



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

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

**Project Information**

**Project Name:** PR-RGRW-01125-W-RE

**HEROS Number:** 900000010441987

**Start Date:** 12/06/2024

**State / Local Identifier:**

**Project Location:** , Las Maria, PR 00670

**Additional Location Information:**

Location centroid: Latitude 18.264571, longitude -67.011834 at the address given above. Cadastral: 183-000-005-90-000

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

This project (PR-RGRW-01125-W-RE) entails the award of a grant to Attabey LLC, an agricultural business, at 1-99 Bo. Altosano, Carretera 407 KM 3.2 Int., Las Marias, PR 00670. Tax ID Number: 183-000-005-90-000. Coordinates (Warehouse Option #1 centerpoint: 18.263513, -67.011964) and (Warehouse Option #2 centerpoint: 18.263610, -67.012418). This project had an original CENST review which included the purchase of farm equipment including a UTV, blower, sierra, and a pole pruner for project cost of \$22,307. See attached CENST environmental review. This review includes scope items previously considered as an EA level of review which are now evaluated as CEST level of review in accordance with FR-6492-N-01 with a project cost of \$24,925.88. The proposed project includes the construction and installation of a warehouse with a concrete slab base that will be used to store fertilizer and farm equipment. Also a second concrete slab will be built as a platform to house water tanks that will be used to store collected rainwater as well as water from an above ground aqueduct of potable water located approximately 200 meters (m) away. The applicant intends to fund these above-ground connections and extensions to rainwater and potable water supply themselves. The warehouse size will be a galvanized steel dome or hangar structure and size will vary depending on the location option chosen for the project. Option 1 is located in the southeastern portion of the parcel and will be 800 square feet (sq. ft) in size (20 feet [ft] by 40 ft) with a height of approximately 12 ft. There is no need for leveling or filling for Option 1; however, an old water tank would need to be removed at this location. Option 2 is located in the south-central portion of the parcel and will be 450 sq. ft (15 ft by 30 ft) with a height of approximately 12 ft. Some tree clearing is expected as well as minimal ground disturbance for Option 2. Option 2 includes a "badén," which is a concrete platform able to hold heavy machinery and trucks. The applicant owns the property; therefore, no acquisition is required. The applicant will power the warehouse using solar panels which they will purchase themselves and install in the future. The project Attabey LLC, PR-RGRW-01125-W-RE has been evaluated in accordance with FR-6492-N-01. The activities

identified CE: #7 - 7. 7 CFR 799.32(e) (2) (iii): Construction of a new farm storage facility. HUD Level of Review: CEST. Potential application to HUD activities: Construction of a new farm storage facility with ground disturbance, and CE: #10 - 10. 7 CFR 799.32(e) (2) (xxxvii): Watering tank or trough installation, if in areas not previously disturbed. HUD Level of Review: CEST. Potential application to HUD activities: Agricultural watering tank or trough installation that includes new ground disturbance have been classified as CEST under the waiver.

**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	Community Planning and Development (CPD)	Community Development Block Grants (Disaster Recovery Assistance)	\$0.00
B-18-DE-72-0001	Community Planning and Development (CPD)	Community Development Block Grants (Disaster Recovery Assistance)	\$0.00
B-18-DP-72-0001	Community Planning and Development (CPD)	Community Development Block Grants (Disaster Recovery Assistance)	\$0.00
B-19-DP-78-0002	Community Planning and Development (CPD)	Community Development Block Grants (Disaster Recovery Assistance)	\$0.00

**Estimated Total HUD Funded Amount:** \$24,925.88

**Estimated Total Project Cost [24 CFR 58.2 (a) (5)]:** \$24,925.88

**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
Endangered Species Act	With regards to the PR boa, in 2022, the Service developed a Programmatic Biological Opinion (PBO) for the Puerto Rican boa and the Virgin Islands tree boa addressing the take of both species in the form of capture and relocation while conducting activities (see enclosure). The Puerto Rican boa may be present throughout the proposed action site, and capture and relocation may be needed to	N/A	



	<p>remove boas from harm's way during the project activities. Capturing and relocating boas out of harm's way during project activities constitute "take" under the ESA, however if the terms and conditions of the PBO are followed, then you are covered under the provisions of the PBO.</p> <p>If a PR boa is found, please inform the USFWS point of contact Jose Cruz Burgos, Endangered Species Coordinator, via email at jose_cruz-burgos@fws.gov or by phone at (786) 244-0081 or (305) 304-1386 and follow the provisions of the PBO.</p> <p>We have reviewed the information provided in your letter and our files, and we believe that the action is likely to adversely affect the species. This determination is in accordance with the above-mentioned PBO.</p>			
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**Determination:**

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

Preparer Signature:  Date: April 7, 2025

Name / Title/ Organization: Ricardo Espiet Lopez / Department of Housing - Puerto Rico

Responsible Entity Agency Official Signature:  Date: 4/7/2025

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 Environment Review Record (ERR) for the activity / project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).**

**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-01125-W-RE

**HEROS Number:** 900000010441987

**Start Date:** 12/06/2024

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

**State / Local Identifier:**

**RE Preparer:** Ricardo Espiet Lopez

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

**Grant Recipient (if different than Responsible Entity):**

**Point of Contact:**

**Point of Contact:** Justin Neely  
**Consultant (if applicable):** HORNE LLP

40 CFR 1506.5(b)(4): The lead agency or, where appropriate, a cooperating agency shall prepare a disclosure statement for the contractor's execution specifying that the contractor has no financial or other interest in the outcome of the action. Such statement need not include privileged or confidential trade secrets or other confidential business information.

- ✓ By checking this box, I attest that as a preparer, I have no financial or other interest in the outcome of the undertaking assessed in this environmental review.

**Project Location:** , Las Maria, PR 00670

**Additional Location Information:**

Location centroid: Latitude 18.264571, longitude -67.011834 at the address given above. Cadastral: 183-000-005-90-000

**Direct Comments to:** environmentcdbg@vivienda.pr.gov

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

This project (PR-RGRW-01125-W-RE) entails the award of a grant to Attabey LLC, an agricultural business, at 1-99 Bo. Altosano, Carretera 407 KM 3.2 Int., Las Marias, PR 00670. Tax ID Number: 183-000-005-90-000. Coordinates (Warehouse Option #1 centerpoint: 18.263513, -67.011964) and (Warehouse Option #2 centerpoint: 18.263610, -67.012418). This project had an original CENST review which included the purchase of farm equipment including a UTV, blower, sierra, and a pole pruner for project cost of \$22,307. See attached CENST environmental review. This review includes scope items previously considered as an EA level of review which are now evaluated as CEST level of review in accordance with FR-6492-N-01 with a project cost of \$24,925.88. The proposed project includes the construction and installation of a warehouse with a concrete slab base that will be used to store fertilizer and farm equipment. Also a second concrete slab will be built as a platform to house water tanks that will be used to store collected rainwater as well as water from an above ground aqueduct of potable water located approximately 200 meters (m) away. The applicant intends to fund these above-ground connections and extensions to rainwater and potable water supply themselves. The warehouse size will be a galvanized steel dome or hangar structure and size will vary depending on the location option chosen for the project. Option 1 is located in the southeastern portion of the parcel and will be 800 square feet (sq. ft) in size (20 feet [ft] by 40 ft) with a height of approximately 12 ft. There is no need for leveling or filling for Option 1; however, an old water tank would need to be removed at this location. Option 2 is located in the south-central portion of the parcel and will be 450 sq. ft (15 ft by 30 ft) with a height of approximately 12 ft. Some tree clearing is expected as well as minimal ground disturbance for Option 2. Option 2 includes a "badén," which is a concrete platform able to hold heavy machinery and trucks. The applicant owns the property; therefore, no acquisition is required. The applicant will power the warehouse using solar panels which they will purchase themselves and install in the future. The project Attabey LLC, PR-RGRW-01125-W-RE has been evaluated in accordance with FR-6492-N-01. The activities identified CE: #7 - 7. 7 CFR 799.32(e) (2) (iii): Construction of a new farm storage facility. HUD Level of Review: CEST. Potential application to HUD activities: Construction of a new farm storage facility with ground disturbance, and CE: #10 - 10. 7 CFR 799.32(e) (2) (xxvii): Watering tank or trough installation, if in areas not previously disturbed. HUD Level of Review: CEST. Potential application to HUD

activities: Agricultural watering tank or trough installation that includes new ground disturbance have been classified as CEST under the waiver.

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

[ReEvaluation Memo .docx](#)

[PR-RGRW-01125-W-RE Site Map.pdf](#)

[PR-RGRW-01125-W-RE IUGF.pdf](#)

[PR-RGRW-01125 CENST.pdf](#)

[PRDOH Regrow Puerto Rico Program - 5836 Waiver \(002\).pdf](#)

[Farm Service Agency Adopted Categorical Exclusions Identified in FR-6492-N-01.pdf](#)

[PR-RGRW-01125-W-RE EFOR.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 <b>EXEMPT</b> per Section 58.34(a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license; <b>Funds may be committed and drawn down after certification of this part</b> for this (now) EXEMPT project; OR
✓	This categorically excluded activity/project cannot convert to Exempt status because one or more statutes or authorities listed at Section 58.5 requires formal consultation or mitigation. Complete consultation/mitigation protocol requirements, <b>publish NOI/RROF and obtain "Authority to Use Grant Funds"</b> (HUD 7015.16) per Section 58.70 and 58.71 before committing or drawing down any funds; OR
	This project is not categorically excluded OR, if originally categorically excluded, is now subject to a full Environmental Assessment according to Part 58 Subpart E due to extraordinary circumstances (Section 58.35(c)).

**Approval Documents:**

[01125-SIG-PAGE\(1\).pdf](#)

**7015.15 certified by Certifying Officer**  
**on:**

**7015.16 certified by Authorizing Officer**  
**on:**

**Reevaluation of a Completed Review**

The environmental findings of a completed environmental review were re-evaluated to determine if the original findings are still valid for all of the three scenarios below:

- a. Substantial changes in the nature, magnitude, or extent of the project, including adding new activities not anticipated in the original scope of the project are proposed.
- b. There are new circumstances and environmental conditions which may affect the project or have a bearing on its impact, such as concealed or unexpected conditions discovered during the implementation of the project, or
- c. The selection of an alternative not in the original finding is proposed.

It was determined that the original findings were not still valid.

**Statement or memo documenting determination:**

The project Attabey LLC, PR-RGRW-01125-W-RE has been evaluated in accordance with FR-6492-N-01. The activities identified CE: #7 - 7. 7 CFR 799.32(e) (2) (iii): Construction of a new farm storage facility. HUD Level of Review: CEST. Potential application to HUD activities: Construction of a new farm storage facility with ground disturbance, and CE: #10 - 10. 7 CFR 799.32(e) (2) (xxxvii): Watering tank or trough installation, if in areas not previously disturbed. HUD Level of Review: CEST. Potential application to HUD activities: Agricultural watering tank or trough installation that includes new ground disturbance have been classified as CEST under the waiver.

[ReEvaluation Memo \(1\).docx](#)

[PRDOH Regrow Puerto Rico Program - 5836 Waiver \(002\)\(1\).pdf](#)

[Farm Service Agency Adopted Categorical Exclusions Identified in FR-6492-N-01\(1\).pdf](#)

**Funding Information**

Grant / Project Identification Number	HUD Program	Program Name	Funding Amount
B-17-DM-72-0001	Community Planning and Development (CPD)	Community Development Block Grants (Disaster Recovery Assistance)	\$0.00

B-18-DE-72-0001	Community Planning and Development (CPD)	Community Development Block Grants (Disaster Recovery Assistance)	\$0.00
B-18-DP-72-0001	Community Planning and Development (CPD)	Community Development Block Grants (Disaster Recovery Assistance)	\$0.00
B-19-DP-78-0002	Community Planning and Development (CPD)	Community Development Block Grants (Disaster Recovery Assistance)	\$0.00

**Estimated Total HUD Funded, Assisted or Insured Amount:** \$24,925.88

**Estimated Total Project Cost:** \$24,925.88

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

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §50.4, §58.5, and §58.6	Are formal compliance steps or mitigation required?	Compliance determination (See Appendix A for source determinations)
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 &amp; § 58.6</b>		
<b>Airport Hazards</b> Clear Zones and Accident Potential Zones; 24 CFR Part 51 Subpart D	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The nearest civil primary or commercial service airport, Eugenio Maria De Hostos, is located 44,899 ft (9 mi) from the project site. The nearest military airport, Luis Munoz Marin International Airport, is located 351,230 ft (67mi) from the project site. The project is in compliance with Airport Hazards requirements.
<b>Coastal Barrier Resources Act</b> Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project is not located in a CBRS Unit. It is 64,774 feet from a protected area. Therefore, this project has no potential to impact a CBRS Unit and is in compliance with the Coastal Barrier Resources Act.
<b>Flood Insurance</b> Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Flood Map Number 72000C0545H, effective on 4/19/2005: Based on the project description the project includes no activities that would require further evaluation under this section. The project does not require flood insurance or is excepted from flood insurance.

		While flood insurance may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). The project is in compliance with Flood Insurance requirements. This project grant is for movable farm equipment and equipment less than \$5,000; therefore, it does not include insurable personal property. Nevertheless, the project site is not located in a Special Flood Hazard Area (see attached flood map).
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 &amp; § 58.5</b>		
<b>Air Quality</b> 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.
<b>Coastal Zone Management Act</b> Coastal Zone Management Act, sections 307(c) & (d)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project is not located in or does not affect a Coastal Zone as defined in the state Coastal Management Plan. The project is located 49,899 feet from the coastal zone. The project is in compliance with the Coastal Zone Management Act.
<b>Contamination and Toxic Substances</b> 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. A review of science-based radon data offered a lack of data for the project site and radon testing was determined to be infeasible or impracticable. The project is in compliance with contamination and toxic substances requirements.
<b>Endangered Species Act</b> Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	This project was found Likely to Adversely Affect listed species, and formal consultation was conducted. With mitigation, identified in the mitigation section of this review, the



		project will be in compliance with the Endangered Species Act.
<b>Explosive and Flammable Hazards</b> 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.
<b>Farmlands Protection</b> 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.
<b>Floodplain Management</b> Executive Order 11988, particularly section 2(a); 24 CFR Part 55	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Flood Map Number 72000C0545H, effective on 4/19/2005: This project does not occur in the FFRMS floodplain. The project is in compliance with Executive Orders 11988 and 13690. PFIRMs in Puerto Rico were only developed for certain sections of the municipalities of Carolina, Canovanas, Loiza, San Juan and Trujillo Alto. The proposed project is located in the municipality of Las Marias; therefore, PFIRM information was not available for the area and therefore not considered in the review.
<b>Historic Preservation</b> National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	(AH est.): Neighbor's house: ca. 2004. Rental house: ca. 2004. Owner's house: ca. 1980. 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.
<b>Noise Abatement and Control</b> Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	<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.
<b>Sole Source Aquifers</b> Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project is not located on a sole source aquifer area. According to EPA, there are no sole source aquifers in Puerto Rico. The project is in

		compliance with Sole Source Aquifer requirements.
<b>Wetlands Protection</b> Executive Order 11990, particularly sections 2 and 5	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Based on the project description this project includes no activities that would require further evaluation under this section. The project is in compliance with Executive Order 11990. This project does not involve new construction, so a visual wetlands survey was not conducted.
<b>Wild and Scenic Rivers Act</b> Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project is not within proximity of a NWSRS river. The project is located 424,165 feet from the nearest Wild and Scenic River. The project is in compliance with the Wild and Scenic Rivers Act.
<b>HUD HOUSING ENVIRONMENTAL STANDARDS</b>		
<b>ENVIRONMENTAL JUSTICE</b>		
<b>Environmental Justice</b> Executive Order 12898	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898. On January 21, 2025, President Donald Trump issued the Executive Order 14173 titled "Ending Illegal Discrimination and Restoring Merit-Based Opportunity", which revoked Executive Order 12898 and eliminated federal mandates requiring agencies to assess environmental justice impacts. Consequently, there is no longer a federal requirement to address environmental justice concerns in the environmental compliance review process.

**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
Endangered Species Act	<p>With regards to the PR boa, in 2022, the Service developed a Programmatic Biological Opinion (PBO) for the Puerto Rican boa and the Virgin Islands tree boa addressing the take of both species in the form of capture and relocation while conducting activities (see enclosure). The Puerto Rican boa may be present throughout the proposed action site, and capture and relocation may be needed to remove boas from harm's way during the project activities. Capturing and relocating boas out of harm's way during project activities constitute "take" under the ESA, however if the terms and conditions of the PBO are followed, then you are covered under the provisions of the PBO. If a PR boa is found, please inform the USFWS point of contact Jose Cruz Burgos, Endangered Species Coordinator, via email at jose_cruz-burgos@fws.gov or by phone at (786) 244-0081 or (305) 304-1386 and follow the provisions of the PBO.</p> <p>We have reviewed the information provided in your letter and our files, and we believe that the action is likely to adversely affect the species. This determination is in accordance with the above-mentioned PBO.</p>	N/A		

**Project Mitigation Plan**

Should new ground disturbance occur the Karst zone must be evaluated and when necessary DNER must be consulted prior to construction activities. With regards to the PR boa, in 2022, the Service developed a Programmatic Biological Opinion (PBO) for the Puerto Rican boa and the Virgin Islands tree boa addressing the take of both species in the form of capture and relocation while conducting activities (see enclosure). The Puerto Rican boa may be present throughout the proposed action site, and capture and relocation may be needed to remove boas from harm's way during the project activities. Capturing and relocating boas out of harm's way during project activities constitute "take" under the ESA, however if the terms and conditions of the PBO are followed, then you are covered under the provisions of the PBO. If a PR boa is found, please inform the USFWS point of contact Jose Cruz Burgos, Endangered Species Coordinator, via email at [jose\\_cruz-burgos@fws.gov](mailto:jose_cruz-burgos@fws.gov) or by phone at (786) 244-0081 or (305) 304-1386 and follow the provisions of the PBO. We have reviewed the information provided in your letter and our files, and we believe that the action is likely to adversely affect the species. This determination is in accordance with the above-mentioned PBO.

**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 project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The nearest civil primary or commercial service airport, Eugenio Maria De Hostos, is located 44,899 ft (9 mi) from the project site. The nearest military airport, Luis Munoz Marin International Airport, is located 351,230 ft (67mi) from the project site. The project is in compliance with Airport Hazards requirements.

**Supporting documentation**

[PR-RGRW-01125-W-RE 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 64,774 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-01125-W-RE 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.

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

Yes

**4. While flood insurance is not mandatory for this project, HUD strongly recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). Will flood insurance be required as a mitigation measure or condition?**

Yes

- ✓ No

### Screen Summary

#### **Compliance Determination**

Flood Map Number 72000C0545H, effective on 4/19/2005: Based on the project description the project includes no activities that would require further evaluation under this section. The project does not require flood insurance or is excepted from flood insurance. While flood insurance may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). The project is in compliance with Flood Insurance requirements. This project grant is for movable farm equipment and equipment less than \$5,000; therefore, it does not include insurable personal property. Nevertheless, the project site is not located in a Special Flood Hazard Area (see attached flood map).

#### **Supporting documentation**

[PR-RGRW-01125-W-RE FIRM.pdf](#)

**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**

This project is not located in or does not affect a Coastal Zone as defined in the state Coastal Management Plan. The project is located 49,899 feet from the coastal zone. The project is in compliance with the Coastal Zone Management Act.

**Supporting documentation**

[PR-RGRW-01125-W-RE 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)
Reference		
<a href="https://www.onecpd.info/environmental-review/site-contamination">https://www.onecpd.info/environmental-review/site-contamination</a>		

**1. How was site contamination evaluated?\* Select all that apply.**

ASTM Phase I ESA

ASTM Phase II ESA

Remediation or clean-up plan

ASTM Vapor Encroachment Screening.

☒ None of the above

\* HUD regulations at 24 CFR § 58.5(i)(2)(ii) require that the environmental review for multifamily housing with five or more dwelling units or non-residential property include the evaluation of previous uses of the site or other evidence of contamination on or near the site.

For acquisition and new construction of multifamily and nonresidential properties HUD strongly advises the review include an ASTM Phase I Environmental Site Assessment (ESA) to meet real estate transaction standards of due diligence and to help ensure compliance with HUD's toxic policy at 24 CFR §58.5(i) and 24 CFR §50.3(i). Also note that some HUD programs require an ASTM Phase I ESA.

**2. Were any on-site or nearby toxic, hazardous, or radioactive substances\* (excluding radon) 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?)**

Provide a map or other documentation of absence or presence of contamination\*\* and explain evaluation of site contamination in the Screen Summary at the bottom of this screen.

☒ No

Explain:

There are no toxic sites within 3,000 feet of the applicant location. The environmental field observation did not note any items of concern. See the attached environmental field observation report. A google earth review of the area shows no visible hazards. The past land use for the last 10-15 year is agricultural.

Yes

\* This question covers the presence of radioactive substances excluding radon. Radon is addressed in the Radon Exempt Question.

\*\* Utilize EPA's Enviromapper, NEPAAssist, or state/tribal databases to identify nearby dumps, junk yards, landfills, hazardous waste sites, and industrial sites, including EPA National Priorities List Sites (Superfund sites), CERCLA or state-equivalent sites, RCRA Corrective Action sites with release(s) or suspected release(s) requiring clean-up action and/or further investigation. Additional supporting documentation may include other inspections and reports.

**3. Evaluate the building(s) for radon. Do all buildings meet any of the exemptions\* from having to consider radon in the contamination analysis listed in CPD Notice [CPD-23-103](#)?**

Yes

Explain:

✓ No

\* Notes:

- Buildings with no enclosed areas having ground contact.
- Buildings containing crawlspaces, utility tunnels, or parking garages would not be exempt, however buildings built on piers would be exempt, provided that there is open air between the lowest floor of the building and the ground.
- Buildings that are not residential and will not be occupied for more than 4 hours per day.
- Buildings with existing radon mitigation systems - document radon levels are below 4 pCi/L with test results dated within two years of submitting the application for HUD assistance and document the system includes an ongoing maintenance plan that includes periodic testing to ensure the system continues to meet the current EPA recommended levels. If the project does not require an application, document test results dated within two years of the date the environmental review is certified. Refer to program office guidance to ensure compliance with program requirements.
- Buildings tested within five years of the submission of application for HUD assistance: test results document indoor radon levels are below current the EPA's recommended action

levels of 4.0 pCi/L. For buildings with test data older than five years, any new environmental review must include a consideration of radon using one of the methods in Section A below.

**4. Is the proposed project new construction or substantial rehabilitation where testing will be conducted but cannot yet occur because building construction has not been completed?**

Yes

Compliance with this section is conditioned on post-construction testing being conducted, followed by mitigation, if needed. Radon test results, along with any needed mitigation plan, must be uploaded to the mitigation section within this screen.

✓ No

**5. Was radon testing or a scientific data review conducted that provided a radon concentration level in pCi/L?**

Yes

✓ No

If no testing was conducted and a review of science-based data offered a lack of science-based data for the project site, then document and upload the steps taken to look for documented test results and science-based data as well as the basis for the conclusion that testing would be infeasible or impracticable.

Explain:

Radon testing is not feasible or practicable for this case, please see the attached Radon Memo.

File Upload:

[Radon Attachments.pdf](#)  
[PR-RGRW-01125-W-RE Radon Memo.docx](#)

Based on the response, the review is in compliance with this section. Continue to the Screen Summary at the bottom of this screen.

Non-radon contamination was found in a previous question.

**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. A review of science-based radon data offered a lack of data for the project site and radon testing was determined to be infeasible or impracticable. The project is in compliance with contamination and toxic substances requirements.

**Supporting documentation**

[PR-RGRW-01125-W-RE Toxics.pdf](#)

[PR-RGRW-01125-W-RE EFOR\(1\).pdf](#)

**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.

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.

**2. Are federally listed species or designated critical habitats present in the action area?**

No, the project will have No Effect due to the absence of federally listed species and designated critical habitat

- ✓ Yes, there are federally listed species or designated critical habitats present in the action area.

**3. What effects, if any, will your project have on federally listed species or designated critical habitat?**

No Effect: Based on the specifics of both the project and any federally listed species in the action area, you have determined that the project will have absolutely no effect on listed species or critical habitat. in the action area.

- ✓ May Affect, Not Likely to Adversely Affect: Any effects that the project may have on federally listed species or critical habitats would be beneficial, discountable, or insignificant.

Likely to Adversely Affect: The project may have negative effects on one or more listed species or critical habitat.

**4. Informal Consultation is required**

Section 7 of ESA (16 USC. 1536) mandates consultation to resolve potential impacts to endangered and threatened species and critical habitats. If a HUD-assisted project may affect any federally listed endangered or threatened species or critical habitat, then compliance is required with Section 7. See 50 CFR Part 402 Subpart B Consultation Procedures.

**Did the Service(s) concur with the finding that the project is Not Likely to Adversely Affect?**

Yes, the Service(s) concurred with the finding.

- ✓ No, the Service(s) did not concur with the finding.

**5. Formal consultation is required**

Section 7 of ESA (16 USC 1536) mandates consultation to resolve potential impacts to federally listed endangered and threatened species and critical habitats. If a HUD assisted project may affect any endangered or threatened species or critical habitat, then compliance is required with Section 7. See 50 CFR Part 402 Subpart B Consultation Procedures.

Document and upload the following below:

- (1) A biological assessment, evaluation, or equivalent document
- (2) Biological opinion(s) issued by FWS and/or NMFS
- (3) Any other documentation of formal consultation



6. 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 as follows will be implemented:

With regards to the PR boa, in 2022, the Service developed a Programmatic Biological Opinion (PBO) for the Puerto Rican boa and the Virgin Islands tree boa addressing the take of both species in the form of capture and relocation while conducting activities (see enclosure). The Puerto Rican boa may be present throughout the proposed action site, and capture and relocation may be needed to remove boas from harm's way during the project activities. Capturing and relocating boas out of harm's way during project activities constitute "take" under the ESA, however if the terms and conditions of the PBO are followed, then you are covered under the provisions of the PBO. If a PR boa is found, please inform the USFWS point of contact Jose Cruz Burgos, Endangered Species Coordinator, via email at jose\_cruz-burgos@fws.gov or by phone at (786) 244-0081 or (305) 304-1386 and follow the provisions of the PBO. We have reviewed the information provided in your letter and our files, and we believe that the action is likely to adversely affect the species. This determination is in accordance with the above-mentioned PBO.

No mitigation is necessary.

#### **Screen Summary**

##### **Compliance Determination**

This project was found Likely to Adversely Affect listed species, and formal consultation was conducted. With mitigation, identified in the mitigation section of this review, the project will be in compliance with the Endangered Species Act.

##### **Supporting documentation**

[PR-RGRW-01125-W-RE USFWS Determination.pdf](#)

[PR-RGRW-01125-W-RE USFWS Consultation Package.pdf](#)

[PR-RGRW-01125-W-RE USFWS Conservation Measures.pdf](#)  
[PR-RGRW-01125-W-RE USFWS Concurrence.pdf](#)

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

☒ Yes

☐ No

**Explosive and Flammable Hazards**

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

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

☒ No

Yes

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

☒ No

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

Yes

**Screen Summary****Compliance Determination**

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

**Supporting documentation**

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

Yes

☒ No

## Farmlands Protection

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

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

Yes

✓ No

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

The proposed project includes construction and installation of a warehouse and purchase of irrigation equipment and farm equipment. The project site locations are classified as NC - "No Calificado" land use on specially protected rustic agricultural land. The proposed action is continued agricultural use of property, which is compatible with zoning and existing land use. Construction actions include minor improvements which increase the current function of the existing land use. There is no change in land use since the land will continue to be used for agriculture purposes. The project site is in a rural area of Las Marias Municipio, and project activities will not contribute to urban sprawl.

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-01125-W-RE 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 * Executive Order 13690 * 42 USC 4001-4128 * 42 USC 5154a * only applies to screen 2047 and not 2046	24 CFR 55

**1. Does this project meet an exemption at 24 CFR 55.12 from compliance with HUD's floodplain management regulations in Part 55?**

Yes

(a) HUD-assisted activities described in 24 CFR 58.34 and 58.35(b).

(b) HUD-assisted activities described in 24 CFR 50.19, except as otherwise indicated in § 50.19.

(c) The approval of financial assistance for restoring and preserving the natural and beneficial functions and values of floodplains and wetlands, including through acquisition of such floodplain and wetland property, where a permanent covenant or comparable restriction is place on the property's continued use for flood control, wetland projection, open space, or park land, but only if:

(1) The property is cleared of all existing buildings and walled structures; and

(2) The property is cleared of related improvements except those which:

(i) Are directly related to flood control, wetland protection, open space, or park land (including playgrounds and recreation areas);

(ii) Do not modify existing wetland areas or involve fill, paving, or other ground disturbance beyond minimal trails or paths; and

(iii) Are designed to be compatible with the beneficial floodplain or wetland function of the property.

(d) An action involving a repossession, receivership, foreclosure, or similar acquisition of property to protect or enforce HUD's financial interests under previously approved loans, grants, mortgage insurance, or other HUD assistance.

(e) Policy-level actions described at 24 CFR 50.16 that do not involve site-based decisions.

(f) A minor amendment to a previously approved action with no additional adverse impact on or from a floodplain or wetland.

(g) HUD's or the responsible entity's approval of a project site, an incidental portion of which is situated in the FFRMS floodplain (not including the floodway, LiMWA, or coastal high hazard area) but only if: (1) The proposed project site does not include any existing or proposed buildings or improvements that modify or occupy the FFRMS floodplain except de minimis improvements such as recreation areas and trails; and (2) the proposed project will not result in any new construction in or modifications of a wetland .

(h) Issuance or use of Housing Vouchers, or other forms of rental subsidy where HUD, the awarding community, or the public housing agency that administers the contract awards rental subsidies that are not project-based (i.e., do not involve site-specific subsidies).

(i) Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and persons with disabilities.

Describe:

✓ No

**2. Does the project include a Critical Action? Examples of Critical Actions include projects involving hospitals, fire and police stations, nursing homes, hazardous chemical storage, storage of valuable records, and utility plants.**

Yes

Describe:

✓ No

**3. Determine the extent of the FFRMS floodplain and provide mapping documentation in support of that determination**

The extent of the FFRMS floodplain can be determined using a Climate Informed Science Approach (CISA), 0.2 percent flood approach (0.2 PFA), or freeboard value approach (FVA). For projects in areas without available CISA data or without FEMA Flood Insurance Rate Maps (FIRMs), Flood Insurance Studies (FISs) or Advisory Base Flood Elevations (ABFEs), use the best available information<sup>1</sup> to determine flood elevation. Include documentation and an explanation of why this is the best available information<sup>2</sup> for the site. Note that newly constructed and substantially improved<sup>3</sup> structures must be elevated to the FFRMS floodplain regardless of the approach chosen to determine the floodplain.

Select one of the following three options:

CISA for non-critical actions. If using a local tool, data, or resources, ensure that the FFRMS elevation is higher than would have been determined using the 0.2 PFA or the FVA.

- ✓ 0.2-PFA. Where FEMA has defined the 0.2-percent-annual-chance floodplain, the FFRMS floodplain is the area that FEMA has designated as within the 0.2-percent-annual-chance floodplain.

FVA. If neither CISA nor 0.2-PFA is available, for non-critical actions, the FFRMS floodplain is the area that results from adding two feet to the base flood elevation as established by the effective FIRM or FIS or — if available — a FEMA-provided preliminary or pending FIRM or FIS or advisory base flood elevations, whether regulatory or informational in nature. However, an interim or preliminary FEMA map cannot be used if it is lower than the current FIRM or FIS.

<sup>1</sup> Sources which merit investigation include the files and studies of other federal agencies, such as the U. S. Army Corps of Engineers, the Tennessee Valley Authority, the Soil Conservation Service and the U. S. Geological Survey. These agencies have prepared flood hazard studies for several thousand localities and, through their technical assistance programs, hydrologic studies, soil surveys, and other investigations have collected or developed other floodplain information for numerous sites and areas. States and communities are also sources of information on past flood 'experiences within their boundaries and are particularly knowledgeable about areas subject to high-risk flood hazards such as alluvial fans, high velocity flows, mudflows and mudslides, ice jams, subsidence and liquefaction.

<sup>2</sup> If you are using best available information, select the FVA option below and provide supporting documentation in the screen summary. Contact your [local environmental officer](#) with additional compliance questions.

<sup>3</sup> Substantial improvement means any repair or improvement of a structure which costs at least 50 percent of the market value of the structure before repair or improvement or results in an increase of more than 20 percent of the number of dwelling units. The full definition can be found at [24 CFR 55.2\(b\)\(12\)](#).

5. Does your project occur in the FFRMS floodplain?



Yes

✓ No

**Screen Summary****Compliance Determination**

Flood Map Number 72000C0545H, effective on 4/19/2005: This project does not occur in the FFRMS floodplain. The project is in compliance with Executive Orders 11988 and 13690. PFIRMs in Puerto Rico were only developed for certain sections of the municipalities of Carolina, Canovanas, Loiza, San Juan and Trujillo Alto. The proposed project is located in the municipality of Las Marias; therefore, PFIRM information was not available for the area and therefore not considered in the review.

**Supporting documentation**

[PR-RGRW-01125-W-RE ABFE.pdf](#)

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

Yes

✓ No

## Historic Preservation

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

### Threshold

#### Is Section 106 review required for your project?

No, because the project consists solely of activities listed as exempt in a Programmatic Agreement (PA ). (See the PA Database to find applicable PAs.)  
 No, because the project consists solely of activities included in a No Potential to Cause Effects memo or other determination [36 CFR 800.3(a)(1)].

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

### Step 1 – Initiate Consultation

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

- ✓ State Historic Preservation Offer (SHPO) Completed

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

Other Consulting Parties

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

Only SHPO was consulted as No Historic Properties Affected was determined 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:

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:**

No Historic Properties present 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**

(AH est.): Neighbor's house: ca. 2004. Rental house: ca. 2004. Owner's house: ca. 1980. 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-01125-W-RE SHPO Package.pdf](#)

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

Yes

☒ No

## Noise Abatement and Control

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

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

New construction for residential use

Rehabilitation of an existing residential property

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

An interstate land sales registration

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

☒ None of the above

### **Screen Summary**

#### **Compliance Determination**

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

#### **Supporting documentation**

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

Yes

☒ No



**Sole Source Aquifers**

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

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

Yes

✓ No

**2. Is the project located on a sole source aquifer (SSA)?**

A sole source aquifer is defined as an aquifer that supplies at least 50 percent of the drinking water consumed in the area overlying the aquifer. This includes streamflow source areas, which are upstream areas of losing streams that flow into the recharge area.

< No

✓

Based on the response, the review is in compliance with this section. Document and upload documentation used to make your determination, such as a map of your project (or jurisdiction, if appropriate) in relation to the nearest SSA and its source area, below.

Yes

**3. Does your region have a memorandum of understanding (MOU) or other working agreement with Environmental Protection Agency (EPA) for HUD projects impacting a sole source aquifer?**

Yes

No

**Screen Summary****Compliance Determination**

The project is not located on a sole source aquifer area. According to EPA, there are no sole source aquifers in Puerto Rico. The project is in compliance with Sole Source Aquifer requirements.

**Supporting documentation**

[PR-RGRW-01125-W-RE Sole Source Aquifers.pdf](#)

**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. This project does not involve new construction, so a visual wetlands survey was not conducted.

**Supporting documentation**

[PR-RGRW-01125-W-RE Wetlands.pdf](#)

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

Yes

✓ No

**Wild and Scenic Rivers Act**

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

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

✓ No

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

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

**Screen Summary****Compliance Determination**

This project is not within proximity of a NWSRS river. The project is located 424,165 feet from the nearest Wild and Scenic River. The project is in compliance with the Wild and Scenic Rivers Act.

**Supporting documentation**

[PR-RGRW-01125-W-RE Wild and Scenic.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. On January 21, 2025, President Donald Trump issued the Executive Order 14173 titled "Ending Illegal Discrimination and Restoring Merit-Based Opportunity", which revoked Executive Order 12898 and eliminated federal mandates requiring agencies to assess environmental justice impacts. Consequently, there is no longer a federal requirement to address environmental justice concerns in the environmental compliance review process.

**Supporting documentation**

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

Yes

✓ No





ENVIRONMENTAL CONSULTANTS

Sound Science. Creative Solutions.®

10245 West Little York Road, Suite 600  
Houston, Texas 77040  
Tel 281.617.3217 Fax 281.617.3227  
www.swca.com

March 27, 2024

Robert Tawes  
Division Supervisor, Environmental Review  
U.S. Fish and Wildlife Service  
Southeast Regional Office  
1875 Century Boulevard  
Atlanta, GA 30345  
Email: [robert\\_tawes@fws.gov](mailto:robert_tawes@fws.gov)

**Re: FWS/R4/CESFO/72083-Gen**  
**Federally Listed Threatened and Endangered Species Evaluation for the Puerto Rico**  
**Department of Housing CDBG-DR RGRW-01125/SWCA-72428**

Dear Mr. Tawes:

SWCA Environmental Consultants (SWCA), on behalf of the Puerto Rico Department of Housing, is submitting this revised informal consultation request 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 ReGrow PR-RGRW-01125 Project (project). The Project is located at 1-99 Bo. Altosano, Carretera 407 KM 3.2 Int., Las Marias, PR 00670 (67.011834°W 18.15015°N).

The proposed Project involves the construction of a new warehouse for the storage of fertilizer and farm equipment. Two locations are being evaluated; Option 1 and Option 2. Tree removal would be required at the Option 1 location.

Using the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) system, we have determined that the proposed project lies within the range of the following federally listed species:

Species	Listing Status
Puerto Rican Boa ( <i>Chilabothrus inornatus</i> )	Endangered

No designated or proposed critical habitat for any listed species was identified within the project area. Based on the nature of the project, scope of work, information available, and a careful analysis of the existing habitat, we have made the following effects determinations:

Species	Effect Determination	Conservation Measures to be Implemented
Puerto Rican Boa ( <i>Chilabothrus inornatus</i> )	Not likely to adversely affect (NLAA)	Puerto Rican Boa General Project Design Guidelines

In accordance with the 2023 Puerto Rican Boa General Project Design Guidelines, if a Puerto Rican Boa (PR Boa) is found in the project action site, work shall cease until the individual moves off on its own. If the PR 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 PR Boa.

In order to complete the informal consultation process, we are requesting your concurrence for the NLAA determinations included in this letter. Attached to this letter, we are including the documents used to reach our effect determinations for the listed species. If you have any questions or require any additional information, please contact me at (346) 388-1157 or [susan.fischer@swca.com](mailto:susan.fischer@swca.com).

Sincerely,



Susan Fischer  
Wildlife Ecologist  
SWCA Environmental Consultants

Attachments: Threatened and Endangered Species Technical Memorandum



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Houston, Texas 77040  
Tel 281.617.3217 Fax 713.896.3189  
www.swca.com

## TECHNICAL MEMORANDUM

**To:** Caribbean Ecological Services Field Office  
U.S. Fish and Wildlife Service  
P.O. Box 491  
Boquerón, Puerto Rico 00622

**From:** Susan Fischer, Project Biologist on behalf of the Puerto Rico Department of Housing

**Date:** March 27, 2024

**Re:** **Threatened and Endangered Species Evaluation for the Puerto Rico Department of Housing ReGrow PR-RGRW-01125 Project/ SWCA Project No. 72428**

---

### Project Description

Attabey LLC, the applicant, is proposing to construct a new warehouse on a 8.81-acre property in the Municipio of Las Marias, Puerto Rico (project) (Appendix A, Figure 1). The project is located at 1-99 Bo. Altosano, Carretera 407 KM 3.2 Int., Las Marias, PR 00670, in a rural area. Two optional locations are being evaluated for the warehouse. The estimated dimensions of the warehouse will be approximately 20 feet by 40 feet (800 square feet) at the Warehouse 1 option location and 15 feet by 30 feet (450 square feet) for the Warehouse 2 option location (Appendix A, Figure 2).

### Existing conditions

The existing habitat conditions at the Warehouse 1 option location consist of dense grasses interspersed with shrubs and banana trees (*Musa spp.*). Forested areas lie adjacent to the north and west of the proposed Warehouse 2 option location. There are no wetlands or waterbodies mapped within the property (Appendix A, Figure 3). Construction at the Warehouse 1 option location would require removal of the vegetation within the proposed project area, including one young breadfruit tree (*Artocarpus altilis*). Representative photographs of the proposed locations are provided in Appendix B.

### Federally Protected Species

SWCA obtained a federal threatened and endangered species list from the USFWS (2024) Information for Planning and Consultation ("IPaC") website for a 100-foot buffer around the two warehouse locations (review area) (Appendix C). The IPaC automatically generates a list of species and other resources of concern, such as critical habitat, that are known or expected to be in the specified area and could potentially be directly or indirectly affected. According to the IPaC query for the project, one federally listed endangered species has the potential to occur in the review area; the Puerto Rican boa (*Chilabothrus inornatus*). SWCA also evaluated the review area for potential habitat for bald eagles (*Haliaeetus leucocephalus*) and golden eagles (*Aquila chrysaetos*) as they are protected by the Bald and Golden Eagle Protection Act of 1940 ("BGEPA").

The bald and golden eagle's range do not extend into Puerto Rico (Cornell Lab of Ornithology 2023); therefore, these species were eliminated from further analysis for this project. Table 1 identifies the species carried forward for further evaluation and summarizes each species' habitat requirements, potential for occurrence in the Project area, and determination of effects.

**Table 1. Federally Listed Species Range and/or Habitat Requirements**

Common Name (Scientific Name)	Status*	Range or Habitat Requirements	Potential for Occurrence in Project Area	Determination of Effects/Impacts
<b>Reptiles</b>				
Puerto Rican Boa ( <i>Chilabothrus</i> <i>inornatus</i> )	FE	Considered to be a habitat generalist, the Puerto Rican boa tolerates a wide variety of terrestrial and arboreal habitats, including rocky areas, haystack hill, trees and branches, rotting stumps, caves, plantations, various types of forested areas such as karst and mangrove forests, forested urban and rural areas, and along streams and road edges (USFWS 2011).	<i>May occur.</i> The project area is bounded by forested areas to the north and west, and dense vegetative ground cover is present within and adjacent to the project area.	<i>May affect, but not likely to adversely affect.</i> See discussion below.

\*Status Definitions:  
FE = Federally listed endangered

Due to the generalist nature of the Puerto Rican boa, forested habitat surrounding the project area, and dense ground cover present within and adjacent to the project area, the Puerto Rican boa may occur within the project area. The applicant will employ the conservation measures outlined in the 2023 USFWS General Project Design Guidelines for the Puerto Rican boa (Appendix D), including but not limited to issuing a stop work if a Puerto Rican boa were to occur within the project area, and contacting the Puerto Rico Department of Natural and Environmental Resources for safe capture and relocation of the individual if such action is required. Consequently, it is anticipated that the project *may affect, but is not likely to adversely affect* the Puerto Rican boa. The USFWS Consistency Letter obtained through IPaC is included in Appendix E.

## Critical Habitat and National Wildlife Refuges

Potential effects to habitat(s) within the project area critical to endangered species must be analyzed along with the endangered species themselves, while any activity proposed on National Wildlife Refuge lands must undergo a compatibility determination conducted by the Refuge. No designated critical habitats are present within 100-feet of any of the proposed project location options (Appendix A, Figure 4) (USFWS 2023).



## LITERATURE CITED

- Cornell Lab of Ornithology. 2023. All About Birds. Available at: <https://www.allaboutbirds.org/guide/>. Accessed May 2023.
- U.S. Department of Agriculture (USDA) Forest Service. 2023. Mottled Coqui. Available at: <https://www.fs.usda.gov/detail/elyunque/learning/nature-science/?cid=stelprdb5203254>. Accessed May 2023.
- U. S. Fish and Wildlife Service (USFWS). 2011. *Puerto Rican Boa* (*Epicrates inornatus*) *5-Year Review: Summary and Evaluation*. U.S. Fish and Wildlife Service, Southeast Region. Boquerón, Puerto Rico.
- . 2023. Critical Habitat for Threatened & Endangered Species [USFWS]. Available at: <https://fws.maps.arcgis.com/home/webmap/viewer.html?webmap=9d8de5e265ad4fe09893cf75b8dbfb77>. Accessed May 2023.
- . 2024. Information for Planning and Consultation System (IPaC). Available at: <http://ecos.fws.gov/ipac/>. Accessed March 2024.

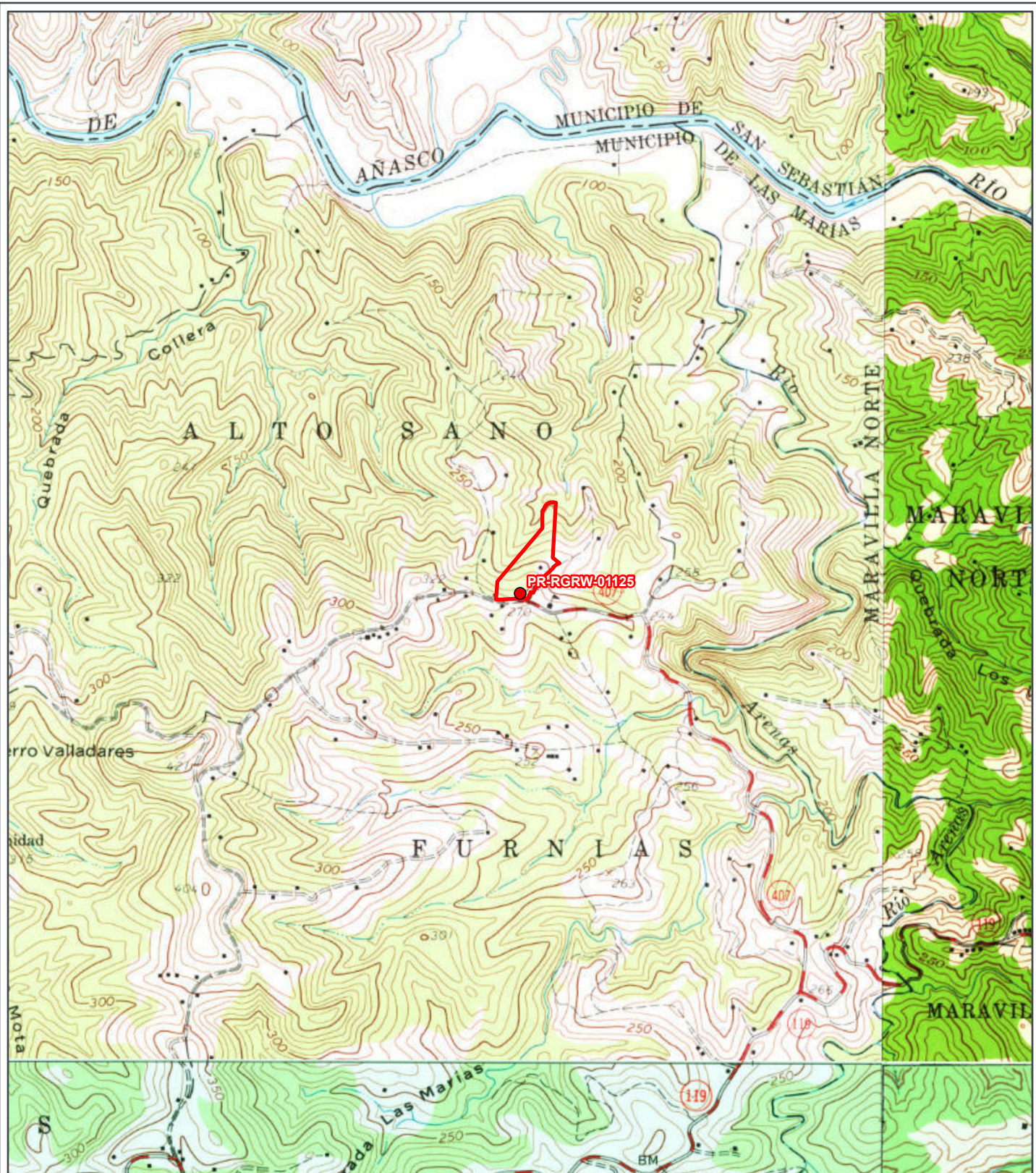
## **APPENDIX A**

### **Maps**

**Figure 1**

**USGS Topographic Map**





## REGROW PROGRAM

## USGS Topographic Map

Applicant ID: PR-RGRW-01125



- Site  
☐ Site Parcel

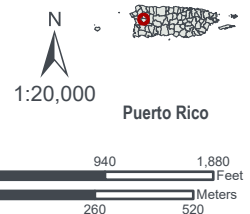
1-99 Bo. Altosano, Carr. 407  
Km 3.2 Int.  
Las Marias, Puerto Rico 00670

Parcel ID: 183-000-005-39-000

Parcel Center:  
67.012196°W 18.263544°N

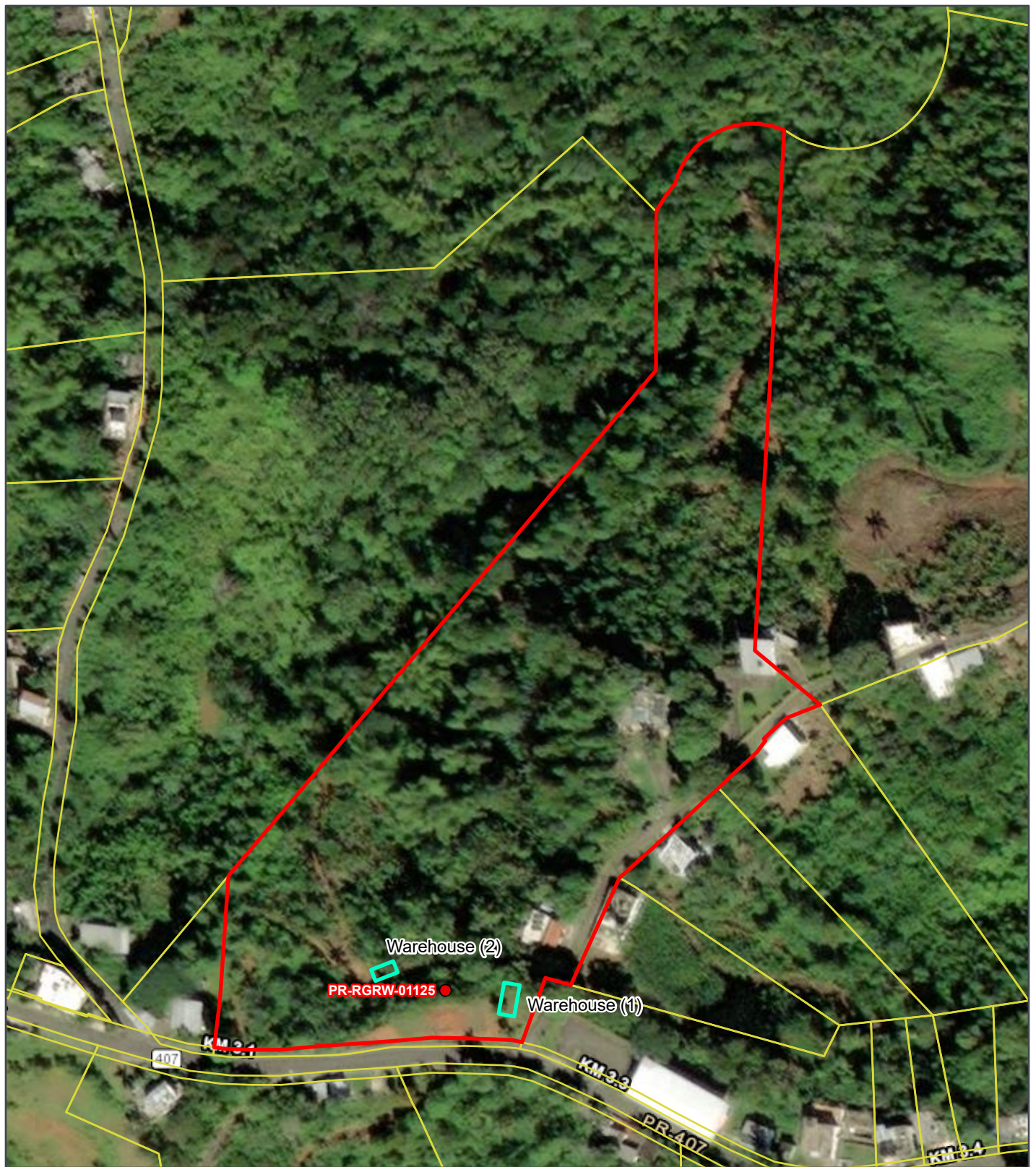
Base Map: ESRI ArcGIS Online,  
accessed May 2023  
Updated: 5/31/2023

Layout: USGS Topographic Map  
Aprx: 72428 ReGrowTier2Maps





**Figure 2**  
**Site Vicinity Map**



REGROW PROGRAM

## Site Vicinity

Applicant ID: PR-RGRW-01125

**SWCA**  
ENVIRONMENTAL CONSULTANTS

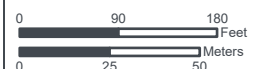
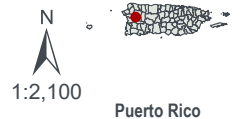
- Site
- ▭ Site Parcel
- ▭ Project Footprint (Option)

1-99 Bo. Altosano, Carr. 407  
Km 3.2 Int.  
Las Marias, Puerto Rico 00670

Parcel ID: 183-000-005-39-000  
Parcel Center:  
67.011939°W 18.264947°N

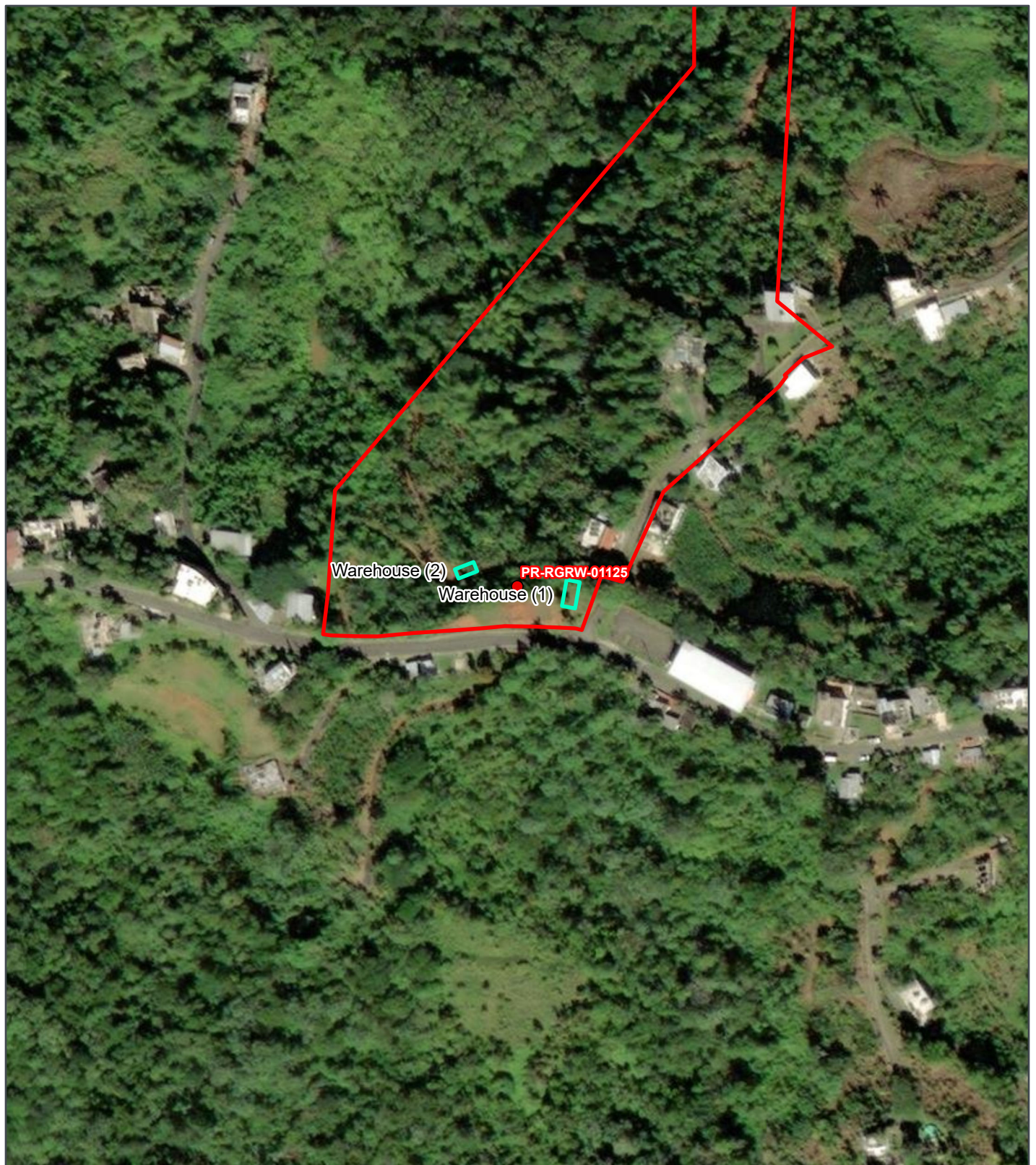
Base Map: ESRI ArcGIS Online,  
accessed June 2023  
Updated: 6/6/2023

Layout: Site Vicinity  
Aprx: 72428\_ReGrowTier2Maps



**Figure 3**  
**Wetlands Map**





REGROW PROGRAM

## Wetlands Protection Map

Applicant ID: PR-RGRW-01125

**SWCA**  
ENVIRONMENTAL CONSULTANTS

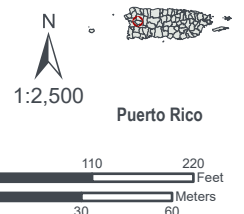
- Site
- Site Parcel
- Project Footprint (Option)
- NHD Stream
- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland

- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Riverine

1-99 Bo. Altosano, Carr. 407  
Km 3.2 Int.  
Las Marias, Puerto Rico 00670

Parcel ID: 183-000-005-39-000  
Parcel Center:  
67.012196°W 18.263544°N

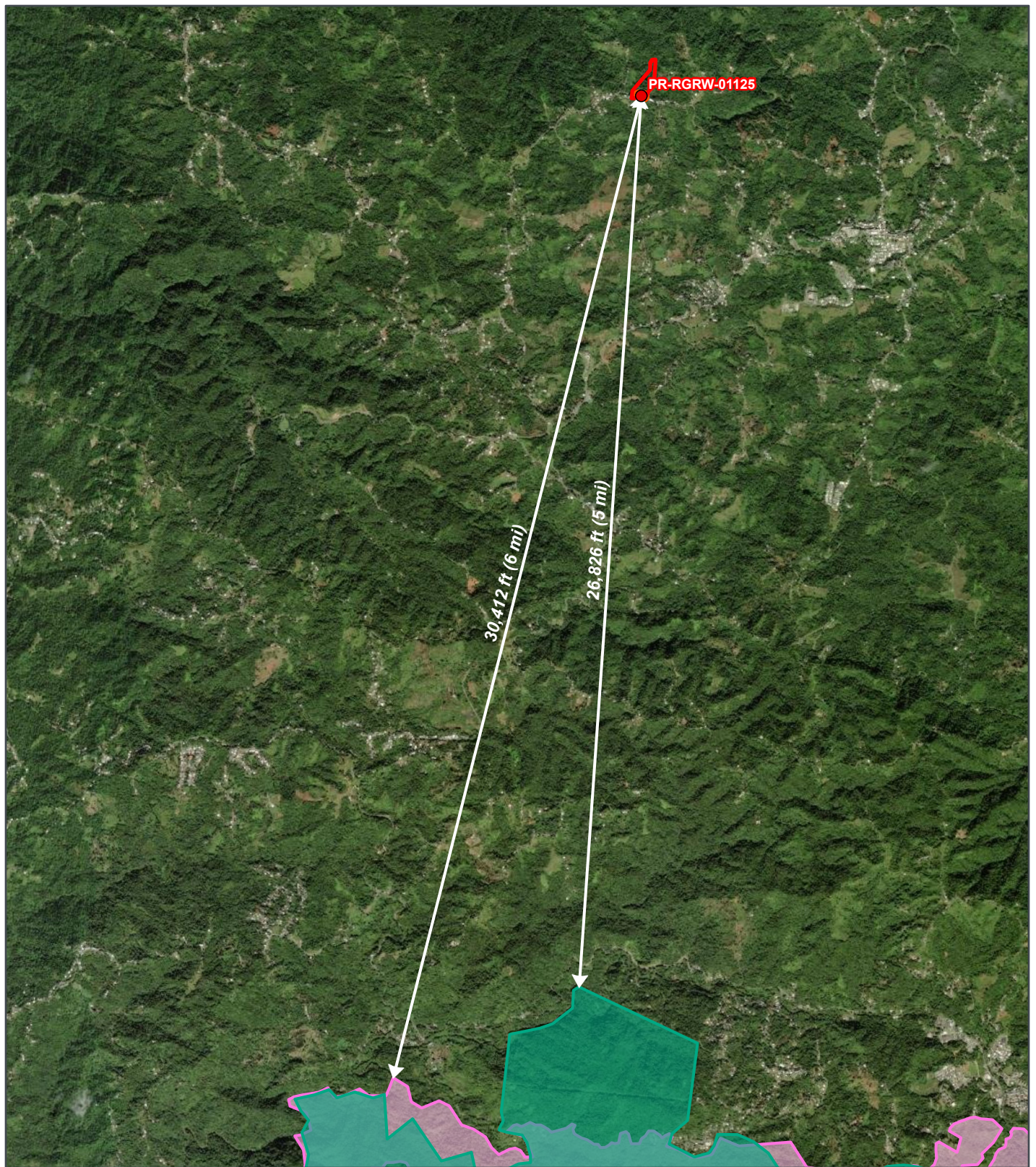
Data Source: <https://apps.nationalmap.gov/downloader/#/>  
<https://www.fws.gov/program/national-wetlands-inventory/data-download>  
Base Map: ESRI ArcGIS Online,  
accessed June 2023  
Updated: 6/6/2023  
Layout: Wetlands Protection





**Figure 4**  
**Critical Habitat Map**





REGROW PROGRAM

## Critical Habitat Map

Applicant ID: PR-RGRW-01125

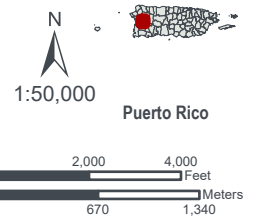


- Site
- Site Parcel
- Buffer (100-ft)
- Critical Habitat - Final
- Critical Habitat - Proposed
- National Wildlife Refuges

1-99 Bo. Altosano, Carr. 407  
Km 3.2 Int.  
Las Marias, Puerto Rico 00670

Parcel ID: 183-000-005-39-000  
Parcel Center:  
67.022798°W 18.222913°N

Data Source: [https://services.arcgis.com/QVENGdaPbd4LUkLV/arcgis/rest/services/USFWS\\_Critical\\_Habitat/Base\\_Map/ESRI/ArcGIS/Online](https://services.arcgis.com/QVENGdaPbd4LUkLV/arcgis/rest/services/USFWS_Critical_Habitat/Base_Map/ESRI/ArcGIS/Online),  
accessed May 2023  
Updated: 5/26/2023  
Layout: Critical Habitat  
Aprx: 72428\_ReGrowTier2Maps





## **APPENDIX B**

### **Photographic Log**

Project #: PR-RGRW-01125	Photographer: Delise Torres Ortiz
Location Address: 1-99 Bo. Altosano, Carretera 407 KM 3.2 Int., Las Marias, PR 00670	Coordinates: 18.264571, -67.011834

<b>Photo #:</b> 01	<b>Date:</b> 05/14/ 2023	
<b>Photo Direction:</b> North		
<b>Description:</b> This picture is an overview of the Warehouse 1 location taken from the center, showing the area's vegetation.		

<b>Photo #:</b> 02	<b>Date:</b> 05/14/ 2023	
<b>Photo Direction:</b> East		
<b>Description:</b> This picture is an overview of the Warehouse 1 location taken from the center, showing the area's vegetation and adjacent basketball court (Cancha Sana de Altosano Las Marías).		



Project #: PR-RGRW-01125	Photographer: Delise Torres Ortiz
Location Address: 1-99 Bo. Altosano, Carretera 407 KM 3.2 Int., Las Marias, PR 00670	Coordinates: 18.264571, -67.011834

<b>Photo #:</b> 03	<b>Date:</b> 05/14/ 2023	
<b>Photo Direction:</b> South		
<b>Description:</b> This picture is an overview of the Warehouse 1 location taken from the center, showing the area's vegetation and the entrance towards Highway 407 and intersection with the by-road.		

<b>Photo #:</b> 04	<b>Date:</b> 05/14/ 2023	
<b>Photo Direction:</b> Northwest		
<b>Description:</b> This picture is an overview of the Warehouse 1 location taken from the center, taken from the southeast corner, showing the area's vegetation and tree proposed for removal.		



Project #: PR-RGRW-01125	Photographer: Delise Torres Ortiz
Location Address: 1-99 Bo. Altosano, Carretera 407 KM 3.2 Int., Las Marias, PR 00670	Coordinates: 18.264571, -67.011834

<b>Photo #:</b> 05	<b>Date:</b> 05/14/ 2023	
<b>Photo Direction:</b> West		
<b>Description:</b> This picture is taken at the northern boundary of the Warehouse 2 location showing the vegetation adjacent to the site.		

<b>Photo #:</b> 06	<b>Date:</b> 05/14/ 2023
<b>Photo Direction:</b> South	
<b>Description:</b> This picture is an overview of the Warehouse 2 location taken from the center, showing the area's vegetation.	

A photograph showing an overview of the Warehouse 2 location. A person stands on a reddish-brown dirt path in the foreground. The background is filled with dense tropical vegetation, including banana trees and palm trees. A corrugated metal sheet is visible on the left.

## **APPENDIX C**

### **USFWS Information for Planning and Consultation**



## United States Department of the Interior



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

In Reply Refer To:  
Project Code: 2023-0089119  
Project Name: PR-RGRW-01125

03/27/2024 20:40:30 UTC

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

To Whom It May Concern:

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

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

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

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



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

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

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

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

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

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

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

This species list is provided by:

Caribbean Ecological Services Field Office

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

Post Office Box 491

Boqueron, PR 00622-0491

(786) 244-0081

Attachment(s):

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

## OFFICIAL SPECIES LIST

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

This species list is provided by:

**Caribbean Ecological Services Field Office**

Post Office Box 491

Boqueron, PR 00622-0491

(939) 320-3135

## PROJECT SUMMARY

Project Code: 2023-0089119

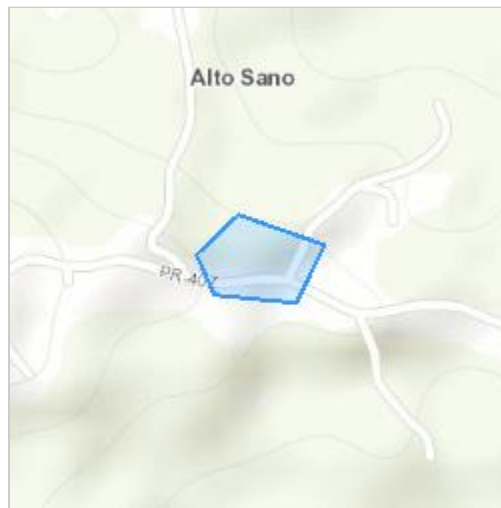
Project Name: PR-RGRW-01125

Project Type: Disaster-related Grants

Project Description: Warehouse construction

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@18.263593999999998,-67.01232990320179,14z>



Counties: Las Marías County, Puerto Rico

## ENDANGERED SPECIES ACT SPECIES

There is a total of 1 threatened, endangered, or candidate species on this species list.

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

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

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

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

## REPTILES

NAME	STATUS
Puerto Rican Boa <i>Chilabothrus inornatus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6628">https://ecos.fws.gov/ecp/species/6628</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/L25CJO2KQ5DAVKWWKY7X6AXGGQ/documents/generated/7159.pdf">https://ipac.ecosphere.fws.gov/project/L25CJO2KQ5DAVKWWKY7X6AXGGQ/documents/generated/7159.pdf</a>	Endangered

## 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 Act<sup>1</sup> and the Migratory Bird Treaty Act<sup>2</sup>.

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

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

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

## MIGRATORY BIRDS

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

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

---

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

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

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

## **LEAD AGENCY CONTACT INFORMATION**

Lead Agency: Department of Housing and Urban Development

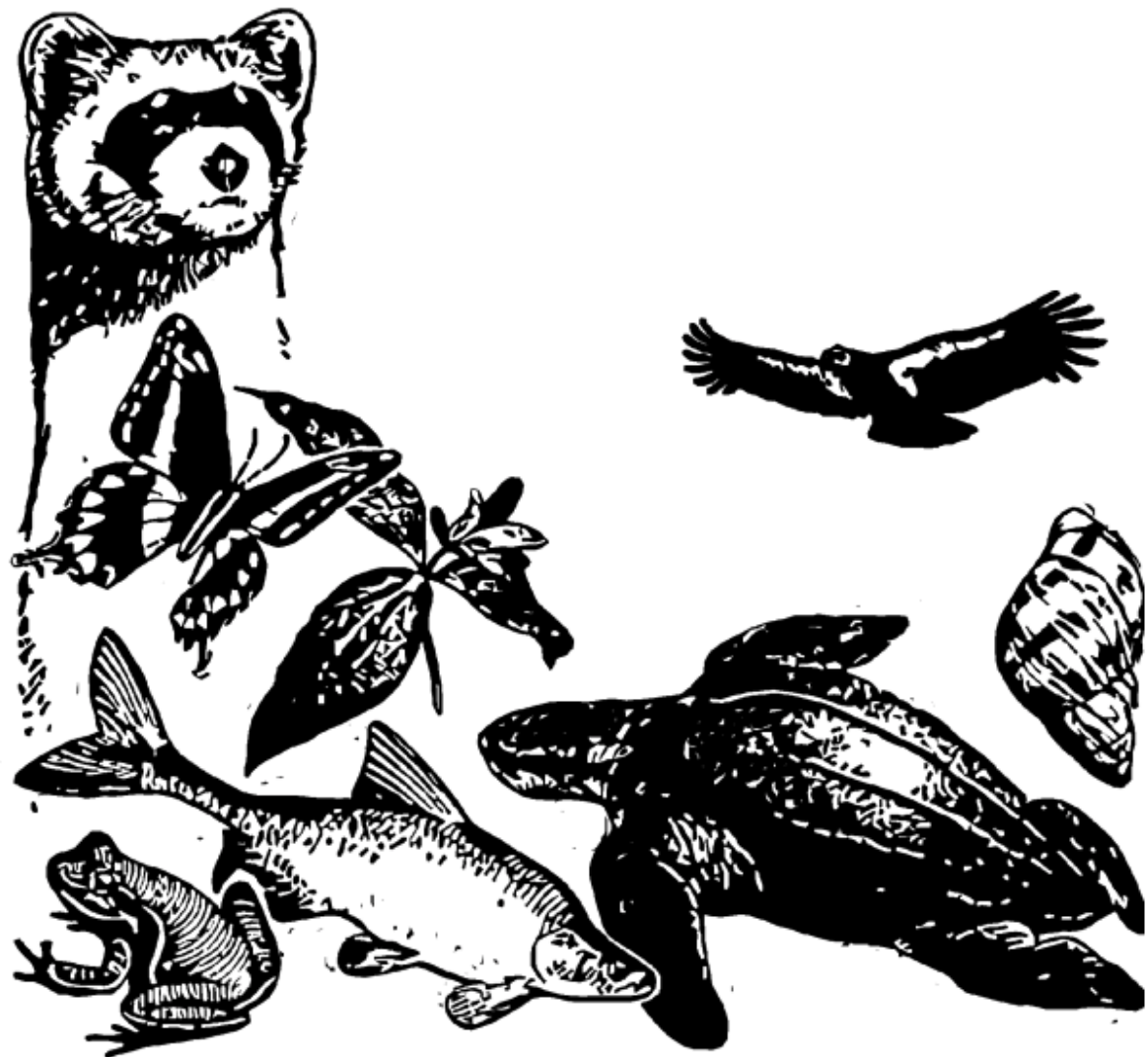
## **APPENDIX D**

### **Project Design Guidelines for the Puerto Rican Boa**



# *General Project Design Guidelines (1 Species)*

Generated June 06, 2023 06:58 PM UTC, IPaC v6.93.0-rc4



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# Species Document Availability

## Species with general design guidelines

Puerto Rican Boa *Chilabothrus inornatus*



## U.S. FISH AND WILDLIFE SERVICE CARIBBEAN ECOLOGICAL SERVICES FIELD OFFICE

### Conservation Measures for the Puerto Rican boa (*Chilabothrus inornatus*)

Section 7 (a)(1) of the Endangered Species Act (ESA) charges Federal agencies to aid in the conservation of listed species, and section 7 (a)(2) requires the agencies, through consultation with the U.S. Fish and Wildlife Service (Service), to ensure their activities are not likely to jeopardize the continued existence of listed species or adversely modify designated critical habitats. Section 7 applies to the management of Federal lands as well as Federal actions that may affect listed species, such as Federal approval of private activities through the issuance of Federal funding, permits, licenses, or other actions. Any person that injures, captures, or kills a Puerto Rico boa is subject to penalties under the ESA. If Federal funds or permits are needed, the funding or permitting agency should initiate Section 7 consultation with the Service. To initiate a consultation under the Section 7 of the ESA, you must submit a project package with the established minimum requirements. These conservation measures should be incorporated into the project plans to minimize possible impacts to the species.

The endangered Puerto Rican (PR) boa (*Chilabothrus inornatus*, formerly *Epicrates inornatus*) is the largest endemic snake species that inhabits Puerto Rico. The PR boa is non-venomous and does not pose any life threatening danger to humans, but some individuals may try to bite if disturbed or during capture or handling. Its body color ranges from tan to dark brown with irregular diffuse marking on the dorsum, but some individuals lack marking and are uniformly dark. Juveniles may have a reddish color with more pronounced markings. In general, as they mature, their body color tends to darken.



The Puerto Rican boa was federally listed in 1970. Currently, the species has an island-wide distribution and occurs in a wide variety of habitat types ranging from wet montane to subtropical dry forest, and can be found from mature forest to areas with different degrees of human disturbance like roadsides or houses, especially if near their habitat in rural areas. This boa is considered mostly nocturnal, remaining less active, concealed or basking under the sun during the day.

The Service has developed the following conservation measures with the purpose of assisting others to avoid or minimize adverse effects to the PR boa and its habitat. These recommendations may be incorporated into new project plans and under certain circumstances into existing projects. Depending on the project, additional conservation measures can be implemented besides the ones presented in this document.

#### Conservation Measures:

1. Inform all project personnel about the potential presence of the PR boa in areas where the proposed work will be conducted. A pre-construction meeting should be conducted to inform all project personnel about the need to avoid harming the species as well as penalties for harassing or harming PR boas. An educational poster or sign with photo or illustration of the species should be displayed at the project site.
2. Prior to any construction activity, including removal of vegetation and earth movements, the boundaries of the project and areas to be excluded and protected should be clearly marked in the project plan and in the field in order to avoid further habitat degradation into forested and conservation areas.
3. Once areas are clearly marked, and prior to the use of heavy machinery and any construction activity (including removal of vegetation and earth movement), a biologist or personnel with experience on this species should survey the areas to be cleared to verify the presence of any PR boa within the work area.
4. The PR boa is considered more active at night. Thus, in order to maximize its detection, the species should be searched at nights prior to habitat disturbance.
5. Once the area has been searched for PR boas, vegetation should first be cleared by hand to the maximum extent possible. Vegetation should be cut about one meter above ground prior to the use of heavy machinery for land clearing. Cutting vegetation by hand will allow boas present on site to move away on their own to adjacent available habitat. Any stone walls or naturally occurring rock piles must be carefully dismantled by hand as these are refuges for the snake. This will allow any boas present to vacate the site without injury.
6. For all boa sightings (dead or alive), record the time and date of the sighting and the specific location where it was found. PR boa data should also include a photo of the animal (dead or alive), site GPS coordinates, the time and date, and comments on how the animal was detected and its behavior.

7. If a PR boa is found within any of the working or construction areas, activities should stop at that area and information recorded (see #6). **Do not capture the boa.** If boas need to be moved out of harm's way, designated personnel shall immediately contact the Puerto Rico Department of Natural and Environmental Resources (PRDNER) Rangers for safe capture and relocation of the animal (PRDNER phone #: ((787) 724-5700, (787) 230-5550, (787) 771-1124). If immediate relocation is not an option, project-related activities at this area must stop until the boa moves out of harm's way on its own. Activities at other work sites, where no boas have been found after surveying the area, may continue.
8. If a PR boa is captured by the PRDNER, record the name of the PRDNER staff and information on where the PR boa will be taken. This information should be reported to the Service.
9. Measures should be taken to avoid and minimize PR boa casualties by heavy machinery or motor vehicles being used on site. Any heavy machinery left on site (staging) or near potential PR boa habitat (within 50 meters of potential boa habitat), needs to be thoroughly inspected each morning before work starts to ensure that no boas have sheltered within engine compartments or other areas of the equipment. If PR boas are found within vehicles or equipment, do not capture the animal and let it move on its own or call PRDNER Rangers for safe capture and relocation of the animal (see #7). If not possible, the animal should be left alone until it leaves the vehicle on its own.
10. PR boas may seek shelter in debris piles. Measures should be taken to avoid and minimize boa casualties associated with sheltering in debris piles as a result of project activities. Debris piles should be placed far away from forested areas. Prior to moving, disposing or shredding, debris piles should be carefully inspected for the presence of boas. If debris piles will be left on site, we recommend they be placed in areas that will not be disturbed in the future.
11. If a dead PR boa is found, immediately cease all work in that area and record the information accordingly (see #6). If the PR boa was accidentally killed as part of the project actions, please include information on what conservation measures had been implemented and what actions that will be taken to avoid further killings. A dead boa report should be sent by email (see contacts below) to the Service within 48 hours of the event.
12. Projects must comply with all state laws and regulations. Please contact the PRDNER for further guidance.

If you have any questions regarding the above conservation measures, please contact the Service:

- Marelisa Rivera, Deputy Field Supervisor
  - Email: [maRELISA\\_rivera@fws.gov](mailto:maRELISA_rivera@fws.gov)
  - Office phone (786) 244-0081 or mobile (305) 304-1814
- José Cruz-Burgos, Endangered Species Coordinator
  - Email: [jose\\_cruz-burgos@fws.gov](mailto:jose_cruz-burgos@fws.gov)
  - Office phone (786) 244-0081 or mobile (305) 304-1386

## **APPENDIX E**

### **USFWS Consistency Letter**



## 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](mailto:CARIBBEAN_ES@FWS.GOV)



In Reply Refer To:  
Project code: 2023-0089119  
Project Name: PR-RGRW-01125

June 02, 2023

Subject: Consistency letter for the project named 'PR-RGRW-01125' 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 June 02, 2023, Susan Fischer used the Caribbean DKey; dated February 08, 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-01125'. The project is located in Las Marías County, Puerto Rico (shown below).

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@18.263366050000002,-67.01232808348564,14z>



The following description was provided for the project 'PR-RGRW-01125':



### Warehouse construction

Based on your answers and the assistance of the Service's Caribbean DKey, you made the following effect determination(s) for the proposed Action:

Species	Listing Status	Determination
Puerto Rican Boa ( <i>Chilabothrus inornatus</i> )	Endangered	NLAA

**Consultation with the Service is not complete.** The above effect determination(s) becomes applicable when the lead federal action agency or designated non-federal representative submits them as a request to the Service to rely on the Caribbean DKey in order to satisfy the agency's consultation requirements for this project.

Please provide this consistency letter to the lead federal action agency or its designated non-federal representative with a request for its review, and as the agency deems appropriate, to submit for concurrence verification through the IPaC system. The lead federal action agency or designated non-federal representative should log into IPaC using their agency email account and click "Search by record locator." They will need to enter the record locator **870-127256498**

**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.

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.

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**Action Description**

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

**1. Name**

PR-RGRW-01125

**2. Description**

The following description was provided for the project 'PR-RGRW-01125':

Warehouse construction

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@18.263366050000002,-67.01232808348564,14z>



## 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, etc.)

*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")?

*No*

10. Is the proposed project adjacent or within a forested area?

**Note:** Examples of immediately adjacent to forested areas are rock walls and haystack hills ("mogotes"), wet montane forest, lowland wet forest, remnant coastal, mangrove forest, damp and dry limestone karst forests, pastureland with patches of exotic trees.

*Yes*

11. Is the project area more than 1 acre?

*No*

---

12. Is the proposed project an existing facility or the expansion of an existing facility within the footprint of the already developed area?

No

13. Is the proposed project a new facility which would require earth moving, vegetation clearing, or debris removal using heavy machinery, the use of staging areas, construction of temporary access roads?

Yes

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

**Automatically answered**

Yes

15. Will the proposed project implement the U.S. Fish and Wildlife [Puerto Rican boa Conservation Measures](#)?

Yes

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**IPAC USER CONTACT INFORMATION**

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

**LEAD AGENCY CONTACT INFORMATION**

Lead Agency: Department of Housing and Urban Development

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## 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/72083-Gen

Via Electronic Mail ([susan.fischer@swca.com](mailto:susan.fischer@swca.com))

Susan Fischer  
Wildlife Ecologist  
SWCA Environmental Consultants  
10245 West Little York Rd., Ste. 600  
Houston, Texas 77040

Re: CDBG-DR RGRW-01125/SWCA-72428  
Las Marías, Puerto Rico

Dear Ms. Fischer:

Thank you for your letter dated June 06, 2023, and received by email on June 14, 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.).

SWCA Environmental Consultants (SWCA), on behalf of the Puerto Rico Department of Housing (applicant) is proposing the construction of two new warehouses for the storage of fertilizer, farm equipment, and water tanks. The proposed project location will be at PR-407 Int. KM 3.2 Int., Bo. Altosano (18°15'48.8"N 67°00'43.9"W) in the municipality of Las Marías, 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*).

Based on the nature of the project, scope of work, information available, and a careful analysis of the existing habitat, SWCA has determined that the proposed project may affect, but is not likely to adversely affect the Puerto Rican boa and will be implementing Puerto Rican boa conservation measures prior to and during the construction to avoid or minimize impacts to the specie.

With regards to the PR boa, in 2022, the Service developed a Programmatic Biological Opinion (PBO) for the Puerto Rican boa and the Virgin Islands tree boa addressing the take of both species in the form of capture and relocation while conducting activities (see enclosure). The



Puerto Rican boa may be present throughout the proposed action site, and capture and relocation may be needed to remove boas from harm's way during the project activities. Capturing and relocating boas out of harm's way during project activities constitute "take" under the ESA, however if the terms and conditions of the PBO are followed, then you are covered under the provisions of the PBO.

If a PR boa is found, please inform the USFWS point of contact José Cruz Burgos, Endangered Species Coordinator, via email at [jose\\_cruz-burgos@fws.gov](mailto:jose_cruz-burgos@fws.gov) or by phone at (786) 244-0081 or (305) 304-1386 and follow the provisions of the PBO.

We have reviewed the information provided in your letter and our files, and we believe that the action is likely to adversely affect the species. This determination is in accordance with the above-mentioned PBO.

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.

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](mailto:caribbean_es@fws.gov) or by phone at (786) 244-0081.

Sincerely yours,

EDWIN MUNIZ

Digitally signed by EDWIN  
MUNIZ  
Date: 2023.06.28 08:28:00  
-04'00'

Edwin E. Muñiz  
Field Supervisor

dr

Enclosure:

20220623\_Biological Opinion for recurrent development, infrastructure, and maintenance projects under the jurisdiction of the Federal Emergency Management Agency (FEMA), Federal Transportation Authority (FTA), Federal Highway Administration (FHA), U.S. Department of Housing and Urban Development (HUDS), USDA Rural Development (RD), U.S. Army Corps of Engineers (USACE), Environmental Protection Agency (EPA), and/or USDA Natural Resources Conservation (NRCS) in Puerto Rico and the U.S. Virgin Islands FWS Log #: MM173

cc:

P.R. Department of Housing



DEPARTMENT OF

# HOUSING

GOVERNMENT OF PUERTO RICO



## Memorandum to File

**Date:** 3/27/2025

**From:** Justin Neely  
Environmental Manager  
CDBG-DR Program  
Regrow Puerto Rico Program  
Puerto Rico Department of Housing

**Application Number:** PR-RGRW-01125-W-RE

**Project:** Attabey LLC

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

After reviewing Application Number PR-RGRW-01125-W-RE under the Regrow Puerto Rico Program, administered by the Puerto Rico Department of Housing (**PRDOH**), to complete the property's contamination analysis in accordance with 24 C.F.R. § 50.3(i) and 24 C.F.R. § 58.5(i), we have determined that testing the property's radon levels is infeasible and impracticable.

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

- As required by the CPD Notice 23-103, the scientific data reviewed in lieu of testing must consist of a minimum of ten documented test results over the previous ten years. If there are less than ten documented results over this



period, it is understood that there is a lack of scientific data. The latest report for radon testing in Puerto Rico was prepared in 1995 by the U.S. Department of the Interior in Cooperation with the U.S. Environmental Protection Agency. No other completed studies and reports on radon testing are available in Puerto Rico.

- There is no available science-based or state-generated information for Puerto Rico for the last ten years that can be used to determine whether the project site is in a high-risk area. The Department of Health and Human Services, Centers for Disease Control and Prevention (**CDC**), National Environmental Public Health Tracking, and Radon Testing map do not include Puerto Rico data.
- There are only two (2) licensed professionals in Puerto Rico who can conduct radon testing using the American National Standards Institute/American Association of Radon Scientists and Technologists (**ANSI/AARST**) testing standards, which makes it difficult, time-consuming, and highly expensive to coordinate and secure a site visit for the contamination evaluation.
- Do-it-yourself (**DIY**) radon test kits are known to be unreliable in assuring and controlling the quality of the test results; they are not readily available in Puerto Rico, and the cost and time required for purchasing and sending them for analysis are unreasonable when weighed against the results' reliability and the need for prompt results.
- Local authorities in Puerto Rico do not have the specialized radon monitoring equipment or trained staff needed to conduct the radon testing analysis and ensure proper quality control and quality assurance practices are adhered to. We also do not have a radiation laboratory certified for radon testing.

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

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

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

**ENVIRONMENTAL FIELD ASSESSMENT FORM**  
**ReGrow**

Applicant Name: Attabey LLC	Program ID: PR-RGRW-01125
Project Coordinates: 18.264571, -67.011834	Parcel ID: 183-000-005-39-000
Parcel Address: 1-99 Bo. Altosano, Carretera 407 KM 3.2 Int.	Municipio: Las Marias
Zip Code: 00670	

Inspector Name: Delise Torres Ortiz	Inspection Date: May 14 <sup>th</sup> , 2023
-------------------------------------	--

**General Site Conditions**

Was property accessible by vehicle?	Yes	Comment: The property is at Highway 407 intersected with a by-road.
Access issues?	Yes	Comment: Locked gate
Are water wells present?	No	Comment:
Are creeks or ponds present?	No	Comment:
Are any potential wetlands on-site or visible on adjacent parcel?	No	Comment:

**Parcel Conditions****Note – for Any Yes answers specify type, contents and location**

Do any of the proposed project work areas show evidence of site preparation?	Yes	Comment: Close to Option 2, an unpaved road was considered a heavy-use area, and the applicant built a thick layer of cement around three years ago when he acquired the farm. NRCS (Natural Resource Conservation Service) reimbursed a portion of the investment.
Are commercial or industrial hazardous facilities at parcel or within visual sight?	Yes	Comment: There is a restaurant close to Option 1, built years ago more than 30 years ago; the applicant mentioned old bottles that he couldn't identify was on his property. His property was used as a landfill for the restaurant.
Are there signs of underground storage tanks?	No	Comment:
Are above-ground tanks >10 gallons present? If Yes, also state condition.	Yes	Comment: Close to Option 1, there is a concrete water tank eighty years old that is expected to be removed because it's no longer in use, is too close to the ridge, and some landslides are already occurring.



**ENVIRONMENTAL FIELD ASSESSMENT FORM**  
**ReGrow**

Are 55-gallon drums present? If Yes, also state condition.	No	Comment:
Are abandoned vehicles or electrical equipment present?	No	Comment:
Is other potential environmentally hazardous debris on the parcel?	No	Comment:
Is there non-environmentally hazardous debris on the parcel?	No	Comment:
Are any leaks, soil stains, or stressed vegetation present associated with any of the above or separately?	No	Comment:
Are there any pungent, foul or noxious odors?	No	Comment:
Are there any potentially hazardous trees that could fall?	Yes	Comment: There is a rotten fall tree and a young breadfruit tree (árbol de pana); both are expected to be removed.
Are any bird nests visible?	No	Comment:
Are there any animal burrows visible?	No	Comment:
Are there any buildings in direct visual sight of the project locations?	Yes	Comment: A basketball court (Cancha Sana de Altosano Las Marías) with a community center (around 2010s) and two residences (before three years ago, when applicant acquired the property) are in direct or partial visual sight of the site location.



# ENVIRONMENTAL FIELD ASSESSMENT FORM

## ReGrow

### Additional Needs Analysis

Based on the above findings, does additional information need to be obtained from the applicant to determine whether an environmental hazard is present?	No	Comment:
--	----	----------

☒ I verify that I have physically visited this property and that the findings outlined above are accurate.

*Delise Torres-Ortiz*

{Delise Torres-Ortiz}

{May 14<sup>th</sup>, 2023}



Project #: PR-RGRW-01125	Photographer: Delise Torres Ortiz
Location Address: 1-99 Bo. Altosano, Carretera 407 KM 3.2 Int., Las Marias, PR 00670	Coordinates: 18.264571, -67.011834

<b>Photo #:</b> 01	<b>Date:</b> 05/14/ 2023	
<b>Photo Direction:</b> Northeast		
<b>Description:</b> This picture is an overview of the site location Option 1 for a warehouse 20x40ft taken from the area's entrance at the side of Highway 407, showing the area's vegetation.		

<b>Photo #:</b> 02	<b>Date:</b> 05/14/ 2023	
<b>Photo Direction:</b> North		
<b>Description:</b> This picture is an overview of the site location Option 1 for a warehouse 20x40ft taken from the area's entrance at the side of Highway 407, showing the area's vegetation (breadfruit tree).		



Project #: PR-RGRW-01125	Photographer: Delise Torres Ortiz
Location Address: 1-99 Bo. Altosano, Carretera 407 KM 3.2 Int., Las Marias, PR 00670	Coordinates: 18.264571, -67.011834

<b>Photo #:</b> 03	<b>Date:</b> 05/14/ 2023	
<b>Photo Direction:</b> Southwest		
<b>Description:</b> This picture is an overview of the site location Option 1 for a warehouse 20x40ft taken from the northeast corner, showing the area's vegetation and a partial view of an old restaurant.		

<b>Photo #:</b> 04	<b>Date:</b> 05/14/ 2023	
<b>Photo Direction:</b> Northwest		
<b>Description:</b> This picture is an overview of the site location Option 1 for a warehouse 20x40ft taken from the southeast corner, showing the area's vegetation.		



Project #: PR-RGRW-01125	Photographer: Delise Torres Ortiz
Location Address: 1-99 Bo. Altosano, Carretera 407 KM 3.2 Int., Las Marias, PR 00670	Coordinates: 18.264571, -67.011834

<b>Photo #:</b> 05	<b>Date:</b> 05/14/ 2023	
<b>Photo Direction:</b> Northeast		
<b>Description:</b> This picture is an overview of the site location Option 1 for a warehouse 20x40ft taken from the southwest corner, showing the area's vegetation and a partial view of the basketball court (Cancha Sana de Altosano Las Marías).		

<b>Photo #:</b> 06	<b>Date:</b> 05/14/ 2023	
<b>Photo Direction:</b> Southeast		
<b>Description:</b> This picture is an overview of the site location Option 1 for a warehouse 20x40ft taken from the northwest corner, showing the area's vegetation, the applicant, and a partial view of the entrance towards Highway 407.		



Project #: PR-RGRW-01125	Photographer: Delise Torres Ortiz
Location Address: 1-99 Bo. Altosano, Carretera 407 KM 3.2 Int., Las Marias, PR 00670	Coordinates: 18.264571, -67.011834

<b>Photo #:</b> 07	<b>Date:</b> 05/14/ 2023	
<b>Photo Direction:</b> North		
<b>Description:</b> This picture is an overview of the site location Option 1 for a warehouse 20x40ft taken from the center, showing the area's vegetation.		

<b>Photo #:</b> 08	<b>Date:</b> 05/14/ 2023	
<b>Photo Direction:</b> East		
<b>Description:</b> This picture is an overview of the site location Option 1 for a warehouse 20x40ft taken from the center, showing the area's vegetation and the basketball court (Cancha Sana de Altosano Las Marías).		



Project #: PR-RGRW-01125	Photographer: Delise Torres Ortiz
Location Address: 1-99 Bo. Altosano, Carretera 407 KM 3.2 Int., Las Marias, PR 00670	Coordinates: 18.264571, -67.011834

<b>Photo #:</b> 09	<b>Date:</b> 05/14/ 2023
<b>Photo Direction:</b> South	
<b>Description:</b> This picture is an overview of the site location Option 1 for a warehouse 20x40ft taken from the center, showing the area's vegetation and the entrance towards Highway 407, and the intersection with the by-road.	

A photograph showing a grassy field with a fence and trees in the background, taken from the center of the site. The foreground is filled with tall, green grass. In the middle ground, there is a chain-link fence with a small white sign. Behind the fence, there are several trees, including a large one with broad, green leaves on the right. A utility pole with wires is visible in the background. The sky is overcast.

<b>Photo #:</b> 10	<b>Date:</b> 05/14/ 2023
<b>Photo Direction:</b> West	
<b>Description:</b> This picture is an overview of the site location Option 1 for a warehouse 20x40ft taken from the center, showing the area's vegetation, the applicant, and a partial view of an old restaurant built more than 30 years ago.	

A photograph showing a grassy hillside. In the foreground, there are tall green grasses. A man wearing a light blue and white striped shirt and dark pants stands on the left side of the hill, facing the camera. The hillside is covered in dense green vegetation. In the background, there are several trees, including palm trees, and a utility pole with power lines. A small building with a red roof is visible in the distance. The sky is blue with some clouds.




Project #: PR-RGRW-01125	Photographer: Delise Torres Ortiz
Location Address: 1-99 Bo. Altosano, Carretera 407 KM 3.2 Int., Las Marias, PR 00670	Coordinates: 18.264571, -67.011834

<b>Photo #:</b> 11	<b>Date:</b> 05/14/ 2023	
<b>Photo Direction:</b> West		
<b>Description:</b> This picture overlooks the site location Option 2 for a warehouse 15x30ft taken from the access road inside the property, showing the NRCS heavy use area thick cement and the area's vegetation.		

<b>Photo #:</b> 12	<b>Date:</b> 05/14/ 2023	
<b>Photo Direction:</b> East		
<b>Description:</b> This picture overlooks the site location Option 2 for a warehouse 15x30ft taken from the NRCS heavy use area thick cement (partial view), the access road inside the property, and the area's vegetation.		



Project #: PR-RGRW-01125	Photographer: Delise Torres Ortiz
Location Address: 1-99 Bo. Altosano, Carretera 407 KM 3.2 Int., Las Marias, PR 00670	Coordinates: 18.264571, -67.011834

<b>Photo #:</b> 13	<b>Date:</b> 05/14/ 2023	
<b>Photo Direction:</b> South		
<b>Description:</b> This picture overlooks the site location Option 2 for a warehouse 15x30ft taken from the north corner showing the area's vegetation, a partial view of the access road, and a partial view of the NRCS heavy-use area thick cement.		

<b>Photo #:</b> 14	<b>Date:</b> 05/14/ 2023	
<b>Photo Direction:</b> West		
<b>Description:</b> This picture overlooks the site location Option 2 for a warehouse 15x30ft taken from the east corner showing the area's vegetation, the applicant, and a partial view of the heavy-use area thick cement from NRCS.		



Project #: PR-RGRW-01125	Photographer: Delise Torres Ortiz
Location Address: 1-99 Bo. Altosano, Carretera 407 KM 3.2 Int., Las Marias, PR 00670	Coordinates: 18.264571, -67.011834

<b>Photo #:</b> 15	<b>Date:</b> 05/14/ 2023	
<b>Photo Direction:</b> North		
<b>Description:</b> This picture overlooks the site location Option 2 for a warehouse 15x30ft taken from the south corner showing the area's vegetation.		

<b>Photo #:</b> 16	<b>Date:</b> 05/14/ 2023
<b>Photo Direction:</b> East	
<b>Description:</b> This picture overlooks the site location Option 2 for a warehouse 15x30ft taken from the west corner showing the area's vegetation and a partial view of the dirt access road inside the property.	

A photograph showing a dirt access road on the right, bordered by tall green grass and banana plants. The ground is reddish-brown soil with some sparse vegetation. The background is filled with dense green foliage, including banana leaves and various trees. The scene is captured from a slightly elevated position, looking down the dirt road.



Project #: PR-RGRW-01125	Photographer: Delise Torres Ortiz
Location Address: 1-99 Bo. Altosano, Carretera 407 KM 3.2 Int., Las Marias, PR 00670	Coordinates: 18.264571, -67.011834

<b>Photo #:</b> 17	<b>Date:</b> 05/14/ 2023	
<b>Photo Direction:</b> North		
<b>Description:</b> This picture overlooks the site location Option 2 for a warehouse 15x30ft taken from the center showing the area's vegetation.		

<b>Photo #:</b> 18	<b>Date:</b> 05/14/ 2023
<b>Photo Direction:</b> East	
<b>Description:</b> This picture overlooks the site location Option 2 for a warehouse 15x30ft taken from the center showing the area's vegetation and the dirt access road.	

A photograph showing a dirt access road winding through a field of banana plants and tall grass. The road is reddish-brown and leads into the distance, flanked by dense vegetation. The banana plants have large, green, elongated leaves. The grass is tall and green. The sky is overcast and grey. The road is on the right side of the image, leading away from the viewer into the background. The vegetation is dense and lush. The overall scene is a rural or agricultural setting.



Project #: PR-RGRW-01125	Photographer: Delise Torres Ortiz
Location Address: 1-99 Bo. Altosano, Carretera 407 KM 3.2 Int., Las Marias, PR 00670	Coordinates: 18.264571, -67.011834

<b>Photo #:</b> 19	<b>Date:</b> 05/14/ 2023	
<b>Photo Direction:</b> West		
<b>Description:</b> This picture overlooks the site location Option 2 for a warehouse 15x30ft taken from the center showing the area's vegetation (wall).		

<b>Photo #:</b> 20	<b>Date:</b> 05/14/ 2023	
<b>Photo Direction:</b> South		
<b>Description:</b> This picture overlooks the site location Option 2 for a warehouse 15x30ft taken from the center showing the area's vegetation, the applicant, the heavy-use area thick cement from NRCS, and one of the dirt access roads.		



Project #: PR-RGRW-01125	Photographer: Delise Torres Ortiz
Location Address: 1-99 Bo. Altosano, Carretera 407 KM 3.2 Int., Las Marias, PR 00670	Coordinates: 18.264571, -67.011834

<b>Photo #:</b> 21	<b>Date:</b> 05/14/ 2023	
<b>Photo Direction:</b> Northeast		
<b>Description:</b> This picture overlooks the water source that will be used for both warehouses, which will come from the main house (leased as an Airbnb place) 200 m approx. The applicant will use potable water from the aqueduct.		

<b>Photo #:</b> 22	<b>Date:</b> 05/14/ 2023	
<b>Photo Direction:</b> Northeast		
<b>Description:</b> This picture presents the water tanks or cistern, eighty years old, located on the northern part of Option 1, which will be removed due to a possible landslide to the north side and the lack of use.		



Project #: PR-RGRW-01125	Photographer: Delise Torres Ortiz
Location Address: 1-99 Bo. Altosano, Carretera 407 KM 3.2 Int., Las Marias, PR 00670	Coordinates: 18.264571, -67.011834

<b>Photo #:</b> 23	<b>Date:</b> 05/14/ 2023	
<b>Photo Direction:</b> Northwest		
<b>Description:</b> This picture presents another perspective of the water tanks or cistern, eighty years old, located on the northern part of Option 1, which will be removed due to a possible landslide to the north side and the lack of use.		

<b>Photo #:</b> 24	<b>Date:</b> 05/14/ 2023
<b>Photo Direction:</b> Northwest	
<b>Description:</b> This is a neighbor's residence which is located at the side of Option 1; due to the elevation of this option is possible they will not have a direct view of the warehouse.	





Project #: PR-RGRW-01125	Photographer: Delise Torres Ortiz
Location Address: 1-99 Bo. Altosano, Carretera 407 KM 3.2 Int., Las Marias, PR 00670	Coordinates: 18.264571, -67.011834

<b>Photo #:</b> 25	<b>Date:</b> 05/14/ 2023	
<b>Photo Direction:</b> Northeast		
<b>Description:</b> This picture overlooks the neighbor's residence located close to Option 1; due to the elevation of this option, it is possible they will not have a direct view of the warehouse.		

<b>Photo #:</b> 26	<b>Date:</b> 05/14/ 2023	
<b>Photo Direction:</b> Southeast		
<b>Description:</b> This picture is another perspective of a neighbor's residence which is located close to Option 1; due to the elevation of this option is possible they will not have a direct view of the warehouse.		



Project #: PR-RGRW-01125	Photographer: Delise Torres Ortiz
Location Address: 1-99 Bo. Altosano, Carretera 407 KM 3.2 Int., Las Marias, PR 00670	Coordinates: 18.264571, -67.011834

<b>Photo #:</b> 27	<b>Date:</b> 05/14/ 2023	
<b>Photo Direction:</b> Northeast		
<b>Description:</b> This picture overviews a structure inside the property that was segregated from the rest of the applicant's property, even though it is not reflected in the web map. This residence belongs to the previous owner.		

<b>Photo #:</b> 28	<b>Date:</b> 05/14/ 2023	
<b>Photo Direction:</b> North		
<b>Description:</b> This picture overviews the structure inside the property that the applicant leases as an Airbnb and is the primary water source for the warehouses.		



Project #: PR-RGRW-01125	Photographer: Delise Torres Ortiz
Location Address: 1-99 Bo. Altosano, Carretera 407 KM 3.2 Int., Las Marias, PR 00670	Coordinates: 18.264571, -67.011834

<b>Photo #:</b> 29	<b>Date:</b> 05/14/ 2023	
<b>Photo Direction:</b> Northeast		
<b>Description:</b> This picture is a closer look at the structure inside the property that the applicant leases as an Airbnb and is the primary water source for the warehouses.		

<b>Photo #:</b> 30	<b>Date:</b> 05/14/ 2023	
<b>Photo Direction:</b> Northwest		
<b>Description:</b> This picture presents the old warehouse; the project proposed will replace it. It is made of wood, zinc, and concrete without a floor or platform.		

Project #: PR-RGRW-01125	Photographer: Delise Torres Ortiz
Location Address: 1-99 Bo. Altosano, Carretera 407 KM 3.2 Int., Las Marias, PR 00670	Coordinates: 18.264571, -67.011834

<b>Photo #:</b> 31	<b>Date:</b> 05/14/ 2023	
<b>Photo Direction:</b> West		
<b>Description:</b> This picture presents a closer look at the old warehouse inside; the project proposed will replace it. It is made of wood, zinc, and concrete without a floor or platform.		





## GOVERNMENT OF PUERTO RICO

### STATE HISTORIC PRESERVATION OFFICE

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

August 7, 2023

**Lauren Bair Poche**

HORNE

10000 Perkins Rowe, Suite 610, Bldg G

Baton Rouge, LA 70810

SHPO 07-24-23-02 SECTION 106 NHPA EFFECT DETERMINATION SUBMITTAL:  
PR-RGRW-01125- ATABEY, LLC – CARRETERA 407 KM 3.2 BARRIO ALTOSANO,  
LAS MARÍAS, PUERTO RICO

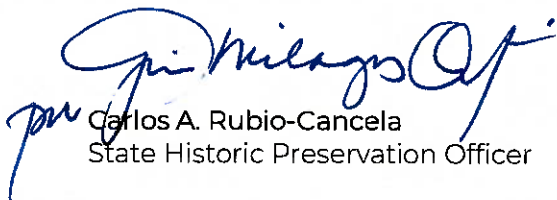
Dear Ms. Bair,

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





July 21, 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-01125 – Atabey LLC – Carretera 407 KM 3.2 Int. 1-99 Barrio Altosano, Las Marias, 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 Atabey LLC in 1-99 Bo. Altosano at Carr. 407 Km 3.2 Int. in the municipality of Las Marias. The proposed activities of Atabey LLC consist of the construction and installation of a warehouse with a concrete slab base that will be used to store fertilizer and farm equipment, as well as the purchase of a tractor and equipment to aid in the collection of water for irrigation purposes. A second concrete slab will be built as a platform to house water tanks that will be used to store collected rainwater as well as water from an above ground aqueduct of potable water located approximately 200 meters (m) away. The applicant intends to fund these above-ground connections and extensions to rainwater and potable water supply themselves. Two options are analyzed for the location of the warehouse, which are addressed in the prepared form. The applicant will power the warehouse using solar panels which they will purchase themselves and install in the future.

Based on the submitted documentation, 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](mailto: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

<b>PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM</b> <b>ReGROW PUERTO RICO PROGRAM</b> <b>Section 106 NHPA Effect Determination</b>		
<b>Applicant: Atabey LLC</b>		
<b>Case ID: PR-RGRW-01125</b>	<b>City: Las Marias</b>	

<b>Project Location:</b> 1-99 Bo. Altosano, Carretera 407 KM 3.2 Int., Las Marias, PR 00670	
<b>Project Coordinates</b> (as provided by the applicant during field visit): Warehouse Option #1 centerpoint: 18.263513, -67.011964 Warehouse Option #2 centerpoint: 18.263610, -67.012418	
<b>TPID</b> (Número de Catastro): 183-000-005-39-000	
<b>Type of Undertaking:</b> <input type="checkbox"/> Substantial Repair/Improvements <input checked="" type="checkbox"/> New Construction	
<b>Construction Date</b> (AH est.): Neighbor's house: ca. 2004. Rental house: ca. 2004. Owner's house: ca. 1980.	<b>Property Size</b> (acres): <b>Total Parcel:</b> 8.8123 acres Warehouse Option 1: 0.018366 acres (800 square feet) Warehouse Option 2: 0.010331 acres (450 square feet)


<b>SOI-Qualified Architect/Architectural Historian:</b> Erin Edwards
<b>Date Reviewed:</b> June 6, 2023
<b>SOI-Qualified Archaeologist:</b> Delise Torres-Ortiz and Rob Lackowicz
<b>Date Reviewed:</b> June 12, 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 project includes the construction and installation of a warehouse with a concrete slab base that will be used to store fertilizer and farm equipment, as well as the purchase of a tractor and equipment to aid in the collection of water for irrigation purposes. A second concrete slab will be built as a platform to house water tanks that will be used to store collected rainwater as well as water from an above ground aqueduct of potable water located approximately 200 meters (m) away. The applicant intends to fund these above-ground connections and extensions to rainwater and potable water supply themselves. The equipment purchase is an exempt activity under 24 CFR 58.34(7) and is not further evaluated in this document.

The warehouse size will be a galvanized steel dome or hangar structure and size will vary depending on the location option chosen for the project. Option 1 is located in the southeastern portion of the parcel and will be 800 square feet (sq. ft) in size (20 feet [ft] by 40 ft) with a height of approximately 12 ft. There is no need for leveling or filling for Option 1;

<b>PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM</b> <b>ReGROW PUERTO RICO PROGRAM</b> <b>Section 106 NHPA Effect Determination</b>	 GOVERNMENT OF PUERTO RICO DEPARTMENT OF HOUSING
<b>Applicant: Atabey LLC</b>	
<b>Case ID: PR-RGRW-01125</b>	<b>City: Las Marias</b>

however, an old water tank would need to be removed at this location. Option 2 is located in the south-central portion of the parcel and will be 450 sq. ft (15 ft by 30 ft) with a height of approximately 12 ft. Some tree clearing is expected as well as minimal ground disturbance for Option 2. Option 2 includes a “badén,” which is a concrete platform able to hold heavy machinery and trucks. The applicant made this and was reimbursed by Natural Resources Conservation Service (NRCS) through a grant three years ago. The applicant owns the property; therefore, no acquisition is required.

The applicant will power the warehouse using solar panels which they will purchase themselves and install in the future.


### **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 concrete base plus a 15-meter horizontal buffer to allow for some variation in placement during construction 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 archaeologist meeting the Secretary of the Interior's Professional Qualification Standards (36 CFR Part 61) who searched the records at the SHPO and the Instituto de Cultura Puertorriqueña which shows that there are no reported archaeological materials or significant cultural properties within a half-mile (mi) radius of the project location. One (1) archaeological evaluation and three (3) Section 106 investigations were reviewed, with no associated cultural resources. All of these studies are described in the following section.

The proposed project is in a mountainous setting on the western side of the island at approximately 935 ft (285 m) in elevation above mean sea level (amsl) at the location of the proposed warehouse locations. Per the USGS/NRCS Web Soil Survey, the project area, and the APE crosses two (2) mapped soil series: HmE2 – Humatas Clay, 20 to 40 percent slopes, and HmF2 – Humatas Clay, 40 to 60 percent slopes.


<b>PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM</b> <b>ReGROW PUERTO RICO PROGRAM</b> <b>Section 106 NHPA Effect Determination</b>	 GOVERNMENT OF PUERTO RICO DEPARTMENT OF HOUSING
<b>Applicant: Atabey LLC</b>	
<b>Case ID: PR-RGRW-01125</b>	<b>City: Las Marias</b>

The general project area is located in a rural area of Las Marias, directly 2.52 mi to the east of Anones. It is on the side of a broad ridge, with housing to the south, southeast, and southwest. Warehouse Option 1 is located approximately 30 ft north of Highway 407 at the base of a northwest-southeast trending ridge in a flat area of grassland and secondary tropical forest. Warehouse Option 2 is located upslope of Option 1, in a flattened area immediately east of the ridgeline. Unpaved vehicular roads intersect the property and provide access up the ridge. Agricultural vegetation, secondary growth and grasses comprise the area's floral community. The closest freshwater source per USGS water data files is an unnamed tributary of the Rio Arenas, located 1,206 ft (367 m) south of the potential warehouse locations. The west coast is approximately 11.6 mi (18.7 kilometers [km]) from the project area.

### **Identification of Historic Properties - Architecture**

Existing information on previously identified historic properties has been reviewed to determine if any such properties are located within the APE of this undertaking. The review of this existing information, by a Program contracted Historic Preservation Specialist meeting the Secretary of the Interior's Professional Qualification Standards (36 CFR Part 61) shows that the project area is not within the boundaries of the National Register of Historic Places (NRHP)-eligible or listed Traditional Urban Center or Historic District. There are no historic properties within a half-mile of the property site. The closest survey is Código 06-26-13-01 for the rehabilitation of low to moderate income households in 2013. It is approximately 0.50 mi to the southwest of the project site. Housing and Urban Development (HUD) was the agency in charge, and the determination was No Historic Properties Affected. Other section 106 surveys that have occurred are Código SHPO 07-01-15-02, which was for the repaving of various roads in 2015. The project site was 0.12 mi to the west of the property site. Community Development Block Grants (CDBG) paid for the survey. Código 07-02-09-04 was a survey for the rehabilitation of various houses in 2009. The project site was 0.44 mi to the east of the property site. Código SHPO 04-24-07-03 was performed in 2007 for the rehabilitation of a potable water system and was paid for by Autoridad de Acueductos y Alcantarillados (AAA). Determinations of No Historic Properties Affected were returned for all these studies.

The project area is in a rural area of Las Marias, directly 2.52 mi to the east of Anones, Las Marias, PR. The area is mountainous with dense tropical vegetation. The project sites sits on the side of a broad ridge, with housing to the south, southeast, and southwest. Historic aerials from 1975 (<https://www.historicaerials.com/viewer>) show a few housing units to the south and southeast, and no buildings on the project site. The project site holds three (3)

<b>PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM</b> <b>ReGROW PUERTO RICO PROGRAM</b> <b>Section 106 NHPA Effect Determination</b>	 GOVERNMENT OF PUERTO RICO DEPARTMENT OF HOUSING
<b>Applicant: Atabey LLC</b>	
<b>Case ID: PR-RGRW-01125</b>	<b>City: Las Marias</b>


buildings: the owner's house adjacent to the southern boundary of the subject parcel, a house that is a short-term rental on the northern side of the property, and a neighbor's house that sits on the property and is owned by the former owner of the property. The neighbor's house is in between the two (2) buildings owned by the current owner. Google Earth historic aerial imagery shows the rental house, and the neighbor's house are ca. 2004, and the owner's house is ca. 1980 which appears consistent with the form and construction materials used. As the project site sits on a ridge side, the housing to the southwest, south, and southeast will not see the project area due to dense vegetation and the elevation of the site.

### **Determination**

The following historic properties have been identified within the APE:

- Direct Effect:
  - None
- Indirect Effect:
  - None

Based on the results of our historic property identification efforts, the Program has determined that project actions will not affect historic properties that compose the Area of Potential Effect. 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. 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-01125 is located. The closest freshwater body is not particularly close to the project area, 1,206 ft (367 m) to the south, and the proposed project activities entail minimal ground disturbance (less than .01 acres each). Furthermore, project area soils are not conducive to intact subsurface archaeological material, and construction of private roads, residential structures, and other agricultural infrastructure have impacted the surrounding terrain. Therefore, no impact to cultural properties is anticipated for this reconstruction project.

<b>PUERTO RICO 2017 DISASTER RECOVERY, CDBG-DR PROGRAM</b> <b>ReGROW PUERTO RICO PROGRAM</b> <b>Section 106 NHPA Effect Determination</b>		 GOVERNMENT OF PUERTO RICO DEPARTMENT OF HOUSING
<b>Applicant: Atabey LLC</b>		
<b>Case ID: PR-RGRW-01125</b>		<b>City: Las Marias</b>

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

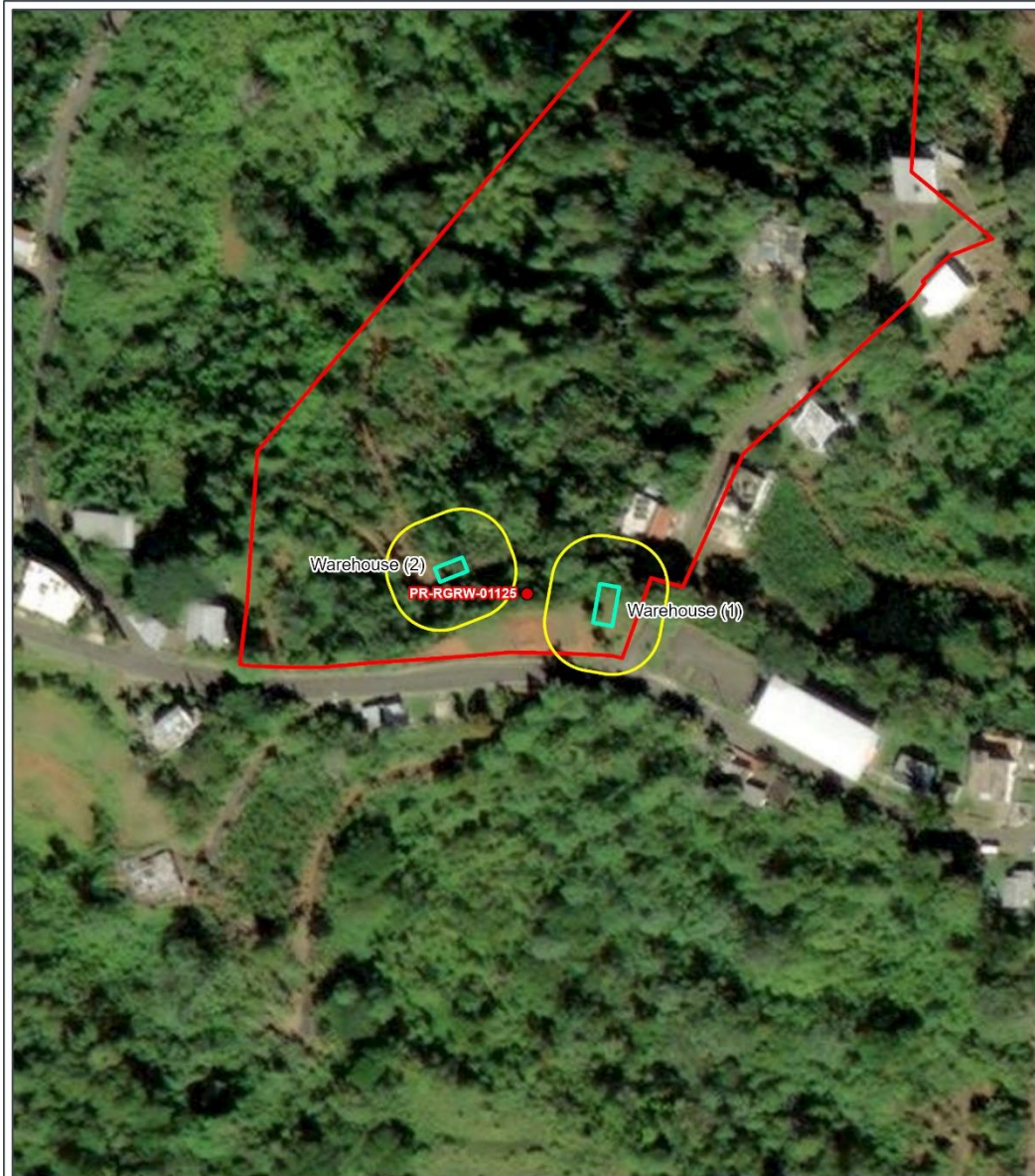


Applicant: Atabey LLC

Case ID: PR-RGRW-01125

City: Las Marias

## Project (Parcel) Location – Area of Potential Effect Map (Aerial)



REGROW PROGRAM

### Project Location Area of Potential Effects (APE) Map

Applicant ID: PR-RGRW-01125

**SWCA**  
ENVIRONMENTAL CONSULTANTS

- Site
- Site Parcel
- Project Footprint (Option)
- APE (Buffer (15-meters))

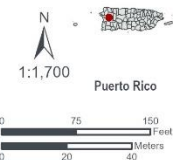
1-99 Bo. Altosano, Carr. 407  
Km 3.2 Int.  
Las Marias, Puerto Rico 00670

Parcel ID: 183-000-005-39-000

Parcel Center:  
67.012196°W 18.263544°N

Base Map: ESRI ArcGIS Online  
accessed June 2023  
Updated: 6/6/2023

Layout: APE  
Aprx: 72428\_RtoGrowTier2Maps





Applicant: Atabey LLC

Case ID: PR-RGRW-01125

City: Las Marias

## Project (Parcel) Location - Aerial Map



REGROW PROGRAM

### Figure A-2: Site Vicinity

Applicant ID: PR-RGRW-01125

**SWCA**  
ENVIRONMENTAL CONSULTANTS

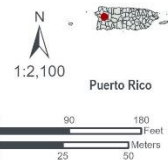
- Site
- ▭ Site Parcel
- ▭ Project Footprint (Option)

1-99 Bo. Altosano, Carr. 407  
Km 3.2 Int.  
Las Marias, Puerto Rico 00670

Parcel ID: 183-000-005-39-000  
Parcel Center:  
67.011939°W 18.264947°N

Base Map: ESRI ArcGIS Online,  
accessed June 2023  
Updated: 6/6/2023

Layout: Site Vicinity  
Apix: 72428\_ReGrowTier2Maps



Applicant: Atabey LLC

Case ID: PR-RGRW-01125

City: Las Marías

### Project (Parcel) Location - USGS Topographic Map



REGROW PROGRAM

#### Figure A-1: Site Location

Applicant ID: PR-RGRW-01125

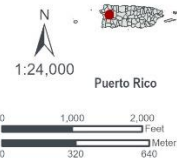
**SWCA**  
ENVIRONMENTAL CONSULTANTS

- Site
- Site Parcel

1-99 Bo. Altosano, Carr. 407  
Km 3.2 Int.  
Las Marías, Puerto Rico 00670

Parcel ID: 183-000-005-39-000  
Parcel Center:  
67.012196°W 18.263544°N

Base Map: ESRI ArcGIS Online,  
accessed May 2023  
Updated: 5/26/2023  
Layout: Site Location  
Aprx: 72428\_ReGrowTier2Maps



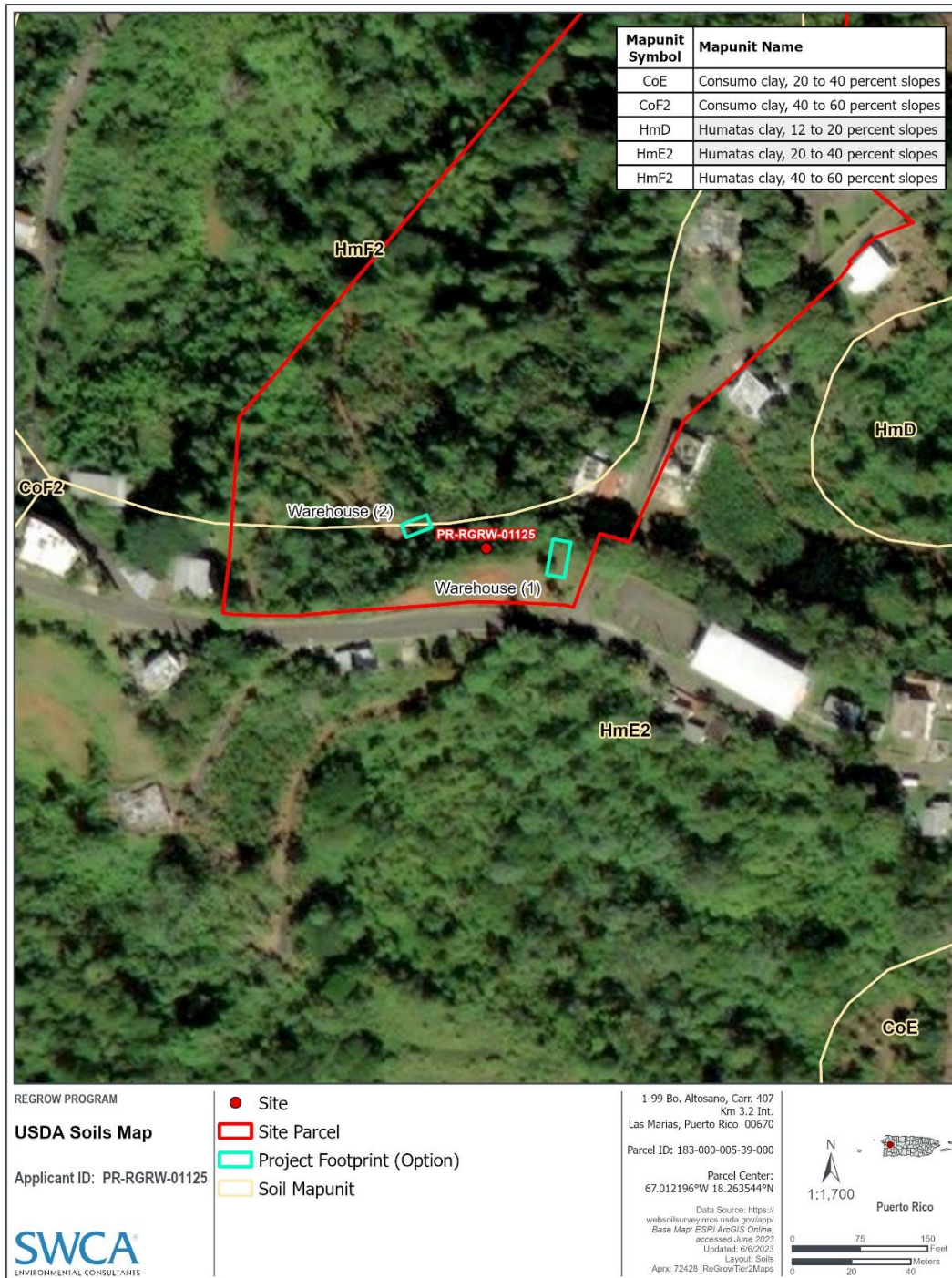


Applicant: Atabey LLC

Case ID: PR-RGRW-01125

City: Las Marias

### Project (Parcel) Location – Soils Map



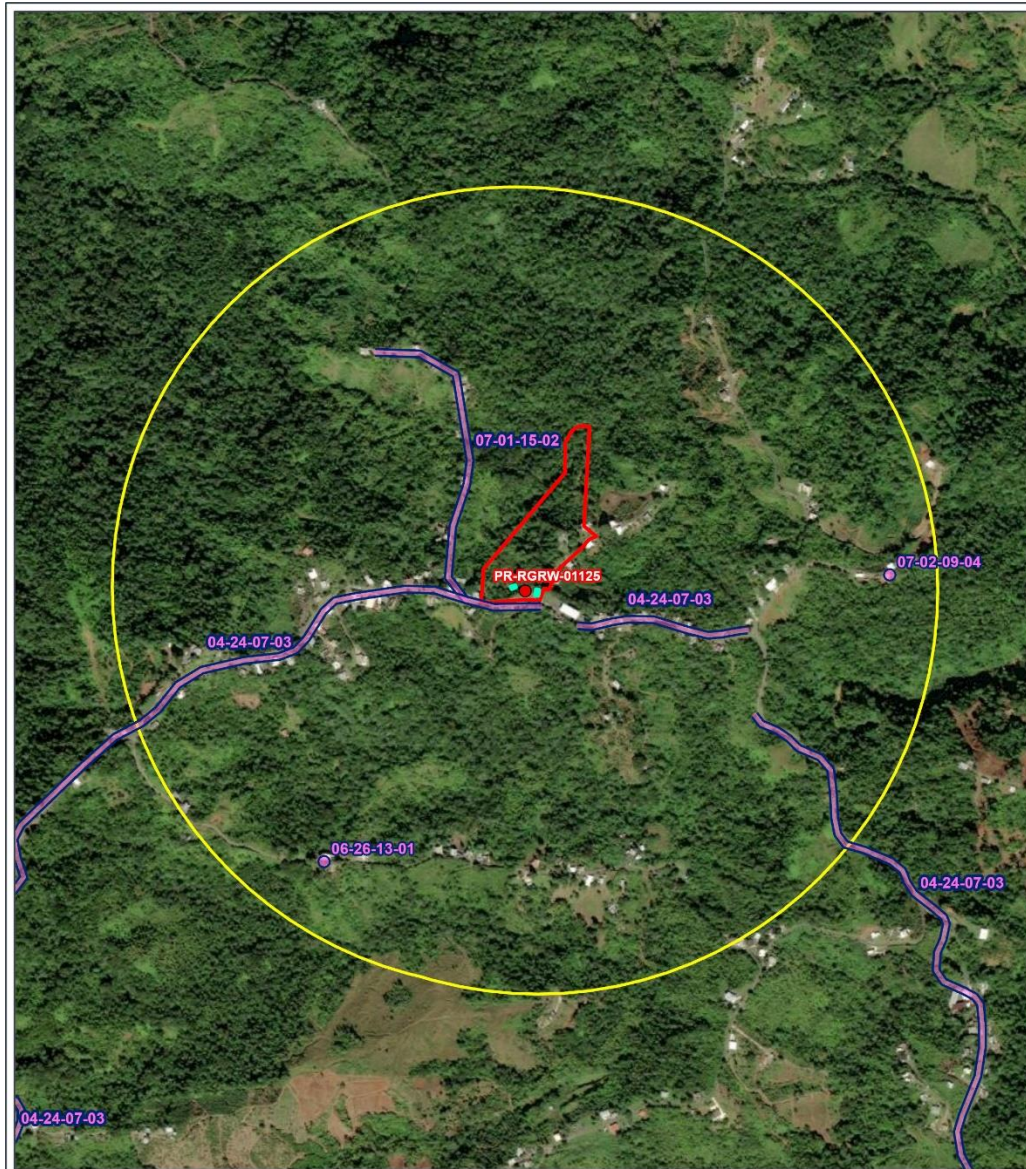


Applicant: Atabey LLC

Case ID: PR-RGRW-01125

City: Las Marias

## Project (Parcel) Location with Previous Investigations - Aerial Map



REGROW PROGRAM

**Previous Investigation Map**

Applicant ID: PR-RGRW-01125

**SWCA**  
ENVIRONMENTAL CONSULTANTS

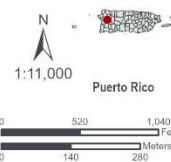
- Site
- ▭ Site Parcel
- ▭ Project Footprint (Option)
- ▭ Buffer (0.5-mile)
- ▭ Previously Recorded Survey
- ▭ MIPR Arqueologia
- ▭ Traditional Urban Centers

1-99 Bo. Altosano, Carr. 407  
Km 3.2 Int.  
Las Marias, Puerto Rico 00670

Parcel ID: 183-000-005-39-000  
Parcel Center:  
67.012196°W 18.263544°N

Data Source: State Historic  
Preservation Office and Puerto Rico  
Institute of Culture

Base Map: ESRI ArcGIS Online,  
accessed May 2023  
Updated: 5/31/2023  
Layout: Previous Investigation  
Aprx: 72428\_ReGrowTier2Maps



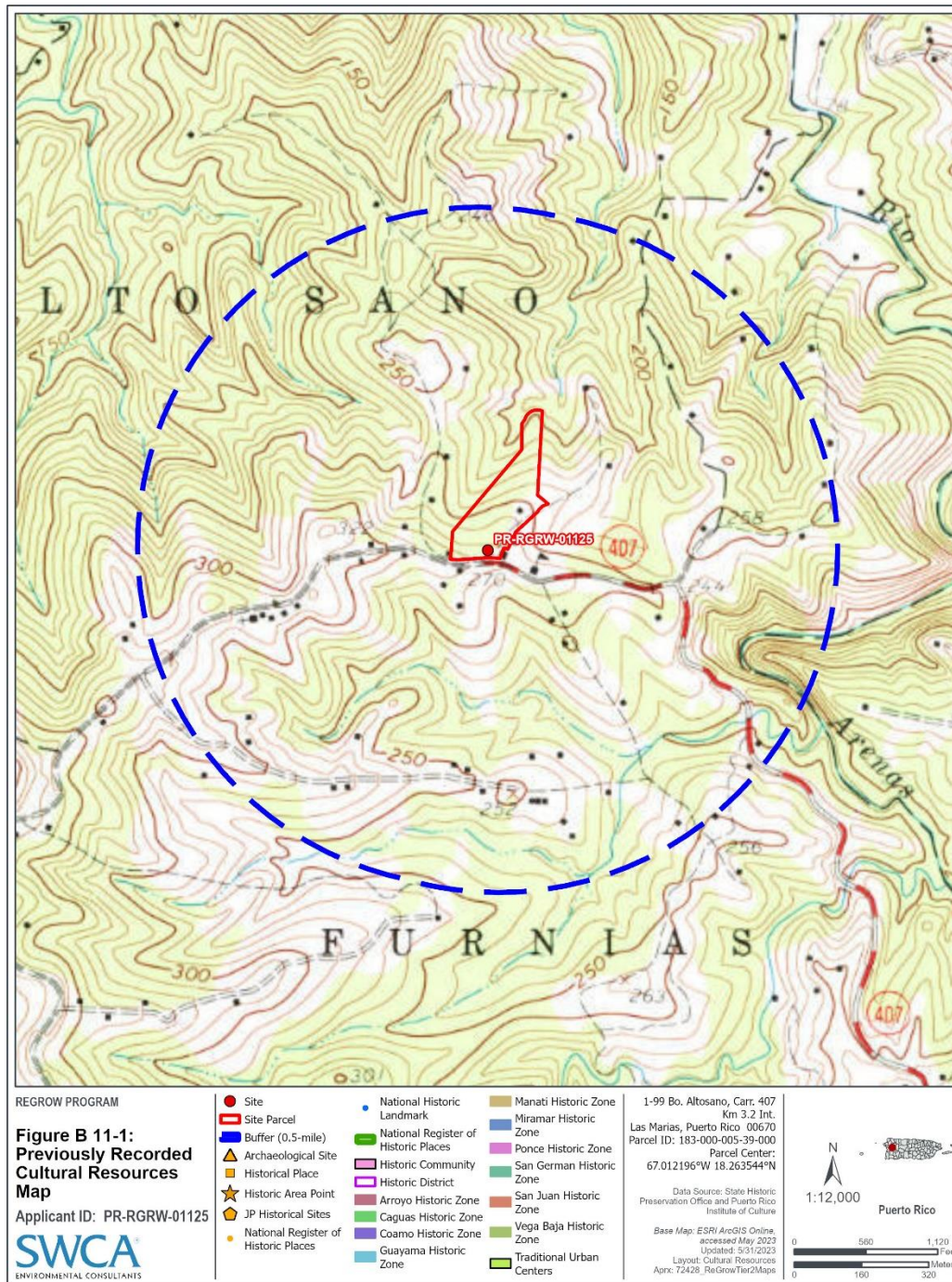


Applicant: Atabey LLC

Case ID: PR-RGRW-01125

City: Las Marias

**Project (Parcel) Location with Previously Recorded Cultural Resources  
USGS Topographic Map**





Applicant: Atabey LLC

Case ID: PR-RGRW-01125

City: Las Marias

### Photograph Key







Applicant: Atabey LLC

Case ID: PR-RGRW-01125

City: Las Marias



<b>Photo #:</b> 01	<b>Date:</b> 05/14/ 2023	
<b>Photo Direction:</b> Northeast		
<b>Description:</b> This picture is an overview of the site location Option 1 for a warehouse 20x40ft taken from the area's entrance at the side of Highway 407, showing the area's vegetation.		
<b>Photo #:</b> 02	<b>Date:</b> 05/14/ 2023	
<b>Photo Direction:</b> Northwest		
<b>Description:</b> This picture is an overview of the site location Option 1 for a warehouse 20x40ft taken from the southeast corner, showing the area's vegetation.		



Applicant: Atabey LLC

Case ID: PR-RGRW-01125

City: Las Marías

<b>Photo #:</b> 03	<b>Date:</b> 05/14/ 2023	
<b>Photo Direction:</b> East		
<b>Description:</b> This picture is an overview of the site location Option 1 for a warehouse 20x40ft taken from the center, showing the area's vegetation and the basketball court (Cancha Sana de Altosano Las Marías).		
<b>Photo #:</b> 04	<b>Date:</b> 05/14/ 2023	
<b>Photo Direction:</b> West		
<b>Description:</b> This picture overlooks the site location Option 2 for a warehouse 15x30ft taken from the access road inside the property, showing the NRCS heavy use area thick cement and the area's vegetation.		



Applicant: Atabey LLC

Case ID: PR-RGRW-01125

City: Las Marias

**Photo #:**  
05

**Date:**  
05/14/ 2023

**Photo Direction:**

East

**Description:**

This picture overlooks the site location Option 2 for a warehouse 15x30ft taken from the NRCS heavy use area thick cement (partial view), the access road inside the property, and the area's vegetation.



**Photo #:**  
06

**Date:**  
05/14/ 2023

**Photo Direction:**

Northeast

**Description:**

This picture presents the water tanks or cistern, eighty years old, located on the northern part of Option 1, which will be removed due to a possible landslide to the north side and the lack of use.





Applicant: Atabey LLC

Case ID: PR-RGRW-01125

City: Las Marias

Photo #:

07

Date:

05/14/ 2023

Photo Direction:

Northeast

Description:

This picture overlooks the neighbor's residence located close to Option 1; due to the elevation of this option, it is possible they will not have a direct view of the warehouse.



Photo #:

08

Date:

05/14/ 2023

Photo Direction:

Northeast

Description:

This picture overviews a structure inside the property that was segregated from the rest of the applicant's property. This residence belongs to the previous owner.





Applicant: Atabey LLC

Case ID: PR-RGRW-01125

City: Las Marias

Photo #:

09

Date:

05/14/ 2023

Photo Direction:

North

Description:

This picture overviews the structure inside the property that the applicant leases as an Airbnb and is the primary water source for the warehouses.



Photo #:

10

Date:

05/14/ 2023

Photo Direction:

Northwest

Description:

This picture presents the old warehouse; the project proposed will replace it. It is made of wood, zinc, and concrete without a floor or platform.







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



## U.S. FISH AND WILDLIFE SERVICE CARIBBEAN ECOLOGICAL SERVICES FIELD OFFICE

### Conservation Measures for the Puerto Rican boa (*Chilabothrus inornatus*)

Section 7 (a)(1) of the Endangered Species Act (ESA) charges Federal agencies to aid in the conservation of listed species, and section 7 (a)(2) requires the agencies, through consultation with the U.S. Fish and Wildlife Service (Service), to ensure their activities are not likely to jeopardize the continued existence of listed species or adversely modify designated critical habitats. Section 7 applies to the management of Federal lands as well as Federal actions that may affect federally listed species, such as Federal approval of private activities through the issuance of Federal funding, permits, licenses, or other actions. Any person that injures, captures, or kills a Puerto Rico boa is subject to penalties under the ESA. If Federal funds or permits are needed, the funding or permitting agency should initiate Section 7 consultation with the Service. To initiate a consultation under the Section 7 of the ESA, you must submit a project package with the established minimum requirements. These conservation measures should be incorporated into the project plans to minimize possible impacts to the species.

The endangered Puerto Rican (PR) boa (*Chilabothrus inornatus*, formerly *Epicrates inornatus*) is the largest endemic snake species that inhabits Puerto Rico. The PR boa is non-venomous and does not pose any life threatening danger to humans, but some individuals may try to bite if disturbed or during capture or handling. Its body color ranges from tan to dark brown with irregular diffuse marking on the dorsum, but some individuals lack marking and are uniformly dark. Juveniles may have a reddish color with more pronounced markings. In general, as they mature, their body color tends to darken.



The PR boa was federally listed in 1970. Currently, the species has an island-wide distribution and occurs in a wide variety of habitat types, ranging from wet montane to subtropical dry forest and can be found from mature forest to areas with different degrees of human disturbance such as roadsides or houses, especially if near their habitat in rural areas. The PR boa is considered mostly nocturnal, remaining less active, concealed or basking under the sun during the day.

The Service has developed the following conservation measures with the purpose of assisting others to avoid or minimize adverse effects to the PR boa and its habitat. These recommendations may be incorporated into new project plans and under certain circumstances into existing projects. Depending on the project, additional conservation measures can be implemented besides the ones presented in this document.

#### Conservation Measures:

1. Inform all project personnel about the potential presence of the PR boa in areas where the proposed work will be conducted. A pre-construction meeting should be conducted to inform all project personnel about the need to avoid harming the species as well as penalties for harassing or harming PR boas. An educational poster or sign with photo or illustration of the species should be displayed at the project site.
2. Prior to any construction activity, including removal of vegetation and earth movements, the boundaries of the project and areas to be excluded and protected should be clearly marked in the project plan and in the field in order to avoid further habitat degradation into forested and conservation areas.
3. Once areas are clearly marked, and prior to the use of heavy machinery and any construction activity (including removal of vegetation and earth movement), a biologist or project personnel with experience on this species should survey the areas to be cleared to verify the presence of any PR boa within the work area.
4. If a PR boa is found within any of the working or construction areas, activities should stop at that area and information recorded (see #5). **Do not capture the boa.** If boas need to be moved out of harm's way, designated personnel shall immediately contact the Puerto Rico Department of Natural and Environmental Resources (PRDNER) Rangers for safe capture and relocation of the animal: (787) 999-2200 ext. 2911. **If immediate relocation is not an option, project-related activities at that area must stop until the boa moves out of harm's way on its own.** Activities at other work sites, where no boas have been found after surveying the area, may continue.
5. For all boa sightings (dead or alive), record the time and date of the sighting and the specific location where it was found. PR boa data should also include a photo of the animal (dead or alive), site GPS coordinates, the time and date, and comments on how the animal was detected and its behavior.

6. If a PR boa is captured by PRDNER personnel, record the name of that person and information on where the PR boa will be taken. This information should be reported to the Service.
7. Measures should be taken to avoid and minimize PR boa casualties by heavy machinery or motor vehicles being used on site. Any heavy machinery left on site (staging) or near potential PR boa habitat (within 50 meters of potential boa habitat), needs to be thoroughly inspected each morning before work starts to ensure that no boas have sheltered within engine compartments or other areas of the equipment. If PR boas are found within vehicles or equipment, do not capture the animal, and let it move on its own or call PRDNER Rangers for safe capture and relocation of the animal (see #4). If not possible, the animal should be left alone until it leaves the vehicle on its own.
8. PR boas may seek shelter in debris piles. Measures should be taken to avoid and minimize boa casualties associated with sheltering in debris piles as a result of project activities. Debris piles should be placed far away from forested areas. Prior to moving, disposing or shredding, debris piles should be carefully inspected for the presence of boas. If debris piles will be left on site, we recommend they be placed in areas that will not be disturbed in the future.
9. If a dead PR boa is found, immediately cease all work in that area and record the information accordingly (see #5). If the PR boa was accidentally killed as part of the project actions, please include information on what conservation measures had been implemented and what actions will be taken to avoid further killings. A dead boa report should be sent by email (see contacts below) to the Service within 48 hours of the event.
10. Projects must comply with all state laws and regulations. Please contact the PRDNER for further guidance.

If you have any questions regarding the above conservation measures, please contact the Service:

- José Cruz-Burgos, Endangered Species Program Coordinator
  - Email: [jose\\_cruz-burgos@fws.gov](mailto:jose_cruz-burgos@fws.gov)
  - Office phone (305) 304-1386
- Jan Zegarra, Fish and Wildlife Biologist
  - Email: [jan\\_zegarra@fws.gov](mailto:jan_zegarra@fws.gov)
  - Office phone (786) 933-1451



**From:** [Caribbean ES, FW4](#)  
**To:** [environmentcdbg](#)  
**Cc:** [Juan C. Perez-Bofill](#)  
**Subject:** Re: [EXTERNAL] USFWS Endangered Species Concurrence Consultation\_CDBG-DR\_PR-RGRW-01125  
**Date:** Tuesday, April 23, 2024 12:45:22 PM  
**Attachments:** [image003.png](#)  
[PR-RGRW-01125 USFWS PR Consultation Package SWCA V2.pdf](#)  
[PR-RGRW-01125 USFWS Transmittal Letter PRDOH V2.pdf](#)  
[20240410 Conservation measures PR boa.pdf](#)

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Mr. Pérez

This email is to acknowledge receipt of the consultation package and the NLAA Consistency letter (Project code: 2023-0089119) for the project named CDBG-DR PR-RGRW-01125 Attabey LLC, Las Marías. No further consultation is required. The Puerto Rican boa conservation measures included in your consultation package are outdated, enclosed the updated (2024) PR boa conservation measures. Keep this email for your records.

Thanks

Caribbean Ecological Services Field Office  
(786) 244-0081  
[caribbean\\_es@fws.gov](mailto:caribbean_es@fws.gov)

**For project evaluations, please visit our [Consultation Guidelines](#) website.**

---

**From:** environmentcdbg <[environmentcdbg@vivienda.pr.gov](mailto:environmentcdbg@vivienda.pr.gov)>  
**Sent:** Tuesday, April 16, 2024 2:10 PM  
**To:** Caribbean ES, FW4 <[Caribbean\\_ES@fws.gov](mailto:Caribbean_ES@fws.gov)>; Tawes, Robert <[robert\\_tawes@fws.gov](mailto:robert_tawes@fws.gov)>  
**Subject:** [EXTERNAL] USFWS Endangered Species Concurrence Consultation\_CDBG-DR\_PR-RGRW-01125

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

To whom it may concern:

In order to complete the environmental review process regarding the case **PR-RGRW-01125** for the CDBG-DR Re-Grow PR Urban-Rural Agriculture Program, we are requesting USFWS concurrence with the determinations included in the attached letter.

We look forward for your response in order to move forward our environmental review process.

Sincerely,

## Permits and Environmental Compliance Division

Disaster Recovery Office

[environmentcdbg@vivienda.pr.gov](mailto:environmentcdbg@vivienda.pr.gov) | 787.274.2527

Visit us: [recuperacion.pr.gov](http://recuperacion.pr.gov)

Contact us: [infocdbg@vivienda.pr.gov](mailto:infocdbg@vivienda.pr.gov)

DEPARTAMENTO DE LA  
**VIVIENDA**



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# **Radon Attachments**



August 20, 2024

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

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

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

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

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

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

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

Barbosa Ave. #606, Building Juan C. Cordero Davila, Rio Piedras, PR 00981 | PO Box 21365 San Juan, PR 00928-1365  
Tel: (787) 274-2527 | [www.usenda.pr.gov](http://www.usenda.pr.gov)



August 20, 2024

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

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

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

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

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

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

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

Sincerely,

William O. Rodríguez Rodríguez, Esq.  
Secretary

Cc:

Mr. Oleg Pavetko, [Pavetko.Oleg@epa.gov](mailto:Pavetko.Oleg@epa.gov)  
Mr. Matthew Laitila, [laitila.matthew@epa.gov](mailto:laitila.matthew@epa.gov)

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Sincerely,

William O. Rodríguez Rodríguez, Esq.  
Secretary

Cc:

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





August 20, 2024

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

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

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

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

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Sincerely,

  
William O. Rodríguez Rodríguez, Esq.  
Secretary



August 20, 2024

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

Via email: [anais.rodriguez@dma.pr.gov](mailto:anais.rodriguez@dma.pr.gov)

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CDBG-DR/MIT Program  
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Sincerely,

  
William O. Rodríguez Rodríguez, Esq.  
Secretary

Cc: Mr. Luis Márquez, [secretariogaire@dma.pr.gov](mailto:secretariogaire@dma.pr.gov)  
Eng. Amarilis Rosario, [aire@dma.pr.gov](mailto:aire@dma.pr.gov)  
Mrs. Elid Ortega, [ortega@dma.pr.gov](mailto:ortega@dma.pr.gov)



GOVERNMENT OF PUERTO RICO  
DEPARTMENT OF HOUSING

August 20, 2024

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

Via email: [dr.carlos.mellado@salud.pr.gov](mailto:dr.carlos.mellado@salud.pr.gov)

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

Barbosa Ave. #606, Building Juan C. Cordero Dávila, Río Piedras, PR 00981 | PO Box 21365 San Juan, PR 00928-1365  
Tel. (787) 274-2527 | [www.cdh.pr.gov](http://www.cdh.pr.gov)



GOVERNMENT OF PUERTO RICO  
DEPARTMENT OF HOUSING

August 20, 2024

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

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

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

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

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

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

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

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

Barbosa Ave. #606, Building Juan C. Cordero Dávila, Río Piedras, PR 00981 | PO Box 21365 San Juan, PR 00928-1365  
Tel. (787) 274-2527 | [www.cdh.pr.gov](http://www.cdh.pr.gov)

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

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

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

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

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

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

Sincerely,

  
William O. Rodríguez Rodríguez, Esq.  
Secretary

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

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

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

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

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

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

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

Sincerely,

  
William O. Rodríguez Rodríguez, Esq.  
Secretary

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

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

Good morning, Sandra and others,

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

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

If you have any additional questions, please contact me.

Thank you and best regards,

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





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

Dear Ms. Medina Smaine,

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

Best regards,

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

-----

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

Good afternoon. Ms. Medina

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

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



---

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

Saludos.

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

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

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

Estimada Melanie Medina

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

Atentamente

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



Bubble Dynamics Lab  
University of Puerto Rico - Mayaguez



EPA REGION 2  
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION

September 23, 2024

**VIA EMAIL**

William O. Rodriguez Rodriguez, Esq.  
Secretary  
Puerto Rico Department of Housing  
Barbosa Ave. 606 Building Juan C. Cordero  
San Juan, PR 00917  
Email: W.Rodriguez@vivienda.pr.gov

**RE: EPA Response to August 20, 2024 request for information of data on radon testing and levels in Puerto Rico**

Dear Honorable Secretary Rodriguez Rodriguez:

This communication is in response to your letter of August 20, 2024 addressed to the Puerto Rico Department of Natural and Environmental Resources (DNER) and referred to the U.S. Environmental Protection Agency (EPA) regarding available data on radon testing and levels within Puerto Rico.

EPA's National Radon Action Plan 2021–2025 sets a goal for the nation to find, fix and prevent high indoor radon levels in 8 million buildings by 2025 and prevent 3,500 lung cancer deaths per year. Under this Plan, leaders from across multiple sectors are working together to plan, guide, and sustain nationwide action to prevent exposure to radon.

Due to the lack of data in Puerto Rico, EPA undertook an investigation in collaboration with the University of Puerto Rico-Mayaguez (UPRM) Campus, Departments of Civil Engineering and Surveying and Mechanical Engineering, to find out if radon presented a problem in Puerto Rico. Up until 2021, the only data we had for Puerto Rico was a 1993-1995 mail-in radon screening study referred to by the U.S. Geological Survey report (USGS, 1995) in which the USGS concluded that several areas of Puerto Rico have the geologic potential to generate indoor radon levels exceeding the EPA Action Level of 4 pCi/L (picocuries per liter), perhaps locally reaching very high levels above 50 pCi/L, if a house construction and

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

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

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

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

<sup>1</sup> Reference: USGS. Geologic Radon Potential of Guam and Puerto Rico, Report 93-292-K. Washington, DC: USGS. Retrieved 9/11/2024, from <https://pubs.usgs.gov/of/1993/0292k/report.pdf>.

CITY VIEW PLAZA II BUILDING, 7TH FLOOR  
ROUTE 185 GUAYNABO, PR 00988

2

If you have any questions or need any additional information, please contact me at 787-977-5865 or [guerrero.carmen@epa.gov](mailto:guerrero.carmen@epa.gov) or have your staff contact Reyes, Brenda at [reyes.brenda@epa.gov](mailto:reyes.brenda@epa.gov) or (787) 977-5869.

Sincerely,

CARMEN  
GUERRERO  
PEREZ

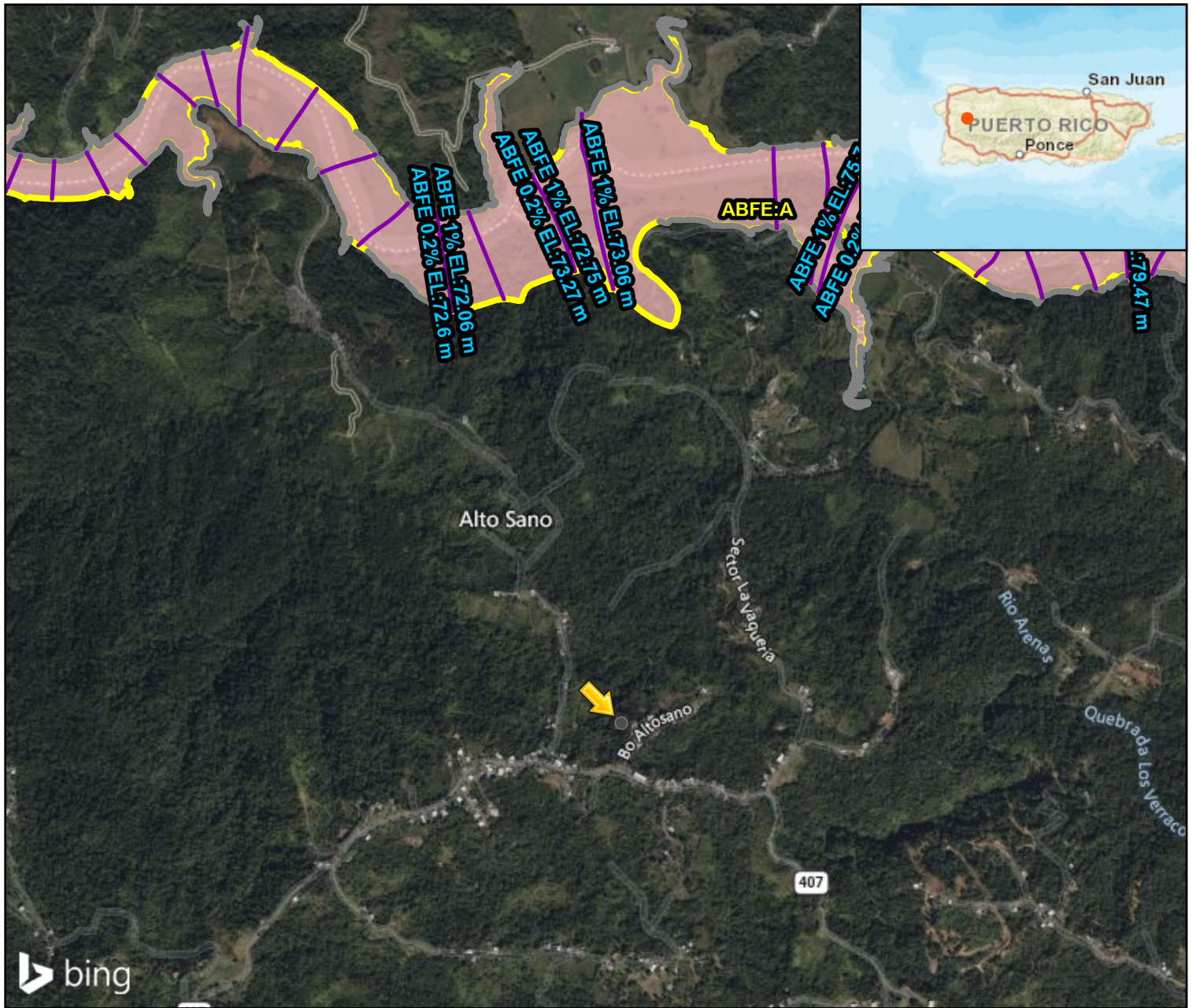
Carmen R. Guerrero Pérez  
Director

Digitally signed by  
CARMEN GUERRERO PEREZ  
Date: 2024.09.23 09:41:39  
-04'00'

cc: Roberto Mendez, Esq (Acting Secretary, PR Department of Natural and Env. Resources)  
Melany Medina: [mmedina@vivienda.pr.gov](mailto:mmedina@vivienda.pr.gov)  
Elaine Dume Mejia: [Edume@vivienda.pr.gov](mailto:Edume@vivienda.pr.gov)  
Luz S Colon Ortiz: [Lcolon@vivienda.pr.gov](mailto:Lcolon@vivienda.pr.gov)  
Aldo A. Rivera-Vazquez: [arivera@vivienda.pr.gov](mailto:arivera@vivienda.pr.gov)  
Cesar O. Rodriguez: [cesarrodriiguez@drna.pr.gov](mailto:cesarrodriiguez@drna.pr.gov)  
Marita Rosa Olivares: [maritzarosaolivares@drna.pr.gov](mailto:maritzarosaolivares@drna.pr.gov)



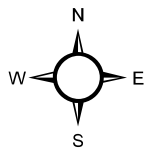
# PR-RGRW-01125-W-RE ABFE



## Legend

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

0 0.17 0.35 0.7 mi



FEMA Map Service

ABFE 1PCT



REGROW PROGRAM

# **Figure B 1-1: Airport Hazards Map**

Applicant ID: PR-RGRW-01125

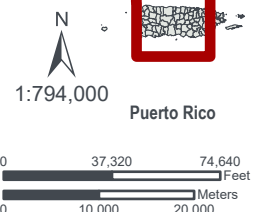


- Site
- Airport Runway
- Accident Potential Zones (APZ)
- Runway Protection Zones (RPZ)
- 2,500-FT Civil Airport Buffer
- 15,000-FT Military Airport Buffer

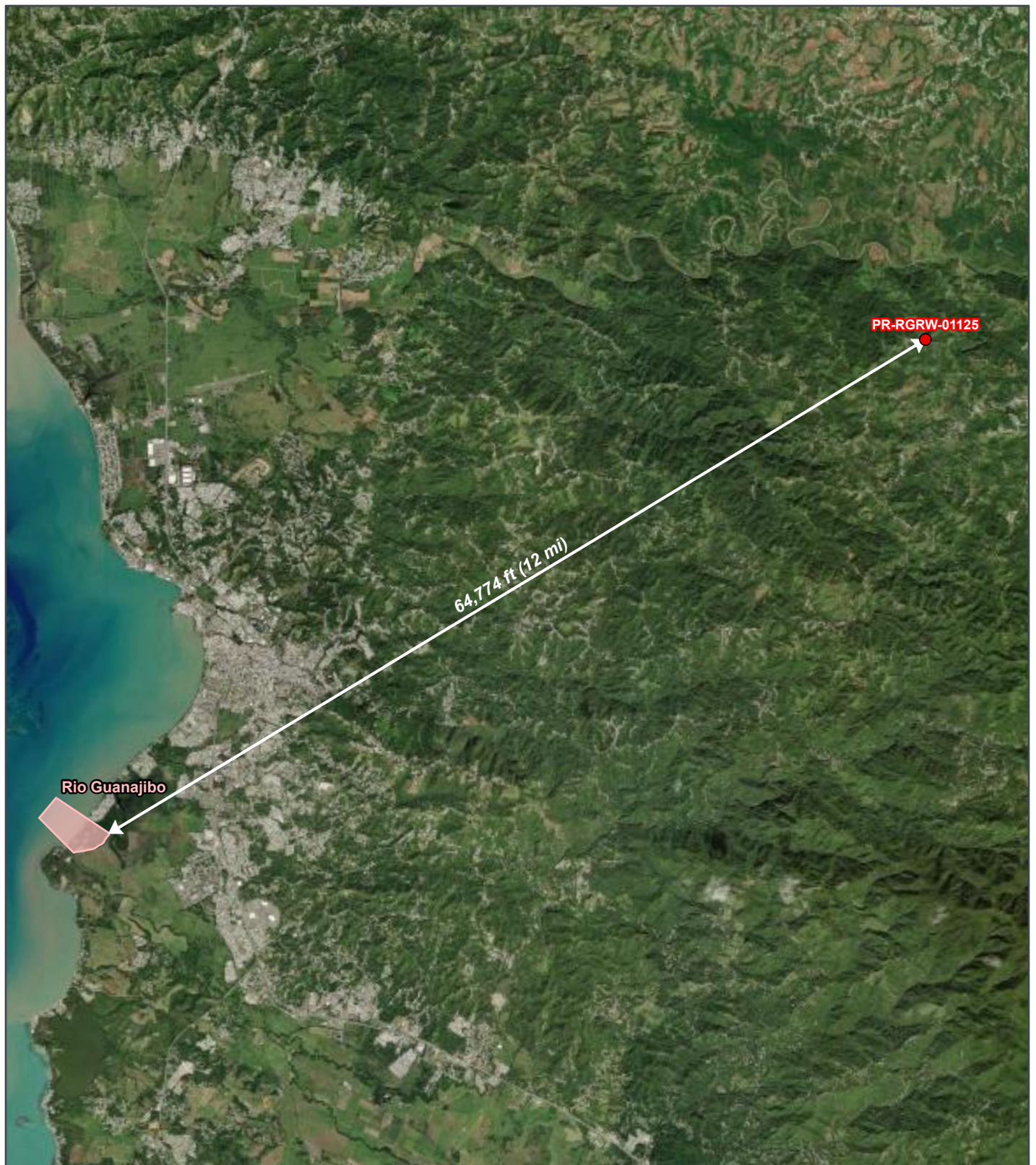
1-99 Bo. Altosano, Carr. 407  
Km 3.2 Int.  
Las Marias, Puerto Rico 00670

Parcel ID: 183-000-005-90-000  
Parcel Center:  
18.264571, -67.011834

Data Source: <https://geodata.bts.gov/>  
Base Map: ESRI ArcGIS Online,  
accessed May 2023  
Updated: 5/26/2023  
Layout: Airport Hazards  
Aprx: 72428\_ReGrowTier2Maps







REGROW PROGRAM

# **Figure B 2-1: Coastal Barrier Resources Map**

Applicant ID: PR-RGRW-01125

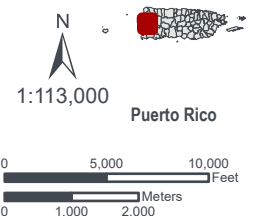
**SWCA**  
ENVIRONMENTAL CONSULTANTS

- Site
- Otherwise Protected Area
- System Unit

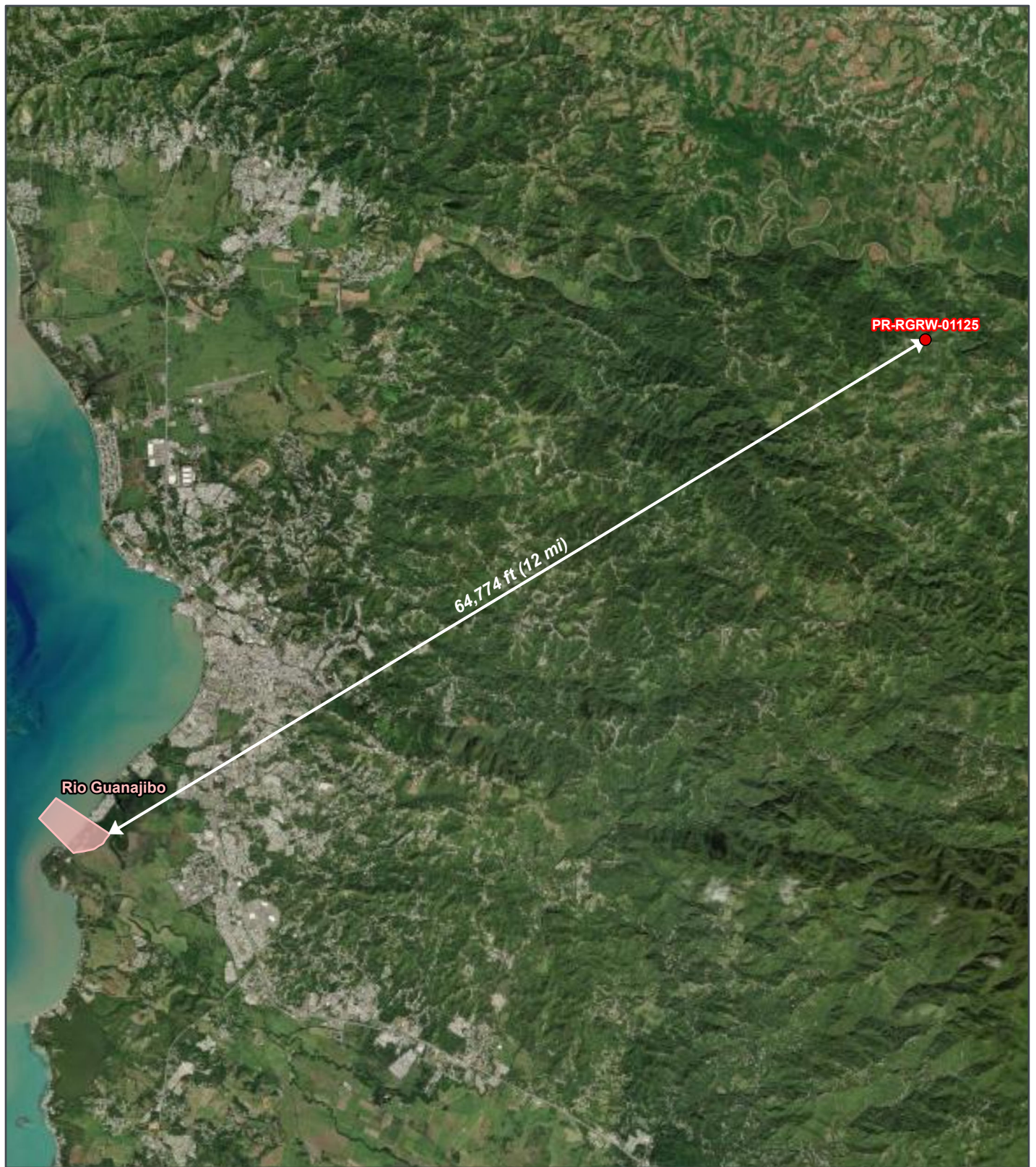
1-99 Bo. Altosano, Carr. 407  
Km 3.2 Int.  
Las Marias, Puerto Rico 00670

Parcel ID: 183-000-005-90-000  
Parcel Center:  
18.264571, -67.011834

Data Source: <https://cbrsgis.wim.usgs.gov/arcgis/rest/services/CoastalBarrierResourcesSystem/MapServer>  
Base Map: ESRI ArcGIS Online, accessed May 2023  
Updated: 5/26/2023  
Layout: Coastal Barrier Resources System







REGROW PROGRAM

# **Figure B 2-1: Coastal Barrier Resources Map**

Applicant ID: PR-RGRW-01125

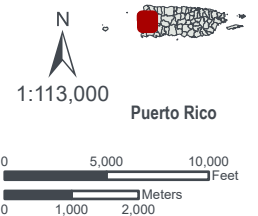
**SWCA**  
ENVIRONMENTAL CONSULTANTS

- Site
- Otherwise Protected Area
- System Unit

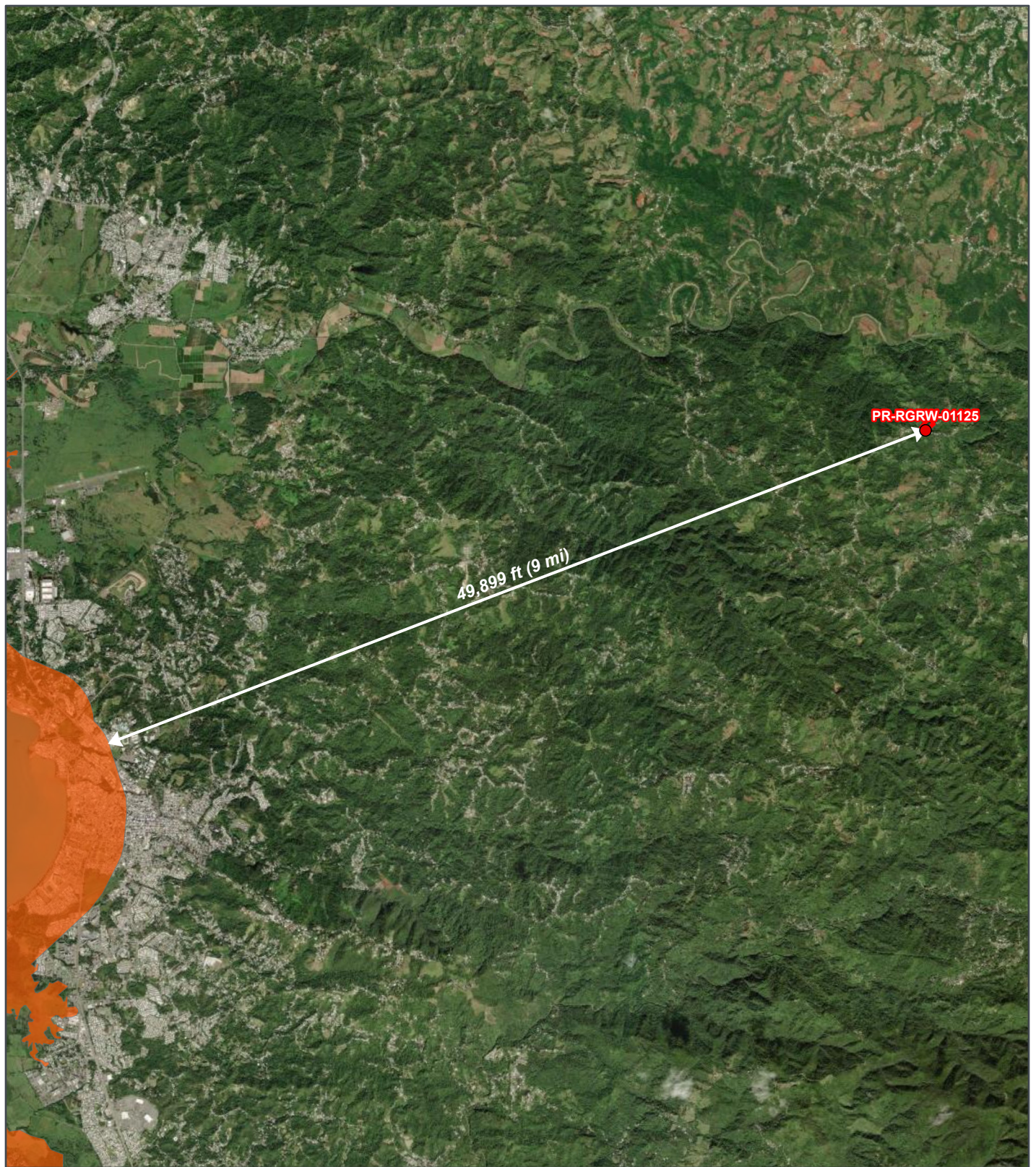
1-99 Bo. Altosano, Carr. 407  
Km 3.2 Int.  
Las Marias, Puerto Rico 00670

Parcel ID: 183-000-005-90-000  
Parcel Center:  
18.264571, -67.011834

Data Source: <https://cbrsgis.wim.usgs.gov/arcgis/rest/services/CoastalBarrierResourcesSystem/MapServer>  
Base Map: ESRI ArcGIS Online, accessed May 2023  
Updated: 5/26/2023  
Layout: Coastal Barrier Resources System







REGROW PROGRAM

# **Figure B 5-1: Coastal Zone Management Map**

Applicant ID: PR-RGRW-01125

**SWCA**  
ENVIRONMENTAL CONSULTANTS

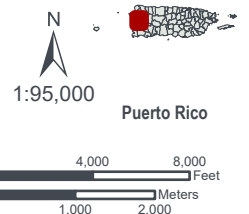
● Site

Coastal Management Zone

1-99 Bo. Altosano, Carr. 407  
Km 3.2 Int.  
Las Marias, Puerto Rico 00670

Parcel ID: 183-000-005-90-000  
Parcel Center:  
18.264571, -67.011834

Data Source: <https://coast.noaa.gov/arcgis/rest/services/Hosted/CoastalZoneManagementAct/BaseMap>: ESRI ArcGIS Online, accessed May 2023  
Updated: 5/30/2023  
Layout: Coastal Zone Management  
Aprx: 72428\_ReGrowTier2Maps







# REGROW PROGRAM

## **Figure B 9-1: Prime Farmland Map**

Applicant ID: PR-RGRW-01125



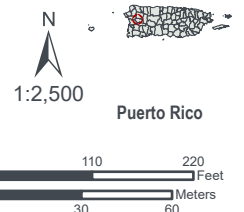
- Site
- Site Parcel
- Project Footprint (Option)
- All areas are prime farmland
- Farmland of statewide importance
- Farmland of statewide importance, if irrigated
- Prime farmland if drained

- Prime farmland if irrigated
- Prime farmland if irrigated and reclaimed of excess salts and sodium
- Prime farmland if protected from flooding or not frequently flooded during the growing season
- /// Not prime farmland
- Not Public Information

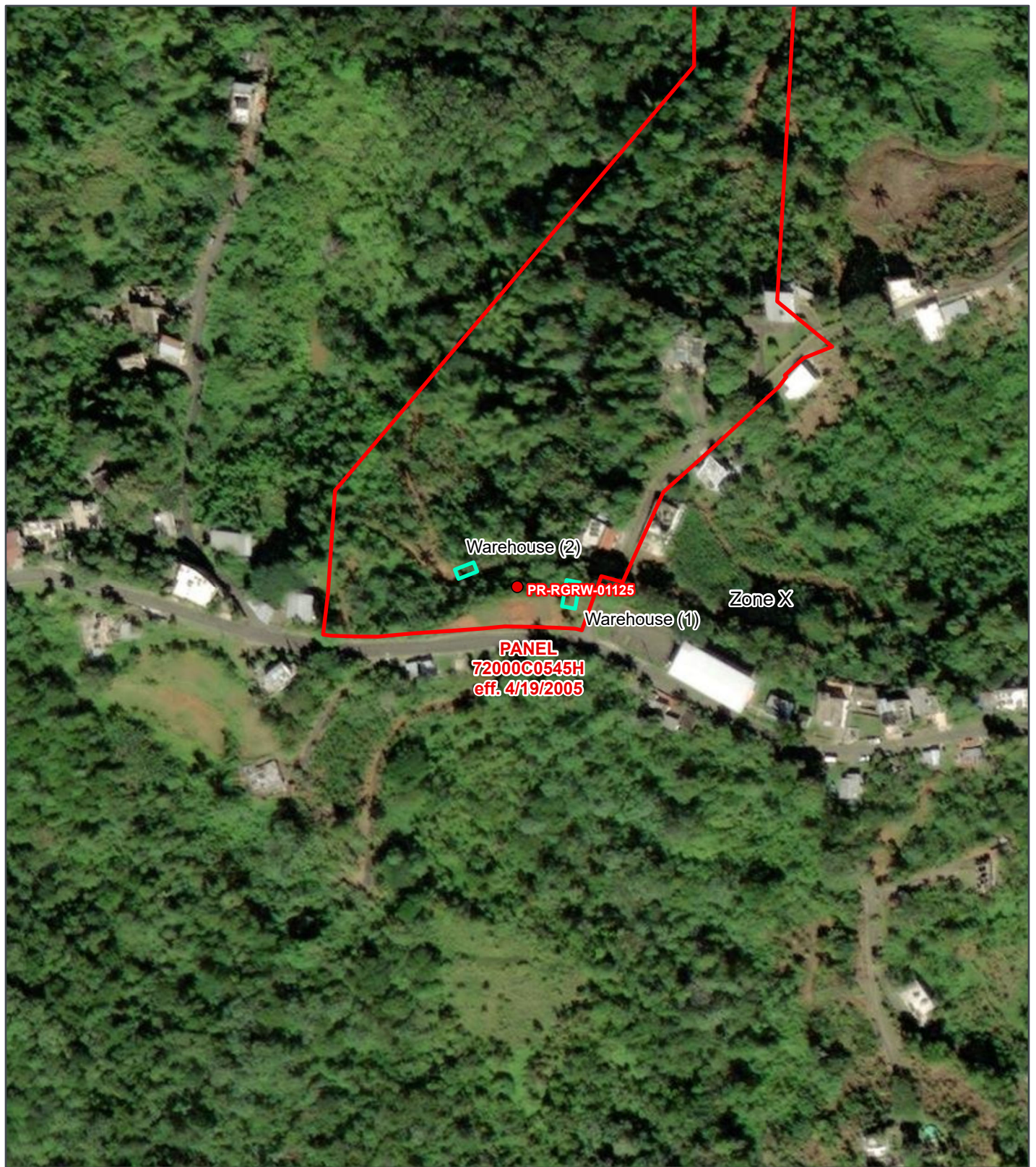
1-99 Bo. Altosano, Carr. 407  
Km 3.2 Int.  
Las Marias, Puerto Rico 00670

Parcel ID: 183-000-005-90-000  
Parcel Center:  
18.264571, -67.011834

Data Source: <https://websoilsurvey.nrcs.usda.gov/app/>  
Base Map: ESRI ArcGIS Online,  
accessed June 2023  
Updated: 6/6/2023  
Layout: Prime Farmland  
Aprx: 72428\_ReGrowTier2Maps







REGROW PROGRAM

# **Figure B 3-1: Flood Insurance Rate Map (FIRM)**

Applicant ID: PR-RGRW-01125

**SWCA**  
ENVIRONMENTAL CONSULTANTS

● Site

□ Site Parcel

□ Project Footprint (Option)

~ Base Flood Elevations

Zone A

Zone AE

Zone AH

Zone AO

Zone VE

□ Floodway

Zone X - Shaded (500-year floodplain)

□ Zone X - Unshaded

□ Area Not Included

□ Open Water

1-99 Bo. Altosano, Carr. 407  
Km 3.2 Int.  
Las Marias, Puerto Rico 00670

Parcel ID: 183-000-005-90-000  
Parcel Center:  
18.264571, -67.011834

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

Base Map: ESRI ArcGIS Online, accessed June 2023  
Updated: 6/6/2023

Layout: Effective Floodplain  
Aprx: 72428\_ReGrowTier2Maps

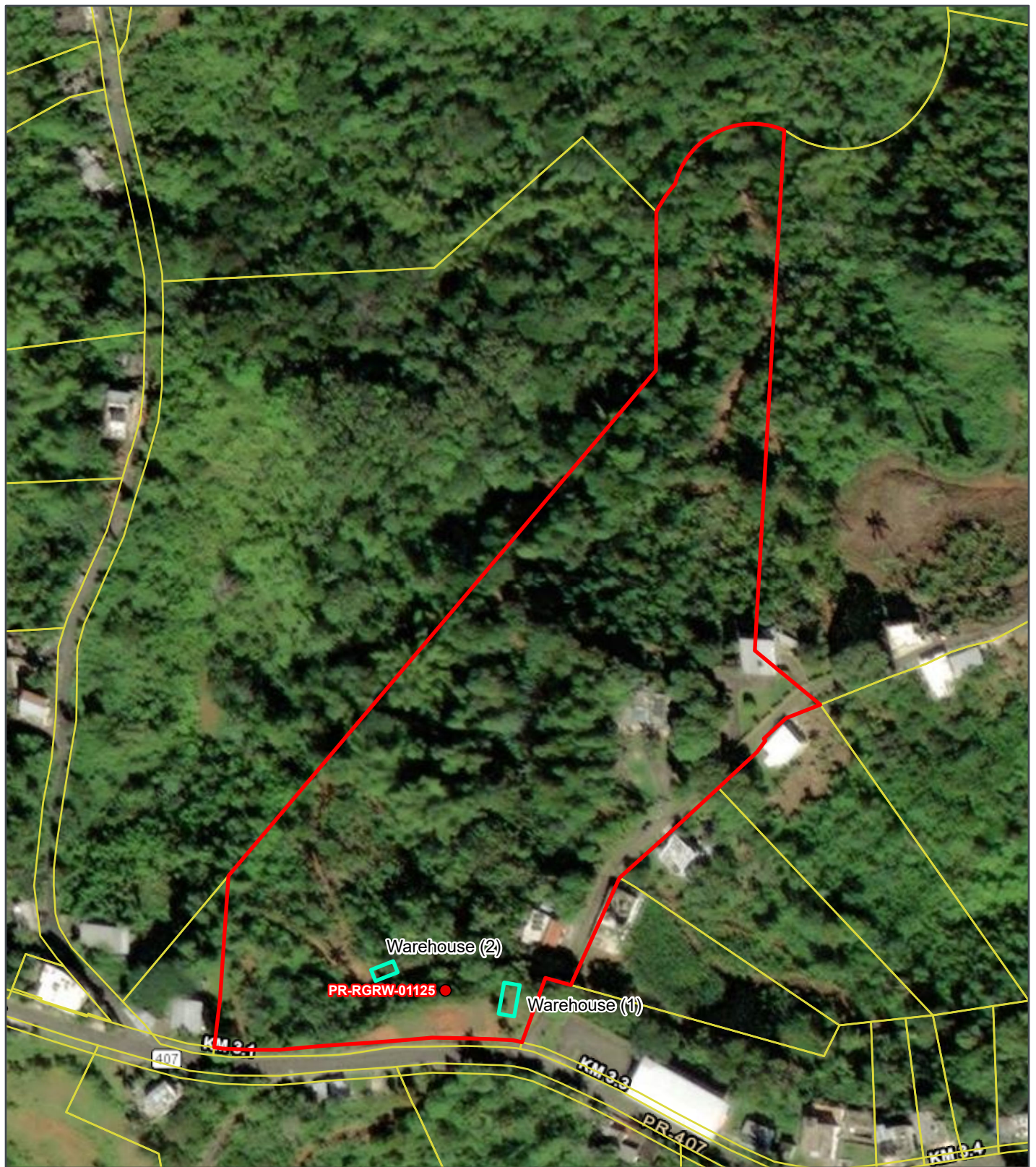
N  
1:2,500



Puerto Rico







REGROW PROGRAM

## Figure A-2: Site Vicinity

Applicant ID: PR-RGRW-01125

**SWCA**  
ENVIRONMENTAL CONSULTANTS

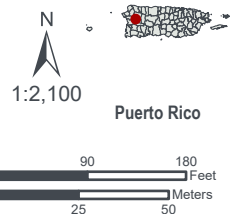
- Site
- Site Parcel
- Project Footprint (Option)

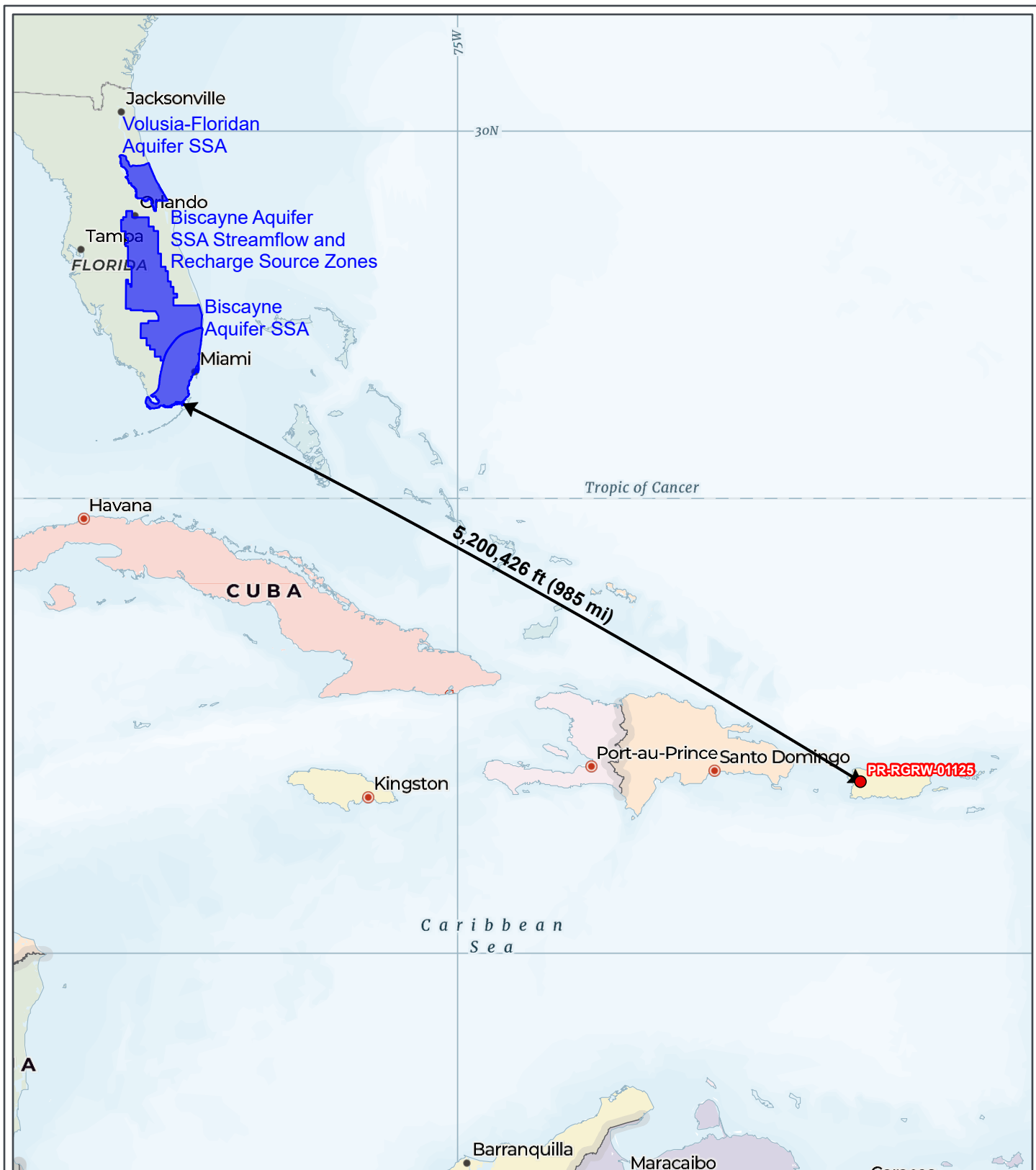
1-99 Bo. Altosano, Carr. 407  
Km 3.2 Int.  
Las Marias, Puerto Rico 00670

Parcel ID: 183-000-005-90-000  
Parcel Center:  
18.264571, -67.011834

Base Map: ESRI ArcGIS Online,  
accessed June 2023  
Updated: 6/6/2023

Layout: Site Vicinity  
Aprx: 72428\_ReGrowTier2Maps





REGROW PROGRAM

# **Figure 15-1: Sole Source Aquifers Map**

Applicant ID: PR-RGRW-01125

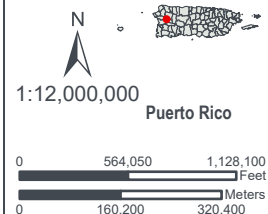
**SWCA**  
ENVIRONMENTAL CONSULTANTS

- Site
- Sole Source Aquifers

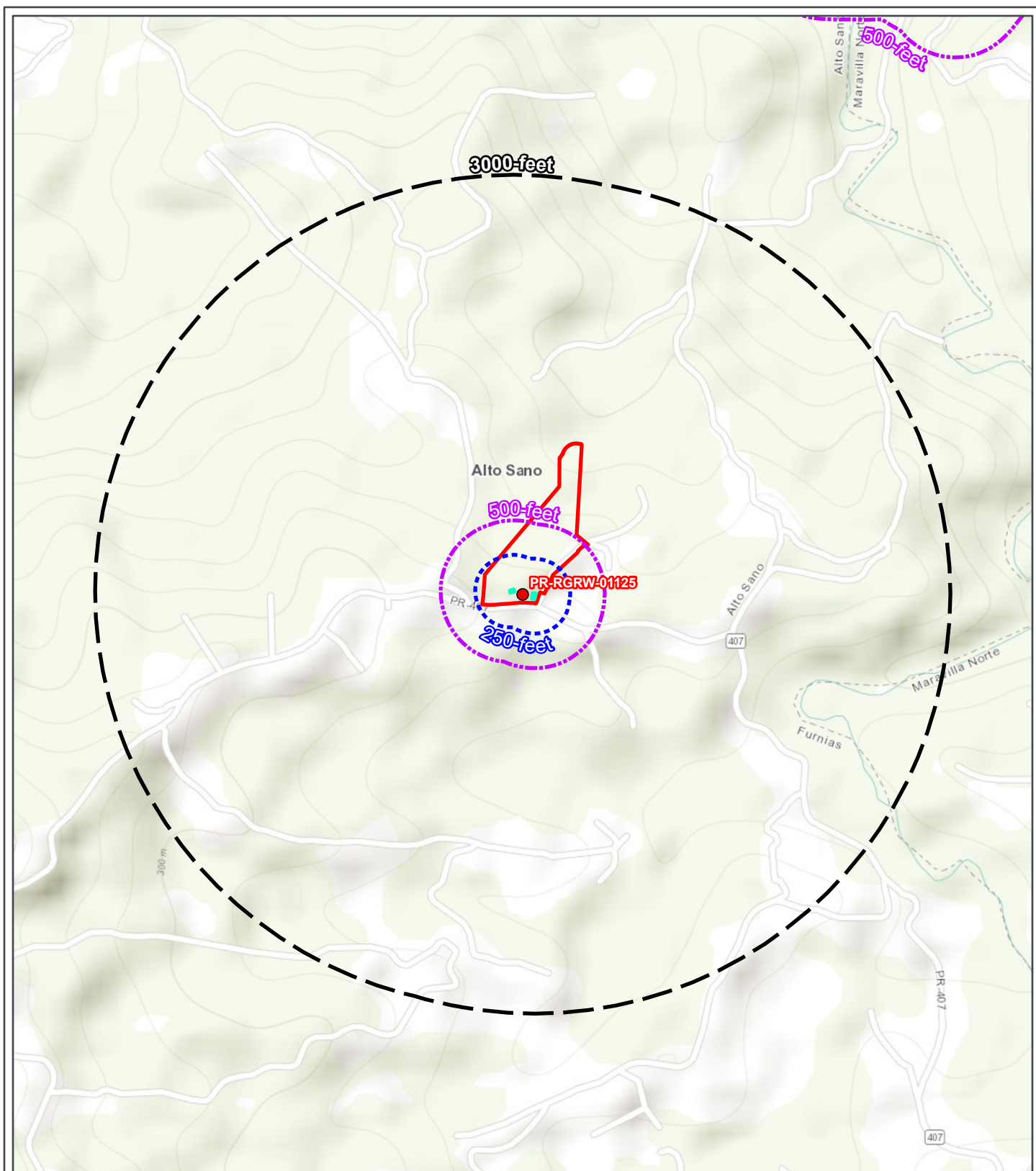
**\*There are no Sole Source Aquifers in Puerto Rico.**

1-99 Bo. Altosano, Carr. 407 Km 3.2  
Int.  
Las Marias, Puerto Rico 00670  
Parcel ID: 183-000-005-90-000  
Parcel Center:  
18.264571, -67.011834

Data Source: <https://services.arcgis.com/cJ9YHowT8TU7DUyn/arcgis/rest/services/SoleSourceAquifers/FeatureServer>  
Base Map: ESRI ArcGIS Online, accessed February 2024  
Updated: 2/23/2024  
Layout: Sole Source Aquifers  
Aprx: 72428\_ReGrowTier2Maps







REGROW PROGRAM

# **Figure B 6-1: Contamination and Toxic Substances Map**

Applicant ID: PR-RGRW-01125

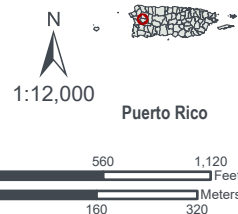
**SWCA**  
ENVIRONMENTAL CONSULTANTS

- Site
- ▭ Site Parcel
- ▭ Project Footprint (Option)
- ▭ Buffer (250-feet)
- ▭ Buffer (500-feet)
- ▭ Buffer (3000-feet)
- ▭ Water dischargers

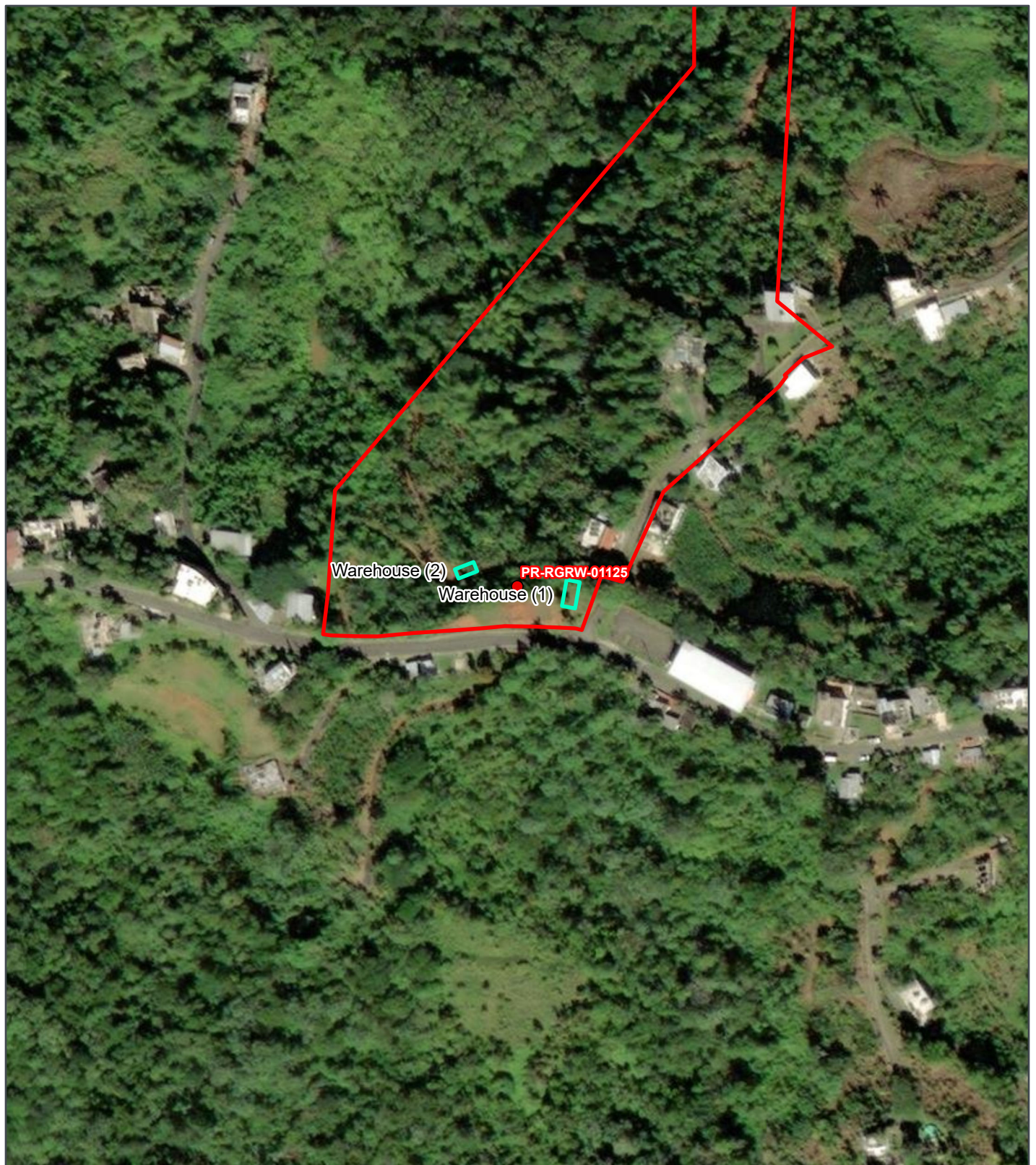
- ▭ Toxic Substances Control Act
- ▭ Toxic releases
- ▭ Superfund
- ▭ Hazardous waste
- ▭ Brownfields
- ▭ Air pollution

1-99 Bo. Altosano, Carr. 407  
Km 3.2 Int.  
Las Marias, Puerto Rico 00670  
Parcel ID: 183-000-005-90-000  
Parcel Center:  
18.264571, -67.011834

Data Source: <https://geopub.epa.gov/arcgis/rest/services/EMEP/MapServer>  
Base Map: ESRI ArcGIS Online, accessed September 2023  
Updated: 9/27/2023  
Layout: Contamination and Toxic Substances







REGROW PROGRAM

# **Figure B 14-1: Wetlands Protection Map**

Applicant ID: PR-RGRW-01125

**SWCA**  
ENVIRONMENTAL CONSULTANTS

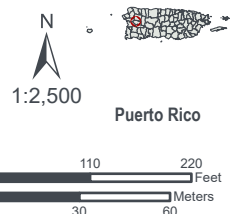
- Site
- ▭ Site Parcel
- ▭ Project Footprint (Option)
- - - NHD Stream
- ▭ Estuarine and Marine Deepwater
- ▭ Estuarine and Marine Wetland

- ▭ Freshwater Emergent Wetland
- ▭ Freshwater Forested/Shrub Wetland
- ▭ Freshwater Pond
- ▭ Lake
- ▭ Riverine

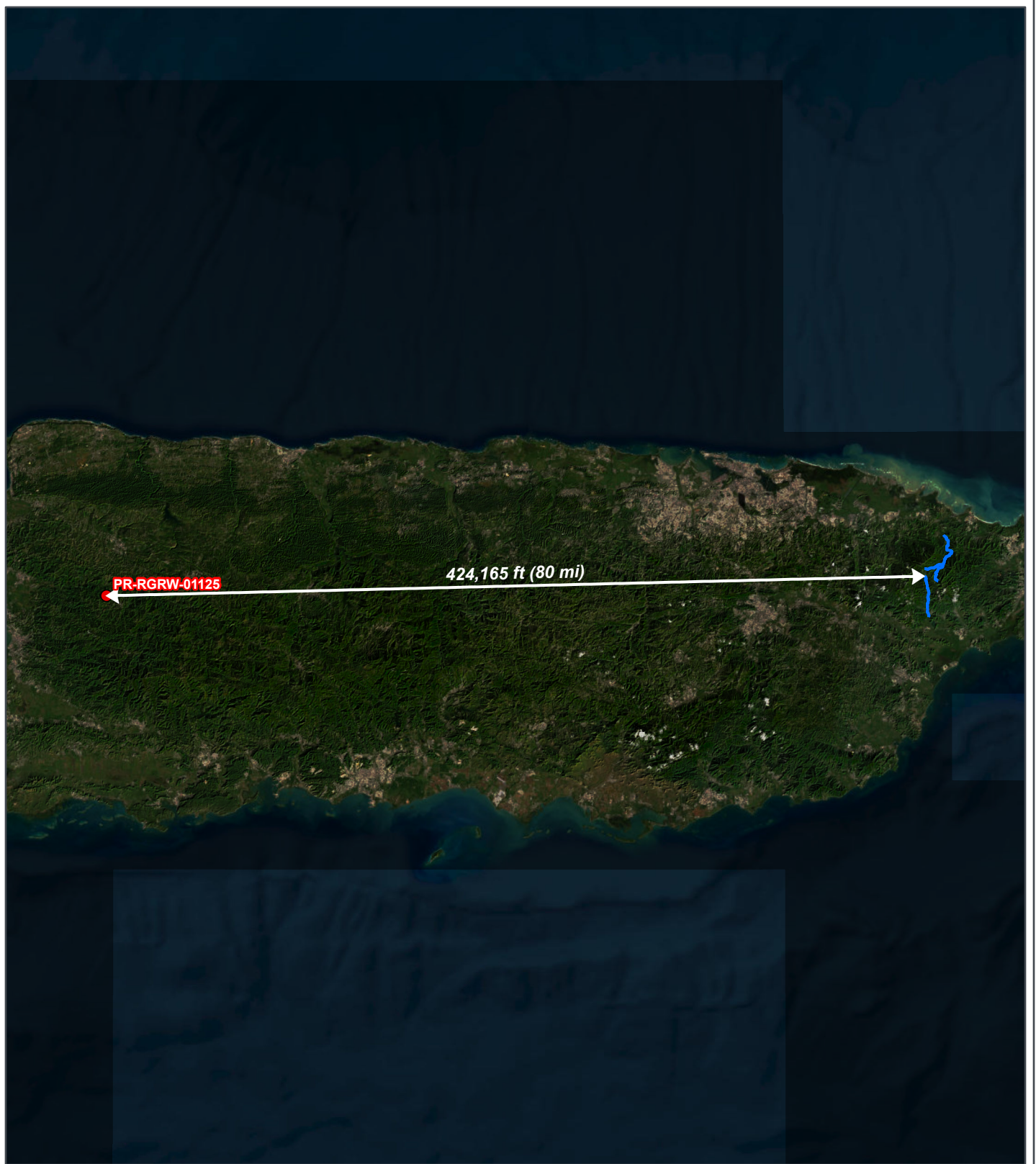
1-99 Bo. Altosano, Carr. 407  
Km 3.2 Int.  
Las Marias, Puerto Rico 00670

Parcel ID: 183-000-005-90-000  
Parcel Center:  
18.264571, -67.011834

Data Source: <https://apps.nationalmap.gov/downloader/#/https://www.fws.gov/program/national-wetlands-inventory/data-download>  
Base Map: ESRI ArcGIS Online, accessed June 2023  
Updated: 6/6/2023  
Layout: Wetlands Protection







REGROW PROGRAM

# **Figure B 15-1: National Wild and Scenic River Map**

Applicant ID: PR-RGRW-01125



- Site
- National Wild and Scenic River

1-99 Bo. Altosano, Carr. 407  
Km 3.2 Int.  
Las Marias, Puerto Rico 00670

Parcel ID: 183-000-005-90-000  
Parcel Center:  
18.264571, -67.011834

Data Source: [https://apps.fs.usda.gov/arcx/rest/services/EDW/EDW\\_WildScenicRiverSegments\\_01/MapServer](https://apps.fs.usda.gov/arcx/rest/services/EDW/EDW_WildScenicRiverSegments_01/MapServer)

Base Map: ESRI ArcGIS Online,  
accessed May 2023

Updated: 5/30/2023  
Layout: Wild and Scenic Rivers

