



U.S. Department of Housing and Urban
Development
451 Seventh Street, SW
Washington, DC 20410
www.hud.gov
espanol.hud.gov

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

Project Information

Project Name: PR-RGRW-00919

HEROS Number: 900000010300231

State / Local Identifier:

Project Location: , Cabo Rojo, PR 00623

Additional Location Information:

Location: Latitude 18.095229, longitude -67.133704 at the address given above. Cadastral: 308-000-009-03-901

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

The project business is Toro Farm, Inc, a food production business located at Carr. 103 km. 4.2 INTERIOR, Barrio Bajura, Cabo Rojo, P.R. 00623. Project includes the purchase of farm equipment including tractor, capping machine, pouch filling machine, equipment for preparation (equipment to prepare the food product), harrow, and a new walk-in freezer affixed to a structure to be built with applicant funds.

Level of Environment Review Determination:

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

Funding Information

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

Estimated Total HUD Funded Amount: \$150,000.00

Estimated Total Project Cost [24 CFR 58.2 (a) (5)]: \$150,000.00

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

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

Law, Authority, or Factor	Mitigation Measure or Condition	Comments on Completed Measures	Complete
Flood Insurance	For loans, loan insurance or guarantees, the amount of flood insurance coverage must at least equal the outstanding principal balance of the loan or the maximum limit of coverage made available under the National Flood Insurance Program, whichever is less. For grants and other non-loan forms of financial assistance, flood insurance coverage must be continued for the life of the building irrespective of the transfer of ownership. The amount of coverage must at least equal the total project cost or the maximum coverage limit of the National Flood Insurance Program, whichever is less.	N/A	Flood insurance
Floodplain Management	Mitigation/minimization measures not required as the project activities are not substantial improvement and the building footprint is not being increased. Flood insurance is required.	N/A	5-step

Determination:

<input type="checkbox"/>	This categorically excluded activity/project converts to EXEMPT per Section 58.34(a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license; Funds may be committed and drawn down after certification of this part for this (now) EXEMPT project; OR
<input checked="" type="checkbox"/>	This categorically excluded activity/project cannot convert to Exempt status because one or more statutes or authorities listed at Section 58.5 requires formal consultation or mitigation. Complete consultation/mitigation protocol requirements, publish NOI/RROF and obtain "Authority to Use Grant Funds" (HUD 7015.16) per Section 58.70 and 58.71 before committing or drawing down any funds; OR
<input type="checkbox"/>	This project is not categorically excluded OR, if originally categorically excluded, is now subject to a full Environmental Assessment according to Part 58 Subpart E due to extraordinary circumstances (Section 58.35(c)).



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

Project Information

Project Name: PR-RGRW-00919

HEROS Number: 900000010300231

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

State / Local Identifier:

RE Preparer: Ivelisse Lorenzo

Certifying Officer:

Grant Recipient (if different than Responsible Entity):

Point of Contact:

Consultant (if applicable): HORNE LLP

Point of Contact: Ricardo Lamoso Rivera

Project Location: , Cabo Rojo, PR 00623

Additional Location Information:

Location: Latitude 18.095229, longitude -67.133704 at the address given above. Cadastral: 308-000-009-03-901

Direct Comments to:

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

The project business is Toro Farm, Inc, a food production business located at Carr. 103 km. 4.2 INTERIOR, Barrio Bajura, Cabo Rojo, P.R. 00623. Project includes the purchase of farm equipment including tractor, capping machine, pouch filling machine, equipment for preparation (equipment to prepare the food

product), harrow, and a new walk-in freezer affixed to a structure to be built with applicant funds.

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

[PR-RGRW-00919 Intended Use of Grant Funds Form.pdf](#)

[PR-RGRW-00919 Intended Use of Grant Funds Form.pdf](#)

Level of Environmental Review Determination:

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

58.35(a)(3)(iii)

Determination:

	This categorically excluded activity/project converts to EXEMPT per Section 58.34(a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license; Funds may be committed and drawn down after certification of this part for this (now) EXEMPT project; OR
✓	This categorically excluded activity/project cannot convert to Exempt status because one or more statutes or authorities listed at Section 58.5 requires formal consultation or mitigation. Complete consultation/mitigation protocol requirements, publish NOI/RROF and obtain "Authority to Use Grant Funds" (HUD 7015.16) per Section 58.70 and 58.71 before committing or drawing down any funds; OR
	This project is not categorically excluded OR, if originally categorically excluded, is now subject to a full Environmental Assessment according to Part 58 Subpart E due to extraordinary circumstances (Section 58.35(c)).

Approval Documents:

7015.15 certified by Certifying Officer on:

7015.16 certified by Authorizing Officer on:

Funding Information

Grant / Project Identification Number	HUD Program	Program Name
B-17-DM-72-0001	Other	CDBG-DR Re-Grow Puerto Rico Urban-Rural Agriculture Program

B-18-DP-72-0001	Other	CDBG-DR Re-Grow Puerto Rico Urban-Rural Agriculture Program
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Estimated Total HUD Funded, Assisted or Insured Amount: \$150,000.00

Estimated Total Project Cost: \$150,000.00

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

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §50.4, §58.5, and §58.6	Are formal compliance steps or mitigation required?	Compliance determination (See Appendix A for source determinations)
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 & § 58.6		
Airport Hazards Clear Zones and Accident Potential Zones; 24 CFR Part 51 Subpart D	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The nearest airport RPZ/CZ is approximately 57,618 feet away. The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The project is in compliance with Airport Hazards requirements.
Coastal Barrier Resources Act Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project is not located in a CBRS Unit. It is 19,295 feet from a protected area. Therefore, this project has no potential to impact a CBRS Unit and is in compliance with the Coastal Barrier Resources Act.
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Flood Map Number 72000C1535J, effective on 11/18/2009: The structure or insurable property is located in a FEMA-designated Special Flood Hazard Area. The community is participating in the National Flood Insurance Program. For loans, loan insurance or guarantees, the amount of flood insurance coverage must at least equal the outstanding principal balance of the loan or the maximum limit of coverage made available under the National Flood Insurance Program, whichever is less. For grants and other non-loan forms of financial assistance, flood insurance coverage must be continued for the life of the building irrespective of the

		transfer of ownership. The amount of coverage must at least equal the total project cost or the maximum coverage limit of the National Flood Insurance Program, whichever is less. With flood insurance the project is in compliance with flood insurance requirements.
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 & § 58.5		
Air Quality Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Based on the project description, this project includes no activities that would require further evaluation under the Clean Air Act. The project is in compliance with the Clean Air Act.
Coastal Zone Management Act Coastal Zone Management Act, sections 307(c) & (d)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project is located 7,307 feet from the coastal zone. This project is not located in or does not affect a Coastal Zone as defined in the state Coastal Management Plan. The project is in compliance with the Coastal Zone Management Act.
Contamination and Toxic Substances 24 CFR 50.3(i) & 58.5(i)(2)]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Site contamination was evaluated as follows: None of the above. On-site or nearby toxic, hazardous, or radioactive substances that could affect the health and safety of project occupants or conflict with the intended use of the property were not found. The project is in compliance with contamination and toxic substances requirements.
Endangered Species Act Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project is 29,851 feet from the nearest endangered species critical habitat. This project will have No Effect on listed species due to the nature of the activities involved in the project. This project is in compliance with the Endangered Species Act.
Explosive and Flammable Hazards Above-Ground Tanks)[24 CFR Part 51 Subpart C	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Based on the project description the project includes no activities that would require further evaluation under this section. The project is in compliance with explosive and flammable hazard requirements.
Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project does not include any activities that could potentially convert agricultural land to a non-agricultural use. The project is in compliance with

		the Farmland Protection Policy Act.
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Flood Map Number 72000C1535J, effective on 11/18/2009: This project is located in a 100-year floodplain. The 5-Step Process is applicable per 55.12(a)(1-4). With the 5-Step Process the project will be in compliance with Executive Order 11988.
Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	(c.2008) Based on Section 106 consultation there are No Historic Properties Affected because there are no historic properties present. The project is in compliance with Section 106.
Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Based on the project description, this project includes no activities that would require further evaluation under HUD's noise regulation. The project is in compliance with HUD's Noise regulation.
Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Based on the project description, the project consists of activities that are unlikely to have an adverse impact on groundwater resources. According to EPA, there are no sole source aquifers in Puerto Rico. The project is in compliance with Sole Source Aquifer requirements.
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Based on the project description this project includes no activities that would require further evaluation under this section. The project is in compliance with Executive Order 11990.
Wild and Scenic Rivers Act Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project is located 89.4 Miles feet from the nearest Wild and Scenic River. This project is not within proximity of a NWSRS river. The project is in compliance with the Wild and Scenic Rivers Act.
HUD HOUSING ENVIRONMENTAL STANDARDS		
ENVIRONMENTAL JUSTICE		
Environmental Justice Executive Order 12898	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898.

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

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

Law, Authority, or Factor	Mitigation Measure or Condition	Comments on Completed Measures	Mitigation Plan	Complete
Flood Insurance	For loans, loan insurance or guarantees, the amount of flood insurance coverage must at least equal the outstanding principal balance of the loan or the maximum limit of coverage made available under the National Flood Insurance Program, whichever is less. For grants and other non-loan forms of financial assistance, flood insurance coverage must be continued for the life of the building irrespective of the transfer of ownership. The amount of coverage must at least equal the total project cost or the maximum coverage limit of the National Flood Insurance Program, whichever is less.	N/A	Flood insurance	
Floodplain Management	Mitigation/minimization measures not required as the project activities are not substantial improvement and the building footprint is not being increased. Flood insurance is required.	N/A	5-step	

Project Mitigation Plan

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

Supporting documentation on completed measures

APPENDIX A: Related Federal Laws and Authorities

Airport Hazards

General policy	Legislation	Regulation
It is HUD's policy to apply standards to prevent incompatible development around civil airports and military airfields.		24 CFR Part 51 Subpart D

1. To ensure compatible land use development, you must determine your site's proximity to civil and military airports. Is your project within 15,000 feet of a military airport or 2,500 feet of a civilian airport?

No

Based on the response, the review is in compliance with this section. Document and upload the map showing that the site is not within the applicable distances to a military or civilian airport below

Yes

Screen Summary

Compliance Determination

The nearest airport RPZ/CZ is approximately 57,618 feet away. The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The project is in compliance with Airport Hazards requirements.

Supporting documentation

[PR-RGRW-00919 Airports.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Coastal Barrier Resources

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

1. Is the project located in a CBRS Unit?

No

Document and upload map and documentation below.

Yes

Screen Summary

Compliance Determination

This project is not located in a CBRS Unit. It is 19,295 feet from a protected area. Therefore, this project has no potential to impact a CBRS Unit and is in compliance with the Coastal Barrier Resources Act.

Supporting documentation

[PR-RGRW-00919 CBRS.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Flood Insurance

General requirements	Legislation	Regulation
Certain types of federal financial assistance may not be used in floodplains unless the community participates in National Flood Insurance Program and flood insurance is both obtained and maintained.	Flood Disaster Protection Act of 1973 as amended (42 USC 4001-4128)	24 CFR 50.4(b)(1) and 24 CFR 58.6(a) and (b); 24 CFR 55.1(b).

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

No. This project does not require flood insurance or is excepted from flood insurance.

✓ Yes

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

[PR-RGRW-00919 Flood Map.pdf](#)

The Federal Emergency Management Agency (FEMA) designates floodplains. The [FEMA Map Service Center](#) provides this information in the form of FEMA Flood Insurance Rate Maps (FIRMs). For projects in areas not mapped by FEMA, use the best available information to determine floodplain information. Include documentation, including a discussion of why this is the best available information for the site. Provide FEMA/FIRM floodplain zone designation, panel number, and date within your documentation.

Is the structure, part of the structure, or insurable property located in a FEMA-designated Special Flood Hazard Area?

No

✓ Yes

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

✓ Yes, the community is participating in the National Flood Insurance Program.

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

Flood insurance under the National Flood Insurance Program must be obtained and maintained for the economic life of the project, in the amount of the total project cost or the maximum coverage limit, whichever is less.

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

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

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

Screen Summary

Compliance Determination

Flood Map Number 72000C1535J, effective on 11/18/2009: The structure or insurable property is located in a FEMA-designated Special Flood Hazard Area. The community is participating in the National Flood Insurance Program. For loans, loan insurance or guarantees, the amount of flood insurance coverage must at least equal the outstanding principal balance of the loan or the maximum limit of coverage made available under the National Flood Insurance Program, whichever is less. For grants and other non-loan forms of financial assistance, flood insurance coverage must be continued for the life of the building irrespective of the transfer of ownership. The amount of coverage must at least equal the total project cost or the maximum coverage limit of the National Flood Insurance Program, whichever is less. With flood insurance the project is in compliance with flood insurance requirements.

Supporting documentation

Are formal compliance steps or mitigation required?

Yes

No

Air Quality

General requirements	Legislation	Regulation
The Clean Air Act is administered by the U.S. Environmental Protection Agency (EPA), which sets national standards on ambient pollutants. In addition, the Clean Air Act is administered by States, which must develop State Implementation Plans (SIPs) to regulate their state air quality. Projects funded by HUD must demonstrate that they conform to the appropriate SIP.	Clean Air Act (42 USC 7401 et seq.) as amended particularly Section 176(c) and (d) (42 USC 7506(c) and (d))	40 CFR Parts 6, 51 and 93

1. Does your project include new construction or conversion of land use facilitating the development of public, commercial, or industrial facilities OR five or more dwelling units?

Yes

✓ No

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

Screen Summary

Compliance Determination

Based on the project description, this project includes no activities that would require further evaluation under the Clean Air Act. The project is in compliance with the Clean Air Act.

Supporting documentation

Are formal compliance steps or mitigation required?

Yes

✓ No

Coastal Zone Management Act

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

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

Yes

No

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

Screen Summary

Compliance Determination

The project is located 7,307 feet from the coastal zone. This project is not located in or does not affect a Coastal Zone as defined in the state Coastal Management Plan. The project is in compliance with the Coastal Zone Management Act.

Supporting documentation

[PR-RGRW-00919 CZM.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Contamination and Toxic Substances

General requirements	Legislation	Regulations
It is HUD policy that all properties that are being proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of the occupants or conflict with the intended utilization of the property.		24 CFR 58.5(i)(2) 24 CFR 50.3(i)

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

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

ASTM Phase II ESA

Remediation or clean-up plan

ASTM Vapor Encroachment Screening

None of the Above

2. Were any on-site or nearby toxic, hazardous, or radioactive substances found that could affect the health and safety of project occupants or conflict with the intended use of the property? (Were any recognized environmental conditions or RECs identified in a Phase I ESA and confirmed in a Phase II ESA?)

No

Explain:

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

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

Yes

Screen Summary

Compliance Determination

Site contamination was evaluated as follows: None of the above. On-site or nearby toxic, hazardous, or radioactive substances that could affect the health and safety of project occupants or conflict with the intended use of the property were not found. The project is in compliance with contamination and toxic substances requirements.

Supporting documentation

[PR-RGRW-00919 Toxics\(1\).pdf](#)

[PR-RGRW-00919 Toxics Table.xlsx](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Endangered Species

General requirements	ESA Legislation	Regulations
Section 7 of the Endangered Species Act (ESA) mandates that federal agencies ensure that actions that they authorize, fund, or carry out shall not jeopardize the continued existence of federally listed plants and animals or result in the adverse modification or destruction of designated critical habitat. Where their actions may affect resources protected by the ESA, agencies must consult with the Fish and Wildlife Service and/or the National Marine Fisheries Service (“FWS” and “NMFS” or “the Services”).	The Endangered Species Act of 1973 (16 U.S.C. 1531 <i>et seq.</i>); particularly section 7 (16 USC 1536).	50 CFR Part 402

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

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

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

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

No, the project will have No Effect based on a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office

Yes, the activities involved in the project have the potential to affect species and/or habitats.

Screen Summary

Compliance Determination

The project is 29,851 feet from the nearest endangered species critical habitat. This project will have No Effect on listed species due to the nature of the activities involved in the project. This project is in compliance with the Endangered Species Act.

Supporting documentation

[PR-RGRW-00919 Endangered Species.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Explosive and Flammable Hazards

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

1. Is the proposed HUD-assisted project itself the development of a hazardous facility (a facility that mainly stores, handles or processes flammable or combustible chemicals such as bulk fuel storage facilities and refineries)?

No

Yes

2. Does this project include any of the following activities: development, construction, rehabilitation that will increase residential densities, or conversion?

No

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

Yes

Screen Summary

Compliance Determination

Based on the project description the project includes no activities that would require further evaluation under this section. The project is in compliance with explosive and flammable hazard requirements.

Supporting documentation

Are formal compliance steps or mitigation required?

Yes

No

Farmlands Protection

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

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

Yes

✓ No

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

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

Screen Summary

Compliance Determination

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

Supporting documentation

[PR-RGRW-00919 Farmlands.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Floodplain Management

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

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

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

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

[PR-RGRW-00919 Flood Map.pdf](#)

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

Does your project occur in a floodplain?

- No
- Yes

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

Floodway

Coastal High Hazard Area (V Zone)

- ✓ 100-year floodplain (A Zone)
- 500-year floodplain (B Zone or shaded X Zone)

8-Step Process

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

8-Step Process applies

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

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

55.12(a)(1)

55.12(a)(2)

55.12(a)(3)

- ✓ 55.12(a)(4)

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

Mitigation

For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the exact measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation. This information will be automatically included in the Mitigation summary for the environmental review. If negative effects cannot be mitigated, cancel the project using the button at the bottom of this screen.

Mitigation/minimization measures not required as the project activities are not substantial improvement and the building footprint is not being increased. Flood insurance is required. **Which of the following mitigation/minimization measures have been identified for this project in the 8-Step or 5-Step Process? Select all that apply.**

Permeable surfaces

Natural landscape enhancements that maintain or restore natural hydrology

Planting or restoring native plant species

Bioswales

Evapotranspiration

Stormwater capture and reuse

Green or vegetative roofs with drainage provisions

Natural Resources Conservation Service conservation easements or similar easements

Floodproofing of structures

Elevating structures including freeboarding above the required base flood elevations

Other

Screen Summary

Compliance Determination

Flood Map Number 72000C1535J, effective on 11/18/2009: This project is located in a 100-year floodplain. The 5-Step Process is applicable per 55.12(a)(1-4). With the 5-Step Process the project will be in compliance with Executive Order 11988.

Supporting documentation

[PR-RGRW-00919 Flood 5-Step.docx](#)

Are formal compliance steps or mitigation required?

Yes

No

Historic Preservation

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

Threshold

Is Section 106 review required for your project?

No, because the project consists solely of activities listed as exempt in a Programmatic Agreement (PA). (See the PA Database to find applicable PAs.)

No, because the project consists solely of activities included in a No Potential to Cause Effects memo or other determination [36 CFR 800.3(a)(1)].

- ✓ Yes, because the project includes activities with potential to cause effects (direct or indirect).

Step 1 – Initiate Consultation

Select all consulting parties below (check all that apply):

- ✓ State Historic Preservation Offer (SHPO) Completed

Indian Tribes, including Tribal Historic Preservation Officers (THPOs) or Native Hawaiian Organizations (NHOs)

Other Consulting Parties

Describe the process of selecting consulting parties and initiating consultation here:

Only SHPO was consulted as No Historic Properties were Affected, and no Tribal lands were identified.

Document and upload all correspondence, notices and notes (including comments and objections received below).

Was the Section 106 Lender Delegation Memo used for Section 106 consultation?

- Yes
- No

Step 2 – Identify and Evaluate Historic Properties

1. Define the Area of Potential Effect (APE), either by entering the address(es) or uploading a map depicting the APE below:

The APE is the new addition located on the SW elevation of the building at Carr 103 km 4.2 Barrio Bajur and the adjacent concrete pad.

In the chart below, list historic properties identified and evaluated in the APE. Every historic property that may be affected by the project should be included in the chart.

Upload the documentation (survey forms, Register nominations, concurrence(s) and/or objection(s), notes, and photos) that justify your National Register Status determination below.

Address / Location / District	National Register Status	SHPO Concurrence	Sensitive Information
-------------------------------	--------------------------	------------------	-----------------------

Additional Notes:

There are no historic properties within the APE.

2. Was a survey of historic buildings and/or archeological sites done as part of the project?

- Yes
- ✓ No

Step 3 –Assess Effects of the Project on Historic Properties

Only properties that are listed on or eligible for the National Register of Historic Places receive further consideration under Section 106. Assess the effect(s) of the project by applying the

Criteria of Adverse Effect. (36 CFR 800.5)] Consider direct and indirect effects as applicable as per guidance on direct and indirect effects.

Choose one of the findings below - No Historic Properties Affected, No Adverse Effect, or Adverse Effect; and seek concurrence from consulting parties.

No Historic Properties Affected

Based on the response, the review is in compliance with this section. Document and upload concurrence(s) or objection(s) below.

Document reason for finding:

No historic properties present.

Historic properties present, but project will have no effect upon them.

No Adverse Effect

Adverse Effect

Screen Summary

Compliance Determination

(c.2008) Based on Section 106 consultation there are No Historic Properties Affected because there are no historic properties present. The project is in compliance with Section 106.

Supporting documentation

[PR-RGRW-00919_Cabo Rojo_SHPO Consultation Package_NHPA.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Noise Abatement and Control

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

1. What activities does your project involve? Check all that apply:

New construction for residential use

Rehabilitation of an existing residential property

A research demonstration project which does not result in new construction or reconstruction

An interstate land sales registration

Any timely emergency assistance under disaster assistance provision or appropriations which are provided to save lives, protect property, protect public health and safety, remove debris and wreckage, or assistance that has the effect of restoring facilities substantially as they existed prior to the disaster

None of the above

Screen Summary

Compliance Determination

Based on the project description, this project includes no activities that would require further evaluation under HUD's noise regulation. The project is in compliance with HUD's Noise regulation.

Supporting documentation

Are formal compliance steps or mitigation required?

Yes

No

Sole Source Aquifers

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

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

Yes

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

No

Screen Summary

Compliance Determination

Based on the project description, the project consists of activities that are unlikely to have an adverse impact on groundwater resources. According to EPA, there are no sole source aquifers in Puerto Rico. The project is in compliance with Sole Source Aquifer requirements.

Supporting documentation

Are formal compliance steps or mitigation required?

Yes

No

Wetlands Protection

General requirements	Legislation	Regulation
Executive Order 11990 discourages direct or indirect support of new construction impacting wetlands wherever there is a practicable alternative. The Fish and Wildlife Service's National Wetlands Inventory can be used as a primary screening tool, but observed or known wetlands not indicated on NWI maps must also be processed. Off-site impacts that result in draining, impounding, or destroying wetlands must also be processed.	Executive Order 11990	24 CFR 55.20 can be used for general guidance regarding the 8 Step Process.

1. Does this project involve new construction as defined in Executive Order 11990, expansion of a building's footprint, or ground disturbance? The term "new construction" shall include draining, dredging, channelizing, filling, diking, impounding, and related activities and any structures or facilities begun or authorized after the effective date of the Order

✓ No

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

Yes

Screen Summary

Compliance Determination

Based on the project description this project includes no activities that would require further evaluation under this section. The project is in compliance with Executive Order 11990.

Supporting documentation

[PR-RGRW-00919 Wetlands.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Wild and Scenic Rivers Act

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

1. Is your project within proximity of a NWSRS river?

No

Yes, the project is in proximity of a Designated Wild and Scenic River or Study Wild and Scenic River.

Yes, the project is in proximity of a Nationwide Rivers Inventory (NRI) River.

Screen Summary

Compliance Determination

The project is located 89.4 Miles feet from the nearest Wild and Scenic River. This project is not within proximity of a NWSRS river. The project is in compliance with the Wild and Scenic Rivers Act.

Supporting documentation

[PR-RGRW-00919 W S Rivers.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Environmental Justice

General requirements	Legislation	Regulation
Determine if the project creates adverse environmental impacts upon a low-income or minority community. If it does, engage the community in meaningful participation about mitigating the impacts or move the project.	Executive Order 12898	

HUD strongly encourages starting the Environmental Justice analysis only after all other laws and authorities, including Environmental Assessment factors if necessary, have been completed.

1. Were any adverse environmental impacts identified in any other compliance review portion of this project's total environmental review?

Yes

✓ No

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

Screen Summary

Compliance Determination

No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898.

Supporting documentation

Are formal compliance steps or mitigation required?

Yes

✓ No

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

Puerto Rico Department of Housing (PRDOH)
ReGrow (RGRW) Program Project No. PR-RGRW-00919
Toro Farm, Inc

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

The proposed project is intended to purchase a tractor and repair of farm infrastructure as part of the Economic Development portion of the CDBG-DR grant. The construction activity is intended to install a new walk-in freezer. The project is located at Carr. #103 km. 4.2 Barrio Bajura Cabo Rojo, P.R. 00623. The Tax Parcel ID of the site is 308-000-009-03-901. The Latitude is 18.095229 and the Longitude is -67.133704. The project is located within the 100-year floodplain. The property is shown as being entirely within Zone AE on the Official Flood Insurance Rate Map (FIRM) Panel no. 72000C1535J, effective November 18, 2009.

Executive Order (EO) 11988 within HUD Regulations 24 CFR Part 55 details floodplain management. The purpose of EO 11988 is "to avoid to the extent possible the long- and short-term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative." The project is located within the 100-year floodplain and for this reason, EO 11988 applies. The subject unit occupies 2,335,172 square feet of the floodplain. An evaluation of direct and indirect impacts associated with construction, occupancy, and modification of the floodplain is required.

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

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

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

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

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

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

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

- Option A (Proposed Action) – This option would involve renovation of the non-residential building. The building is not undergoing substantial improvement and the footprint is not being increased; therefore, elevation is not required. The proposal does include a installation of a new walk in freezer.

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

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

Step 6: Reevaluate the Proposed Action.

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

Step 7: Determination of No Practicable Alternative.

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

Step 8: Implement the Proposed Action

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



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

Yo, Milton R. Toro Nazario, representante autorizado/a para el negocio **Toro Farm, Inc.**, con el Caso Número **PR-RGRW-00919** para el Programa Renacer Agrícola de Puerto Rico – Agricultura Urbana y Rural (**Programa Renacer Agrícola**), por la presente reconozco que fondos de subvención por la suma de **\$150,000.00** se usarán de conformidad con el uso de fondos descrito a continuación.

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

Uso Previsto de los Fondos	Descripción	Total\$	Iniciales
Tractor	Farm Equipment (Regrow only) o equivalente	\$63,000.00	MRTN
Walk in freezer	Farm Infrastructure (Regrow only) o equivalente	\$40,271.24	MRTN
Tapadora	Farm Equipment (Regrow only) o equivalente	\$22,331.25	MRTN
Llenadora	Farm Equipment (Regrow only) o equivalente	\$17,000.00	MRTN
Equipo de preparación	Farm Equipment (Regrow only) o equivalente	\$2,212.16	MRTN
Rastra	Farm Equipment (Regrow only) o equivalente	\$11,900.00	MRTN

\$150,000.00

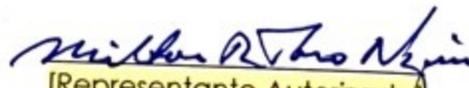
Total de Uso Previsto de los
Fondos

Además, reconozco y entiendo que:

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

Milton R. Toro Nazario

[Representante Autorizado]
Nombre


[Representante Autorizada]
Signature

8-8-22
Fecha

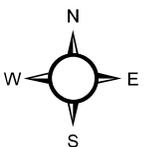
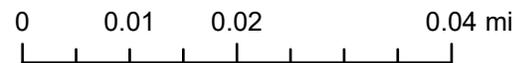


PR-RGRW-00919 Flood Map



Legend

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



FEMA Map Service

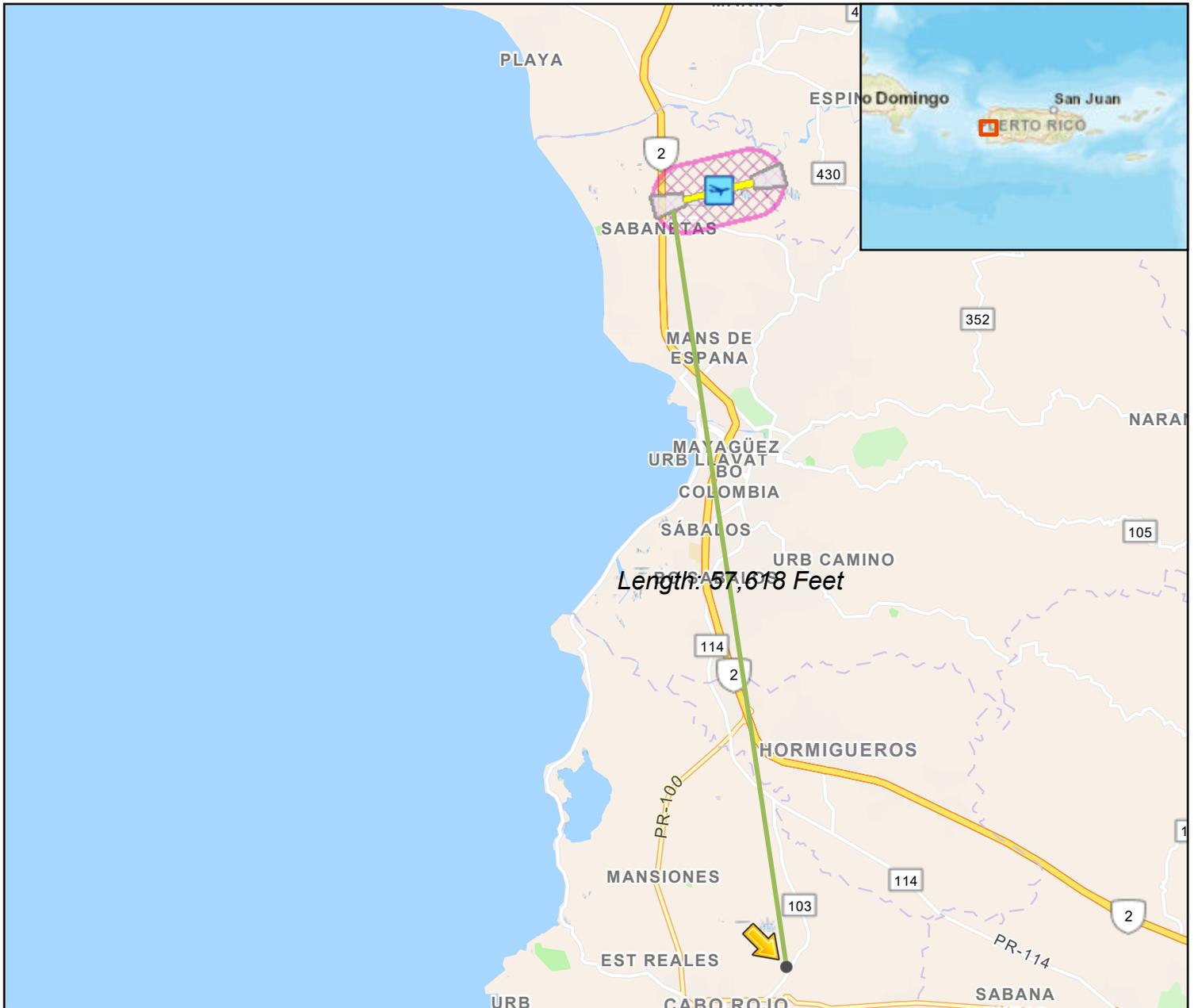
Flood Insurance Rate Maps

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

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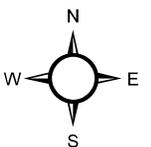
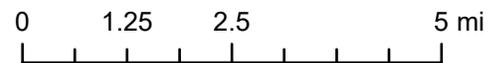


PR-RGRW-00919 Airports



Legend

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



Runway Protection Zones

Major Civil and Military Airports



GOVERNMENT OF PUERTO RICO
STATE HISTORIC PRESERVATION OFFICE

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

December 22, 2022

Lauren Bair Poche

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

SHPO 12-19-22-08 SECTION 106 NHPA EFFECT DETERMINATION SUBMITTAL:
PR-RGRW-00919 – TORO FARM, INC. – CARR 103 KM 4.2, BARRIO BAJURA,
CABO ROJO, PUERTO RICO

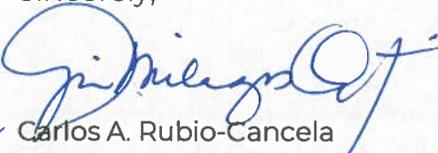
Dear Ms. Bair,

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,


for Carlos A. Rubio-Cancela
State Historic Preservation Officer

CARC/GMO/MB



December 20, 2022

Carlos A. Rubio Cancela
Director Ejecutivo
Oficina Estatal de Conservación Histórica
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-00919 – Toro Farm, Inc. – Carr 103 Km 4.2, Barrio Bajura, Cabo Rojo, Puerto Rico – *No Historic Properties Affected*

Dear Architect Rubio Cancela,

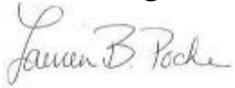
In accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800, HORNE is providing information for your review and requesting your concurrence regarding the above-referenced projects on behalf of the Puerto Rico Department of Housing (PRDOH) and the Home Repair, Reconstruction, or Relocation (R3) Program. 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, we are submitting documentation for activities proposed by Toro Farm, Inc. at Carr 103 Km 4.2, Barrio Bajura in the municipality of Cabo Rojo. The applicant is proposing the purchase of a walk-in refrigeration unit with grant funds, but in order to install the unit, the applicant must construct a new concrete slab foundation measuring 25' x 15' must be constructed. Additionally, a 10' x 10' concrete slab will be constructed for the corresponding condenser unit.

Based on the submitted documentation prepared by SOI-qualified Archaeologist Eminett Jimenez Ramos, the Program requests a concurrence that a determination 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

Enclosures

PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM REGRW PUERTO RICO PROGRAM Section 106 NHPA Effect Determination		
Subrecipient: Toro Farm, Inc.		
Case ID: PR-RGRW-00919		City: Cabo Rojo

Project Location: Carr 103 km 4.2 Barrio Bajura, Cabo Rojo, Puerto Rico	
Project Coordinates: 18.095152, -67.133695	
TPID (Número de Catastro): 308-000-009-03-901	
Type of Undertaking: <input type="checkbox"/> Substantial Repair/Improvements <input checked="" type="checkbox"/> New Construction	
Construction Date (AH est.): ca. 2008	Property Size (acres): 0.36 acres

SOI-Qualified Architect/Architectural Historian: Lauren B. Poche, M.A.	
Date Reviewed: 12/19/2022	
SOI-Qualified Archaeologist: Eminett Jimenez, M.A.	
Date Reviewed: 12/13/2022	

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 Undertaking requiring the use of federal funding is the purchase of a new walk-in refrigeration unit measuring 16' x 16' and 12'4" in height. However, the acquisition of this equipment will necessitate ground disturbance through the expansion of an existing circa 2008 building to house the new refrigeration. Consultation is being initiated due as the walk-in refrigeration unit is the reason for this ground disturbance. This will consist of the construction of a new concrete pad to hold a new condenser unit. The building expansion will include the demolition of an 8' x 8' section of the southwest wall of the building. The proposed addition will require the construction of a 25' x 15' new section of concrete slab foundation. A new condenser unit will be required for the new refrigeration unit and a new concrete pad (to measure no more than 10' x 10') will be constructed for the condenser unit.

Overview of potentially ground disturbing activities in the scope of work:

- Building expansion.
 - Demolition of 8' x 8' section of wall.
 - Construction of new addition. To include:
 - A concrete slab foundation measuring 25' x 15' feet with a base elevation between 2'8" to 3'5"
- Concrete pad measuring no more than 10' x 10' to support the condenser unit.

PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM REGrow PUERTO RICO PROGRAM Section 106 NHPA Effect Determination	 GOVERNMENT OF PUERTO RICO DEPARTMENT OF HOUSING
Subrecipient: Toro Farm, Inc.	
Case ID: PR-RGRW-00919	City: Cabo Rojo

Area of Potential Effects

As defined in 36 CFR 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 proposed location of new addition on the southwest elevation the circa 2008 building and the construction of an adjacent concrete pad (see attached Area of Potential Effect map).

Identification of Historic Properties

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 contracted Historic Preservation Specialist meeting the Secretary of the Interior's Professional Qualification Standards (36 CFR Part 61), found no previously identified historic properties or archaeological resources are present within or adjacent to the parcel containing the project APE.

Cabo Rojo is an area with a high presence of archaeological and historical sites, with the majority of those being prehistoric settlements or residuary. At the present the APE is in an area that has very little development. There are no previously identified historic properties within a ½ mile radius of the project area. There are no archaeological studies carried out within a ½ mile radius.

The estimated date of construction for the structure where the freezer will be located is circa 2008 as was constructed between 2006 and 2010 per aerial imagery.

PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM REGROW PUERTO RICO PROGRAM Section 106 NHPA Effect Determination	 GOVERNMENT OF PUERTO RICO DEPARTMENT OF HOUSING
Subrecipient: Toro Farm, Inc.	
Case ID: PR-RGRW-00919	City: Cabo Rojo

Summary of Site Visit

During the site visit on the APE, ground disturbance was observed due to the construction of the current building facilities. The soil is of a reddish-brown sandy clay but the area around the building, including portions of the APE, has largely been previously paved. The applicant expressed that he has not encountered nor has no recollection of artifacts or bateyes reported in or near the project area. The closest source of water is the wetlands 0.14 miles to the northwest, the Quebrada La Piedra at 0.19 miles to the west and Rio Viejo at 0.39 miles Northeast of the APE. It is a small area, and a simple surface inspection was the appropriate procedure in this case. The characteristics of the area, the closeness to the wetland and the previous impact makes the APE not suitable for a prehistoric settlement, no evidence of such was found.

Determination:

Based on the observations made during the site visit, the characteristics of the project area, the lack of previously recorded archaeological and historical sites and evidence of previous ground disturbance associated with the construction of the existing building and driveways, the proposed building expansion and construction of the concrete slab pose little to no potential for impacting intact cultural deposits. As such, the Program has determined that a finding of no historic properties affected is appropriate for this proposed project.

PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM REGROW PUERTO RICO PROGRAM Section 106 NHPA Effect Determination	 GOVERNMENT OF PUERTO RICO DEPARTMENT OF HOUSING
Subrecipient: Toro Farm, Inc.	
Case ID: PR-RGRW-00919	City: Cabo Rojo

Recommendation

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

- No Historic Properties Affected
- No Adverse Effect
 Condition (if applicable): n/a
- 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

RE-grow PUERTO RICO PROGRAM

Section 106 NHPA Effect Determination



Subrecipient: Toro Farm, Inc.

Case ID: PR-RGRW-00919

City: Cabo Rojo

Project Location - Aerial Base
Puerto Rico Department of Housing
Re-Grow Program

Latitude: 18.0952
Longitude: -67.1337



Application ID#: PR-RGRW-00919

Address: Carr #103 Km. 4.2 Barrio Bajura, Cabo Rojo, PR 00623



- Applicant Structure
- ▭ Parcels



Sources: Esri Imagery Basemap service.

Subrecipient: Toro Farm, Inc.

Case ID: PR-RGRW-00919

City: Cabo Rojo

Area of Potential Effect Map (Aerial)

Proposed Building Expansion



Approximate dimensions of slab:
25'x15' with Base elevation between 2'8" to 3'5"
Will include foundation, steel beams (6" x 6" columns), 5" walls, + roof extension. App stated that the facility expansion costs will not be covered with grant funds.

Refrigeration unit will be in series next to existing unit (current wall will stay in between the two units). Approximate dimensions:
17' x 14' x 8'

Subrecipient: Toro Farm, Inc.

Case ID: PR-RGRW-00919

City: Cabo Rojo

Area of Potential Effect Map

Proposed Concrete Pad for Condenser Unit



The expansion will include a slab like what is present in the image for the placement of the condenser of the refrigeration unit and the associated electrical components. The new condenser will be of a greater capacity to allow refrigeration at lower (freezing) temperatures. The existing unit is for regular refrigeration while the unit requested as part of the program will allow the wholesale production of the goods by freezing sugarcane and other fruit juice extracts into ice pops (final product).



Subrecipient: Toro Farm, Inc.

Case ID: PR-RGRW-00919

City: Cabo Rojo

Historic Properties - Topographic Base

Puerto Rico Department of Housing

Re-Grow Program

Latitude: 18.0952
Longitude: -67.1337



Application ID#: PR-RGRW-00919

Address: Carr #103 Km. 4.2 Barrio Bajura, Cabo Rojo, PR 00623



Subrecipient: Toro Farm, Inc.

Case ID: PR-RGRW-00919

City: Cabo Rojo

Soils



Source: USDA Web Soil Survey (<https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>)

Subrecipient: Toro Farm, Inc.

Case ID: PR-RGRW-00919

City: Cabo Rojo

Project (Parcel) Location with Previous Investigations - Aerial Map



Aerial Base Source: Google Earth Pro

PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM

REGROW PUERTO RICO PROGRAM

Section 106 NHPA Effect Determination



Subrecipient: Toro Farm, Inc.

Case ID: PR-RGRW-00919

City: Cabo Rojo



Photo 1

Date: December 2022

Description (include direction): Drone imagery, facing northeast. APE on the south elevation of the structure and existing conditions.

Subrecipient: Toro Farm, Inc.

Case ID: PR-RGRW-00919

City: Cabo Rojo



Photo 2

Date: December 2022

Description (include direction): Drone imagery facing the northeast. Aerial view of the APE from the southwest corner. Image shows the location of the future expansion.

Subrecipient: Toro Farm, Inc.

Case ID: PR-RGRW-00919

City: Cabo Rojo



Area where partial demolition of the wall will be carried out (8' x 8') for expansion

Current refrigeration unit

Photo 3

Date: December 2022

Description (include direction): Drone imagery facing the northwest. View of the building showing current conditions and proposed area of partial wall demolition.



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,

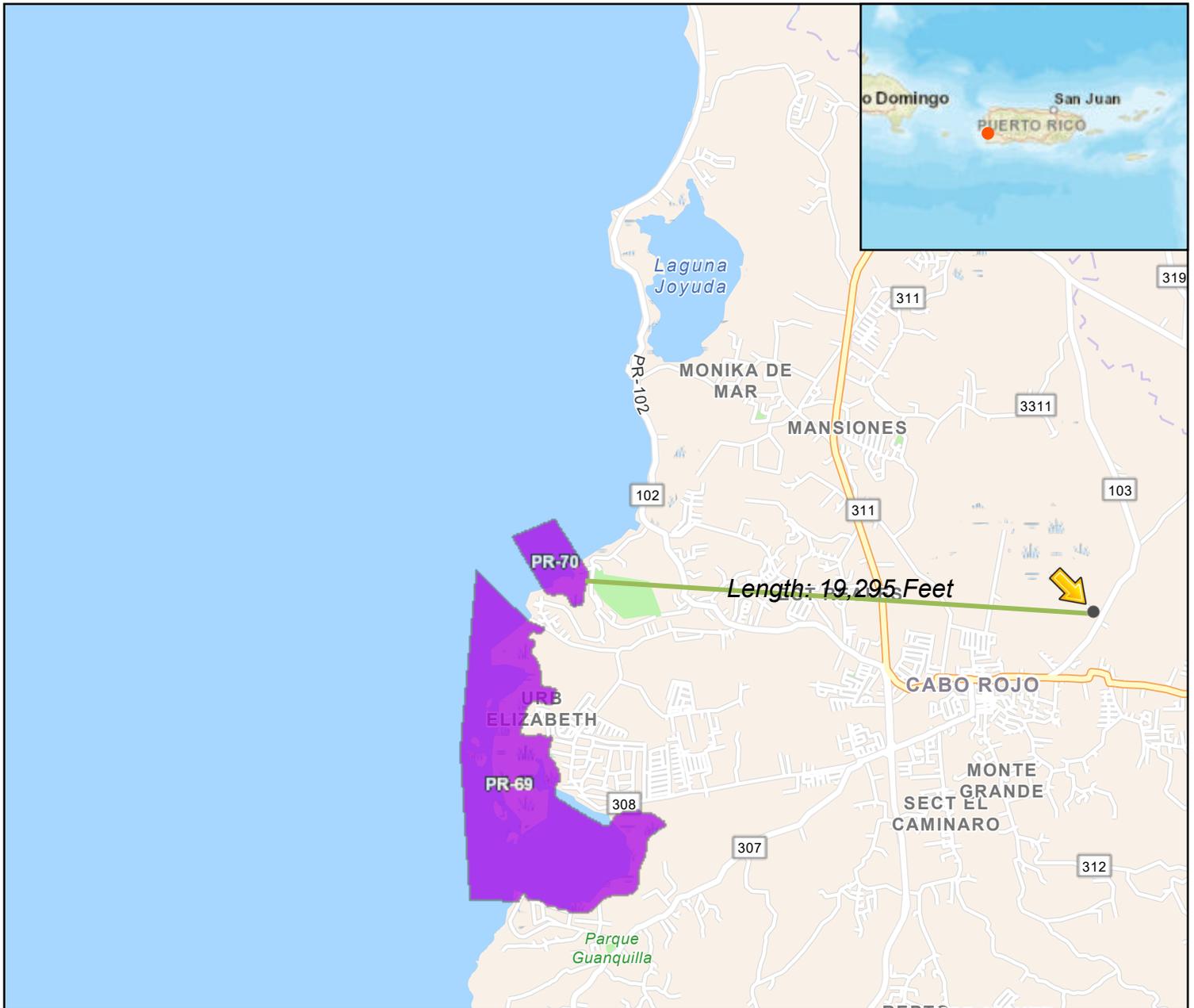
Juan C. Pérez Bofill, P.E. M.Eng

Director of Disaster Recovery

CDBG DR-MIT

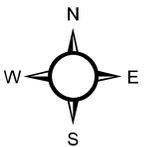
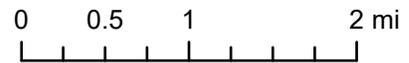


PR-RGRW-00919 CBRS



Legend

- Otherwise Protected Area
- System Unit

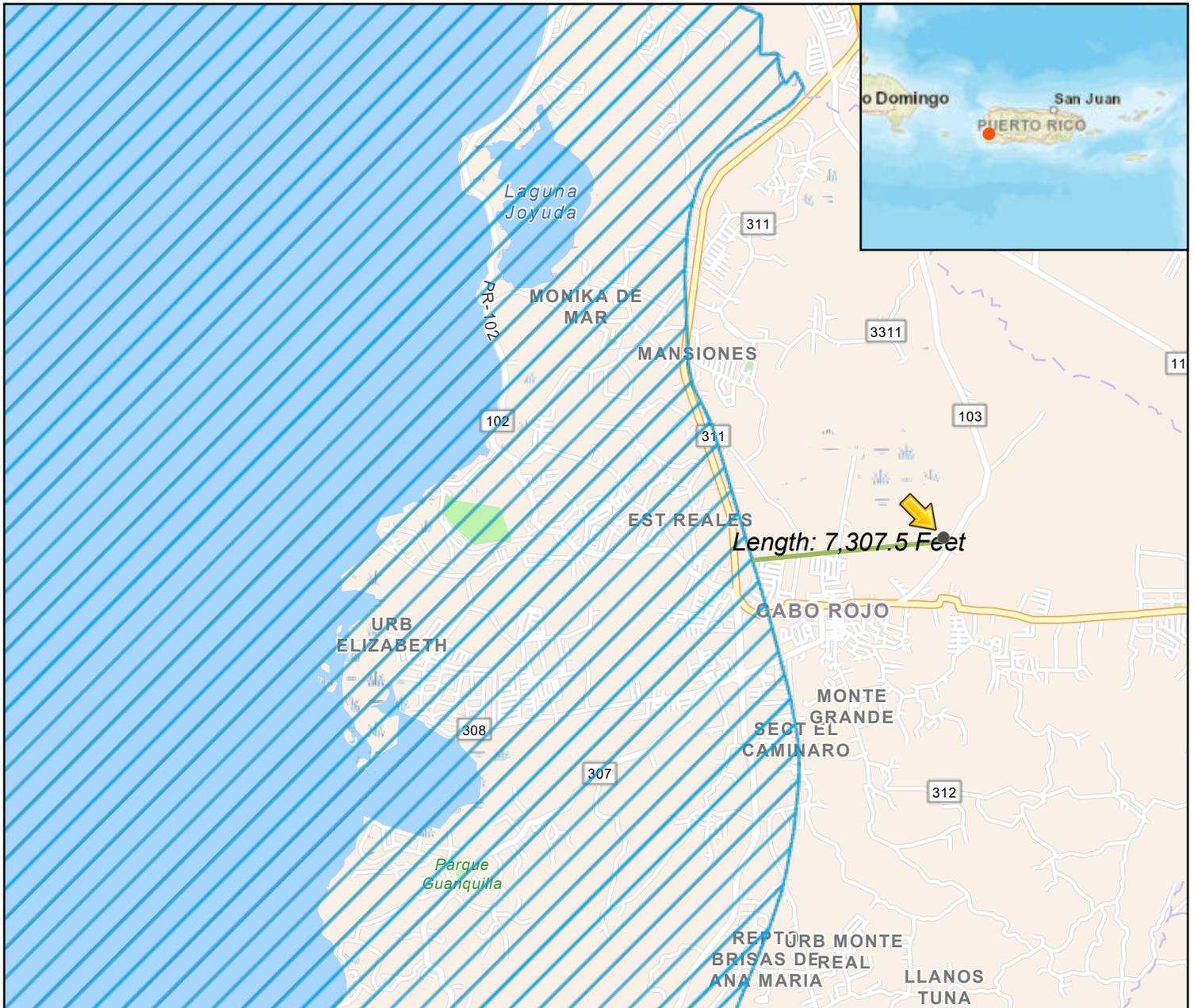


U.S. Fish and Wildlife Service

Coastal Barrier Resources Act Program

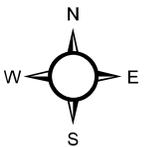
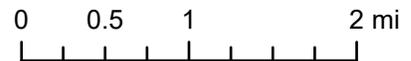


PR-RGRW-00919 CZM



Legend

 Coastal Zone Management Act Boundary



NOAA

Coastal Zone Management Act

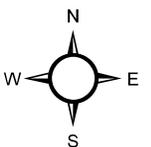
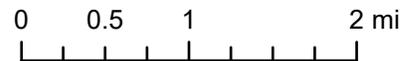


PR-RGRW-00919 Endangered Species



Legend

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



Endangered Species Habitat

U.S. Fish and Wildlife Service

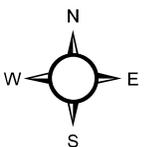
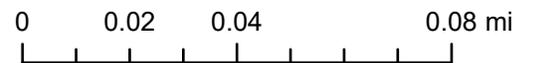


PR-RGRW-00919 Farmlands



Legend

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



USGS USA Soils

Farmland dataset

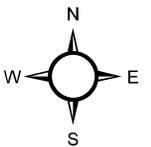
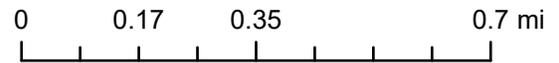


PR-RGRW-00919 Toxics



Legend

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

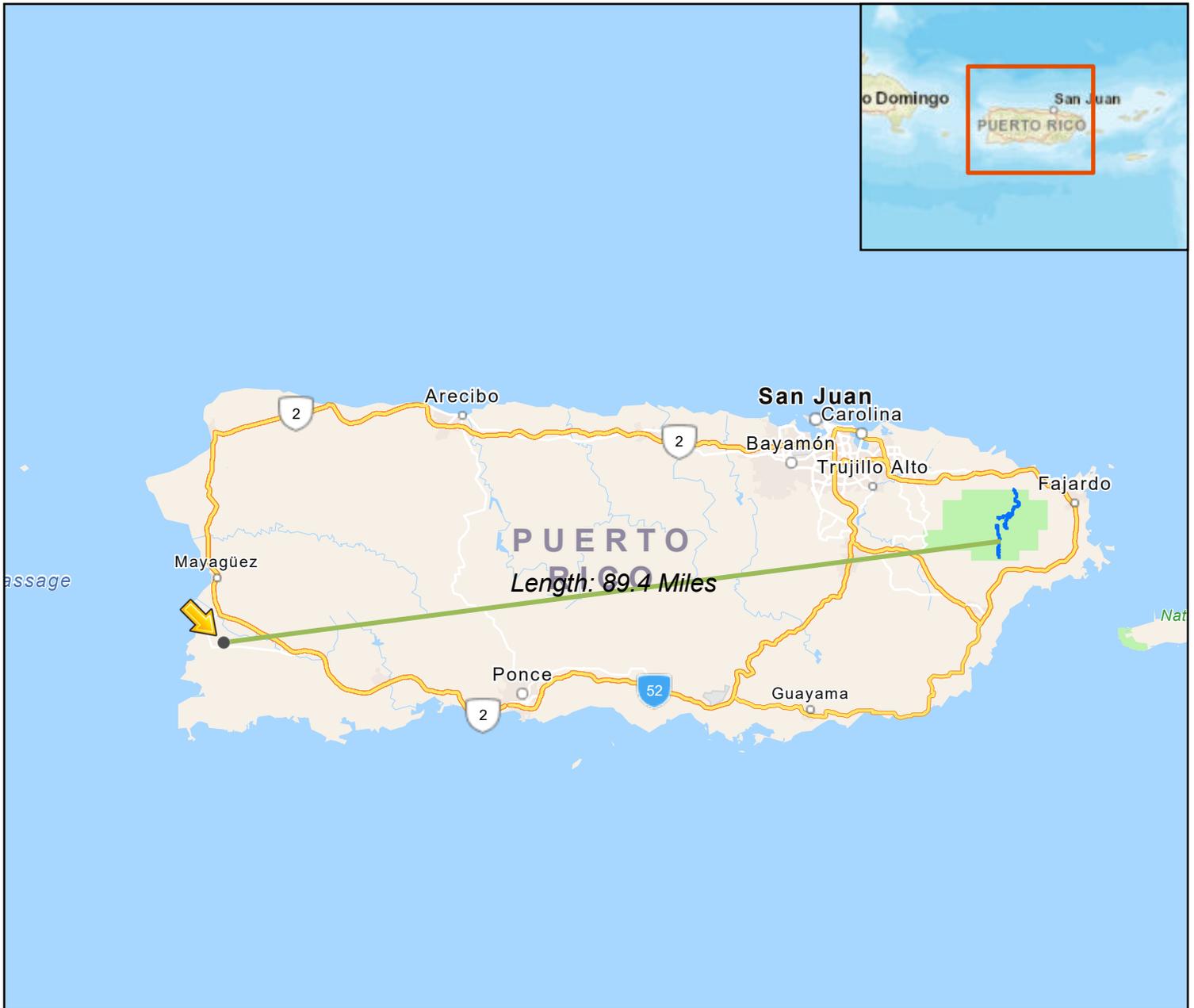


Envirofacts Facility Locations

EPA

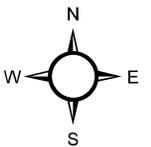
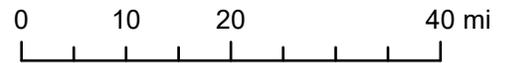


PR-RGRW-00919 W & S Rivers



Legend

— Wild and Scenic Rivers



National Wild and Scenic River System

National Park Service

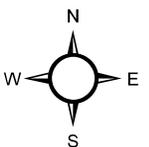
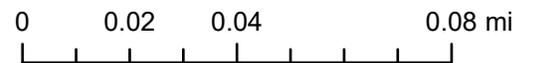


PR-RGRW-00919 Wetlands



Legend

 Freshwater Emergent Wetland



National Wetlands Inventory

U.S. Fish and Wildlife Service

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

11/1/2022 10:41 AM

FRS ID

Name

110007813036 PUERTO RICO INDUSTRIAL DEVELOPMENT CO

Location

RD 103 KM 7.3

Municipio

CABO ROJO

Lat

18.09

Long

Type

Report

-67.14 RCRAINFO

<https://echo.epa.gov/detailed-facility-report?fid=110007813036>

Distance (ft)	Impact
2,678.32	Cleared Via Distance