

Environmental Assessment

Determinations and Compliance Findings for HUD-assisted Projects

24 CFR Part 58

Project Information

Project ID: PR-RGRW-04134

Project Name: RMC FARM CORP

Responsible Entity: Puerto Rico Department of Housing

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

State/Local Identifier: Puerto Rico / Utuado, PR

Preparer: Patricia Carmenatty

Certifying Officer Name and Title: Permit and Environmental Compliance Officers:
Pedro de León Rodríguez, MSEM.

Consultant: Behar Ybarra & Associates LLC

Direct Comments to: Puerto Rico Department of Housing:
(environmentcdbg@vivienda.pr.gov)

Project Location:

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Bo. Tetuan Carr. 613 Solar 42, Proyecto Rullan Parcela #14, Utuado, PR 00641

Cisterns location: latitude 18.254358 longitude -66.621601

Parcel cadastral: 190-000-006-09-001

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

The proposed activities for PR-RGRW-04134 consist of the purchase of a tractor, four 2,000-gallons cisterns, and seeds (cacao, banana, and lemon). The water cisterns will be placed on a 12' x 12' concrete slab that will have a depth of 6 inches and it will be provided by the applicant. The water to be stored in the cisterns will be used for irrigation and will be taken from an existing stream located on the property. The cisterns will operate by gravity and will have its pipes placed aboveground. A franchise from the Puerto Rico Department of Natural and Environmental Resources (DNER) is required to be obtained to pull water from a spring. The project area is located at PR-613 Solar 42 Proyecto Rullán Parcela #14 within the Municipality of Utuado. Based on a review of

historical aerial imagery, the general area of the cisterns location was characterized as an agrarian setting in 1959 (the earliest imagery available for the area) and it remains predominantly agricultural through to the present day.

The Area of Potential Effect (APE) has been defined as the area potentially impacted by ground disturbing activities related to the installation of the cisterns. Based on this definition and the nature and scope of the Undertaking, the Program has determined that the direct APE for this project is the location of the cisterns plus a 15-meter buffer and the visual APE is the viewshed of the proposed project.

A site Map is included in Figure 1, illustrating the location of the cisterns on the property. Photos of the location are included in Section 106 documentation, Appendix 1.

Statement of Purpose and Need for the Proposal [40 CFR 1508.9(b)]: The Re-Grow Puerto Rico Urban-Rural Agriculture Program (RGRW) will increase agricultural capacity while promoting and increasing food security island wide. This Program will enhance and expand agricultural production related to economic revitalization and sustainable development activities. This agricultural project is associated with the purchase of a tractor, four 2,000-gallons cisterns, and seeds (cacao, banana, and lemon) is in keeping with the overall objectives of the Economic Development Program.

Existing Conditions and Trends [24 CFR 58.40(a)]:

The existing area for which the proposed water cisterns will be placed is a small flat area. Visibility is medium due to leaves and dry grass in the area. Therefore, there is little to no change in land use associated with these placements.

Funding Information

| Grant Number | HUD Program | Funding Amount |
|--|--|-----------------------|
| B-18-DP-72-0001 B-17-DP-72-0001 B-19-DP-78-0002 B-18-DE-72-0001 | Community Planning and Development (CPD) / Community Development Block Grant - Disaster Recovery (CDBG-DR) | \$11,938,162,230.00 |

Estimated Total HUD Funded Amount: \$100,000.00

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]: \$100,000.00.

Compliance with 24 CFR 58.5 and 58.6 Laws and Authorities

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

| Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6 | Are formal compliance steps or mitigation required | Compliance determinations |
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| STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 58.6 | | |
| Airport Hazards 24 CFR Part 51 Subpart D | Yes No <input type="checkbox"/> <input checked="" type="checkbox"/> | This project is the purchase of a tractor, four 2,000-gallons cisterns, and seeds (cacao, banana, and lemon) will have no impact on any Airports. The site is located 91,224 feet from the nearest major civil airport (Mercedita International Airport in Ponce) and 224,839 feet from the nearest military airport (Luis Muñoz Marín International Airport in San Juan). This topic is in compliance with the HUD's Airport Hazard regulations without further evaluation. See the attached Airport map Runway Protection Zone, Figure 2. |
| Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501] | Yes No <input type="checkbox"/> <input checked="" type="checkbox"/> | This project is not located in a CBRS Unit. The project is located 83,674 feet southeast of the nearest Coastal Barrier Resource System, PR-81. Therefore, this project has no potential to impact a CBRS Unit and is in compliance with the Coastal Barrier Resources Act. See the attached CBRS map, Figure 3. |
| Flood Insurance Flood Disaster Protection Act of 1973 and National | Yes No <input type="checkbox"/> <input checked="" type="checkbox"/> | The project is located in a Zone X, Panel 72000C0640H, 4/19/2005 on the FEMA FIRM. The project does not require flood |

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| Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a] | | insurance or is excepted from flood insurance. See attached Flood Map, Figure 4 and 4.1. |
| STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 58.5 | | |
| Clean Air Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93 | Yes No <input type="checkbox"/> <input checked="" type="checkbox"/> | This project consists of the purchase of a tractor, four 2,000-gallons cisterns, and seeds (cacao, banana, and lemon) for an agricultural site and is not located in a nonattainment municipality of Puerto Rico (Arecibo, Bayamón, Cataño, Guaynabo, Salinas, San Juan, Toa Baja). The installation and operation of this project will have no impact and is in compliance with the Clean Air Act without further evaluation. See attached published list of Puerto Rico Nonattainment/Maintenance Status for each country by year for all criteria pollutants in Appendix 2. |
| Coastal Zone Management Coastal Zone Management Act, sections 307(c) & (d) | Yes No <input type="checkbox"/> <input checked="" type="checkbox"/> | The project is located 73,809 feet from the nearest Coastal Zone Management Area and does not affect a Coastal Zone as defined in the state Coastal management Plan. The project is in compliance with the Coastal Zone Management Act. See the attached CZMA map, Figure 5. |
| Contamination and Toxic Substances 24 CFR Part 58.5(i)(2) | Yes No <input type="checkbox"/> <input checked="" type="checkbox"/> | This project consists of the purchase of a tractor, four 2,000 gallons cisterns, and seeds (cacao, banana, and lemon) for an agricultural project. On-site or nearby toxic, hazardous, or radioactive substances that could affect the health and safety of project occupants or conflict with the intended use of the property were not found. There are no sites of environmental concern identified within 3,000 feet near of the three locations of the proposed fence. The project is in compliance with contamination and toxic substances |

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| | | requirements. See attached Toxics Map, Figure 6. |
| <p>Endangered Species</p> <p>Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</p> | <p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p> | <p>The project could involve any activity that has an adverse effect on protected species or critical habitats. After reviewing data from the United States Fish and Wildlife Service (USFWS) Information and Planning Consultation (IPaC) and the Puerto Rico Department of Natural and Environmental Resources (DNER) database, the PR boa (<i>Chilabothrus inornatus</i>), PR Broad-winged Hawk (<i>Buteo platypterus brunnescens</i>), PR Parot (<i>Amazona vittata</i>) and PR Harlequin Butterfly (<i>Atlantea tulita</i>) could be found in the project area See attached Appendix 3). The installation of the cisterns will require ground disturbance; however, the scope of work includes continued agricultural use of the property with no intention to cut down trees or making major changes in the topography of the project area because the new water cisterns will be installed in a space that has been cleared and maintained that way for agricultural purposes.</p> <p>Based on the nature of the project, scope of work, information available, and analysis of the IPaC lists together with field direct observations of the area where the project will be developed, the proponent has determined that the proposed project may affect, but is not likely to adversely affect (NLAA) the Puerto Rican harlequin butterfly since its critical habitat is approximately 25,695 feet from the proposed project site. Since the land is currently used for agricultural purposes, the proponent has determined that the proposed project actions will have No Effect (NE) on the Puerto Rican parrot. Also, the Service acknowledge</p> |

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| | | <p>receipt of the DKey consistency letter with the NE determination for the Puerto Rican boa and Puerto Rican broad-winged hawk.</p> <p>If a Puerto Rican harlequin butterfly is found, follow the conservation measures recommended by the USFWS in the Determination Letter (see attached Appendix 3).</p> <p>If a Puerto Rican Boa is found in the project activity site, work shall cease until the Boa moves off on its own. If the Boa does not move off, the Construction Manager shall contact the Puerto Rico Department of Natural and Environmental Resources and ask for them to relocate the Boa. As established by the USFWS Puerto Rican Boa Conservation Measures Guideline.</p> <p>https://ipac.ecosphere.fws.gov/guideline/design/population/156/office/41430.pdf</p> <p>This project is in compliance with the Endangered Species Act. See attached Endangered Species map, Figure 7.</p> |
| <p>Explosive and Flammable Hazards</p> <p>24 CFR Part 51 Subpart C</p> | <p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p> | <p>This project consists of the purchase of a tractor, four-2,000 gallons cisterns, and seeds (cacao, banana, and lemon) and does not include development, construction or rehabilitation that will increase residential density. This project is in compliance with Explosive and Flammable hazards without further evaluation.</p> |
| <p>Farmlands Protection</p> <p>Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658</p> | <p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p> | <p>This project does not include any activities that could potentially convert agricultural land to non-agricultural use. The areas under the project site are not prime farmland. The scope of work includes the installation of four cisterns, and this is a construction limited to on-farm structures needed for farm</p> |

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| | | operations. The project is in compliance with the Farmland Protection Policy Act. See the attached Farmlands map, Figure 8. |
| <p>Floodplain Management</p> <p>Executive Order 11988, particularly section 2(a); 24 CFR Part 55</p> | <p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p> | <p>The project is located in a Zone X, Panel 72000C0640H, 4/19/2005 (Figure 4). The site is not located in a Preliminary Firm or an Advisory Base Flood Elevation special flood hazard area. The project is in compliance with Executive Order 11988. See attached Flood Map (Figure 9).</p> |
| <p>Historic Preservation</p> <p>National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800</p> | <p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p> | <p>The site was visited on September 6, 2023, by SOI-qualified archaeologist. Based on this definition and the nature and scope of the undertaking, the APE has been defined as the area potentially affected by ground-disturbing activities related to installation of the cisterns. Documentation with photographs and maps was subsequently submitted to SHPO (attached Appendix 1). In a response from PR SHPO dated October 2, 2023, SHPO concurred with a finding of No Historic Properties Affected within the project's Area of Potential Effects (see attached Appendix 1). The property is not considered historic or contributing to an historic district (See attached Historic map, Figure 10). Therefore, this activity is in compliance with Historic Preservation.</p> |
| <p>Noise Abatement and Control</p> <p>Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</p> | <p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p> | <p>This project consists of the purchase of a tractor, four 2,000-gallons cisterns, and seeds (cacao, banana, and lemon) for an agricultural site. The project does not include new construction for residential use or rehabilitation of an existing residential property. The site is rural in nature and there will be no impact to or from the surrounding area from a noise perspective. This topic is in compliance with Noise abatement and Control without further evaluation.</p> |

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| <p>Sole Source Aquifers</p> <p>Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149</p> | <p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p> | <p>There are no EPA sole source aquifers in Puerto Rico. The project is in compliance with Sole Source aquifers without further evaluation.</p> |
| <p>Wetlands Protection</p> <p>Executive Order 11990, particularly sections 2 and 5</p> | <p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p> | <p>There are no wetlands located on or near the project activity area. Therefore, no wetland will be affected by the project undertaking. The project is in compliance with Executive Order 11990. See the attached Wetlands map, Figure 11.</p> |
| <p>Wild and Scenic Rivers</p> <p>Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)</p> | <p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p> | <p>This project is not within proximity of the NWSRS river. The project is located 288,845 feet from the nearest Wild and Scenic River. The project is in compliance with the Wild and Scenic Rivers Act. See Map, Figure 12.</p> |
| <p>ENVIRONMENTAL JUSTICE</p> | | |
| <p>Environmental Justice</p> <p>Executive Order 12898</p> | <p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p> | <p>Based on the scope of work for this project, there will be no additional impact on low-income or minority residents. This proposed activity will not have a negative impact on Environmental Justice. Therefore, the proposed activity complies with this section.</p> |

Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 & 1508.27] Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features and resources of the project area. Each factor has been evaluated and documented as appropriate and in proportion to its relevance to the proposed action. Verifiable source documentation has been provided and described in support of each determination, as appropriate. Credible, traceable and supportive source documentation for each authority has been provided. Where applicable, the necessary reviews or consultations have been completed and applicable permits of approvals have been obtained or noted. Citations, dates/names/titles of contacts, and page references are clear. Additional documentation is attached, as appropriate. **All conditions, attenuation or mitigation measures have been clearly identified.**

Impact Codes: Use an impact code from the following list to make the determination of impact for each factor.

(1) Minor beneficial impact

(2) No impact anticipated

(3) Minor Adverse Impact – May require mitigation

(4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement.

| Environmental Assessment Factor | Impact Code | Impact Evaluation |
|--|-------------|--|
| LAND DEVELOPMENT | | |
| Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design | 2 | The proposed action is continued agricultural use of property which is compatible with a zoning code of N-C (No Rated) and existing land use of SREP-A (Specially Protected Rustic Land-Agricultural). There is no urban design associated with this rural, agricultural site. |
| Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff | 2 | The soil is currently being used for agriculture purposes. There is no change in land use since the land will continue to be used to agriculture purposes. In the project area the soil has been classified as Humatas clay, 20 to 40 percent slopes (HmE). This soil is deep and well drained and is on uplands. They formed in fine textured residuum weathered from basic volcanic rock. The permeability and available water capacity of this Humatas soil are moderate. Runoff is rapid, and fertility is medium. The landslide data indicates moderate to very high landslide susceptibility; therefore, no erosion is expected to occur from this project. The project will not affect the drainage in the area. There will be little to no additional runoff associated with the project. See Landslide Susceptibility Map, Figure 13. |
| Hazards and Nuisances including | 2 | There are no specific environmental hazards that have been identified for this site. The site is not in a high Noise Level area, nor will the project generate any additional |

| Site Safety and Noise | | noise. Additionally, the project does not include housing or such to where inhabitants would be affected. |
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| Energy Consumption | 2 | The project consists of purchase of a tractor, four-2,000-gallons cisterns, and seeds (cacao, banana, and lemon) on an existing agricultural farm and will not require any expansion to existing power facilities. The cistern will operate by gravity and will have its pipes placed aboveground. |
| Environmental Assessment Factor | Impact Code | Impact Evaluation |
| SOCIOECONOMIC | | |
| Employment and Income Patterns | 2 | The project will result in short-term benefit to employment when contractors are hired for the construction of the new cisterns. After construction, there may be a net positive benefit for the farm, a small business receiving this funding for economic development recovery purposes, which will aid in the continued operations of the intended use of the farm which products will be used by Puerto Rico population. The project is not anticipated to have a significant impact on Employment and Income Patterns, however, the project may help restore employment opportunities and income patterns. |
| Demographic Character Changes, Displacement | 2 | The proposed project will not alter the demographic characteristics of Utuado, PR. The applicant is already located at this location and the project will provide opportunities for the continuous agricultural growth of the business. |

| Environmental Assessment Factor | Impact Code | Impact Evaluation |
|--|-------------|---|
| COMMUNITY FACILITIES AND SERVICES | | |
| Educational and Cultural Facilities | 2 | The project consists of purchase of a tractor, four 2,000-gallons cisterns, and seeds (cacao, banana, and |

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| | | lemon) for an agricultural site and will have no impact on educational and cultural facilities. |
| Commercial Facilities | 2 | The proposed project may aid in restoring the demand for local commercial services; however, not to the point of putting undue pressure on commercial facilities. |
| Health Care and Social Services | 2 | The project consists of purchase of a tractor, four 2,000-gallons cisterns, and seeds (cacao, banana, and lemon) for an agricultural site and will have no impact on Health Care and Social Services. |
| Solid Waste Disposal / Recycling | 2 | The proposed project will have no impact on Solid Waste Disposal / Recycling services. The products and by-products are agricultural, and any waste would be biodegradable. The remaining construction solid waste materials would be collected for transport to the local landfill. |
| Wastewater / Sanitary Sewers | 2 | The installation of the new cisterns will not produce any wastewater. Based on the scope of work is not expected to result in significant changes in wastewater or sanitary sewer generation. The proposed project will have no impact on Wastewater / Sanitary Sewers. |
| Water Supply | 2 | The proposed project will not require an additional water supply. No new connections will be provided for municipal potable water. The water to be stored in the cistern will be taken from an existing stream located on the property. A franchise from the Puerto Rico Department of Natural and Environmental Resources (DNER) is required to be obtained to pull water from a spring. The proposed project will have no impact on the water supply. |
| Public Safety - Police, Fire and Emergency Medical | 2 | The project consists of purchase of a tractor, four 2,000-gallons cisterns, and seeds (cacao, banana, and lemon) for an agricultural site and will have no impact on Public Safety. |
| Parks, Open Space and Recreation | 2 | The proposed project will have no impact to Parks, Open Space and Recreation. The property being used is agricultural and it will continue as agricultural use. |

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| Transportation and Accessibility | 2 | The project consists of the purchase of a tractor, four 2,000-gallons cisterns, and seeds (cacao, banana, and lemon) for an agricultural site and will have no impact on transportation and accessibility. |
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| Environmental Assessment Factor | Impact Code | Impact Evaluation |
|--|-------------|--|
| NATURAL FEATURES | | |
| Unique Natural Features, Water Resources | 2 | The proposed project will be situated on previous agriculture property and will have no impact to unique natural features or water resources. |
| Vegetation, Wildlife | 2 | The proposed project will occur on land previously used for agricultural purposes and will continue in that capacity. There may be wildlife attracted to the new cisterns but no negative impact on wildlife. |
| Climate Change | 2 | The Re-Grow Program proposed project aims to increase resiliency in the agricultural industry to prepare for future climate related disasters. The project will not contribute to climate change and will provide a minor net benefit by allowing for increased food production. |

Additional Studies Performed: Not applicable.

Field Inspection (Date and completed by): September 6, 2023, Jaqueline Lopez, SOI-Qualified Archaeologist

List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]:

FAA, National Plan for Integrated Airport Systems:
www.faa.gov/airports/planning_capacity/npias/reports/NPIAS-Report-2017-2021-Appendix-B-Part6.pdf

John H. Chafee Coastal Barrier Resources System, Puerto Rico map.
www.fws.gov/CBRA/Maps/Locator/PR.pdf

National Park Service, National Registry of Natural Landmarks.
www.nature.nps.gov/nnl/docs/NNLRegistry.pdf

US Fish and Wildlife Service, Wild and Scenic Rivers – correspondence to Agency on

October 16, 2018

National Wild and Scenic Rivers System: www.rivers.gov/puerto-rico.php

Puerto Rico Community Development Block Grant Disaster Recovery Action Plan, July 2018. 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.

Sierra Research for Office of Mobile Sources. US Environmental Protection Agency. Report No. SR93-03-02, Evaluation of Methodologies to Estimate Nonroad Mobile Source Usage, March 19, 1993: <http://nepis.epa.gov/Exe/ZyPURL.cgi?Dockey=9100UR51.txt>

US Environmental Protection Agency, National Ambient Air Quality Standards, Nonattainment Areas for Criteria Pollutants (Green Book): www3.epa.gov/airquality/greenbook/anayo_pr.html

US EPA, Environmental Topics, Air Topics: www.epa.gov/environmental-topics/air-topics

US Fish and Wildlife Service, Environmental Conservation Online System: <https://ecos.fws.gov/ecp0/reports/species-listed-by-state-report?state=PR&status=listed>

Federal Emergency Management Agency, Flood Mapping Service: <https://msc.fema.gov/portal/home> (compilation of numerous maps)

Puerto Rico Planning Board, Communication regarding Floodplain Management, November 29, 2018.

US Fish and Wildlife Service, National Wetlands Inventory: www.fws.gov/wetlands/data/mapper.html (compilation of numerous maps)

US Army Corps of Engineers, Jacksonville District, Antilles Section, Communication regarding Wetlands Management, November 13, 2018.

Puerto Rico Coastal Zone Management Program Plan, September 2009.

Puerto Rico Planning Board, Communication regarding Coastal Zone Management, November 16, 2018 (No response).

US EPA, Sole Source Aquifers. Esri HERE, Garmin, NOAA, USGS, EPA.

US Fish and Wildlife Service, Caribbean Ecological Services Field Office. E-mail communication regarding October 23, 2018 letter on Threatened and Endangered Species and Critical Habitats.

NOAA Fisheries / National Marine Fisheries Service, NEPA Coordinator Southeast Regional Office. Communication on October 16, 2018 regarding designated critical habitat. (No response).

US Geological Survey, Data Release of May Showing Concentration of Landslides Caused by Hurricane Maria, <https://doi:10.5066/F7JD4VRF>

List of Permits Obtained: None required.

Public Outreach [24 CFR 58.43]: Puerto Rico Department of Agriculture has worked closely with the agricultural community. This project will include a FONSI/NOI-RROF in compliance with NEPA regulations for HUD.

Cumulative Impact Analysis [24 CFR 58.32]: In accordance with 24 CFR 58.32 (Aggregation), there are no cumulative impacts associated with the purchase of a tractor, four 2,000 gallons cisterns, and seeds (cacao, banana, and lemon) for an agricultural site.

Alternatives [24 CFR 58.40(e); 40 CFR 1508.9]

The Regrow Program purpose is to enhance and expand agricultural production related to economic revitalization and sustainable development activities while promoting and increasing food security island wide. The "Alternative" action would mean that the applicant would consider other locations for the cisterns. However, other locations may result in tree clearing prior to construction and/or need to fill in some steep area. Any option that requires going off-site would not contribute to the improvement and growth of agricultural production or enable economic development for this applicant.

No Action Alternative [24 CFR 58.40(e)]:

The 'No-Action' alternative would mean that the applicant would not receive federal funding to provide the purchase of a tractor, four 2,000-gallons cisterns, and seeds (cacao, banana, and lemon) for an agricultural site which would inhibit the economic growth opportunity that the applicant would not otherwise have under the PRDOH Re-Grow Puerto Rico program. As a result, these owners may not be able to experience the growth needed to recover and expand their agriculture activities. A provision of the grant allows for economic development for businesses. The No-Action alternative would not allow for the economic development for this applicant.

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

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

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

| Law, Authority, or Factor | Mitigation Measure |
|--|--|
| The regulation in Puerto Rico establishes that for access and use of water resources in PR a franchise must be obtained. | The Applicant must obtain a franchise granted by the DNER prior the cisterns installation. |
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Determination:

Finding of No Significant Impact [24 CFR 58.40(g)(1); 40 CFR 1508.27]

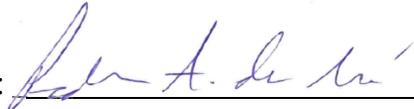
The project will not result in a significant impact on the quality of the human environment.

Finding of Significant Impact [24 CFR 58.40(g)(2); 40 CFR 1508.27]

The project may significantly affect the quality of the human environment.

Preparer Signature:  Date: 11/9/2023

Name/Title/Organization: Patricia Carmenatty / Environmental Specialist/ Behar Ybarra & Associates LLC

Certifying Officer Signature:  Date: 3/14/2024

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

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an 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).

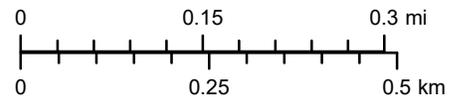
Figures

Location: Aerial Map
Puerto Rico Department of Housing ReGrow



Legend

-  PR-RGRW-04134
-  PR-RGRW-04134 Parcel
-  CRIM Parcels



Service Layer Credits: Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), MapmyIndia, © OpenStreetMap contributors, and the GIS User Community
Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community and Google Earth

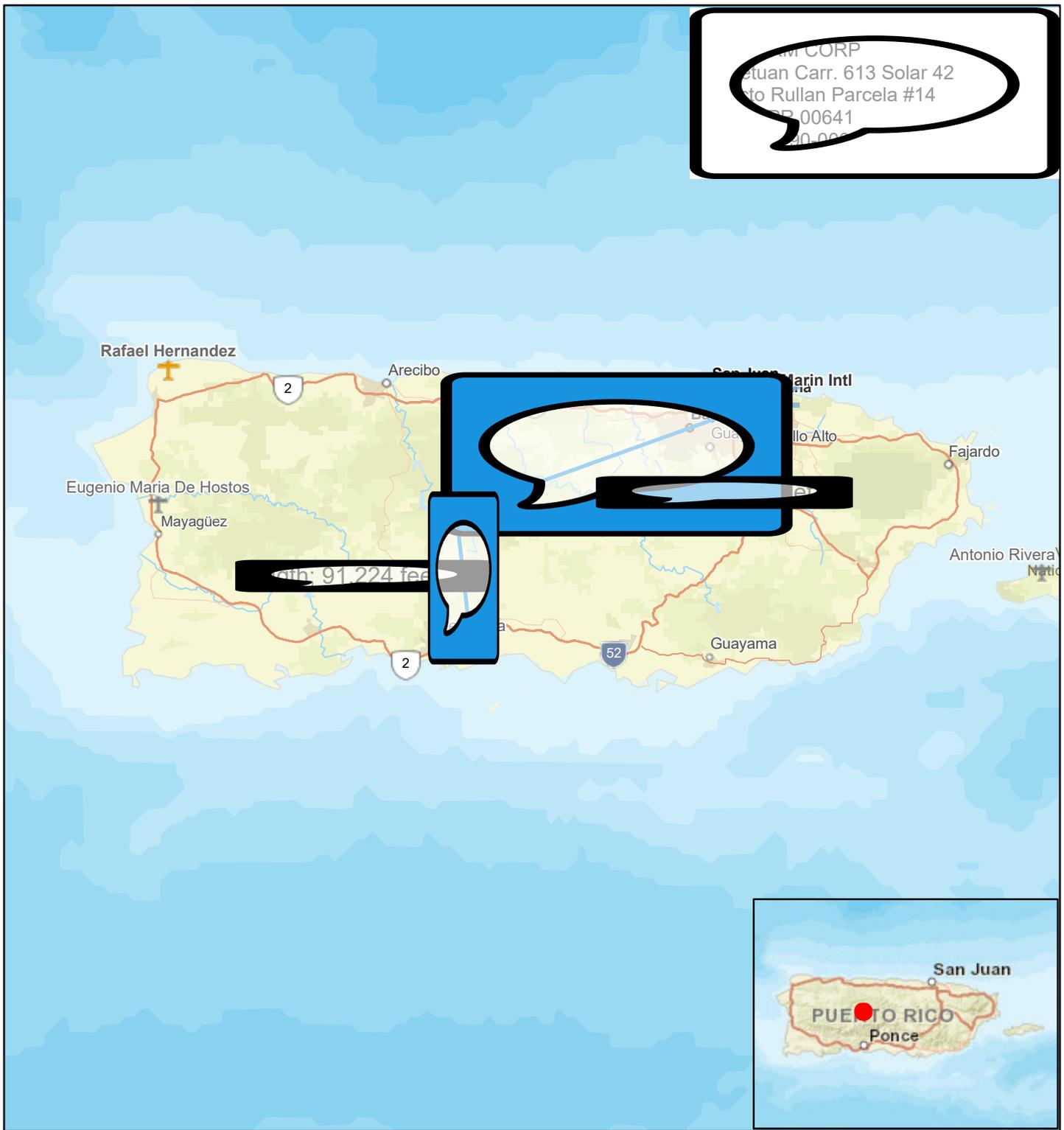


Source

Centro de Recaudación de Ingresos Municipales (CRIM)
<https://catastro.crimpr.net/cdprpc/>

PR-RGRW-04134 Airport

AM CORP
Carr. 613 Solar 42
Parcela #14
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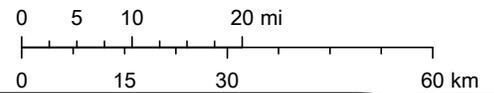
4/13/2023, 11:54:36 AM

1:1,155,581

Accident Potential Zone

- Override 1
- Override 2
- Override 3

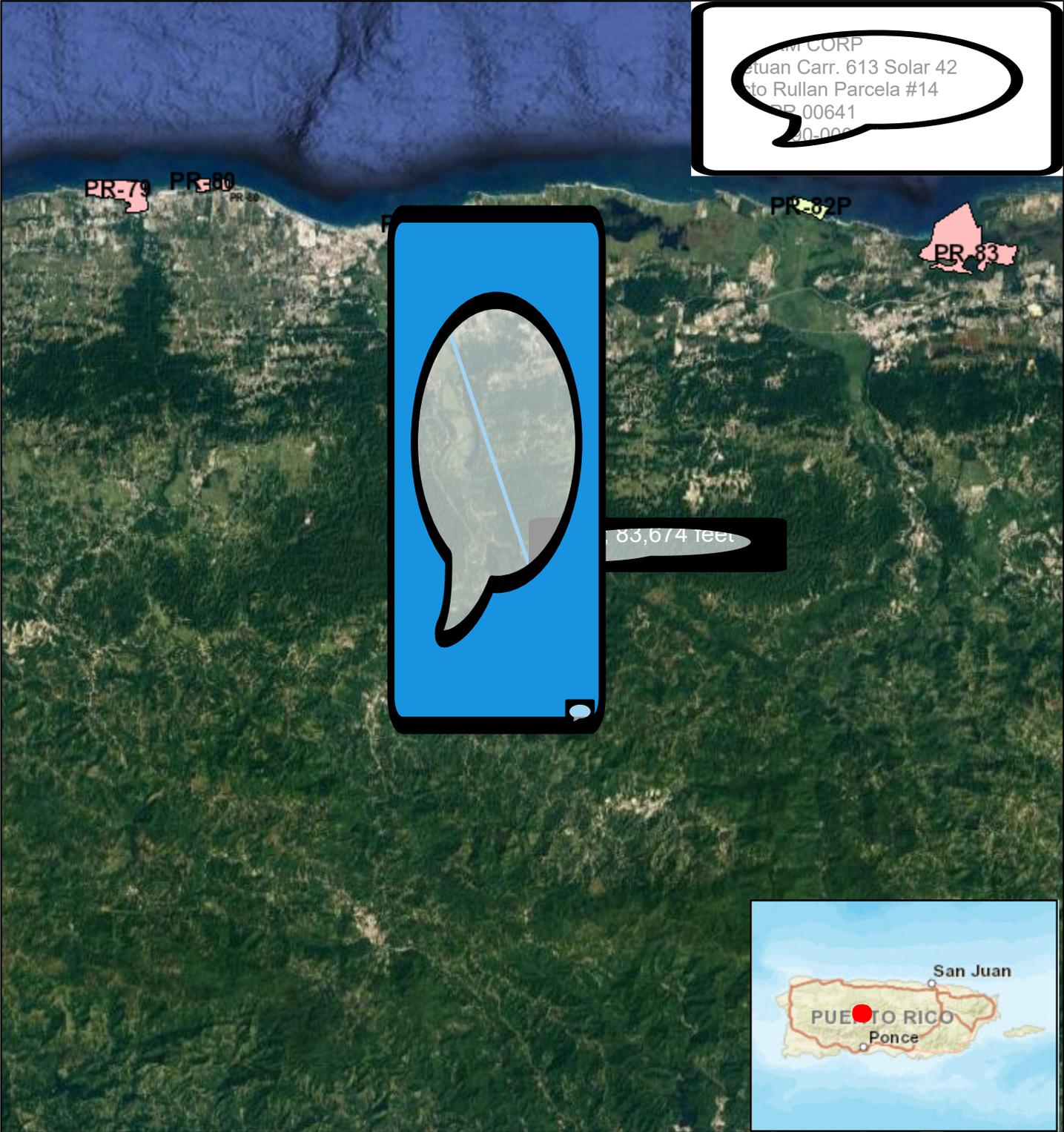
- USA Military Airports
- USA Civil Airports
- PR-RGRW-04134



General Aviation Administration (FAA)

Protection Zones

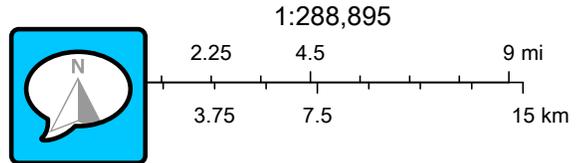
Military Airports



8/14/2023, 9:40:09 AM

CBRS Units

- Otherwise Protected Area
- System Unit



National Flood Hazard Layer FIRMette

66°37'36"W 18°15'33"N



SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT



SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE) Zone A, V, A99
- With BFE or Depth Zone AE, AO, AH, VE, AR
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee. See Notes. Zone X
- Area with Flood Risk due to Levee Zone D

OTHER AREAS

- NO SCREEN Area of Minimal Flood Hazard Zone X
- Effective LOMRs
- Area of Undetermined Flood Hazard Zone D

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES

- Cross Sections with 1% Annual Chance Water Surface Elevation: 20.2, 17.5
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS

- Digital Data Available
- No Digital Data Available
- Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.



1:6,000

66°36'59"W 18°14'59"N

Basemap Imagery Source: USGS National Map 2023

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **10/16/2023 at 12:03 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



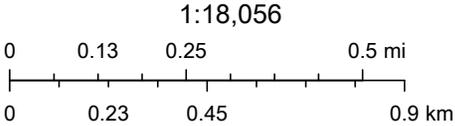
...CORP
...Carr. 613 Solar 42
...to Rullan Parcela #14
...00641
...00-00



10/16/2023, 12:00:28 PM

FEMA_FIRM - FEMA_FLOOD_HAZARD_AREAS

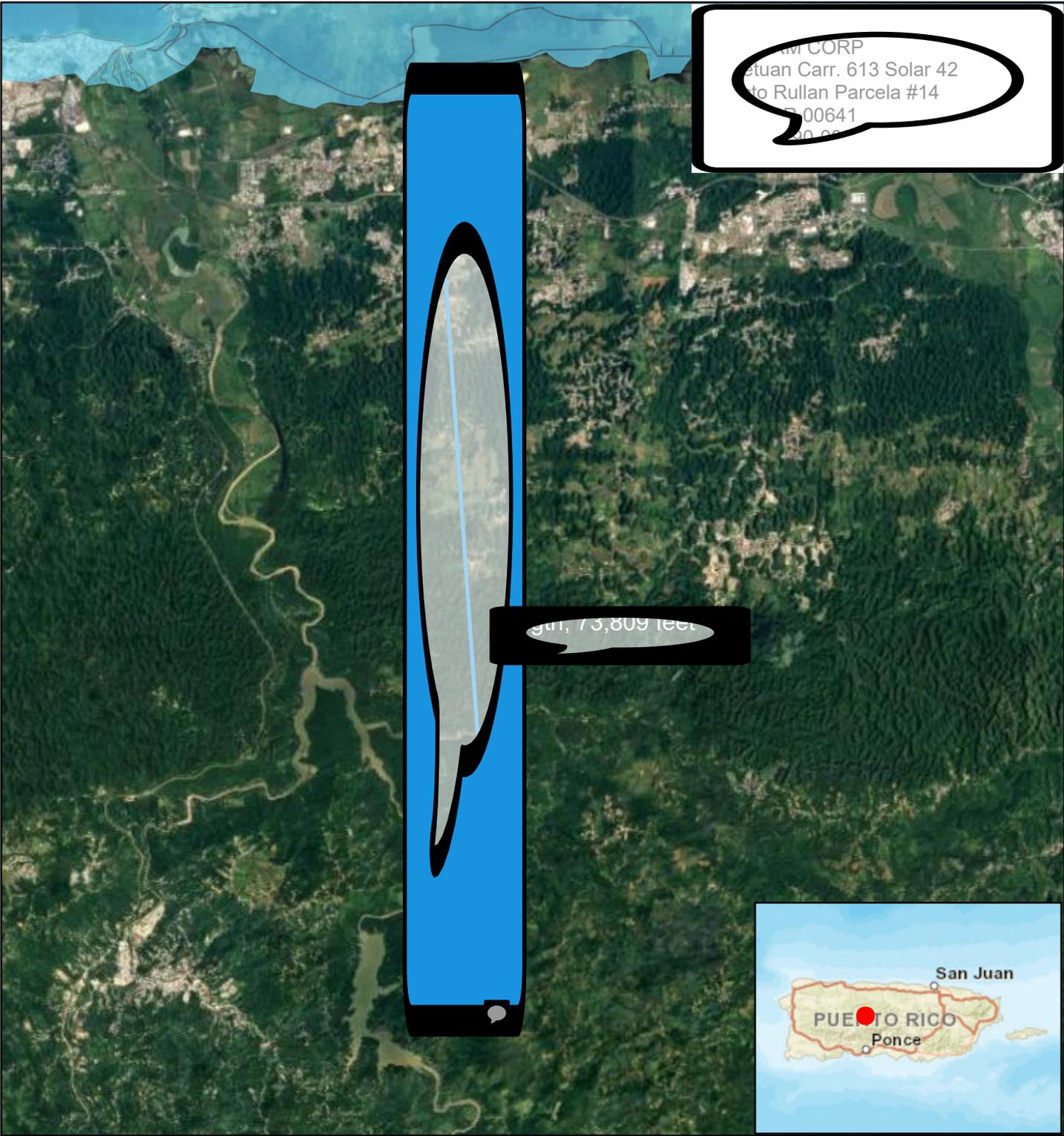
- Special Flood Hazard Areas
- Other Areas



1:18,056

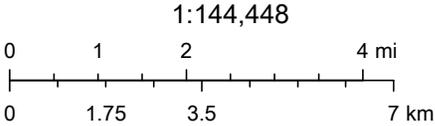


Emergency Management Agency (FEMA)
National Flood Hazard Layer
www/fema



8/14/2023, 9:56:34 AM

Coastal Zone Management



PR-RGRW-04134 Toxic

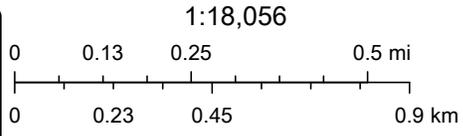
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...00641
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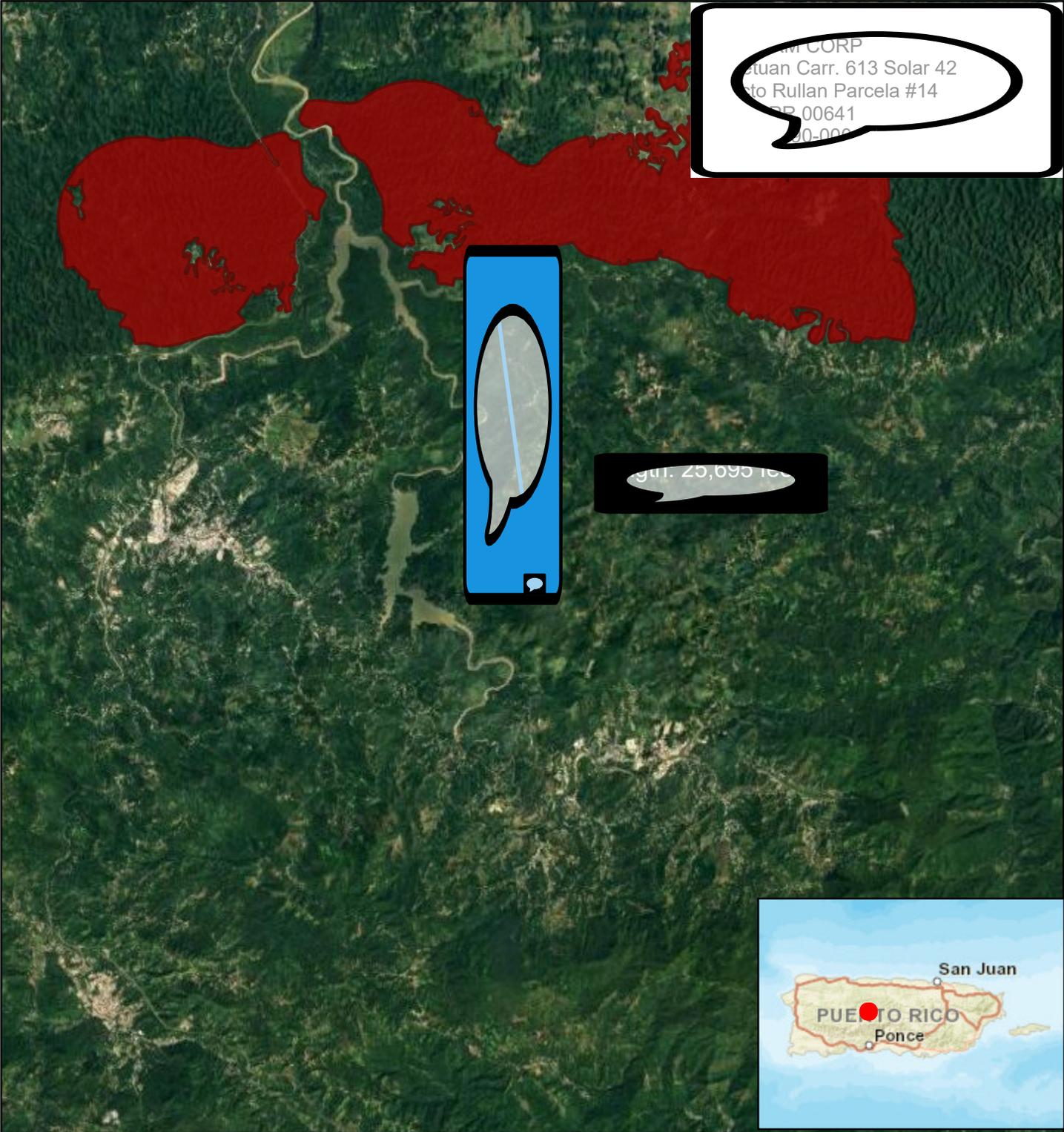
 3000ft Buffer



Environmental Protection Agency (EPA)
Registry Service (FRS)

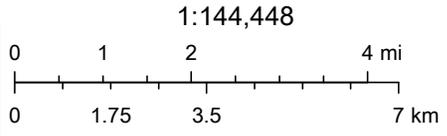
PR-RGRW-04134 Endangered Species



8/14/2023, 11:08:24 AM

 USFWS Critical Habitat - Final




United States Fish and Wildlife Service
Bureau of Land Management
National Oceanic and Atmospheric Administration
Conservation and Restoration

...M CORP
...tuan Carr. 613 Solar 42
...to Rullan Parcela #14
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...00...



10/16/2023, 3:42:17 PM

Farmland Protection

- Farmland of statewide importance
- Not prime farmland

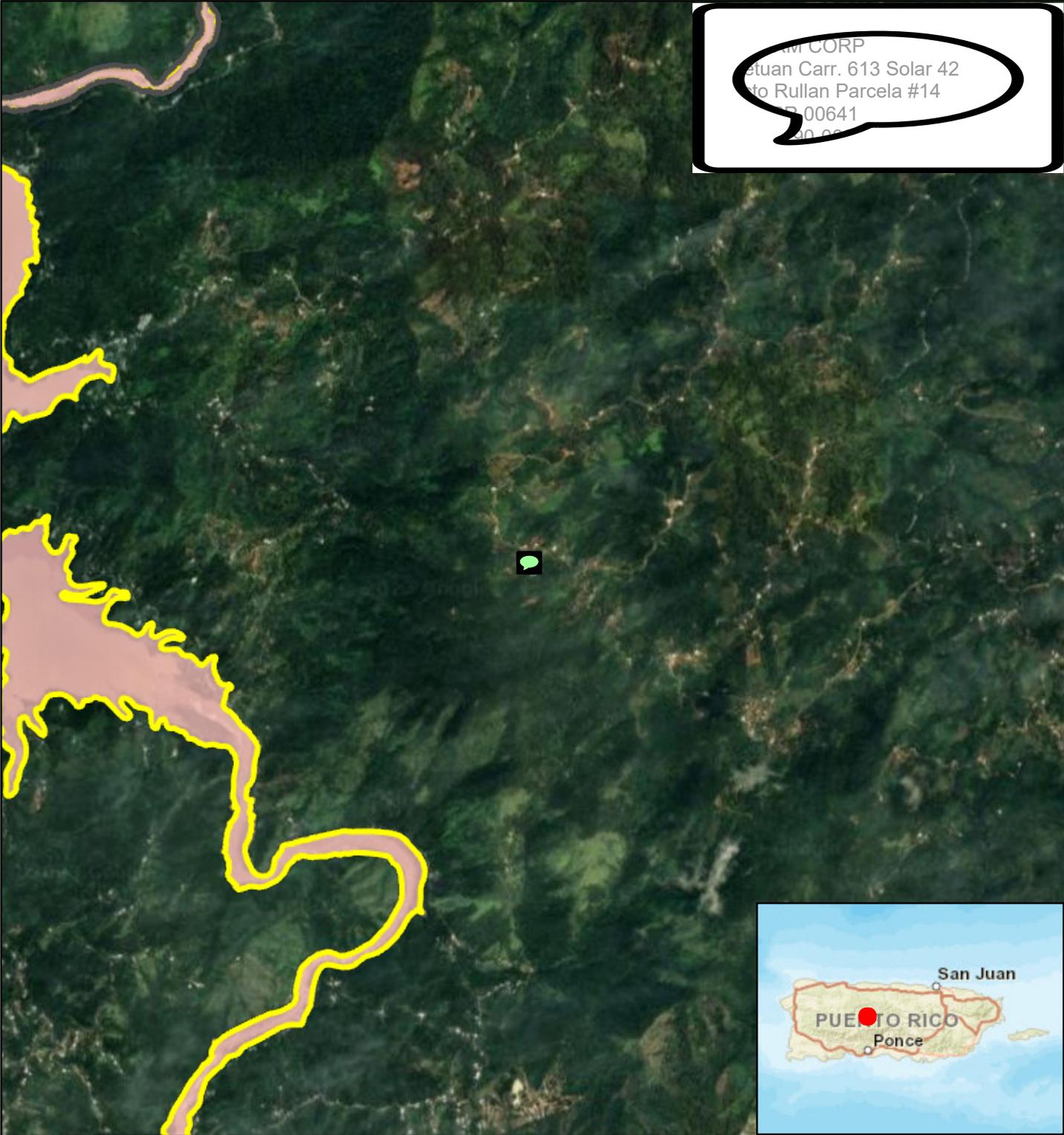


RGRW-04134



Resources Conservation Service (NRCS)
Survey Geographic Database (gSSURGO)

[REDACTED] CORP
 etuan Carr. 613 Solar 42
 to Rullan Parcela #14
 700641
 2000



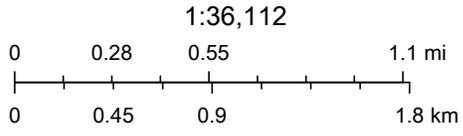
8/14/2023, 3:22:16 PM

Flood Hazard Zone

- A
- X 0.2% Annual Chance Flood
- Zone/BFE Boundary

Flood Hazard Extent

- 1% Annual Chance Flood
- 0.2% Annual Chance Flood
- [REDACTED]

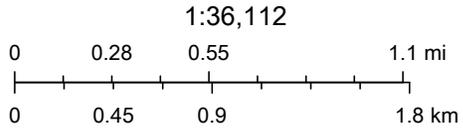


Emergency Management Agency (FEMA)
 National Flood Hazard Layer
 www.fema.gov



8/14/2023, 3:26:43 PM

- ▲ Cultural_Resources - Scenic Places
- ◻ Cultural_Resources - Cultural Value Places
- Cultural_Resources - Archeological Resources



1:36,112

National Park Service (NPS) - National Register of Historic Places
<https://www.nps.gov/subjects/nationalregister/index.htm>
 Information Office (2025)

...CORP
...Carr. 613 Solar 42
...to Rullan Parcela #14
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...000

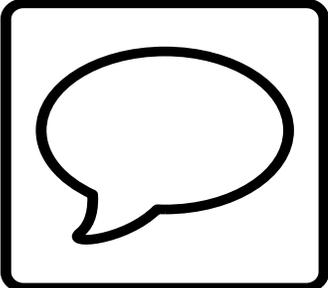
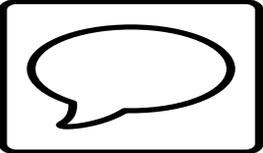
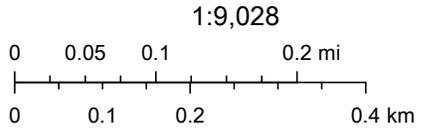


8/14/2023, 3:32:01 PM



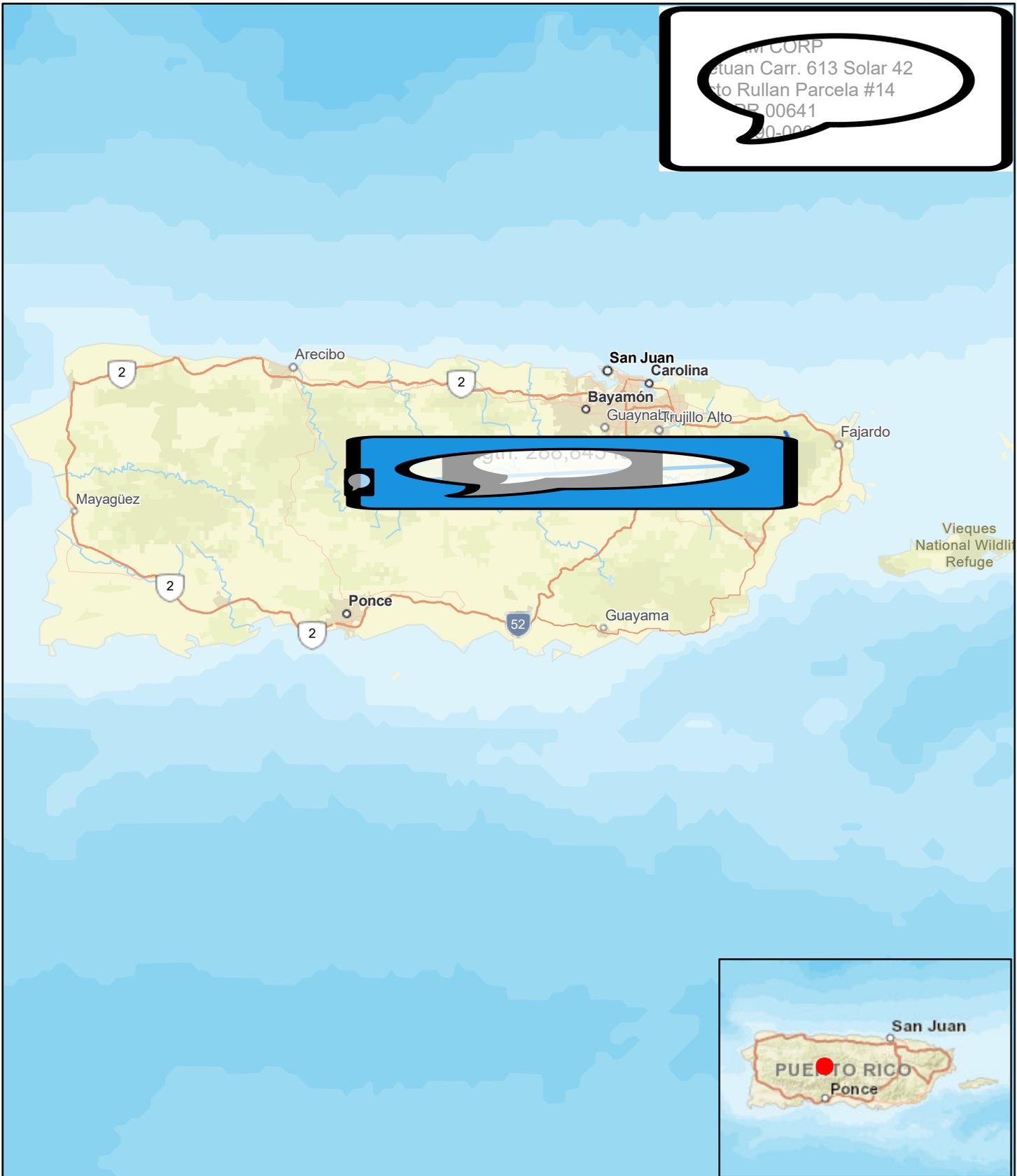
PR-RGRW-04134

- WETLANDS - National Wetlands Inventory
- █ Riverine
- Hidrografia - Oficina Plan de Agua



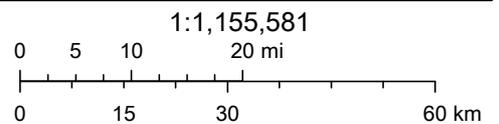
Fish and Wildlife Service (FWS):
National Wetlands Inventory
www.fws.gov/nwi

...CORP
...Carr. 613 Solar 42
...to Rullan Parcela #14
...00641
...20-000

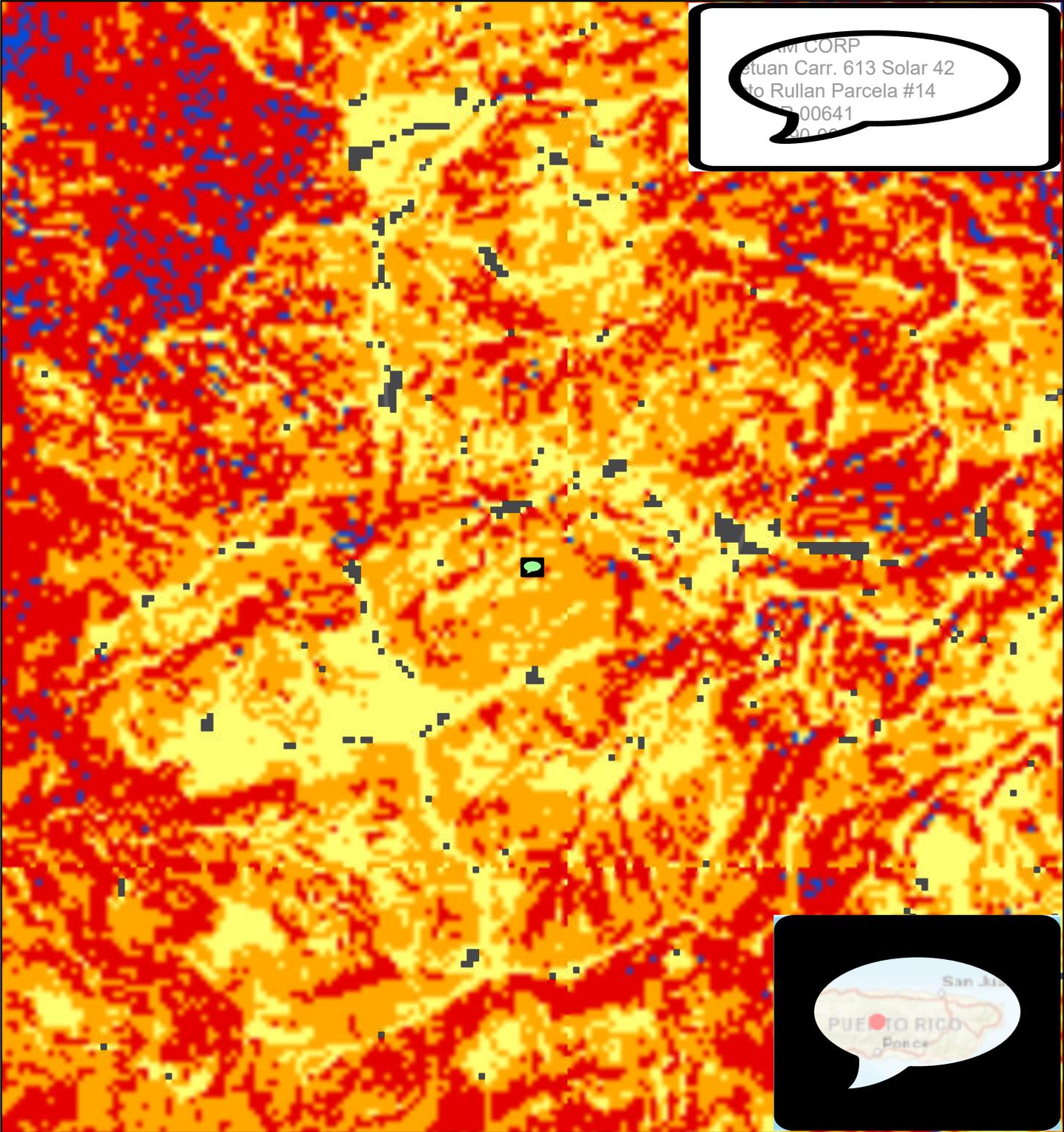


3/29/2023, 6:40:14 PM

— National Wild and Scenic River Line



Fish and Wildlife Service (FWS)
National Wild and Scenic Rivers System



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... Carr. 613 Solar 42
... to Rullan Parcela #14
... 00641
... 00...

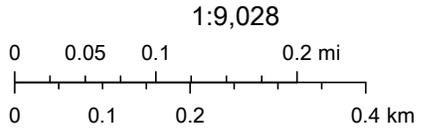


16/10/2023, 12:04:20

Landslide Susceptibility

Low
Moderate

High
Very High
Extremely High



... gery Basemap service.

Appendix 1



GOVERNMENT OF PUERTO RICO
STATE HISTORIC PRESERVATION OFFICE

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

October 2, 2023

Lauren Bair Poche

HORNE
10000 Perkins Rowe, Suite 610, Bldg C
Baton Rouge, LA 70810

SHPO 09-27-23-02 SECTION 106 NHPA EFFECT DETERMINATION
SUBMITTAL: PR-RGRW-04134- RMC FARM CORP.- BO. TETUÁN, CARR. 613,
SOLAR 42 PROYECTO RULLÁN PARCELA #14, UTUADO, PUERTO RICO

Dear Ms. Bair,

Our Office has received and reviewed the above referenced project in accordance with 54 U.S.C. 306108 (commonly known as Section 106 of the *National Historic Preservation Act*) and 36 CFR Part 800: *Protection of Historic Properties*.

Our records support your finding of **no historic properties affected** for this undertaking.

Please note that should you discover other historic properties at any point during project implementation, you should notify the SHPO immediately. If you have any questions regarding our comments, please do not hesitate to contact our Office.

Sincerely,

Carlos A. Rubio-Cancela
State Historic Preservation Officer

CARC/GMO/MB



September 27, 2023

Carlos A. Rubio Cancela
State Historic Preservation Officer
Puerto Rico State Historic Preservation Office
Cuartel de Ballajá (Tercer Piso)
San Juan, PR 00902-3935

Puerto Rico Disaster Recovery, CDBG-DR Re-Grow PR Urban-Rural Agricultural (Re-Grow PR) Program

Section 106 NHPA Effect Determination Submittal: PR-RGRW-04134 – RMC Farm Corp. – Bo. Tetuán, Carr 613, Solar 42 Proyecto Rullán Parcela #14, Utuado, Puerto Rico – *No Historic Properties Affected*

Dear Architect Rubio Cancela,

In accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800, HORNE is providing information for your review and requesting your concurrence regarding the above-referenced projects on behalf of the Puerto Rico Department of Housing (PRDOH). On February 9, 2018, an allocation of Community Development Block Grant - Disaster Recovery (CDBG-DR) funds was approved by the United States Department of Housing and Urban Development (HUD) under the Federal Register Volume 83, No. 28, 83 FR 5844, to assist the Commonwealth of Puerto Rico in meeting unmet needs in the wake of Hurricanes Irma and Maria. On August 14, 2018, an additional \$8.22 billion recovery allocation was allocated to Puerto Rico under the Federal Register Volume 83, No. 157, 83 FR 40314. With these funding allocations, the Puerto Rico Department of Housing (Housing) aims to lead a comprehensive and transparent recovery for the benefit of Puerto Rico residents.

On behalf of PRDOH and the subrecipient, the Puerto Rico Department of Agriculture, HORNE is submitting documentation for activities proposed by RMC Farm Corp. in Bo. Tetuán at Carr. 613 Solar 42 Proyecto Rullán Parcela # 14 in the municipality of Utuado. The proposed activities for PR-RGRW-04134, consist of the purchase of a tractor, a 2,000 gallons cistern, and seeds (cacao, banana, and lemon). The water cistern will be placed on a 12' x 12' concrete slab that will have a depth of 6 inches. The water to be stored in the cistern will be used for irrigation and will be taken from an existing stream located in the property. The cistern will operate by gravity and will have its pipes placed aboveground.

Based on the submitted documentation, the Program requests a concurrence that a finding of no historic properties affected is appropriate for this proposed project.

Please contact me by email at lauren.poche@horne.com or phone at 225-405-7676 with any questions or concerns.

Kindest regards,



Lauren Bair Poche, M.A.

Architectural Historian, Historic Preservation Senior Manager

Attachments

| | | |
|---|---------------------|---|
| PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM REGROW PUERTO RICO PROGRAM Section 106 NHPA Effect Determination | |  |
| Applicant: RMC Farm Corp. | | |
| Case ID: PR-RGRW-04134 | City: Utuado | |

| | |
|---|-------------------------------------|
| Project Location: Bo. Tetuán Carr. 613 Solar 42 Proyecto Rullán Parcela #14, Utuado, PR 00641 | |
| Project Coordinates: 18.254358 -66.621601 | |
| TPID (Número de Catastro): 190-000-006-09 | |
| Type of Undertaking: <input type="checkbox"/> Substantial Repair/Improvements <input checked="" type="checkbox"/> New Construction | |
| Construction Date (AH est.): n/a | Property Size (acres): 258.5 |

| |
|--|
| SOI-Qualified Archaeologist: Jaqueline López Meléndez |
| Date Reviewed: September 6, 2023 |

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

Project Description (Undertaking)

The proposed activities for PR-RGRW-04134, consist of the purchase of a tractor, a 2,000 gallons cistern, and seeds (cacao, banana, and lemon). The water cistern will be placed on a 12' x 12' concrete slab that will have a depth of 6 inches. The water to be stored in the cistern will be used for irrigation and will be taken from an existing stream located in the property. The cistern will operate by gravity and will have its pipes placed aboveground. The project area is located at PR-613 Solar 42 Proyecto Rullán Parcela #14 within the Municipality of Utuado.

Area of Potential Effects

As defined in 36 CFR §800.16(d), the area of potential effects (APE) is the geographic area or areas within which an undertaking may directly or indirectly cause changes in the character or use of historic properties if any such properties exist. Based on this definition and the nature and scope of the Undertaking, the Program has determined that the direct APE for this project is the location of the water cistern plus a 15-meter buffer and the visual APE is the viewshed of the proposed project.

Identification of Historic Properties - Archaeology

Existing information on previously identified historic properties has been reviewed to determine if any such properties are located within the APE of this undertaking. The review of this existing information by a Program contracted Historic Preservation Specialist meeting the Secretary of the Interior's Professional Qualification Standards (36 CFR Part 61), shows

| | |
|--|---|
| PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM RE-GROW PUERTO RICO PROGRAM Section 106 NHPA Effect Determination |  <small>GOVERNMENT OF PUERTO RICO DEPARTMENT OF HOUSING</small> |
| Applicant: RMC Farm Corp. | |
| Case ID: PR-RGRW-04134 | City: Utuado |

that there are no reported archaeological sites, archaeological materials of significant cultural properties within a half-mile (0.50 miles) radius of the project location. The closest reported archaeological site to the PR-RGRW-04134 project area is Finca Polito Parcela 14 (SHPO: UA0100089) located 1.12 miles north. The proposed project is located in Utuado, at an elevation of 2,198 feet above sea level. Per the USGS/NRCS Web Soil Survey, the project area is within mapped soil series: Humatas. The project area APE is in HmE. The nearest water bodies are Charco del Muerto creek located 0.22 miles north and unnamed stream, located 0.17 miles southeast. The north coast is approximately 15.97 miles northwest from the project area.

There is one (1) archaeological study within a 0.50-miles radius of the proposed project area, with positive results (see table).

The project area does not have cultural resources that are listed either on the National Register of Historic Places (NRHP) or in a Traditional Urban Center or Historic District. On September 4, 2023, we visually inspected the project area. The property is located in the mountainous area of Utuado. The property is located in the mountainous area of Utuado. The water cistern will be placed in a small flat area. Visibility is medium due to leaves and dry grass in the area. No cultural remains can be observed on the surface of the parcel.

The soil in the area has been classified as Humatas clay, 20 to 40 percent slopes (HmE). This soil is deep and well drained and are on uplands. They formed in fine textured residuum weathered from basic volcanic rock. The permeability and available water capacity of this Humatas soil are moderate. Runoff is rapid, and fertility is medium.

Determination

The project area is not within or adjacent to the boundaries of a National Register of Historic Places (NRHP)-eligible or listed historic district or Traditional Urban Center. There are no reported archaeological materials or significant cultural properties within a half-mile radius of the proposed project location. There are no known archaeological sites or NRHP listed/eligible historic properties are within or adjacent to the property or the parcel in which the Area of Potential Effect of case PR-RGRW-04134 is located. The impact of the concrete pad and cistern installation is minimal. The construction of public roads and agricultural infrastructure has minimally impacted the surrounding terrain. Therefore, no historic properties will be affected by this reconstruction project.

| | |
|---|---|
| PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM REGROW PUERTO RICO PROGRAM Section 106 NHPA Effect Determination |  |
| Applicant: RMC Farm Corp. | |
| Case ID: PR-RGRW-04134 | City: Utuado |

Recommendation (Please keep on same page as SHPO Staff Section)

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

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

This Section is to be Completed by SHPO Staff Only

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

| | | |
|---|---------------------|---|
| PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM REgROW PUERTO RICO PROGRAM Section 106 NHPA Effect Determination | |  |
| Applicant: RMC Farm Corp. | | |
| Case ID: PR-RGRW-04134 | City: Utuado | |

Table of archaeological sites, historic properties and historic districts located within the project area or within a 0.50-miles radius

| Name | SHPO id # | IPRC id # | Distance/Direction | Description | NRHP (listed, eligible, non-eligible, no data) |
|------|-----------|-----------|--------------------|-------------|--|
| None | - | - | - | - | - |

Table of cultural resources surveys conducted within the project area or within a 0.50-miles radius.

| Author | Phase/Title | Year | SHPO / IPRC code | Results | Distance/Direction |
|----------------|--|------|-------------------|--|--------------------|
| Ethel Schlafer | IA-IB/ Finca Apolinar Montero Saldaña "Polito" | 1991 | SHPO: 09-10-89-09 | Positive. Pre-Columbian site (UA0100089) located more than 0.50 miles away | 0.25 mi NW |



Applicant: RMC Farm Corp.

Case ID: PR-RGRW-04134

City: Utuado

Project (PR-RGRW-04134) Location – Area of Potential Effect Map (Aerial)

BYA BEHAR-YBARRA & ASSOCIATES LLC
CONSULTING ENGINEERS, ARCHITECTS AND PLANNERS
Corral, Iberia 1 Suite J-21, Calle Paraiso 554, Anasco, San Juan, PR, 00920 Tel: 787-793-0200

Application ID: PR-RGRW-04134

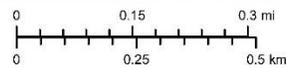
RMC FARM CORP
Bo. Tetuan Carr. 613 Solar 42
Proyecto Rullan Parcela #14
Utuado, PR 00641
Catastro: 190-000-006-09
Lat: 18.254358, Lon: -66.621601

Area of Potential Effect Puerto Rico Department of Housing ReGrow



Legend

- PR-RGRW-04134 Applicant Structure
- Area of Potential Effect
- PR-RGRW-04134 Parcel
- CRIM Parcels



Service Layer Credits: Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), Swisstopo, © OpenStreetMap contributors, and the GIS User Community
Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community and Google Earth



Source

Centro de Recaudación de Ingresos Municipales (CRIM)
<https://catastro.crimpr.net/cdprpc/>



Applicant: RMC Farm Corp.

Case ID: PR-RGRW-04134

City: Utuado

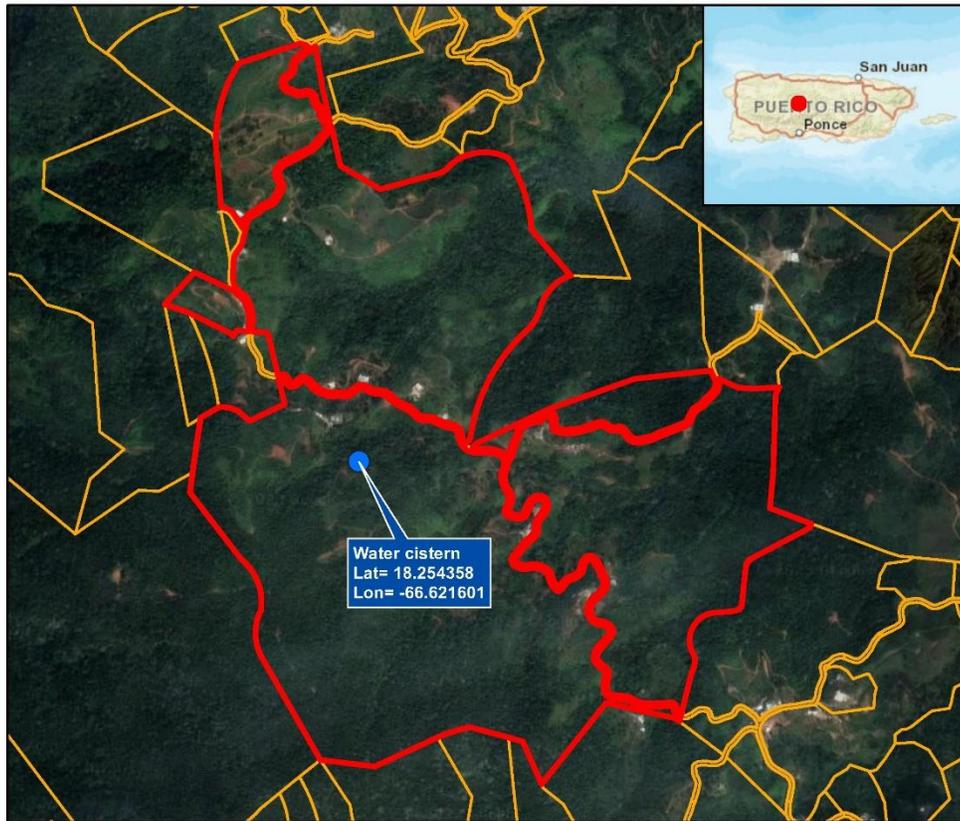
Project (PR-RGRW-04134) Location - Aerial Map

BYA BEHAR-YBARRA & ASSOCIATES LLC
CONSULTING ENGINEERS, ARCHITECTS AND PLANNERS
Callek, Avenida 1 Suite J-3, Caguas Puerto Rico, 00983, San Juan, PR, 00903 Tel: (787) 793-0290

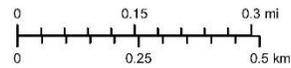
Application ID: PR-RGRW-04134

RMC FARM CORP
Bo. Tetuan Carr. 613 Solar 42
Proyecto Rullian Parcela #14
Utuado, PR 00641
Catastro: 190-000-006-09
Lat: 18.254358, Lon: -66.621601

Location: Aerial Map
Puerto Rico Department of Housing ReGrow



- Legend**
- PR-RGRW-04134
 - PR-RGRW-04134 Parcel
 - CRIM Parcels



Service Layer Credits: Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), Swire, Bing, Mapbox, Swire, OpenStreetMap contributors, and the GIS User Community
Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community and Google Earth

Source
Centro de Recaudación de Ingresos Municipales (CRIM)
<https://catastro.crimpr.net/cdprpc/>



Applicant: RMC Farm Corp.

Case ID: PR-RGRW-04134

City: Utuado

Project (PR-RGRW-04134) Location - USGS Topographic Map

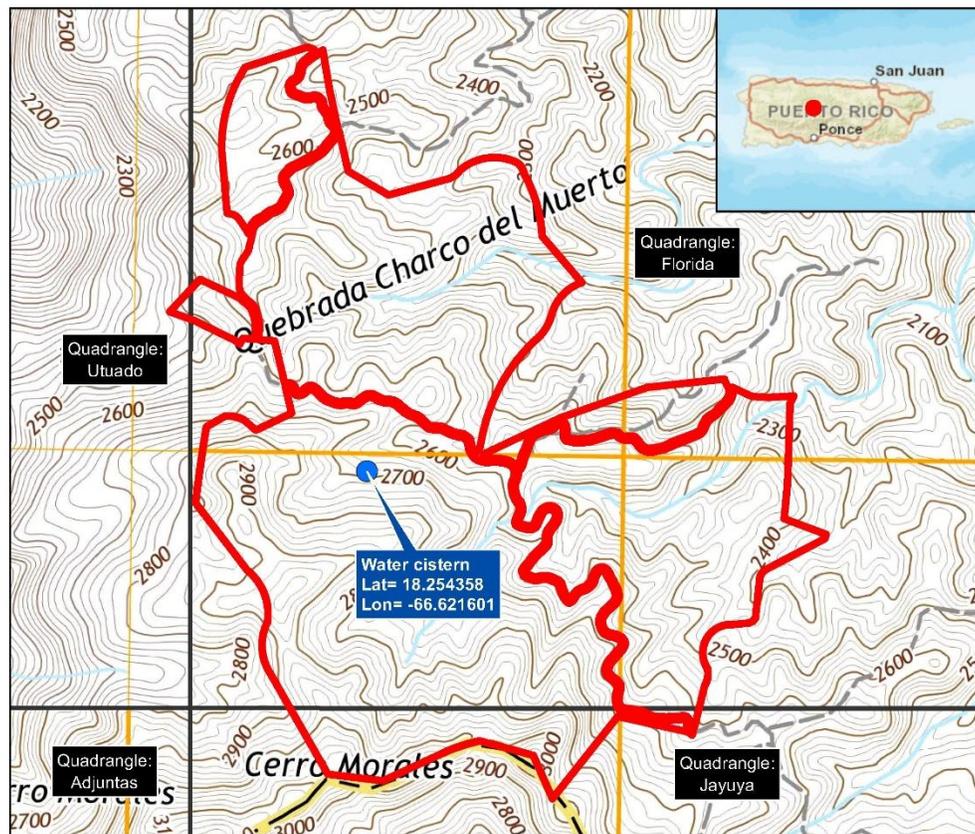
BYA BEHAR-YBARRA & ASSOCIATES LLC
CONSULTING ENGINEERS, ARCHITECTS AND PLANNERS
Corporación: Islaña T Suite J-10, Calle Perseus 55-A, Altamira, San Juan, PR. 00920 Tel: 787-778-0200

Application ID: PR-RGRW-04134

RMC FARM CORP
Bo. Tetuan Carr. 613 Solar 42
Proyecto Rullan Parcela #14
Utuado, PR 00641
Catastro: 190-000-006-09
Lat: 18.254358, Lon: -66.621601

Location: USGS Topographic Map

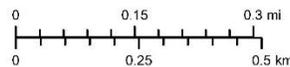
Puerto Rico Department of Housing ReGrow



Legend

- PR-RGRW-04134
- PR-RGRW-04134 Parcel

Contour Interval 20 Feet



Services Layer Credits: Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), MapmyIndia, © OpenStreetMap contributors, and the GIS User Community



Source

United States Geological Survey (USGS)
National Geologic Map Database
https://ngmdb.usgs.gov/ngmdb/ngmdb_home.html

Applicant: RMC Farm Corp.

Case ID: PR-RGRW-04134

City: Utuado

Project (PR-RGRW-04134) Location – Soils Map

BYA BEHAR-YBARRA & ASSOCIATES LLC
CONSULTING ENGINEERS, ARCHITECTS AND PLANNERS
Cond. Iberia 1 Suite 2-3, Calle Ponce 554, Atarés, San Juan, PR. 00901 Tel: (787) 759-0280

Application ID: PR-RGRW-04134

RMC FARM CORP
Bo. Tetuan Carr. 613 Solar 42
Proyecto Rullán Parcela #14
Utuado, PR 00641
Catastro: 190-000-006-09
Lat: 18.254358, Lon: -66.621601

Soils Map
Puerto Rico Department of Housing ReGrow

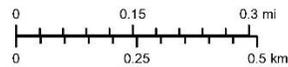


Legend

- PR-RGRW-04134
- PR-RGRW-04134 Parcel
- Soil Map Unit Symbol

Soil Map Unit Symbol

- CbF - Caguabo-Rock outcrop complex, 20 to 60 percent slopes
- CpF - Consumo clay, 40 to 60 percent slopes
- HmE - Humatas clay, 20 to 40 percent slopes
- HmF - Humatas clay, 40 to 60 percent slopes
- LgE - Los Guineos clay, 20 to 40 percent slopes
- LgF - Los Guineos clay, 40 to 60 percent slopes
- MuF - Mucara clay, 40 to 60 percent slopes



Service Layer Credits: Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), MapmyIndia, © OpenStreetMap contributors, and the GIS User Community
Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community and Google Earth



Source

Natural Resources Conservation Service (NRCS)
Gridded Soil Survey Geographic Database (gSSURGO)
<https://data.nal.usda.gov/dataset/soil-survey-geographic-database-ssurgo>



Applicant: RMC Farm Corp.

Case ID: PR-RGRW-04134

City: Utuado

Project (PR-RGRW-04134) Location with Previous Investigations - Aerial Map

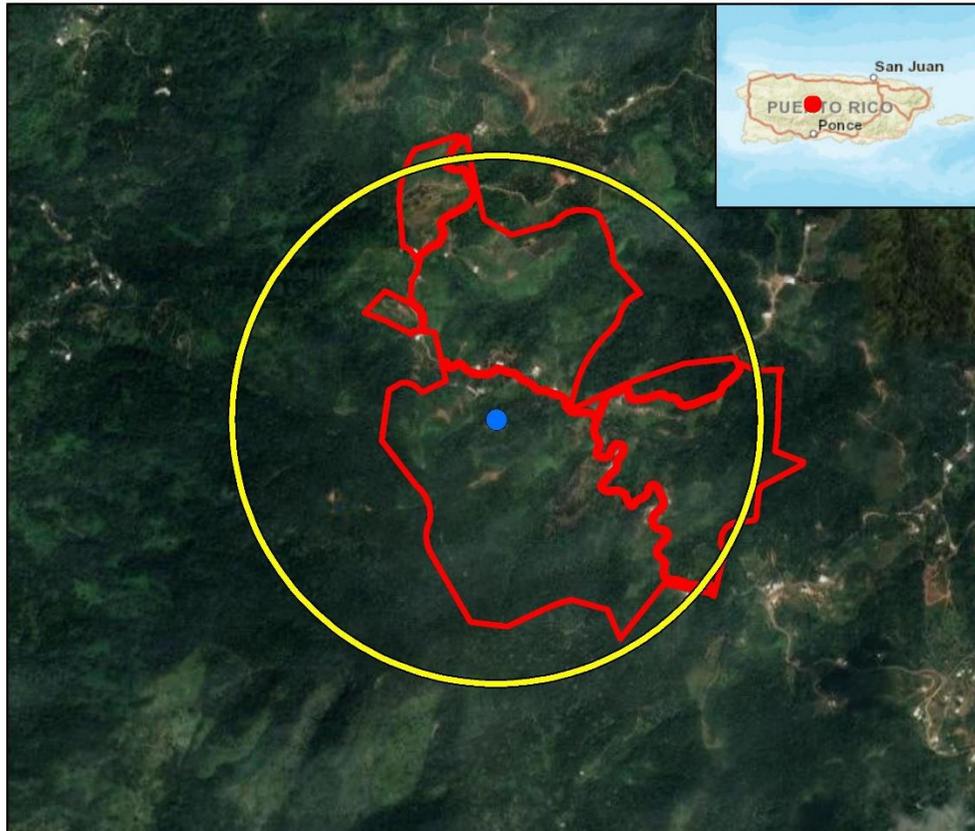
BYA BEHAR-YBARRA & ASSOCIATES LLC
CONSULTING ENGINEERS, ARCHITECTS AND PLANNERS
Oficina: Bateria 1, Suite J-2, Calle Ponce 554, Ararince, San Juan, PR. 00920 Tel: (787) 7785-0200

Application ID: PR-RGRW-04134

RMC FARM CORP
Bo. Tetuan Carr. 613 Solar 42
Proyecto Rullan Parcela #14
Utuado, PR 00641
Catastro: 190-000-006-09
Lat: 18.254358, Lon: -66.621601

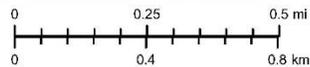
Previous Investigations: Aerial Map

Puerto Rico Department of Housing ReGrow



Legend

- PR-RGRW-04134
- PR-RGRW-01423 Parcel
- 0.50 Mile (0.80 km) Buffer



Service Layer Credits: Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), MapmyIndia, © OpenStreetMap contributors, and the GIS User Community
Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community and Google Earth



Source

Applicant: RMC Farm Corp.

Case ID: PR-RGRW-04134

City: Utuado

Project (PR-RGRW-04134) Location with Previous Investigations - Topographic Map

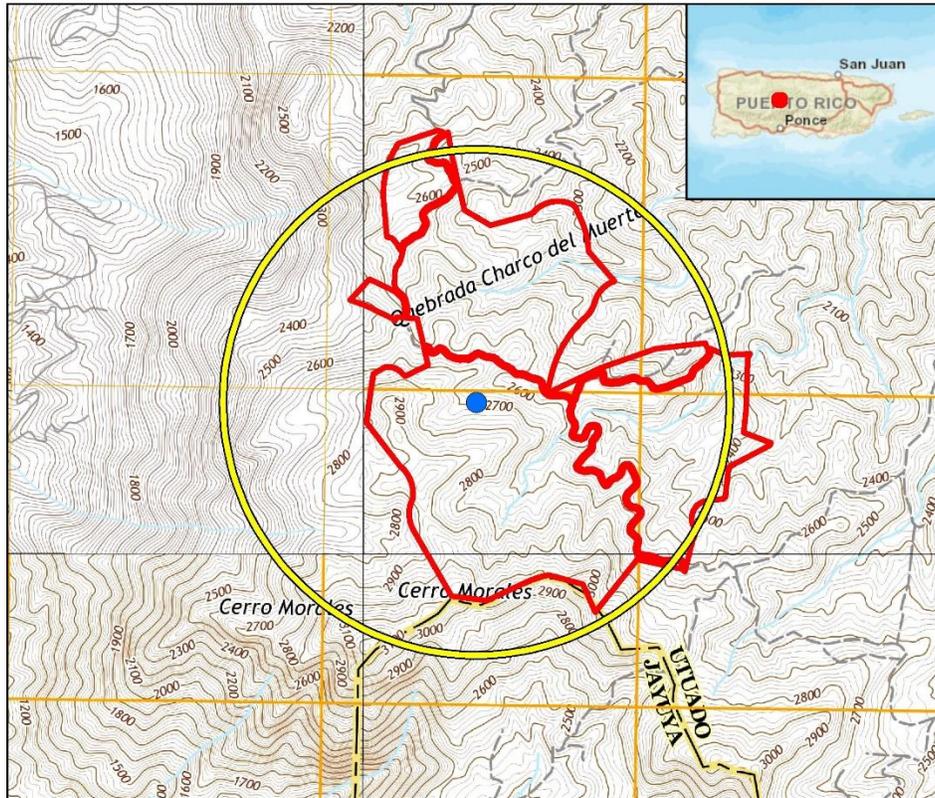
BYA BEHAR-YBARRA & ASSOCIATES LLC
CONSULTING ENGINEERS, ARCHITECTS AND PLANNERS
Corral, Borja 1 Suite 4-3, Calle Perseus 884, Alzamora, San Juan, PR, 00902 Tel: (787) 759-0200

Application ID: PR-RGRW-04134

RMC FARM CORP
Bo. Tetuan Carr. 613 Solar 42
Proyecto Rullan Parcela #14
Utuado, PR 00641
Catastro: 190-000-006-09
Lat: 18.254358, Lon: -66.621601

Previous Investigations: USGS Topographic Map

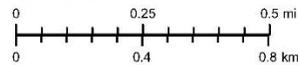
Puerto Rico Department of Housing ReGrow



Legend

- PR-RGRW-04134
- PR-RGRW-04134 Parcel
- 0.50 Mile (0.80 km) Buffer

Contour Interval 20 Feet



Service Layer Credits: Sources: Esri, HERE, DeLorme, USGS, Intermap, Incentiv P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), Swisstopo, © OpenStreetMap contributors, and the GIS User Community



Source

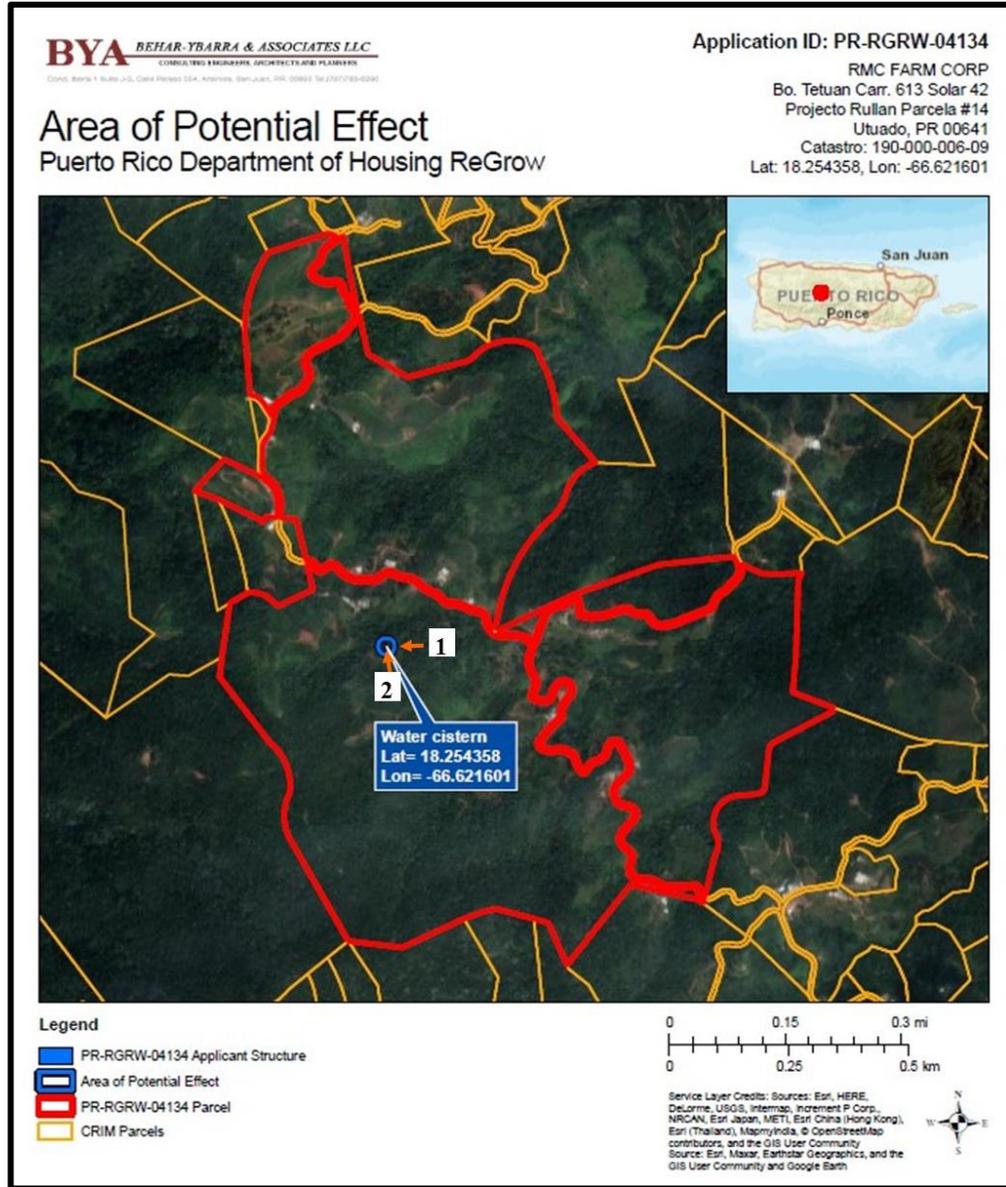
United States Geological Survey (USGS)
National Geologic Map Database
https://ngmdb.usgs.gov/ngmdb/ngmdb_home.html

Applicant: RMC Farm Corp.

Case ID: PR-RGRW-04134

City: Utuado

Photograph Key



Applicant: RMC Farm Corp.

Case ID: PR-RGRW-04134

City: Utuado



Photo #: 1

Description (include direction): General area where the water cistern will be installed, looking north.

Date: September 4, 2023



Photo #: 2

Description (include direction): General area where the warehouse and pulper will be installed, looking northwest.

Date: September 4, 2023



October 20, 2022

Arch. Carlos A. Rubio Cancela

Executive Director

State Historic Preservation Officer

Cuartel de Ballajá Bldg.

San Juan, Puerto Rico

Re: Authorization to Submit Documents

Dear Arch. Rubio Cancela:

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

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

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

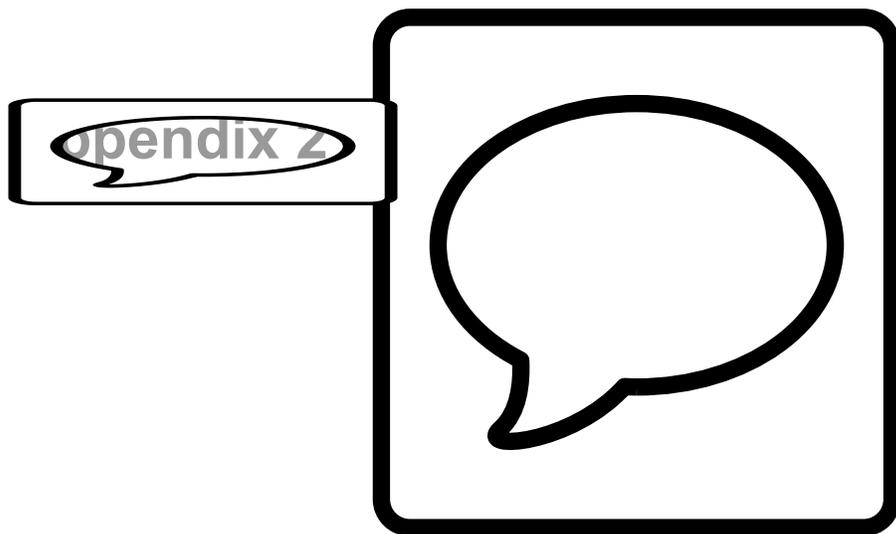
Cordially,

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

Juan C. Pérez Bofill, P.E. M.Eng

Director of Disaster Recovery

CDBG DR-MIT





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 March 31, 2023

Listed by County, NAAQS, Area. The 8-hour Ozone (1997) standard was revoked on April 6, 2015 and the 1-hour Ozone (1979) standard was revoked on June 15, 2005.

* The 1997 Primary Annual PM-2.5 NAAQS (level of 15 µg/m³) is revoked in attainment and maintenance areas for that NAAQS. For additional information see the PM-2.5 NAAQS SIP Requirements Final Rule, effective October 24, 2016. (81 FR 58009)

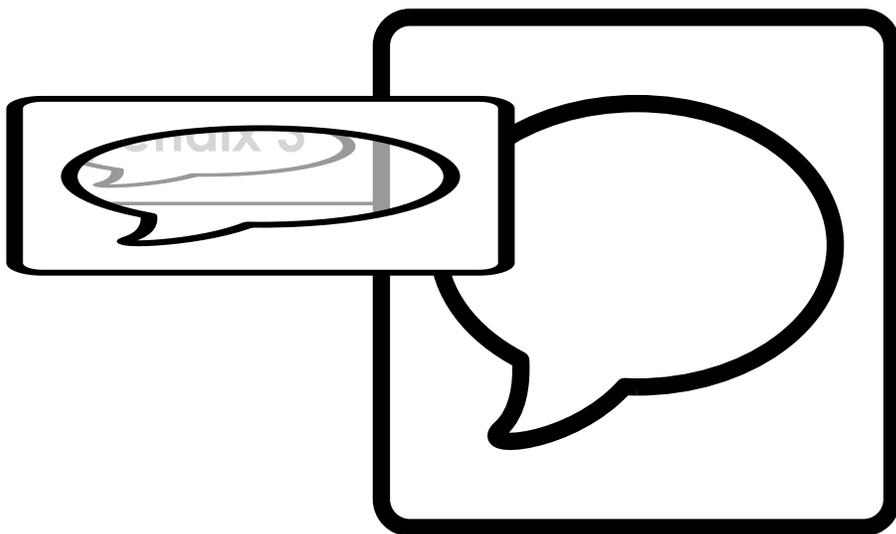
Change the State:

Important Notes

Download National Dataset: [dbf](#) | [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 |
|--------------------|-----------------------|----------------------|--------------------------------------|------------------------------|----------------|----------------------|-------------------|-------------------------|
| PUERTO RICO | | | | | | | | |
| Arecibo Municipio | Lead (2008) | Arecibo, PR | 11121314151617181920212223 | // | | Part | 32,185 | 72/013 |
| Bayamon Municipio | Sulfur Dioxide (2010) | San Juan, PR | 181920212223 | // | | Part | 22,921 | 72/021 |
| Catano Municipio | Sulfur Dioxide (2010) | San Juan, PR | 181920212223 | // | | Whole | 28,140 | 72/033 |
| Guaynabo Municipio | PM-10 (1987) | Mun. of Guaynabo, PR | 929394959697989900010203040506070809 | 02/11/2010 | Moderate | Part | 90,470 | 72/061 |
| Guaynabo Municipio | Sulfur Dioxide (2010) | San Juan, PR | 181920212223 | // | | Part | 23,802 | 72/061 |
| Salinas Municipio | Sulfur Dioxide (2010) | Guayama-Salinas, PR | 181920212223 | // | | Part | 23,401 | 72/123 |
| San Juan Municipio | Sulfur Dioxide (2010) | San Juan, PR | 181920212223 | // | | Part | 147,963 | 72/127 |
| Toa Baja Municipio | Sulfur Dioxide (2010) | San Juan, PR | 181920212223 | // | | Part | 52,441 | 72/137 |

Important Notes





United States Department of the Interior

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



In Reply Refer to:
FWS/R4/CESFO/72141-Gen

Submitted Via Electronic Mail: jcperez@vivienda.pr.gov

Juan Carlos Pérez-Bofill, PE, MEng.
Director – Disaster Recovery CDBG-DR Program
Puerto Rico Department of Housing
P.O. Box 21365
San Juan, P.R 00928-1365

Re: CDBG-DR PR-RGRW-04134 RCM Farm
Corp., Utuado, Puerto Rico

Dear Mr. Pérez-Bofill

Thank you for your letter dated October 27, 2023, requesting comments on the above referenced project. As per your request, our comments are provided under the Endangered Species Act (Act) (87 Stat. 884, as amended; 16 United States Code 1531 et seq.), and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.).

The Puerto Rico Department of Housing (PRDOH) on behalf of RCM Farm Corp. (the Applicant) is proposing the purchase of a tractor, seeds (cacao, banana, and lemon) and installation of a 2,000 gallons cistern. The water cistern will be placed on a 12' x 12' concrete slab that will have a depth of 6 inches. The project will be located at PR-613, Bo. Tetuán (18°15'16.0"N 66°37'17.7"W) in the municipality of Utuado, Puerto Rico.

Using the Information for Planning and Consultation (IPaC) system the proponent has determined that the proposed project lies within the range of Puerto Rican boa (*Epicrates inornatus* now known as *Chilabothrus inornatus*), Puerto Rican parrot (*Amazona vittata*), Puerto Rican broad-winged hawk (*Buteo platypterus brunnescens*) and Puerto Rican harlequin butterfly (*Atlantea tulita*).

The Caribbean Determination Key (DKey) in the U.S. Fish and Wildlife Service's (the Service) online IPaC application was used (project code: 2024-0005013) to evaluate the potential impacts to federally listed species for this project. Based on the answers provided, a consistency letter was obtained for the Puerto Rican boa and Puerto Rican broad-winged hawk which determined that the proposed actions for this project would have no effect (NE) on these species. As for the Puerto Rican harlequin butterfly and Puerto Rican parrot a consultation is required.

Based on the nature of the project, scope of work, information available, and analysis of the IPaC lists together with field direct observations (conducted on 09/04/2023) of the area where the project will be developed, the proponent has determined that the proposed project may affect, but is not likely to adversely affect (NLAA) the Puerto Rican harlequin butterfly since its critical habitat is approximately 25,695 feet from the proposed project site. Since the land is currently used for agricultural purposes, the proponent has determined that the proposed project actions will have NE on the Puerto Rican parrot.

We acknowledge receipt of your NE determination for the Puerto Rican parrot. Currently we do not have any information to refute your determination. Because you made a NE determination, you are not required to conduct formal or informal section 7 consultation with the Service, and the Service is not required to concur with your NE determination.

As for the Puerto Rican harlequin butterfly, we have reviewed the information provided in your letter and our files and concur with your determination that the proposed project may affect but is not likely to adversely affect the species. Also, the Service acknowledge receipt of the DKey consistency letter with the NE determination for the Puerto Rican boa and Puerto Rican broad-winged hawk.

Please be aware that the Puerto Rican harlequin butterfly measures were amended to clarify how they are appropriately applied. Therefore, the Service recommends the applicant to adopt the implementation of the below updated conservation measures for the proposed actions.

1. The contractor must inform all personnel about the potential presence of the Puerto Rican harlequin butterfly or its occupied host plant “prickly bush” (*Oplonia spinosa*) in the project areas. A pre-work meeting should inform all project personnel about the need to avoid harming this butterfly and its occupied host plant. Educational material (e.g., posters, flyers or signs with photos or illustrations of all the life stages of the Puerto Rican harlequin butterfly (i.e., eggs, caterpillar, chrysalids and adult, and its host plant) should be prepared and available to all personnel for reference.
2. Before starting any project activity, including removal of vegetation and earth movement, the contractor must clearly delineate the boundaries of the working area in the field to avoid unnecessary habitat impacts. Once the project areas are clearly marked, and before any work activity, including site preparation, personnel with knowledge and ability to identify the Puerto Rican harlequin butterfly (all life stages) and the “prickly bush” must survey the areas where the work will be performed for the presence of the species and its host plant. It is important to note that the Puerto Rican harlequin butterfly can be observed year-round in all its life stages; thus, oviposition (egg-laying) may occur at any time during the year.
3. If the “prickly bush” is present on the project site, try to avoid cutting it off, even if no eggs, caterpillars, or chrysalids are present.
4. If there is no prickly bush within the project area, and the butterfly is observed flying within the project area, do not harass, harm, pursue, wound, kill, trap, capture, collect, or attempt to engage in any such conduct, the species.

5. Adult butterflies are often observed flying near the host plant as part of their mating behavior and laying eggs. Project-related activities must stop if the prickly bush is found in the project area and the Puerto Rican harlequin butterfly is observed flying in that same area. A temporary 50-meter (164 feet) buffer zone of no activity or human disturbance should be established and clearly marked around that prickly bush until the butterfly moves out on its own.
6. Once the Puerto Rican harlequin butterfly has moved away, within a period of 24 to 36 hours, a search of the prickly bush that has been buffered should be conducted to determine the presence of any eggs, caterpillars, or chrysalids of the butterfly on the plant. The contractor or the Applicant should send a report of the observation and its findings to caribbean_es@fws.gov after the 36-hour search is concluded.
7. If, after the initial search or after the 24 to 36-hour search, any life stage of the Puerto Rican harlequin butterfly is found in the prickly bush, take the following actions:
 - Clearly mark the host plant with flagging tape.
 - Establish a 10-meter (32-foot) buffer zone around the bush to protect it.
 - Eggs are typically found on the prickly bush's newly grown, tender branches. Once an egg hatches, the caterpillar moves and feeds throughout the bush. Therefore, avoid cutting off the prickly bush within the project site even if no eggs, caterpillars, or chrysalids are present.
 - Work within the 10-meter buffered area may resume when no signs of any live life stage of the butterfly are detected, which usually takes approximately 60 to 120 days.
8. For all Puerto Rican harlequin butterfly sightings (all life stages), the time and date of the sighting and the specific location where the butterfly was found must be recorded. Data should also include a photo of the butterfly (if possible) and the habitat where it was observed, site GPS coordinates, and comments on how the butterfly was detected and its behavior. All Puerto Rican harlequin butterfly sighting reports should be sent to the USFWS Caribbean Ecological Service Field Office at caribbean_es@fws.gov.
9. For questions regarding the Puerto Rican harlequin butterfly, the Point of Contacts are:
 - José Cruz-Burgos, Endangered Species Coordinator:
 - Mobile: 305-304-1386
 - Office phone: 786-244-0081
 - Office Direct Line: 939-320-3120
 - Email: jose_cruz-burgos@fws.gov
 - Carlos Pacheco, Fish and Wildlife Biologist:
 - Mobile: 786-847-5951
 - Office Direct Line: 939-320-3113
 - Email: carlos_pacheco@fws.gov

In view of this, we believe that requirements of section 7 of the Endangered Species Act (Act) have been satisfied. However, obligations under section 7 of the Act must be reconsidered if: (1) new information reveals impacts of this identified action that may affect listed species or critical habitat in a manner that was not previously considered; (2) this action is subsequently modified in a manner not previously considered in this assessment; or, (3) a new species is listed, or critical habitat determined that may be affected by the identified action.

Mr. Pérez-Bofill

4

Thank you for the opportunity to comment on this project. If you have any questions or require additional information, please contact us via email at caribbean_es@fws.gov or by phone at (786) 244-0081.

Sincerely yours,

For Edwin E. Muñiz
Field Supervisor

drr



October 27, 2023

Mr. Edwin Muñiz
Field Supervisor
U.S. Fish and Wildlife Service
Caribbean Ecological Services Field Office
PO Box 491
Boqueron, PR 00622
Email: caribbean_es@fws.gov; edwin_muniz@fws.gov

RE: Puerto Rico Department of Housing Re-Grow PR-RGRW-04134 – RCM Farm Corp. – Informal Consultation Endangered Species Evaluation

Dear Mr. Muñiz:

The Puerto Rico Department of Housing (PRDOH) is requesting an informal consultation under Section 7 (a)(2) of the Endangered Species Act (Act) (87 Stat. 884, as amended; 16 United States Code 1531 et seq.), and in accordance with the Fish and Wildlife Coordination Act (47 Stat. 401, as amended; 16 U.S.C. 661 et seq.) for the proposed project PR-RGRW-04134, located at carr. PR-613, bo. Tetuan, solar 42, Proyecto Rullan parcela #14, Utuado, PR 00641 (Cadaster ID:190-000-006-09-901). The coordinates of the coordinates for the water cistern location are 18.254358, -66.621601.

The proposed project in question, PR-RGRW-04134, is requesting funding under the Re-Grow Puerto Rico Urban-Rural Agriculture Program (RGRW) which aims to increase agricultural capacity while promoting and increasing food security island wide. This Program will enhance and expand agricultural production related to economic revitalization and sustainable development activities.

The project consists of the purchase of a tractor, a 2,000-gallon cistern, and seeds (cacao, banana, and lemon). The water cistern will be placed on a 12' x 12' concrete slab that will have a depth of 6 inches. The water to be stored in the cistern will be used for irrigation and will be taken from an existing stream located on the property. The cistern will operate by gravity and will have its pipes placed aboveground. The project area is located at carr. PR-613, Solar 42, Proyecto Rullán Parcela #14 within the Municipality of Utuado.

The Area of Potential Effect (APE) has been defined as the area potentially impacted by ground disturbing activities related to the installation of the new water cistern, see Appendix A: Figure 3.

Existing Conditions and Trends:

The proposed project parcel 190-000-006-09-901 is designated as Not Prime Farmland, see Figure 4. The project site is located in the mountainous area of Utuado. The water cistern will be placed in a small flat area. Visibility is medium due to leaves and dry grass in the area, refer to Appendix C. In the project area the soil has been classified as Humatas clay, 20 to 40 percent slopes (HmE). This soil is deep and well drained and is on uplands. They formed in fine textured residuum weathered from basic volcanic rock. The permeability and available water capacity of this Humatas soil are moderate. Runoff is rapid, and fertility is medium. The land has been used for agricultural uses for over 26 years and the proposed project will not change the land use associated with these placements. In addition, the closer Final Critical Habitat is located at 25,695 feet from the project location, see Figure 5.

Using the Information for Planning and Consultation (IPaC) system (Appendix 2), we have determined that the proposed project lies within the range of the following federally listed species and critical habitats:

| Name of species | Threatened/Endangered/Candidate |
|--|---------------------------------|
| Reptiles | |
| Puerto Rican boa (<i>Chilabothrus inornatus</i>) | Endangered |
| Birds | |
| Puerto Rican Broad-winged Hawk (<i>Buteo platypterus brunnescens</i>) | Endangered |
| Puerto Rican Parrot (<i>Amazona vittata</i>) | Endangered |
| Insects | |
| Puerto Rican Harlequin Butterfly (<i>Atlantea tulita</i>) | Threatened |
| Critical Habitat | |
| There is final critical habitat for Puerto Rican Harlequin Butterfly (<i>Atlantea tulita</i>). The project location does not overlap the critical habitat. | |

Based on the nature of the project, scope of work, information available, a careful analysis of the IPaC, the Puerto Rico Boa conservation measures, the Caribbean Dkey dated October 16, 2023, in the US Fish and Wildlife Service's online IPaC application, and the observations during the field visit, were used to evaluate the potential impacts to federally listed species from this project. Based on that information and the answer

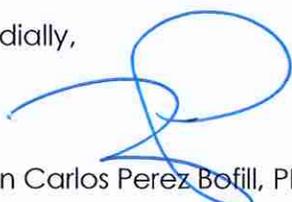
inputted into the Dkey, it was determined that the proposed action will have “No Effect” determination on the Puerto Rican Boa, Puerto Rican Broad-winged Hawk and Puerto Rican Parrot and a “Not likely to adversely affect” on the Puerto Rican Harlequin Butterfly (*Atlantea tulita*), see Appendix 2.

| Name of the species | Effect Determination | Conservation Measures that will be implemented |
|--|---------------------------------------|--|
| Puerto Rican boa (<i>Chilabothrus inornatus</i>) | No Effect (NE) | USFWS Puerto Rico Boa Conservation Measures 2020 |
| Puerto Rican Broad-winged Hawk (<i>Buteo platypterus brunnescens</i>) | No Effect (NE) | No Conservation Measures |
| Puerto Rican Parrot (<i>Amazona vittata</i>) | No Effect (NE) | No Conservation Measures |
| Puerto Rican Harlequin Butterfly (<i>Atlantea tulita</i>) | Not likely to adversely affect (NLAA) | No Conservation Measures |
| Critical Habitats | | |
| There is final critical habitat for Puerto Rican Harlequin Butterfly (<i>Atlantea tulita</i>). The project location does not overlap the critical habitat. | | |

In order to complete the informal consultation process, we are requesting your concurrence for the NLAA determination included in this letter. Attached to this letter, we are including the documents used to reach our effect determinations for the listed species. For any questions or clarifications, please do not hesitate to contact us at the information below.

Thank you in advance for your consideration of this issue.

Cordially,



Juan Carlos Perez Bofill, PE, MEng.
 Director for Disaster Recovery, CDBG-DR Program
environmentcdbg@vivienda.pr.gov | 787.274.2527 ext. 4320

Attachments:

Appendix A:

- Figure 1 – Location Site Map
- Figure 2 – Topographic Map
- Figure 3 – Area of Potential Effect Map
- Figure 4 – Farmland Protection Map
- Figure 5 – Critical Habitats Map

Appendix B: Information for Planning and Consultation (IPaC)

Appendix C: Field Visit Photos

C: Angel G. López-Guzmán, MSEM
Deputy Director
Permits and Environmental Compliance Division

Literature Cited:

Puerto Rican Broad-winged Hawk (*Buteo platypterus brunnescens*)
Species Profile for Puerto Rican Broad-winged Hawk (*Buteo platypterus brunnescens*) <https://ecos.fws.gov/ecp/species/5512>

Puerto Rican Parrot (*Amazona vittata*)
Species Profile for Puerto Rican Parrot (*Amazona vittata*)
<https://ecos.fws.gov/ecp/species/3067>

Puerto Rican boa (*Chilabothrus inornatus*)
Species Profile for Puerto Rican boa (*Chilabothrus inornatus*)
<https://ecos.fws.gov/ecp/species/6628>

USFWS Puerto Rican boa Conservation Measures:
<https://ipac.ecosphere.fws.gov/project/IFKPCGRVXZHSK6IIAZ7CRKNI/documents/generated/7140.pdf>

Puerto Rican Harlequin Butterfly (*Atlantea tulita*)
Species Profile for Puerto Rican harlequin butterfly (*Atlantea tulita*)
<https://ecos.fws.gov/ecp/species/9005>

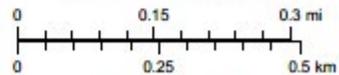
Appendix A: Figures

Location: Aerial Map
 Puerto Rico Department of Housing ReGrow



Legend

- PR-RGRW-04134
- PR-RGRW-04134 Parcel
- CRIM Parcels



Service Layer Credits: Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), Swire, Mapbox, © OpenStreetMap contributors, and the GIS User Community
 Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community and Google Earth

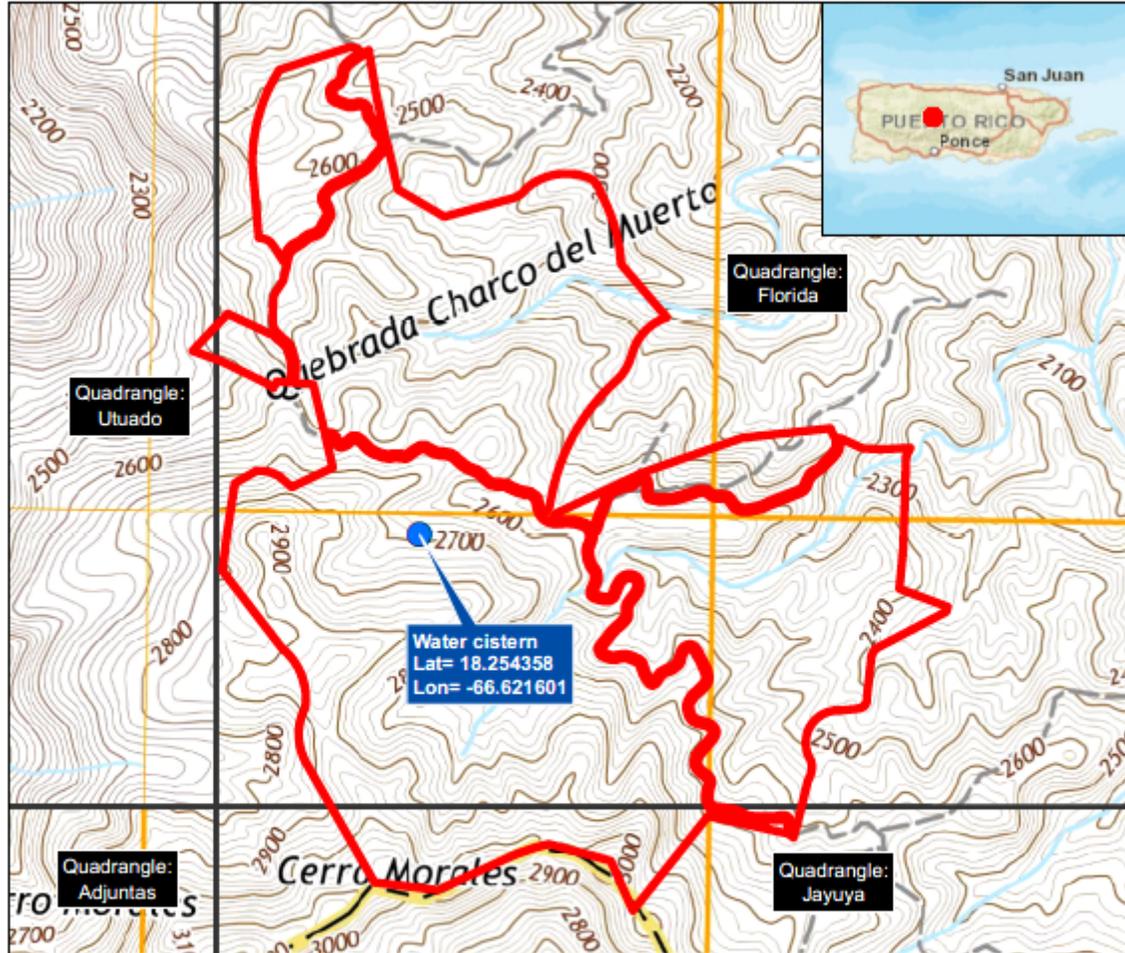


Source

Centro de Recaudación de Ingresos Municipales (CRIM)
<https://catastro.crimpr.net/cdprpc/>

Figure 1: PR-RGRW-04134 Location Map

Location: USGS Topographic Map
 Puerto Rico Department of Housing ReGrow



Legend
 ● PR-RGRW-04134
 ■ PR-RGRW-04134 Parcel
 Contour Interval 20 Feet

0 0.15 0.3 mi
 0 0.25 0.5 km

Service Layer Credits: Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Swisstopo, Mapbox, © OpenStreetMap contributors, and the GIS User Community

Source
 United States Geological Survey (USGS)
 National Geologic Map Database
https://ngmdb.usgs.gov/ngmdb/ngmdb_home.html

Figure 2: PR-RGRW-04134 Topographic Map

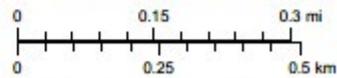
Area of Potential Effect

Puerto Rico Department of Housing ReGrow



Legend

- PR-RGRW-04134 Applicant Structure
- Area of Potential Effect
- PR-RGRW-04134 Parcel
- CRIM Parcels



Service Layer Credits: Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), Swire, Mapbox, © OpenStreetMap contributors, and the GIS User Community
 Source: Esri, Mapbox, Esri/DeLorme Geographics, and the GIS User Community and Google Earth



Source

Centro de Recaudación de Ingresos Municipales (CRIM)
<https://catastro.crimpr.net/odprpc/>

Figure 3: PR-RGRW-04134 Area of Potential Effect Map

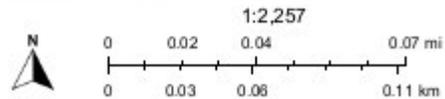


10/16/2023, 3:42:17 PM

Farmland Protection

- Farmland of statewide importance
- Not prime farmland

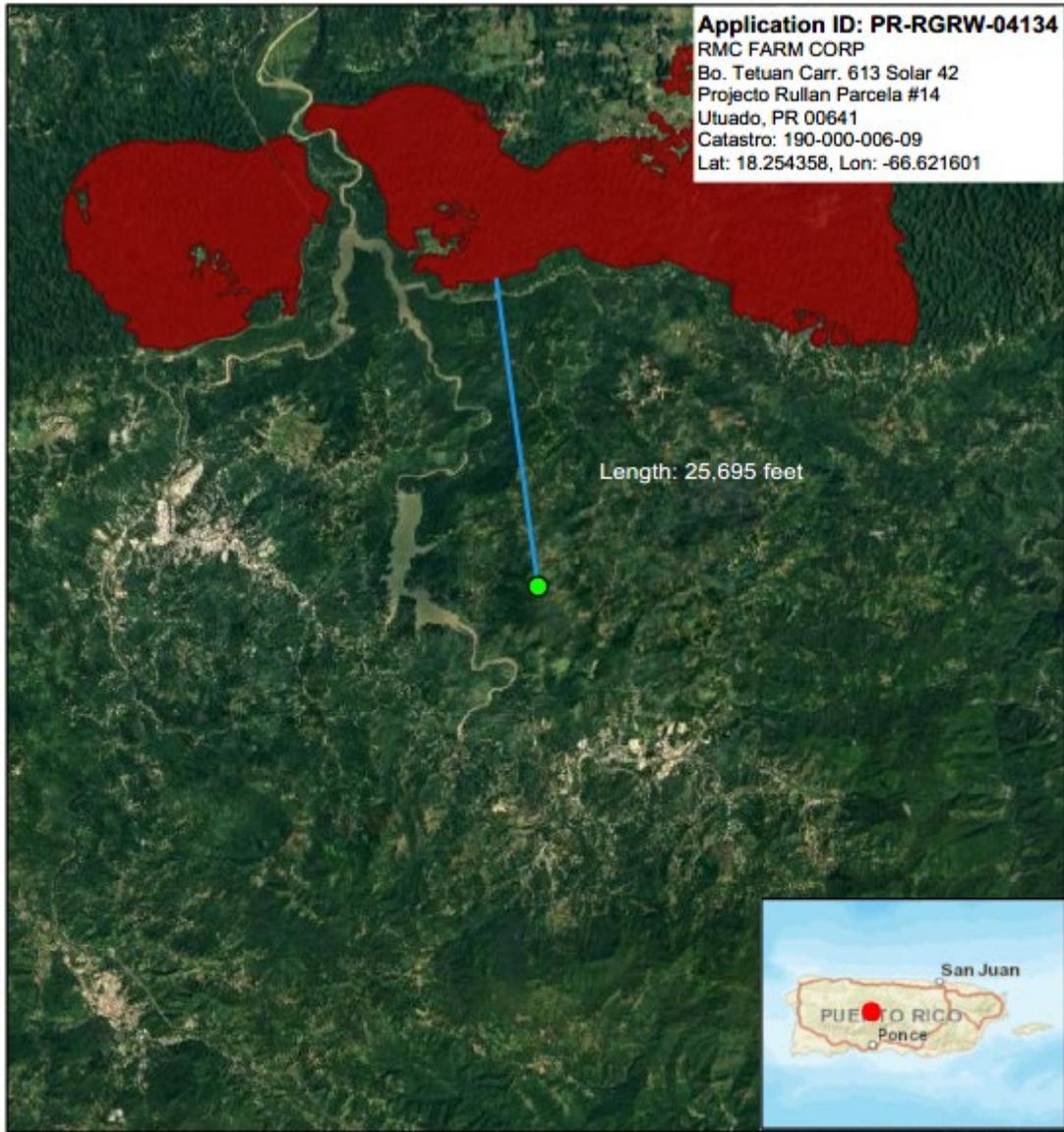
PR-RGRW-04134



Source
 Natural Resources Conservation Service (NRCS)
 Gridded Soil Survey Geographic Database (gSSURGO)
<https://data.nal.usda.gov/dataset/soil-survey-geographic-database-ssurgo>

Google Earth Image 2021 ©Maxar Technologies, ©Image 2021 CNESAirbus | GoogleEarth | SCS National Map 3D Elevation Program(3DEP), July 18, 2023 | FEMA | US Forest Service Enterprise

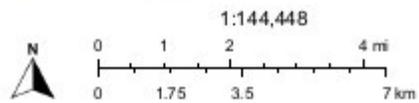
Figure 4: PR-RGRW-04134 Farmland Protection Map



8/14/2023, 11:08:24 AM

■ USFWS Critical Habitat - Final

● PR-RGRW-04134



Source

National Oceanic and Atmospheric Administration (NOAA)
 Office of Response and Restoration
<https://response.restoration.noaa.gov/>

Figure 5: PR-RGRW-04134 Critical Habitats Map

Appendix B: Information for Planning and Consultation (IPaC)



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Caribbean Ecological Services Field Office
Post Office Box 491
Boqueron, PR 00622-0491
Phone: (787) 834-1600 Fax: (787) 851-7440
Email Address: CARIBBEAN_ES@FWS.GOV

In Reply Refer To:
Project code: 2024-0005013
Project Name: PR-RGRW-04134

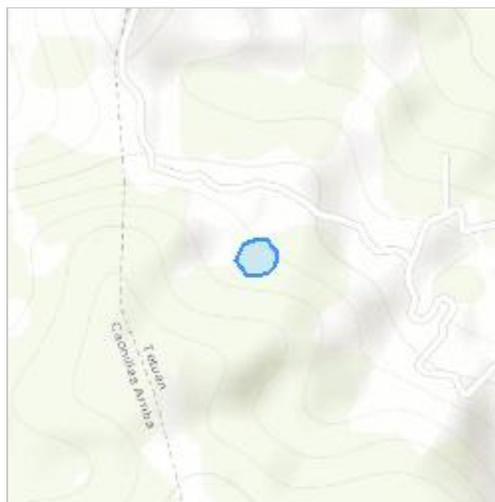
October 16, 2023

Subject: Consistency letter for the project named 'PR-RGRW-04134' for specified threatened and endangered species, that may occur in your proposed project location, pursuant to the IPaC determination key titled Caribbean Determination Key (DKey).

Dear Applicant:

Thank you for using the assisted evaluation keys in IPaC. This letter is provided pursuant to the Service's authority under the Endangered Species Act of 1973, as amended (ESA) (87 Stat. 884; 16 U.S.C. 1531et seq.). On October 16, 2023, Patricia Carmenatty used the Caribbean DKey; dated October 12, 2023, in the U.S. Fish and Wildlife Service's online [IPaC application](#) to evaluate potential impacts to federally listed species, from a project named 'PR-RGRW-04134'. The project is located in Utuado County, Puerto Rico (shown below).

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@18.254440799999998,-66.62157748433907,14z>



The following description was provided for the project 'PR-RGRW-04134':

The proposed activities for PR-RGRW-04134, consist of the purchase of a tractor, a 2,000 gallons cistern, and seeds (cacao, banana, and lemon). The water cistern will be placed on a 12' x 12' concrete slab that will have a depth of 6 inches. The water to be stored in the cistern will be used for irrigation and will be taken from an existing stream located in the property. The cistern will operate by gravity and will have its pipes placed aboveground.

The project area is located at PR-613 Solar 42 Proyecto Rullán Parcela #14 within the Municipality of Utuado.

Based on your answers and the assistance of the Service's Caribbean DKey, you determined the proposed Action will have "No Effect" on the following species:

| Species | Listing Status | Determination |
|---|----------------|---------------|
| Puerto Rican Boa (<i>Chilabothrus inornatus</i>) | Endangered | No effect |
| Puerto Rican Broad-winged Hawk (<i>Buteo platypterus brunnescens</i>) | Endangered | No effect |

Thank you for informing the Service of your "No Effect" determination(s) for this project. No further consultation/coordination for this project is required for these species. However, be aware that reinitiation of consultation may be necessary if later modifications are made to the project so that it no longer meets the criteria or outcome described above, or if new information reveals effects of the action that could affect listed species or critical habitat in a manner or to an extent not previously considered, or if a new species is listed.

This letter serves as documentation of your consideration of the federally listed species as required under section 7 of the ESA. However, effects to the other federally listed species or critical habitat as listed below from the "IPaC print-out for the project" (see below) should be considered as part of your ESA review for the project.

The Service will notify you within 30 calendar days if we determine that this proposed Action does not meet the criteria for a "No Effect" (NE) determination for Federally listed species in the Caribbean. If we do not notify you within that timeframe, you may proceed with the Action under the terms of the NE concurrence provided here. This verification period allows the Caribbean Ecological Services Field Office to apply local knowledge to evaluate the Action, as we may identify a small subset of actions having unanticipated impacts. In such instances, the Caribbean Ecological Services Field Office may request additional information to verify the effects determination reached through the DKey.

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

In addition to the species listed above, the following species and/or critical habitats may also occur in your project area and **are not** covered by this conclusion. Effects to the other federally listed species or critical habitat as listed below should be considered as part of your ESA review for the project.

- Puerto Rican Harlequin Butterfly *Atlantea tulita* Threatened
- Puerto Rican Parrot *Amazona vittata* Endangered

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

We appreciate your interest in protecting endangered species and their habitats. It is the Service's mission to work with others to conserve, protect, and enhance fish, wildlife, and plants and their habitats for the continuing benefit of our people. If you have any questions or require additional information, please contact our office at Caribbean_es@fws.gov.

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

PR-RGRW-04134

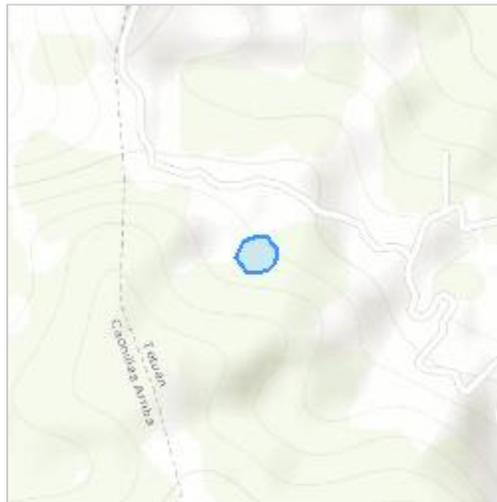
2. Description

The following description was provided for the project 'PR-RGRW-04134':

The proposed activities for PR-RGRW-04134, consist of the purchase of a tractor, a 2,000 gallons cistern, and seeds (cacao, banana, and lemon). The water cistern will be placed on a 12' x 12' concrete slab that will have a depth of 6 inches. The water to be stored in the cistern will be used for irrigation and will be taken from an existing stream located in the property. The cistern will operate by gravity and will have its pipes placed aboveground.

The project area is located at PR-613 Solar 42 Proyecto Rullán Parcela #14 within the Municipality of Utuado.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@18.254440799999998,-66.62157748433907,14z>



QUALIFICATION INTERVIEW

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

No

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

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

No

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

No

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

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

No

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

No

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

No

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

No

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

No

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

Yes

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

Automatically answered

Yes

11. Does the proposed project intersect the Puerto Rican Broad-winged hawk area of influence?

Automatically answered

Yes

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: Patricia Carmenatty
Address: Perseo St. 554 Cond. Iberia Suite J-3
City: San Juan
State: PR
Zip: 00920
Email: patricia.carmenatty@byaea.com
Phone: 7877830290



United States Department of the Interior



FISH AND WILDLIFE SERVICE
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Post Office Box 491
Boqueron, PR 00622-0491
Phone: (787) 834-1600 Fax: (787) 851-7440
Email Address: CARIBBEAN_ES@FWS.GOV

In Reply Refer To:
Project Code: 2024-0005013
Project Name: PR-RGRW-04134

October 16, 2023

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

To Whom It May Concern:

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

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

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

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

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

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

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

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

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

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

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

This species list is provided by:

Caribbean Ecological Services Field Office

caribbean_es@fws.gov

Post Office Box 491

Boqueron, PR 00622-0491

(786) 244-0081

Attachment(s):

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

OFFICIAL SPECIES LIST

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

This species list is provided by:

Caribbean Ecological Services Field Office

Post Office Box 491

Boqueron, PR 00622-0491

(787) 834-1600

PROJECT SUMMARY

Project Code: 2024-0005013

Project Name: PR-RGRW-04134

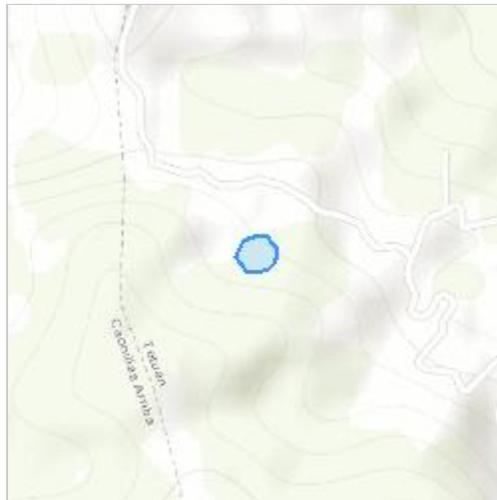
Project Type: New Constr - Above Ground

Project Description: The proposed activities for PR-RGRW-04134, consist of the purchase of a tractor, a 2,000 gallons cistern, and seeds (cacao, banana, and lemon). The water cistern will be placed on a 12' x 12' concrete slab that will have a depth of 6 inches. The water to be stored in the cistern will be used for irrigation and will be taken from an existing stream located in the property. The cistern will operate by gravity and will have its pipes placed aboveground.

The project area is located at PR-613 Solar 42 Proyecto Rullán Parcela #14 within the Municipality of Utuado.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@18.254440799999998,-66.62157748433907,14z>



Counties: Utuado County, Puerto Rico

ENDANGERED SPECIES ACT SPECIES

There is a total of 4 threatened, endangered, or candidate species on this species list.

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

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

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

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

BIRDS

| NAME | STATUS |
|--|------------|
| Puerto Rican Broad-winged Hawk <i>Buteo platypterus brunnescens</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/5512 | Endangered |
| Puerto Rican Parrot <i>Amazona vittata</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/3067 | Endangered |

REPTILES

| NAME | STATUS |
|--|------------|
| Puerto Rican Boa <i>Chilabothrus inornatus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6628 General project design guidelines: https://ipac.ecosphere.fws.gov/project/SBFBXLYVI5EHVMWY4V367C4G2U/documents/generated/7140.pdf | Endangered |

INSECTS

| NAME | STATUS |
|--|------------|
| Puerto Rican Harlequin Butterfly <i>Atlantea tulita</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/9005 | Threatened |

CRITICAL HABITATS

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

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

USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

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

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

BALD & GOLDEN EAGLES

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

Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or their habitats³, should follow appropriate regulations and consider implementing appropriate conservation measures, as described below.

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

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

MIGRATORY BIRDS

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

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats³ should follow appropriate regulations and consider implementing appropriate conservation measures, as described below.

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

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

WETLANDS

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

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

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

THERE ARE NO WETLANDS WITHIN YOUR PROJECT AREA.

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: Patricia Carmenatty
Address: Perseo St. 554 Cond. Iberia Suite J-3
City: San Juan
State: PR
Zip: 00920
Email: patricia.carmenatty@byaea.com
Phone: 7877830290

Appendix C: Field Visit Photos



Photo #: 1

Description (include direction): General area where the water cistern will be installed, looking north.

Date: September 4, 2023



Photo #: 2

Description (include direction): General area where the water cistern, looking southeast.

Date: September 4, 2023