508.9(b)] (List and attach all evidence of inquiries and responses received at all stages of consultation and analysis)

**Note: Individual correspondence made between PRDOH and agencies are presented in the relevant environmental topic within Appendix A.**

Commonwealth of Puerto Rico, Environmental Quality Board. Public Law 9, Regulation for the Control of Atmospheric Pollution, enacted 1970, amended 1995.

<https://www.drna.pr.gov/wp-content/uploads/2020/03/Regulations-for-the-Control-of-Atmospheric-Pollution-RCAP-1995-Regulation-No-5300.pdf>

FAA, National Plan for Integrated Airport Systems:

[www.faa.gov/airports/planning\\_capacity/npas/reports/NPIAS-Report-2017-2021-Appendix-B-part-6.pdf](http://www.faa.gov/airports/planning_capacity/npas/reports/NPIAS-Report-2017-2021-Appendix-B-part-6.pdf)

John H. Chafee Coastal Barrier Resources System, Puerto Rico map.

[www.fws.gov/CBRA/Maps/Locator/PR.pdf](http://www.fws.gov/CBRA/Maps/Locator/PR.pdf)

National Park Service, National Registry of Natural Landmarks.

[www.nature.nps.gov/nnl/docs/NNLRegistry.pdf](http://www.nature.nps.gov/nnl/docs/NNLRegistry.pdf)

Puerto Rico Community Development Block Grant Disaster Recovery Action Plans.

[www.cdbg-dr.pr.gov/en/action-plan/](http://www.cdbg-dr.pr.gov/en/action-plan/)

Programmatic Agreement among the Federal Emergency Management Agency, the Puerto Rico State Historic Preservation Office and the Central Office for Recovery, Reconstruction and Resilience – amended to include the Puerto Rico Department of Housing.

U.S. Environmental Protection Agency (USEPA). 2022a. Envirofacts Mapper. Air pollution data (ICIS-AIR), Brownfields, Hazardous Waste (RCRAInfo), Superfund National Priorities List (NPL), Toxic Releases Inventory (TRI), and National Pollutants Discharge Elimination Systems (NPDES). Accessed February 13, 2024. Available at:

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[https://www3.epa.gov/airquality/greenbook/anayo\\_pr.html](https://www3.epa.gov/airquality/greenbook/anayo_pr.html).

U.S. Fish and Wildlife Service (USFWS). 2019. Coastal Barrier Resources System. Accessed February 13, 2024. Available at: <https://www.fws.gov/CBRA/Maps/Mapper.html>.

USFWS. 2024a. Critical Habitat for Threatened & Endangered Species. Accessed February 13, 2024. Available at: <https://fws.maps.arcgis.com/home/webmap/viewer.html?webmap=9d8de5e265ad4fe09893cf75b8dbfb77>

USFWS. 2024b. National Wetlands Inventory Surface Waters and Wetlands Mapper. Accessed February 13, 2024. Available at: <https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/>.

USFWS. 2024c. Information for Planning and Consultation (IPaC). Accessed April 8, 2024. Available at: <https://ipac.ecosphere.fws.gov/location/index>.

U.S. Forest Service. 2022. National Wild and Scenic River Segments. Accessed February 13, 2024. Available at: <https://www.rivers.gov/mapping-gis.php>; [Wild & Scenic Rivers | US Forest Service \(usda.gov\)](#).

U.S. Geological Survey (USGS). 2021. National Land Cover Database. Accessed February 13, 2024. Available at: <https://www.usgs.gov/centers/eros/science/national-land-cover-database>.

## Appendix A

### Environmental Review Topics

[40 CFR 1508.9(b)] (List and attach all evidence of inquiries and responses received at all stages of consultation and analysis.)

<b>Exhibit A-1 – Airport Hazards .....</b>	<b>2</b>
<b>Exhibit A-2 – Coastal Barrier Resources.....</b>	<b>10</b>
<b>Exhibit A-3 – Flood Insurance.....</b>	<b>21</b>
<b>Exhibit A-4 – Clean Air.....</b>	<b>30</b>
<b>Exhibit A-5 – Coastal Zone Management.....</b>	<b>40</b>
<b>Exhibit A-6 – Contamination and Toxic Substances .....</b>	<b>58</b>
<b>Exhibit A-7 – Endangered Species and Ecology.....</b>	<b>105</b>
<b>Exhibit A-8 – Explosives and Flammable Hazards.....</b>	<b>322</b>
<b>Exhibit A-9 – Farmland Protection.....</b>	<b>323</b>
<b>Exhibit A-10 – Floodplain Management.....</b>	<b>332</b>
<b>Exhibit A-11- Historic Preservation .....</b>	<b>373</b>
<b>Exhibit A-11-1. Map of Non-Confidential Historic Properties in Group 1 .....</b>	<b>377</b>
<b>Exhibit A-12 – Noise Control and Abatement.....</b>	<b>461</b>
<b>Exhibit A-13 – Sole Source Aquifers .....</b>	<b>469</b>
<b>Exhibit A-14 – Wetlands Protection.....</b>	<b>477</b>
<b>Exhibit A-15 – Wild and Scenic Rivers .....</b>	<b>496</b>
<b>Exhibit A-16 – Environmental Justice .....</b>	<b>504</b>



## Exhibit A-1 – Airport Hazards

### 24 CFR 51(d)

#### **Group 1**

<b>Airports in Group 1</b>	<b>Airport Details</b>
Luis Munoz Marin Intl – Civil	Civil Large / Medium Hub (SJU)
Luis Munoz Marin Intl – Military	Joint Military Airfield (SJU)
Fernando Luis Ribas Dominicci	Civil Small / Non-hub (SIG)

**There are no civil or military airports in Group 2.**

#### **Group 3**

<b>Airports in Group 3</b>	<b>Airport Details</b>
Eugenio Maria De Hostos Airport	Civil Large / Hub (MAZ)
Rafael Hernandez Airport	Civil Small / Non-Hub (BQN)

#### **Group 4**

<b>Airports in Group 4</b>	<b>Airport Details</b>
Mercedita International Airport	Civil Small / Non-hub (PSE)

**There are no civil or military airports in Group 5.**

#### **Group 6**

<b>Airports in Group 6</b>	<b>Airport Details</b>
Jose Aponte De La Torre – Civil	Civil Small / Non-hub (RVR)
Benjamin Rivera Noriega – Civil	Civil Small / Non-hub (CPX)
Antonio Rivera Rodriguez – Civil	Civil Small / Non-hub (VQS)

U.S. Department of Housing and Urban Development Regulation 51.3011 defines a civil airport as an “existing commercial service airport as designated in the National Plan of Integrated Airport Systems (NPAIS) prepared by the Federal Aviation Administration in accordance with section 504 of the Airport and Airway Improvement Act of 1982.” NPAIS defines commercial service airports as “publicly owned airports that have at least 2,500 passenger boardings each calendar year and receive scheduled passenger service (49 USC 47102(7)).”

Per the above regulatory guidance, only commercial service airports that are publicly owned with more than 2,500 passenger boardings each calendar year and receive scheduled passenger service are categorized as civil airports (see 24 CFR 51).

#### **Dataset(s) used in evaluation**

<b>Agency</b>	<b>Internet link</b>	<b>Accessed</b>	<b>Dataset Date</b>
Bureau of Transportation Statistics	<a href="https://www.bts.gov/maps">https://www.bts.gov/maps</a>	03/01/2024	12/05/2022
Federal Aviation Administration	<a href="https://www.faa.gov/airports/planning_capacity/passenger_allcargo_stats/">https://www.faa.gov/airports/planning_capacity/passenger_allcargo_stats/</a>	03/01/2024	08/10/2022

#### Agencies or their regulations consulted during Broad Review

U.S. Department of Housing and Urban Development (HUD) Regulations

No overall Tier I consultation is deemed necessary.

#### Supporting Documentation

Figure A-1-1. Map showing Airports and Buffers in Group 1.

Figure A-1-2. Map showing Airports and Buffers in Group 2.

Figure A-1-3. Map showing Airports and Buffers in Group 3.

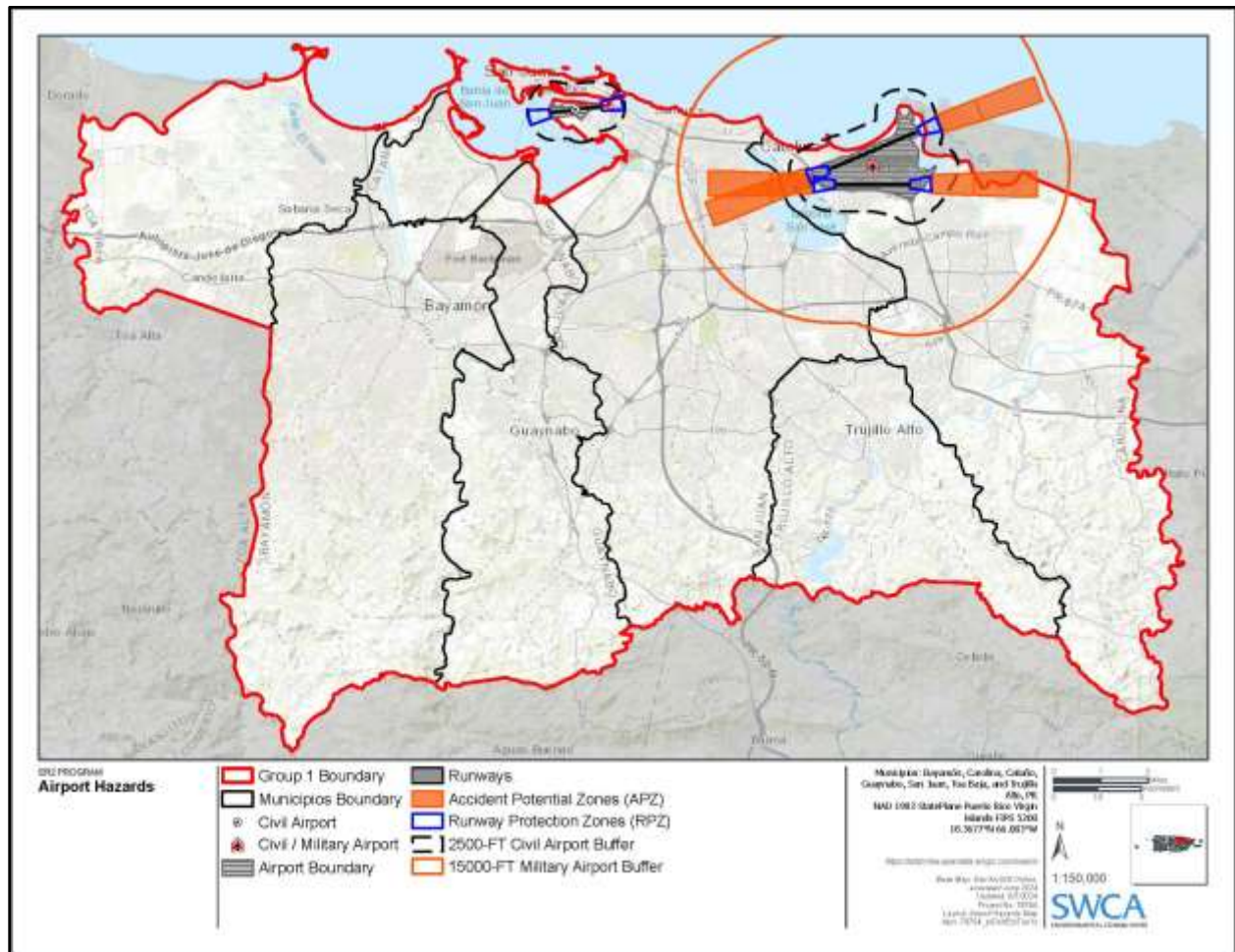
Figure A-1-4. Map showing Airports and Buffers in Group 4.

Figure A-1-5. Map showing Airports and Buffers in Group 5.

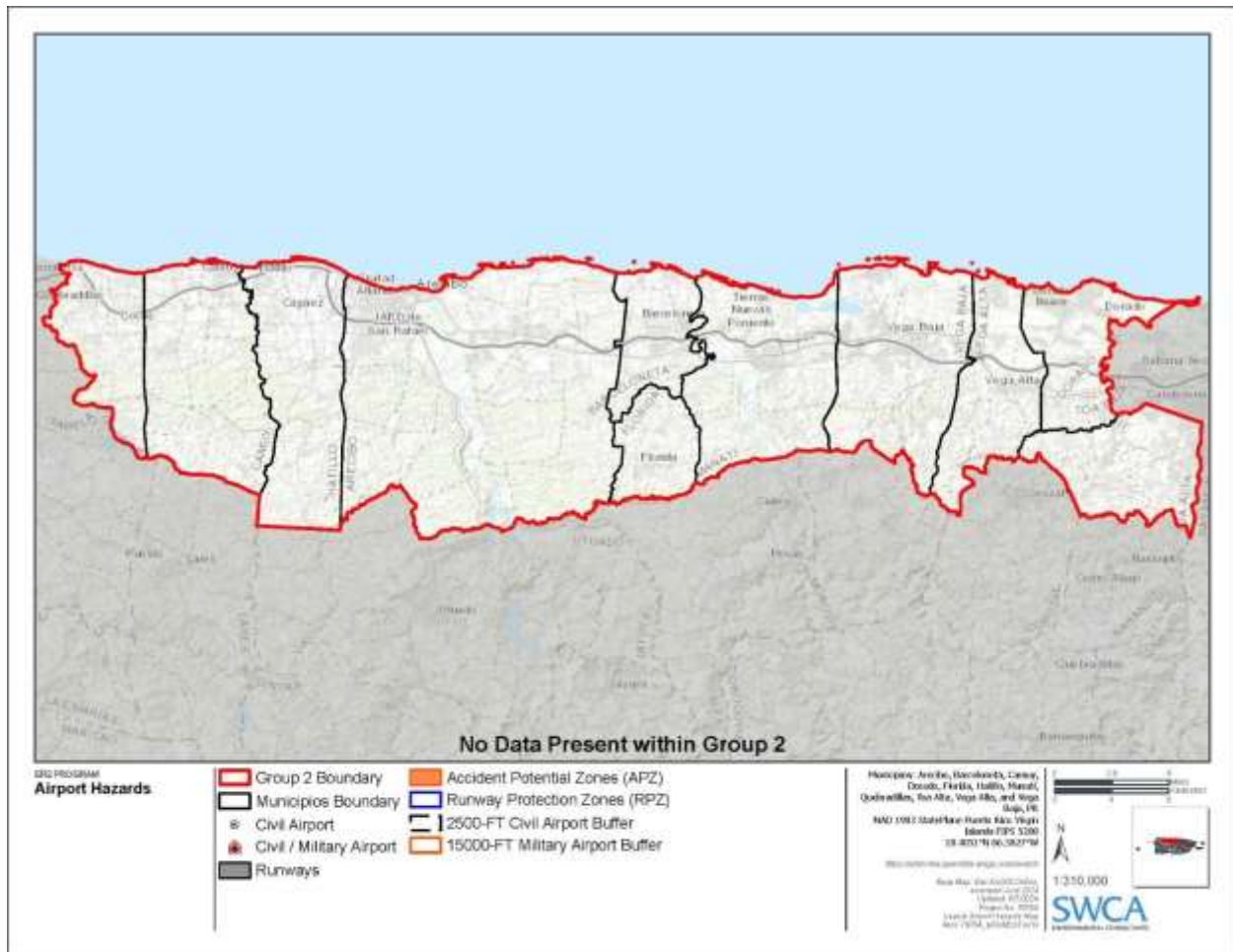
Figure A-1-6. Map showing Airports and Buffers in Group 6.

**ENVIRONMENTAL FINDING:** Compliance determination achieved in the Tier I Broad level Review for all Regional Groups (Group 1-6), as described below. Under 24 CFR Part 51 Subpart D, HUD assistance may not be used at this location if the project involves new construction, substantial rehabilitation, acquisition of undeveloped land, or activities that would significantly prolong the physical or economic life of existing facilities that are frequently used or occupied by people. However, the eligible project activities under the Energy Support Incentive Program 2.0 Set-Aside Program do not include any of these disqualifying actions. Eligible activities include the installation of photovoltaic panels on existing roofs, and permanent mounting of batteries, control panels, and EV chargers on the walls of existing structures. There will be no new construction or land acquisition involved in the implementation of this program. Additionally, the project activities do not constitute substantial rehabilitation nor prolong the life of any structure. Therefore, the review is in compliance with 24 CFR Part 51 Subpart D for all Regional Groups (Group 1-6). Further evaluation at the Tier II site-specific level is not required.

**Figure A-1-1. Map Showing Airport Locations in Group 1**



**Figure A-1-2. Map Showing Airport Locations in Group 2**

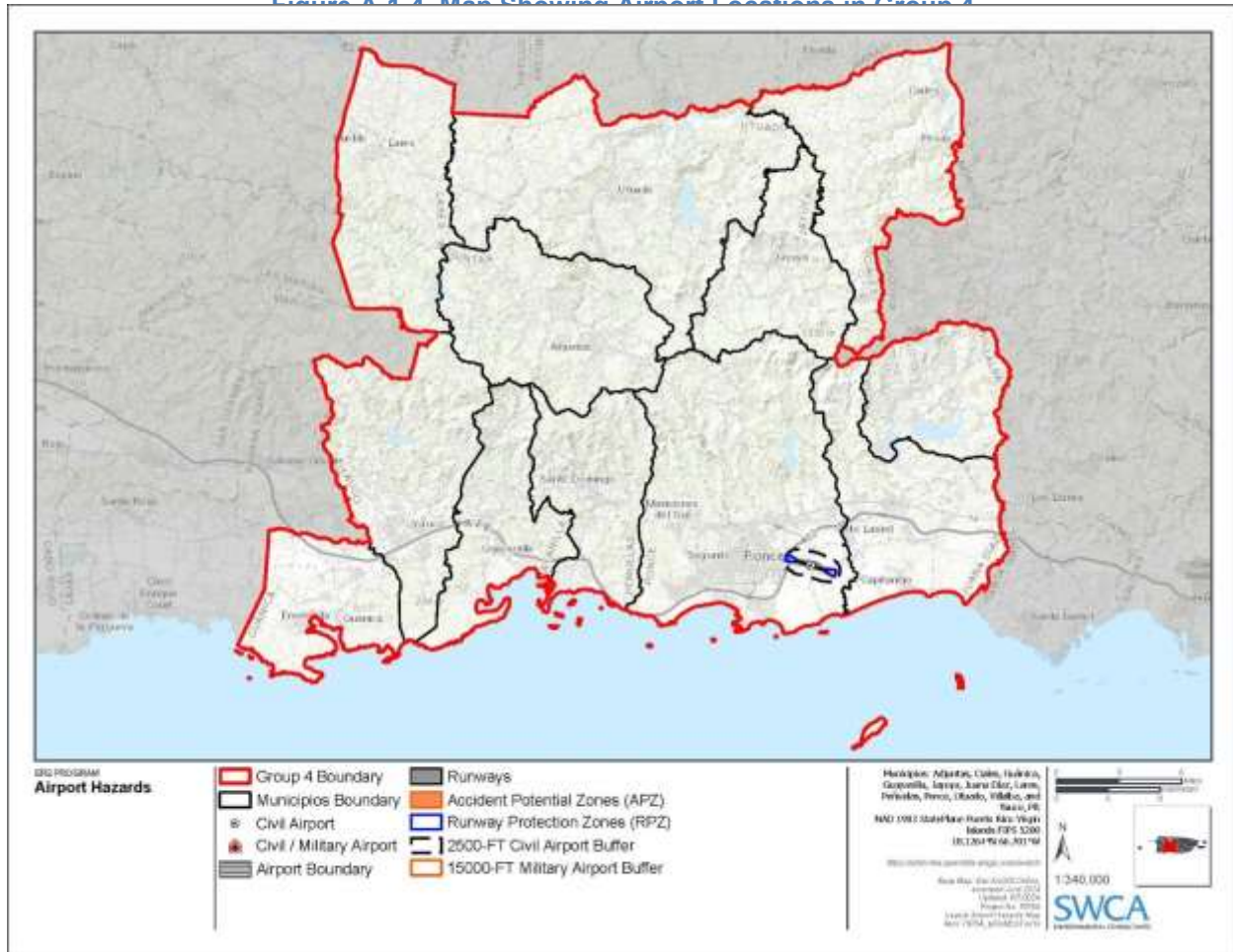


**Figure A-1-3. Map Showing Airport Locations in Group 3**

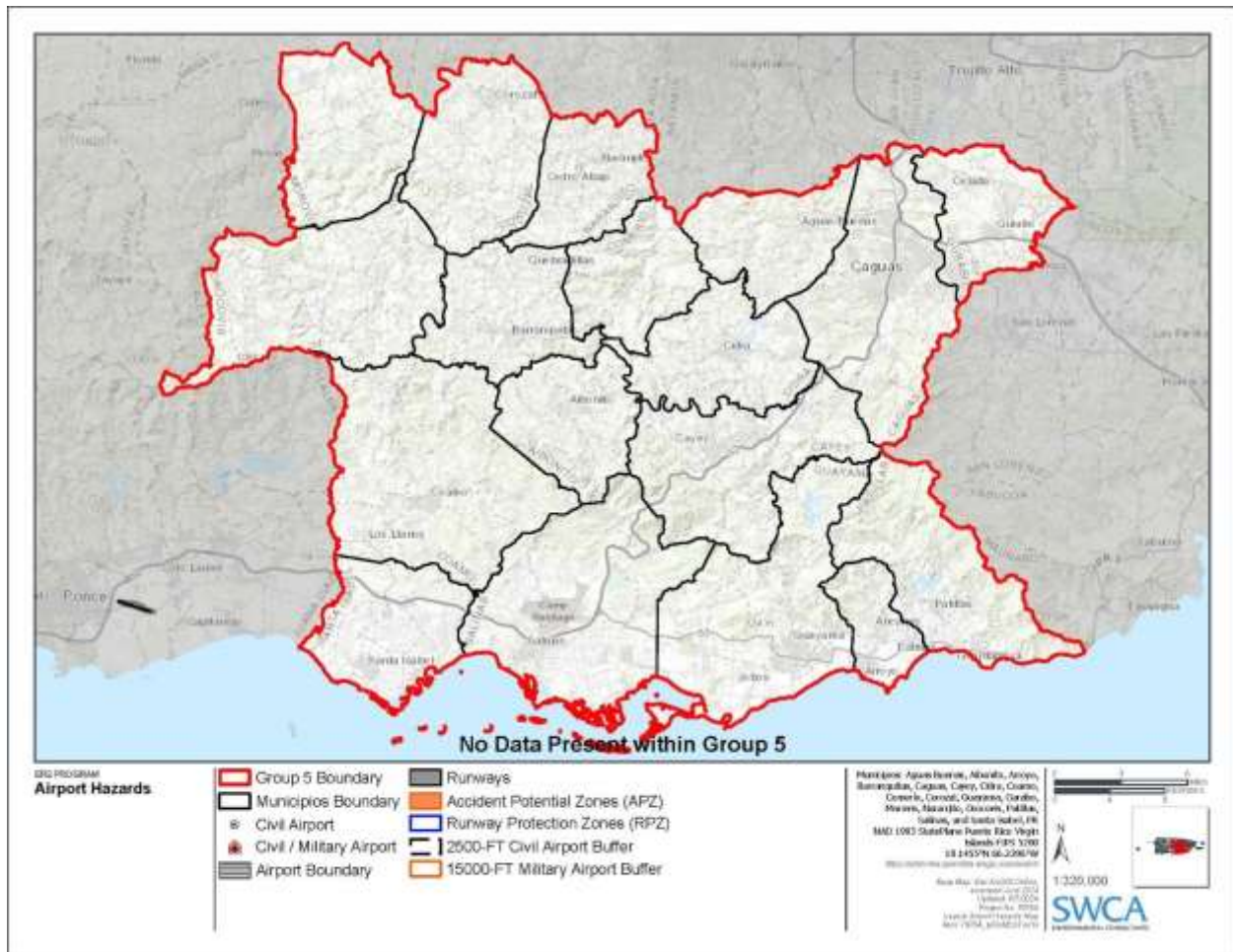




**Figure A 4 4. Men Chewing Airmet Locations in Group 4**

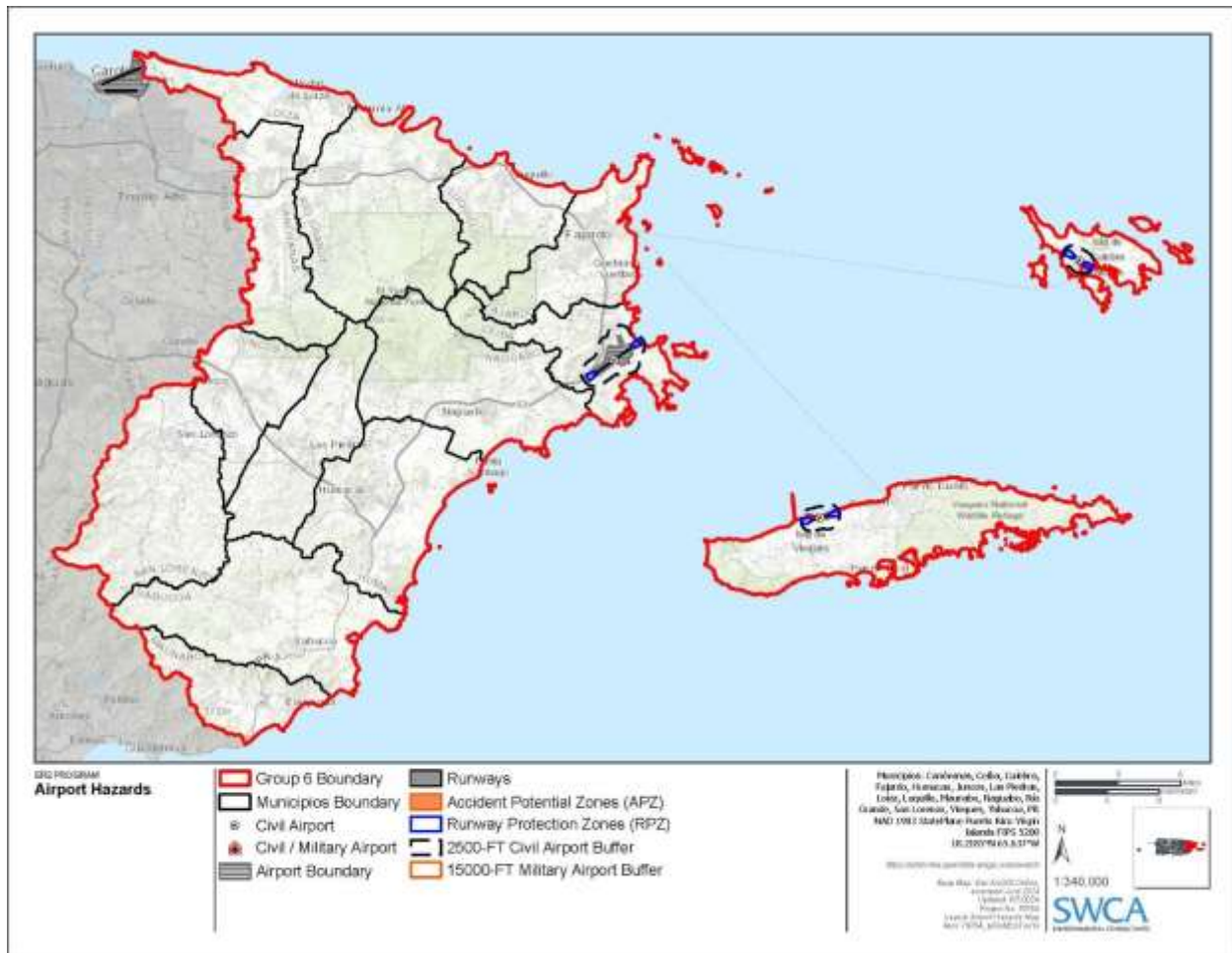


**Figure A-1-5. Map Showing Airport Locations in Group 5**





**Figure A-1-6. Map Showing Airport Locations in Group 6**



## Exhibit A-2 – Coastal Barrier Resources

Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of  
1990  
[16 USC 3501]

### Group 1

Coastal Barrier Systems	Acres in Group 1
PR-87 (Punta Vacía Talega)	896.13
Otherwise Protected Areas	Acres in Group 1
PR-86P (Puntas Salinas)	113

### Group 2

Coastal Barrier Systems	Acres in Group 2
PR-81 (Puerto de Arecibo)	66.17
PR-79 (Peñón Brusi)	315.01
PR-80 (Punta Maracayo)	56.89
PR-83 (Tortuguero)	1,472.95
PR-84 (Punta Garza)	623.51
Otherwise Protected Areas	Acres in Group 2
PR-82P (Punta Manatí)	53.43

### Group 3

Coastal Barrier Systems	Acres in Group 3
PR-66 (Cabo Rojo)	966.27
PR-68 (Boca Prieta)	26.70
PR-69 (Punta Carenero)	351.45
PR-70 (Belvedere)	29.70
PR-72 (Río Guanajibo)	85.78
PR-75 (Espinar)	53.35
PR-76 (Punta Agujereada)	85.35
PR-77 (Bajura)	80.56
PR-78 (Coto)	42.20

Otherwise Protected Areas	Acres in Group 3
PR-65P (Isla Cueva/Guayacan)	1,222.89
PR-64P (Bahia Montalva)	234.82
PR-66P (Cabo Rojo)	381.15
PR-67P (Bahia de Boqueron)	1,067.70
PR-75P (Espinar)	27.35

#### **Group 4**

Coastal Barrier Systems	Acres in Group 3
PR-51 (Rio Descalabrado)	177.34
PR-52 (Punta Pastillo)	66.95
PR-53 (Bajio de Marea)	17.41
PR-54 (Rio Jacaguas)	20.33
PR-55 (Isla del Frio)	11.01
PR-56 (Punta Cabullones)	997.85
PR-57 (Punta Cucharas)	294.22
PR-59 (Punta Ballena)	165.08
PR-61 (Ensenada las Pargas)	7.16
Otherwise Protected Areas	Acres in Group 3
PR-50P (Cayo Berberia)	74.51
PR-57P (Punta Cucharas)	41.74
PR-58P (Bahia de Tallaboa)	91.12
PR-60P (Punta Jacinto)	143.85
PR-62P (Punta Manglillo)	11.77
PR-63P (Cayo don Luis)	27.19
PR-64P (Bahia Montalva)	7.93

#### **Group 5**

Coastal Barrier Systems	Acres in Group 5
PR-43 (Punta Guilarte)	245.83
PR-44 (Las Mareas)	171.2
PR-45 (Bahia de Jobos)	83.10
PR-42 (Punta Viento)	188.61
PR-46 (Cayos de Barca/Ratones)	868.19
PR-47 (Arenal)	44.81
PR-50 (Chardon)	9.53
PR-51 (Rio Descalabrado)	11.41

Otherwise Protected Areas	Acres in Group 5
PR-43P (Punta Guilarte)	231.96
PR-45P (Bahía de Jobos)	2,795.85
PR-48P (Arrecife Media Luna)	3.71
PR-49P (Punta Aguila)	823.83

## **Group 6**

Coastal Barrier Systems	Acres in Group 6
PR-02 (Ensenada Comezon)	1,077.72
PR-03 (Rio Mameyes)	181.75
PR-05 (Luquillo Spit)	325.65
PR-06 (Juan Martin Spit)	28.31
PR-07 (Laguna Aguas Prietas)	369.32
PR-08A (La Cordillera)	26.22
PR-10 (Punta Barrancas)	77.57
PR-39 (Puerto Yabucoa)	50.16
PR-40 (Punta Tuna)	40.08
PR-41 (Rio Maunabo)	48.85
PR-87 (Punta Vacía Talega)	4,027.83
Otherwise Protected Areas	Acres in Group 6
PR-04P (Punta la Bandera)	36.55
PR-08AP (La Cordillera )	185.66
PR-08P (Cabo San Juan)	297.28
PR-09P (Rio Fajardo)	297.81
PR-12P (Playa Flamenco)	162.73
PR-13P (Playa Brava)	42.56
PR-14P (Playa Larga)	40.25
PR-15P (Isla Culebrita)	266.85
PR-16P (Puerto del Manglar)	31.38
PR-17P (Ensenada Sombe)	185.32
PR-18P (Cayo Algodones)	381.01
PR-87P (Punta Vacía Talega)	1,545.16

**Dataset(s) used in evaluation**

Agency	Internet link	Accessed	Dataset Date
U.S. Fish and Wildlife Service	<a href="https://www.fws.gov/cbra/maps/Boundaries.html">https://www.fws.gov/cbra/maps/Boundaries.html</a>	09/12/2023	12/14/2016

Agencies or their regulations consulted during Broad Review

U.S. Fish and Wildlife Service (USFWS)

Supporting Documentation

Figure A-2-1. John H. Chafee Coastal Barrier Resources System – Puerto Rico

Figure A-2-2. Map of Group 1 Coastal Barrier Resource Systems

Figure A-2-3. Map of Group 2 Coastal Barrier Resource Systems

Figure A-2-4. Map of Group 3 Coastal Barrier Resource Systems

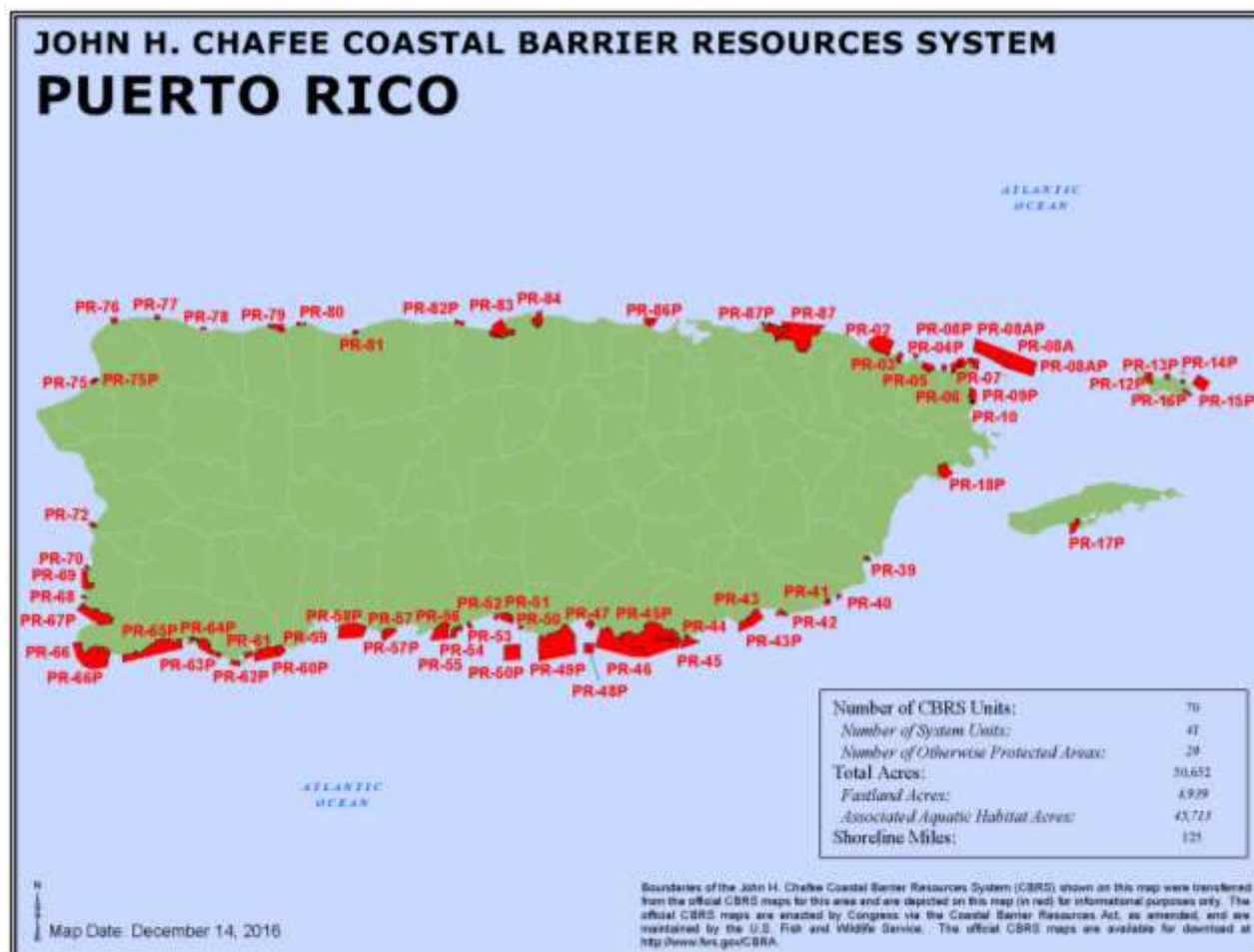
Figure A-2-5. Map of Group 4 Coastal Barrier Resource Systems

Figure A-2-6. Map of Group 5 Coastal Barrier Resource Systems

Figure A-2-7. Map of Group 6 Coastal Barrier Resource Systems

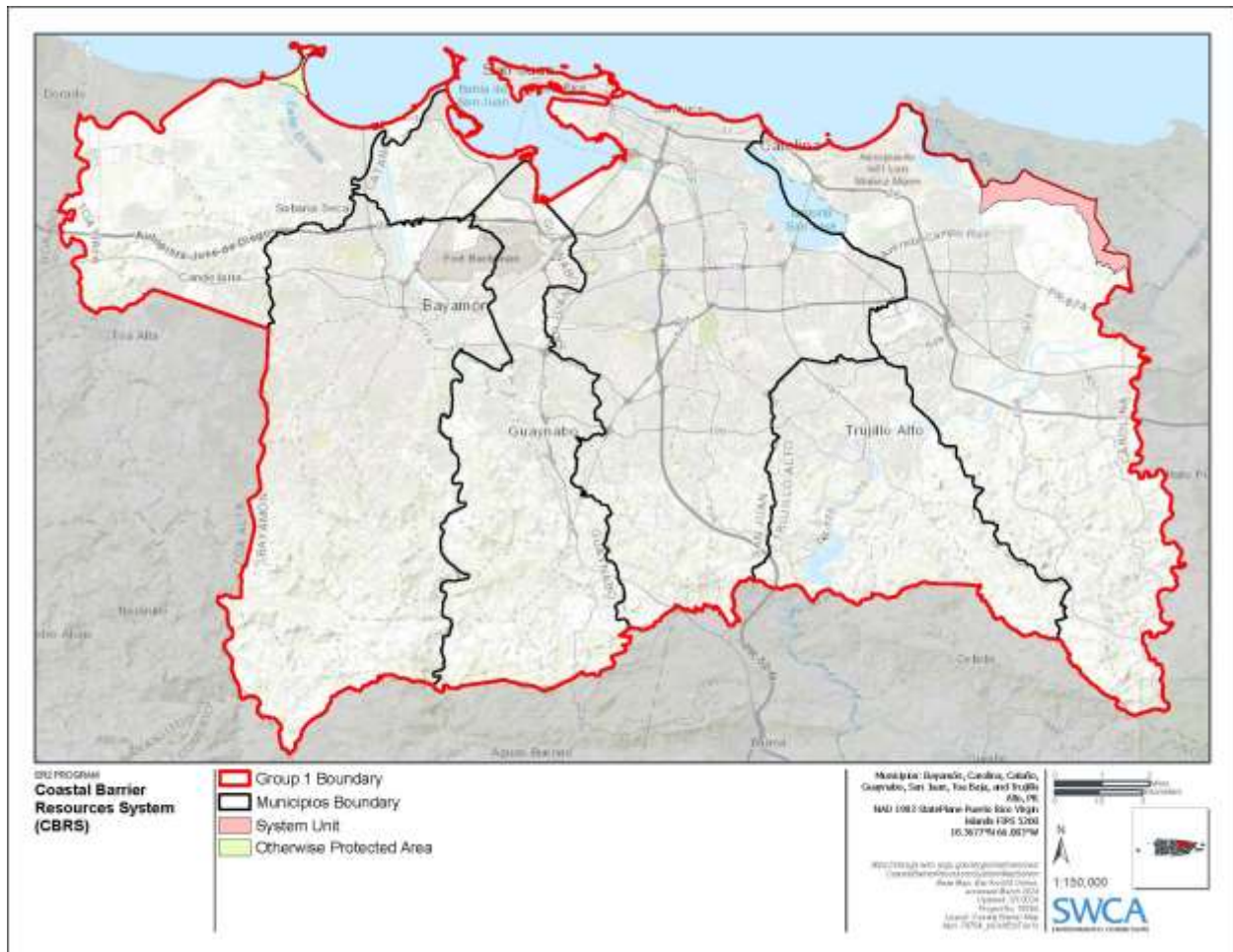
**ENVIRONMENTAL FINDING: All applications must be evaluated at the Tier II site-specific level to determine if any projects are located within a Coastal Barrier Resource System unit. If the project is located in a CBRS, federal program assistance may not be provided and the application for this program must be found ineligible for funding.**

**Figure A-2-1. John H. Chafee Coastal Barrier Resources System**



Source: US Fish and Wildlife Service, Coastal Barrier Resources System

**Figure A-2-2. Map of Group 1 Coastal Barrier Resource Systems**



Source: US Fish and Wildlife Service, Coastal Barrier Resources System



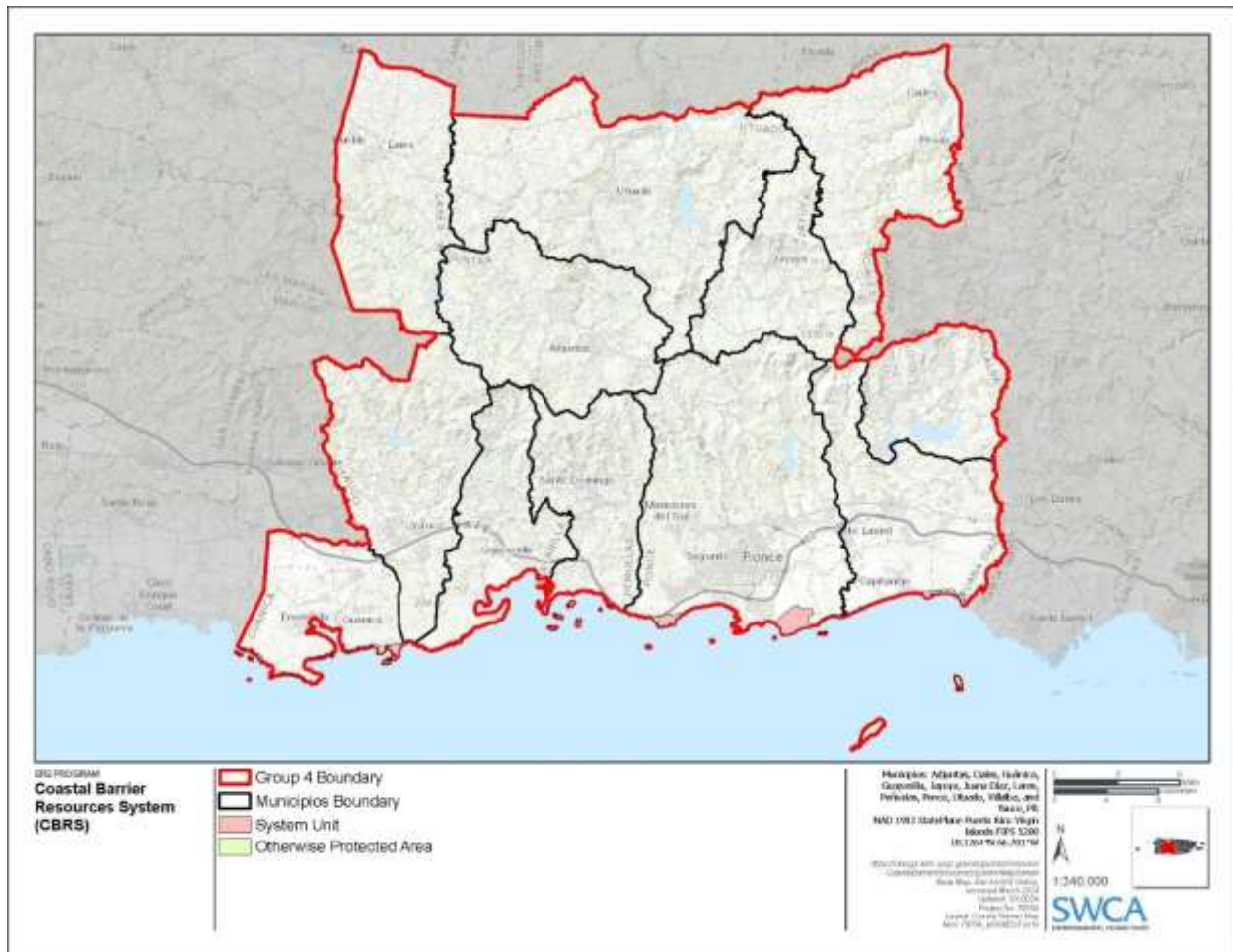
### Figure A-2-3. Map of Group 2 Coastal Barrier Resource Systems



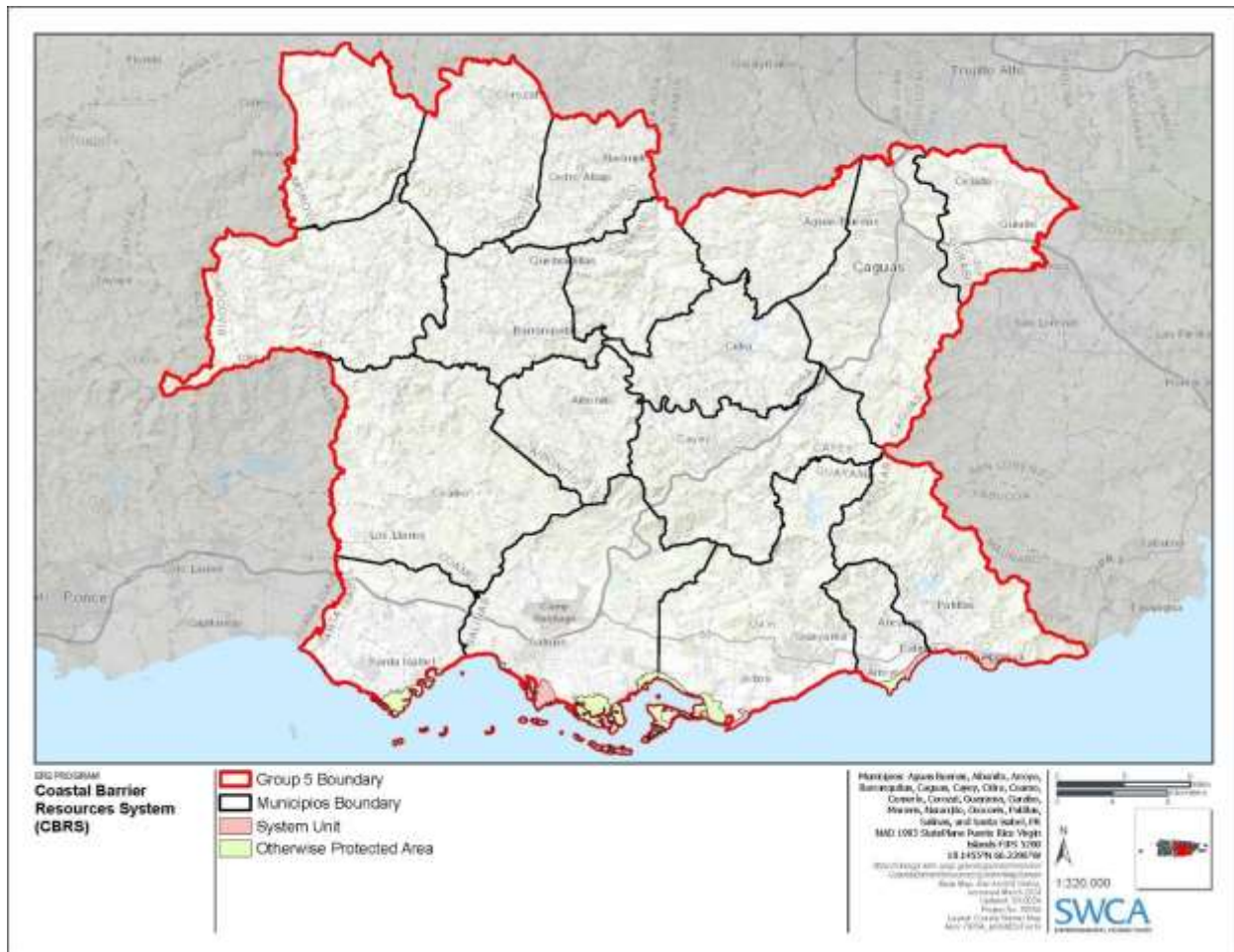
**Figure A-2-4. Map of Group 3 Coastal Barrier Resource Systems**



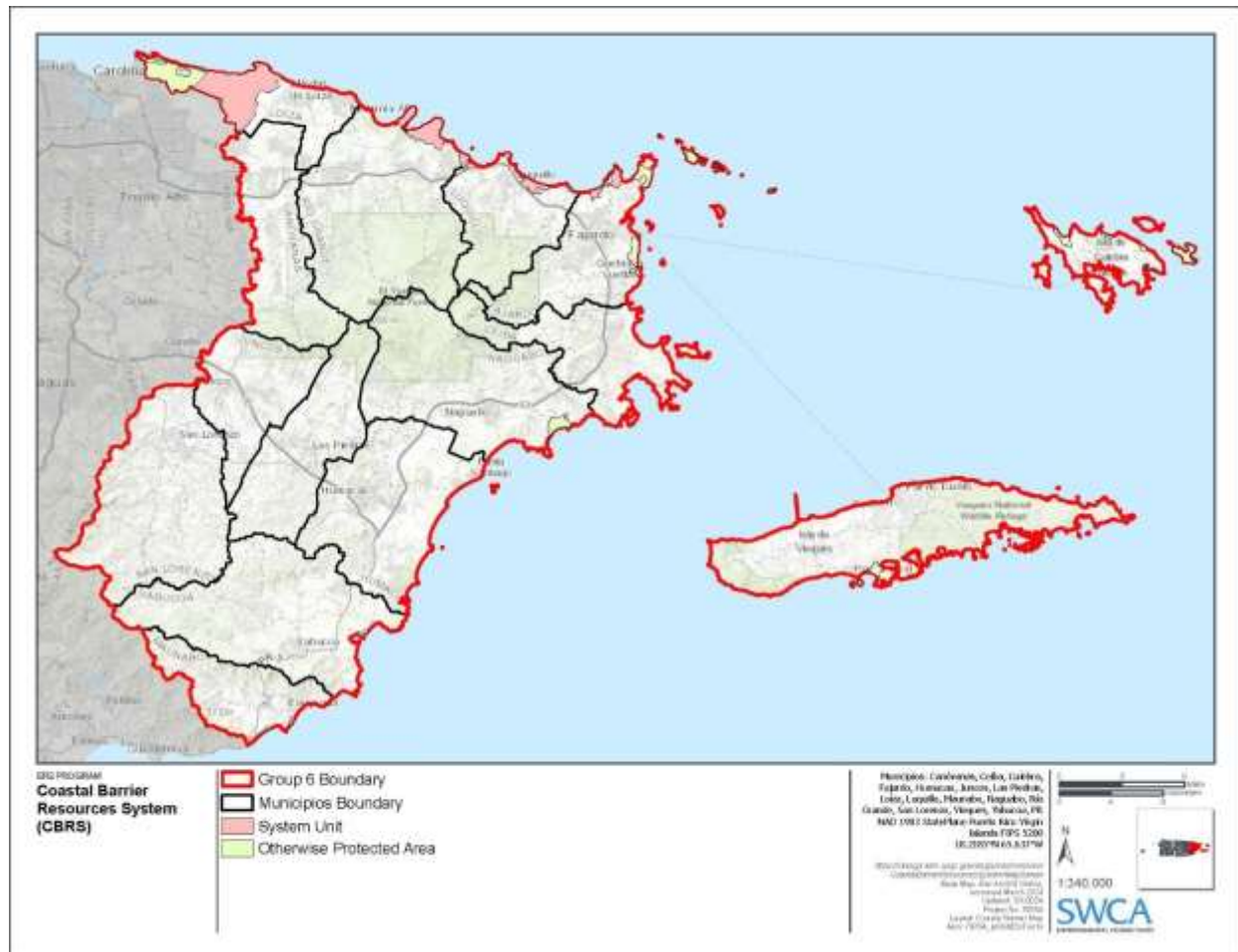
**Figure A-2-5 Map of Group 4 Coastal Barrier Resource Systems**



### Figure A-2-6 Map of Group 5 Coastal Barrier Resource Systems



**Figure A-2-7 Map of Group 6 Coastal Barrier Resource Systems**





## Exhibit A-3 – Flood Insurance

Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994  
[42 USC 4001-4128 and 42 USC 5154a]

### Group 1

Zone Designation – Current Effective FIRMs	Acres in Group 1
A Undifferentiated	868.84
AE	17,193.33
Floodway	7,350.55
AO	42.23
VE	558.47
X (0.2 Percent Annual Chance Flood Hazard/500-year)	7,847.96
X	106,483.49
<b>Total</b>	<b>140,344.87</b>

### Group 2

Zone Designation – Current Effective FIRMs	Acres in Group 2
A Undifferentiated	2,585.77
AE	17,133.83
Floodway	20,413.51
AH	37.60
VE	1,127.98
X (0.2 Percent Annual Chance Flood Hazard/500-year)	1,634.55
X	240,345.21
<b>Total</b>	<b>283,278.45</b>

### Group 3

Zone Designation – Current Effective FIRMs	Acres in Group 3
A Undifferentiated	13,219.46
AE	14,736.22
Floodway	15,234.01
AO	315.58
VE	3,006.44
X (0.2 Percent Annual Chance Flood Hazard/500-year)	3,252.25
X	379,938.18
<b>Total</b>	<b>429,702.13</b>

### Group 4

Zone Designation – Current Effective FIRMs	Acres in Group 4
--	------------------

A Undifferentiated	12,328.64
AE	12,675.15
Floodway	11,566.79
AO	1,685.64
VE	715.38
X (0.2 Percent Annual Chance Flood Hazard/500-year)	1,614.44
X	446,779.26
<b>Total</b>	<b>487,365.28</b>

### Group 5

Zone Designation – Current Effective FIRMs	Acres in Group 5
A Undifferentiated	7,672.06
AE	13,139.98
Floodway	7,424.21
AO	57.82
VE	2,116.46
X (0.2 Percent Annual Chance Flood Hazard/500-year)	2,831.70
X	467,707.65
<b>Total</b>	<b>500,949.88</b>

### Group 6

Zone Designation – Current Effective FIRMs	Acres in Group 6
A Undifferentiated	5,242.27
AE	24,468.16
Floodway	25,364.66
AO	73.92
VE	3,681.06
Riverine Floodway Shown in Coastal Zone	4.97
X (0.2 Percent Annual Chance Flood Hazard/500-year)	4,284.93
X	288,359.77
<b>Total</b>	<b>351,479.74</b>

### Dataset(s) used in evaluation

Agency	Internet link	Accessed	Dataset Date
Federal Emergency Management Agency (FEMA)	<a href="https://msc.fema.gov/portal/advanceSearch#searchresultsanchor">https://msc.fema.gov/portal/advanceSearch#searchresultsanchor</a>	03/01/ 2024	Various

Agencies or their regulations consulted during Broad Review



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Federal Emergency Management Agency (FEMA)

Supporting Documentation

Figure A-3-1. Map of FEMA Effective Floodplains: Group 1 Municipalities

Figure A-3-2. Map of FEMA Effective Floodplains: Group 2 Municipalities

Figure A-3-3. Map of FEMA Effective Floodplains: Group 3 Municipalities

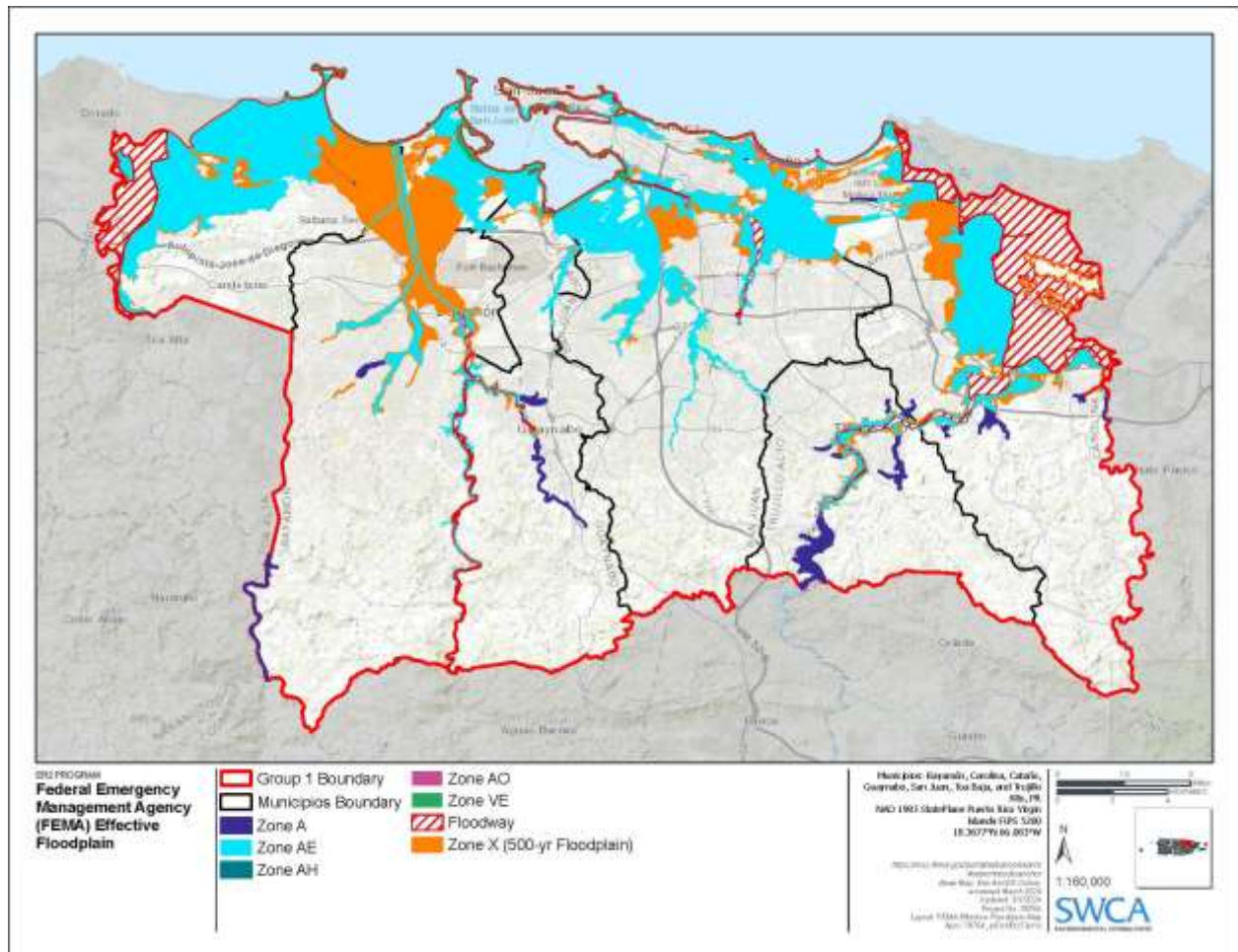
Figure A-3-4. Map of FEMA Effective Floodplains: Group 4 Municipalities

Figure A-3-5. Map of FEMA Effective Floodplains: Group 5 Municipalities

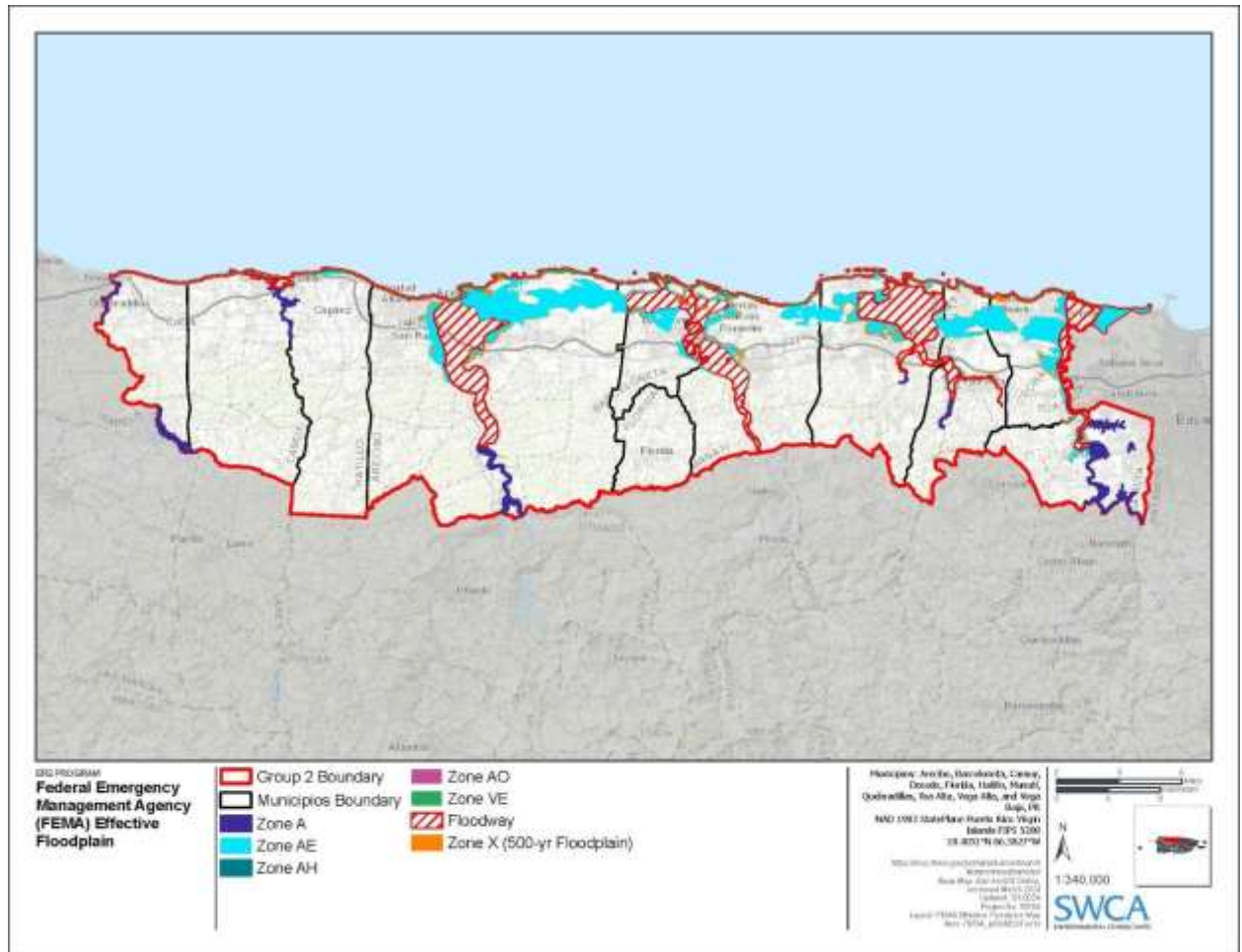
Figure A-3-6. Map of FEMA Effective Floodplains: Group 6 Municipalities

**ENVIRONMENTAL FINDING: All Energy Support Incentive Program 2.0 Set- Aside Program projects have the potential to be located within a FEMA-designated Special Flood Hazard Area (SFHA) and must be evaluated at the Tier II site-specific level for flood insurance, using the current FEMA Flood Insurance Rate Map. If required, a National Flood Insurance Program compliant policy with a minimum value of the project activity costs (excepting lead-based paint mitigation costs) must be obtained and maintained by the applicant for the economic life of the building.**

**Figure A-3-1. Map of FEMA Effective Floodplains: Group 1 Municipalities**



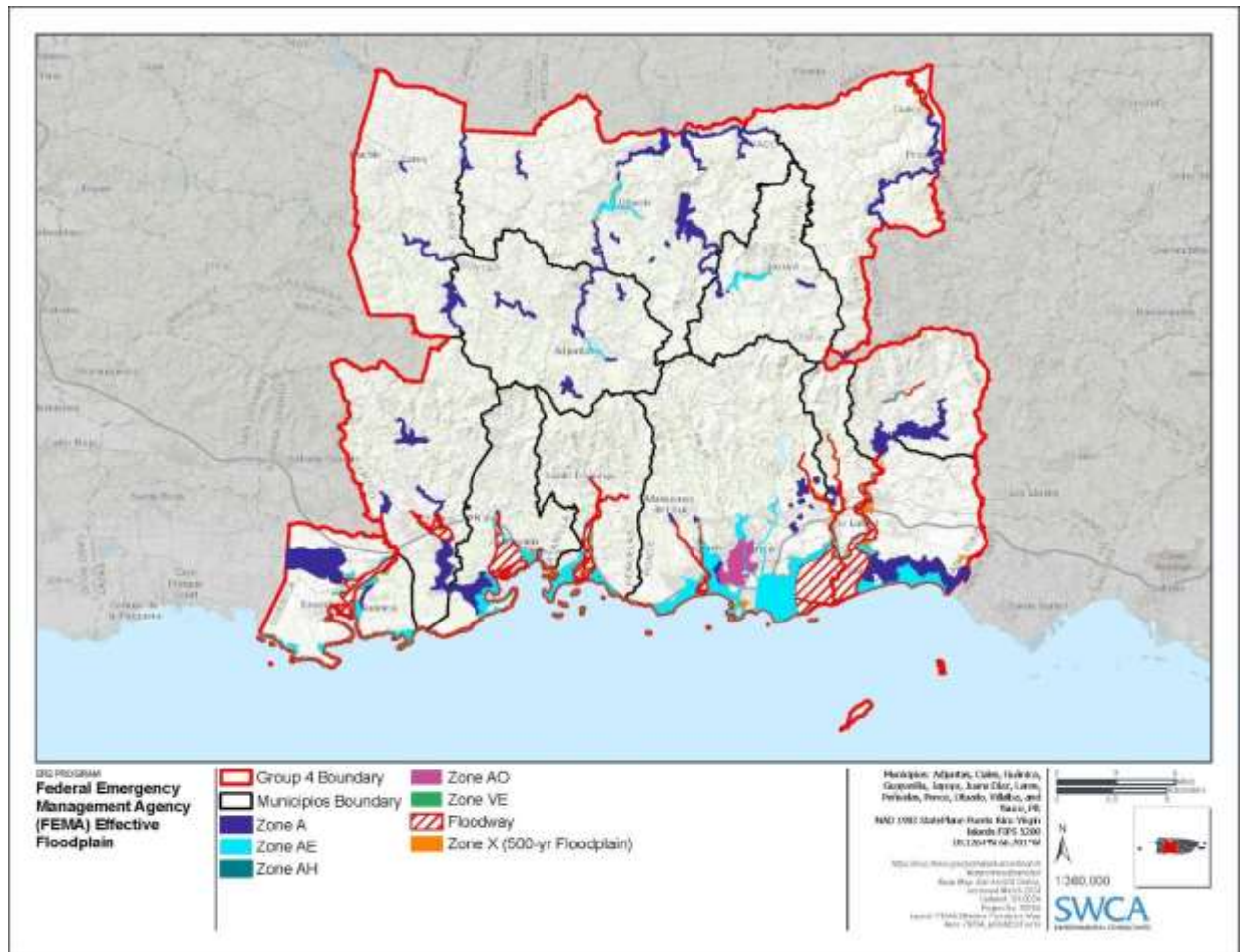
### Figure A-3-2. Map of FEMA Effective Floodplains: Group 2 Municipalities



**Figure A-3-3. Map of FEMA Effective Floodplains: Group 3 Municipalities**

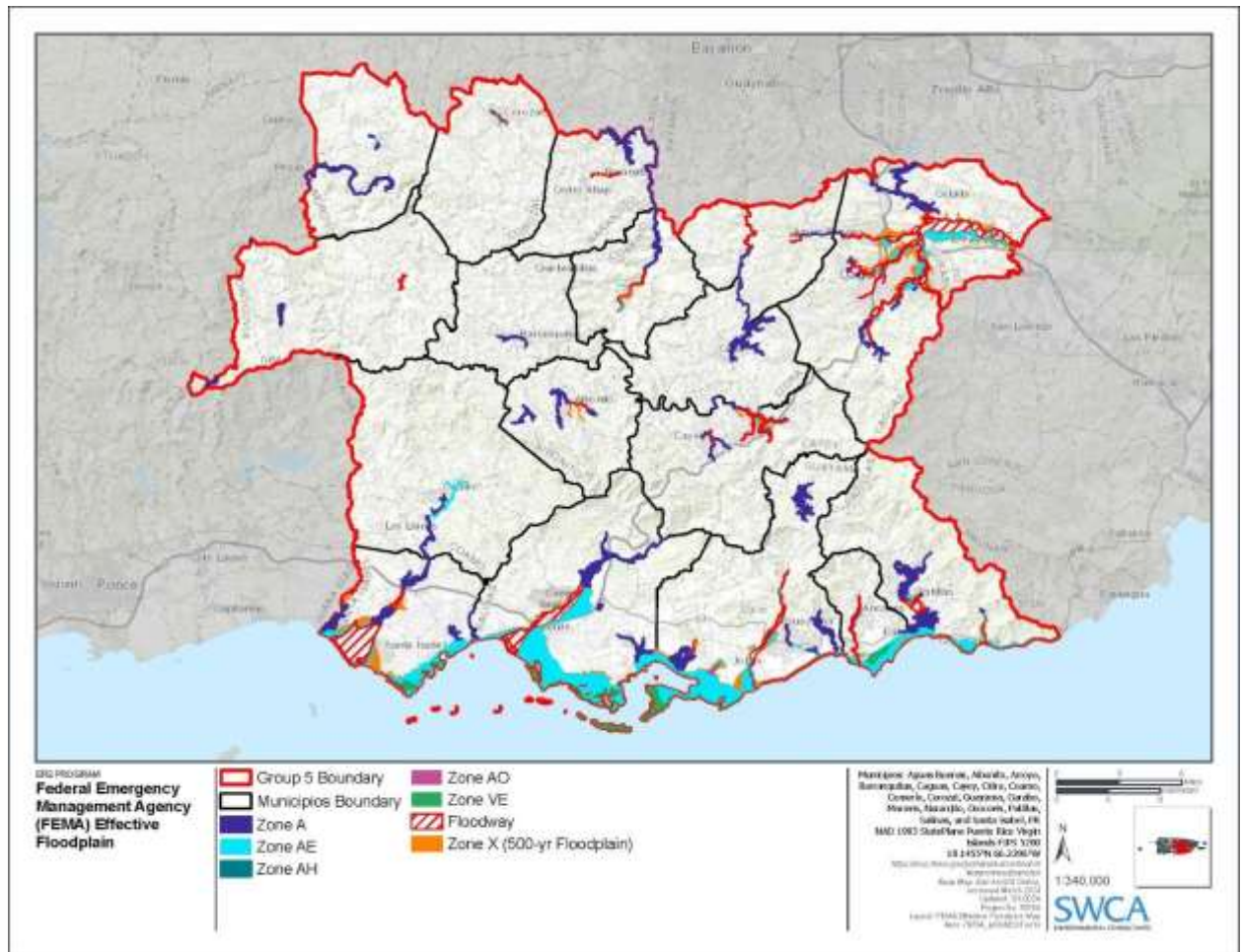


### Figure A-3-4. Map of FEMA Effective Floodplains: Group 4 Municipalities

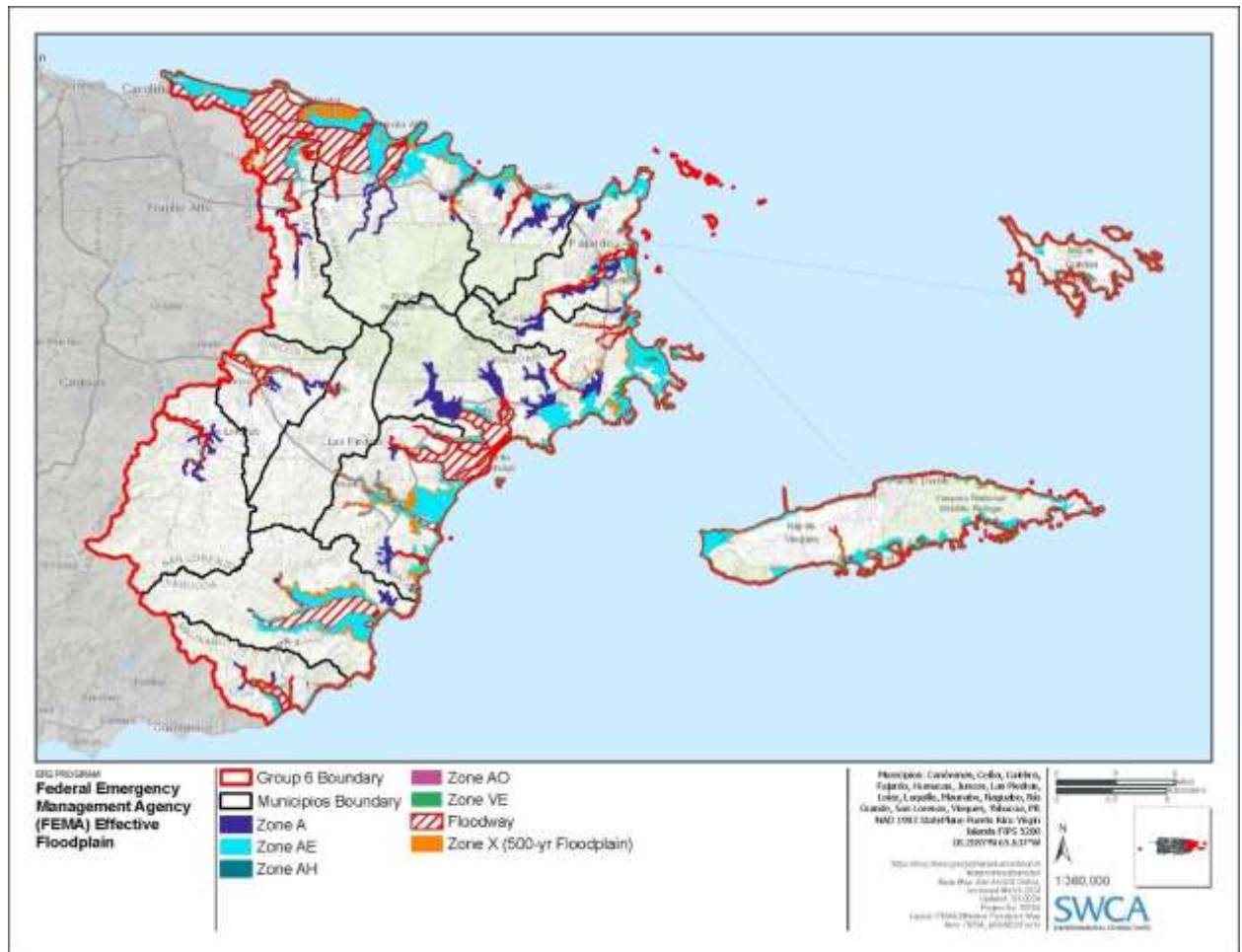




**Figure A-3-5. Map of FEMA Effective Floodplains: Group 5 Municipalities**



**Figure A-3-6. Map of FEMA Effective Floodplains: Group 6 Municipalities**





## Exhibit A-4 – Clean Air

Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR 6, 51, 93

### Group 1

U.S. Environmental Protection Agency (EPA) Designated Nonattainment County	Acres in Group 1
Lead (2008 Standard)	0 acres (0%)
Sulfur Dioxide (2010 Standard)	26,971.38 acres (19.2%)
PM-10 (1987 Standard)	14,794.58 acres (10.5%)

### Group 2

U.S. Environmental Protection Agency (EPA) Designated Nonattainment County	Acres in Group 2
Lead (2008 Standard)	11,419.52 acres (99.6%)
Sulfur Dioxide (2010 Standard)	48.13 acres (0.4%)
PM-10 (1987 Standard)	0 acres (0%)

### Group 3

U.S. Environmental Protection Agency (EPA) Designated Nonattainment County	Acres in Group 3
Lead (2008 Standard)	0 acres (0%)
Sulfur Dioxide (2010 Standard)	0 acres (0%)
PM-10 (1987 Standard)	0 acres (0%)

### Group 4

U.S. Environmental Protection Agency (EPA) Designated Nonattainment County	Acres in Group 4
Lead (2008 Standard)	0 acres (0%)
Sulfur Dioxide (2010 Standard)	0 acres (0%)
PM-10 (1987 Standard)	0 acres (0%)

### Group 5

U.S. Environmental Protection Agency (EPA) Designated Nonattainment County	Acres in Group 5
Lead (2008 Standard)	0 acres (0%)
Sulfur Dioxide (2010 Standard)	28,238.21 acres (5.6%)
PM-10 (1987 Standard)	0 acres (0%)

### Group 6

U.S. Environmental Protection Agency (EPA) Designated Nonattainment County	Acres in Group 6
Lead (2008 Standard)	0 acres (0%)

Sulfur Dioxide (2010 Standard)	0 acres (0%)
PM-10 (1987 Standard)	0 acres (0%)

### Dataset(s) used in evaluation

Agency	Internet link	Accessed	Dataset Date
U.S. Environmental Protection Agency	<a href="https://www.epa.gov/green-book/green-book-gis-download">https://www.epa.gov/green-book/green-book-gis-download</a>	03/01/ 2024	12/27/2023

### Agencies or their regulations consulted during Broad Review

U.S. Environmental Protection Agency Regulations (EPA)

### Supporting Documentation

Figure A-4-1. Map of EPA Nonattainment Areas in Group 1

Figure A-4-2. Map of EPA Nonattainment Areas in Group 2

Figure A-4-3. Map of EPA Nonattainment Areas in Group 3

Figure A-4-4. Map of EPA Nonattainment Areas in Group 4

Figure A-4-5. Map of EPA Nonattainment Areas in Group 5

Figure A-4-6. Map of EPA Nonattainment Areas in Group 6

Figure A-4-7. National Ambient Air Quality Standards Non-Attainment Areas

**ENVIRONMENTAL FINDING:** Compliance determination achieved in the Tier I Broad level Review for all Regional Groups (Group 1-6), as described below. Puerto Rico has areas designated as nonattainment for National Ambient Air Quality Standard (NAAQS) pollutants, specifically lead and sulfur dioxide (SO<sub>2</sub>). Additionally, one area is classified as being in maintenance status for particulate matter (PM-10). These designations require careful evaluation to ensure that any federal action within the affected areas does not contribute to exceedances of air quality standards.

Group 1: This project group includes areas designated as nonattainment for sulfur dioxide (SO<sub>2</sub>) and an area under maintenance status for particulate matter (PM-10), in accordance with the Clean Air Act (CAA).

Group 2: This project group includes areas designated as nonattainment for two criteria pollutants: sulfur dioxide (SO<sub>2</sub>) and lead (Pb).

Group 3: All project areas are located outside the nonattainment areas for sulfur dioxide (SO<sub>2</sub>) and lead (Pb), as well as outside the designated maintenance areas for particulate matter (PM-10), in compliance with the Clean Air Act (CAA).

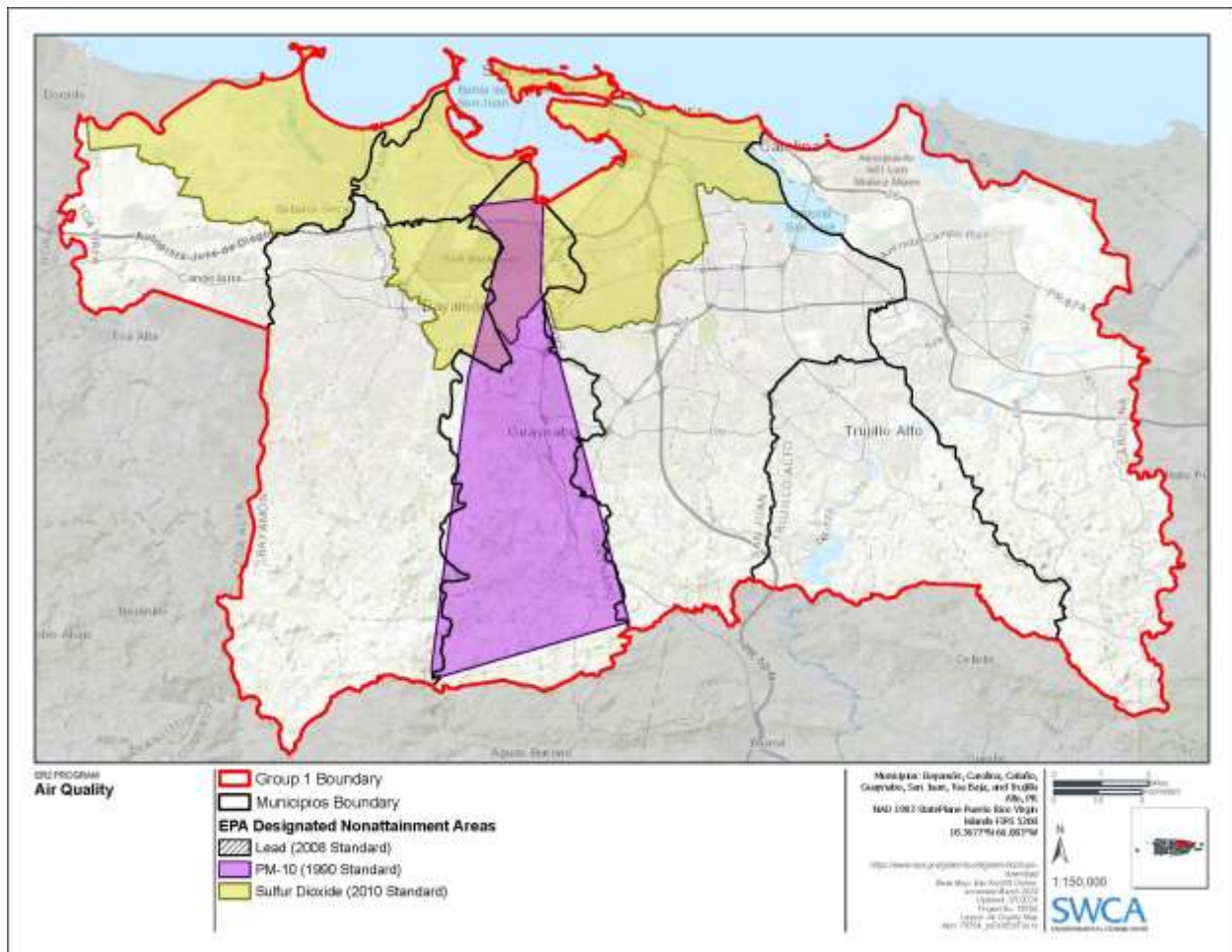
Group 4: All project areas are located outside the nonattainment areas for sulfur dioxide (SO<sub>2</sub>) and lead (Pb), as well as outside the designated maintenance areas for particulate matter (PM-10), in compliance with the Clean Air Act (CAA).

Group 5: This project group includes areas designated as nonattainment for sulfur dioxide (SO<sub>2</sub>).

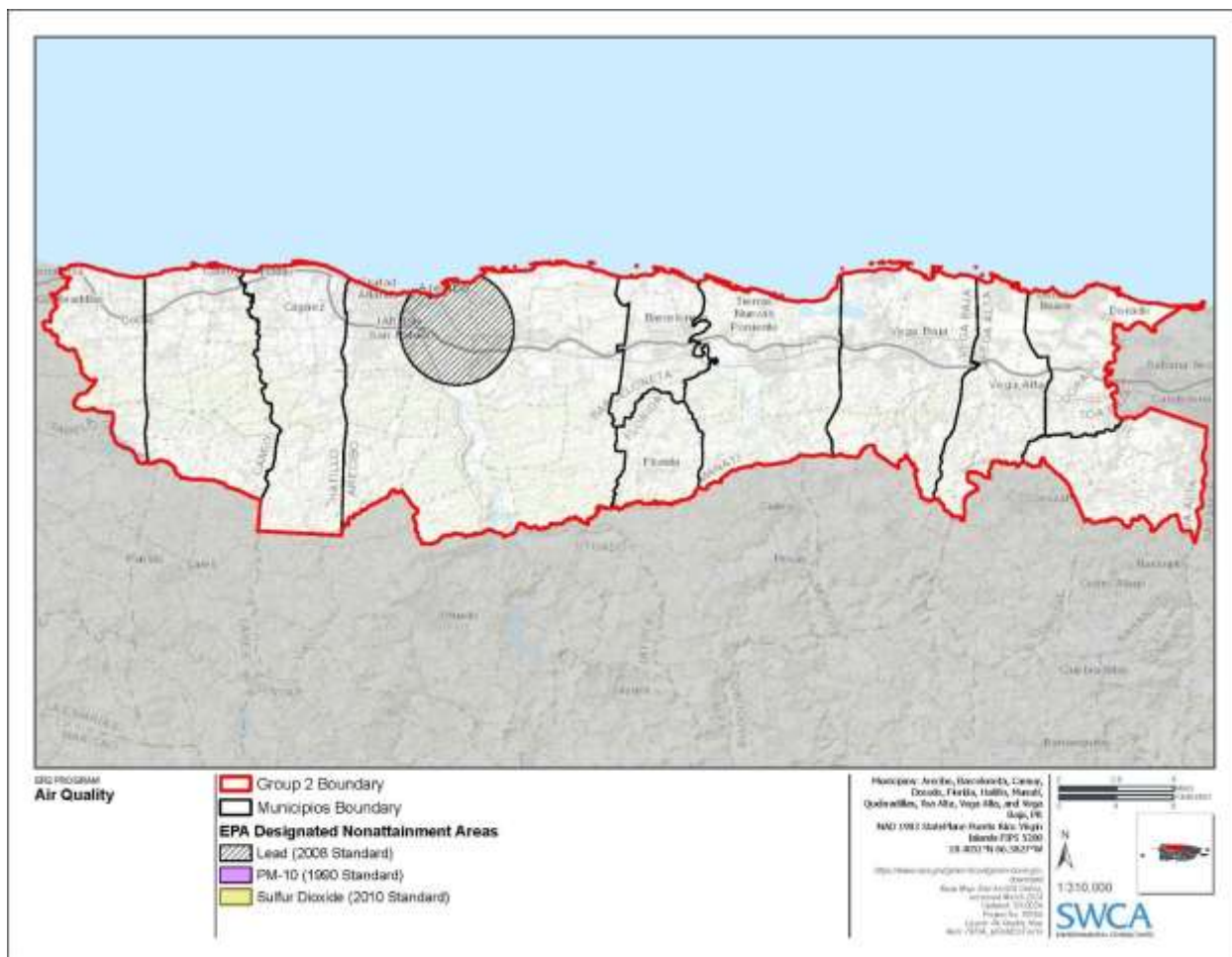
Group 6: All project areas are located outside the nonattainment areas for sulfur dioxide (SO<sub>2</sub>) and lead (Pb), as well as outside the designated maintenance areas for particulate matter (PM-10), in compliance with the Clean Air Act (CAA).

The eligible project activities do not create new sources of air pollution. As described, the project does not involve new construction or a change in land use to facilitate the development of public, commercial, or industrial facilities, nor does it involve five or more dwelling units. Accordingly, under HUD's environmental review procedures, the project is presumed to result in emissions below de minimis levels. Therefore, the review is in compliance with the Clean Air Act (CAA). Further evaluation at the Tier II site-specific level is not required.

**Figure A-4-1. Map of EPA Nonattainment Areas in Group 1**



**Figure A-4-2. Map of EPA Nonattainment Areas in Group 2**

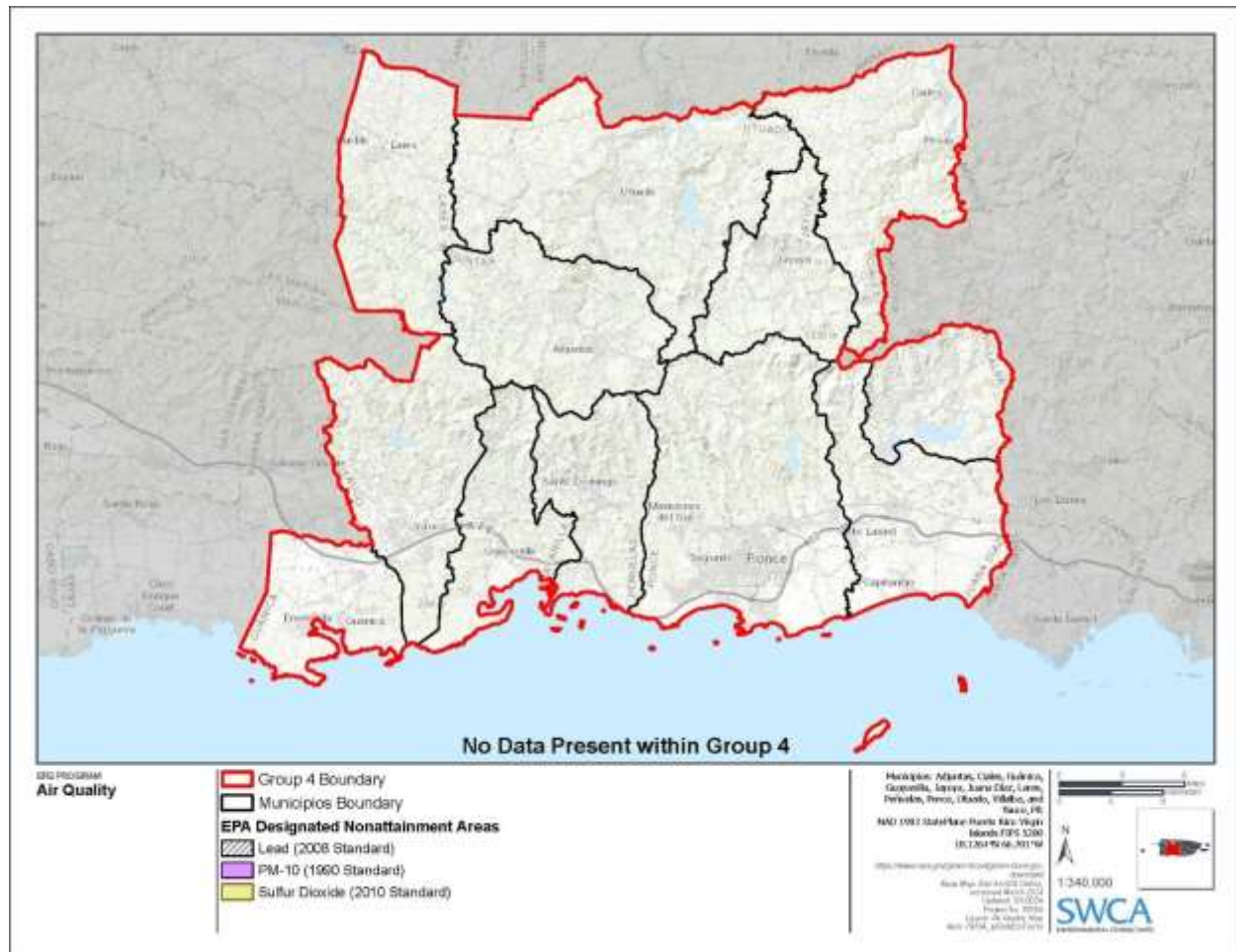


**Figure A-4-3. Map of EPA Nonattainment Areas in Group 3**

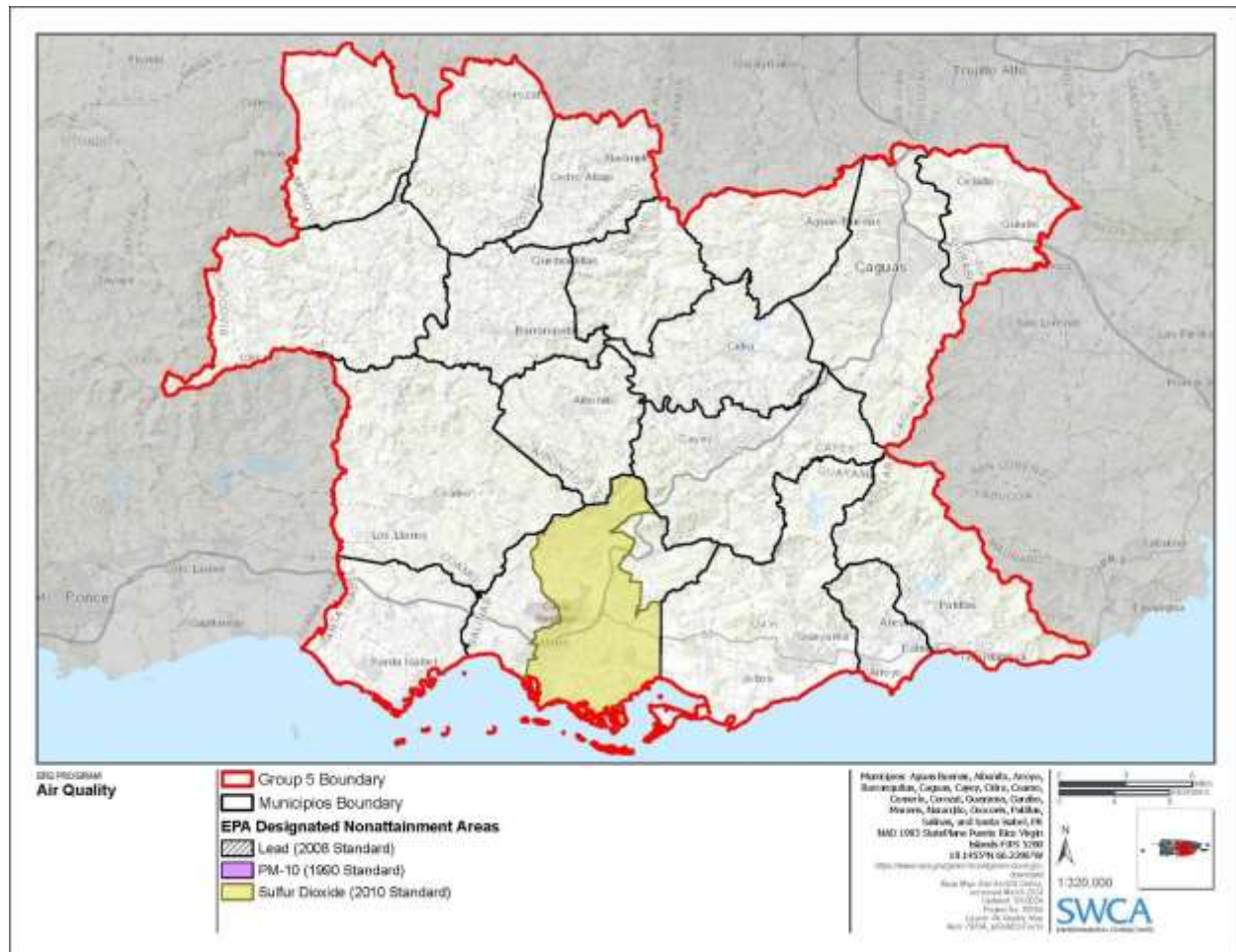




**Figure A-4-4. Map of EPA Nonattainment Areas in Group 4**



**Figure A-4-5. Map of EPA Nonattainment Areas in Group 5**



**Figure A-4-6. Map of EPA Nonattainment Areas in Group 6**

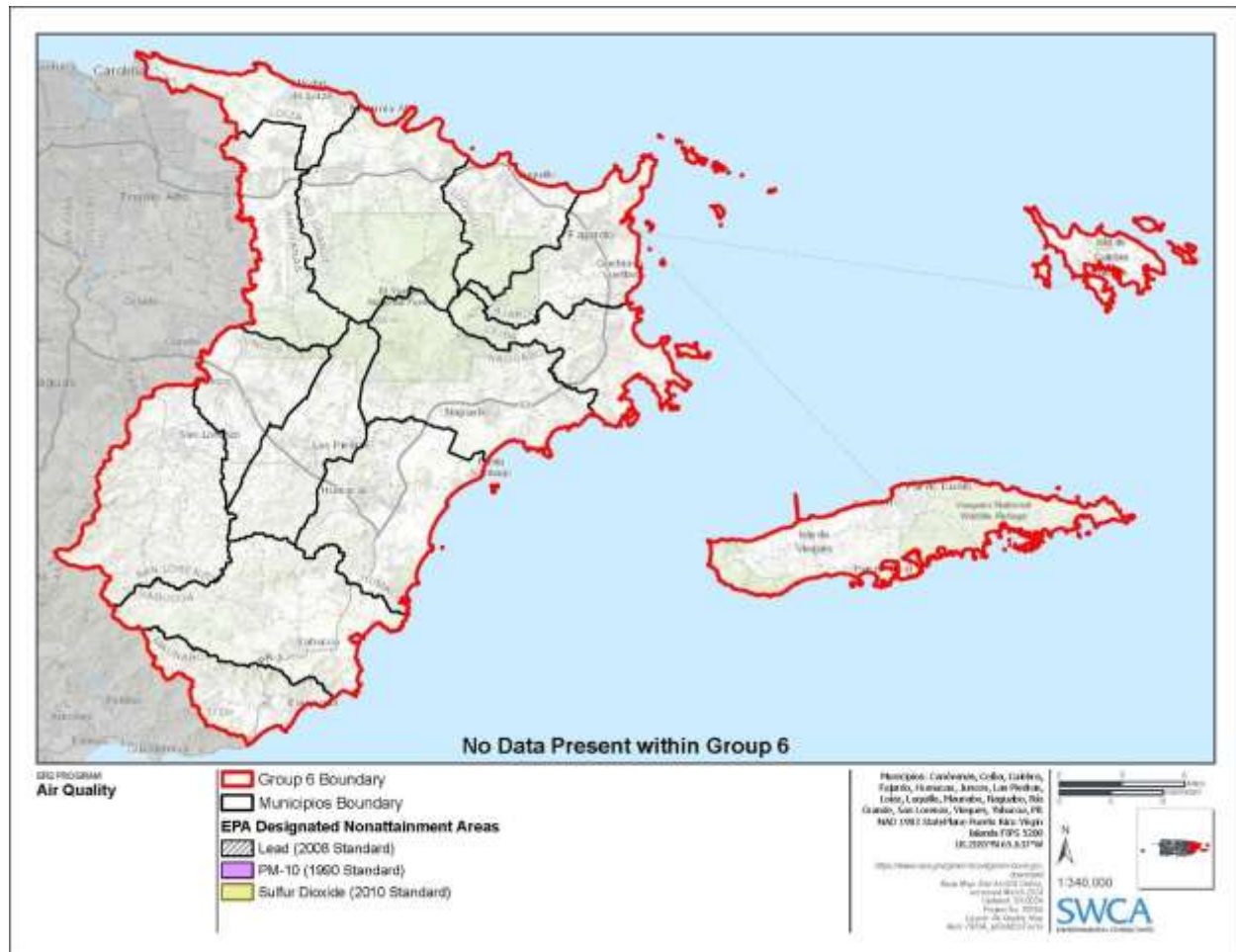


Figure A-4-7 National Ambient Air Quality Standards for Puerto Rico

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Puerto Rico Nonattainment/Maintenance Status for Each County by Year for All Criteria Pollutants | Green Book | US EPA

[Logo](#)

You are here: EPA Home > Green Book > National Area and County-Level Multi-Pollutant Information > Puerto Rico Nonattainment/Maintenance Status for Each County by Year for All Criteria Pollutants

### Puerto Rico Nonattainment/Maintenance Status for Each County by Year for All Criteria Pollutants

Data is current as of January 31, 2024

Listed by County, NAAQS, Area. The 8-hour Ozone (1997) standard was revoked on April 8, 2015 and the 1-hour Ozone (1979) standard was revoked on June 15, 2005.

\* The 1997 Primary Annual PM<sub>2.5</sub> NAAQS (level of 15 µg/m<sup>3</sup>) is revoked in attainment and maintenance areas for that NAAQS. For additional information see the PM<sub>2.5</sub> NAAQS SIP Requirements Final Rule, effective October 24, 2016. (81 FR 58009)

Change the State:

Important Notes

Download National Dataset: [csv](#) | [xls](#) | [Data dictionary \(PDF\)](#)

County	NAAQS	Area Name	Nonattainment in Year	Redesignation to Maintenance	Classification	Whole or Part County	Population (2010)	State/County FIPS Codes
<b>PUERTO RICO</b>								
Arcebo Municipio	Lead (2008)	Arcebo, PR	11/12/13/14/15/16/17/18/19/20/21/22/23/24	//		Part	32,185	72/013
Bayamon Municipio	Sulfur Dioxide (2010)	San Juan, PR	18/19/20/21/22/23/24	//		Part	22,921	72/021
Caguas Municipio	Sulfur Dioxide (2010)	San Juan, PR	18/19/20/21/22/23/24	//		Whole	28,140	72/033
Guaynabo Municipio	PM-10 (1987)	Man. of Guaynabo, PR	928394959697989900010203040506070809	03/11/2010	Moderate	Part	90,470	72/061
Guaynabo Municipio	Sulfur Dioxide (2010)	San Juan, PR	18/19/20/21/22/23/24	//		Part	23,802	72/061
Salinas Municipio	Sulfur Dioxide (2010)	Guayama-Salinas, PR	18/19/20/21/22/23/24	//		Part	23,401	72/123
San Juan Municipio	Sulfur Dioxide (2010)	San Juan, PR	18/19/20/21/22/23/24	//		Part	147,963	72/127
Toa Baja Municipio	Sulfur Dioxide (2010)	San Juan, PR	18/19/20/21/22/23/24	//		Part	52,441	72/137

Important Notes

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3/26/24 10:55

[https://www3.epa.gov/airquality/greenbook/naeyo\\_pr.html](https://www3.epa.gov/airquality/greenbook/naeyo_pr.html)

Source: US Environmental Protection Agency, National Ambient Air Quality Standards, Green Book

## Exhibit A-5 – Coastal Zone Management

Coastal Zone Management Act, sections 307(c) & (d)

### Group 1

Group 1 Municipalities	Acres
Bayamón	49.20
Carolina	6,978.68
Cataño	1,676.83
Guaynabo	900.28
San Juan	6,387.94
Toa Baja	3,065.52
Trujillo Alto	0.00
<b>Coastal Management Zones in Group 1</b>	<b>19,058.45</b>

### Group 2

Group 2 Municipalities	Acres
Arecibo	9,147.49
Barceloneta	2,536.24
Camuy	1,803.96
Dorado	2,768.70
Florida	0.0
Hatillo	1,897.04
Manati	4,467.89
Quebradillas	1,462.69
Toa Alta	0.0
Vega Alta	998.77
Vega Baja	5,630.88
<b>Coastal Management Zones in Group 2</b>	<b>30,713.64</b>

### Group 3

Group 3 Municipalities	Acres
Aguada	2,353.81
Aguadilla	3,998.87
Añasco	1,595.32
Cabo Rojo	27,972.13
Hormigueros	6.70
Isabela	4,006.78
Lajas	9,571.78
Las Marías	0.0
Maricao	0.0

Mayagüez	17,805.28
Moca	0.0
Rincón	2,870.99
Sabana Grande	0.0
San German	0.0
San Sebastián	0.0
<b>Coastal Management Zones in Group 3</b>	<b>70,181.67</b>

#### Group 4

Group 4 Municipalities	Acres
Adjuntas	0
Ciales	0
Guánica	12,905.22
Guayanilla	5,549.03
Jayuya	0
Juana Díaz	3,155.24
Lares	0
Peñuelas	2,174.71
Ponce	6,072.19
Utado	0
Villalba	0
Yauco	1,435.13
<b>Coastal Management Zones in Group 4</b>	<b>31,291.53</b>

#### Group 5

Group 5 Municipalities	Acres
Aguas Buenas	0
Aibonito	0
Arroyo	1,613.87
Barranquitas	0
Caguas	0
Cayey	0
Cidra	0
Coamo	0
Comerio	0
Corozal	0
Guayama	6,414.11
Gurabo	0
Morovis	0
Naranjito	0
Orocovis	0



Patillas	3,132.09
Salinas	8,228.52
Santa Isabel	4,051.69
<b>Coastal Management Zones in Group 5</b>	<b>23,440.28</b>

## Group 6

<b>Group 6 Municipalities</b>	<b>Acres</b>
Canóvanas	179.75
Ceiba	6,003.27
Culebra	7,545.48
Fajardo	4,899.11
Humacao	5,348.33
Juncos	0.00
Las Piedras	0.00
Loíza	8,756.71
Luquillo	2,538.42
Maunabo	4,626.68
Naguabo	3,429.07
Río Grande	4,826.07
San Lorenzo	0.00
Vieques	32,844.10
Yabucoa	7,027.01
<b>Coastal Management Zones in Group 6</b>	<b>88,024.00</b>

## Dataset(s) used in evaluation

<b>Agency</b>	<b>Internet link</b>	<b>Accessed</b>	<b>Dataset Date</b>
National Oceanic and Atmospheric Administration	<a href="https://coast.noaa.gov/arcgismc/rest/services/Hosted/CoastalZoneManagementAct/FeatureServer">https://coast.noaa.gov/arcgismc/rest/services/Hosted/CoastalZoneManagementAct/FeatureServer</a>	03/01/ 2024	08/30/2022

## Agencies or their regulations consulted during Broad Review

National Oceanic and Atmospheric Administration (NOAA)

Puerto Rico Dept. Of Natural and Environmental Resources (DNER)

Puerto Rico Planning Board

## Supporting Documentation

Figure A-5-1. Map Showing the Group 1 Coastal Zone Management Areas

Figure A-5-2. Map Showing the Group 2 Coastal Zone Management Areas

Figure A-5-3. Map Showing the Group 3 Coastal Zone Management Areas

Figure A-5-4. Map Showing the Group 4 Coastal Zone Management Areas

Figure A-5-5. Map Showing the Group 5 Coastal Zone Management Areas

Figure A-5-6. Map Showing the Group 6 Coastal Zone Management Areas

Attachment A-5-1. Month XX, 2024 communication from PRDOH to NOAA and Month XX, 2024 Reply

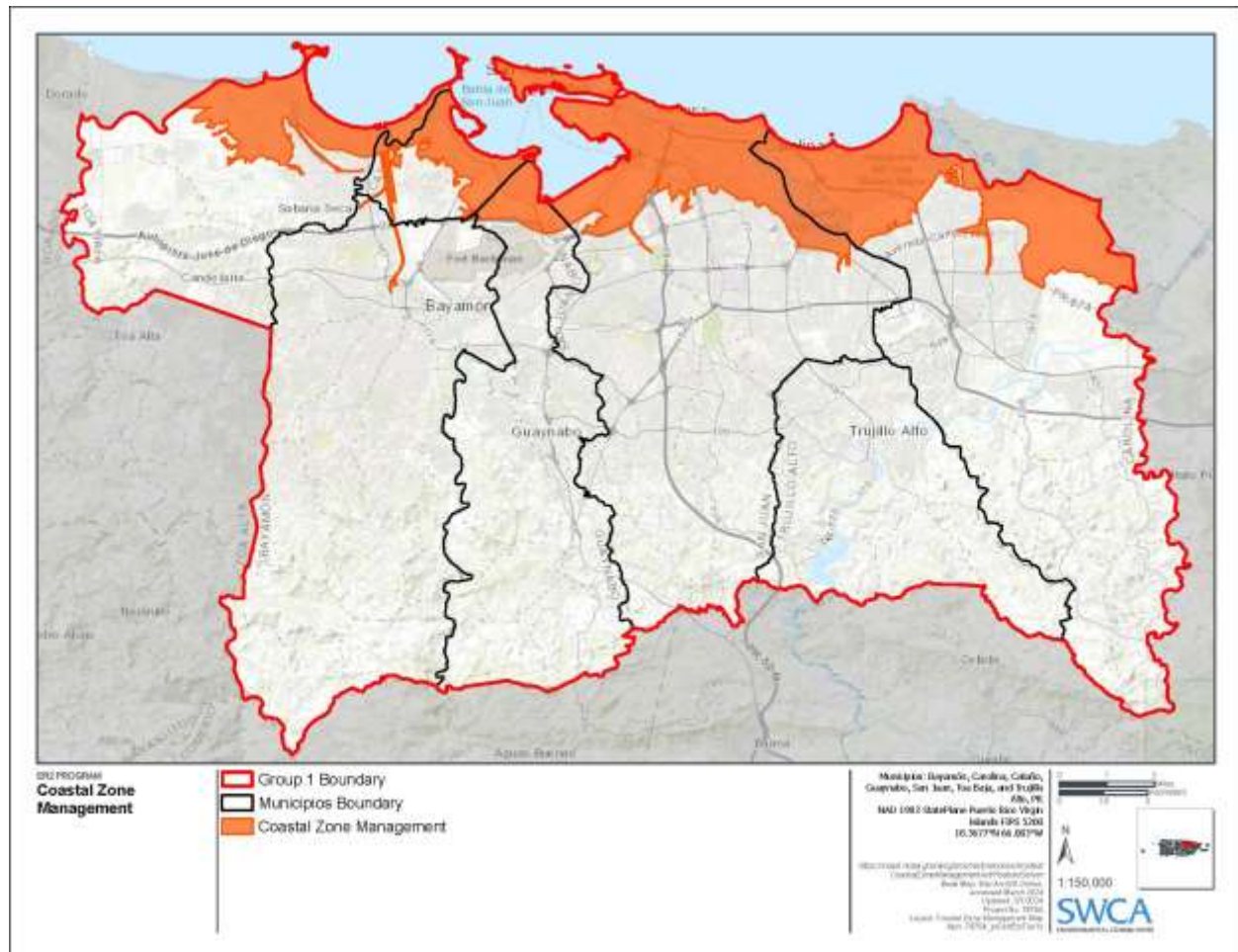
Attachment A-5-2. Month XX, 2024 communication from PRDOH to DNER and Month XX, 2024 Reply

Attachment A-5-3. Month XX, 2024 communication from PRDOH to Puerto Rico Planning Board and Month XX, 2024 Reply

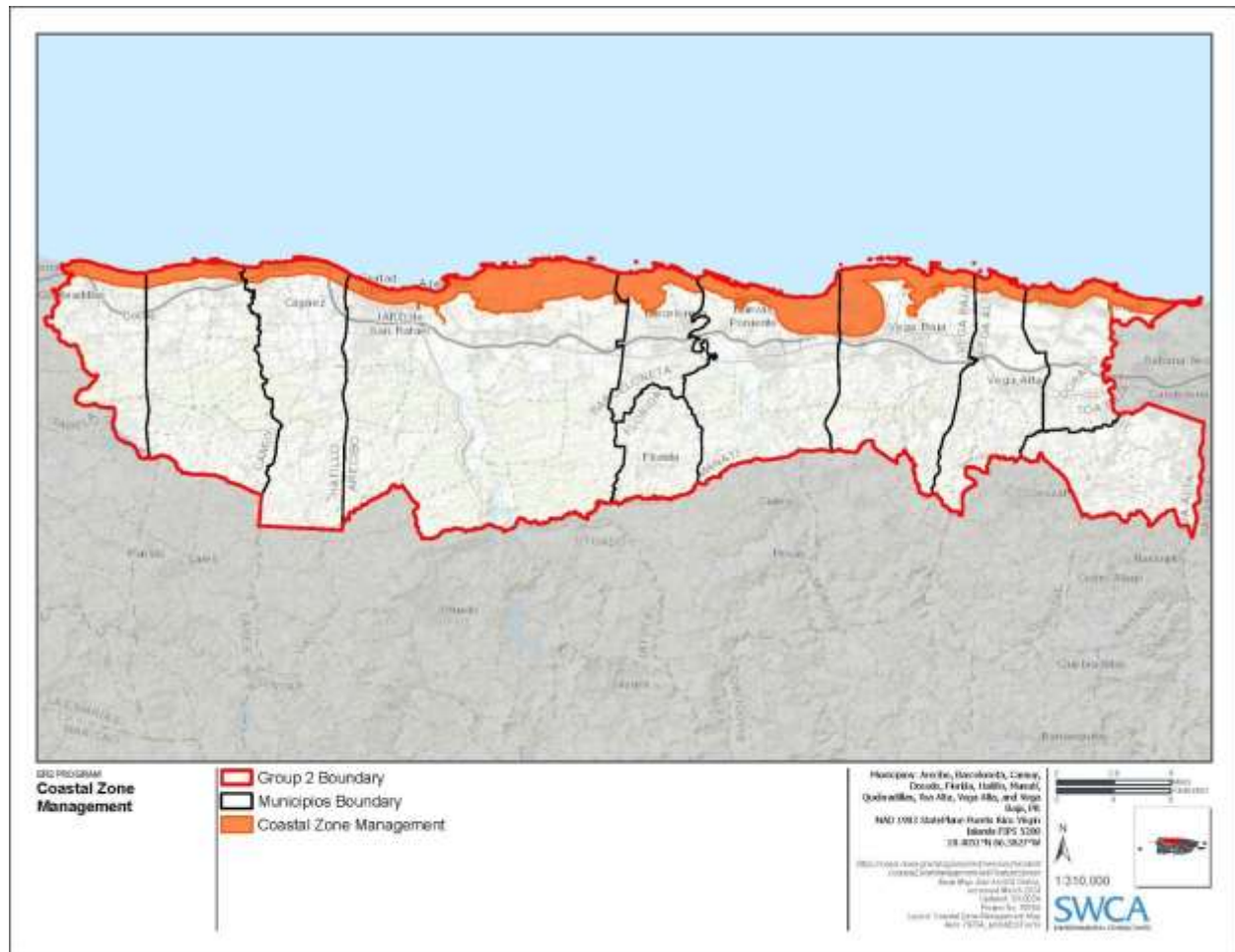
Attachment A-5-4. Planning Board Resolution JP-2024-004 First Amendment

ENVIRONMENTAL FINDING: Compliance determination achieved in the Tier I Broad level Review for all Regional Groups (Group 1-6), as described below. Project sites located outside the designated Coastal Management Zone are not subject to PR Coastal Zone Management Program requirements and are therefore in compliance with the CZMA. Project sites located within the designated Coastal Management Zone have been found to comply with both HUD and territorial regulations. The Puerto Rico Planning Board (PRPB) has confirmed that the described project activities—those to be financed under this program—are consistent with the Puerto Rico Coastal Zone Management Program. Therefore, the review is in compliance with Coastal Zone Management Act. Further evaluation at the Tier II site-specific level is not required.

**Figure A-5-1. Map Showing Group 1 Coastal Zone Management Areas**



**Figure A-5-2. Map Showing Group 2 Coastal Zone Management Areas**



**Figure A-5-3. Map Showing Group 3 Coastal Zone Management Areas**

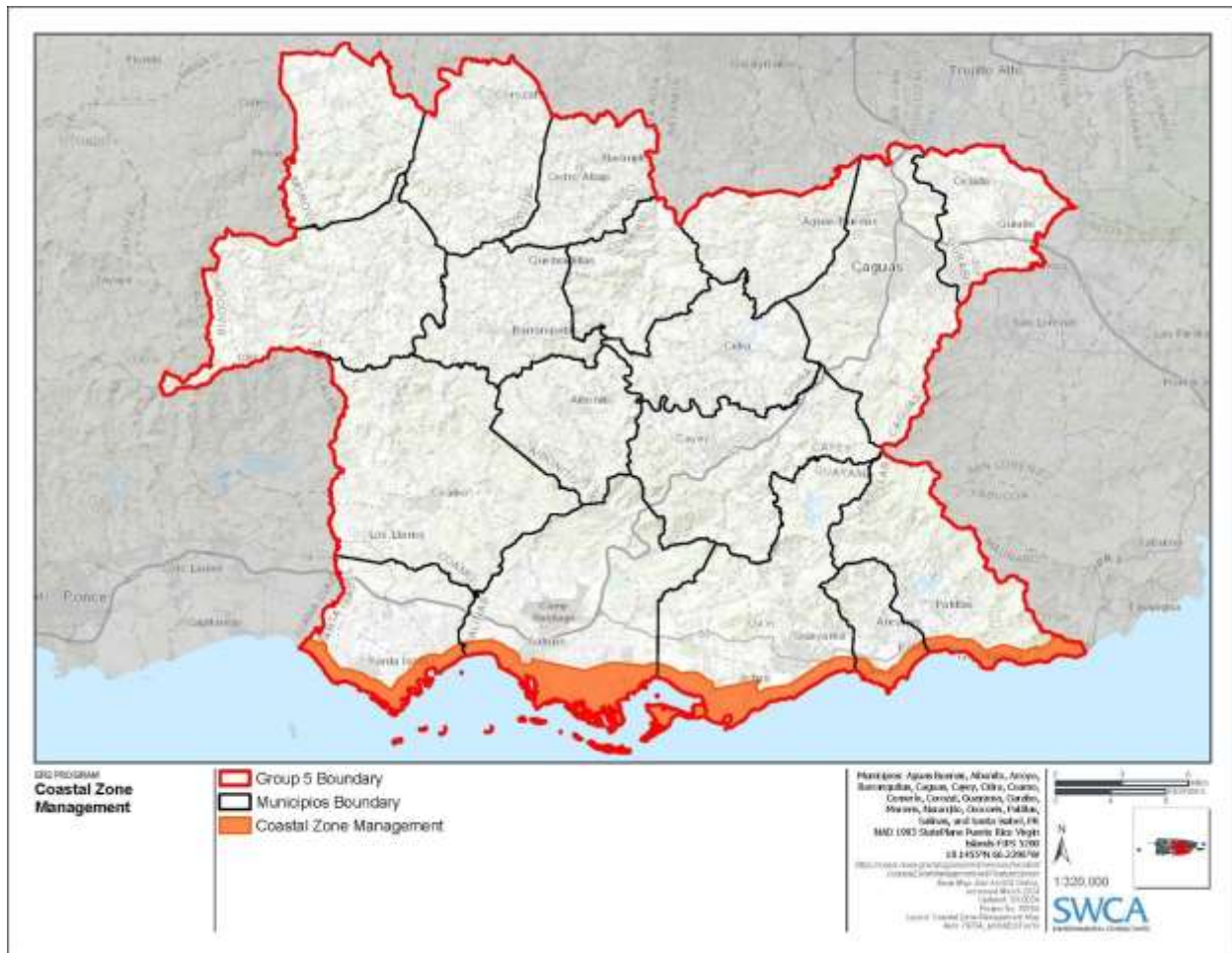


**Figure A-5-4. Map Showing Group 4 Coastal Zone Management Areas**

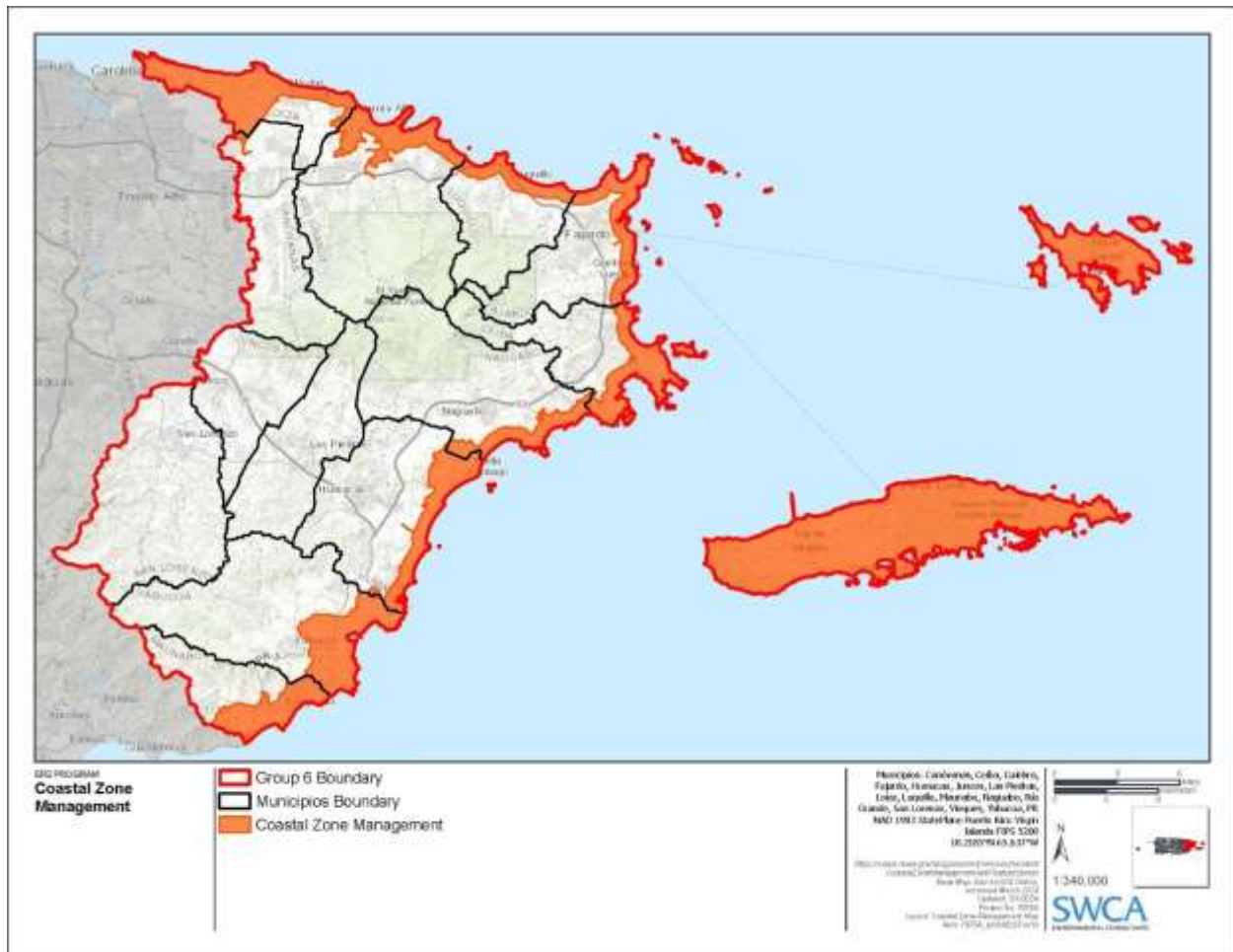




### Figure A-5-5. Map Showing Group 5 Coastal Zone Management Areas



**Figure A-5-6. Map Showing Group 6 Coastal Zone Management Areas**



**Attachment A-5-1.**

**Month XX, 2024 communication from PRDOH to NOAA  
and Month XX, 2024 Reply**

**Awaiting receipt from PRDOH**

**Attachment A-5-2.**

**Month XX, 2024 communication from PRDOH to DNER  
and Month XX, 2024 Reply**

**Awaiting receipt from PRDOH**

**Attachment A-5-3.**

**Month XX, 2024 communication from PRDOH to Puerto Rico Planning Board  
and Month XX, 2024 Reply**

**Awaiting receipt from PRDOH**

**Attachment A-5-4.**

**Planning Board Resolution JP-2024-004 First Amendment**



GOVERNMENT OF PUERTO RICO  
PUERTO RICO PLANNING BOARD

November 20, 2024

**RESOLUTION JP-2024-004**  
**First Amendment**Federal Consistency Certification with the  
Puerto Rico Coastal Zone Management Program  
Community Development Block Grant – Disaster Recovery (CDBG-DR) and  
Community Development Block Grant – Mitigation (CDBG-MIT)

The United States (U.S.) Government, through Major Disaster Declarations (DR-4336 and DR-4339), declared Puerto Rico a disaster area after the devastation caused by Hurricanes Irma and Maria. Considering this event, the U.S. Congress approved Community Development Block Grant – Disaster Recovery (CDBG-DR) funds for Puerto Rico's unmet disaster recovery needs, and Mitigation (CDBG-MIT) funds for the Commonwealth's long-term planning and risk mitigation activities. Moreover, the Congress approved additional CDBG-DR funds for the Commonwealth in response to Major Disaster Declarations: DR-4336, DR-4339, DR-4473, and DR-4671.

The damage caused by high-speed winds, storm surges, earthquakes, flooding, and landslides attributed to major disasters, had devastating effects on Puerto Rico's coastal areas that need to be addressed in an expeditious manner. While many of the direct emergency needs have been met, disaster recovery and mitigation need of the Commonwealth are on-going and will continue into the near future.

The Law Number 75 of June 24, 1975, as amended (Organic law of the Puerto Rico Planning Board) grants the Puerto Rico Planning Board (PRPB) the responsibility and powers to guide the comprehensive development of Puerto Rico, guaranteeing the general well-being of its current and future inhabitants.

The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq) establishes that federal agency activities including the award of Federal Assistance must be consistent to the maximum extent practicable with the enforceable policies of approved state management programs. The Puerto Rico Planning Board (PRPB) is the designated state agency to review and determine Federal Consistency with the PR Coastal Zone Management Program according to established procedures at 15 CFR Part 930.

The Commonwealth of Puerto Rico is formally the Grantee for the CDBG-DR and CDBG-MIT funds. The Governor of Puerto Rico designated the Puerto Rico Department of Housing (PRDOH) as the grantee for the purposes of administering these funds and executing grant agreements with the U.S. Department of Housing and Urban Development (HUD), the federal oversight agency for the CDBG-DR and CDBG-MIT funding.

Taking into consideration the high volume of requests for federal assistance that has been generated as part of the recovery process following the disaster declarations and the current need to expedite this process, the PRPB proceeded to carry out a review of Federal Consistency with the PMZCPR for the following federal assistance programs:

- CDBG-DR eligible activities provided in Section 105(a) of the Housing and Community Development Act of 1974 (HCDA), and outlined in the applicable Federal Register Notices, the CDBG-DR Action Plan and CDBG-DR Program Guidelines.
- CDBG-MIT eligible activities provided in Section 105(a) of the Housing and Community Development Act of 1974 (HCDA), and outlined in the applicable Federal Notices, the CDBG-MIT Action Plan and CDBG-MIT Program Guidelines.

After considering the information provided by PRDOH in relation to the eligible projects and activities to be awarded by the above-mentioned programs, the PR Planning Board (PRPB) in their meeting held on July 24, 2024, agreed the following:

- A. The following activities or projects to be financed under the CDBG-DR and CDBG-MIT programs have no significant impact on Puerto Coastal Resources and do not require Federal Consistency review:
  - 1. Activities to be financed under the following subprograms:
    - a. **Community Energy and Water Resilience Installations Program (CEWRIP)**: The Program provide single-family homeowners energy and water efficiency improvements to promote resilience by installing PV systems with battery backup for critical loads and water storage systems.
    - b. **The Workforce Training Program (WFT)**: supports entities throughout the Island to offer training in job skills related to the reconstruction and economic growth of Puerto Rico. Also, those skills necessary to situate the Island in the economy of the future.
    - c. **Small Business Financing Program (SBF)**: will provide a Recovery Grants phase (grants awards of up to \$150,000) for working capital and movable equipment for small businesses and microenterprises that suffered physical and/or financial losses due to the Hurricanes. Start-ups created after the Hurricanes are also eligible if they can show their creation was the result of a closure of a previous business of same owner(s), after damages caused by the Hurricanes.
    - d. **Re-grow PR Urban-Rural Agriculture Program**: Develop, Increase and improve agricultural capacity and addresses the needs created by Hurricanes Irma and María with a substantial investment of CDBG-DR funds for a wide variety of viable and sustainable agricultural activities.
  - 2. Projects or activities that are exempt from construction permits according to Act 161-2009, as amended, known as the "Puerto Rico Permit Process Reform Act" and the "Joint Regulation for Evaluation and Expedition of Permits Related to Development, Land Use and Business Operation" (Regulation Number 9473).
- B. Federal assistance awarded under the CDBG-DR and CDBG-MIT programs for demolition of structures with the purpose of restoring green areas, beaches, water retention areas and habitat recovery is consistent with the PRCZMP.
- C. Federal assistance awarded under the CDBG-DR and CDBG-MIT programs for projects that involve demolition for reconstruction, reconstruction or construction of a new structure is consistent with the PRCZMP if the project fulfills the following requirements:
  - 1. The project must comply with land use regulations established under the PR Land Use Plan, Territorial Plans and special plans that apply according to the location of the project.
  - 2. The structure to be constructed or reconstructed must comply with applicable regulations and parameters established in the "Joint Regulation for Evaluation and Expedition of Permits Related to Development, Land Use and Business Operation" (Regulation Number 9473).

3. Each project must provide evidence of compliance with the PR Environmental Policy Law (Law number 416 of September 22, 2004) by providing copy of the Environmental Compliance Determination emitted by OGPe.
  4. The structure to be built or rehabilitated must be located outside flood risk zones according to the "Recommended Base Flood Level Maps" (FEMA Advisory Maps) effective on April 13, 2018, or the most recent FEMA map that applies according to the location of the project.
  5. Structures located within a flood hazard zone must evidence compliance with the Special Flood Hazard Zone Regulations (Planning Regulation Number 13) by providing copy of the FEMA Elevation Certificate (form ff-206-fy22-152) completed and signed by an engineer or surveyor.
  6. In the case of projects that are located within Historic Zones designated by the PR Planning Board, or if the structure was designated as a Historic Site, the project must have the endorsement of the Puerto Rican Culture Institute and the State Historic Preservation Office.
- D. Federal assistance awarded under the CDBG-DR and CDBG-MIT programs for infrastructure projects (sidewalks, roads, highways, service lines, public squares) are consistent with the PRCZMP with the condition that the applicant fulfill the following requirements before the construction phase of the project:
1. Evidence compliance with the PR Environmental Policy Law (Law number 416 of September 22, 2004) by providing copy of the Environmental Compliance Determination emitted by the PR Permit Management Office (OGPe).
  2. Evidence compliance with the Special Flood Hazard Zone Regulations (Planning Regulation Number 13) when it is required depending on the nature and location of the project.
  3. In the case of projects that are located within Historic Zones designated by the PR Planning Board, the project must have the endorsement of the Puerto Rican Culture Institute.

The Office of Geology and Hydrogeology (OGH) of the Puerto Rico Planning Board will provide a conditioned certification letter which will allow the applicant to have access to the funds to finance the design and permitting phase. The Puerto Rico Planning Board in its meeting of November 20, 2024 determined that the applicant must fulfill the above mentioned requirements **120 days from receipt of the OGH Conditioned Certification letter**. If the applicant needs additional time to fulfill the required documents, it must be justified and requested referring to the assigned case number through [comentariosjp.pr.gov](mailto:comentariosjp.pr.gov).

- E. Furthermore, The PR Planning Board on February 1, 2023, issued Resolution JP-339 that covers Federal Emergency Management Agency's (FEMA) Public Assistance Program (PA) and Hazard Mitigation Grant Program (HMGP). Therefore, federal assistance awarded through the "Infrastructure Coordination Program" to match the non-federal items that are required for projects under PA and HMGP programs **are covered by Resolution JP-339 and will not require to be submitted to the PRPB for federal consistency review.**

- F. Hence, Projects for the reconstruction, repair, or rehabilitation of structures for water-dependent uses (piers, boat ramps etc.) **are not covered under this Resolution and must be filed at the US Army Corps of Engineers through RSS.**

This General Federal Consistency Certification will be in effect for five (5) years from the notification date of this resolution. The Certification at reference will be renewed or amended if necessary to extend its validity or address other matters.

**The following parties shall be notified:** William Rodríguez, Secretary, PR Department of Housing (PRDH); Angel G. López Guzmán, Permits and Environmental Compliance Division, PRDH; Juan C. Perez Bofill, PRDH; Aldo A. Rivera, PRDH; Alberto Mercado, Jose A. Cedeño Maldonado, US Department of Housing and Urban Development (HUD), Donna M. Mahon, HUD and Magaly Massanet Rodríguez, Director, Puerto Rico Coastal Zone Management Program, DNER.

**ADOPTED** in San Juan, Puerto Rico on July 24, 2024.

**Amended** today, November 20, 2024.

  
Plan. Julio Lassús Ruiz, LLM, MP, PPL  
President


  
Ing. José Díaz Díaz, MEM, BSIE  
Associate Member

  
Lemuel Rivera Rivera, BSEE, CAPM  
Associate Member

  
Plan. Rebecca Rivera Torres, MPR, PPL  
Alternate Member

**Certify:** That this Resolution is copy of the agreement adopted by Puerto Rico Planning Board in its meeting of **November 20, 2024**. I expedite and notify this copy to the parties under my sign and official stamp of the Puerto Rico Planning Board stamp, for general use and knowledge.

In San Juan, Puerto Rico, today, **DEC 23 2024**

  
Edgardo Vázquez  
Secretary



## Exhibit A-6 – Contamination and Toxic Substances

24 CFR 50.3(i) & 58.5(i)(2)

### Group 1

Hazardous Site Type/Database	Number in Group 1
Brownfields Site Assessment (BSA) – ACRES Database	34
Air Pollution – AIRS Database	118
Water Dischargers – NPDES Database	468
Hazardous Waste – RCRA Database	1,464
Superfund Sites – SEMS Database	1
Toxic Releases – TRIS	99
Toxic Substance Control Act (TSCA)	9
<b>Total Sites in Group 1</b>	<b>2,193</b>

### Group 2

Hazardous Site Type/Database	Number in Group 2
Brownfields Site Assessment (BSA) – ACRES Database	6
Air Pollution – AIRS Database	65
Water Dischargers – NPDES Database	203
Hazardous Waste – RCRA Database	461
Superfund Sites – SEMS Database	7
Toxic Releases – TRIS	73
Toxic Substance Control Act (TSCA)	15
<b>Total Sites in Group 2</b>	<b>830</b>

### Group 3

Hazardous Site Type/Database	Number in Group 3
Brownfields Site Assessment (BSA) – ACRES Database	17
Air Pollution – AIRS Database	55
Water Dischargers – NPDES Database	305
Hazardous Waste – RCRA Database	436
Superfund Sites – SEMS Database	2
Toxic Releases – TRIS	54
Toxic Substance Control Act (TSCA)	6
<b>Total Sites in Group 3</b>	<b>875</b>

### Group 4

Hazardous Site Type/Database	Number in Group 4
Brownfields Site Assessment (BSA) – ACRES Database	55

Air Pollution – AIRS Database	43
Water Dischargers – NPDES Database	274
Hazardous Waste – RCRA Database	450
Superfund Sites – SEMS Database	3
Toxic Releases – TRIS	46
Toxic Substance Control Act (TSCA)	4
<b>Total Sites in Group 4</b>	<b>875</b>

### Group 5

Hazardous Site Type/Database	Number in Group 5
Brownfields Site Assessment (BSA) – ACRES Database	35
Air Pollution – AIRS Database	67
Water Dischargers – NPDES Database	358
Hazardous Waste – RCRA Database	661
Superfund Sites – SEMS Database	3
Toxic Releases – TRIS	72
Toxic Substance Control Act (TSCA)	6
<b>Total Sites in Group 5</b>	<b>1,202</b>

### Group 6

Hazardous Site Type/Database	Number in Group 6
Brownfields Site Assessment (BSA) – ACRES Database	23
Air Pollution – AIRS Database	51
Water Dischargers – NPDES Database	314
Hazardous Waste – RCRA Database	476
Superfund Sites – SEMS Database	2
Toxic Releases – TRIS	65
Toxic Substance Control Act (TSCA)	4
<b>Total Sites in Group 6</b>	<b>935</b>

### Dataset(s) used in evaluation

Agency	Internet link	Accessed	Dataset Date
U.S. Environmental Protection Agency	<a href="https://geopub.epa.gov/arcgis/rest/services/EMEF/efpoints/MapServer">https://geopub.epa.gov/arcgis/rest/services/EMEF/efpoints/MapServer</a>	03/01/ 2024	02/17/2023

### Agencies or their regulations consulted during Broad Review

Centers for Disease Control and Prevention

U.S. Environmental Protection Agency (EPA)

U.S. Department of Housing and Urban Development (HUD)



U.S. Geological Survey

University of Puerto Rico - Mayaguez Campus

Puerto Rico Department of Health

Puerto Rico Department of Natural and Environmental Resources (DNER)

Supporting Documentation

Figure A-6-1. Map of Contamination and Toxic Substances in Group 1

Figure A-6-2. Map of Contamination and Toxic Substances in Group 2

Figure A-6-3. Map of Contamination and Toxic Substances in Group 3

Figure A-6-4. Map of Contamination and Toxic Substances in Group 4

Figure A-6-5. Map of Contamination and Toxic Substances in Group 5

Figure A-6-6. Map of Contamination and Toxic Substances in Group 6  
Attachment A-6-1. March 6, 2024 Letter from PRDOH to HUD Regarding Radon and HUD May 5, 2024 reply

Attachment A-6-2. August 20, 2024 Letter from PRDOH to CDC Regarding Radon and  
CDC September 3, 2024 Reply

Attachment A-6-3. August 20, 2024 Letter from PRDOH to DNER Regarding Radon (No  
Response Received from DNER)

Attachment A-6-4. August 20, 2024 Letter from PRDOH to EPA Regarding Radon and  
EPA September 23, 2024 Reply

Attachment A-6-5. August 20, 2024 Letter from PRDOH to PR Health Department  
Regarding Radon and Health Department August 21, 2024 Reply

Attachment A-6-6. August 20, 2024 Letter from PRDOH to University of Puerto Rico -  
Mayaguez Regarding Radon (No Response Received from UPR Mayaguez University)

Attachment A-6-7. August 20, 2024 Letter from PRDOH to USGS Regarding Radon and  
USGS August 21, 2024 Reply

Attachment A-6-8. Memorandum to File - Justification for the Infeasibility and  
Impracticability of Radon Testing

Attachment A-6-9. Month XX, 2024 communication from PRDOH to DNER and Month XX,  
2024 Reply

**ENVIRONMENTAL FINDING:**

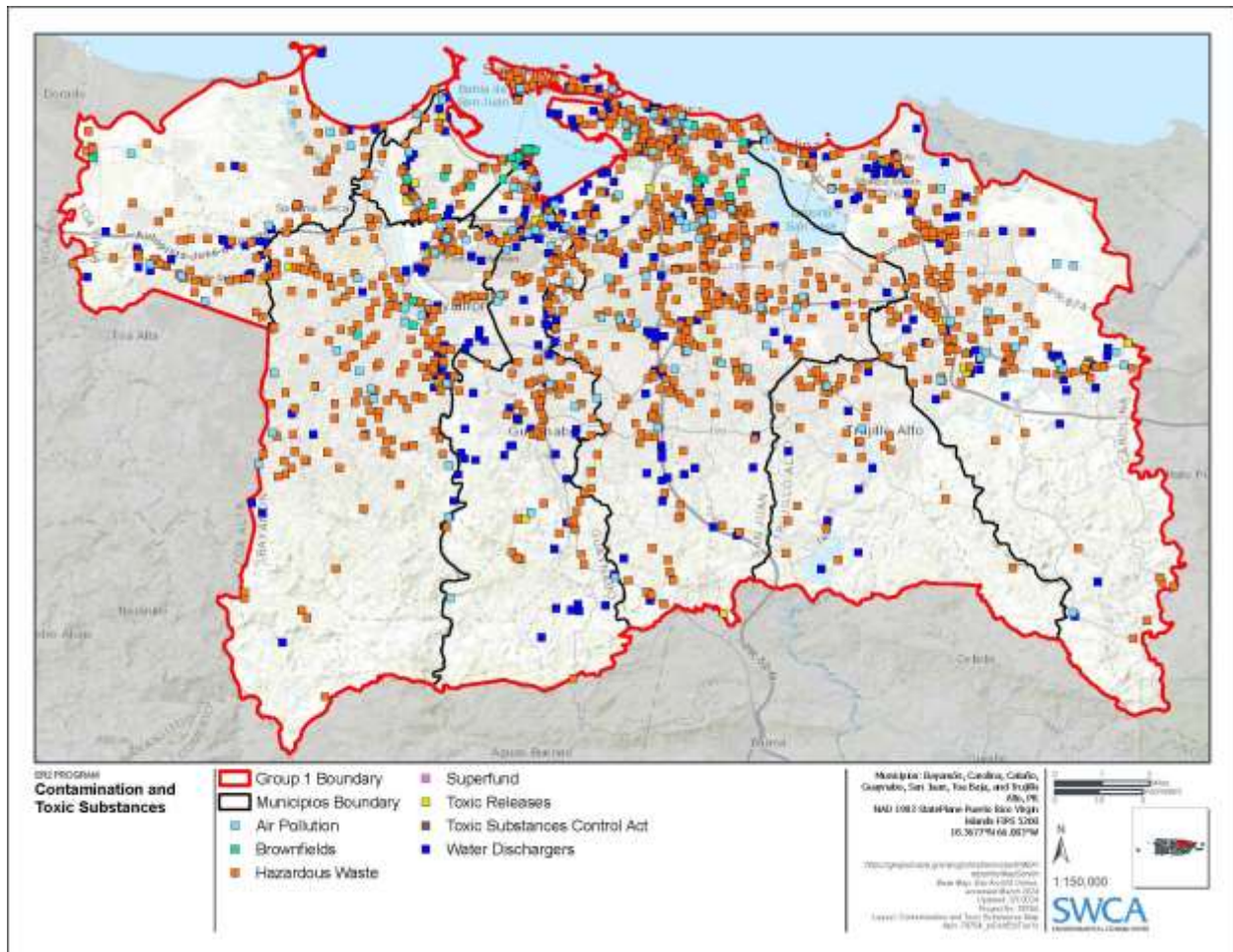
**Compliance with radon and asbestos achieved in the Tier I Broad level Review for all  
Regional Groups (Group 1-6) . Compliance for most on-site Contamination and Toxic**

**Substances, Hazardous materials and facilities and lead based paint environmental factors under this review topic will be achieved during the Tier II site-specific review, for all Regional Groups (Group 1-6).**

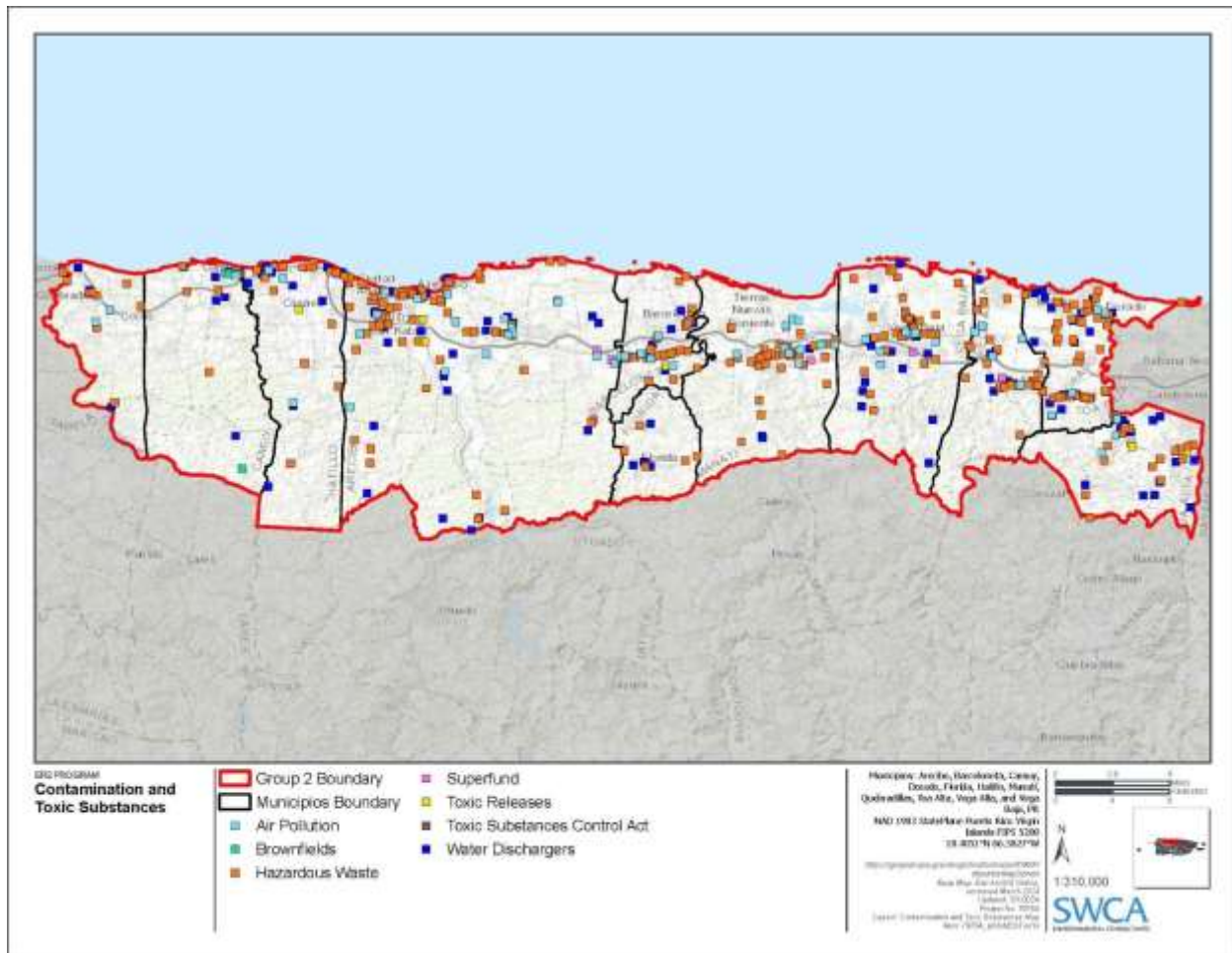
**All applications must be evaluated at the Tier II site-specific level for potential contamination and toxic substance hazards. The Program is compliant with HUD Notice CPD-23-103 regarding radon concerns as PRDOH completed consultation with multiple parties to establish that there is a lack of scientific data and that radon testing would be impractical. The Program is also compliant regarding potential asbestos contamination as the project activities are within the de minimus levels established under 41 CFR 61.145(a)(4) and Puerto Rico Regulation No. 9098.**

**Additional studies are required for compliance through the Tier II site-specific evaluation process for: (a) hazardous facilities within 3,000-ft search radius; (b) potential on-site contamination; and (c) lead-based paint assessment if the building also contains residential units or a childcare facility.**

**Figure A-6-1. Map of Contamination and Toxic Substances in Group 1**



**Figure A-6-2. Map of Contamination and Toxic Substances in Group 2**

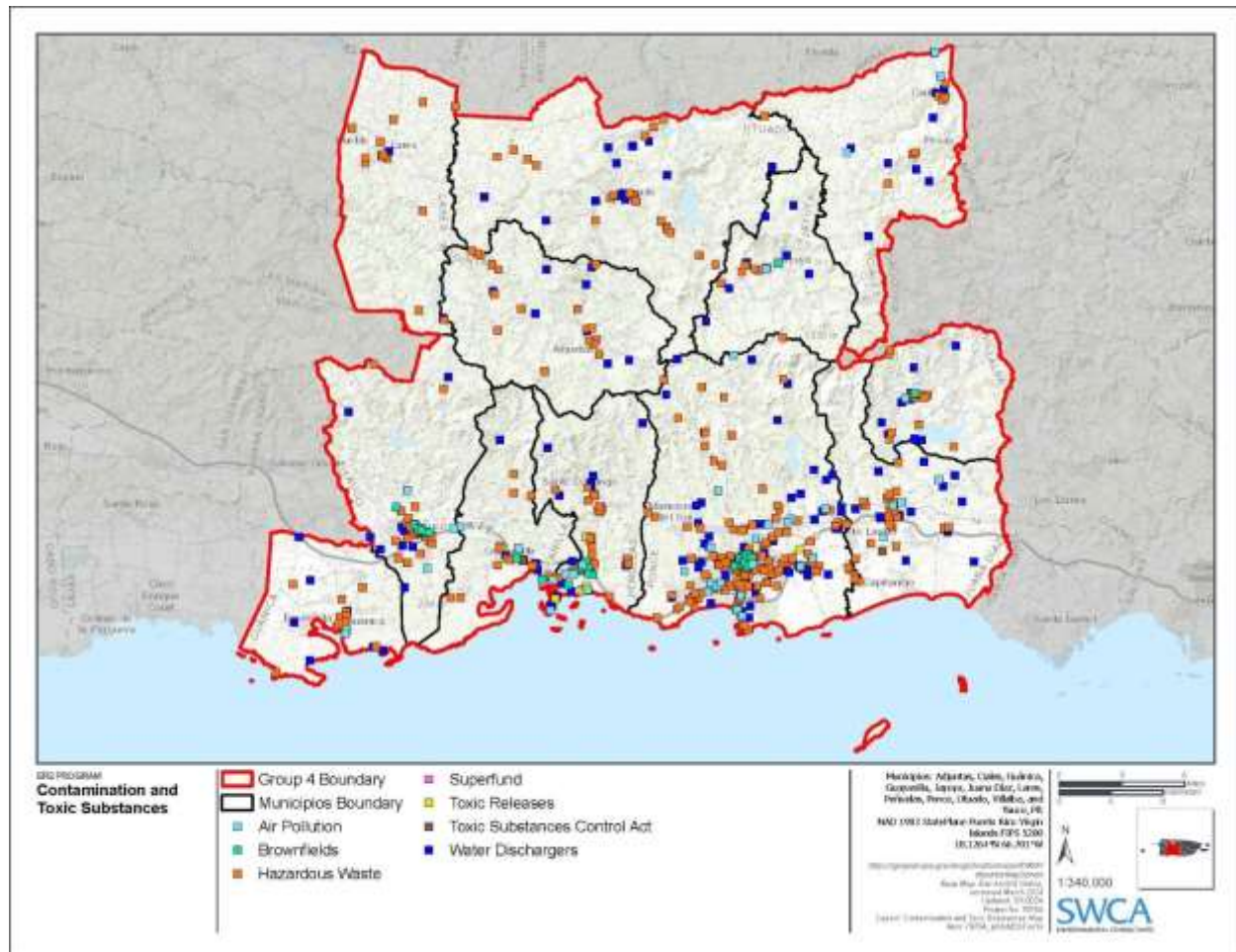


**Figure A-6-3. Map of Contamination and Toxic Substances in Group 3**





**Figure A-6-4. Map of Contamination and Toxic Substances in Group 4**

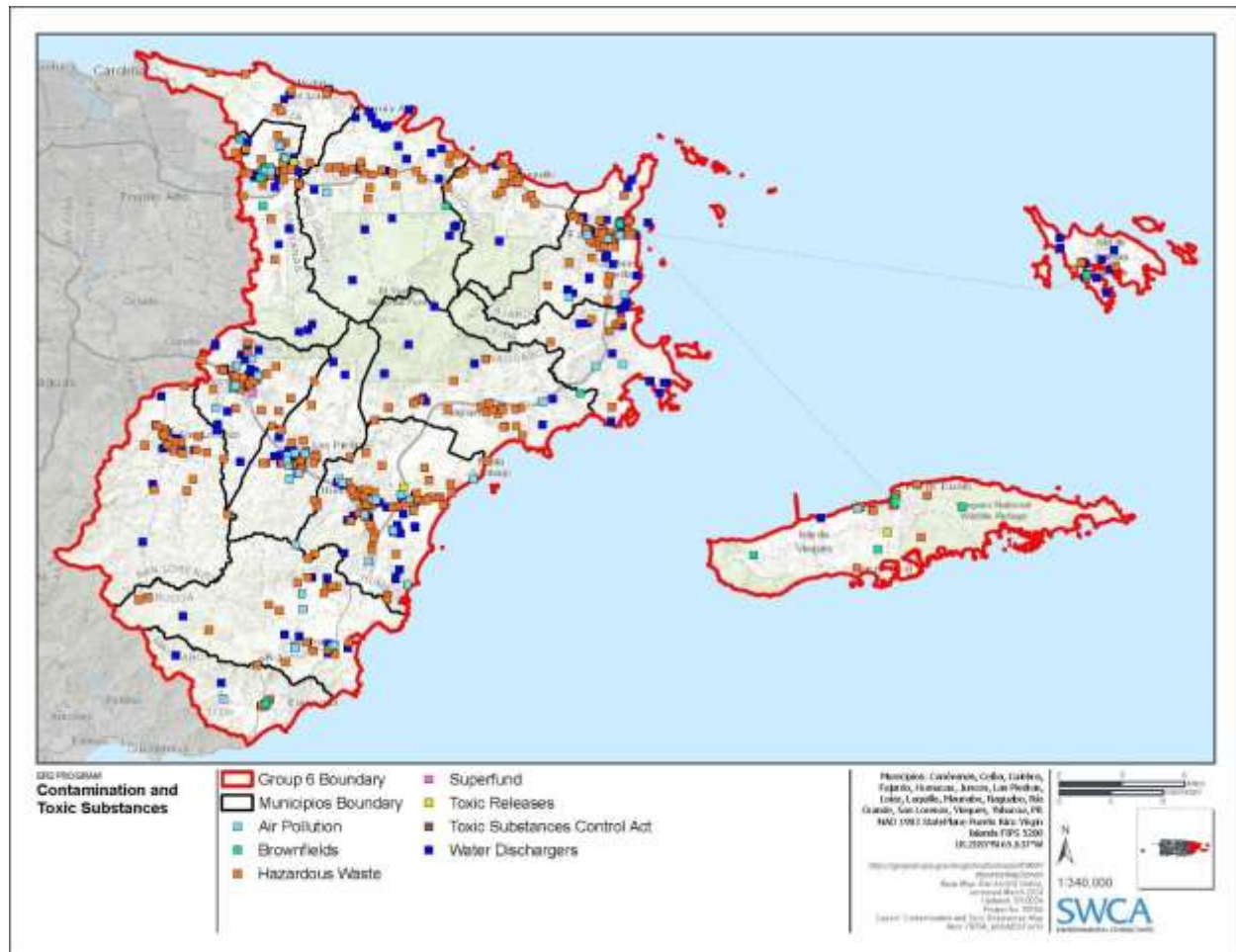




**Figure A-6-5. Map of Contamination and Toxic Substances in Group 5**

PLACE HOLDER FOR GROUP 5 TOXICS MAP

**Figure A-6-6. Map of Contamination and Toxic Substances in Group 6**



**Attachment A-6-1.**

**March 6, 2024 Letter from PRDOH to HUD Regarding Radon Compliance  
and HUD May 5, 2024 Reply**



GOVERNMENT OF PUERTO RICO  
DEPARTMENT OF HOUSING

March 6, 2024

Mrs. Marcia L. Fudge  
Secretary  
U.S. Department of Housing and Urban Development  
451 7<sup>th</sup> Street, S.W.,  
Washington, DC 20410

Via email: [disaster\\_recovery@hud.gov](mailto:disaster_recovery@hud.gov)

**RE: Request to Extend Effective Date of Compliance with HUD CPD-23-103 for Puerto Rico**

Dear Secretary Fudge,

On January 11, 2024, the U.S. Department of Housing and Urban Development (HUD) issued Notice CPD-23-103 to establish the Departmental Policy for Addressing Radon in the Environmental Review Process. HUD offered guidance on the recommended best practices and alternative options for considering radon in site contamination analysis and documenting the results in the environmental review record. Although compliance with the notice is required 90 days after its issuance for all HUD programs subject to 24 C.F.R. Parts 50 or 58, HUD recognized the need to provide additional support for certain radon programs and thus provided an extension until January 11, 2026, to Tribe, Tribally Designated Housing Entities (TBHE), and the Department of Hawaiian Homeland (DHHL) recipients.

As a best practice, HUD recommends that environmental review preparers use the American National Standards Institute/American Association of Radon Scientists and Technologists (ANSI/AARST) radon testing standards, which are intended to be implemented by licensed radon professionals. Alternatively, environmental review preparers may use do-it-yourself (DIY) radon test kits, have the local government purchase radon monitoring equipment and train staff to use it, or rely on scientific data review for which "there must be a minimum of 10 (ten) documented test results over the previous 10 years for which data is available in a given county for the scientific data review approach to be utilized." Less than 10 documented results over the previous 10-year period equals a lack of scientific data as per the Notice and "no further consideration of radon is needed **if testing is infeasible or impracticable**".

Considering the limited access to testing on the island, the lack of sufficient scientific data on local radon levels, and since there are only two licensed radon professionals island-wide, the implementation of the HUD Notice CPD-23-103 recommended best practices and alternative options for considering radon in site contamination analysis is currently

Barbosa Ave. #606, Building Juan C. Cordero Dávila, Río Piedras, PR 00918 | PO Box 21365 San Juan, PR 00928-1365  
Tel. (787) 274-2527 | [www.vivenda.pr.gov](http://www.vivenda.pr.gov)

CDBG-DR/MIT Programs  
Request to Extend Effective Date of Compliance  
with HUD CPD-23-103 for Puerto Rico  
Page 2 of 3

infeasible and impracticable for the Puerto Rico Department of Housing (**PRDOH**) as HUD's Community Development Block Grant for Disaster Recovery and Mitigation (**CDBG-DR/MIT**) grantee.

#### **I. Lack of Scientific Testing Data**

Based on information available through contacts at UPRM, EPA's Radon Website, and the Centers for Disease Control and Prevention (**CDC**) Data Explorer, Puerto Rico does not have an established Radon Program and recent reliable testing data is essentially nonexistent for the majority of the island.

#### **II. Puerto Rico's Background on Radon Testing**

Over the last 10 years, there have been only two scientific studies conducted regarding radon testing and monitoring in Puerto Rico. In 2019, the U.S. Environmental Protection Agency (**EPA**) embarked on an initiative—a partnership with the Department of Civil Engineering and Surveying of the University of Puerto Rico's Mayagüez Campus (**UPRM**)—focused on increasing Puerto Rico's radon monitoring capacity and providing advanced mapping to inform planning decisions, including the incorporation of radon-reducing features in building practices as part of the disaster recovery and rebuilding efforts. However, the study/sampling portion of this initiative was discontinued due to funding obstacles.

In 2021, EPA embarked on a second research initiative to introduce community mapping of radon in Puerto Rico, expand on the limited available data on radon risk in the Island, and help quantify radon risk. EPA itself acknowledged the many challenges Puerto Rico has faced in addressing radon risk:

*The extent of radon in Puerto Rico is not well-defined, which limits the ability [of] local governments to implement programs that would reduce radon risks. Traditional methods of radon testing require access to a certified laboratory for analysis. Puerto Rican communities do not have access to these laboratories. Also, typical methods are not logistically feasible on the island. EPA's project will provide training to community members to measure radon levels using new electronic radon testing devices that are not affected by Puerto Rico's humid climate or electrical instability.<sup>1</sup>*

#### **III. Infeasibility/Impracticability of Radon Testing Strategies in Puerto Rico**

As HUD recognized in the Notice, there may be certain scenarios where the recommended best practices or alternative options for considering radon in site

<sup>1</sup> EPA Embarks on Innovative Research Projects to Reduce Radon Risk in Puerto Rico, EPA News Releases: Region 2 (January 14, 2021), <https://www.epa.gov/newsreleases/epa-embarks-innovative-research-projects-reduce-radon-risk-puerto-rico>.



CDBG-DR/MIT Programs  
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Page 3 of 3

contamination analysis may not be feasible or practicable. This is precisely the case for Puerto Rico.

There are currently only two licensed radon professionals island-wide, and the challenges relating to the lack of availability and accessibility of reliable, accurate radon testing devices that prompted the EPA studies, remains unresolved.

As such, the implementation of radon testing protocols, prescribed as best practices, is not conducive to adhering to the budgets and timeframes established for PRDOH's CDBG-DR/MIT Programs—many of which are energy and economic development-focused programs, which were not designed with the mechanisms, budget, and schedule necessary to adopt the recommended radon testing protocols outlined in the Notice. Therefore, PRDOH asserts that implementing the recommended testing procedures for more than 22,000 projects before the grants' expenditure deadlines would not be practicable or feasible, especially when factoring in the lack of available licensed radon professionals and reliable, accurate radon testing devices in Puerto Rico.

#### **IV. Request to Extend Effective Date of Compliance**

For the above-mentioned reasons and due to the recognized need for additional radon-related support, PRDOH kindly requests that Puerto Rico be offered the same effective date of compliance with HUD Notice CPD-23-103 as the one provided to Tribe, TBHE, and DHHL recipients. In anticipation of HUD CPD-23-103 implementation in the future, we would also like to schedule Technical Assistance sessions with HUD on how to adequately document compliance with the Notice, considering the current infeasibility and impracticability of radon testing in Puerto Rico.

We appreciate HUD's consideration of this request as we continue to implement impactful disaster recovery and mitigation activities in Puerto Rico. Feel free to contact me if you have any questions or require additional information.

Sincerely,



William O. Rodríguez Rodríguez, Esq.  
Secretary  
Puerto Rico Department of Housing





OFFICE OF COMMUNITY PLANNING  
AND DEVELOPMENT

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

William O. Rodriguez Rodriguez, Esq.  
Secretary  
Puerto Rico Department of Housing  
PO Box 21365  
San Juan, PR 00928-1365

RECIBIDO **HUS**  
Oficina del Secretario

Fecha: **05-14-24**  
**OFs-05-10-24**

Dear Secretary Rodriguez:

On behalf of acting Secretary Adrienne Todman, thank you for your letter regarding an extension request of the April 11, 2024, effective date, in which all non-tribal and recipients must comply with the Department of Housing and Urban Development's (HUD) new radon policy CPD 23-103, Departmental Policy for Addressing Radon in the Environmental Review Process (Policy Notice). The Department has determined that the extension request is not warranted at this time, as described below.

The Policy Notice (PN) applies to residential projects, with some exceptions, and commercial buildings that are occupied more than 4 hours per day. The PN provides one recommended best practice and three alternative options for considering radon during the contamination analysis of the applicable environmental review and structures.

- **Preferred, Best Practice:** The American National Standards Institute and the American Association of Radon Scientists radon testing and mitigation standards
- **Alternative strategies:** that can be used to comply with the policy (as long as testing not otherwise required by state and local laws and regulations):
  - Do-It-Yourself (DIY) Testing: Use of individual DIY home radon test kits
  - Continuous Radon Monitoring Devices: for use by trained local government staff in remote areas
  - Review of science-based data on radon in the area where the project site is located: state/tribal geologic data, Centers for Disease Control radon test data

Actual testing is not required under the PN. The PN requires mitigation if any of the best practice and alternative option methods determine that indoor radon levels are or may be at or above 4 picocuries per liter of air. If radon levels are at or above that level, then the Responsible Entity (RE) must document and implement a mitigation plan.

The PN includes a provision for when there is a lack of scientific data for a particular project, or if the RE chooses not to conduct testing because they determine the testing to be infeasible and impracticable. Puerto Rico Department of Housing's (PRDOH) letter cites the lack of scientific data, licensed radon professionals and lack of availability and accessibility of reliable, accurate radon testing devices as impediments to implementing the radon policy.

[www.hud.gov](http://www.hud.gov)

[espanol.hud.gov](http://espanol.hud.gov)

The process for documenting the RE determination that testing is impracticable and infeasible is detailed in the PN. PRDOH has the option, as applicable to the proposed project, to document in the environmental review record how it has concluded that testing is impracticable and infeasible.

It may be appropriate for PRDOH to rely on the facts referenced in the March 6, 2024, letter to document the lack of scientific data on radon levels and the impracticability of radon testing for current Community Disaster Block Grant – Disaster Recovery, Mitigation (CDBG-DR/MIT) programs and projects in Puerto Rico. However, it is also recommended that PRDOH to conduct further coordination with the U.S. Environmental Protection Agency (EPA), the U.S. Geological Service (USGS), the University of Puerto Rico – Mayaguez Campus (UPRM) and the Puerto Rico Department of Natural Resources / Environmental Quality Board to provide more detailed documentation to support the determination that there is a lack of sufficient scientific data on radon levels for Puerto Rico. As stated in the PN, this documentation may include copies of correspondence with or reports from the appropriate agencies.

It is also important for PRDOH to remain up to date on any advances on radon testing, procedures, technology, and resources for Puerto Rico to periodically confirm the appropriateness and validity of the evidence and rationale provided to support the determination that scientific data on radon levels is not available and that radon testing is infeasible or impracticable for the CDBG-DR/MIT programs and projects being implemented in Puerto Rico. Any determination made of infeasibility of testing and/or lacking data could change over time as more information is made available, thereby warranting a change in approach at a later date for future projects and their consideration of radon.

Additionally, we would like to bring to your attention that in 1995 the U.S. Department of the Interior, USGS, in cooperation with the EPA, published a report titled *Geologic Radon Potential of Guam and Puerto Rico*.<sup>1</sup> This report includes an analysis of 610 screening indoor radon testing measurements, grouped by city, which were collected by the Puerto Rico Department of Health, in cooperation with EPA, during a Residential Radon Survey of Puerto Rico conducted from 1993 to 1995. The report also provides a generalized assessment of the geologic radon potential for the different areas of Puerto Rico based on geologic, soil, radioactivity, and housing construction factors. Although the conclusions of the report should not be applied to individual homes or building sites and should not be used to document compliance with the Department's radon PN, the data and analyses presented could be used to help identify areas and municipalities of priority for radon testing, which could then be used to assess the need for appropriate mitigation measures. A similar approach was followed by EPA and the UPRM to design more recent radon detection and mapping studies for Puerto Rico that were publicly announced in 2019.<sup>2</sup> HUD suggests that PRDOH could consider using the 1995 USGS report and additional EPA guidance to identify municipalities where elevated radon levels or its potential were identified and where radon testing, including DIY kits, could be prioritized

<sup>1</sup> <https://pubs.usgs.gov/of/1993/0292k/report.pdf>

<sup>2</sup> <https://www.epa.gov/newsreleases/epa-will-map-radon-puerto-rico-communities>

3

for appropriate CDBG-DR/MIT programs and projects, thereby furthering compliance with the radon PN.

Furthermore, the Department recommends that PRDOH contact the EPA about the viability of continuing the testing that was initiated in 2019, and to inquire about the status of the Citizen Science, 2021 research initiative proposed to provide training to community members to measure radon levels using new electronic testing devices that are not affected by Puerto Rico's humid climate or electrical instability may have generated some local data. HUD suggests that PRDOH contact EPA to assess whether these devices and testing were made available to community members, and if it generated data that could inform PRDOH where mitigation should be considered as appropriate.

It is the Department's opinion that an extension of the policy's effective date of compliance is not warranted because "Section III.C. Documenting the environmental review record" of the Policy Notice, explains the requirements for how compliance with the Policy Notice is to be documented when there is a lack of scientific data and testing is determined to be impractical.

PRDOH's environmental team is highly encouraged to discuss these types of requests with HUD staff from the Office of Disaster Recovery and the Office of Environment and Energy during the regularly scheduled bi-weekly technical assistance meetings, or when technical assistance is needed between the regularly scheduled meetings.

Please feel free to contact José A. Cedeño Maldonado, Region IV - Regional Environmental Officer at [Jose.A.CedenoMaldonado@hud.gov](mailto:Jose.A.CedenoMaldonado@hud.gov), or Donna Mahon, Disaster Recovery - Field Environmental Officer at [Donna.M.Mahon@hud.gov](mailto:Donna.M.Mahon@hud.gov) if you have additional questions or comments or to request further technical assistance in this regard.

Thank you for your interest in the Department's programs. I hope the information provided was helpful.

Sincerely,

CLAUDIA  
MONTERROSA

Digitally signed by  
CLAUDIA MONTERROSA  
Date: 2024.05.04  
17:24:02 -04'00'

Claudia I. Monterrosa  
Deputy Assistant Secretary  
for Grant Programs

**Attachment A-6-2.**

**August 20, 2024 Letter from PRDOH to CDC Regarding Radon  
and CDC September 3, 2024 Reply**





GOVERNMENT OF PUERTO RICO  
DEPARTMENT OF HOUSING

August 20, 2024

Dr. Jessica Irizarry  
Director  
Office of Island Affairs  
U.S. Centers for Disease Control and Prevention  
1324 Cll Canada, San Juan, 00920  
Guaynabo, PR 00968-8069

Via email: [OIA@cdc.gov](mailto:OIA@cdc.gov)

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

The Puerto Rico Department of Housing (PRDOH) kindly requests your assistance in gathering data, information, or reports related to radon testing in Puerto Rico, as this information is crucial for our compliance with the U.S. Department of Housing and Urban Development (HUD) Community Planning and Development (CPD) Notice CDP-23-103.

This Notice emphasizes the importance of radon testing and mitigation in ensuring safe living environments, particularly in HUD-assisted properties. PRDOH, as the grantee of the Community Development Block Grant for Disaster Recovery and Mitigation (CDBG-DR/MIT), is responsible for ensuring compliance with environmental requirements under CDBG-DR/MIT programs. To fulfill our obligations under this Notice, we must compile comprehensive and up-to-date information on radon levels, testing practices, and any mitigation efforts within the islands of Puerto Rico.

Specifically, we are seeking for possible availability of the following information:

Radon testing data – Results from radon testing conducted within your agency's purview, including details on location, testing methods, and recorded radon levels.

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

Reports and assessments – Any reports, studies, or assessments your agency has produced or commissioned that address radon testing or mitigation.

Policies and guidelines – Information or any policy, guideline, or protocol your agency follows concerning radon testing, exposure limits, or mitigation.

Historical data – If available, historical data or trends in radon levels within the regions you monitor that may impact HUD-assisted housing.

This information is vital to ensure that our radon management strategies are practical and compliant with federal requirements. If some of this information may be sensitive or confidential, we are prepared to discuss any necessary agreements or protocols for sharing this data securely.

Please let us know if you require additional details or have any questions regarding this request. We would greatly appreciate your response by September 15, 2024, so we can incorporate this data into our ongoing compliance efforts.

Thank you in advance for your cooperation and support. We look forward to working together on this critical initiative.

Sincerely,



William O. Rodríguez Rodríguez, Esq.  
Secretary



**From:** Charp, Paul (CDC/NCEH/DEHSP) <pac4@cdc.gov>  
**Sent:** Tuesday, September 3, 2024 6:36 AM  
**To:** Miranda, Sandra (CDC/PHIC/DPS); Irizarry, Jessica (CDC/PHIC/DPS); Rzeszutarski, Peter (CDC/NCEH/DEHSP); Vinson, D. Aaron (CDC/NCEH/DEHSP)  
**Cc:** Kostak, Liana (CDC/PHIC/DPS); Vazquez, Germaine (CDC/NCEH/DEHSP)  
**Subject:** RE: REHi: Puerto Rico Request for Information- Randon testing and levels

Good morning, Sandra and others,

In response to the request from Mr. William Rodriguez of the Department of Housing, Government of Puerto Rico, I have reviewed all the available data within the CDC National Environmental Public Health Tracking Network system for data related to radon in Puerto Rico. In addition to the tracking data available on the internet, I also reached out to Mr. Aaron Vinson of the NCEH Tracking Branch.

I was not able to find any data in the CDC systems and this was confirmed by Mr. Vinson. We also reached out the US Environmental Protection Agency who indicated they had no radon data in their systems. Please relay this information to Mr. Rodriguez in your response to his requests

If you have any additional questions, please contact me.

Thank you and best regards,

Paul A. Charp, Ph.D., Fellow, HPS  
Senior Health Physicist  
Emerging Environmental Hazards and Health Effects Branch (EEHHEB)  
Division of Environmental Health Science and Practice (DEHSP)  
National Center for Environmental Health (NCEH)  
Centers for Disease Control and Prevention (CDC)  
pcharp@cdc.gov  
770-488-0723 office  
404.388.0614 Cell



**Attachment A-6-3.**

**August 20, 2024 Letter from PRDOH to DNER Regarding Radon  
(No Response Received from DNER)**



GOVERNMENT OF PUERTO RICO  
DEPARTMENT OF HOUSING

August 20, 2024

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

Vía email: [anaís.rodriíguez@dma.pr.gov](mailto:anaís.rodriíguez@dma.pr.gov)

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

The Puerto Rico Department of Housing (PRDOH) kindly requests your assistance in gathering data, information, or reports related to radon testing in Puerto Rico, as this information is crucial for our compliance with the U.S. Department of Housing and Urban Development (HUD) Community Planning and Development (CPD) Notice CDP-23-103.

This Notice emphasizes the importance of radon testing and mitigation in ensuring safe living environments, particularly in HUD-assisted properties. PRDOH, as the grantee of the Community Development Block Grant for Disaster Recovery and Mitigation (CDBG-DR/MIT), is responsible for ensuring compliance with environmental requirements under CDBG-DR/MIT programs. To fulfill our obligations under this Notice, we must compile comprehensive and up-to-date information on radon levels, testing practices, and any mitigation efforts within the Islands of Puerto Rico.

Specifically, we are seeking for possible availability of the following information:

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Reports and assessments – Any reports, studies, or assessments your agency has produced or commissioned that address radon testing or mitigation.

CDBG-DR/MIT Program  
Request for Information in relation with HUD CPD-23-103 for Puerto Rico  
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Policies and guidelines – Information or any policy, guideline, or protocol your agency follows concerning radon testing, exposure limits, or mitigation.

Historical data – if available, historical data or trends in radon levels within the regions you monitor that may impact HUD-assisted housing.

This information is vital to ensure that our radon management strategies are practical and compliant with federal requirements. If some of this information may be sensitive or confidential, we are prepared to discuss any necessary agreements or protocols for sharing this data securely.

Please let us know if you require additional details or have any questions regarding this request. We would greatly appreciate your response by September 15, 2024, so we can incorporate this data into our ongoing compliance efforts.

Thank you in advance for your cooperation and support. We look forward to working together on this critical initiative.

Sincerely,



William O. Rodríguez Rodríguez, Esq.  
Secretary

Cc:

Mr. Luis Márquez, [secretari@dm.pr.gov](mailto:secretari@dm.pr.gov)  
Eng. Amarilis Rosario, [aire@dm.pr.gov](mailto:aire@dm.pr.gov)  
Mrs. Elid Ortega, [eortega@dm.pr.gov](mailto:eortega@dm.pr.gov)

**Attachment A-6-4.**

**August 20, 2024 Letter from PRDOH to EPA Regarding Radon and  
EPA September 23, 2024 Reply**



GOVERNMENT OF PUERTO RICO  
DEPARTMENT OF HOUSING

August 20, 2024

Mrs. Carmen R. Guerrero Pérez  
Director  
Caribbean Environmental Protection Division  
City View Plaza II – Suite 7000  
#48 Rd. 165 km 1.2  
Guaynabo, PR 00968-8069

Vía email: [guerrero.carmen@epa.gov](mailto:guerrero.carmen@epa.gov)

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

The Puerto Rico Department of Housing (PRDOH) kindly requests your assistance in gathering data, information, or reports related to radon testing in Puerto Rico, as this information is crucial for our compliance with the U.S. Department of Housing and Urban Development (HUD) Community Planning and Development (CPD) Notice CDP-23-103.

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Barbosa Ave. #606, Building Juan C. Cordero Dávila, Río Piedras, PR 00918 | PO Box 21365 San Juan, PR 00928-1365  
Tel. (787) 274-2527 | [www.casenda.pr.gov](http://www.casenda.pr.gov)



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



William O. Rodríguez Rodríguez, Esq.  
Secretary

Cc: Mr. Oleg Povetko, [Povetko.Oleg@epa.gov](mailto:Povetko.Oleg@epa.gov)  
Mr. Matthew Laurita, [laurita.matthew@epa.gov](mailto:laurita.matthew@epa.gov)

**From:** Reyes, Brenda <Reyes.Brenda@epa.gov>  
**Sent:** Wednesday, September 18, 2024 11:48 AM  
**To:** Cesar O Rodriguez Santos <cesarrodriuez@drna.pr.gov>; Maritza Rosa Olivares <maritzarosaolivares@drna.pr.gov>;  
Silvina Cancelos Mancini <silvina.cancelos@upr.edu>; Melanie Medina Smaine <mmedina@vivienda.pr.gov>  
**Cc:** Elaine Dume Mejia <Edume@vivienda.pr.gov>; Luz S Colon Ortiz <Lcolon@vivienda.pr.gov>; Aldo A. Rivera-Vazquez  
<aarivera@vivienda.pr.gov>; Povetko, Oleg (he/him/his) <Povetko.Oleg@epa.gov>  
**Subject:** RE: Request for Information- Randon testing and levels

Saludos.

La EPA esta trabajando una respuesta a su petición. Se sometió borrador a la directora y el subdirector para su aprobación y firma.

Brenda Reyes Tomassini  
Public Affairs  
U.S. EPA  
Region 2  
Caribbean Environmental Protection Division  
(787) 977-5869/(787) 977-5865  
Mobile: 202-834-1290



September 13, 2024

**VIA EMAIL**

Willem D. Rodríguez Rodríguez, Esq.  
 Secretary  
 Puerto Rico Department of Housing  
 Barboza Ave. 606 Building-San C. Cantón  
 San Juan, PR 00917  
 Email: W.Rodriguez@vivivenda.pr.gov

**RE: EPA Response to August 26, 2024 request for information of data on radon testing and levels in Puerto Rico**

Dear Honorable Secretary Rodríguez Rodríguez:

This communication is in response to your letter of August 26, 2024 addressed to the Puerto Rico Department of Natural and Environmental Resources (DNER) and referred to the U.S. Environmental Protection Agency (EPA) regarding available data on radon testing and levels within Puerto Rico.

EPA's National Radon Action Plan 2023-2025 sets a goal for the nation to find, fix and prevent high indoor radon levels in 8 million buildings by 2025 and prevent 5,300 lung cancer deaths per year. Under this Plan, leaders from across multiple sectors are working together to plan, guide, and sustain nationwide action to prevent exposure to radon.

Due to the lack of data in Puerto Rico, EPA undertook an investigation in collaboration with the University of Puerto Rico-Mayaguez (UPRM) Campus, Departments of Civil Engineering and Surveying and Mechanical Engineering, to find out if radon presented a problem in Puerto Rico. Up until 2023, the only data we had for Puerto Rico was a 1993-1995 indoor radon screening study referred to by the U.S. Geological Survey report (USGS, 1995) in which the USGS concluded that several areas of Puerto Rico have the geologic potential to generate indoor radon levels exceeding the EPA Action Level of 4 pCi/L (picocuries per liter), perhaps locally reaching very high levels above 50 pCi/L, if a house construction and

ventilation allow for soil-gas radon to enter and concentrate within the structure.<sup>1</sup> According to the USGS report, most of these areas are located in the northwest part of the island. Please note that the actual 1993-1995 study documentation is not available to the EPA.

Typical radon testing technology used in mainland United States (charcoal canisters or electric-powered devices) are impractical in Puerto Rico because of high humidity and power outages. The recovery and rebuilding of communities following the aftermath of 2017 Hurricanes Irma and Maria presented an opportunity to develop radon prevention and mitigation strategies in 2019. Initially, EPA sampled indoor radon at in over 170 single-family residences in the municipalities of San Sebastián, Lajas, Caguas, Arrecife, Miraflores, Camuy, and Hatillo and later expanded the project to other municipalities such as Rincon, Aguada, Aguadilla, Isabela, Guayanilla, Barceloneta and Vega Baja. The quality assurance protocols were anchored in American National Standards Institute/American Association of Radon Scientists and Technologists (ANSI/AARST) standards of practice (ANSI/AARST, 2023). The sampling was designed in two stages: scoping and confirmatory sampling. The scoping sampling was conducted using Continuous Radon Monitors (CRM) electronic monitors and E-PERM systems. Locations measuring above the EPA Action level of 4 pCi/L with CRM were measured at the second stage of the sampling using RAD7 and Continuous Pro Continuous Radon Monitors (CRM). Nationally certified radon sampling professionals led by one such professional from the UPRM conducted confirmatory sampling in the second stage. Also, during the study, the nationally certified radon mitigation professionals inspected several homes with elevated indoor radon levels.

Mapping radon in Puerto Rico proved to be a complicated endeavor given the COVID-19 pandemic in 2020. EPA and UPRM continue to work on the project, however, results have not been finalized, and no scientific report has been published yet. Unfortunately, EPA cannot share preliminary data at this time because it contains privileged information. Nevertheless, preliminary data from the study does show homes with levels over 4 pCi/L (EPA Action level) that might need mitigation to protect the health of their inhabitants.

Although many states have developed laws and regulations governing radon disclosure, certification, and mitigation, Puerto Rico lacks legislation or mandatory radon testing provisions for new construction, remodeling, selling or buying homes. Given this lag and in order to answer your request, the EPA can provide information on Best Management Practices for sampling indoor radon in Puerto Rico.

<sup>1</sup> Reference: USGS, Geologic Radon Potential of Guam and Puerto Rico, Report 94-262-B, Washington, DC: USGS, Retrieved 9/13/2024, from <https://pubs.usgs.gov/of/1995/0262a/report.pdf>.

1017 VIEVA PLAZA II BUILDING, 7<sup>th</sup> FLOOR  
 ROUTE 760 GUAYNABO, PR 00966

If you have any questions or need any additional information, please contact me at 787-977-5865 or [W.Rodriguez@vivivenda.pr.gov](mailto:W.Rodriguez@vivivenda.pr.gov) or have your staff contact Reyes, Brenda at [brenda.reyes@epa.gov](mailto:brenda.reyes@epa.gov) or (787) 977-5866.

Sincerely,  
**CARMEN GUERRERO PEREZ**  
 Carmen E. Guerrero Pérez  
 Director

Digitally signed by  
 CARMEN GUERRERO PEREZ  
 Date: 2024.09.21 09:41:29  
 -0400

cc: Roberto Mendez, Esq (Acting Secretary, PR Department of Natural and Env. Resources)  
 Melany Medina: [mmedina@vivivenda.pr.gov](mailto:mmedina@vivivenda.pr.gov)  
 Elaine Dume Mejia: [Edumea@vivivenda.pr.gov](mailto:Edumea@vivivenda.pr.gov)  
 Luz S-Collin Ortiz: [lcollin@vivivenda.pr.gov](mailto:lcollin@vivivenda.pr.gov)  
 Aldo A. Rivera-Vazquez: [arivera@vivivenda.pr.gov](mailto:arivera@vivivenda.pr.gov)  
 Cesar O. Rodriguez: [cesarorodriguez@pr.gov](mailto:cesarorodriguez@pr.gov)  
 Marita Rosa Olivares: [maritarsaolivares@pr.gov](mailto:maritarsaolivares@pr.gov)

**Attachment A-6-5.**

**August 20, 2024 Letter from PRDOH to PR Health Department Regarding Radon  
and Health Department August 21, 2024 Reply**



GOVERNMENT OF PUERTO RICO  
DEPARTMENT OF HOUSING

August 20, 2024

Dr. Carlos R. Mellado López  
Secretary  
Puerto Rico Department of Health  
PO Box 70184  
San Juan, PR 00936-8184

Vía email: [drcarlos.mellado@salud.pr.gov](mailto:drcarlos.mellado@salud.pr.gov)

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

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Request for Information in relation with HUD CPD-23-103 for Puerto Rico  
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Thank you in advance for your cooperation and support. We look forward to working together on this critical initiative.

Sincerely,



William O. Rodríguez Rodríguez, Esq.  
Secretary

Cc: Mr. Raúl Hernández Doble, [rhernandez2@salud.pr.gov](mailto:rhernandez2@salud.pr.gov)



**From:** Aldo A. Rivera Vazquez <aarivera@vivienda.pr.gov>  
**Sent:** Wednesday, August 21, 2024 4:25 PM  
**To:** Angel G. Lopez-Guzman; Maria Teresa de los A. Torres-Bregón; Alberto Mercado  
**Cc:** Juan Perez  
**Subject:** Fwd: [EXTERNAL]Request for Information- Randon testing and levels

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FYSA and Info

ARV

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**From:** Raul Hernandez Doble <rhernandez2@salud.pr.gov>  
**Sent:** Wednesday, August 21, 2024 2:13:31 PM  
**To:** Melanie Medina Smaine <mmedina@vivienda.pr.gov>; Dr. Carlos Mellado <drcarlos.mellado@salud.pr.gov>  
**Cc:** Elaine Dume Mejia <Edume@vivienda.pr.gov>; Luz S Colon Ortiz <Lcolon@vivienda.pr.gov>; Aldo A. Rivera-Vazquez <aarivera@vivienda.pr.gov>; Mayra Toro Tirado <mtoro@salud.pr.gov>  
**Subject:** RE: [EXTERNAL]Request for Information- Randon testing and levels

Good afternoon. Ms. Medina

I regret to inform that we do not have any recent information on radon testing, since we do not have a certified radiation laboratory certified for radon testing. There are companies that sell test kits available online that can be done and mailed to a testing laboratory. There are also lists of radon contractors and these companies that process radon testing cartridges with instructions, on the Environmental Protection Agency Indoor air Quality web page. The last radon study in Puerto Rico done by the PR Department of Health was done on the year 1993.

Raul Hernandez Doble  
Director, Seccion Salud Radiologica  
Division de Salud Ambiental  
Secretaria Auxiliar para la Vigilancia y la Proteccion de la Salud Publica  
[rhernandez2@salud.gov.pr](mailto:rhernandez2@salud.gov.pr)  
Phone: (787)765-2929 ext. 3210

---

**From:** Melanie Medina Smaine <mmedina@vivienda.pr.gov>  
**Sent:** Wednesday, August 21, 2024 1:54 PM  
**To:** Dr. Carlos Mellado <drcarlos.mellado@salud.pr.gov>; Raul Hernandez Doble <rhernandez2@salud.pr.gov>  
**Cc:** Elaine Dume Mejia <Edume@vivienda.pr.gov>; Luz S Colon Ortiz <Lcolon@vivienda.pr.gov>; Aldo A. Rivera-Vazquez <aarivera@vivienda.pr.gov>  
**Subject:** [EXTERNAL]Request for Information- Randon testing and levels

Good afternoon,

On behalf of the PRDOH Secretary, Mr. William O. Rodríguez Rodríguez, Esq., attached letter regarding the request for information to comply with HUD requirements.

We kindly request you to submit the information on or before September 15, 2024.

**Regards,**

**Melanie Medina Smaine**  
Oficina del Secretario  
Departamento de la Vivienda  
[mmedina@vivienda.pr.gov](mailto:mmedina@vivienda.pr.gov)  
T: 787-274-2527 ext. 6400



GOBIERNO DE PUERTO RICO  
DEPARTAMENTO DE LA VIVIENDA

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**Attachment A-6-6.**

**August 20, 2024 Letter from PRDOH to University of Puerto Rico - Mayaguez  
Regarding Radon (No Response Received from UPR Mayaguez University)**



GOVERNMENT OF PUERTO RICO  
DEPARTMENT OF HOUSING

August 20, 2024

Dr. Silvina Cancelos  
Professor  
College of Engineering  
University of Puerto Rico – Mayagüez Campus  
259 Norte Blvd, Alfonso Valdés Cobián  
Mayagüez, Puerto Rico

Via email: [silvina.cancelos@upr.edu](mailto:silvina.cancelos@upr.edu)

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

The Puerto Rico Department of Housing (PRDOH) kindly requests your assistance in gathering data, information, or reports related to radon testing in Puerto Rico, as this information is crucial for our compliance with the U.S. Department of Housing and Urban Development (HUD) Community Planning and Development (CPD) Notice CDP-23-103.

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CDBG-DR/MIT Program  
Request for information in relation with HUD CPD-23-103 for Puerto Rico  
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Sincerely,



William O. Rodríguez Rodríguez, Esq.  
Secretary

Cc: Dr. Carlos Marín, [carlos.marin3@upr.edu](mailto:carlos.marin3@upr.edu)



**From:** Silvina Cancelos Mancini <[silvina.cancelos@upr.edu](mailto:silvina.cancelos@upr.edu)>  
**Sent:** Friday, September 6, 2024 15:04  
**To:** Melanie Medina Smaine <[mmedina@vivienda.pr.gov](mailto:mmedina@vivienda.pr.gov)>  
**Cc:** Elaine Dume Mejia <[Edume@vivienda.pr.gov](mailto:Edume@vivienda.pr.gov)>; Luz S Colon Ortiz <[Lcolon@vivienda.pr.gov](mailto:Lcolon@vivienda.pr.gov)>; Aldo A. Rivera-Vazquez <[aarivera@vivienda.pr.gov](mailto:aarivera@vivienda.pr.gov)>; Maritza Rosa Olivares <[maritzarosaolivares@drna.pr.gov](mailto:maritzarosaolivares@drna.pr.gov)>; Reyes, Brenda <[Reyes.Brenda@epa.gov](mailto:Reyes.Brenda@epa.gov)>; Povetko, Oleg <[Povetko.Oleg@epa.gov](mailto:Povetko.Oleg@epa.gov)>  
**Subject:** Re: Request for Information- Randon testing and levels

Estimada Melanie Medina

Quería dejarle saber que recibimos su correo el 21 de agosto al igual que el de Maritza Rosa el pasado 4 de septiembre. Ya las personas involucradas de EPA, junto conmigo y el Dr. Marín estamos al tanto del asunto y estamos trabajando para poder enviarles la información.

Atentamente

Silvina Cancelos  
Professor  
Associate Director  
Mechanical Engineering Department  
University of Puerto Rico - Mayaguez  
Call BOX 9000 Mayaguez PR 00680  
Tel: 787-832-4040 ext 5956  
email: [silvina.cancelos@upr.edu](mailto:silvina.cancelos@upr.edu)



**Bubble Dynamics Lab**  
University of Puerto Rico - Mayaguez



**Attachment A-6-7.**

**August 20, 2024 Letter from PRDOH to USGS Regarding Radon  
and USGS August 21, 2024 Reply**



GOVERNMENT OF PUERTO RICO  
DEPARTMENT OF HOUSING

August 20, 2024

Mrs. Holly Weyers  
Regional Director, Southeast – Puerto Rico  
US Geological Survey  
3916 Sunset Ridge Road  
Raleigh, NC 27607

Via email: [hsweyers@usgs.gov](mailto:hsweyers@usgs.gov)

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

The Puerto Rico Department of Housing (PRDOH) kindly requests your assistance in gathering data, information, or reports related to radon testing in Puerto Rico, as this information is crucial for our compliance with the U.S. Department of Housing and Urban Development (HUD) Community Planning and Development (CPD) Notice CDP-23-103.

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Tel. (787) 274-2527 | [www.vivienda.pr.gov](http://www.vivienda.pr.gov)

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Request for Information in relation with HUD CPD-23-103 for Puerto Rico  
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Thank you in advance for your cooperation and support. We look forward to working together on this critical initiative.

Sincerely,



William O. Rodriguez Rodriguez, Esq.  
Secretary

Cc:  
Mr. R. Randall Schumann, [rschumann@usgs.gov](mailto:rschumann@usgs.gov)

**From:** Aldo A. Rivera Vazquez <aarivera@vivienda.pr.gov>  
**Sent:** Wednesday, August 21, 2024 4:22 PM  
**To:** Angel G. Lopez-Guzman; Maria Teresa de los A. Torres-Bregón; Alberto Mercado  
**Cc:** Juan Perez  
**Subject:** Fwd: Request for Information- Radon testing and levels  
**Attachments:** image001.png

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Ver respuesta abajo. Lo incluiremos en nuestras discusiones y archivos.

Best,

ARV

---

**From:** Schumann, R. Randall <rschumann@usgs.gov>  
**Sent:** Wednesday, August 21, 2024 4:39 PM  
**To:** Melanie Medina Smaine <mmedina@vivienda.pr.gov>; Weyers, Holly S <hsweyers@usgs.gov>  
**Cc:** Elaine Dume Mejia <Edume@vivienda.pr.gov>; Luz S Colon Ortiz <Lcolon@vivienda.pr.gov>; Aldo A. Rivera-Vazquez <aarivera@vivienda.pr.gov>  
**Subject:** RE: Request for Information- Radon testing and levels

Dear Ms. Medina Smaine,

In the early 1990s the U.S. Geological Survey (USGS) conducted geologic assessments of radon potential for all 50 states and the territories of Guam and Puerto Rico, in collaboration with the U.S. EPA. I conducted the geologic radon potential assessment for Puerto Rico. The PDF file of the report is too large to attach to this message but it can be obtained at <https://pubs.usgs.gov/of/1993/0292k/report.pdf>. The USGS did not conduct indoor radon testing and we did not conduct field studies associated with this assessment; it was based on existing data. Mr. David Saldana of the Puerto Rico Department of Health kindly provided us with data for 610 homes that were tested for indoor radon by his agency between 1993 and 1995, which are summarized in the report. I am not aware of any other radon-related geologic studies conducted in the Commonwealth of Puerto Rico by the U.S. Geological Survey.

Best regards,

R. Randall Schumann  
Scientist Emeritus  
U.S. Geological Survey  
Geosciences and Environmental Change Science Center  
Denver, Colorado, USA  
[rschumann@usgs.gov](mailto:rschumann@usgs.gov)  
<https://www.usgs.gov/staff-profiles/r-randall-schumann>

**From:** Melanie Medina Smaïne <mmedina@vivienda.pr.gov>  
**Sent:** Wednesday, August 21, 2024 11:58 AM  
**To:** Weyers, Holly S <hweyers@usgs.gov>; Schumann, R. Randall <rschumann@usgs.gov>  
**Cc:** Elaine Dume Mejía <Edume@vivienda.pr.gov>; Luz S Calan Ortiz <Lcolon@vivienda.pr.gov>; Aldo A. Rivera-Vazquez <aarivera@vivienda.pr.gov>  
**Subject:** [EXTERNAL] Request for Information- Random testing and levels

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Good afternoon,

On behalf of the PRDOH Secretary, Mr. William O. Rodríguez Rodríguez, Esq., attached letter regarding the request for information to comply with HUD requirements.

We kindly request you to submit the information on or before September 15, 2024.

**Regards,**

**Melanie Medina Smaïne**  
Oficina del Secretario  
Departamento de la Vivienda  
[mmedina@vivienda.pr.gov](mailto:mmedina@vivienda.pr.gov)  
T: 787-274-2527 ext. 6400



GOBIERNO DE PUERTO RICO  
DEPARTAMENTO DE LA VIVIENDA

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**Attachment A-6-8.**

**Memorandum to File -Justification for the Infeasibility and Impracticability  
of Radon Testing**





GOVERNMENT OF PUERTO RICO  
DEPARTMENT OF HOUSING

**Memorandum to File**

**Date:** February 11, 2025



**From:** Allyson Rezac  
Deputy Program Manager  
CDBG-MIT Program  
Energy Support Incentive Program 2.0 Set-Aside Program  
Puerto Rico Department of Housing

**Application Number:** Various

**Project:** Various

**Re: Justification for the Infeasibility and Impracticability of Radon Testing**

After reviewing Application Number Various under the Energy Support Incentive Program 2.0 Set-Aside Program, administered by the Puerto Rico Department of Housing (PRDOH), to complete the property's contamination analysis in accordance with 24 C.F.R. § 50.3(i) and 24 C.F.R. § 58.5(i), we have determined that testing the property's radon levels is infeasible and impracticable.

Per the U.S. Department of Housing and Urban Development's (HUD) CPD Notice 23-103, the recommended best practices and alternative options for radon testing are infeasible and impracticable in this case due to the following reason[s]:

- As required by the CPD Notice 23-103, the scientific data reviewed in lieu of testing must consist of a minimum of ten documented test results over the previous ten years. If there are less than ten documented results over this period, it is understood that there is a lack of scientific data. The latest report for radon testing in Puerto Rico was prepared in 1995 by the U.S. Department of the Interior in Cooperation with the U.S. Environmental Protection Agency. No other completed studies and reports on radon testing are available in Puerto Rico.
- There is no available science-based or state-generated information for Puerto Rico for the last ten years that can be used to determine whether the project site is in a high-risk area. The Department of Health and Human Services, Centers for

CDBG-MIT Program  
Energy Support Incentive Program 2.0 Set-Aside Program  
Memorandum to File  
Infeasibility and Impracticability of Radon Testing  
Page 2 of 2

Disease Control and Prevention (**CDC**), National Environmental Public Health Tracking, and Radon Testing map do not include Puerto Rico data.

- There are only two (2) licensed professionals in Puerto Rico who can conduct radon testing using the American National Standards Institute/American Association of Radon Scientists and Technologists (**ANSI/AARST**) testing standards, which makes it difficult, time-consuming, and highly expensive to coordinate and secure a site visit for the contamination evaluation.
- Do-it-yourself (**DIY**) radon test kits are known to be unreliable in assuring and controlling the quality of the test results; they are not readily available in Puerto Rico, and the cost and time required for purchasing and sending them for analysis are unreasonable when weighed against the results' reliability and the need for prompt results.
- Local authorities in Puerto Rico do not have the specialized radon monitoring equipment or trained staff needed to conduct the radon testing analysis and ensure proper quality control and quality assurance practices are adhered to. We also do not have a radiation laboratory certified for radon testing.

As part of the evaluation for this determination, PRDOH sent information requests to six (6) local agencies at the state and federal levels. We received responses from the following agencies:

- United States Geological Survey;
- Centers for Disease Control and Prevention;
- Puerto Rico Department of Health; and
- United States Environmental Protection Agency.

The agencies mentioned above confirmed the lack of scientific data on Radon testing for Puerto Rico and the technical difficulties that we face to comply with HUD's Radon testing requirement. For the above-mentioned reasons, Radon testing is infeasible and impracticable for this property, and no further consideration of Radon is needed for the environmental review.

**Attachment A-6-9.**

**Month XX, 2024 communication from PRDOH to DNER  
and Month XX, 2024 Reply**

**Awaiting receipt from PRDOH**

## Exhibit A-7 – Endangered Species and Ecology

Endangered Species Act of 1973, particularly section 7; 50 CFR 402  
Migratory Bird Treaty Act of 1918, 50 CFR 10, 20, 21, Executive Order 13186

### Group 1

IPaC Resource	Number in Group 1	Municipalities in Group 1
Threatened, Endangered, or Candidate Species	18	All
Critical Habitats	1	Toa baja
National Wildlife Refuges	0	N/A
Fish Hatcheries	0	N/A
Bald and Golden Eagles	0	N/A
Migratory Birds of Conservation Concern	0	N/A
System Units	1	Carolina

Source: US Fish and Wildlife Service, Critical Habitat for Threatened & Endangered Species

### Group 2

IPaC Resource	Number in Group 2	Municipalities in Group 2
Threatened, Endangered, or Candidate Species	30	All
Critical Habitats	1	Arecibo, Camuy, Florida, Quebradillas
National Wildlife Refuges	0	N/A
Fish Hatcheries	0	N/A
Bald and Golden Eagles	0	N/A
Migratory Birds of Conservation Concern	0	N/A
System Units	5	Camuy, Hatillo, Arecibo, Manatí, Vega Baja

Source: US Fish and Wildlife Service, Critical Habitat for Threatened & Endangered Species

### Group 3

IPaC Resource	Number in Group 3	Municipalities in Group 3
Threatened, Endangered, or Candidate Species	47	All
Critical Habitats	7	Maricao, Mayagüez, Sabana Grande, San German, Isabela, Cabo Rojo, Lajas
National Wildlife Refuges	3	Cabo Rojo, Lajas
Fish Hatcheries	0	N/A
Bald and Golden Eagles	0	N/A
Migratory Birds of Conservation Concern	0	N/A
System Units	9	Aguada, Aguadilla, Cabo Rojo, Isabela, Mayagüez

Source: US Fish and Wildlife Service, Critical Habitat for Threatened & Endangered Species

#### Group 4

IPaC Resource	Number in Group 4	Municipalities in Group 4
Threatened, Endangered, or Candidate Species	45	All
Critical Habitats	4	Yauco, Guánica, Guayanilla, Peñuelas, Ponce, Ciales, Utuado
National Wildlife Refuges	0	N/A
Fish Hatcheries	0	N/A
Bald and Golden Eagles	0	N/A
Migratory Birds of Conservation Concern	0	N/A
System Units	9	Aguada, Aguadilla, Cabo Rojo, Isabela, Mayagüez

Source: US Fish and Wildlife Service, Critical Habitat for Threatened & Endangered Species

#### Group 5

IPaC Resource	Number in Group 5	Municipalities in Group 5
Threatened, Endangered, or Candidate Species	32	All
Critical Habitats	5	Caguas, Cayey, Guayama, Patillas
National Wildlife Refuges	0	N/A
Fish Hatcheries	0	N/A
Bald and Golden Eagles	0	N/A
Migratory Birds of Conservation Concern	0	N/A
System Units	8	Arroyo, Guayama, Patillas, Salinas, Santa Isabel

Source: US Fish and Wildlife Service, Critical Habitat for Threatened & Endangered Species

#### Group 6

IPaC Resource	Number in Group 6	Municipalities in Group 6
Threatened, Endangered, or Candidate Species	30	All
Critical Habitats	7	Culebra, Canóvanas, Ceiba, Las Piedras, Naguabo, Río Grande, San Lorenzo, Humacao, Juncos, Maunabo, Yabucoa, Vieques, Fajardo
National Wildlife Refuges	2	Culebra, Vieques
Fish Hatcheries	0	N/A
Bald and Golden Eagles	0	N/A
Migratory Birds of Conservation Concern	0	N/A
System Units	11	Canóvanas, Fajardo, Loiza, Luquillo, Maunabo, Río Grande, Yabucoa

Source: US Fish and Wildlife Service, Critical Habitat for Threatened & Endangered Species

### Dataset(s) used in evaluation

Agency	Internet link	Accessed	Dataset Date
U.S. Fish and Wildlife Service	<a href="https://ecos.fws.gov/ipac/">https://ecos.fws.gov/ipac/</a>	03/24/2024	N/A
U.S. Fish and Wildlife Service	<a href="https://ecos.fws.gov/ecp/report/table/critical-habitat.html">https://ecos.fws.gov/ecp/report/table/critical-habitat.html</a>	03/01/2024	12/11/2013

### Agencies or their regulations consulted during Broad Review

U.S. Fish and Wildlife Service (USFWS)

Puerto Rico Dept. Of Natural and Environmental Resources (DNER)

### Supporting Documentation

Figure A-7-1. Map of Critical Habitats in Group 1

Figure A-7-2. Map of Critical Habitats in Group 2

Figure A-7-3. Map of Critical Habitats in Group 3

Figure A-7-4. Map of Critical Habitats in Group 4

Figure A-7-5. Map of Critical Habitats in Group 5

Figure A-7-6. Map of Critical Habitats in Group 6

Table A-7-1. Table of Threatened and Endangered Species in Group 1

Table A-7-2. Table of Other Protected Resources in Group 1

Table A-7-3. Table of Threatened and Endangered Species in Group 2

Table A-7-4. Table of Other Protected Resources in Group 2

Table A-7-5. Table of Threatened and Endangered Species in Group 3

Table A-7-6. Table of Other Protected Resources in Group 3

Table A-7-7. Table of Threatened and Endangered Species in Group 4

Table A-7-8. Table of Other Protected Resources in Group 4

Table A-7-9. Table of Threatened and Endangered Species in Group 5

Table A-7-10. Table of Other Protected Resources in Group 5

Table A-7-11. Table of Threatened and Endangered Species in Group 6

Table A-7-12. Table of Other Protected Resources in Group 6

Attachment A-7-1. USFWS Information for Planning and Consultation System Report (April 5, 2024) for all Regional Groups (Group 1-6).

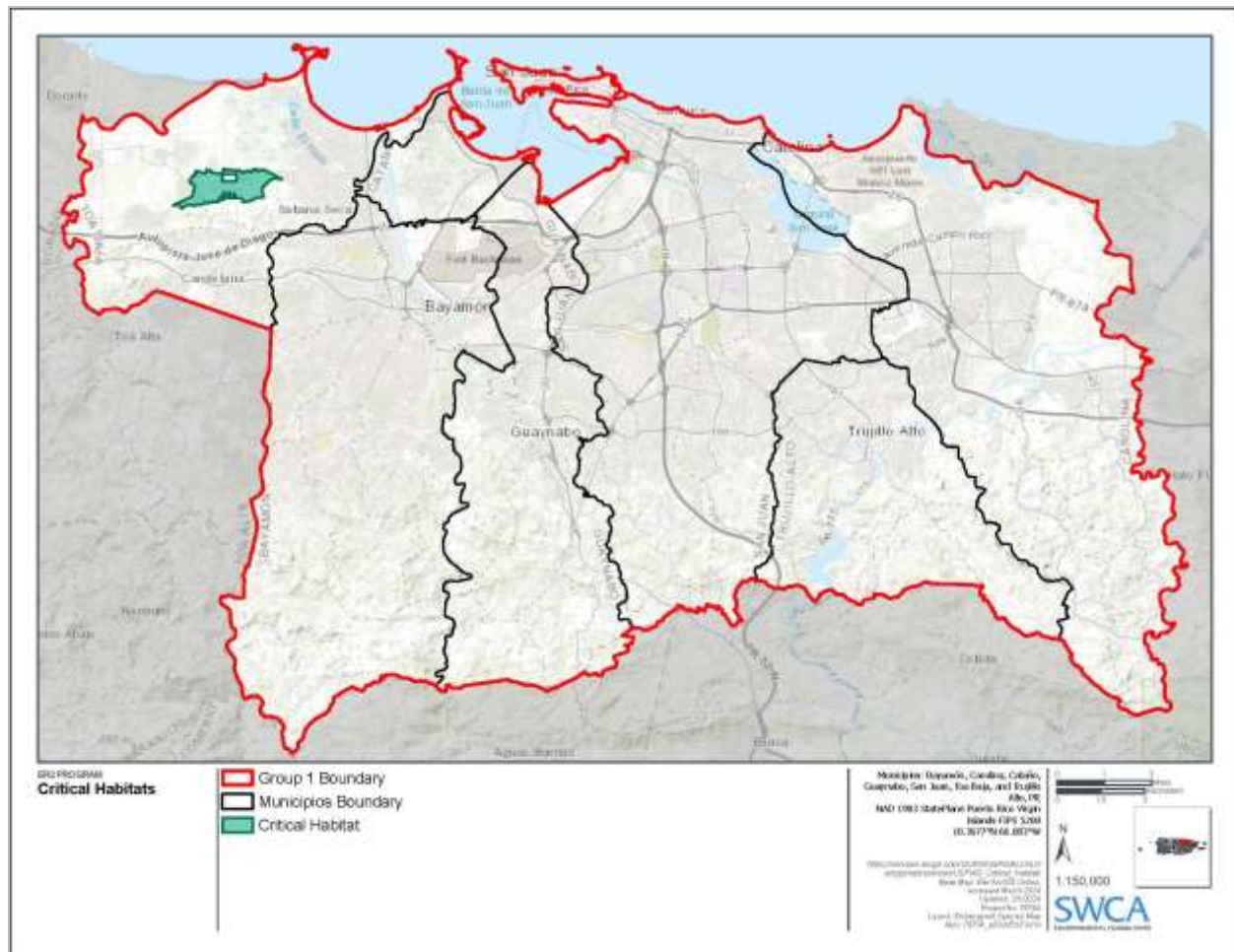


Attachment A-7-2. October 10, 2024 communication from PRDOH to USFWS and November 6, 2024 Reply was a

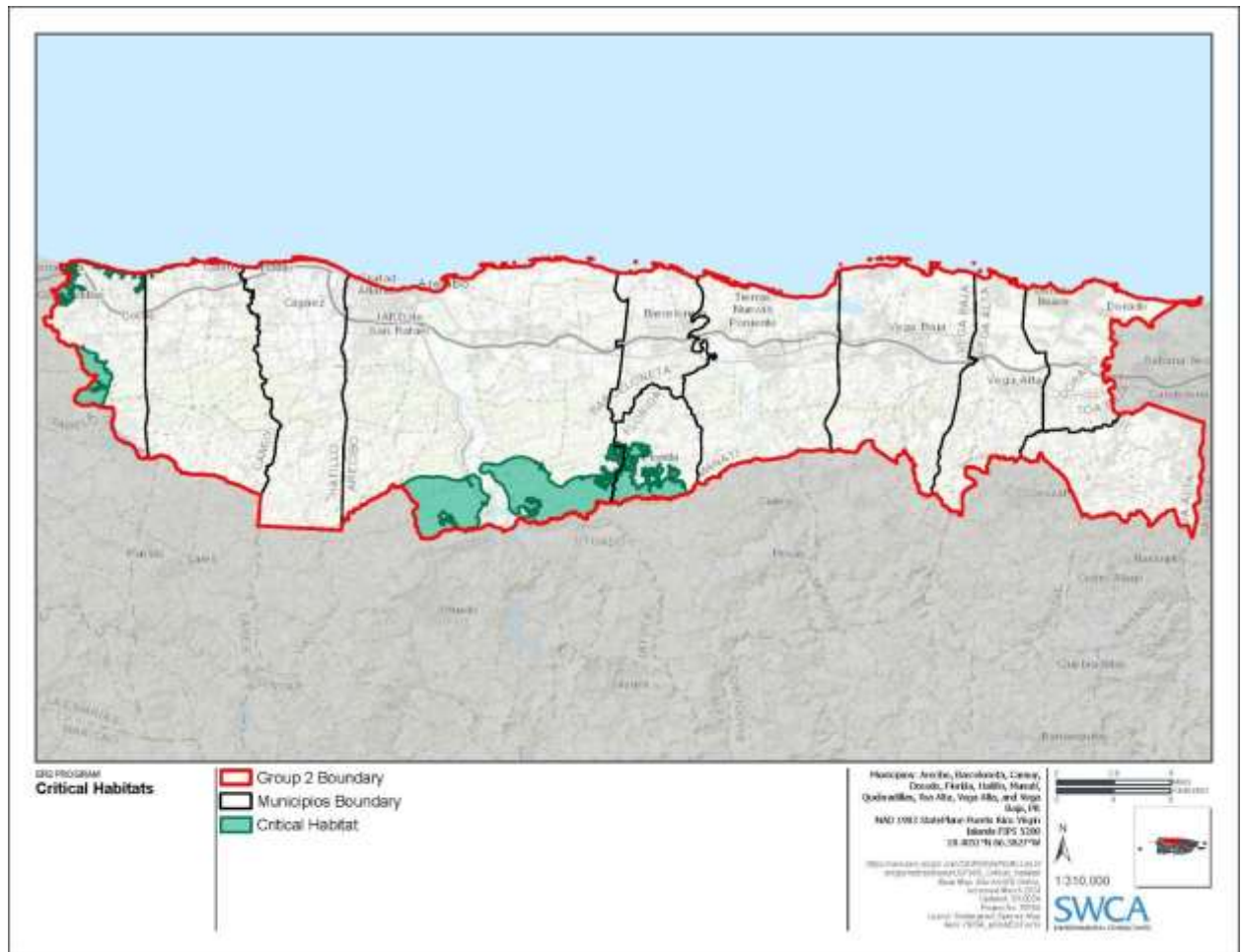
Attachment A-7-3. Month XX, 2024 communication from PRDOH to DNER and Month XX, 2024 Reply

**ENVIRONMENTAL FINDING:** Compliance determination achieved in the Tier I Broad level Review for all Regional Groups (Group 1-6). PRDOH initiated consultation with the USFWS and DNER during the Tier I review. No known species of concern have walls or roofs of buildings listed as potential habitat. The Program activities are limited to installing energy improvements on existing building floors, walls and roofs, with no land disturbance or vegetation clearing permitted. As such, all project activities will have No Effect on federally protected species, critical habitat, or other protected areas. The two agencies agreed with the determination. Therefore, the review is in compliance with the Endangered Species Act (ES). Further evaluation at the Tier II site-specific level is not required.

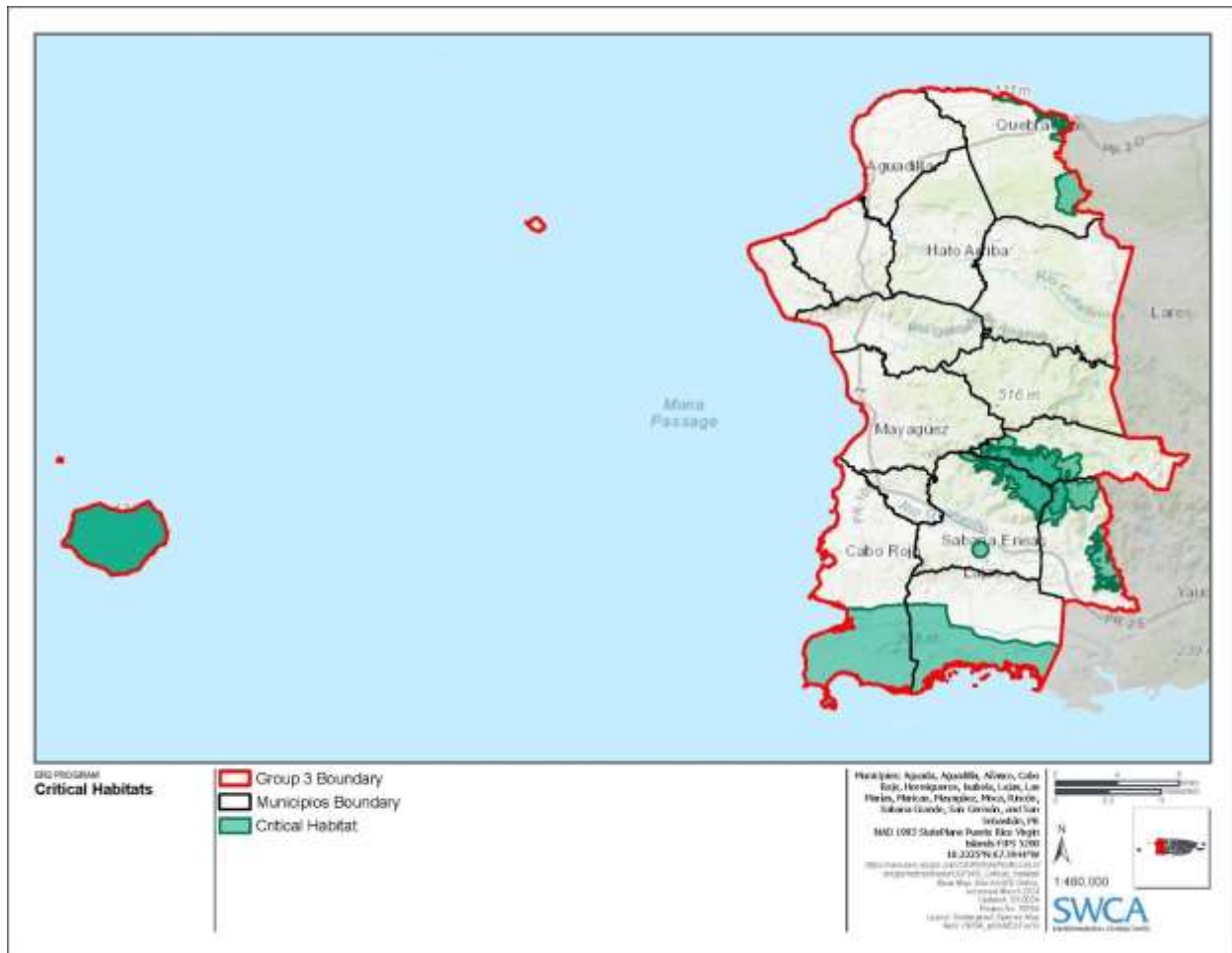
**Figure A-7-1. Map of Critical Habitats in Group 1**



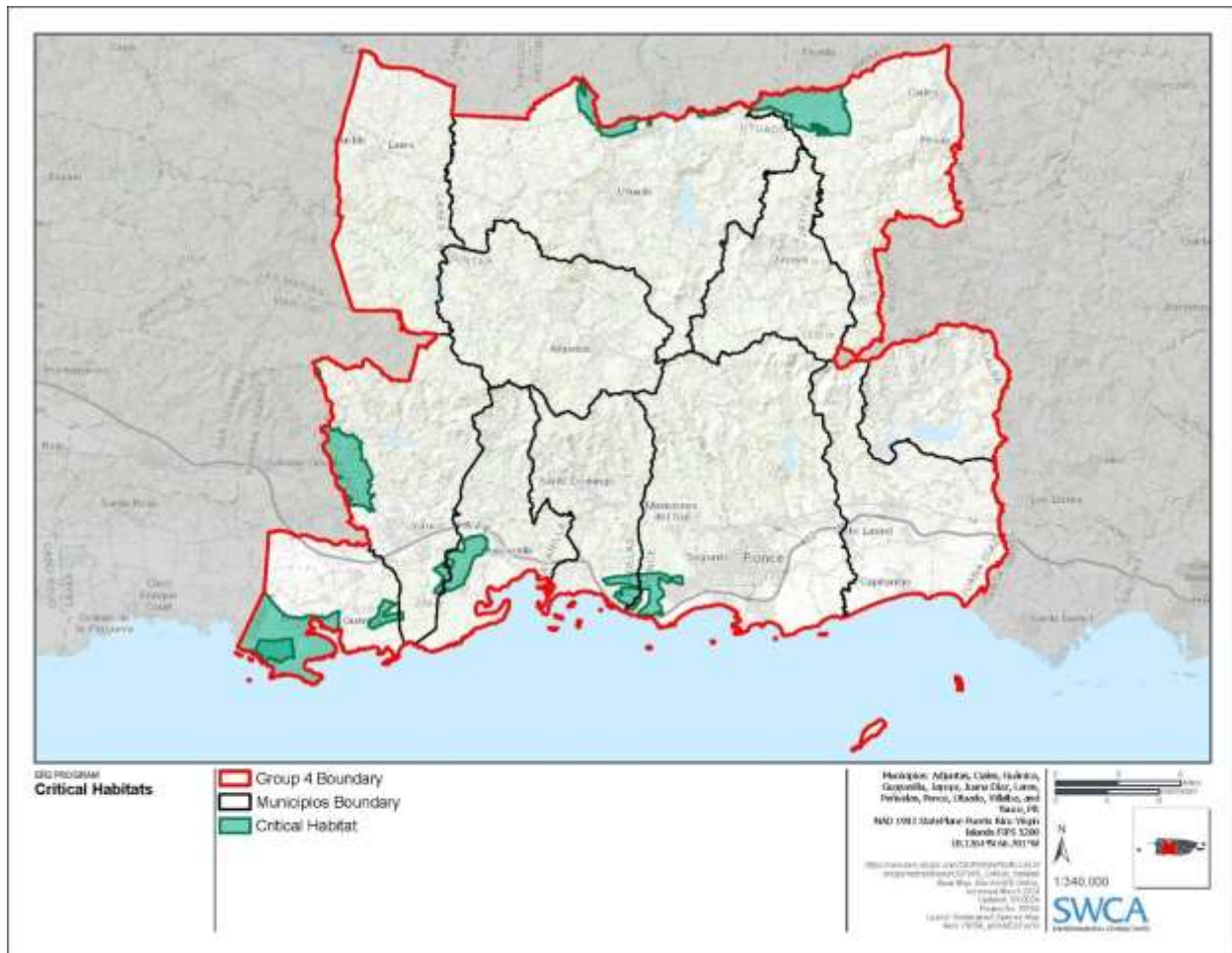
**Figure A-7-2. Map of Critical Habitats in Group 2**



**Figure A-7-3. Map of Critical Habitats in Group 3**

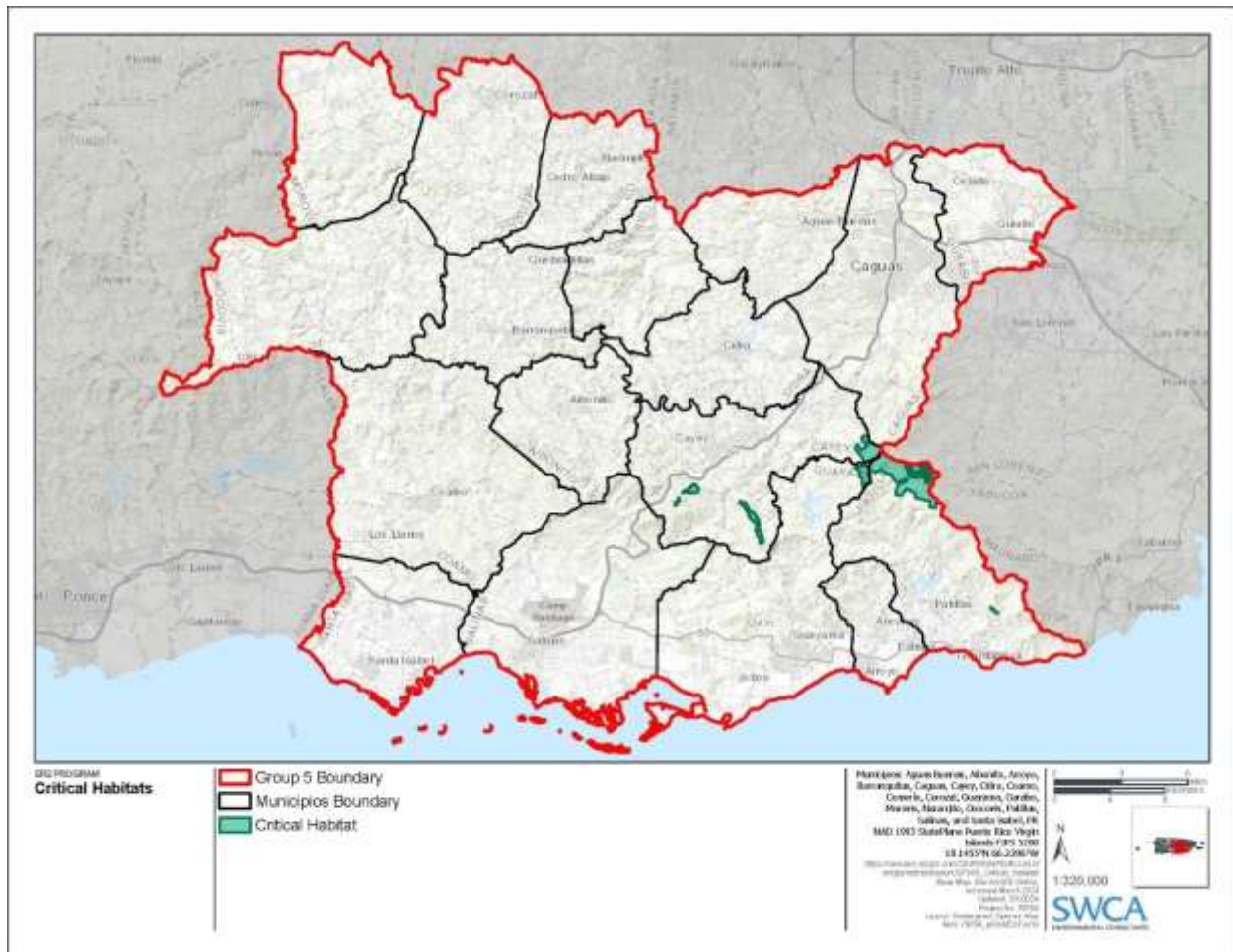


**Figure A-7-4. Map of Critical Habitats in Group 4**



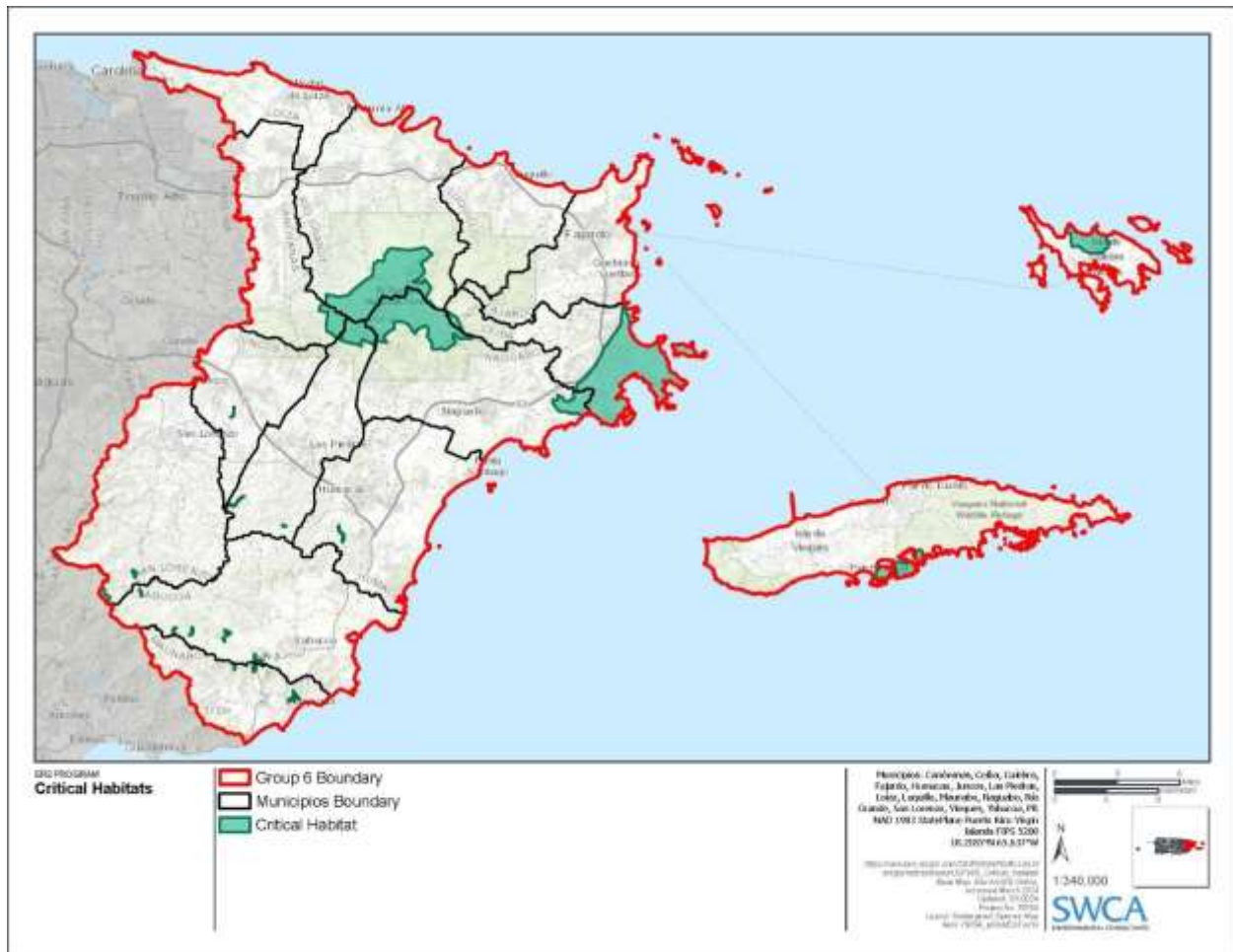


**Figure A-7-5. Map of Critical Habitats in Group 5**





**Figure A-7-6. Map of Critical Habitats in Group 6**



**Table A-7-1. Table of Threatened and Endangered Species in Group 1**

Status	Species	Municipality(s)
<b>Animals</b>		
E	Black-capped Petrel	San Juan
E	Puerto Rican Broad-winged Hawk	Carolina
E	Puerto Rican Parrot	Carolina
E	Puerto Rican Plain Pigeon	Bayamón, Guaynabo
T	Roseate Tern	Bayamón, Carolina, Cataño, Guaynabo, San Juan, Toa Baja
E	Puerto Rican Boa	All
E	Virgin Islands Tree Boa	Carolina
E	Llanero coqui	Toa Baja
<b>Plants</b>		
E	Palo De Ramon	Carolina, San Juan, Toa Baja, Trujillo Alto
T	Palo De Rosa	Bayamón, Cataño, Guaynabo, San Juan, Toa Baja
E	Vahl's Boxwood	Bayamón, Toa Baja
E	Daphnopsis helleriana	Toa Baja

Note: Marine species are not included in this table as project activities will have no impact on offshore environments.

Source: US Fish and Wildlife Service, Information for Planning and Consultation System, Listed Species Occurring in Puerto Rico

**Table A-7-2. Table of Other Protected Resources in Group 1**

Resource	Species/Name	Municipality(s)
Critical Habitat	Llanero coqui ( <i>Eleutherodactylus juanariveroi</i> )	Toa Baja
System Unit	Punta Vacia Talega (PR-87)	Carolina

Note: Marine species are not included in this table as project activities will have no impact on offshore environments.

Source: US Fish and Wildlife Service, Information for Planning and Consultation System, Listed Species Occurring in Puerto Rico

**Table A-7-3. Table of Threatened and Endangered Species in Group 2**

Status	Species
<b>Animals</b>	
E	Black-capped Petrel ( <i>Pterodroma hasitata</i> )
E	Puerto Rican Broad-winged Hawk ( <i>Buteo platypterus brunnescens</i> )
E	Puerto Rican Parrot ( <i>Amazona vittata</i> )
T	Roseate Tern ( <i>Sterna dougallii dougallii</i> )
E	Puerto Rican Boa ( <i>Chilabothrus inornatus</i> )
T	Puerto Rican Crested Toad ( <i>Peltophryne lemur</i> )
T	Puerto Rican Harlequin Butterfly ( <i>Atlantea tulita</i> )
<b>Plants</b>	
E	No common name ( <i>Auerodendron pauciflorum</i> )
E	Beautiful Goetzea ( <i>Goetzea elegans</i> )
E	No common name ( <i>Chamaecrista glandulosa var. mirabilis</i> )
E	Chupacallos ( <i>Pleodendron macranthum</i> )
E	No common name ( <i>Cordia bellonis</i> )
E	No common name ( <i>Daphnopsis helleriana</i> )
E	No common name ( <i>Myrcia paganii</i> )
T	Palma De Manaca ( <i>Calyptronoma rivalis</i> )
E	Palo De Nigua ( <i>Cornutia obovata</i> )
E	Palo De Ramon ( <i>Banara vandrebiltii</i> )
T	Palo De Rosa ( <i>Ottoschulzia rhodoxylon</i> )
T	No common name ( <i>Schoepfia arenaria</i> )
E	St. Thomas Pricky-ash ( <i>Zanthoxylum thomasianum</i> )
E	Uvillo ( <i>Eugenia haematocarpa</i> )
E	Wheeler's Peperomia ( <i>Peperomia wheeleri</i> )
E	No common name ( <i>Tectaria estremerana</i> )
E	No common name ( <i>Thelypteris verecunda</i> )

Note: Marine species are not included in this table as project activities will have no impact on offshore environments.

Source: US Fish and Wildlife Service, Information for Planning and Consultation System, Listed Species Occurring in Puerto Rico

**Table A-7-4. Table of Other Protected Resources in Group 2**

Resource	Species/Name	Municipality(s)
Critical Habitat	Puerto Rican harlequin butterfly ( <i>Atlantea tulita</i> )	Arecibo, Camuy, Florida, Quebradillas

*Note: Marine species are not included in this table as project activities will have no impact on offshore environments.*

*Source: US Fish and Wildlife Service, Information for Planning and Consultation System, Listed Species Occurring in Puerto Rico*

**Table A-7-5. Table of Threatened and Endangered Species in Group 3**

Status	Species
<b>Animals</b>	
E	Black-capped Petrel ( <i>Pterodroma hasitata</i> )
T	Elfin-woods Warbler ( <i>Setophaga angelae</i> )
E	Puerto Rican Broad-winged Hawk ( <i>Buteo platypterus brunnescens</i> )
E	Puerto Rican Nightjar ( <i>Antrostomus noctitherus</i> )
E	Puerto Rican Parrot ( <i>Amazona vittata</i> )
E	Puerto Rican Sharp-shinned Hawk ( <i>Accipiter striatus venator</i> )
T	Roseate Tern ( <i>Sterna dougallii dougallii</i> )
E	Yellow-shouldered Blackbird ( <i>Agelaius xanthomus</i> )
T	Mona Boa ( <i>Epicrates monensis monensis</i> )
T	Mona Ground Iguana ( <i>Cyclura stejnegeri</i> )
E	Puerto Rican Boa ( <i>Chilabothrus inornatus</i> )
T	Puerto Rican Crested Toad ( <i>Peltophryne lemur</i> )
T	Puerto Rican Harlequin Butterfly ( <i>Atlantea tulita</i> )
<b>Plants</b>	
E	No common name ( <i>Aristida chaseae</i> )
E	No common name ( <i>Auerodendron pauciflorum</i> )
E	Bariaco ( <i>Trichilia triacantha</i> )
E	Beautiful Goetzea ( <i>Goetzea elegans</i> )
E	No common name ( <i>Catesbaea melanocarpa</i> )
T	Cobana Negra ( <i>Stahlia monosperma</i> )
E	No common name ( <i>Cordia bellonis</i> )
E	No common name ( <i>Cranichis ricartii</i> )
E	No common name ( <i>Daphnopsis helleriana</i> )
T	No common name ( <i>Eugenia woodburyana</i> )
T	No common name ( <i>Gesneria pauciflora</i> )
T	Higo Chumbo ( <i>Harrisia portoricensis</i> )
E	Higuero De Sierra ( <i>Crescentia portoricensis</i> )
E	No common name ( <i>Lyonia truncata</i> var. <i>proctorii</i> )
E	No common name ( <i>Mitracarpus maxwelliae</i> )
E	No common name ( <i>Myrcia paganii</i> )
T	Palma De Manaca ( <i>Calyptronoma rivalis</i> )
E	Palo De Nigua ( <i>Cornutia obovata</i> )
E	Palo De Ramon ( <i>Banara vandrebiltii</i> )
T	Palo De Rosa ( <i>Ottoschulzia rhodoxylon</i> )
E	Pelos DeL Diablo ( <i>Aristida portoricensis</i> )
T	No common name ( <i>Schoepfia arenaria</i> )
E	St. Thomas Pricky-ash ( <i>Zanthoxylum thomasianum</i> )
E	Uvillo ( <i>Eugenia haematocarpa</i> )
E	Vahl's Boxwood ( <i>Buxus vahlii</i> )
E	No common name ( <i>Vernonia proctorii</i> )

E	Wheeler's Peperomia ( <i>Peperomia wheeleri</i> )
E	No common name ( <i>Tectaria estremerana</i> )
E	No common name ( <i>Thelypteris verecunda</i> )
E	No common name ( <i>Thelypteris yaucoensis</i> )

Note: Marine species are not included in this table as project activities will have no impact on offshore environments.

Source: US Fish and Wildlife Service, Information for Planning and Consultation System, Listed Species Occurring in Puerto Rico

**Table A-7-6. Table of Other Protected Resources in Group 3**

Resource	Species/Name	Municipality(s)
Critical Habitat	Elfin-woods Warbler ( <i>Setophaga angelae</i> )	Maricao
Critical Habitat	Mona Boa ( <i>Epicrates Monesis monesis</i> )	Mayagüez
Critical Habitat	Mona Ground Iguana ( <i>Cyclura stejnegeri</i> )	Mayagüez
Critical Habitat	Puerto Rican harlequin butterfly ( <i>Atlantea tulita</i> )	Isabela, Maricao, Mayagüez, Sabana Grande, San Germán
Critical Habitat	Yellow-shouldered Blackbird ( <i>Agelaius xanthomus</i> )	Cabo Rojo, Lajas, Mayagüez, San Germán

Note: Marine species are not included in this table as project activities will have no impact on offshore environments.

Source: US Fish and Wildlife Service, Information for Planning and Consultation System, Listed Species Occurring in Puerto Rico



**Table A-7-7. Table of Threatened and Endangered Species in Group 4**

Status	Species
<b>Animals</b>	
E	Black-capped Petrel ( <i>Pterodroma hasitata</i> )
T	Elfin-woods Warbler ( <i>Setophaga angelae</i> )
E	Puerto Rican Broad-winged Hawk ( <i>Buteo platypterus brunnescens</i> )
E	Puerto Rican Nightjar ( <i>Antrostomus noctitherus</i> )
E	Puerto Rican Parrot ( <i>Amazona vittata</i> )
E	Puerto Rican Sharp-shinned Hawk ( <i>Accipiter striatus venator</i> )
T	Roseate Tern ( <i>Sterna dougallii dougallii</i> )
E	Yellow-shouldered Blackbird ( <i>Agelaius xanthomus</i> )
E	Puerto Rican Boa ( <i>Chilabothrus inornatus</i> )
T	Puerto Rican Crested Toad ( <i>Peltophryne lemur</i> )
T	Puerto Rican Harlequin Butterfly ( <i>Atlantea tulita</i> )
<b>Plants</b>	
E	Bariaco ( <i>Trichilia triacantha</i> )
E	Beautiful Goetzea ( <i>Goetzea elegans</i> )
E	No common name ( <i>Catesbaea melanocarpa</i> )
E	Chupacallos ( <i>Pleodendron macranthum</i> )
T	Cobana Negra ( <i>Stahlia monosperma</i> )
E	Cook's Holly ( <i>Ilex cookie</i> )
E	No common name ( <i>Cordia bellonis</i> )
T	No common name ( <i>Eugenia woodburyana</i> )
T	No common name ( <i>Gesneria pauciflora</i> )
T	Higo Chumbo ( <i>Harrisia portoricensis</i> )
E	Higuero De Sierra ( <i>Crescentia portoricensis</i> )
E	No common name ( <i>Mitracarpus maxwelliae</i> )
E	No common name ( <i>Mitracarpus polycladus</i> )
T	Palma De Manaca ( <i>Calyptronoma rivalis</i> )
E	Palo De Nigua ( <i>Cornutia obovata</i> )
E	Palo De Ramon ( <i>Banara vandrebiltii</i> )
T	Palo De Rosa ( <i>Ottoschulzia rhodoxylon</i> )
T	No common name ( <i>Schoepfia arenaria</i> )
E	Vahl's Boxwood ( <i>Buxus vahlia</i> )
E	No common name ( <i>Varronia rupicola</i> )
E	West Indian Walnut ( <i>Juglans jamaicensis</i> )

E	No common name ( <i>Elaphoglossum serpens</i> )
E	Elfin Tree Fern ( <i>Cyathea dryopteroides</i> )
E	No common name ( <i>Polystichum caleronense</i> )
E	No common name ( <i>Tectaria estremerana</i> )
E	No common name ( <i>Thelypteris inabonensis</i> )
E	No common name ( <i>Thelypteris verecunda</i> )
E	No common name ( <i>Thelypteris yaucoensis</i> )

Note: Marine species are not included in this table as project activities will have no impact on offshore environments.

Source: US Fish and Wildlife Service, Information for Planning and Consultation System, Listed Species Occurring in Puerto Rico

**Table A-7-8. Table of Other Protected Resources in Group 4**

Resource	Species/Name	Municipality(s)
Critical Habitat	Elfin-woods Warbler ( <i>Setophaga angelae</i> )	Yauco
Critical Habitat	No common name ( <i>Varronia rupicola</i> )	Guánica, Guayanilla, Peñuelas, Ponce, Yauco
Critical Habitat	Puerto Rican harlequin butterfly ( <i>Atlantea tulita</i> )	Ciales, Utuado, Yauco
Critical Habitat	Yellow-shouldered Blackbird ( <i>Agelaius xanthomus</i> )	Guánica

Note: Marine species are not included in this table as project activities will have no impact on offshore environments.

Source: US Fish and Wildlife Service, Information for Planning and Consultation System, Listed Species Occurring in Puerto Rico

**Table A-7-9. Table of Threatened and Endangered Species in Group 5**

Status	Species
<b>Animals</b>	
E	Puerto Rican Broad-winged Hawk ( <i>Buteo platypterus brunnescens</i> )
E	Puerto Rican Nightjar ( <i>Antrostomus noctitherus</i> )
E	Puerto Rican Parrot ( <i>Amazona vittata</i> )
E	Puerto Rican Plain Pigeon ( <i>Patagioenas inornate wetmorei</i> )
E	Puerto Rican Sharp-shinned Hawk ( <i>Accipiter striatus venator</i> )
T	Roseate Tern ( <i>Sterna dougallii dougallii</i> )
E	Yellow-shouldered Blackbird ( <i>Agelaius xanthomus</i> )
E	Puerto Rican Boa ( <i>Chilabothrus inornatus</i> )
T	Golden Coqui ( <i>Eleutherodactylus jasper</i> )
T	Guajon ( <i>Eleutherodactylus cooki</i> )
T	Puerto Rican Crested Toad ( <i>Peltophryne lemur</i> )
T	Puerto Rican Harlequin Butterfly ( <i>Atlantea tulita</i> )
<b>Plants</b>	
E	Beautiful Goetzea ( <i>Goetzea elegans</i> )
E	Capa Rosa ( <i>Callicarpa ampla</i> )
E	Cook's Holly ( <i>Ilex cooki</i> )
E	Erubia ( <i>Solanum drymophilum</i> )
T	No common name ( <i>Eugenia woodburyana</i> )
E	No common name ( <i>Gonoclyx concolor</i> )
E	Palo De Nigua ( <i>Cornutia obovata</i> )
E	Palo De Ramon ( <i>Banara vandrebiltii</i> )
T	Palo De Rosa ( <i>Ottoschulzia rhodoxylon</i> )
E	St. Thomas Prickly-ash ( <i>Zanthoxylum thomasianum</i> )
E	Uvillo ( <i>Eugenia haematocarpa</i> )
E	West Indian Walnut ( <i>Juglans jamaicensis</i> )
E	No common name ( <i>Elaphoglossum serpens</i> )
E	Elfin Tree Fern ( <i>Cyathea dryopteroides</i> )

Note: Marine species are not included in this table as project activities will have no impact on offshore environments.

Source: US Fish and Wildlife Service, Information for Planning and Consultation System, Listed Species Occurring in Puerto Rico

**Table A-7-10. Table of Other Protected Resources in Group 5**

Resource	Species/Name	Municipality(s)
Critical Habitat	Elfin-woods Warbler ( <i>Setophaga angelae</i> )	Caguas, Cayey, Guayama, Patillas
Critical Habitat	No common name ( <i>Gonocalyx concolor</i> )	Caguas, Cayey, Patillas
Critical Habitat	Golden Coqui ( <i>Eleutherodactylus jasper</i> )	Cayey
Critical Habitat	Guajon ( <i>Eleutherodactylus cooki</i> )	Patillas

*Note: Marine species are not included in this table as project activities will have no impact on offshore environments.*

*Source: US Fish and Wildlife Service, Information for Planning and Consultation System, Listed Species Occurring in Puerto Rico*

**Table A-7-11. Table of Threatened and Endangered Species in Group 6**

Status	Species
<i>Animals</i>	
E	Black-capped Petrel ( <i>Pterodroma hasitata</i> )
T	Elfin-woods Warbler ( <i>Setophaga angelae</i> )
E	Puerto Rican Broad-winged Hawk ( <i>Buteo platypterus brunnescens</i> )
E	Puerto Rican Parrot ( <i>Amazona vittata</i> )
E	Puerto Rican Plain Pigeon ( <i>Patagioenas inornate wetmorei</i> )
E	Puerto Rican Sharp-shinned Hawk ( <i>Accipiter striatus venator</i> )
T	Roseate Tern ( <i>Sterna dougallii dougallii</i> )
E	Yellow-shouldered Blackbird ( <i>Agelaius xanthomus</i> )
E	Culebra Island Giant Anole ( <i>Anolis roosevelti</i> )
E	Puerto Rican Boa ( <i>Chilabothrus inornatus</i> )
E	Virgin Islands Tree Boa ( <i>Chilabothrus granti</i> )
T	Guajon ( <i>Eleutherodactylus cooki</i> )
<i>Plants</i>	
E	Beautiful Goetzea ( <i>Goetzea elegans</i> )
E	Capa Rosa ( <i>Callicarpa ampla</i> )
E	Chupacallos ( <i>Pleodendron macranthum</i> )
T	Cobana Negra ( <i>Stahlia monspesia</i> )
E	No common name ( <i>Gonocalyx concolor</i> )
E	No common name ( <i>Ilex sintenisii</i> )
E	No common name ( <i>Leptocereus grantianus</i> )
E	Palo Colorado ( <i>Ternstroemia luquillensis</i> )
E	Palo De Jazmin ( <i>Styrax portoricensis</i> )
T	Palo De Rosa ( <i>Ottoschulzia rhodoxylon</i> )
T	No common name ( <i>Schoepfia arenaria</i> )
E	No common name ( <i>Ternstroemia subsessilis</i> )
E	Uvillo ( <i>Eugenia haematocarpa</i> )
E	Wheeler's Peperomia ( <i>Peperomia wheeleri</i> )

Note: Marine species are not included in this table as project activities will have no impact on offshore environments.

Source: US Fish and Wildlife Service, Information for Planning and Consultation System, Listed Species Occurring in Puerto Rico

**Table A-7-12. Table of Other Protected Resources in Group 6**

Resource	Species/Name	Municipality(s)
Critical Habitat	Culebra Island Giant Anole ( <i>Anolis roosevelti</i> )	Culebra
Critical Habitat	Elfin-woods Warbler ( <i>Setophaga angelae</i> )	Canóvanas, Ceiba, Las Piedras, Naguabo, Río Grande, San Lorenzo
Critical Habitat	No common name ( <i>Gonocalyx concolor</i> )	San Lorenzo
Critical Habitat	Guajon ( <i>Eleutherodactylus cooki</i> )	Humacao, Juncos, Las Piedras, Maunabo, San Lorenzo, Yabucoa
Critical Habitat	No common name ( <i>Varronia rupicola</i> )	Vieques
Critical Habitat	Yellow-shouldered Blackbird ( <i>Agelaius xanthomus</i> )	Ceiba, Fajardo, Naguabo

Note: Marine species are not included in this table as project activities will have no impact on offshore environments.

Source: US Fish and Wildlife Service, Information for Planning and Consultation System, Listed Species Occurring in Puerto Rico



**Attachment A-7-1.**

**USFWS Information for Planning and Consultation System for all Regional  
Groups (Group 1-6)  
(April 5, 2024)**



## United States Department of the Interior

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



In Reply Refer To:

04/05/2024 19:09:51 UTC

Project Code: 2024-0073635

Project Name: Electrical Power Reliability and Resilience Program (ER2)

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

To Whom It May Concern:

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

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

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

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

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to [caribbean\\_es@fws.gov](mailto:caribbean_es@fws.gov). To obtain guidance for completing this process and the minimum requirements for project packages, please visit:

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

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

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

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

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

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

This species list is provided by:

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Caribbean Ecological Services Field Office

[caribbean\\_es@fws.gov](mailto:caribbean_es@fws.gov)

Post Office Box 491

Boqueron, PR 00622-0491

(786) 244-0081

Attachment(s):

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

## OFFICIAL SPECIES LIST

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

This species list is provided by:

**Caribbean Ecological Services Field Office**

Post Office Box 491

Boqueron, PR 00622-0491

(939) 320-3135

Project code: 2024-0073635

04/05/2024 19:09:51 UTC

## PROJECT SUMMARY

Project Code: 2024-0073635

Project Name: Electrical Power Reliability and Resilience Program (ER2)

Project Type: Disaster-related Grants

Project Description: Reconstruction and rehabilitation of small and medium-sized business properties on developed or otherwise disturbed areas. Developed or disturbed areas include paved, filled, graveled, routinely mowed vegetated grasses, agricultural fields, pasturelands or locations where structures stand or stood prior to the disaster.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@18.367381899999998,-66.05784576225538,14z>



Counties: Puerto Rico



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## ENDANGERED SPECIES ACT SPECIES

There is a total of 18 threatened, endangered, or candidate species on this species list.

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

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

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

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



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## MAMMALS

NAME	STATUS
<b>West Indian Manatee <i>Trichechus manatus</i></b> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. <b><i>This species is also protected by the Marine Mammal Protection Act, and may have additional consultation requirements.</i></b> Species profile: <a href="https://ecos.fws.gov/ecp/species/4469">https://ecos.fws.gov/ecp/species/4469</a> General project design guidelines: <a href="https://apac.ecosphere.fws.gov/project/KRCNISJFWNDI3PKTZEQFN7KROY/documents/generated/7138.pdf">https://apac.ecosphere.fws.gov/project/KRCNISJFWNDI3PKTZEQFN7KROY/documents/generated/7138.pdf</a>	Threatened

## BIRDS

NAME	STATUS
<b>Black-capped Petrel <i>Pterodroma hasitata</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4748">https://ecos.fws.gov/ecp/species/4748</a>	Endangered
<b>Puerto Rican Broad-winged Hawk <i>Buteo platypterus brunnescens</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/5512">https://ecos.fws.gov/ecp/species/5512</a>	Endangered
<b>Puerto Rican Parrot <i>Amazona vittata</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/3067">https://ecos.fws.gov/ecp/species/3067</a>	Endangered
<b>Puerto Rican Plain Pigeon <i>Patagioenas inornata wetmorei</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/7955">https://ecos.fws.gov/ecp/species/7955</a>	Endangered
<b>Roseate Tern <i>Sterna dougallii dougallii</i></b> Population: Western Hemisphere except NE U.S. No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/2083">https://ecos.fws.gov/ecp/species/2083</a>	Threatened

## REPTILES

NAME	STATUS
<b>Green Sea Turtle <i>Chelonia mydas</i></b> Population: North Atlantic DPS There is <b>proposed</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/6199">https://ecos.fws.gov/ecp/species/6199</a> General project design guidelines: <a href="https://apac.ecosphere.fws.gov/project/KRCNISJFWNDI3PKTZEQFN7KROY/documents/generated/7133.pdf">https://apac.ecosphere.fws.gov/project/KRCNISJFWNDI3PKTZEQFN7KROY/documents/generated/7133.pdf</a>	Threatened
<b>Hawksbill Sea Turtle <i>Eretmochelys imbricata</i></b> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/3656">https://ecos.fws.gov/ecp/species/3656</a>	Endangered

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NAME	STATUS
General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/KRCNISJFWNDI3PKTZEQFN7KROY/documents/generated/7131.pdf">https://ipac.ecosphere.fws.gov/project/KRCNISJFWNDI3PKTZEQFN7KROY/documents/generated/7131.pdf</a>	
<b>Leatherback Sea Turtle <i>Dermochelys coriacea</i></b> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/1493">https://ecos.fws.gov/ecp/species/1493</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/KRCNISJFWNDI3PKTZEQFN7KROY/documents/generated/7132.pdf">https://ipac.ecosphere.fws.gov/project/KRCNISJFWNDI3PKTZEQFN7KROY/documents/generated/7132.pdf</a>	Endangered
<b>Loggerhead Sea Turtle <i>Caretta caretta</i></b> Population: Northwest Atlantic Ocean DPS There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/1110">https://ecos.fws.gov/ecp/species/1110</a>	Threatened
<b>Olive Ridley Sea Turtle <i>Lepidochelys olivacea</i></b> Population: Wherever found, except when listed as endangered under 50 CFR 224.101 No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1513">https://ecos.fws.gov/ecp/species/1513</a>	Threatened
<b>Puerto Rican Boa <i>Chilabothrus inornatus</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6628">https://ecos.fws.gov/ecp/species/6628</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/KRCNISJFWNDI3PKTZEQFN7KROY/documents/generated/7159.pdf">https://ipac.ecosphere.fws.gov/project/KRCNISJFWNDI3PKTZEQFN7KROY/documents/generated/7159.pdf</a>	Endangered
<b>Virgin Islands Tree Boa <i>Chilabothrus granti</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/3247">https://ecos.fws.gov/ecp/species/3247</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/KRCNISJFWNDI3PKTZEQFN7KROY/documents/generated/7141.pdf">https://ipac.ecosphere.fws.gov/project/KRCNISJFWNDI3PKTZEQFN7KROY/documents/generated/7141.pdf</a>	Endangered

## AMPHIBIANS

NAME	STATUS
<b>Llanero Coqui <i>Eleutherodactylus juanariveroi</i></b> There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/8681">https://ecos.fws.gov/ecp/species/8681</a>	Endangered

## FLOWERING PLANTS

NAME	STATUS
<b>Daphnopsis helleriana</b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6992">https://ecos.fws.gov/ecp/species/6992</a>	Endangered
<b>Palo De Ramon <i>Banara vanderbiltii</i></b>	Endangered

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NAME	STATUS
No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/8113">https://ecos.fws.gov/ecp/species/8113</a>	
Palo De Rosa <i>Ottoschulzia rhodoxylon</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/5741">https://ecos.fws.gov/ecp/species/5741</a>	Threatened
Vahl's Boxwood <i>Buxus vahlia</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4454">https://ecos.fws.gov/ecp/species/4454</a>	Endangered

### CRITICAL HABITATS

There is 1 critical habitat wholly or partially within your project area under this office's jurisdiction.

NAME	STATUS
Llanero Coqui <i>Eleutherodactylus juanariveroi</i> <a href="https://ecos.fws.gov/ecp/species/8681#crithab">https://ecos.fws.gov/ecp/species/8681#crithab</a>	Final

## USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

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

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

## BALD & GOLDEN EAGLES

Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act<sup>1</sup> and the Migratory Bird Treaty Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or their habitats<sup>3</sup>, should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the ["Supplemental Information on Migratory Birds and Eagles"](#).

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

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

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## MIGRATORY BIRDS

Certain birds are protected under the Migratory Bird Treaty Act<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats<sup>3</sup> should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the ["Supplemental Information on Migratory Birds and Eagles"](#).

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

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

## COASTAL BARRIERS

Projects within the [John H. Chafee Coastal Barrier Resources System](#) (CBRS) may be subject to the restrictions on Federal expenditures and financial assistance and the consultation requirements of the Coastal Barrier Resources Act (CBRA) (16 U.S.C. 3501 et seq.). For more information, please contact the local [Ecological Services Field Office](#) or visit the [CBRA Consultations website](#). The CBRA website provides tools such as a flow chart to help determine whether consultation is required and a template to facilitate the consultation process.

## SYSTEM UNIT (SU)

*Most new Federal expenditures and financial assistance, including Federal flood insurance, are prohibited within System Units. **Federally-funded projects within System Units require consultation with the Service.** Consultation is not required for projects using private, state, or local funds.*

## OTHERWISE PROTECTED AREA (OPA)

*OPAs are denoted with a "P" at the end of the unit number. The only prohibition within OPAs is on Federal flood insurance. **CBRA consultation is not required for projects within OPAs.** However, agencies providing disaster assistance that is contingent upon a requirement to purchase flood insurance after the fact are advised to disclose the OPA designation and information on the restrictions on Federal flood insurance to the recipient prior to the commitments of funds.*

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UNIT	NAME	TYPE	SYSTEM UNIT ESTABLISHMENT DATE	FLOOD INSURANCE PROHIBITION DATE
PR-87	Punta Vacia Talega	SU	11/16/1990	11/16/1990
PR-86P	Punta Salinas	OPA	N/A	11/16/1991
PR-87P	Punta Vacia Talega	OPA	N/A	11/16/1991

## MARINE MAMMALS

Marine mammals are protected under the [Marine Mammal Protection Act](#). Some are also protected under the Endangered Species Act<sup>1</sup> and the Convention on International Trade in Endangered Species of Wild Fauna and Flora<sup>2</sup>.

The responsibilities for the protection, conservation, and management of marine mammals are shared by the U.S. Fish and Wildlife Service [responsible for otters, walrus, polar bears, manatees, and dugongs] and NOAA Fisheries<sup>3</sup> [responsible for seals, sea lions, whales, dolphins, and porpoises]. Marine mammals under the responsibility of NOAA Fisheries are **not** shown on this list; for additional information on those species please visit the [Marine Mammals](#) page of the NOAA Fisheries website.

The Marine Mammal Protection Act prohibits the take of marine mammals and further coordination may be necessary for project evaluation. Please contact the U.S. Fish and Wildlife Service Field Office shown.

1. The [Endangered Species Act](#) (ESA) of 1973.
2. The [Convention on International Trade in Endangered Species of Wild Fauna and Flora](#) (CITES) is a treaty to ensure that international trade in plants and animals does not threaten their survival in the wild.
3. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

### NAME

West Indian Manatee *Trichechus manatus*

Species profile: <https://ecos.fws.gov/ecp/species/4469>

## WETLANDS

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

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

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

WETLAND INFORMATION WAS NOT AVAILABLE WHEN THIS SPECIES LIST WAS GENERATED.  
PLEASE VISIT [HTTPS://WWW.FWS.GOV/WETLANDS/DATA/MAPPER.HTML](https://www.fws.gov/wetlands/data/mapper.html) OR CONTACT THE FIELD OFFICE FOR FURTHER INFORMATION.



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### **IPAC USER CONTACT INFORMATION**

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



## United States Department of the Interior

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



In Reply Refer To:

04/08/2024 20:00:10 UTC

Project Code: 2024-0074190

Project Name: Electrical Power Reliability and Resilience Program (ER2) - Group 2

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

To Whom It May Concern:

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

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

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

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

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to [caribbean\\_es@fws.gov](mailto:caribbean_es@fws.gov). To obtain guidance for completing this process and the minimum requirements for project packages, please visit:

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

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

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

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

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

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

This species list is provided by:

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## ENDANGERED SPECIES ACT SPECIES

There is a total of 30 threatened, endangered, or candidate species on this species list.

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

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

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

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

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Caribbean Ecological Services Field Office

[caribbean\\_es@fws.gov](mailto:caribbean_es@fws.gov)

Post Office Box 491

Boqueron, PR 00622-0491

(786) 244-0081

Attachment(s):

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

## OFFICIAL SPECIES LIST

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

This species list is provided by:

**Caribbean Ecological Services Field Office**

Post Office Box 491

Boqueron, PR 00622-0491

(939) 320-3135



Project code: 2024-0074190

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## PROJECT SUMMARY

**Project Code:** 2024-0074190  
**Project Name:** Electrical Power Reliability and Resilience Program (ER2) - Group 2  
**Project Type:** Disaster-related Grants  
**Project Description:** Reconstruction and rehabilitation of small and medium-sized business properties on developed or otherwise disturbed areas. Developed or disturbed areas include paved, filled, graveled, routinely mowed vegetated grasses, agricultural fields, pasturelands or locations where structures stand or stood prior to the disaster.

**Project Location:**

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@18.4047718,-66.60255058383945,14z>



Counties: Puerto Rico



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## ENDANGERED SPECIES ACT SPECIES

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

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## MAMMALS

NAME	STATUS
<b>West Indian Manatee <i>Trichechus manatus</i></b> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. <b><i>This species is also protected by the Marine Mammal Protection Act, and may have additional consultation requirements.</i></b> Species profile: <a href="https://ecos.fws.gov/ecp/species/4469">https://ecos.fws.gov/ecp/species/4469</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/AQVBP6XW3ZBBDERWP7ZKW465TU/documents/generated/7138.pdf">https://ipac.ecosphere.fws.gov/project/AQVBP6XW3ZBBDERWP7ZKW465TU/documents/generated/7138.pdf</a>	Threatened

## BIRDS

NAME	STATUS
<b>Black-capped Petrel <i>Pterodroma hasitata</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4748">https://ecos.fws.gov/ecp/species/4748</a>	Endangered
<b>Puerto Rican Broad-winged Hawk <i>Buteo platypterus brunescens</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/5512">https://ecos.fws.gov/ecp/species/5512</a>	Endangered
<b>Puerto Rican Parrot <i>Amazona vittata</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/3067">https://ecos.fws.gov/ecp/species/3067</a>	Endangered
<b>Roseate Tern <i>Sterna dougallii dougallii</i></b> Population: Western Hemisphere except NE U.S. No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/2083">https://ecos.fws.gov/ecp/species/2083</a>	Threatened

## REPTILES

NAME	STATUS
<b>Green Sea Turtle <i>Chelonia mydas</i></b> Population: North Atlantic DPS There is <b>proposed</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/6199">https://ecos.fws.gov/ecp/species/6199</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/AQVBP6XW3ZBBDERWP7ZKW465TU/documents/generated/7133.pdf">https://ipac.ecosphere.fws.gov/project/AQVBP6XW3ZBBDERWP7ZKW465TU/documents/generated/7133.pdf</a>	Threatened
<b>Hawksbill Sea Turtle <i>Eretmochelys imbricata</i></b> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/3656">https://ecos.fws.gov/ecp/species/3656</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/AQVBP6XW3ZBBDERWP7ZKW465TU/documents/generated/7131.pdf">https://ipac.ecosphere.fws.gov/project/AQVBP6XW3ZBBDERWP7ZKW465TU/documents/generated/7131.pdf</a>	Endangered

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NAME	STATUS
<b>Leatherback Sea Turtle <i>Dermochelys coriacea</i></b> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/1493">https://ecos.fws.gov/ecp/species/1493</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/AQVBP6XW3ZBBDERWP7ZKW465TU/documents/generated/7132.pdf">https://ipac.ecosphere.fws.gov/project/AQVBP6XW3ZBBDERWP7ZKW465TU/documents/generated/7132.pdf</a>	Endangered
<b>Loggerhead Sea Turtle <i>Caretta caretta</i></b> Population: Northwest Atlantic Ocean DPS There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/1110">https://ecos.fws.gov/ecp/species/1110</a>	Threatened
<b>Olive Ridley Sea Turtle <i>Lepidochelys olivacea</i></b> Population: Wherever found, except when listed as endangered under 50 CFR 224.101 No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1513">https://ecos.fws.gov/ecp/species/1513</a>	Threatened
<b>Puerto Rican Boa <i>Chilabothrus inornatus</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6628">https://ecos.fws.gov/ecp/species/6628</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/AQVBP6XW3ZBBDERWP7ZKW465TU/documents/generated/7159.pdf">https://ipac.ecosphere.fws.gov/project/AQVBP6XW3ZBBDERWP7ZKW465TU/documents/generated/7159.pdf</a>	Endangered

## AMPHIBIANS

NAME	STATUS
<b>Puerto Rican Crested Toad <i>Peltophryne lemur</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/3958">https://ecos.fws.gov/ecp/species/3958</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/AQVBP6XW3ZBBDERWP7ZKW465TU/documents/generated/7139.pdf">https://ipac.ecosphere.fws.gov/project/AQVBP6XW3ZBBDERWP7ZKW465TU/documents/generated/7139.pdf</a>	Threatened

## INSECTS

NAME	STATUS
<b>Puerto Rican Harlequin Butterfly <i>Atlantea tulita</i></b> There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/9005">https://ecos.fws.gov/ecp/species/9005</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/AQVBP6XW3ZBBDERWP7ZKW465TU/documents/generated/7168.pdf">https://ipac.ecosphere.fws.gov/project/AQVBP6XW3ZBBDERWP7ZKW465TU/documents/generated/7168.pdf</a>	Threatened

## FLOWERING PLANTS

NAME	STATUS
<b>Auerodendron pauciflorum</b> No critical habitat has been designated for this species.	Endangered

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NAME	STATUS
Species profile: <a href="https://ecos.fws.gov/ecp/species/3618">https://ecos.fws.gov/ecp/species/3618</a>	
Beautiful Goetzea <i>Goetzea elegans</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6453">https://ecos.fws.gov/ecp/species/6453</a>	Endangered
Chamaecrista glandulosa var. mirabilis No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/2864">https://ecos.fws.gov/ecp/species/2864</a>	Endangered
Chupacallos <i>Pleodendron macranthum</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/2749">https://ecos.fws.gov/ecp/species/2749</a>	Endangered
Cordia bellonis No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/7228">https://ecos.fws.gov/ecp/species/7228</a>	Endangered
Daphnopsis helleriana No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6802">https://ecos.fws.gov/ecp/species/6802</a>	Endangered
Myrcia paganii No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/2527">https://ecos.fws.gov/ecp/species/2527</a>	Endangered
Palma De Manaca <i>Calyptrotrichia rivalis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1272">https://ecos.fws.gov/ecp/species/1272</a>	Threatened
Palo De Nigua <i>Cornutia obovata</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4918">https://ecos.fws.gov/ecp/species/4918</a>	Endangered
Palo De Ramon <i>Banara vanderbiltii</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/8113">https://ecos.fws.gov/ecp/species/8113</a>	Endangered
Palo De Rosa <i>Ottoschulzia rhodoxylon</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/5741">https://ecos.fws.gov/ecp/species/5741</a>	Threatened
Schoepfia arenaria No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/5250">https://ecos.fws.gov/ecp/species/5250</a>	Threatened
St. Thomas Prickly-ash <i>Zanthoxylum thomsonianum</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/102">https://ecos.fws.gov/ecp/species/102</a>	Endangered
Uvillo <i>Eugenia haematocarpa</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4279">https://ecos.fws.gov/ecp/species/4279</a>	Endangered

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NAME	STATUS
<b>Wheeler's Peperomia</b> <i>Peperomia wheeleri</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1463">https://ecos.fws.gov/ecp/species/1463</a>	Endangered

## FERNS AND ALLIES

NAME	STATUS
<b>Tectaria estremerana</b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/3630">https://ecos.fws.gov/ecp/species/3630</a>	Endangered
<b>Thelypteris verecunda</b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/8005">https://ecos.fws.gov/ecp/species/8005</a>	Endangered

## CRITICAL HABITATS

There is 1 critical habitat wholly or partially within your project area under this office's jurisdiction.

NAME	STATUS
<b>Puerto Rican Harlequin Butterfly</b> <i>Atlantea tulita</i> <a href="https://ecos.fws.gov/ecp/species/9005#crithab">https://ecos.fws.gov/ecp/species/9005#crithab</a>	Final

## USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

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

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

## BALD & GOLDEN EAGLES

Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act<sup>1</sup> and the Migratory Bird Treaty Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or their habitats<sup>3</sup>, should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "[Supplemental Information on Migratory Birds and Eagles](#)".

1. The [Bald and Golden Eagle Protection Act](#) of 1940.
2. The [Migratory Birds Treaty Act](#) of 1918.



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3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

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

## MIGRATORY BIRDS

Certain birds are protected under the Migratory Bird Treaty Act<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats<sup>3</sup> should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "[Supplemental Information on Migratory Birds and Eagles](#)".

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

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

## COASTAL BARRIERS

Projects within the [John H. Chafee Coastal Barrier Resources System](#) (CBRS) may be subject to the restrictions on Federal expenditures and financial assistance and the consultation requirements of the Coastal Barrier Resources Act (CBRA) (16 U.S.C. 3501 et seq.). For more information, please contact the local [Ecological Services Field Office](#) or visit the [CBRA Consultations website](#). The CBRA website provides tools such as a flow chart to help determine whether consultation is required and a template to facilitate the consultation process.

## SYSTEM UNIT (SU)

*Most new Federal expenditures and financial assistance, including Federal flood insurance, are prohibited within System Units. **Federally-funded projects within System Units require consultation with the Service.** Consultation is not required for projects using private, state, or local funds.*

## OTHERWISE PROTECTED AREA (OPA)

*OPAs are denoted with a "P" at the end of the unit number. The only prohibition within OPAs is on Federal flood insurance. **CBRA consultation is not required for projects within OPAs.** However, agencies providing disaster assistance that is contingent upon a requirement to purchase flood insurance after the fact are advised to disclose the OPA designation and*

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information on the restrictions on Federal flood insurance to the recipient prior to the commitments of funds.

UNIT	NAME	TYPE	SYSTEM UNIT ESTABLISHMENT DATE	FLOOD INSURANCE PROHIBITION DATE
PR-79	Penon Brusi	SU	11/16/1990	11/16/1990
PR-80	Punta Maracayo	SU	11/16/1990	11/16/1990
PR-81	Puerto de Arecibo	SU	11/16/1990	11/16/1990
PR-83	Tortuguero	SU	11/16/1990	11/16/1990
PR-84	Punta Garza	SU	11/16/1990	11/16/1990
PR-82P	Punta Manati	OPA	N/A	11/16/1991

## MARINE MAMMALS

Marine mammals are protected under the [Marine Mammal Protection Act](#). Some are also protected under the Endangered Species Act<sup>1</sup> and the Convention on International Trade in Endangered Species of Wild Fauna and Flora<sup>2</sup>.

The responsibilities for the protection, conservation, and management of marine mammals are shared by the U.S. Fish and Wildlife Service [responsible for otters, walruses, polar bears, manatees, and dugongs] and NOAA Fisheries<sup>3</sup> [responsible for seals, sea lions, whales, dolphins, and porpoises]. Marine mammals under the responsibility of NOAA Fisheries are **not** shown on this list; for additional information on those species please visit the [Marine Mammals](#) page of the NOAA Fisheries website.

The Marine Mammal Protection Act prohibits the take of marine mammals and further coordination may be necessary for project evaluation. Please contact the U.S. Fish and Wildlife Service Field Office shown.

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2. The [Convention on International Trade in Endangered Species of Wild Fauna and Flora](#) (CITES) is a treaty to ensure that international trade in plants and animals does not threaten their survival in the wild.
3. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

NAME

West Indian Manatee *Trichechus manatus*

Species profile: <https://ecos.fws.gov/ecp/species/4469>

Project code: 2024-0074190

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## WETLANDS

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

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

WETLAND INFORMATION WAS NOT AVAILABLE WHEN THIS SPECIES LIST WAS GENERATED.  
PLEASE VISIT [HTTPS://WWW.FWS.GOV/WETLANDS/DATA/MAPPER.HTML](https://www.fws.gov/wetlands/data/mapper.html) OR CONTACT THE FIELD OFFICE FOR FURTHER INFORMATION.

Project code: 2024-0074190

04/08/2024 20:00:10 UTC

### **IPAC USER CONTACT INFORMATION**

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



## United States Department of the Interior

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



In Reply Refer To:  
Project Code: 2024-0125051  
Project Name: Group 3

08/02/2024 00:32:56 UTC

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

To Whom It May Concern:

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

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

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

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



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to [caribbean\\_es@fws.gov](mailto:caribbean_es@fws.gov). To obtain guidance for completing this process and the minimum requirements for project packages, please visit:

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

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

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

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

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

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

This species list is provided by:

Project code: 2024-0125051

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**Caribbean Ecological Services Field Office**

[caribbean\\_es@fws.gov](mailto:caribbean_es@fws.gov)

Post Office Box 491

Boqueron, PR 00622-0491

(786) 244-0081

**Attachment(s):**

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

## OFFICIAL SPECIES LIST

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

This species list is provided by:

**Caribbean Ecological Services Field Office**

Post Office Box 491

Boqueron, PR 00622-0491

(939) 320-3135



Project code: 2024-0125051

08/02/2024 00:32:56 UTC

## PROJECT SUMMARY

Project Code: 2024-0125051

Project Name: Group 3

Project Type: Disaster-related Grants

Project Description: Reconstruction and rehabilitation of small and medium-sized business properties on developed or otherwise disturbed areas. Developed or disturbed areas include paved, filled, graveled, routinely mowed vegetated grasses, agricultural fields, pasturelands or locations where structures stand or stood prior to the disaster.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@18.2236677,-67.0402174204191,14z>



Counties: Puerto Rico

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## ENDANGERED SPECIES ACT SPECIES

There is a total of 47 threatened, endangered, or candidate species on this species list.

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

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

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

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

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## MAMMALS

NAME	STATUS
<b>West Indian Manatee <i>Trichechus manatus</i></b> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. <b><i>This species is also protected by the Marine Mammal Protection Act, and may have additional consultation requirements.</i></b> Species profile: <a href="https://ecos.fws.gov/ecp/species/4469">https://ecos.fws.gov/ecp/species/4469</a> General project design guidelines: <a href="https://pac.ecosphere.fws.gov/project/ZKYTLPVTKVFL3DQD76RZ7KEL4Q/documents/generated/7138.pdf">https://pac.ecosphere.fws.gov/project/ZKYTLPVTKVFL3DQD76RZ7KEL4Q/documents/generated/7138.pdf</a>	Threatened

## BIRDS

NAME	STATUS
<b>Black-capped Petrel <i>Pterodroma hasitata</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4748">https://ecos.fws.gov/ecp/species/4748</a>	Endangered
<b>Elfin-woods Warbler <i>Setophaga angelae</i></b> There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/2972">https://ecos.fws.gov/ecp/species/2972</a>	Threatened
<b>Puerto Rican Broad-winged Hawk <i>Buteo platypterus brunescens</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/5512">https://ecos.fws.gov/ecp/species/5512</a>	Endangered
<b>Puerto Rican Nightjar <i>Antrostomus noctitherus</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6972">https://ecos.fws.gov/ecp/species/6972</a>	Endangered
<b>Puerto Rican Parrot <i>Amazona vittata</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/3067">https://ecos.fws.gov/ecp/species/3067</a>	Endangered
<b>Puerto Rican Sharp-shinned Hawk <i>Accipiter striatus venator</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/604">https://ecos.fws.gov/ecp/species/604</a>	Endangered
<b>Roseate Tern <i>Sterna dougallii dougallii</i></b> Population: Western Hemisphere except NE U.S. No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/2083">https://ecos.fws.gov/ecp/species/2083</a>	Threatened
<b>Yellow-shouldered Blackbird <i>Agelaius xanthomus</i></b> There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/7383">https://ecos.fws.gov/ecp/species/7383</a>	Endangered

## REPTILES

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NAME	STATUS
<b>Green Sea Turtle <i>Chelonia mydas</i></b> Population: North Atlantic DPS There is <b>proposed</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/6199">https://ecos.fws.gov/ecp/species/6199</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/ZKYTLPVTKVFL3DQD76RZ7KEL4Q/documents/generated/7133.pdf">https://ipac.ecosphere.fws.gov/project/ZKYTLPVTKVFL3DQD76RZ7KEL4Q/documents/generated/7133.pdf</a>	Threatened
<b>Hawksbill Sea Turtle <i>Eretmochelys imbricata</i></b> There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/3656">https://ecos.fws.gov/ecp/species/3656</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/ZKYTLPVTKVFL3DQD76RZ7KEL4Q/documents/generated/7131.pdf">https://ipac.ecosphere.fws.gov/project/ZKYTLPVTKVFL3DQD76RZ7KEL4Q/documents/generated/7131.pdf</a>	Endangered
<b>Leatherback Sea Turtle <i>Dermochelys coriacea</i></b> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/1493">https://ecos.fws.gov/ecp/species/1493</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/ZKYTLPVTKVFL3DQD76RZ7KEL4Q/documents/generated/7132.pdf">https://ipac.ecosphere.fws.gov/project/ZKYTLPVTKVFL3DQD76RZ7KEL4Q/documents/generated/7132.pdf</a>	Endangered
<b>Mona Boa <i>Epicrates monensis monensis</i></b> There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/5729">https://ecos.fws.gov/ecp/species/5729</a>	Threatened
<b>Mona Ground Iguana <i>Cyclura stejnegeri</i></b> There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/6372">https://ecos.fws.gov/ecp/species/6372</a>	Threatened
<b>Puerto Rican Boa <i>Chilabothrus inornatus</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6628">https://ecos.fws.gov/ecp/species/6628</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/ZKYTLPVTKVFL3DQD76RZ7KEL4Q/documents/generated/7159.pdf">https://ipac.ecosphere.fws.gov/project/ZKYTLPVTKVFL3DQD76RZ7KEL4Q/documents/generated/7159.pdf</a>	Endangered

## AMPHIBIANS

NAME	STATUS
<b>Puerto Rican Crested Toad <i>Peltophryne lemur</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/3958">https://ecos.fws.gov/ecp/species/3958</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/ZKYTLPVTKVFL3DQD76RZ7KEL4Q/documents/generated/7139.pdf">https://ipac.ecosphere.fws.gov/project/ZKYTLPVTKVFL3DQD76RZ7KEL4Q/documents/generated/7139.pdf</a>	Threatened

## INSECTS

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NAME	STATUS
<b>Puerto Rican Harlequin Butterfly <i>Atlantea tulita</i></b> There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/9005">https://ecos.fws.gov/ecp/species/9005</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/ZKYTLPVTKVFL3DQD76RZ7KEL4Q/documents/generated/7168.pdf">https://ipac.ecosphere.fws.gov/project/ZKYTLPVTKVFL3DQD76RZ7KEL4Q/documents/generated/7168.pdf</a>	Threatened

## FLOWERING PLANTS

NAME	STATUS
<b>Aristida chaseae</b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/5253">https://ecos.fws.gov/ecp/species/5253</a>	Endangered
<b>Auerodendron pauciflorum</b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/3618">https://ecos.fws.gov/ecp/species/3618</a>	Endangered
<b>Bariaco <i>Trichilia triacantha</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1576">https://ecos.fws.gov/ecp/species/1576</a>	Endangered
<b>Beautiful Goetzea <i>Goetzea elegans</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6453">https://ecos.fws.gov/ecp/species/6453</a>	Endangered
<b>Catesbaea melanocarpa</b> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/722">https://ecos.fws.gov/ecp/species/722</a>	Endangered
<b>Cobana Negra <i>Stahlia monosperma</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/2282">https://ecos.fws.gov/ecp/species/2282</a>	Threatened
<b>Cordia bellonis</b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/7228">https://ecos.fws.gov/ecp/species/7228</a>	Endangered
<b>Cranichis ricartii</b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/3622">https://ecos.fws.gov/ecp/species/3622</a>	Endangered
<b>Daphnopsis helleriana</b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6802">https://ecos.fws.gov/ecp/species/6802</a>	Endangered
<b>Eugenia woodburyana</b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/8346">https://ecos.fws.gov/ecp/species/8346</a>	Threatened
<b>Gesneria pauciflora</b> No critical habitat has been designated for this species.	Threatened

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NAME	STATUS
Species profile: <a href="https://ecos.fws.gov/ecp/species/7349">https://ecos.fws.gov/ecp/species/7349</a>	
Higo Chumbo <i>Harrisia portoricensis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1886">https://ecos.fws.gov/ecp/species/1886</a>	Threatened
Higuero De Sierra <i>Crescentia portoricensis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6800">https://ecos.fws.gov/ecp/species/6800</a>	Endangered
Lyonia truncata var. proctorii No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4348">https://ecos.fws.gov/ecp/species/4348</a>	Endangered
Mitracarpus maxwelliae No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/268">https://ecos.fws.gov/ecp/species/268</a>	Endangered
Myrcia paganii No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/2527">https://ecos.fws.gov/ecp/species/2527</a>	Endangered
Palma De Manaca <i>Calyptrotrichia rivalis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1272">https://ecos.fws.gov/ecp/species/1272</a>	Threatened
Palo De Nigua <i>Cornutia obovata</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4918">https://ecos.fws.gov/ecp/species/4918</a>	Endangered
Palo De Ramon <i>Banara vanderbiltii</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/8113">https://ecos.fws.gov/ecp/species/8113</a>	Endangered
Palo De Rosa <i>Ottoschulzia rhodoxylon</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/5741">https://ecos.fws.gov/ecp/species/5741</a>	Threatened
Pelos Del Diablo <i>Aristida portoricensis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6396">https://ecos.fws.gov/ecp/species/6396</a>	Endangered
Schoepfia arenaria No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/5250">https://ecos.fws.gov/ecp/species/5250</a>	Threatened
St. Thomas Prickly-ash <i>Zanthoxylum thomsonianum</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/102">https://ecos.fws.gov/ecp/species/102</a>	Endangered
Uvillo <i>Eugenia haematocarpa</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4279">https://ecos.fws.gov/ecp/species/4279</a>	Endangered

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NAME	STATUS
<b>Vahl's Boxwood <i>Buxus vahlia</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4454">https://ecos.fws.gov/ecp/species/4454</a>	Endangered
<b>Vernonia proctorii</b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/3621">https://ecos.fws.gov/ecp/species/3621</a>	Endangered
<b>Wheeler's Peperomia <i>Peperomia wheeleri</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1463">https://ecos.fws.gov/ecp/species/1463</a>	Endangered

## FERNS AND ALLIES

NAME	STATUS
<b>Tectaria estremerana</b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/3630">https://ecos.fws.gov/ecp/species/3630</a>	Endangered
<b>Thelypteris verecunda</b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/8005">https://ecos.fws.gov/ecp/species/8005</a>	Endangered
<b>Thelypteris yaucoensis</b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4609">https://ecos.fws.gov/ecp/species/4609</a>	Endangered

## CRITICAL HABITATS

There are 7 critical habitats wholly or partially within your project area under this office's jurisdiction.

NAME	STATUS
<b>Elfin-woods Warbler <i>Setophaga angelae</i></b> <a href="https://ecos.fws.gov/ecp/species/2972#crithab">https://ecos.fws.gov/ecp/species/2972#crithab</a>	Final
<b>Green Sea Turtle <i>Chelonia mydas</i></b> <a href="https://ecos.fws.gov/ecp/species/6199#crithab">https://ecos.fws.gov/ecp/species/6199#crithab</a>	Proposed
<b>Hawksbill Sea Turtle <i>Eretmochelys imbricata</i></b> <a href="https://ecos.fws.gov/ecp/species/3656#crithab">https://ecos.fws.gov/ecp/species/3656#crithab</a>	Final
<b>Mona Boa <i>Epicrates monensis monensis</i></b> <a href="https://ecos.fws.gov/ecp/species/5729#crithab">https://ecos.fws.gov/ecp/species/5729#crithab</a>	Final
<b>Mona Ground Iguana <i>Cyclura stejnegeri</i></b> <a href="https://ecos.fws.gov/ecp/species/6372#crithab">https://ecos.fws.gov/ecp/species/6372#crithab</a>	Final
<b>Puerto Rican Harlequin Butterfly <i>Atlantea tulita</i></b> <a href="https://ecos.fws.gov/ecp/species/9005#crithab">https://ecos.fws.gov/ecp/species/9005#crithab</a>	Final

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NAME	STATUS
Yellow-shouldered Blackbird <i>Agelaius xanthomus</i> <a href="https://ecos.fws.gov/ecp/species/7383#crithab">https://ecos.fws.gov/ecp/species/7383#crithab</a>	Final

## USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

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

The following FWS National Wildlife Refuge Lands and Fish Hatcheries lie fully or partially within your project area:

FACILITY NAME	ACRES
CABO ROJO NATIONAL WILDLIFE REFUGE <a href="https://www.fws.gov/our-facilities?keywords=%5C%22CABO+ROJO+NATIONAL+WILDLIFE+REFUGE%5C%22">https://www.fws.gov/our-facilities? keywords=%5C%22CABO+ROJO+NATIONAL+WILDLIFE+REFUGE%5C%22</a>	1,969.681
DESECHEO NATIONAL WILDLIFE REFUGE <a href="https://www.fws.gov/our-facilities?keywords=%5C%22DESECHEO+NATIONAL+WILDLIFE+REFUGE%5C%22">https://www.fws.gov/our-facilities? keywords=%5C%22DESECHEO+NATIONAL+WILDLIFE+REFUGE%5C%22</a>	323.974
LAGUNA CARTAGENA NATIONAL WILDLIFE REFUGE <a href="https://www.fws.gov/our-facilities?keywords=%5C%22LAGUNA+CARTAGENA+NATIONAL+WILDLIFE+REFUGE%5C%22">https://www.fws.gov/our-facilities? keywords=%5C%22LAGUNA+CARTAGENA+NATIONAL+WILDLIFE+REFUGE%5C%22</a>	1,093.041

## BALD & GOLDEN EAGLES

Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act<sup>1</sup> and the Migratory Bird Treaty Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or their habitats<sup>3</sup>, should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "[Supplemental Information on Migratory Birds and Eagles](#)".

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

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

Project code: 2024-0125051

08/02/2024 00:32:56 UTC

## MIGRATORY BIRDS

Certain birds are protected under the Migratory Bird Treaty Act<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats<sup>3</sup> should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the ["Supplemental Information on Migratory Birds and Eagles"](#).

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

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

## COASTAL BARRIERS

Projects within the [John H. Chafee Coastal Barrier Resources System](#) (CBRS) may be subject to the restrictions on Federal expenditures and financial assistance and the consultation requirements of the Coastal Barrier Resources Act (CBRA) (16 U.S.C. 3501 et seq.). For more information, please contact the local [Ecological Services Field Office](#) or visit the [CBRA Consultations website](#). The CBRA website provides tools such as a flow chart to help determine whether consultation is required and a template to facilitate the consultation process.

## SYSTEM UNIT (SU)

*Most new Federal expenditures and financial assistance, including Federal flood insurance, are prohibited within System Units. Federally-funded projects within System Units require consultation with the Service. Consultation is not required for projects using private, state, or local funds.*

## OTHERWISE PROTECTED AREA (OPA)

*OPAs are denoted with a "P" at the end of the unit number. The only prohibition within OPAs is on Federal flood insurance. CBRA consultation is not required for projects within OPAs. However, agencies providing disaster assistance that is contingent upon a requirement to purchase flood insurance after the fact are advised to disclose the OPA designation and information on the restrictions on Federal flood insurance to the recipient prior to the commitments of funds.*



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UNIT	NAME	TYPE	SYSTEM UNIT ESTABLISHMENT DATE	FLOOD INSURANCE PROHIBITION DATE
PR-66	Cabo Rojo	SU	11/16/1990	11/16/1990
PR-68	Boca Prieta	SU	11/16/1990	11/16/1990
PR-69	Punta Carenero	SU	11/16/1990	11/16/1990
PR-70	Belvedere	SU	11/16/1990	11/16/1990
PR-72	Rio Guanajibo	SU	11/16/1990	11/16/1990
PR-75	Espinar	SU	11/16/1990	11/16/1990
PR-76	Punta Agujereada	SU	11/16/1990	11/16/1990
PR-77	Bajura	SU	11/16/1990	11/16/1990
PR-78	Coto	SU	11/16/1990	11/16/1990
PR-64P	Bahia Montalva	OPA	N/A	11/16/1991
PR-65P	Isla Cueva/Guayacan	OPA	N/A	11/16/1991
PR-66P	Cabo Rojo	OPA	N/A	11/16/1991
PR-67P	Bahia de Boqueron	OPA	N/A	11/16/1991
PR-75P	Espinar	OPA	N/A	11/16/1991

## MARINE MAMMALS

Marine mammals are protected under the [Marine Mammal Protection Act](#). Some are also protected under the Endangered Species Act<sup>1</sup> and the Convention on International Trade in Endangered Species of Wild Fauna and Flora<sup>2</sup>.

The responsibilities for the protection, conservation, and management of marine mammals are shared by the U.S. Fish and Wildlife Service [responsible for otters, walruses, polar bears, manatees, and dugongs] and NOAA Fisheries<sup>3</sup> [responsible for seals, sea lions, whales, dolphins, and porpoises]. Marine mammals under the responsibility of NOAA Fisheries are **not** shown on this list; for additional information on those species please visit the [Marine Mammals](#) page of the NOAA Fisheries website.

The Marine Mammal Protection Act prohibits the take of marine mammals and further coordination may be necessary for project evaluation. Please contact the U.S. Fish and Wildlife Service Field Office shown.

1. The [Endangered Species Act](#) (ESA) of 1973.
2. The [Convention on International Trade in Endangered Species of Wild Fauna and Flora](#) (CITES) is a treaty to ensure that international trade in plants and animals does not threaten their survival in the wild.

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

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**NAME**

West Indian Manatee *Trichechus manatus*

Species profile: <https://ecos.fws.gov/ecp/species/4469>

## WETLANDS

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

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

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

WETLAND INFORMATION WAS NOT AVAILABLE WHEN THIS SPECIES LIST WAS GENERATED. PLEASE VISIT [HTTPS://WWW.FWS.GOV/WETLANDS/DATA/MAPPER.HTML](https://www.fws.gov/wetlands/data/mapper.html) OR CONTACT THE FIELD OFFICE FOR FURTHER INFORMATION.

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### **IPAC USER CONTACT INFORMATION**

Agency: SWCA  
Name: Rachel Howsmon  
Address: 13 Palafox Pl  
City: Pensacola  
State: FL  
Zip: 32502  
Email: [rachel.howsmon@swca.com](mailto:rachel.howsmon@swca.com)  
Phone: 8504948710





## United States Department of the Interior

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



In Reply Refer To:

04/08/2024 21:22:09 UTC

Project Code: 2024-0074266

Project Name: Electrical Power Reliability and Resilience Program (ER2) - Group 4

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

To Whom It May Concern:

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

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

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

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

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to [caribbean\\_es@fws.gov](mailto:caribbean_es@fws.gov). To obtain guidance for completing this process and the minimum requirements for project packages, please visit:

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

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

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

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

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

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

This species list is provided by:

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Caribbean Ecological Services Field Office

[caribbean\\_es@fws.gov](mailto:caribbean_es@fws.gov)

Post Office Box 491

Boqueron, PR 00622-0491

(786) 244-0081

Attachment(s):

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

## OFFICIAL SPECIES LIST

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

This species list is provided by:

**Caribbean Ecological Services Field Office**

Post Office Box 491

Boqueron, PR 00622-0491

(939) 320-3135

Project code: 2024-0074266

04/08/2024 21:22:09 UTC

## PROJECT SUMMARY

Project Code: 2024-0074266

Project Name: Electrical Power Reliability and Resilience Program (ER2) - Group 4

Project Type: Disaster-related Grants

Project Description: Reconstruction and rehabilitation of small and medium-sized business properties on developed or otherwise disturbed areas. Developed or disturbed areas include paved, filled, graveled, routinely mowed vegetated grasses, agricultural fields, pasturelands or locations where structures stand or stood prior to the disaster.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@18.149419950000002,-66.69925018853135,14z>



Counties: Puerto Rico

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## ENDANGERED SPECIES ACT SPECIES

There is a total of 45 threatened, endangered, or candidate species on this species list.

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

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

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

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



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## MAMMALS

NAME	STATUS
<b>West Indian Manatee <i>Trichechus manatus</i></b> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. <b><i>This species is also protected by the Marine Mammal Protection Act, and may have additional consultation requirements.</i></b> Species profile: <a href="https://ecos.fws.gov/ecp/species/4469">https://ecos.fws.gov/ecp/species/4469</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/Y6PYBMZ3Z7BZ3BVEPM2BCTOGGU/documents/generated/7138.pdf">https://ipac.ecosphere.fws.gov/project/Y6PYBMZ3Z7BZ3BVEPM2BCTOGGU/documents/generated/7138.pdf</a>	Threatened

## BIRDS

NAME	STATUS
<b>Black-capped Petrel <i>Pterodroma hasitata</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4748">https://ecos.fws.gov/ecp/species/4748</a>	Endangered
<b>Elfin-woods Warbler <i>Setophaga angelae</i></b> There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/2972">https://ecos.fws.gov/ecp/species/2972</a>	Threatened
<b>Puerto Rican Broad-winged Hawk <i>Buteo platypterus brunescens</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/5512">https://ecos.fws.gov/ecp/species/5512</a>	Endangered
<b>Puerto Rican Nightjar <i>Antrostomus noctitherus</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6972">https://ecos.fws.gov/ecp/species/6972</a>	Endangered
<b>Puerto Rican Parrot <i>Amazona vittata</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/3067">https://ecos.fws.gov/ecp/species/3067</a>	Endangered
<b>Puerto Rican Sharp-shinned Hawk <i>Accipiter striatus venator</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/604">https://ecos.fws.gov/ecp/species/604</a>	Endangered
<b>Roseate Tern <i>Sterna dougallii dougallii</i></b> Population: Western Hemisphere except NE U.S. No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/2083">https://ecos.fws.gov/ecp/species/2083</a>	Threatened
<b>Yellow-shouldered Blackbird <i>Agelaius xanthomus</i></b> There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/7383">https://ecos.fws.gov/ecp/species/7383</a>	Endangered

## REPTILES

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NAME	STATUS
<b>Green Sea Turtle <i>Chelonia mydas</i></b> Population: North Atlantic DPS There is <b>proposed</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/6199">https://ecos.fws.gov/ecp/species/6199</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/Y6PYBMZ32ZB23BVEPM2BCTOGGU/documents/generated/7133.pdf">https://ipac.ecosphere.fws.gov/project/Y6PYBMZ32ZB23BVEPM2BCTOGGU/documents/generated/7133.pdf</a>	Threatened
<b>Hawksbill Sea Turtle <i>Eretmochelys imbricata</i></b> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/3636">https://ecos.fws.gov/ecp/species/3636</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/Y6PYBMZ32ZB23BVEPM2BCTOGGU/documents/generated/7131.pdf">https://ipac.ecosphere.fws.gov/project/Y6PYBMZ32ZB23BVEPM2BCTOGGU/documents/generated/7131.pdf</a>	Endangered
<b>Leatherback Sea Turtle <i>Dermochelys coriacea</i></b> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/1493">https://ecos.fws.gov/ecp/species/1493</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/Y6PYBMZ32ZB23BVEPM2BCTOGGU/documents/generated/7132.pdf">https://ipac.ecosphere.fws.gov/project/Y6PYBMZ32ZB23BVEPM2BCTOGGU/documents/generated/7132.pdf</a>	Endangered
<b>Loggerhead Sea Turtle <i>Caretta caretta</i></b> Population: Northwest Atlantic Ocean DPS There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/1110">https://ecos.fws.gov/ecp/species/1110</a>	Threatened
<b>Olive Ridley Sea Turtle <i>Lepidochelys olivacea</i></b> Population: Wherever found, except when listed as endangered under 50 CFR 224.101 No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1513">https://ecos.fws.gov/ecp/species/1513</a>	Threatened
<b>Puerto Rican Boa <i>Chilabothrus inornatus</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6628">https://ecos.fws.gov/ecp/species/6628</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/Y6PYBMZ32ZB23BVEPM2BCTOGGU/documents/generated/7159.pdf">https://ipac.ecosphere.fws.gov/project/Y6PYBMZ32ZB23BVEPM2BCTOGGU/documents/generated/7159.pdf</a>	Endangered

## AMPHIBIANS

NAME	STATUS
<b>Puerto Rican Crested Toad <i>Peltophryne lemur</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/3958">https://ecos.fws.gov/ecp/species/3958</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/Y6PYBMZ32ZB23BVEPM2BCTOGGU/documents/generated/7139.pdf">https://ipac.ecosphere.fws.gov/project/Y6PYBMZ32ZB23BVEPM2BCTOGGU/documents/generated/7139.pdf</a>	Threatened

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## INSECTS

NAME	STATUS
<b>Puerto Rican Harlequin Butterfly <i>Atlantea tulita</i></b> There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/9005">https://ecos.fws.gov/ecp/species/9005</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/Y6PYBMZ32ZB23BVEPM2BCTOGGU/documents/generated/7168.pdf">https://ipac.ecosphere.fws.gov/project/Y6PYBMZ32ZB23BVEPM2BCTOGGU/documents/generated/7168.pdf</a>	Threatened

## FLOWERING PLANTS

NAME	STATUS
<b>Bariaco <i>Trichilia triacantha</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1576">https://ecos.fws.gov/ecp/species/1576</a>	Endangered
<b>Beautiful Goetzea <i>Goetzea elegans</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6453">https://ecos.fws.gov/ecp/species/6453</a>	Endangered
<b>Catesbaea melanocarpa</b> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/722">https://ecos.fws.gov/ecp/species/722</a>	Endangered
<b>Chupacallos <i>Pleodendron macranthum</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/2749">https://ecos.fws.gov/ecp/species/2749</a>	Endangered
<b>Cobana Negra <i>Stahlia monosperma</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/2282">https://ecos.fws.gov/ecp/species/2282</a>	Threatened
<b>Cook's Holly <i>Ilex cookii</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/3475">https://ecos.fws.gov/ecp/species/3475</a>	Endangered
<b>Cordia bellonis</b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/7228">https://ecos.fws.gov/ecp/species/7228</a>	Endangered
<b>Eugenia woodburyana</b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/8346">https://ecos.fws.gov/ecp/species/8346</a>	Threatened
<b>Gesneria pauciflora</b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/7349">https://ecos.fws.gov/ecp/species/7349</a>	Threatened
<b>Higo Chumbo <i>Harrisia portoricensis</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1886">https://ecos.fws.gov/ecp/species/1886</a>	Threatened

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NAME	STATUS
<b>Higuero De Sierra</b> <i>Crescentia portoricensis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6800">https://ecos.fws.gov/ecp/species/6800</a>	Endangered
<b>Mitracarpus maxwelliae</b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/268">https://ecos.fws.gov/ecp/species/268</a>	Endangered
<b>Mitracarpus polycladus</b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/206">https://ecos.fws.gov/ecp/species/206</a>	Threatened
<b>Palma De Manaca</b> <i>Calyptronoma rivalis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1272">https://ecos.fws.gov/ecp/species/1272</a>	Threatened
<b>Palo De Nigua</b> <i>Cornutia obovata</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4918">https://ecos.fws.gov/ecp/species/4918</a>	Endangered
<b>Palo De Ramon</b> <i>Banara vanderbiltii</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/8113">https://ecos.fws.gov/ecp/species/8113</a>	Endangered
<b>Palo De Rosa</b> <i>Ottoschulzia rhodoxylon</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/5741">https://ecos.fws.gov/ecp/species/5741</a>	Threatened
<b>Schoepfia arenaria</b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/5250">https://ecos.fws.gov/ecp/species/5250</a>	Threatened
<b>Vahl's Boxwood</b> <i>Buxus vahlII</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4454">https://ecos.fws.gov/ecp/species/4454</a>	Endangered
<b>Varronia rupicola</b> There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/6258">https://ecos.fws.gov/ecp/species/6258</a>	Threatened
<b>West Indian Walnut (=nogal)</b> <i>Juglans jamaicensis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/745">https://ecos.fws.gov/ecp/species/745</a>	Endangered

## FERNS AND ALLIES

NAME	STATUS
<b>Elaphoglossum serpens</b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/5393">https://ecos.fws.gov/ecp/species/5393</a>	Endangered
<b>Elfin Tree Fern</b> <i>Cyathea dryopteroides</i>	Endangered

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NAME	STATUS
No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4895">https://ecos.fws.gov/ecp/species/4895</a>	
<b>Polystichum calderonense</b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/427">https://ecos.fws.gov/ecp/species/427</a>	Endangered
<b>Tectaria estremeirana</b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/3630">https://ecos.fws.gov/ecp/species/3630</a>	Endangered
<b>Thelypteris inabonensis</b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6740">https://ecos.fws.gov/ecp/species/6740</a>	Endangered
<b>Thelypteris verecunda</b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/8005">https://ecos.fws.gov/ecp/species/8005</a>	Endangered
<b>Thelypteris yaucoensis</b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4609">https://ecos.fws.gov/ecp/species/4609</a>	Endangered

## CRITICAL HABITATS

There are 4 critical habitats wholly or partially within your project area under this office's jurisdiction.

NAME	STATUS
Elfin-woods Warbler <i>Setophaga angelae</i> <a href="https://ecos.fws.gov/ecp/species/2972#crithab">https://ecos.fws.gov/ecp/species/2972#crithab</a>	Final
Puerto Rican Harlequin Butterfly <i>Atlantea tulita</i> <a href="https://ecos.fws.gov/ecp/species/9005#crithab">https://ecos.fws.gov/ecp/species/9005#crithab</a>	Final
Varronia rupicola <a href="https://ecos.fws.gov/ecp/species/6258#crithab">https://ecos.fws.gov/ecp/species/6258#crithab</a>	Final
Yellow-shouldered Blackbird <i>Agelaius xanthomus</i> <a href="https://ecos.fws.gov/ecp/species/7383#crithab">https://ecos.fws.gov/ecp/species/7383#crithab</a>	Final

## USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

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

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



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## BALD & GOLDEN EAGLES

Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act<sup>1</sup> and the Migratory Bird Treaty Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or their habitats<sup>3</sup>, should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "[Supplemental Information on Migratory Birds and Eagles](#)".

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

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

## MIGRATORY BIRDS

Certain birds are protected under the Migratory Bird Treaty Act<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats<sup>3</sup> should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "[Supplemental Information on Migratory Birds and Eagles](#)".

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

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

## COASTAL BARRIERS

Projects within the [John H. Chafee Coastal Barrier Resources System](#) (CBRS) may be subject to the restrictions on Federal expenditures and financial assistance and the consultation requirements of the Coastal Barrier Resources Act (CBRA) (16 U.S.C. 3501 et seq.). For more information, please contact the local [Ecological Services Field Office](#) or visit the [CBRA Consultations website](#). The CBRA website provides tools such as a flow chart to help determine whether consultation is required and a template to facilitate the consultation process.

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## SYSTEM UNIT (SU)

Most new Federal expenditures and financial assistance, including Federal flood insurance, are prohibited within System Units. **Federally-funded projects within System Units require consultation with the Service.** Consultation is not required for projects using private, state, or local funds.

## OTHERWISE PROTECTED AREA (OPA)

OPAs are denoted with a "P" at the end of the unit number. The only prohibition within OPAs is on Federal flood insurance. **CBRA consultation is not required for projects within OPAs.** However, agencies providing disaster assistance that is contingent upon a requirement to purchase flood insurance after the fact are advised to disclose the OPA designation and information on the restrictions on Federal flood insurance to the recipient prior to the commitments of funds.

UNIT	NAME	TYPE	SYSTEM UNIT ESTABLISHMENT DATE	FLOOD INSURANCE PROHIBITION DATE
PR-51	Rio Descalabrado	SU	11/16/1990	11/16/1990
PR-52	Punta Pastillo	SU	11/16/1990	11/16/1990
PR-53	Bajío de Marea	SU	11/16/1990	11/16/1990
PR-54	Rio Jacaguas	SU	11/16/1990	11/16/1990
PR-55	Isla del Frio	SU	11/16/1990	11/16/1990
PR-56	Punta Caballones	SU	11/16/1990	11/16/1990
PR-57	Punta Cucharas	SU	11/16/1990	11/16/1990
PR-59	Punta Ballena	SU	11/16/1990	11/16/1990
PR-61	Ensenada las Pargas	SU	11/16/1990	11/16/1990
PR-50P	Cayo Berberia	OPA	N/A	11/16/1991
PR-57P	Punta Cucharas	OPA	N/A	11/16/1991
PR-58P	Bahía de Tallaboa	OPA	N/A	11/16/1991
PR-60P	Punta Jacinto	OPA	N/A	11/16/1991
PR-62P	Punta Manglillo	OPA	N/A	11/16/1991
PR-63P	Cayo don Luis	OPA	N/A	11/16/1991
PR-64P	Bahía Montalva	OPA	N/A	11/16/1991

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## MARINE MAMMALS

Marine mammals are protected under the [Marine Mammal Protection Act](#). Some are also protected under the Endangered Species Act<sup>1</sup> and the Convention on International Trade in Endangered Species of Wild Fauna and Flora<sup>2</sup>.

The responsibilities for the protection, conservation, and management of marine mammals are shared by the U.S. Fish and Wildlife Service [responsible for otters, walruses, polar bears, manatees, and dugongs] and NOAA Fisheries<sup>3</sup> [responsible for seals, sea lions, whales, dolphins, and porpoises]. Marine mammals under the responsibility of NOAA Fisheries are **not** shown on this list; for additional information on those species please visit the [Marine Mammals](#) page of the NOAA Fisheries website.

The Marine Mammal Protection Act prohibits the take of marine mammals and further coordination may be necessary for project evaluation. Please contact the U.S. Fish and Wildlife Service Field Office shown.

1. The [Endangered Species Act](#) (ESA) of 1973.
2. The [Convention on International Trade in Endangered Species of Wild Fauna and Flora](#) (CITES) is a treaty to ensure that international trade in plants and animals does not threaten their survival in the wild.
3. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

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### NAME

West Indian Manatee *Trichechus manatus*

Species profile: <https://ecos.fws.gov/ecp/species/4469>

## WETLANDS

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

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

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

Due to your project's size, the list below may be incomplete, or the acreages reported may be inaccurate. For a full list, please contact the local U.S. Fish and Wildlife office or visit <https://www.fws.gov/wetlands/data/mapper.HTML>.

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**ESTUARINE AND MARINE WETLAND**

- E2US2/3M
- E2EM1/US2P
- E2USP
- E2US2P
- E2EM1/FO3P
- E2EM1P
- E2SS3P
- E2FO3N
- E2RS1P
- E2EM1N
- E2SS3/EM1P
- E2EM1/SS3P
- M2RS1N
- E2EM1Ns
- E2US3M
- M2RS1P
- M2US2/3P
- E2EM1Ps
- E2FO3P
- E2FO3/EM1P
- E2US3/SS3P
- M2US2P
- E2US2/3P
- E2SS3N
- E2US2/3Ps

**FRESHWATER EMERGENT WETLAND**

- PEM1/FO3A
- PEM1Cx
- PEM1C
- PEM1A
- PEM1Cd
- PEM1/FO3C
- PEM1Fx
- PEM1/SS3C
- PEM1Fh

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- PEM1Ch
- PEM1F
- PEM1Ah
- PEM1/SS3A

ESTUARINE AND MARINE DEEPWATER

- M1AB3/UBL
- E1AB3L
- E1AB3/UBL
- E1UBL
- E1UB3L
- E1RF/AB3L
- M1RF1L
- E1UBLx
- M1RF1/AB3L
- M1AB3L
- M1UB2/AB3L

FRESHWATER FORESTED/SHRUB WETLAND

- PFO3C
- PSS3/EM1A
- PFO3Ax
- PFO3A
- PFO1Ch
- PFO3/EM1A
- PSS1A
- PSS3A
- PSS3C

LAKE

- L1UBHh

FRESHWATER POND

- PUBH
- PAB4Hx
- PUBHx
- PUBHh

RIVERINE

- R4SBC

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### **IPAC USER CONTACT INFORMATION**

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



## United States Department of the Interior

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



In Reply Refer To:

04/08/2024 21:25:04 UTC

Project Code: 2024-0074271

Project Name: Electrical Power Reliability and Resilience Program (ER2) - Group 5

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

To Whom It May Concern:

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

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

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

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



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to [caribbean\\_es@fws.gov](mailto:caribbean_es@fws.gov). To obtain guidance for completing this process and the minimum requirements for project packages, please visit:

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

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

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

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

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

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

This species list is provided by:



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Caribbean Ecological Services Field Office

[caribbean\\_es@fws.gov](mailto:caribbean_es@fws.gov)

Post Office Box 491

Boqueron, PR 00622-0491

(786) 244-0081

Attachment(s):

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

## OFFICIAL SPECIES LIST

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

This species list is provided by:

**Caribbean Ecological Services Field Office**

Post Office Box 491

Boqueron, PR 00622-0491

(939) 320-3135

Project code: 2024-0074271

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## PROJECT SUMMARY

Project Code: 2024-0074271  
Project Name: Electrical Power Reliability and Resilience Program (ER2) - Group 5  
Project Type: Disaster-related Grants  
Project Description: Reconstruction and rehabilitation of small and medium-sized business properties on developed or otherwise disturbed areas. Developed or disturbed areas include paved, filled, graveled, routinely mowed vegetated grasses, agricultural fields, pasturelands or locations where structures stand or stood prior to the disaster.

### Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@18.1532363,-66.2242393,1260198,14z>



Counties: Puerto Rico

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## ENDANGERED SPECIES ACT SPECIES

There is a total of 32 threatened, endangered, or candidate species on this species list.

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

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

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

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

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## MAMMALS

NAME	STATUS
<b>West Indian Manatee <i>Trichechus manatus</i></b> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. <b>This species is also protected by the Marine Mammal Protection Act, and may have additional consultation requirements.</b> Species profile: <a href="https://ecos.fws.gov/ecp/species/4469">https://ecos.fws.gov/ecp/species/4469</a> General project design guidelines: <a href="https://pac.ecosphere.fws.gov/project/JZW2LUJZPICXHBCIGMS5GA3YIU/documents/generated/7138.pdf">https://pac.ecosphere.fws.gov/project/JZW2LUJZPICXHBCIGMS5GA3YIU/documents/generated/7138.pdf</a>	Threatened

## BIRDS

NAME	STATUS
<b>Puerto Rican Broad-winged Hawk <i>Buteo platypterus brunescens</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/5512">https://ecos.fws.gov/ecp/species/5512</a>	Endangered
<b>Puerto Rican Nightjar <i>Antrostomus noctitherus</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6972">https://ecos.fws.gov/ecp/species/6972</a>	Endangered
<b>Puerto Rican Parrot <i>Amazona vittata</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/3067">https://ecos.fws.gov/ecp/species/3067</a>	Endangered
<b>Puerto Rican Plain Pigeon <i>Patagioenas inornata wetmorei</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/7955">https://ecos.fws.gov/ecp/species/7955</a>	Endangered
<b>Puerto Rican Sharp-shinned Hawk <i>Accipiter striatus venator</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/604">https://ecos.fws.gov/ecp/species/604</a>	Endangered
<b>Roseate Tern <i>Sterna dougallii dougallii</i></b> Population: Western Hemisphere except NE U.S. No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/2083">https://ecos.fws.gov/ecp/species/2083</a>	Threatened
<b>Yellow-shouldered Blackbird <i>Agelaius xanthomus</i></b> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/7383">https://ecos.fws.gov/ecp/species/7383</a>	Endangered

## REPTILES

NAME	STATUS
<b>Green Sea Turtle <i>Chelonia mydas</i></b> Population: North Atlantic DPS There is <b>proposed</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/6199">https://ecos.fws.gov/ecp/species/6199</a>	Threatened

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NAME	STATUS
General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/JZW2LUJZPJCXHBCIGMS5GA3YTU/documents/generated/7133.pdf">https://ipac.ecosphere.fws.gov/project/JZW2LUJZPJCXHBCIGMS5GA3YTU/documents/generated/7133.pdf</a>	
<b>Hawksbill Sea Turtle <i>Eretmochelys imbricata</i></b> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/3656">https://ecos.fws.gov/ecp/species/3656</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/JZW2LUJZPJCXHBCIGMS5GA3YTU/documents/generated/7131.pdf">https://ipac.ecosphere.fws.gov/project/JZW2LUJZPJCXHBCIGMS5GA3YTU/documents/generated/7131.pdf</a>	Endangered
<b>Leatherback Sea Turtle <i>Dermochelys coriacea</i></b> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/1493">https://ecos.fws.gov/ecp/species/1493</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/JZW2LUJZPJCXHBCIGMS5GA3YTU/documents/generated/7132.pdf">https://ipac.ecosphere.fws.gov/project/JZW2LUJZPJCXHBCIGMS5GA3YTU/documents/generated/7132.pdf</a>	Endangered
<b>Loggerhead Sea Turtle <i>Caretta caretta</i></b> Population: Northwest Atlantic Ocean DPS There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/1110">https://ecos.fws.gov/ecp/species/1110</a>	Threatened
<b>Olive Ridley Sea Turtle <i>Lepidochelys olivacea</i></b> Population: Wherever found, except when listed as endangered under 50 CFR 224.101 No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1513">https://ecos.fws.gov/ecp/species/1513</a>	Threatened
<b>Puerto Rican Boa <i>Chilabothrus inornatus</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6628">https://ecos.fws.gov/ecp/species/6628</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/JZW2LUJZPJCXHBCIGMS5GA3YTU/documents/generated/7159.pdf">https://ipac.ecosphere.fws.gov/project/JZW2LUJZPJCXHBCIGMS5GA3YTU/documents/generated/7159.pdf</a>	Endangered

## AMPHIBIANS

NAME	STATUS
<b>Golden Coqui <i>Eleutherodactylus jasperii</i></b> There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/28">https://ecos.fws.gov/ecp/species/28</a>	Threatened
<b>Guajon <i>Eleutherodactylus cookii</i></b> There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/6963">https://ecos.fws.gov/ecp/species/6963</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/JZW2LUJZPJCXHBCIGMS5GA3YTU/documents/generated/7136.pdf">https://ipac.ecosphere.fws.gov/project/JZW2LUJZPJCXHBCIGMS5GA3YTU/documents/generated/7136.pdf</a>	Threatened
<b>Puerto Rican Crested Toad <i>Peltophryne lemur</i></b> No critical habitat has been designated for this species.	Threatened

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NAME	STATUS
Species profile: <a href="https://ecos.fws.gov/ecp/species/3958">https://ecos.fws.gov/ecp/species/3958</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/JZW2LUJZPJCXHBCIGMS5GA3YIU/documents/generated/7139.pdf">https://ipac.ecosphere.fws.gov/project/JZW2LUJZPJCXHBCIGMS5GA3YIU/documents/generated/7139.pdf</a>	

## INSECTS

NAME	STATUS
<b>Puerto Rican Harlequin Butterfly <i>Atlantea tulita</i></b> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/9005">https://ecos.fws.gov/ecp/species/9005</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/JZW2LUJZPJCXHBCIGMS5GA3YIU/documents/generated/7168.pdf">https://ipac.ecosphere.fws.gov/project/JZW2LUJZPJCXHBCIGMS5GA3YIU/documents/generated/7168.pdf</a>	Threatened

## FLOWERING PLANTS

NAME	STATUS
<b>Beautiful Goetzea <i>Goetzea elegans</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6453">https://ecos.fws.gov/ecp/species/6453</a>	Endangered
<b>Capa Rosa <i>Callicarpa ampla</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/596">https://ecos.fws.gov/ecp/species/596</a>	Endangered
<b>Cook's Holly <i>Ilex cookii</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/3475">https://ecos.fws.gov/ecp/species/3475</a>	Endangered
<b>Erubia <i>Solanum drymophilum</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/817">https://ecos.fws.gov/ecp/species/817</a>	Endangered
<b>Eugenia woodburyana</b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/8346">https://ecos.fws.gov/ecp/species/8346</a>	Threatened
<b>Gonocalyx concolor</b> There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/4195">https://ecos.fws.gov/ecp/species/4195</a>	Endangered
<b>Palo De Nigua <i>Cornutia obovata</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4918">https://ecos.fws.gov/ecp/species/4918</a>	Endangered
<b>Palo De Ramon <i>Banara vanderbiltii</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/8113">https://ecos.fws.gov/ecp/species/8113</a>	Endangered
<b>Palo De Rosa <i>Ottoschulzia rhodoxylon</i></b>	Threatened

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NAME	STATUS
No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/5741">https://ecos.fws.gov/ecp/species/5741</a>	
St. Thomas Prickly-ash <i>Zanthoxylum thomsonianum</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/102">https://ecos.fws.gov/ecp/species/102</a>	Endangered
Uvillo <i>Eugenia haematocarpa</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4279">https://ecos.fws.gov/ecp/species/4279</a>	Endangered
West Indian Walnut (=nogal) <i>Juglans jamaicensis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/745">https://ecos.fws.gov/ecp/species/745</a>	Endangered

## FERNS AND ALLIES

NAME	STATUS
Elaphoglossum serpens No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/5393">https://ecos.fws.gov/ecp/species/5393</a>	Endangered
Elfin Tree Fern <i>Cyathea dryopteroides</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4895">https://ecos.fws.gov/ecp/species/4895</a>	Endangered

## CRITICAL HABITATS

There are 5 critical habitats wholly or partially within your project area under this office's jurisdiction.

NAME	STATUS
Elfin-woods Warbler <i>Setophaga angelae</i> For information on why this critical habitat appears for your project, even though Elfin-woods Warbler is not on the list of potentially affected species at this location, contact the local field office. <a href="https://ecos.fws.gov/ecp/species/2972#crithab">https://ecos.fws.gov/ecp/species/2972#crithab</a>	Final
Golden Coqui <i>Eleutherodactylus jasperii</i> <a href="https://ecos.fws.gov/ecp/species/28#crithab">https://ecos.fws.gov/ecp/species/28#crithab</a>	Final
Gonocalyx concolor <a href="https://ecos.fws.gov/ecp/species/4195#crithab">https://ecos.fws.gov/ecp/species/4195#crithab</a>	Final
Green Sea Turtle <i>Chelonia mydas</i> <a href="https://ecos.fws.gov/ecp/species/6199#crithab">https://ecos.fws.gov/ecp/species/6199#crithab</a>	Proposed
Guajon <i>Eleutherodactylus cooki</i> <a href="https://ecos.fws.gov/ecp/species/6963#crithab">https://ecos.fws.gov/ecp/species/6963#crithab</a>	Final

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## USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

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

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

## BALD & GOLDEN EAGLES

Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act<sup>1</sup> and the Migratory Bird Treaty Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or their habitats<sup>3</sup>, should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "[Supplemental Information on Migratory Birds and Eagles](#)".

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

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

## MIGRATORY BIRDS

Certain birds are protected under the Migratory Bird Treaty Act<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats<sup>3</sup> should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "[Supplemental Information on Migratory Birds and Eagles](#)".

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

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

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## COASTAL BARRIERS

Projects within the [John H. Chafee Coastal Barrier Resources System](#) (CBRS) may be subject to the restrictions on Federal expenditures and financial assistance and the consultation requirements of the Coastal Barrier Resources Act (CBRA) (16 U.S.C. 3501 et seq.). For more information, please contact the local [Ecological Services Field Office](#) or visit the [CBRA Consultations website](#). The CBRA website provides tools such as a flow chart to help determine whether consultation is required and a template to facilitate the consultation process.

## SYSTEM UNIT (SU)

*Most new Federal expenditures and financial assistance, including Federal flood insurance, are prohibited within System Units. **Federally-funded projects within System Units require consultation with the Service.** Consultation is not required for projects using private, state, or local funds.*

## OTHERWISE PROTECTED AREA (OPA)

*OPAs are denoted with a "P" at the end of the unit number. The only prohibition within OPAs is on Federal flood insurance. **CBRA consultation is not required for projects within OPAs.** However, agencies providing disaster assistance that is contingent upon a requirement to purchase flood insurance after the fact are advised to disclose the OPA designation and information on the restrictions on Federal flood insurance to the recipient prior to the commitments of funds.*

UNIT	NAME	TYPE	SYSTEM UNIT ESTABLISHMENT DATE	FLOOD INSURANCE PROHIBITION DATE
PR-42	Punta Viento	SU	11/16/1990	11/16/1990
PR-43	Punta Guilarte	SU	11/16/1990	11/16/1990
PR-44	Las Mareas	SU	11/16/1990	11/16/1990
PR-45	Bahía de Jobos	SU	11/16/1990	11/16/1990
PR-46	Cayos de Barca/Ratones	SU	11/16/1990	11/16/1990
PR-47	Arenal	SU	11/16/1990	11/16/1990
PR-50	Chardon	SU	11/16/1990	11/16/1990
PR-51	Rio Descalabrado	SU	11/16/1990	11/16/1990
PR-43P	Punta Guilarte	OPA	N/A	11/16/1991
PR-45P	Bahía de Jobos	OPA	N/A	11/16/1991
PR-48P	Arrecife Media Luna	OPA	N/A	11/16/1991
PR-49P	Punta Aguila	OPA	N/A	11/16/1991

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## MARINE MAMMALS

Marine mammals are protected under the [Marine Mammal Protection Act](#). Some are also protected under the Endangered Species Act<sup>1</sup> and the Convention on International Trade in Endangered Species of Wild Fauna and Flora<sup>2</sup>.

The responsibilities for the protection, conservation, and management of marine mammals are shared by the U.S. Fish and Wildlife Service [responsible for otters, walrus, polar bears, manatees, and dugongs] and NOAA Fisheries<sup>3</sup> [responsible for seals, sea lions, whales, dolphins, and porpoises]. Marine mammals under the responsibility of NOAA Fisheries are **not** shown on this list; for additional information on those species please visit the [Marine Mammals](#) page of the NOAA Fisheries website.

The Marine Mammal Protection Act prohibits the take of marine mammals and further coordination may be necessary for project evaluation. Please contact the U.S. Fish and Wildlife Service Field Office shown.

1. The [Endangered Species Act](#) (ESA) of 1973.
2. The [Convention on International Trade in Endangered Species of Wild Fauna and Flora](#) (CITES) is a treaty to ensure that international trade in plants and animals does not threaten their survival in the wild.
3. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

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### NAME

West Indian Manatee *Trichechus manatus*

Species profile: <https://ecos.fws.gov/ecp/species/4469>

## WETLANDS

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

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

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

Due to your project's size, the list below may be incomplete, or the acreages reported may be inaccurate. For a full list, please contact the local U.S. Fish and Wildlife office or visit <https://www.fws.gov/wetlands/data/mapper.HTML>.

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ESTUARINE AND MARINE WETLAND

- E2FO3P
- E2FO3/EM1P
- E2US3N
- E2USP
- E2EM1P
- M2US2P
- E2US2/3P
- E2EM1/US3P
- E2SS3/US2P
- E2FO3/US2N
- E2SS3/EM1P
- E2EM1/FO3P
- M2RS1P
- E2SS3N
- E2AB3M
- M2AB3/US2M
- M2US2/3P
- E2EM1N
- E2USN
- E2US2P
- E2US2/3M
- E2US2N
- E2FO3N
- E2SS3P

ESTUARINE AND MARINE DEEPWATER

- M1AB3L
- E1RFL
- E1AB3/RFL
- M1UB2/AB3L
- M1AB3/UBL
- M1ABL
- M1RF1/AB3L
- E1UBL
- E1AB3/UBL
- E1UBLx

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- M1RF1L
- E1AB3L

**LAKE**

- L1AB4Hh
- L1UBHh

**FRESHWATER EMERGENT WETLAND**

- PEM1C
- PEM1/SS3A
- PEM1F
- PEM1A
- PEM1Cx
- PEM1/FO3A
- PEM1Fx
- PEM1J
- PEM1/UBF
- PEM1Fh
- PEM1/SS3C
- PEM1Ax
- PEM1/FO3C
- PEM1Ch

**FRESHWATER POND**

- PUSCh
- PUSCx
- PUBHx
- PUBH
- PAB4Hx
- PUBHh

**FRESHWATER FORESTED/SHRUB WETLAND**

- PFO3/EM1A
- PFO3A
- PSS3A
- PFO3C
- PFO3Ah
- PSS3C
- PFO5F
- PFO3Ax

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- PSS3/EM1A

RIVERINE

- R4SBC

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### **IPAC USER CONTACT INFORMATION**

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



## United States Department of the Interior

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



In Reply Refer To:  
Project Code: 2024-0124975  
Project Name: Group 6

08/01/2024 20:38:06 UTC

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

To Whom It May Concern:

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

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

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

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

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to [caribbean\\_es@fws.gov](mailto:caribbean_es@fws.gov). To obtain guidance for completing this process and the minimum requirements for project packages, please visit:

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

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

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

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

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

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

This species list is provided by:

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Caribbean Ecological Services Field Office

[caribbean\\_es@fws.gov](mailto:caribbean_es@fws.gov)

Post Office Box 491

Boqueron, PR 00622-0491

(786) 244-0081

Attachment(s):

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

## OFFICIAL SPECIES LIST

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

This species list is provided by:

**Caribbean Ecological Services Field Office**

Post Office Box 491

Boqueron, PR 00622-0491

(939) 320-3135

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## PROJECT SUMMARY

Project Code: 2024-0124975

Project Name: Group 6

Project Type: Disaster-related Grants

**Project Description:** Reconstruction and rehabilitation of small and medium-sized business properties on developed or otherwise disturbed areas. Developed or disturbed areas include paved, filled, graveled, routinely mowed vegetated grasses, agricultural fields, pasturelands or locations where structures stand or stood prior to the disaster.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@18.219583399999998,-65.81521315947006,14z>



Counties: Puerto Rico



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## ENDANGERED SPECIES ACT SPECIES

There is a total of 30 threatened, endangered, or candidate species on this species list.

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

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

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

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

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## MAMMALS

NAME	STATUS
<b>West Indian Manatee <i>Trichechus manatus</i></b> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. <b><i>This species is also protected by the Marine Mammal Protection Act, and may have additional consultation requirements.</i></b> Species profile: <a href="https://ecos.fws.gov/ecp/species/4469">https://ecos.fws.gov/ecp/species/4469</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/671NQMYYWQFGR5ISA44YCJIP5X1/documents/generated/7138.pdf">https://ipac.ecosphere.fws.gov/project/671NQMYYWQFGR5ISA44YCJIP5X1/documents/generated/7138.pdf</a>	Threatened

## BIRDS

NAME	STATUS
<b>Black-capped Petrel <i>Pterodroma hasitata</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4748">https://ecos.fws.gov/ecp/species/4748</a>	Endangered
<b>Elfin-woods Warbler <i>Setophaga angelae</i></b> There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/2972">https://ecos.fws.gov/ecp/species/2972</a>	Threatened
<b>Puerto Rican Broad-winged Hawk <i>Buteo platypterus brunescens</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/5512">https://ecos.fws.gov/ecp/species/5512</a>	Endangered
<b>Puerto Rican Parrot <i>Amazona vittata</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/3067">https://ecos.fws.gov/ecp/species/3067</a>	Endangered
<b>Puerto Rican Plain Pigeon <i>Patagioenas inornata wetmorei</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/7955">https://ecos.fws.gov/ecp/species/7955</a>	Endangered
<b>Puerto Rican Sharp-shinned Hawk <i>Accipiter striatus venator</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/604">https://ecos.fws.gov/ecp/species/604</a>	Endangered
<b>Roseate Tern <i>Sterna dougallii dougallii</i></b> Population: Western Hemisphere except NE U.S. No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/2083">https://ecos.fws.gov/ecp/species/2083</a>	Threatened
<b>Yellow-shouldered Blackbird <i>Agelaius xanthomus</i></b> There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/7383">https://ecos.fws.gov/ecp/species/7383</a>	Endangered

## REPTILES

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NAME	STATUS
<b>Culebra Island Giant Anole <i>Anolis roosevelti</i></b> There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/7966">https://ecos.fws.gov/ecp/species/7966</a>	Endangered
<b>Green Sea Turtle <i>Chelonia mydas</i></b> Population: North Atlantic DPS There is <b>proposed</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/6199">https://ecos.fws.gov/ecp/species/6199</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/671NQMYWQFGR5ISA44YCJIP5X1/documents/generated/7133.pdf">https://ipac.ecosphere.fws.gov/project/671NQMYWQFGR5ISA44YCJIP5X1/documents/generated/7133.pdf</a>	Threatened
<b>Hawksbill Sea Turtle <i>Eretmochelys imbricata</i></b> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/3656">https://ecos.fws.gov/ecp/species/3656</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/671NQMYWQFGR5ISA44YCJIP5X1/documents/generated/7131.pdf">https://ipac.ecosphere.fws.gov/project/671NQMYWQFGR5ISA44YCJIP5X1/documents/generated/7131.pdf</a>	Endangered
<b>Leatherback Sea Turtle <i>Dermochelys coriacea</i></b> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/1493">https://ecos.fws.gov/ecp/species/1493</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/671NQMYWQFGR5ISA44YCJIP5X1/documents/generated/7132.pdf">https://ipac.ecosphere.fws.gov/project/671NQMYWQFGR5ISA44YCJIP5X1/documents/generated/7132.pdf</a>	Endangered
<b>Puerto Rican Boa <i>Chilabothrus inornatus</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6628">https://ecos.fws.gov/ecp/species/6628</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/671NQMYWQFGR5ISA44YCJIP5X1/documents/generated/7159.pdf">https://ipac.ecosphere.fws.gov/project/671NQMYWQFGR5ISA44YCJIP5X1/documents/generated/7159.pdf</a>	Endangered
<b>Virgin Islands Tree Boa <i>Chilabothrus granti</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/3247">https://ecos.fws.gov/ecp/species/3247</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/671NQMYWQFGR5ISA44YCJIP5X1/documents/generated/7141.pdf">https://ipac.ecosphere.fws.gov/project/671NQMYWQFGR5ISA44YCJIP5X1/documents/generated/7141.pdf</a>	Endangered

## AMPHIBIANS

NAME	STATUS
<b>Guajon <i>Eleutherodactylus cooki</i></b> There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/6963">https://ecos.fws.gov/ecp/species/6963</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/671NQMYWQFGR5ISA44YCJIP5X1/documents/generated/7136.pdf">https://ipac.ecosphere.fws.gov/project/671NQMYWQFGR5ISA44YCJIP5X1/documents/generated/7136.pdf</a>	Threatened

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## FLOWERING PLANTS

NAME	STATUS
<b>Beautiful Goetzea</b> <i>Goetzea elegans</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6453">https://ecos.fws.gov/ecp/species/6453</a>	Endangered
<b>Capa Rosa</b> <i>Callicarpa ampla</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/596">https://ecos.fws.gov/ecp/species/596</a>	Endangered
<b>Chupacallos</b> <i>Pleodendron macranthum</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/2749">https://ecos.fws.gov/ecp/species/2749</a>	Endangered
<b>Cobana Negra</b> <i>Stahlia monosperma</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/2282">https://ecos.fws.gov/ecp/species/2282</a>	Threatened
<b>Gonocalyx</b> <i>concolor</i> There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/4195">https://ecos.fws.gov/ecp/species/4195</a>	Endangered
<b>Ilex</b> <i>sintensisii</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6280">https://ecos.fws.gov/ecp/species/6280</a>	Endangered
<b>Leptocereus</b> <i>grantianus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4198">https://ecos.fws.gov/ecp/species/4198</a>	Endangered
<b>Palo Colorado</b> <i>Ternstroemia luquillensis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/7742">https://ecos.fws.gov/ecp/species/7742</a>	Endangered
<b>Palo De Jazmin</b> <i>Styrax portoricensis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/7496">https://ecos.fws.gov/ecp/species/7496</a>	Endangered
<b>Palo De Rosa</b> <i>Ottoschulzia rhodoxylon</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/5741">https://ecos.fws.gov/ecp/species/5741</a>	Threatened
<b>Schoepfia</b> <i>arenaria</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/5250">https://ecos.fws.gov/ecp/species/5250</a>	Threatened
<b>Ternstroemia</b> <i>subsessilis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/2283">https://ecos.fws.gov/ecp/species/2283</a>	Endangered
<b>Uvillo</b> <i>Eugenia haematocarpa</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4279">https://ecos.fws.gov/ecp/species/4279</a>	Endangered

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NAME	STATUS
<b>Wheeler's Peperomia</b> <i>Peperomia wheeleri</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1463">https://ecos.fws.gov/ecp/species/1463</a>	Endangered

## CRITICAL HABITATS

There are 7 critical habitats wholly or partially within your project area under this office's jurisdiction.

NAME	STATUS
<b>Culebra Island Giant Anole</b> <i>Anolis roosevelti</i> <a href="https://ecos.fws.gov/ecp/species/7966#crithab">https://ecos.fws.gov/ecp/species/7966#crithab</a>	Final
<b>Elfin-woods Warbler</b> <i>Setophaga angelae</i> <a href="https://ecos.fws.gov/ecp/species/2972#crithab">https://ecos.fws.gov/ecp/species/2972#crithab</a>	Final
<b>Gonocalyx concolor</b> <a href="https://ecos.fws.gov/ecp/species/4195#crithab">https://ecos.fws.gov/ecp/species/4195#crithab</a>	Final
<b>Green Sea Turtle</b> <i>Chelonia mydas</i> <a href="https://ecos.fws.gov/ecp/species/6199#crithab">https://ecos.fws.gov/ecp/species/6199#crithab</a>	Proposed
<b>Guajon</b> <i>Eleutherodactylus cooki</i> <a href="https://ecos.fws.gov/ecp/species/6963#crithab">https://ecos.fws.gov/ecp/species/6963#crithab</a>	Final
<b>Varronia rupicola</b> For information on why this critical habitat appears for your project, even though Varronia rupicola is not on the list of potentially affected species at this location, contact the local field office. <a href="https://ecos.fws.gov/ecp/species/6258#crithab">https://ecos.fws.gov/ecp/species/6258#crithab</a>	Final
<b>Yellow-shouldered Blackbird</b> <i>Agelaius xanthomus</i> <a href="https://ecos.fws.gov/ecp/species/7383#crithab">https://ecos.fws.gov/ecp/species/7383#crithab</a>	Final

## USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

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

The following FWS National Wildlife Refuge Lands and Fish Hatcheries lie fully or partially within your project area:

FACILITY NAME	ACRES
<b>CULEBRA NATIONAL WILDLIFE REFUGE</b> <a %5c%22culebra+national+wildlife+refuge%5c%22\""="" href="https://www.fws.gov/our-facilities?keywords=\">https://www.fws.gov/our-facilities?</a> <a %5c%22culebra+national+wildlife+refuge%5c%22\""="" href="https://www.fws.gov/our-facilities?keywords=\">keywords=\"%5C%22CULEBRA+NATIONAL+WILDLIFE+REFUGE%5C%22\"</a>	1,518.667



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FACILITY NAME	ACRES
VIEQUES NATIONAL WILDLIFE REFUGE	18,495.39
<a href="https://www.fws.gov/our-facilities?Keywords=%5C%22VIEQUES+NATIONAL+WILDLIFE+REFUGE%5C%22">https://www.fws.gov/our-facilities?</a> <a href="https://www.fws.gov/our-facilities?Keywords=%5C%22VIEQUES+NATIONAL+WILDLIFE+REFUGE%5C%22">Keywords=%5C%22VIEQUES+NATIONAL+WILDLIFE+REFUGE%5C%22"</a>	

## BALD & GOLDEN EAGLES

Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act<sup>1</sup> and the Migratory Bird Treaty Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or their habitats<sup>3</sup>, should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "[Supplemental Information on Migratory Birds and Eagles](#)".

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

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

## MIGRATORY BIRDS

Certain birds are protected under the Migratory Bird Treaty Act<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats<sup>3</sup> should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "[Supplemental Information on Migratory Birds and Eagles](#)".

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

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

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## COASTAL BARRIERS

Projects within the [John H. Chafee Coastal Barrier Resources System](#) (CBRS) may be subject to the restrictions on Federal expenditures and financial assistance and the consultation requirements of the Coastal Barrier Resources Act (CBRA) (16 U.S.C. 3501 et seq.). For more information, please contact the local [Ecological Services Field Office](#) or visit the [CBRA Consultations website](#). The CBRA website provides tools such as a flow chart to help determine whether consultation is required and a template to facilitate the consultation process.

## SYSTEM UNIT (SU)

*Most new Federal expenditures and financial assistance, including Federal flood insurance, are prohibited within System Units. **Federally-funded projects within System Units require consultation with the Service.** Consultation is not required for projects using private, state, or local funds.*

## OTHERWISE PROTECTED AREA (OPA)

*OPAs are denoted with a "P" at the end of the unit number. The only prohibition within OPAs is on Federal flood insurance. **CBRA consultation is not required for projects within OPAs.** However, agencies providing disaster assistance that is contingent upon a requirement to purchase flood insurance after the fact are advised to disclose the OPA designation and information on the restrictions on Federal flood insurance to the recipient prior to the commitments of funds.*

UNIT	NAME	TYPE	SYSTEM UNIT ESTABLISHMENT DATE	FLOOD INSURANCE PROHIBITION DATE
PR-02	Ensenada Comezon	SU	11/16/1990	11/16/1990
PR-03	Rio Mameyes	SU	11/16/1990	11/16/1990
PR-05	Luquillo Spit	SU	11/16/1990	11/16/1990
PR-06	Juan Martin Spit	SU	11/16/1990	11/16/1990
PR-07	Laguna Aguas Prietas	SU	11/16/1990	11/16/1990
PR-08A	La Cordillera	SU	11/16/1990	11/16/1990
PR-10	Punta Barrancas	SU	11/16/1990	11/16/1990
PR-39	Puerto Yabucoa	SU	11/16/1990	11/16/1990
PR-40	Punta Tuna	SU	11/16/1990	11/16/1990
PR-41	Rio Maunabo	SU	11/16/1990	11/16/1990
PR-87	Punta Vacia Talega	SU	11/16/1990	11/16/1990
PR-04P	Punta la Bandera	OPA	N/A	11/16/1991

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UNIT	NAME	TYPE	SYSTEM UNIT ESTABLISHMENT DATE	FLOOD INSURANCE PROHIBITION DATE
PR-08AP	La Cordillera	OPA	N/A	11/16/1991
PR-08P	Cabo San Juan	OPA	N/A	11/16/1991
PR-09P	Rio Fajardo	OPA	N/A	11/16/1991
PR-12P	Playa Flamenco	OPA	N/A	11/16/1991
PR-13P	Playa Brava	OPA	N/A	11/16/1991
PR-14P	Playa Larga	OPA	N/A	11/16/1991
PR-15P	Isla Culebrita	OPA	N/A	11/16/1991
PR-16P	Puerto del Manglar	OPA	N/A	11/16/1991
PR-17P	Ensenada Sombe	OPA	N/A	11/16/1991
PR-18P	Cayo Algodones	OPA	N/A	11/16/1991
PR-87P	Punta Vacía Talega	OPA	N/A	11/16/1991

## MARINE MAMMALS

Marine mammals are protected under the [Marine Mammal Protection Act](#). Some are also protected under the Endangered Species Act<sup>1</sup> and the Convention on International Trade in Endangered Species of Wild Fauna and Flora<sup>2</sup>.

The responsibilities for the protection, conservation, and management of marine mammals are shared by the U.S. Fish and Wildlife Service [responsible for otters, walruses, polar bears, manatees, and dugongs] and NOAA Fisheries<sup>3</sup> [responsible for seals, sea lions, whales, dolphins, and porpoises]. Marine mammals under the responsibility of NOAA Fisheries are **not** shown on this list; for additional information on those species please visit the [Marine Mammals](#) page of the NOAA Fisheries website.

The Marine Mammal Protection Act prohibits the take of marine mammals and further coordination may be necessary for project evaluation. Please contact the U.S. Fish and Wildlife Service Field Office shown.

1. The [Endangered Species Act](#) (ESA) of 1973.
2. The [Convention on International Trade in Endangered Species of Wild Fauna and Flora](#) (CITES) is a treaty to ensure that international trade in plants and animals does not threaten their survival in the wild.
3. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

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## NAME

West Indian Manatee *Trichechus manatus*Species profile: <https://ecos.fws.gov/ecp/species/4469>**WETLANDS**

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

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

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

WETLAND INFORMATION WAS NOT AVAILABLE WHEN THIS SPECIES LIST WAS GENERATED. PLEASE VISIT [HTTPS://WWW.FWS.GOV/WETLANDS/DATA/MAPPER.HTML](https://www.fws.gov/wetlands/data/mapper.html) OR CONTACT THE FIELD OFFICE FOR FURTHER INFORMATION.

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### **IPAC USER CONTACT INFORMATION**

Agency: SWCA  
Name: Rachel Howsmon  
Address: 13 Palafox Pl  
City: Pensacola  
State: FL  
Zip: 32502  
Email: rachel.howsmon@swca.com  
Phone: 8504948710

**Attachment A-7-2.**

**October 10, 2024 Communications from PRDOH to USFWS  
and November 6, 2024 Reply**



GOVERNMENT OF PUERTO RICO  
DEPARTMENT OF HOUSING

October 10, 2024



Based on the information provided, we determined the project proposed qualifies for the Market Assistance Letter. Nevertheless, if the project is modified the office should be contacted concerning the need for the initiation of consultation under section 7 of Endangered Species Act of 1973.

**DAMARIS ROMAN**  
RUIZ

Digitally signed by DAMARIS ROMAN RUIZ  
Date: 2024.11.04 13:09:07 -0400

**LOURDES MENA**

Digitally signed by LOURDES MENA  
Date: 2024.11.06 20:01:12 -0400

Caribbean ES Field Supervisor

Lourdes Mena  
Field Supervisor,  
Caribbean Ecological Services Field Office  
U.S. Fish and Wildlife Service  
Office Park I, Suite 303,  
State Road #2 Km 156.5,  
Mayagüez, Puerto Rico 00680  
Sent via email: [Caribbean\\_es@fws.gov](mailto:Caribbean_es@fws.gov); [Lourdes.Mena@fws.gov](mailto:Lourdes.Mena@fws.gov); [felix\\_lopez@fws.gov](mailto:felix_lopez@fws.gov)

**RE: Proposed ESA Review Process**  
**CDBG-DR Funded Energy Support Incentive Program 2.0**  
**Region 1**

Dear Ms. Mena,

The Puerto Rico Department of Housing (PRDOH) is preparing a Tiered Environmental Review to process applicants who are seeking federal Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) funds. PRDOH selected the Department of Economic Development and Commerce (DEDC) to be the subrecipient of \$30,000,000 in CDBG-DR funds for the Apoyo Energético Set-Aside from the Electrical Power Reliability and Resilience Program (ER2) to help improve Puerto Rico's electrical power systems. The DEDC's Public Energy Policy Program, responsible for the development and implementation of Puerto Rico's energy policies, will use these funds to provide energy resilience to small and medium-sized businesses (SMBs), with a focus on enabling community lifelines to operate after a future natural disaster. These commercial sites will be scattered across the island and the exact locations are not known at this time.

As described in the Puerto Rico Disaster Recovery Action Plan, the PRDOH has allocated CDBG-DR funds for the Energy Support Incentive Program 2.0, Apoyo Energético Set-Aside. Specifically, each applicant businesses' project will receive one or more of the following activity categories:

- Installation of a photovoltaic (solar) panel system and appurtenant storage system (batteries) on the existing commercial building's roof;
- Integration of storage (batteries) inside application buildings that already have an operational photovoltaic panel system in optimal condition; and/or
- Installation of electric vehicle charging infrastructure (Level 2), which will also be limited to the existing building's interior / exterior walls and/or floors. This is a Level 2 project action as electric vehicle charger installation will not be permitted as the sole funded project activity. This activity must be carried out in conjunction with one of the other two aforementioned eligible activities.



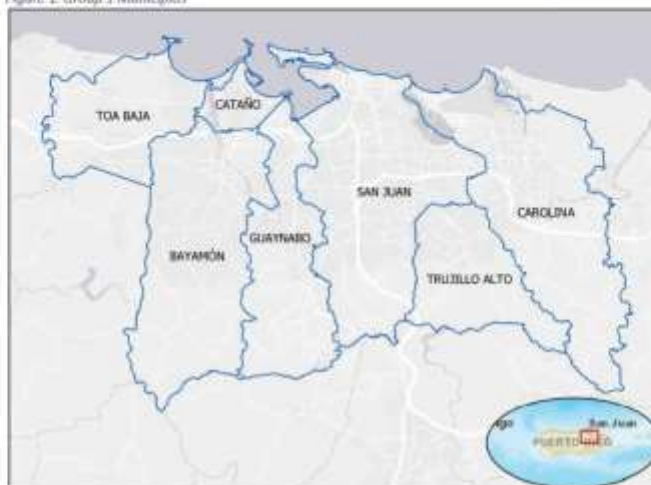
Letter from PRDOH to USFWS  
 Proposed ESA Review Process  
 CDBG-DR Funded Energy Support Incentive Program 2.0

The PRDOH, when acting as the Responsible Entity in lieu of HUD, is required under 24 CFR 58.4 to have protocols that safeguard funded actions do not contravene federal and Puerto Rico laws. This includes PRDOH initiating the required National Environmental Policy Act (NEPA) review, including the Endangered Species Act, Migratory Bird Treaty Act and the Bald and Golden Eagle Act (Acts). PRDOH intends to perform a two-tiered review that will first obtain programmatic clearances on the NEPA elements for which no impact is anticipated to occur (Tier I broad review) and secondly establish programmatic guidelines and standards for evaluating specific locations where potential impacts could occur (Tier II site-specific review). The level of review PRDOH is performing meets HUD's Categorically Excluded Subject to Section 58.5 category (24 CFR 58.35(a)).

The geographic extent of these programs will be all 78 municipalities of Puerto Rico, making up 6 regional groups. This consultation and attached species list are in reference to the seven municipalities comprising Regional Group 1.

Region 1:

Figure 1. Group 1 Municipalities



These Apoyo Energético projects will provide energy infrastructure improvements to SMB properties on already developed parcels. No habitat will be affected as there will be no vegetation clearing or ground disturbance - all actions will involve equipment being added to existing building roofs, floors and walls. The PRDOH's intent is to avoid negative impacts to quality endangered species' habitat from program actions to the maximum extent practicable.

PRDOH's proposed review procedures include review of the USFWS Online Environmental Conservation System's Information for Planning and Consultation (IPaC) and state species

Letter from PRDOH to USFWS  
Proposed ESA Review Process  
CDBG-DR Funded Energy Support Incentive Program 2.0

databases to verify that program activities were in compliance with the Acts. Also, based on the above-mentioned scopes, PRDOH will review all projects based on the project criteria 4 of the Blanket Clearance Letter for Federally sponsored projects, Housing and Urban Development from January 14, 2013 (*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*). The self-certification will be made and submitted to the PRDOH for further routing.

PRDOH believes, and is asking for your concurrence, that these types of actions constitute a "No Effect" determination with respect to federally protected species or critical habitat and therefore no further consultation would be required by PRDOH under Section 7 of the ESA. The official species list obtained through IPaC is included for your review.

We are requesting that you review the proposed methodology to verify that the process the PRDOH is proposing meets with USFWS approval. Another opportunity will be afforded in an upcoming formal comment period for the broad review. However, given its importance to the process we wish to provide you with this advanced opportunity.

If USFWS has any concerns with the approach that PRDOH is taking on documenting compliance with the Endangered Species Act, we would be glad to receive them. Thank you for your prompt attention to this matter. If you have any questions, please do not hesitate to contact me at (787)274.2527 ext. 4006 or [aarivera@vivienda.pr.gov](mailto:aarivera@vivienda.pr.gov) / [environmentcdbg@vivienda.pr.gov](mailto:environmentcdbg@vivienda.pr.gov).

Sincerely,



**Aldo A. Rivera-Vázquez, PE**  
Director for Program Management  
Permits and Environmental Compliance Division  
Disaster Recovery Office, CDBG-DR/MIT  
Puerto Rico Department of Housing

Attachments: USFWS IPaC Species List; Caribbean Blanket Clearance Letter for Federally Sponsored Projects, Housing and Urban Development



GOVERNMENT OF PUERTO RICO  
DEPARTMENT OF HOUSING

October 10, 2024

Lourdes Mena  
Field Supervisor,  
Caribbean Ecological Services Field Office  
U.S. Fish and Wildlife Service  
Office Park I, Suite 303,  
State Road #2 Km 156.5,  
Mayagüez, Puerto Rico 00680  
Sent via email: [Caribbean\\_es@fws.gov](mailto:Caribbean_es@fws.gov); [Lourdes.Mena@fws.gov](mailto:Lourdes.Mena@fws.gov); [felix\\_lopez@fws.gov](mailto:felix_lopez@fws.gov)

**RE: Proposed ESA Review Process  
CDBG-DR Funded Energy Support Incentive Program 2.0  
Region 2**

Dear Ms. Mena,

The Puerto Rico Department of Housing (PRDOH) is preparing a Tiered Environmental Review to process applicants who are seeking federal Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) funds. PRDOH selected the Department of Economic Development and Commerce (DEDC) to be the subrecipient of \$30,000,000 in CDBG-DR funds for the Apoyo Energético Set-Aside from the Electrical Power Reliability and Resilience Program (ER2) to help improve Puerto Rico's electrical power systems. The DEDC's Public Energy Policy Program, responsible for the development and implementation of Puerto Rico's energy policies, will use these funds to provide energy resilience to small and medium-sized businesses (SMBs), with a focus on enabling community lifelines to operate after a future natural disaster. These commercial sites will be scattered across the island and the exact locations are not known at this time.

As described in the Puerto Rico Disaster Recovery Action Plan, the PRDOH has allocated CDBG-DR funds for the Energy Support Incentive Program 2.0, Apoyo Energético Set-Aside. Specifically, each applicant businesses' project will receive one or more of the following activity categories:

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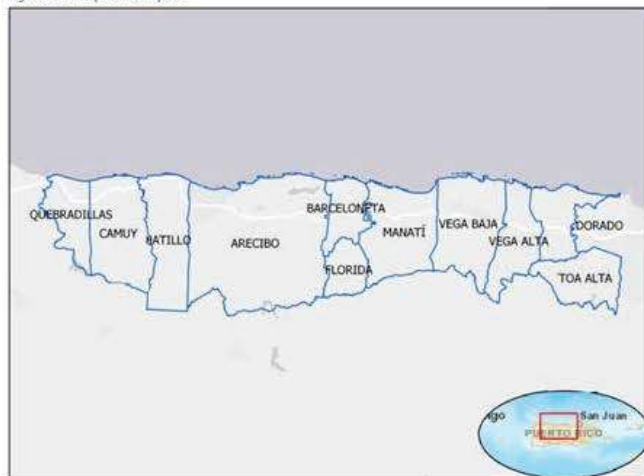
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 Proposed ESA Review Process  
 CDBG-DR Funded Energy Support Incentive Program 2.0

The PRDOH, when acting as the Responsible Entity in lieu of HUD, is required under 24 CFR 58.4 to have protocols that safeguard funded actions do not contravene federal and Puerto Rico laws. This includes PRDOH initiating the required National Environmental Policy Act (NEPA) review, including the Endangered Species Act, and the Migratory Bird Treaty Act. PRDOH intends to perform a two-tiered review that will first obtain programmatic clearances on the NEPA elements for which no impact is anticipated to occur (Tier I broad review) and secondly establish programmatic guidelines and standards for evaluating specific locations where potential impacts could occur (Tier II site-specific review). The level of review PRDOH is performing meets HUD's Categorical Excluded Subject to Section 58.5 category (24 CFR 58.35(a)).

The geographic extent of these programs will be all 78 municipalities of Puerto Rico, making up 6 regional groups. This consultation and attached species list are in reference to the eleven municipalities comprising Regional Group 2, which includes the municipalities of Arecibo, Barceloneta, Camuy, Dorado, Florida, Hatillo, Manatí, Quebradillas, Toa Alta, Vega Alta, and Vega Baja.

Region 2:

Figure 2. Group 2 Municipios



These Apoyo Energético projects will provide energy infrastructure improvements to SMB properties on already developed parcels. No habitat will be affected as there will be no vegetation clearing or ground disturbance - all actions will involve equipment being added to existing building roofs, floors and walls. The PRDOH's intent is to avoid negative impacts to quality endangered species' habitat from program actions to the maximum extent practicable.

Letter from PRDOH to USFWS  
Proposed ESA Review Process  
CDBG-DR Funded Energy Support Incentive Program 2.0

PRDOH has determined, and is asking for your concurrence, that these types of actions constitute a "No Effect" determination with respect to federally protected species or critical habitat and therefore no further consultation would be required by PRDOH under Section 7 of the ESA for these types of projects, as described above. The official species list obtained through IPaC is included for your review.

We are requesting that you review the proposed methodology to verify that the process the PRDOH is proposing meets with USFWS approval. Another opportunity will be afforded in an upcoming formal comment period for the broad review. However, given its importance to the process we wish to provide you with this advanced opportunity.

If USFWS has any concerns with the approach that PRDOH is taking on documenting compliance with the Endangered Species Act, we would be glad to receive them. Thank you for your prompt attention to this matter. If you have any questions, please do not hesitate to contact me at (787)274.2527 ext. 4006 or [aarivera@vivienda.pr.gov](mailto:aarivera@vivienda.pr.gov) / [environmentcdbg@vivienda.pr.gov](mailto:environmentcdbg@vivienda.pr.gov).

Sincerely,



**Aldo A. Rivera-Vázquez, PE**  
Director for Program Management  
Permits and Environmental Compliance Division  
Disaster Recovery Office, CDBG-DR/MIT  
Puerto Rico Department of Housing

Attachments: USFWS IPaC Species List

GOVERNMENT OF PUERTO RICO  
DEPARTMENT OF HOUSING

October 10, 2024

Lourdes Mena  
Field Supervisor,  
Caribbean Ecological Services Field Office  
U.S. Fish and Wildlife Service  
Office Park I, Suite 303,  
State Road #2 Km 156.5,  
Mayagüez, Puerto Rico 00680  
Sent via email: [Caribbean\\_es@fws.gov](mailto:Caribbean_es@fws.gov); [Lourdes.Mena@fws.gov](mailto:Lourdes.Mena@fws.gov); [felix\\_lopez@fws.gov](mailto:felix_lopez@fws.gov)

**RE: Proposed ESA Review Process  
CDBG-DR Funded Energy Support Incentive Program 2.0  
Region 3**

Dear Ms. Mena,

The Puerto Rico Department of Housing (PRDOH) is preparing a Tiered Environmental Review to process applicants who are seeking federal Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) funds. PRDOH selected the Department of Economic Development and Commerce (DEDC) to be the subrecipient of \$30,000,000 in CDBG-DR funds for the Apoyo Energético Set-Aside from the Electrical Power Reliability and Resilience Program (ER2) to help improve Puerto Rico's electrical power systems. The DEDC's Public Energy Policy Program, responsible for the development and implementation of Puerto Rico's energy policies, will use these funds to provide energy resilience to small and medium-sized businesses (SMBs), with a focus on enabling community lifelines to operate after a future natural disaster. These commercial sites will be scattered across the island and the exact locations are not known at this time.

As described in the Puerto Rico Disaster Recovery Action Plan, the PRDOH has allocated CDBG-DR funds for the Energy Support Incentive Program 2.0, Apoyo Energético Set-Aside. Specifically, each applicant businesses' project will receive one or more of the following activity categories:

- Installation of a photovoltaic (solar) panel system and appurtenant storage system (batteries) on the existing commercial building's roof;
- Integration of storage (batteries) inside application buildings that already have an operational photovoltaic panel system in optimal condition; and/or
- Installation of electric vehicle charging infrastructure (Level 2), which will also be limited to the existing building's interior / exterior walls and/or floors. This is a Level 2 project action as electric vehicle charger installation will not be permitted as the sole funded project activity. This activity must be carried out in conjunction with one of the other two aforementioned eligible activities.



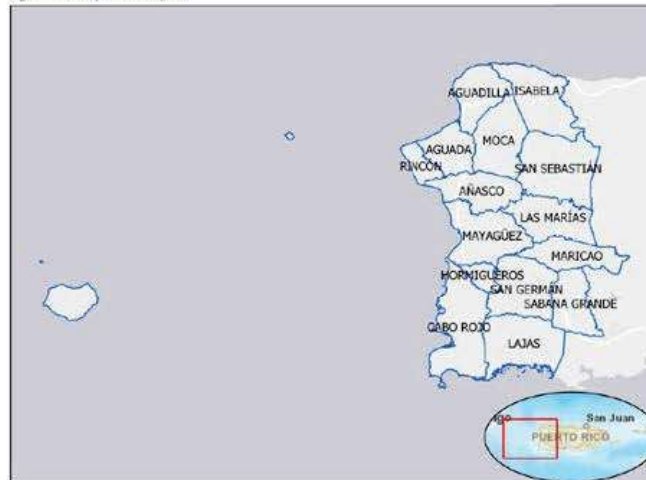
Letter from PRDOH to USFWS  
 Proposed ESA Review Process  
 CDBG-DR Funded Energy Support Incentive Program 2.0

The PRDOH, when acting as the Responsible Entity in lieu of HUD, is required under 24 CFR 58.4 to have protocols that safeguard funded actions do not contravene federal and Puerto Rico laws. This includes PRDOH initiating the required National Environmental Policy Act (NEPA) review, including the Endangered Species Act, and the Migratory Bird Treaty Act. PRDOH intends to perform a two-tiered review that will first obtain programmatic clearances on the NEPA elements for which no impact is anticipated to occur (Tier I broad review) and secondly establish programmatic guidelines and standards for evaluating specific locations where potential impacts could occur (Tier II site-specific review). The level of review PRDOH is performing meets HUD's Categorically Excluded Subject to Section 58.5 category (24 CFR 58.35(a)).

The geographic extent of these programs will be all 78 municipalities of Puerto Rico, making up 6 regional groups. This consultation and attached species list are in reference to the 15 municipalities comprising Regional Group 3, which includes the municipalities of Aguada, Aguadilla, Añasco, Cabo Rojo, Hormigueros, Isabela, Lajas, Las Marías, Maricao, Mayagüez, Moca, Rincón, Sabana Grande, San Germán, and San Sebastián.

Region 3:

Figure 3. Group 3 Municipios



These Apoyo Energético projects will provide energy infrastructure improvements to SMB properties on already developed parcels. No habitat will be affected as there will be no vegetation clearing or ground disturbance - all actions will involve equipment being added to existing building roofs, floors and walls. The PRDOH's intent is to avoid negative impacts to quality endangered species' habitat from program actions to the maximum extent practicable.

Letter from PRDOH to USFWS  
Proposed ESA Review Process  
CDBG-DR Funded Energy Support Incentive Program 2.0

PRDOH has determined, and is asking for your concurrence, that these types of actions constitute a "No Effect" determination with respect to federally protected species or critical habitat and therefore no further consultation would be required by PRDOH under Section 7 of the ESA for these types of projects, as described above. The official species list obtained through IPaC is included for your review.

We are requesting that you review the proposed methodology to verify that the process the PRDOH is proposing meets with USFWS approval. Another opportunity will be afforded in an upcoming formal comment period for the broad review. However, given its importance to the process we wish to provide you with this advanced opportunity.

If USFWS has any concerns with the approach that PRDOH is taking on documenting compliance with the Endangered Species Act, we would be glad to receive them. Thank you for your prompt attention to this matter. If you have any questions, please do not hesitate to contact me at (787)274.2527 ext. 4006 or [aarivera@vivienda.pr.gov](mailto:aarivera@vivienda.pr.gov) / [environmentcdbg@vivienda.pr.gov](mailto:environmentcdbg@vivienda.pr.gov).

Sincerely,



**Aldo A. Rivera-Vázquez, PE**  
Director for Program Management  
Permits and Environmental Compliance Division  
Disaster Recovery Office, CDBG-DR/MIT  
Puerto Rico Department of Housing

Attachments: USFWS IPaC Species List



GOVERNMENT OF PUERTO RICO  
DEPARTMENT OF HOUSING

October 10, 2024

Lourdes Mena  
Field Supervisor,  
Caribbean Ecological Services Field Office  
U.S. Fish and Wildlife Service  
Office Park I, Suite 303,  
State Road #2 Km 156.5,  
Mayagüez, Puerto Rico 00680  
Sent via email: [Caribbean\\_es@fws.gov](mailto:Caribbean_es@fws.gov); [Lourdes.Mena@fws.gov](mailto:Lourdes.Mena@fws.gov); [felix\\_lopez@fws.gov](mailto:felix_lopez@fws.gov)

**RE: Proposed ESA Review Process  
CDBG-DR Funded Energy Support Incentive Program 2.0  
Region 4**

Dear Ms. Mena,

The Puerto Rico Department of Housing (PRDOH) is preparing a Tiered Environmental Review to process applicants who are seeking federal Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) funds. PRDOH selected the Department of Economic Development and Commerce (DEDIC) to be the subrecipient of \$30,000,000 in CDBG-DR funds for the Apoyo Energético Set-Aside from the Electrical Power Reliability and Resilience Program (ER2) to help improve Puerto Rico's electrical power systems. The DEDIC's Public Energy Policy Program, responsible for the development and implementation of Puerto Rico's energy policies, will use these funds to provide energy resilience to small and medium-sized businesses (SMBs), with a focus on enabling community lifelines to operate after a future natural disaster. These commercial sites will be scattered across the island and the exact locations are not known at this time.

As described in the Puerto Rico Disaster Recovery Action Plan, the PRDOH has allocated CDBG-DR funds for the Energy Support Incentive Program 2.0, Apoyo Energético Set-Aside. Specifically, each applicant businesses' project will receive one or more of the following activity categories:

- Installation of a photovoltaic (solar) panel system and appurtenant storage system (batteries) on the existing commercial building's roof;
- Integration of storage (batteries) inside application buildings that already have an operational photovoltaic panel system in optimal condition; and/or
- Installation of electric vehicle charging infrastructure (Level 2), which will also be limited to the existing building's interior / exterior walls and/or floors. This is a Level 2 project action as electric vehicle charger installation will not be permitted as the sole funded project activity. This activity must be carried out in conjunction with one of the other two aforementioned eligible activities.



Letter from PRDOH to USFWS  
 Proposed ESA Review Process  
 CDBG-DR Funded Energy Support Incentive Program 2.0

The PRDOH, when acting as the Responsible Entity in lieu of HUD, is required under 24 CFR 58.4 to have protocols that safeguard funded actions do not contravene federal and Puerto Rico laws. This includes PRDOH initiating the required National Environmental Policy Act (NEPA) review, including the Endangered Species Act, and the Migratory Bird Treaty Act. PRDOH intends to perform a two-tiered review that will first obtain programmatic clearances on the NEPA elements for which no impact is anticipated to occur (Tier I broad review) and secondly establish programmatic guidelines and standards for evaluating specific locations where potential impacts could occur (Tier II site-specific review). The level of review PRDOH is performing meets HUD's Categorically Excluded Subject to Section 58.5 category (24 CFR 58.35(a)).

The geographic extent of these programs will be all 78 municipalities of Puerto Rico, making up 6 regional groups. This consultation and attached species list are in reference to the twelve municipalities comprising Regional Group 4, which include the municipalities of Adjuntas, Ciales, Guánica, Guayanilla, Jayuya, Juana Díaz, Lares, Peñuelas, Ponce, Utuado, Villalba, and Yauco.

#### Region 4:

Figure 4. Group 4 Municipios



These Apoyo Energético projects will provide energy infrastructure improvements to SMB properties on already developed parcels. No habitat will be affected as there will be no vegetation clearing or ground disturbance - all actions will involve equipment being added to existing building roofs, floors and walls. The PRDOH's intent is to avoid negative impacts to quality endangered species' habitat from program actions to the maximum extent practicable.

Letter from PRDOH to USFWS  
Proposed ESA Review Process  
CDBG-DR Funded Energy Support Incentive Program 2.0

PRDOH has determined, and is asking for your concurrence, that these types of actions constitute a "No Effect" determination with respect to federally protected species or critical habitat and therefore no further consultation would be required by PRDOH under Section 7 of the ESA for these types of projects, as described above. The official species list obtained through IPaC is included for your review.

We are requesting that you review the proposed methodology to verify that the process the PRDOH is proposing meets with USFWS approval. Another opportunity will be afforded in an upcoming formal comment period for the broad review. However, given its importance to the process we wish to provide you with this advanced opportunity.

If USFWS has any concerns with the approach that PRDOH is taking on documenting compliance with the Endangered Species Act, we would be glad to receive them. Thank you for your prompt attention to this matter. If you have any questions, please do not hesitate to contact me at (787)274.2527 ext. 4006 or [aarivera@vivienda.pr.gov](mailto:aarivera@vivienda.pr.gov) / [environmentcdbg@vivienda.pr.gov](mailto:environmentcdbg@vivienda.pr.gov).

Sincerely,



**Aldo A. Rivera-Vázquez, PE**  
Director for Program Management  
Permits and Environmental Compliance Division  
Disaster Recovery Office, CDBG-DR/MIT  
Puerto Rico Department of Housing

Attachments: USFWS IPaC Species List



GOVERNMENT OF PUERTO RICO  
DEPARTMENT OF HOUSING

October 10, 2024

Lourdes Mena  
Field Supervisor,  
Caribbean Ecological Services Field Office  
U.S. Fish and Wildlife Service  
Office Park I, Suite 303,  
State Road #2 Km 156.5,  
Mayagüez, Puerto Rico 00680  
Via email: [Caribbean\\_es@fws.gov](mailto:Caribbean_es@fws.gov); [Lourdes.Mena@fws.gov](mailto:Lourdes.Mena@fws.gov); [felix.lopez@fws.gov](mailto:felix.lopez@fws.gov)

**RE: Proposed ESA Review Process  
CDBG-DR Funded Energy Support Incentive Program 2.0  
Region 5**

Dear Ms. Mena,

The Puerto Rico Department of Housing (PRDOH) is preparing a Tiered Environmental Review to process applicants who are seeking federal Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) funds. PRDOH selected the Department of Economic Development and Commerce (DEDC) to be the subrecipient of \$30,000,000 in CDBG-DR funds for the Apoyo Energético Set-Aside from the Electrical Power Reliability and Resilience Program (ER2) to help improve Puerto Rico's electrical power systems. The DEDC's Public Energy Policy Program, responsible for the development and implementation of Puerto Rico's energy policies, will use these funds to provide energy resilience to small and medium-sized businesses (SMBs), with a focus on enabling community lifelines to operate after a future natural disaster. These commercial sites will be scattered across the island and the exact locations are not known at this time.

As described in the Puerto Rico Disaster Recovery Action Plan, the PRDOH has allocated CDBG-DR funds for the Energy Support Incentive Program 2.0, Apoyo Energético Set-Aside. Specifically, each applicant businesses' project will receive one or more of the following activity categories:

- Installation of a photovoltaic (solar) panel system and appurtenant storage system (batteries) on the existing commercial building's roof;
- Integration of storage (batteries) inside application buildings that already have an operational photovoltaic panel system in optimal condition; and/or
- Installation of electric vehicle charging infrastructure (Level 2), which will also be limited to the existing building's interior / exterior walls and/or floors. This is a Level 2 project action as electric vehicle charger installation will not be permitted as the sole funded project activity. This activity must be carried out in conjunction with one of the other two aforementioned eligible activities.



Letter from PRDOH to USFWS  
 Proposed ESA Review Process  
 CDBG-DR Funded Energy Support Incentive Program 2.0

The PRDOH, when acting as the Responsible Entity in lieu of HUD, is required under 24 CFR 58.4 to have protocols that safeguard funded actions do not contravene federal and Puerto Rico laws. This includes PRDOH initiating the required National Environmental Policy Act (NEPA) review, including the Endangered Species Act, and the Migratory Bird Treaty Act. PRDOH intends to perform a two-tiered review that will first obtain programmatic clearances on the NEPA elements for which no impact is anticipated to occur (Tier I broad review) and secondly establish programmatic guidelines and standards for evaluating specific locations where potential impacts could occur (Tier II site-specific review). The level of review PRDOH is performing meets HUD's Categorically Excluded Subject to Section 58.5 category (24 CFR 58.35(a)).

The geographic extent of these programs will be all 78 municipalities of Puerto Rico, making up 6 regional groups. This consultation and attached species list are in reference to the 18 municipalities comprising Regional Group 5 which includes Aguas Buenas, Aibonito, Arroyo, Barranquitas, Caguas, Cayey, Cidra, Comerio, Corozal, Guayama, Gurabo, Morovis, Naranjito, Orocovis, Patillas, Salinas, and Santa Isabel.

Region 5:

Figure 5. Group 5 Municipios



These Apoyo Energético projects will provide energy infrastructure improvements to SMB properties on already developed parcels. No habitat will be affected as there will be no vegetation clearing or ground disturbance - all actions will involve equipment being added to existing building roofs, floors and walls. The PRDOH's intent is to avoid negative impacts to quality endangered species' habitat from program actions to the maximum extent practicable.

PRDOH has determined, and is asking for your concurrence, that these types of actions constitute a "No Effect" determination with respect to federally protected species or critical habitat and therefore no further consultation would be required by PRDOH under Section 7

Letter from PRDOH to USFWS  
Proposed ESA Review Process  
CDBG-DR Funded Energy Support Incentive Program 2.0

of the ESA for these types of projects, as described above. The official species list obtained through IPaC is included for your review.

We are requesting that you review the proposed methodology to verify that the process the PRDOH is proposing meets with USFWS approval. Another opportunity will be afforded in an upcoming formal comment period for the broad review. However, given its importance to the process we wish to provide you with this advanced opportunity.

If USFWS has any concerns with the approach that PRDOH is taking on documenting compliance with the Endangered Species Act, we would be glad to receive them. Thank you for your prompt attention to this matter. If you have any questions, please do not hesitate to contact me at 787.274.2527 ext. 4006 or [aarivera@vivienda.pr.gov](mailto:aarivera@vivienda.pr.gov) / [environmentcdbg@vivienda.pr.gov](mailto:environmentcdbg@vivienda.pr.gov).

Sincerely,



**Aldo A. Rivera-Vázquez, PE**  
Director for Program Management  
Permits and Environmental Compliance Division  
Disaster Recovery Office, CDBG-DR/MIT  
Puerto Rico Department of Housing

Attachments: USFWS IPaC Species List



GOVERNMENT OF PUERTO RICO  
DEPARTMENT OF HOUSING

October 10, 2024

Lourdes Mena  
Field Supervisor,  
Caribbean Ecological Services Field Office  
U.S. Fish and Wildlife Service  
Office Park I, Suite 303,  
State Road #2 Km 156.5,  
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**RE: Proposed ESA Review Process  
CDBG-DR Funded Energy Support Incentive Program 2.0  
Region 6**

Dear Ms. Mena,

The Puerto Rico Department of Housing (PRDOH) is preparing a Tiered Environmental Review to process applicants who are seeking federal Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) funds. PRDOH selected the Department of Economic Development and Commerce (DEDC) to be the subrecipient of \$30,000,000 in CDBG-DR funds for the Apoyo Energético Set-Aside from the Electrical Power Reliability and Resilience Program (ER2) to help improve Puerto Rico's electrical power systems. The DEDC's Public Energy Policy Program, responsible for the development and implementation of Puerto Rico's energy policies, will use these funds to provide energy resilience to small and medium-sized businesses (SMBs), with a focus on enabling community lifelines to operate after a future natural disaster. These commercial sites will be scattered across the island and the exact locations are not known at this time.

As described in the Puerto Rico Disaster Recovery Action Plan, the PRDOH has allocated CDBG-DR funds for the Energy Support Incentive Program 2.0, Apoyo Energético Set-Aside. Specifically, each applicant businesses' project will receive one or more of the following activity categories:

- Installation of a photovoltaic (solar) panel system and appurtenant storage system (batteries) on the existing commercial building's roof;
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Letter from PRDOH to USFWS  
 Proposed ESA Review Process  
 CDBG-DR Funded Energy Support Incentive Program 2.0

The PRDOH, when acting as the Responsible Entity in lieu of HUD, is required under 24 CFR 58.4 to have protocols that safeguard funded actions do not contravene federal and Puerto Rico laws. This includes PRDOH initiating the required National Environmental Policy Act (NEPA) review, including the Endangered Species Act, and the Migratory Bird Treaty Act. PRDOH intends to perform a two-tiered review that will first obtain programmatic clearances on the NEPA elements for which no impact is anticipated to occur (Tier I broad review) and secondly establish programmatic guidelines and standards for evaluating specific locations where potential impacts could occur (Tier II site-specific review). The level of review PRDOH is performing meets HUD's Categorical Excluded Subject to Section 58.5 category (24 CFR 58.35(a)).

The geographic extent of these programs will be all 78 municipalities of Puerto Rico, making up 6 regional groups. This consultation and attached species list are in reference to the municipalities comprising Regional Group 6, which includes the municipalities of Canóvanas, Ceiba, Fajardo, Humacao, Isla de Culebra, Isla de Vieques, Juncos, Las Piedras, Loíza, Luquillo, Maunabo, Naguabo, Río Grande, San Lorenzo, and Yabucoa.

#### Region 6:

Figure 6. Group 6 Municipios



These Apoyo Energético projects will provide energy infrastructure improvements to SMB properties on already developed parcels. No habitat will be affected as there will be no vegetation clearing or ground disturbance - all actions will involve equipment being added to existing building roofs, floors and walls. The PRDOH's intent is to avoid negative impacts to quality endangered species' habitat from program actions to the maximum extent practicable.

PRDOH has determined, and is asking for your concurrence, that these types of actions constitute a "No Effect" determination with respect to federally protected species or critical

Letter from PRDOH to USFWS  
Proposed ESA Review Process  
CDBG-DR Funded Energy Support Incentive Program 2.0

habitat and therefore no further consultation would be required by PRDOH under Section 7 of the ESA for these types of projects, as described above. The official species list obtained through IPaC is included for your review.

We are requesting that you review the proposed methodology to verify that the process the PRDOH is proposing meets with USFWS approval. Another opportunity will be afforded in an upcoming formal comment period for the broad review. However, given its importance to the process we wish to provide you with this advanced opportunity.

If USFWS has any concerns with the approach that PRDOH is taking on documenting compliance with the Endangered Species Act, we would be glad to receive them. Thank you for your prompt attention to this matter. If you have any questions, please do not hesitate to contact me at (787)274.2527 ext. 4006 or [aarivera@vivienda.pr.gov](mailto:aarivera@vivienda.pr.gov) / [environmentcdbg@vivienda.pr.gov](mailto:environmentcdbg@vivienda.pr.gov).

Sincerely,



**Aldo A. Rivera-Vázquez, PE**  
Director for Program Management  
Permits and Environmental Compliance Division  
Disaster Recovery Office, CDBG-DR/MIT  
Puerto Rico Department of Housing

Attachments: USFWS IPaC Species List



## United States Department of the Interior

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



In Reply Refer To:

04/05/2024 19:09:51 UTC

Project Code: 2024-0073635

Project Name: Electrical Power Reliability and Resilience Program (ER2)

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

To Whom It May Concern:

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

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

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

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



Project code: 2024-0073635

04/05/2024 19:09:51 UTC

to [caribbean\\_es@fws.gov](mailto:caribbean_es@fws.gov). To obtain guidance for completing this process and the minimum requirements for project packages, please visit:

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

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

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

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

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

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

This species list is provided by:

2 of 12

Project code: 2024-0073635

04/05/2024 19:09:51 UTC

Caribbean Ecological Services Field Office

[caribbean\\_es@fws.gov](mailto:caribbean_es@fws.gov)

Post Office Box 491

Boqueron, PR 00622-0491

(786) 244-0081

Attachment(s):

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

## OFFICIAL SPECIES LIST

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

This species list is provided by:

**Caribbean Ecological Services Field Office**

Post Office Box 491

Boqueron, PR 00622-0491

(939) 320-3135

Project code: 2024-0073635

04/05/2024 19:09:51 UTC

## PROJECT SUMMARY

Project Code: 2024-0073635

Project Name: Electrical Power Reliability and Resilience Program (ER2)

Project Type: Disaster-related Grants

Project Description: Reconstruction and rehabilitation of small and medium-sized business properties on developed or otherwise disturbed areas. Developed or disturbed areas include paved, filled, graveled, routinely mowed vegetated grasses, agricultural fields, pasturelands or locations where structures stand or stood prior to the disaster.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@18.367381899999998,-66.05784576225538,14z>



Counties: Puerto Rico

Project code: 2024-0073635

04/05/2024 19:09:51 UTC

## ENDANGERED SPECIES ACT SPECIES

There is a total of 18 threatened, endangered, or candidate species on this species list.

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

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

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

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

Project code: 2024-0073635

04/05/2024 19:09:51 UTC

## MAMMALS

NAME	STATUS
<b>West Indian Manatee <i>Trichechus manatus</i></b> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. <b><i>This species is also protected by the Marine Mammal Protection Act, and may have additional consultation requirements.</i></b> Species profile: <a href="https://ecos.fws.gov/ecp/species/4469">https://ecos.fws.gov/ecp/species/4469</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/KRCNISJFWNDI3PKTZEQFN7KROY/documents/generated/7138.pdf">https://ipac.ecosphere.fws.gov/project/KRCNISJFWNDI3PKTZEQFN7KROY/documents/generated/7138.pdf</a>	Threatened

## BIRDS

NAME	STATUS
<b>Black-capped Petrel <i>Pterodroma hasitata</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4748">https://ecos.fws.gov/ecp/species/4748</a>	Endangered
<b>Puerto Rican Broad-winged Hawk <i>Buteo platypterus brunnescens</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/5512">https://ecos.fws.gov/ecp/species/5512</a>	Endangered
<b>Puerto Rican Parrot <i>Amazona vittata</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/3067">https://ecos.fws.gov/ecp/species/3067</a>	Endangered
<b>Puerto Rican Plain Pigeon <i>Patagioenas inornata wetmorei</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/7955">https://ecos.fws.gov/ecp/species/7955</a>	Endangered
<b>Roseate Tern <i>Sterna dougallii dougallii</i></b> Population: Western Hemisphere except NE U.S. No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/2083">https://ecos.fws.gov/ecp/species/2083</a>	Threatened

## REPTILES

NAME	STATUS
<b>Green Sea Turtle <i>Chelonia mydas</i></b> Population: North Atlantic DPS There is <b>proposed</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/6199">https://ecos.fws.gov/ecp/species/6199</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/KRCNISJFWNDI3PKTZEQFN7KROY/documents/generated/7133.pdf">https://ipac.ecosphere.fws.gov/project/KRCNISJFWNDI3PKTZEQFN7KROY/documents/generated/7133.pdf</a>	Threatened
<b>Hawksbill Sea Turtle <i>Eretmochelys imbricata</i></b> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/3656">https://ecos.fws.gov/ecp/species/3656</a>	Endangered



Project code: 2024-0073635

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NAME	STATUS
General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/KRCNISJFWNDI3PKTZEQFN7KROY/documents/generated/7131.pdf">https://ipac.ecosphere.fws.gov/project/KRCNISJFWNDI3PKTZEQFN7KROY/documents/generated/7131.pdf</a>	
<b>Leatherback Sea Turtle <i>Dermochelys coriacea</i></b> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/1493">https://ecos.fws.gov/ecp/species/1493</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/KRCNISJFWNDI3PKTZEQFN7KROY/documents/generated/7132.pdf">https://ipac.ecosphere.fws.gov/project/KRCNISJFWNDI3PKTZEQFN7KROY/documents/generated/7132.pdf</a>	Endangered
<b>Loggerhead Sea Turtle <i>Caretta caretta</i></b> Population: Northwest Atlantic Ocean DPS There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/1110">https://ecos.fws.gov/ecp/species/1110</a>	Threatened
<b>Olive Ridley Sea Turtle <i>Lepidochelys olivacea</i></b> Population: Wherever found, except when listed as endangered under 50 CFR 224.101 No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1513">https://ecos.fws.gov/ecp/species/1513</a>	Threatened
<b>Puerto Rican Boa <i>Chilabothrus inornatus</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6628">https://ecos.fws.gov/ecp/species/6628</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/KRCNISJFWNDI3PKTZEQFN7KROY/documents/generated/7159.pdf">https://ipac.ecosphere.fws.gov/project/KRCNISJFWNDI3PKTZEQFN7KROY/documents/generated/7159.pdf</a>	Endangered
<b>Virgin Islands Tree Boa <i>Chilabothrus granti</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/3247">https://ecos.fws.gov/ecp/species/3247</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/KRCNISJFWNDI3PKTZEQFN7KROY/documents/generated/7141.pdf">https://ipac.ecosphere.fws.gov/project/KRCNISJFWNDI3PKTZEQFN7KROY/documents/generated/7141.pdf</a>	Endangered

## AMPHIBIANS

NAME	STATUS
<b>Llanero Coqui <i>Eleutherodactylus juanariveroi</i></b> There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/8681">https://ecos.fws.gov/ecp/species/8681</a>	Endangered

## FLOWERING PLANTS

NAME	STATUS
<b>Daphnopsis helleriana</b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6802">https://ecos.fws.gov/ecp/species/6802</a>	Endangered
<b>Palo De Ramon <i>Banara vanderbiltii</i></b>	Endangered

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Project code: 2024-0073635

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NAME	STATUS
No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/8113">https://ecos.fws.gov/ecp/species/8113</a>	
Palo De Rosa <i>Ottoschulzia rhodoxylon</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/5741">https://ecos.fws.gov/ecp/species/5741</a>	Threatened
Vahl's Boxwood <i>Buxus vahlia</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4454">https://ecos.fws.gov/ecp/species/4454</a>	Endangered

### CRITICAL HABITATS

There is 1 critical habitat wholly or partially within your project area under this office's jurisdiction.

NAME	STATUS
Llanero Coqui <i>Eleutherodactylus juanariveroi</i> <a href="https://ecos.fws.gov/ecp/species/8681#crithab">https://ecos.fws.gov/ecp/species/8681#crithab</a>	Final

## USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

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

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

## BALD & GOLDEN EAGLES

Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act<sup>1</sup> and the Migratory Bird Treaty Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or their habitats<sup>3</sup>, should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the ["Supplemental Information on Migratory Birds and Eagles"](#).

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

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

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## MIGRATORY BIRDS

Certain birds are protected under the Migratory Bird Treaty Act<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats<sup>3</sup> should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the ["Supplemental Information on Migratory Birds and Eagles"](#).

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

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

## COASTAL BARRIERS

Projects within the [John H. Chafee Coastal Barrier Resources System](#) (CBRS) may be subject to the restrictions on Federal expenditures and financial assistance and the consultation requirements of the Coastal Barrier Resources Act (CBRA) (16 U.S.C. 3501 et seq.). For more information, please contact the local [Ecological Services Field Office](#) or visit the [CBRA Consultations website](#). The CBRA website provides tools such as a flow chart to help determine whether consultation is required and a template to facilitate the consultation process.

## SYSTEM UNIT (SU)

*Most new Federal expenditures and financial assistance, including Federal flood insurance, are prohibited within System Units. **Federally-funded projects within System Units require consultation with the Service.** Consultation is not required for projects using private, state, or local funds.*

## OTHERWISE PROTECTED AREA (OPA)

*OPAs are denoted with a "P" at the end of the unit number. The only prohibition within OPAs is on Federal flood insurance. **CBRA consultation is not required for projects within OPAs.** However, agencies providing disaster assistance that is contingent upon a requirement to purchase flood insurance after the fact are advised to disclose the OPA designation and information on the restrictions on Federal flood insurance to the recipient prior to the commitments of funds.*

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UNIT	NAME	TYPE	SYSTEM UNIT ESTABLISHMENT DATE	FLOOD INSURANCE PROHIBITION DATE
PR-87	Punta Vacía Talega	SU	11/16/1990	11/16/1990
PR-86P	Punta Salinas	OPA	N/A	11/16/1991
PR-87P	Punta Vacía Talega	OPA	N/A	11/16/1991

## MARINE MAMMALS

Marine mammals are protected under the [Marine Mammal Protection Act](#). Some are also protected under the Endangered Species Act<sup>1</sup> and the Convention on International Trade in Endangered Species of Wild Fauna and Flora<sup>2</sup>.

The responsibilities for the protection, conservation, and management of marine mammals are shared by the U.S. Fish and Wildlife Service [responsible for otters, walrus, polar bears, manatees, and dugongs] and NOAA Fisheries<sup>3</sup> [responsible for seals, sea lions, whales, dolphins, and porpoises]. Marine mammals under the responsibility of NOAA Fisheries are **not** shown on this list; for additional information on those species please visit the [Marine Mammals](#) page of the NOAA Fisheries website.

The Marine Mammal Protection Act prohibits the take of marine mammals and further coordination may be necessary for project evaluation. Please contact the U.S. Fish and Wildlife Service Field Office shown.

1. The [Endangered Species Act](#) (ESA) of 1973.
2. The [Convention on International Trade in Endangered Species of Wild Fauna and Flora](#) (CITES) is a treaty to ensure that international trade in plants and animals does not threaten their survival in the wild.
3. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

NAME

West Indian Manatee *Trichechus manatus*

Species profile: <https://ecos.fws.gov/ecp/species/4469>

## WETLANDS

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

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

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

WETLAND INFORMATION WAS NOT AVAILABLE WHEN THIS SPECIES LIST WAS GENERATED.  
PLEASE VISIT [HTTPS://WWW.FWS.GOV/WETLANDS/DATA/MAPPER.HTML](https://www.fws.gov/wetlands/data/mapper.html) OR CONTACT THE FIELD OFFICE FOR FURTHER INFORMATION.

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### **IPAC USER CONTACT INFORMATION**

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





## United States Department of the Interior

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



In Reply Refer To:

04/08/2024 20:00:10 UTC

Project Code: 2024-0074190

Project Name: Electrical Power Reliability and Resilience Program (ER2) - Group 2

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

To Whom It May Concern:

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

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

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

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



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to [caribbean\\_es@fws.gov](mailto:caribbean_es@fws.gov). To obtain guidance for completing this process and the minimum requirements for project packages, please visit:

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

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

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

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

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

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

This species list is provided by:

Project code: 2024-0074190

04/08/2024 20:00:10 UTC

## ENDANGERED SPECIES ACT SPECIES

There is a total of 30 threatened, endangered, or candidate species on this species list.

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

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

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

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

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Caribbean Ecological Services Field Office

[caribbean\\_es@fws.gov](mailto:caribbean_es@fws.gov)

Post Office Box 491

Boqueron, PR 00622-0491

(786) 244-0081

Attachment(s):

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

## OFFICIAL SPECIES LIST

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

This species list is provided by:

**Caribbean Ecological Services Field Office**

Post Office Box 491

Boqueron, PR 00622-0491

(939) 320-3135

Project code: 2024-0074190

04/08/2024 20:00:10 UTC

## PROJECT SUMMARY

**Project Code:** 2024-0074190  
**Project Name:** Electrical Power Reliability and Resilience Program (ER2) - Group 2  
**Project Type:** Disaster-related Grants  
**Project Description:** Reconstruction and rehabilitation of small and medium-sized business properties on developed or otherwise disturbed areas. Developed or disturbed areas include paved, filled, graveled, routinely mowed vegetated grasses, agricultural fields, pasturelands or locations where structures stand or stood prior to the disaster.

**Project Location:**

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@18.4047718,-66.60255058383945,14z>



Counties: Puerto Rico

Project code: 2024-0074190

04/08/2024 20:00:10 UTC

## ENDANGERED SPECIES ACT SPECIES

There is a total of 30 threatened, endangered, or candidate species on this species list.

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

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

- 
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Project code: 2024-0074190

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## MAMMALS

NAME	STATUS
<b>West Indian Manatee <i>Trichechus manatus</i></b> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. <b><i>This species is also protected by the Marine Mammal Protection Act, and may have additional consultation requirements.</i></b> Species profile: <a href="https://ecos.fws.gov/ecp/species/4469">https://ecos.fws.gov/ecp/species/4469</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/AQVBP6XW3ZBBDERWP7ZKW465TU/documents/generated/7138.pdf">https://ipac.ecosphere.fws.gov/project/AQVBP6XW3ZBBDERWP7ZKW465TU/documents/generated/7138.pdf</a>	Threatened

## BIRDS

NAME	STATUS
<b>Black-capped Petrel <i>Pterodroma hasitata</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4748">https://ecos.fws.gov/ecp/species/4748</a>	Endangered
<b>Puerto Rican Broad-winged Hawk <i>Buteo platypterus brunescens</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/5512">https://ecos.fws.gov/ecp/species/5512</a>	Endangered
<b>Puerto Rican Parrot <i>Amazona vittata</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/3067">https://ecos.fws.gov/ecp/species/3067</a>	Endangered
<b>Roseate Tern <i>Sterna dougallii dougallii</i></b> Population: Western Hemisphere except NE U.S. No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/2083">https://ecos.fws.gov/ecp/species/2083</a>	Threatened

## REPTILES

NAME	STATUS
<b>Green Sea Turtle <i>Chelonia mydas</i></b> Population: North Atlantic DPS There is <b>proposed</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/6199">https://ecos.fws.gov/ecp/species/6199</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/AQVBP6XW3ZBBDERWP7ZKW465TU/documents/generated/7133.pdf">https://ipac.ecosphere.fws.gov/project/AQVBP6XW3ZBBDERWP7ZKW465TU/documents/generated/7133.pdf</a>	Threatened
<b>Hawksbill Sea Turtle <i>Eretmochelys imbricata</i></b> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/3656">https://ecos.fws.gov/ecp/species/3656</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/AQVBP6XW3ZBBDERWP7ZKW465TU/documents/generated/7131.pdf">https://ipac.ecosphere.fws.gov/project/AQVBP6XW3ZBBDERWP7ZKW465TU/documents/generated/7131.pdf</a>	Endangered



Project code: 2024-0074190

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NAME	STATUS
<b>Leatherback Sea Turtle <i>Dermochelys coriacea</i></b> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/1493">https://ecos.fws.gov/ecp/species/1493</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/AQVBP6XW3ZBBDERWP7ZKW465TU/documents/generated/7132.pdf">https://ipac.ecosphere.fws.gov/project/AQVBP6XW3ZBBDERWP7ZKW465TU/documents/generated/7132.pdf</a>	Endangered
<b>Loggerhead Sea Turtle <i>Caretta caretta</i></b> Population: Northwest Atlantic Ocean DPS There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/1110">https://ecos.fws.gov/ecp/species/1110</a>	Threatened
<b>Olive Ridley Sea Turtle <i>Lepidochelys olivacea</i></b> Population: Wherever found, except when listed as endangered under 50 CFR 224.101 No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1513">https://ecos.fws.gov/ecp/species/1513</a>	Threatened
<b>Puerto Rican Boa <i>Chilabothrus inornatus</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6628">https://ecos.fws.gov/ecp/species/6628</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/AQVBP6XW3ZBBDERWP7ZKW465TU/documents/generated/7159.pdf">https://ipac.ecosphere.fws.gov/project/AQVBP6XW3ZBBDERWP7ZKW465TU/documents/generated/7159.pdf</a>	Endangered

## AMPHIBIANS

NAME	STATUS
<b>Puerto Rican Crested Toad <i>Peltophryne lemur</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/3958">https://ecos.fws.gov/ecp/species/3958</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/AQVBP6XW3ZBBDERWP7ZKW465TU/documents/generated/7139.pdf">https://ipac.ecosphere.fws.gov/project/AQVBP6XW3ZBBDERWP7ZKW465TU/documents/generated/7139.pdf</a>	Threatened

## INSECTS

NAME	STATUS
<b>Puerto Rican Harlequin Butterfly <i>Atlantea tulita</i></b> There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/9005">https://ecos.fws.gov/ecp/species/9005</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/AQVBP6XW3ZBBDERWP7ZKW465TU/documents/generated/7168.pdf">https://ipac.ecosphere.fws.gov/project/AQVBP6XW3ZBBDERWP7ZKW465TU/documents/generated/7168.pdf</a>	Threatened

## FLOWERING PLANTS

NAME	STATUS
<b>Auerodendron pauciflorum</b> No critical habitat has been designated for this species.	Endangered

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NAME	STATUS
Species profile: <a href="https://ecos.fws.gov/ecp/species/3618">https://ecos.fws.gov/ecp/species/3618</a>	
Beautiful Goetzea <i>Goetzea elegans</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6453">https://ecos.fws.gov/ecp/species/6453</a>	Endangered
Chamaecrista glandulosa var. mirabilis No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/2864">https://ecos.fws.gov/ecp/species/2864</a>	Endangered
Chupacallos <i>Pleodendron macranthum</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/2749">https://ecos.fws.gov/ecp/species/2749</a>	Endangered
Cordia bellonis No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/7228">https://ecos.fws.gov/ecp/species/7228</a>	Endangered
Daphnopsis helleriana No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6802">https://ecos.fws.gov/ecp/species/6802</a>	Endangered
Myrcia paganii No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/2527">https://ecos.fws.gov/ecp/species/2527</a>	Endangered
Palma De Manaca <i>Calyptrotrichia rivalis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1272">https://ecos.fws.gov/ecp/species/1272</a>	Threatened
Palo De Nigua <i>Cornutia obovata</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4918">https://ecos.fws.gov/ecp/species/4918</a>	Endangered
Palo De Ramon <i>Banara vanderbiltii</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/8113">https://ecos.fws.gov/ecp/species/8113</a>	Endangered
Palo De Rosa <i>Ottoschulzia rhodoxylon</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/5741">https://ecos.fws.gov/ecp/species/5741</a>	Threatened
Schoepfia arenaria No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/5250">https://ecos.fws.gov/ecp/species/5250</a>	Threatened
St. Thomas Prickly-ash <i>Zanthoxylum thomsonianum</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/102">https://ecos.fws.gov/ecp/species/102</a>	Endangered
Uvillo <i>Eugenia haematocarpa</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4279">https://ecos.fws.gov/ecp/species/4279</a>	Endangered

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NAME	STATUS
<b>Wheeler's Peperomia</b> <i>Peperomia wheeleri</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1463">https://ecos.fws.gov/ecp/species/1463</a>	Endangered

## FERNS AND ALLIES

NAME	STATUS
<b>Tectaria estremerana</b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/3630">https://ecos.fws.gov/ecp/species/3630</a>	Endangered
<b>Thelypteris verecunda</b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/8005">https://ecos.fws.gov/ecp/species/8005</a>	Endangered

## CRITICAL HABITATS

There is 1 critical habitat wholly or partially within your project area under this office's jurisdiction.

NAME	STATUS
<b>Puerto Rican Harlequin Butterfly</b> <i>Atlantea tulita</i> <a href="https://ecos.fws.gov/ecp/species/9005#crithab">https://ecos.fws.gov/ecp/species/9005#crithab</a>	Final

## USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

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

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

## BALD & GOLDEN EAGLES

Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act<sup>1</sup> and the Migratory Bird Treaty Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or their habitats<sup>3</sup>, should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "[Supplemental Information on Migratory Birds and Eagles](#)".

1. The [Bald and Golden Eagle Protection Act](#) of 1940.
2. The [Migratory Birds Treaty Act](#) of 1918.

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3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

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

## MIGRATORY BIRDS

Certain birds are protected under the Migratory Bird Treaty Act<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats<sup>3</sup> should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "[Supplemental Information on Migratory Birds and Eagles](#)".

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

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

## COASTAL BARRIERS

Projects within the [John H. Chafee Coastal Barrier Resources System](#) (CBRS) may be subject to the restrictions on Federal expenditures and financial assistance and the consultation requirements of the Coastal Barrier Resources Act (CBRA) (16 U.S.C. 3501 et seq.). For more information, please contact the local [Ecological Services Field Office](#) or visit the [CBRA Consultations website](#). The CBRA website provides tools such as a flow chart to help determine whether consultation is required and a template to facilitate the consultation process.

## SYSTEM UNIT (SU)

*Most new Federal expenditures and financial assistance, including Federal flood insurance, are prohibited within System Units. **Federally-funded projects within System Units require consultation with the Service.** Consultation is not required for projects using private, state, or local funds.*

## OTHERWISE PROTECTED AREA (OPA)

*OPAs are denoted with a "P" at the end of the unit number. The only prohibition within OPAs is on Federal flood insurance. **CBRA consultation is not required for projects within OPAs.** However, agencies providing disaster assistance that is contingent upon a requirement to purchase flood insurance after the fact are advised to disclose the OPA designation and*

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information on the restrictions on Federal flood insurance to the recipient prior to the commitments of funds.

UNIT	NAME	TYPE	SYSTEM UNIT ESTABLISHMENT DATE	FLOOD INSURANCE PROHIBITION DATE
PR-79	Penon Brusi	SU	11/16/1990	11/16/1990
PR-80	Punta Maracayo	SU	11/16/1990	11/16/1990
PR-81	Puerto de Arecibo	SU	11/16/1990	11/16/1990
PR-83	Tortuguero	SU	11/16/1990	11/16/1990
PR-84	Punta Garza	SU	11/16/1990	11/16/1990
PR-82P	Punta Manati	OPA	N/A	11/16/1991

## MARINE MAMMALS

Marine mammals are protected under the [Marine Mammal Protection Act](#). Some are also protected under the Endangered Species Act<sup>1</sup> and the Convention on International Trade in Endangered Species of Wild Fauna and Flora<sup>2</sup>.

The responsibilities for the protection, conservation, and management of marine mammals are shared by the U.S. Fish and Wildlife Service [responsible for otters, walruses, polar bears, manatees, and dugongs] and NOAA Fisheries<sup>3</sup> [responsible for seals, sea lions, whales, dolphins, and porpoises]. Marine mammals under the responsibility of NOAA Fisheries are **not** shown on this list; for additional information on those species please visit the [Marine Mammals](#) page of the NOAA Fisheries website.

The Marine Mammal Protection Act prohibits the take of marine mammals and further coordination may be necessary for project evaluation. Please contact the U.S. Fish and Wildlife Service Field Office shown.

1. The [Endangered Species Act](#) (ESA) of 1973.
2. The [Convention on International Trade in Endangered Species of Wild Fauna and Flora](#) (CITES) is a treaty to ensure that international trade in plants and animals does not threaten their survival in the wild.
3. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

NAME

West Indian Manatee *Trichechus manatus*

Species profile: <https://ecos.fws.gov/ecp/species/4469>

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## WETLANDS

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

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

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

WETLAND INFORMATION WAS NOT AVAILABLE WHEN THIS SPECIES LIST WAS GENERATED.  
PLEASE VISIT [HTTPS://WWW.FWS.GOV/WETLANDS/DATA/MAPPER.HTML](https://www.fws.gov/wetlands/data/mapper.html) OR CONTACT THE FIELD OFFICE FOR FURTHER INFORMATION.



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### **IPAC USER CONTACT INFORMATION**

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



## United States Department of the Interior

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



In Reply Refer To:  
Project Code: 2024-0125051  
Project Name: Group 3

08/02/2024 00:32:56 UTC

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

To Whom It May Concern:

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

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

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

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

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to [caribbean\\_es@fws.gov](mailto:caribbean_es@fws.gov). To obtain guidance for completing this process and the minimum requirements for project packages, please visit:

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

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

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

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

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

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

This species list is provided by:

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**Caribbean Ecological Services Field Office**[caribbean\\_es@fws.gov](mailto:caribbean_es@fws.gov)

Post Office Box 491

Boqueron, PR 00622-0491

(786) 244-0081

**Attachment(s):**

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

**OFFICIAL SPECIES LIST**

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

This species list is provided by:

**Caribbean Ecological Services Field Office**

Post Office Box 491

Boqueron, PR 00622-0491

(939) 320-3135

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## PROJECT SUMMARY

Project Code: 2024-0125051

Project Name: Group 3

Project Type: Disaster-related Grants

Project Description: Reconstruction and rehabilitation of small and medium-sized business properties on developed or otherwise disturbed areas. Developed or disturbed areas include paved, filled, graveled, routinely mowed vegetated grasses, agricultural fields, pasturelands or locations where structures stand or stood prior to the disaster.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@18.2236677,-67.0402174204191,14z>



Counties: Puerto Rico



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## ENDANGERED SPECIES ACT SPECIES

There is a total of 47 threatened, endangered, or candidate species on this species list.

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

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

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

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



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## MAMMALS

NAME	STATUS
<b>West Indian Manatee <i>Trichechus manatus</i></b> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. <b><i>This species is also protected by the Marine Mammal Protection Act, and may have additional consultation requirements.</i></b> Species profile: <a href="https://ecos.fws.gov/ecp/species/4469">https://ecos.fws.gov/ecp/species/4469</a> General project design guidelines: <a href="https://pac.ecosphere.fws.gov/project/ZKYTLPVTKVFL3DQD76RZ7KEL4Q/documents/generated/7138.pdf">https://pac.ecosphere.fws.gov/project/ZKYTLPVTKVFL3DQD76RZ7KEL4Q/documents/generated/7138.pdf</a>	Threatened

## BIRDS

NAME	STATUS
<b>Black-capped Petrel <i>Pterodroma hasitata</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4748">https://ecos.fws.gov/ecp/species/4748</a>	Endangered
<b>Elfin-woods Warbler <i>Setophaga angelae</i></b> There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/2972">https://ecos.fws.gov/ecp/species/2972</a>	Threatened
<b>Puerto Rican Broad-winged Hawk <i>Buteo platypterus brunescens</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/5512">https://ecos.fws.gov/ecp/species/5512</a>	Endangered
<b>Puerto Rican Nightjar <i>Antrostomus noctitherus</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6972">https://ecos.fws.gov/ecp/species/6972</a>	Endangered
<b>Puerto Rican Parrot <i>Amazona vittata</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/3067">https://ecos.fws.gov/ecp/species/3067</a>	Endangered
<b>Puerto Rican Sharp-shinned Hawk <i>Accipiter striatus venator</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/604">https://ecos.fws.gov/ecp/species/604</a>	Endangered
<b>Roseate Tern <i>Sterna dougallii dougallii</i></b> Population: Western Hemisphere except NE U.S. No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/2083">https://ecos.fws.gov/ecp/species/2083</a>	Threatened
<b>Yellow-shouldered Blackbird <i>Agelaius xanthomus</i></b> There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/7383">https://ecos.fws.gov/ecp/species/7383</a>	Endangered

## REPTILES

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NAME	STATUS
<b>Green Sea Turtle <i>Chelonia mydas</i></b> Population: North Atlantic DPS There is <b>proposed</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/6199">https://ecos.fws.gov/ecp/species/6199</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/ZKYTLPVTKVFL3DQD76RZ7KEL4Q/documents/generated/7133.pdf">https://ipac.ecosphere.fws.gov/project/ZKYTLPVTKVFL3DQD76RZ7KEL4Q/documents/generated/7133.pdf</a>	Threatened
<b>Hawksbill Sea Turtle <i>Eretmochelys imbricata</i></b> There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/3656">https://ecos.fws.gov/ecp/species/3656</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/ZKYTLPVTKVFL3DQD76RZ7KEL4Q/documents/generated/7131.pdf">https://ipac.ecosphere.fws.gov/project/ZKYTLPVTKVFL3DQD76RZ7KEL4Q/documents/generated/7131.pdf</a>	Endangered
<b>Leatherback Sea Turtle <i>Dermochelys coriacea</i></b> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/1493">https://ecos.fws.gov/ecp/species/1493</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/ZKYTLPVTKVFL3DQD76RZ7KEL4Q/documents/generated/7132.pdf">https://ipac.ecosphere.fws.gov/project/ZKYTLPVTKVFL3DQD76RZ7KEL4Q/documents/generated/7132.pdf</a>	Endangered
<b>Mona Boa <i>Epicrates monensis monensis</i></b> There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/5729">https://ecos.fws.gov/ecp/species/5729</a>	Threatened
<b>Mona Ground Iguana <i>Cyclura stejnegeri</i></b> There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/6372">https://ecos.fws.gov/ecp/species/6372</a>	Threatened
<b>Puerto Rican Boa <i>Chilabothrus inornatus</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6628">https://ecos.fws.gov/ecp/species/6628</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/ZKYTLPVTKVFL3DQD76RZ7KEL4Q/documents/generated/7159.pdf">https://ipac.ecosphere.fws.gov/project/ZKYTLPVTKVFL3DQD76RZ7KEL4Q/documents/generated/7159.pdf</a>	Endangered

## AMPHIBIANS

NAME	STATUS
<b>Puerto Rican Crested Toad <i>Peltophryne lemur</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/3958">https://ecos.fws.gov/ecp/species/3958</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/ZKYTLPVTKVFL3DQD76RZ7KEL4Q/documents/generated/7139.pdf">https://ipac.ecosphere.fws.gov/project/ZKYTLPVTKVFL3DQD76RZ7KEL4Q/documents/generated/7139.pdf</a>	Threatened

## INSECTS

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NAME	STATUS
<b>Puerto Rican Harlequin Butterfly <i>Atlantea tulita</i></b> There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/9005">https://ecos.fws.gov/ecp/species/9005</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/ZKYTLPVTKVFL3DQD76RZ7KEL4Q/documents/generated/7168.pdf">https://ipac.ecosphere.fws.gov/project/ZKYTLPVTKVFL3DQD76RZ7KEL4Q/documents/generated/7168.pdf</a>	Threatened

## FLOWERING PLANTS

NAME	STATUS
<b>Aristida chaseae</b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/5253">https://ecos.fws.gov/ecp/species/5253</a>	Endangered
<b>Auerodendron pauciflorum</b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/3618">https://ecos.fws.gov/ecp/species/3618</a>	Endangered
<b>Bariaco <i>Trichilia triacantha</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1576">https://ecos.fws.gov/ecp/species/1576</a>	Endangered
<b>Beautiful Goetzea <i>Goetzea elegans</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6453">https://ecos.fws.gov/ecp/species/6453</a>	Endangered
<b>Catesbaea melanocarpa</b> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/722">https://ecos.fws.gov/ecp/species/722</a>	Endangered
<b>Cobana Negra <i>Stahlia monosperma</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/2282">https://ecos.fws.gov/ecp/species/2282</a>	Threatened
<b>Cordia bellonis</b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/7228">https://ecos.fws.gov/ecp/species/7228</a>	Endangered
<b>Cranichis ricartii</b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/3622">https://ecos.fws.gov/ecp/species/3622</a>	Endangered
<b>Daphnopsis helleriana</b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6802">https://ecos.fws.gov/ecp/species/6802</a>	Endangered
<b>Eugenia woodburyana</b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/8346">https://ecos.fws.gov/ecp/species/8346</a>	Threatened
<b>Gesneria pauciflora</b> No critical habitat has been designated for this species.	Threatened

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NAME	STATUS
Species profile: <a href="https://ecos.fws.gov/ecp/species/7349">https://ecos.fws.gov/ecp/species/7349</a>	
<b>Higo Chumbo <i>Harrisia portoricensis</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1886">https://ecos.fws.gov/ecp/species/1886</a>	Threatened
<b>Higuero De Sierra <i>Crescentia portoricensis</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6800">https://ecos.fws.gov/ecp/species/6800</a>	Endangered
<b>Lyonia truncata var. proctorii</b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4348">https://ecos.fws.gov/ecp/species/4348</a>	Endangered
<b>Mitracarpus maxwelliae</b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/268">https://ecos.fws.gov/ecp/species/268</a>	Endangered
<b>Myrcia paganii</b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/2527">https://ecos.fws.gov/ecp/species/2527</a>	Endangered
<b>Palma De Manaca <i>Calyptrotrichia rivalis</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1272">https://ecos.fws.gov/ecp/species/1272</a>	Threatened
<b>Palo De Nigua <i>Cornutia obovata</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4918">https://ecos.fws.gov/ecp/species/4918</a>	Endangered
<b>Palo De Ramon <i>Banara vanderbiltii</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/8113">https://ecos.fws.gov/ecp/species/8113</a>	Endangered
<b>Palo De Rosa <i>Ottoschulzia rhodoxylon</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/5741">https://ecos.fws.gov/ecp/species/5741</a>	Threatened
<b>Pelos Del Diablo <i>Aristida portoricensis</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6396">https://ecos.fws.gov/ecp/species/6396</a>	Endangered
<b>Schoepfia arenaria</b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/5250">https://ecos.fws.gov/ecp/species/5250</a>	Threatened
<b>St. Thomas Prickly-ash <i>Zanthoxylum thomsonianum</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/102">https://ecos.fws.gov/ecp/species/102</a>	Endangered
<b>Uvillo <i>Eugenia haematocarpa</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4279">https://ecos.fws.gov/ecp/species/4279</a>	Endangered

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NAME	STATUS
<b>Vahl's Boxwood <i>Buxus vahlia</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4454">https://ecos.fws.gov/ecp/species/4454</a>	Endangered
<b>Vernonia proctorii</b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/3621">https://ecos.fws.gov/ecp/species/3621</a>	Endangered
<b>Wheeler's Peperomia <i>Peperomia wheeleri</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1463">https://ecos.fws.gov/ecp/species/1463</a>	Endangered

## FERNS AND ALLIES

NAME	STATUS
<b>Tectaria estremerana</b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/3630">https://ecos.fws.gov/ecp/species/3630</a>	Endangered
<b>Thelypteris verucunda</b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/8005">https://ecos.fws.gov/ecp/species/8005</a>	Endangered
<b>Thelypteris yaucoensis</b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4609">https://ecos.fws.gov/ecp/species/4609</a>	Endangered

## CRITICAL HABITATS

There are 7 critical habitats wholly or partially within your project area under this office's jurisdiction.

NAME	STATUS
<b>Elfin-woods Warbler <i>Setophaga angelae</i></b> <a href="https://ecos.fws.gov/ecp/species/2972#crithab">https://ecos.fws.gov/ecp/species/2972#crithab</a>	Final
<b>Green Sea Turtle <i>Chelonia mydas</i></b> <a href="https://ecos.fws.gov/ecp/species/6199#crithab">https://ecos.fws.gov/ecp/species/6199#crithab</a>	Proposed
<b>Hawksbill Sea Turtle <i>Eretmochelys imbricata</i></b> <a href="https://ecos.fws.gov/ecp/species/3656#crithab">https://ecos.fws.gov/ecp/species/3656#crithab</a>	Final
<b>Mona Boa <i>Epicrates monensis monensis</i></b> <a href="https://ecos.fws.gov/ecp/species/5729#crithab">https://ecos.fws.gov/ecp/species/5729#crithab</a>	Final
<b>Mona Ground Iguana <i>Cyclura stejnegeri</i></b> <a href="https://ecos.fws.gov/ecp/species/6372#crithab">https://ecos.fws.gov/ecp/species/6372#crithab</a>	Final
<b>Puerto Rican Harlequin Butterfly <i>Atlantea tulita</i></b> <a href="https://ecos.fws.gov/ecp/species/9005#crithab">https://ecos.fws.gov/ecp/species/9005#crithab</a>	Final

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NAME	STATUS
Yellow-shouldered Blackbird <i>Agelaius xanthomus</i> <a href="https://ecos.fws.gov/ecp/species/7383#crithab">https://ecos.fws.gov/ecp/species/7383#crithab</a>	Final

## USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

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

The following FWS National Wildlife Refuge Lands and Fish Hatcheries lie fully or partially within your project area:

FACILITY NAME	ACRES
CABO ROJO NATIONAL WILDLIFE REFUGE <a href="https://www.fws.gov/our-facilities?keywords=%5C%22CABO+ROJO+NATIONAL+WILDLIFE+REFUGE%5C%22">https://www.fws.gov/our-facilities? keywords=%5C%22CABO+ROJO+NATIONAL+WILDLIFE+REFUGE%5C%22</a>	1,969.681
DESECHEO NATIONAL WILDLIFE REFUGE <a href="https://www.fws.gov/our-facilities?keywords=%5C%22DESECHEO+NATIONAL+WILDLIFE+REFUGE%5C%22">https://www.fws.gov/our-facilities? keywords=%5C%22DESECHEO+NATIONAL+WILDLIFE+REFUGE%5C%22</a>	323.974
LAGUNA CARTAGENA NATIONAL WILDLIFE REFUGE <a href="https://www.fws.gov/our-facilities?keywords=%5C%22LAGUNA+CARTAGENA+NATIONAL+WILDLIFE+REFUGE%5C%22">https://www.fws.gov/our-facilities? keywords=%5C%22LAGUNA+CARTAGENA+NATIONAL+WILDLIFE+REFUGE%5C%22</a>	1,093.041

## BALD & GOLDEN EAGLES

Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act<sup>1</sup> and the Migratory Bird Treaty Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or their habitats<sup>3</sup>, should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "[Supplemental Information on Migratory Birds and Eagles](#)".

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

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



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## MIGRATORY BIRDS

Certain birds are protected under the Migratory Bird Treaty Act<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats<sup>3</sup> should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the ["Supplemental Information on Migratory Birds and Eagles"](#).

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

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

## COASTAL BARRIERS

Projects within the [John H. Chafee Coastal Barrier Resources System](#) (CBRS) may be subject to the restrictions on Federal expenditures and financial assistance and the consultation requirements of the Coastal Barrier Resources Act (CBRA) (16 U.S.C. 3501 et seq.). For more information, please contact the local [Ecological Services Field Office](#) or visit the [CBRA Consultations website](#). The CBRA website provides tools such as a flow chart to help determine whether consultation is required and a template to facilitate the consultation process.

## SYSTEM UNIT (SU)

*Most new Federal expenditures and financial assistance, including Federal flood insurance, are prohibited within System Units. Federally-funded projects within System Units require consultation with the Service. Consultation is not required for projects using private, state, or local funds.*

## OTHERWISE PROTECTED AREA (OPA)

*OPAs are denoted with a "P" at the end of the unit number. The only prohibition within OPAs is on Federal flood insurance. CBRA consultation is not required for projects within OPAs. However, agencies providing disaster assistance that is contingent upon a requirement to purchase flood insurance after the fact are advised to disclose the OPA designation and information on the restrictions on Federal flood insurance to the recipient prior to the commitments of funds.*

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UNIT	NAME	TYPE	SYSTEM UNIT ESTABLISHMENT DATE	FLOOD INSURANCE PROHIBITION DATE
PR-66	Cabo Rojo	SU	11/16/1990	11/16/1990
PR-68	Boca Prieta	SU	11/16/1990	11/16/1990
PR-69	Punta Carenero	SU	11/16/1990	11/16/1990
PR-70	Belvedere	SU	11/16/1990	11/16/1990
PR-72	Rio Guanajibo	SU	11/16/1990	11/16/1990
PR-75	Espinar	SU	11/16/1990	11/16/1990
PR-76	Punta Agujereada	SU	11/16/1990	11/16/1990
PR-77	Bajura	SU	11/16/1990	11/16/1990
PR-78	Coto	SU	11/16/1990	11/16/1990
PR-64P	Bahia Montalva	OPA	N/A	11/16/1991
PR-65P	Isla Cueva/Guayacan	OPA	N/A	11/16/1991
PR-66P	Cabo Rojo	OPA	N/A	11/16/1991
PR-67P	Bahia de Boqueron	OPA	N/A	11/16/1991
PR-75P	Espinar	OPA	N/A	11/16/1991

## MARINE MAMMALS

Marine mammals are protected under the [Marine Mammal Protection Act](#). Some are also protected under the Endangered Species Act<sup>1</sup> and the Convention on International Trade in Endangered Species of Wild Fauna and Flora<sup>2</sup>.

The responsibilities for the protection, conservation, and management of marine mammals are shared by the U.S. Fish and Wildlife Service [responsible for otters, walruses, polar bears, manatees, and dugongs] and NOAA Fisheries<sup>3</sup> [responsible for seals, sea lions, whales, dolphins, and porpoises]. Marine mammals under the responsibility of NOAA Fisheries are **not** shown on this list; for additional information on those species please visit the [Marine Mammals](#) page of the NOAA Fisheries website.

The Marine Mammal Protection Act prohibits the take of marine mammals and further coordination may be necessary for project evaluation. Please contact the U.S. Fish and Wildlife Service Field Office shown.

1. The [Endangered Species Act](#) (ESA) of 1973.
2. The [Convention on International Trade in Endangered Species of Wild Fauna and Flora](#) (CITES) is a treaty to ensure that international trade in plants and animals does not threaten their survival in the wild.

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

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**NAME**

West Indian Manatee *Trichechus manatus*

Species profile: <https://ecos.fws.gov/ecp/species/4469>

## WETLANDS

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

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

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

WETLAND INFORMATION WAS NOT AVAILABLE WHEN THIS SPECIES LIST WAS GENERATED. PLEASE VISIT [HTTPS://WWW.FWS.GOV/WETLANDS/DATA/MAPPER.HTML](https://www.fws.gov/wetlands/data/mapper.html) OR CONTACT THE FIELD OFFICE FOR FURTHER INFORMATION.

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### **IPAC USER CONTACT INFORMATION**

Agency: SWCA  
Name: Rachel Howsmon  
Address: 13 Palafox Pl  
City: Pensacola  
State: FL  
Zip: 32502  
Email: [rachel.howsmon@swca.com](mailto:rachel.howsmon@swca.com)  
Phone: 8504948710





## United States Department of the Interior

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



In Reply Refer To:

04/08/2024 21:22:09 UTC

Project Code: 2024-0074266

Project Name: Electrical Power Reliability and Resilience Program (ER2) - Group 4

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

To Whom It May Concern:

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

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

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

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



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to [caribbean\\_es@fws.gov](mailto:caribbean_es@fws.gov). To obtain guidance for completing this process and the minimum requirements for project packages, please visit:

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

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

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

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

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

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

This species list is provided by:

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Caribbean Ecological Services Field Office

[caribbean\\_es@fws.gov](mailto:caribbean_es@fws.gov)

Post Office Box 491

Boqueron, PR 00622-0491

(786) 244-0081

Attachment(s):

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

## OFFICIAL SPECIES LIST

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

This species list is provided by:

**Caribbean Ecological Services Field Office**

Post Office Box 491

Boqueron, PR 00622-0491

(939) 320-3135

Project code: 2024-0074266

04/08/2024 21:22:09 UTC

## PROJECT SUMMARY

**Project Code:** 2024-0074266  
**Project Name:** Electrical Power Reliability and Resilience Program (ER2) - Group 4  
**Project Type:** Disaster-related Grants  
**Project Description:** Reconstruction and rehabilitation of small and medium-sized business properties on developed or otherwise disturbed areas. Developed or disturbed areas include paved, filled, graveled, routinely mowed vegetated grasses, agricultural fields, pasturelands or locations where structures stand or stood prior to the disaster.

**Project Location:**

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@18.149419950000002,-66.69925018853135,14z>



Counties: Puerto Rico

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## ENDANGERED SPECIES ACT SPECIES

There is a total of 45 threatened, endangered, or candidate species on this species list.

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

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

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

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

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## MAMMALS

NAME	STATUS
<b>West Indian Manatee <i>Trichechus manatus</i></b> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. <i>This species is also protected by the Marine Mammal Protection Act, and may have additional consultation requirements.</i> Species profile: <a href="https://ecos.fws.gov/ecp/species/4469">https://ecos.fws.gov/ecp/species/4469</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/Y6PYBMZ3Z7BZ3BVEPM2BCTOGGU/documents/generated/7138.pdf">https://ipac.ecosphere.fws.gov/project/Y6PYBMZ3Z7BZ3BVEPM2BCTOGGU/documents/generated/7138.pdf</a>	Threatened

## BIRDS

NAME	STATUS
<b>Black-capped Petrel <i>Pterodroma hasitata</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4748">https://ecos.fws.gov/ecp/species/4748</a>	Endangered
<b>Elfin-woods Warbler <i>Setophaga angelae</i></b> There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/2972">https://ecos.fws.gov/ecp/species/2972</a>	Threatened
<b>Puerto Rican Broad-winged Hawk <i>Buteo platypterus brunescens</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/5512">https://ecos.fws.gov/ecp/species/5512</a>	Endangered
<b>Puerto Rican Nightjar <i>Antrostomus noctitherus</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6972">https://ecos.fws.gov/ecp/species/6972</a>	Endangered
<b>Puerto Rican Parrot <i>Amazona vittata</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/3067">https://ecos.fws.gov/ecp/species/3067</a>	Endangered
<b>Puerto Rican Sharp-shinned Hawk <i>Accipiter striatus venator</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/604">https://ecos.fws.gov/ecp/species/604</a>	Endangered
<b>Roseate Tern <i>Sterna dougallii dougallii</i></b> Population: Western Hemisphere except NE U.S. No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/2083">https://ecos.fws.gov/ecp/species/2083</a>	Threatened
<b>Yellow-shouldered Blackbird <i>Agelaius xanthomus</i></b> There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/7383">https://ecos.fws.gov/ecp/species/7383</a>	Endangered

## REPTILES

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NAME	STATUS
<b>Green Sea Turtle <i>Chelonia mydas</i></b> Population: North Atlantic DPS There is <b>proposed</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/6199">https://ecos.fws.gov/ecp/species/6199</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/Y6PYBMZ32ZB23BVEPM2BCTOGGU/documents/generated/7133.pdf">https://ipac.ecosphere.fws.gov/project/Y6PYBMZ32ZB23BVEPM2BCTOGGU/documents/generated/7133.pdf</a>	Threatened
<b>Hawksbill Sea Turtle <i>Eretmochelys imbricata</i></b> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/3636">https://ecos.fws.gov/ecp/species/3636</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/Y6PYBMZ32ZB23BVEPM2BCTOGGU/documents/generated/7131.pdf">https://ipac.ecosphere.fws.gov/project/Y6PYBMZ32ZB23BVEPM2BCTOGGU/documents/generated/7131.pdf</a>	Endangered
<b>Leatherback Sea Turtle <i>Dermochelys coriacea</i></b> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/1493">https://ecos.fws.gov/ecp/species/1493</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/Y6PYBMZ32ZB23BVEPM2BCTOGGU/documents/generated/7132.pdf">https://ipac.ecosphere.fws.gov/project/Y6PYBMZ32ZB23BVEPM2BCTOGGU/documents/generated/7132.pdf</a>	Endangered
<b>Loggerhead Sea Turtle <i>Caretta caretta</i></b> Population: Northwest Atlantic Ocean DPS There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/1110">https://ecos.fws.gov/ecp/species/1110</a>	Threatened
<b>Olive Ridley Sea Turtle <i>Lepidochelys olivacea</i></b> Population: Wherever found, except when listed as endangered under 50 CFR 224.101 No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1513">https://ecos.fws.gov/ecp/species/1513</a>	Threatened
<b>Puerto Rican Boa <i>Chilabothrus inornatus</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6628">https://ecos.fws.gov/ecp/species/6628</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/Y6PYBMZ32ZB23BVEPM2BCTOGGU/documents/generated/7159.pdf">https://ipac.ecosphere.fws.gov/project/Y6PYBMZ32ZB23BVEPM2BCTOGGU/documents/generated/7159.pdf</a>	Endangered

## AMPHIBIANS

NAME	STATUS
<b>Puerto Rican Crested Toad <i>Peltophryne lemur</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/3958">https://ecos.fws.gov/ecp/species/3958</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/Y6PYBMZ32ZB23BVEPM2BCTOGGU/documents/generated/7139.pdf">https://ipac.ecosphere.fws.gov/project/Y6PYBMZ32ZB23BVEPM2BCTOGGU/documents/generated/7139.pdf</a>	Threatened

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## INSECTS

NAME	STATUS
<b>Puerto Rican Harlequin Butterfly <i>Atlantea tulita</i></b> There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/9005">https://ecos.fws.gov/ecp/species/9005</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/Y6PYBMZ32ZB23BVEPM2BCTOGGU/documents/generated/7168.pdf">https://ipac.ecosphere.fws.gov/project/Y6PYBMZ32ZB23BVEPM2BCTOGGU/documents/generated/7168.pdf</a>	Threatened

## FLOWERING PLANTS

NAME	STATUS
<b>Bariaco <i>Trichilia triacantha</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1576">https://ecos.fws.gov/ecp/species/1576</a>	Endangered
<b>Beautiful Goetzea <i>Goetzea elegans</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6453">https://ecos.fws.gov/ecp/species/6453</a>	Endangered
<b>Catesbaea <i>melanocarpa</i></b> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/722">https://ecos.fws.gov/ecp/species/722</a>	Endangered
<b>Chupacallos <i>Pleodendron macranthum</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/2749">https://ecos.fws.gov/ecp/species/2749</a>	Endangered
<b>Cobana Negra <i>Stahlia monosperma</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/7282">https://ecos.fws.gov/ecp/species/7282</a>	Threatened
<b>Cook's Holly <i>Ilex cookii</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/3475">https://ecos.fws.gov/ecp/species/3475</a>	Endangered
<b>Cordia <i>bellonis</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/7228">https://ecos.fws.gov/ecp/species/7228</a>	Endangered
<b>Eugenia <i>woodburyana</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/8346">https://ecos.fws.gov/ecp/species/8346</a>	Threatened
<b>Gesneria <i>pauciflora</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/7349">https://ecos.fws.gov/ecp/species/7349</a>	Threatened
<b>Higo Chumbo <i>Harrisia portoricensis</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1886">https://ecos.fws.gov/ecp/species/1886</a>	Threatened

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NAME	STATUS
<b>Higuero De Sierra</b> <i>Crescentia portoricensis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6800">https://ecos.fws.gov/ecp/species/6800</a>	Endangered
<b>Mitracarpus maxwelliae</b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/268">https://ecos.fws.gov/ecp/species/268</a>	Endangered
<b>Mitracarpus polycladus</b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/206">https://ecos.fws.gov/ecp/species/206</a>	Threatened
<b>Palma De Manaca</b> <i>Calyptronoma rivalis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1272">https://ecos.fws.gov/ecp/species/1272</a>	Threatened
<b>Palo De Nigua</b> <i>Cornutia obovata</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4918">https://ecos.fws.gov/ecp/species/4918</a>	Endangered
<b>Palo De Ramon</b> <i>Banara vanderbiltii</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/8113">https://ecos.fws.gov/ecp/species/8113</a>	Endangered
<b>Palo De Rosa</b> <i>Ottoschulzia rhodoxylon</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/5741">https://ecos.fws.gov/ecp/species/5741</a>	Threatened
<b>Schoepfia arenaria</b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/5250">https://ecos.fws.gov/ecp/species/5250</a>	Threatened
<b>Vahl's Boxwood</b> <i>Buxus vahlII</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4454">https://ecos.fws.gov/ecp/species/4454</a>	Endangered
<b>Varronia rupicola</b> There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/6258">https://ecos.fws.gov/ecp/species/6258</a>	Threatened
<b>West Indian Walnut (=nogal)</b> <i>Juglans jamaicensis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/745">https://ecos.fws.gov/ecp/species/745</a>	Endangered

## FERNS AND ALLIES

NAME	STATUS
<b>Elaphoglossum serpens</b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/5393">https://ecos.fws.gov/ecp/species/5393</a>	Endangered
<b>Elfin Tree Fern</b> <i>Cyathea dryopteroides</i>	Endangered

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NAME	STATUS
No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4895">https://ecos.fws.gov/ecp/species/4895</a>	
<b>Polystichum calderonense</b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/427">https://ecos.fws.gov/ecp/species/427</a>	Endangered
<b>Tectaria estremeirana</b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/3630">https://ecos.fws.gov/ecp/species/3630</a>	Endangered
<b>Thelypteris inabonensis</b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6740">https://ecos.fws.gov/ecp/species/6740</a>	Endangered
<b>Thelypteris verecunda</b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/8005">https://ecos.fws.gov/ecp/species/8005</a>	Endangered
<b>Thelypteris yaucoensis</b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4609">https://ecos.fws.gov/ecp/species/4609</a>	Endangered

## CRITICAL HABITATS

There are 4 critical habitats wholly or partially within your project area under this office's jurisdiction.

NAME	STATUS
Elfin-woods Warbler <i>Setophaga angelae</i> <a href="https://ecos.fws.gov/ecp/species/2972#crithab">https://ecos.fws.gov/ecp/species/2972#crithab</a>	Final
Puerto Rican Harlequin Butterfly <i>Atlantea tulita</i> <a href="https://ecos.fws.gov/ecp/species/9005#crithab">https://ecos.fws.gov/ecp/species/9005#crithab</a>	Final
Varronia rupicola <a href="https://ecos.fws.gov/ecp/species/6258#crithab">https://ecos.fws.gov/ecp/species/6258#crithab</a>	Final
Yellow-shouldered Blackbird <i>Agelaius xanthomus</i> <a href="https://ecos.fws.gov/ecp/species/7383#crithab">https://ecos.fws.gov/ecp/species/7383#crithab</a>	Final

## USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

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

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



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## BALD & GOLDEN EAGLES

Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act<sup>1</sup> and the Migratory Bird Treaty Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or their habitats<sup>3</sup>, should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "[Supplemental Information on Migratory Birds and Eagles](#)".

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

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

## MIGRATORY BIRDS

Certain birds are protected under the Migratory Bird Treaty Act<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats<sup>3</sup> should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "[Supplemental Information on Migratory Birds and Eagles](#)".

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

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

## COASTAL BARRIERS

Projects within the [John H. Chafee Coastal Barrier Resources System](#) (CBRS) may be subject to the restrictions on Federal expenditures and financial assistance and the consultation requirements of the Coastal Barrier Resources Act (CBRA) (16 U.S.C. 3501 et seq.). For more information, please contact the local [Ecological Services Field Office](#) or visit the [CBRA Consultations website](#). The CBRA website provides tools such as a flow chart to help determine whether consultation is required and a template to facilitate the consultation process.

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## SYSTEM UNIT (SU)

Most new Federal expenditures and financial assistance, including Federal flood insurance, are prohibited within System Units. **Federally-funded projects within System Units require consultation with the Service.** Consultation is not required for projects using private, state, or local funds.

## OTHERWISE PROTECTED AREA (OPA)

OPAs are denoted with a "P" at the end of the unit number. The only prohibition within OPAs is on Federal flood insurance. **CBRA consultation is not required for projects within OPAs.** However, agencies providing disaster assistance that is contingent upon a requirement to purchase flood insurance after the fact are advised to disclose the OPA designation and information on the restrictions on Federal flood insurance to the recipient prior to the commitments of funds.

UNIT	NAME	TYPE	SYSTEM UNIT ESTABLISHMENT DATE	FLOOD INSURANCE PROHIBITION DATE
PR-51	Rio Descalabrado	SU	11/16/1990	11/16/1990
PR-52	Punta Pastillo	SU	11/16/1990	11/16/1990
PR-53	Bajío de Marea	SU	11/16/1990	11/16/1990
PR-54	Rio Jacaguas	SU	11/16/1990	11/16/1990
PR-55	Isla del Frio	SU	11/16/1990	11/16/1990
PR-56	Punta Caballones	SU	11/16/1990	11/16/1990
PR-57	Punta Cucharas	SU	11/16/1990	11/16/1990
PR-59	Punta Ballena	SU	11/16/1990	11/16/1990
PR-61	Ensenada las Pargas	SU	11/16/1990	11/16/1990
PR-50P	Cayo Berberia	OPA	N/A	11/16/1991
PR-57P	Punta Cucharas	OPA	N/A	11/16/1991
PR-58P	Bahía de Tallaboa	OPA	N/A	11/16/1991
PR-60P	Punta Jacinto	OPA	N/A	11/16/1991
PR-62P	Punta Manglillo	OPA	N/A	11/16/1991
PR-63P	Cayo don Luis	OPA	N/A	11/16/1991
PR-64P	Bahía Montalva	OPA	N/A	11/16/1991

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## MARINE MAMMALS

Marine mammals are protected under the [Marine Mammal Protection Act](#). Some are also protected under the Endangered Species Act<sup>1</sup> and the Convention on International Trade in Endangered Species of Wild Fauna and Flora<sup>2</sup>.

The responsibilities for the protection, conservation, and management of marine mammals are shared by the U.S. Fish and Wildlife Service [responsible for otters, walruses, polar bears, manatees, and dugongs] and NOAA Fisheries<sup>3</sup> [responsible for seals, sea lions, whales, dolphins, and porpoises]. Marine mammals under the responsibility of NOAA Fisheries are **not** shown on this list; for additional information on those species please visit the [Marine Mammals](#) page of the NOAA Fisheries website.

The Marine Mammal Protection Act prohibits the take of marine mammals and further coordination may be necessary for project evaluation. Please contact the U.S. Fish and Wildlife Service Field Office shown.

1. The [Endangered Species Act](#) (ESA) of 1973.
2. The [Convention on International Trade in Endangered Species of Wild Fauna and Flora](#) (CITES) is a treaty to ensure that international trade in plants and animals does not threaten their survival in the wild.
3. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

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### NAME

West Indian Manatee *Trichechus manatus*

Species profile: <https://ecos.fws.gov/ecp/species/4469>

## WETLANDS

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

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

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

Due to your project's size, the list below may be incomplete, or the acreages reported may be inaccurate. For a full list, please contact the local U.S. Fish and Wildlife office or visit <https://www.fws.gov/wetlands/data/mapper.HTML>.

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**ESTUARINE AND MARINE WETLAND**

- E2US2/3M
- E2EM1/US2P
- E2USP
- E2US2P
- E2EM1/FO3P
- E2EM1P
- E2SS3P
- E2FO3N
- E2RS1P
- E2EM1N
- E2SS3/EM1P
- E2EM1/SS3P
- M2RS1N
- E2EM1Ns
- E2US3M
- M2RS1P
- M2US2/3P
- E2EM1Ps
- E2FO3P
- E2FO3/EM1P
- E2US3/SS3P
- M2US2P
- E2US2/3P
- E2SS3N
- E2US2/3Ps

**FRESHWATER EMERGENT WETLAND**

- PEM1/FO3A
- PEM1Cx
- PEM1C
- PEM1A
- PEM1Cd
- PEM1/FO3C
- PEM1Fx
- PEM1/SS3C
- PEM1Fh

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- PEM1Ch
- PEM1F
- PEM1Ah
- PEM1/SS3A

ESTUARINE AND MARINE DEEPWATER

- M1AB3/UBL
- E1AB3L
- E1AB3/UBL
- E1UBL
- E1UB3L
- E1RF/AB3L
- M1RF1L
- E1UBLx
- M1RF1/AB3L
- M1AB3L
- M1UB2/AB3L

FRESHWATER FORESTED/SHRUB WETLAND

- PFO3C
- PSS3/EM1A
- PFO3Ax
- PFO3A
- PFO1Ch
- PFO3/EM1A
- PSS1A
- PSS3A
- PSS3C

LAKE

- L1UBHh

FRESHWATER POND

- PUBH
- PAB4Hx
- PUBHx
- PUBHh

RIVERINE

- R4SBC

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### **IPAC USER CONTACT INFORMATION**

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





## United States Department of the Interior

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



In Reply Refer To:

04/08/2024 21:25:04 UTC

Project Code: 2024-0074271

Project Name: Electrical Power Reliability and Resilience Program (ER2) - Group 5

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

To Whom It May Concern:

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

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

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

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

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to [caribbean\\_es@fws.gov](mailto:caribbean_es@fws.gov). To obtain guidance for completing this process and the minimum requirements for project packages, please visit:

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

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

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

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

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

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

This species list is provided by:

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Caribbean Ecological Services Field Office

[caribbean\\_es@fws.gov](mailto:caribbean_es@fws.gov)

Post Office Box 491

Boqueron, PR 00622-0491

(786) 244-0081

Attachment(s):

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

## OFFICIAL SPECIES LIST

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

This species list is provided by:

**Caribbean Ecological Services Field Office**

Post Office Box 491

Boqueron, PR 00622-0491

(939) 320-3135

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## PROJECT SUMMARY

Project Code: 2024-0074271  
Project Name: Electrical Power Reliability and Resilience Program (ER2) - Group 5  
Project Type: Disaster-related Grants  
Project Description: Reconstruction and rehabilitation of small and medium-sized business properties on developed or otherwise disturbed areas. Developed or disturbed areas include paved, filled, graveled, routinely mowed vegetated grasses, agricultural fields, pasturelands or locations where structures stand or stood prior to the disaster.

### Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@18.1532363,-66.2242393,1260198,14z>



Counties: Puerto Rico

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## ENDANGERED SPECIES ACT SPECIES

There is a total of 32 threatened, endangered, or candidate species on this species list.

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

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

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

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



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## MAMMALS

NAME	STATUS
<b>West Indian Manatee <i>Trichechus manatus</i></b> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. <b>This species is also protected by the Marine Mammal Protection Act, and may have additional consultation requirements.</b> Species profile: <a href="https://ecos.fws.gov/ecp/species/4469">https://ecos.fws.gov/ecp/species/4469</a> General project design guidelines: <a href="https://pac.ecosphere.fws.gov/project/JZW2LUJZPICXHBCIGMS5GA3YIU/documents/generated/7138.pdf">https://pac.ecosphere.fws.gov/project/JZW2LUJZPICXHBCIGMS5GA3YIU/documents/generated/7138.pdf</a>	Threatened

## BIRDS

NAME	STATUS
<b>Puerto Rican Broad-winged Hawk <i>Buteo platypterus brunescens</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/5512">https://ecos.fws.gov/ecp/species/5512</a>	Endangered
<b>Puerto Rican Nightjar <i>Antrostomus noctitherus</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6972">https://ecos.fws.gov/ecp/species/6972</a>	Endangered
<b>Puerto Rican Parrot <i>Amazona vittata</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/3067">https://ecos.fws.gov/ecp/species/3067</a>	Endangered
<b>Puerto Rican Plain Pigeon <i>Patagioenas inornata wetmorei</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/7955">https://ecos.fws.gov/ecp/species/7955</a>	Endangered
<b>Puerto Rican Sharp-shinned Hawk <i>Accipiter striatus venator</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/604">https://ecos.fws.gov/ecp/species/604</a>	Endangered
<b>Roseate Tern <i>Sterna dougallii dougallii</i></b> Population: Western Hemisphere except NE U.S. No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/2083">https://ecos.fws.gov/ecp/species/2083</a>	Threatened
<b>Yellow-shouldered Blackbird <i>Agelaius xanthomus</i></b> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/7383">https://ecos.fws.gov/ecp/species/7383</a>	Endangered

## REPTILES

NAME	STATUS
<b>Green Sea Turtle <i>Chelonia mydas</i></b> Population: North Atlantic DPS There is <b>proposed</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/6199">https://ecos.fws.gov/ecp/species/6199</a>	Threatened

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NAME	STATUS
General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/JZW2LUJZPJCXHBCIGMS5GA3YIU/documents/generated/7133.pdf">https://ipac.ecosphere.fws.gov/project/JZW2LUJZPJCXHBCIGMS5GA3YIU/documents/generated/7133.pdf</a>	
<b>Hawksbill Sea Turtle <i>Eretmochelys imbricata</i></b> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/3656">https://ecos.fws.gov/ecp/species/3656</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/JZW2LUJZPJCXHBCIGMS5GA3YIU/documents/generated/7131.pdf">https://ipac.ecosphere.fws.gov/project/JZW2LUJZPJCXHBCIGMS5GA3YIU/documents/generated/7131.pdf</a>	Endangered
<b>Leatherback Sea Turtle <i>Dermochelys coriacea</i></b> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/1493">https://ecos.fws.gov/ecp/species/1493</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/JZW2LUJZPJCXHBCIGMS5GA3YIU/documents/generated/7132.pdf">https://ipac.ecosphere.fws.gov/project/JZW2LUJZPJCXHBCIGMS5GA3YIU/documents/generated/7132.pdf</a>	Endangered
<b>Loggerhead Sea Turtle <i>Caretta caretta</i></b> Population: Northwest Atlantic Ocean DPS There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/1110">https://ecos.fws.gov/ecp/species/1110</a>	Threatened
<b>Olive Ridley Sea Turtle <i>Lepidochelys olivacea</i></b> Population: Wherever found, except when listed as endangered under 50 CFR 224.101 No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1513">https://ecos.fws.gov/ecp/species/1513</a>	Threatened
<b>Puerto Rican Boa <i>Chilabothrus inornatus</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6628">https://ecos.fws.gov/ecp/species/6628</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/JZW2LUJZPJCXHBCIGMS5GA3YIU/documents/generated/7159.pdf">https://ipac.ecosphere.fws.gov/project/JZW2LUJZPJCXHBCIGMS5GA3YIU/documents/generated/7159.pdf</a>	Endangered

## AMPHIBIANS

NAME	STATUS
<b>Golden Coqui <i>Eleutherodactylus jasper</i></b> There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/28">https://ecos.fws.gov/ecp/species/28</a>	Threatened
<b>Guajon <i>Eleutherodactylus cooki</i></b> There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/6963">https://ecos.fws.gov/ecp/species/6963</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/JZW2LUJZPJCXHBCIGMS5GA3YIU/documents/generated/7136.pdf">https://ipac.ecosphere.fws.gov/project/JZW2LUJZPJCXHBCIGMS5GA3YIU/documents/generated/7136.pdf</a>	Threatened
<b>Puerto Rican Crested Toad <i>Peltophryne lemur</i></b> No critical habitat has been designated for this species.	Threatened

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NAME	STATUS
Species profile: <a href="https://ecos.fws.gov/ecp/species/3958">https://ecos.fws.gov/ecp/species/3958</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/JZW2LUJZPJCXHBCIGMS5GA3YIU/documents/generated/7139.pdf">https://ipac.ecosphere.fws.gov/project/JZW2LUJZPJCXHBCIGMS5GA3YIU/documents/generated/7139.pdf</a>	

## INSECTS

NAME	STATUS
<b>Puerto Rican Harlequin Butterfly <i>Atlantea tulita</i></b> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/9005">https://ecos.fws.gov/ecp/species/9005</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/JZW2LUJZPJCXHBCIGMS5GA3YIU/documents/generated/7168.pdf">https://ipac.ecosphere.fws.gov/project/JZW2LUJZPJCXHBCIGMS5GA3YIU/documents/generated/7168.pdf</a>	Threatened

## FLOWERING PLANTS

NAME	STATUS
<b>Beautiful Goetzea <i>Goetzea elegans</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6453">https://ecos.fws.gov/ecp/species/6453</a>	Endangered
<b>Capa Rosa <i>Callicarpa ampla</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/596">https://ecos.fws.gov/ecp/species/596</a>	Endangered
<b>Cook's Holly <i>Ilex cookii</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/3475">https://ecos.fws.gov/ecp/species/3475</a>	Endangered
<b>Erubia <i>Solanum drymophilum</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/817">https://ecos.fws.gov/ecp/species/817</a>	Endangered
<b>Eugenia woodburyana</b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/8346">https://ecos.fws.gov/ecp/species/8346</a>	Threatened
<b>Gonocalyx concolor</b> There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/4195">https://ecos.fws.gov/ecp/species/4195</a>	Endangered
<b>Palo De Nigua <i>Cornutia obovata</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4918">https://ecos.fws.gov/ecp/species/4918</a>	Endangered
<b>Palo De Ramon <i>Banara vanderbiltii</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/8113">https://ecos.fws.gov/ecp/species/8113</a>	Endangered
<b>Palo De Rosa <i>Ottoschulzia rhodoxylon</i></b>	Threatened

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NAME	STATUS
No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/5741">https://ecos.fws.gov/ecp/species/5741</a>	
St. Thomas Prickly-ash <i>Zanthoxylum thomsonianum</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/102">https://ecos.fws.gov/ecp/species/102</a>	Endangered
Uvillo <i>Eugenia haematocarpa</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4279">https://ecos.fws.gov/ecp/species/4279</a>	Endangered
West Indian Walnut (=nogal) <i>Juglans jamaicensis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/745">https://ecos.fws.gov/ecp/species/745</a>	Endangered

## FERNS AND ALLIES

NAME	STATUS
Elaphoglossum serpens No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/5393">https://ecos.fws.gov/ecp/species/5393</a>	Endangered
Elfin Tree Fern <i>Cyathea dryopteroides</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4895">https://ecos.fws.gov/ecp/species/4895</a>	Endangered

## CRITICAL HABITATS

There are 5 critical habitats wholly or partially within your project area under this office's jurisdiction.

NAME	STATUS
Elfin-woods Warbler <i>Setophaga angelae</i> For information on why this critical habitat appears for your project, even though Elfin-woods Warbler is not on the list of potentially affected species at this location, contact the local field office. <a href="https://ecos.fws.gov/ecp/species/2972#crithab">https://ecos.fws.gov/ecp/species/2972#crithab</a>	Final
Golden Coqui <i>Eleutherodactylus jasperii</i> <a href="https://ecos.fws.gov/ecp/species/28#crithab">https://ecos.fws.gov/ecp/species/28#crithab</a>	Final
Gonocalyx concolor <a href="https://ecos.fws.gov/ecp/species/4195#crithab">https://ecos.fws.gov/ecp/species/4195#crithab</a>	Final
Green Sea Turtle <i>Chelonia mydas</i> <a href="https://ecos.fws.gov/ecp/species/6199#crithab">https://ecos.fws.gov/ecp/species/6199#crithab</a>	Proposed
Guajon <i>Eleutherodactylus cooki</i> <a href="https://ecos.fws.gov/ecp/species/6963#crithab">https://ecos.fws.gov/ecp/species/6963#crithab</a>	Final

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## USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

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

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

## BALD & GOLDEN EAGLES

Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act<sup>1</sup> and the Migratory Bird Treaty Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or their habitats<sup>3</sup>, should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "[Supplemental Information on Migratory Birds and Eagles](#)".

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

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

## MIGRATORY BIRDS

Certain birds are protected under the Migratory Bird Treaty Act<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats<sup>3</sup> should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "[Supplemental Information on Migratory Birds and Eagles](#)".

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

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

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## COASTAL BARRIERS

Projects within the [John H. Chafee Coastal Barrier Resources System](#) (CBRS) may be subject to the restrictions on Federal expenditures and financial assistance and the consultation requirements of the Coastal Barrier Resources Act (CBRA) (16 U.S.C. 3501 et seq.). For more information, please contact the local [Ecological Services Field Office](#) or visit the [CBRA Consultations website](#). The CBRA website provides tools such as a flow chart to help determine whether consultation is required and a template to facilitate the consultation process.

## SYSTEM UNIT (SU)

*Most new Federal expenditures and financial assistance, including Federal flood insurance, are prohibited within System Units. **Federally-funded projects within System Units require consultation with the Service.** Consultation is not required for projects using private, state, or local funds.*

## OTHERWISE PROTECTED AREA (OPA)

*OPAs are denoted with a "P" at the end of the unit number. The only prohibition within OPAs is on Federal flood insurance. **CBRA consultation is not required for projects within OPAs.** However, agencies providing disaster assistance that is contingent upon a requirement to purchase flood insurance after the fact are advised to disclose the OPA designation and information on the restrictions on Federal flood insurance to the recipient prior to the commitments of funds.*

UNIT	NAME	TYPE	SYSTEM UNIT ESTABLISHMENT DATE	FLOOD INSURANCE PROHIBITION DATE
PR-42	Punta Viento	SU	11/16/1990	11/16/1990
PR-43	Punta Guilarte	SU	11/16/1990	11/16/1990
PR-44	Las Mareas	SU	11/16/1990	11/16/1990
PR-45	Bahía de Jobos	SU	11/16/1990	11/16/1990
PR-46	Cayos de Barca/Ratones	SU	11/16/1990	11/16/1990
PR-47	Arenal	SU	11/16/1990	11/16/1990
PR-50	Chardon	SU	11/16/1990	11/16/1990
PR-51	Rio Descalabrado	SU	11/16/1990	11/16/1990
PR-43P	Punta Guilarte	OPA	N/A	11/16/1991
PR-45P	Bahía de Jobos	OPA	N/A	11/16/1991
PR-48P	Arrecife Media Luna	OPA	N/A	11/16/1991
PR-49P	Punta Aguila	OPA	N/A	11/16/1991

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## MARINE MAMMALS

Marine mammals are protected under the [Marine Mammal Protection Act](#). Some are also protected under the Endangered Species Act<sup>1</sup> and the Convention on International Trade in Endangered Species of Wild Fauna and Flora<sup>2</sup>.

The responsibilities for the protection, conservation, and management of marine mammals are shared by the U.S. Fish and Wildlife Service [responsible for otters, walrus, polar bears, manatees, and dugongs] and NOAA Fisheries<sup>3</sup> [responsible for seals, sea lions, whales, dolphins, and porpoises]. Marine mammals under the responsibility of NOAA Fisheries are **not** shown on this list; for additional information on those species please visit the [Marine Mammals](#) page of the NOAA Fisheries website.

The Marine Mammal Protection Act prohibits the take of marine mammals and further coordination may be necessary for project evaluation. Please contact the U.S. Fish and Wildlife Service Field Office shown.

1. The [Endangered Species Act](#) (ESA) of 1973.
2. The [Convention on International Trade in Endangered Species of Wild Fauna and Flora](#) (CITES) is a treaty to ensure that international trade in plants and animals does not threaten their survival in the wild.
3. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

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### NAME

West Indian Manatee *Trichechus manatus*

Species profile: <https://ecos.fws.gov/ecp/species/4469>

## WETLANDS

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

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

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

Due to your project's size, the list below may be incomplete, or the acreages reported may be inaccurate. For a full list, please contact the local U.S. Fish and Wildlife office or visit <https://www.fws.gov/wetlands/data/mapper.HTML>.

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**ESTUARINE AND MARINE WETLAND**

- E2FO3P
- E2FO3/EM1P
- E2US3N
- E2USP
- E2EM1P
- M2US2P
- E2US2/3P
- E2EM1/US3P
- E2SS3/US2P
- E2FO3/US2N
- E2SS3/EM1P
- E2EM1/FO3P
- M2RS1P
- E2SS3N
- E2AB3M
- M2AB3/US2M
- M2US2/3P
- E2EM1N
- E2USN
- E2US2P
- E2US2/3M
- E2US2N
- E2FO3N
- E2SS3P

**ESTUARINE AND MARINE DEEPWATER**

- M1AB3L
- E1RFL
- E1AB3/RFL
- M1UB2/AB3L
- M1AB3/UBL
- M1ABL
- M1RF1/AB3L
- E1UBL
- E1AB3/UBL
- E1UBLx

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- M1RF1L
- E1AB3L

**LAKE**

- L1AB4Hh
- L1UBHh

**FRESHWATER EMERGENT WETLAND**

- PEM1C
- PEM1/SS3A
- PEM1F
- PEM1A
- PEM1Cx
- PEM1/FO3A
- PEM1Fx
- PEM1J
- PEM1/UBF
- PEM1Fh
- PEM1/SS3C
- PEM1Ax
- PEM1/FO3C
- PEM1Ch

**FRESHWATER POND**

- PUSCh
- PUSCx
- PUBHx
- PUBH
- PAB4Hx
- PUBHh

**FRESHWATER FORESTED/SHRUB WETLAND**

- PFO3/EM1A
- PFO3A
- PSS3A
- PFO3C
- PFO3Ah
- PSS3C
- PFO5F
- PFO3Ax

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- PSS3/EM1A

RIVERINE

- R4SBC



Project code: 2024-0074271

04/08/2024 21:25:04 UTC

### **IPAC USER CONTACT INFORMATION**

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



## United States Department of the Interior

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



In Reply Refer To:  
Project Code: 2024-0124975  
Project Name: Group 6

08/01/2024 20:38:06 UTC

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

To Whom It May Concern:

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

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

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

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

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to [caribbean\\_es@fws.gov](mailto:caribbean_es@fws.gov). To obtain guidance for completing this process and the minimum requirements for project packages, please visit:

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

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

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

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

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

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

This species list is provided by:

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Caribbean Ecological Services Field Office

[caribbean\\_es@fws.gov](mailto:caribbean_es@fws.gov)

Post Office Box 491

Boqueron, PR 00622-0491

(786) 244-0081

Attachment(s):

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

## OFFICIAL SPECIES LIST

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

This species list is provided by:

**Caribbean Ecological Services Field Office**

Post Office Box 491

Boqueron, PR 00622-0491

(939) 320-3135

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## PROJECT SUMMARY

Project Code: 2024-0124975

Project Name: Group 6

Project Type: Disaster-related Grants

Project Description: Reconstruction and rehabilitation of small and medium-sized business properties on developed or otherwise disturbed areas. Developed or disturbed areas include paved, filled, graveled, routinely mowed vegetated grasses, agricultural fields, pasturelands or locations where structures stand or stood prior to the disaster.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@18.219583399999998,-65.81521315947006,14z>



Counties: Puerto Rico



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## ENDANGERED SPECIES ACT SPECIES

There is a total of 30 threatened, endangered, or candidate species on this species list.

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

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

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

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

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## MAMMALS

NAME	STATUS
<b>West Indian Manatee <i>Trichechus manatus</i></b> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. <i>This species is also protected by the Marine Mammal Protection Act, and may have additional consultation requirements.</i> Species profile: <a href="https://ecos.fws.gov/ecp/species/4469">https://ecos.fws.gov/ecp/species/4469</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/671NQMYYWQFGR5ISA44YCJIP5X1/documents/generated/7138.pdf">https://ipac.ecosphere.fws.gov/project/671NQMYYWQFGR5ISA44YCJIP5X1/documents/generated/7138.pdf</a>	Threatened

## BIRDS

NAME	STATUS
<b>Black-capped Petrel <i>Pterodroma hasitata</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4748">https://ecos.fws.gov/ecp/species/4748</a>	Endangered
<b>Elfin-woods Warbler <i>Setophaga angelae</i></b> There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/2972">https://ecos.fws.gov/ecp/species/2972</a>	Threatened
<b>Puerto Rican Broad-winged Hawk <i>Buteo platypterus brunescens</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/5512">https://ecos.fws.gov/ecp/species/5512</a>	Endangered
<b>Puerto Rican Parrot <i>Amazona vittata</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/3067">https://ecos.fws.gov/ecp/species/3067</a>	Endangered
<b>Puerto Rican Plain Pigeon <i>Patagioenas inornata wetmorei</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/7955">https://ecos.fws.gov/ecp/species/7955</a>	Endangered
<b>Puerto Rican Sharp-shinned Hawk <i>Accipiter striatus venator</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/604">https://ecos.fws.gov/ecp/species/604</a>	Endangered
<b>Roseate Tern <i>Sterna dougallii dougallii</i></b> Population: Western Hemisphere except NE U.S. No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/2083">https://ecos.fws.gov/ecp/species/2083</a>	Threatened
<b>Yellow-shouldered Blackbird <i>Agelaius xanthomus</i></b> There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/7383">https://ecos.fws.gov/ecp/species/7383</a>	Endangered

## REPTILES

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NAME	STATUS
<b>Culebra Island Giant Anole <i>Anolis roosevelti</i></b> There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/7966">https://ecos.fws.gov/ecp/species/7966</a>	Endangered
<b>Green Sea Turtle <i>Chelonia mydas</i></b> Population: North Atlantic DPS There is <b>proposed</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/6199">https://ecos.fws.gov/ecp/species/6199</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/671NQMYWQFGR5ISA44YCJIP5X1/documents/generated/7133.pdf">https://ipac.ecosphere.fws.gov/project/671NQMYWQFGR5ISA44YCJIP5X1/documents/generated/7133.pdf</a>	Threatened
<b>Hawksbill Sea Turtle <i>Eretmochelys imbricata</i></b> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/3656">https://ecos.fws.gov/ecp/species/3656</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/671NQMYWQFGR5ISA44YCJIP5X1/documents/generated/7131.pdf">https://ipac.ecosphere.fws.gov/project/671NQMYWQFGR5ISA44YCJIP5X1/documents/generated/7131.pdf</a>	Endangered
<b>Leatherback Sea Turtle <i>Dermochelys coriacea</i></b> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/1493">https://ecos.fws.gov/ecp/species/1493</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/671NQMYWQFGR5ISA44YCJIP5X1/documents/generated/7132.pdf">https://ipac.ecosphere.fws.gov/project/671NQMYWQFGR5ISA44YCJIP5X1/documents/generated/7132.pdf</a>	Endangered
<b>Puerto Rican Boa <i>Chilabothrus inornatus</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6628">https://ecos.fws.gov/ecp/species/6628</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/671NQMYWQFGR5ISA44YCJIP5X1/documents/generated/7159.pdf">https://ipac.ecosphere.fws.gov/project/671NQMYWQFGR5ISA44YCJIP5X1/documents/generated/7159.pdf</a>	Endangered
<b>Virgin Islands Tree Boa <i>Chilabothrus granti</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/3247">https://ecos.fws.gov/ecp/species/3247</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/671NQMYWQFGR5ISA44YCJIP5X1/documents/generated/7141.pdf">https://ipac.ecosphere.fws.gov/project/671NQMYWQFGR5ISA44YCJIP5X1/documents/generated/7141.pdf</a>	Endangered

## AMPHIBIANS

NAME	STATUS
<b>Guajon <i>Eleutherodactylus cooki</i></b> There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/6963">https://ecos.fws.gov/ecp/species/6963</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/671NQMYWQFGR5ISA44YCJIP5X1/documents/generated/7136.pdf">https://ipac.ecosphere.fws.gov/project/671NQMYWQFGR5ISA44YCJIP5X1/documents/generated/7136.pdf</a>	Threatened

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## FLOWERING PLANTS

NAME	STATUS
<b>Beautiful Goetzea</b> <i>Goetzea elegans</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6453">https://ecos.fws.gov/ecp/species/6453</a>	Endangered
<b>Capa Rosa</b> <i>Callicarpa ampla</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/596">https://ecos.fws.gov/ecp/species/596</a>	Endangered
<b>Chupacallos</b> <i>Pleodendron macranthum</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/2749">https://ecos.fws.gov/ecp/species/2749</a>	Endangered
<b>Cobana Negra</b> <i>Stahlia monosperma</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/2282">https://ecos.fws.gov/ecp/species/2282</a>	Threatened
<b>Gonocalyx</b> <i>concolor</i> There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/4195">https://ecos.fws.gov/ecp/species/4195</a>	Endangered
<b>Ilex</b> <i>sintensisii</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6280">https://ecos.fws.gov/ecp/species/6280</a>	Endangered
<b>Leptocereus</b> <i>grantianus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4198">https://ecos.fws.gov/ecp/species/4198</a>	Endangered
<b>Palo Colorado</b> <i>Ternstroemia luquillensis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/7742">https://ecos.fws.gov/ecp/species/7742</a>	Endangered
<b>Palo De Jazmin</b> <i>Styrax portoricensis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/7496">https://ecos.fws.gov/ecp/species/7496</a>	Endangered
<b>Palo De Rosa</b> <i>Ottoschulzia rhodoxylon</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/5741">https://ecos.fws.gov/ecp/species/5741</a>	Threatened
<b>Schoepfia</b> <i>arenaria</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/5250">https://ecos.fws.gov/ecp/species/5250</a>	Threatened
<b>Ternstroemia</b> <i>subsessilis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/2283">https://ecos.fws.gov/ecp/species/2283</a>	Endangered
<b>Uvillo</b> <i>Eugenia haematocarpa</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4279">https://ecos.fws.gov/ecp/species/4279</a>	Endangered

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NAME	STATUS
<b>Wheeler's Peperomia</b> <i>Peperomia wheeleri</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1463">https://ecos.fws.gov/ecp/species/1463</a>	Endangered

## CRITICAL HABITATS

There are 7 critical habitats wholly or partially within your project area under this office's jurisdiction.

NAME	STATUS
<b>Culebra Island Giant Anole</b> <i>Anolis roosevelti</i> <a href="https://ecos.fws.gov/ecp/species/7966#crithab">https://ecos.fws.gov/ecp/species/7966#crithab</a>	Final
<b>Elfin-woods Warbler</b> <i>Setophaga angelae</i> <a href="https://ecos.fws.gov/ecp/species/2972#crithab">https://ecos.fws.gov/ecp/species/2972#crithab</a>	Final
<b>Gonocalyx concolor</b> <a href="https://ecos.fws.gov/ecp/species/4195#crithab">https://ecos.fws.gov/ecp/species/4195#crithab</a>	Final
<b>Green Sea Turtle</b> <i>Chelonia mydas</i> <a href="https://ecos.fws.gov/ecp/species/6199#crithab">https://ecos.fws.gov/ecp/species/6199#crithab</a>	Proposed
<b>Guajon</b> <i>Eleutherodactylus cooki</i> <a href="https://ecos.fws.gov/ecp/species/6963#crithab">https://ecos.fws.gov/ecp/species/6963#crithab</a>	Final
<b>Varronia rupicola</b> For information on why this critical habitat appears for your project, even though Varronia rupicola is not on the list of potentially affected species at this location, contact the local field office. <a href="https://ecos.fws.gov/ecp/species/6258#crithab">https://ecos.fws.gov/ecp/species/6258#crithab</a>	Final
<b>Yellow-shouldered Blackbird</b> <i>Agelaius xanthomus</i> <a href="https://ecos.fws.gov/ecp/species/7383#crithab">https://ecos.fws.gov/ecp/species/7383#crithab</a>	Final

## USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

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

The following FWS National Wildlife Refuge Lands and Fish Hatcheries lie fully or partially within your project area:

FACILITY NAME	ACRES
<b>CULEBRA NATIONAL WILDLIFE REFUGE</b> <a href="https://www.fws.gov/our-facilities?keywords=%5C%22CULEBRA+NATIONAL+WILDLIFE+REFUGE%5C%22">https://www.fws.gov/our-facilities?</a> <a href="https://www.fws.gov/our-facilities?keywords=%5C%22CULEBRA+NATIONAL+WILDLIFE+REFUGE%5C%22">keywords=%5C%22CULEBRA+NATIONAL+WILDLIFE+REFUGE%5C%22"</a>	1,518.667



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FACILITY NAME	ACRES
VIEQUES NATIONAL WILDLIFE REFUGE <a href="https://www.fws.gov/our-facilities?keywords=%5C%22VIEQUES+NATIONAL+WILDLIFE+REFUGE%5C%22">https://www.fws.gov/our-facilities?</a> <a href="https://www.fws.gov/our-facilities?keywords=%5C%22VIEQUES+NATIONAL+WILDLIFE+REFUGE%5C%22">Keywords=%5C%22VIEQUES+NATIONAL+WILDLIFE+REFUGE%5C%22"</a>	18,495.39

## BALD & GOLDEN EAGLES

Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act<sup>1</sup> and the Migratory Bird Treaty Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or their habitats<sup>3</sup>, should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "[Supplemental Information on Migratory Birds and Eagles](#)".

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

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

## MIGRATORY BIRDS

Certain birds are protected under the Migratory Bird Treaty Act<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats<sup>3</sup> should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "[Supplemental Information on Migratory Birds and Eagles](#)".

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

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

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## COASTAL BARRIERS

Projects within the [John H. Chafee Coastal Barrier Resources System](#) (CBRS) may be subject to the restrictions on Federal expenditures and financial assistance and the consultation requirements of the Coastal Barrier Resources Act (CBRA) (16 U.S.C. 3501 et seq.). For more information, please contact the local [Ecological Services Field Office](#) or visit the [CBRA Consultations website](#). The CBRA website provides tools such as a flow chart to help determine whether consultation is required and a template to facilitate the consultation process.

## SYSTEM UNIT (SU)

*Most new Federal expenditures and financial assistance, including Federal flood insurance, are prohibited within System Units. **Federally-funded projects within System Units require consultation with the Service.** Consultation is not required for projects using private, state, or local funds.*

## OTHERWISE PROTECTED AREA (OPA)

*OPAs are denoted with a "P" at the end of the unit number. The only prohibition within OPAs is on Federal flood insurance. **CBRA consultation is not required for projects within OPAs.** However, agencies providing disaster assistance that is contingent upon a requirement to purchase flood insurance after the fact are advised to disclose the OPA designation and information on the restrictions on Federal flood insurance to the recipient prior to the commitments of funds.*

UNIT	NAME	TYPE	SYSTEM UNIT ESTABLISHMENT DATE	FLOOD INSURANCE PROHIBITION DATE
PR-02	Ensenada Comezon	SU	11/16/1990	11/16/1990
PR-03	Rio Mameyes	SU	11/16/1990	11/16/1990
PR-05	Luquillo Spit	SU	11/16/1990	11/16/1990
PR-06	Juan Martin Spit	SU	11/16/1990	11/16/1990
PR-07	Laguna Aguas Prietas	SU	11/16/1990	11/16/1990
PR-08A	La Cordillera	SU	11/16/1990	11/16/1990
PR-10	Punta Barrancas	SU	11/16/1990	11/16/1990
PR-39	Puerto Yabucoa	SU	11/16/1990	11/16/1990
PR-40	Punta Tuna	SU	11/16/1990	11/16/1990
PR-41	Rio Maunabo	SU	11/16/1990	11/16/1990
PR-87	Punta Vacia Talega	SU	11/16/1990	11/16/1990
PR-04P	Punta la Bandera	OPA	N/A	11/16/1991

11 of 14

Project code: 2024-0124975

08/01/2024 20:38:06 UTC

UNIT	NAME	TYPE	SYSTEM UNIT ESTABLISHMENT DATE	FLOOD INSURANCE PROHIBITION DATE
PR-08AP	La Cordillera	OPA	N/A	11/16/1991
PR-08P	Cabo San Juan	OPA	N/A	11/16/1991
PR-09P	Rio Fajardo	OPA	N/A	11/16/1991
PR-12P	Playa Flamenco	OPA	N/A	11/16/1991
PR-13P	Playa Brava	OPA	N/A	11/16/1991
PR-14P	Playa Larga	OPA	N/A	11/16/1991
PR-15P	Isla Culebrita	OPA	N/A	11/16/1991
PR-16P	Puerto del Manglar	OPA	N/A	11/16/1991
PR-17P	Ensenada Sombe	OPA	N/A	11/16/1991
PR-18P	Cayo Algodones	OPA	N/A	11/16/1991
PR-87P	Punta Vacía Talega	OPA	N/A	11/16/1991

## MARINE MAMMALS

Marine mammals are protected under the [Marine Mammal Protection Act](#). Some are also protected under the Endangered Species Act<sup>1</sup> and the Convention on International Trade in Endangered Species of Wild Fauna and Flora<sup>2</sup>.

The responsibilities for the protection, conservation, and management of marine mammals are shared by the U.S. Fish and Wildlife Service [responsible for otters, walruses, polar bears, manatees, and dugongs] and NOAA Fisheries<sup>3</sup> [responsible for seals, sea lions, whales, dolphins, and porpoises]. Marine mammals under the responsibility of NOAA Fisheries are **not** shown on this list; for additional information on those species please visit the [Marine Mammals](#) page of the NOAA Fisheries website.

The Marine Mammal Protection Act prohibits the take of marine mammals and further coordination may be necessary for project evaluation. Please contact the U.S. Fish and Wildlife Service Field Office shown.

1. The [Endangered Species Act](#) (ESA) of 1973.
2. The [Convention on International Trade in Endangered Species of Wild Fauna and Flora](#) (CITES) is a treaty to ensure that international trade in plants and animals does not threaten their survival in the wild.
3. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Project code: 2024-0124975

08/01/2024 20:38:06 UTC

## NAME

West Indian Manatee *Trichechus manatus*Species profile: <https://ecos.fws.gov/ecp/species/4469>**WETLANDS**

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

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

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

WETLAND INFORMATION WAS NOT AVAILABLE WHEN THIS SPECIES LIST WAS GENERATED. PLEASE VISIT [HTTPS://WWW.FWS.GOV/WETLANDS/DATA/MAPPER.HTML](https://www.fws.gov/wetlands/data/mapper.html) OR CONTACT THE FIELD OFFICE FOR FURTHER INFORMATION.

Project code: 2024-0124975

08/01/2024 20:38:06 UTC

### **IPAC USER CONTACT INFORMATION**

Agency: SWCA  
Name: Rachel Howsmon  
Address: 13 Palafox Pl  
City: Pensacola  
State: FL  
Zip: 32502  
Email: rachel.howsmon@swca.com  
Phone: 8504948710



**Attachment A-7-3.**

**August XX, 2024 Communication from PRDOH to DNER  
and Month XX, 2024 Reply**

**Awaiting receipt from PRDOH**



---

## Exhibit A-8 – Explosives and Flammable Hazards

### 24 CFR 51(c)

#### Dataset(s) used in evaluation

No GIS dataset available.

#### Agencies or their regulations consulted during Broad Review

U.S. Environmental Protection Agency Regulations (EPA)

U.S. Department of Housing and Urban Development (HUD)

**ENVIRONMENTAL FINDING: Compliance determination achieved in the Tier I Broad level Review for all Regional Groups (Group 1-6). No Tier I consultation deemed necessary. The Program projects will not involve commercial enterprises that meet the definition of a hazardous facility as defined in 24 CFR 51.201. They will also not involve development, construction, or rehabilitation activities that will increase residential densities or result in conversion. Therefore, the review is in compliance with 24 CFR Part 51 Subpart C and HUD's Acceptable Separation Distance (ASD) calculations are not needed. Further evaluation at the Tier II site-specific level is not required.**

## Exhibit A-9 – Farmland Protection

### Group 1

Category	Acres in Group 1
All areas are prime farmland	10,401.93
Not prime farmland	114,838.91
Prime farmland if drained/irrigated	3237.73
Farmland of statewide importance	11,737.03
<b>Total</b>	<b>140,215</b>

### Group 2

Category	Acres in Group 2
All areas are prime farmland	75,283.94
Not prime farmland	181,345.07
Prime farmland if drained/irrigated	9,355.23
Farmland of statewide importance	17,679.74
<b>Total</b>	<b>283,663.98</b>

### Group 3

Category	Acres in Group 3
All areas are prime farmland	75,283.94
Not prime farmland	181,345.07
Prime farmland if drained/irrigated	9,355.23
Farmland of statewide importance	17,679.74
<b>Total</b>	<b>283,663.98</b>

### Group 4

Category	Acres in Group 4
All areas are prime farmland	10,926.56
Farmland of statewide importance	37,971.31
Farmland of statewide importance, if irrigated	274.17
Not prime farmland	410,845.41
Prime farmland if drained	667.22
Prime farmland if irrigated	23,468.17
Prime farmland if irrigated and reclaimed of excess salts and sodium	2,096.08
<b>Total</b>	<b>486,248.92</b>

### Group 5

Category	Acres in Group 5
----------	------------------

All areas are prime farmland	24,199.83
Farmland of statewide importance	55,033.11
Not prime farmland	369,546.74
Prime farmland if drained	1,441.15
Prime farmland if irrigated	38,009.48
<b>Total</b>	<b>488,230.31</b>

### Group 6

Category	Acres in Group 6
All areas are prime farmland	26,767.01
Farmland of statewide importance	48,400.26
Not prime farmland	255,663.32
Prime farmland if drained	11,386.68
Prime farmland if irrigated	8,721.70
<b>Total</b>	<b>350,938.97</b>

### Dataset(s) used in evaluation

Agency	Internet link	Accessed	Dataset Date
U.S. Department of Agriculture	<a href="https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx">https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx</a>	03/01/2024	12/12/2013
U.S. Census Bureau	<a href="https://tigerweb.geo.census.gov/tigerweb/">https://tigerweb.geo.census.gov/tigerweb/</a>	10/08/2020	2010

### Agencies or their regulations consulted during Broad Review

U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS)

### Supporting Documentation

Figure A-9-1. Farmland Protection Map for Group 1

Figure A-9-2. Farmland Protection Map for Group 2

Figure A-9-3. Farmland Protection Map for Group 3

Figure A-9-4. Farmland Protection Map for Group 4

Figure A-9-5. Farmland Protection Map for Group 5

Figure A-9-6. Farmland Protection Map for Group 6

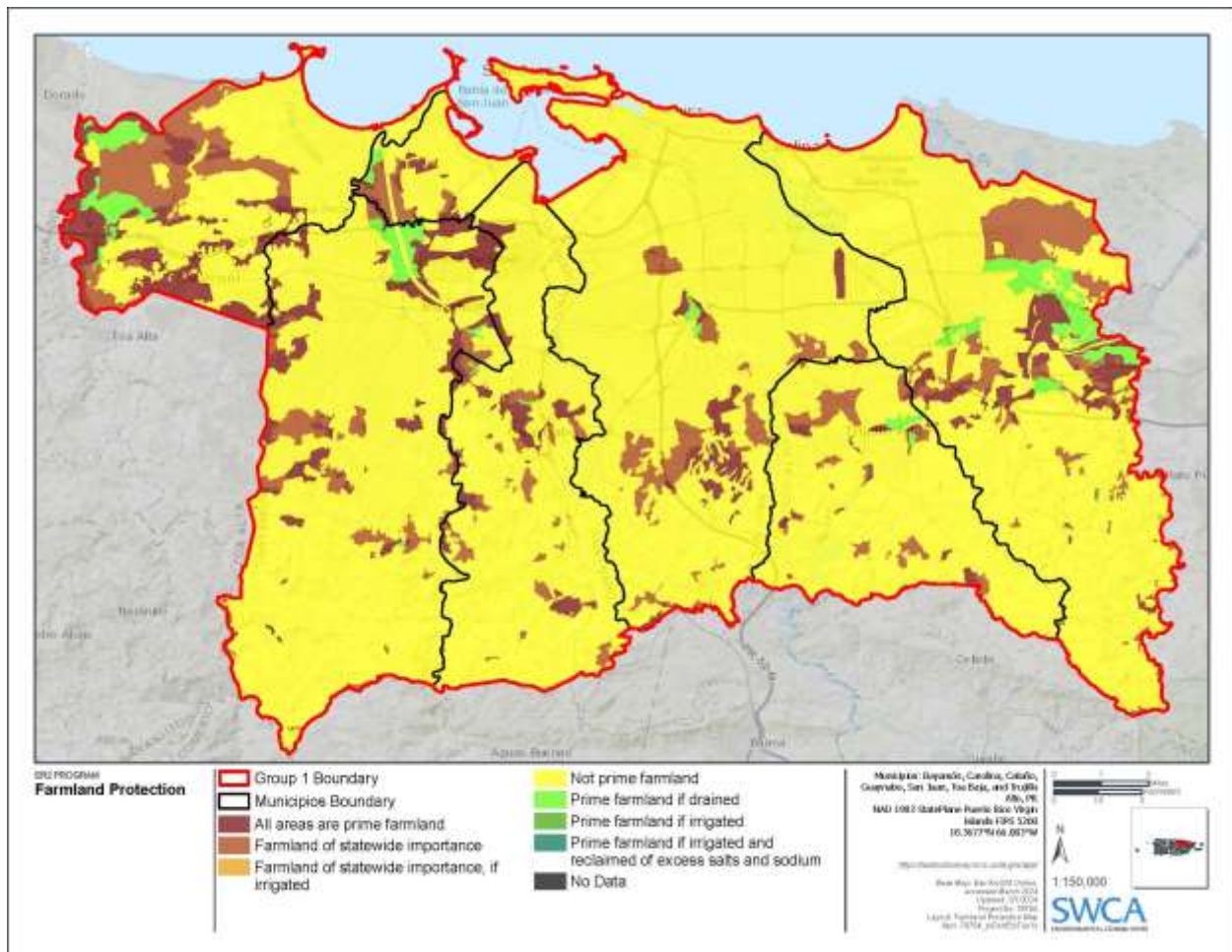
**ENVIRONMENTAL FINDING: Compliance determination achieved in the Tier I Broad level Review for all Regional Groups (Group 1-6). No Tier I consultation required. The allowable Program activities are limited to affixing equipment to existing building roofs and walls. As no land altering activities will occur, the eligible project activities do not have the potential to convert any agricultural land to non-**



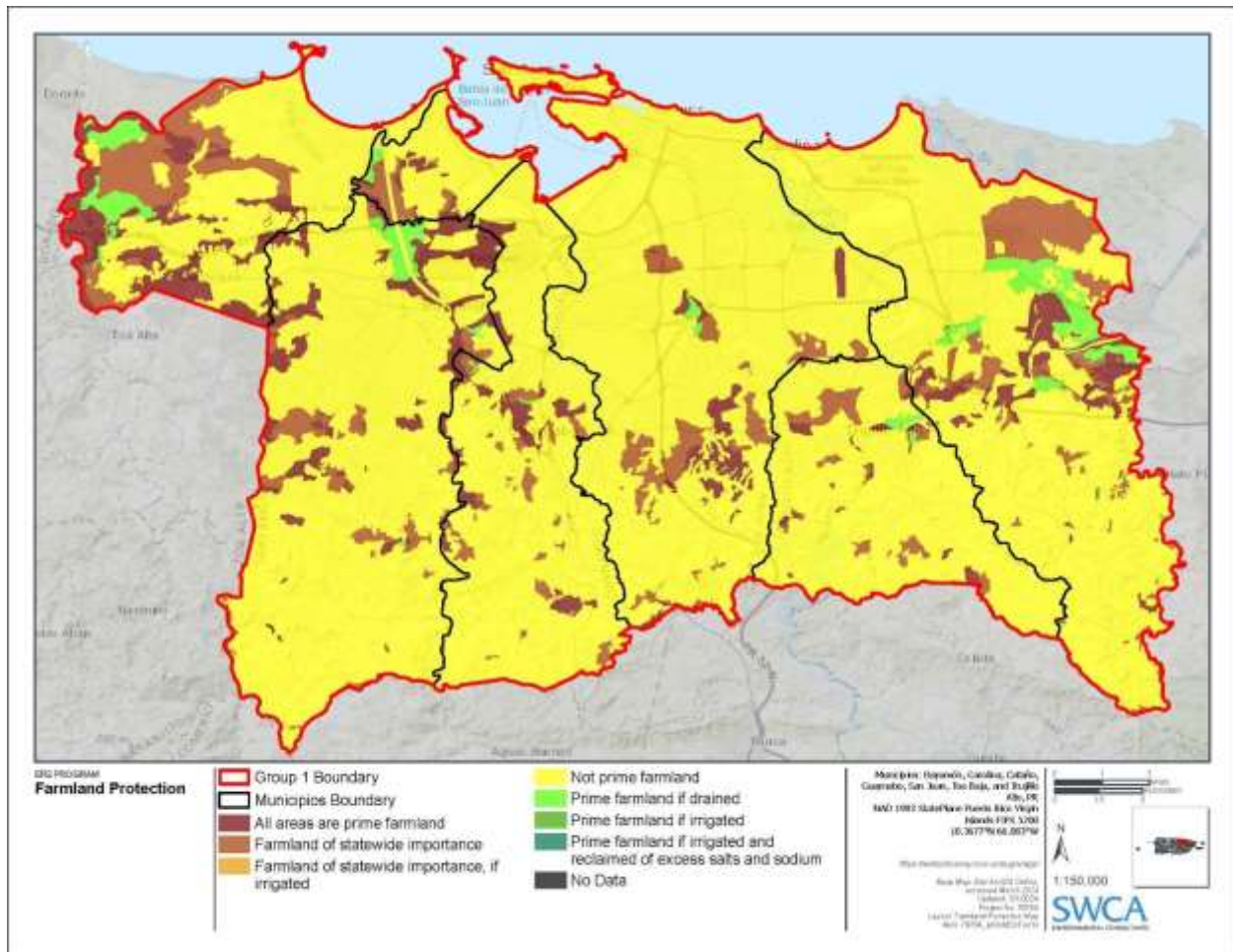
---

**agricultural use. Therefore, the review is in compliance with Farmland Protection. Further evaluation at the Tier II site-specific level is not required.**

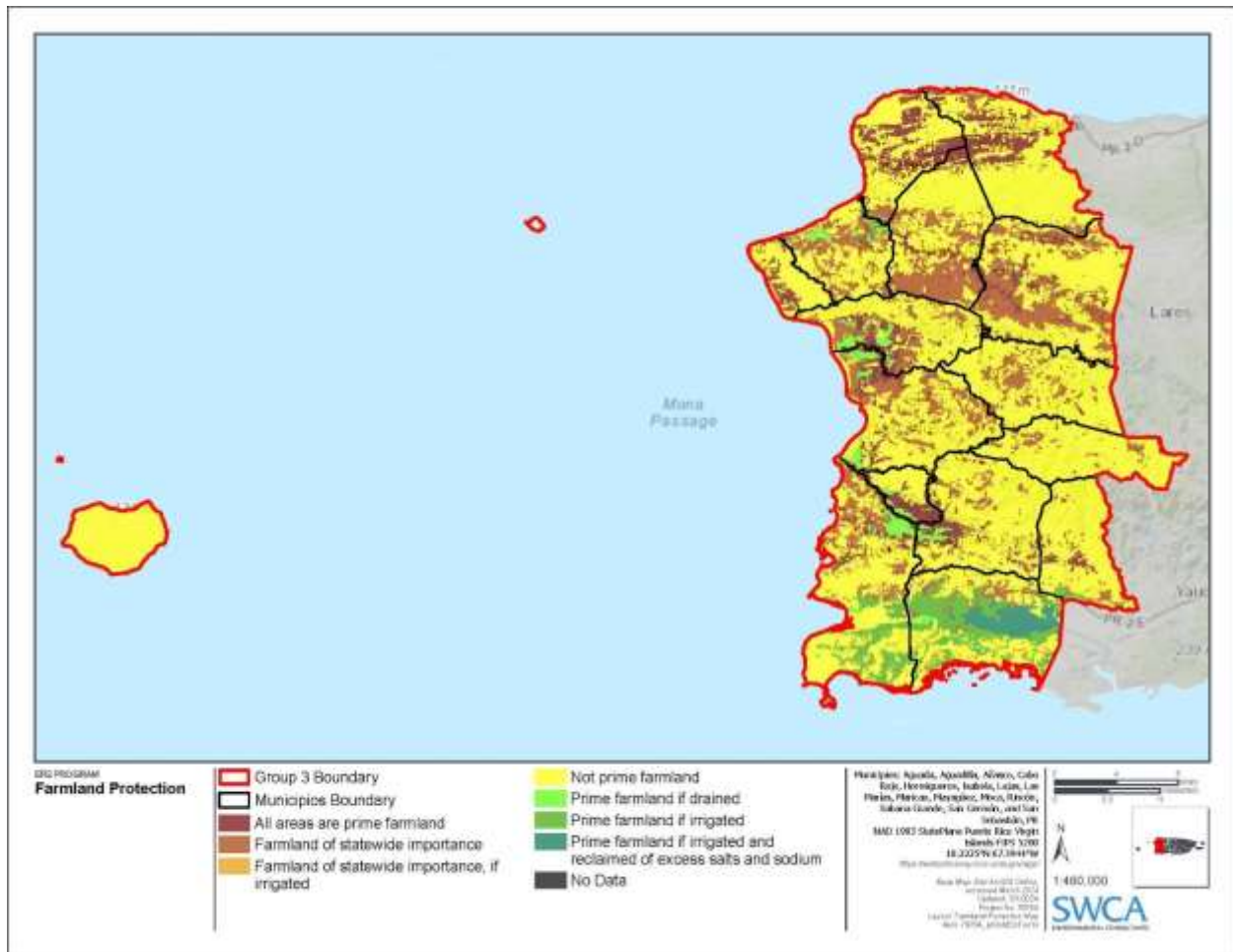
**Figure A-9-1. Farmland Protection Map for Group 1**



**Figure A-9-2. Farmland Protection Map for Group 2**

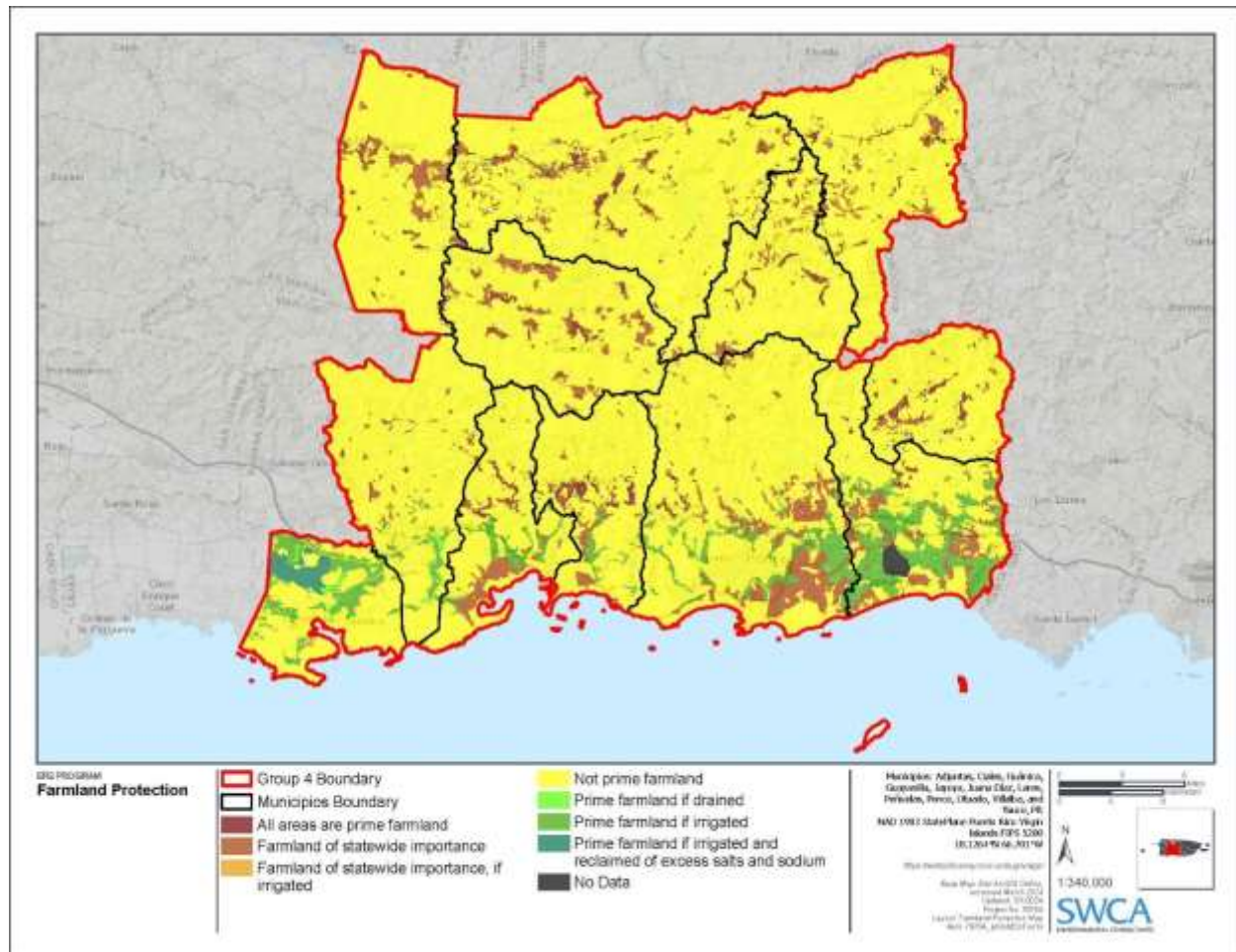


**Figure A-9-3. Farmland Protection Map for Group 3**



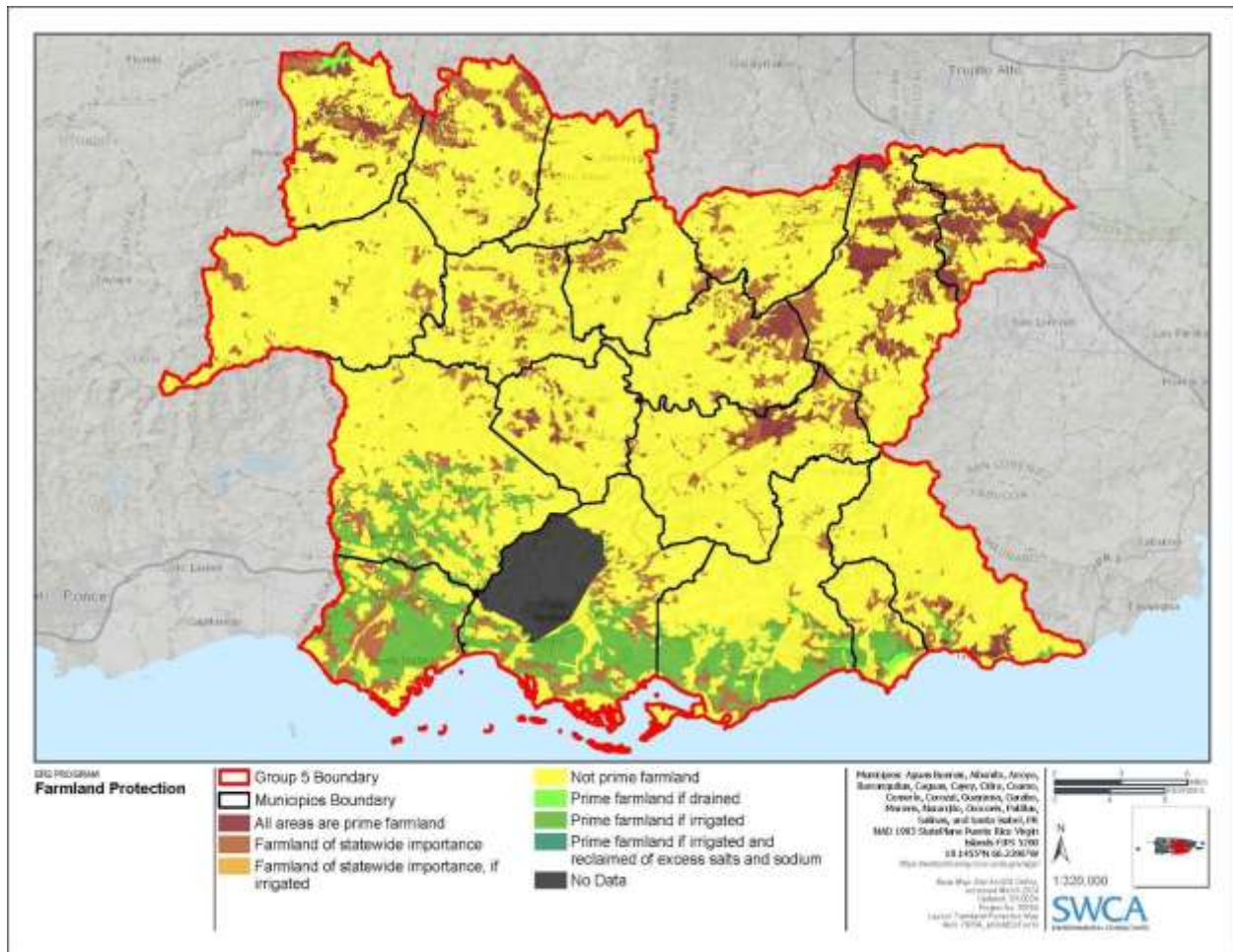


**Figure A-9-4. Farmland Protection Map for Group 4**

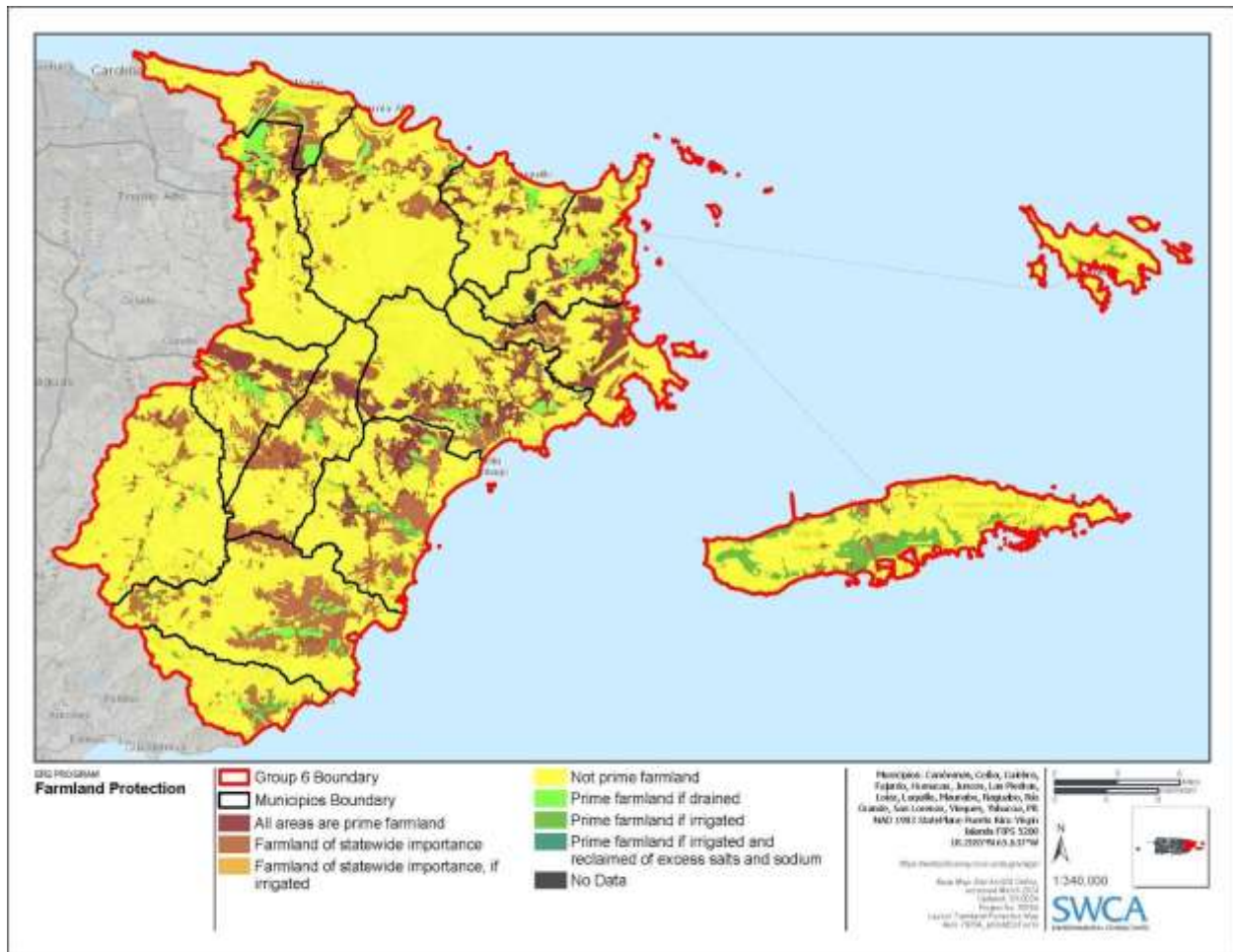




**Figure A-9-5. Farmland Protection Map for Group 5**



**Figure A-9-6. Farmland Protection Map for Group 6**



## Exhibit A-10 – Floodplain Management

(24 CFR 55, Executive Order 11988)

FEMA Effective Zone Designation	Acres in Group 1
A Undifferentiated	868.84
AE	17,193.33
Floodway	7,350.55
AO	42.23
VE (CHHA)	558.47
X (0.2 Percent Annual Chance Flood Hazard/500-year)	7,847.96
X	106,483.49
<b>Total</b>	<b>140,344.87</b>

FEMA Preliminary Zone Designation	Acres in Group 1
A Undifferentiated	307.64
AE	230.04
Floodway	283.21
X (0.2 Percent Annual Chance Flood Hazard/500-year)	181.52
X	10,390.84
<b>Total</b>	<b>11,393.25</b>

Combined ABFE/FEMA Effective FIRM Zone Designation	Acres in Group 1
A Undifferentiated	21,693.15
AE	6,072.91
Floodway	7,066.94
AO	566.99
VE (CHHA)	570.57
X (0.2 Percent Annual Chance Flood Hazard/500-year)	5248.90
X	99,125.32
<b>Total</b>	<b>140,344.87</b>

FEMA Effective Zone Designation	Acres in Group 2
A Undifferentiated	2,585.77
AE	17,133.83
Floodway	20,413.51
AH	37.60
VE	1,127.98
X (0.2 Percent Annual Chance Flood Hazard/500-year)	1,634.55
X	240,345.21

<b>Total</b>	<b>283,278.45</b>
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<b>Combined ABFE/FEMA Effective FIRM Zone Designation</b>	<b>Acres in Group 2</b>
A Undifferentiated	22,665.77
AE	2,096.60
Floodway	20,414.00
VE (CHHA)	1,134.18
X (0.2 Percent Annual Chance Flood Hazard/500-year)	2,352.45
X	234,615.38
<b>Total</b>	<b>283,278.46</b>

<b>FEMA Effective Zone Designation</b>	<b>Acres in Group 3</b>
A Undifferentiated	13,219.46
AE	14,736.22
Floodway	15,234.01
AO	315.58
VE	3,006.44
X (0.2 Percent Annual Chance Flood Hazard/500-year)	3,252.25
X	379,938.18
<b>Total</b>	<b>429,702.14</b>

<b>Combined ABFE/FEMA Effective FIRM Zone Designation</b>	<b>Acres in Group 3</b>
A Undifferentiated	28,779.25
AE	7,183.58
Floodway	15,146.23
AO	315.81
VE	3,023.61
X (0.2 Percent Annual Chance Flood Hazard/500-year)	5,306.01
X	369,947.65
<b>Total</b>	<b>429,702.13</b>

<b>FEMA Effective Zone Designation</b>	<b>Acres in Group 4</b>
A Undifferentiated	12,328.64
AE	12,675.15
Floodway	11,566.79
AO	1,685.64

VE	715.38
X (0.2 Percent Annual Chance Flood Hazard/500-year)	1,614.44
X	446,779.26
<b>Total</b>	<b>487,365.28</b>

<b>Combined ABFE/FEMA Effective FIRM Zone Designation</b>	<b>Acres in Group 4</b>
A Undifferentiated	28,199.65
AE	6,261.12
Floodway	10,607.06
AO	571.73
VE	748.67
X (0.2 Percent Annual Chance Flood Hazard/500-year)	3,758.48
X	437,218.57
<b>Total</b>	<b>487,365.28</b>

<b>FEMA Effective Zone Designation</b>	<b>Acres in Group 5</b>
A Undifferentiated	7,672.06
AE	13,139.98
Floodway	7,424.21
AO	57.82
VE	2,116.46
X (0.2 Percent Annual Chance Flood Hazard/500-year)	2,831.70
X	467,707.65
<b>Total</b>	<b>500,949.88</b>

<b>FEMA Preliminary Zone Designation</b>	<b>Acres in Group 5</b>
X	0.000015
<b>Total</b>	<b>0.000015</b>

<b>Combined ABFE/FEMA Effective FIRM Zone Designation</b>	<b>Acres in Group 5</b>
A Undifferentiated	21,468.11
AE	7,584.92
Floodway	7,332.15
AO	23.95
VE	2,125.46
X (0.2 Percent Annual Chance Flood Hazard/500-year)	6,123.15
X	456,292.15
<b>Total</b>	<b>487,365.28</b>



<b>FEMA Effective Zone Designation</b>	<b>Acres in Group 6</b>
A Undifferentiated	5,242.27
AE	24,468.16
Floodway	25,364.66
AO	73.92
VE	3,681.06
Riverine Floodway Shown in Coastal Zone	4.97
X (0.2 Percent Annual Chance Flood Hazard/500-year)	4,284.93
X	288,359.77
<b>Total</b>	<b>351,479.74</b>

<b>FEMA Preliminary Zone Designation</b>	<b>Acres in Group 6</b>
A Undifferentiated	164.92
AE	4,769.59
Floodway	12,653.04
VE	399.41
X (0.2 Percent Annual Chance Flood Hazard/500-year)	652.74
X	10,823.11
<b>Total</b>	<b>29,462.81</b>

<b>Combined ABFE/FEMA Effective FIRM Zone Designation</b>	<b>Acres in Group 6</b>
A Undifferentiated	27217.60
AE	13,275.41
Floodway	23,381.52
AO	76.59
VE	3,816.83
X (0.2 Percent Annual Chance Flood Hazard/500-year)	5,067.76
X	278,644.03
<b>Total</b>	<b>351,479.74</b>

#### **Dataset(s) used in evaluation**

<b>Agency</b>	<b>Internet link</b>	<b>Accessed</b>	<b>Dataset Date</b>
Federal Emergency Management Agency (FEMA)	<a href="https://gis.fema.gov/arcgis/rest/services/DR/PuertoRico_ABFE_1PCT/MapServer">https://gis.fema.gov/arcgis/rest/services/DR/PuertoRico_ABFE_1PCT/MapServer</a>	03/01/2024	04/02/2021

Agencies or their regulations consulted during Broad Review

Federal Emergency Management Agency (FEMA)

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## Housing and Urban Development (HUD)

### Puerto Rico Planning Board

#### Supporting Documentation

Figure A-10-1-1. ABFE Map for Group 1 Municipalities

Figure A-10-1-2. ABFE Map for Group 2 Municipalities

Figure A-10-1-3. ABFE Map for Group 3 Municipalities

Figure A-10-1-4. ABFE Map for Group 4 Municipalities

Figure A-10-1-5. ABFE Map for Group 5 Municipalities

Figure A-10-1-6. ABFE Map for Group 6 Municipalities

Figure A-10-2-1. Map of FEMA Effective Floodplains: Group 1 Municipalities

Figure A-10-2-2. Map of FEMA Effective Floodplains: Group 2 Municipalities

Figure A-10-2-3. Map of FEMA Effective Floodplains: Group 3 Municipalities

Figure A-10-2-4. Map of FEMA Effective Floodplains: Group 4 Municipalities

Figure A-10-2-5. Map of FEMA Effective Floodplains: Group 5 Municipalities

Figure A-10-2-6. Map of FEMA Effective Floodplains: Group 6 Municipalities

Figure A-10-3-1. Map of FEMA Preliminary Floodplains: Group 1 Municipalities

Figure A-10-3-2. Map of FEMA Preliminary Floodplains: Group 6 Municipalities

Attachment A-10-1. PRDOH FFRMS Compliance Implementation Policy

Attachment A-10-2. October 10, 2024 communication from PRDOH to FEMA and Month XX, 2024 Reply

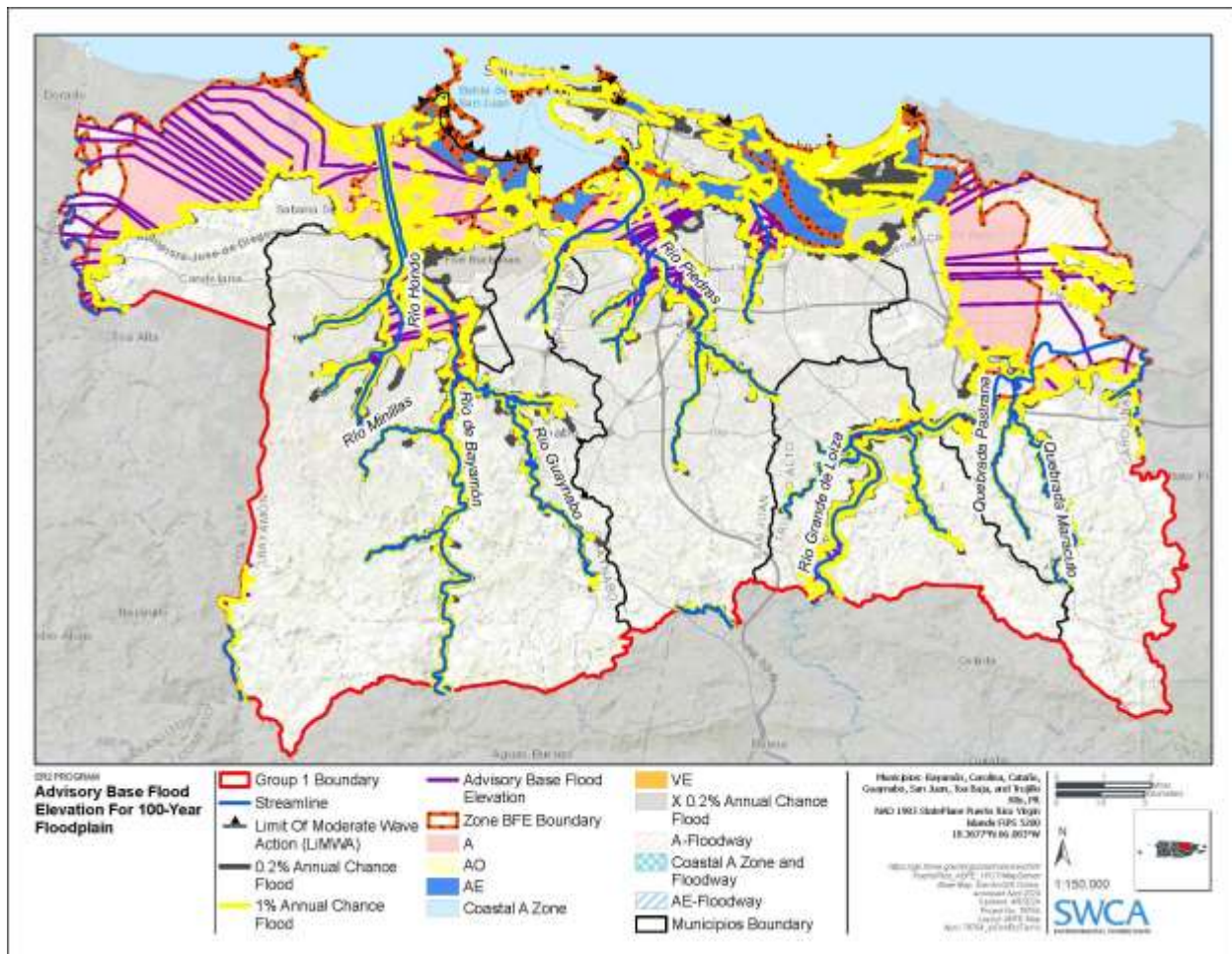
Attachment A-10-3. Month, XX, 2024 communication from PRDOH to Interested Parties (No Response Received)

**reENVIRONMENTAL FINDING: All Energy Support Incentive Program 2.0 Set- Aside Program projects have the potential to be located within a Federal Flood Risk Management Standard floodplain and must be further evaluated. The Program will target businesses which perform important functions (community lifelines). Per HUD**

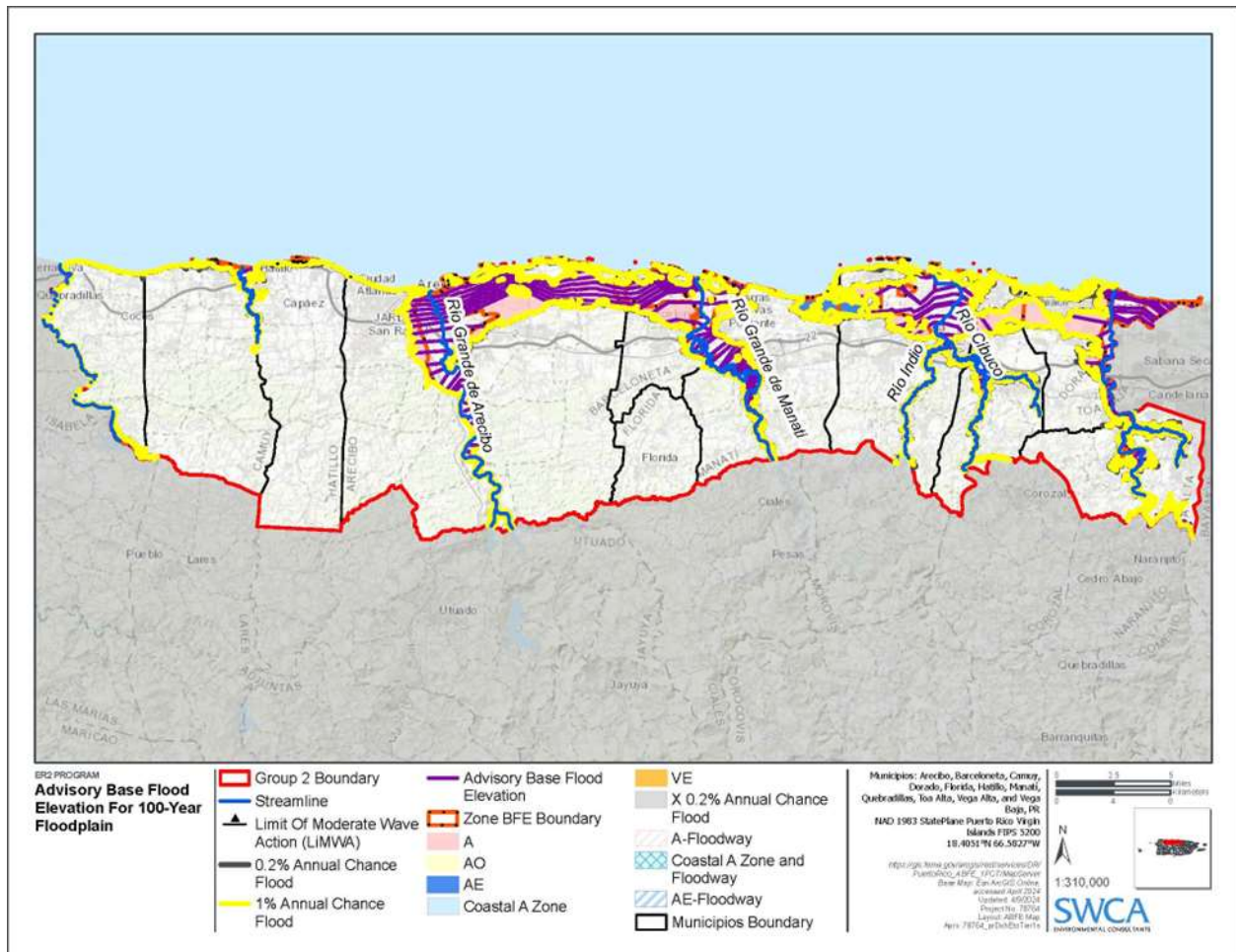
**guidelines listed in 24 CFR 55.2(b)(3)(i), these program activities and recipients do not meet the criteria for being designated as critical actions.**

**PRDOH has designed the program to be compliant with 24 CFR 55.13(f) as it meets the definition of a special project installing renewable energy improvements at existing structures. This regulation exempted the program from the need to perform the 8-step decision making process outlined in 24 CFR 55.20. To verify that the 24 CFR 55.13(f) listed conditions are met, specifically regarding substantial improvement as defined in 24 CFR 55.2(b)(12) and the elevation requirement of equipment when located within the FFRMS, each application site shall undergo compliance review at the Tier II site-specific level, using the methodology established by PRDOH for FFRMS compliance.**

**Figure A-10-1-1. Advisory Base Flood Elevation Map for Group 1 Municipalities**



**Figure A-10-1-2. Advisory Base Flood Elevation Map for Group 2 Municipalities**

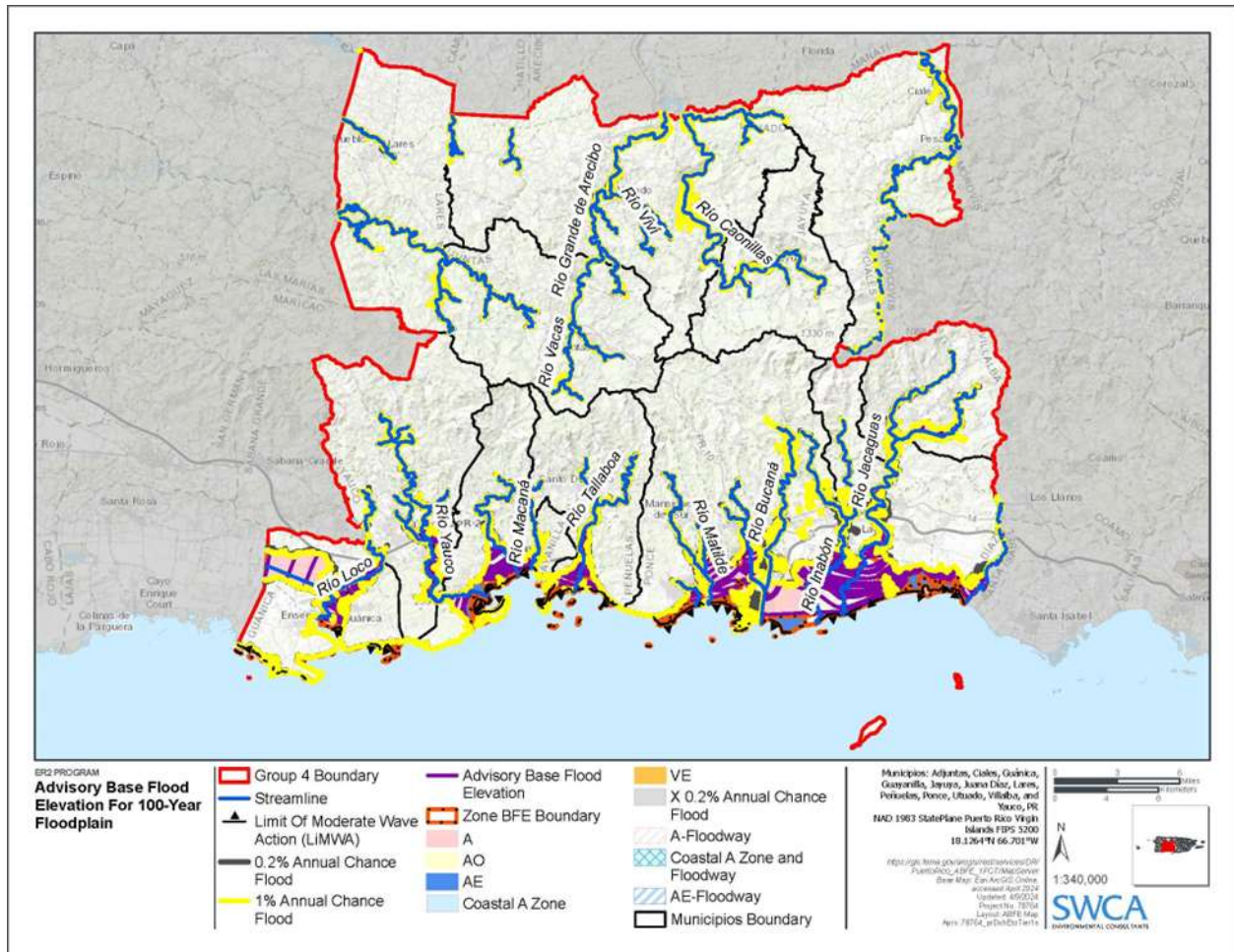




**Figure A-10-1-3. Advisory Base Flood Elevation Map for Group 3 Municipalities**



**Figure A-10-1-4. Advisory Base Flood Elevation Map for Group 4 Municipalities**



**ER2 PROGRAM**  
**Advisory Base Flood Elevation For 100-Year Floodplain**

**Legend:**

- Group 5 Boundary
- Streamline
- Limit Of Moderate Wave Action (LIMWA)
- 0.2% Annual Chance Flood
- 1% Annual Chance Flood
- Advisory Base Flood Elevation
- Zone BFE Boundary
- A
- AO
- AE
- Coastal A Zone
- VE
- X 0.2% Annual Chance Flood
- A-Floodway
- Coastal A Zone and Floodway
- AE-Floodway
- Municipios Boundary

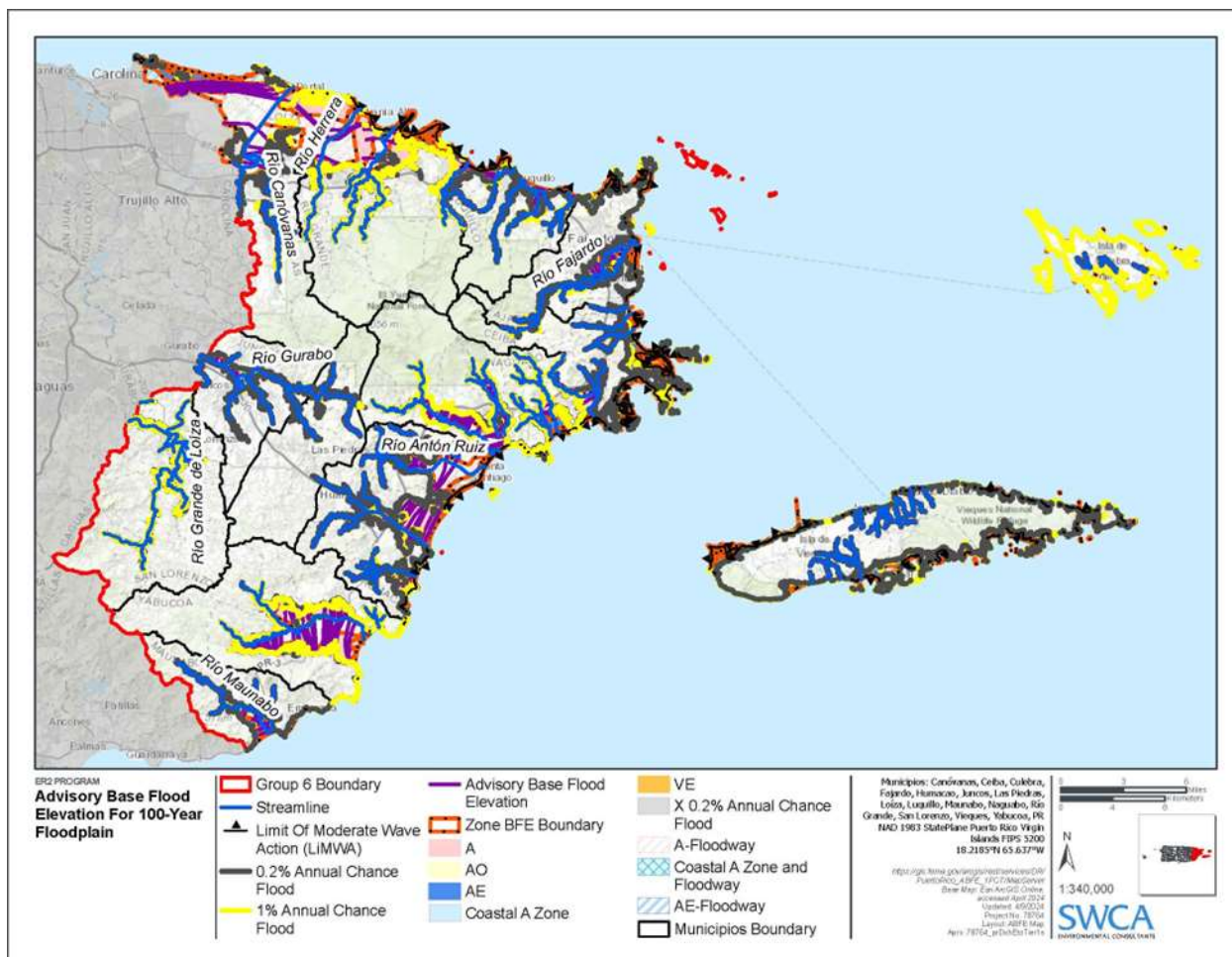
**Municipios:** Aguas Buenas, Albornoz, Arroyo, Barranquitas, Cayey, Cidra, Coamo, Comerio, Corozal, Guayama, Guayanilla, Juana Díaz, Maricao, Morovis, Naranjo, Orocopia, Pailón, Salinas, and Santa Isabel, PR.

**Scale:** 1:320,000

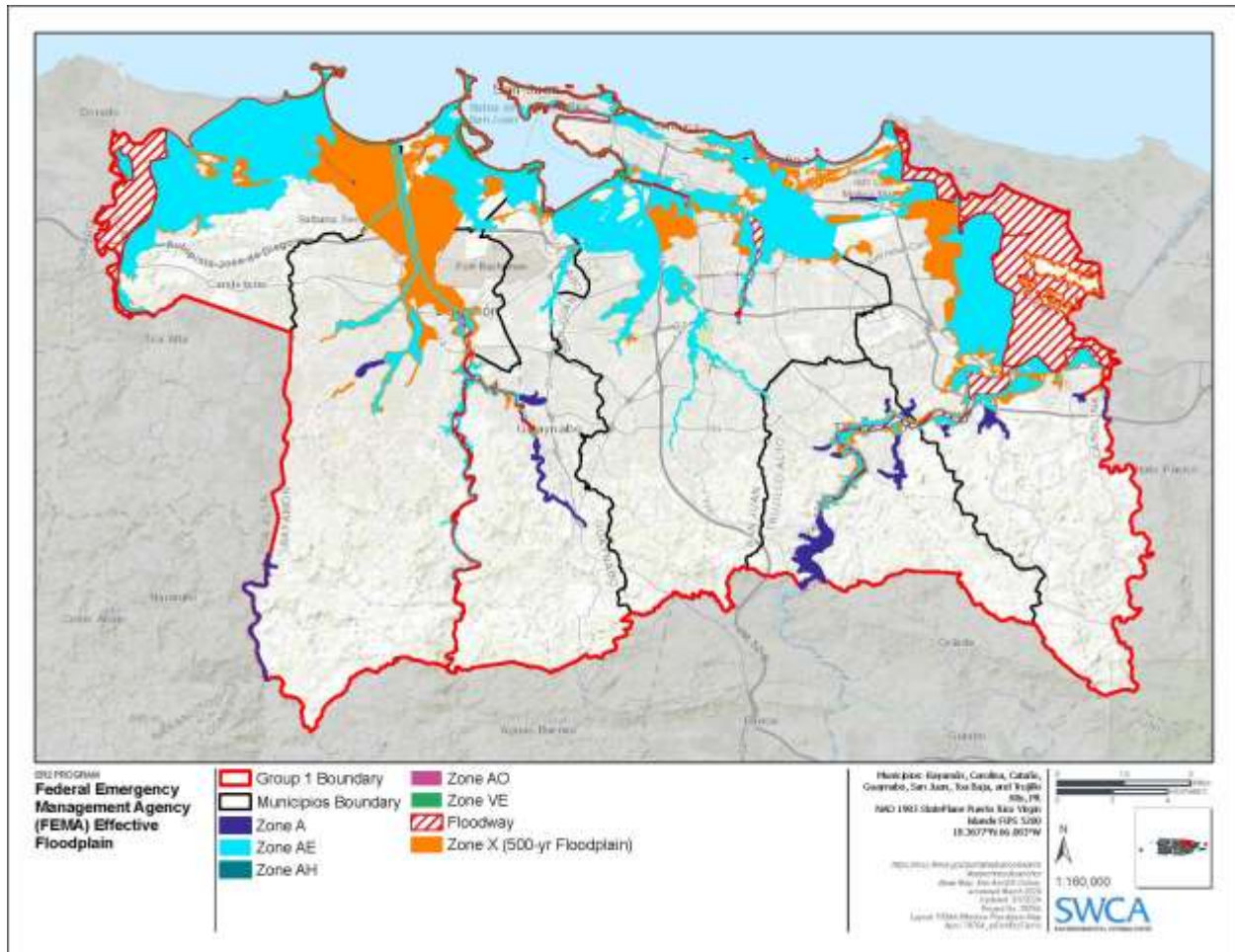
**SWCA**  
 ENVIRONMENTAL CONSULTANTS



**Figure A-10-1-6. Advisory Base Flood Elevation Map for Group 6 Municipalities**

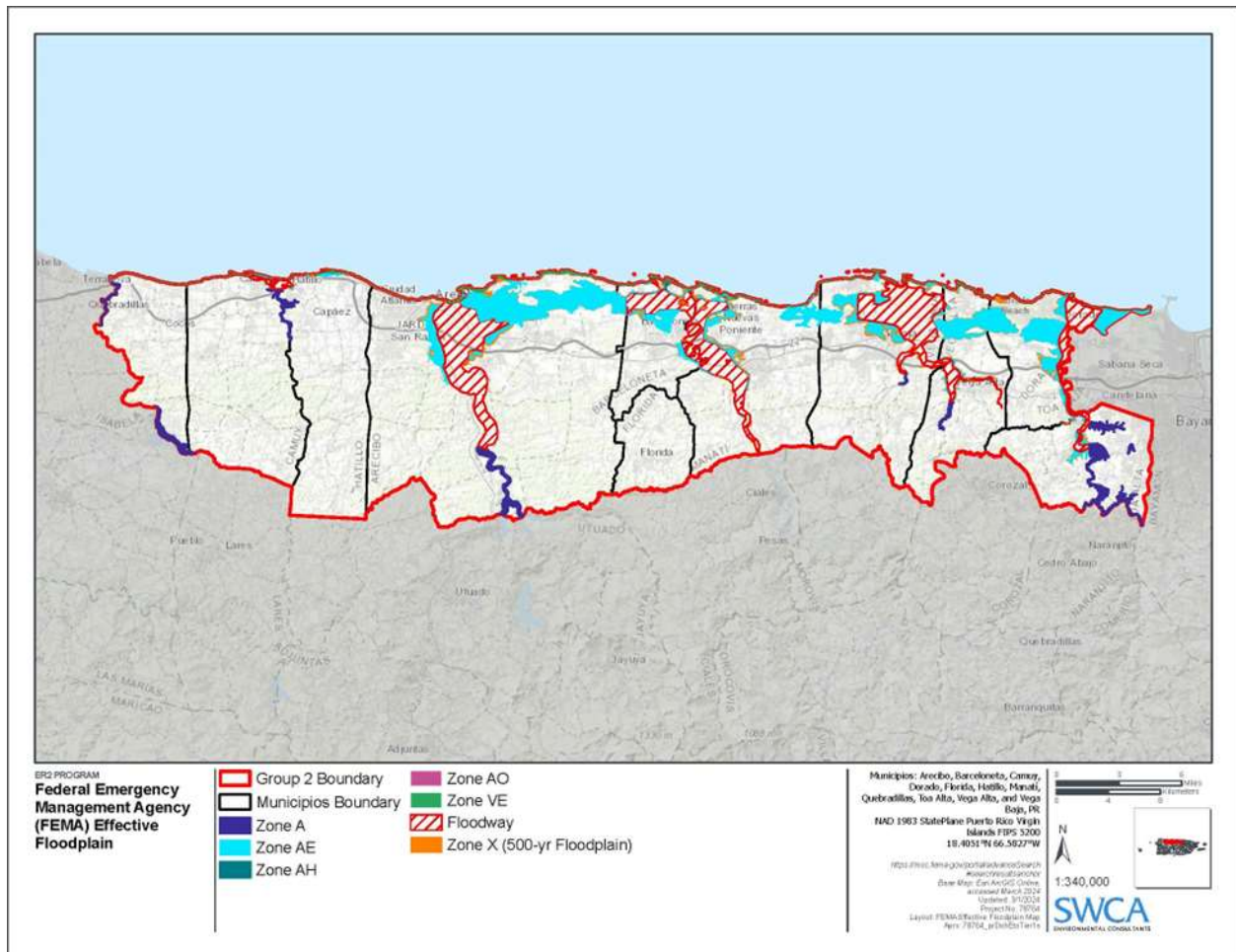


**Figure A-10-2-1. Map of FEMA Effective Floodplains: Group 1 Municipalities**





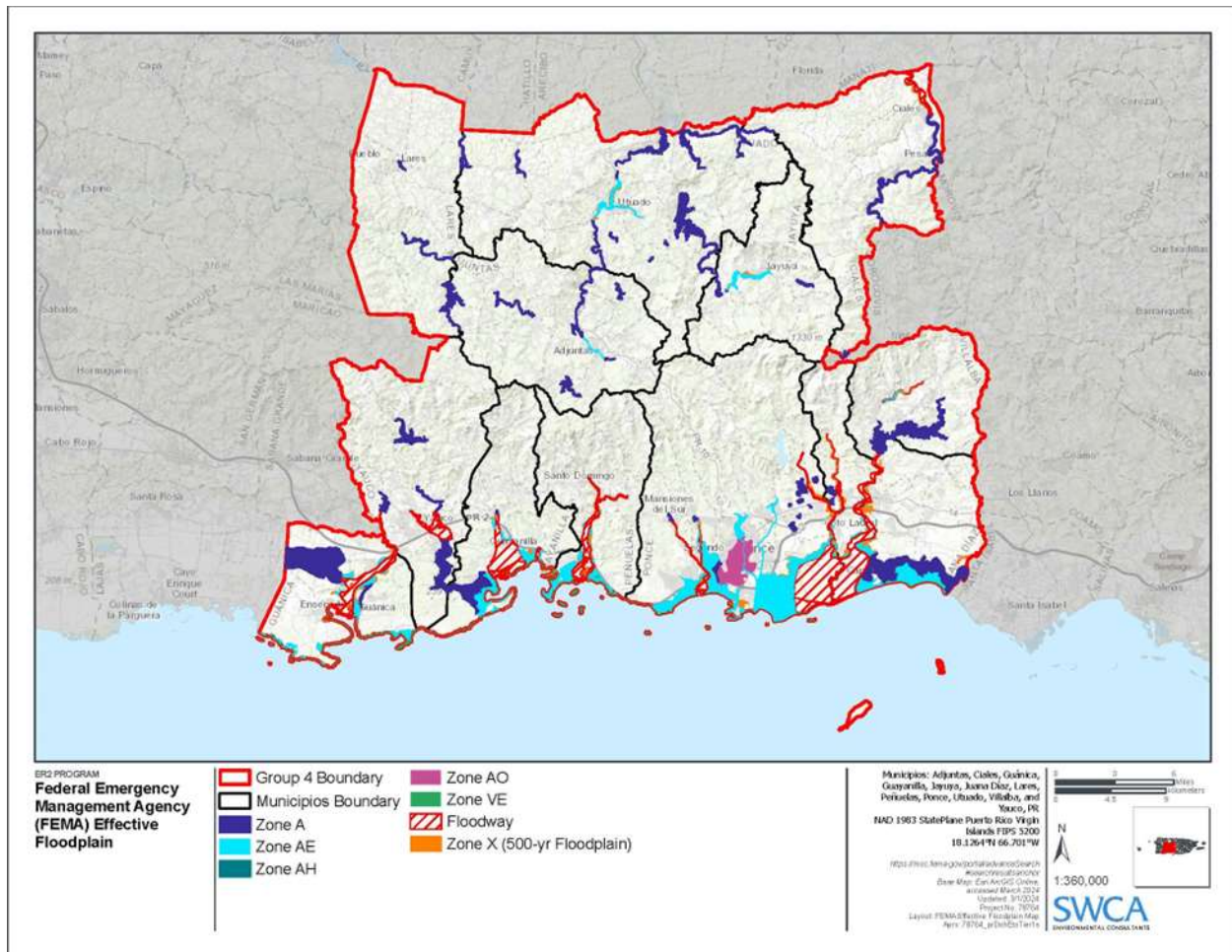
**Figure A-10-2-2. Map of FEMA Effective Floodplains: Group 2 Municipalities**



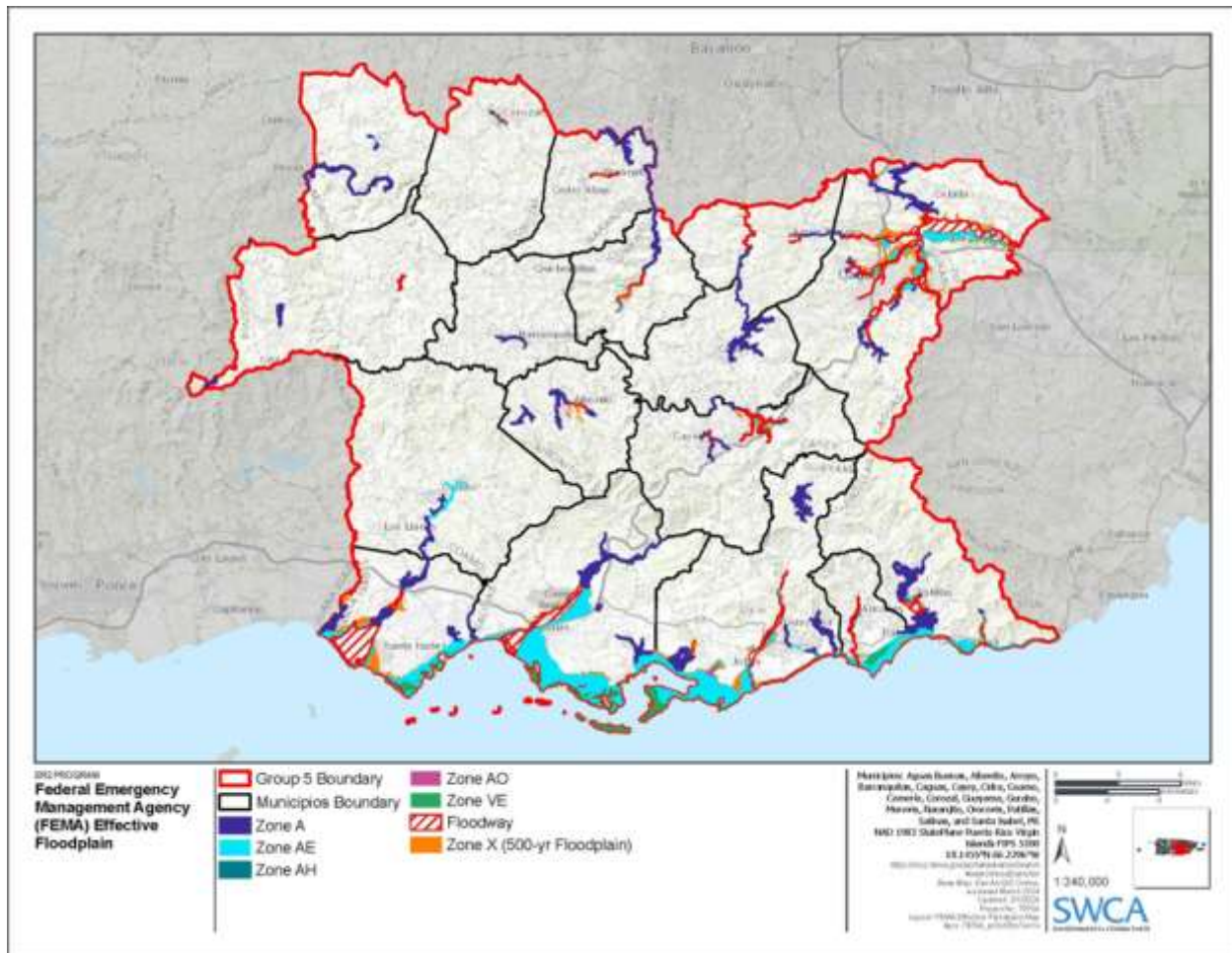
**Figure A-10-2-3. Map of FEMA Effective Floodplains: Group 3 Municipalities**



#### Figure A-10-2-4. Map of FEMA Effective Floodplains: Group 4 Municipalities

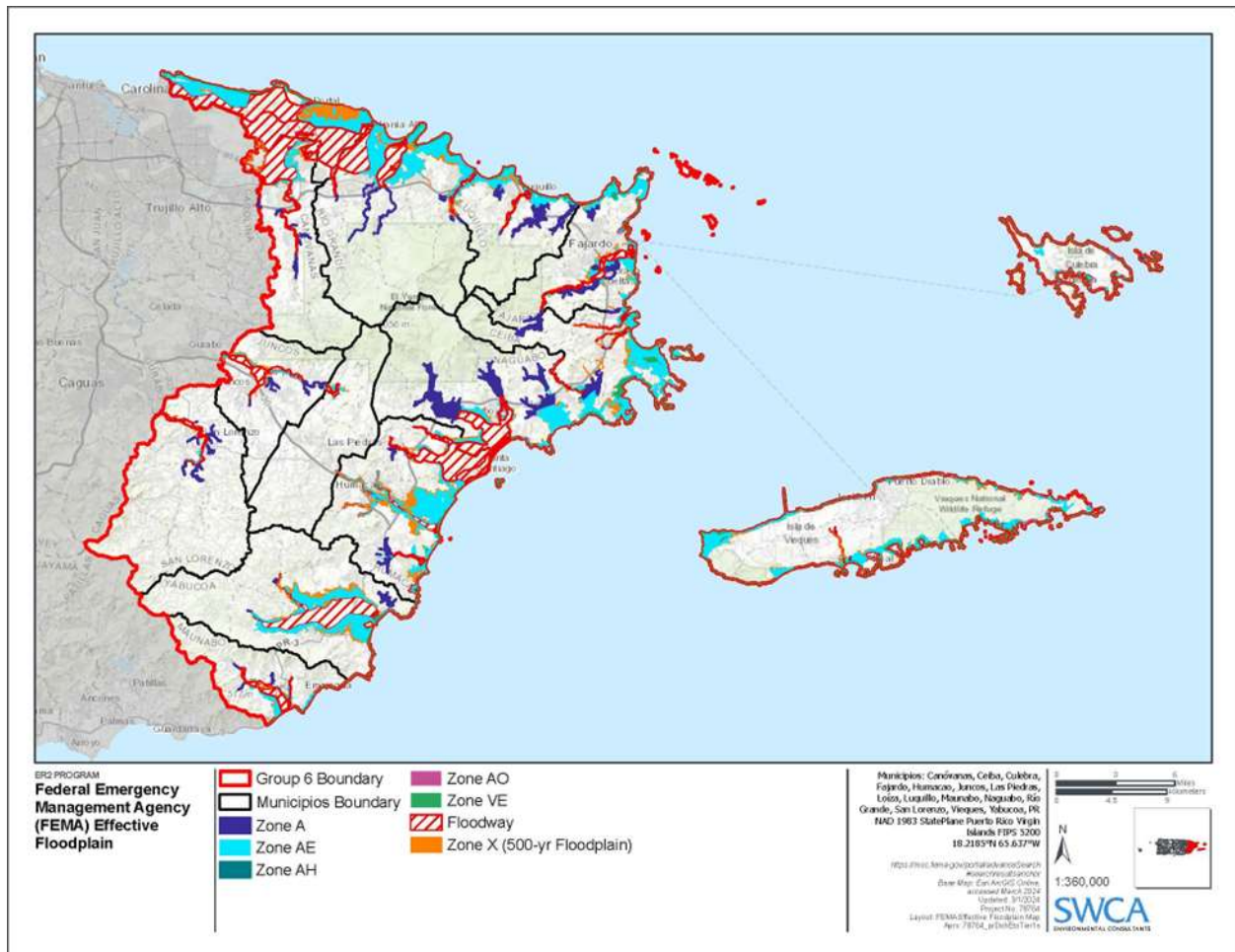


**Figure A-10-2-5. Map of FEMA Effective Floodplains: Group 5 Municipalities**



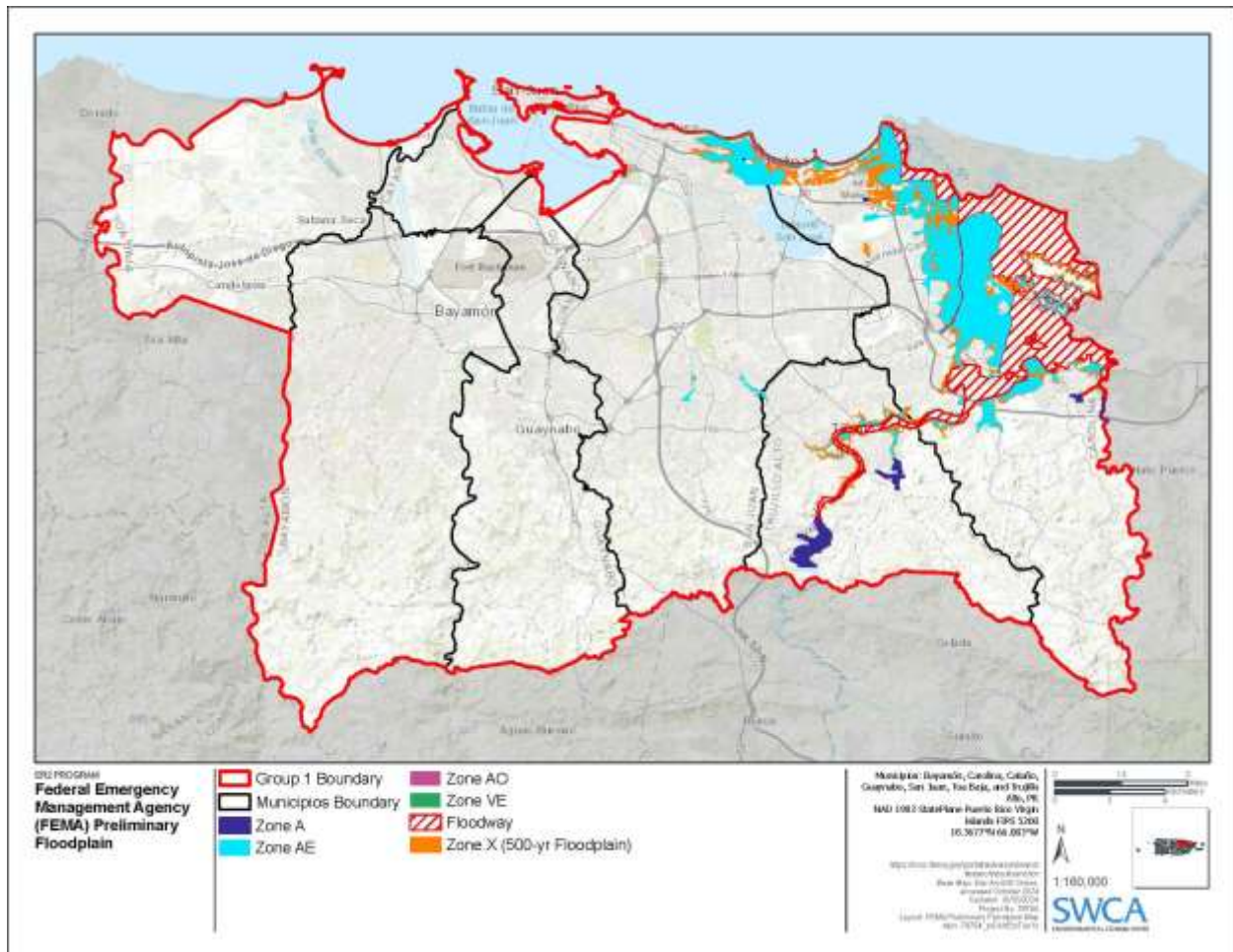


**Figure A-10-2-6. Map of FEMA Effective Floodplains: Group 6 Municipalities**

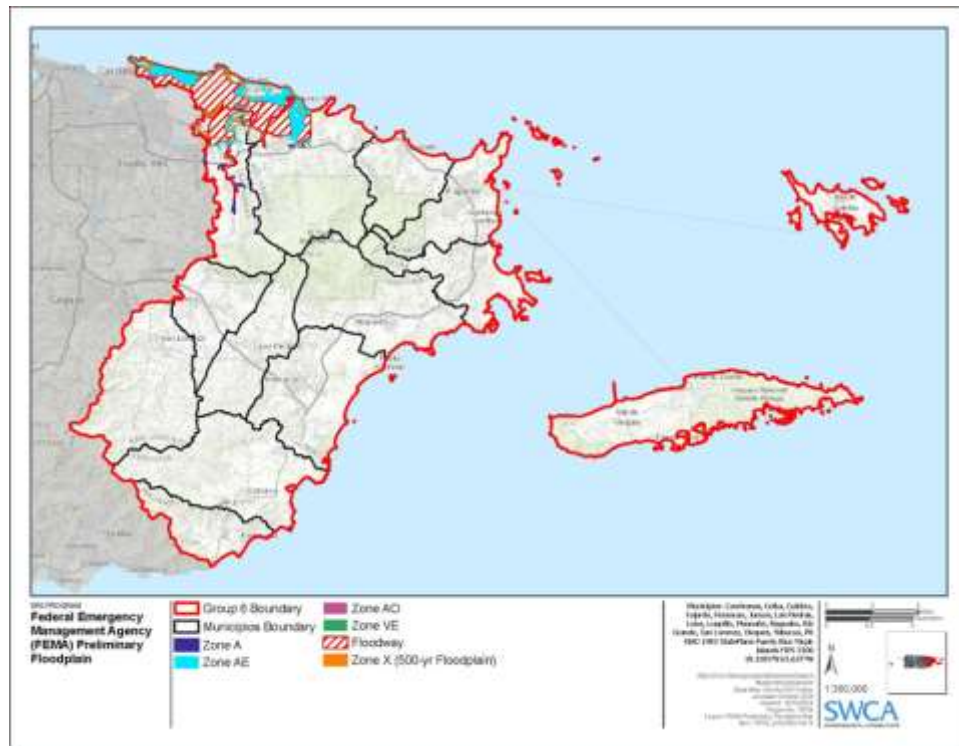




**Figure A-10-3-1. Map of FEMA Preliminary Floodplains: Group 1 Municipalities**



**Figure A-10-3-2. Map of FEMA Preliminary Floodplains: Group 6 Municipalities**



**Attachment A-10-1.**

**PRDOH Floodplain Management Compliance Implementation Policy**









**Attachment A-10-2.**

**October 10, 2024 Communication from PRDOH to FEMA  
and Month XX, 2024 Reply**

**From:** [Alberto Mercado](#)  
**To:** [Claudia Perez](#)  
**Subject:** FW: Tiered Environmental Review | CDBG-DR | Energy Support Incentive Program 2.0 - Apoyo Energético Set-Aside  
**Date:** Friday, February 7, 2025 5:35:07 PM  
**Attachments:** [image002.png](#)  
[image001.png](#)  
[image003.png](#)  
[FE2\\_FEMA\\_Consultation Letter\\_PRDOH.pdf](#)

---

Alberto Mercado Vargas, MS, JD  
Environmental Manager, Government Services | HORNE  
O: 939.220.8913 M: 787.674.4802  
269 Avenida Juan Ponce de León, San Juan, PR 00917  
[HORNE.com](#) [LinkedIn](#) [Twitter](#) [Insights](#)



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---

**From:** environmentcdbg <environmentcdbg@vivienda.pr.gov>  
**Sent:** Friday, February 7, 2025 5:52 PM  
**To:** Alberto Mercado <Alberto.MercadoVargas@home.com>  
**Subject:** FW: Tiered Environmental Review | CDBG-DR | Energy Support Incentive Program 2.0 - Apoyo Energético Set-Aside

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FW

Programmatic Consultation - Tier 1

FEMA

**Angel G. López-Guzmán, MSEM**

Deputy Director - Permits and Environmental Compliance Division

Disaster Recovery Office

[a.lopez@vivienda.pr.gov](mailto:a.lopez@vivienda.pr.gov) | 787.274.2527

Visit us: [www.cdbg-dr.pr.gov](http://www.cdbg-dr.pr.gov)

Write us: [infocdbg@vivienda.pr.gov](mailto:infocdbg@vivienda.pr.gov)

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**From:** environmentcdbg <[environmentcdbg@vivienda.pr.gov](mailto:environmentcdbg@vivienda.pr.gov)>

**Sent:** Thursday, October 10, 2024 2:31 PM

**To:** [FFMA-R2-ExternalAffairs@fema.dhs.gov](mailto:FFMA-R2-ExternalAffairs@fema.dhs.gov)

**Cc:** Aldo A. Rivera-Vazquez <[aarivera@vivienda.pr.gov](mailto:aarivera@vivienda.pr.gov)>

**Subject:** Tiered Environmental Review | CDBG-DR | Energy Support Incentive Program 2.0 - Apoyo Energético Set-Aside

Greetings Mr. Warrington,

Please refer to the attached consultation letter from our Permits and Environmental Compliance Director, Aldo Rivera-Vázquez, regarding the proposed Tiered Environmental Review for the CDBG-DR Energy Support Incentive Program 2.0, Apoyo Energético Set-Aside.

Should you have any questions or concerns, please do not hesitate to contact us.

Sincerely,

**Permits and Environmental Compliance Division**  
Disaster Recovery Office  
[environmentcdbg@vivienda.pr.gov](mailto:environmentcdbg@vivienda.pr.gov) | 787.274.2527  
Visit us: [recuperacion.pr.gov](http://recuperacion.pr.gov)  
Contact us: [infocdbg@vivienda.pr.gov](mailto:infocdbg@vivienda.pr.gov)



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GOVERNMENT OF PUERTO RICO  
DEPARTMENT OF HOUSING

October 10, 2024

David Warrington  
Region 2 Administrator  
26 Federal Plaza, Suite 1337,  
New York, NY 10278  
Via email: [FEMA-R2-ExternalAffairs@fema.dhs.gov](mailto:FEMA-R2-ExternalAffairs@fema.dhs.gov)

**RE: Proposed Clean Water Act  
Executive Orders 11988 and 11990 Compliance Process  
CDBG-DR Funded Energy Support Incentive Program 2.0**

Dear Mr. Warrington,

The Puerto Rico Department of Housing (PRDOH) is preparing a Tiered Environmental Review to process applicants who are seeking federal Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) funds. PRDOH selected the Department of Economic Development and Commerce (DEDC) to be the subrecipient of \$30,000,000 in CDBG-DR funds for the Apoyo Energético Set-Aside from the Electrical Power Reliability and Resilience Program (ER2) to help improve Puerto Rico's electrical power systems. The DEDC's Public Energy Policy Program, responsible for the development and implementation of Puerto Rico's energy policies, will use these funds to provide energy resilience to small and medium-sized businesses (SMBs), with a focus on enabling community lifelines to operate after a future natural disaster. These commercial sites will be scattered across the island and the exact locations are not known at this time. Therefore, since the geographic extent of these SMBs can include all 78 municipalities, PRDOH has divided Puerto Rico into 6 regional groups (refer to figures).

As described in the Puerto Rico Disaster Recovery Action Plan, the PRDOH has allocated CDBG-DR funds for the Energy Support Incentive Program 2.0, Apoyo Energético Set-Aside. Each applicant businesses' project will receive one or more of the following benefits:

- Installation of a photovoltaic (solar) panel system and appurtenant storage system (batteries) on the existing commercial building's roof;
- Integration of storage (batteries) inside application buildings that already have an operational photovoltaic panel system in optimal condition; and/or
- Installation of electric vehicle charging infrastructure (Level 2), which will also be limited to the existing building's interior / exterior walls and/or floors. This is a Level 2 project action as electric vehicle charger installation will not be permitted as the sole funded project activity. This activity must be carried out in conjunction with one of the other two aforementioned eligible activities.

The PRDOH, when acting as the Responsible Entity in lieu of HUD, is required under 24 CFR 58.4 to have protocols that safeguard funded actions do not contravene federal and

Letter from PRDOH to FEMA  
Proposed Clean Water Act / EO 11988 and 11990 Compliance Process  
CDBG-DR Funded Energy Support Incentive Apoyo Energetico Program

Puerto Rico laws. This includes PRDOH initiating the required National Environmental Policy Act (NEPA) review. PRDOH intends to perform a two-tiered review that will first obtain programmatic clearances on the NEPA elements for which no impact is anticipated to occur (Tier I broad review) and secondly establish programmatic guidelines and standards for evaluating specific locations where potential impacts could occur (Tier II site-specific review). The level of review PRDOH is performing meets HUD's Categorically Excluded Subject to Section 58.5 category (24 CFR 58.35(a)).

The following table provides a breakdown of floodplain designations from current FEMA Effective FIRMS and mapped wetland coverage mapped in the National Wetland Inventory for each regional group where project activities may occur. Although this is an overview of the Effective FIRM data only, PRDOH will be implementing the Federal Flood Risk Management Standard approach during the site-specific evaluations per EO 13690 and HUD's implementation guidance published in 89 FR 30850. Therefore, these numbers are estimates and will vary based on the best data available at the time of each individual review. The Effective Floodplain will be used to determine if the applicant will be required to obtain and maintain a National Flood Insurance Program insurance policy to be in compliance with the Flood Disaster Protection Act.

Acres per Regional Group						
Zone Designation	Group 1	Group 2	Group 3	Group 4	Group 5	Group 6
A Undifferentiated	868.84	2585.77	13219.46	12328.638	7672.0587	5242.2674
AE	17,193.33	17133.83	14736.22	12675.147	13139.983	24468.165
Floodway	7,350.55	20413.51	15234.01	11566.788	7424.2128	25364.661
AO	42.23	0	315.58	1685.6379	57.817613	73.924165
VE	558.47	1127.98	3006.44	715.38057	2116.4589	3681.0561
X (0.2 Percent Annual Chance Flood Hazard/500-year)	7,847.96	1634.55	3252.25	1614.437	2831.6964	4284.9258
X	106,483.49	240345.21	379938.18	446779.26	467707.65	288359.77
AH	0	37.6	0	0	0	0
Riverine Floodway in Coastal Zone	0	0	0	0	0	4.967755
Wetlands	19502.99	22662.25	30312.821	22681.774	18531.881	42993.238

Sources: <https://msc.fema.gov/portal/advanceSearch>,  
<https://gis.fema.gov/arcais/rest/services/DR/>, and  
<https://www.fws.gov/program/national-wetlands-inventory/data-download>

Letter from PRDOH to FEMA  
Proposed Clean Water Act / EO 11988 and 11990 Compliance Process  
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The PRDOH's intent is to have the Program's renewable energy system improvements avoid negative environmental impacts to the maximum extent practicable. All improvements will be limited to the roofs, floors and walls of existing commercial buildings. The program will be compliant with wetlands protection through reference to HUD regulation 24 CFR 55.13(f), as it meets the definition of a special project installing renewable energy improvements at existing structures. Since there is no ground disturbance permitted under this program or opportunity for project debris to enter waters or wetlands, the program is compliant with EO 11990 at the Tier I level review. For EO 11988 compliance, FFRMS Floodplains will be evaluated at the Tier II site-specific level to determine if any project elements would require floodproofing or elevation of equipment. PRDOH has decided as a program policy that no activity that would result in a substantial improvement as defined under 44 CFR 59.1 / 24 CFR 55.2 will be eligible for funding.

We are seeking input if FEMA has any concerns on the potential effects of this program's actions in relation to the 24 CFR 55, Executive Order (EO) 11988, EO 13690, and EO 14030. Another opportunity will be afforded in an upcoming formal comment period for the broad review. However, given its importance to the process we wish to provide you with this advance opportunity. For all applications, the final decision and the documents that support the finding will be entered into the project file. If FEMA has any concerns with the approach that PRDOH is taking on documenting compliance with the flood insurance and floodplain management, we would be glad to receive them. Thank you for your prompt attention to this matter. If you have any questions, please do not hesitate to contact me at (787)274.2527 ext. 4006 or [aarivera@vivienda.pr.gov](mailto:aarivera@vivienda.pr.gov) / [environmentcdbg@vivienda.pr.gov](mailto:environmentcdbg@vivienda.pr.gov).

Sincerely,



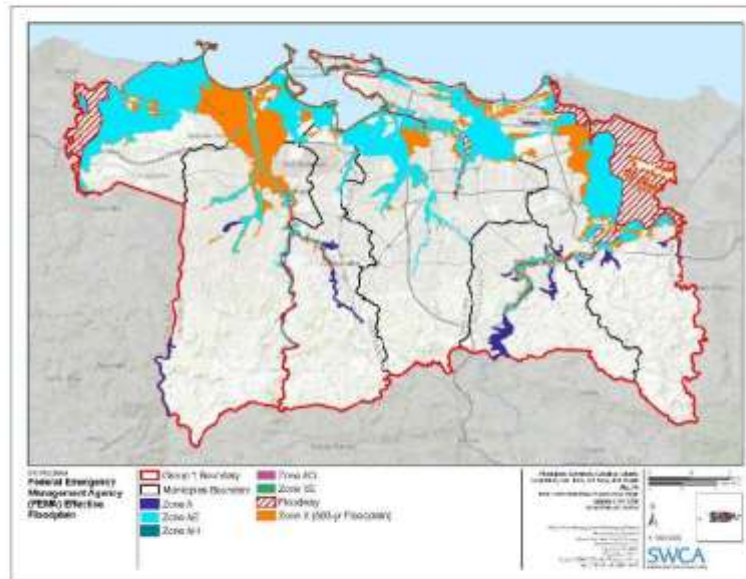
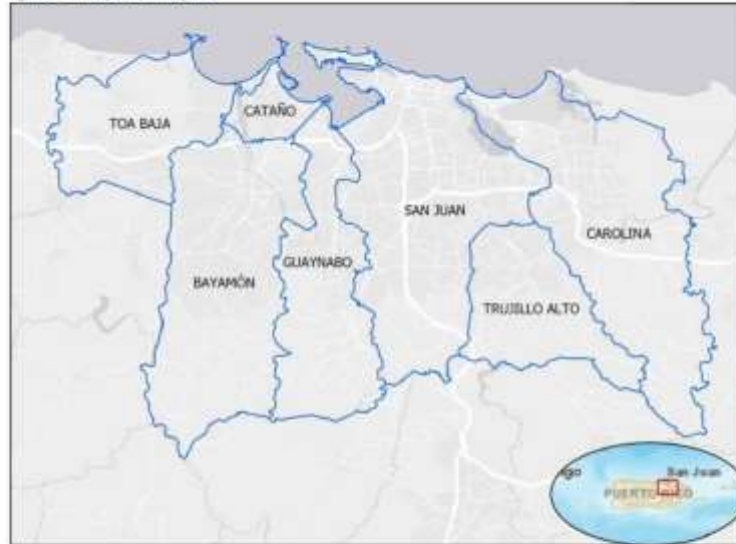
**Aldo A. Rivera-Vázquez, PE**  
Director for Program Management  
Permits and Environmental Compliance Division  
Disaster Recovery Office, CDBG-DR/MIT  
Puerto Rico Department of Housing



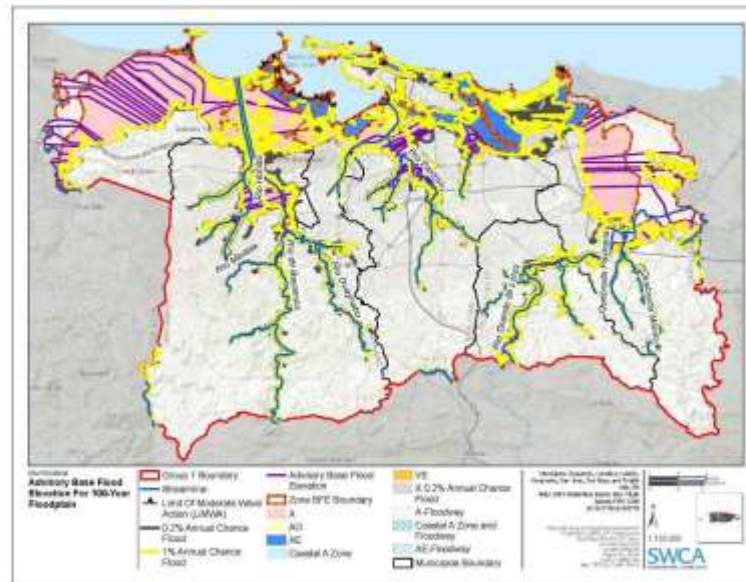
Letter from PRDOH to FEMA  
 Proposed Clean Water Act / EO 11988 and 11990 Compliance Process  
 CDBG-DR Funded Energy Support Incentive Apoyo Energetico Program

**Region 1:**

*Figure 1. Group 1 Municipios*



Letter from PRDOH to FEMA  
 Proposed Clean Water Act / EO 11988 and 11990 Compliance Process  
 CDBG-DR Funded Energy Support Incentive Apoyo Energetico Program



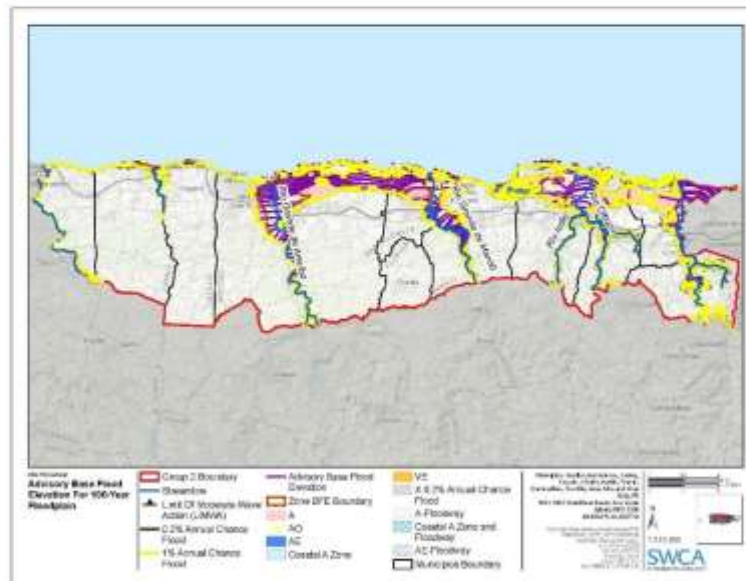
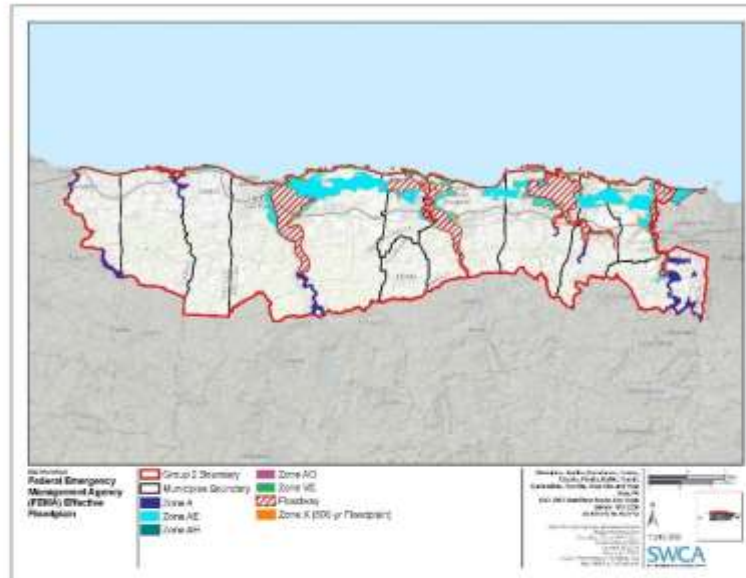
Region 2:

Figure 2: Group 2 Municipalities





Letter from PRDOH to FEMA  
 Proposed Clean Water Act / EO 11988 and 11990 Compliance Process  
 CDBG-DR Funded Energy Support Incentive Apoyo Energetico Program



Letter from PRDOH to FEMA  
 Proposed Clean Water Act / EO 11988 and 11990 Compliance Process  
 CDBG-DR Funded Energy Support Incentive Apoyo Energetico Program

Region 3:

Figure 3. Group 3 Municipios



Letter from PRDOH to FEMA  
 Proposed Clean Water Act / EO 11988 and 11990 Compliance Process  
 CDBG-DR Funded Energy Support Incentive Apoyo Energetico Program

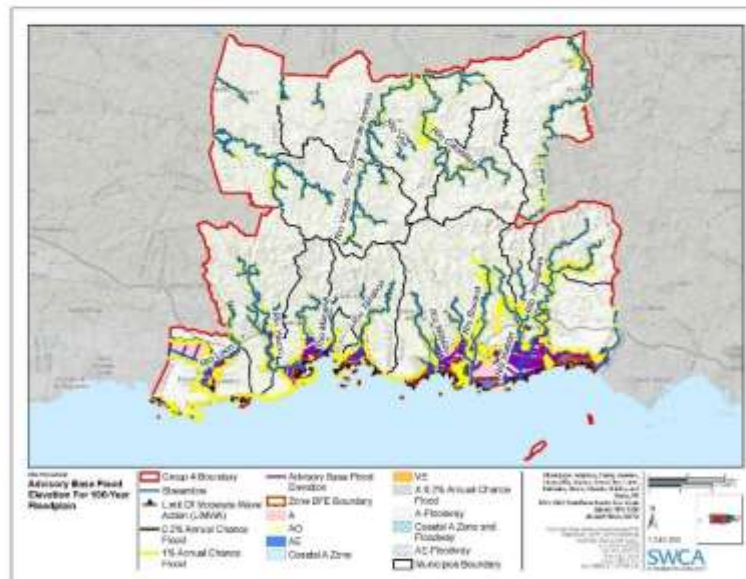
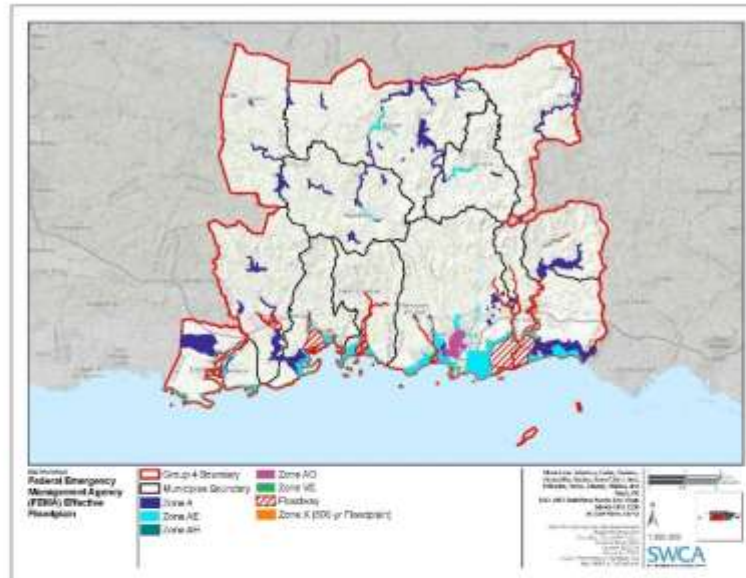


Region 4:

Figure 4. Group 4 Municipalities



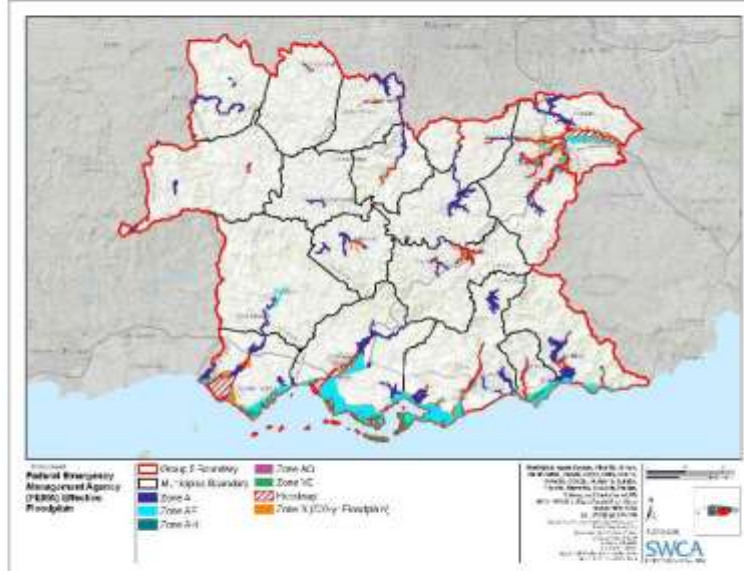
Letter from PRDOH to FEMA  
 Proposed Clean Water Act / EO 11988 and 11990 Compliance Process  
 CDBG-DR Funded Energy Support Incentive Apoyo Energetico Program



Letter from PRDOH to FEMA  
 Proposed Clean Water Act / EO 11988 and 11990 Compliance Process  
 CDBG-DR Funded Energy Support Incentive Apoyo Energetico Program

**Region 5:**

Figure 5. Group 5 Municipalities

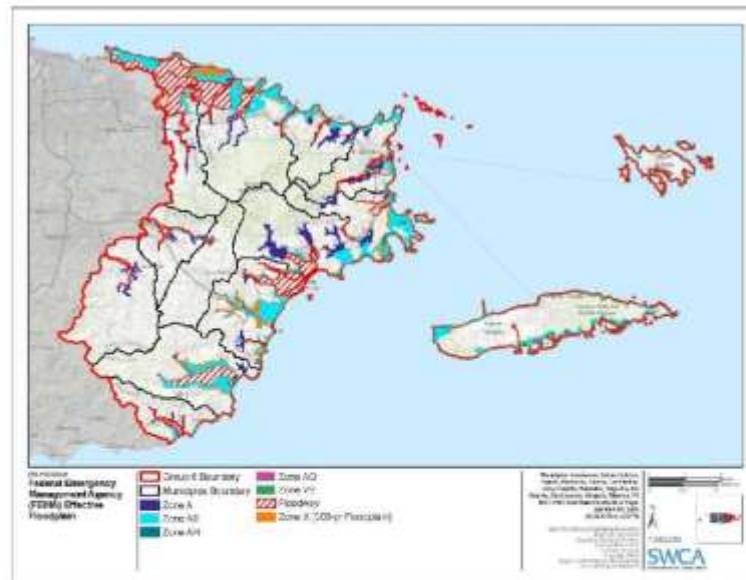




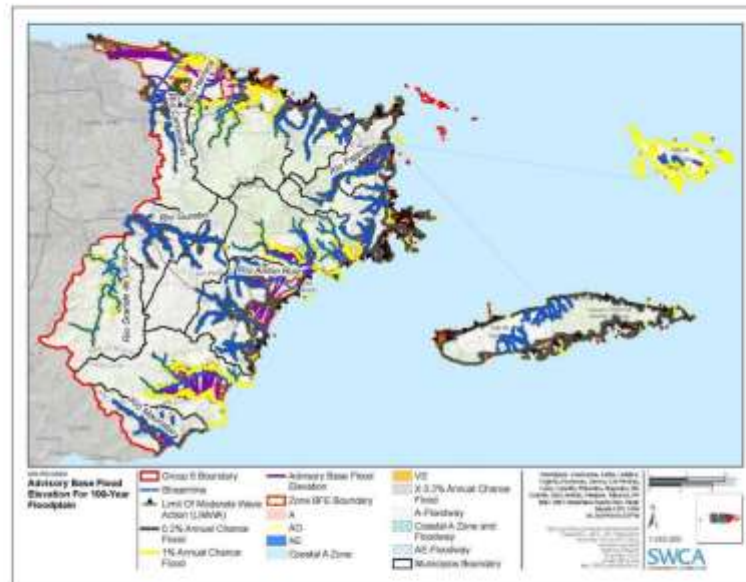
Letter from PRDOH to FEMA  
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Region 6:

Figure 6. Group 6 Municipios



Letter from PRDOH to FEMA  
 Proposed Clean Water Act / EO 11988 and 11990 Compliance Process  
 CD8G-DR Funded Energy Support Incentive Apoyo Energetico Program



**Attachment A-10-3.**

**Month XX, 2024 Communication from PRDOH to Interested Parties  
(No Response Received)**

**Awaiting receipt from PRDOH**

## Exhibit A-11- Historic Preservation

36 CFR 800; National Historic Preservation Act of 1966, as amended, particularly Section 106

Category	Number in Group 1
National Park Service National Historic Landmarks	2
Puerto Rico Planning Board Traditional Urban Centers (Zonas Histórica)	3
Planning Board Historical Sites	65
National Register Listed Properties (Criterion A: Event)	18
National Register Listed Properties (Criterion B: Person)	4
National Register Listed Properties (NRHP Criterion C: Design/Construction)	53
National Register Listed Properties (NRHP Criterion D: Information Potential)	0
National Register Listed Historic Roadways	0
National Register eligible Historic Districts	13
Eligible Historic Zones	4

Category	Number in Group 2
National Park Service National Historic Landmarks	0
Puerto Rico Planning Board Traditional Urban Centers (Zonas Histórica)	2
Planning Board Historical Sites	24
SHPO Listed Historical Event Properties (NRHP Criterion 1)	11
SHPO Listed Historical Figure Properties (NRHP Criterion 2)	0
SHPO Listed Historical Architectural Properties (NRHP Criterion 3)	26
SHPO Listed Archaeology Properties (NRHP Criterion 4)*	1
SHPO Listed Historic Roadways	1
SHPO Listed Historical Districts	2
SHPO Listed Historical Boundary Zone	2

Category	Number in Group 3
National Park Service National Historic Landmarks	0
Puerto Rico Planning Board Traditional Urban Centers (Zonas Histórica)	1
Planning Board Historical Sites	59
SHPO Listed Historical Event Properties (NRHP Criterion 1)	13
SHPO Listed Historical Figure Properties (NRHP Criterion 2)	0
SHPO Listed Historical Architectural Properties (NRHP Criterion 3)	44
SHPO Listed Archaeology Properties (NRHP Criterion 4)*	1
SHPO Listed Historic Roadways	0
SHPO Listed Historical Districts	5
SHPO Listed Historical Boundary Zone	1

Category	Number in Group 4
National Park Service National Historic Landmarks	1
Puerto Rico Planning Board Traditional Urban Centers (Zonas Histórica)	2
Planning Board Historical Sites	28
SHPO Listed Historical Event Properties (NRHP Criterion 1)	13
SHPO Listed Historical Figure Properties (NRHP Criterion 2)	1
SHPO Listed Historical Architectural Properties (NRHP Criterion 3)	54
SHPO Listed Archaeology Properties (NRHP Criterion 4)*	5
SHPO Listed Historic Roadways	4
SHPO Listed Historical Districts	1
SHPO Listed Historical Boundary Zone	2
Category	Number in Group 5
National Park Service National Historic Landmarks	0
Puerto Rico Planning Board Traditional Urban Centers (Zonas Histórica)	4
Planning Board Historical Sites	24
SHPO Listed Historical Event Properties (NRHP Criterion 1)	7
SHPO Listed Historical Figure Properties (NRHP Criterion 2)	1
SHPO Listed Historical Architectural Properties (NRHP Criterion 3)	32
SHPO Listed Archaeology Properties (NRHP Criterion 4)*	3
SHPO Listed Historic Roadways	9
SHPO Listed Historical Districts	4
SHPO Listed Historical Boundary Zone	4
Category	Number in Group 6
National Park Service National Historic Landmarks	0
Puerto Rico Planning Board Traditional Urban Centers (Zonas Histórica)	0
Planning Board Historical Sites	35
SHPO Listed Historical Event Properties (NRHP Criterion 1)	10
SHPO Listed Historical Figure Properties (NRHP Criterion 2)	0
SHPO Listed Historical Architectural Properties (NRHP Criterion 3)	32
SHPO Listed Archaeology Properties (NRHP Criterion 4)*	18
SHPO Listed Historic Roadways	0
SHPO Listed Historical Districts	3



SHPO Listed Historical Boundary Zone

0

### Dataset(s) used in evaluation

Dataset Layer	Internet link	Accessed	Dataset Date
National Historic Landmark	<a href="https://mapservices.nps.gov/arcgis/rest/services/cultural_resources/nrhp_locations/MapServer">https://mapservices.nps.gov/arcgis/rest/services/cultural_resources/nrhp_locations/MapServer</a>	7/17/2024	n/a
Puerto Rico Planning Board Traditional Use Centers	<a href="https://sigejp.pr.gov/server/rest/services/JP_Reglamentario/">https://sigejp.pr.gov/server/rest/services/JP_Reglamentario/</a>	7/17/2024	n/a
Planning Board Historical Site	<a href="https://sigejp.pr.gov/server/rest/services/JP_Reglamentario/">https://sigejp.pr.gov/server/rest/services/JP_Reglamentario/</a>	7/17/2024	n/a
Puerto Rico SHPO National Register of Historic Places	<a href="https://oech.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=62443199488c4cbea51369978f92ae33">https://oech.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=62443199488c4cbea51369978f92ae33</a>	7/17/2024	
SHPO Listed Historical Event Properties (NRHP Criterion 1)	<a href="https://services1.arcgis.com/WktQu07x5AER0q6e/arcgis/rest/services/RNLH_por_criterios_de_inclusi3n_Abril_2023/FeatureServer">https://services1.arcgis.com/WktQu07x5AER0q6e/arcgis/rest/services/RNLH_por_criterios_de_inclusi3n_Abril_2023/FeatureServer</a>	7/17/2024	n/a
SHPO Listed Historical Figure Properties (NRHP Criterion 2)	<a href="https://services1.arcgis.com/WktQu07x5AER0q6e/arcgis/rest/services/RNLH_por_criterios_de_inclusi3n_Abril_2023/FeatureServer">https://services1.arcgis.com/WktQu07x5AER0q6e/arcgis/rest/services/RNLH_por_criterios_de_inclusi3n_Abril_2023/FeatureServer</a>	7/17/2024	n/a
SHPO Listed Historical Architectural Properties (NRHP Criterion 3)	<a href="https://services1.arcgis.com/WktQu07x5AER0q6e/arcgis/rest/services/RNLH_por_criterios_de_inclusi3n_Abril_2023/FeatureServer">https://services1.arcgis.com/WktQu07x5AER0q6e/arcgis/rest/services/RNLH_por_criterios_de_inclusi3n_Abril_2023/FeatureServer</a>	7/17/2024	n/a
SHPO Listed Archaeology Properties (NRHP Criterion 4)	<a href="https://services1.arcgis.com/WktQu07x5AER0q6e/arcgis/rest/services/RNLH_por_criterios_de_inclusi3n_Abril_2023/FeatureServer">https://services1.arcgis.com/WktQu07x5AER0q6e/arcgis/rest/services/RNLH_por_criterios_de_inclusi3n_Abril_2023/FeatureServer</a>	7/17/2024	n/a
SHPO Listed Districts Roads	<a href="https://services1.arcgis.com/WktQu07x5AER0q6e/arcgis/rest/services/Distritos_Carreteras/FeatureServer">https://services1.arcgis.com/WktQu07x5AER0q6e/arcgis/rest/services/Distritos_Carreteras/FeatureServer</a>	7/17/2024	n/a
SHPO Listed Historical Districts	<a href="https://services1.arcgis.com/WktQu07x5AER0q6e/arcgis/rest/services/Distritos_Hist3ricos/FeatureServer">https://services1.arcgis.com/WktQu07x5AER0q6e/arcgis/rest/services/Distritos_Hist3ricos/FeatureServer</a>	7/17/2024	n/a
SHPO Historical Boundary Zones	<a href="https://sigejp.pr.gov/server/rest/services/JP_Reglamentario/">https://sigejp.pr.gov/server/rest/services/JP_Reglamentario/</a>	7/17/2024	n/a

### Agencies or their regulations consulted during Broad Review

Puerto Rico State Historic Preservation Office

Institute of Puerto Rican Culture

National Park Service

### Supporting Documentation

Figure A-11-1. Map of Non-Confidential Historic Properties in Group 1

Figure A-11-2. Map of Non-Confidential Historic Properties in Group 2

Figure A-11-3. Map of Non-Confidential Historic Properties in Group 3

Figure A-11-4. Map of Non-Confidential Historic Properties in Group 4

Figure A-11-5. Map of Non-Confidential Historic Properties in Group 5

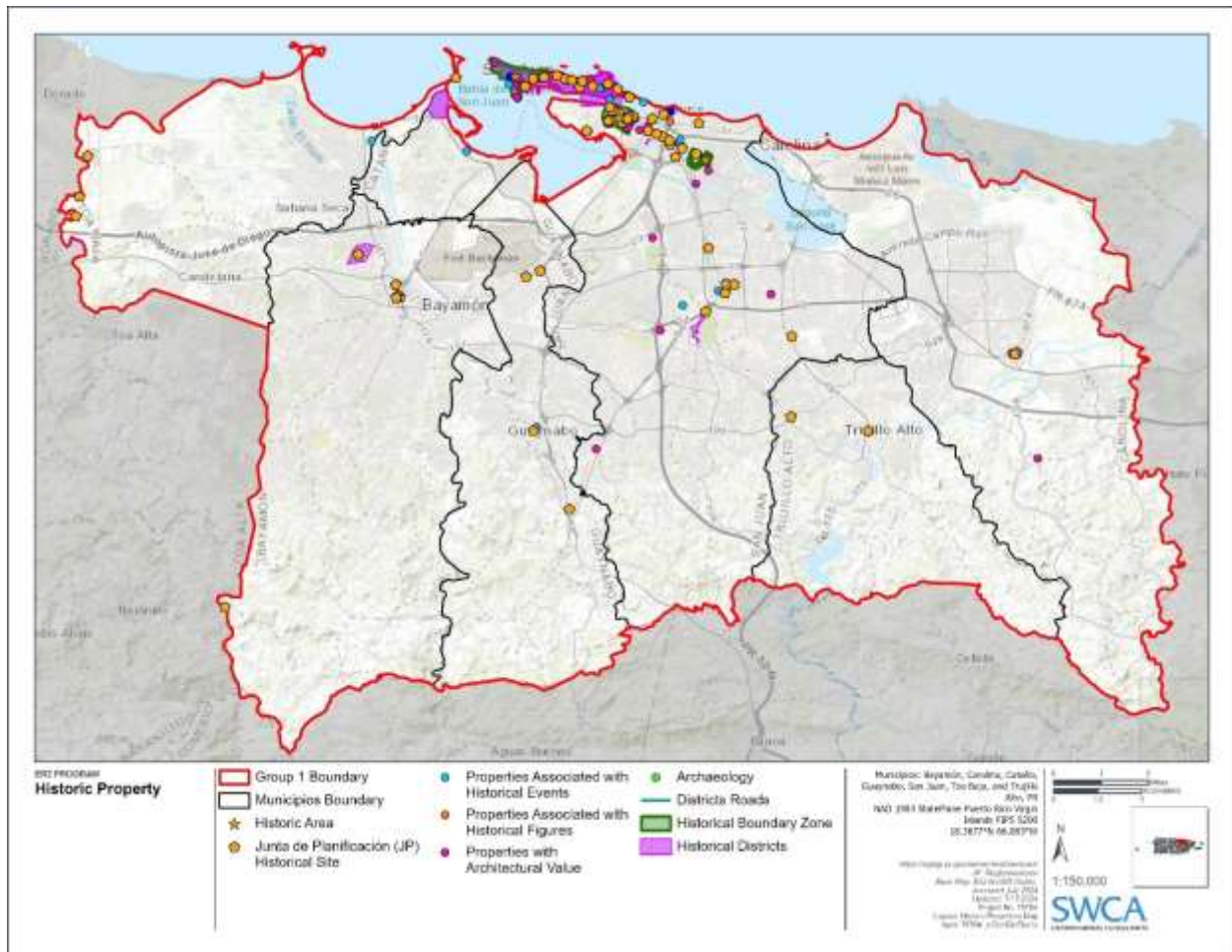
Figure A-11-6. Map of Non-Confidential Historic Properties in Group 6

Attachment A-11-1. PRDOH-SHPO Programmatic Agreement and Amendments

Attachment A-11-2. Month XX, 2024 communication from PRDOH to SHPO and Month XX, 2024 Reply

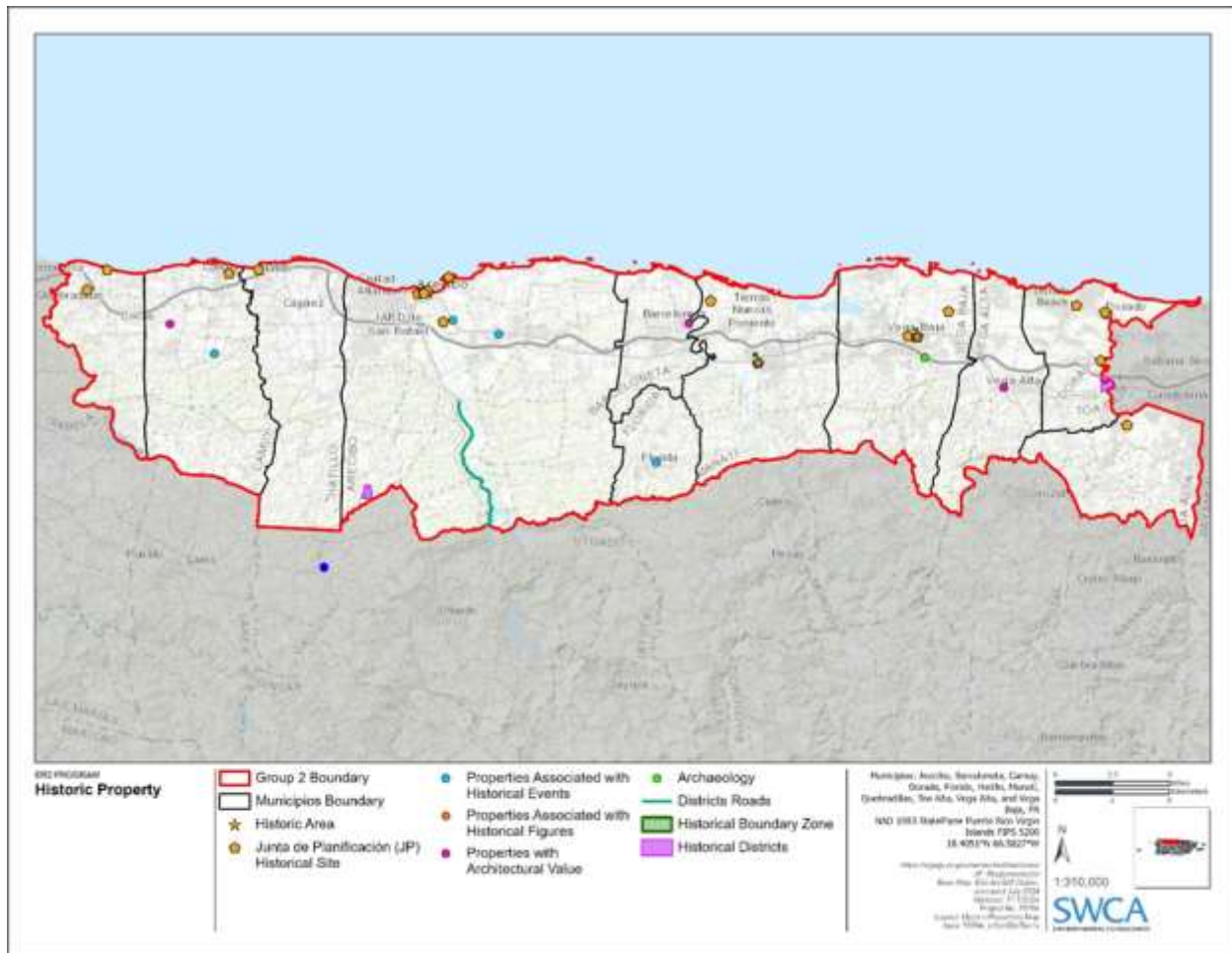
**ENVIRONMENTAL FINDING: All proposed projects have the potential to adversely affect historic properties through inappropriate alterations to: (1) the applicant building itself (if listed or eligible for listing on the National Register of Historic Places [NRHP]); (2) a NRHP-listed or NRHP-eligible district if within its boundaries; and/or (3) an archaeology site that is NRHP-listed or NRHP-eligible, or that is significant to a Native American Tribe. All applications must be evaluated at the Tier II site-specific level. An application that has an unresolved Adverse Effect determination under Section 106 of the National Historic Preservation Act cannot be funded. In order to avoid adverse effects, project activities should comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties.**

**Figure A-11-1. Map of Non-Confidential Historic Properties in Group 1**





**Figure A-11-2. Map of Non-Confidential Historic Properties in Group 2**

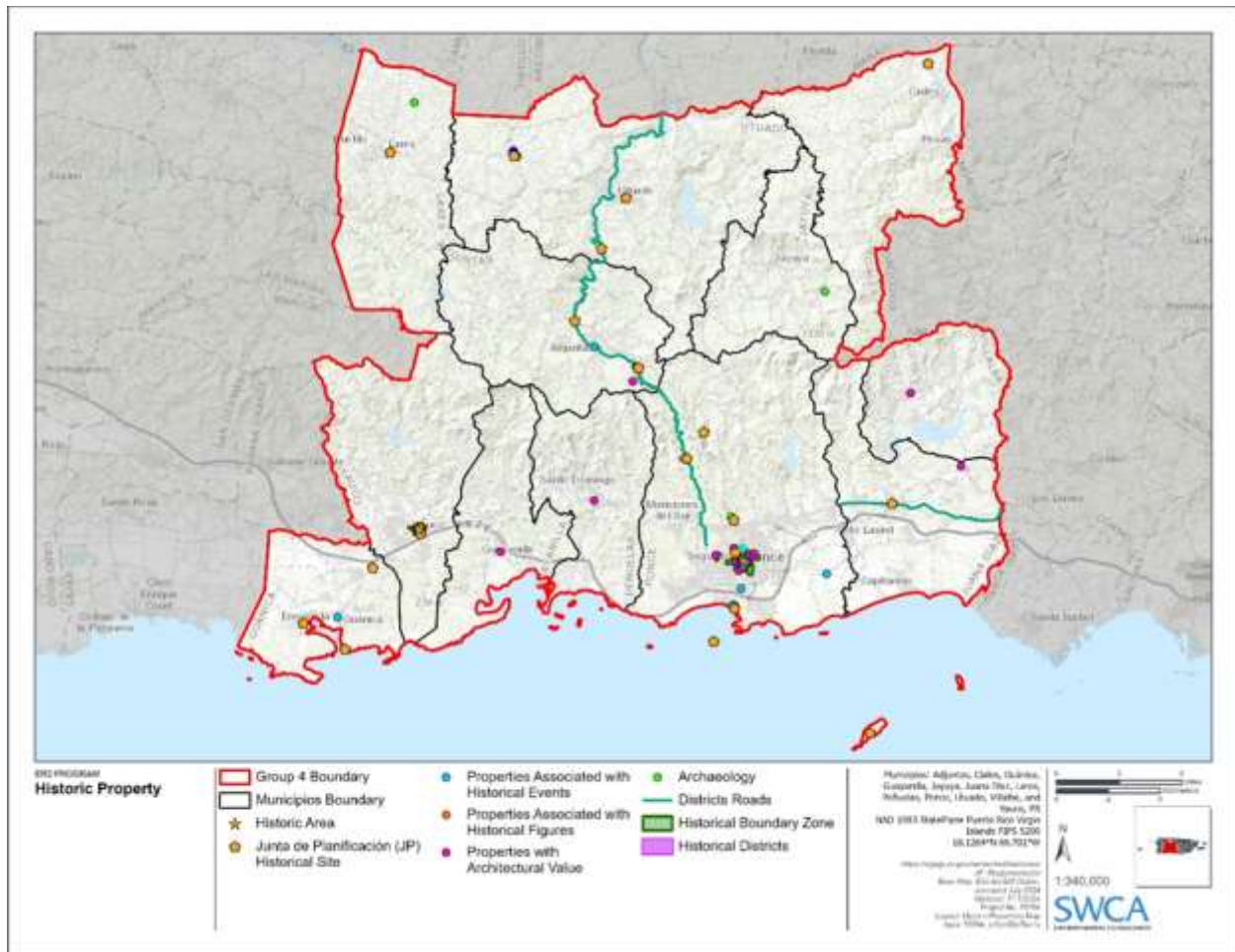




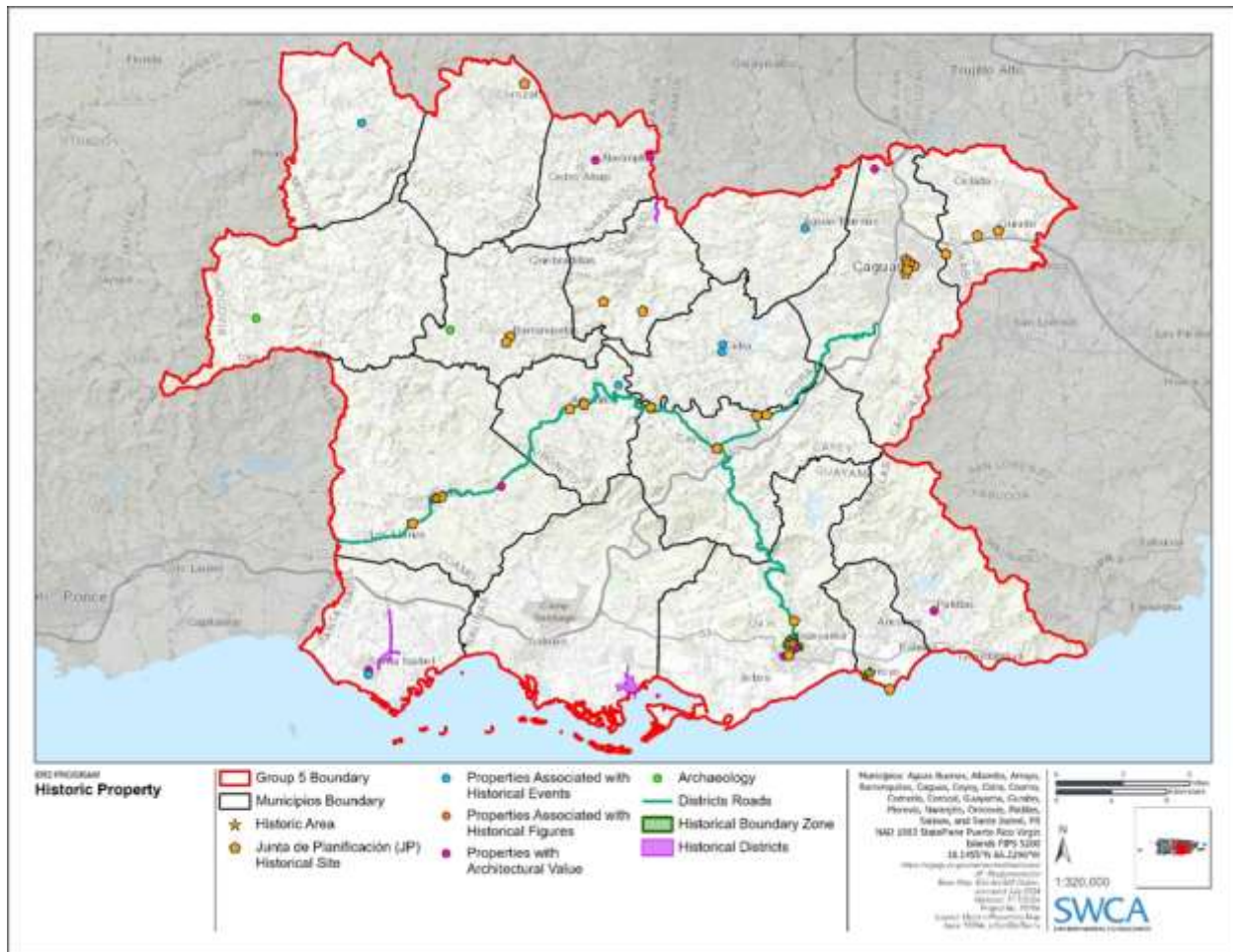
**Figure A-11-3. Map of Non-Confidential Historic Properties in Group 3**



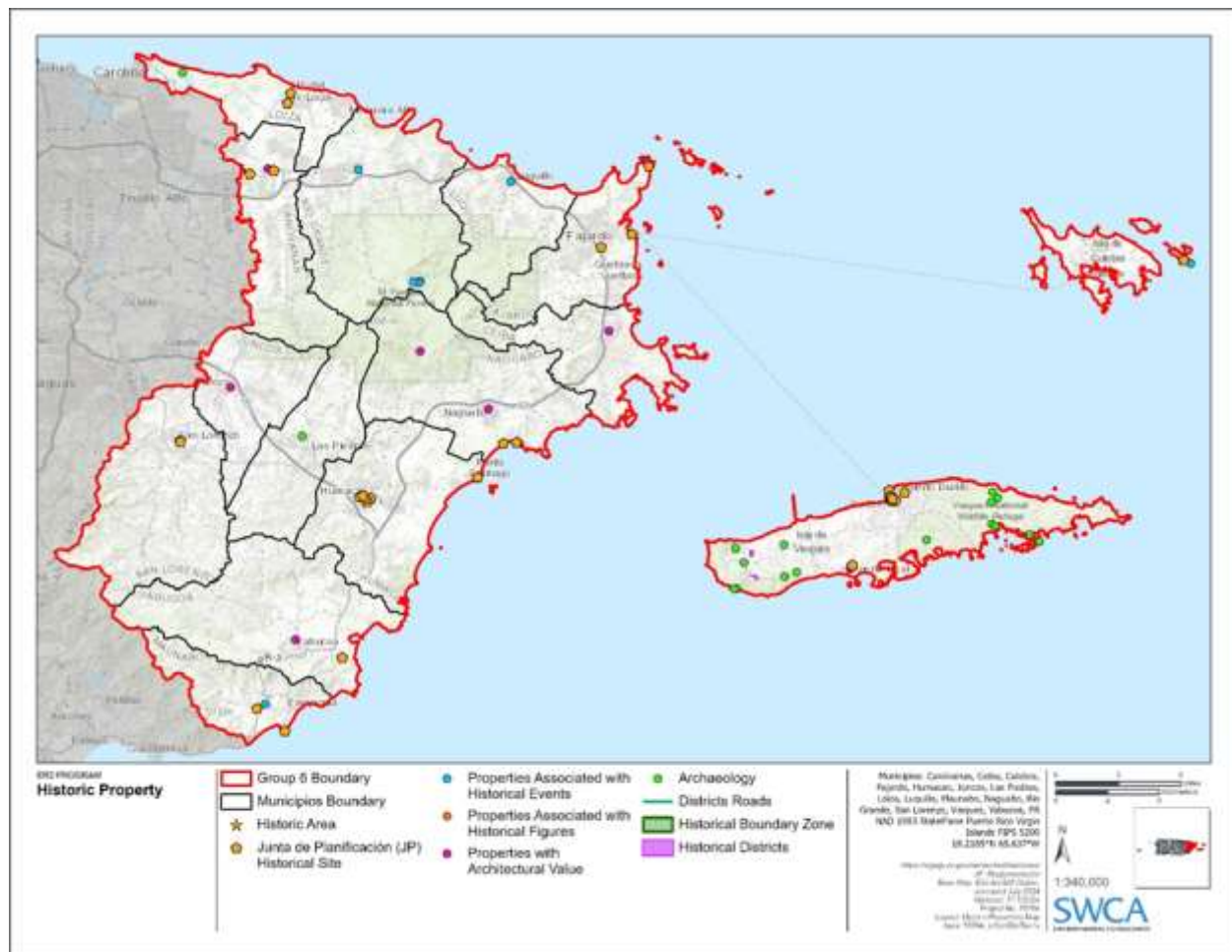
**Figure A-11-4. Map of Non-Confidential Historic Properties in Group 4**



**Figure A-11-5. Map of Non-Confidential Historic Properties in Group 5**



**Figure A-11-6. Map of Non-Confidential Historic Properties in Group 6**



**Attachment A-11-1.**

**PRDOH-SHPO Programmatic Agreement for Section 106 Review**



**GOVERNMENT OF PUERTO RICO**  
**Department of Housing**Date: November 1<sup>st</sup>, 2018**MEMORANDUM**

To: Interested Parties

From: Fernando A. Gil-Enseñat, Esq.  
Secretary  
606 Barbosa Ave.  
Juan C. Cordero Davila Bld.  
Rio Piedras, P.R. 00918**Subject: ADDENDUM TO THE PROGRAMMATIC AGREEMENT BETWEEN THE FEDERAL EMERGENCY MANAGEMENT AGENCY, THE PUERTO RICO STATE HISTORIC PRESERVATION OFFICE, AND THE CENTRAL OFFICE FOR RECOVERY, RECONSTRUCTION, AND RESILIENCE TO INCLUDE THE PUERTO RICO DEPARTMENT OF HOUSING**

On February 9, 2018, the U.S. Department of Housing and Urban Development (HUD) allocated \$1,507,179,000.00 to the Government of Puerto Rico from Community Development Block Grant for Disaster Recovery (CDBG-DR) funds, as per the Supplemental Appropriations for Disaster Relief Requirements Act, 2017 (Public Law 115-56). The Puerto Rico Department of Housing (PRDOH) has been designated by the governor of Puerto Rico, Hon. Ricardo Rosselló-Nevores, as the grantee and administrator for this allocation. As grantee, PRDOH is the responsible entity acting as the federal agency that will carry out the environmental reviews required for CDBG-DR programs. These programs are authorized under PRDOH's Action Plan for Disaster Recovery, as approved by HUD on July 29, 2018, in compliance with 83 FR 5844 requirements.

PRDOH, in coordination with the Puerto Rico State Historic Preservation Office (SHPO), the Central Office for Recovery, Reconstruction, and Resilience (COR3, in lieu of the Puerto Rico Emergency Management Agency [PREMA]), and the Federal Emergency Management Agency (FEMA), agreed to adopt, through the attached **Addendum**<sup>1</sup>, FEMA's Prototype Agreement for its Programs in Puerto Rico and the Puerto Rico specific Programmatic Agreement (PA) executed on May 6, 2016 and amended on May 31, 2018. Such adoption will facilitate the implementation of those CDBG-DR projects subject to environmental review under HUD's corresponding regulations at 24 CFR Part 58, as well as Section 106 of the National Historic Preservation Act, and regulations at 36 CFR Part 800, Protection of Historic and Cultural Properties. For the review of all Second Tier projects and the completion of corresponding Standard Project Reviews, in accordance

<sup>1</sup> **Addendum to The Programmatic Agreement Between The Federal Emergency Management Agency, The Puerto Rico State Historic Preservation Office and The Central Office for Recovery, Reconstruction, And Resilience To Include The Puerto Rico Department Of Housing**

*Addendum to the Programmatic Agreement Between  
FEMA, PRSHPO, and COR3 To Include The PRDOH  
November 1<sup>st</sup>, 2018  
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with the PA, PRDOH will utilize specialized personnel meeting the Secretary of the Interior's Professional Qualification Standards.

The approved CDBG-DR Action Plan contemplates programs in four main categories as follows: Planning, Housing, Economic Development and Infrastructure. For more information about programs included in the approved Action Plan see the attached exhibit "Attachment 1 - CDBG-DR Program Summaries".

Planning Programs: Currently, these programs do not involve construction activities, therefore are exempt from the submission of environmental reviews.

Housing Programs: PRDOH expects to receive hundreds of thousands of requests for housing repairs and reconstruction all over the Island. According to data gathered by FEMA's Individual Assistance Program, hurricanes Irma and Maria inflicted damages to an estimated 1,067,6184 homes distributed across all 78 Municipalities in Puerto Rico. These construction activities will be subject to Environmental Review, as required by HUD 24 part 58 regulations.

Economic Development Programs: will be providing loans and grants to eligible micro, small, medium and large businesses distributed throughout Puerto Rico which may involve construction work. In those instances, PRDOH will require compliance with applicable HUD environmental review regulations.

Infrastructure Programs: PRDOH may combine funding from FEMA's Hazard Mitigation Grant Program (HMGP) with CDBG-DR funds to complete resilience projects in the future. Using a Global Match, the non-federal share for FEMA-4339-DR projects, under Categories C to G (as defined by the FEMA Public Assistance Program), does not need to be 10%, as long as the combined value of all eligible projects submitted equals or exceeds 10% for the overall disaster. The PRDOH will work closely with FEMA and COR3 while both agencies develop and complete the corresponding project worksheets. Evidence of compliance with environmental reviews will be required for all infrastructure projects performed islandwide under this program category.

PRDOH foresees that all repair, reconstruction and relocation activities within the aforementioned CDBG-DR Programs have the potential to include demolition, rehabilitation, new construction and/or ground disturbance activities. For this reason, PRDOH plans on establishing a comprehensive workplan to address HUD's pertinent regulations at 24 CFR Part 58, as well as Section 106 of the National Historic Preservation Act, and regulations at 36 CFR Part 800, Protection of Historic and Cultural Properties.

**ADDENDUM**  
**to**  
**THE PROGRAMMATIC AGREEMENT AMONG**  
**THE FEDERAL EMERGENCY MANAGEMENT AGENCY,**  
**THE PUERTO RICO STATE HISTORIC PRESERVATION OFFICER,**  
**and THE CENTRAL OFFICE OF RECOVERY, RECONSTRUCTION, AND RESILIENCY**  
**TO INCLUDE**  
**THE PUERTO RICO DEPARTMENT OF HOUSING**

**WHEREAS**, FEMA makes assistance available to States, Commonwealths, communities, Federally recognized Indian Tribes (Tribes) and other eligible entities through programs set forth in Appendix A (Programs), pursuant to the Homeland Security Act of 2002, Pub. L. No. 107-296 (2002) (codified as amended at 6 U.S.C. § 101 *et seq.*); Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. No. 93-288 (1974) (codified as amended at 42 U.S.C. § 5121 *et seq.*, (Stafford Act); the National Flood Insurance Act of 1968, Pub. L. No. 90-448 (1968) (as amended); the National Flood Insurance Reform Act of 1994, Pub. L. No. 103-325 (1994) (as amended); the Post-Katrina Emergency Management Reform Act of 2006, Pub. L. No. 109-295 (2006) (as amended); implementing regulations contained in Title 44 of the Code of Federal Regulations (CFR), Executive Order 13407 (2006); the Sandy Recovery Improvement Act, Pub. L. No. 113-2 (2013); and such other acts, executive orders, implementing regulations, or Congressionally authorized programs as are enacted from time to time; and

**WHEREAS**, FEMA has developed a Prototype Programmatic Agreement (FEMA Prototype Agreement) pursuant to 36 CFR § 800.14(b)(4) in consultation with the Advisory Council on Historic Preservation and National Conference of State Historic Preservation Officers to serve as a basis for negotiation of a State/Tribal specific Programmatic Agreement with the State Historic Preservation Officer, State/Tribal Emergency Management Agency, and/or participating Tribe(s); and

**WHEREAS**, FEMA consulted with the Puerto Rico State Historic Preservation Officer (SHPO), and Puerto Rico Emergency Management Agency (PREMA) to adopt and execute the FEMA Prototype Agreement for its Programs in Puerto Rico, and the Puerto Rico specific Agreement (Agreement) was executed on May 6, 2016 and amended on May 31, 2018; and

**WHEREAS**, subsequent to the execution of the amended FEMA Prototype Agreement, the emergency management responsibilities of the Commonwealth were transferred from PREMA to the Central Office of Recovery, Reconstruction, and Resiliency (COR3) and COR3 will be a signatory to this Addendum in lieu of PREMA; and



**WHEREAS**, there are no Federal Tribes recognized in the Commonwealth of Puerto Rico, and no known Tribal interests in the Commonwealth of Puerto Rico by non-resident Tribes, and therefore no Tribes were invited to execute the Prototype Agreement or this Addendum; and

**WHEREAS**, under the Disaster Relief Appropriations Act of 2013 (Public Law 113-2, January 29, 2013); Further Continuing and Security Assistance Appropriations Act, 2017 (Public Law 114-254, December 10, 2016); Consolidated Appropriations Act, 2017 (Public Law 115-31, May 5, 2017); Continuing Appropriations Act, 2018 and Supplemental Appropriations for Disaster Relief Requirements Act, 2017 (Public Law 115-56, September 8, 2017), Additional Supplemental Appropriations For Disaster Relief Requirements Act, 2017 (Public Law 115-123, February 9, 2018) and other Congressionally authorized programs as are enacted from time to time, the U.S. Department of Housing and Urban Development (HUD) allocates Community Development Block Grant- Disaster Recovery (CDBG-DR) funds for disaster recovery activities similar to the activities covered by the Agreement; and

**WHEREAS**, the Puerto Rico Department of Housing intends to use its CDBG-DR funds as summarized in Attachment 1 to this Addendum; and

**WHEREAS**, the Puerto Rico Department of Housing has assumed HUD's environmental review responsibilities as Responsible Entity and is responsible for environmental review, decision-making and action, pursuant to Section 104(g) of the Housing and Community Development Act of 1974 (42 USC 5304(g)) and 24 CFR Part 58, and proposes to administer CDBG-DR funds pursuant to the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2016 and other Congressionally authorized programs as are enacted from time to time;

**WHEREAS**, Stipulation I.A.6. of the Agreement allows other Federal agencies, including state and local governments acting as Responsible Entities for CDBG-DR funds, to fulfill their Section 106 responsibilities for those types of activities covered under the terms of the Agreement by accepting and complying with the terms of the Agreement and executing this Addendum; and

**WHEREAS**, the Puerto Rico Department of Housing will ensure that staff who meet the Secretary of the Interior's Professional Qualification Standards will review all Second Tier projects in accordance with Appendix B of the Agreement and complete Standard Project Reviews in accordance with Stipulation II.C of the Agreement and the Puerto Rico Department of Housing will provide resumes of such staff to the signatories to this Addendum; and

**NOW, THEREFORE**, the Puerto Rico Department of Housing agrees to assume the federal agency role and accept the terms and conditions of the Agreement and subsequent amendments as appropriate under HUD's authorizing legislation and regulations, and thereby take into account

the effect of its undertakings and satisfy its Section 106 responsibilities for the CDBG-DR program for activities in Puerto Rico.

**DURATION AND EXTENSION,** This Addendum to the Agreement will remain in effect for currently open disaster declarations and subsequent disaster declarations in the Commonwealth of Puerto Rico; however, the Addendum will not exceed the expiration date of the Agreement. Signatories may collectively agree to extend this Addendum to cover additional calendar years provided that the Agreement is also extended; and

**DISPUTE RESOLUTION,** Should any signatory object in writing to the manner in which Puerto Rico Department of Housing implements the terms of the Agreement, the Puerto Rico Department of Housing shall follow the dispute resolution procedures found in Stipulation IV.B of the Agreement.


**EXECUTION AND IMPLEMENTATION,** of this Addendum to the Agreement evidences that the Puerto Rico Department of Housing has taken into account the effects of its undertakings on historic properties, and that through the execution of this Addendum and implementation of the Agreement will satisfy its responsibilities under Section 106 of the National Historic Preservation Act and its implementing regulations for the referenced CDBG-DR program for activities in Puerto Rico. This Addendum may be executed in counterparts, with separate signature pages.

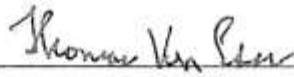


ADDENDUM  
to  
THE PROGRAMMATIC AGREEMENT AMONG  
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,  
THE PUERTO RICO STATE HISTORIC PRESERVATION OFFICER,  
and THE CENTRAL OFFICE OF RECOVERY, RECONSTRUCTION, AND RESILIENCY  
TO INCLUDE  
THE PUERTO RICO DEPARTMENT OF HOUSING

SIGNATORY PARTIES:

FEDERAL EMERGENCY MANAGEMENT AGENCY

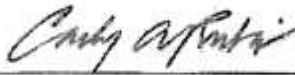
 Date: 18 DEC 2018  
John McKee  
Regional Environmental Officer  
FEMA Region II

 Date: Dec. 15, 2018  
Thomas Von Essen  
Regional Administrator  
FEMA Region II

**ADDENDUM  
to  
THE PROGRAMMATIC AGREEMENT AMONG  
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,  
THE PUERTO RICO STATE HISTORIC PRESERVATION OFFICER,  
and THE CENTRAL OFFICE OF RECOVERY, RECONSTRUCTION, AND RESILIENCY  
TO INCLUDE  
THE PUERTO RICO DEPARTMENT OF HOUSING**

**SIGNATORY PARTIES:**

**PUERTO RICO STATE HISTORIC PRESERVATION OFFICER**

  
\_\_\_\_\_  
Date: 11/14/18  
Carlos Rubio-Cancela  
State Historic Preservation Officer

**ADDENDUM  
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THE PROGRAMMATIC AGREEMENT AMONG  
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,  
THE PUERTO RICO STATE HISTORIC PRESERVATION OFFICER,  
And THE CENTRAL OFFICE OF RECOVERY, RECONSTRUCTION, AND RESILIENCY  
TO INCLUDE  
THE PUERTO RICO DEPARTMENT OF HOUSING**

**SIGNATORY PARTIES:**

**THE CENTRAL OFFICE OF RECOVERY, RECONSTRUCTION, AND RESILIENCY**

 \_\_\_\_\_ Date: \_\_\_\_\_

Mr. Omar J. Marrero, Esq.  
Governor's Authorized Representative  
Executive Director

**ADDENDUM  
to  
THE PROGRAMMATIC AGREEMENT AMONG  
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,  
THE PUERTO RICO STATE HISTORIC PRESERVATION OFFICER,  
And THE CENTRAL OFFICE OF RECOVERY, RECONSTRUCTION, AND RESILIENCY  
TO INCLUDE  
THE PUERTO RICO DEPARTMENT OF HOUSING**

**SIGNATORY PARTIES**

**PUERTO RICO DEPARTMENT OF HOUSING**

 \_\_\_\_\_ Date: 11/1/18

Fernando Gil Enseñat  
Secretary of the Puerto Rico Department of Housing

## Attachment 1

### CDBG-DR Programs Summaries

The following programs are authorized under the Puerto Rico Department of Housing's (PRDOH) Action Plan for Disaster Recovery, approved by the US Department of Housing and Urban Development (HUD) on July 29, 2018, in conformance with the Community Development Block Grant for Disaster Recovery (CDBG-DR) allocation of \$1,507,179,000, awarded under Public Law 115-56 and announced through Federal Register 83 FR 5844. Additional programs created with future CDBG-DR allocations, including Public Law 115-123, will be described in updates to PRDOH's Action Plan and will be eligible for review under this Addendum.

#### Planning Programs

##### Whole Community Resilience Program

*Eligible under Section 105(a) (12) of the HCDA*

Phase I of the Whole Community Resilience Program each municipio will be eligible to receive reimbursement for documented staff time related to conducting community planning associated with the initial phase, up to \$20,000. The tasks in phase one may include, but are not limited to, data collection and initial analysis, technical training, and outreach to communities within the municipio.

In Phase 2, communities may apply openly based on selection criteria developed by PRDOH and the Foundation for Puerto Rico. The selection criteria for Phase 2 funding will be published in the 4<sup>th</sup> quarter of 2018 as part of the program guidelines. Selected communities may receive a planning award of up to \$500,000 per community plan. Plans will lay the groundwork for effective and expedient housing, infrastructure and social investments as long-term recovery programs are funded.

##### Agency Planning Initiatives (GIS, Planning Integration) Program

*Eligible under Section 105(a) (12) of the HCDA*

Through a direct allocation to the Puerto Rico Planning Board, the Agency Planning Initiative will be undertaken to build the data sets for property across the island to ensure land use is correctly permitted, planned, inspected, insured, and viewable to the municipios. The objective of this initiative will not provide title to unregistered properties; however it will identify which properties do not have title and which structures are informal or unregistered. This will set the stage for proper title transfers to take place.

##### Economic Recovery Planning Program

*Eligible under Section 105(a) (12) of the HCDA*

PRDOH, in partnership with the Department of Economic Development and Commerce (DDEC for its Spanish acronym) will lead an overarching planning effort to create strategies for job creation through promotion and communication (implemented apart from the planning initiative), efficient public service delivery, business creation, and public investments. Through the economic planning program, PRDOH and DDEC will determine priorities, resources, and actions that will guide economic stability and growth. Guiding principles will focus on the well-being of low- and moderate-income workers and how larger economic planning efforts should enhance future job opportunities and inclusion in a recovering and expanding economy.

Attachment 1 to HUD Addendum to the Puerto Rico FEMA Prototype PA FINAL



## **Housing Programs**

### *Home Repair, Reconstruction, or Relocation Program*

*Eligible under Section 105(a)(4) of HCDA and Section 105(a)(15)*

This program provides funding to homeowners to repair damaged homes or rebuild substantially damaged homes in place in non-hazard areas. Reconstruction activity returns otherwise displaced families to their homes in their same community. Substantially damaged homes in the floodplain and homes that may not be rebuilt in place due to legal, engineering or environmental constraints (permitting, extraordinary site conditions, etc.) will not be reconstructed and the homeowner will be provided relocation options.

Relocation options include providing eligible homeowners the choice between purchasing an existing home or constructing a new home on a vacant lot identified outside of the floodplain. Existing homes may be may be bank-foreclosed properties, on a PRDOH certified development roster, a market-listed unit, or a home in a condominium or co-op.

### *Title Clearance Program*

*Eligible under HCDA Section 105(a)(8)*

The Title Clearance Program aims to provide clear title to homeowners throughout the hurricane-impacted area, therefore resulting in long-term sustainability and security for residents. Applicants who are otherwise eligible for rehabilitation or reconstruction assistance under the housing program who need remedial and curative title/ownership actions will be prioritized for limited legal services assistance. Limited legal services to resolve title issues will be performed under the direction or supervision of one or more attorneys duly licensed and authorized to practice law within the Commonwealth of Puerto Rico under rates that are subject to program approval. Homeowners unable to resolve title issues with the assistance of the legal service providers may be recommended for longer-term assistance, separate and apart from the services provided under this program.

### *Mortgage Catch-Up Program*

*Eligible under Section 105(a)(24) of the HCDA; pending a waiver from HUD*

This program will provide mortgage payment assistance for up to 100% of the principal, interest, tax, and insurance on arrears for up to 12 months (dating back to the time of hurricane impact) as indicated in the monthly mortgage statement. All participants in the mortgage catch-up program will be partnered with a housing counselor, who will provide homeownership counseling and financial management guidance. PRDOH has chosen to partner with the Housing Finance Authority (AFV, for its Spanish acronym) to administer this program. Program funds will not be used to pay late fees or legal fees, and mortgagees will be encouraged to restructure or modify the terms of the loans to ease repayment in the long term.

Note: The Mortgage Catch-Up program may not begin until HUD approves a waiver authorizing the program.

### *Social Interest Housing Program*

*Eligible under Section 105(a)(4) and (Section 105(a)(15) of HCDA*

This project provides funding to non-governmental organizations (NGO) or non-profit entities for the creation or rehabilitation of social interest housing projects. NGOs with projects approved by PRDOH will

Attachment 1 to HUD Addendum to the Puerto Rico FEMA Prototype PA FINAL

be responsible for execution of the project under the guidance of PRDOH. Facilities may be overseen by HUD Continuum of Care Program providers and may supplement Emergency Solutions Grants (ESG) programs for a coordinated impact to:

- Provide essential services to shelter residents;
- Rapid re-housing of homeless individuals and families; and
- Prevention of families and individuals from becoming homeless.

Submissions may include proposals for more than one project. PRDOH estimates that 500 housing units will be created under this program. Public services provided as part of a proposed project may not supplant other funds and must be part of a new service or quantifiable increase in the level of a service previously provided.

**Housing Counseling Program**

*Eligible under Section 105(a)(8) of the HCDA and Public Services 105(a)(20)*

This program will provide recovering residents with wrap-around educational services to promote understanding of housing and financial options such as: financial literacy education, homebuyer counseling, credit repair counseling, mitigate default/foreclosure proceedings, etc. Housing Counselors will be equipped to connect program participants with resources including, but not limited to Voluntary Organizations Active in Disaster (VOAD), and other federally funded programs like COC and section 8, and rental subsidy programs.

**CDBG-DR Gap to Low Income Housing Tax Credit (LIHTC) Program**

*Eligible under Section 105(a)(4) of HCDA and IRC §42, Low-Income Housing Credit*

Puerto Rico receives millions of dollars each year in Low Income Housing Tax Credits (LIHTC) and currently has more than \$1 billion in LIHTC 4% projects available to be leveraged. Additionally, at least eleven (11) projects under the 9% tax-credit program are shovel-ready and awaiting gap financing. PRDOH will provide gap funding, using CDBG-DR dollars, for properties being developed with LIHTC, thus maximizing the benefit provided by both federal funding streams. Properties developed under this program are multi-family structures; which are evaluated based on cost reasonableness, developer capacity, number of beneficiaries and shovel-readiness.

**Rental Assistance Program**

*Eligible under Section 105(a) (8)/570.201(e)*

Grant funds will provide temporary rental assistance to residents of storm-impacted areas (pursuant to Federal Register Notice of allocation) who are experiencing homelessness or are at risk of becoming homeless. Rental assistance provided by the program utilized to reduce the monthly lease payment for a period of up to 24 months and will be used to make up the difference between the amount a household can afford for housing under local rent standards and can include an option to assist tenants with utility costs and security deposits.

**Home Energy Resilience Program**

*Eligible as a Public Service under 24 CFR Part 570.201*

The Home Energy Resilience program will provide homeowners or renters a voucher for a gas or solar powered water heater, and/or gas-powered stove, installation and related appurtenances so that residents can perform basic functions such as showering and preparing meals at home in the event of a power outage. Vouchers may be used at PRDOH pre-qualified vendors and installers. The cap in value per applicant is

Attachment 1 to HUD Addendum to the Puerto Rico FEMA Prototype PA FINAL

\$6,000, with only one system installation per home. Equipment will be installed and affixed to the residence. Priority will be given to the elderly and limited to low-income residents. Priority for the elderly does not preclude assistance to other eligible applicants. PRDOH anticipates providing home energy resilience improvements to at least 6,000 families under this program.

#### **Economic Development Planning Programs**

##### *Construction and Commercial Revolving Loan Program* *Eligible under Section 105 (a) (17) of HCDA*

The Construction and Commercial Revolving Loan Program provides local contractors access to start-up and mobilization capital will build local reconstruction capacity and maximize the amount of funds recirculated into the island's economy.

##### *Small Business Financing Program* *Eligible under Section 105 (a) (17) of HCDA*

The Small Business Financing Program provides loans, very small grants, or forgivable loans, to start-up, newly established, or growing small businesses for economic development purposes. Eligible businesses also receive technical assistance throughout the life of the loan by connecting them to any additional tools needed to operate successfully.

##### *Small Business Incubators and Accelerators Program* *Eligible under Section 105 (a)(15) and Section 105 (a) (17) of HCDA; 105(a)(22)*

The Small Business Incubators and Accelerators program will provide funding to non-profit organizations, units of local government, private, governmental and/or for-profit organizations to repair existing Small Business Incubators or build new ones. Business incubators and accelerators will be encouraged to incorporate resilience measures to allow for continuity of business operations in the event of power outages, natural disasters, or other disruptive events. This will provide the added benefit of creating business shelters during future events.

##### *Workforce Training Program* *Eligible under Section 105 (a) (17) of HCDA; Public Service Section 105(a)(8) of HCDA*

This program will help unemployed and underemployed residents find employment by providing job training in skill areas related to recovery efforts. Training curriculum offered will depend on the industries and areas with the greatest lack of capacity based on community unmet need in those industries and areas. Units of local government, non-profit organizations, and governmental and quasi-governmental agencies will be invited to propose workforce training programs to DDEC under program guidelines as approved by PRDOH.

##### *Tourism and Business Marketing Program* *Eligible under Section 105 (a)(15) and Section 105 (a) (17) of HCDA; 105(a)(22); and under 84 FR 40314*

This program will fund subrecipients to develop a comprehensive marketing effort to promote outside the Island that the area is open for business. The projected use of funds for marketing and outreach efforts will be focused on advertising creation and media placement (television/radio/digital and out-of-home advertising) outside of Puerto Rico, as well as promoting Puerto Rico as an ideal place to do business. No elected officials or political candidates will be featured or included in promotional marketing funded through this program. Per CDBG regulation, CDBG-DR funds shall not be used to engage in partisan political activities, such as candidate forums.

Attachment 1 to HUD Addendum to the Puerto Rico FEMA Prototype PA FINAL



**Strategic Projects and Commercial Development Program**

*Eligible under Section 101(c), Section 104(b), Section 105(c), Section 105(a)(4), Section 105(a)(15) of the HCDA*

Commercial rehabilitation activities are designed to bring commercial structures up to code or improve their facades. If the commercial structure is owned by a private, for-profit entity, the following limitations apply: Rehabilitation is limited to the exterior of the building and the correction of code violations; Any other improvements are carried out under the special economic development activities category.

Special economic activities provide for the acquiring, constructing, reconstructing, rehabilitating, or installing commercial or industrial buildings, structures, and other real property equipment and improvements, including railroad spurs or similar extensions. These are economic development projects undertaken by nonprofit entities and grantees (public entities).

**Infrastructure Programs****FEMA Coordination**

*Eligible under Section 105(a)(9) of the HCDA*

PRDOH may combine funding from FEMA's Hazard Mitigation Grant Program (HMGP) with CDBG-DR funds to complete resilience projects.

Amendment five of the notice FEMA-4339-DR, authorizes a 90% federal share for permanent work under FEMA categories C - G. It is allowable that CDBG-DR funds be used as part of a coordinated match or global match to provide all or a portion of the non-federal share. Using a Global Match, the non-federal share for each project need not be 10%, so long as the combined value of all eligible projects submitted equals or exceeds 10% for the overall disaster. Puerto Rico will co-ordinate with FEMA and HUD to ensure all eligibility requirements are met for all project applications submitted for Global Match.

**THIRD AMENDMENT TO THE PROGRAMMATIC AGREEMENT  
AMONG THE FEDERAL EMERGENCY MANAGEMENT AGENCY,  
THE PUERTO RICO STATE HISTORIC PRESERVATION OFFICER,  
AND THE PUERTO RICO CENTRAL OFFICE FOR RECOVERY,  
RECONSTRUCTION AND RESILIENCY**

**WHEREAS**, the Programmatic Agreement among the Federal Emergency Management Agency (FEMA), the Puerto Rico State Historic Preservation Officer (SHPO), and the Puerto Rico Central Office for Recovery, Reconstruction and Resiliency (COR3) was executed on May 6, 2019; a First Amendment was executed on May 31, 2018, and a Second Amendment was executed on November 13, 2019; and

**WHEREAS**, pursuant to Stipulation IV.D.2 of this Agreement the Signatories may agree to extend the Agreement to cover additional calendar years through an amendment per Stipulation IV.A, provided that the original Agreement has not expired, and the Signatories agree to such extension; and

**WHEREAS**, as the original Agreement has not expired, the Signatories collectively agree to extend this Agreement for a period of three (3) years from May 5, 2023, the date of expiration of the Agreement; and

**WHEREAS**, Appendix A (FEMA Program Summaries) has been modified to reflect modifications in FEMA programs that have occurred since the implementation of the Agreement; and

**WHEREAS**, no other modifications have been made to the Agreement; and

**NOW, THEREFORE**, FEMA and SHPO as Signatories and COR3 as an Invited Signatory agree that the Agreement and all its terms, complete with all the Appendices, shall be extended for a period of three (3) years from May 5, 2023, the date of expiration of the Agreement, as follows:



**SECOND AMENDMENT TO PROGRAMMATIC AGREEMENT AMONG  
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,  
THE PUERTO RICO STATE HISTORIC PRESERVATION OFFICER,  
AND THE PUERTO RICO CENTRAL OFFICE FOR RECOVERY,  
RECONSTRUCTION AND RESILIENCY**

**WHEREAS**, the Agreement was executed on May 6, 2016, and a First Amendment executed on May 31, 2018; and

**WHEREAS**, the Recipient's responsibilities for all current and previous disasters have been transferred by the Governor of Puerto Rico from the Puerto Rico Emergency Management Agency (PREMA) to the Puerto Rico Central Office of Recovery, Reconstruction and Resiliency (COR3); and

**WHEREAS**, in order to clarify FEMA's Section 106 compliance responsibilities resulting from the review of buildings less than 45 years old associated with FEMA's Public Assistance program, houses less than 45 years old associated with FEMA's Individual Assistance Program, and Tier I Allowances for the repair and retrofit of structures less than 45 years as outlined in Appendix B: Programmatic Allowances; and

**WHEREAS**, the definition of collapsed buildings and structures has been clarified and expanded in Appendix C: Criteria for Identification of Collapsed Buildings and Structures; and

**WHEREAS**, the process for private property debris removal (PPDR) has been modified to reflect the clarified roles between COR3 and Public Assistance Program, changes have been made to Appendix D: Private Property Debris Removal Program Process; and

**WHEREAS**, in order to address Archaeological Research Design and Data Recovery Plan, Section H has been added to Appendix F: Treatment Measures; and

**NOW, THEREFORE**, in accordance with Stipulation IV.A.1 of the Agreement, the Signatories and Invited Signatories agree to amend the Agreement, complete with all the Appendices below, as follows:

**FIRST AMENDMENT TO PROGRAMMATIC AGREEMENT AMONG  
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,  
THE PUERTO RICO STATE HISTORIC PRESERVATION OFFICER,  
AND THE PUERTO RICO EMERGENCY MANAGEMENT AGENCY**

**WHEREAS**, the Agreement was executed on May 6, 2016; and

**WHEREAS**, to minimize delays in the delivery of assistance by the Federal Emergency Management Agency (FEMA) in the aftermath of Hurricane Irma (DR-4336-PR) and Hurricane Maria (DR-4339-PR), the Agreement will be amended to include additional Programmatic Allowances under Appendix B for FEMA-funded activities which FEMA and SHPO have agreed will have no or minimal effect on historic properties if implemented as specified in this Appendix and will not require review by the State Historic Preservation Officer (SHPO); and

**WHEREAS**, in response to SHPO concerns regarding the anticipated new permanent housing construction program proposed in the aftermath of Hurricane Maria, SHPO and FEMA have agreed to remove “home replacement” from the list of actions exempted from Section 106 review as described in Stipulation I.A.7.a; and

**WHEREAS**, to ensure the appropriate application of the Programmatic Allowances (Appendix B), an expanded definition of “in-kind” as referenced in the Programmatic Allowances has been added to the introduction to Appendix B; and

**WHEREAS**, to ensure appropriate application of the Programmatic Allowances to ground disturbing activities, additional language has been added to the introduction of Appendix B regarding methods of identifying soil disturbance, types of projects that will likely disturb the soil horizon, and providing greater clarity on soil disturbance, especially as applicable to roads and parking area; and

**WHEREAS**, to address SHPO concerns resulting from the extensive FEMA-funded private property demolition that is anticipated in the aftermath of Hurricane Maria, **Appendix C: Criteria for Identification of Collapsed Structures** has been added to create common criteria for identifying collapsed structures; and

**WHEREAS**, to address SHPO concerns regarding the identification of buildings eligible for FEMA’s Private Property Debris Removal program **Appendix D: Private Property Debris Removal Program Process** has been added to ensure that only buildings meeting FEMA’s Public Assistance program eligibility guidelines will be reviewed for compliance with Section 106; and

**WHEREAS**, to address SHPO concerns regarding potential impacts to archaeological resources, **Appendix E: Low Impact Debris Removal Stipulations** has been added in order to provide Best Management Practices that will protect potential archaeological resources; and

**WHEREAS, Appendix C: Treatment Measures** has been retitled **Appendix F.**

**NOW THEREFORE,** in accordance with Stipulation IV.A.1 of the Agreement, the signatories and invited signatories agree to amend the Agreement, complete with all the Appendices below, as follows:

**PROGRAMMATIC AGREEMENT AMONG  
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,  
THE PUERTO RICO STATE HISTORIC PRESERVATION OFFICER,  
AND THE PUERTO RICO EMERGENCY MANAGEMENT AGENCY**

**WHEREAS**, the mission of the Federal Emergency Management Agency (FEMA) of the Department of Homeland Security is to support our citizens and first responders to ensure that as a nation we work together to build, sustain, and improve our capability to prepare for, protect against, respond to, recover from, and mitigate all hazards; and

**WHEREAS**, FEMA makes assistance available to States, Territories, Commonwealths, communities, Federally recognized Indian Tribes (Tribes) and other eligible entities through programs (Programs) set forth in Appendix A, pursuant to the Homeland Security Act of 2002, Pub. L. No. 107-296 (2002) (codified as amended at 6 U.S.C. § 101 *et seq.*); Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. No. 93-288 (1974) (codified as amended at 42 U.S.C. § 5121 *et seq.*, (Stafford Act); the National Flood Insurance Act of 1968, Pub. L. No. 90-448 (1968) (as amended); the National Flood Insurance Reform Act of 1994, Pub. L. No. 103-325 (1994) (as amended); the Post-Katrina Emergency Management Reform Act of 2006, Pub. L. No. 109-295 (2006) (as amended); implementing regulations contained in Title 44 of the Code of Federal Regulations (CFR), Executive Order 13407 (2006); the Sandy Recovery Improvement Act, Pub. L. No. 113-2 (2013); and such other acts, Executive Orders, implementing regulations, or Congressionally authorized programs as are enacted from time to time; and

**WHEREAS**, FEMA has determined that implementing its Programs may result in Undertakings (as defined by 54 U.S.C. § 300301 and 36 CFR § 800.16(y)) that may affect properties listed in or eligible for listing in the National Register of Historic Places (National Register) pursuant to 36 CFR Part 60 (historic properties), and FEMA has consulted with the Puerto Rico State Historic Preservation Officer (SHPO) pursuant to Section 106 of the National Historic Preservation Act (NHPA), Pub. L. No. 89-665 (1966) (codified at 54 U.S.C. § 306108 (as amended by Pub. Law No. 96-515 of December 14, 2014)), and the regulations implementing Section 106 of the NHPA (Section 106) at 36 CFR Part 800; and

**WHEREAS**, FEMA, the Advisory Council on Historic Preservation (ACHP), and the National Conference of State Historic Preservation Officers (NCSHPO) have determined that FEMA's Section 106 requirements can be more effectively and efficiently implemented and delays to the delivery of FEMA assistance minimized if a programmatic approach is used to stipulate roles and responsibilities, exempt certain Undertakings from Section 106 review, establish protocols for consultation, facilitate identification and evaluation of historic properties, and streamline the assessment and resolution of adverse effects; and

**WHEREAS**, FEMA has developed a Prototype Programmatic Agreement (FEMA Prototype Agreement) pursuant to 36 CFR § 800.14(b)(4) in consultation with the ACHP and NCSHPO



to serve as a basis for negotiation of a State specific Programmatic Agreement (Agreement) with the SHPO, State/Tribal Emergency Management Agency, and/or participating Tribe(s) or Native Hawaiian organization(s); and

**WHEREAS**, this Agreement conforms to the FEMA Prototype Agreement as designated by the ACHP on December 13, 2013, and therefore does not require the participation or signature of the ACHP; and

**WHEREAS**, in order to implement its Programs, FEMA will provide assistance to the Commonwealth of Puerto Rico that may provide monies and other assistance to eligible sub-recipients, and as such, the Central Recovery and Reconstruction Office of Puerto Rico (Recipients) that is typically responsible for administering funds provided under these Programs, has participated in this consultation, and FEMA has invited them to execute this Agreement as an Invited Signatory; and

**WHEREAS**, FEMA also may directly perform its own Undertakings pursuant to this Agreement; and

**WHEREAS**, there are no Federal Tribes recognized in the Commonwealth of Puerto Rico, and no known Tribal interests in the Commonwealth of Puerto Rico by non-resident Tribes, and therefore no Tribes were invited to execute this Agreement; and

**WHEREAS**, in anticipation or in the immediate aftermath of an event, impacted communities and the Commonwealth of Puerto Rico may conduct critical preparedness, response and recovery activities to safeguard public health and safety and/or to restore vital community services and functions before, during, and or following an event. Some of these activities may become Undertakings requiring Section 106 review subject to the terms of this Agreement, and FEMA shall coordinate the appropriate review as warranted; and

**WHEREAS**, for the review of specific Undertakings under this Agreement, FEMA may invite other agencies, organizations, and individuals to participate as consulting parties; and

**NOW, THEREFORE**, FEMA and SHPO as Signatories and the Recipients as Invited Signatory (collectively referenced hereafter as Signatories) agree that FEMA Programs in the Commonwealth of Puerto Rico shall be administered in accordance with the following Stipulations to satisfy FEMA's Section 106 and Section 110 responsibilities for all resulting Undertakings and effectively integrate historic preservation compliance considerations into the delivery of FEMA assistance. FEMA will not authorize implementation of an individual Undertaking until Section 106 review is completed pursuant to this Agreement.



## STIPULATIONS

To the extent of its legal authority, and in coordination with other Signatories, FEMA shall ensure that the following measures are implemented:

### I. GENERAL

#### A. Applicability

1. The execution of this Agreement supersedes the terms of the Programmatic Agreement among FEMA, SHPO, the Puerto Rico Emergency Management Agency, and the Puerto Rico Office of Management and Budget dated May 9, 2011, and the subsequent letter from the SHPO dated July 11, 2011, approving additional Allowances.
2. For FEMA Undertakings that also are within the jurisdiction of the Federal Communications Commission (FCC) and within the scope of its Section 106 Programmatic Agreements for communication facilities, FEMA defers Section 106 review in accordance with the ACHP Program Comment of October 23, 2009, amended September 24, 2015 (<http://www.ach.gov/docs/pc-wireless-communication.pdf>). The approval of funding for the FEMA Undertaking shall be conditioned upon the compliance of the sub-recipient with FCC's applicable Section 106 review. FEMA shall notify the SHPO when it applies the ACHP Program Comment to an Undertaking. FEMA remains responsible for any FEMA Undertakings it determines are outside the jurisdiction of FCC.
3. In the event of a Stafford Act major disaster or emergency declaration (Declaration), State, and local governments may lack the capability to perform or to contract for emergency work, and instead request that the work be accomplished by a Federal agency. Through a mission assignment (MA), FEMA may direct appropriate Federal agencies to perform the work. This Agreement shall apply to such Federal assistance undertaken by or funded by FEMA pursuant to Titles IV and V of the Stafford Act and 44 CFR Part 206.
4. FEMA may utilize this Agreement to fulfill its Section 106 responsibilities and those of other Federal agencies that designate FEMA, or another Federal agency, as the lead Federal agency pursuant to 36 CFR § 800.2(a)(2) with appropriate notification to the other Signatories and the ACHP regarding Undertakings that fall within the scope of this Agreement. When FEMA is not designated as the lead Federal agency, all Federal agencies, including FEMA, remain individually responsible for their compliance with Section 106. FEMA may also recognize another Federal agency as lead Federal agency for specific Undertakings as appropriate.
5. If another Federal program or Federal agency has concluded Section 106 consultation review and approved an Undertaking within the past five (5) years,

FEMA has no further requirement for Section 106 review regarding that Undertaking provided that FEMA:

- a. confirms that the scope and effect [as defined by 36 CFR § 800.16(i)] of its Undertaking are the same as that of the Undertaking reviewed by the previous agency;
- b. determines that the previous agency complied with Section 106 appropriately, and;
- c. adopts the findings and determinations of the previous agency.

FEMA shall document these findings in its project file in order to confirm that the requirements of Section 106 have been satisfied. Should FEMA, in consultation with SHPO determine that the previous Section 106 review was insufficient or involved interagency disagreements about eligibility, effect, and/or treatment measures, FEMA shall conduct additional Section 106 consultation in accordance with the terms of this Agreement.

- 6. With the written concurrence of the Signatories, other Federal agencies providing financial assistance for the same type of activities covered under the terms of this Agreement as outlined in Appendix A may satisfy their Section 106 responsibilities for such activities by accepting and complying in writing with the terms of this Agreement.
  - a. Other Federal agencies may include States and units of local government who have assumed environmental responsibilities of the U.S. Department of Housing and Urban Development and, acting as the Responsible Entity pursuant to 24 CFR Part 58, are responsible for environmental review, decision-making and action.
  - b. In such situations, the other Federal agency shall notify the Signatories in writing of its intent to use this Agreement to achieve compliance with its Section 106 requirements, and consult with the Signatories regarding its Section 106 compliance responsibilities. Resumes of staff who meet the Secretary of the Interior Professional Qualification Standard(s) and will review Second Tier projects in accordance with Appendix B of this Agreement shall be provided to the SHPO.
  - c. When amendments are made to the body of this Agreement, the other Federal Agencies utilizing the Agreement shall notify the Signatories in writing of its intent to use the Agreement as amended. Written notification by the other Federal agencies is not required when amendments are made to Appendices A, B C, D, E and F.

7. FEMA has determined that the following types of activities have limited or no potential to affect historic properties and FEMA has no further Section 106 responsibilities with regards to them, pursuant to 36 CFR § 800.3(a)(1):
- a. Pursuant to 44 CFR § 206.110(m), assistance to individuals and households provided under 44 CFR Part 206, Subpart D and Section 408 of the Stafford Act, including funding for owner occupied home repair, content replacement, personal property, transportation and healthcare expenses, is exempt from the provisions of Section 106. For ground disturbing activities, and construction related to 44 CFR §§ 206.117(b)(1)(ii) (temporary housing), 206.117(b)(3) (replacement housing), 206.117(b)(4) (permanent housing construction), 206.117(c)(1)(vi) (repair or replacement of privately owned access routes), and repair of multi-family housing units, FEMA shall conduct Section 106 review.
  - b. Administrative actions such as personnel actions, travel, procurement of services, supplies (including vehicles and equipment) for the support of day-to-day and emergency operational activities, and the temporary storage of goods provided storage occurs within existing facilities or on previously disturbed soils.
  - c. Granting of variances, and actions to enforce Federal, State, or local codes, standards or regulations.
  - d. Monitoring, data gathering, and reporting in support of emergency and disaster planning, response and recovery, and hazard activities.
  - e. Research and development of hazard warning systems, hazard mitigation plans, codes and standards, and education/public awareness programs.
  - f. Assistance provided for planning, studies, design and engineering costs that involve no commitment of resources other than staffing and associated funding.
  - g. Assistance provided for training, management and administration, exercises, and mobile/portable equipment purchases; with the exception of potential ground-disturbing activities and modification of existing structures.
  - h. Community Disaster Loans for funding to perform governmental functions for any eligible jurisdiction in a designated disaster area that has suffered a substantial loss of tax and other revenue.
  - i. Funding the administrative action of acquisition or lease of existing facilities where planned uses conform to past use or local land use requirements.
  - j. Funding the administrative action of acquiring properties in acquisition projects, including the real estate transaction



- k. Labor, equipment and materials used to provide security in the Declaration area, including lease, rental, purchase or repair of equipment or vehicles and payment for staff and contract labor.
  - l. Application of pesticides to reduce adverse public health effects, including aerial and truck-mounted spraying.
  - m. Unemployment assistance.
  - n. Distribution of food coupons.
  - o. Legal services.
  - p. Crisis counseling.
8. Any FEMA Programs authorized by the United States Congress in the future may be included in this Agreement in accordance with Stipulation IV.A, Amendments. Any change in the FEMA name, Programs, or organizational structure shall not affect this Agreement.

**B. Roles and Responsibilities of the Signatories**

**1. FEMA:**

- a. FEMA shall use Federal, State, sub-recipient, or contractor staff whose qualifications meet the Secretary of the Interior's (Secretary's) Professional Qualifications Standards (Professional Qualifications) set forth in the Federal Register at 48 Fed. Reg. 44716-01 (September 29, 1983), as amended (Qualified), in applying Second Tier Programmatic Allowances listed in Appendix B, completing identification and evaluation of historic properties and in making determinations of effects. FEMA shall review any National Register eligibility determination and make its own findings of effect resulting from the performance of these activities prior to submitting such determinations to the SHPO.
- b. In accordance with 36 CFR § 800.2(c)(4), FEMA may authorize the Recipients, or a sub-recipient through the Recipients, to initiate the Section 106 process with the SHPO and other consulting parties, assist in identifying other consulting parties with a demonstrated interest in the Undertaking, and prepare any necessary analyses and documentation, but FEMA shall remain responsible for determinations of National Register eligibility and findings of effect recommended by the authorized party. FEMA shall follow the process set forth in Stipulation I.B.1.a, FEMA Roles and Responsibilities, and notify the SHPO in writing when the Recipients or sub-recipient has been authorized to initiate consultation on FEMA's behalf.

- c. Prior to authorizing the release of funds for individual Undertakings requiring grant conditions pursuant to this Agreement, FEMA shall inform the Recipients of all stipulations and conditions and ensure that they are understood so they can be adequately conveyed to the sub-recipient. FEMA shall work in partnership with the Recipients to provide sub-recipient(s) with guidance on in-kind repair pursuant to *The Secretary of the Interior's Standards for the Treatment of Historic Properties 1995 (Standards)*, 36 CFR Part 68, or the most updated version, and techniques to avoid or minimize adverse effects to historic properties.
  - d. FEMA shall provide the Signatories and the ACHP with an annual report for actions taking place between November 1 and October 31 the previous year and will be made available to Signatories and Invited Signatory by December 31 of each year this Agreement is in effect. This annual report will summarize the actions taken to implement the terms of this Agreement, statistics on Undertakings reviewed, and recommend any actions or revisions to be considered, including updates to the appendices.
  - e. FEMA shall confer annually and as necessary with the other Signatories within thirty (30) days after issuance of the annual report, to review the report and/or discuss issues and concerns in greater detail. This review shall occur in person or by telephone as determined by FEMA.
  - f. FEMA shall notify the SHPO, as soon as practicable, following a Declaration to provide specific points of contact and other pertinent information about the Declaration.
  - g. FEMA may convene an initial scoping meeting with the Signatories and other interested parties as soon as practicable after each Declaration to address Declaration-specific issues and procedures.
  - h. FEMA shall ensure that all documentation resulting from Undertakings reviewed pursuant to this Agreement is consistent with applicable SHPO guidelines and the confidentiality provisions of 54 U.S.C. § 300301 and 36 CFR § 800.11(c).
  - i. FEMA will notify in writing the Federal Preservation Officer(s) of other Federal agency(s) utilizing the Agreement in accordance with Stipulation I.A.6. of any proposed amendments to the Agreement.
2. SHPO:
- a. SHPO shall review FEMA's determination of the Areas of Potential Effects (APE), National Register eligibility determinations, and FEMA's effect findings and respond within timeframes required by this Agreement.



- b. Upon request, the SHPO shall provide FEMA and/or its designee(s) with available information about historic properties (such as access to online systems or site files, GIS data, survey information, geographic areas of concern). Such data sharing may be memorialized in an agreement. Only Qualified FEMA staff and/or designee(s) shall be afforded access to protected historic property information.
- c. The SHPO shall identify staff or consultants to assist FEMA staff with their Section 106 responsibilities, and identify, in coordination with FEMA, those activities within the Section 106 review process that SHPO may perform for specific Undertakings as agreed in writing with FEMA.
- d. As requested, SHPO staff shall be reasonably available as a resource and for consultation through site visits, written requests, telephone conversations or electronic media (can only accept documents on a CD). In those instances where consultation with SHPO has occurred, FEMA shall provide a written summary via regular mail to SHPO, including any decisions that were reached.
- e. The SHPO may delegate some or all of its responsibilities under this Agreement to one or more Liaisons to serve as a dedicated point of contact for consultation with FEMA. The SHPO shall confer with FEMA about the selection of any Liaisons, the scope of responsibilities delegated and related implementing procedures. SHPO shall formally document these decisions for concurrence by FEMA. Liaisons are not required to be members of the SHPO staff.
- f. The SHPO shall participate in an initial scoping meeting in response to a Declaration.
- g. The SHPO may assist local jurisdictions and/or the Recipients in the Commonwealth of Puerto Rico with advance planning efforts to consider historic properties in the context of homeland security considerations, including disaster preparedness, response, recovery, and mitigation programs for which FEMA funding may be requested.
- h. The SHPO shall coordinate with FEMA, to identify consulting parties, including any communities, organizations, or individuals that may have an interest in a specific Undertaking and its effects on historic properties.
- i. The SHPO shall participate in annual reviews convened by FEMA to review the effectiveness of this Agreement in accordance with Stipulation I.B.1.e.

### 3. Recipient(s):

- a. The Recipient(s) shall ensure that their sub-recipient(s) understand and acknowledge conditions and potential requirements that may be placed upon Undertakings as a result of Section 106 consultation and the provisions of this Agreement.
- b. The Recipient(s) shall participate in an initial scoping meeting in response to a Declaration.
- c. The Recipient(s) shall ensure that their sub-recipient(s) understand that failure to comply with any project-specific conditions that have been placed on their grants could jeopardize FEMA funding.
- d. The Recipient(s) shall notify FEMA as soon as possible of any proposed change to the approved scope of work. The Recipient(s) shall direct their sub-recipient(s) not to implement the changes to the proposed scope of work until any additional review required by this Agreement is complete.
- e. The Recipient(s) shall ensure that its sub-recipient(s) are made aware that in the event of an unexpected discovery involving an Undertaking that has affected a previously unidentified historic property or human remains, or affected a known historic property in an unanticipated manner, the sub-recipient(s) will comply with Stipulation III.B, Unexpected Discoveries, Previously Unidentified Properties, or Unexpected Effects.
- f. The Recipient(s) shall ensure that in its sub-recipient(s) agreements, any scope of work involving ground disturbance, and resultant contracts to execute said work, provide for the protection of and notification protocols for unexpected discoveries or unexpected effects to historic properties and human remains.

### C. Public Participation

1. FEMA recognizes that the views of the public are essential to informed decision making throughout the Section 106 consultation process. FEMA shall notify the public of proposed Undertakings in a manner that reflects the nature, complexity, significance of historic properties likely affected by the Undertaking, the likely public interest given FEMA's specific involvement, and any confidentiality concerns.
2. FEMA may consult with the Recipient(s), sub-recipient(s), SHPO, and other consulting parties to determine if there are individuals or organizations with a demonstrated interest in historic properties that should be included as a consulting party for the Undertaking in accordance with 36 CFR § 800.2(c)(5). If such parties are identified or identify themselves to FEMA, FEMA shall provide them with

information regarding the Undertaking and its effects on historic properties, consistent with the confidentiality provisions of 36 CFR § 800.11(c).

3. In accordance with the outreach strategy developed for an Undertaking in consultation with the SHPO for involving the public, FEMA shall identify the appropriate stages for seeking public input during the Section 106 consultation process. FEMA shall consider all views provided by the public regarding an Undertaking.
4. FEMA may also provide public notices and the opportunity for public comment or participation in an Undertaking through the public participation process of the National Environmental Policy Act (NEPA) and its implementing regulations set out at 44 CFR Part 10, and/or Executive Orders 11988 and 11990 relating to floodplains and wetlands as set out in 44 CFR Part 9, and as appropriate, Executive Order 12898, Environmental Justice, provided such notices specifically reference Section 106 as a basis for public involvement.
5. Should a member of the public object in writing to implementation of the Agreement's terms, FEMA will notify the other Signatories in writing and take the objection into consideration. FEMA shall consult with the objecting party and, if that party so requests, the other Signatories, for not more than thirty (30) days. In reaching its decision regarding the objection, FEMA shall take into consideration all comments from these parties. Within fifteen (15) days after closure of this consultation period, FEMA shall provide the other parties with its final decision in writing.

#### D. Timeframes and Communications

1. All time designations shall be in calendar days unless otherwise stipulated. If any Signatory does not object to FEMA's finding or determination related to an Undertaking within an agreed upon timeframe, FEMA may proceed to the next step in the consultation process as described in Stipulation II, Project Review.
2. Due to the varied nature of Undertakings, the individual response times to FEMA's requests for comment/concurrence will vary. These response times are contingent upon FEMA ensuring that its findings and determinations are made by Qualified staff and supported by documentation as required by 36 CFR § 800.11(d) and 36 CFR § 800.11(e), and consistent with FEMA guidance.
  - a. For Emergency Undertakings as outlined in Stipulation II.B, Expedited Review of Emergency Undertakings, the SHPO shall respond to any FEMA request for comments within three (3) days after receipt, unless FEMA determines the nature of the emergency action warrants a shorter time period.
  - b. For Undertakings associated with the Individual Assistance (IA) and Public Assistance (PA) programs, the response time for each request for concurrence



shall be a maximum of fifteen (15) days, or in accordance with temporary timelines established by FEMA on a Declaration by Declaration basis.

- c. For the Hazard Mitigation Grant Program (HMGP) and all non-disaster programs, the response time for each request for concurrence shall be a maximum of thirty (30) days.
3. The consulting parties may send and accept official notices, comments, requests for further information and documentation, and other communications required by this Agreement by e-mail.

## II. PROJECT REVIEW

### A. Programmatic Allowances

1. If FEMA determines an Undertaking conforms to one or more allowances in Appendix B of this Agreement, FEMA shall complete the Section 106 review process by documenting this determination in the project file, without SHPO review or notification.
2. If the Undertaking involves a National Historic Landmark (NHL) (<http://www.nps.gov/nhl/find/statelist/pr/PR.pdf>), FEMA shall notify the SHPO and the NPS NHL Program Manager of the NPS Southeast Regional Office (Atlanta Federal Center, 1924 Building, 100 Alabama Street SW, Atlanta, GA 30303. Phone: 404-507- 5792; FAX: 404-562-3202 Email: [SER\\_NHL@nps.gov](mailto:SER_NHL@nps.gov)) that the Undertaking conforms to one or more allowances. FEMA shall provide information about the proposed scope of work for the Undertaking and the allowance(s) enabling FEMA's determination.
3. If FEMA determines any portion of an Undertaking's scope of work does not conform to one or more allowances listed in Appendix B, FEMA shall conduct expedited or standard Section 106 review, as appropriate, for the entire Undertaking in accordance with Stipulation II.B, Expedited Review for Emergency Undertakings, or Stipulation II.C, Standard Project Review.
4. Allowances may be revised and new allowances may be added to this Agreement in accordance with Stipulation IV.A.3, Amendments.

### B. Expedited Review for Emergency Undertakings

1. Determine Expedited Review
  - a. As part of the Declaration process, FEMA shall define the time interval during which the disaster causing incident occurs (the incident period, as defined in 44

CFR § 206.32(f)). FEMA may approve direct Federal assistance and/or funding for emergency work (as defined in 44 CFR § 206.201(b)) that occurs during the incident period, including work already completed, in response to an immediate threat to human health and safety or property. Pursuant to 36 CFR § 800.12(d), FEMA may conduct expedited review of emergency Undertakings for thirty (30) days from the beginning of the incident period.

- b. Should FEMA determine that it is necessary to extend the expedited review period for emergency Undertakings beyond the initial thirty (30) days, FEMA shall, in thirty (30)-day increments, as needed, notify in writing the Recipients, SHPO and ACHP.

## 2. Conduct Expedited Reviews

- a. If the emergency Undertaking is an immediate rescue and salvage operation conducted in response to an event to preserve life and property, FEMA has no Section 106 consultation responsibilities in accordance with 36 CFR § 800.12(d); or
- b. If the emergency Undertaking meets one or more of the Allowances in Appendix B of this Agreement, FEMA shall complete the Section 106 review process pursuant to Stipulation II.A.1, Programmatic Allowances.
- c. If FEMA determines that the emergency Undertaking would adversely affect a historic property during this expedited review period:
  - i. To the extent practicable, FEMA will propose treatment measures that would address adverse effects during implementation, and request the comments of the SHPO within three (3) days of receipt of this information unless FEMA determines the nature of the emergency warrants a shorter time period.
  - ii. FEMA may provide this information through written requests, telephone conversations, meetings, or electronic media (CD's only). In all cases, FEMA shall clarify that an "expedited review" is being requested for the Undertaking.
  - iii. FEMA shall take into account any timely comments provided by SHPO in making a decision on how to proceed.
  - iv. Should the SHPO not comment within three (3) days, FEMA shall complete Section 106 consultation for the Undertaking based on the available information.
  - v. FEMA shall notify the SHPO of the final decision, indicating how any comments received were considered in reaching that decision.



C. **Standard Project Review:** For Undertakings not exempt from further Section 106 review, FEMA shall ensure that the following standard project review steps are implemented. In the interest of streamlining, FEMA may combine some or all of these steps during consultation in accordance with 36 CFR § 800.3(g).

1. **Consulting Parties:** FEMA shall consider all written requests of individuals and organizations to participate as consulting parties, and consult with the SHPO to identify any other parties that meet the criteria to be consulting parties and invite them to participate in the Section 106 process. FEMA may invite others to participate as consulting parties as the Section 106 consultation proceeds. FEMA shall invite any individual or organization that will assume a specific role or responsibility outlined in a Memorandum of Agreement (MOA) or Programmatic Agreement to participate as an invited signatory to the agreement.

2. **Area of Potential Effects:**

a. For standing structures or buildings not adjacent to or located within the boundaries of a National Register listed or eligible district, Qualified staff may define the (Area of Potential Effect (APE) as the individual structure or building when the proposed Undertaking is limited to its repair or rehabilitation (as defined in 36 CFR § 68.2(b)).

b. For all other Undertakings, Qualified staff shall determine the APE in consultation with the SHPO. FEMA may consider information provided by other parties, such as local governments and the public, when establishing the APE.

3. **Identification and Evaluation:** Qualified staff shall determine in consultation with the SHPO if the APE contains historic properties, including properties of religious and cultural significance. This may include the review of documentation provided by the Recipients or sub-recipient in coordination with the SHPO.

a. **Level of Effort:** FEMA shall make a reasonable and good faith effort to identify historic properties in accordance with 36 CFR § 800.4(b)(1). FEMA may consult with the SHPO to determine the level of effort and methodology necessary to identify and evaluate a variety of historic property types.

b. **National Historic Landmarks:** When FEMA identifies an Undertaking with the potential to affect an NHL, FEMA shall contact the NPS NHL Program Manager of the NPS Southeast Regional Office (Atlanta Federal Center, 1924 Building, 100 Alabama Street SW, Atlanta, GA 30303. Phone: 404-507-5792; FAX: 404-562- 3202 Email: [SER\\_NHL@nps.gov](mailto:SER_NHL@nps.gov).) in addition to the SHPO, and other consulting parties. The purpose of this notification is to ensure early coordination for the Undertaking which FEMA later may determine adversely affects the NHL.

as outlined in Stipulation II.C.8.

- c. Determinations of Eligibility: FEMA shall review or determine National Register eligibility based on identification and evaluation efforts and consult with SHPO and other consulting parties regarding these determinations. Should the SHPO or another consulting party disagree with the determination of eligibility, FEMA shall either:
  - i. Elect to consult further with the objecting party until the objection is resolved;
  - ii. Treat the property as eligible for the National Register; or
  - iii. Obtain a determination of eligibility from the Keeper of the National Register in accordance with 36 CFR § 63.2(d)-(e) and 36 CFR § 800.4(c)(2).
- 4. Findings of No Historic Properties Affected: FEMA shall make a finding of “no historic properties affected” under the following circumstances:
  - a. If no historic properties are present in the APE; or
  - b. The Undertaking is designed to avoid effects to historic properties; or
  - c. The Undertaking does not affect the character defining features of a historic property.
  - d. FEMA shall notify the SHPO and any other consulting parties of this finding and provide supporting documentation in accordance with 36 CFR § 800.11(d). Unless the SHPO objects to the finding within the applicable timeframe outlined in Stipulation I.D, Timeframes and Communications, the Section 106 review of the Undertaking will have concluded.
  - e. If the SHPO objects to a finding of “no historic properties affected,” FEMA shall consult with the SHPO to resolve the disagreement.
    - i. If the objection is resolved, FEMA either may proceed with the Undertaking in accordance with the resolution or reconsider effects on the historic property by applying the criteria of adverse effect pursuant to Stipulation II.C.5, Application of the Criteria of Adverse Effect, below.
    - ii. If FEMA is unable to resolve the disagreement, it will forward the finding and supporting documentation to the ACHP and request that the ACHP review FEMA’s finding in accordance with 36 CFR § 800.4(d)(1)(iv)(A) through 36 CFR § 800.4(d)(1)(iv)(C). FEMA shall consider the ACHP’s recommendation in making its final determination. If FEMA’s final

determination is to reaffirm its “no historic properties affected” finding, the Section 106 review of the Undertaking will have concluded. Otherwise, FEMA will proceed to Stipulation II.C.5., below.

5. Application of the Criteria of Adverse Effect: If FEMA finds an Undertaking may affect historic properties in the APE, FEMA shall apply the criteria of adverse effect to historic properties within the APE(s), taking into account the views of the consulting parties and the public concerning effects in accordance with 36 CFR § 800.5(a).
  - a. If FEMA determines that an Undertaking does not meet the adverse effect criteria, FEMA shall propose a finding of “no adverse effect” in accordance with 36 CFR § 800.5(b).
    - i. FEMA shall notify the SHPO, and all other consulting parties of its finding and provide supporting documentation pursuant to 36 CFR §800.11(e).
    - ii. Unless a consulting party objects within the applicable timeframe outlined in Stipulation I.D, Timeframes and Communications, FEMA will proceed with its “no adverse effect” determination and conclude the Section 106 review.
    - iii. If a consulting party objects to a finding of “no adverse effect,” FEMA will consult with the objecting party to resolve the disagreement.
      - 1) If the objection is resolved, FEMA shall proceed with the Undertaking in accordance with the resolution, or;
      - 2) If the objection cannot be resolved, FEMA shall request that the ACHP review the findings in accordance with 36 CFR § 800.5(c)(3)(i)-(ii) and submit the required supporting documentation. FEMA shall consider the ACHP’s comments in making its final determination.
  - b. If FEMA finds the Undertaking may adversely affect historic properties, FEMA shall request through the Recipients that the sub-recipient revise the scope of work to substantially conform to the *Standards* for standing structures or buildings, or avoid or minimize adverse effects for National Register listed or eligible historic properties.
    - i. If the sub-recipient modifies the scope of work to avoid the adverse effect(s), FEMA shall notify the SHPO and all other consulting parties, and provide supporting documentation. Unless a consulting party makes a timely objection in accordance with the applicable timeframe outlined in Stipulation I.D, Timeframes and Communications, FEMA shall proceed with its “no adverse effect” determination, including any conditions, and conclude the Section 106 review.



- ii. If an Undertaking is not modified to avoid the adverse effect(s), FEMA shall initiate consultation to resolve the adverse effect(s) in accordance with Stipulation II.C.6, Resolution of Adverse Effects.
- 6. **Resolution of Adverse Effects:** If FEMA determines that an Undertaking may adversely affect a historic property, it shall resolve the effect(s) of the Undertaking in consultation with the SHPO, Recipients, sub-recipient, the ACHP, if participating, and other consulting parties, by one of the following methods depending upon the severity of the adverse effect(s) as well as determination of the historic property's significance on a local, state or national level. When FEMA determines an Undertaking will adversely affect an NHL, FEMA shall notify and invite the Secretary and ACHP to participate in consultation in accordance with 36 CFR § 800.10. When the ACHP participates in consultation related to an NHL, the ACHP shall report the outcome of the consultation to the Secretary and the FEMA Administrator.
  - a. **Abbreviated Consultation Process:** After taking into consideration the significance of the historic properties affected, the severity of the adverse effect(s) and avoidance or minimization of the adverse effect(s), FEMA may propose in writing to the consulting parties to resolve the adverse effect(s) of the Undertaking through the application of one or more Treatment Measures outlined in Appendix F as negotiated with the SHPO and other consulting parties. The use of these Treatment Measures shall not require the execution of an MOA or Programmatic Agreement.
    - i. In consultation with the SHPO and other consulting parties, FEMA shall propose in writing the implementation of a specific Treatment Measure, or combination of Treatment Measures, with the intent of expediting the resolution of adverse effects, and provide documentation as required by 36 CFR § 800.11(e) and subject to the confidentiality provisions of 36 CFR § 800.11(c)). Unless a consulting party or the ACHP objects within fifteen (15) days of receipt of FEMA's proposal, FEMA shall proceed with the implementation of the Treatment Measure(s) and will conclude the Section 106 review.
    - ii. If any of the consulting parties or the ACHP objects within the fifteen (15) day review and comment period to the resolution of adverse effects through the application of the Abbreviated Consultation Process, FEMA shall resolve the adverse effect(s) using procedures outlined below in Stipulation II.C.6(b), MOA or Stipulation II.C.6.(c), Programmatic Agreement.
    - iii. Because funding and implementation details of Treatment Measures for specific Undertakings may vary by program, FEMA shall provide written notice to the consulting parties within sixty (60) days of the completion of the Treatment Measure(s). This written notice will serve as confirmation that

the Treatment Measure(s) for a specific Undertaking have been implemented. FEMA also shall include information pertaining to the completion of Treatment Measures in the annual report pursuant to Stipulation I.B.1.d, FEMA Roles and Responsibilities.

- b. Memorandum of Agreement: FEMA shall provide the ACHP with an adverse effect notice in accordance with 36 CFR § 800.6(a)(1) if it has not already provided such under the Abbreviated Consultation Process of this Agreement, if a consulting party or the ACHP objects in accordance with Stipulation II.C.6(a)(ii), or if FEMA in consultation with the SHPO and other consulting parties has determined that an MOA would be more appropriate to resolve the adverse effect(s). In consultation with the SHPO and other consulting parties, including the ACHP (if participating), FEMA shall develop an MOA in accordance with 36 CFR § 800.6(c) to agree upon treatment measures to avoid, minimize, and/or mitigate adverse effect(s) on historic properties. The MOA may also include treatment measures that serve an equal or greater public benefit in promoting the preservation of historic properties in lieu of more traditional treatment measures.
- c. Programmatic Agreement: Should the execution of an MOA be inappropriate given the similar nature of effects on historic properties, the inability to determine effects prior to approval of an Undertaking, or where other circumstances warrant, FEMA, shall consult with the SHPO and the ACHP, if participating, and any other consulting parties to develop a Programmatic Agreement in accordance with 36 CFR § 800.14(b) and identify programmatic conditions or treatment measures to govern the resolution of potential or anticipated adverse effects from certain complex project situations for an Undertaking or for multiple but similar Undertakings by a single sub-recipient.
- d. Objections: Should any signatory or consulting party object within the timeframes established by this Agreement to any plans, specifications, or actions taken pursuant to resolving an adverse effect, FEMA shall consult further with the objecting party to seek resolution. If FEMA determines the objection cannot be resolved, FEMA shall address the objection in accordance with Stipulation IV.B, Dispute Resolution.

### III. OTHER CONSIDERATIONS

- A. Changes to an Approved Scope of Work: The Recipients shall notify FEMA and shall require a sub-recipient to notify the Recipient immediately when a sub-recipient proposes changes to an approved scope of work for an Undertaking.
  - 1. If FEMA determines the change meets a Programmatic Allowance or has no effect on the property, FEMA shall approve the change.



2. If the change can be modified to meet a Programmatic Allowance, or conform to any applicable SOI Standards, FEMA shall conclude its Section 106 review responsibilities.
  3. If FEMA determines that the change does not meet an Allowance, FEMA shall initiate consultation pursuant to Stipulation II.C, Standard Project Review.
- B. Unanticipated Discoveries, Previously Unidentified Properties, or Unexpected Effects:
1. Upon notification by a sub-recipient of an unexpected discovery, or if it appears that a Undertaking has affected a previously unidentified property or affected a known historic property in an unanticipated manner, in accordance with Stipulation I.B.3(e), Recipients Roles and Responsibilities, the Recipients shall immediately notify FEMA and require the sub-recipient to:
    - a. Stop construction activities in the vicinity of the discovery.
    - b. Take all reasonable measures to avoid or minimize harm to the property until FEMA has completed consultation with the SHPO, and any other consulting parties. Upon notification by the Recipients of a discovery, FEMA shall immediately notify the SHPO, and other consulting parties that may have an interest in the discovery, previously unidentified property or unexpected effects, and consult to evaluate the discovery for National Register eligibility and/or the effects of the Undertaking on historic properties.
    - c. If human remains are discovered, notify the local law enforcement office and coroner/medical examiner in accordance with applicable Commonwealth statute(s), and protect the remains from any harm. Notify the SHPO within twenty- four (24) hours of identifying human remains.
    - d. Assist FEMA in completing the following actions, as required:
      - i. FEMA shall consult with the SHPO and other consulting parties in accordance with the consultation process outlined in Stipulation II, Project Review, to develop a mutually agreeable action plan with timeframes to identify the discovery or previously unidentified property, take into account the effect(s) of the Undertaking, resolve adverse effect(s) if necessary, and ensure compliance with applicable Federal, State, and local statutes.
      - ii. FEMA shall coordinate with the Recipients and the sub-recipient regarding any needed modification to the scope of work for the Undertaking necessary to implement recommendations of the consultation and facilitate proceeding with the Undertaking.
      - iii. In cases where discovered human remains are determined to be native to

Puerto Rico, FEMA shall follow the guidelines outlined in the ACHP's *Policy Statement Regarding the Treatment of Burial Sites, Human Remains, and Funerary Objects* (2007) and any state-specific policies that may be in force.

**C. Curation**

1. FEMA and the Recipients shall ensure that recovered artifacts and related documentation are curated in a suitable repository as agreed to by FEMA and SHPO, following applicable federal guidelines (36 CFR Part 79).
2. When an Undertaking will adversely affect a National Register listed or eligible archaeological site, FEMA may treat the adverse effect by providing for the recovery of significant information through archaeological data recovery. FEMA shall consult with the SHPO and other consulting parties to prepare a research design (data recovery plan), including a specific plan for curation. This plan will incorporate any relevant curation provisions contained in ACHP's "*Recommended Approach for Consultation on Recovery of Significant Information from Archaeological Sites*" published in the Federal Register (64 Federal Register 27085-27087 (May 18, 1999)), or other provisions agreed to by the consulting parties. No excavation should be initiated before FEMA acceptance and approval of the curation plan.
  - a. As stipulated in the curation plan, artifacts, as well as field and laboratory records sufficient to document the collection, shall be curated at a facility that meets the standards of, and in accordance with the provisions of 36 CFR Part 79, "Curation of Federally Owned and Administered Archaeological Collections," and applicable State requirements.

**D. Review of Undertakings Initiated Before Completion of Section 106 Review**

1. In accordance with Section 110(k) of the NHPA, FEMA shall not grant assistance to a sub-recipient who, with intent to avoid the requirements of this Agreement or Section 106 of the NHPA, has intentionally significantly and adversely affected a historic property to which the assistance would relate, or having legal power to prevent it, allowed an adverse effect to occur. However, if after consultation with the SHPO and ACHP, FEMA determines that extraordinary circumstances justify granting assistance despite the adverse effect created or permitted by the sub-recipient, FEMA shall complete consultation for the Undertaking pursuant to the terms of this Agreement.
2. FEMA shall specifically advise the Recipients and shall require that the Recipients advise its sub-recipient in writing that they may jeopardize Federal funding if work is performed without all required local, State, and Federal licenses, permits, and/or approvals, including the completion of the Section 106 process. FEMA also shall document this requirement in its Record of Environmental Consideration, as applicable, as well as all project approval documents specifying the project scope

and limits, and containing all conditions and caveats.

3. In circumstances where FEMA determines a sub-recipient has initiated an Undertaking without willful intent to avoid the requirements of this Agreement or Section 106 of NHPA, FEMA shall proceed as follows:
  - a. Determine if the Undertaking is of a type for which FEMA has no further Section 106 responsibilities, namely:
    - i. An Undertaking listed in Stipulation I.A.7; or
    - ii. An immediate rescue and salvage operation in accordance with 36 CFR § 800.12(d); or
    - iii. A Programmatic Allowance as described under Stipulation II.A.
  - b. In any such cases listed in Stipulation III.D.3.a., above, FEMA shall document this determination in the project files, and consider the Undertaking Section 106 compliant.
  - c. If FEMA determines the Undertaking would have required Section 106 review, FEMA shall coordinate with the SHPO to determine if consultation is feasible.
    - i. If after coordination with the SHPO, FEMA determines that consultation is feasible, FEMA shall review the Undertaking in accordance with Stipulation II.C, Standard Project Review.
    - ii. If after coordination with the SHPO, FEMA determines that review is infeasible, FEMA shall document the outcome to the Section 106 review process, and the applicable FEMA program shall take the outcome into account before making a decision whether to fund the Undertaking. FEMA shall provide written notification of its funding decision to the Recipients, SHPO and ACHP.
4. FEMA shall ensure that all Undertakings considered for after the fact review in accordance with this stipulation are included in the annual report.

#### **IV. IMPLEMENTATION OF AGREEMENT**

##### **A. Amendments**

1. If any Signatory determines that an amendment to the terms of this Agreement must be made, the Signatories shall consult for no more than thirty (30) days to seek amendment of the Agreement.



2. An amendment to this Agreement, exclusive of the appendices, shall be effective only when it has been signed by all the Signatories.
3. Appendix A (FEMA Program Summaries), Appendix B (Programmatic Allowances), Appendix C (Criteria for Identification of Collapsed Structures), Appendix D (Private Property Debris Removal Program Process), Appendix E (Low Impact Debris Removal Stipulation), and Appendix F (Treatment Measures) may be amended at the request of FEMA or another Signatory in the following manner:
  - a. FEMA, on its own behalf or on behalf of another Signatory, shall notify the other Signatories of the intent to modify the current Appendix or Appendices and shall provide the Signatories a draft of the updated Appendix or Appendices.
  - b. If no other Signatory objects in writing within thirty (30) days of receipt of FEMA's proposed modification, FEMA shall date and sign the amended Appendix and provide a copy of the amended Appendix to the other Signatories. Such an amendment shall go into effect on the date FEMA transmits the amendment to the other Signatories.

#### B. Dispute Resolution

1. Should any Signatory object in writing to the terms of this Agreement, FEMA shall consult with the objecting party for not more than thirty (30) days to resolve the objection.
2. If the objection is resolved within thirty (30) days, FEMA shall proceed in accordance with the resolution.
3. If FEMA determines within thirty (30) days that the objection cannot be resolved, FEMA shall forward to ACHP all documentation relevant to the objection, including FEMA's proposed resolution. Within thirty (30) days of receipt, ACHP will:
  - a. Concur in FEMA's proposed resolution; or
  - b. Provide FEMA with recommendations, which FEMA shall take into account in reaching a final decision regarding the objection; or
  - c. Notify FEMA that the objection will be referred for comment in accordance with 36 CFR § 800.7(a)(4), and proceed to do so.
4. FEMA shall take into account any ACHP recommendations or comments, and any comments from the other Signatories, in reaching a final decision regarding the objection. FEMA shall provide in writing to the ACHP and Signatories a summary of its final decision before authorizing any disputed action to proceed. The Signatories shall continue to implement all other terms of this Agreement that are

not subject to objection.

5. If the ACHP does not respond within thirty (30) days, FEMA may assume the ACHP has no comment and proceed with its proposed resolution to the objection after providing the ACHP and Signatories a written summary of its final decision.

**C. Severability and Termination**

1. In the event any provision of this Agreement is deemed by a Federal court to be contrary to, or in violation of, any applicable existing law or regulation of the United States of America, only the conflicting provision(s) shall be deemed null and void, and the remaining provisions of the Agreement shall remain in effect.
2. FEMA, the SHPO, ACHP, or Recipients may terminate this Agreement by providing thirty (30) days written notice to the other Signatories, provided that the Signatories consult during this period to seek amendments or other actions that would prevent termination. If this Agreement is terminated, FEMA shall comply with Section 106 through other applicable means pursuant to 36 CFR Part 800. Upon such determination, FEMA shall provide all other Signatories and the ACHP with written notice of the termination of this Agreement.
3. This Agreement may be terminated by the implementation of a subsequent Agreement, pursuant to 36 CFR § 800.14(b), that explicitly terminates or supersedes this Agreement, or by FEMA's implementation of Alternate Procedures, pursuant to 36 CFR § 800.14(a).

**D. Duration and Extension**

1. This Agreement shall remain in effect from the date of execution for a period not to exceed seven (7) years unless otherwise extended pursuant to Stipulation IV.D.2 below, or terminated pursuant to Stipulation IV.C.2 or IV.C.3, Severability and Termination. The Agreement shall remain in effect for Declarations made prior to expiration of the Agreement in order to minimize delays in delivery of FEMA assistance.
2. The Signatories may collectively agree to extend this Agreement to cover additional calendar years, or portions thereof, through an amendment per Stipulation IV.A., provided that the original Agreement has not expired.

**E. Execution and Implementation**

1. This Agreement may be executed in counterparts, with a separate page for each Signatory, and shall become effective on the date of the final signature of FEMA and the SHPO.



2. FEMA shall ensure that each Signatory is provided with a complete copy of the Agreement, including an original set of signatures.
3. Execution and implementation of this Agreement evidence that FEMA has afforded ACHP a reasonable opportunity to comment on FEMA's administration of all referenced Programs, and that FEMA has satisfied its Section 106 responsibilities for all individual Undertakings of its referenced Programs.

**PROGRAMMATIC AGREEMENT AMONG  
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,  
THE PUERTO RICO STATE HISTORIC PRESERVATION OFFICER,  
AND THE PUERTO RICO CENTRAL OFFICE FOR RECOVERY,  
RECONSTRUCTION AND RESILIENCY**

**SIGNATORY PARTY**

**FEDERAL EMERGENCY MANAGEMENT AGENCY**

**JOHN J MCKEE**

Digitally signed by JOHN J  
MCKEE

Date: 2023.04.25 15:32:18 -04'00'

By: \_\_\_\_\_

Date: \_\_\_\_\_

**John McKee**

**Regional Environmental Officer**

**FEMA Region 2**

**DAVID S WARRINGTON**

Digitally signed by DAVID S WARRINGTON

Date: 2023.05.03 14:49:37 -04'00'

By: \_\_\_\_\_

Date: \_\_\_\_\_

**David Warrington**

**Regional Administrator**

**FEMA Region 2**

**PROGRAMMATIC AGREEMENT AMONG  
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,  
THE PUERTO RICO STATE HISTORIC PRESERVATION OFFICER,  
AND THE PUERTO RICO CENTRAL OFFICE FOR RECOVERY,  
RECONSTRUCTION AND RESILIENCY**

**SIGNATORY PARTY**

**PUERTO RICO STATE HISTORIC PRESERVATION OFFICER**


By:   
Carlos Rubio Cancela  
State Historic Preservation Officer

Date: April 20, 2023

**PROGRAMMATIC AGREEMENT AMONG  
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,  
THE PUERTO RICO STATE HISTORIC PRESERVATION OFFICER,  
AND THE PUERTO RICO CENTRAL OFFICE FOR RECOVERY,  
RECONSTRUCTION AND RESILIENCY**

**SIGNATORY PARTY**

**THE PUERTO RICO CENTRAL OFFICE FOR RECOVERY, RECONSTRUCTION AND  
RESILIENCY (COR3)**

By:   
**Manuel A. G. Laboy Rivera**  
Executive Director

**Date:** April 25, 2023

**Puerto Rico Central Office for Recovery, Reconstruction and Resiliency**

## Appendix A FEMA Program Summaries

This Appendix may be amended in accordance with Stipulation IV.A., Amendments.

### **Disaster Programs**

The following programs are authorized under Titles IV and V of the Stafford Act.

#### *Advance of Nonfederal Share*

The Stafford Act and its implementing regulations authorize FEMA to advance or loan to a state, tribal government, local government, or applicant the portion of PA for which the state or tribal government is responsible pursuant to the cost-sharing provisions of the Stafford Act.

#### *Community Disaster Loan Program*

The Stafford Act authorizes FEMA to make community disaster loans to help local governments that have incurred significant revenue losses due to a presidentially declared major disaster if necessary for a local government to perform its governmental functions

#### *Fire Management Assistance Grant Program (FMAG)*

The FMAG is available to State, Tribal, and local governments for the mitigation, management, and control of fires on publicly or privately owned lands.

#### *Hazard Mitigation Grant Program (HMGP)*

The HMGP provides grants to States, Territories, Tribes, local governments, and private nonprofit organizations to implement long-term hazard mitigation measures after a Declaration.

#### *Individual Assistance Programs (IA)*

The Stafford Act authorizes a wide variety of direct and financial assistance to individual and households affected by a Declaration, and FEMA has implemented these authorities under the umbrella of its Individual Assistance Program, which include crisis counseling (Section 416); disaster legal services (Section 415); unemployment assistance (Section 410); food coupons (Section 412); case management (Section 426); and funeral services, minor home repairs, and temporary housing assistance (Section 408). It should be noted that other Federal agencies provide disaster assistance programs, services, and activities to individuals as well, including the U.S. Small Business Administration, U.S. Department of Agriculture, and U.S. Department of Labor, but these other assistance programs are not subject to the terms of this Agreement.

#### *Public Assistance Program (PA)*

The Stafford Act authorizes federal assistance for state, territorial, tribal, and local governments and certain private non-profit entities to respond to emergencies and to respond to and recover from major disasters. FEMA has administratively combined these authorities under the umbrella of its Public Assistance Program. The Public Assistance Program provides a broad range of assistance. First, it provides direct services and financial assistance for emergency assistance, such as emergency evacuation, sheltering, and debris removal. Second, it provides financial



assistance for the permanent restoration of disaster-damaged facilities. Third, it includes emergency transportation and emergency communications assistance.

### **Resilience Programs – Mitigation**

#### *Community Assistance Program – State Services Support Elements (CAP-SSSE)*

The CAP-SSSE Program provides financial assistance to states to provide technical assistance to communities in the National Flood Insurance Program (NFIP) and to evaluate community performance in implementing NFIP floodplain management activities.

#### *Cooperating Technical Partners Program (CTP)*

The CTP Program provides financial assistance to states, local and Tribal governments, institutions of higher education, and other organizations to build upon and enhance the existing capabilities of these entities to increase local involvement in, and ownership of flood hazard identification, flood map maintenance, risk assessment, and risk communication to encourage responsible floodplain management and support their jurisdictional responsibilities as participating members of the NFIP.

#### *Flood Mitigation Assistance Program (FMA)*

The FMA Program provides grants to States, Territories, Tribal entities, and local governments for planning and carrying out activities designed to reduce the risk of flood damage to structures covered under contracts for flood insurance under the NFIP.

#### *National Earthquake Hazard Reduction Program (NEHRP)*

The NEHRP provides financial assistance to certain organizations to mitigate earthquake losses in the United States through basic and directed research and implementation activities.

#### *National Public Infrastructure Pre-Disaster Hazard Mitigation Program (aka Building Resilient Infrastructure and Communities (BRIC))*

Authorized by Section 1234 of the Disaster Recovery Reform Act, this Program is funded as a six (6) percent set aside from disaster expenses, to provide support to states, local communities, tribes and territories a greater investment in a broad range of eligible hazard mitigation activities before a disaster. Guiding principles of the BRIC program are supporting communities through capability- and capacity-building; encouraging and enabling innovation; promoting partnerships; enabling large projects; maintaining flexibility; and providing consistency.

### **Resilience Programs - Preparedness**

#### *Assistance to Firefighters Grant Program (AFG)*

The AFG program provides funding for purchase of equipment and retrofit or construction of fire stations to improve first responder capabilities.

*Emergency Management Performance Grants (EMPG)*

The purpose of the EMPG is to provide Federal funds to states to assist state, local, territorial, and tribal governments in preparing for all hazards emergency preparedness capabilities.

*Homeland Security Grant Program (HSGP)*

The HSGP plays an important role in the implementation of the National Preparedness System by providing funding to states and urban areas to prevent, protect against, mitigate, respond to, and recover from acts of terrorism and other threats. HSGP is comprised of three interconnected grant programs: (1) the State Homeland Security Program (SHSP), (2) the Urban Areas Security Initiative (UASI), and (3) the Operation Stonegarden (OPSG). Together, these grant programs and other future projects that may be included under the HSGP fund a range of preparedness activities, including planning, organization, equipment purchase, training, exercises, management, and administration.

*State Homeland Security Program (SHSP)*

The SHSP supports state, tribal, territorial, and local preparedness activities that address high priority preparedness gaps across all core capabilities that support terrorism preparedness.

*Urban Areas Security Initiative (UASI) Program*

The UASI program assists high-threat, high-density Urban Areas in efforts to build, sustain, and deliver the capabilities necessary to prevent, protect against, mitigate, respond to, and recover from acts of terrorism.

*Operation Stonegarden (OPSG)*

The OPSG Program supports enhanced cooperation and coordination among Customs and Border Protection (CBP), United States Border Patrol (USBP), and Federal, state, local, tribal, and territorial law enforcement agencies. The OPSG Program provides funding to support joint efforts to secure the United States' borders along routes of ingress from international borders to include travel corridors in states bordering Mexico and Canada, as well as states and territories with international water borders.

*Intercity Bus Security Grant Program (IBSGP)*

The IBSGP provides funding to strengthen the Nation's critical infrastructure against risks associated with potential terrorist attacks. IBSGP provides funding for critical infrastructure hardening and other physical security enhancements to support transit operators serving the Nation's highest-risk metropolitan areas.

*Intercity Passenger Rail – Amtrak (IPR) Program*

Provides funds to protect critical surface transportation infrastructure and the traveling public from acts of terrorism and increase the resilience of the Amtrak rail system.

*Integrated Public Alert and Warning System (IPAWS)*

The Integrated Public Alert and Warning System (IPAWS) was established by Executive Order 13407 in 2006. In the event of a national emergency, the President may use IPAWS to send a message to the American people quickly and simultaneously through multiple communications

pathways. FEMA has identified several radio transmission sites across the nation with significantly powerful signals for this purpose, and FEMA is responsible for upgrading, maintaining, and managing the agency installed and owned auxiliary fuel systems at each of these radio transmission sites.

*National Dam Safety Program (NDSP)*

The NDSP provides financial assistance to states to strengthen their dam safety programs, to include activities such as dam safety training, increasing dam inspections, increasing the submission and testing of emergency action plans, coordinating with state preparedness officials, identification of dams to be repaired or removed, and conducting dam safety awareness workshops. NDSP also administers the Rehabilitation of High Hazard Potential Dams Grant Program which provides technical, planning, design, and construction assistance in the form of grants for rehabilitation of eligible high hazard potential dams.

*Nonprofit Security Grant Program (NSGP)*

NSGP provides funding in order to integrate the preparedness activities of nonprofit organizations that are at high risk of a terrorist attack with broader state and local preparedness efforts.

*Port Security Grant Program (PSGP)*

The PSGP provides funding to port authorities, facility operators, and State and local agencies for activities associated with implementing Area Maritime Security Plans (AMSPs), facility security plans and other port-wide risk management efforts. PSGP funds are intended to improve port-wide maritime security risk management; enhance maritime domain awareness; support maritime security training and exercises; and maintain or reestablish maritime security mitigation protocols that support port recovery and resiliency capabilities with a focus on weapons of mass destruction, cybersecurity, and attacks on soft targets.

*Staffing for Adequate Fire and Emergency Response Grant Program (SAFER)*

The SAFER Program provides financial assistance to fire departments and volunteer firefighter interest organizations to help them increase or maintain the number of training front line firefighters available in their communities.

*Transit Security Grant Program (TSGP)*

The TSGP provides funds to eligible public transportation systems (which include intra-city bus, ferries and all forms of passenger rail) for the protection of critical transportation infrastructure and the travelling public from acts of terrorism and to increase the resilience of transit infrastructure.

*Tribal Homeland Security Grant Program (THSGP)*

THSGP provides funding directly to eligible tribes to support the building, sustainment, and delivery of core capabilities to enable Tribes to strengthen their capacity to prevent, protect against, mitigate, respond to, and recover from potential terrorist attacks.



## Appendix B

### Programmatic Allowances

This list of Programmatic Allowances enumerates FEMA funded activities that based on FEMA experience have no or minimal effect on historic properties if implemented as specified in this Appendix and will not require review by the SHPO.

The Programmatic Allowances consist of two tiers – First Tier and Second Tier. Staff may apply First Tier allowances whether or not they meet professional historic preservation qualification standards, while only staff meeting the applicable SOI Professional Qualifications Standards in accordance with Stipulation I.B(1)(a) of this Agreement may apply Second Tier allowances.

When referenced in the Programmatic Allowances, “in-kind” shall mean of the same or similar material, and the result shall match all physical and visual aspects, including: form, color, and workmanship. When severity of deterioration requires replacement of a character-defining feature, the new feature shall match the existing in design, color, texture and, where possible, materials. *“Character-defining” refers to all those visual aspects and physical features that comprise the appearance of every historic building. Character-defining elements include the overall shape of the building, its materials, craftsmanship, decorative details, interior spaces and features, as well as the various aspects of its site and environment.*<sup>1</sup> The in-kind repair provided for in both First and Second Tier allowances in Appendix B should be limited to pre-existing architectural features and physical components of buildings and structures.

When referenced in the allowances, “previously disturbed soils” shall refer to soils that are not likely to possess intact and distinct soil horizons and have the reduced likelihood of possessing historic properties within their original depositional contexts in the area and to the depth to be excavated.

Specifically, “disturbed ground” is defined for purposes of this document as the modification of natural landscapes or landforms through removal of natural soils through ground-disturbing activities such as cuts, grading and excavation and/or the deposition of non-native soils or materials to existing or original ground surface such as fill. In the case of the deposition of fill, disturbance is only considered for the depth of the fill layer. Intact soils could exist underneath the fill layer. Note that activities such as agricultural plowing and disking are not considered disturbance. In addition, in some areas, particularly historic urban areas, construction activities associated with early utilities, creation of roadways and/or parking lots, may constitute a “disturbed” context but may be of historic significance and will need to be evaluated. Therefore, context is important. Guides to assist in identifying prior disturbed ground may come from the following: historic maps, soil borings, soil reports, utility records, pavement core records, etc.

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<sup>1</sup> Nelson, Lee H. *Architectural Character – Identifying the Visual Aspects of Historic Buildings as an Aid to Preserving their Character*, Preservation Brief 17, Department of the Interior, September 1988.

Soil disturbance can be established through cultural resource surveys, site inspections, or construction drawings that clearly depict the depth of prior ground disturbance. Examples of activities that would create disturbed soil horizons include: the installation of culverts, foundations, and below ground utilities; excavation for footings; and the construction of dams, bridge abutments, and other structures.

Soil disturbance under a parking lot or road is limited to the depth of prior construction. Soils beneath the depth of prior construction may be undisturbed. Undisturbed soils may exist under areas where additional material (e.g. soil or gravel) has been placed in order to raise land surface (e.g. road beds, railroad alignments, and building paths). The addition of soil may not constitute significant disturbed ground beyond the added soil layer.

## **I. First Tier Allowances**

**A. GROUND DISTURBING ACTIVITIES AND SITE MODIFICATION**, when proposed activities described below substantially conform to the original footprint and/or are performed in previously disturbed soils, including the area where the activity is staged.

### **1. Debris Removal**

- a Debris removal and collection, including removal of uprooted trees, limbs and branches from public rights of way and public areas and areas as well as the transport and disposal of such waste to existing licensed waste facilities or landfills. This includes the temporary establishment and expansion of non-hazardous debris staging, reduction, and disposal areas at licensed transfer stations, or existing hard- topped or graveled surfaces (e.g. parking lots, roads, athletic courts) but not the creation of new or temporary access roads. This does not include partially uprooted trees in archeologically sensitive areas such as cemeteries, battlegrounds, historic landscapes, historic parks, and historic districts.
- b Removal of debris from private property, provided that buildings are not affected, ground disturbance is minimal and in-ground elements, such as driveways, walkways or swimming pools, are left in place.
- c Chipping and disposal of woody debris by broadcasting within existing rights-of- way.
- d Sediment removal from man-made drainage facilities, including retention/detention basins, ponds, ditches, and canals, in order to restore the facility to its pre-disaster condition. The sediment may be used to repair eroded banks or disposed of at an existing licensed or permitted spoil site.



- e. Dewatering flooded developed areas by pumping.

## 2. Temporary Structures and Housing

- a. Staging, installation and removal of temporary structures for use as school classrooms, offices, or temporary shelters for essential public service agencies, such as police, fire, rescue and medical care, as well as temporary housing for disaster personnel and survivors at the following types of locations:
  - i. Single units on private residential sites when all utilities are installed above ground or tie into pre-existing utility lines.
  - ii. Existing RV/Mobile Home Parks and campgrounds with pre-existing utility hookups;
  - iii. Paved areas, such as parking lots and paved areas at such facilities as conference centers, shopping malls, airports, industrial port facilities business parks, and military bases when all utilities are installed above ground or tie into pre-existing utility lines.
  - iv. Sites that have been previously prepared for planned construction, such as land being developed for public housing, office buildings, city parks, ball fields, schools, etc. when all utilities are installed above-ground or tie into pre-existing utility lines.
  - v. Areas previously filled to depths of at least six feet so that subsurface utilities can be installed.
- b. Temporary repair to single-family, residential properties to ensure safe shelter with access to essential electrical supply, solar panels, HVAC, hot water, natural gas and potable water, and protection from elements such as weatherproofing, and securing broken doors and windows. Temporary repairs must be reversible.

## 3. Recreation and Landscaping

- a. Installation of temporary removable barriers.
- b. In-kind repairs, installation, or replacement, and minor upgrades/mitigation of bollards and associated protective barriers when in previously disturbed areas.
- c. Repair or replacement of existing driveways, parking areas and walkways with materials of similar appearance in a manner that does not disturb historic landscape materials or features.

4. Borrow material

- a Borrow material if it is derived from a commercial source, a stock tank berm, dug-outs, or a reclaimed ditch provided the original surface of the ground is not impacted by the removal method from the ditch.

**B. BUILDINGS AND STRUCTURES**

1. Repair, retrofit, and reconstruction of buildings, and structures less than forty-five (45) years old, unless located in or adjacent to a historic district.
2. Removal of water, soil, muck or mud by physical or mechanical means.
3. Installation of exterior security features and early warning devices on existing light poles or other permanent utilities.
4. Installation of grab bars in buildings less than 45 years old as required for compliance with the Americans with Disabilities Act (ADA). This allowance applies only to the actual installation; any other work that may be required to allow for the installation of grab bars are not covered under this allowance.
5. Dry vacuuming for mold removal.
6. Repair of existing wheelchair ramps, including minor modifications to meet codes and standards.
7. Replacement, relocation or installation of solar panels on the roof of buildings less than forty-five (45) years of age, except when located within or adjacent to a historic district.

**C. TRANSPORTATION FACILITIES**, when proposed activities substantially conform to the original footprint and/or performed in previously disturbed soils, including any staging areas.

1. Roads and Roadways
  - a Paving and repair of roads to pre-disaster geometric design standards and conditions using in-kind materials, shoulder medians, clearances, curbs, and side slopes. This allowance does not include improvement to existing roadways and appurtenances.
  - b Repair and replacement of metal and concrete culverts no greater than 42" in diameter, with no headwalls or concrete headwalls, when culverts are returned to predisaster size and location. This allowance does not allow for upgrades.

- c Construction of temporary emergency access roads in previously disturbed soils to allow for passage of emergency vehicles.
- d Repairs to road slips and landslides that do not require grading of undisturbed soils on the up-hill side of the slip.
- e Re-establishment, armoring and/or upgrading of existing roadway ditches.
- f In-kind repair or replacement of traffic control devices such as traffic signs and signals, delineators, pavement markings, traffic surveillance systems.
- g Installation and removal of temporary traffic control devices, including pre-formed concrete barriers and fencing.
- h In-kind repair or replacement of roadway safety elements such as barriers, guardrails, and impact-attenuation devices. In the case of guardrails, the addition of safety end treatments is permitted.
- i Replacement of vehicles.

2. Airports

- a In-kind repair or replacement of existing runway surfaces and features (e.g. asphalt, concrete, gravel, and dirt) and associated air transportation safety components and systems (e.g. lighting bars, beacons, signage and weather sensors).

3. Rail Systems

- a In-kind repair or replacement of safety components.
- b In-kind repair or replacement of existing track system and passenger loading areas.

**D. FEES AND SERVICES**

- 1. Reimbursement of a sub-recipient's insurance deductible, not to exceed \$2,500.

## II. Second Tier Allowances

**A. GROUND DISTURBING ACTIVITIES AND SITE WORK**, when proposed activities described below substantially conform to the original footprint and/or are performed in previously disturbed soils, including the area where the activity is staged.

1. Footings, Foundations, Retaining Walls, Slopes, and Slope Stabilization Systems
  - a In-kind repair, replacement, reinforcement and minor hardening of footings, foundations, retaining walls, slopes, riprap, and slope stabilization systems (e.g., gabion baskets, crib walls, soldier pile and lag walls) if related ground disturbing activities are within the boundary of previously disturbed soils.
  - b Installation of perimeter drainage (e.g. French drains) when performed in previously disturbed soils.
2. Recreation and Landscaping
  - a In-kind repairs or replacement, and minor upgrades to recreational facilities and features (e.g. playgrounds, campgrounds, fire pits, dump stations and utility hook-ups, swimming pools, athletic fields and signage, batting cages, basketball courts, swing sets, pathways, simple wooden/wire stream crossings).
  - b In-kind repair, replacements, and minor upgrades to landscaping elements (e.g., fencing, security gates, free standing walls, paving, existing parking lots, parking meters, planters, irrigation systems, lighting elements, signs, flag poles, ramps, steps).
3. Piers, Docks, Boardwalks, Boat Ramps, and Dune Crossovers
  - a In-kind repair and replacement and minor upgrades to existing piers, docks, boardwalks, boat ramps, boarding bridges, gate arms (and associated features) and dune crossovers in areas of previously disturbed soils.
4. Cemeteries
  - a Removal of woody debris such as branches and limbs, from cemeteries, provided that heavy equipment and other machinery are not operated or staged on areas potentially containing human remains.



**B. BUILDINGS AND STRUCTURES****1. Interior Work: Floors, Walls, Stairs, Ceilings and Trim**

- a. In-kind repair and replacement of floors, walls, stairs, ceilings, and/or trim, lighting and/or built-in appurtenances (e.g., bookcases and auditorium seating). The allowance does not apply to decorative finishes, including murals, glazed paint, gold leaf, or ornamental plaster.
- b. Replacement of damaged vinyl or linoleum floor tile or rolls (including floor tile containing asbestos) with contemporary floor tile of the same dimension and thickness, and similar texture or pattern.
- c. Painting and surface preparation provided color and finish are matched to pre-existing finish, and the coating and preparation is limited to material repaired or replaced immediately adjacent thereto.
- d. Interior cleaning of surfaces using a weak solution of household bleach and water solutions. The allowance applies to interior finishes, including plaster and wallboard, provided the cleaning is restricted to damaged areas and does not affect adjacent materials.
- e. Use of portable de-humidification systems, provided no changes are made to character-defining features (specifically for mold remediation).
- f. Non-destructive or concealed testing for hazardous materials (e.g., lead paint, asbestos) or for assessment of hidden damages.
- g. The removal of asbestos tiles (floor, ceilings, or walls) and replacement with materials of similar appearance.

**2. Building Contents**

- a. Repair or replacement of building contents including furniture, movable partitions, computers, cabinetry, supplies, and equipment and any other moveable items which are not character defining features of a historic property

**3. Utilities and Mechanical, Electrical, and Security Systems**

- a. In-kind repair or replacement, or limited upgrading of interior or exterior utility systems, including mechanical (e.g., heating, ventilation, air conditioning), electrical, and plumbing systems (water tanks, freshwater and drainage). This allowance does not provide for the installation of new exposed ductwork.
- b. The elevation of heating, ventilation, and air conditioning systems (HVAC) and



mechanical equipment, as long as the building is not located in or within the viewshed of an eligible National Register Historic District, and the HVAC unit is installed or located where it is not visible from the street.

- c. Installation or replacement of interior fire detection, fire suppression, or security alarm systems. The allowance does not apply to surface mounted wiring, conduits, piping, etc., unless previously existing, provided that installation of the system hardware does not damage or cause the removal of character-defining architectural features and can be easily removed in the future.
- d. Installation of building communication and surveillance security systems, such as cameras, closed-circuit television, lighting, alarm systems, and public address systems, provided that installation of the system hardware does not damage or cause the removal of character-defining architectural features and can be easily removed in the future.
- e. Installation of exterior security features and early warning devices on existing light poles or other permanent utilities. New wiring will be sub-surface to the greatest extent possible or, where exposed, will be enclosed in conduit that is painted to match the existing surface.
- f. Installation of building access security devices, such as card readers, enhanced locks, door alarms, and security scanners (e.g., metal detectors), provided the device does not damage or cause the removal of character-defining architectural features and can be removed in the future without impacts to significant architectural features.
- g. Installation of mechanical equipment within existing mechanical closets, chases, and unfinished attics or basements when ducts are not visible in occupied spaces of the building and access to the ducts does not require demolition of walls or ceilings in occupied spaces of the building.

#### 4. Windows and Doors

- a. In-kind repair of damaged or severely deteriorated windows and window frames, shutters, storm shutters (use models already reviewed by SHPO), doors and door frames, and associated hardware, where profiles, elevations, details and materials match those of the originals.
- b. In-kind replacement of window panes. Clear plate, double, laminated or triple insulating glazing can be used, provided it does not result in altering the existing window material, tint, form, muntin profiles, or number of divided lights. This allowance does not apply to the replacement of intact decorative glass.
- c. Replacement of windows and doors, where the existing windows and doors are

beyond repair. Replacement windows and doors must match the appearance, size, design, materials, proportions, and profiles of the existing windows/doors. In order to ensure the proposed windows/doors meet the Standards, photographs of the existing doors or windows and shop drawings and/or specifications for the proposed replacements must be reviewed by appropriate FEMA SOI-qualified staff.

- d. Replacement of exterior, utilitarian, non-character-defining metal doors and frames leading into non character-defining spaces with metal blast resistant doors and frames.
- e. Installation or application of safety and/or security window film on **existing** window panes, provided that it does not result in altering the existing tint or appearance of the pane. This allowance does not apply to the application of film on existing intact or decorative glass.
- f. Installation of interior storm windows or doors, exterior storm or wood screen doors, on residential buildings, in a manner that does not harm or obscure the historic windows or trim.

5. Exterior Walls, Cornices, Porches, and Foundations

- a. In-kind repainting of surfaces, provided that destructive surface preparation treatments are not used, such as water blasting, sandblasting, power sanding and chemical cleaning.
- b. In-kind repair of walls, porches, foundations, columns, cornices, siding, balustrades, stairs, dormers, brackets, trim, lighting, and their ancillary components or in-kind replacement of severely deteriorated or missing or lost features, as long as the replacement pieces match the original in detail and material. Any ground disturbance will be limited to previously disturbed soils.
- c. In-kind repair or replacement of signs or awnings.
- d. Installation of temporary stabilization bracing or shoring, provided such work does not result in additional damage, significant loss of historic fabric, or irreversible alteration, and does not affect known archaeological sites or features or is located in an area with high potential for significant archaeological sites.
- e. Anchoring of walls to floor systems, provided the anchors are embedded and concealed from exterior view.
- f. In-kind repair of concrete and masonry walls, columns, parapets, chimneys, or cornices; or limited in-kind replacement of damaged components including

comparable brick, and mortar that matches the color, strength, content, rake, and joint width, provided that the mortar is of the appropriate composition for all adjacent masonry unit types.

- g Bracing and reinforcing of walls, chimneys and fireplaces, provided the bracing and reinforcing are either concealed from exterior view or reversible in the future.
- h Strengthening of foundations and the addition of foundation bolts, provided that visible new work is in-kind, including mortar that matches the color, content, strength, rake, and joint width where occurring.
- i Repairs to and in-kind replacement of elements of curtain wall assemblies or exterior cladding that is hung on the building structure, usually from floor to floor, and when the color, size reflectivity, materials, and visual patterns are unaltered.

#### 6. Roofing

- a Installation of scaffolding, polyethylene sheeting, or tarps, provided such work will not result in additional damage or irreversible alterations to character defining features or significant loss of historic fabric.
- b In-kind repair, replacement, or strengthening of roofing, rafters, fascia, soffits, gutters, verge boards, leader boxes, downspouts, or other damaged roof system components.
- c Repairs to flat roof cladding, including changes in roofing materials, where the repairs are not highly visible from the ground level.

#### 7. Weatherproofing and Insulation

- a Caulking and weather-stripping to complement the color of adjacent surfaces or sealant materials.
- b In-kind repair or replacement of insulation systems, provided that existing interior plaster, woodwork, exterior siding, or exterior architectural detail is not altered.

#### 8. Structural Retrofits

- a The installation of the following interior retrofits/upgrades, provided that such upgrades are not visible on the exterior: attic bracing, cross bracing on pier and post foundations; fasteners; collar ties; gussets; tie downs; strapping and anchoring of mechanical, electrical, and plumbing equipment; concealed anchoring of furniture; installation of plywood diaphragms beneath first floor

joists, above top floor ceiling rafters, and on roofs; and automatic gas shut-off valves.

- b. Replacement, repair, or installation of lightning rods.
- c. Interior earthquake bracing used on refrigerators and against-the-wall shelving in schools and other public buildings.

#### 9. Demolition and Reconstruction

- a. Activities related to the demolition and/or reconstruction of buildings or structures, provided the proposed activities substantially conform to the original footprint. Activities will follow the **Criteria for Identification of Collapsed Buildings and Structures in Appendix C** and the **Low Impact Debris Removal Stipulations in Appendix E**, and are performed in previously disturbed soils (including staging areas) as identified by an SOI-qualified archaeologist, and:
  - i. The building/structure subject to demolition or reconstruction was formally determined not eligible for listing in the National Register within the past ten (10) years and is not located within or adjacent to a historic district listed in or eligible for listing in the National Register.
  - ii. Any demolition and/or reconstruction occurring within or adjacent to a historic district listed in or eligible for listing in the National Register shall be reviewed in accordance with Stipulation ILC, Standard Project Review of this Agreement.

#### 10. Americans with Disabilities Act (ADA) Compliance

- a. Installation of new wheelchair ramp on the front or other entrance of a structure visible from a public right-of-way, in a manner that does not remove, compromise or damage the existing historic materials or features, and would be completely reversible without damage to historic fabric.
- b. Installation of small-scale interior modifications required for compliance with the Americans with Disabilities Act (ADA). This does not include relocation or demolition of interior walls or modification of openings on interior and exterior walls.

#### 11. Safe Rooms

- a. Installation of individual safe rooms within the property limits of a residence where the installation would occur within the existing building or structure and within previously disturbed soils.



## 12. Flood-proofing on Secondary Façades

- a Activities related to flood-proofing and minor upgrades on secondary façades. A secondary façade is an elevation that does not face a public thoroughfare, mews or court, and does not possess historically significant architectural features. Minor upgrades include replacement of exterior utilitarian, non-character-defining doors or windows with new doors or windows, the addition of new elements (such as storm panels or flood panels) to exterior doors or windows, and the installation of metal grating at basement window wells.

## 13. Previously Determined Ineligible

- a Repair or retrofit of buildings/structures that have been previously determined ineligible for listing in the National Register within the last five (5) years.

**C. TRANSPORTATION FACILITIES**, when proposed activities substantially conform to the original footprint and/or performed in previously disturbed soils, including the area where the activity is staged.

## 1. Roads and Roadways

- a Repair of roads to pre-disaster geometric design standards and conditions using in-kind materials, shoulders, medians, clearances, curbs, and side slopes. This allowance permits minor improvement to meet current code and standards or hazard mitigation measures, such as those designed to harden exposed surfaces, including the application of gravel armoring to side slopes and ditches.
- b In-kind repair to historic paving materials for roads and walkways.
- c In-kind repair or replacement, or minor upgrade of culvert systems and arches beneath roads or within associated drainage systems, including provision of headwalls, riprap and any modest increase in capacity for the purposes of hazard mitigation or to meet current codes and standards, provided that the work substantially conforms to the existing footprint, or falls within the footprint of the washed out location, and does not involve an increase in roadway width. For stone or brick culverts or arches beneath roadways, this allowance only applies to in-kind repair.
- d In-kind repair or replacement of road lighting systems, including period lighting fixture styles.
- e In-kind repair or replacement of road appurtenances such as curbs, berms, fences, parking lots, storm drains, catch basins, fire hydrants and sidewalks.



- f. Stabilization of hazardous slopes within transportation rights-of-way. Stabilization methods may include the installation of retaining walls and systems such as gabion baskets, crib walls, and soldier pile and lag walls. Work shall not exceed the limits of the previously disturbed rights-of-way and shall not take place within the APE of any historic property listed or eligible for listing in the National Register. This allowance does not apply to any work in historic districts listed or eligible for listing in the National Register.

## 2. Bridges

- a. Installation of a temporary (Bailey-type) bridge within a previously disturbed location, such as a former bridge location, to allow passage of emergency vehicles.
- b. In-kind repair or replacement of bridges and bridge components (e.g. abutments, wing walls, piers, decks, and fenders) in previously disturbed soils.

## **D. UTILITIES, COMMUNICATIONS SYSTEMS AND TOWERS, when proposed activities substantially conform to the original footprint and/or performed in previously disturbed soils, including the area where the activity is staged.**

### 1. General

- a. In-kind repair or replacement, or minor upgrading, small scale realignment, and elevation of utilities and associated features and structures within previously disturbed soils of rights-of-way or utility corridors.
- b. Installation of new utilities and associated features within previously disturbed soils of rights-of-way or utility corridors.
- c. Directional boring of new/replacement service lines and related appurtenances involving boring or trenching for silt fencing within previously disturbed soils of rights-of-way or utility corridors.
- d. In-kind repair or replacement, or minor upgrade of water towers provided activities take place within previously disturbed soils. Ground-level facilities may be added or expanded in previously disturbed areas. This allowance does not apply to masonry water towers.
- e. Temporary storage of supplies and equipment (poles, cables spools, pedestals, etc.) where no ground disturbance will occur; this does not include construction of temporary access routes.
- f. Repair in-kind or replacement of metal utilitarian structures to house or protect utilities, such as pump houses and electrical transformer houses, as well as

related elements, such as oil tanks and exposed pipelines, except when located within a historic district.

- g. Repair or replacement of utility lines (e.g. sewer, gas, and water) located within the property boundary of the structure, when performed in previously disturbed soils.
- h. Repair or replacement of septic tanks, drain fields, and well pumps in previously disturbed soils.

## 2. Generators and Utilities

- a. In-kind repair or replacement, or minor upgrades, elevation, and/or installation of generators, HVAC systems, and similar equipment provided that activities occur within previously disturbed soils and/or any roof mounted equipment is not visible from the ground level.
- b. Underground cable replacements of any length when the replacement cable is placed within three feet of the same trench as an existing or failed cable except when in proximity (two hundred [200] meters or six hundred fifty [650] feet) to a known archeological site.
- c. Replacement of power poles in pre-existing locations, including increase in the pole diameter. Relocation or construction of new poles are allowed in:
  - i. urban or suburban settings between the edge of roadway and the sidewalk, or
  - ii. rural settings along roadway shoulders.
- d. New construction of a single pole overhead line is permissible when the auguring, pole placement, and line placement is conducted from within the previously disturbed public or private right-of-ways, or when the lines will not pass within or through any areas known or has the potential to contain human remains, archeological resources, or any other historic properties except when in close proximity (two hundred [200] meters or six hundred fifty [650] feet) to a known archaeological site or within the view shed of historic districts listed or eligible for listing on the National Register.
- e. Directional boring for replacement or installation of new service lines and related appurtenances, where ground disturbance would involve no greater than ten (10) square foot excavation units for directional boring equipment to be placed. These units would be placed in areas for directional drill to begin and end where needed to complete boring.

### 3. Communication Equipment/Systems and Towers

- a Acquisition, installation, or operation of communication and security equipment/systems that use existing distribution systems, facilities, or existing infrastructure right-of-way.
- b The collocation of communication and security equipment on existing towers and buildings/structures less than forty-five (45) years in age, provided that the work does not increase existing tower height or footprint by more than 10% and occurs within previously disturbed soils.
- c Enhancement, repair or replacement of existing communication towers and antenna structures provided the work does not increase existing tower height or footprint by more than 10% and occurs within previously disturbed soils.
- d Installation of new temporary (not to exceed twelve (12) months) communications towers and antenna structures provided that the work occurs does not require modification of buildings/structures forty-five (45) years or older and occurs within previously disturbed soils.
- e Installation of new communication towers, less than two hundred (200) feet tall, in previously developed urban complexes when the work does not require modification of buildings/structures forty-five (45) years or older, occurs within previously disturbed soil, and is not within one-half mile of the boundaries of a historic property.
- f Substantially in-kind repair or replacement of antenna towers.
- g Ground disturbing activities related to new poles for tsunami warning sirens provided the excavation will only affect previously soils and there are no properties listed on the National Register of Historic Places within two hundred and fifty (250) feet of the proposed location.

### **E. WATER RESOURCE MANAGEMENT AND CONTROLS**, when proposed activities substantially conform to the original footprint and/or performed in previously disturbed soils, including the area where the activity is staged.

#### 1. Canal Systems

- a In-kind repairs or replacement to canal systems and associated elements.

#### 2. Bulkheads, Breakwaters, Seawalls, Revetments, and Berms

- a In-kind repair or replacement of bulkheads, breakwaters, seawalls, and revetments, provided the work occurs in previously disturbed soils.

3. Dams, Levees, Locks, and Floodwalls

- a In-kind repair of dams, levees, locks, floodwalls and related features, including spillways, tide gates, and fuse plugs, provided the work occurs in previously disturbed soils.

4. Fish Hatcheries

- a In-kind repair or replacement of fish hatcheries and fish ladders.

5. Waste-Water Treatment Lagoon Systems

- a In-kind repair or replacement, or minor upgrades of waste-water treatment lagoon systems.

6. Outfall Systems

- a In-kind repair, replacement, or minor upgrades to outfall pipes along beaches or inland waterways.



### **Appendix C**

#### **Criteria for Identification of Collapsed Buildings and Structures**

The following criteria for determining whether a building or structure is collapsed will be applied by FEMA to support identification of buildings and structures eligible for the following programs: Public Assistance Private Property Debris Removal (PPDR); Individual Assistance Permanent Housing Construction-Repair (PHC-R) subject to Section 106 review as per Stipulation L.7.a. of this Agreement; Public Assistance and Hazard Mitigation projects. Any structure/building that meets one or more of the identified criteria below is considered to lack integrity and will not be considered eligible for listing in the National Register of Historic Places:

- A. The structure is collapsed forming a pile of debris and rubble, or rubble has already been removed from property (unable to identify as a structure/building).
- B. The structure has been displaced from its original block/lot parcel.
- C. The structure is certified as an imminent threat, structurally unstable and unsafe for human habitation by building code officials in the municipality (decreed by municipal ordinance).
- D. The structure demonstrates the following characteristics listed below (porches should not be considered):
  - 1. Minimally wracked or canted. Wracked or canted is defined as “moved by forces in multiple dimensions which have distorted what was a rectangular shape into a parallelogram; twisted, not merely shifted or tilted”.
  - 2. Missing two or more full elevations of a single floor and/or missing additional stories (second or third floors).



## **Appendix D**

### **Private Property Debris Removal Program Process**

The following process for Private Property Debris Removal (PPDR) will be followed by FEMA to ensure that only buildings and structures meeting FEMA's Public Assistance and Hazard Mitigation Programs (FEMA Programs) eligibility requirements will be reviewed for compliance with Section 106.

- A. Local building authorities will be responsible for submitting properties to the Puerto Rico Central Office for Recovery, Reconstruction and Resiliency (COR3), and then to FEMA Programs for inclusion in the PPDR program.
- B. FEMA Programs staff shall submit five photographs of each property, including one of each elevation and one of the streetscape.
- C. Accurate GPS coordinates will be submitted for each property.
- D. FEMA Programs will review each application (including photos) to ensure that each property meets program eligibility.
- E. Only properties that the FEMA Programs has reviewed and found eligible will be submitted to EHP for review.
- F. Demolition will not include removal of slabs or driveways.
- G. The contractor will be required to test for asbestos and to abate the nuisance appropriately.
- H. Demolition contracts shall include Low Impact Debris Removal Stipulations (LIDRS), as defined in Appendix E, and an "Unanticipated Discoveries" clause.
- I. Properties in the PPDR program and the PHC-R program (subject to Section 106 review as per Stipulation I.7.a. of this Agreement), will be reviewed by a team composed of SHPO and FEMA historic preservation specialists meeting the Secretary of the Interior's (SOI) Professional Qualifications for architecture and archeology.
  1. FEMA will maintain a record of the following determinations and document in correspondence to SHPO:
    - a. conforms to one or more allowances in Appendix B
    - b. finding of no historic properties affected
    - c. finding of no adverse effect
  2. If FEMA determines that the undertaking may adversely affect historic properties, then FEMA will follow standard review process established in

Stipulation II.C.5. and 6. of this Agreement.

- J. FEMA Historic Preservation staff may conduct spot inspections to ensure that the requirements are adhered to as described in this Appendix.
- K. Completed reviews shall be documented in correspondence to SHPO. SHPO concurrence will document the completion of the Section 106 review process.

## Appendix E

### Low Impact Debris Removal Stipulations

**Desktop Review:** Prior to any soil disturbing activities, all properties will be reviewed in order to identify known historic properties and archaeologically sensitive areas.

**Low Impact Debris Removal Stipulations (LIDRS) will be applied as a Best Management Practice to protect potential archaeological resources.**

#### A. General Approach to Minimize Impact to Soil:

1. When using heavy equipment, work from hard or firm surfaces to the fullest extent possible, to avoid sinking into soft soils.
2. The sub-recipient will, to the fullest extent possible, ensure that its contractors minimize soil disturbance when operating heavy equipment on wet soils (6 inches or less).
3. Excavation and burial of debris on-site is not permitted.

#### B. Activity-Specific Guidelines:

##### 1. *Woody Debris Removal (including Rootballs)*

The sub-recipient will ensure to the fullest extent possible that all prior Public Assistance Program guidance regarding woody debris removal is followed.

##### 2. *Filling Voids*

Any voids which require filling because they are a "health and safety issue" will be filled with suitable fill from an approved source.

##### 3. *Surface Grading and Site Clean-Up*

The sub-recipient will ensure to the fullest extent possible that its contractor limits site grading to within six (6) inches of the existing surface elevation (e.g., sidewalk level, driveway level, slab level, etc.).

##### 4. *If the building or structure has been destroyed by the event and there are remaining structural features or utilities that require removal, then:*

- a. Utility lines will be disconnected and capped. In cases where there are no shut-off valves, limited excavation within the utility rights-of-way will be required to cap these service lines.
- b. Shearing off of utilities or other structure features is strongly encouraged so that

further soil disturbance is minimized.

5. *Demolition: If the building or structure has been destroyed by the event and there are remaining structural features that require removal, then the following applies for the removal of the features listed below:*

*a. Foundation Removal*

The sub-recipient will ensure, to the fullest extent possible, that the contractors will limit excavation to within two (2) feet of the foundation perimeter and will not excavate more than six (6) inches below the depth of the foundation to minimize soil disturbance.

*b. Slab/Driveway/Sidewalk Removal*

The sub-recipient will ensure, to the fullest extent possible, that the contractor will limit excavation to within one (1) foot of the slab/driveway/sidewalk perimeter and will not excavate more than six (6) inches below the depth of the asphalt/concrete to minimize soil disturbance.

*c. Oil Tank Relocation/Removal*

- i. The sub-recipient will ensure, to the fullest extent possible, that approved methods will be used in locating an underground oil tank. Approved methods include using a magnetometer, probe, or GPR system. Trenches are not permitted.
- ii. The sub-recipient will inform landowners, to the fullest extent possible, of best practice guidelines for oil tank removal and will ensure that they are made aware of state regulations for contamination remediation. Best practices for tank removal would be to use smaller machines with approximately two (2) foot wide buckets for excavation to reduce potential soil disturbance.

*d. Septic Tanks*

- i. The sub-recipient will ensure, to the fullest extent possible, that fill required by the decommissioning of septic tanks is from an approved, established borrow source.
- ii. Utility lines will be disconnected and capped. In cases where there are no shut-off valves, limited excavation within the utility right-of-way will be required to cap these service lines.
- iii. Shearing off of utility lines at the ground surface is strongly encouraged so that further soil disturbance is minimized.

### C. Treatment of Unanticipated Discoveries

#### 1. *Archaeological Materials/Human Remains*

- a. If debris removal activities disturb archaeological artifacts (e.g. old bricks, ceramic pieces, historic bottle glass or cans, coins, beads, stones in the form of tools, pieces of crude clay pottery, etc.), archaeological features (e.g. grave markers, house foundations, cisterns, etc.), or human remains, the sub-recipient will ensure, to the fullest extent possible, that the Contractor immediately stops work in the vicinity of the discovery and takes all reasonable measures to avoid or minimize harm to the finds. In such cases, the sub-recipient will immediately inform SHPO and FEMA (also in accordance with commonwealth guidelines, the local law enforcement medical examiner for human remains) of the discovery for further guidance. The sub-recipient will ensure that the Contractor does not proceed with work in the area of concern until FEMA staff has completed consultation with the SHPO and other interested parties, as necessary.
- b. To ensure compliance with all applicable state and local laws, and permission from all appropriate parties is obtained to remove remains, the sub-recipient is responsible to determine appropriate legal measures under Puerto Rico law.

D. FEMA reserves the right to conduct unannounced field inspections and observe debris removal activities to verify compliance with LIDRS. Failure to comply with these stipulations may jeopardize the sub-recipient's receipt of federal funding.

E. FEMA and the SHPO have agreed that the sub-recipient is responsible for ensuring that their demolition Contractor adheres to these work restrictions for FEMA-funded undertakings.



## Appendix F

### Treatment Measures

When avoidance or minimization of adverse effects is not appropriate, the following Treatment Measures are suggested for the resolution of adverse effects:

If Undertakings may or will result in adverse effects, FEMA, the Recipients, sub-recipient, and SHPO, may develop a treatment measure plan that includes one or more of the following Treatment Measures, depending on the nature of historic properties affected and the severity of adverse effects.

#### A. Recordation

1. Digital Photography Package: Prior to project implementation, the designated responsible party shall oversee the successful delivery of a digital photography package prepared by staff or contractors meeting the Secretary's Professional Qualifications for Architectural History, History, Architecture, or Historic Architecture, as appropriate. The digital photography package will meet the standards cited in the NPS' *National Register of Historic Places Photographic Policy May 2013* or subsequent revisions (<http://www.nps.gov/nr/publications/bulletins/photopolicy/index.htm>).
  - a. The digital photography package shall include a comprehensive collection of photographs of both interior and exterior views showing representative spaces and details of significant architectural features and typical building materials. However, interior photographs will only be subject to this if a request for access is approved by the property owner and/or lessee. Exterior photographs shall include full oblique and contextual images of each elevation. Exterior views shall be keyed to a site plan while interior views shall be keyed to a floor plan of the building/structure. The photographs shall be indexed according to the date photographed, site number, site name, site address, direction, frame number, subject matter and photographer's name recorded on the reverse side in pencil.
  - b. The digital photography package shall include printed color copies of the digital photographs (on appropriate paper, per *NPS Photographic Policy*), a CD/DVD of the digital photographs, a completed state architectural inventory form, and a written site history of the historic property.
  - c. The designated responsible party shall submit the digital photography package to the SHPO, or review and approval. Once approved by the SHPO the designated responsible party shall submit a copy of the approved documentation to a state or local historical society, archive, and/or library for permanent retention.

2. **35mm Black and White Photography Package:** Prior to project implementation, the designated responsible party shall oversee the successful delivery of a 35 mm film black and white film photography package prepared by staff or contractors meeting the Professional Qualifications for Architectural History, History, Architecture, or Historic Architecture, as appropriate.
  - a. The 35 mm film black and white film photography package shall include a comprehensive collection of photographs of both interior and exterior views showing representative spaces and details of significant architectural features and typical building materials. However, interior photographs will only be subject to this if a request for access is approved by the property owner and/or lessee. Exterior photographs shall include full oblique and contextual images of each elevation. Exterior views shall be keyed to a site plan while interior views shall be keyed to a floor plan of the building/structure. The photographs shall be indexed according to the date photographed, site number, site name, site address, direction, frame number, subject matter and photographer's name recorded on the reverse side in pencil.
  - b. The 35 mm film black and white film photography package shall include one (1) full set of 35mm film black and white photographs printed on acid-free paper, the corresponding 35mm film negatives in acid-free sleeves, a completed state architectural inventory form, and a written site history of the historic property.
  - c. The designated responsible party shall submit the 35 mm black and white film photography package the SHPO for review and approval. Once approved by the SHPO, the designated responsible party shall submit a copy of the approved documentation to a state or local historical society, archive, and/or library for permanent retention.
3. **Large Format Photography Package:** Prior to project implementation, the designated responsible party shall oversee the successful delivery of a large format photography package prepared by staff or contractors meeting the Professional Qualifications for Architectural History, History, Architecture, or Historic Architecture, as appropriate.
  - a. The large format photography package shall include a comprehensive collection of photographs of both interior and exterior views showing representative spaces and details of significant architectural features and typical building materials. However, interior photographs will only be subject to this if a request for access is approved by the property owner and/or lessee. Exterior photographs shall include full oblique and contextual images of each elevation. Exterior views shall be keyed to a site plan while interior views shall be keyed to a floor plan of the building/structure. The photographs shall be indexed according to the date photographed, site number, site name, site address,

direction, frame number, subject matter and photographer's name recorded on the reverse side in pencil.

- b. The large format film photography package shall include one (1) full set of 4x5 or 5x7-inch photographs printed on acid free paper, the corresponding 4x5 or 5x7-inch negatives in acid-free sleeves, a completed state architectural inventory form, and a written site history of the historic property.
- c. The designated responsible party shall submit the large format film photography package to the SHPO for review and approval. Once approved by the SHPO, and/or participating the designated responsible party shall submit a copies of the approved documentation to a state or local historical society, archive, and/or library for permanent retention.

#### B. Public Interpretation

Prior to project implementation, FEMA, the Recipients, and sub-recipient shall work with the SHPO to design an educational interpretive plan. The plan may include signs, displays, educational pamphlets, websites, workshops and other similar mechanisms to educate the public on historic properties within the local community, state, or region. Once an interpretive plan has been agreed to by the parties, SHPO and the designated responsible party shall continue to consult throughout implementation of the plan until all agreed upon actions have been completed by the designated responsible party.

#### C. Historical Context Statements and Narratives

Prior to project implementation, FEMA, the Recipients, and sub-recipient shall work with the SHPO to determine the topic and framework of a historic context statement or narrative the designated responsible party shall be responsible for completing. The statement or narrative may focus on an individual property, a historic district, a set of related properties, or relevant themes as identified in the statewide preservation plan. Once the topic of the historic context statement or narrative has been agreed to, the designated responsible party shall continue to coordinate with the SHPO through the drafting of the document and delivery of a final product. The designated responsible party shall use staff or contractors that meet the Secretary's Professional Qualifications for the appropriate discipline.

#### D. Oral History Documentation

Prior to project implementation, FEMA, the Recipients, and sub-recipient shall work with the SHPO to identify oral history documentation needs and agree upon a topic and list of interview candidates. Once the parameters of the oral history project have been agreed upon, the designated responsible party shall continue to coordinate with the SHPO through the data collection, drafting of the document, and delivery of a final product. The designated responsible party shall use staff or contractors that meet the



Secretary's Professional Qualifications for the appropriate discipline.

**E. Historic Property Inventory**

Prior to project implementation, FEMA, the Recipients, and sub-recipient shall work with the SHPO to establish the appropriate level of effort to accomplish a historic property inventory. Efforts may be directed toward the resurvey of previously designated historic properties and/or districts which have undergone change or lack sufficient documentation, or the survey of new historic properties and/or districts that lack formal designation. Once the boundaries of the survey area have been agreed upon, the designated responsible party shall continue to coordinate with the SHPO through the data collection process. The designated responsible party shall use SHPO standards for the survey of historic properties and SHPO forms as appropriate. The designated responsible party shall prepare a draft inventory report, according to SHPO templates and guidelines, and work with the SHPO until a final property inventory is approved. The designated responsible party shall use staff or contractors that meet the Secretary's Professional Qualifications for the appropriate discipline.

**F. National Register and National Historic Landmark Nominations**

Prior to project implementation, FEMA, the Recipients, and sub-recipient shall work with the SHPO to identify the individual properties that would benefit from a completed National Register or National Historic Landmark nomination form. Once the parties have agreed to a property, the designated responsible party shall continue to coordinate with the SHPO through the drafting of the nomination form. The SHPO shall provide adequate guidance to the designated responsible party during the preparation of the nomination form and shall formally submit the final nomination to the Keeper for inclusion in the National Register. The designated responsible party shall use staff or contractors that meet the Secretary's Professional Qualifications for the appropriate discipline.

**G. Geo-References of Historic Maps and Aerial Photographs**

Prior to project implementation, FEMA, the Recipients, and sub-recipient shall work with the SHPO to identify the historic maps and/or aerial photographs for scanning and geo-referencing. Once a list of maps and/or aerial photographs have been agreed upon, the designated responsible party shall continue to coordinate with the SHPO through the scanning and geo-referencing process and shall submit drafts of paper maps and electronic files to the SHPO, for review. The SHPO shall have final approval on the quality of the documentation provided by the designated responsible party. The final deliverable produced by the designated responsible party shall include a paper copy of each scanned image, a geo-referenced copy of each scanned image, and the metadata relating to both the original creation of the paper maps and the digitization process.

#### H. Archaeological Research Design and Data Recovery Plan

FEMA shall develop a data recovery plan with a research design in consultation with Recipient(s), subrecipient, SHPO, and other consulting parties, as appropriate, to recover data from archaeological properties listed in, or eligible for listing in the NRHP, which will be adversely affected by ground-disturbing activities that are part of the Undertaking. The research design and data recovery plan will be consistent with the Secretary of the Interior's Guidelines for Archeological Documentation ([http://www.nps.gov/history/local-law/arch\\_stnds\\_7.htm](http://www.nps.gov/history/local-law/arch_stnds_7.htm)) and the Advisory Council on Historic Preservation's (ACHP) recommendations on the recovery of significant information from archaeological sites as update in 2009, at [https://www.achp.gov/protecting-historic-properties/Section\\_106\\_Archaeology\\_Guidance](https://www.achp.gov/protecting-historic-properties/Section_106_Archaeology_Guidance). This treatment measure does not apply to the excavation of burials or burial objects.



**Attachment A-11-2.**

**Month XX, 2024 communication from PRDOH to SHPO  
and Month XX, 2024 Reply**

**Awaiting receipt from PRDOH**

## Exhibit A-12 – Noise Control and Abatement

Noise Abatement Factors	Acres in Group 1
Airport	140,346.77
Railroad	3,302.31
Road	29,776.22
<b>Total</b>	<b>173,425.31</b>

Noise Abatement Factors	Acres in Group 2
Airport	54,237.55
Railroad	2,331.11
Road	28,626.44
<b>Total</b>	<b>85,195.11</b>

Noise Abatement Factors	Acres in Group 3
Airport	329,039.37
Railroad	0
Road	17,545.52
<b>Total</b>	<b>346,584.89</b>

Noise Abatement Factors	Acres in Group 4
Airport	224,425.75
Railroad	669.49
Road	34,911.52
<b>Total</b>	<b>159,229.46</b>

Noise Abatement Factors	Acres in Group 5
Airport	121,825.24
Road	37,404.22
<b>Total</b>	<b>159,229.46</b>

Noise Abatement Factors	Acres in Group 6
Airport	250,294.20
Railroad	1,092.57
Road	28,716.37

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**Total****280,103.14**

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Agencies or their regulations consulted during Broad Review

U.S. Environmental Protection Agency Regulations (EPA)

Supporting Documentation

Figure A-12-1. Map Showing Noise Abatement Factors in Group 1

Figure A-12-2. Map Showing Noise Abatement Factors in Group 2

Figure A-12-3. Map Showing Noise Abatement Factors in Group 3

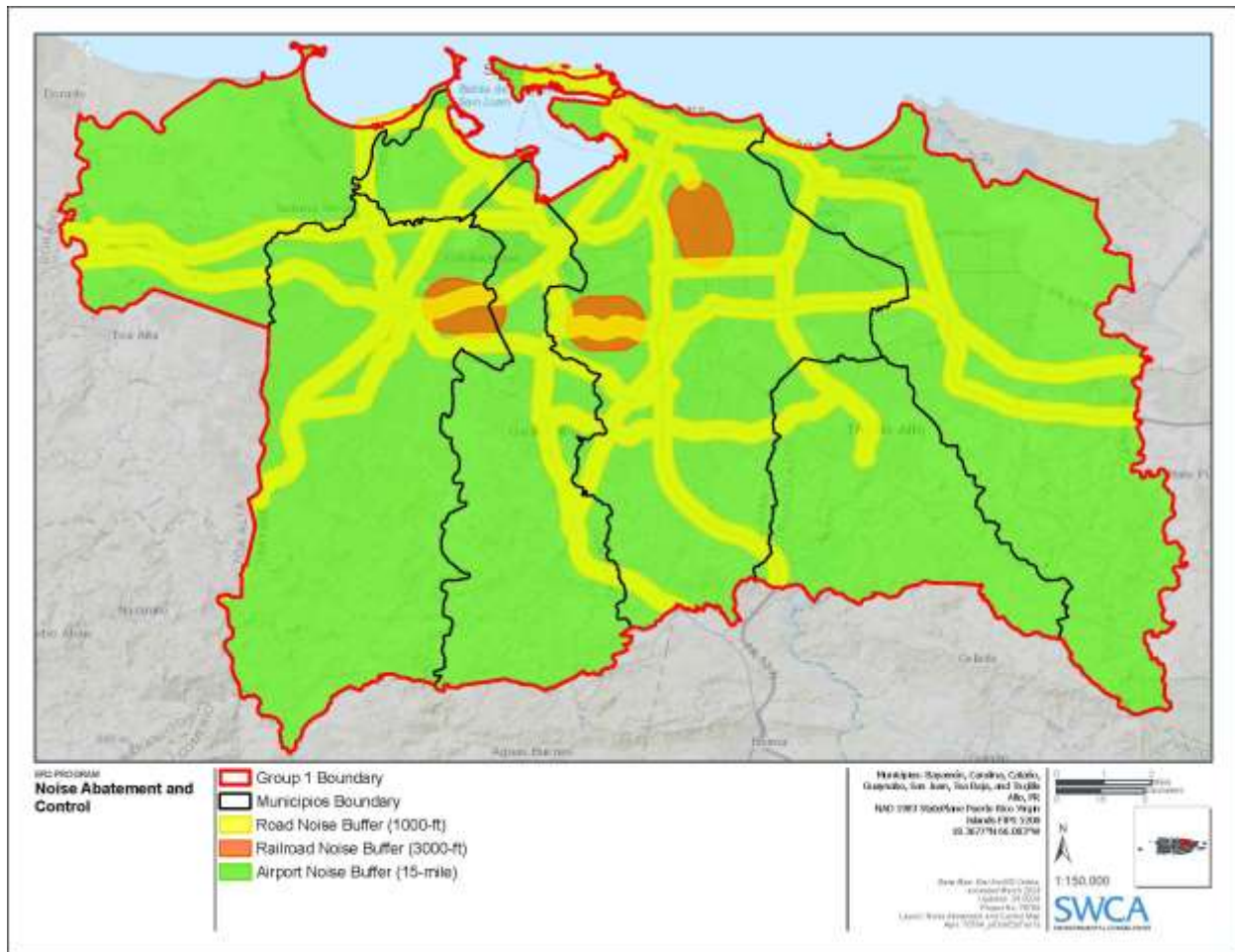
Figure A-12-4. Map Showing Noise Abatement Factors in Group 4

Figure A-12-5. Map Showing Noise Abatement Factors in Group 5

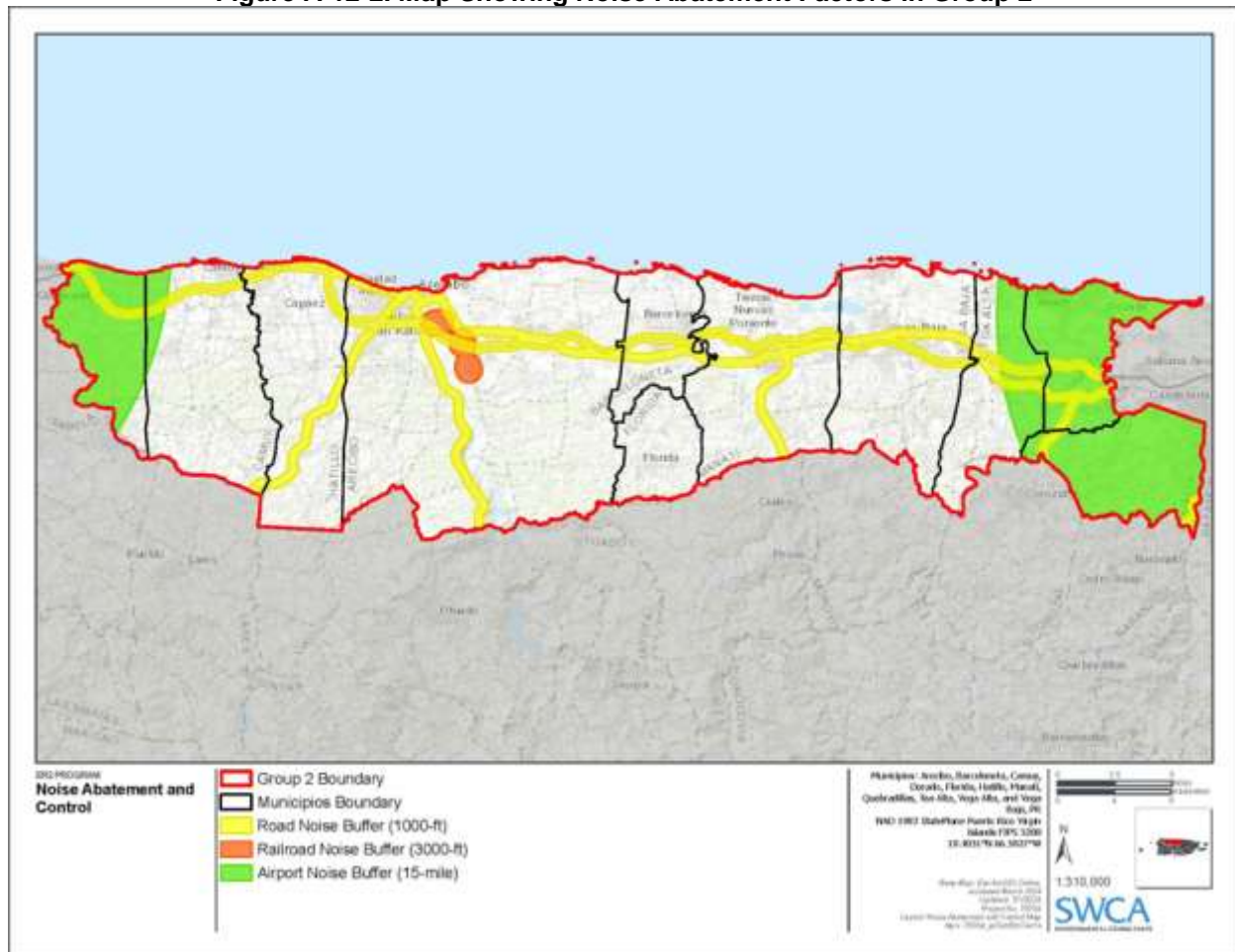
Figure A-12-6. Map Showing Noise Abatement Factors in Group 6

**ENVIRONMENTAL FINDINGS: HUD's guidelines on noise controls are that they are only applicable to residential endeavors. The Program projects are limited to making energy improvements to existing commercial SMB spaces, with no residential connection even if situated in a mixed-use building. Therefore, the project is in compliance with 24 CFR Part 51 Subpart B. No further evaluation is required.**

**Figure A-12-1. Map Showing Noise Abatement Factors in Group 1**

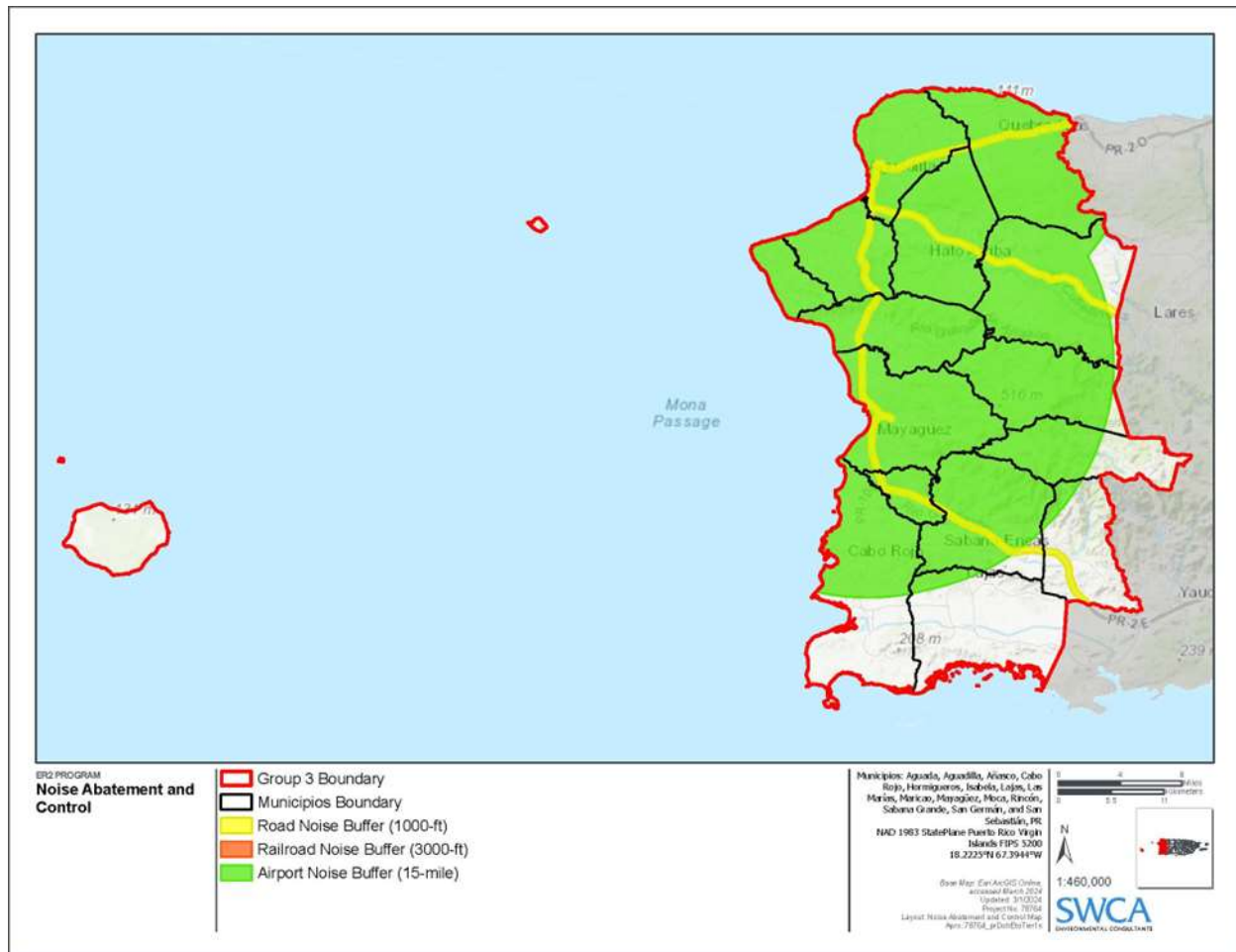


**Figure A-12-2. Map Showing Noise Abatement Factors in Group 2**

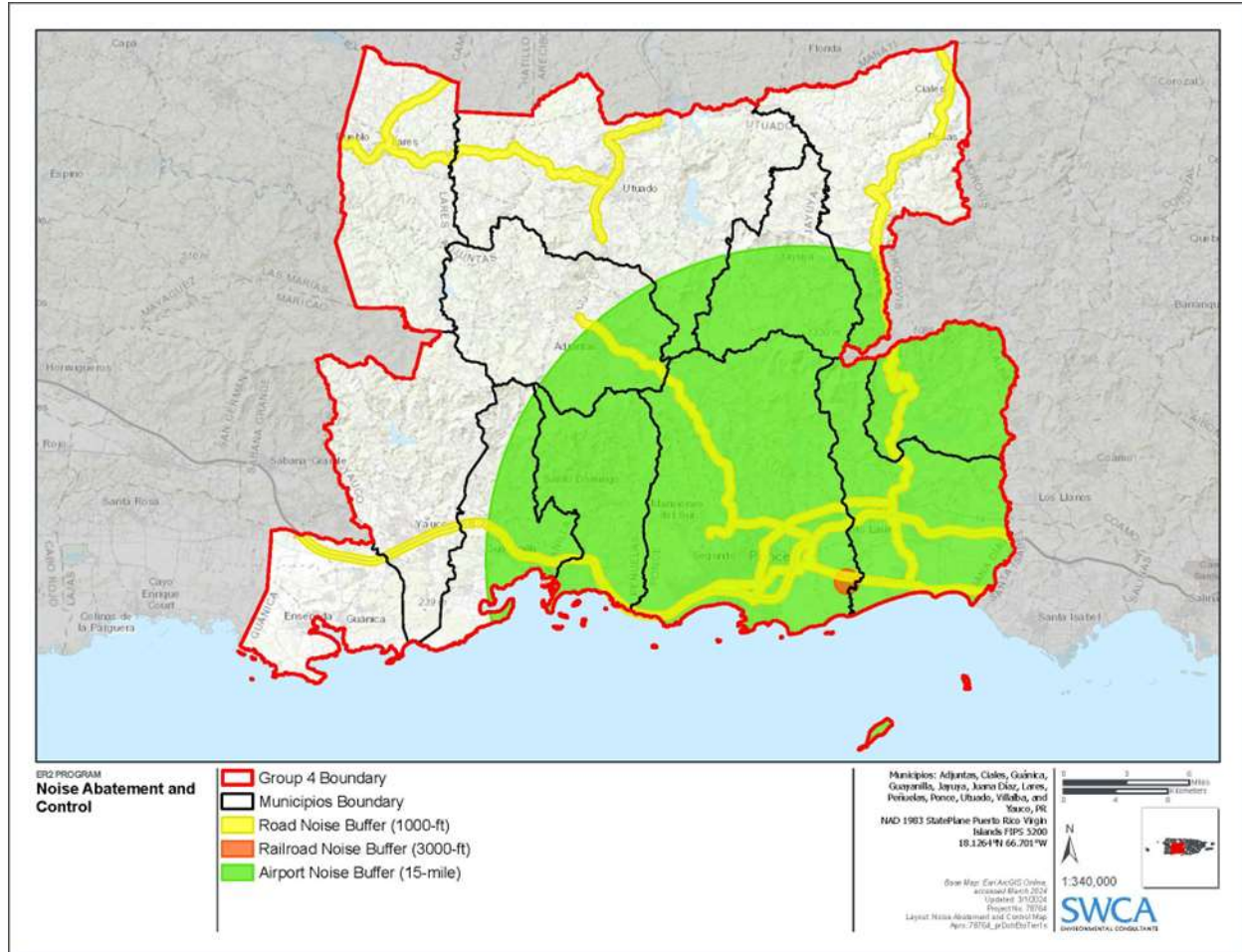




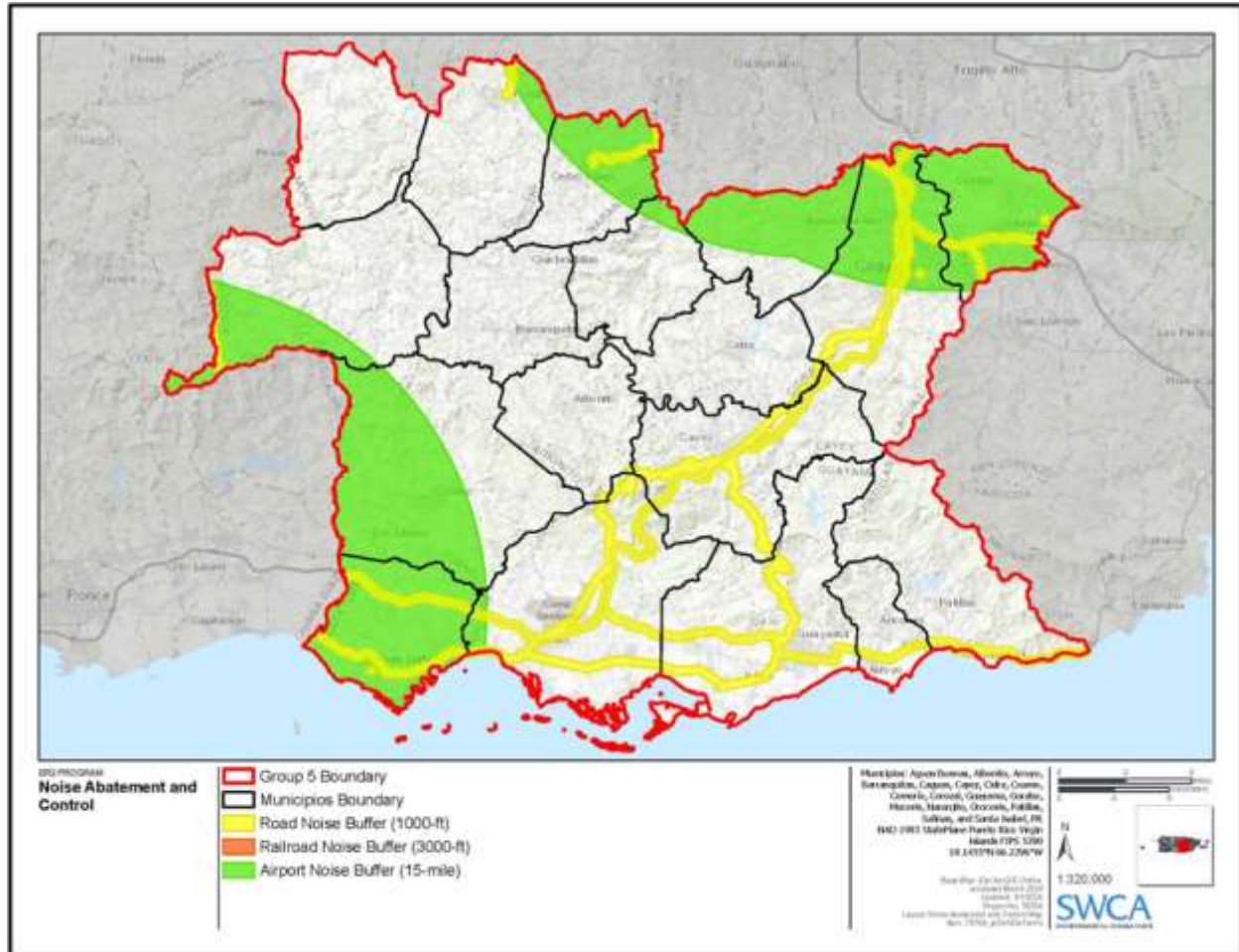
**Figure A-12-3. Map Showing Noise Abatement Factors in Group 3**



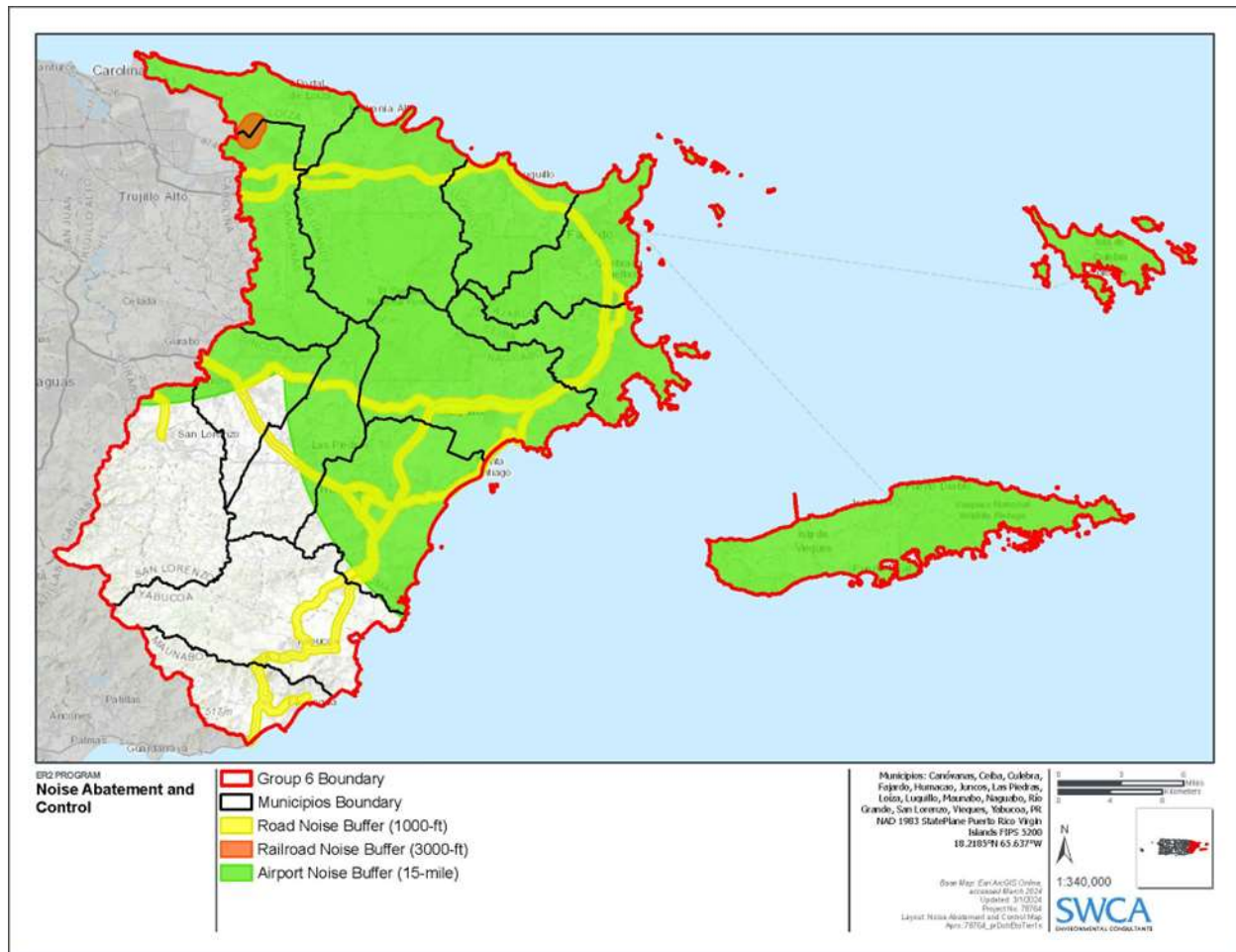
**Figure A-12-4. Map Showing Noise Abatement Factors in Group 4**



**Figure A-12-5. Map Showing Noise Abatement Factors in Group 5**



**Figure A-12-6. Map Showing Noise Abatement Factors in Group 6**



### Exhibit A-13 – Sole Source Aquifers

Sole Source Aquifers in Group 1	0 acres
Sole Source Aquifers in Group 2	0 acres
Sole Source Aquifers in Group 3	0 acres
Sole Source Aquifers in Group 4	0 acres
Sole Source Aquifers in Group 5	0 acres
Sole Source Aquifers in Group 6	0 acres

#### Dataset(s) used in evaluation

Agency	Internet link	Accessed	Dataset Date
U.S. Environmental Protection Agency	<a href="https://www.epa.gov/dwssa/map-sole-source-aquifer-locations">https://www.epa.gov/dwssa/map-sole-source-aquifer-locations</a>	03/01/2024	08/15/2017

#### Agencies or their regulations consulted during Broad Review

U.S. Environmental Protection Agency Regulations (EPA)

#### Supporting Documentation

Figure A-13-1. Puerto Rico Sole Source Aquifers

Figure A-13-2. Puerto Rico Sole Source Aquifers

Figure A-13-3. Puerto Rico Sole Source Aquifers

Figure A-13-4. Puerto Rico Sole Source Aquifers

Figure A-13-5. Puerto Rico Sole Source Aquifers

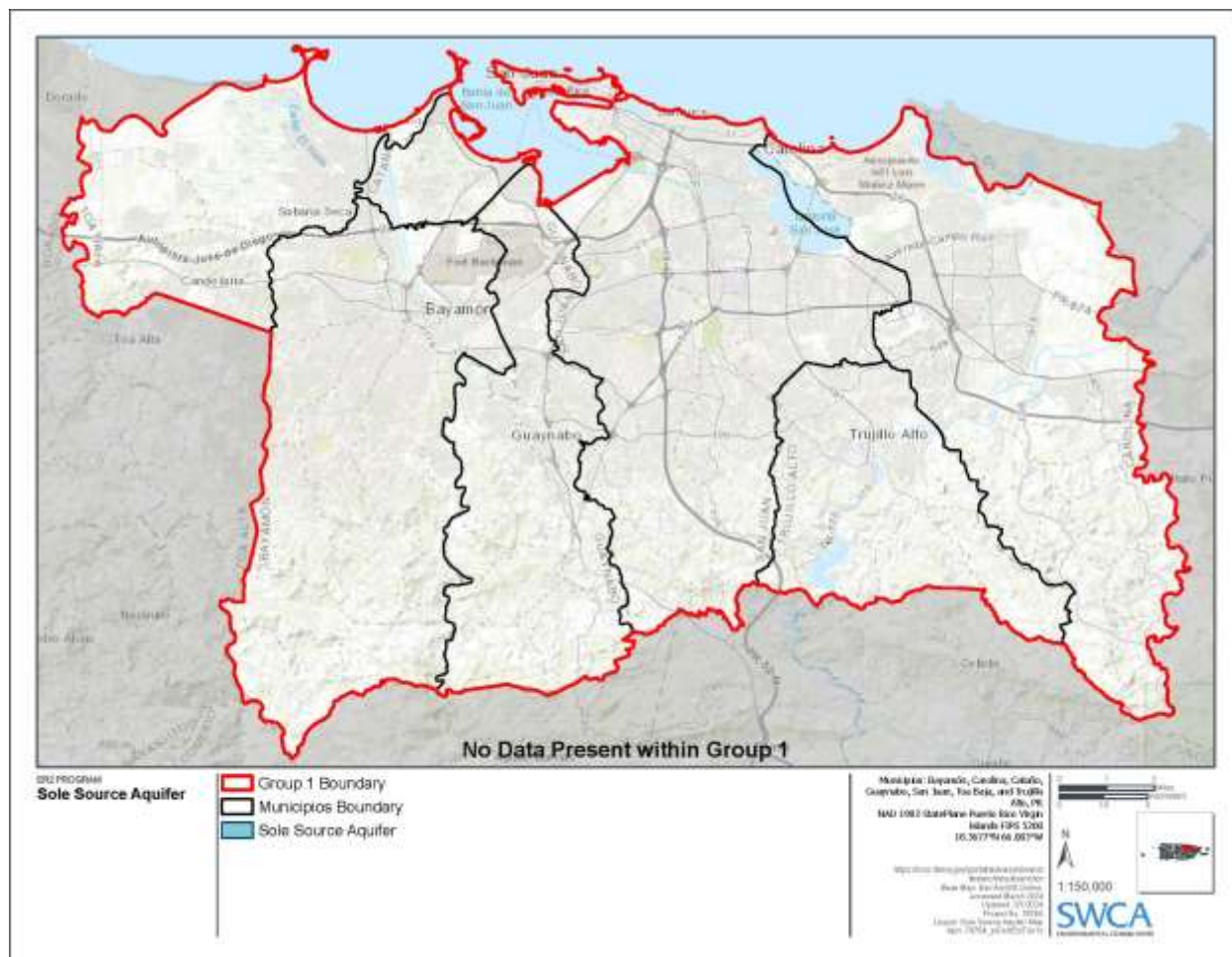
Figure A-13-6. Puerto Rico Sole Source Aquifers

Figure A-13-7. Sole Source Aquifers Near Puerto Rico

**ENVIRONMENTAL FINDING: No Tier I consultation required. Puerto Rico has no sole source aquifers located within its territorial boundaries. The nearest sole source aquifer is situated in the southeastern end of Florida, approximately 950 miles to the northwest at its closest point.**



**Figure A-13-1. Puerto Rico Sole Source Aquifers**



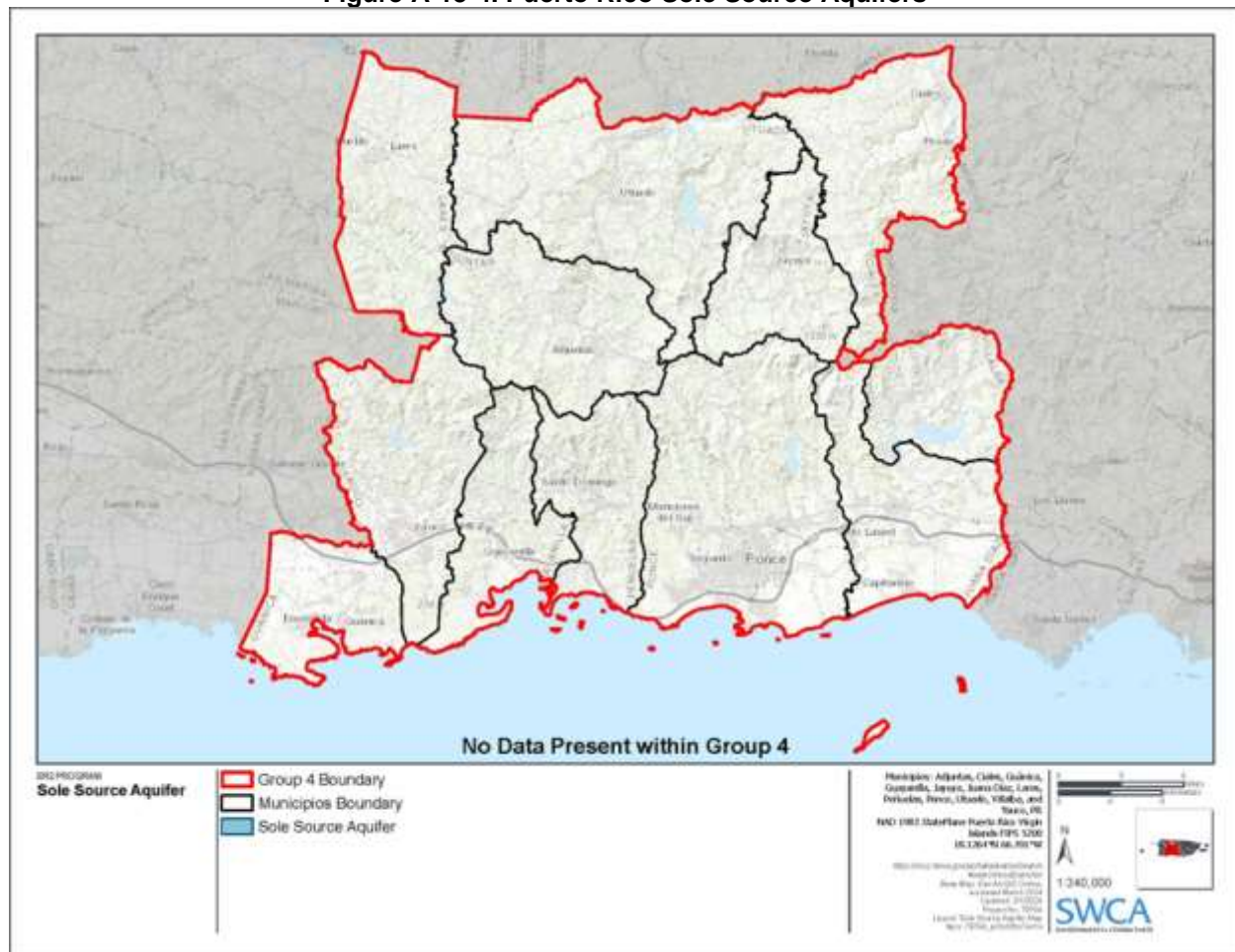
**Figure A-13-2. Puerto Rico Sole Source Aquifers**



### Figure A-13-3. Puerto Rico Sole Source Aquifers

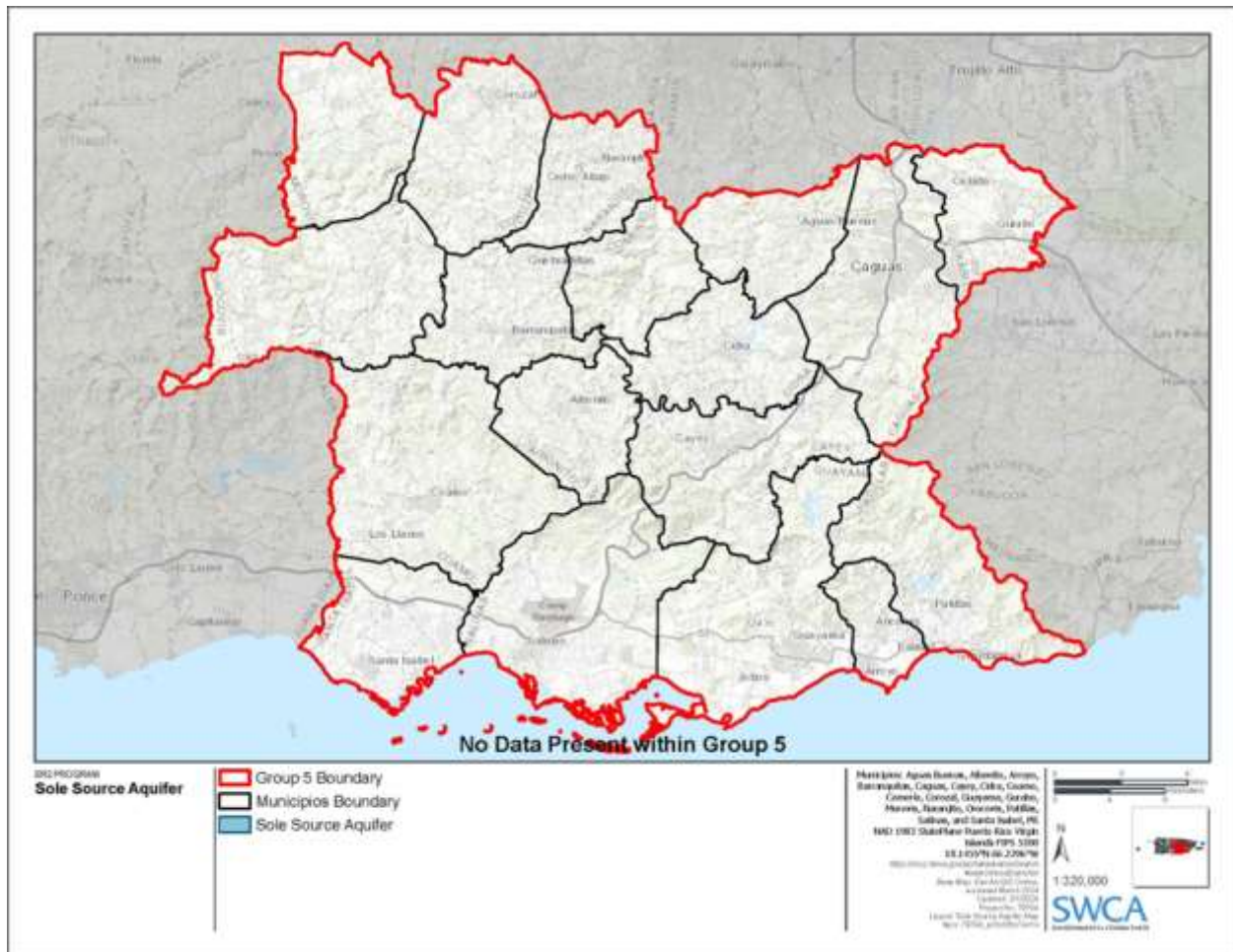


**Figure A-13-4. Puerto Rico Sole Source Aquifers**



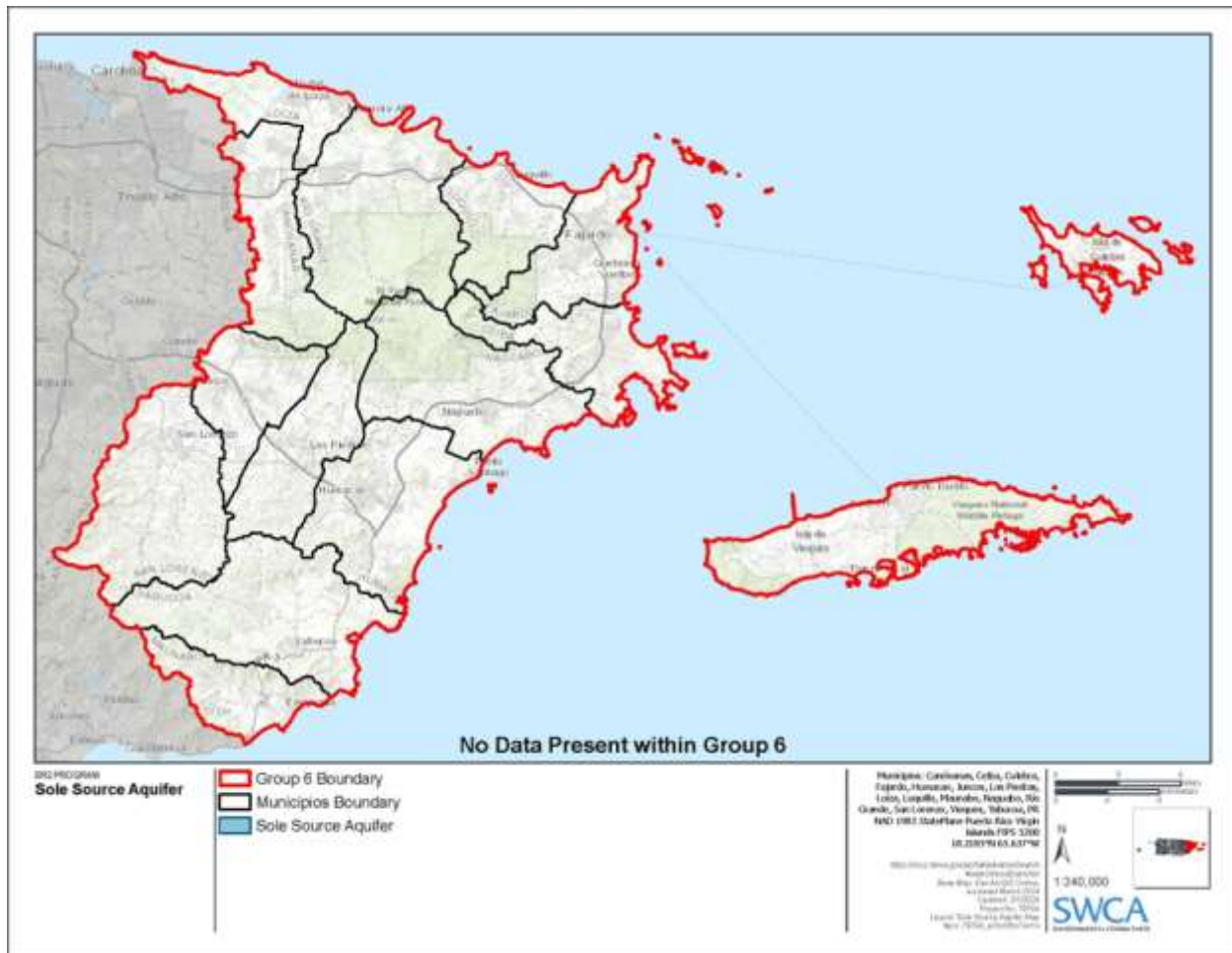


**Figure A-13-5. Puerto Rico Sole Source Aquifers**





### Figure A-13-6. Puerto Rico Sole Source Aquifers



### Figure A-13-7. Sole Source Aquifers Near Puerto Rico



## Exhibit A-14 – Wetlands Protection

Wetland Type	Acres in Group 1
Estuarine and Marine Deepwater	2,563.97
Estuarine and Marine Wetland	5,384.08
Freshwater Emergent Wetland	8,430.38
Freshwater Forested/Shrub Wetland	1,007.20
Freshwater Pond	114.46
Lake	354.49
Riverine	1,648.41
<b>Total</b>	<b>19,502.99</b>

Wetland Type	Acres in Group 2
Estuarine and Marine Deepwater	1,111.09
Estuarine and Marine Wetland	2,214.13
Freshwater Emergent Wetland	14,864.71
Freshwater Forested/Shrub Wetland	1,870.09
Freshwater Pond	305.07
Lake	718.44
Riverine	1,578.71
<b>Total</b>	<b>22,662.25</b>

Wetland Type	Acres in Group 3
Estuarine and Marine Deepwater	2,064.25
Estuarine and Marine Wetland	5,251.16
Freshwater Emergent Wetland	15,175.42
Freshwater Forested/Shrub Wetland	2,743.18
Freshwater Pond	348.77
Lake	532.37
Riverine	4,197.69
<b>Total</b>	<b>30,312.82</b>

Wetland Type	Acres in Group 4
Estuarine and Marine Deepwater	788.40
Estuarine and Marine Wetland	7,188.34
Freshwater Emergent Wetland	3,723.46

Freshwater Forested/Shrub Wetland	3,178.92
Freshwater Pond	301.27
Lake	2,621.27
Riverine	4,880.11
<b>Total</b>	<b>22,681.77</b>

<b>Wetland Type</b>	<b>Acres in Group 5</b>
Estuarine and Marine Deepwater	1,120.28
Estuarine and Marine Wetland	4,876.81
Freshwater Emergent Wetland	2,155.98
Freshwater Forested/Shrub Wetland	3,240.84
Freshwater Pond	293.79
Lake	1,243.08
Riverine	5,601.11
<b>Total</b>	<b>18,531.88</b>

<b>Wild and Scenic Rivers in Group 6</b>	<b>Linear Feet</b>
Luquillo	23,330.54
Naguabo	23,522.05
Rio Grande	45,696.48
<b>Total</b>	<b>92,549.07</b>

#### **Dataset(s) used in evaluation**

<b>Agency</b>	<b>Internet link</b>	<b>Accessed</b>	<b>Dataset Date</b>
National Wetland Inventory – U.S. Fish and Wildlife Service	<a href="https://www.fws.gov/wetlands/data/data-download.html">https://www.fws.gov/wetlands/data/data-download.html</a>	03/01/2024	05/31/2023
U.S. Forest Service	<a href="https://www.rivers.gov/mapping-gis.php">https://www.rivers.gov/mapping-gis.php</a>	03/01/2024	01/16/2017

#### Agencies or their regulations consulted during Broad Review

United States Army Corps of Engineers (USACE)

#### Supporting Documentation

Figure A-14-1. Group 1 National Wetlands Inventory (NWI) Map

Figure A-14-2. Group 2 National Wetlands Inventory (NWI) Map

Figure A-14-3. Group 3 National Wetlands Inventory (NWI) Map

Figure A-14-4. Group 4 National Wetlands Inventory (NWI) Map

Figure A-14-5. Group 5 National Wetlands Inventory (NWI) Map

Figure A-14-6. Group 6 National Wetlands Inventory (NWI) Map

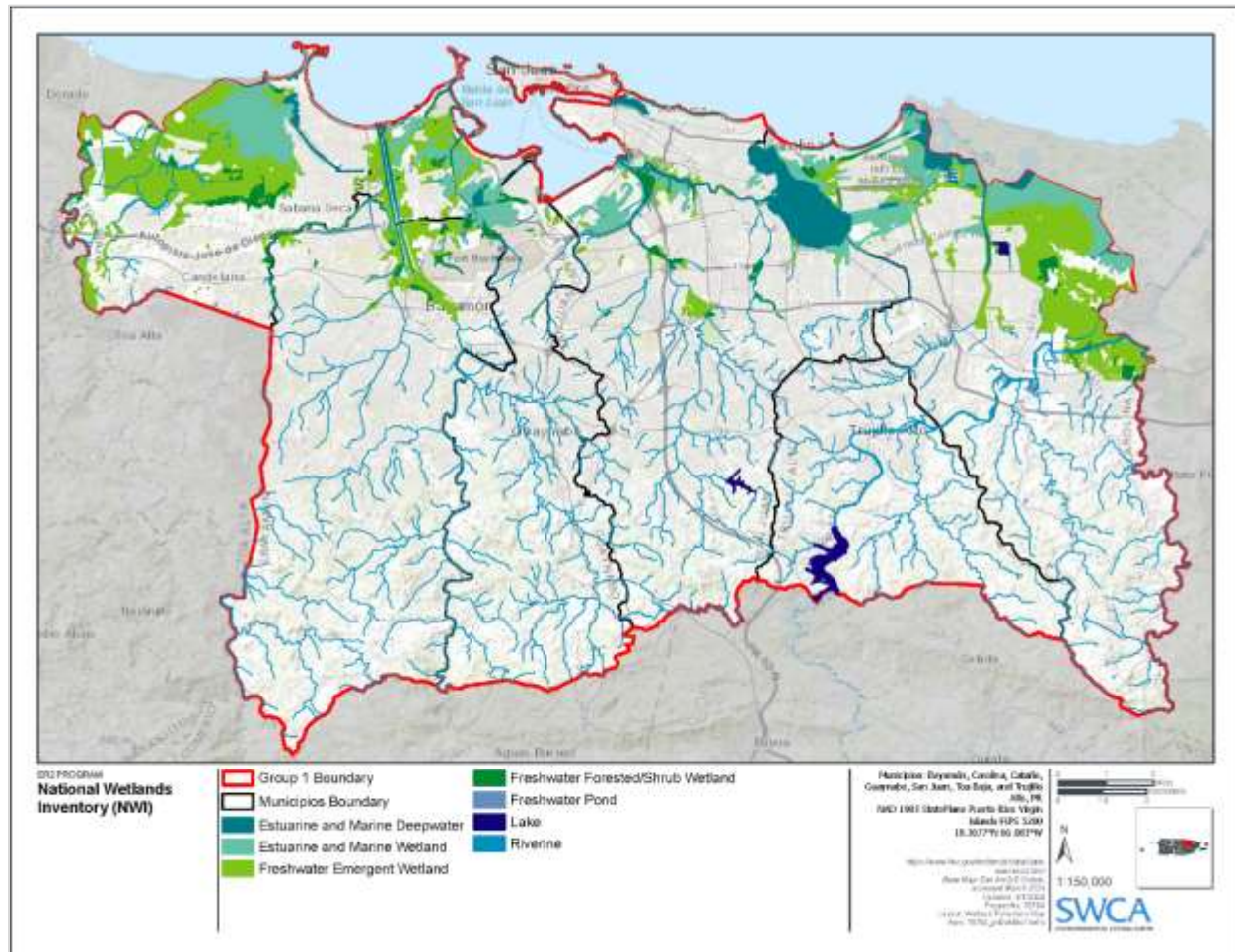
Attachment A-14-1. October 10, 2024 communication from PRDOH to Jacksonville District Corps of Engineers and Month XX, 2024 Reply

**ENVIRONMENTAL FINDING: No ground disturbance at Program sites will occur as the allowable activities are limited to installing equipment on existing building floors, roofs and walls. Therefore, there is no potential to negatively affect wetlands and the project activities are in compliance with the Executive Order 11990 and 24 CFR 55 Subpart B, specifically 24 CFR 55.16. No further evaluation is necessary.**

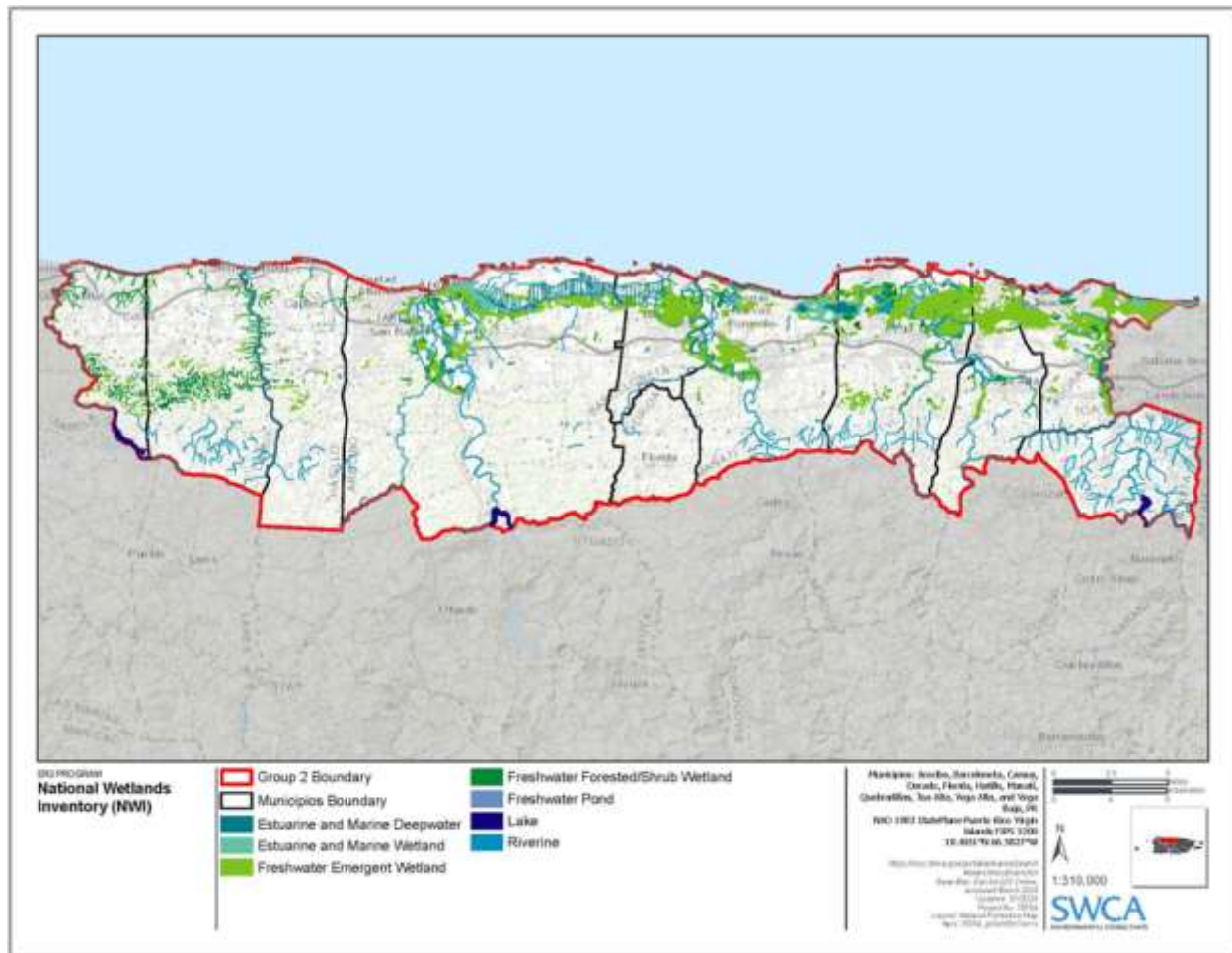




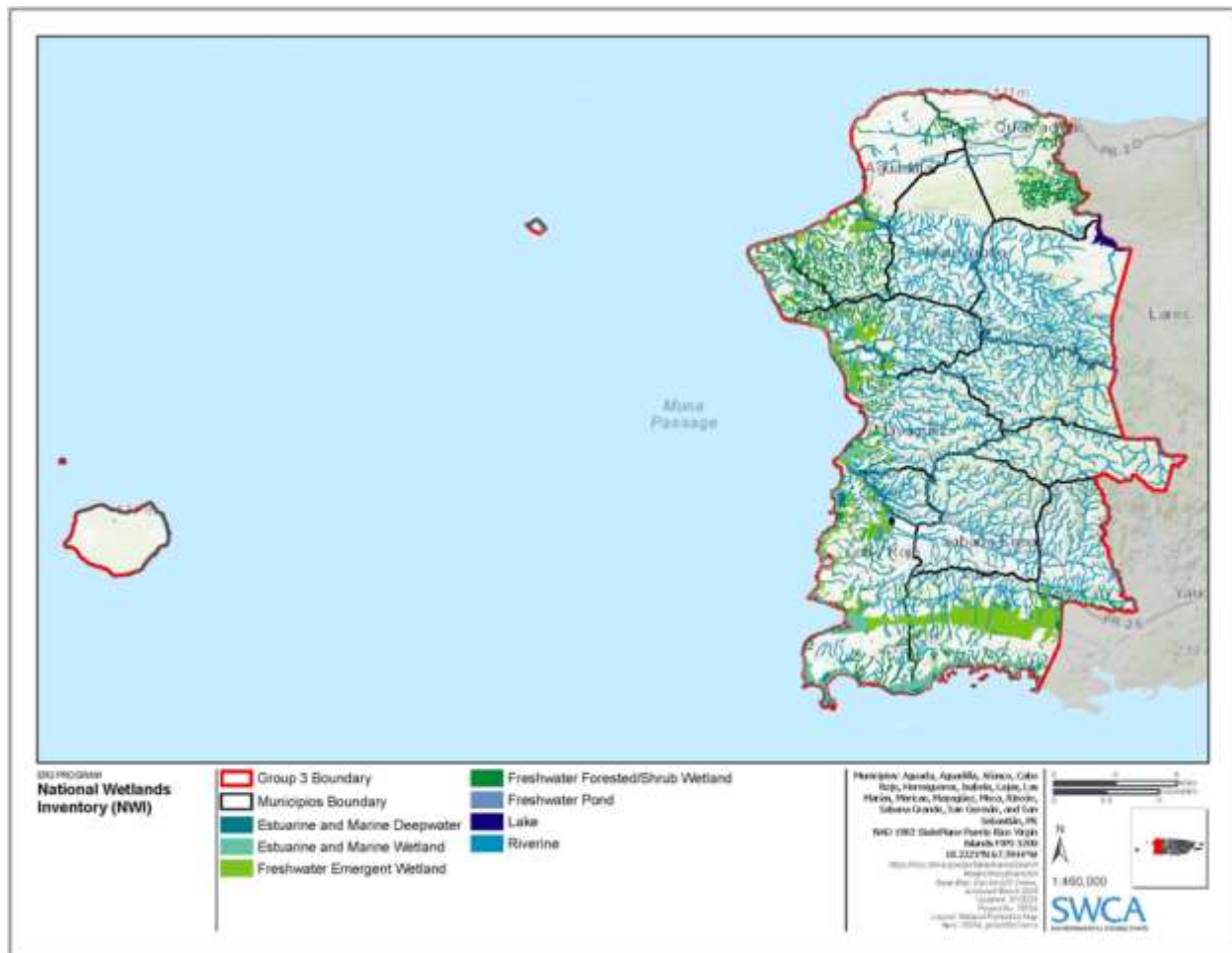
**Figure A-14-1. Group 1 National Wetlands Inventory (NWI) Map**



**Figure A-14-2. Group 2 National Wetlands Inventory (NWI) Map**

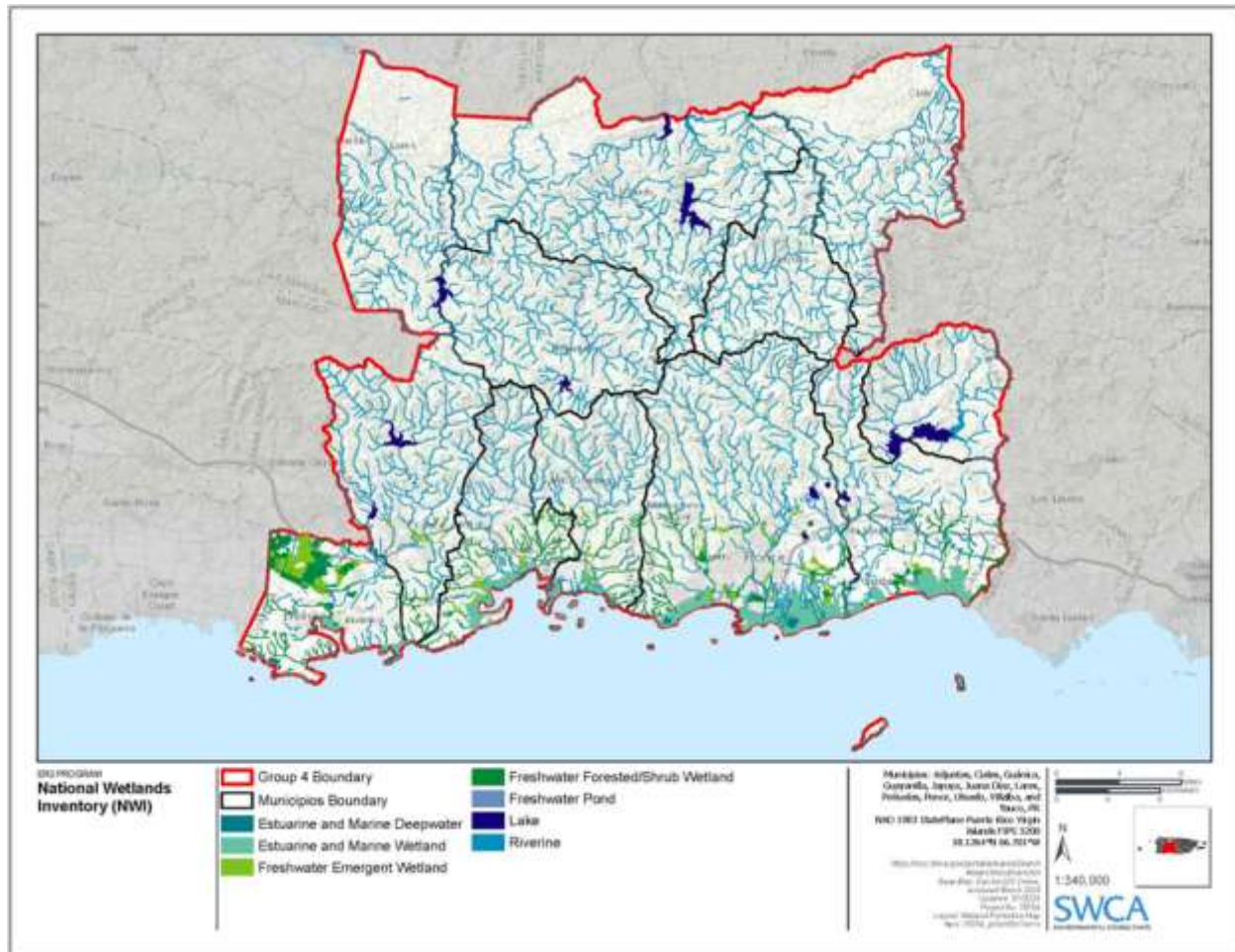


### Figure A-14-3. Group 3 National Wetlands Inventory (NWI) Map



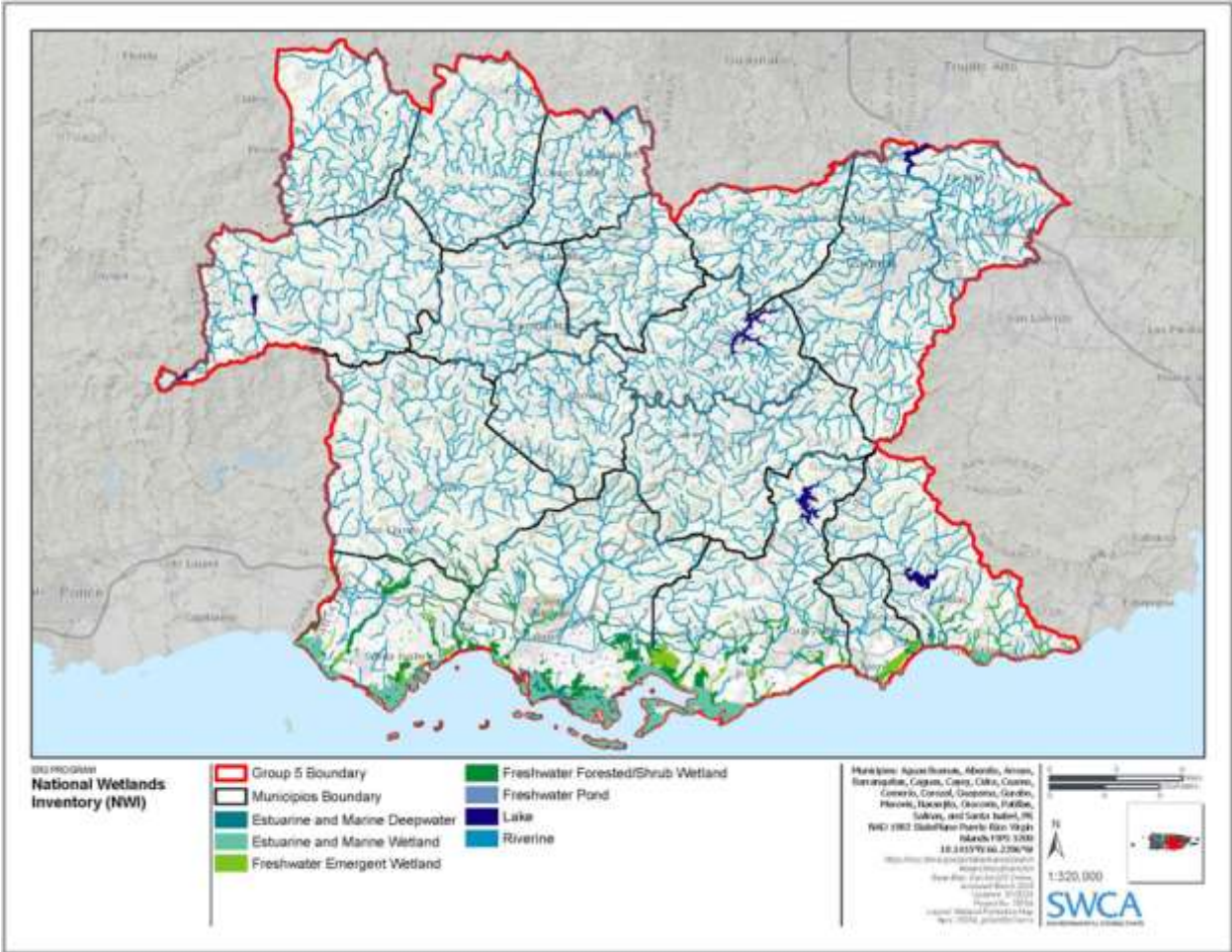


**Figure A-14-4. Group 4 National Wetlands Inventory (NWI) Map**

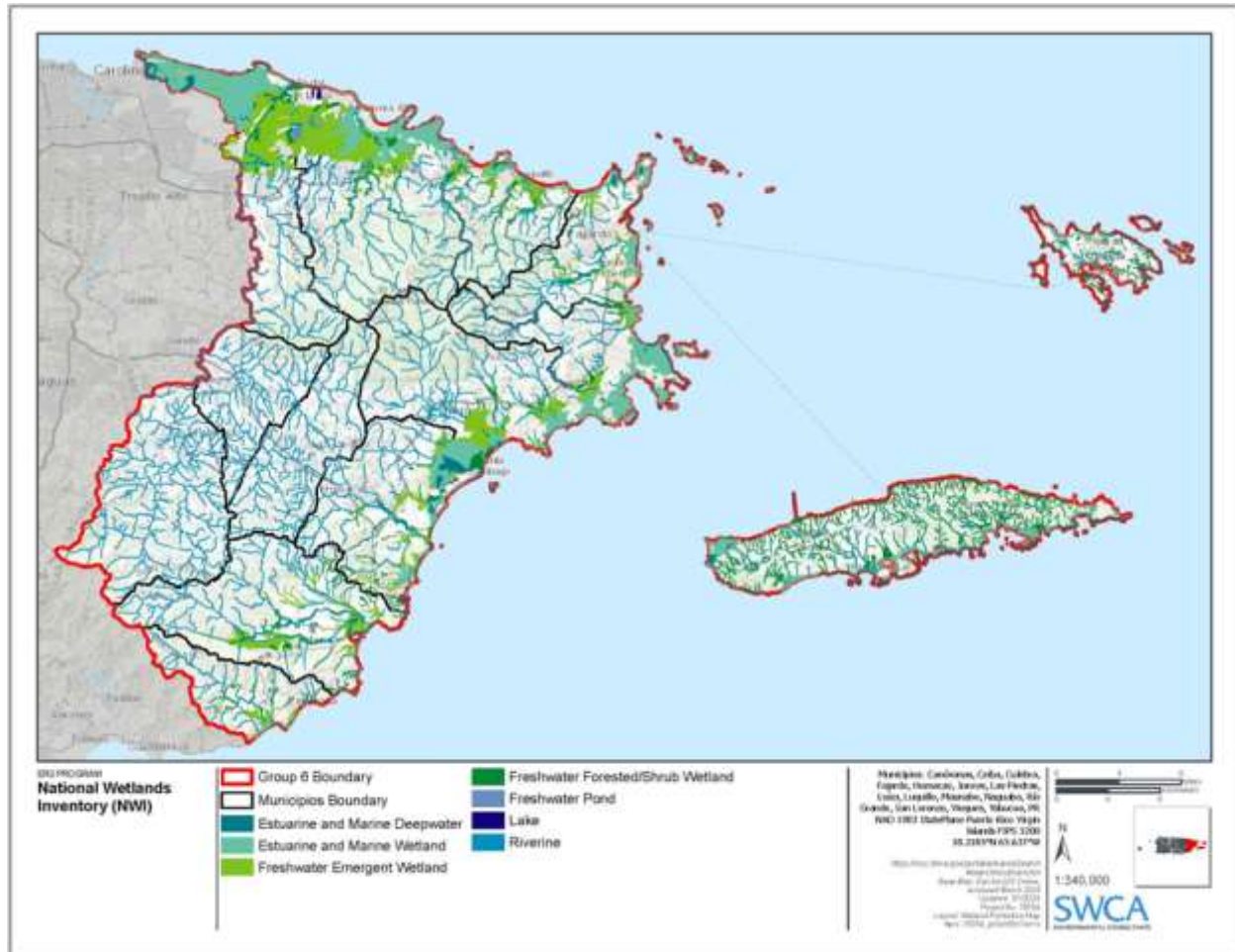




### Figure A-14-5. Group 5 National Wetlands Inventory (NWI) Map



**Figure A-14-6. Group 6 National Wetlands Inventory (NWI) Map**



**Attachment A-14-1.**

**October 10, 2024 communication from PRDOH to Jacksonville District Corps of Engineers and Month XX, 2024 Reply**



GOVERNMENT OF PUERTO RICO  
DEPARTMENT OF HOUSING

October 10, 2024

Mr. José A. Alicea-Pou,  
Chief, District Regulatory Section  
United States Army Corps of Engineers (USACE),  
Jacksonville District,  
Annex Building, Fundación Ángel Ramos,  
2<sup>nd</sup> Floor, Suite 202,  
Franklin Delano Roosevelt Avenue #383  
San Juan, Puerto Rico 00918  
Tel: 787-368-8669  
Via email: [Jose.A.Alicea-Pou@usace.army.mil](mailto:Jose.A.Alicea-Pou@usace.army.mil); [PublicMail.CFSAJ-CC@usace.army.mil](mailto:PublicMail.CFSAJ-CC@usace.army.mil)

**RE: Proposed Clean Water Act  
Executive Order 11990 Compliance Process  
CDBG-DR Funded Energy Support Incentive Program 2.0**

Dear Mr. Alicea-Pou,

The Puerto Rico Department of Housing (PRDOH) is preparing a Tiered Environmental Review to process applicants who are seeking federal Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) funds. PRDOH selected the Department of Economic Development and Commerce (DEDC) to be the subrecipient of \$30,000,000 in CDBG-DR funds for the Apoyo Energético Set-Aside from the Electrical Power Reliability and Resilience Program (ER2) to help improve Puerto Rico's electrical power systems. The DEDC's Public Energy Policy Program, responsible for the development and implementation of Puerto Rico's energy policies, will use these funds to provide energy resilience to small and medium-sized businesses (SMBs), with a focus on enabling community lifelines to operate after a future natural disaster. These commercial sites will be scattered across the island and the exact locations are not known at this time. Therefore, since the geographic extent of these SMBs can include all 78 municipalities, PRDOH has divided Puerto Rico into 6 regional groups (refer to figures).

As described in the Puerto Rico Disaster Recovery Action Plan, the PRDOH has allocated CDBG-DR funds for the Energy Support Incentive Program 2.0, Apoyo Energético Set-Aside. Each applicant businesses' project will receive one or more of the following benefits:

- Installation of a photovoltaic (solar) panel system and appurtenant storage system (batteries) on the existing commercial building's roof;
- Integration of storage (batteries) inside application buildings that already have an operational photovoltaic panel system in optimal condition; and/or
- Installation of electric vehicle charging infrastructure (Level 2), which will also be limited to the existing building's interior / exterior walls and/or floors. This is a Level 2



Letter from PRDOH to USACE  
Proposed Clean Water Act / EO 11990 Compliance Process  
CDBG-DR Funded Energy Support Incentive Apoyo Energético Program

project action as electric vehicle charger installation will not be permitted as the sole funded project activity. This activity must be carried out in conjunction with one of the other two aforementioned eligible activities.

The PRDOH, when acting as the Responsible Entity in lieu of HUD, is required under 24 CFR 58.4 to have protocols that safeguard funded actions do not contravene federal and Puerto Rico laws. This includes PRDOH initiating the required National Environmental Policy Act (NEPA) review. PRDOH intends to perform a two-tiered review that will first obtain programmatic clearances on the NEPA elements for which no impact is anticipated to occur (Tier I broad review) and secondly establish programmatic guidelines and standards for evaluating specific locations where potential impacts could occur (Tier II site-specific review). The level of review PRDOH is performing meets HUD's Categorically Excluded Subject to Section 58.5 category (24 CFR 58.35(a)).

The following table provides a breakdown of floodplain designations and mapped wetland coverage mapped in the National Wetland Inventory for each regional group where project activities may occur.

Acres per Regional Group						
Zone Designation	Group 1	Group 2	Group 3	Group 4	Group 5	Group 6
A Undifferentiated	868.84	2585.77	13219.46	12328.638	7672.0587	5242.2674
AE	17,193.33	17133.83	14736.22	12675.147	13139.983	24468.165
Floodway	7,350.55	20413.51	15234.01	11566.788	7424.2128	25364.661
AO	42.23	0	315.58	1685.6379	57.817613	73.924165
VE	558.47	1127.98	3006.44	715.38057	2116.4589	3681.0561
X (0.2 Percent Annual Chance Flood Hazard/500-year)	7,847.96	1634.55	3252.25	1614.437	2831.6964	4284.9258
X	106,483.49	240345.21	379938.18	446779.26	467707.65	288359.77
AH	0	37.6	0	0	0	0
Riverine Floodway in Coastal Zone	0	0	0	0	0	4.967755
Wetlands	19502.99	22662.25	30312.821	22681.774	18531.881	42993.238

Sources: <https://msc.fema.gov/portal/advanceSearch>, <https://gis.fema.gov/gis/rest/services/DR/> and <https://www.fws.gov/program/national-wetlands-inventory/data-download>.

The PRDOH's intent is to have the Program's renewable energy system improvements avoid negative environmental impacts to the maximum extent practicable. All improvements will



Letter from PRDOH to USACE  
Proposed Clean Water Act / EO 11990 Compliance Process  
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be limited to the roofs, floors and walls of existing commercial buildings. The program will be compliant with wetlands protection through reference to HUD regulation 24 CFR 55.13(f), as it meets the definition of a special project installing renewable energy improvements at existing structures. Since there is no ground disturbance permitted under this program or opportunity for project debris to enter waters or wetlands, the program is compliant with the Clean Water Act and EO 11990 at the Tier I level review.

We are seeking input if the USACE has any concerns on the potential effects of this program's actions in relation to the Clean Water Act (CWA) and Executive Order (EO) 11990 for wetland protection. It is PRDOH's belief that the activities that will be funded under the ER2 – Apoyo Energético Set-Aside will have no adverse effect on the environmental resources covered by the CWA and EO 11990. Therefore, we are asking for your concurrence, that these types of actions would constitute a "no further effect or impact to a wetland area" and no further action would be required with regards to EO 11990 (8-step process) or permitting. For those projects that could potentially cause adverse impact to wetland areas, consultation with the Corps (and any regulatory actions needed) would be required prior to any construction activities occurring. Please note, project activities will not be within areas under jurisdiction of Sections 10 and 14 of the Rivers and Harbors Act. Another opportunity will be afforded in an upcoming formal comment period for the broad review. However, given its importance to the process we wish to provide you with this advance opportunity.

If USACE has any concerns with the approach that PRDOH is taking on documenting compliance with the CWA and EO 11990, we would be glad to receive them. Thank you for your prompt attention to this matter. If you have any questions, please do not hesitate to contact me at (787)274.2527 ext. 4006 or [arivera@vivienda.pr.gov](mailto:arivera@vivienda.pr.gov) / [environmentcdbg@vivienda.pr.gov](mailto:environmentcdbg@vivienda.pr.gov).

Sincerely,

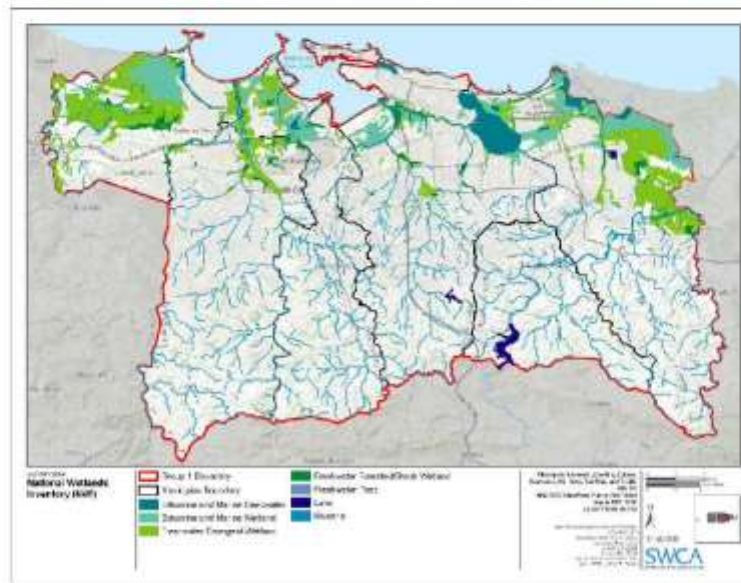
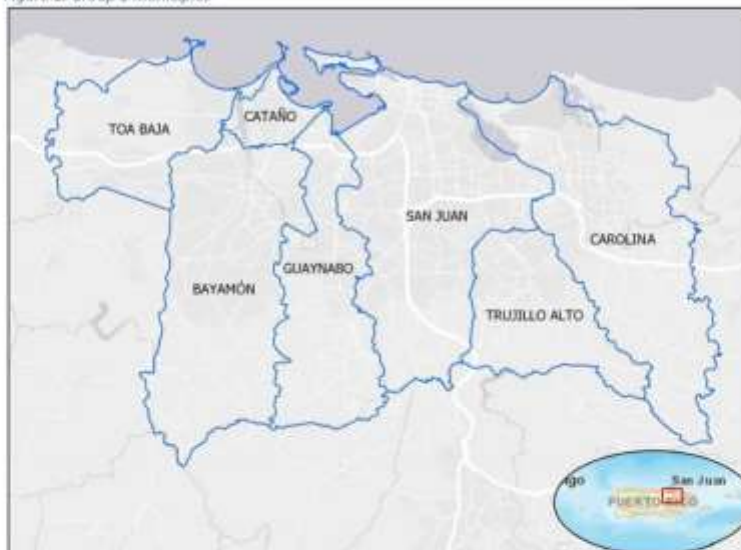


**Aldo A. Rivera-Vázquez, PE**  
Director for Program Management  
Permits and Environmental Compliance Division  
Disaster Recovery Office, CDBG-DR/MIT  
Puerto Rico Department of Housing

Letter from PRDOH to USACE  
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**Region 1:**

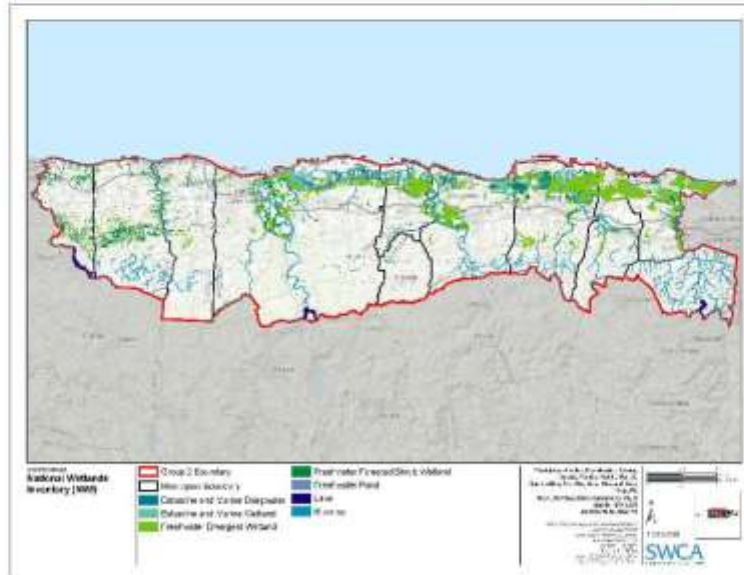
Figure 1. Group 1 Municipios



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**Region 2:**

Figure 2. Group 2 Municipios



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 CDBG-DR Funded Energy Support Incentive Apoyo Energético Program

Region 3:

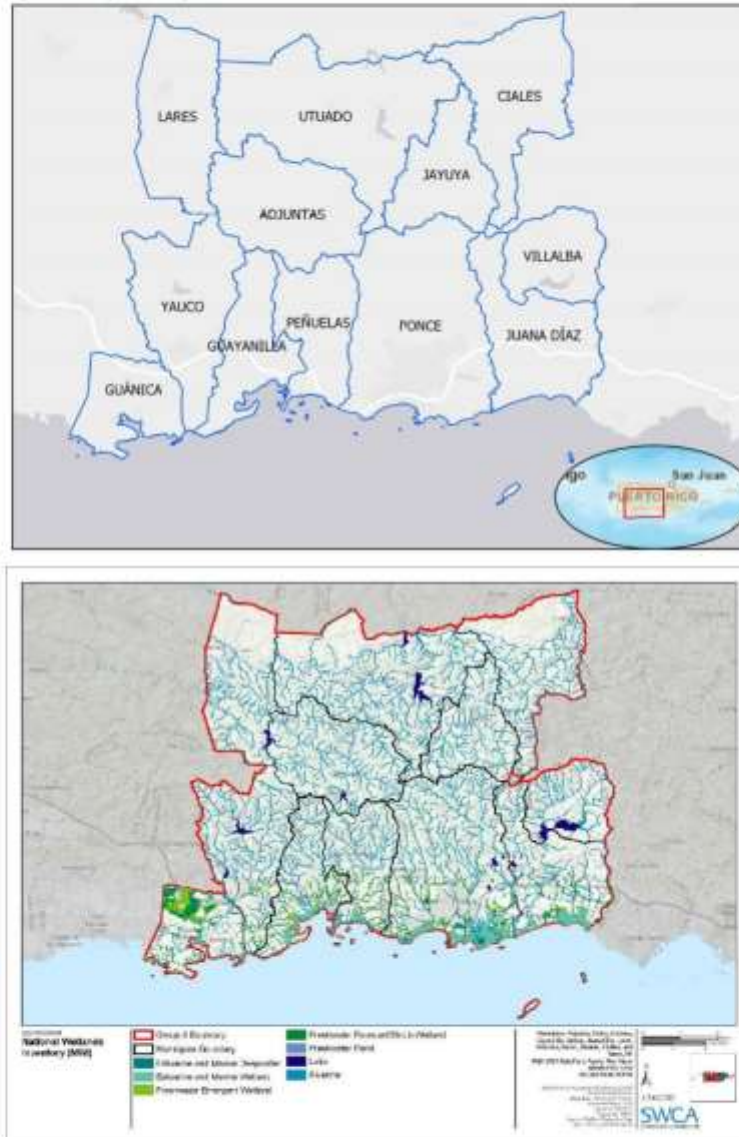
Figure 3. Group 3 Municipios



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Region 4:

Figure 4. Group 4 Municipios

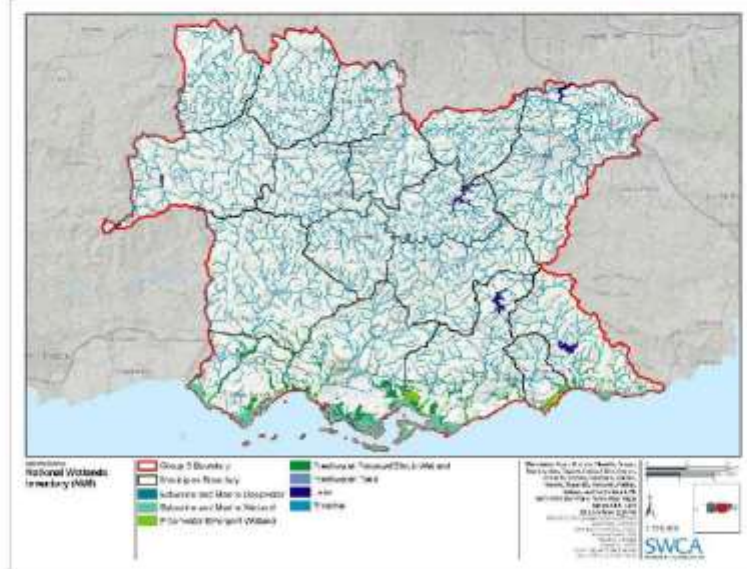




Letter from PRDOH to USACE  
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**Region 5:**

Figure 5. Group 5 Municipios



## Exhibit A-15 – Wild and Scenic Rivers

Wild and Scenic Rivers in Group 1	0 acres
Wild and Scenic Rivers in Group 2	0 acres
Wild and Scenic Rivers in Group 3	0 acres
Wild and Scenic Rivers in Group 4	0 acres
Wild and Scenic Rivers in Group 5	0 acres

Wild and Scenic Rivers in Group 6	Linear Feet
Luquillo	23,330.54
Naguabo	23,522.05
Rio Grande	45,696.48
<b>Total</b>	<b>92,549.07</b>

### Dataset(s) used in evaluation

Agency	Internet link	Accessed	Dataset Date
U.S. Forest Service	<a href="https://www.rivers.gov/mapping-gis.php">https://www.rivers.gov/mapping-gis.php</a>	03/01/2024	01/16/2017

### Agencies or their regulations consulted during Broad Review

U.S. Environmental Protection Agency Regulations (EPA)

### Supporting Documentation

Figure A-15-1. Wild and Scenic Rivers – Puerto Rico Group 1

Figure A-15-2. Wild and Scenic Rivers – Puerto Rico Group 2

Figure A-15-3. Wild and Scenic Rivers – Puerto Rico Group 3

Figure A-15-4. Wild and Scenic Rivers – Puerto Rico Group 4

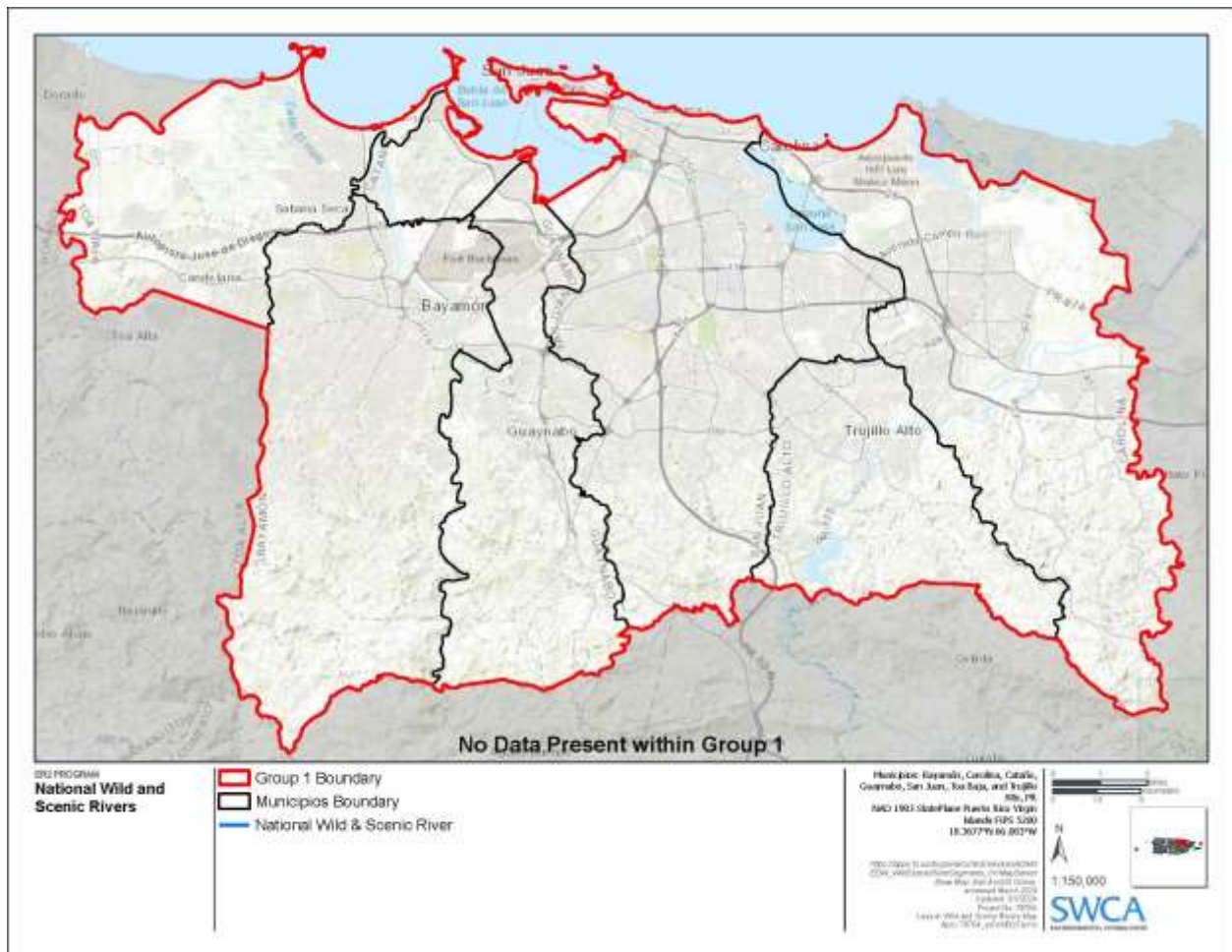
Figure A-15-5. Wild and Scenic Rivers – Puerto Rico Group 5

Figure A-15-6. Wild and Scenic Rivers – Puerto Rico Group 6

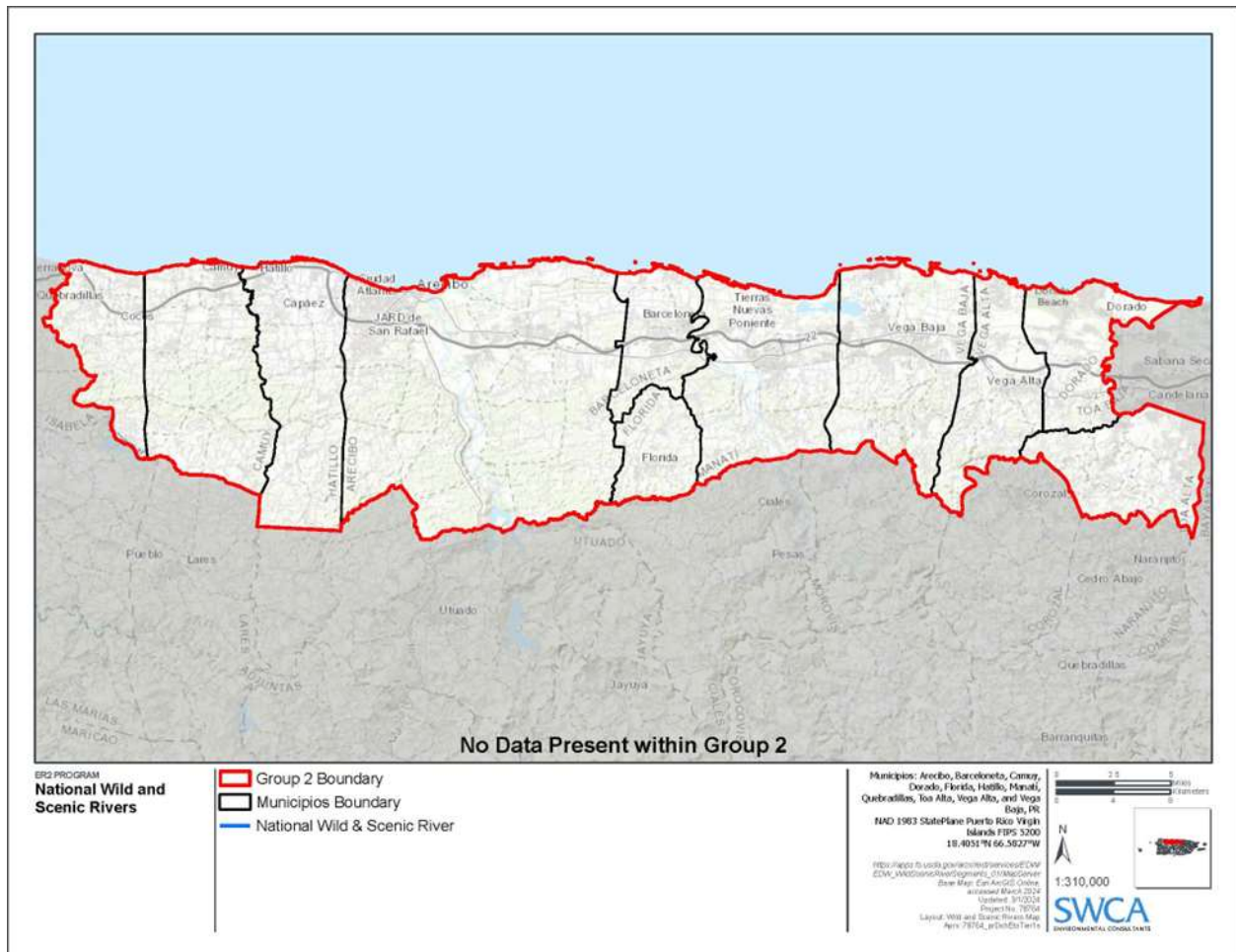
**ENVIRONMENTAL FINDING: All Energy Support Incentive Program 2.0 Set- Aside Program projects are In Compliance. Group 1-6 does not contain a designated wild / scenic river, and therefore program activities cannot affect this type of resource. Further evaluation of this resource is not required at the site-specific level.**



**Figure A-15-1. Map of Wild and Scenic Rivers in Group 1**

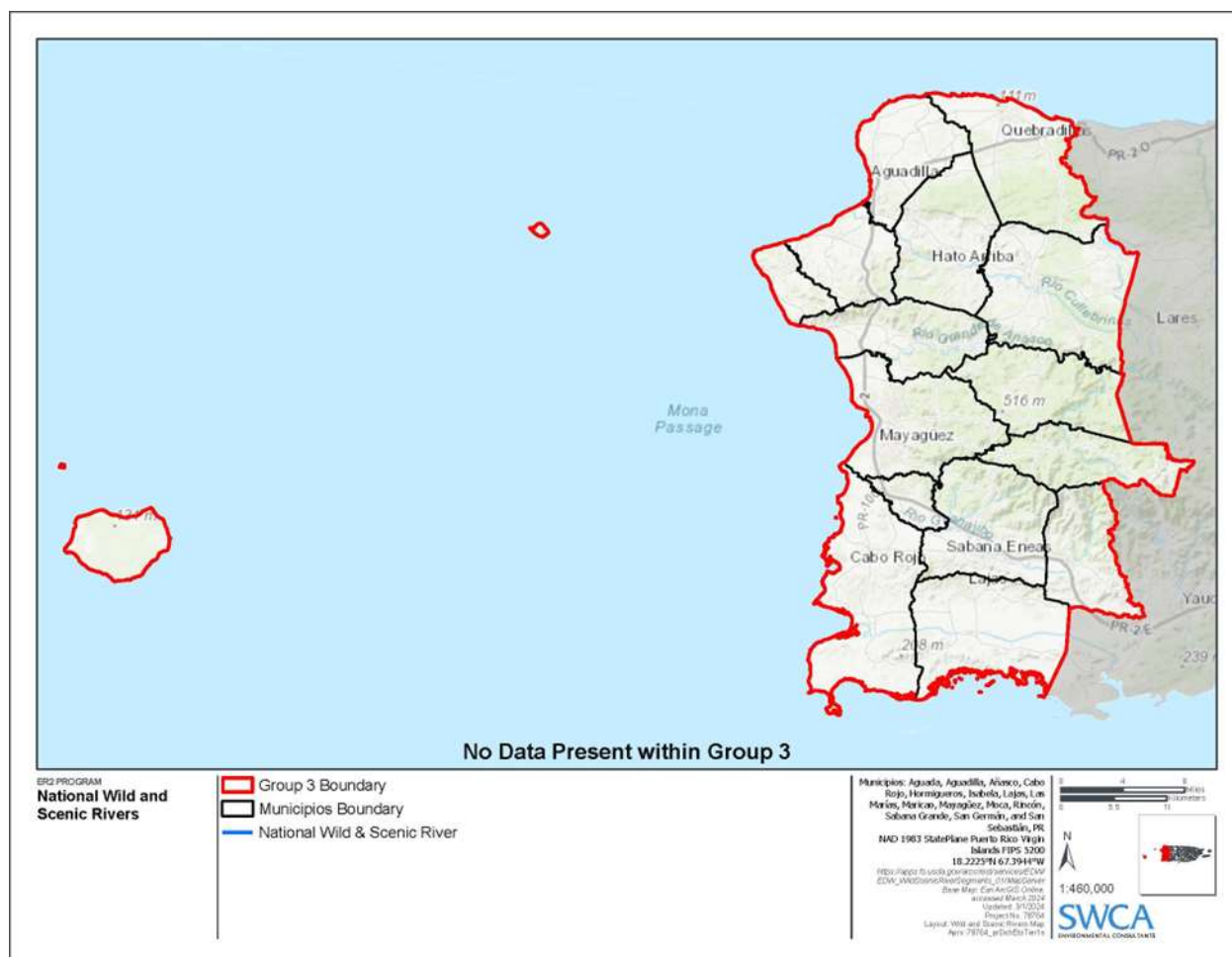


**Figure A-15-2. Map of Wild and Scenic Rivers in Group 2**

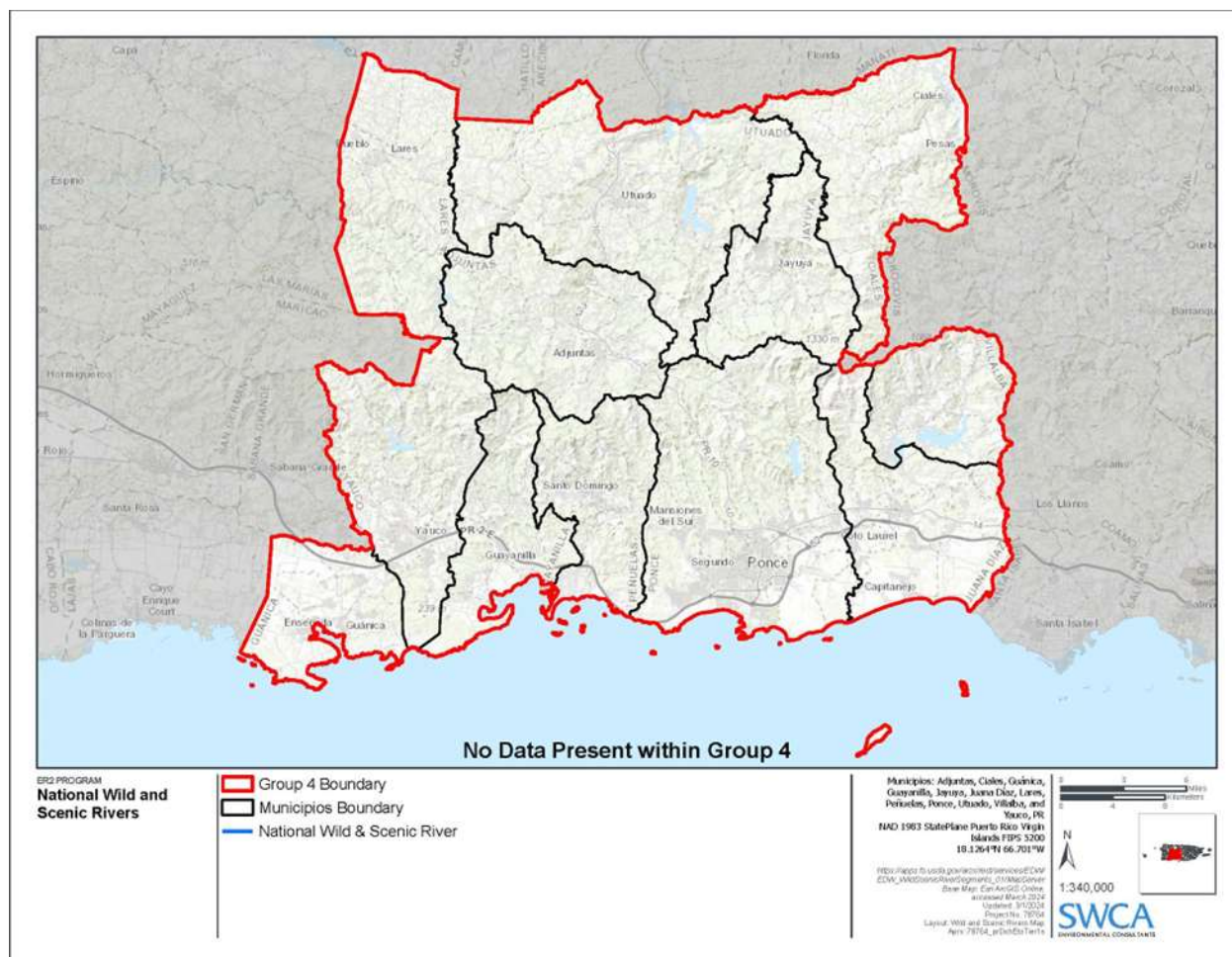




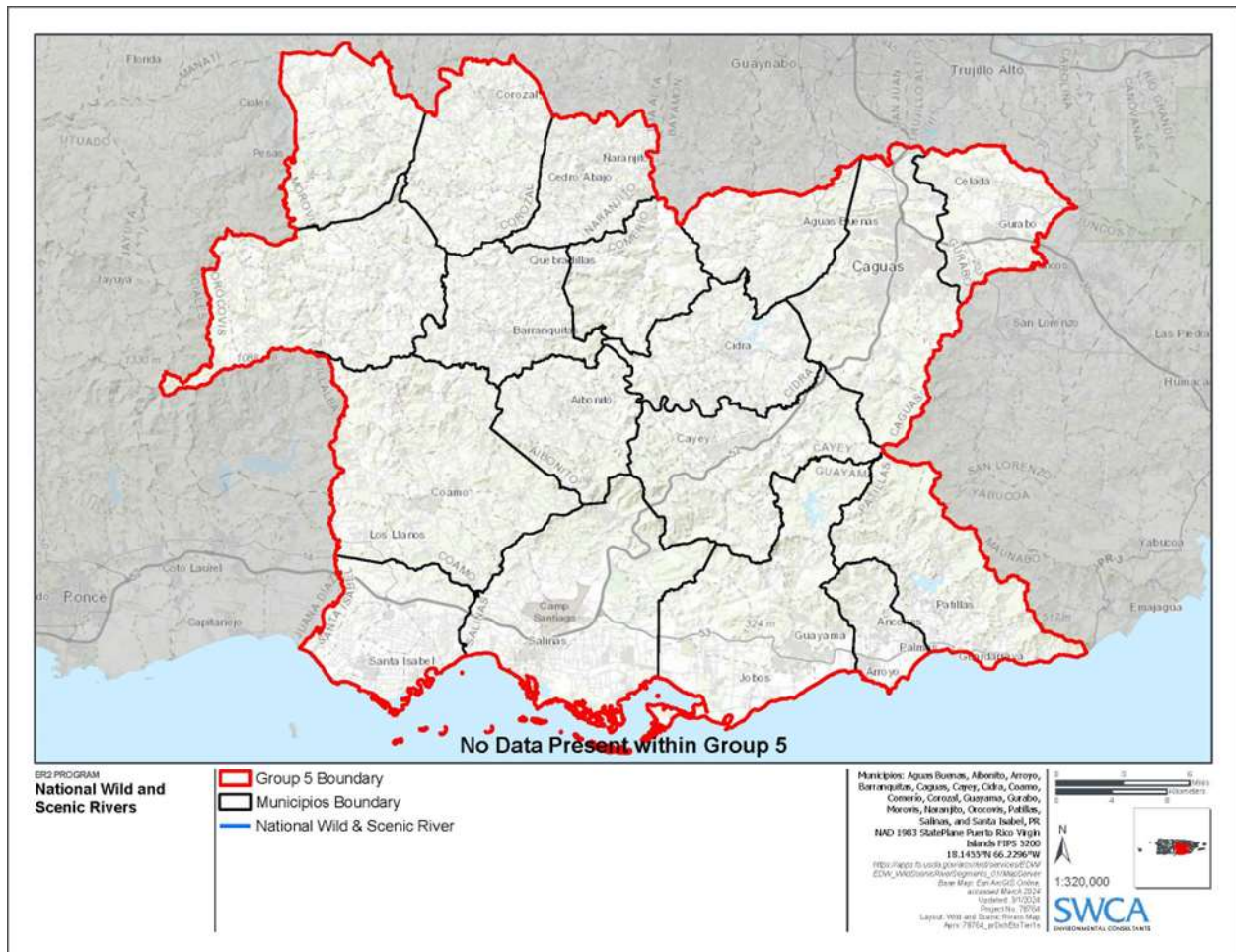
**Figure A-15-3. Map of Wild and Scenic Rivers in Group 3**



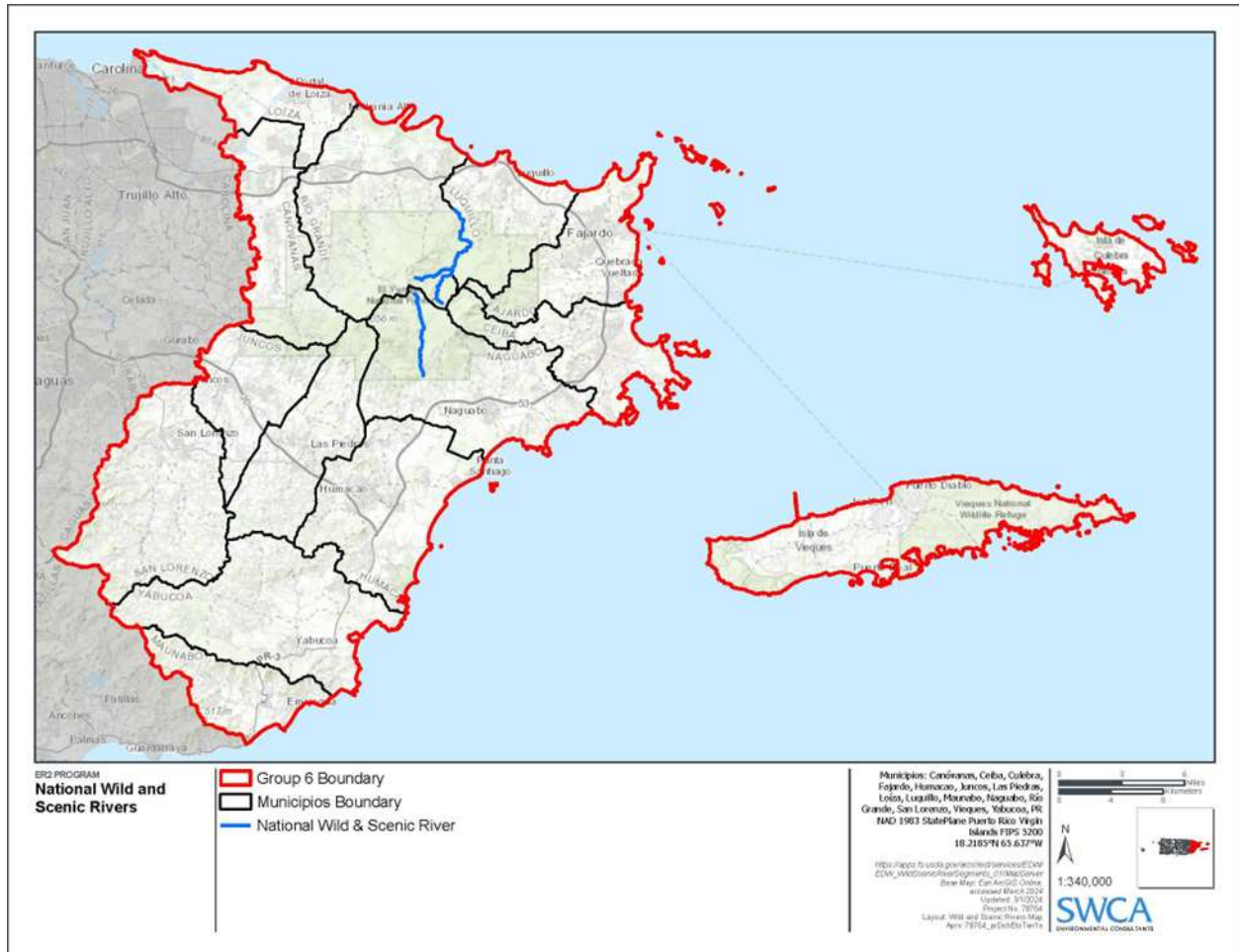
**Figure A-15-4. Map of Wild and Scenic Rivers in Group 4**



**Figure A-15-5. Map of Wild and Scenic Rivers in Group 5**



**Figure A-15-6. Map of Wild and Scenic Rivers in Group 6**



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## Exhibit A-16 – Environmental Justice

### Dataset(s) used in evaluation

Not Applicable.

### Agencies or their regulations consulted during Broad Review

Not Applicable.

### Supporting Documentation

Attachment A-16-1. Executive Order 14173 titled "Ending Illegal Discrimination and Restoring Merit-Based Opportunity".

**ENVIRONMENTAL FINDING:** On January 21, 2025, President Donald Trump issued the Executive Order 14173 titled "Ending Illegal Discrimination and Restoring Merit-Based Opportunity", which revoked Executive Order 12898 and eliminated federal mandates requiring agencies to assess environmental justice impacts. Consequently, there is no longer a federal requirement to address environmental justice concerns in the environmental compliance review process.



**Attachment A-16-1.**

**Executive Order 14173 titled "Ending Illegal Discrimination  
and Restoring Merit-Based Opportunity"**



*Administration of Donald J. Trump, 2025*

**Executive Order 14173—Ending Illegal Discrimination and Restoring Merit-Based Opportunity**

*January 21, 2025*

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered:

*Section 1. Purpose.* Longstanding Federal civil-rights laws protect individual Americans from discrimination based on race, color, religion, sex, or national origin. These civil-rights protections serve as a bedrock supporting equality of opportunity for all Americans. As President, I have a solemn duty to ensure that these laws are enforced for the benefit of all Americans.

Yet today, roughly 60 years after the passage of the Civil Rights Act of 1964, critical and influential institutions of American society, including the Federal Government, major corporations, financial institutions, the medical industry, large commercial airlines, law enforcement agencies, and institutions of higher education have adopted and actively use dangerous, demeaning, and immoral race- and sex-based preferences under the guise of so-called "diversity, equity, and inclusion" (DEI) or "diversity, equity, inclusion, and accessibility" (DEIA) that can violate the civil-rights laws of this Nation.

Illegal DEI and DEIA policies not only violate the text and spirit of our longstanding Federal civil-rights laws, they also undermine our national unity, as they deny, discredit, and undermine the traditional American values of hard work, excellence, and individual achievement in favor of an unlawful, corrosive, and pernicious identity-based spoils system. Hardworking Americans who deserve a shot at the American Dream should not be stigmatized, demeaned, or shut out of opportunities because of their race or sex.

These illegal DEI and DEIA policies also threaten the safety of American men, women, and children across the Nation by diminishing the importance of individual merit, aptitude, hard work, and determination when selecting people for jobs and services in key sectors of American society, including all levels of government, and the medical, aviation, and law-enforcement communities. Yet in case after tragic case, the American people have witnessed first-hand the disastrous consequences of illegal, pernicious discrimination that has prioritized how people were born instead of what they were capable of doing.

The Federal Government is charged with enforcing our civil-rights laws. The purpose of this order is to ensure that it does so by ending illegal preferences and discrimination.

*Sec. 2. Policy.* It is the policy of the United States to protect the civil rights of all Americans and to promote individual initiative, excellence, and hard work. I therefore order all executive departments and agencies (agencies) to terminate all discriminatory and illegal preferences, mandates, policies, programs, activities, guidance, regulations, enforcement actions, consent orders, and requirements. I further order all agencies to enforce our longstanding civil-rights laws and to combat illegal private-sector DEI preferences, mandates, policies, programs, and activities.

*Sec. 3. Terminating Illegal Discrimination in the Federal Government.* (a) The following executive actions are hereby revoked:

- (i) Executive Order 12898 of February 11, 1994 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations);

- (ii) Executive Order 13583 of August 18, 2011 (Establishing a Coordinated Government-wide Initiative to Promote Diversity and Inclusion in the Federal Workforce);
  - (iii) Executive Order 13672 of July 21, 2014 (Further Amendments to Executive Order 11478, Equal Employment Opportunity in the Federal Government, and Executive Order 11246, Equal Employment Opportunity); and
  - (iv) The Presidential Memorandum of October 5, 2016 (Promoting Diversity and Inclusion in the National Security Workforce).
- (b) The Federal contracting process shall be streamlined to enhance speed and efficiency, reduce costs, and require Federal contractors and subcontractors to comply with our civil-rights laws. Accordingly:
- (i) Executive Order 11246 of September 24, 1965 (Equal Employment Opportunity), is hereby revoked. For 90 days from the date of this order, Federal contractors may continue to comply with the regulatory scheme in effect on January 20, 2025.
  - (ii) The Office of Federal Contract Compliance Programs within the Department of Labor shall immediately cease:
    - (A) Promoting "diversity";
    - (B) Holding Federal contractors and subcontractors responsible for taking "affirmative action"; and
    - (C) Allowing or encouraging Federal contractors and subcontractors to engage in workforce balancing based on race, color, sex, sexual preference, religion, or national origin.
  - (iii) In accordance with Executive Order 13279 of December 12, 2002 (Equal Protection of the Laws for Faith-Based and Community Organizations), the employment, procurement, and contracting practices of Federal contractors and subcontractors shall not consider race, color, sex, sexual preference, religion, or national origin in ways that violate the Nation's civil rights laws.
  - (iv) The head of each agency shall include in every contract or grant award:
    - (A) A term requiring the contractual counterparty or grant recipient to agree that its compliance in all respects with all applicable Federal anti-discrimination laws is material to the government's payment decisions for purposes of section 3729(b)(4) of title 31, United States Code; and
    - (B) A term requiring such counterparty or recipient to certify that it does not operate any programs promoting DEI that violate any applicable Federal anti-discrimination laws.
- (c) The Director of the Office of Management and Budget (OMB), with the assistance of the Attorney General as requested, shall:
- (i) Review and revise, as appropriate, all Government-wide processes, directives, and guidance;
  - (ii) Excise references to DEI and DEIA principles, under whatever name they may appear, from Federal acquisition, contracting, grants, and financial assistance procedures to streamline those procedures, improve speed and efficiency, lower costs, and comply with civil-rights laws; and

(iii) Terminate all "diversity," "equity," "equitable decision-making," "equitable deployment of financial and technical assistance," "advancing equity," and like mandates, requirements, programs, or activities, as appropriate.

*Sec. 4. Encouraging the Private Sector to End Illegal DEI Discrimination and Preferences.*

(a) The heads of all agencies, with the assistance of the Attorney General, shall take all appropriate action with respect to the operations of their agencies to advance in the private sector the policy of individual initiative, excellence, and hard work identified in section 2 of this order.

(b) To further inform and advise me so that my Administration may formulate appropriate and effective civil-rights policy, the Attorney General, within 120 days of this order, in consultation with the heads of relevant agencies and in coordination with the Director of OMB, shall submit a report to the Assistant to the President for Domestic Policy containing recommendations for enforcing Federal civil-rights laws and taking other appropriate measures to encourage the private sector to end illegal discrimination and preferences, including DEI. The report shall contain a proposed strategic enforcement plan identifying:

- (i) Key sectors of concern within each agency's jurisdiction;
- (ii) The most egregious and discriminatory DEI practitioners in each sector of concern;
- (iii) A plan of specific steps or measures to deter DEI programs or principles (whether specifically denominated "DEI" or otherwise) that constitute illegal discrimination or preferences. As a part of this plan, each agency shall identify up to nine potential civil compliance investigations of publicly traded corporations, large non-profit corporations or associations, foundations with assets of 500 million dollars or more, State and local bar and medical associations, and institutions of higher education with endowments over 1 billion dollars;
- (iv) Other strategies to encourage the private sector to end illegal DEI discrimination and preferences and comply with all Federal civil-rights laws;
- (v) Litigation that would be potentially appropriate for Federal lawsuits, intervention, or statements of interest; and
- (vi) Potential regulatory action and sub-regulatory guidance.

*Sec. 5. Other Actions.* Within 120 days of this order, the Attorney General and the Secretary of Education shall jointly issue guidance to all State and local educational agencies that receive Federal funds, as well as all institutions of higher education that receive Federal grants or participate in the Federal student loan assistance program under Title IV of the Higher Education Act, 20 U.S.C. 1070 *et seq.*, regarding the measures and practices required to comply with *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, 600 U.S. 181 (2023).

*Sec. 6. Severability.* If any provision of this order, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this order and the application of its provisions to any other persons or circumstances shall not be affected thereby.

*Sec. 7. Scope.* (a) This order does not apply to lawful Federal or private-sector employment and contracting preferences for veterans of the U.S. armed forces or persons protected by the Randolph-Sheppard Act, 20 U.S.C. 107 *et seq.*

(b) This order does not prevent State or local governments, Federal contractors, or Federally-funded State and local educational agencies or institutions of higher education from engaging in First Amendment-protected speech.



(c) This order does not prohibit persons teaching at a Federally funded institution of higher education as part of a larger course of academic instruction from advocating for, endorsing, or promoting the unlawful employment or contracting practices prohibited by this order.

*Sec. 8. General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department, agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to and does not create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP

The White House,  
January 21, 2025.

[Filed with the Office of the Federal Register, 8:45 a.m., January 30, 2025]

NOTE: This Executive order was published in the *Federal Register* on January 31.

*Categories:* Executive Orders : Discrimination prevention and merit-based opportunity protection efforts.

*Subjects:* Attorney General; Discrimination, prevention efforts; Diversity, equity, and inclusion programs, restriction efforts; Domestic Policy Council; Merit-based policies and protections, promotion efforts; Office of Management and Budget; Secretary of Education.

*DCPD Number:* DCPD202500158.



## **Appendix B**

### **Tier II Site-Specific Documents**

<b>Exhibit B-1 – Tier II Site-Specific Review Strategy.....</b>	<b>1</b>
<b>Exhibit B-2–Tier II Site-Specific Checklist .....</b>	<b>3</b>
<b>Exhibit B-3 –Tier II Re-evaluation Form .....</b>	<b>4</b>
<b><u>Exhibit B-4 - Environmental Field Observation Report.....</u></b>	<b><u>7</u></b>

## Exhibit B-1 – Tier II Site-Specific Review Strategy

PRDOH is the Responsible Entity for the required environmental review as indicated in 24 CFR 58, "Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities," and will oversee completion of environmental and historic preservation reviews of each applicant's proposed "project" in accordance with HUD regulations and guidance. **No project may be funded until PRDOH has stated in writing that it accepts the Environmental Review Record (ERR) findings and has authorized the use of grant funds** (issued an Authority to Use Grant Funds [AUGF]).

Based on the findings of the Environmental Broad Review, the review topics that must be assessed for the project to receive environmental compliance certification depends on potential to affect natural and cultural resources. The matrix below summarizes the review topics relevant to the project's Proposed Action. The designation "S-S" indicates that Proposed Action requires review at the site-specific level. The review topics highlighted in gray are In Compliance through the Broad Review Statutory Checklists presented in Appendix A.

HUD Environmental Review Topic	Project Activity: Installation of batteries, solar panels, and/or EV chargers
Airport Hazards	S-S
Coastal Barrier Resources	S-S
Flood Insurance	S-S
Clean Air	
Coastal Zone Management	
Contamination and Toxic Substances	S-S
Threatened and Endangered Species	
Explosives	
Farmland Protection	
Floodplain Management	S-S
Historic Preservation	S-S
Noise	
Sole Source Aquifers	
Wetlands	
Wild & Scenic Rivers	
Environmental Justice	

**S-S: Project requires review at Site-Specific level**

**Topics highlighted in gray are Complying through the Broad Review**

The sections following the matrix detail the steps to be performed when assessing each required review topic. The findings are recorded in the SSC at the end of the document. The SSC forms an integral part of the project's ERR and must be maintained in the file.

## **Exhibit B-2–Tier II Site-Specific Checklist**

### Exhibit B-3 –Tier II Re-evaluation Form

<b>Program Name:</b>	
<b>Project Name:</b>	<b>Case ID #:</b>
<b>Property Address:</b>	
<b>Parcel ID:</b>	<b>Coordinates:</b>
<b>Municipio:</b>	<b>Previous CO Approval Date:</b> Click or tap to enter a date.
<b>Level of Original Environmental Review:</b> Choose an item.	
<b>Level of Revised Environmental Review based upon Re-evaluation:</b> Choose an item.	
<p><b>After completion of the original environmental review, the following circumstance(s) occurred, requiring the original review to be reevaluated.</b></p> <p><input type="checkbox"/> Substantial changes in the nature, magnitude or extent of the project, including adding new activities not anticipated in the original scope of the project. <b>Explain:</b> Click or tap here to enter text.</p> <p><input type="checkbox"/> New circumstances and environmental conditions which may affect the project or have a bearing on its impact, such as concealed or unexpected conditions discovered during the implementation of the project or activity which is proposed to be continued. <b>Explain:</b> Click or tap here to enter text.</p> <p><input type="checkbox"/> The recipient proposes the selection of an alternative not in the original finding. <b>Explain:</b> Click or tap here to enter text.</p>	
<b>Revisions to the Following Resource Areas:</b>	
<p><b>58.5 (Applicable to CEST and EA only)</b></p> <p><input type="checkbox"/> Clean Air Act</p> <p><input type="checkbox"/> Coastal Zone Management</p> <p><input type="checkbox"/> Contamination and Toxic Substances</p> <p><input type="checkbox"/> Endangered Species</p> <p><input type="checkbox"/> Explosive and Flammable Hazards</p> <p><input type="checkbox"/> Farmlands Protection</p> <p><input type="checkbox"/> Historic Preservation</p> <p><input type="checkbox"/> Noise Abatement and Control</p> <p><input type="checkbox"/> Sole Source Aquifers</p> <p><input type="checkbox"/> Wetlands Protection</p> <p><input type="checkbox"/> Wild and Scenic Rivers</p> <p><input type="checkbox"/> Environmental Justice</p>	<p><b>58.6 (Applicable to All Levels of Review)</b></p> <p><input type="checkbox"/> Airport Hazards</p> <p><input type="checkbox"/> Coastal Barrier Resource Units</p> <p><input type="checkbox"/> Flood Insurance</p> <p><b>EA Factors (Applicable to EA only)</b></p> <p><input type="checkbox"/> Land Development</p> <p><input type="checkbox"/> Socioeconomic</p> <p><input type="checkbox"/> Community Facilities and Services</p> <p><input type="checkbox"/> Natural Features</p> <p><input type="checkbox"/> Climate and Energy</p>



**Finding of this Reevaluation**

- ☐ The original findings have been reviewed and are still valid. The proposed project complies with environmental requirements for funding as per the findings documented in the original Environmental Review Record (ERR).
- ☐ The Environmental Review Record (ERR) has been updated and based on the findings of this review; the original findings are still valid. If a FONSI notice was previously published (EA), no further publication of a FONSI notice is required.
- ☐ The original Environmental Review Record (ERR) has been reviewed and the original findings are no longer valid. A new Environmental Review Record (ERR) at the appropriate level of review has been completed and if required, an NOI/RROF (CEST) or FONSI-NOI/RROF (EA) notice has been published.
- ☐ The original findings are no longer valid and require an EIS level of review. **An EIS determination requires specific consultation with the PRDOH prior to authorization.**

Re-evaluation Completed by:

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_

Date: \_\_\_\_\_

QC Reviewer:

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_

Date: \_\_\_\_\_

Certifying Officer:

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_

Date: \_\_\_\_\_

## Exhibit B-4 – Environmental Field Observation Form

### ENVIRONMENTAL FIELD OBSERVATION REPORT (E-FOR)

<b>Application General Application</b>			
Program Funds	B-18-DE-72-0001	Sector	Energy Sector
Program	ER2	Application ID	PR-ESP-
Applicant or Entity Name			
Project Name			
Energy Support Incentive Program 2.0 Set-Aside			

<b>Inspection Information</b>			
Inspector Name			
Inspection Company			
Company Address			
Municipality		Zip Code	
Company Phone		Company E-Mail	
Inspection Date		Weather Conditions	
Inspection Start Time		Inspection End Time	

<b>Property Information</b>			
Property Physical Address			
Municipality		Zip Code	
Latitude		Longitude	
Cadastral Number		Property Type	
Number of Buildings/Structure		If Other* Property Type, Explain	
Number of Housing Units		Property Year Built	<input type="checkbox"/> Circa <input type="checkbox"/> Actual
Property Remarks <i>(Include Additional Property Remarks or Other Location Description)</i>			
Front Side of Property			
Back Side of Property			
Left Side of Property			
Right Side of Property			
<i>Please describe and identify below any observed or known business activities currently or in the past on either the subject or adjoining property.</i>			
Description of Adjoining Properties and Use			

Inspection		
Property Surrounding and Historical Information		
Instructions: Identify any observed or known surrounding conditions that should be taken into consideration and Historical Information.		
Inspection Criteria	Finding	Comment/Explain all "Yes" Responses
Permanent standing water (pond, lake) on site.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Project lot have water frontage	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Evidence of lead-based paint present or hazardous containing material present.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Any other unusual conditions on site.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Structure 45 years or older (As best of Property Owner's knowledge)	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Is applicant aware of any significant historical events or person associated with structure; or does structure have a historic marker?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Is there any indicator of soil instability?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Presence of indication of any Landslide event	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Additional Field Observations:		
Potable and Drinking Water Supply		
Instructions: Identify the presence of any observed or known water supply sources currently on the subject property		
Inspection Criteria	Finding	Comment/Explain all "Yes" Responses
Property connected and serviced by the municipal water system - PR Aqueduct and Sewer Authority (PRASA)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<i>If yes, include the name of the POTW</i>
Subject property is connected and serviced by a community water system (NON-PRASA)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<i>If yes, include the name of the community water system</i>
Presence of a water well currently or in the past of the subject or adjoining property	<input type="checkbox"/> Yes <input type="checkbox"/> No	<i>If yes, include the name of the water well system</i>
Water cistern and/or back-up storage system installed	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Water treatment currently or in the past of the subject or adjoining property	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Additional Field Observations:

### Wastewater

Instructions: Identify the wastewater disposal on the subject property.

Inspection Criteria	Finding	Comment/Explain all "Yes" Responses
Property connected and serviced by the municipal sewer system - PR Aqueduct and Sewer Authority (PRASA)	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Presence of a septic system currently or in the past of the subject or adjoining property	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Septic system showing signs of failure such as overflow of wastewater, cracks, bad odors, etc.	<input type="checkbox"/> Yes <input type="checkbox"/> No	<i>If yes, provide photographic evidence</i>
Wastewater treatment currently or in the past of the subject or adjoining property	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Any visible discharge of solid or viscous contaminants that may cause the obstruction in the sewer system	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Sewer controlled equipment installed such as, but not limited to grease traps	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Any known current or past events of overflow or uncontrolled discharge of wastewater on the subject or adjoining property	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Additional Field Observations:

### Hazardous Materials and Toxics Storage and Handling

Instructions: Identify any chemicals of concerns currently or in the past on the subject or adjoining property

Inspection Criteria	Finding	Comment/Explain all "Yes" Responses
Any 55-gallon drums/containers on site?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Include if leaking or not:
Aboveground Storage Tanks (ASTs)	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Drums (steel or plastic)	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Underground Storage Tanks (USTs)	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Any known Leaking Underground Storage Tanks (LUSTs)	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Are there any petroleum underground storage tanks (PUSTs) on site?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Any signs of surface staining?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Any ground water monitoring or injection wells on site?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Check all chemicals of concern identified on site:</b> <input type="checkbox"/> Hazardous materials <input type="checkbox"/> Pesticides <input type="checkbox"/> Petroleum products <input type="checkbox"/> Fuels <input type="checkbox"/> LPG or Propane <input type="checkbox"/> Compressed gas cylinders <input type="checkbox"/> Lubricants <input type="checkbox"/> Paints <input type="checkbox"/> Antifreeze or Coolants <input type="checkbox"/> Other, Specify:		
Additional Field Observations:		
<b>Pollution Control and Prevention</b> <small>Instructions: Identify potential hazardous materials releases and pollution concerns currently or in the past on the subject or adjoining property</small>		
Inspection Criteria	Finding	Comment/Explain all "Yes" Responses
Overall poor housekeeping such as uncontained waste materials	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Signs of pollution, stain or releases near stormwater drains	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Sand, soil or other sediment piles on site	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Storage containers broken, cracked and/or corroded	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Signs of distressed vegetation	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Any known historical spill events	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Additional Field Observations:		
<b>Other Relevant Environmental Matters</b> <small>Instructions: Identify any other matter relevant to the field inspection not previously identified in this inspection report</small>		
Inspection Criteria	Finding	Additional Field Observations
Any additional identifiable field observation not listed in the inspection criteria	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Additional Field Observations:		



**Certification Signature**

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

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**Inspector Print Name****Inspector Signature****Date**

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## **Appendix C**

### **Official Forms and Public Comments**

<b>Exhibit C-1 – Notice of Intent to Request Release of Funds .....</b>	<b>12</b>
<b>Exhibit C-2 –Request for Release of Funds .....</b>	<b>13</b>
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## **Exhibit C-1 – Notice of Intent to Request Release of Funds**

## **Exhibit C-2 –Request for Release of Funds**

## **Exhibit C-3 –Authority to Use Grant Funds**

[to be included after receipt]



## **Appendix D**

### **Change Management Documentation**

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**Change Addendum No.****Project Name:**

Energy Support Incentive Program 2.0 Set- Aside  
PRDOH Community Development Block Grant – Disaster Recovery and Mitigation

**Grant Number:** *As appropriate*    **HUD Program:** CDBG-DR / MIT

**Responsible Entity (RE) Organization Name:** PRDOH

**RE Address:** 606 Barbosa Avenue, Juan C. Cordero Dávila Building, Río Piedras, PR 00918

**RE Certifying Officer:**

Aldo A. Rivera Vázquez, Director, Permits and Environmental Compliance Division  
E-mail: aarivera@vivienda.pr.gov

Angel G. López Guzmán, Deputy-Director, Permits and Environmental Compliance Division  
E-mail: a.lopez@vivienda.pr.gov

**Proposed Change Findings:**

- ☐ The original Tier I findings are still valid
- ☐ The RE CO determines that this change affects the Tier I to an extent that additional studies are required.

**Change:**