



**Tier I Environmental Review Record:  
Puerto Rico Housing Recovery Program, Group 4  
Guánica, Yauco, Guayanilla, Peñuelas, Ponce, Juana Díaz, Villalba, Lares,  
Utuado, Adjuntas, Jayuya, Ciales**

<b>Responsible Entity</b> [24 CFR 58.2(a)(7)]	Puerto Rico Department of Housing (PRDOH)
<b>Certifying Officer</b> [24 CFR 58.2(a)(2)]	Dennis G. González Ramos Deputy Secretary Disaster Recovery
<b>Program Name</b>	Community Development Block Grant (CDBG-DR): Puerto Rico Housing Recovery Program
<b>Federal Agency</b>	U.S. Department of Housing and Urban Development (HUD)
<b>Project Locations</b>	Scattered locations throughout this Group
<b>Grant Number</b>	B-17-DM-72-0001
<b>Estimated Total Program Cost</b>	\$1,507,179,000 (supplemental amount \$8,220,783,000)
<b>Grant Recipient</b>	Puerto Rico Department of Housing
<b>Recipient Address</b>	Avenida Barbosa 606, San Juan, Puerto Rico
<b>Program Representative</b>	Joeni L. Camacho Luciano, RA Permit and Environmental Compliance Manager
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<b>Conditions for Approval</b>	See Attachment 1 following and Section 4.0
<b>FINDING</b> [58.40(g)]	<input checked="" type="checkbox"/> <b>Finding of No Significant Impact</b> (The project will not result in a significant impact on the quality of the human environment) <input type="checkbox"/> <b>Finding of Significant Impact</b> (The project may significantly affect the quality of the human environment)
<b>Preparer Signature</b>	
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<b>RE Certifying Officer Signature</b>	
<b>Name/Agency</b>	Dennis G. González Ramos Deputy Secretary Disaster Recovery



## Attachment 1 Conditions for Approval

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

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

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

### General

1. Acquire all required federal, Puerto Rico and local permits prior to commencement of construction and comply with all permit conditions.
2. If the scope of work of a proposed activity changes significantly, the application for funding must be revised and resubmitted for re-evaluation under the National Environmental Policy Act.

### Historic Preservation

3. All activities must comply with Section 106 of the National Historic Preservation Act per the implementing regulations 36 CFR Part 800. Compliance with Section 106 is achieved through the procedures set forth in the Programmatic Agreement among the Federal Emergency Management Agency, the Puerto Rico State Historic Preservation Officer, and the Central Office for Recovery, Reconstruction and Resilience (COR3) executed on May 6, 2016 and amended on May 31, 2018, as adopted by the Puerto Rico Department of Housing through the HUD Addendum executed on December 18, 2018.
4. If archeological deposits, including any stone tools, bones, or human remains, are uncovered, the project shall be halted, and the contractor shall stop all work immediately near the discovery and take reasonable measures to avoid or minimize harm to the finds. All archeological findings will be secured and access to the sensitive area restricted. The contractor will inform the Certifying Officer immediately and the PRDOH will consult with SHPO. Work in sensitive areas cannot resume until consultation is completed and appropriate measures have been taken to ensure that the project complies with the National Historic Preservation Act (NHPA).

### Floodplain Management and Flood Insurance

5. There will only be repair of "non-substantially damaged (damages less than 50% of the cost of repair as compared to the current market value of the structure)" structures in the floodplain. There is no elevation allowed for this program.
6. All structures funded by the Puerto Rico CDBG-DR Program, if in, or partially in, the 100-year floodplain as shown on the Flood Insurance Rate Maps (FIRM) that are official (not Preliminary or Advisory) at the time of issuance of the grant to the applicant, will be required to have flood insurance. All areas within Puerto Rico



are participating in the NFIP. The statutory period for flood insurance coverage may extend beyond project completion. For this Program, coverage must be continued for the life of the property, regardless of transfer of ownership of such property. Section 582(c) of the Community Development and Regulatory Improvement Act of 1994 mandates that "The requirement of maintaining flood insurance shall apply during the life of the property, regardless of transfer of ownership of such property." (42 USC 5154a).

7. No funding will be provided to any person who previously received federal flood disaster assistance conditioned on obtaining and maintaining flood insurance but failed to obtain and maintain the insurance [24 CFR 58.6(b)].
8. Dollar Amount of Flood Insurance Coverage. For grants and other forms of financial assistance, the amount of flood insurance coverage must be at least equal to the development or project cost (less estimated land cost) or to the maximum limit of coverage made available by the Act with respect to the particular type of building involved, whichever is less. The development or project cost is the total cost for acquiring, constructing, reconstructing, repairing or improving the building. This cost covers both the federally assisted and the non-federally assisted portion of the cost, including any machinery, equipment, fixtures, and furnishings. If the federal assistance includes any portion of the cost of any machinery, equipment, fixtures or furnishings, the total cost of such items must also be covered by flood insurance.
9. Proof of Purchase. The standard documentation for compliance with Section 102 (a) is the Policy Declarations form issued by the National Flood Insurance Program or issued by any property insurance company offering coverage under the National Flood Insurance Program. The insured has its insurer automatically forward to the grantee in the same manner as to the insured, information copies of the Policy Declarations form for verification of compliance with the Act. Any financially assisted building in the floodplain lacking a current Policy Declarations form is in Noncompliance.
10. Grantee's Evidence of Compliance under the Certification. The grantee must maintain a complete and up-to-date listing of its on-file and current Policy Declarations for all financially assisted buildings in a floodplain. As a part of the listing, the grantee should identify any such assisted building for which a current Policy Declarations form is lacking and attach a copy of the written request made by the grantee to the owner to obtain a current Policy Declarations form. In the case of "Coastal High Hazard" areas ("V" or "VE" Zones on the latest (most recent) FEMA-issued Maps), there will be no new or reconstruction allowed. In the case of existing construction (including any minor improvements), the work must have met FEMA elevation and construction standards applicable at the time for



the original structure or the earliest FEMA standards for construction if no standards existed at the time of construction.

11. In the case of "Coastal High Hazard" areas ("V" or "VE" Zones on the latest (most recent) FEMA-issued Maps), there will be no new or reconstruction allowed. In the case of existing homes eligible for non-substantial improvements (including any minor improvements), the work must have met FEMA elevation and construction standards applicable at the time for the original structure or the earliest FEMA standards for construction if no standards existed at the time of construction.

### **Wind**

12. All reconstruction or new construction must meet the requirements of the Puerto Rico Building Code, Building Planning and Construction for wind design.

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

13. Implement and maintain erosion and sedimentation control measures to prevent deposition of sediment and eroded soil in onsite and offsite wetlands and waters and to prevent erosion in onsite and offsite wetlands and waters.
14. Minimize soil compaction by minimizing activities in vegetated areas, including lawns.

### **Noise**

15. Outfit all equipment with operating mufflers.
16. Comply will applicable local noise ordinance.

### **Air Quality**

17. Use water or chemical dust suppressant in exposed areas to control dust.
18. Cover the load compartments of trucks hauling dust-generating materials.
19. Wash heavy trucks and construction vehicles before they leave the site.
20. Employ air pollution control measures on all vehicles and equipment, as required by local ordinances.

### **Hazardous Materials**

21. All activities must comply with applicable federal, Puerto Rico and local laws and regulations regarding environmental protection and asbestos, including but not limited to the following:
  - Junta de Calidad Ambiental de Puerto Rico rules and regulations
  - National Emission Standard for Asbestos, standard for demolition and renovation, 40 CFR 61.145 and 150
  - US Environmental Protection Agency
22. Applicant or contractor must comply will all laws and regulations concerning the proper handling, removal and disposal of hazardous materials (e.g. asbestos,



- lead-based paint) or household waste (e.g. construction and demolition debris, pesticides / herbicides, white goods).
23. All activities must comply with applicable federal, Puerto Rico and local laws and regulations regarding lead-based paint including, but not limited to, HUD's lead-based paint regulations in 24 CFR Part 35.
  24. All residential structures must be treated for mold attributable to Hurricanes Irma and Maria in accordance with federal, Puerto Rico or local guidelines.

### ***Recycling/Reuse***

25. *Puerto Rico Law 70 of 1992 ordered the solid waste authority to create and implement a program to reduce and recycle solid waste in Puerto Rico. The Puerto Rico Planning Board regulations of November 29, 2010 contain green permits which aim for sustainable practices that help to lower the amount of debris that will arrive at landfills. Additionally, Puerto Rico Executive Order 2013-029 orders agencies to incorporate sustainable initiatives focused on residue exploitation based on responsible consumption, source separation and the reduction, reuse and recycling of waste. Puerto Rico desires to reduce the amount of demolition/construction waste materials to be disposed in the landfills; therefore, the above referenced regulations and standards will be followed by construction contractors to the greatest extent practicable to reduce the generated waste debris.*

### ***Green Building Standards***

26. *For new construction or re-construction, Puerto Rico will require that sustainability options be incorporated, where applicable or possible. The contractor will comply with the standard approved by HUD for Vivienda entitled "Permiso Verde" as an alternative to the February 19, 2019 Federal Register Notice which includes green standards. The contractors should use Permiso Verde for all construction, as applicable or possible.*



## Attachment 2 Change Management

Change No.	Date	Change Description
1	3/11/19	Incorporated EPA comments into the Tier I ERR
2	3/11/19	Added RROF and AUGF for Group 4 Municipios to Appendix D
3	3/11/19	Modified Tier II ERR to include General and Site-Specific Mitigation Measures



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## Acronyms and Abbreviations

Acronym	Meaning
APZ	Accident Potential Zone
ASD	Acceptable Separation Distance
AUGF	Authority to Use Grant Funds
CAA	Clean Air Act
CBRS	Coastal Barrier Resource System
CDBG-DR	Community Development Block Grant – Disaster Recovery
CFR	Code of Federal Regulations
CPD	Community Planning and Development
CO	Certifying Officer
COR3	Central Office for Recovery, Reconstruction, and Resilience
CZ	Clear Zone
CZMA(P)	Coastal Zone Management Act / Area (Plan)
DNER	(Puerto Rico) Department of Natural and Environmental Resources
EA	Environmental Assessment
EO	Executive Order
EPA	(United States) Environmental Protection Agency
ERR	Environmental Review Record
ESA	Endangered Species Act
FEMA	Federal Emergency Management Agency
Floodplain	Refers, in all cases, to the Regulatory 100-year floodplain, unless indicated otherwise
FONSI	Finding of No Significant Impact
FPPA	Farmland Protection Policy Act
GIS	Geographical Information System
HCDA	Housing and Community Development Act
HUD	Housing and Urban Development (Department of)
HRRRP	Home Repair, Reconstruction, or Relocation Program
LMI	Low to Moderate Income
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act
NFIP	National Flood Insurance Program
NHL	National Historic Landmark
NHPA	National Historic Preservation Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
NOI	Notice of Intent
NPIAS	National Plan of Integrated Airport Systems
NPS	National Park Service
NRHP	National Register of Historic Places
NRCS	Natural Resources Conservation Service
NRI	Nationwide Rivers Inventory
PA	Programmatic Agreement
PRDOH	Puerto Rico Department of Housing (Departamento De La Vivienda)
RCRA	Resource Conservation and Recovery Act
RE	Responsible Entity
RPZ	Runway Protection Zone
RROF	Request for Release of Funds
SCS	Soil Conservation Service
SHPO	State Historic Preservation Office
T&E	Threatened and Endangered Species
USACE	United States Army Corps of Engineers
USC	United States Code
USFWS	United States Fish and Wildlife Service



## 1.0 PROJECT DESCRIPTION

### 1.1 Background and Statement of Purpose

[40 CFR 1508.9(b)]

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

Figure 1. Location



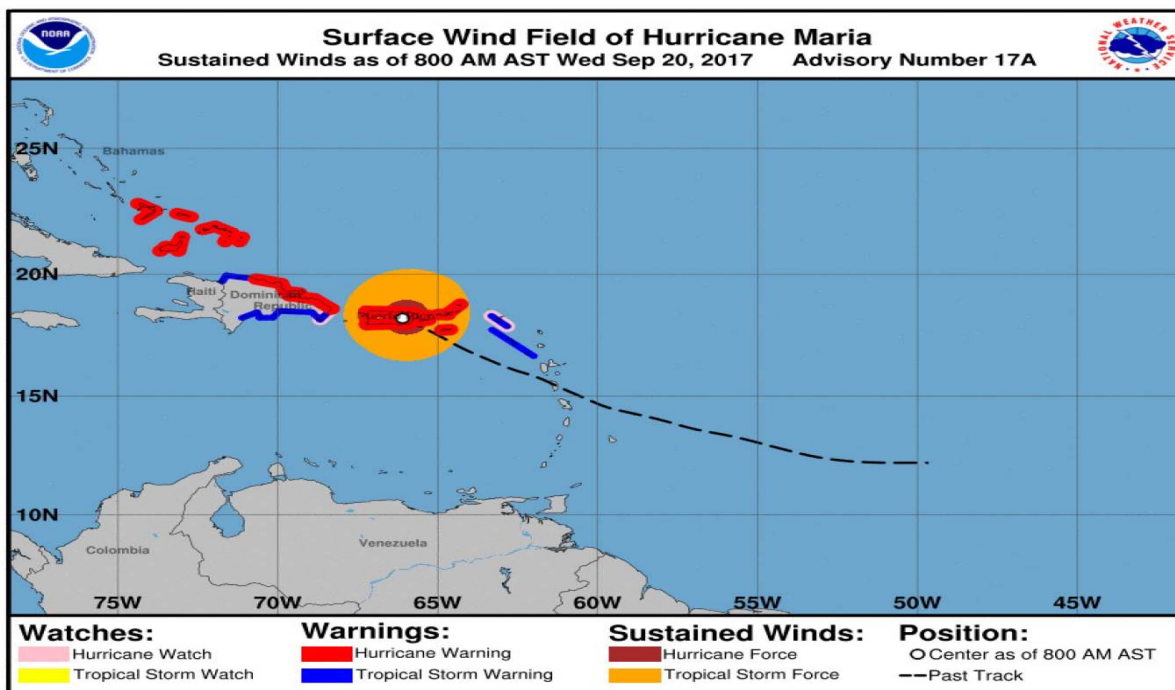
Hurricane Irma made landfall on September 6, 2017 as a Category 5 storm with winds up to 100 miles per hour. The storm cut power to an estimated two-thirds of the main island, leaving communities ravaged. Just two weeks later, Hurricane Maria made landfall on September 20, 2017 as a Category 4 storm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



recorded winds up to 155 miles an hour, river surges up to 47 feet, massive mudslides, and localized rainfall reaching up to 38 inches, resulting in catastrophic flooding. An estimated 64 lives were immediately lost in the storm with hundreds more lost to secondary conditions caused by lack of power, contaminated water sources, and limited to no access to healthcare services.

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

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



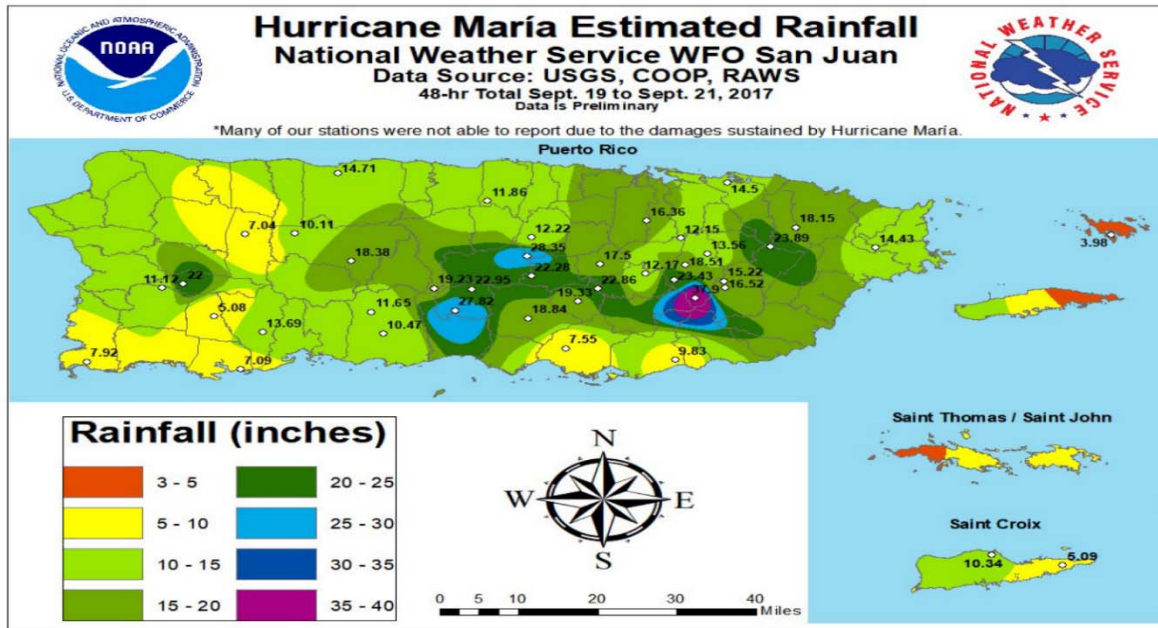
*Hurricane Maria Wind Prediction, image courtesy of NOAA*

During Hurricane Maria, most of the island received substantial rainfall (**Figure 3**), leading to severe flooding and mudslides in every interior mountainous region of the island. Mudslides and sinkholes left communities unrecognizable and, in many cases, inaccessible. Flooding reached record levels; washing away cars, homes and leaving inches of threatening, stagnant water in the aftermath. The most significant flooding occurred immediately around the La Plata River located on the northern coast of the



island and continued to build at peak levels around the southern interior of the main island.

Figure 3. Rainfall Totals for Hurricane Maria



Hurricane Maria Rainfall, image courtesy of NOAA

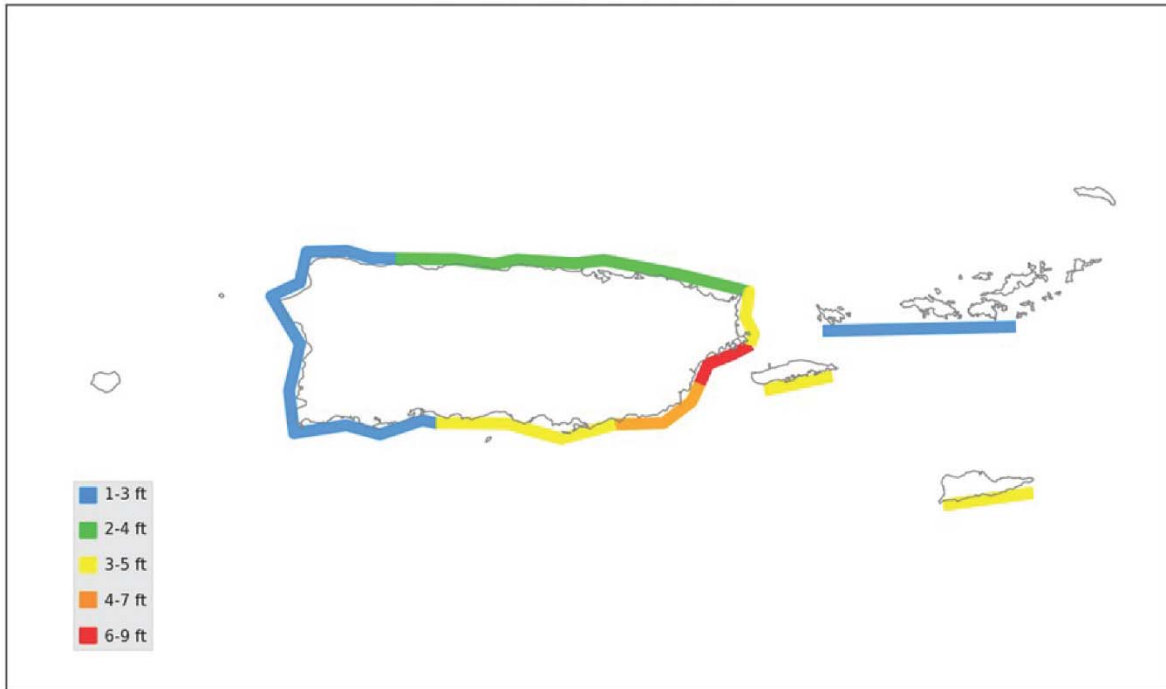
The National Hurricane Center recorded storm surge levels (Figure 4) that reached maximum inundation at 6 to 9 feet above ground level along the coasts of the Humacao, Naguabo, and Ceiba municipios. The United States Geological Survey (USGS) data suggests maximum inundation level along the immediate eastern shoreline reached as high as 9 feet. Measurements along the southeastern coast reached 4 to 7 feet in the municipios of Yabucoa, Maunabo, Patillas, and Arroyo. Along the northeastern coast in the municipio of Fajardo, and much of the southern coast from Ponce eastward, inundation levels reached three (3) to five (5) feet.

Specifically, the Group 4 Municipios received winds of 70 to 110 mph during Hurricane Maria. Rainfall amounts in the Group ranged from 5 to 30 inches, with storm surges up to 5 feet on the coast.

Owner-occupied single-family homes with repair needs represent the largest group of hurricane-impacted properties across Puerto Rico. According to data gathered by the FEMA Individual Assistance Program, Hurricanes Irma and Maria caused damage to an estimated 255,633 owner-occupied homes across the island. More than 728,662 applicants to FEMA housing programs resided in single-family housing. Figure 5 shows FEMA real property loss per housing unit.

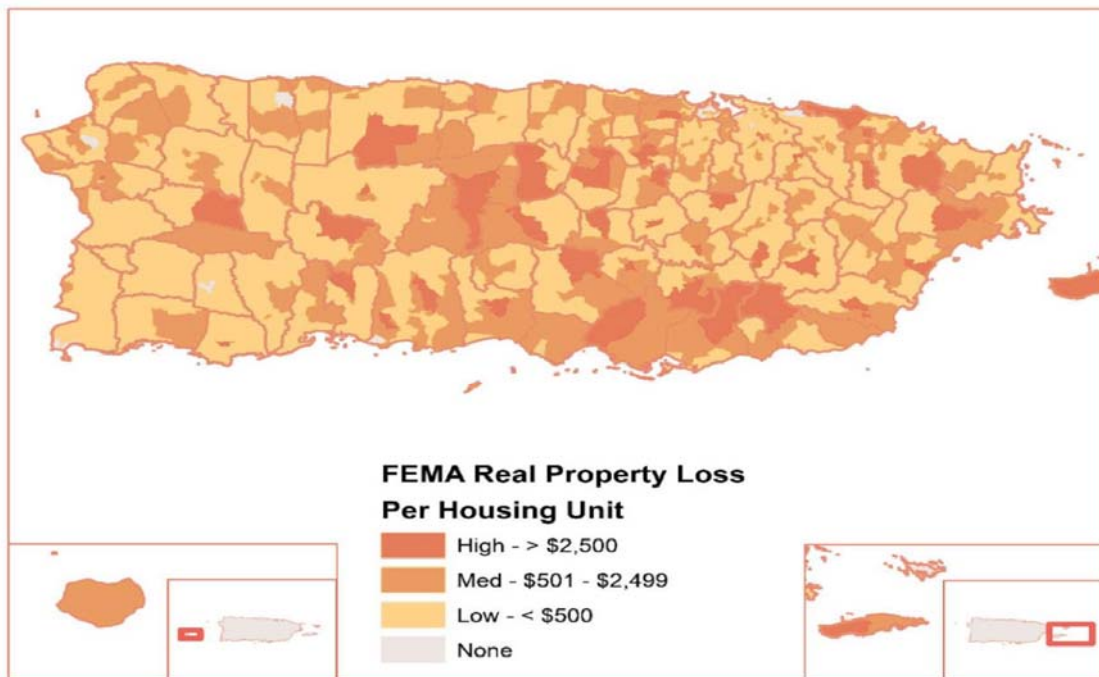


Figure 4. Storm Surge Levels for Hurricane Maria



*Estimated storm surge inundation (feet above ground level) based on an analysis of water level observations along the coasts of Puerto Rico and the U.S. Virgin Islands from Hurricane Maria. Image courtesy of the National Hurricane Center Storm Center*

Figure 5. FEMA Real Property Loss per Housing Unit

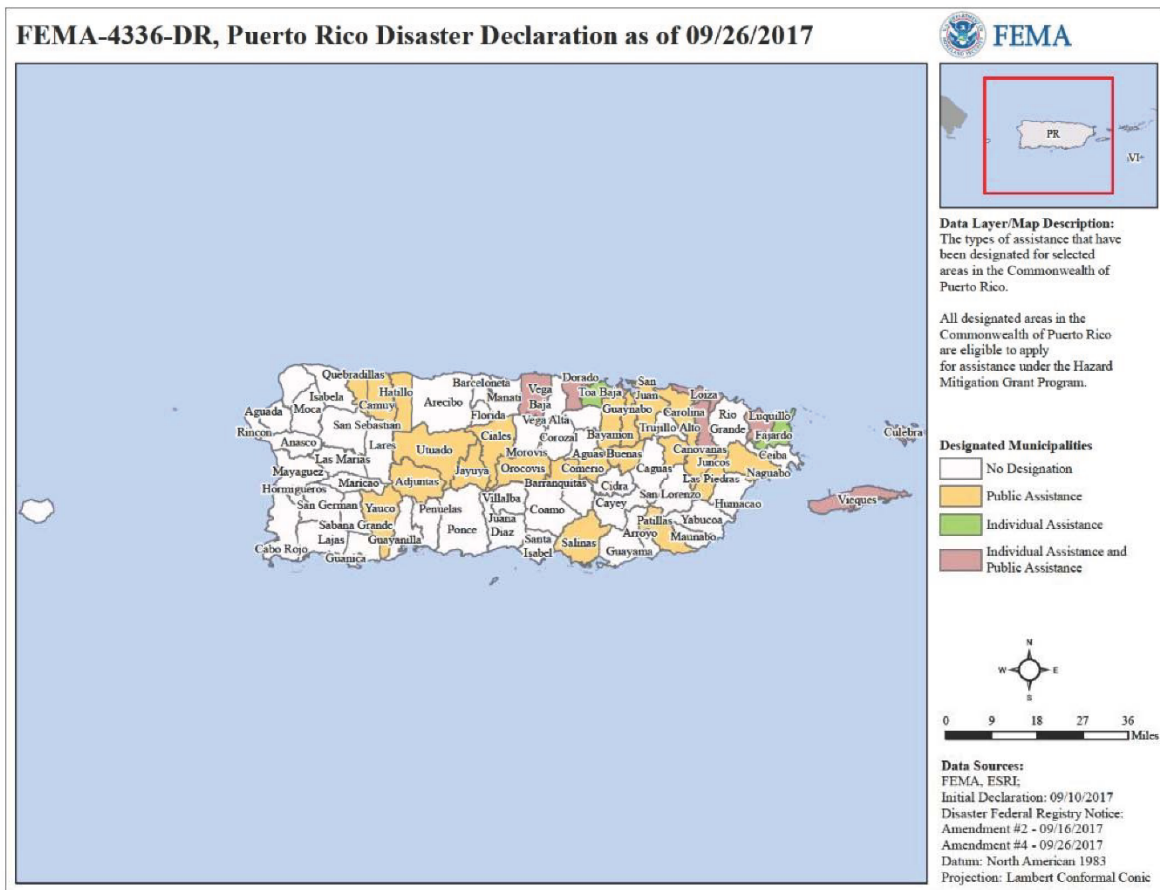


*FEMA Real Property Loss*



Thirty-three (33) of the island’s municipios were declared disaster areas for both Hurricanes Irma and Maria (including all 78 municipios for Hurricane Maria). **Figures 6 and 7** show the declared disaster areas for each storm. As the entirety of the Puerto Rico islands is an impact zone from these two storms (including the twelve municipios, Group 4, covered in this Tier I), recovery needs have exceeded funding available through FEMA’s Disaster Relief Fund, resulting in a special allocation by Congressional Appropriation, awarded through the Department of Housing and Urban Development (HUD) in the form of Community Development Block Grants for Disaster Recovery (CDBG-DR). The first allocation, awarded in the amount of \$1,507,179,000 for housing programs, will be combined with the second allocation of \$8,220,783,000.

**Figure 6. FEMA Declared Disaster Areas for Hurricane Irma**

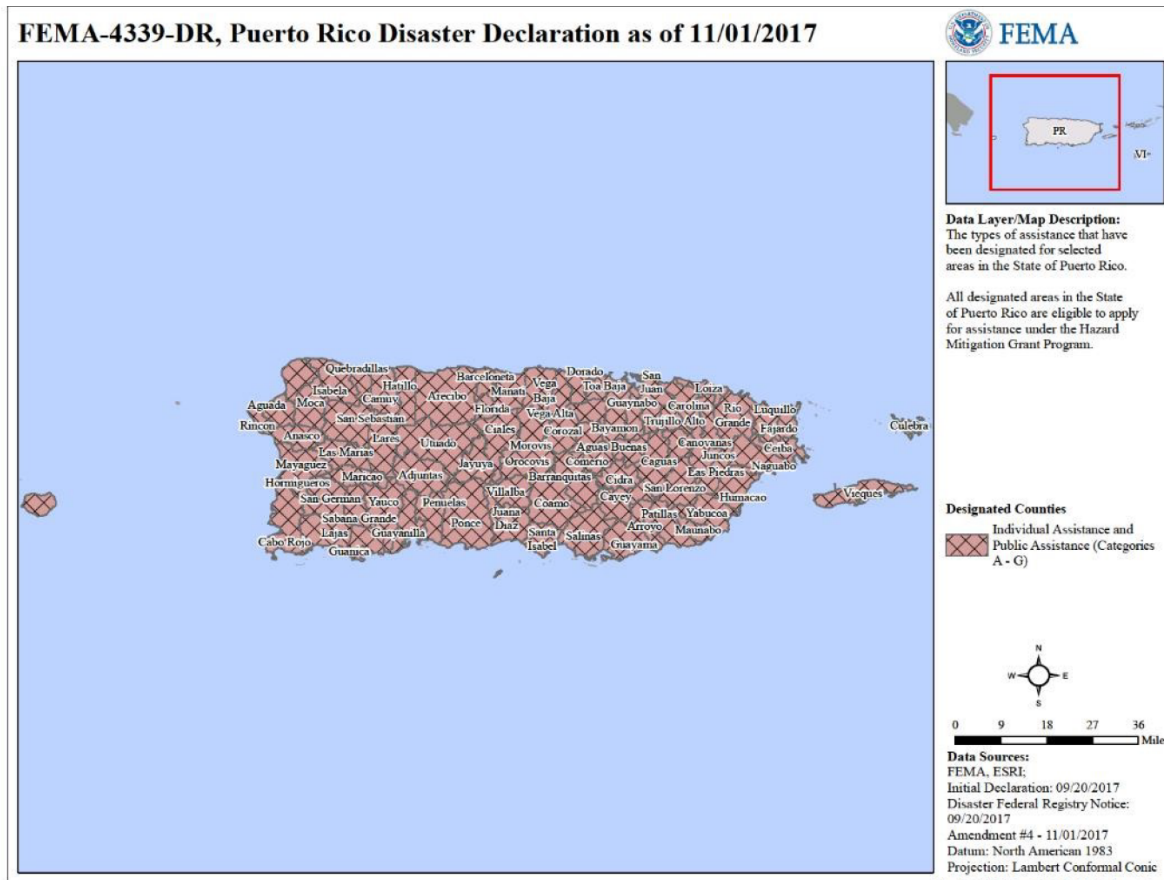


*FEMA map of Public and Individual Assistance for Hurricane Irma*

The purpose of the proposed action is to assist residents in Puerto Rico whose single-family dwellings were damaged or destroyed by Hurricanes Irma and Maria. The project is needed to help provide adequate housing and support for these residents by repairing and/or reconstructing existing homes, relocating homeowners to a new location or constructing new structures outside of flood prone areas.



Figure 7. FEMA Declared Disaster Areas for Hurricane Maria



FEMA map of Public and Individual Assistance for Hurricane Maria

## 1.2 Project Location

Proposed projects actions under this Tiered Environmental Review Record will be limited to the twelve (12) municipios in this Group (Guánica, Yauco, Guayanilla, Peñuelas, Ponce, Juana Díaz, Villalba, Lares, Utuado, Adjuntas, Jayuya, Ciales), as seen in **Figure 8**, including all urban and rural areas therein. This grouping is based upon the Puerto Rico Emergency Management Agency regions. While it is not specifically known as to the number of persons that will apply to the program, much of the housing stock in the areas were damaged to some extent.

## 1.3 Project Description

(Include all contemplated actions which logically are either geographically or functionally a composite part of the project, regardless of the source of funding. [24 CFR 58.32, 40 CFR 1508.25])

The Puerto Rico Department of Housing (PRDOH) has initiated housing programs for Puerto Rico municipios to provide financial assistance to homeowners. The primary Housing Program will be covered in this document, as shown below.



- Home Repair, Reconstruction or Relocation Program (HRRRP) – focused on owner-occupied single-family dwellings that experienced damage due to Hurricanes Irma and Maria. Eligible activities include:
  - Acquisition / Demolition
  - Single-family homeowner rehabilitation
  - Single-family minor improvement in the 100-year floodplain
  - Single-family homeowner reconstruction outside the 100-year floodplain
  - Single-family homeowner new construction at a new parcel outside of the 100-year floodplain
  - Relocation of Single-Family to existing structure outside of the 100-year floodplain

Figure 8. Group 4 Municipios



Legend

□ Group\_4\_Municipios

Structures that are within a 100-year floodplain and were substantially damaged (greater than or equal to 50% of the market value of the structure) would, by regulation, require elevation; however, elevation of structures is not included in this Program. Homeowners





in such a situation would be offered new construction or relocation outside of a floodplain. New construction or relocation will not be allowed within a floodplain.

The PRDOH cannot know specific numbers of homeowners that will be helped until applications are received and damage inspections are made. However, it is believed that up to 12,000 applicants will be helped with an approximation of the following percentages of assistance: 90% reconstruction and rehabilitation and 10% relocation and new construction. The Substantial Damage Estimates (compiled by FEMA) is shown below for Group 4.

Municipio	Minor Improvement or No Damage	Substantial Improvement	Total Assessments	Percent Substantial Improvement
Guánica	372	3	375	0.8
Yauco	79	4	83	4.8
Guayanilla	782	24	806	3.0
Peñuelas	163	7	170	4.1
Ponce	5,281	110	5,391	2.0
Juana Díaz	1,121	45	1,166	3.9
Villalba	15	0	15	0.0
Lares	3	0	3	0.0
Utuado	71	3	74	4.1
Adjuntas	143	1	144	0.7
Jayuya	67	2	69	2.9
Ciales	19	4	23	17.4
<b>Totals</b>	8,116	203	8,319	2.4

Source: Federal Emergency Management Agency

The above project activities apply to the overall project. PRDOH, as the Responsible Entity, has determined that the project will be reviewed in a tiered environmental assessment. The specific addresses of homes and other properties to be rehabilitated, reconstructed, newly constructed, or homeowners to be relocated are not known at this time because the owner identification process is ongoing. Relocation options include providing eligible homeowners the choice between purchasing an existing home or constructing a new home on a vacant lot identified outside of the floodplain. Existing homes may be bank-foreclosed properties, on a PRDOH certified development roster, a market-listed unit, or a home in a condominium or co-op. All relocation properties will be evaluated environmentally, including an evaluation for Environmental Justice. Therefore, under 24 CFR 58.15 (Tiering) and 24 CFR 58.32 (Project Aggregation), PRDOH will use a tiered approach in combining similar work into geographic as well as functional packages for the environmental review.

## 1.4 Existing and Future Need

(Describe the existing conditions of the project area and its surroundings, and trends likely to continue in the absence of the project. [24 CFR 58.40(a)])



As identified in Section 1.1 Background and Statement of Purpose, many properties within the twelve (12) municipios sustained major to severe damage from Hurricanes Irma and Maria. Many homeowners and other potential applicants do not have the resources to repair, reconstruct, newly construct their properties or relocate to less vulnerable areas. In the absence of the proposed program, the damaged properties will continue to deteriorate doing further harm to the communities in which the properties are located.

## 1.5 Summary of Findings and Conclusions

Based upon completion of this environmental assessment, an environmental review of the proposed project indicates there will be no significant changes to existing environmental conditions across the impact categories implemented by HUD in response to the National Environmental Policy Act of 1969 (See Section 1.9). The following subject areas require analysis in this Tier I document before it can be concluded that a specific proposed project activity would have no significant environmental impacts on an individual site. In addition to the environmental assessment factors shown in Section 3, these authorities referenced under HUD's regulations at 24 CFR 58.5 are also included:

- Historic Preservation [36 CFR Part 800]
- Floodplain Management and Flood Insurance [24 CFR 58.5(b) and 24 CFR 58.6]
- Wetlands Protection [Executive Order 11990]
- Coastal Zone Management [Coastal Zone Management Act sections 307(c) & (d)]
- Sole Source Aquifers [40 CFR 149]
- Endangered Species Act [50 CFR 402; 16 USC 1531 et seq.]
- Wild and Scenic Rivers [36 CFR 297]
- Air Quality [40 CFR parts 6, 51, 61, 93]
- Farmland Protection [Farmland Protection Policy Act of 1981 Sections 1504(b) and 1541, 7 CFR 658];
- Environmental Justice [Executive Order 12898]
- Noise Abatement and Control [24 CFR 51 Subpart B]
- Siting of HUD-Assisted Projects near Hazardous Operations [24 CFR 51C];
- Airport Hazards (Runway Protection Zones and Clear Zones/Accident Potential Zones) [24 CFR 51D]
- Toxic Chemicals and Gases, Hazardous Materials, Contamination, and Radioactive Substances [24 CFR 58.5(i)(2)(i)) and Environmental Checklist for Solid Waste]
- Magnuson-Stevens Fishery Conservation and Management Act [16 USC 1801 et seq]

## 1.6 Proposed Action and Alternatives to the Proposed Action

[24 CFR 58.40(e), 40 CFR 1508.9] (Identify and discuss all reasonable alternative courses of action that were considered and were not selected, such as alternative sites, designs, or other uses of the subject site(s). Describe the benefits and



adverse impacts to the human environment of each alternative, in terms of environmental, economic, and design contexts, and the reasons for rejecting each alternative. Also, finally discuss the merits of the alternative selected.)

**Proposed Action:** Individual actions (repair, reconstruction, new construction, relocation of single-family homes), as described in the project description, will provide a safe and secure housing environment for a substantial number of its low, moderate, and middle-income households recovering from Hurricanes Irma and Maria. The HRRRP will provide a positive financial impact on these households, their damaged neighborhoods, and extended communities, by allowing neighborhoods to be rebuilt and not require mass relocations of people. Only 2.4 percent (about 200 homes) of families in a floodplain may require relocation. It is the desire of the PRDOH not to contribute to the potential neighborhood blight left behind after a mass relocation. In this action, structures will be rebuilt on existing parcels but rebuilt to standards that will make them safer and more resistant to future adverse weather conditions.

### **Alternatives to the Proposed Action**

**No Action:** The 'No-Action' alternative would mean that homeowners would not receive federal funding to provide for new, rehabilitated or reconstructed housing under the PRDOH HRRRP. As a result, these owners may not be able to recover and have affordable and safe housing. Furthermore, the homeowners would not be provided financial assistance to repair their properties and thus their properties would remain potentially unsafe, unsanitary, and more vulnerable to adverse weather conditions. Homeowners would not be able to recover financially or afford new housing because of limited household incomes and the costs of repairs. Thus, the No-Action alternative would neither address the shortage of safe housing, or the increase in unoccupied, unsafe homes in the project area.

**Mass Relocating the Homeowners to Less Vulnerable Locations:** This alternative was considered and is not the most viable option, except for selective conditions. There were over 8,300 homes inspected in the floodplain and only about 200 were substantially damaged. Homes that may not be rebuilt in place due to legal, engineering or environmental constraints will not be reconstructed and the homeowner will be provided relocation options. Assuming all grant eligibility criteria could be met for relocation, including the need for any gap financing, the availability of new locations appears limited for this to be a successful mass relocation option. Additionally, the substantial improvement estimate for buildings in a floodplain was only about 2.4 percent (**Section 1.3**). In any event, applicants are expected to desire to remain on their current parcels. Also, the economic feasibility of mass relocations would likely not be practical given funding restrictions. Therefore, this alternative is not the most practicable for all the applicants affected by Hurricanes Irma and Maria. There will still



be limited relocation allowed for individuals with restrictions to rebuilding on their existing parcel (environmental, building restrictions, engineering).

**Infrastructure Action or Other Measures:** There are potential actions that have been used historically to protect housing from vulnerable weather conditions, including drainage, flood protection structures, levees, wind breaks, and the like. These mitigation measures have proven to have some measure of success in protecting communities from flooding and other conditions; however, these actions do not address the housing needs for the homeowners and, in general, are not feasible based on the limited size of most home sites and are far less effective when implemented on individual scattered sites. Additionally, infrastructure projects would not restore the damaged housing stock which is the goal of the HRRRP; therefore, this alternative is not practicable.

**Elevation and/or Reconstruction of Homes within a Floodplain:** The Program, as currently designed in the Action Plan, is focused on moving families out of harm's way. However, a general estimate of elevation has been considered. The PRDOH has estimated a potential cost of \$44,306 to elevate a single-family wooden structure. For this estimate, the PRDOH considered a wooden-frame house approximately 30' by 35', raised above the lot's elevation by 3 feet to consider flooding. The costs for elevating cement / cinder block structures are not economically feasible based on the type of construction. Based upon this, the PRDOH has determined that the elevation and/or reconstruction of homes within a floodplain is not cost reasonable and; therefore, this alternative is not practicable.

## 1.7 Evaluation of Effects

As proposed, the described Program activities will relocate residents and/or improve or rebuild residential structures on properties throughout damaged neighborhoods, although addresses will remain unknown until applicant eligibility is determined. The desire of PRDOH is to perform a Tiered Environmental Assessment per HUD regulation at 24 CFR Part 58.40 Subpart E. This Tiered Review will be combined with a Site-Specific review and shall be prepared for each property as described in **Section 2.0**, the Tiering Plan for ERR. This includes a review of the provisions outlined under Parts 58.5, 58.6 and 58.36. This process will serve to evaluate environmental effects from the Program.

## 1.8 Additional Studies Performed

*(Summarize and attach all special studies performed to support the environmental assessment analysis.)*

No additional studies were performed for the preparation of this document.



### 1.9 Finding

[24 CFR 58.40(g)]

**Finding of No Significant Impact (FONSI)**

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

**Finding of Significant Impact**

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

**Puerto Rico Department of Housing Funding: \$1,507,179,000 (supplemental anticipated funding \$8,220,783,000)**

#### Environmental Review Preparer's Information

Environmental Preparer's name, title, and organization (printed or typed):

**Michael J. Richardson, PE, Director, Government Services, HORNE LLP**

Environmental Preparer's Signature:

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Date: January 15, 2019

#### Responsible Entity Representative's Information / Certifying Officer

Certifying Officer's name, title, and organization (printed or typed):

**Name:** Dennis G. González Ramos, PE MEM

**Title:** Deputy Secretary Disaster Recovery

**Responsible Entity:** Puerto Rico Department of Housing

Responsible Entity Representative's Signature:

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Date: January 24, 2019



## 2.0 TIERING PLAN FOR ENVIRONMENTAL REVIEW

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The Proposed Actions under this program will be evaluated under a tiered Environmental Assessment (24 CFR 58.36). The environmental “Statutory Checklist” contains compliance components related to 24 CFR 58.5, 24 CFR 58.6 and HUD environmental standards in addition to the Environmental Assessment (EA) checklist, intended to complement findings in the statutory checklist, which would also be part of the ERR. PRDOH will be the responsible entity for all environmental work. The EA, as prepared for PRDOH, is a two-step, tiered process, per 24 CFR 58.15. Tier I of a tiered environmental review, in this case, focuses on Group 4, a targeted geographic area to address and analyze those environmental impacts related to the proposed project activities that might occur on a typical site within the municipios depicted on Figure 8. For each listed statute, executive order (EO) or regulation, the PRDOH will record the determinations made. The PRDOH will summarize all reviews and consultations completed as well as any applicable permits or approvals obtained. Supporting evidence will be attached to show that all required actions have been accomplished. They will then summarize any conditions or mitigation measures required. The PRDOH will state a determination of compliance or consistency.

The following EA serves as the Tier I environmental compliance document for the proposed HRRRP for Group 4 municipios. Applying the tiering rule gives Puerto Rico the ability to aggregate work on individual project sites into categories of activities having similar geographic and/or functional environmental attributes. Documentation of site-specific environmental issues requiring individual evaluation or additional agency consultation will be compiled separately. Site-specific review is also referred to as “Tier II Site-specific Review.” No reconstruction, rehabilitation, relocation, new construction or other choice-limiting options on properties will begin until both the broad and site-specific levels of environmental review have been completed and the proposed activity has been found compliant.

### Compliance with 24 CFR 58.5

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

A Site-Specific Checklist, to be completed for each site, has been developed to assess all environmental statutes, authorities and regulations for which the compliance review has not been completed using the Statutory Worksheet. The Site-Specific Checklist shows



requirements to be completed for each property, as shown in **Appendix A**. This checklist will document how those requirements will be or have been met.

## Compliance with 24 CFR 58.6

In addition to the duties under the laws and authorities specified in 24 CFR 58.5 for assumption under the laws cited in Section 58.1(b), PRDOH must comply with the requirements listed at 24 CFR 58.6. The information needed for compliance with 24 CFR 58.6 will be included in **Section 3.0** and is shown in the Tier II site-specific reviews in **Appendix A** for those proposed actions that require compliance with both 24 CFR 58.5 and 58.6.

## Compliance with 24 CFR 58.36 and National Environmental Policy Act of 1969

In addition to the duties under the laws and authorities specified in 24 CFR Part 58.5 and 58.6 for assumption under the laws cited in Section 58.1(b), the PRDOH must comply with the requirements listed at 24 CFR 58.36 (Environmental Assessment) and the EA Checklist (24 CFR 58.40; Ref. 40 CFR 1508.8 & 1508.27). All EA requirements are addressed in **Section 3.0** of the Tier I Environmental Review Record and further addressed, as necessary, in the Tier II Site-Specific Review checklist developed for this program in **Appendix A**.

### 2.1 Tier I Environmental Review Record

This Tier I Environmental Review Record (Tier I ERR) describes the action-area targeted by the Program. It provides a basic profile of the proposed rehabilitation, demolition, reconstruction, new construction and other mitigation activities relative to required compliance factors, as presented in the Statutory Checklist, Other Requirements (24 CFR 58.6) and the Environmental Assessment Checklist (**Section 3.0**) This level of review evaluates impacts of the proposed housing activities in an aggregated way as determined by the potential for impacts relative to the protected or regulated resources and HUD Environmental Standards. This level of review has resulted in a finding of compliance for certain factors so that further review of those factors at the site-specific level (**as shown in Appendix A**) is not necessary. PRDOH has also identified the potential for environmental impacts for several compliance factors evaluated during the Tier II Site-specific Environmental Assessment and must be completed before individual projects can be environmentally cleared to proceed. Combined, this has resulted in a FONSI for the overall Program. Tables and figures prepared to support the Tier I analysis of environmental compliance factors are presented in Appendices following. A list of sources, figures, Agencies, and Persons consulted in support of the Tier I analysis are presented in **Appendix B**.



Also, as part of this Tier I ERR, the process for decision making at 24 CFR 55.20 (also known as the Eight (8)-step process) is presented as a Programmatic Compliance Process in **Appendix C**. While elevation for any non-historic structures to be rehabilitated will not be allowed in this program, there remains the possibility that some historic structures may require elevation as part of meeting the historic requirements. Additionally, no funding will be provided for substantial improvements for structures in the floodplain, thus triggering elevation requirements.

The Tier I ERR aids Puerto Rico in understanding the scope of applicable mitigation measures to potentially be selected for projects (**Section 4.0**). The Tier I document includes a Compliance Documentation Checklist per 24 CFR §58.6. Other requirements have been developed as presented in **Section 3.0**. This serves to allow evaluation of the CDBG-DR Program compliance relative to the requirements of 24 CFR 58. The Tier I ERR of the program is summarized in the Statutory and Environmental Assessment Checklist presented in **Section 3.0** and identifies impact categories, as well as the type and degree of impacts anticipated, and whether proposed housing activities should be evaluated at the site-specific level to determine conditions and what appropriate mitigation or modification measures might be required.

**Appendix D** presents the Combined FONSI and Notice of Intent to Request Release of Funds (NOI/RROF). All public notices, the circulars to which they were published, any comments and responses to those comments will be included in **Appendix D**. Publishing the FONSI and the NOI/RROF together on the same date will expedite the periods for public comment on these notices and for objections to be received by HUD. There will be a combined 15-day comment period for public comments and HUD objections as permitted pursuant to 24 CFR 58.33 (b); Emergencies. The actual Request for Release of Funds and Authority to Use Grant Funds, which is used to formally authorize the use of CDBG-DR grant funds, will be incorporated into **Appendix D**, once approved by HUD.

**Appendix E** presents the Programmatic Agreement for Section 106 of the National Historic Preservation Act of 1966 between the Puerto Rico Historic Preservation Office and the COR3. Also included is the amendment adding the PRDOH to the Agreement. This Agreement will address the effects of this Program on historic properties and archaeological findings.

**Appendix F** is Change Management Documentation.

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

Impact findings cannot be made for all factors in the Tier I ERR, so the Group 4 Municipio Program compliance cannot be fully achieved at the programmatic level. The Tier II site-specific ERR for the Program will be carried out for each proposed activity to address





those environmental compliance factors and HUD standards that remained unresolved or non-compliant by the programmatic level Tier I analysis. A site-specific compliance documentation checklist has been developed for the Group 4 Program, and is presented in **Appendix A**. The following compliance factors will be analyzed for each site-specific activity:

- Historic Preservation (36 CFR Part 800);
- Floodplain Management and Flood Insurance (24 CFR 58.5(b) and 24 CFR 58.6);
- Wetlands Protection (EO 11990);
- Endangered Species Act (50 CFR.402; 16 USC 1531 et seq.);
- Coastal Zone Management (16 USC 1451-1464, Chapter 33);
- Toxic Chemicals and Gases, Hazardous Materials, Contamination, and Radioactive Substances (24 CFR 58.5(i)(2)(i));
- Siting of HUD-Assisted Projects near Hazardous Operations (24 CFR 51C);
- Environmental Justice (EO 12898);
- Airport Hazards (Runway Protection Zones and Clear Zones / Accident Protection Zones) [24 CFR 51D]
- Farmland Protection (Farmland Protection Policy Act of 1981 Sections 1504(b) and 1541, 7 CFR 658); and
- Noise Abatement and Control (24 CFR 51 Subpart B).

Site-specific reviews will include evaluation of the application, the proposed site activity, and its location and impacts relative to the above compliance factors. Reviews will also include direct field observation with photographs, measurements, and notes for the file, as well as possible resource agency consultations. If there are no impacts identified, or if impacts will be fully mitigated through individual site actions, then the proposed project activity planned for a residential site will proceed. No further public notice is required. If impacts cannot be identified and mitigated during the site-specific reviews, then that site may be subject to further studies, treated as a separate project outside of the scope of this tiered review, subject to an individual environmental assessment which will require agency consultations, and may require the publishing or posting of notices for that individual site. In some isolated cases, the proposed project activity may not be eligible for funding, based up a specific mitigation or environmental issue.

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

The Responsible Entity (RE) for this program is the Puerto Rico Department of Housing. The Certifying Officer (CO) is Dennis G. González Ramos, Deputy Secretary Disaster Recovery.



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

Dennis G. González Ramos, PE MEM  
Deputy Secretary Disaster Recovery  
606 Avenida Barbosa, Edificio Juan C. Cordero Dávila  
Rio Piedras, PR 00918



### 3.0 COMPLIANCE WITH 24 CFR 58.5 AND 58.6 LAWS AND AUTHORITIES

**Project Name:** This is the Puerto Rico Department of Housing Hurricanes Irma and Maria Community Development Block Grant Disaster Recovery Program (CDBG-DR), which is being administered under the US Housing and Urban Development (HUD) Community Development Block Grant (CDBG) Program for Unspecified Sites in the Municipios of Guánica, Yauco, Guayanilla, Peñuelas, Ponce, Juana Díaz, Villalba, Lares, Utuado, Adjuntas, Jayuya, and Ciales (Group 4).

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

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

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and .6	Are formal compliance steps or mitigation required?	<b>COMPLIANCE FINDING</b>
<p style="text-align: center;">Historic Preservation</p> <p>[National Historic Preservation Act of 1966, particularly section 106 and 110; 36 CFR 800]</p>	<p>Yes    No</p> <p><input checked="" type="checkbox"/>    <input type="checkbox"/></p>	<p>The existing Programmatic Agreement (PA), executed on May 6, 2016, between the Federal Emergency Management Agency, the Central Office for Recovery, Reconstruction and Resilience, and the Puerto Rico State Historic Preservation Office was amended on May 31, 2018. The Puerto Rico Department of Housing adopted the procedures in the PA through the HUD Addendum executed on December 18, 2018 (See <b>Appendix E</b>). The PA provides a list of allowances for proposed activities including but not limited to those for buildings or structures less than 45 years of age, providing that the proposed activities substantially conform to the original footprint or are performed in previously disturbed soils, and the buildings or structures are not in or adjacent to a National Register of Historic Places (NRHP)-eligible or listed historic district, individual property or a National Historic Landmark (NHL).</p> <p>Consultation with the Puerto Rico State Historic Preservation Office (SHPO) will be required for properties constructed prior to 1973 and properties on which the proposed activities require disturbance of previously undisturbed soil. Additionally, any properties within or</p>



		<p>adjacent to a NRHP-eligible or -listed historic district or adjacent to a NRHP-eligible or -listed individual property will require consultation with the SHPO and local historic preservation commissions.</p> <p>Properties that will affect an NHL will also need consultation with the National Park Service (NPS) NHL Program Manager of the NPS Southeast Regional Office. The consultation process for these properties is set forth in the PA with expedited timelines and allowance for use of Standard Treatment Measures to resolve adverse effects without execution of a project-specific Memorandum of Agreement.</p> <p><u>Regulatory Agency and Source Review</u></p> <p>See <b>Appendix E</b> for the Programmatic Agreement and Amendment between interested parties including List of Agencies contacted.</p> <p><u>Consultation for Tier II, if Required</u></p> <p>Puerto Rico State Historic Preservation Office National Park Service</p> <p><b>Refer to the Tier II: Site-specific Project Review for each individual property for compliance determination.</b></p>
<p>Floodplain Management [24 CFR 55, Executive Order 11988, particularly section 2(a)]</p>	<p>Yes    No <input checked="" type="checkbox"/>    <input type="checkbox"/></p>	<p>For those residential properties located in flood zones in Group 4 (<b>Exhibit 1 Figure 1-1</b>), the PRDOH has made the decision that there is no practicable alternative to providing CDBG-DR assistance to homeowners for the rehabilitation of their properties in these zones.</p> <p>There is no elevation allowed for this program. Therefore, no reconstruction or elevation of substantially damaged structures in the floodplain is permitted. The only activity in a floodplain will be for minor improvement on structures, as defined in 24 CFR 55.2 (b) or if there is an elevation requirement from SHPO for historic homes. The NFIP and HUD's Allocations, Common Application, Waivers and Alternative Requirements for 2017 Disaster CDBG-DR Grantee (FR-6066-N-01) does not require elevation for non-substantially damaged or improved structures located in a floodplain area. Also, there will be no new construction or relocation into the floodplain.</p> <p>Prior to making this decision, PRDOH completed an 8-step analysis of the long- and short-term impacts associated with the continued occupancy of the floodplain and considered whether there were any practicable alternatives to providing CDBG-DR assistance in the floodplain (refer to <b>Appendix C - Floodplain Management</b>).</p> <p>The Puerto Rico Planning Board reviewed the Program and has identified that all activities in the floodplain must be in</p>



		<p>compliance with Planning Regulation 13: <i>Reglamento de Áreas Especiales de Riesgo a Inundación</i>, which is consistent with, or more restrictive than, 44 CFR 60.3. The letter is presented in Exhibit 1.</p> <p>In the case of “Coastal High Hazard” areas (“V” or “VE” Zones on the most recent FEMA-issued maps), the property must have adhered to construction standards, methods and techniques active at the time of original construction to be eligible for funding. Minor improvements are eligible for funding if the structure meets the above requirements. New elevation is not allowed for any structure in a Coastal High Hazard zone. Applicant plans must demonstrate the design meets the applicable standards for V zones in FEMA regulations 44 CFR 60.3(e) as required by HUD regulations 24 CFR 55.1(c)(3)(ii) (A and B).</p> <p>All areas within Puerto Rico are participating in the National Flood Insurance Program (<i>Source: FEMA National Flood Insurance Program Community Status Book</i>).</p> <p><u>Regulatory Agency and Source Review</u></p> <p>See <b>Appendix B Exhibit 1</b>.</p> <p><u>Consultation for Tier II, if Required</u></p> <p>Municipio Floodplain Coordinator Puerto Rico Planning Board</p> <p><b>Refer to Tier II: Site-Specific Project Review form for each individual property for compliance assessment.</b></p>
<p>Wetland Protection [Executive Order 11990, particularly sections 2 and 5]</p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	<p>Project activities involving repair or reconstruction of single-family homes and properties in the disturbed area of the previously developed parcel would most likely not result in permanent direct or indirect impacts to wetlands. Group 4 Municipio wetlands are shown in <b>Exhibit 2 Figure 2-1</b>. However, in the Tier II review, the PRDOH will evaluate available information and, if warranted, a site inspection will be conducted by a trained wetland professional to ensure that wetlands are not impacted by the proposed action. Any activity that would adversely affect wetlands would not be eligible for funding unless an 8-step Decision Making Process was performed, and a permit was acquired allowing the activity, if required.</p> <p>If disturbance to wetlands is required, an 8-step analysis of the long- and short-term adverse impacts associated with the temporary impacts to wetlands must be performed to determine whether there are any practicable alternatives to providing CDBG-DR assistance in the wetland. Best management practices for erosion and sediment control will be implemented (see <b>Conditions for Approval</b>). Repair or reconstruction of structures located over waters of the United States require a United States Army Corps of Engineers (USACE) permit under the Rivers and Harbors</p>



		<p>Appropriation Act of 1899, regardless of whether the project results in discharge of fill to the water. Any project that is not consistent with the Rivers and Harbors Appropriation Act of 1899 would not be funded.</p> <p><u>Regulatory Agency and Source Review</u></p> <p>See <b>Appendix B Exhibit 2.</b></p> <p><u>Consultation for Tier II, if Required</u></p> <p>US Army Corps of Engineers, Jacksonville District, Antilles Area Office, Puerto Rico Puerto Rico Planning Board</p> <p><b>Refer to Tier II: Site-Specific Project Review form for each individual property for compliance documentation.</b></p>
<p>Coastal Zone Management [Coastal Zone Management Act sections 307(c) &amp; (d)]</p>	<p>Yes    No <input checked="" type="checkbox"/>    <input type="checkbox"/></p>	<p>The Coastal Zone Management Program (CZMP) is authorized by the Coastal Zone Management Act (CZMA) of 1972 and administered at the Federal level by the Coastal Programs Division within the National Oceanic and Atmospheric Administration's (NOAA) Office of Ocean and Coastal Resource Management. Puerto Rico's Coastal Program was approved by NOAA in 1978. Puerto Rico's CZMP is administered by the Department of Natural and Environmental Resources (DNER) and is responsible for managing the maritime zone, coastal waters and submerged lands.</p> <p>The Puerto Rico Planning Board serves as the primary agency for managing coastal development. The CZMP authority applies to new construction, conversion, major rehabilitation, and substantial improvement activities. Projects that can affect the coastal zone must be carried out in a manner consistent with the approved Puerto Rico CZMP—under Section 307 of the CZMA of 1972, as amended.</p> <p>In Puerto Rico, there are 44 municipios designated as Coastal and are covered by the Coastal Area Management Act (CAMA). Of Group 4, Guánica, Yauco, Guayanilla, Peñuelas, Ponce, and Juana Díaz are in the Coastal Zone Management Act boundary. The Group 4 municipios not in the zone are Villalba, Lares, Utuado, Adjuntas, Jayuya, Ciales (<b>Exhibit 3 Figure 3-1</b>). The PRDOH must address all issues with the CZMA, per 24 CFR 58.5(c). Essentially, as this program is federally funded, construction activities that are to be performed within the areas of the identified Coastal Zone must be performed in accordance with the Puerto Rico CZMP. The proposed activities within the designated coastal areas of the Municipios of Guánica, Yauco, Guayanilla, Peñuelas, Ponce, and Juana Díaz will require a coastal zone</p>



		<p>consistency determination from DNER and consultation and permit, if required, from the Planning Board.</p> <p><u>Regulatory Agency and Source Review</u></p> <p>See <b>Appendix B Exhibit 3.</b></p> <p><u>Consultation for Tier II, if Required.</u></p> <p>Department of Natural and Environmental Resources Puerto Rico Planning Board</p> <p><b>Refer to Tier II: Site-Specific Project Review form for each individual property for compliance documentation.</b></p>
<p>Sole Source Aquifers</p> <p>[Safe Drinking Water Act of 1974, as amended, particularly section 1424 (e); 40 CFR 149]</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>According to the US Environmental Protection Agency's Source Water Protection, Sole Source Aquifer Protection Program, there are no Sole Source Aquifers in Puerto Rico (<b>Exhibit 4 Figure 4-1</b>).</p> <p><u>Regulatory Agency and Source Review</u></p> <p>See <b>Appendix B Exhibit 4.</b></p> <p><b><i>Review regarding Sole Source Aquifers is complete.</i></b></p>
<p>Endangered Species</p> <p>[Endangered Species Act of 1973, particularly section 7; 50 CFR 402]</p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	<p>The Endangered Species Act (ESA), as amended, and its implementing regulations provide federal agencies with a mandate to conserve threatened and endangered (T&amp;E) species and ensure that any action they authorize, fund, or implement is not likely to jeopardize the continued existence of a T&amp;E species in the wild or destroy or adversely modify its critical habitat.</p> <p>The environmental review must consider potential impacts of the HUD-assisted project activities to T&amp;E species for animals, plants and critical habitats. The review must evaluate potential impacts not only to any listed, but also to any proposed or candidate, endangered or threatened species and critical habitats. Project activities that affect T&amp;E species or critical habitats require consultation with the Department of the Interior, US Fish and Wildlife Service (USFWS) or the NOAA Fisheries Service/National Marine Fisheries Service (NMFS), in compliance with the procedure of Section 7 of the ESA and the DNER.</p> <p>The US Fish and Wildlife Service, as part of its mission to preserve the biological diversity of the Caribbean Area, maintains an inventory of all known occurrences/locations of rare taxa and serves as the data source of locality information of rare and federal- and Puerto Rico-listed animal and plant species, including species that have been proposed for or are candidates for federal listing. The USFWS Environmental Conservation Online System was accessed on August 30, 2018, as a first step in identifying federally- listed Threatened and Endangered species found in Group 4 municipios as a starting point for</p>



	<p>consultations with the USFWS Field Office and the DNER for federally-listed T&amp;E species. The species identified by the USFWS and the DNER for site-specific review are discussed in <b>Exhibit 5, Table 5-1</b>.</p> <p>There are no National Wildlife Refuges in the Group 4 Municipios. However, there are critical habitats in the Group 4 Municipios (<b>Exhibit 5, Figure 5-1</b>); therefore, review is not complete with respect to NOAA topics. Any project activities within or near a critical habitat will require coordination with the USFWS and NOAA if the activities result in an adverse effect to the critical habitat (<b>Exhibit 5, Table 5-2</b>).</p> <p>A determination shall be made after the site damage assessment as to the type of project activity being considered for the proposed action. In accordance with correspondence with the USFWS, Caribbean Ecological Services Field Office (<b>Exhibit 5, Attachment 5-2</b>), the following types of activities have a blanket clearance as having no effect on species or critical habitat and do not need further review:</p> <ul style="list-style-type: none"><li>• Rehabilitation of existing occupied single-family homes and building, provided that equipment storage or staging areas are not located on vacant property harboring a wetland and/or forested vegetation and that the lighting associated with the new facilities is not visible directly or indirectly from a beach.</li><li>• Demolition of dilapidated single-family homes or buildings, provided that the demolition debris is disposed in certified receiving facilities and equipment storage or staging areas are not located on vacant property harboring a wetland and/or forested vegetation.</li><li>• Rebuilding of demolished single-family homes or buildings, provided that the new construction is within the existing footprint of the previous structure and/or within pre-existing grassed or paved areas, and that the lighting associated with the new facilities are not visible directly or indirectly from a beach.</li></ul> <p>For new construction on a parcel identified by the PRDOH, a determination shall be made as to the potential for impact of any housing activities on habitat of any of the identified species in <b>Exhibit 5, Table 5-1</b>. If there is no impact on the identified species, the review can continue. If there is the potential for impact, all work shall stop and coordination with the USFWS and DNER shall occur. Relocation will be to vacant homes and no adverse impacts to species and critical habitats are anticipated.</p>
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		<p><u>Regulatory Agency and Source Review</u></p> <p>See <b>Appendix B Exhibit 5.</b></p> <p><u>Consultation for Tier II, if Required</u></p> <p>US Fish and Wildlife Service National Oceanic and Atmospheric Administration Puerto Rico Department of Natural and Environmental Resources</p> <p><b>Refer to Tier II: Site-Specific Project Review form for each individual property for compliance documentation.</b></p>
<p>Wild and Scenic Rivers</p> <p>[Wild and Scenic Rivers Act of 1968, particularly section 7 (b) and (c)]</p> <p>National Rivers Inventory, Presidential Directive 1979</p>	<p>Yes    No</p> <p><input type="checkbox"/>    <input checked="" type="checkbox"/></p>	<p>The Wild and Scenic Rivers Act created the National Wild and Scenic Rivers System in 1968 to protect selected rivers in a free-flowing condition and to recognize their importance to our cultural and natural heritage (16 USC 1271). The Act prohibits federal support for activities such as construction of dams or other on-stream activities that could harm a designated river's free-flowing condition, water quality or outstanding resource values. Activities require review by the National Park Service only if they would disturb the bed or bank of a designated river.</p> <p>There are no designated wild and scenic rivers in the Group 4 Municipios. The closest are Rio De La Mina, Rio Mameyes and Rio Icacos in the El Yunque National Forest (<b>Exhibit 6 Figure 6-1</b>).</p> <p>Additionally, the Nationwide Rivers Inventory (NRI) is a listing of more than 3,400 free-flowing rivers or river segments in the US that are believed to possess one or more "outstanding remarkable" natural or cultural value. Under a 1979 Presidential Directive, all federal agencies must seek to avoid or mitigate actions that would adversely affect one or more of the NRI segments. There are no rivers on the NRI in the Group 4 Municipios.</p> <p><u>Regulatory Agency and Source Review</u></p> <p>See <b>Appendix B Exhibit 6.</b></p> <p><b><i>Review regarding Wild and Scenic Rivers is complete.</i></b></p>
<p>Air Quality</p> <p>[Clean Air Act, as amended, particularly section 176 (c) and (d); 40 CFR parts 6, 51,93]</p>	<p>Yes    No</p> <p><input type="checkbox"/>    <input checked="" type="checkbox"/></p>	<p>The proposed program is in compliance. Emissions associated with the proposed actions are limited to use of residential and small construction equipment and are estimated to be well below the threshold when compared to the federal General Conformity Rule de minimis thresholds.</p> <p><u>General Conformity Clean Air Act Requirements</u></p> <p>Section 176(c) of the Clean Air Act (CAA) requires a federal agency that funds any activity in a nonattainment or maintenance area to conform to the State</p>



		<p>Implementation Plan (SIP). Conforming to a SIP means that an action will not:</p> <ul style="list-style-type: none"> <li>• Cause or contribute to a new violation of any standard in any area;</li> <li>• Increase the frequency or severity of any existing violation of any standard in any area; or</li> <li>• Delay timely attainment of any standard or any required interim emission reduction or other milestones in any area.</li> </ul> <p>EPA's federal General Conformity regulation (40 CFR Part 90) implements the CAA. The General Conformity Rule requires that the direct and indirect air emissions from an action are identified. The identified air emissions in the nonattainment area are compared to the de minimis levels in the regulation to determine compliance. If the emissions from the action are below the de minimis levels, the action complies with the CAA.</p> <p>The General Conformity Rule does not apply to this program in the Group 4 Municipios as all the areas are in attainment status for National Ambient Air Quality Standards (NAAQS) pollutants.</p> <p>Data is from the USEPA Green Book; current as of August 31, 2018.</p> <p><u>Regulatory Agency and Source Review</u></p> <p>See <b>Appendix B Exhibit 7.</b></p> <p><b><i>Review regarding Air Quality is complete. Best management practices according to the Mitigation Conditions (Section 4.0) should be followed.</i></b></p>
<p>Farmland Protection [Farmland Protection Policy Act of 1981, particularly sections 1504 (b) and 1541; 7 CFR 658]</p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	<p>The Farmland Protection Policy Act (FPPA) of 1981 (7 USC 4201 et seq.) regulates Federal actions with the potential to convert farmland to non-agricultural uses. The purpose of the Act, as regulated in 7 CFR 658, is "to minimize the extent to which Federal programs contribute to the unnecessary and irreversible conversion of farmland to nonagricultural uses."</p> <p>"Farmland", in accordance with 7 CFR 658.2(a), is defined as "prime or unique farmlands as defined in section 1540(c)(1) of the Act or farmland that is determined by the appropriate ... government agency ... to be farmland of statewide or local importance." The definition further explains that farmland does not include land already in or committed to urban development or water storage, and that farmland already in urban development includes all land with a density of 30 structures per 40-acre area.</p> <p>The Department of Agriculture Natural Resources Conservation Service (NRCS) makes determinations of prime and unique farmlands in Puerto Rico, and</p>



		<p>consultation with the NRCS is required if farmland that is protected under the FPPA is to be converted to nonagricultural uses. <b>Exhibit 8, Figure 8-1</b>, shows farmlands in Puerto Rico.</p> <p>The NRCS uses Form AD-1006 (“Farmland Conversion Impact Rating”) to make determinations regarding the relative value of land deemed as farmland. Form AD-1006 involves scoring of the relative value of the site for preservation and is completed by both the PRDOH and the NRCS. Total scores below 160 require no further analysis. Scores between 160 and 200 may have potential impacts and require further consideration of alternatives that would avoid this loss.</p> <p>Most of the project activities associated with this program would not trigger consultation with the NRCS for farmlands. However, the project activity associated with “New Construction on a Previously Undisturbed Parcel” would require a review by using Form AD-1066 to determine the farmlands score.</p> <p><u>Regulatory Agency and Source Review</u></p> <p>See <b>Appendix B Exhibit 8</b>.</p> <p><u>Consultation for Tier II, if Required</u></p> <p>US Department of Agriculture, Natural Resources Conservation Service Department of Agriculture of Puerto Rico</p> <p><b>Refer to Tier II: Site-Specific Project Review form for each individual property for compliance documentation.</b></p>
<p>Environmental Justice [Executive Order 12898]</p>	<p>Yes    No <input checked="" type="checkbox"/>    <input type="checkbox"/></p>	<p>The proposed activities would encourage people in the areas most affected by Hurricanes Irma and Maria to continue living where they live now. In general, those areas have proven vulnerable to adverse weather conditions. Other pre-existing environmental conditions would continue under the proposed program. However, the primary effects of the proposed program would be to improve the condition of the housing, making it more durable, energy-efficient, safe from mold, asbestos, lead based paint, and other health and safety impacts.</p> <p>The program would also enhance health and safety by making many homes less vulnerable to adverse weather conditions in accordance with program requirements. Homeowners in severely damaged structures in floodplains will also be allowed to relocate to an area outside of the floodplain. An environmental determination will also be made on those areas to which families are relocated; including environmental justice for the families relocating.</p> <p>Low- to moderate-income (LMI) households would receive significant benefits from this program. Based upon the</p>



		<p>Program, there should be no environmental issues that would disproportionately affect LMI and/or minority populations.</p> <p>Homes in a floodplain requiring substantial improvement will not be elevated and reconstructed as part of this Program. LMI applicants, in such a situation, would have an option to be relocated to a vacant, existing home or be eligible for new construction outside of the floodplain. This would do two things: (1) make the applicant's family less vulnerable to future storms and flooding and (2) not require the applicant to pay flood insurance as they will be out of the floodplain.</p> <p><u>Regulatory Agency and Source Review</u></p> <p>See <b>Appendix B Exhibit 9.</b></p> <p><b>Refer to Tier II: Site-Specific Project Review form for each individual property for compliance documentation.</b></p>
<p><b>HUD Environmental Standards 24 CFR Part 51</b></p>		<p><b>Summary of consultations, supporting documentation, determinations and mitigation measures</b></p>
<p>Noise Control and Abatement [Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR 51 Subpart B]</p>	<p>Yes    No <input checked="" type="checkbox"/>    <input type="checkbox"/></p>	<p>The PRDOH has considered noise criteria and standards according to the provision at 24 CFR 51.101(a)(2), which states that "responsible entities under 24 CFR 58 must take into consideration the noise criteria and standards in the environmental review process and consider ameliorative actions when noise sensitive land development is proposed in noise exposed areas."</p> <p>The provision at 24 CFR 51.101(a)(3) addresses new construction (not to be confused with rehabilitation or reconstruction) and states that "HUD assistance for the construction of new noise sensitive uses is prohibited generally for projects with unacceptable noise exposures and is discouraged for projects with normally unacceptable noise exposure."</p> <p>This provision also addresses reconstruction, rehabilitation and mitigation that meets the exclusion for this regulation. The regulation states that HUD noise policy does not apply to "assistance that has the effect of restoring facilities substantially as they existed prior to the disaster." The proposed housing activities of reconstruction and rehabilitation without substantially increasing the existing footprint would restore housing substantially as it existed prior to Hurricanes Irma and Maria. Therefore, these activities would be exempt from this section.</p> <p>However, the provision at 24 CFR 51.101(a)(5) addresses rehabilitation (including reconstruction) and states for major or substantial rehabilitation projects in the Normally Unacceptable and Unacceptable noise zones, HUD actively shall seek project sponsors to incorporate noise attenuation features, given the extent and nature of the</p>



		<p>rehabilitation being undertaken and the level of exterior noise exposure. Where possible, proposed activities in these areas will be reviewed for inclusion of noise attenuation features. New construction or relocation in these Normally Unacceptable and Unacceptable areas will not be allowable.</p> <p><u>Regulatory Agency and Source Review</u></p> <p>See <b>Appendix B Exhibit 10.</b></p> <p><u>Consultation for Tier II, if Required</u></p> <p>HUD, Region IV</p> <p><b>Refer to Tier II: Site-Specific Project Review form for each individual property for compliance documentation.</b></p>
<p>Siting of HUD-Assisted Projects Near Hazardous Operations [24 CFR 51 Subpart C]</p>	<p>Yes    No <input checked="" type="checkbox"/>    <input type="checkbox"/></p>	<p>The definition of "HUD-assisted project" at 24 CFR 51.201 is predicated on whether the project increases the number of people exposed to hazardous operations. Therefore, the environmental review for activities to reconstruct or rehabilitate for housing that existed prior to the disaster is not required to apply the acceptable separation distance (ASD) standards in 24 CFR Part 51C where the number of dwelling units is not increased, and the activities are limited to the general area of the pre-existing footprint. An ASD analysis is required if the number of dwelling units increases and / or the building footprint changes substantially, potentially bringing the structure (and number of residents) closer to an aboveground tank containing a flammable or explosive substance. Therefore, new construction or relocation will require a site-specific review.</p> <p><u>Regulatory Agency and Source Review</u></p> <p>See <b>Appendix B Exhibit 11.</b></p> <p><u>Consultation for Tier II, if Required</u></p> <p>HUD, Region IV</p> <p><b>Refer to Tier II: Site-Specific Project Review form for each individual property for compliance documentation.</b></p>
<p>Airport Hazards (Runway Protection Zones and Clear Zones/Accident Potential Zones) [24 CFR 51 Subpart D]</p>	<p>Yes    No <input checked="" type="checkbox"/>    <input type="checkbox"/></p>	<p>The restrictions on construction and major rehabilitation of structures in runway protection zones (formerly called runway clear zones) apply to civil airports (24 CFR 51.303). Civil airports are defined as commercial service airports designated in the Federal Aviation Administration's National Plan of Integrated Airport Systems (NPIAS) (24 CFR 51.301(c)).</p> <p>The Mercedita Airport (PSE) is a Primary Commercial Service Non-hub airport located in Ponce, Puerto Rico. Therefore, this regulation is applicable for runway protection zones for this airport. Runway protection zones extend up to 2,500 feet from the ends of the runways along</p>



		<p>flight paths and become wider as the distance from the runway increases.</p> <p>If the site is within 2,500 feet of this airport, a determination must be made to evaluate if the site is within a Runway Protection Zone. If the site is in a designated RPZ, a written assurance from the airport operator is required that there are no plans to purchase the land as part of an expansion program. Also, reconstruction or major rehabilitation may make the applicant ineligible for HUD assistance. New construction will not be allowed in such a zone.</p> <p>HUD regulations also include restrictions on construction and major rehabilitation in clear zones and accident potential zones associated with runways at military airfields (24 CFR 51.303). There are no military airfields in the Group 4 Municipios.</p> <p><u>Regulatory Agency and Review Parties</u></p> <p>See <b>Appendix B Exhibit 12.</b></p> <p><u>Consultation for Tier II, if Required</u></p> <p>Mercedita Airport Coordinator</p> <p><b>Refer to Tier II: Site-Specific Project Review form for each individual property for compliance documentation.</b></p>
<p>Toxic Chemicals and Gases, Hazardous Materials, Contamination, and Radioactive Substances</p> <p>[24 CFR 50.3 (i) and 58.5(i)(2)]</p>	<p>Yes    No</p> <p><input checked="" type="checkbox"/>    <input type="checkbox"/></p>	<p><b><u>Hazardous Materials</u></b></p> <p>HUD policy requires that the proposed site and adjacent areas be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants of the property or conflict with the intended utilization of the property. To identify sites near the proposed project location that have hazardous materials, contamination, toxic chemicals, gases and radioactive substances as specified in 24 CFR 58.5(i), a review of web-based data information will be conducted for each site; including EPA's Geographic Information System (GIS) database. The review includes an examination of EPA's Superfund List, National Priorities List (NPL), Toxics Release Inventory, Brownfields, Air Facility Systems, and Hazardous Waste (RCRA) databases, including NEPAAssist. We will also review information from the Puerto Rico Environmental Quality Board. Based upon these reviews, the PRDOH will determine whether the homeowner's property lies within a distance (3,000 feet) of a facility that handles or otherwise disposes of a hazardous material or toxic substance.</p> <p><b><u>Radon</u></b></p> <p>Indications are that Puerto Rico radon concentrations in the Group 4 Municipios are less than 4 picocuries per liter of air as potentially existing in the subsurface, which is the</p>



	<p>EPA action level for radon (<i>Source: US EPA</i>). (<b>Exhibit 13 Figure 13-1</b>). Therefore, no additional requirements for radon are necessary.</p> <p><b><u>Asbestos, Lead-Based Paint, and Mold</u></b></p> <p>It is HUD policy that all occupied structures proposed for inclusion in HUD-funded programs be free of hazardous materials that could affect the health of the occupants. Structures to be reconstructed or rehabilitated in the CDBG-DR Program may include lead-based paint and materials containing asbestos. These are hazardous materials that could affect the health of residents. All activities must comply with applicable federal and local laws and regulations regarding asbestos, including but not limited to the following:</p> <ul style="list-style-type: none"> <li>• National Emission Standard for Asbestos, standard for demolition and renovation, 40 CFR 61.145;</li> <li>• National Emission Standard for Asbestos, standard for waste disposal for manufacturing, fabricating, demolition, and spraying operations, 40 CFR 61.150;</li> <li>• All regulations governing actions under the Puerto Rico Environmental Quality Board.</li> </ul> <p>All activities must comply with applicable federal and local laws and regulations regarding lead-based paint, including but not limited to, HUD’s lead-based paint regulations in 24 CFR Part 35 Subparts B, H, and J. These regulations apply to housing constructed prior to January 1, 1978.</p> <p>Mold can also have an adverse effect on human health and is a very common problem in houses that have been flooded or damaged by adverse weather. Mold should not be a problem in houses that are demolished and reconstructed but could remain in rehabilitated housing if steps are not taken to eliminate mold during the rehabilitation. All residential structures funded under the CDBG-DR Program must be remediated for mold attributable to Hurricanes Irma and Maria in accordance with Puerto Rico requirements.</p> <p><u>Regulatory Agency and Source Review</u></p> <p>See <b>Appendix B Exhibit 13</b>.</p> <p><u>Consultation for Tier II, if Required</u></p> <p>US Environmental Protection Agency, Region II Puerto Rico Environmental Quality Board</p> <p><b>Refer to Tier II: Site-Specific Project Review form for each individual property for compliance documentation.</b></p>
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<b>ADDITIONAL STATUTORY AUTHORITIES NOT LISTED IN 24 CFR 58.5</b>		
<p>Magnuson-Stevens Fishery Conservation and Management Act [16 USC 1801 et seq]</p>	<p>Yes    No <input type="checkbox"/>   <input checked="" type="checkbox"/></p>	<p>The Magnuson-Stevens Fishery Conservation and Management Act applies to ocean fish, including ocean fish that spawn in fresh water or in estuaries (anadromous fish). The act requires protection of "essential fish habitat," defined as habitat fish need for spawning, breeding, feeding, or growth to maturity. Puerto Rico contains numerous streams and estuaries used for spawning by various anadromous fish.</p> <p>This program, however, is not intended for use in modifying or disturbing any fresh water spawning areas or estuaries in any fashion. Therefore, the Magnuson-Stevens Fishery Conservation and Management Act does not apply to the proposed program.</p> <p><i>Review regarding Magnuson-Stevens Act is complete.</i></p>
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 58.6</b>		
<p>Airport Hazards [24 CFR 58.6 (d)]</p>	<p>Yes    No <input checked="" type="checkbox"/>   <input type="checkbox"/></p>	<p>There is one (1) Commercial Service airport with runway protection zones (the Mercedita Airport) in Group 4 Municipios.</p> <p>In accordance with 24 CFR 51.303(a)(3), a notice must be given to anyone interested in using HUD assistance to buy an existing property which is in either a Runway Protection Zone at a Civil airport or a Clear Zone at a Military airfield.</p> <p><u>Regulatory Agency and Source Review</u> See <b>Appendix B Exhibit 12.</b></p> <p><b>Refer to Tier II: Site-Specific Project Review form for each individual property for compliance documentation.</b></p>
<p>Coastal Barrier Resources [Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990; 16 USC 3501]</p>	<p>Yes    No <input checked="" type="checkbox"/>   <input type="checkbox"/></p>	<p>There are several designated units of the Coastal Barrier Resource System in the Group 4 area (PR-51, PR-52, PR-53, PR-54-, PR-55, PR-56, PR-57, PR-57P, PR-58P, PR-59, PR-60P, PR-61, PR-62P, and PR-63P) off the coast of this area (<b>Exhibit 14 Figure 14-1</b>). With very limited exceptions, federal assistance is not allowed for projects in a CBRS unit. Therefore, all locations, in the Coastal municipios, will be checked to determine if they are within a CBRS unit.</p> <p>See <b>Appendix B Exhibit 14.</b></p> <p><b>Refer to Tier II: Site-Specific Project Review form for each individual property for compliance documentation.</b></p>
<p>Flood Insurance [Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994; 42 USC 4001-4128]</p>	<p>Yes    No <input checked="" type="checkbox"/>   <input type="checkbox"/></p>	<p>Puerto Rico has several areas that are in a 100-year floodplain. Because of that, site-specific determinations must be made to determine the need for flood insurance as part of this citation. There are several items to be checked for this topic:</p> <ul style="list-style-type: none"> <li>• Is the project located within a 100-year floodplain?</li> </ul>





<p>and 42 USC 5154(a) and 24 CFR 55]</p>		<ul style="list-style-type: none"><li>• Is the community participating in the National Flood Insurance Program or has less than one year passed since FEMA notification of Special Flood Hazards?</li><li>• Did the applicant previously receive federal assistance that was conditioned on obtaining and maintaining flood insurance?</li><li>• Did the applicant obtain and maintain flood insurance?</li></ul> <p><b>Refer to Tier II: Site-Specific Project Review form for each individual property for compliance documentation.</b></p>
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**Environmental Assessment Checklist (ref.: Environmental Review Guide HUD CPD 782, 24 CFR 58.40, 40 CFR 1508.8 & 1508.27)**

(Evaluate the significance of the effects of the proposal on the character, features, and resources of the project area. Enter relevant base data and verifiable source documentation to support the finding. Then enter the appropriate impact code from the following list to make a finding of impact. Impact Codes: (1) – Minor beneficial impact; (2) No impact anticipated; (3) Minor impact anticipated – may require mitigation; (4) – Significant or potentially significant impact anticipated. Note names, dates of contact, telephone numbers, and page references. Attach additional materials as needed.)

Land Development	Code	Summary of consultations, supporting documentation, determinations, and mitigation measures
<b>Conformance with Comprehensive Plans and Zoning</b>	2	The proposed action would demolish, repair, replace and/or construct single-family homes (1 to 4 units) consistent with current local plans and zoning ordinances. If it is determined that permits are needed, the contractor will obtain them from the appropriate department prior to construction activities. <b>(Refer to Tier II: Site-Specific Project Review form for each individual property documentation)</b>
<b>Land Use Compatibility and Urban Impact</b>	2	The proposed action sites would maintain current land use and would therefore be compatible with surrounding and existing land uses. Most of the proposed actions will consist of rehabilitation or reconstruction (estimate up to 98% of the damaged housing stock in Group 4) of an existing home. Though there is an option for new construction and relocation (approximately 2% in Group 4), the number of applicants who will choose this proposed action is not anticipated to increase urban sprawl. This is because of the low percentages and that the PRDOH will allow new construction only on properties they have allocated to the program; chosen to limit impact to the area in which they are built.
<b>Slope and Erosion</b>	2	Most of the proposed actions under the CDBG-DR program will be repair or reconstruction of homes on previously disturbed parcels where erosion controls are expected to have been put in place during the initial establishment of the home site. For these actions, the placement of fill or creation of bare soil will be minimized and therefore will not cause significant erosion. Furthermore, on sites adjacent to wetlands, best management practices will be implemented to protect wetlands from sedimentation caused by erosion. For proposed activities that include new construction, the parcel will be evaluated prior to construction activities and best management practices will be implemented to reduce possible erosion impacts where slope conditions may exist. A determination also needs to be made regarding landslides for new construction in the more mountainous areas of the island. Homes built in any areas subject to landslides <b>(See Figure 9, following)</b> , should be constructed with those building parameters considered. <i>Furthermore, any properties with disturbed areas over 1 acre should be reviewed for the need for permitting for NPDES and Erosion Sediment.</i>  <b>(Refer to Tier II: Site-Specific Project Review form for each individual property documentation)</b>



Soil Suitability	2	Unsuitable soils are not expected to affect the proposed projects. Any soil issues that may have posed issues on previously disturbed parcels should have been addressed during initial construction activities. In the instance where the proposed action includes new construction, soil suitability will be assessed prior to construction and will be addressed during local permitting processes.
Hazards and Nuisances and Site Safety	3	Hazards, nuisances and site safety will be assessed on a site-by-site basis during the CDBG-DR program. Contractors will be required to provide health and safety plans and monitoring during construction. <b>Refer to Tier II: Site-Specific Project Review Form for each individual property for applicable information.</b>
Energy Consumption	2	Though some energy will be consumed in implementing the Program, additional energy consumption due to the project activities will be minimal as the program is not anticipated to significantly expand the housing stock. All proposed actions will be carried out in accordance with HUD standards and local codes. Reconstruction will meet standards in the Puerto Rico 2011 Building Code and will incorporate Green Building features to the extent possible to reduce energy usage.
Noise – Contribution to community noise levels	3	The proposed activities would cause temporary increases in noise levels at nearby residences. Noise impacts would be mitigated to the extent feasible. The proposed project actions themselves will not impact noise levels. See Conditions for Approval.
Air Quality – Effects of ambient air quality on project and contribution to community pollution levels	3	There would be temporary, unavoidable increases in community air pollution levels during the proposed activities due to construction. Air quality impacts would be mitigated to the extent feasible (see Conditions for Approval). The completed project would not have an adverse impact on air quality in the affected communities. Existing ambient air quality would have no effect on the proposed project.
Environmental Design – Visual quality – coherence, diversity, compatible use & scale	1	The proposed project would provide reconstruction or rehabilitation of existing or recently demolished homes. The proposed work would improve visual quality relative to current conditions and would have little effect relative to conditions before the storm. The proposed project would not have significant impacts on visual coherence, diversity, or compatibility of use or scale.
Socioeconomic Factors	Code	<b>Summary of consultations, supporting documentation, determinations, and mitigation measures</b>
Demographic Character Changes	2	The proposed project will not significantly alter the demographic characteristics of the communities involved. Most of the proposed activities will allow for displaced community members to return to their previous residences and communities. The number of actions that include new construction or relocation would not significantly alter the demographics of chosen communities and would allow for a better quality of life for the families involved. While some applicants in Group 4 (up to 2% of the total housing applicants in the floodplain) will choose



		<p>relocation or reconstruction on a new parcel as an option, it is not anticipated that this will significantly alter the demographic characteristics of the communities involved. The PRDOH has identified a number of parcels on which to newly construct, as well as, a number of vacant houses for applicants to relocate. They have chosen these parcels / houses with an eye towards not impacting the community but blending these new members into the community.</p> <p>Residential, commercial or industrial uses will not be altered because of the project as proposed activities will be carried out on parcels that have already been designated for residential use.</p> <p>There is no potential to destroy or harm community institutions. Proposed actions that include demolition will involve homes that have previously been inhabited or managed by program applicants.</p>
<b>Displacement</b>	2	<p>The proposed project involves the rehabilitation or reconstruction of damaged homes. Homeowners currently living in homes may be displaced for a period during construction activities but will be allowed to move back into their homes immediately following construction. Furthermore, persons participating in the program that have been displaced due to hurricane damage will be able to return home after construction is complete, leading to a decrease in displaced citizens due to the proposed project. There will be a number of homeowners displaced because elevation and reconstruction with elevation is not allowed in the floodplain. The time of displacement, for new construction and/or relocation should not be longer than that for reconstruction or rehabilitation. Also, for Group 4, the numbers are only 2 percent of the homes in the floodplain that require substantial improvement.</p>
<b>Employment and Income Patterns</b>	1	<p>The proposed project will aid in restoring homeowners to their previous communities, employment and income patterns; thus, leading to favorable developments to commercial, industrial and institutional operations in the project area. The homeowners that choose new construction and/or relocation will be placed such that they will be as close as possible to jobs, schools, etc. Additionally, the proposed program would help to alleviate some of the financial burden from homeowners for the repair / reconstruction of their home.</p>
<b>Community Facilities and Services</b>	Code	<b>Summary of consultations, supporting documentation, determinations, and mitigation measures</b>
<b>Educational Facilities</b>	2	<p>The proposed action would allow previous residents to return to their homes. Local educational facilities were able to accommodate student levels prior to Hurricanes Irma and Maria and should therefore be able to accommodate returning students. The number of applicants moving to new areas via new construction is not expected to be substantial and would therefore not cause a need for additional facilities. According to</p>



		information from the Puerto Rico Education Department on the island's schools in June 2018, about ¾ of the island's schools have an occupancy of less than 60 percent. Any relocation of applicants should not adversely affect facilities.
<b>Commercial Facilities</b>	2	The proposed action would allow previous residents to return to their homes which would in turn increase the demand for local commercial services. Though local retail services will be available, the increase in demand may lead to shorter supplies for some businesses while the commercial sector adjusts to the returned homeowners. The number of applicants moving to new areas via the new construction program is not expected to be substantial and would therefore not cause a need for additional commercial facilities.
<b>Health Care</b>	2	The return of residents to their homes would increase the demand for health care services in the affected neighborhoods, and there maybe be a period of adjustment during which the demand for some health care services in some neighborhoods exceed the supply. The proposed project would have little effect on regional health care facilities, which should be able to return to providing services at the same level as before Hurricanes Irma and Maria. While healthcare facilities are still recovering, in some cases, from the hurricanes, that is a trend indicative for the entire island. The movement of applicants back to homes or to new areas will not impact that trend, in and of itself. The number of applicants moving to new areas via the new construction program is not expected to be substantial and would therefore not cause a need for additional health care facilities.
<b>Social Services</b>	2	Social services in the area are provided by municipio-level or Island-level organizations. The proposed project would facilitate a return to pre-storm population levels in certain neighborhoods in the municipios, but this would not cause a significant increase in the demand for social services at the city or Island level.
<b>Solid Waste</b>	3	The proposed action would result in generation of substantial quantities of remodeling, demolition and construction wastes. These activities may cause increases in short-term generation of municipal solid wastes. There is a possibility that the project will overload design capacities of local facilities. The intent, therefore, is to recycle some demolition wastes (concrete, wood, etc.) to lessen the impact on the landfills until other arrangements can be made. There are provisions for locations to dispose of construction or demolition debris that are separate from household solid waste.
<b>Waste Water</b>	2	The returning homeowners will cause increases in the number of households generating wastewater in the target area; however, the number of homes contributing to wastewater will be approximately those that existed pre-Irma and Maria. The existing or planned waste water systems will be adequate to service the proposed project. Additionally, construction and rehabilitation



		will require to be up to local code, which will improve the standards of generating and treating wastewater.
<b>Storm Water</b>	2	Existing storm water disposal and treatment systems are anticipated to adequately service the proposed projects. Best management practices will be implemented during construction activities to prevent erosion and sedimentation at sites, especially those near wetlands.  Best management practices would be implemented to prevent erosion and sedimentation at sites near wetlands (see Conditions of Approval). Proximity of wetlands would be determined on a site-by-site basis. BMPs have been developed by the PRDOH as shown in the Mitigation Conditions. Additional mitigation will be on a by-case basis as required by the Planning Board.
<b>Water Supply</b>	2	The returning homeowners will cause increases in the demand for water in the target area; however, the number of homes contributing to water supply demand will be similar to those that existed pre-Irma and Maria (officials estimated as of June 6, 2018 that 96% of capacity was operational as compared to pre-storm). The existing or planned municipal water utility or supplies are therefore believed to be adequate and available to service the proposed project.
<b>Public Safety</b> - Police	2	Many of the homes included in the program are currently occupied and the residents are receiving local police services as needed. Though the returning homeowners will also receive the services described above, it is not anticipated that the increase in community members will cause a strain on the effectiveness of these local services.
<b>Public Safety</b> - Fire	1	The proposed project activities would replace, repair, mitigate or provide for new construction of damaged homes. Unrepaired structures pose a potential fire risk and the program would assist in removing the potential hazards.
<b>Public Safety</b> - Emergency Medical	2	Most of the proposed actions will be rehabilitation or reconstruction of currently occupied homes where the residents are currently able to obtain emergency medical services. Though rehabilitation of unoccupied homes and new construction on previously undeveloped parcels will cause some increases in the population eligible to receive medical services in certain areas, this impact is not anticipated to overload the current emergency medical services available.
<b>Open Space, Recreation, and Cultural Facilities</b>	2	The proposed project activities take place on properties that previously contained housing structures. Some activities will include construction on parcels designated for residential use. These activities should have no impact on open space or recreational facilities. The project activities would also have no impact on cultural facilities. Vacated homes in the floodplain will be demolished and the area kept as green space.
<b>Transportation</b>	2	The proposed project would help people return to their homes and would therefore cause a slight increase in traffic levels and

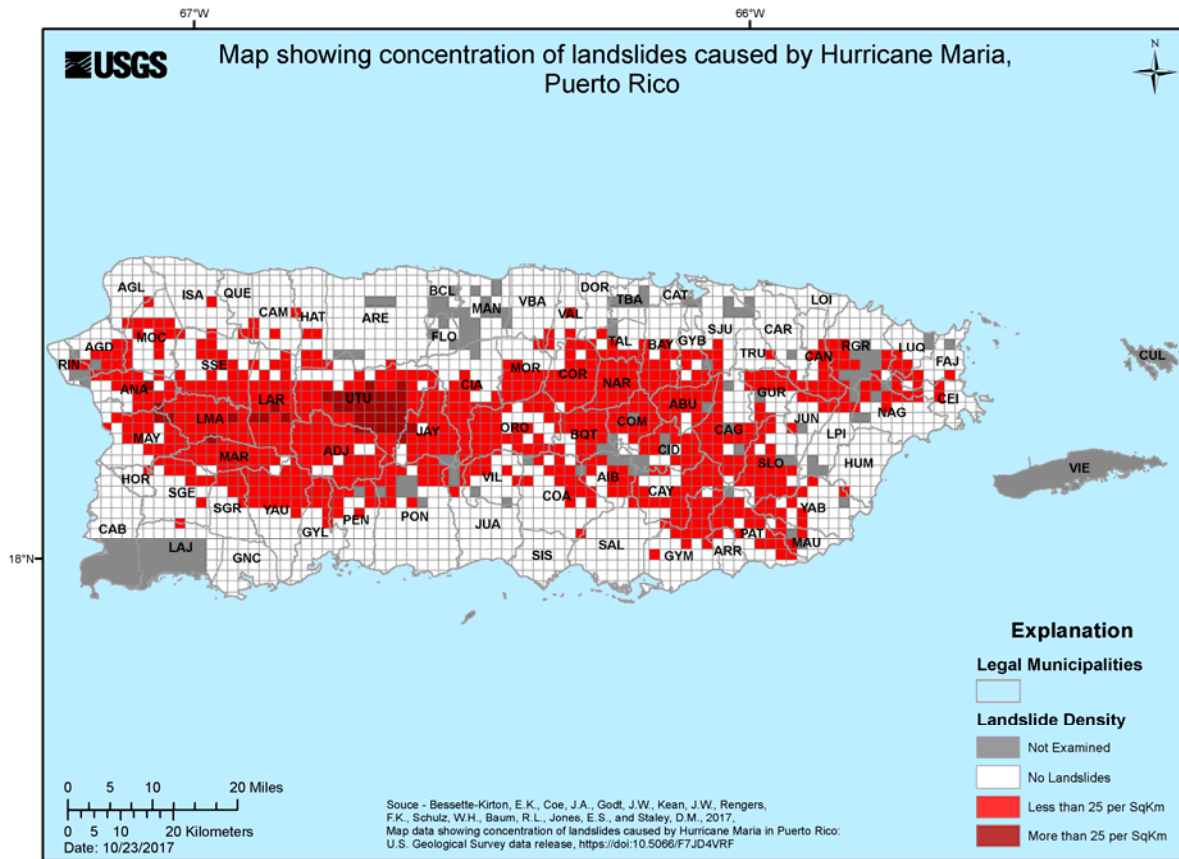


		demand for public transportation services relative to current conditions but would not increase levels or demand relative to conditions prior to Hurricanes Irma and Maria. Proposed projects which include the option of new construction are anticipated to be minimal and would not cause a significant impact to the availability of transportation facilities and services in the project area.
<b>Natural Features</b>	<b>Code</b>	<b>Summary of consultations, supporting documentation, determinations, and mitigation measures</b>
<b>Water Resources</b>	2	The proposed project is not anticipated to cause water quality issues in or around construction sites. Construction activities will implement best management practices (as identified in Mitigation Conditions or established by the Planning Board) and will not involve discharge or sewage effluent into surface water bodies.
<b>Unique and Natural Features and Agricultural Lands</b>	2	Construction activities will occur primarily on previously developed parcels where homes currently reside. The projects that include new construction will be on parcels designated for residential use. Therefore, unique and natural features are not anticipated to be impacted or cause impacts to the proposed project.
<b>Vegetation and Wildlife</b>	2	Construction activities will occur primarily on previously developed parcels where homes currently reside. The projects that include new construction will be on parcels designated for residential use (specifically single family), and it is not anticipated that trees, vegetation or native plant community habitats will be negatively affected.

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



Figure 9. Hurricane Maria Landslide Density Map



### List of Sources, Agencies and Persons Contacted

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

FAA, National Plan for Integrated Airport Systems:

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

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

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

National Park Service, National Registry of Natural Landmarks.

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

US Fish and Wildlife Service, Wild and Scenic Rivers – correspondence to Agency on October 16, 2018

National Wild and Scenic Rivers System: [www.rivers.gov/puerto-rico.php](http://www.rivers.gov/puerto-rico.php)

Puerto Rico Community Development Block Grant Disaster Recovery Action Plan, July 2018. [www.cdbg-dr.pr.gov/en/action-plan/](http://www.cdbg-dr.pr.gov/en/action-plan/)





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

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

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

US EPA, Environmental Topics, Air Topics: [www.epa.gov/environmental-topics/air-topics](http://www.epa.gov/environmental-topics/air-topics)

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

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

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

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

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

Puerto Rico Coastal Zone Management Program Plan, September 2009.

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

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

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

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

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



## 4.0 APPLICABLE MITIGATION MEASURES

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As presented in **Appendix A**, the Tier II ERR employs a site-specific checklist to assess several NEPA compliance factors in accordance with 24 CFR 58.5, 58.6, 58.36 and HUD Environmental Standards. This assessment helps determine whether environmental mitigation measures would be required for the proposed housing activity to achieve NEPA compliance on a specific construction site.

Conditions encountered during the site inspection and environmental screening of a proposed construction site will typically determine whether mitigation measures will be required. Following a review of the property inspection report and photographs, a Tier II Environmental Assessment will be completed and will describe both the project and required mitigation measures. This assessment will be packaged with supporting documentation into a site-specific file for the Group 4 Municipio's construction project review. After the PRDOH issues environmental clearance for the proposed construction project, thus receiving authority to use grant funds, the file becomes available for the assigned construction contractor to review in support of site planning activities, in the PRDOH CDBG-DR program system of record and in the ERR maintained by the municipios.

This Tier I ER for the program indicates that environmental mitigation measures may be required for several compliance factors, including:

- Historic Preservation
- Floodplain Management and Flood Insurance
- Wetlands Protection and Water Quality
- Coastal Zones Management
- Threatened and Endangered Species
- Noise
- Air Quality
- Hazardous Materials (including mold and lead-based paint)
- Siting of Projects Near Hazardous Operations
- Airports
- Environmental Justice

While specific mitigation measures cannot be fully defined upon Tier I ERR publication, they are summarized below. These will support Tier II site-specific standard environmental assessment procedures approved by PRDOH to help define the measures applicable to most sites. The construction contractor will note what the specific mitigation measures are required for the assigned project by the Tier II checklist and incorporate these into their construction plans and document how compliance was achieved.



## Conditions for Mitigation

The following are conditions for mitigation for environmental items that need additional actions either prior to or during the proposed project activities.

### General

1. Acquire all required federal, Puerto Rico and local permits prior to commencement of construction and comply with all permit conditions.
2. If the scope of work of a proposed activity changes significantly, the application for funding must be revised and resubmitted for re-evaluation under the National Environmental Policy Act.

### Historic Preservation

3. All activities must comply with Section 106 of the National Historic Preservation Act per the implementing regulations 36 CFR Part 800. Compliance with Section 106 is achieved through the procedures set forth in the Programmatic Agreement among the Federal Emergency Management Agency, the Puerto Rico State Historic Preservation Officer, and the Central Office for Recovery, Reconstruction and Resilience executed on May 6, 2016 and amended on May 31, 2018, as adopted by the Puerto Rico Department of Housing through the HUD Addendum executed on December 18, 2018.
4. If archeological deposits, including any stone tools, bones, or human remains, are uncovered, the project shall be halted, and the contractor shall stop all work immediately near the discovery and take reasonable measures to avoid or minimize harm to the finds. All archeological findings will be secured and access to the sensitive area restricted. The contractor will inform the Certifying Officer immediately and the PRDOH will consult with SHPO. Work in sensitive areas cannot resume until consultation is completed and appropriate measures have been taken to ensure that the project complies with the National Historic Preservation Act (NHPA).

### Floodplain Management and Flood Insurance

5. There will only be repair of "non-substantially damaged" structures in the floodplain. There is no elevation allowed for this program.
6. All structures funded by the HRRRP, if in, or partially in, the 100-year floodplain shown on the latest adopted FIRMs (not preliminary or advisory) at the time of the issuance of the grant to the applicant, will be required to have flood insurance and the flood insurance must be maintained for the economic life of the structure, irrespective of owner [24 CFR 58.6(a)(1)]. All areas within Puerto Rico are participating in the NFIP.



7. No funding will be provided to any person who previously received federal flood disaster assistance conditioned on obtaining and maintaining flood insurance but failed to obtain and maintain the insurance [24 CFR 58.6(b)].
8. Duration of Flood Insurance Coverage. The statutory period for flood insurance coverage may extend beyond project completion. For grants, such as the HRRRP, and other non-loan forms of assistance, coverage must be continued for the life of the property, regardless of transfer of ownership of such property. Section 582(c) of the Community Development and Regulatory Improvement Act of 1994 mandates that "The requirement of maintaining flood insurance shall apply during the life of the property, regardless of transfer of ownership of such property." (42 USC 5154a).
9. Dollar Amount of Flood Insurance Coverage. For grants and other forms of financial assistance, the amount of flood insurance coverage must be at least equal to the development or project cost (less estimated land cost) or to the maximum limit of coverage made available by the Act with respect to the particular type of building involved, whichever is less. The development or project cost is the total cost for acquiring, constructing, reconstructing, repairing or improving the building.
10. Proof of Purchase. The standard documentation for compliance with Section 102 (a) is the Policy Declarations form issued by the National Flood Insurance Program or issued by any property insurance company offering coverage under the National Flood Insurance Program. The insured has its insurer automatically forward to the grantee in the same manner as to the insured, information copies of the Policy Declarations form for verification of compliance with the Act. Any financially assisted building in a floodplain lacking a current Policy Declarations form is in Noncompliance.
11. Grantee's Evidence of Compliance under the Certification. The grantee must maintain a complete and up-to-date listing of its on-file and current Policy Declarations for all financially assisted buildings in a floodplain. As a part of the listing, the grantee should identify any such assisted building for which a current Policy Declarations form is lacking and attach a copy of the written request made by the grantee to the owner to obtain a current Policy Declarations form.
12. In the case of "Coastal High Hazard" areas ("V" or "VE" Zones on the latest (most recent) FEMA-issued Maps), there will be no new or reconstruction allowed. In the case of existing construction (including any minor improvements), the design standards must have met FEMA elevation and construction standards applicable at the time for the original structure or the earliest FEMA standards for construction if no standards existed at the time of construction. If the existing construction met with applicable standards, minor improvements will be allowed in the Program. No substantial improvements in the V zone will be funded by this Program.



### **Wind**

13. All reconstruction or new construction must meet the requirements of the Puerto Rico Building Code, Building Planning and Construction for wind design.

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

14. Implement and maintain erosion and sedimentation control measures sufficient to prevent deposition of sediment and eroded soil in onsite and offsite wetlands and waters and to prevent erosion in onsite and offsite wetlands and waters.
15. Minimize soil compaction by minimizing activities in vegetated areas, including lawns.

### **Noise**

16. Outfit all equipment with operating mufflers.
17. Comply will applicable local noise ordinance.

### **Air Quality**

18. Use water or chemical dust suppressant in exposed areas to control dust.
19. Cover the load compartments of trucks hauling dust-generating materials.
20. Wash heavy trucks and construction vehicles before they leave the site.
21. Employ air pollution control measures on all vehicles and equipment.

### **Hazardous Materials**

22. All activities must comply with applicable federal, Puerto Rico and local laws and regulations regarding environmental protection and asbestos, including but not limited to the following:
  - Junta de Calidad Ambiental de Puerto Rico rules and regulations
  - National Emission Standard for Asbestos, standard for demolition and renovation, 40 CFR 61.145 and 150
  - US Environmental Protection Agency
23. Applicant or contractor must comply will all laws and regulations concerning the proper handling, removal and disposal of hazardous materials (e.g. asbestos, lead-based paint) or household waste (e.g. construction and demolition debris, pesticides / herbicides, white goods).
24. All activities must comply with applicable federal, Puerto Rico and local laws and regulations regarding lead-based paint including, but not limited to, HUD's lead-based paint regulations in 24 CFR Part 35.
25. All residential structures must be treated for mold attributable to Hurricane Irma and Maria in accordance with federal, Puerto Rico or local guidelines.



### ***Recycling/Reuse***

26. *Puerto Rico Law 70 of 1992 ordered the solid waste authority to create and implement a program to reduce and recycle solid waste in Puerto Rico. The Puerto Rico Planning Board regulations of November 29, 2010 contain green permits which aim for sustainable practices that help to lower the amount of debris that will arrive at landfills. Additionally, Puerto Rico Executive Order 2013-029 orders agencies to incorporate sustainable initiatives focused on residue exploitation based on responsible consumption, source separation and the reduction, reuse and recycling of waste. Puerto Rico desires to reduce the amount of demolition/construction waste materials to be disposed in the landfills; therefore, the above referenced regulations and standards will be followed by construction contractors to the greatest extent practicable to reduce the generated waste debris.*

### ***Green Building Standards***

27. *For new construction or re-construction, Puerto Rico will require that sustainability options be incorporated, where applicable or possible. The contractor will comply with the standard approved by HUD for Vivienda entitled "Permiso Verde" as an alternative to the February 19, 2019 Federal Register Notice which includes green standards. The contractors should use Permiso Verde for all construction, as applicable or possible. Also included, in the Tier II ERR, is the HUD Office of Community Planning and Development's Green Building Retrofit Checklist. This checklist should be used as a reference for items that can be used in the process of Green Building. Contractors are encouraged to use items that are in the Checklist.*



## Appendix A

### Tier II Site-Specific Checklist



## Tier II: Site Specific Review for Environmental Group 4 Municipios, Puerto Rico

### Project Information

<b>HUD Grant Number B-17-DM-72-0001</b>	
Submittal Date:	Application ID #:
Applicant Name:	
Property Address:	
Parcel PIN:	Coordinates:
Field Inspection Date:	Date of Review:
Inspector Name:	Reviewer Name:
	QA Reviewer Name:
Scope Change? N/A <input type="checkbox"/> (Initial Review) Yes <input type="checkbox"/> Attach Change Information.	

**Project Description:** Check all that apply.

**Acquisition/Demolition**

The proposed activity is buyout or acquisition of the property at the address listed above. For a property with an existing structure, the structure will be demolished, and the property deeded to the local authority for disposition.

- Existing structure to be demolished
- No structure on lot (vacant)

**Rehabilitation**

The proposed activity is rehabilitation of the residential structure at the address listed above. The structure was damaged due to Hurricanes Irma or Maria. The structure was built in [Click or tap here to enter text.](#) Renovations will include addressing storm-related damage and repairing the property to current minimum property standards and compliance with applicable ADA requirements. All activities would be limited to the disturbed area of the previously developed lot.

**Minor Improvement (Rehabilitation) in the 100-year Floodplain**

The proposed activity is rehabilitation of the residential structure at the address listed above. The structure was damaged due to Hurricanes Irma or Maria. The structure is not substantially damaged as defined in 24 CFR 55.2 (b) (10) and constitutes a minor improvement that does not require elevation. Rehabilitation will address storm-related damage and repairing the property to current building codes and compliance with applicable ADA requirements. All activities will be limited to the disturbed area of this previously developed lot. Substantial improvements that trigger elevation will not be funded nor is elevation alone allowed in this program.

**Reconstruction of a Home Located Outside of the 100-Year Floodplain)**

The proposed activity involves reconstruction of a structure on an existing property at the above-listed address, where the structure received damage due to Hurricanes Irma or Maria to the extent that rehabilitation was not possible. Proposed activities will include reconstruction activities in accordance with building codes and site-specific EA mitigation measures as identified herein. Activities will be limited to the disturbed area of the previously developed lot.





**New Construction in a Previously Undisturbed Area**

The proposed activity is new construction of the residential structure at the address listed above. The project activity is the result of the need to place a new structure as the homeowner's old structure was damaged extensively due to Hurricanes Irma or Maria and the old site may not be tenable for re-inhabiting under this program. Proposed activities will include construction activities in accordance with building codes and site-specific EA mitigation measures. Activities would likely disturb the ground surface and surrounding areas to construct the structure and accommodate required utilities. New construction is not allowed within a 100-year floodplain. *Please note that a Tier II review is required for both the existing site and the new parcel. The existing site can be reviewed under the Acquisition / Demolition option.*

**Relocation to an Existing House Outside the 100-year Floodplain**

The proposed activity is relocation of the household to an existing structure at the address listed above. The project activity is the result of the need to move the household to a new location as the homeowner's old structure was damaged extensively due to Hurricanes Irma or Maria and the old site may not be tenable for re-inhabiting under this program or could be a substantially damaged structure in a 100-year floodplain. Proposed activities will require ensuring the structure is in accordance with building codes and ADA, if needed.

Site environmental report, scope of work, and photographs are attached. Tier II figures, including location, and requisite documentation are also attached.



**Environmental Review Determination:**

Is project in compliance with applicable laws and regulations?  Yes  No

If “No,” provide explanation: [Click or tap here to enter text.](#)

Is an Environmental Impact Statement required?  Yes  No

Finding of No Significant Impact (FONSI) can be made. Project will not significantly affect the quality of the environment.  Yes  No

General mitigation measures are attached.

Are site-specific mitigation measures required for this project?  Yes  No

If “Yes,” attach the site-specific mitigation measures.

Prepared By:

Signature:

Date:

Section 106 Review:

Signature:

Date:

**CERTIFYING OFFICER**

Approved By:

Signature:

Date:



**1. Historic Preservation (36 CFR Part 800)**  
*(Finding at end of section)*

Is Section 106 review required for the project activity?

No. The project consists solely of activities listed as applicable allowances in the Programmatic Agreement (PA). The PA, amended on May 31, 2018, provides for expedited review under Section 106 of the National Historic Preservation Act. The applicable allowance for this activity is \_\_\_\_\_

Yes. The project does not fit the allowances listed in the Programmatic Agreement (PA). Consult with the PR SHPO and any other signatories, as required. SHPO correspondence provided.

**Historic Preservation Finding:**

Is mitigation required for this topic?

Yes. Include mitigation requirements.

No.

**Documentation, if required, is attached.**

**2. Floodplain Management and Flood Insurance (EO 11988, 24 CFR Part 55, and 24 CFR 58.6).**  
*(Finding at end of section)*

Flood Zone:  
FIRM Panel Number:  
Panel Effective Date:

Not in a 100-year floodplain (A/AE zone). Attach appropriate floodplain map showing site location. (Complies with EO 11988, 24 CFR Part 55, and 24 CFR 58.6.) **(Review Concluded)**

In a 100-year floodplain (A/AE zone) and not in a National Flood Insurance Program (NFIP) participating community. Attach appropriate floodplain map showing site location within the municipality limits. Does not comply with EO 11988, 24 CFR Part 55, and 24 CFR 58.6 because required flood insurance is not obtainable. **(Ineligible for funding. Application CANNOT Proceed).** *This is not applicable for the Group 4 Municipios as all of Puerto Rico is participating in the NFIP.*

In a 100-year floodplain (A/AE zone) and in an NFIP-participating community.

Is the proposed activity new construction in or relocation to the 100-year floodplain?

Yes. **Ineligible for funding. Application CANNOT Proceed.**

No. Continue review.

Is the existing structure and/or the proposed activity (relocation to or new construction in) a designated floodway area?

Yes. Is the project activity property acquisition/demolition or relocation outside of floodway?

Yes. Project may continue. Tier II will be required for new site if relocation / construction required. **(Review Concluded)**

No. **(Ineligible for funding. Application CANNOT proceed. Attach appropriate floodplain map showing site location in Attachment 2.)**

No. The structure is not in a Designated Floodway. Proceed to the following questions.

Is the proposed structure in a wave action zone (V/VE zone)?



- Yes. Does the proposed structure meet the requirements of the applicable design for wave action zone construction at the time it was built?
  - No. Structure is not eligible for this program. **(Ineligible for funding. Application CANNOT proceed)**
  - Yes. Attach documentation verifying compliance. Continue review.
- No. Continue review.

Does the structure require substantial improvement (damage equal to or more than 50% of the current market value of the structure)?

- Yes. Is elevation required by SHPO for Historic Preservation?
  - No. **(Ineligible for funding. Application CANNOT proceed.)** Applicant can apply for relocation.
  - Yes. Activity is in general compliance with Programmatic 8-Step Decision-Making Process. Include elevation mitigation requirements. Property will require flood insurance. **(Review Concluded)**
- No. Structure does not require elevation but will require flood insurance. Activity is in general compliance with Programmatic 8-Step Decision-Making Process. **(Review Concluded)**

**Floodplain Management**

**Finding:**

Is the application compliant at this location?

- Yes. Continue with review.
- No. Notify Certifying Officer. An alternate project activity may be required (relocation, new construction)

Is mitigation required for this topic?

- Yes. Include mitigation requirements.
- No.

**Documentation, if required, is attached.**

**3.1 Wetlands (EO 11990)**

*(Finding at end of section)*

Is the project rehabilitation with all work occurring within the previously disturbed area?

- Yes. Project will not affect a wetland. Attach appropriate wetland map. *If a wetland is in proximity to the proposed activity, mitigation measures may still be required to prevent unintentional impact to the wetlands. Continue to the next question.*

Is the project activity on or in proximity to a wetland?

- No. No mitigation is necessary. **(Review Concluded)**
- Yes. Wetlands are on or in proximity to location of the proposed activity. Attach appropriate wetland map. Although, the proposed activity is rehabilitation, measures are required to ensure that wetlands are not unintentionally impacted by construction activities. **(Review Concluded)**
- No. Continue.

Are there wetlands on the site?

- No. There are no wetlands on the project site. Continue.

Are there wetlands within 100 feet of the proposed activity?

- No. There are no wetlands within 100 feet of the proposed activity. Attach appropriate wetland map. **(Review Concluded)**

- Yes. Wetlands are not on the site but within 100 feet of the proposed activity. Attach appropriate wetland map. Measures are required to ensure that wetlands are not impacted by construction activities. **(Review Concluded)**

- Yes. Continue.

Would the activity affect a wetland?



- No. Project involves disturbance within existing disturbed area only. There is no potential to impact wetlands. Attach appropriate wetland map. Measures are required to ensure that wetlands are not impacted by construction activities. **(Review Concluded)**
- Yes. Possible adverse effect associated with new construction (includes reconstruction) in wetlands.
  - 8-step decision-making process complete?
    - No. The 8-step decision-making process was not completed. **(Application CANNOT proceed until an individual 8-step Decision Making Process has been completed)**
    - Yes. The 8-step decision-making process was completed.
      - Activity in compliance with EO 11990 and the Clean Water Act. Explain basis for conclusion and describe the permitting process and mitigation measures. Attach supporting documentation. **(Review Concluded).**
      - Activity not in compliance with EO 11990 and the Clean Water Act. Explain basis for conclusion. Attach supporting documentation **(Ineligible for funding. Application CANNOT proceed)**

**Wetlands Finding:**

Is mitigation required for this topic?

Yes. Include mitigation requirements.

No.

**Documentation, if required, is attached.**

**3.2 Clean Water Act (Clean Water Act, especially Section 404).**  
*(Finding at end of section)*

- Are there any Waters of the United States in or within immediate proximity of the applicant project site?
- No. There are no Waters of the United States that can be affected by the project. Include map. **(Review Concluded)**
  - Yes. Continue.
 

Is the project work within the same generally disturbed area of the existing structure?

    - Yes. Construction best practices are required to prevent any construction impact. However, construction work can continue. **(Review Concluded)**
    - No. CWA-trained professional has reviewed the property conditions and conducted a site visit of the Applicant's site.
      - Based upon that site visit, the professional concluded that the proposed action site does not contain Waters of the United States or that the proposed action will not adversely impact the Waters of the United States. Include report. **(Review Concluded)**
      - Based on the site visit of the applicant's site and review of the information, at least a portion of the site contains Waters of the United States that could be adversely impacted. **(Mitigation requires coordination with the US Corps of Engineers and possible 401/404 permitting)**

**Clean Water Act Finding:**

Is mitigation required for this topic?

Yes. Include mitigation requirements.

No.

**Documentation, if required, is attached.**

**4. Coastal Zone Management Act (Coastal Zone Management Act, Sections 307(c) and (d))**  
*(Finding at end of section)*

Is the project activity located in Coastal Zone as defined in the Coastal Zone Management Plan (in a Coastal Zone Municipio and within 1,000 meters of the shore or within an area that includes important coastal resources)?



- No. Attach map. **(Review Concluded)**
- Yes. Continue to next question.

Is the project activity rehabilitation?

- Yes. Attach map. Check on building permit requirement. **(Review Concluded)**
- No. Has this project activity been determined to be consistent with the PRCZMP?
  - Yes. Document consultation with Planning Board and determination. Attach map and any site-specific mitigation measures. **(Review Concluded)**
  - No. **(Ineligible for funding. Application CANNOT proceed)**

**Coastal Zone Management Act**

**Finding:**

Is mitigation required for this topic?

- Yes. Include mitigation requirements.
- No.

**Documentation, if required, is attached.**

**5. Sole Source Aquifers (40 CFR Part 149)**

**Finding:** In compliance. There are no Sole Source Aquifers in Puerto Rico. Compliance determined in Tier I Environmental Assessment.

**6. Endangered Species Act (16 USC 1531 et seq., 50 CFR Part 402.**

*(Finding at end of section)*

- All proposed activities are occurring within the pre-existing disturbed area associated with the structure. Disturbed areas include paved, filled, graveled, routinely-mowed vegetated grasses, agricultural fields, pasture lands or locations where structures stand or stood prior to the disaster. There is no native tree or habitat removal / disturbance in the scope of work and no potential to affect Federally or State listed species and / or designated critical habitat, based on the limited scope of action. Additionally, lights from the structure are not visible directly or indirectly from a beach. In accordance with coordination from USFWS, Caribbean Field Office, on October 23, 2018 (See Tier I). **(Review Concluded)**
- Proposed activities involve new construction or construction activities outside of the pre-existing disturbed area or the lights from the structure would be visible from a beach. Refer to the information regarding threatened and endangered species (from the Tier I ERR) in Puerto Rico and, specifically, the Municipios in this Group.
  - Qualified personnel have reviewed site conditions and concluded that NO Federally or State-listed threatened and endangered species and / or designated critical habitat present in areas affected directly by the proposed action. **(Review Concluded)**
  - Threatened and endangered species may be affected by the proposed activity. Additional consultation with the USFWS will be required if there is an effect. Coordination with the Puerto Rico DNER may also be required.

Additional review and/or consultation with USFWS resulted in a determination that (check only one of the following):

- The proposed activity, including appropriate measures to avoid adverse impacts, would not adversely affect threatened and endangered species. Attach supporting consultation (include map and species list). Activity complies. **(Review Concluded)**
- The proposed activity would adversely affect the threatened and endangered species. Attach supporting documentation. **(Ineligible for funding. Application CANNOT proceed)**

**Endangered Species Act**

**Finding:**



Is mitigation required for this topic?

- Yes. Include mitigation requirements. (This includes storage of materials and visibility of lights from a beach)
- No.

**Documentation, if required, is attached.**

**7. Wild & Scenic Rivers Act (Sections 7(b), (c))**

**Finding:** In compliance. There are no Wild and Scenic Rivers within the area of the Group 4 Municipios. Compliance determined in Tier I Environmental Assessment.

**8. Air Quality (Clean Air Act, Sections 176 (c) & (d), & 40 CFR Part 6, 51, & 93)**

**Finding:** In compliance. None of the municipios in this Group are within a Non-attainment area. It has been determined that the proposed activities would not result in a violation of those regulations. Compliance determined in Tier I Environmental Assessment.

**9. Farmland Protection Policy Act (7 CFR Part 658)**

*(Finding at end of section)*

Is the proposed activity New Construction or Relocation on a previously undisturbed parcel?

- No. This activity is not subject to Farmland Protection Policy Act (FPPA). Previously, Natural Resources Conservation Service (NRCS) has specified that parcels previously converted [from farmland to nonagricultural uses], regardless of location, are not subject to FPPA because the parcels were converted when the original dwelling was constructed on the parcel. The sites mentioned above involve no alteration of undisturbed land and repair/reconstruction of structure in-place and in the previously disturbed area. **(Review Concluded)**
- Yes. Continue. Check one of the following:
  - Site is listed as farmland already in urban development in accordance with 7 CFR 658.2 - not subject to FPPA. **(Review Concluded)**
  - Site is located within an area that includes a density of 30 structures per 40-acres. **(Review Concluded)**
  - New construction activities and parcel is located outside urban development area; subject to additional review. Continue.
    - Information obtained documenting that the parcel was previously residentially developed land. The NRCS specified that parcels that had previously been converted [from farmland to nonagricultural uses] when the original dwelling was constructed on the parcel, regardless of location in Puerto Rico, are not subject to FPPA. Include documentation from NRCS. **(Review Concluded).**
    - Coordination with NRCS is required.
      - Farmland Conversion Impact Rating, Form AD-1006, or other NRCS-approved documentation has been completed and submitted on [Click or tap to enter a date.](#)
        - NRCS has replied on [Click or tap to enter a date.](#) (attach documentation)
          - Are conditions required?  No.  Yes. Document conditions. **(Review Concluded)**
          - NRCS has not replied within 30 days; "No response" is considered concurrence of no significant adverse effect. **(Review Concluded)**
          - NRCS has replied on [Click or tap to enter a date.](#) and concluded that the activity has a significant adverse effect. **(Ineligible for funding. Application CANNOT proceed)**

**Farmland Protection Policy Act**

**Finding:**

Is mitigation required for this topic?

- Yes. Include mitigation requirements.
- No.

**Documentation, if required, is attached.**



**10. Noise Control and Abatement (24 CFR 51B)**

*(Finding at end of Section)*

Is your project rehabilitation or reconstruction on an existing disturbed area?

- Yes. **(Review Concluded)**
- No. Is the site within 1,000 feet from a major road, 3,000 feet from a railroad or 15 miles from an airport?
  - No. **(Review Concluded)**
  - Yes. Determine Noise Assessment Level.
    - Noise Level is less than or equal to 65 decibels. Acceptable. **(Review Concluded)**
    - Noise Level is above 65 decibels. Normally Unacceptable or Unacceptable. New Construction or Relocation to this area is not allowed **(Ineligible for funding. Application CANNOT proceed)**

**Noise Control and Abatement**

**Finding:**

Is mitigation required for this topic?

- Yes. Include mitigation requirements.
- No.

**Documentation, if required, is attached.**

**11. Toxic Chemicals and Gases, Hazardous Materials, Contamination, and Radioactive Substances (24 CFR Part 58.5(i)(2))**

*(Finding at end of section)*

Are there any recognized environmental conditions (REC), such as obvious signs of hazardous (including asbestos), toxic, or radioactive materials or substances as observed on the site from the public right of way during the site visit (by the inspector performing the visit in accordance with a Site Environmental Checklist) that could adversely impact the proposed site where the specified REC could affect the health and safety of occupants or conflict with the intended utilization of the site?

- No. Continue with Findings from review of regulatory databases and other information sources.
- Yes. If “yes”, please attach documentation and continue. Application may require additional investigation. Can mitigation resolve the impact of the REC?
  - Yes. Describe mitigation and continue below.
  - No. **(Ineligible for funding. Application CANNOT proceed)**

**FINDINGS FROM REVIEW OF REGULATORY DATABASES AND OTHER INFORMATION SOURCES**

Attach regulated facilities figures.

**Is the site within 3,000 feet of a listed Solid or Hazardous Material facility, landfill, or contaminated area?**

- No.** *Based on limited site observations made in support of this review and review of the listed sources of information, the proposed action site **DOES NOT** appear to be impacted by hazardous, toxic or radioactive materials or substances where the specified hazard could affect the health and safety of occupants or conflict with the intended utilization of the site.*
- Yes, however, the proposed activity is not within 500 feet of environmental concern site.** *Based on review of regulatory databases and other information sources, the proposed action site **DOES NOT** appear to be located proximate (within 500 feet) to a site of environmental concern or have any identified environmental concerns that could impact the proposed site. This conclusion is based upon the site of concern is located more than 500 feet from the proposed action site.*





- Yes, the proposed activity is near environmental concern site with no effect.** Based on topography and/or distance (or other factors), it **DOES NOT** appear that the proposed activity is likely to have been impacted by the site of environmental concern to a degree where the hazard could affect the health and safety of occupants or conflict with the intended utilization of the property. This conclusion is based upon \_\_\_\_\_.
- Yes, proposed activity is near environmental concern site with effect.** Based upon the location of the proposed activity and the site of environmental concern, it **DOES** appear likely that there has been or will be an impact by the site of environmental concern to a degree where the hazard could affect the health and safety of occupants or conflict with the intended utilization of the property.
  - Coordination with the Regulatory Agency determined specific actions needed for compliance.
  - Proposed action cannot proceed at this time. **Stop All Work and notify Certifying Officer.**

**Mold and Lead-Based Paint**

*Mold:*

Was mold identified in the structure during the site inspection?

- No. No additional requirements for mold. **(Mold Review Concluded)**
- Yes. Continue.

Is the structure to be demolished and/or reconstructed?

- Yes. No additional requirements for mold. **(Mold Review Concluded)**
- No. Mold must be treated in accordance with mitigation requirements attached.

*Lead-Based Paint:*

Is the project activity rehabilitation or relocation?

- No. No additional requirements for LBP. **(LBP Review Concluded)**
- Yes. Continue. Structure Built Year:

Is the structure exempt from LBP testing (structure built after January 1, 1978 or other exemptions in accordance with 24 CFR 35.115)?

- Yes. Explain. No additional requirements for LBP. **(LBP Review Concluded)**
- No. Continue.

Is the testing positive for determined or potential LBP hazards?

- No. No additional requirements for LBP. Document the findings. **(LBP Review Concluded)**
- Yes. LBP must be treated in accordance with mitigation requirements attached. Document findings.

**Toxic Chemicals and Gases, Hazardous Materials, Contamination, and Radioactive Substances (24 CFR Part 58.5(i)(2))**

A site inspection of the proposed project location was conducted to determine if there were recognized environmental concerns (RECs) on the site. In order to identify sites near the proposed project location that have toxic chemicals and radioactive materials as specified in 24 CFR 58.5(i), a review of the questionnaire completed by the site inspector, a review of NEPAassist, a web-based application tool that draws environmental data from EPA's Geographic Information System databases, and a review of aerial photographs were conducted. The NEPAassist review included an examination of the EPA's Superfund National Priorities List, the Toxics Release Inventory, Brownfields, Air Facility Systems, and hazardous waste (RCRA) databases.

**Finding for Toxics:**

**Finding for Mold:**

**Finding for Lead-Based Paint:**

Is mitigation required for this topic?



- Yes. Include mitigation requirements.
- No.

**Documentation, if required, is attached.**

**12. Siting of HUD-Assisted Projects near Hazardous Operations (24 CFR Part 51, Subpart C)**

*(Finding at end of section)*

Note: ASTs of 100 gallons or less that hold "common liquid fuels" such as fuel oil, kerosene, and gasoline are exempt from the ASD requirements and this regulation. However, this exemption does not apply to compressed fuel gases such as propane, so it is possible that a **stationary** compressed fuel gas tank of 100 gallons or less could be applicable to this topic. ASTs that are ancillary to the structure are not considered applicable.

Is the proposed activity rehabilitation or reconstruction on the existing applicant site that does not increase population density?

- Yes. **(Review Concluded)**
- No. Continue to next question.

Would the proposed activity increase the number of residents and / or dwelling units (population density) of the housing structure that existing on the site prior to Hurricanes Irma or Maria?

- No. **(Review Concluded)**
- Yes. Continue.

Are the ASTs that contain explosive or combustible substances within one (1) mile of the site?

- No. **(Review Concluded)**
- Yes. Continue.

Would the structure be (are the structures) less than the acceptable separation distance (ASD) from a stationary aboveground storage tank (AST) that is within 1 mile of the subject property and holds an explosive or combustible substance? Include map.

- No. **In compliance.** Explain finding. **(Review Concluded)**
- Yes. Describe the information used in calculating the Acceptable Separation Distance (ASD) and attach a map showing the location of the tank relative to the subject property. Describe any feasible mitigation measures per 24 CFR 51.205, or other verifiable information that is pertinent to compliance with the ASD standard. If no mitigation measures are feasible the activity is **not in compliance** with the applicable HUD environmental standard, 24 CFR Part 51C. **(Ineligible for funding. Application CANNOT proceed)**

**Siting of HUD-Assisted Projects near Hazardous Operations (24 CFR Part 51, Subpart C)**

**Finding:**

Is mitigation required for this topic?

- Yes. Include mitigation requirements.
- No.

**Documentation, if required, is attached.**



**13. Airport Clear Zones and Accident Potential Zones (24 CFR Part 51, Subpart D)**

*(Finding at end of section)*

Is the project activity within 2,500 feet of a Civil airport (does not include General Aviation airfields)? *There are no military airfields in Group 4.* Attach map.

No. **(Review Concluded)**

Yes. Continue to next question.

Is the project activity located within a Runway Potential Zone?

No. **(Review Concluded)**

Yes. Continue to the next question.

Is the proposed activity acquisition or minor rehabilitation?

Yes. **(Review Concluded).**

No. **(Ineligible for funding. Application CANNOT proceed)** HUD assistance may not be used at this location if the project involves new construction, reconstruction, substantial rehabilitation, or relocation that would significantly prolong the physical or economic life of the existing facility that will be frequently used or occupied by people.

**Airport Clear Zones and Accident Potential Zones**

**Finding:**

**Documentation, if required, is attached.**

**14. Magnuson-Stevens Fishery Conservation and Management Act (16 USC 1801 et seq.)**

**Finding:** In compliance. While the Group 4 Municipios may have fishery spawning areas, there are no activities associated with this program that are expected to have any impact on those areas. Compliance determined in Tier I Environmental Assessment.

**15. Environmental Justice (EO 12898)**

*(Finding at end of section)*

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

No. **(Review Concluded)**

Yes. The environmental impacts were disproportionately high for low-income and/or minority communities. Provide mitigation of the environmental impacts.

**Environmental Justice**

**Finding:**

Is mitigation required for this topic?

Yes. Include mitigation requirements.

No.

**Documentation, if required, is attached.**

**24 CFR 58.6 Other Requirements**

Applicability of the following requirements does not trigger the certification and release of funds procedure under this part or preclude exemption of an activity under Section 58.34(a) (12) except for Section 58.6(b). However, the RE remains responsible for addressing the following requirements in its Environmental Record Review and meeting those requirements, where applicable, regardless of whether the activity is exempt under Section 58.34, categorically excluded under Section 58.35(a) or (b), or the subject of an Environmental Assessment under Section 58.36.



(Finding at end of section)

§58.6(a) and (b) Flood Disaster Protection Act of 1973, as amended; National Flood Insurance Reform Act of 1994

a. **Does the project involve new construction, major rehabilitation, minor rehabilitation, improvements, acquisition, management, new loans, loan refinancing or mortgage insurance?**

Yes  No

**If No**, compliance with this section is complete. **(Review Concluded)**

**If Yes**, continue.

**Is the project located in a FEMA identified 100-year floodplain?**

Yes  No

**If No**, compliance with this section is complete. **(Review Concluded)**

**If Yes**, continue.

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

Yes  No

**If Yes**, Flood Insurance under the National Flood Insurance Program must be obtained. If HUD assistance is provided as a grant, insurance must be maintained for the life of the property, irrespective of transfer of ownership and in the amount of the total project cost (or up to the maximum allowable coverage, whichever is less). A copy of the flood insurance policy declaration must be kept on file in the ERR.

**If No**, Federal assistance may not be used in the Special Flood Hazards Area. **(Ineligible for funding. Application CANNOT proceed)**

b. **Did applicant previously receive federal assistance that was conditioned on obtaining and maintaining flood insurance?**

Yes  No  N/A. Applicant is not within 100-year floodplain.

**If No or N/A**, compliance with this section is complete. **(Review Concluded)**

**If Yes**, continue.

**Did applicant obtain and maintain flood insurance?**

Yes  No

**If Yes**, compliance with this section is complete. Provide supporting documentation **(Review Concluded)**

**If No**, Ineligible for funding. **Application CANNOT proceed.**

§58.6(c) Coastal Barrier Improvement Act, as amended by the Coastal Barriers Improvement Act of 1990 (16 USC 3501)

**Is the project located in a Coastal Barrier Resource System Unit?**

No. In compliance. **(Review Concluded)**

Yes. **Ineligible for funding. Application CANNOT proceed.** In very rare cases, federal monies can be spent within a CBRS unit for certain activities. However, this would not be the case, normally, for this type of program.

§58.6(d) Runway Clear Zones and Clear Zones Disclosure [24 CFR §51.303(a) (3)]

**Is the project within a Runway Protection Zone or Clear Zone?**

No. **(Review Concluded)**



Yes. For acquisition or sale of an existing property that will be frequently used or occupied by people, written notice must be provided to the buyer to inform them of the potential hazards from airplane accidents as well as the potential for the property to be purchased as part of an airport expansion. For other activities (new construction, reconstruction, substantial rehabilitation, or activities that prolong the physical or economic life of existing facilities), HUD assistance may not be used. For these activities, the applicant is **Ineligible for funding. Application CANNOT proceed.**

**24 CFR 58.6 Other Requirements**

**Finding for 58.6 (a) and (b):**

**Finding for 58.6 (c):**

**Finding for 58.6 (d):**

**Environment Assessment Factors**

**[Environmental Review Guide HUD CPD 782, 24 CFR 58.4, 40 CFR 1508.8 and 1508.27]**

*For the PRDOH Community Development Block Grant – Disaster Recovery Program, all Environmental Assessment Factors have been considered in the Tier I Environmental Review Record and have all been found to not have any significant adverse impacts on the environment. While the below factors do not have a significant impact on the environment, it has been included here in the Tier II for worker protection information and potential need for Zoning Commission approval. One factor (Slope and Erosion) could be of concern for new construction or relocation if the new area is within an area identified for potential landslide hazards. That item will be checked in this Site-specific review.*

**Hazards and Nuisances and Site Safety**

Were any site-specific hazards that could impact worker safety identified on this location?

- No. **Review Concluded.**
- Yes. Document site-specific hazards and include information in Mitigation Measures.

**Conformance with Comprehensive Plans and Zoning**

Does the proposed action require a specialized permit or approval from Building Officials and Zoning Commission?

- No. **Review Concluded.**
- Yes. Document discussions and include information and permit(s) etc. in Mitigation Measures.

**Slope and Erosion**

Is the proposed action new construction on a new parcel or relocation?

- No. **Review Concluded.**
- Yes. Continue review.
  - Does the proposed action involve the disturbance of one (1) acre or more of area?*
  - No. Proceed to the next question.
  - Yes. Contact EPA and DNER for obtaining NPDES and/or Control and Erosion Sediment Permits. Note the requirement in the Site-Specific Mitigation Plan for this Application.

Is the proposed action located in an area of increased landslide risk?

- No. **Review Concluded.**
- Yes. Continue review.
  - Will the proposed activity be safe and stable in accordance with building code requirements?
  - Yes. Provide building code and/or engineering documentation. **Review Concluded.**
  - No. Proposed activity cannot continue at this location. **Stop all activity.**



## General Mitigation Measures

### General

1. Acquire all required federal, Puerto Rico and local permits prior to commencement of construction and comply with all permit conditions.
2. If the scope of work of a proposed activity changes significantly, the application for funding must be revised and resubmitted for re-evaluation under the National Environmental Policy Act.

### Historic Preservation

3. All activities must comply with Section 106 of the National Historic Preservation Act per the implementing regulations 36 CFR Part 800. Compliance with Section 106 is achieved through the procedures set forth in the Programmatic Agreement among the Federal Emergency Management Agency, the Puerto Rico State Historic Preservation Officer, and the Central Office for Recovery, Reconstruction and Resilience executed on May 6, 2016, amended May 31, 2018 and adopted by the Puerto Rico Department of Housing through the HUD Addendum executed on December 18, 2018.
4. If archeological deposits, including any stone tools, bones, or human remains, are uncovered, the project shall be halted, and the contractor shall stop all work immediately near the discovery and take reasonable measures to avoid or minimize harm to the finds. All archeological findings will be secured and access to the sensitive area restricted. The contractor will inform the Certifying Officer immediately and the PRDOH will consult with SHPO. Work in sensitive areas cannot resume until consultation is completed and appropriate measures have been taken to ensure that the project complies with the National Historic Preservation Act (NHPA).

### Wind

5. All reconstruction or new construction must meet the requirements of the Puerto Rico Building Code, Building Planning and Construction for wind design.

### Noise

6. Outfit all equipment with operating mufflers.
7. Comply with applicable local noise ordinance.

### Air Quality

8. Use water or chemical dust suppressant in exposed areas to control dust.
9. Cover the load compartments of trucks hauling dust-generating materials.
10. Wash heavy trucks and construction vehicles before they leave the site.
11. Employ air pollution control measures on all vehicles and equipment.

### Hazardous Materials

12. All activities must comply with applicable federal, Puerto Rico and local laws and regulations regarding environmental protection and asbestos, including but not limited to the following:
  - Junta de Calidad Ambiental de Puerto Rico rules and regulations
  - National Emission Standard for Asbestos, standard for demolition and renovation, 40 CFR 61.145 and 150
  - US Environmental Protection Agency
13. Applicant or contractor must comply with all laws and regulations concerning the proper handling, removal and disposal of hazardous materials (e.g. asbestos, lead-based paint) or household waste (e.g. construction and demolition debris, pesticides / herbicides, white goods).



14. All activities must comply with applicable federal, Puerto Rico and local laws and regulations regarding lead-based paint including, but not limited to, HUD's lead-based paint regulations in 24 CFR Part 35.
15. All residential structures must be treated for mold attributable to Hurricane Irma and Maria in accordance with federal, Puerto Rico or local guidelines.

#### **Recycling/Reuse**

16. Puerto Rico Law 70 of 1992 ordered the solid waste authority to create and implement a program to reduce and recycle solid waste in Puerto Rico. The Puerto Rico Planning Board regulations of November 29, 2010 contain green permits which aim for sustainable practices that help to lower the amount of debris that will arrive at landfills. Additionally, Puerto Rico Executive Order 2013-029 orders agencies to incorporate sustainable initiatives focused on residue exploitation based on responsible consumption, source separation and the reduction, reuse and recycling of waste. Puerto Rico desires to reduce the amount of demolition/construction waste materials to be disposed in the landfills; therefore, the above referenced regulations and standards will be followed by construction contractors to the greatest extent practicable to reduce the generated waste debris.

#### **Green Building Standards**

17. For new construction or re-construction, Puerto Rico will require that sustainability options be incorporated, where applicable or possible. The contractor will comply with the standard approved by HUD for Vivienda entitled "Permiso Verde" as an alternative to the February 19, 2019 Federal Register Notice which includes green standards. The contractors should use Permiso Verde for all construction, as applicable or possible. Additionally, contractors should use the HUD Office of Community Planning and Development's Green Building Retrofit Checklist. This checklist should be used as a reference for items that can be used in the process of Green Building. Contractors are encouraged to use items that are in the Checklist.



## HUD CPD Green Building Retrofit Checklist

The CPD Green Retrofit Checklist promotes energy efficiency and green building practices for residential retrofit projects. Grantees must follow the checklist in its entirety and apply all measures within the Checklist to the extent applicable to the particular building type being retrofitted. The phrase “when replacing” in the Checklist refers to the mandatory replacement with specified green improvements, products, and fixtures only when replacing those systems during the normal course of the retrofit.

### WATER AND ENERGY CONSERVATION MEASURES

#### Water-Conserving Fixtures

Install or retrofit water conserving fixtures in any unit and common facility, use the following specifications: Toilets-- 1.28 gpf; Urinals-- 0.5 gpf; Showerheads-- 2.0 gpm; Kitchen faucets-- 2.0 gpm; and Bathroom faucets-- 1.5gpm. [gpf = gallons per flush; gpm = gallons per minute]

#### ENERGY STAR Appliances

Install ENERGY STAR-labeled clothes washers, dishwashers, and refrigerators, if these appliance categories are provided in units or common areas.

#### Air Sealing: Building Envelope

Seal all accessible gaps and penetrations in the building envelope. If applicable, use low VOC caulk or foam.

#### Insulation: Attic (if applicable to building type)

For attics with closed floor cavities directly above the conditioned space, blow in insulation per manufacturer's specifications to a minimum density of 3.5 Lbs. per cubic foot (CF). For attics with open floor cavities directly above the conditioned space, install insulation to meet or exceed IECC levels.

#### Insulation: Flooring (if applicable to building type)

Install  $\geq$  R-19 insulation in contact with the subfloor in buildings with floor systems over vented crawl spaces. Install a 6-mil vapor barrier in contact with 100% of the floor of the crawl space (the ground), overlapping seams and piers at least 6 inches.

#### Duct Sealing (if applicable to building type)

In buildings with ducted forced-air heating and cooling systems, seal all penetrations of the air distribution system to reduce leakage in order to meet or exceed ENERGY STAR for Homes' duct leakage standard.

#### Air Barrier System

Ensure continuous unbroken air barrier surrounding all conditioned space and dwelling units. Align insulation completely and continuously with the air barrier.

#### Radiant Barriers: Roofing

When replacing or making a substantial repair to the roof, use radiant barrier sheathing or other radiant barrier material; if economically feasible, also use cool roofing materials.

#### Windows

When replacing windows, install geographically appropriate ENERGY STAR rated windows.

#### Sizing of Heating and Cooling Equipment

When replacing, size heating and cooling equipment in accordance with the Air Conditioning Contractors of America (ACCA) Manuals, Parts J and S, or 2012 ASHRAE Handbook--HVAC Systems and Equipment or most recent edition.





### **Domestic Hot Water Systems**

When replacing domestic water heating system(s), ensure the system(s) meet or exceed the efficiency requirements of ENERGY STAR for Homes' Reference Design. Insulate pipes by at least R-4.

### **Efficient Lighting: Interior Units**

Follow the guidance appropriate for the project type: install the ENERGY STAR Advanced Lighting Package (ALP); **OR** follow the ENERGY STAR MFHR program guidelines, which require that 80% of installed lighting fixtures within units must be ENERGY STAR-qualified or have ENERGY STAR-qualified lamps installed; **OR** when replacing, new fixtures and ceiling fans must meet or exceed ENERGY STAR efficiency levels.

### **Efficient Lighting: Common Areas and Emergency Lighting** (if applicable to building type)

Follow the guidance appropriate for the project type: use ENERGY STAR-labeled fixtures or any equivalent high-performance lighting fixtures and bulbs in all common areas; **OR** when replacing, new common space and emergency lighting fixtures must meet or exceed ENERGY STAR efficiency levels. For emergency lighting, if installing new or replacing, all exist signs shall meet or exceed LED efficiency levels and conform to local building codes.

### **Efficient Lighting: Exterior**

Follow the guidance appropriate for the project type: install ENERGY STAR-qualified fixtures or LEDs with a minimum efficacy of 45 lumens/watt; **OR** follow the ENERGY STAR MFHR program guidelines, which require that 80% of outdoor lighting fixtures must be ENERGY STAR-qualified or have ENERGY STAR-qualified lamps installed; **OR** when replacing, install ENERGY STAR compact fluorescents or LEDs with a minimum efficacy of 45 lumens/watt.

## **INDOOR AIR QUALITY**

### **Air Ventilation: Single Family and Multifamily** (three stories or fewer)

Install an in-unit ventilation system capable of providing adequate fresh air per ASHRAE 62.2 requirements.

### **Composite Wood Products that Emit Low/No Formaldehyde**

Composite wood products must be certified compliant with California 93120. If using a composite wood product that does not comply with California 93120, all exposed edges and sides must be sealed with low-VOC sealants.

### **Environmentally Preferable Flooring**

When replacing flooring, use environmentally preferable flooring, including the FloorScore certification. Any carpet products used must meet the Carpet and Rug Institute's Green Label or Green Label Plus certification for carpet, pad, and carpet adhesives.

### **Low/No VOC Paints and Primers**

All interior paints and primers must be less than or equal to the following VOC levels: Flats--50 g/L; Non-flats--50 g/L; Floor--100 g/L. [g/L = grams per liter; levels are based on a combination of the Master Painters Institute (MPI) and GreenSeal standards.]

### **Low/No VOC Adhesives and Sealants**

All adhesives must comply with Rule 1168 of the South Coast Air Quality Management District. All caulks and sealants must comply with regulation 8, rule 51, of the Bay Area Air Quality Management District.

### **Clothes Dryer Exhaust**

Vent clothes dryers directly to the outdoors using rigid-type duct work.

### **Mold Inspection and Remediation**

Inspect the interior and exterior of the building for evidence of moisture problems. Document the extent and location of the problems and implement the proposed repairs according to the Moisture section of the EPA Healthy Indoor Environment Protocols for Home Energy Upgrades.



**Combustion Equipment**

When installing new space and water-heating equipment, specify power-vented or direct vent combustion equipment.

**Mold Prevention: Water Heaters**

Provide adequate drainage for water heaters that includes drains or catch pans with drains piped to the exterior of the dwelling.

**Mold Prevention: Surfaces**

When replacing or repairing bathrooms, kitchens, and laundry rooms, use materials that have durable, cleanable surfaces.

**Mold Prevention: Tub and Shower Enclosures**

When replacing or repairing tub and/or shower enclosures, use non-paper-faced backing materials such as cement board, fiber cement board, or equivalent in bathrooms.

**Integrated Pest Management**

Seal all wall, floor, and joint penetrations with low-VOC caulking or other appropriate sealing methods to prevent pest entry. [If applicable, provide training to multifamily buildings staff.]



## Site-Specific Mitigation Measures

*Check all that apply.*

*Note: There will only be repair of “non-substantially damaged” structures in the floodplain. There is no elevation allowed in this program.*

Flood Insurance

All structures funded by the HRRRP, if in, or partially in, the 100-year floodplain shown on the latest adopted FIRMs (not preliminary or advisory) at the time of the issuance of the grant to the applicant, will be required to have flood insurance and the flood insurance must be maintained for the economic life of the structure [24 CFR 58.6(a)(1)]. All areas within Puerto Rico are participating in the NFIP.

**Duration of Flood Insurance Coverage.** The statutory period for flood insurance coverage may extend beyond project completion. For grants, such as the HRRRP, and other non-loan forms of assistance, coverage must be continued for the life of the property, regardless of transfer of ownership of such property. Section 582(c) of the Community Development and Regulatory Improvement Act of 1994 mandates that “The requirement of maintaining flood insurance shall apply during the life of the property, regardless of transfer of ownership of such property.” (42 USC 5154a).

**Dollar Amount of Flood Insurance Coverage.** For grants and other forms of financial assistance, the amount of flood insurance coverage must be at least equal to the development or project cost (less estimated land cost) or to the maximum limit of coverage made available by the Act with respect to the particular type of building involved, whichever is less. The development or project cost is the total cost for acquiring, constructing, reconstructing, repairing or improving the building.

**Proof of Purchase.** The standard documentation for compliance with Section 102 (a) is the Policy Declarations form issued by the National Flood Insurance Program or issued by any property insurance company offering coverage under the National Flood Insurance Program. The insured has its insurer automatically forward to the grantee in the same manner as to the insured, information copies of the Policy Declarations form for verification of compliance with the Act. Any financially assisted building in a floodplain lacking a current Policy Declarations form is in Noncompliance.

**Grantee’s Evidence of Compliance under the Certification.** The grantee must maintain a complete and up-to-date listing of its on-file and current Policy Declarations for all financially assisted buildings in a floodplain. As a part of the listing, the grantee should identify any such assisted building for which a current Policy Declarations form is lacking and attach a copy of the written request made by the grantee to the owner to obtain a current Policy Declarations form.

Coastal High Hazard Area

In the case of existing construction (including any minor improvements), the design standards must have met FEMA elevation and construction standards applicable at the time for the original structure or the earliest FEMA standards for construction if no standards existed at the time of construction. If the existing construction met with applicable standards, minor improvements will be allowed in the Program. No substantial improvements in the V zone will be funded by this Program.

Section 106

See attached mitigation requirements following this section.



- Wetlands Protection and Water Quality  
Implement and maintain erosion and sedimentation control measures sufficient to prevent deposition of sediment and eroded soil in onsite and offsite wetlands and waters and to prevent erosion in onsite and offsite wetlands and waters. Minimize soil compaction by minimizing activities in vegetated areas, including lawns.
  
- Endangered Species / Critical Habitat  
See attached mitigation requirements following this section.
  
- Wild and Scenic Rivers  
Comply with any conditions specified by the National Park Service for protection of the Rio de la Mina, Rio Icacos and the Rio Mameyes.
  
- Mold  
The residential structure must be treated, if applicable, for mold attributable to Hurricanes Irma and/or Maria in accordance with federal, Puerto Rico or local guidelines.
  
- Lead-Based Paint  
All activities must comply with applicable federal, Puerto Rico and local laws and regulations regarding Lead-based paint including, but not limited to, EPA Repair, Renovation and Painting (RRP) Rule (40 CFR 745.80 Subpart E), HUD's lead-based paint regulations at 24 CFR Part 35 Subparts A, B, J and R, and HUD "Guidelines for the Evaluation and Control of Lead-Based Hazards in Housing."
  
- Asbestos  
All activities must comply with applicable federal, Puerto Rico and local laws and regulations regarding asbestos removal.
  
- Coastal Zone Permitting  
Activities in a coastal zone requires consultation with the Puerto Rico Planning Board and may require permitting.
  
- Planning and Zoning  
Include the need for approval or permitting from Building Officials and Zoning Commission, if required.
  
- Slope and Erosion (if disturbed site is one (1) acre or greater)  
Contact EPA for NPDES Stormwater permit.  
Contact DNER for Control and Erosion Sediment Permit.
  
- Other Mitigation Measures  
Include any other site-specific mitigation measures following.



## Appendix B

### Figures, Agency Consultations and Correspondence

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

- Exhibit 1. Floodplain Management**
- Exhibit 2. Wetland Protection**
- Exhibit 3. Coastal Zone Management**
- Exhibit 4. Sole Source Aquifers**
- Exhibit 5. Endangered Species and Ecology**
- Exhibit 6. Wild and Scenic Rivers**
- Exhibit 7. Air Quality**
- Exhibit 8. Farmland Protection**
- Exhibit 9. Environmental Justice**
- Exhibit 10. Noise Control and Abatement**
- Exhibit 11. Siting of HUD-Assisted Projects Near Hazardous Operations**
- Exhibit 12. Airport Hazards**
- Exhibit 13. Toxic Chemicals and Gases, Hazardous Materials, Contamination, and Radioactive Substances**
- Exhibit 14. Coastal Barrier Resources Act**

**Note: The Historic Preservation Programmatic Agreement is included in its entirety in Appendix E.**



## **Exhibit 1 Floodplain Management**

**Figure 1-1. 100-year Floodplains for Group 4 Municipios**

**Attachment 1-1. Communication from Puerto Rico Planning Board**



Figure 1-1  
100-Year Floodplains for Group 4 Municipios



Legend

Group\_4\_Municipios

FEMA National Flood Hazard Layer

Flood Hazard Boundaries

- Other Boundaries
- Limit Lines
- SFHA / Flood Zone Boundary

Flood Hazard Zones

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

Source: Federal Emergency Management Agency



**Attachment 1-1. Communication from Puerto Rico Planning Board**





GOVERNMENT OF PUERTO RICO  
Puerto Rico Planning Board

November 29, 2018

**Mr. Dennis G. González**

Deputy Secretary  
Department of Housing  
PO Box 21365  
San Juan, PR 00928-1365

**NOTICE TO PERFORM ACTIVITIES IN THE SPECIAL FLOOD HAZARD AREAS FOLLOWING EO 11988**

Dear Mr. González:

This is to acknowledge receipt of your communication about the construction activities in the 100-year floodplain with CDBG-DR funding presented in the Puerto Rico Recovery Action Plan. Thank you for sharing this document with us, and for the opportunity to comment. We understand this process corresponds to the use of approximately \$1.5 billion in CDBG-DR made available by Congress on February 1, 2018 for actions guided toward incentivizing recovery assistance that will minimize the occurrence of “informal construction” and prevent rebuilding in high-risk zones or on public land in Puerto Rico.

The Puerto Rico Planning Board (PRPB), as the state floodplain manager and National Flood Insurance Program (NFIP) state coordinator, understands the importance of the process your agency is conducting to comply with Executive Order 11988 and the eight-step process that should be implemented as part of the decision-making on projects that have potential impacts to or within the floodplain.

As NFIP state coordinators, we must ensure that any activity in the floodplain is aligned with the policy of Special Flood Hazard Areas risk reduction and compliance with the minimum requirements established by Planning Regulation 13: *Reglamento de Áreas Especiales de Riesgo a Inundación*, which is consistent with, and at times more restrictive than, Title 44 CFR 60.3.

We have reviewed the activities proposed in the Puerto Rico Recovery Action Plan that are related to providing assistance in flood prone areas and we concur with the stipulation that no type of activity (rehabilitation, construction, reconstruction) should be allowed in the regulatory floodway.

In terms of substantial damage, we agree that if a structure suffered substantial damage by flooding, then relocation should be available. If the event that triggered the





Mr. Dennis González  
Nov. 29, 2018  
Page 2

substantial damage determination was related to wind, then, we believe that the structure may be allowed to be rehabilitated or reconstructed following the new building codes and new flood maps.

It is our recommendation that repetitive loss or severe repetitive loss properties, be also considered when determining what type of assistance to provide to a property owner.

A Repetitive Loss consists of an NFIP-insured structure that has had at least 2 paid flood losses of more than \$1,000 each in any 10-year period since 1978.

Severe Repetitive Loss consists of any NFIP-insured residential property that has met at least 1 of the following paid flood loss criteria since 1978, regardless of ownership:

- a) 4 or more separate claim payments of more than \$5,000 each (including building and contents payments); *or*
- b) 2 or more separate claim payments (building payments only) where the total of the payments exceeds the current value of the property.

In either case, 2 of the claim payments must have occurred within 10 years of each other.

For structures listed by the NFIP in these categories, we also strongly recommend providing the mitigation alternative of relocation outside of risk areas.

In addition, we make available the PRPB expertise and GIS resources to assist the PRDOH in the evaluation of community sites that locate on high risk areas. After hurricane María the PRPB did a fast assessment (not comprehensive) on L+M income communities which are on zone areas that are prone to flood, sea level rise, and landslides, yet this GIS documented reference was a preliminary effort which we make available for future in-depth study.

If you need additional information, please contact Eng. Arleen Reyes Rodríguez, director of the Geology and Hydrogeology Office at reyes\_a2@jp.pr.gov or (787) 723-6200 x 16701.

*Cordially,*

  
Maria del C. Gordillo Pérez  
Chairwoman



## **Exhibit 2 Wetland Protection**

**Figure 2-1: National Wetlands Inventory Map**

**Attachment 2-1: Correspondence to Jacksonville District Corps of Engineers**

**Attachment 2-2: Correspondence from Jacksonville District Corps of Engineers**



Figure 2-1  
Group 4 Municipios National Wetlands Inventory Map



**Legend**

- Group\_4\_Municipios
- Puerto\_Rico\_Wetland\_USFWS**
- Riverine
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Estuarine and Marine Deepwater
- Lake

Source: US Fish and Wildlife Service, National Wetlands Inventory



**Attachment 2-1**  
**Coordination to Jacksonville District Corps of Engineers**

October 16, 2018

Sindulfo Castillo, Chief, Antilles Regulatory Section  
US Army Corps of Engineers, Jacksonville District  
Annex Building, Fundación Ángel Ramos  
2<sup>nd</sup> Floor, Suite 202  
Franklin Delano Roosevelt Avenue #383  
San Juan, Puerto Rico 00917  
[Sindulfo.Castillo@usace.army.mil](mailto:Sindulfo.Castillo@usace.army.mil)

Re: Puerto Rico Department of Housing (PRDOH) – Rehabilitation and Reconstruction of Single-Family Homes

Dear Mr. Castillo:

Puerto Rico was included in the Community Development Block Grant – Disaster Recovery (CDBG-DR) program as part of a grant from HUD. As you are undoubtedly aware, the impacts of Hurricanes Irma and Maria were widely felt across the island and caused extensive damage to many homes and businesses. The PRDOH is proposing to use the CDBG-DR funds to assist homeowners across the entire Island, to achieve safe and code-compliant housing that meets or exceeds code standards through rehabilitation and reconstruction of storm-damaged homes.

The PRDOH is the responsible entity for completing the federally-required environmental review in accordance with 24 CFR Part 58. For the NEPA review of the rehabilitation and reconstruction of damaged homes, the PRDOH intends to perform a tiered review to obtain programmatic clearances on those NEPA elements for which no impact is anticipated to occur and establish programmatic guidelines and standards for site-specific reviews in areas of potential impact. In this instance, we are specifically looking to you for guidance related to wetlands.

Specifically, the project actions will include:

- Rehabilitation and/or Reconstruction of Single-Family Homes – the work will occur within the previously disturbed area of the parcel, in some cases, near or within a wetland area. The footprint will not be expanded into an undisturbed area without consultation with the Corps of Engineers.

These projects include reconstruction or rehabilitation of homes on developed or otherwise disturbed areas. Developed or disturbed areas include paved, filled, graveled, routinely mowed vegetated grasses, agricultural fields or locations where structures stand or stood prior to the disaster. We believe, and are asking for your concurrence, that these types of actions would constitute a “no further effect or impact to a wetland area” and no further action would be required with regards to EO 11990 (8-step process) or permitting.



For those projects that could potentially cause adverse impact to wetland areas, consultation with the Corps (and any regulatory actions needed) would be required prior to any construction activities occurring.

For any questions or clarification, please do not hesitate to phone me or our consultant, Mike Richardson, at 225-329-9073 or e-mail him at [Mike.Richardson@hornellp.com](mailto:Mike.Richardson@hornellp.com). Thank you in advance for your consideration of this issue.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dennis G. Ramos".

Eng. Dennis G. González Ramos, PE MEM  
Deputy Secretary



**Attachment 2-2**  
**Coordination from Jacksonville District Corps of Engineers**



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
ANTILLES OFFICE  
FUND. ÁNGEL RAMOS ANNEX BLDG., SUITE 202  
383 FRANKLIN DELANO ROOSEVELT AVE.  
SAN JUAN, PUERTO RICO 00918

**November 13, 2018**

Regulatory Division  
South Permits Branch  
Antilles Section

Dennis G. González Ramos, PE  
Deputy Secretary  
Puerto Rico Department of Housing  
P.O. Box 21365  
San Juan, Puerto Rico 00928-1365

Dear Eng. González Ramos:

Reference is made to your letter dated October 23, 2018, requesting comments regarding applicable Department of the Army (DA) permitting requirements for the Puerto Rico Department of Housing (PRDOH) proposed Rehabilitation and Reconstruction of Single Family Homes across Puerto Rico with funds from the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant - Disaster Recovery (CDBG-DR) Program.

As stated in your letter, the proposed actions would involve the reconstruction or rehabilitation of homes on previously developed or disturbed areas, where structures still stand or stood prior to Hurricanes Irma and Maria. In some cases, the work would occur near or within wetland areas.

Please be advised that Section 404 of the Clean Water Act, 33 U.S.C. § 1344, prohibits discharges of dredged or fill material into waters of the United States, including wetlands, unless the work has been authorized by a DA permit. Section 10 of the Rivers and Harbors Act of 1899, 33 U.S.C. § 403, prohibits the placing of any structure in, under, or over navigable waters of the United States and excavating from or depositing material into such waters unless the work has been authorized by a DA permit.

Based on the above information, we recommend PRDOH to conduct case-by-case evaluations for each of the proposed sites for reconstruction or rehabilitation of houses to assess the potential presence of waters of the U.S., including wetlands, which could be affected by the proposed work and/or its related access roads or staging areas. If it is determined that fill material would be discharged in waters of the U.S., including wetlands, as part of the proposed projects, further coordination with our office would be necessary to obtain the appropriate DA permit prior to commencing the proposed work.







- 2 -

You are cautioned that work performed in navigable waters of the U.S, or the discharge of dredged or fill material into waters of the U.S., including wetlands, without a DA permit would constitute a violation of Federal laws, which could be subject to possible enforcement action. Receipt of a permit from other local or federal agency does not obviate the requirement for obtaining a DA permit prior to commencing work.

Thank you for your cooperation with our Regulatory Program. If you have any questions or concerns regarding this matter, please contact me at your convenience, at the letterhead address, by e-mail at [sindulfo.castillo@usace.army.mil](mailto:sindulfo.castillo@usace.army.mil), or by telephone at 787-289-7040.

Sincerely,

**CASTILLO.SINDU**  
LFO.1182884851

Digitally signed by  
CASTILLO.SINDU/PUERTO RICO  
DN: cn=CASTILLO.SINDU, o=GOVERNMENT OF PUERTO RICO, ou=DEPARTMENT OF HOUSING, email=sindulfo.castillo@usace.army.mil

Sindulfo Castillo  
Chief, Antilles Section



### **Exhibit 3 Coastal Zone Management**

**Table 3-1. Group 4 Municipios Coastal Management Areas**

**Figure 3-1. Puerto Rico Coastal Zone Management Area**

**Attachment 3-1. Consultation to Puerto Rico Planning Board**

**Attachment 3-2. Consultation from Puerto Rico Planning Board**



**Table 3-1**  
**Group 4 Coastal Area Management Act Municipios**

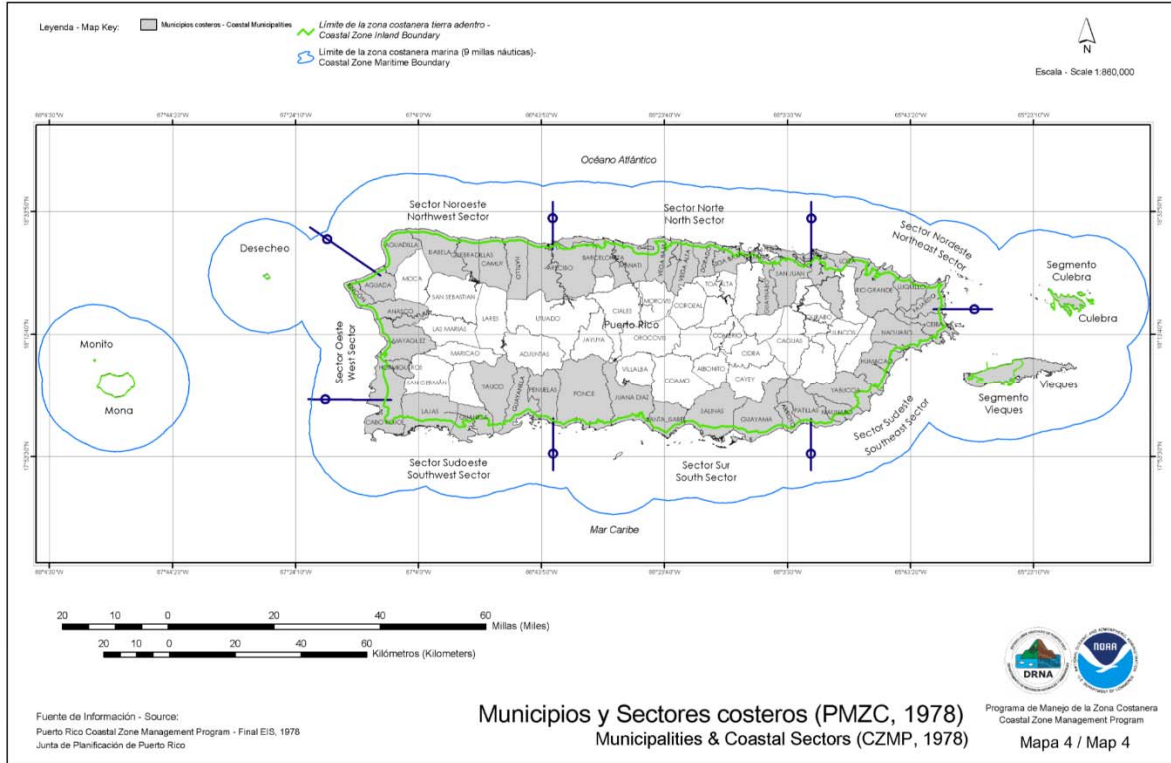
Guánica
Yauco
Guayanilla
Peñuelas
Ponce
Juana Díaz

*No inclusion of Villalba, Ciales, Jayuya, Utuado, Adjuntas, Lares*

*Source: Puerto Rico Coastal Zone Management Program (PRCZMP) Plan, September 2009*



Figure 3-1  
Puerto Rico Coastal Zone Management Area



Source: Puerto Rico Coastal Zone Management Program (PRCZMP) Plan, September 2009



**Attachment 3-1**  
**Coordination to Puerto Rico Planning Board**

October 16, 2018

Suheidy Barreto-Soto  
Puerto Rico Planning Board  
Director, Program of Physical Planning  
Government Center Roberto Sánchez Vilella  
Ave. De Diego Pda. 22 Santurce  
San Juan, PR 00940

Re: Puerto Rico Department of Housing – Rehabilitation and Reconstruction of Single-Family Homes

Dear Ms. Barreto-Soto:

Puerto Rico was included in the Community Development Block Grant – Disaster Recovery (CDBG-DR) program as part of a grant from HUD. The impacts of Hurricanes Irma and Maria were widely felt across the island and caused extensive damage to many homes and businesses. Puerto Rico is proposing to use the CDBG-DR funds to assist homeowners across the entire Island, to achieve safe and code-compliant housing that meets or exceeds code standards through rehabilitation and reconstruction of damaged homes.

The Puerto Rico Department of Housing is the responsible entity for completing the federally-required environmental review in accordance with 24 CFR Part 58. For the NEPA review of the rehabilitation and reconstruction of homes, PRDOH intends to perform a tiered review to obtain programmatic clearances on those NEPA elements for which no impact is anticipated to occur and establish programmatic guidelines and standards for site-specific reviews in areas of potential impact.

Specifically, the projects will include:

- Rehabilitation and/or Reconstruction of Single-Family Homes – the work will occur within the previously disturbed area of the parcel. The footprint will not be expanded into a wetland or undisturbed area without consultation.

These projects may include reconstruction and rehabilitation of storm-damaged homes on developed or otherwise disturbed areas within Puerto Rico's Coastal Zone Management Area. For those actions; rehabilitation/repair of an existing structure or reconstruction of a like for like structure in the same location, in a Coastal Zone Management Area, we believe (and are asking for your concurrence) that those actions are in compliance with the Coastal Zone Management Program.

For any actions that are new construction on a new location, we will consult with the Board and ensure that all requirements of the Coastal Zone Management Program are met prior to construction.



For any questions or clarification, please do not hesitate to phone me or our consultant, Mike Richardson, at 225-329-9073 or e-mail him at [Mike.Richardson@hornellp.com](mailto:Mike.Richardson@hornellp.com). Thank you in advance for your consideration of this issue.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dennis G. González Ramos".

Eng. Dennis G. González Ramos, PE MEM  
Deputy Secretary



### **Attachment 3-2 Coordination from Puerto Rico Planning Board**

As of November 16<sup>th</sup>, 2018 (30 days after submission of the letter), there has been no response from the Puerto Rico Planning Board. Therefore, all actions within a coastal zone area (within 1,000 meters of the coast or as noted on Figure 3-1) will be addressed to the Planning Board and any permits obtained. This will apply unless further guidance is obtained from the Planning Board.



## Exhibit 4 Sole Source Aquifers

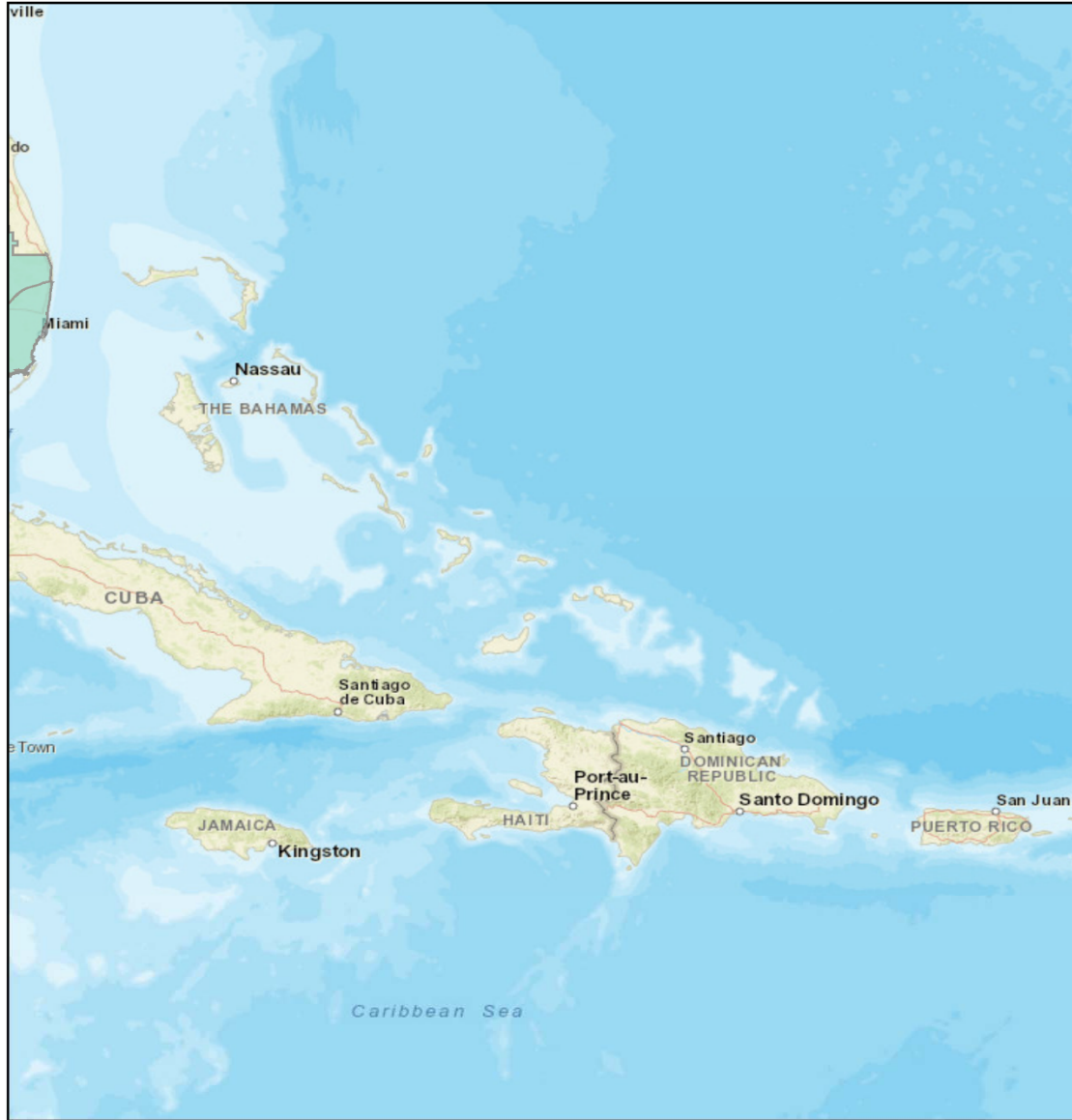
### Figure 4-1. Puerto Rico Sole Source Aquifers

*Puerto Rico has no Sole Source Aquifers.*



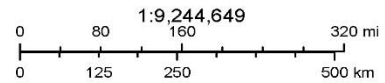


Figure 4-1  
Sole Source Aquifers



9/6/2018, 2:14:21 PM

SSA



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

Source: US Environmental Protection Agency, Sole Source Aquifers



## **Exhibit 5 Endangered Species and Ecology**

**Figure 5-1. Critical Habitats in Puerto Rico**

**Table 5-1. Threatened and Endangered Species and Ecology in Group 4 Municipios**

**Table 5-2. Species in Critical Habitats in Group 4 Municipios**

**Attachment 5-1. Correspondence to US Fish and Wildlife Service**

**Attachment 5-2. Correspondence from US Fish and Wildlife Service**

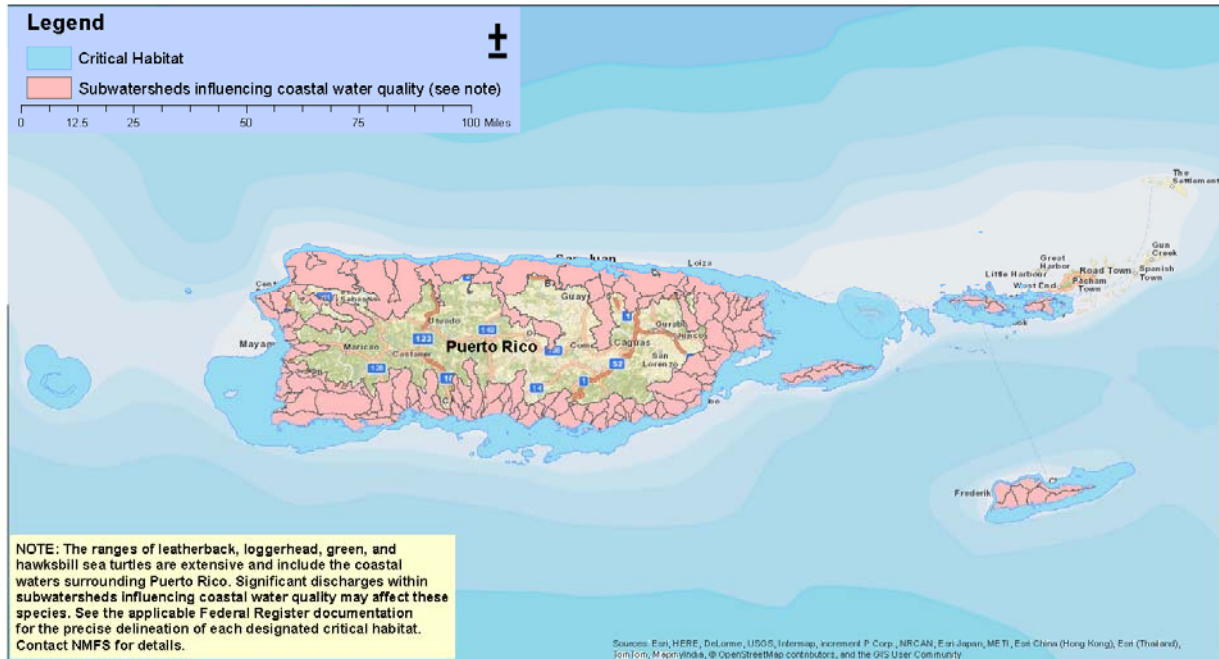
**Attachment 5-3. Correspondence to NOAA Fisheries Service**

**Attachment 5-4. Correspondence from NOAA Fisheries Service**



**Figure 5-1**  
**Critical Habitats in Puerto Rico**

**Puerto Rico critical habitat for ESA-protected species under NMFS jurisdiction (created 5/26/2015)**



Source: Puerto Rico Critical Habitat for ESA-protected species, National Marine Fisheries Service, NOAA.



**Table 5-1**  
**Threatened and Endangered Species in Group 4 Municipios**

Municipio	Species	
	Animals	Plants
Adjuntas	Puerto Rican Crested Toad (T), Puerto Rican Parrot (E), Puerto Rican Nightjar (E), Puerto Rican Broad-winged Hawk (E), Puerto Rican Sharp-shinned Hawk (E), Puerto Rican Boa (E)	Elfin tree fern (E), <i>Polystichum calderonense</i> (E), <i>Cordia bellonis</i> (E), West Indian Walnut (E)
Ciales	Puerto Rican Crested Toad (T), Puerto Rican Parrot (E), Puerto Rican Sharp-shinned Hawk (E), Puerto Rican Boa (E)	Elfin tree fern (E), <i>Elaphoglossum serpens</i> (E), <i>Thelypteris inabonensis</i> (E), <i>Thelypteris yaucoensis</i> (E), <i>Cordia bellonis</i> (E), Palo de nigua (E), <i>Daphnopsis hellerana</i> (E), Cook's holly (E)
Guánica	Yellow-shouldered Blackbird (E), Puerto Rican Boa (E), Puerto Rican Nightjar (E), Roseate Tern (T), Puerto Rican Crested Toad (T)	Bariaco (E), Cobana negra (T), <i>Catesbaea melanocarpa</i> (E), <i>Eugenia woodburyana</i> (E), <i>Mitracarpus maxwelliae</i> (E), <i>Mitracarpus polycladus</i> (E),
Guayanilla	Puerto Rican Crested Toad (T), Puerto Rican Nightjar (E), Puerto Rican Broad-winged Hawk (E), Roseate Tern (T), Puerto Rican Boa (E)	<i>Polystichum calderonense</i> (E), <i>Varronia rupicola</i> (T), Vahl's boxwood (E), <i>Mitracarpus polycladus</i> (E), Palo de rosa (E), Cobana negra (T), Bariaco (E), <i>Catesbaea melanocarpa</i> (E), <i>Eugenia woodburyana</i> (E)
Jayuya	Puerto Rican Crested Toad (T), Puerto Rican Parrot (E), Puerto Rican Broad-winged Hawk (E), Puerto Rican Boa (E), Puerto Rican Sharp-shinned Hawk (E)	Elfin tree fern (E), <i>Elaphoglossum serpens</i> (E), <i>Thelypteris inabonensis</i> (E), Palo de nigua (E), Cook's Holly (E)
Juana Díaz	Puerto Rican Nightjar (E), Puerto Rican Broad-winged Hawk (E), Puerto Rican Boa (E)	<i>Elaphoglossum serpens</i> (E), <i>Thelypteris inabonensis</i> (E)
Lares	Puerto Rican Nightjar (E), Puerto Rican Broad-winged Hawk (E), Puerto Rican Sharp-shinned Hawk (E), Puerto Rican Boa (E)	Erubia (E)
Peñuelas	Puerto Rican Nightjar (E), Roseate Tern (T), Puerto Rican Crested Toad (T)	Bariaco (E), Vahl's Boxwood (E), Elfin tree fern (E), Cook's Holly (E), <i>Catesbaea melanocarpa</i> (E), <i>Eugenia woodburyana</i> (E), <i>Polystichum calderonense</i> (E), <i>Varronia rupicola</i> (T)
Ponce	Puerto Rican Nightjar (E), Puerto Rican Broad-winged Hawk (E), Puerto Rican Sharp-shinned Hawk (E), Roseate Tern (T), Puerto Rican Boa (E)	Elfin tree fern (E), <i>Elaphoglossum serpens</i> (E), <i>Thelypteris inabonensis</i> (E), <i>Varronia rupicola</i> (T), Palo de nigua (E), Beautiful goetzea (E), Higo Chumbo (T), Cook's Holly (E), Bariaco (E), <i>Catesbaea melanocarpa</i> (E), <i>Eugenia woodburyana</i> (E)
Utua	Puerto Rican Parrot (E), Puerto Rican Broad-winged Hawk (E), Puerto Rican Sharp-shinned Hawk (E), Puerto Rican Boa (E)	<i>Tectaria estremarana</i> (E), Palma de manaca (T), <i>Cordia bellonis</i> (E), Palo de nigua (E), <i>Daphnopsis hellerana</i> (E), Chupacallos (E), Erubia (E), <i>Myrcia paganii</i> (E), <i>Schoepfia arenaria</i> (T), <i>Auerodendron pauciflorum</i> (E), West Indian Walnut (E)
Villalba	Puerto Rican Crested Toad (T), Puerto Rican Nightjar (E), Puerto Rican Broad-winged Hawk (E), Puerto Rican Sharp-shinned Hawk (E), Puerto Rican Boa (E)	Palo de ramon (E), Beautiful goetzea (E)
Yauco	Puerto Rican Crested Toad (T), Puerto Rican Nightjar (E), Puerto Rican Broad-winged Hawk (E), Elfin-woods Warbler (T), Puerto Rican Boa (E)	<i>Polystichum calderonense</i> (E), <i>Thelypteris yaucoensis</i> (E), <i>Varronia rupicola</i> (T), <i>Cordia bellonis</i> (E), Palo de nigua (E), Higuero de sierra (E), <i>Mitracarpus polycladus</i> (E), Palo de rosa (E), Cobana negra (T), Bariaco (E), <i>Gesneria pauciflora</i> (T), <i>Catesbaea melanocarpa</i> (E), <i>Eugenia woodburyana</i> (E)

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

Source: US Fish and Wildlife Service, Environmental Conservation Online System, Listed Species Occurring in Puerto Rico

**Table 5-2**  
**Species in Critical Habitats in Group 1 Municipios**

Status	Species	Municipio(s)
<i>Animals</i>		
E	Yellow-shouldered Blackbird	Guánica

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

Source: US Fish and Wildlife Service, Critical Habitat Designations for Puerto Rico and the Virgin Islands, 2012



**Attachment 5-1**  
**Coordination to US Fish and Wildlife Service**

October 16, 2018

U.S. Fish and Wildlife Service (USFWS)  
Caribbean Ecological Services  
Edwin E. Muñiz, Field Supervisor  
PO Box 491  
Boquerón, PR 00622  
Telephone: 787-851-7297 ext. 204  
Email: [edwin\\_muniz@fws.gov](mailto:edwin_muniz@fws.gov)

Re: Puerto Rico Department of Housing – Rehabilitation and Reconstruction of Single-Family Homes

Dear Mr. Muñiz:

Puerto Rico was included in the Community Development Block Grant – Disaster Recovery (CDBG-DR) program as part of a grant from HUD. The impacts of Hurricanes Irma and Maria were widely felt across the island and caused extensive damage to many homes and businesses. Puerto Rico is proposing to use the CDBG-DR funds to assist homeowners across the entire Island, to achieve safe and code-compliant housing that meets or exceeds code standards through rehabilitation and reconstruction of storm-damaged homes.

The Puerto Rico Department of Housing is the responsible entity for completing the federally-required environmental review in accordance with 24 CFR Part 58. For the NEPA review of the rehabilitation and reconstruction program, PRDOH intends to perform a tiered review to obtain programmatic clearances on those NEPA elements for which no impact is anticipated to occur and establish programmatic guidelines and standards for site-specific reviews in areas of potential impact.

Specifically, the projects will include:

- Rehabilitation and/or Reconstruction of Single-Family Homes – the work will occur within the previously disturbed area of the parcel. The footprint will not be expanded into an undisturbed area without consultation.

These projects include reconstruction and rehabilitation of homes on developed or otherwise disturbed areas. Developed or disturbed areas include paved, filled, graveled, routinely mowed vegetated grasses, agricultural fields, pasturelands or locations where structures stand or stood prior to the disaster. We believe, and are asking for your concurrence, that these types of actions would constitute a “no effect or impact to federally-protected species or designated critical habitat” and no further action would be required under Section 7 of the ESA.

For those projects that would potentially impact undeveloped areas, consultation with the USFWS and local agencies would be required prior to any construction activities occurring.



For any questions or clarification, please do not hesitate to phone me or our consultant, Mike Richardson, at 225-329-9073 or e-mail him at [Mike.Richardson@hornellp.com](mailto:Mike.Richardson@hornellp.com). Thank you in advance for your consideration of this issue.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dennis G. González Ramos".

Eng. Dennis G. González Ramos, PE MEM  
Deputy Secretary



**Attachment 5-2**  
**Coordination from US Fish and Wildlife Service**

Response from Marelisa Rivera, Deputy Field Supervisor, US Fish and Wildlife Service, Caribbean Ecological Services Field Office.

*"We have received your letter dated October 23, 2018 requesting information regarding section 7 consultation process for the rehabilitation and/or reconstruction of single-family homes within previously disturbed area of parcels.*

*In 2013, the Service provided HUD with a Blanket Letter which covers these actions under criteria #4, #5, or #6. If projects comply with this criteria, no further consultation is needed since the project would not affect listed species. Please visit our webpage on Project Review section to get familiar with the letter and process. If you want to self-certify your agency on the use of the Blanket Letter you can provide use your self certification with the criteria that applies, and a map of the sites. On the webpage, we also have Power Point Presentations of expedited process for your review."*

The letter from the USFWS dated January 14, 2013 is presented on the page(s) following:



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Caribbean Ecological Services  
Field Office  
P.O. Box 491  
Boqueron, PR 00622

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

JAN 14 2013

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

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

Dear Mr. Maldonado:

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

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

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





Mr. Maldonado

2

Project Criteria

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

Determination:

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



Mr. Maldonado

3

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

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

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

Water Crossing Structures:

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



Mr. Maldonado

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

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

Limitations:

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

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

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

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

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

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

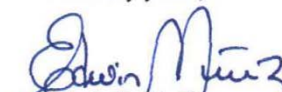


Mr. Maldonado

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

Sincerely yours,



Edwin E. Muñiz  
Field Supervisor

Enclosures (Fact Sheets)

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



**Attachment 5-3**  
**Correspondence to NOAA Fisheries Service**

October 16, 2018

NOAA Fisheries Service/National Marine Fisheries Service (NMFS)  
Noah Silverman, NEPA Coordinator Southeast Regional Office

263 13th Avenue South

St. Petersburg, FL 33701

Telephone: 727-824-5353

Email: [noah.silverman@noaa.gov](mailto:noah.silverman@noaa.gov) ; Heather Blough – [heather.blough@noaa.gov](mailto:heather.blough@noaa.gov)

Re: Puerto Rico Department of Housing – Rehabilitation and Reconstruction of Single-Family Homes

Dear Mr. Silverman:

Puerto Rico was included in the Community Development Block Grant – Disaster Recovery (CDBG-DR) program as part of a grant from HUD. The impacts of Hurricanes Irma and Maria were widely felt across the island and caused extensive damage to many homes and businesses. Puerto Rico is proposing to use the CDBG-DR funds to assist homeowners across the entire Island, to achieve safe and code-compliant housing that meets or exceeds code standards through rehabilitation and reconstruction of storm-damaged homes.

The Puerto Rico Department of Housing is the responsible entity for completing the federally-required environmental review in accordance with 24 CFR Part 58. For the NEPA review of the rehabilitation and reconstruction program, PRDOH intends to perform a tiered review to obtain programmatic clearances on those NEPA elements for which no impact is anticipated to occur and establish programmatic guidelines and standards for site-specific reviews in areas of potential impact.

Specifically, the projects will include:

- Rehabilitation and/or Reconstruction of Single-Family Homes – the work will occur within the previously disturbed area of the parcel. The footprint will not be expanded into an undisturbed area without consultation.

These projects include reconstruction and rehabilitation of homes on developed or otherwise disturbed areas. Developed or disturbed areas include paved, filled, graveled, routinely mowed vegetated grasses, agricultural fields, pasturelands or locations where structures stand or stood prior to the disaster. We believe, and are asking for your concurrence, that these types of actions would constitute a “no effect or impact to federally-protected species or designated critical habitat” and no further action would be required.

For those projects that would potentially impact critical habitats or undeveloped areas, consultation with NOAA and local agencies would be required prior to any construction activities occurring.



For any questions or clarification, please do not hesitate to phone me or our consultant, Mike Richardson, at 225-329-9073 or e-mail him at [Mike.Richardson@hornellp.com](mailto:Mike.Richardson@hornellp.com). Thank you in advance for your consideration of this issue.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dennis G. González Ramos".

Eng. Dennis G. González Ramos, PE MEM  
Deputy Secretary



**Attachment 5-4**  
**Correspondence from NOAA Fisheries Service**

As of November 16<sup>th</sup>, 2018 (30 days after submission of the letter), there has been no response from NOAA. However, a similar request was made to NOAA Southeast Regional Office in March 2018, regarding environmental issues related to critical habitats in the United States mainland. The described program there is identical in Puerto Rico with regards to critical habitats. Here is the response:

From Heather Blough, NOAA, on March 29, 2018

*Thanks for your inquiry. You are correct that your proposed program as described would not require consultation with NOAA Fisheries. However, we consult on impacts to endangered species, their critical habitat, and essential fish habitat. We do not have authority over National Wildlife Refuges or National Fish Hatcheries. I suggest you contact the U.S. Fish and Wildlife Service (USFWS) to discuss any requirements related to those resources.*

The program will be determining if there are actions within or adjacent to a critical habitat or any new construction that could impact threatened or endangered species. For those items, a consultation with NOAA will be required.



## **Exhibit 6 Wild and Scenic Rivers**

**Figure 6-1. Wild and Scenic Rivers – Puerto Rico**

**Attachment 6-1. Correspondence to National Wild and Scenic Rivers System**

**Attachment 6-2. Correspondence from National Wild and Scenic Rivers System**





**Figure 6-1**  
**Wild and Scenic Rivers**

9/6/2018



Source: US Department of the Interior, National Park Service



**Attachment 6-1**  
**Correspondence to National Wild and Scenic Rivers System**

October 16, 2018

Dan Haas  
US Fish and Wildlife Service  
64 Maple Street  
Burbank, Washington 99323  
Telephone: 509-546-8333  
Email: [rivers@fws.gov](mailto:rivers@fws.gov)

Re: Puerto Rico Department of Housing – Rehabilitation and Reconstruction of Single-Family Homes

Dear Mr. Haas:

Puerto Rico was included in the Community Development Block Grant – Disaster Recovery (CDBG-DR) program as part of a grant from HUD. The impacts of Hurricanes Irma and Maria were widely felt across the island and caused extensive damage to many homes and businesses. Puerto Rico is proposing to use the CDBG-DR funds to assist homeowners across the entire Island, to achieve safe and code-compliant housing that meets or exceeds code standards through rehabilitation and reconstruction of storm-damaged homes.

The Puerto Rico Department of Housing is the responsible entity for completing the federally-required environmental review in accordance with 24 CFR Part 58. For the NEPA review of the rehabilitation and reconstruction program, PRDOH intends to perform a tiered review to obtain programmatic clearances on those NEPA elements for which no impact is anticipated to occur and establish programmatic guidelines and standards for site-specific reviews in areas of potential impact.

Specifically, the projects will include:

- Rehabilitation and/or Reconstruction of Single-Family Homes – the work will occur within the previously disturbed area of the parcel. The footprint will not be expanded into an undisturbed area without consultation.

The proposed program activities for the PRDOH program will not involve water resource projects or any work on or directly affecting any Federal Wild and Scenic River or rivers on the National Rivers Inventory, nor will they result in significant adverse impacts to the values for which the listed rivers were designated. The proposed activities will be confined to residential lots and will not disturb the bed or banks of these rivers.

With regards to work performed on a residential lot in proximity to a federally designated Wild and Scenic River or a river listed on the Nationwide Rivers Inventory (NRI), all construction activities should take care to avoid any unnecessary clearing of native riparian vegetation such that the local scenery remains intact. Further, for all projects where construction-derived runoff has the potential to enter the waterway, appropriate sediment control measures should be required. Sediment control measures will include, but are not limited to, the use of straw bales and silt fences.



For any questions or clarification, please do not hesitate to phone me or our consultant, Mike Richardson, at 225-329-9073 or e-mail him at [Mike.Richardson@hornellp.com](mailto:Mike.Richardson@hornellp.com). Thank you in advance for your consideration of this issue.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dennis G. González Ramos".

Eng. Dennis G. González Ramos, PE MEM  
Deputy Secretary



### Attachment 6-2 Correspondence from National Wild and Scenic Rivers System

As of November 16<sup>th</sup>, 2018 (30 days after submission of the letter), there has been no response from the US Fish and Wildlife Service regarding the National Wild and Scenic Rivers System. However, based on requests for guidance in the past, the following information from correspondence on March 19, 2018 is applicable to any Wild and Scenic Rivers.

*The National Park Service and USFWS identified that “best practices” would be used, specifically “All construction activities occurring on or adjacent to a federally designated Wild and Scenic River or on a river listed on the Nationwide Rivers Inventory should take care to avoid any unnecessary clearing of native riparian vegetation such that local scenery remains intact. Further, for all projects where construction derived runoff has the potential to enter the waterway, appropriate sediment control measures should be required. Sediment control measures can include, but are not limited to, the use of straw bales and silt fences.” Additionally, the National Park Service recommended the use of erosion and sedimentation controls during construction and after completion of the work at project sites where vegetation removal and / or land disturbance is planned within 100 feet of the bank for the protected section of the Wild and Scenic River.*

Given this recent response regarding Wild and Scenic Rivers, the PRDOH will adopt this practice as a “best practice” for any construction work within 100 feet of a Wild and Scenic River or a segment on the Nationwide Rivers Inventory.



## Exhibit 7 Air Quality

### Table 7-1. National Ambient Air Quality Standards Non-Attainment Areas



**Table 7-1  
National Ambient Air Quality Standards for Puerto Rico**

Green Book

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

Data is current as of August 31, 2018

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

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

PUERTO RICO

County	NAAQS	Area Name	Nonattainment in Year												Redesignation to Maintenance	Classification	Whole or/ Part County	Population (2010)	State/ County FIPS Codes																					
PUERTO RICO																																								
Arecibo Municipio	Lead (2008)	Arecibo, PR																11	12	13	14	15	16	17	18	//		Part	32,185	72/013										
Bayamon Municipio	Sulfur Dioxide (2010)	San Juan, PR																									//		Part	22,921	72/021									
Catano Municipio	Sulfur Dioxide (2010)	San Juan, PR																									//		Whole	28,140	72/033									
Guaynabo Municipio	PM-10 (1987)	Mun. of Guaynabo, PR																92	93	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	02/11/2010	Moderate	Part	90,470	72/061
Guaynabo Municipio	Sulfur Dioxide (2010)	San Juan, PR																																		//		Part	23,802	72/061
Salinas Municipio	Sulfur Dioxide (2010)	Guayama-Salinas, PR																																		//		Part	23,401	72/123
San Juan Municipio	Sulfur Dioxide (2010)	San Juan, PR																																		//		Part	147,963	72/127
Toa Baja Municipio	Sulfur Dioxide (2010)	San Juan, PR																																		//		Part	52,441	72/137

file:///C:/Users/jrc/OneDrive/Desktop/Environmental/estab/PuertoRico/Mapa/Nonattainment.html[6/2018 3:20:12 PM]

No Group 4 Municipios included

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



## Exhibit 8 Farmlands

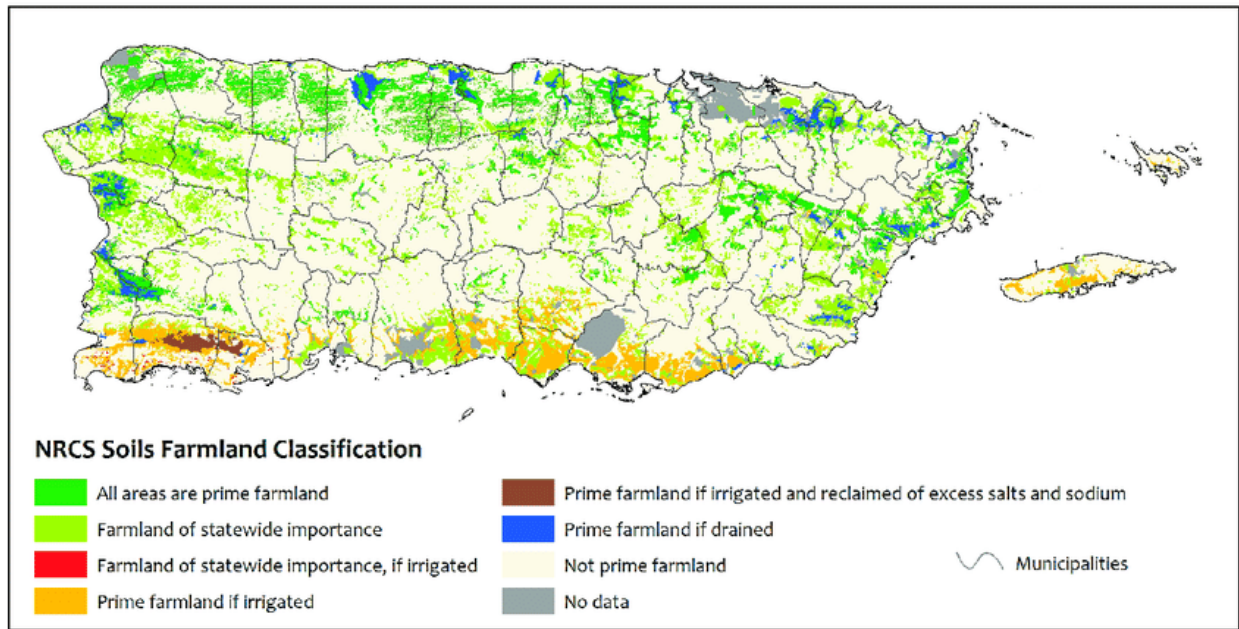
### Figure 8-1. Farmlands in Puerto Rico

No Tier I consultation deemed necessary. Site-specific consultation may be required with the US Department of Agriculture or the Puerto Rico Department of Agriculture for new construction activities.

*Source: 7 CFR 658, Form AD-1006*



Figure 8-1  
Farmlands in Puerto Rico



Source: Natural Resource Conservation Service Soil Farmland Classification





## Exhibit 9 Environmental Justice

### Figure 9-1. Demographic Information for Puerto Rico

Consultation for Tier I with agencies not deemed necessary.



**Figure 9-1**  
**Demographic Information for Puerto Rico**

The following table displays social characteristics analyzed for the Action Plan developed for Puerto Rico in the Municipio and census tract level.

Variables	Min	Max	Mean
Median Age	18	62	40
Percent Black	0	3	0
Percent Native American	0	1	0
Percent Asian	0	6	0
Percent Hispanic	75	100	99
Percent population under 5 years or 65 and over	0	44	23
Percent nursing home residents	0	11	0
Percent female	0	70	52
Percent female headed households	0	66	24
Percent unoccupied housing units	0	100	21
Percent renters	0	100	26
People per unit	0	4.2	2.8
Per capita income	\$0	\$55,810	\$10,922
Percent speaking English as a second language with limited English proficiency	28	97	78
Percent with less than 12 <sup>th</sup> grade education	0	60	27
Percent employment in extractive industries	0	50	2
Percent employment in service industries	0	59	22
Percent of housing units with no car	0	83	19
Percent civilian unemployment	14	83	51

Source: Puerto Rico Action Plan



## Exhibit 10 Noise Control and Abatement

No Tier I consultation deemed necessary. Site-specific consultation may be required with HUD Region IV depending upon the noise contour findings for relocation activities.



## **Exhibit 11**

### **Siting of HUD-Assisted Projects near Hazardous Operations**

No Tier I consultation deemed necessary. Site-specific consultation may be required with HUD Region IV depending upon the findings for new construction or relocation activities.



## Exhibit 12 Airport Hazards

### Figure 12-1. Airport Locations in Puerto Rico

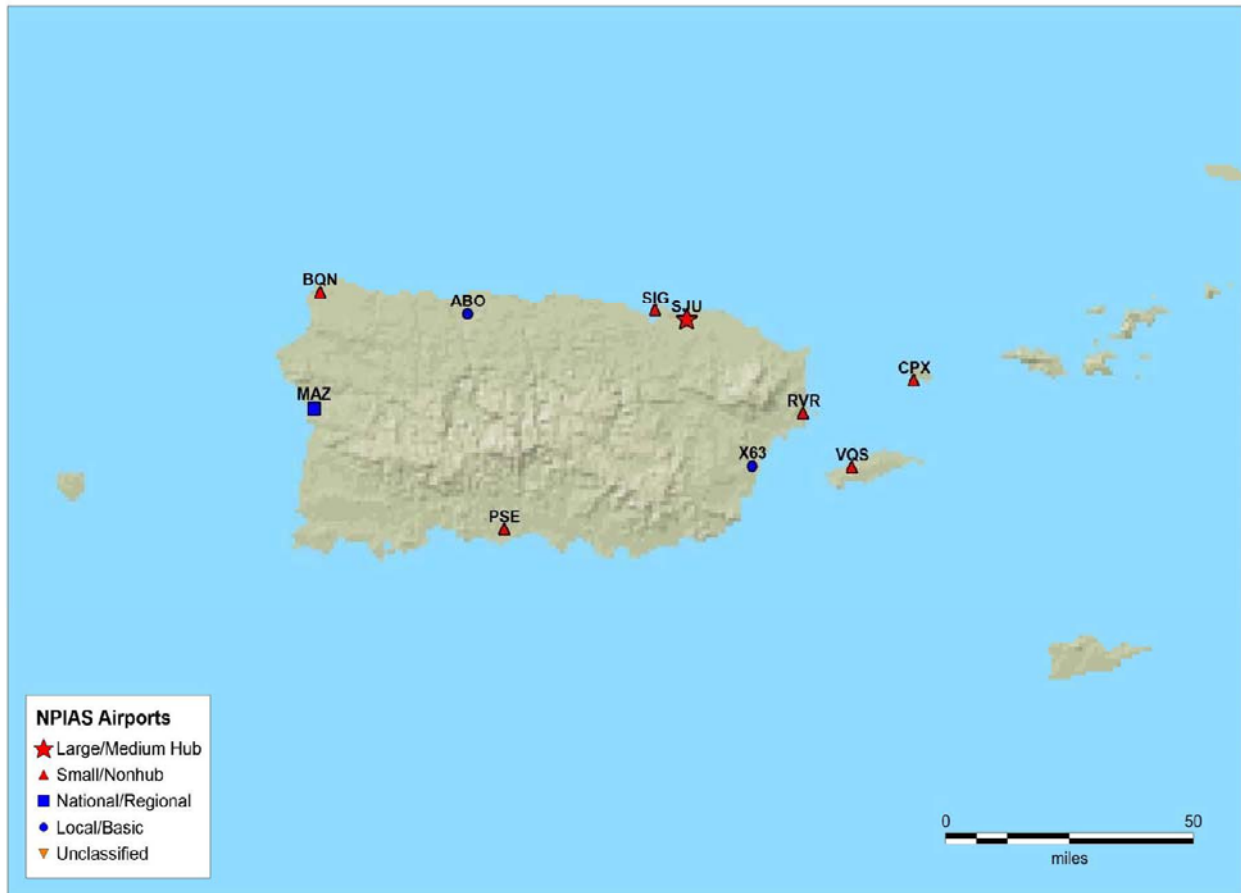
There is one airport listed on the National Plan of Integrated Airport Systems for the Group 4 Municipios:

- Mercedita Airport – Primary Non-hub (Commercial Service) (PSE)

No overall Tier I consultation is deemed necessary. Applicant housing within a Runway Protection Zone/ Clear Zone or Accident Potential Zone will require site-specific consultation with the airport authorities as part of the Tier II Environmental Review Record.



Figure 12-1  
Airport Locations in Puerto Rico



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



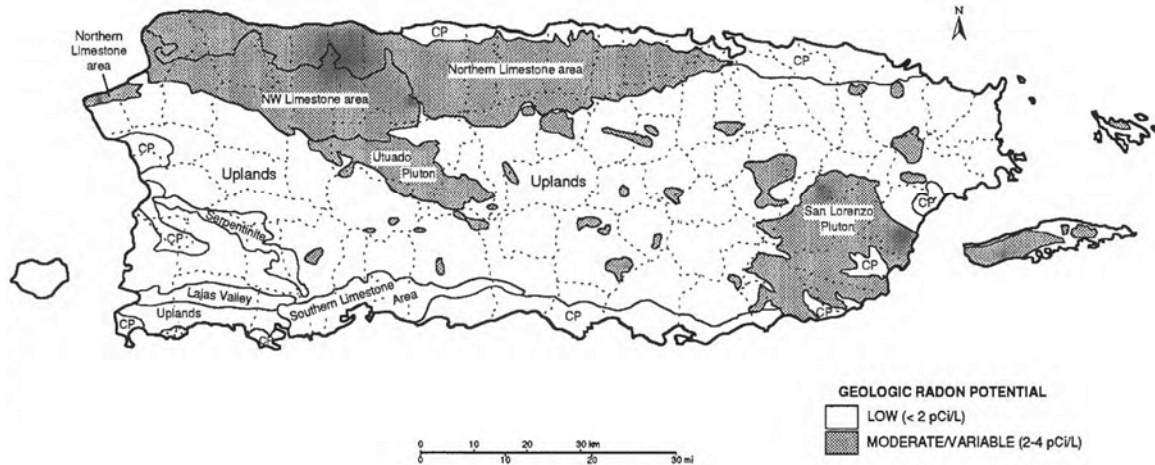
## Exhibit 13 Toxic Chemicals and Gases, Hazardous Materials, Contamination, and Radioactive Substances

### Figure 13-1. Radon Concentration Map for Puerto Rico

Consultation for Tier I not deemed necessary. A review of all sites in the various databases from EPA, such as NEPAassist, and Puerto Rico databases will be required as part of each Tier II ERR determination. Depending upon the findings, coordination may be required with the US EPA Region II, the Puerto Rico DNER and/or the Planning Board. Any correspondence and/or documentation regarding those findings will be included in the Tier II ERR.



Figure 13-1  
Radon Concentration Map – Puerto Rico



Source: No USEPA radon mapping exists currently for Puerto Rico. The source for this information is USGS Open-File Report 93-292-K and is the "State Provided Map Information" for Puerto Rico on the EPA Radon Zones map.

Shaded areas correspond to EPA Zone 2 (2 to 4 pCi/L) and non-shaded areas are Zone 3 (less than 2 pCi/L)



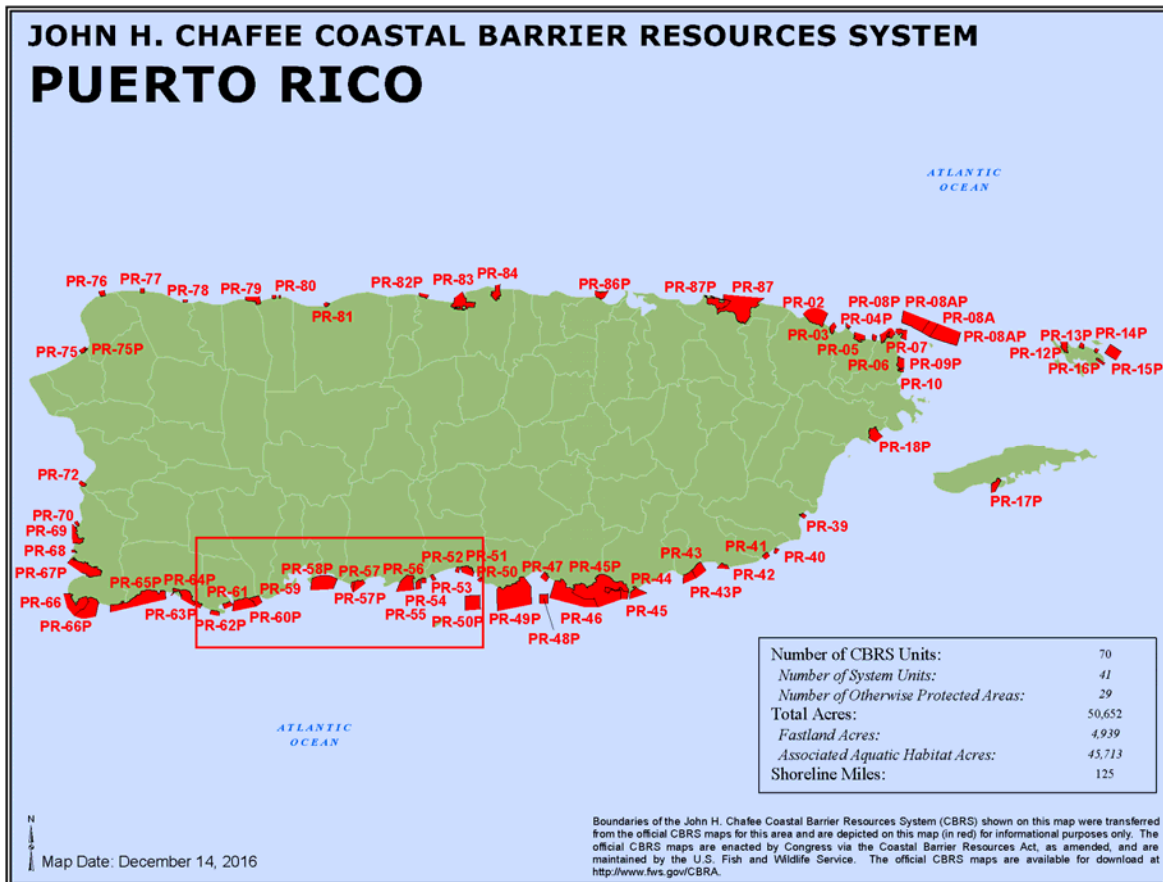


## Exhibit 14 Coastal Barrier Resources Act

### Figure 14-1. John H. Chafee Coastal Barrier Resources System – Puerto Rico



Figure 14-1  
John H. Chafee Coastal Barrier Resources System



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



## Appendix C

# Floodplain Management

[24 CFR 55.20]



## **Floodplain Management** **(24 CFR 55, Executive Order 11988)**

HUD regulations in 24 CFR Part 55 implement Executive Order 11988, Floodplain Management. The purpose of EO 11988 is “to avoid to the extent possible the long- and short-term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative.”

### ***Background***

Sites located within a 100-year floodplain are subject to EO 11988 and any actions outside the 100-year floodplain that directly or indirectly impact the floodplain are subject to EO 11988. The relevant data source for the 100-year floodplain is the latest issued FEMA data or guidance, which includes advisory data (such as Advisory Base Flood Elevations) or preliminary and final Flood Insurance Rate Maps (FIRMs).

### ***24 CFR 55.1(c)***

No HUD financial assistance may be approved for the following:

- Any action, other than a functionally dependent use, located in a floodway (except for this program specifically for relocation outside of the floodway or acquisition / demolition);
- Any critical action (refers to hospitals, nursing homes, Emergency Operation Centers, power-generating facilities, etc.) located in a coastal high hazard area (V zone); or
- Any non-critical action located in a coastal high hazard area, unless the action is designed for location in a coastal high hazard area (V zone compliant) or is a functionally dependent use.

Any proposed actions within the V zone must comply with the construction standards outlined in 24 CFR 55.1(c)(3)(ii) (A and B).

### ***Approach***

In applying EO 11988 and 24 CFR Part 55, PRDOH's approach is to avoid adverse impacts to the floodplain because of the Proposed Actions to the extent possible. Based upon Program determinations, there will be no elevation of structures allowed. The only activity allowed in a 100-year floodplain will be rehabilitation of structures that are NOT substantially damaged or acquisition / demolition. All other activities in a 100-year floodplain are not allowed, except that relocation to an area outside of the floodplain is allowable.



## Zone A and Zone V

Both the A zone and the V zone lie within areas of the municipios floodplain. Zone V applies only in tidal floodplains and denotes hazards associated with storm-induced waves. Construction in V zones are more stringent to account for the increased risk of damage from storm surge.

About the requirements listed in 24 CFR 55.1 (c), none of the residential structures and properties included in the Program would be considered a functionally-dependent use. Compliance with the standard for addressing a V zone compliant design will be documented through the building permit or other documentation.

### ***Exceptions to this programmatic Compliance Process***

Any proposed action that would qualify as new construction or relocation within a floodplain is not eligible for this programmatic process. There will also be no elevation allowed for this Program. Therefore, if there are any proposed actions (beyond minor rehabilitation) to occur within a floodplain, an individual 8-step process, in accordance with 24 CFR 55.20, will be required.

### ***Site-Specific Review Determination Process***

The proposed approach to document compliance with EO 11988 is:

- Document the source of information on the Site-Specific Checklist.
- Proposed sites located within the 100-year floodplain as identified by FEMA maps have been addressed in the attached programmatic process document, a large-scale 8-Step process prepared according to 24 CFR Part 55.20.
  - a. PRDOH will review the property locations to identify any within a FEMA-delineated floodway. Any proposed activity located within a FEMA-delineated floodway is not eligible for assistance under the Program, except for relocation activities moving the applicant outside of the floodway or acquisition / demolition.
  - b. PRDOH will identify applicable measures to mitigate impacts to the floodplain if the structure is located within the 100-year floodplain.



## DECISION-MAKING PROCESS

### Executive Order 11988 – Floodplain Management

#### Puerto Rico Department of Housing

#### Community Development Block Grant – Disaster Recovery Housing Program

### TABLE OF CONTENTS

#### Decision-Making Process

*Note: It has been determined by PRDOH that elevation of structures is not allowable as part of this Program. Therefore, the only activity allowable within a floodplain is rehabilitation of a structure that is NOT substantially damaged. All other activities in a floodplain are not eligible, except for relocation to an area outside the floodplain or acquisition / demolition.*

Step ONE: Determine if a Proposed Action Is in the 100-year Floodplain

Step TWO: Early Public Review

Step THREE: Identify and Evaluate Practicable Alternatives to Locating in the Base 100-year Floodplain

Step FOUR: Identify the Impacts of the Proposed Actions

Step FIVE: Minimize Threats to Life and Property and to Natural and Beneficial Floodplain Values. Restore and Preserve Natural and Beneficial Floodplain Values

Step SIX: Re-evaluate Alternatives

Step SEVEN: Issue Findings and a Public Explanation

Step EIGHT: Implement the Action



## 8-STEP DECISION-MAKING PROCESS

### Executive Order 11988 – Floodplain Management

#### U.S. Department of Housing and Urban Development Community Development Block Grant - Disaster Recovery

November 15, 2018

This 8-step Decision-Making (8-step) Process document addresses the requirements of Executive Order 11988, “Floodplain Management” and has been completed in anticipation of numerous unspecified single-family housing properties participating in the Puerto Rico Department of Housing (PRDOH) Community Development Block Grant – Disaster Recovery Program. This document pertains to proposed activities in the 100-year floodplain (A and V zones) as delineated on the latest FEMA floodplain maps, whether advisory, preliminary, or final. It should be noted that all NFIP flood insurance purchases are based only on final Flood Insurance Rate Maps. This HUD-funded program, administered by the Puerto Rico Department of Housing, was established as a grant award to provide financial assistance to homeowners whose primary residences were damaged for non-substantial damage rehabilitation of housing units within all areas on Puerto Rico affected by Hurricanes Irma and Maria. All applicants are potentially eligible for assistance, whether in the floodplain or not. However, this document only addresses those potentially eligible applicants within the 100-year floodplain – Zone A and Zone V.

The **Proposed Action** selected is to “**Provide Financial Assistance for the Homeowner to Repair or Rebuild / Relocate.**”

#### **Step ONE: Determine if a Proposed Action Is in the 100-year Floodplain**

The Program is in response to severe flooding and storm damage caused by Hurricanes Irma and Maria and addresses Puerto Rico’s need for housing, especially safe, decent, and affordable housing. The Program will provide funding to homeowners whose homes were damaged and activities necessary to restore their storm damaged homes, including rehabilitation within the disturbed areas of the previously developed parcel or acquisition / demolition. New construction and relocation are not covered under this Decision-Making Process document, as both activities will occur outside of a 100-year floodplain. Also, any elevation activities are not included in this document, as elevation is not a program option.

Structures in V zones are only eligible if the activity is for non-substantial rehabilitation and met the requirement of applicable standards at the time of original construction (24 CFR



55.1(c)(3)(ii) (A and B). New construction or elevation / reconstruction in a V zone are not allowed as part of this Program.

Once an Applicant property is identified, the Applicant's site address will be plotted using Geographic Information Systems (GIS) to more accurately determine the location of the Applicant's property in relation to the 100-year floodplain. A desk review of each property will be conducted to determine the following characteristics of each property:

- Geo-location of the parcel and if the parcel has any portion within the 100-year floodplain
- Determination of whether the Applicant's structure intersects the 100-year floodplain (if the parcel is within the floodplain and the structure is not, the requirement for flood insurance is not applicable). However, no funds can be used if any construction is to occur in the floodplains as part of this program without adhering to the requirements of this document

In addition, site visits will be made to each property to 'ground-truth' the geographic location by collecting precise latitude/longitude positions using a Global Positioning System (GPS) device. Below is a summary of the steps for the review process:

- Locate the parcel on the GIS system with flood map overlays;
- Conduct a site inspection by experienced inspectors with survey-grade GPS equipment to verify location and observe presence of nearby 100-year floodplain and/or water body(s), if any, to provide field verification to data received by the PRDOH; and
- Complete the site-specific evaluation for each Applicant location and verify if and how the proposed action will impact the 100-year floodplain.

### **Step TWO: Early Public Review**

A 15-day "Notice for Early Public Review of a Proposed Activity in a 100-Year Floodplain" was published in the El Neuva Dia and El Vocero newspapers. The notice targeted residents, including those in the floodplain. The notice was also sent to the following Federal and Island agencies at the same time as the public notice: U.S Fish and Wildlife Service, U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, Jacksonville District, NOAA Fisheries Service / National Marine Fisheries Service, FEMA Region II, Puerto Rico Historic Preservation, Puerto Rico Department of Economic Development and Commerce, Puerto Rico Planning Board, Puerto Rico Environmental Quality Board and Puerto Rico Department of Natural and Environmental Resources.





**Appendix C Attachment C-1** Early Public Notice (Step TWO) English Version.

**Appendix C Attachment C-2** Early Public Notice (Step TWO) Spanish Version.

**Appendix C Attachment C-3** Sample letter to interested Federal and Island agencies.

**Appendix C Attachments C-6 and C-7** Notice as published in the circulars. Any comments received by Vivienda will be addressed specifically with the public.

**Appendix C Attachment C-1 and C-2** List of comments received by Vivienda and the response to those comments. Steps Three through Six will be finalized after all comments to Step TWO are addressed.

### **Step THREE: Identify and Evaluate Practicable Alternatives to Locating in the Base Floodplain**

This Program will provide financial assistance to rehabilitate and reconstruct housing and provide relocation options for those not eligible for reconstruction. The Program is designed to recover the affordable housing that may have been destroyed or damaged due to Hurricanes Irma and Maria. Overall, this Program allows for rehabilitation of non-substantial improvements in a 100-year floodplain. Reconstruction of or relocation to a 100-year floodplain is not allowable.

The only activities allowed in a 100-year floodplain is minor improvement (those structures not requiring substantial improvement in accordance with 24 CFR 55.2). At this point, it is not known how many properties will be in the floodplain; therefore, discussing practicable alternatives is premature. Each property will be reviewed to determine its location via a Site-Specific Checklist as described in Step One. Because of this program, there will be three outcomes that will describe impacts to the 100-year floodplain:

- Outcome A – No impact (property located outside 100-year floodplain)
- Outcome B – No impact to the floodplain because the structure does not require substantial improvement, and elevation is not required.
- Outcome C – Beneficial impact to the floodplain; substantial improvement is required. Applicant will be given choice to relocate. If chosen, damaged structure will be demolished and will remain as green space, in perpetuity. Such shall be noted on a deed to the property.

The only practicable alternative to the chosen Proposed Action (providing funding so applicants can repair non-substantially improved homes in the 100-year floodplain) on a programmatic level would be the “No-Action” alternative, which would mean that Applicants would not receive funding for repair or relocation under the HRRRP. As a result, these applicants may not be able to recover and have affordable housing. Thus, the No-Action alternative would not address the shortage of affordable housing nor the repair / improvement of housing to be safe and sanitary.



#### **Step FOUR: Identify the Impacts of the Proposed Action**

The floodplains in Puerto Rico include Riverine and Tidal Floodplains. The Group 4 Municipios are comprised of about 488,000 total acres; 39,000 (8%) of which are in a floodplain. They have several beneficial functions including floodwater conveyance, habitat for flora and fauna, and are used for recreational (hunting, fishing, water activities) and scientific purposes (primarily the study of said flora and fauna). This Program is for the rehabilitation, reconstruction or relocation of single-family one- to four-family unit residential structures for those people with damages due to Hurricanes Irma and Maria. HUD's own regulations limit what actions can be considered under the Program including any activities in a floodway. Repair of any properties, in a 100-year floodplain, that are substantially damaged (properties for which restoration costs are equal to or greater than 50% of the pre-disaster value of the property) and new construction in a 100-year floodplain are not allowable as part of this Program. The only potential exception to this elevation requirement is historic structures that are eligible for or listed on the National Register of Historic Places, which will have elevation height requirements considered on a by-case basis.

In accordance with HUD regulations Part 55 (Floodplain Management), no HUD financial assistance may be approved for the following [from Part 55.1]:

- Any action, other than a functionally dependent use, located in a floodway (no property or structure included in the PRDOH CDBG-DR Program would be a functionally dependent use), apart from relocation outside of the floodway or acquisition / demolition or
- Any non-critical action located in a coastal high hazard area, unless the action is designed for location in a coastal high hazard area (V-zone compliant) or is a functionally dependent use.

The potential impacts of the **Proposed Action** on the floodplain are detailed below. All applicants with properties in the 100-year floodplain as shown on the effective FIRM would also be required to maintain flood insurance up to the NFIP's required amount for the economic life of the structure, irrespective of ownership.

Based upon the restrictions for this Program there is only one Proposed Action under the Selected Course of Action for floodplains that will be considered for this program. The Proposed Action is as follows:



The **Proposed Action** in a floodplain represents no change from pre-Irma and Maria conditions for rehabilitation of a damaged structure (not substantially damaged) with no elevation.

The Proposed Action identified is the only one, in a floodplain, eligible for funding under this Program. The Proposed Action would be repair of non-substantially damaged structures without elevation.

The potential impacts of the Proposed Action on the floodplain is detailed below. All Applicants within the 100-year floodplain as shown in the official FIRMs would also be required to maintain flood insurance up to the total project cost for their project activity or the maximum coverage limit of the National Flood Insurance Program (NFIP), whichever is less. As this program is grant-funded, the maintenance of flood insurance is required for the economic life of the structure, irrespective of ownership.

The Proposed Action would represent no change to the floodplain from pre-Irma and Maria conditions, though future damages to the structure as a result of future flooding would not be reduced.

In summary, based upon the Proposed Action, there will be slight beneficial changes to the floodplain from pre-Irma and Maria conditions, due to properties with demolished structures remaining as green space. Also, the proposed Program, as addressed in this Decision-Making Process Document, would not increase floodplain occupancy, as the Program would only enable people to return to their homes, but would not expand the housing stock relative to conditions prior to Hurricanes Irma and Maria.

**Step FIVE: Minimize Threats to Life and Property and to Natural and Beneficial Floodplain Values. Restore and Preserve Natural and Beneficial Floodplain Values.**

PRDOH will not fund substantial improvements that trigger elevation requirements as part of this Program. Property owners participating in this program would be required to adhere to the following conditions to minimize the threat to property, minimize losses from flooding and high-wind events, and benefit floodplain values:

1. All participants in the Program, whose property is in the 100-year floodplain, as shown on the official FIRMs, must carry flood insurance on the subject structure for the economic life of the structure, irrespective of ownership.
2. In the case of "Coastal High Hazard" areas ("V" zones on the latest (most recent) FEMA-issued maps), that the applicant adhere to construction standards, methods and techniques as required by HUD regulation 24 CFR 55.1(c)(3)(ii)(A and B).



Therefore, the requirements of the Program will help ensure a minimal adverse impact to the floodplain and preserve natural and beneficial floodplain values. Properties with minor improvement represent no change to the floodplain; however, for properties requiring substantial improvement, applicants will be given a choice to relocate or construct, both outside of the floodplain. Properties that applicants leave will have structures demolished and will remain as an open space (with regards to this program). That action would serve to increase the acreage of the floodplain and increase the land's value as a floodplain.

### **Step SIX: Re-evaluate Alternatives**

PRDOH has determined that the most practicable alternative on a programmatic level is the Selected Course of Action; **Provide Financial Assistance for the Homeowner to Repair or Rebuild / Relocate**. This course of action best meets the requirement of the Program, which include providing safe housing for applicants while allowing applicants with minor improvements to remain in their communities. Applicants whose structures require substantial improvement will be given a choice to relocate outside the floodplain or construct new housing outside of the floodplain. This course of action also best addresses Puerto Rico's need for safe, decent, and affordable housing. Furthermore, this Program will require applicants, within a floodplain, obtain and maintain flood insurance for the economic life of the structure, irrespective of ownership.

This selection of this Course of Action is made considering exposure to flood hazards in the floodplain and aggravation of the current hazards to other floodplains.

**Alternative 1 (Mass Relocation Outside the Floodplain)** was not selected as it would require relocation of all families in the floodplain to relocate outside of the floodplain. This alternative would likely not allow homeowners to remain in their communities, schools and churches, nor meet the objective to rebuild the communities and homes affected by Hurricanes Irma and Maria. This alternative may be used in selective cases where structures are substantially damaged in the floodplain.

**Alternative 2 (No Action)** was not selected as this action would not provide homeowners with financial assistance and, thus, their properties would remain unsafe, unsanitary, and more vulnerable to adverse weather conditions. As a result, these owners may not be able to recover and have affordable housing. Furthermore, this alternative would neither address the shortage of safe housing or the increase in unoccupied, unsafe homes in the project area.

### **Step SEVEN: Issue Findings and a Public Explanation**

It is Puerto Rico's determination that there is no practicable alternative to locating the Proposed Action in the floodplain. This is due to:



- The need to provide safe, decent and affordable housing;
- The desire to not displace residents; and
- The ability to mitigate and minimize impacts on human health, property and floodplain values.

A "Notice of Policy Determination" will be published in accordance with 24 CFR 55, for a 7-day comment period. The notice stated the reasons why the project must be in a floodplain, a list of alternatives considered, and all mitigation measures taken to minimize impacts and preserve natural and beneficial floodplain values.

**Appendix C Attachment C-4 and C-5** Step SEVEN notice and comments received / answered.

**Appendix C Attachment C-8** Notice as published in El Vocero.

**Step EIGHT: Implement the Action**

This step is implementation of the proposed alternative. The PRDOH will verify that all mitigation measures prescribed in the steps above will be followed.



## Attachment C-1 Early Public Review and Comments – English Version

### Notice for Early Public Review Of A Proposal to Support Activity in the 100-Year Floodplain

November 15, 2018

To: All Interested Parties, Groups & Individuals

This is to give notice that the Puerto Rico Department of Housing (PRDOH) has conducted an evaluation as required by Executive Order 11988, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management, to determine the potential effect that its activity in the floodplain will have on the human environment for the residents of the 78 Municipios on Puerto Rico that are eligible and request participation on Programs of the Community Development Block Grant – Disaster Recovery (CDBG-DR) under Title I of the Housing and Community Development Act of 1974 (PL 93-383).

The PRDOH has prioritized that its allocation of the CDBG-DR funds (\$1,507,179,000 and subsequent anticipated allocation of \$8,220,783,000) will be provided in the impacted areas of all 78 municipalities. The best available data suggests thousands of homes on the island sustained major or severe damage due to Hurricanes Irma and Maria and may seek funding through the program to repair or rebuild homes.

Though the confirmation of site locations for the proposed projects is currently in progress, it is foreseen these will be distributed through all 78 Municipios with structures damaged by Hurricanes Irma and Maria. The floodplains in the area can be found at the FEMA Flood Map Service Center at <https://msc.fema.gov/portal/home>.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public education tool. The dissemination of information about floodplains can facilitate and enhance Federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.



**Written comments must be received by the Puerto Rico Department of Housing on or before November 29, 2018.** The PRDOH encourages electronic submittal of comments at [infoCDBG@vivienda.pr.gov](mailto:infoCDBG@vivienda.pr.gov) (include subject: "**COMENTARIOS TIER 1**"). As an alternative, comments may be submitted on paper to: PRDOH, to the address following:

Puerto Rico Department of Housing  
606 Avenida Barbosa, Edificio Juan C. Cordero Dávila  
Rio Piedras, PR 00918

Joeni L. Camacho Luciano  
Permit and Environmental Compliance Manager



## Comments and Responses

There were no public comments to the English version of the notice. However, the Puerto Rico Planning Board sent a letter to Vivienda describing some requirements for construction in floodplains.

The letter in its entirety is included in this document in **Appendix B Exhibit 1 Attachment 1-1**.





## Attachment C-2

### Early Public Review and Comments – Spanish Version

Aviso para la revisión pública preliminar  
de una propuesta para apoyar actividades  
realizadas en terrenos inundables de 100 años

14 de noviembre de 2018

A: Todas las partes, grupos y personas interesadas

Este aviso notifica que el Departamento de Vivienda de Puerto Rico (Vivienda) ha llevado a cabo una evaluación requerida por la Orden Ejecutiva 11988, de conformidad con las regulaciones de HUD en 24 CFR 55.20 Subparte C (Procedimientos para tomar determinaciones sobre el manejo de terrenos inundables), a fin de determinar el posible impacto que tendrá su actividad en el terreno inundable sobre los residentes de los 78 municipios de Puerto Rico elegibles que soliciten participar de los Programas de asistencia relacionados a la Subvención en Bloque para el Desarrollo Comunitario – Recuperación ante Desastres (CDBG-DR, por sus siglas en inglés), conforme al I Título I de la Ley de Vivienda y Desarrollo Comunitario de 1974 (PL 93-383).

Vivienda ha priorizado su asignación de fondos CDBG-DR (\$1,507,179,000 y una asignación subsiguiente prevista de \$8,220,783,000) para que sea dedicada a todas las áreas impactadas. Los mejores datos disponibles sugieren que miles de hogares en la isla sufrieron daños mayores o severos debido a los huracanes Irma y María y que sus dueños pueden procurar fondos a través del programa para reparar o reconstruir hogares.

Aunque la confirmación de las ubicaciones de los proyectos propuestos está en curso actualmente, se prevé que estarán distribuidos por todos los 78 municipios que tienen estructuras dañadas por Irma y María. Los terrenos inundables en la zona aparecen en la página del Centro de Servicios de Mapas de Inundaciones en <https://msc.fema.gov/portal/home>.

Esta notificación tiene tres propósitos principales. En primer lugar, las personas que podrían afectarse por las actividades en los terrenos inundables y las que se interesan en la protección del ambiente natural deben tener la oportunidad de expresar sus inquietudes y ofrecer información sobre estas áreas. En segundo lugar, un programa adecuado de avisos públicos puede ser una importante herramienta educativa. La divulgación de información sobre los terrenos inundables puede facilitar y mejorar los esfuerzos federales por reducir los riesgos asociados con la ocupación y la modificación de estas zonas especiales. En tercer lugar, por cuestión de ser justos, cuando el gobierno



federal determine participar en acciones en los terrenos indudables, debe informar a las personas que podrían correr un riesgo mayor o continuado.

**Es necesario que el Departamento de Vivienda de Puerto Rico reciba los comentarios escritos a más tardar el 29 de noviembre de 2018.** Vivienda exhorta a que se envíen los comentarios por medio electrónico a [infoCDBG@vivienda.pr.gov](mailto:infoCDBG@vivienda.pr.gov) (incluir en el sujeto: "**COMENTARIOS TIER 1**"). Como alternativa, también se pueden enviar a Vivienda los comentarios en forma impresa a la dirección que sigue:

Departamento de Vivienda de Puerto Rico  
606 Avenida Barbosa, Edificio Juan C. Cordero Dávila  
Rio Piedras, PR 00918

Joeni L. Camacho Luciano  
Gerente de permisos y cumplimiento ambiental



## Comments and Responses

### Notice for Early Public Review of a Proposal to Support Activity in the 100-Year Floodplain November 15, 2018

The public notice was published in El Vocero De Puerto Rico and EL Neuva Dia on November 15, 2018 and the public was invited to comment. Additionally, letters were sent to various local and Federal Agencies, again with an invitation to comment. One comment was received from the public and one comment from a local agency; the Puerto Rico Planning Board. The comments and responses to those comments are presented below.

**Comment 1 from Luis A. López Díaz** (*the comment will be presented as submitted and then broken into parts for the response*)

*Como se presentó:*

Resaltando la pronta fecha de entrega para comentarios preliminares de su ***Propuesta para apoyar actividades realizadas en terrenos inundables de 100 años***, según publicado por el Departamento de Vivienda el 15 de noviembre de 2018 a través de El Nuevo Día, quisiera saber sobre qué documento se espera que se comente. ¿Cuál es la propuesta mencionada? ¿Dónde consigo acceso a la misma?

Según el CFR citado en el aviso (24 CFR 55.20 Subparte C, *Procedimientos para tomar determinaciones sobre el manejo de terrenos inundables*) se establece que se debe notificar al público y a las agencias responsables del manejo de la llanura de inundación o la protección de los humedales **el nombre, la ubicación propuesta y la descripción de la actividad, el número total de acres de llanuras de inundación o humedales involucrados y el número de teléfono para llamar para información, entre otros.**

A su vez, la notificación debe indicar las horas de HUD o de la oficina de la entidad responsable **y cualquier sitio web en el que se pueda revisar una descripción completa de la acción propuesta.**

*Comment Parts:*

Where is the aforementioned proposal? Where do I get access to it?

**English Response:** *The aforementioned proposal is the program developed by the Department of Housing for its Community Development Block Grant – Disaster Recovery Housing Programs. The information of proposed projects can be found in the Action Plan approved by HUD, which is available in the following internet address <http://www.cdbg-dr.pr.gov/wp-content/uploads/2018/08/2018-08-27-Action-Plan-with-Approval-EN.pdf>*



**Spanish Respuesta:** *La propuesta mencionada es el programa desarrollado por el Departamento de Vivienda para sus Programas de Subvención de Fondos para el Desarrollo de la Comunidad -para Recuperación de Desastres (CDBG-DR por sus siglas en Inglés). La información de los proyectos propuestos se puede encontrar en el Plan de Acción aprobado por HUD, que está disponible en la siguiente dirección de Internet: <http://www.cdbg-dr.pr.gov/wp-content/uploads/2018/08/2018-08-27-Plan-de-Accion-con-Aprobacion.pdf>*

It is established that the public and the agencies responsible for the management of the floodplain or the protection of the wetlands must be notified. The name, the proposed location and description of the activity, the total number of floodplain acres or wetlands involved and the telephone number to call for information.

**English Response:** *The public has been notified of potential activities within a floodplain with this publication. The agencies responsible for the management of the floodplain were sent letters specifically notifying them of the potential for activity in a floodplain. The name is the Community Development Block Grant – Disaster Recovery and the Housing Recovery programs developed by the Department of Housing. The proposed location, as identified, is throughout all of the 78 municipios with structures damaged by Hurricanes Irma and Maria. CDBG-DR programs will be used to help homeowners repair or rebuild homes damaged by the storms. A total number of floodplain acres cannot, at this time, be identified, because the Department of Housing has not yet accepted applications and confirmed the site locations. Without the site locations, it is not possible to determine the potentially affected floodplain acreage. A website with FEMA floodplain information was provided so that residents could determine if they were within a 100-year floodplain and potentially affected. The telephone number was not given; however, the number to get information about CDBG-DR Programs is 787.274.2527.*

**Spanish Respuesta:** *Con esta publicación el público ha sido notificado de posibles actividades dentro de áreas con niveles de inundación. Las agencias responsables del manejo de áreas con niveles de inundación fueron notificadas mediante cartas en las que se les informaba específicamente sobre el potencial de actividad dentro de las áreas con niveles de inundación. El nombre del programa es la Subvención de Fondos para el Desarrollo de la Comunidad -para Recuperación de Desastres (CDBG-DR por sus siglas en Inglés) desarrollado por el Departamento de Vivienda. La ubicación propuesta, según se identificó en el Plan de Acción CDBG-DR, se encuentra en todos los 78 municipios con estructuras dañadas por los huracanes Irma y María. Los programas CDBG-DR se utilizarán para ayudar a los propietarios de viviendas a reparar o reconstruir sus casas dañadas por las tormentas. En este momento, no se puede identificar un área total de acres dentro de áreas con niveles de inundación porque el Departamento de Vivienda aún no ha aceptado las solicitudes ni confirmado las ubicaciones de los lugares. Sin las ubicaciones de los lugares, no es posible determinar la superficie de terreno inundable potencialmente afectada. Se proporcionó un sitio web con información de áreas con niveles de inundación preparado por la Agencia Federal para Manejo de Emergencias (FEMA por sus siglas en Inglés) para que los residentes pudieran determinar si se encontraban dentro de áreas de inundación de 100 años y*



*potencialmente afectados. El número de teléfono no fue dado; sin embargo, el número para obtener información sobre programas CDBG-DR es 787.274.2527.*

The notification must indicate the hours of HUD or the office of the responsible entity and any website where a full description of the proposed action can be reviewed.

**English Response:** *The Responsible Entity is the Department of Housing. The hours of the Department of Housing are weekdays, 8am to 5pm local time. The information of proposed projects can be found in the Action Plan approved by HUD, which is available in the following internet address <http://www.cdbg-dr.pr.gov/wp-content/uploads/2018/08/2018-08-27-Action-Plan-with-Approval-EN.pdf>*

**Spanish Respuesta:** *La Entidad Responsable es el Departamento de Vivienda. Las horas para llamar al Departamento de Vivienda son entre semana, de 8 am a 5 pm, hora local. La información de los proyectos propuestos se puede encontrar en el Plan de Acción aprobado por HUD, que está disponible en la siguiente dirección de Internet <http://www.cdbg-dr.pr.gov/wp-content/uploads/2018/08/2018-08-27-Plan-de-Accion-con-Aprobacion.pdf>*

**Comment 2 from the Puerto Rico Planning Board.** The comment was in the form of a letter that was received from the Planning Board, presented following.

**Response:** *Departamento de Vivienda acknowledges receipt of the letter and will adhere to the direction of the Planning Board with regards to any work in the floodplain.*



**Attachment C-3**  
**Notice of Proposed Action in a Floodplain**  
**Letter to Interested Parties**

November 15, 2018

To: Interested Parties

Re: Notice to Perform Construction Activities in a 100-year Floodplain

This is to give notice that the Puerto Rico Department of Housing (PRDOH) has conducted an evaluation as required by Executive Order 11988, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management, to determine the potential effect that its activity in the floodplain will have on the human environment for the residents of the 78 Municipios on Puerto Rico that are eligible and request participation on Programs of the Community Development Block Grant – Disaster Recovery (CDBG-DR) under Title I of the Housing and Community Development Act of 1974 (PL 93-383).

The PRDOH has prioritized that its allocation of the CDBG-DR funds (\$1,507,179,000 and subsequent anticipated allocation of \$8,220,783,000) will be provided in the impacted areas of all 78 municipalities. The best available data suggests thousands of homes on the island sustained major or severe damage due to Hurricanes Irma and Maria and may seek funding through the program to repair or rebuild homes. Though the confirmation of site locations for the proposed projects is currently in progress, it is foreseen these will be distributed through all 78 Municipios with structures damaged by Hurricanes Irma and Maria.

There are three primary purposes for this notice. First, to inform you of the actions of the program that will serve people who may be affected by activities in floodplains. Those agencies who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, the dissemination of information about floodplains can facilitate and enhance Federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, when the government determines it will participate in actions taking place in floodplains, it must inform those agencies that have interest in the activities and the people who may be put at greater or continued risk.

Please provide any comments in written format to the Puerto Rico Department of Housing on or before November 29, 2018. PRDOH encourages electronic submittal of comments at [infoCDBG@vivienda.pr.gov](mailto:infoCDBG@vivienda.pr.gov) (include subject: **COMENTARIOS TIER 1**), or mail to Joeni L.



Camacho Luciano, Permit and Environmental Compliance Manager at the address below.

Puerto Rico Department of Housing  
606 Avenida Barbosa, Edificio Juan C. Cordero Dávila  
Rio Piedras, PR 00918



## Attachment C-4

### Notice of Policy Determination for the Puerto Rico Department of Housing Community Development Block Grant – Disaster Recovery Program (STEP SEVEN):

January 10, 2019

To: All Interested Agencies, Groups & Individuals.

This is to give notice that the PRDOH has conducted an evaluation as required by Executive Order 11988, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management, to determine the potential effect that its activity in the floodplain will have on the human environment for the residents of the 78 Municipios in Puerto Rico as part of the PRDOH Community Development Block Grant – Disaster Recovery (CDBG-DR) Program under Title I of the Housing and Community Development Act of 1974 (PL 93-383).

In accordance with that process, PRDOH has made a final determination that there is no practicable alternative to locating the proposed activities in the floodplain as summarized in this notice. This notice satisfies 24 CFR Part 55.20 (g), Step 7 of the eight-step decision process.

#### **Reasons why the Proposed Activities Must be Located in the Floodplain**

The Selected Course of Action by the PRDOH for the CDBG-DR Program will provide funding to repair non-substantially damaged properties on previously developed parcels that may be in a 100-year floodplain or Special Flood Hazard Area. The program is designed to recover the primary residences and structures that were damaged by Hurricanes Irma and Maria. Puerto Rico has identified numerous structures on the Island that could be considered as “substantially damaged,” in which repair costs equal to or exceed 50% of the structure’s market value. However, these homes will not be rebuilt in the floodplain, as the Program does not allow elevation. Homeowners will have the option to rebuild outside the floodplain, if available, or relocate to an existing structure outside of the floodplain. The only option allowed by this Program is repair of non-substantially damaged structures.

#### **List of the Alternatives Considered**

**Alternative 1. Relocating the Homeowner Outside the Floodplains:** This alternative was considered and is an option provided to all applicants which allows, under certain conditions, the applicant to relocate from their current property (if the applicant meets conditions of eligibility for the program) to another property to reduce their exposure to flooding conditions. The homeowner may be approved where the original location is in the 100-year floodplain and the new location is not. Most applicants, however, are expected to desire to remain on their current parcels due to socio-economic factors (school, work, religion, friends, relatives, etc.). Also, the economic feasibility of mass relocations would likely not be practical given funding restrictions. Therefore, this alternative is not the most practicable for all the applicants affected by Hurricanes Irma





and Maria. This alternative will be an option for some applicants in the event their structure requires elevation; since the program allows for relocation but not elevation.

**Alternative 2. No Action:** The 'No-Action' alternative was considered. This alternative would mean that homeowners would not receive funding to provide for rehabilitated or reconstructed housing under the PRDOH CDBG-DR program. As a result, these property owners may not be able to recover from the storms. Furthermore, the applicants would not be provided financial assistance to rehabilitate their homes and thus their properties would still be vulnerable to future storm conditions. Thus, the No-Action alternative would not address Puerto Rico's need for safe, decent and affordable housing. Therefore, this alternative is not the most practicable for all the applicants affected by Hurricanes Irma and Maria.

### **Mitigation Measures to be Taken to Minimize Adverse Impacts and Preserve Natural and Beneficial Values**

The PRDOH is not allowing elevation as part of this program. The only action in the floodplain is the rehabilitation of non-substantially damaged structures. In summary, applicants participating in this program would be required to adhere to the following conditions to minimize the threat to property, minimize losses from flooding events, and benefit floodplain values:

1. All participants in the Program must carry flood insurance on the structure, when mandated, for the duration established by the PRDOH.
2. In the case of "Coastal High Hazard" areas ("V" zones on the latest (most recent) FEMA-issued maps), PRDOH requires that the applicant must have adhered to construction standards, methods and techniques as required by HUD regulation 24 CFR 55.1(c)(3) at the time of original construction. The only allowed activity in the V zone is minor rehabilitation.

Written comments must be received by PRDOH on or before January 17, 2019. PRDOH encourages electronic submittal of comments at [infoCDBG@vivienda.pr.gov](mailto:infoCDBG@vivienda.pr.gov). The number to get information about CDBG-DR Programs is 787.274.2527. In the alternative, comments may be submitted on paper to: PRDOH, at the following address:

Puerto Rico Department of Housing  
606 Avenida Barbosa, Edificio Juan C. Cordero Dávila  
Rio Piedras, PR 00918



## Comments and Responses

There were no comments to the STEP SEVEN publication.



## Attachment C-5

### Notice of Policy Determination for Puerto Rico CDBG-DR Program (Spanish Version)

### Aviso de determinación de política de la Subvención en Bloque para el Desarrollo Comunitario – Recuperación ante Desastres (CDBG-DR, por sus siglas en inglés) del Departamento de Vivienda de Puerto Rico (PASO SIETE):

10 de enero de 2019

A: Todas las partes, grupos y personas interesadas

Este aviso notifica que el Departamento de Vivienda de Puerto Rico (Vivienda) ha llevado a cabo una evaluación requerida por la Orden Ejecutiva 11988, de conformidad con las regulaciones de HUD en 24 CFR 55.20 Subparte C (Procedimientos para tomar determinaciones sobre el manejo de terrenos inundables) a fin de determinar el posible impacto que tendrá su actividad en el terreno inundable sobre los residentes de los 78 municipios de Puerto Rico como parte del Programa de Subvención en Bloque para el Desarrollo Comunitario – Recuperación ante Desastres (CDBG-DR, por sus siglas en inglés) bajo el Título I de la Ley de Vivienda y Desarrollo Comunitario de 1974 (PL 93-383).

Conforme a ese proceso, Vivienda ha tomado una determinación final de que no existe una alternativa viable a ubicar las actividades propuestas en los terrenos inundables como se resume en este aviso. Este aviso cumple con 24 CFR Parte 55.20 (g), Paso 7 del proceso de decisiones en ocho pasos.

#### **Razones por las cuales las actividades propuestas deben ubicarse en los terrenos inundables**

El curso de acción seleccionado por Vivienda para el Programa CDBG-DR proveerá fondos para actividades de reparación en parcelas previamente desarrolladas que podrían estar en terrenos inundables de 100 años o en una Zona Especial de Peligro de Inundación. El programa tiene el propósito de recuperar las residencias primarias y estructuras que sufrieron daños sustanciales debido a los huracanes Irma y María. Puerto Rico ha identificado un gran número de estructuras en la isla que podrían considerarse “sustancialmente afectadas”, en las cuales los costos de reparación equivalen o superan el 50% del valor de mercado de la estructura. Sin embargo, estas casas no se reconstruirán en terreno inundables, ya que el Programa no permite la elevación. Los propietarios de viviendas tendrán la opción de reconstruir fuera del terreno inundable, si está disponible, o reubicarse en una estructura existente fuera del terreno inundable. La única opción permitida por este Programa es la reparación de estructuras no dañadas sustancialmente.

#### **Lista de alternativas consideradas**

##### **Alternativa 1. Reubicación del propietario de vivienda fuera de los terrenos inundables:**

Esta alternativa ha sido considerada y es una opción que se ofrece a todos los solicitantes; permite al solicitante, bajo ciertas condiciones, mudarse de su propiedad actual (si es elegible para el programa) a otra propiedad a fin de reducir su exposición a condiciones inundables. El propietario de vivienda podría ser aprobado en el caso



de que su ubicación original esté en terrenos inundables de 100 años y el lugar nuevo. Sin embargo, se espera que la mayoría de los solicitantes desee quedarse en su parcela actual por razones socioeconómicas (escuela, trabajo, religión, amistades, familiares, etc.). Además, es poco probable que la viabilidad económica de las reubicaciones en masa sea práctica dadas las limitaciones de fondos. Por lo tanto, esta alternativa no es la más viable para la mayoría de los solicitantes afectados por los huracanes Irma y María. Esta alternativa será una opción para algunos solicitantes en el caso de que su estructura requiera elevación; ya que el programa permite reubicación, pero no elevación.

**Alternativa 2. Ninguna acción:** Se consideró la alternativa de “ninguna acción”. Esta alternativa significaría que los propietarios de vivienda no recibirían fondos para rehabilitación o reconstrucción de viviendas bajo el programa CDBG-DR del Departamento de Vivienda de PR. Por consiguiente, estos propietarios podrían no recuperarse de las tormentas. Además, los solicitantes no recibirían asistencia económica para elevar o rehabilitar sus hogares y por ende sus propiedades seguirían siendo vulnerables a futuras tormentas. Por lo tanto, la alternativa de ninguna acción no atendería la necesidad existente en Puerto Rico de vivienda seguro, decente, y accesible. Por consiguiente, esta alternativa no es la más factible para la mayoría de los solicitantes afectados por los huracanes Irma y María.

### **Medidas de mitigación que deben tomarse para minimizar los impactos adversos y preservar los valores naturales y beneficiosos**

Vivienda no permite la elevación como parte de este programa. La única acción en la llanura de inundación es la rehabilitación de estructuras no dañadas sustancialmente. En resumen, los solicitantes que participan en este programa tendrían que cumplir con las siguientes condiciones para minimizar el riesgo a la propiedad, minimizar las pérdidas debido a inundaciones y beneficiar el valor de los terrenos inundables:

1. Todos los participantes del Programa deberán tener seguro contra inundación para la estructura, cuando sea requerido, durante el tiempo establecido por Vivienda.
2. En el caso de zonas “Costeras de alto riesgo” (zonas ‘V’ en los mapas más recientes publicados por FEMA), Vivienda requiere a los solicitantes que cumplan con los estándares, los métodos y las técnicas de construcción según requerido por las regulaciones de HUD 24 CFR 55.1(c)(3) en el tiempo de construcción original. La única actividad permitida en la zona V es la rehabilitación menor.

Es necesario que el Departamento de Vivienda de Puerto Rico reciba los comentarios escritos en o antes del 17 de enero de 2019. Vivienda exhorta a que se envíen los comentarios por medio electrónico a [infoCDBG@vivienda.pr.gov](mailto:infoCDBG@vivienda.pr.gov). El número para obtener información sobre programas CDBG-DR es 787.274.2527. Como alternativa, también se pueden enviar a Vivienda los comentarios en forma impresa a la dirección que sigue:

Departamento de Vivienda de Puerto Rico  
606 Avenida Barbosa, Edificio Juan C. Cordero Dávila  
Rio Piedras, PR 00918



## Comments and Responses

There were no comments to the STEP SEVEN publication.



Attachment C-6

Early Public Notice of Action in a Floodplain – El Neuva Dia Publication

EL NUEVO DÍA Jueves, 15 de noviembre de 2018 62



AVISO PÚBLICO

Aviso para la revisión pública preliminar de una propuesta para apoyar actividades realizadas en terrenos inundables de 100 años

A: Todas las partes, grupos y personas interesadas

Este aviso notifica que el Departamento de la Vivienda de Puerto Rico (Vivienda) ha llevado a cabo una evaluación requerida por la Orden Ejecutiva 11988, de conformidad con las regulaciones de HUD en 24 CFR 55.20 Subparte C (Procedimientos para tomar determinaciones sobre el manejo de terrenos inundables), a fin de determinar el posible impacto que tendrá su actividad en el terreno inundable sobre los residentes de los 78 municipios de Puerto Rico elegibles que soliciten participar de los Programas de asistencia relacionados a la Subvención en Bloque para el Desarrollo Comunitario - Recuperación ante Desastres (CDBG-DR, por sus siglas en inglés), conforme al Título I de la Ley de Vivienda y Desarrollo Comunitario de 1974 (PL 93-383).

Vivienda ha priorizado su asignación de fondos CDBG-DR (\$1,507,179,000 y una asignación subsiguiente prevista de \$8,220,783,000) para que sea dedicada a todas las áreas impactadas. Los mejores datos disponibles sugieren que miles de hogares en la isla sufrieron daños mayores o severos debido a los huracanes Irma y María y que sus dueños pueden procurar fondos a través del programa para reparar o reconstruir hogares.

Aunque la confirmación de las ubicaciones de los proyectos propuestos está en curso actualmente, se prevé que estarán distribuidos por todos los 78 municipios que tienen estructuras dañadas por Irma y María. Los terrenos inundables en la zona aparecen en la página del Centro de Servicios de Mapas de Inundaciones en <https://msc.fema.gov/portal/home>.

Esta notificación tiene tres propósitos principales. En primer lugar, las personas que podrían afectarse por las actividades en los terrenos inundables y las que se interesan en la protección del ambiente natural deben tener la oportunidad de expresar sus inquietudes y ofrecer información sobre estas áreas. En segundo lugar, un programa adecuado de avisos públicos puede ser una importante herramienta educativa. La divulgación de información sobre los terrenos inundables puede facilitar y mejorar los esfuerzos federales por reducir los riesgos asociados con la ocupación y la modificación de estas zonas especiales. En tercer lugar, por cuestión de ser justos, cuando el gobierno federal determine participar en acciones en los terrenos inundables, debe informar a las personas que podrían correr un riesgo mayor o continuado.

Es necesario que el Departamento de la Vivienda de Puerto Rico reciba los comentarios escritos a más tardar el 29 de noviembre de 2018. Vivienda exhorta a que se envíen los comentarios por medio electrónico a [infoCDBG@vivienda.pr.gov](mailto:infoCDBG@vivienda.pr.gov) (incluir en el sujeto: "COMENTARIOS TIER 1"). Como alternativa, también se pueden enviar a Vivienda los comentarios en forma impresa a la dirección que sigue:

Puerto Rico CDBG-DR Program  
P.O. Box 21365  
San Juan, PR 00928-1365

Lcdo. Fernando A. Gil Enseñat  
Secretario



CONSTRUIAMOS



PUBLIC NOTICE

Notice for Early Public Review Of A Proposal to Support Activity in the 100-Year Floodplain

To: All Interested Parties, Groups & Individuals

This is to give notice that the Puerto Rico Department of Housing (PRDOH) has conducted an evaluation as required by Executive Order 11988, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management, to determine the potential effect that its activity in the floodplain will have on the human environment for the residents of the 78 Municipios on Puerto Rico that are eligible and request participation on Programs of the Community Development Block Grant - Disaster Recovery (CDBG-DR) under Title I of the Housing and Community Development Act of 1974 (PL 93-383).

The PRDOH has prioritized that its allocation of the CDBG-DR funds (\$1,507,179,000 and subsequent anticipated allocation of \$8,220,783,000) will be provided in the impacted areas of all 78 municipalities. The best available data suggests thousands of homes on the island sustained major or severe damage due to Hurricanes Irma and Maria and may seek funding through the program to repair or rebuild homes.

Though the confirmation of site locations for the proposed projects is currently in progress, it is foreseen these will be distributed through all 78 Municipios with structures damaged by Hurricanes Irma and Maria. The floodplains in the area can be found at the FEMA Flood Map Service Center at <https://msc.fema.gov/portal/home>.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public education tool. The dissemination of information about floodplains can facilitate and enhance Federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

Written comments must be received by the Puerto Rico Department of Housing on or before November 29, 2018. The PRDOH encourages electronic submittal of comments at [infoCDBG@vivienda.pr.gov](mailto:infoCDBG@vivienda.pr.gov) (include subject: "COMENTARIOS TIER 1"). As an alternative, comments may be submitted on paper to PRDOH, to the following address:

Puerto Rico CDBG-DR Program  
P.O. Box 21365  
San Juan, PR 00928-1365

Lcdo. Fernando A. Gil Enseñat  
Secretary



CONSTRUIAMOS



Attachment C-7

Early Public Notice of Action in a Floodplain – El Vocero Publication

24< ECONOMÍA

EL VOCERO DE PUERTO RICO > JUEVES, 15 DE NOVIEMBRE DE 2018

# Reino Unido interesado en Puerto Rico

**Christian Gabriel Ramos Segarra**  
>cramos@elvocero.com  
>@cramossegarra

El Consulado británico sostuvo reuniones esta semana con el sector público y privado de la Isla para crear alianzas que contribuyan a una reconstrucción más

resiliente de la infraestructura que se vio afectada tras el paso del huracán María en septiembre del año pasado.

En medio de la visita, la representación del Reino Unido presentó el seminario 'Manejo de Riesgos y Explorando las Mejores Prácticas en Infraestructura y Seguros', en el que unieron a funcionarios de Puerto Rico y Reino Unido, representantes de aseguradoras británicas y

especialistas en finanza e infraestructura para discutir los riesgos y brindar soluciones económicas a los problemas del País.

La cónsul general en Miami, Nikolette Brent, indicó que es importante para ellos poder promover los intereses económicos, comerciales y políticos del Reino Unido en Puerto Rico. "Tenemos nuestros territorios en ultramar en la misma región y es impor-

ante poder colaborar con una de las más grandes economías del Caribe", mencionó. "Puerto Rico es un lienzo en blanco luego del paso del huracán María. Queremos poder contribuir con nuestro conocimiento y experiencia en el desarrollo de una infraestructura y una economía más fuerte", agregó.

La iniciativa también busca atraer inversionistas británicos a la Isla.

## AVISO PÚBLICO

### Aviso para la revisión pública preliminar de una propuesta para apoyar actividades realizadas en terrenos inundables de 100 años

A: Todas las partes, grupos y personas interesadas

Este aviso notifica que el Departamento de la Vivienda de Puerto Rico (Vivienda) ha llevado a cabo una evaluación requerida por la Orden Ejecutiva 11988, de conformidad con las regulaciones de HUD en 24 CFR 55.20 Subparte C (Procedimientos para tomar determinaciones sobre el manejo de terrenos inundables), a fin de determinar el posible impacto que tendrá su actividad en el terreno inundable sobre los residentes de los 78 municipios de Puerto Rico elegibles que soliciten participar de los Programas de asistencia relacionados a la Subvención en Bloque para el Desarrollo Comunitario - Recuperación ante Desastres (CDBG-DR, por sus siglas en inglés), conforme al Título I de la Ley de Vivienda y Desarrollo Comunitario de 1974 (PL 93-383).

Vivienda ha priorizado su asignación de fondos CDBG-DR (\$1,507,179,000 y una asignación subsiguiente prevista de \$8,220,783,000) para que sea dedicada a todas las áreas impactadas. Los mejores datos disponibles sugieren que miles de hogares en la Isla sufrieron daños mayores o severos debido a los huracanes Irma y María y que sus dueños pueden procurar fondos a través del programa para reparar o reconstruir hogares.

Aunque la confirmación de las ubicaciones de los proyectos propuestos está en curso actualmente, se prevé que estarán distribuidos por todos los 78 municipios que tienen estructuras dañadas por Irma y María. Los terrenos inundables en la zona aparecen en la página del Centro de Servicios de Mapas de Inundaciones en <https://msc.fema.gov/portal/home>.

Esta notificación tiene tres propósitos principales. En primer lugar, las personas que podrían afectarse por las actividades en los terrenos inundables y las que se interesan en la protección del ambiente natural deben tener la oportunidad de expresar sus inquietudes y ofrecer información sobre estas áreas. En segundo lugar, un programa adecuado de avisos públicos puede ser una importante herramienta educativa. La divulgación de información sobre los terrenos inundables puede facilitar y mejorar los esfuerzos federales por reducir los riesgos asociados con la ocupación y la modificación de estas zonas especiales. En tercer lugar, por cuestión de ser justos, cuando el gobierno federal determine participar en acciones en los terrenos inundables, debe informar a las personas que podrían correr un riesgo mayor o continuado.

Es necesario que el Departamento de la Vivienda de Puerto Rico reciba los comentarios escritos a más tardar el 29 de noviembre de 2018. Vivienda exhorta a que se envíen los comentarios por medio electrónico a [infoCDBG@vivienda.pr.gov](mailto:infoCDBG@vivienda.pr.gov) (incluirla en el sujeto: "COMENTARIOS TIER 1"). Como alternativa, también se pueden enviar a Vivienda los comentarios en forma impresa a la dirección que sigue:

Puerto Rico CDBG-DR Program  
P.O. Box 21365  
San Juan, PR 00928-1365

Lcdo. Fernando A. Gil Enseñat  
Secretario



CONSTRUIAMOS

## PUBLIC NOTICE

### Notice for Early Public Review Of A Proposal to Support Activity in the 100-Year Floodplain

To: All Interested Parties, Groups & Individuals

This is to give notice that the Puerto Rico Department of Housing (PRDOH) has conducted an evaluation as required by Executive Order 11988, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management, to determine the potential effect that its activity in the floodplain will have on the human environment for the residents of the 78 Municipios on Puerto Rico that are eligible and request participation on Programs of the Community Development Block Grant - Disaster Recovery (CDBG-DR) under Title I of the Housing and Community Development Act of 1974 (PL 93-383).

The PRDOH has prioritized that its allocation of the CDBG-DR funds (\$1,507,179,000 and subsequent anticipated allocation of \$8,220,783,000) will be provided in the impacted areas of all 78 municipalities. The best available data suggests thousands of homes on the island sustained major or severe damage due to Hurricanes Irma and María and may seek funding through the program to repair or rebuild homes.

Though the confirmation of site locations for the proposed projects is currently in progress, it is foreseen these will be distributed through all 78 Municipios with structures damaged by Hurricanes Irma and María. The floodplains in the area can be found at the FEMA Flood Map Service Center at <https://msc.fema.gov/portal/home>.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public education tool. The dissemination of information about floodplains can facilitate and enhance Federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

Written comments must be received by the Puerto Rico Department of Housing on or before November 29, 2018. The PRDOH encourages electronic submittal of comments at [infoCDBG@vivienda.pr.gov](mailto:infoCDBG@vivienda.pr.gov) (include subject: "COMENTARIOS TIER 1"). As an alternative, comments may be submitted on paper to PRDOH, to the following address:

Puerto Rico CDBG-DR Program  
P.O. Box 21365  
San Juan, PR 00928-1365

Lcdo. Fernando A. Gil Enseñat  
Secretary



CONSTRUIAMOS



Attachment C-8

Notice of Policy Determination for Actions in a Floodplain – El Vocero Publication



AVISO DE DETERMINACIÓN DE POLÍTICA DE LA SUBVENCIÓN EN BLOQUE PARA EL DESARROLLO COMUNITARIO-RECUPERACIÓN ANTE DESASTRES (CDBG-DR, POR SUS SIGLAS EN INGLÉS) DEL DEPARTAMENTO DE LA VIVIENDA DE PUERTO RICO (PASO SIETE):

10 de enero de 2019

A: Todas las partes, grupos y personas interesadas

Este aviso notifica que el Departamento de la Vivienda de Puerto Rico (Vivienda) ha llevado a cabo una evaluación requerida por la Orden Ejecutiva 1988, de conformidad con las regulaciones de HUD en 24 CFR 55.20 Subpart C (Procedimientos para tomar decisiones sobre si mano de terrenos inundables) a fin de determinar el posible impacto que tendrá su actividad en el terreno inundable sobre los residentes de los 78 municipios de Puerto Rico como parte del Programa de Subvención en Bloque para el Desarrollo Comunitario - Recuperación ante Desastres (CDBG-DR, por sus siglas en inglés), en adelante Programa, bajo el Título I de la Ley de Vivienda y Desarrollo Comunitario de 1974 (PL 93-383). Conforme a sus procesos, Vivienda ha tomado una determinación final de que no existe una alternativa viable a ubicar las actividades propuestas en los terrenos inundables como se resume en este aviso. Este aviso cumple con el 24 CFR Parte 55.20 (g), Paso 7 del proceso de decisiones en ocho pasos.

Razones por las cuales las actividades propuestas deben ubicarse en los terrenos inundables
El curso de acción seleccionado por Vivienda para el Programa CDBG-DR proveerá fondos para actividades de reparación en estructuras previamente destruidas que podrían estar en terrenos inundables de 100 años o en una Zona Especial de Peligro de Inundación. El Programa tiene el propósito de recuperar las residencias primarias y estructuras que sufrieron daños sustanciales debido a los huracanes Irma y María. Puerto Rico ha identificado un gran número de estructuras en las islas que podrían considerarse "sustancialmente afectadas", en las cuales, los costos de reparación equivalen o superan el 50% del valor de mercado de la estructura. Sin embargo, estas casas no se reconstruirán en terrenos inundables, ya que el Programa no permite la elevación. Los propietarios de las viviendas tendrán la opción de reconstruir fuera del terreno inundable, si está disponible, o reubicarse en una estructura existente fuera del terreno inundable. La única opción permitida por este Programa es la reparación de estructuras no dañadas sustancialmente.

Lista de alternativas consideradas

Alternativa 1. Reubicación del propietario de vivienda fuera de los terrenos inundables: Esta alternativa ha sido considerada y es una opción que se ofrece a todos los solicitantes permite al solicitante, bajo ciertas condiciones, mudarse de su propiedad actual (si es elegible para el Programa) a otra propiedad a fin de reducir su exposición a condiciones inundables. El propietario de la vivienda podría ser aprobado en el caso de que su ubicación original esté en terrenos inundables de 100 años y el lugar nuevo no. Sin embargo, se espera que la mayoría de los solicitantes deseen quedarse en su parcela actual por razones socioeconómicas (empleo, trabajo, religión, amistades, familiares, etc.). Además, es poco probable que la viabilidad económica de las reubicaciones en áreas sea práctica dadas las limitaciones de fondos. Por lo tanto, esta alternativa no es la más viable para la mayoría de los solicitantes afectados por los huracanes Irma y María. Esta alternativa será una opción para algunos solicitantes en el caso de que su estructura requiera elevación, ya que el Programa permite reubicación pero no elevación.

Alternativa 2. Ninguna acción: Se consideró la alternativa de "ninguna acción". Esta alternativa significaría que los propietarios de las viviendas no recibirían fondos para rehabilitación o reconstrucción de viviendas bajo el Programa CDBG-DR del Departamento de la Vivienda de Puerto Rico. Por consiguiente, estos propietarios podrían no recuperarse de las tormentas. Además, los solicitantes no recibirían asistencia económica para elevar o rehabilitar sus hogares y por ende sus propiedades seguirían siendo vulnerables a futuras tormentas. Por lo tanto, la alternativa de ninguna acción no aborda la necesidad existente en Puerto Rico de vivienda segura, decente, y asequible. Por consiguiente, esta alternativa no es la más factible para la mayoría de los solicitantes afectados por los huracanes Irma y María.

Medidas de mitigación que deben tomarse para minimizar los impactos adversos y preservar los valores naturales y beneficiosos

Vivienda no permite la elevación como parte de este Programa. La única acción en la litania de inundación es la rehabilitación de estructuras no dañadas sustancialmente. En resumen, los solicitantes que participan en este Programa tendrán que cumplir con las siguientes condiciones para minimizar el riesgo y la propiedad, minimizar las pérdidas debido a inundaciones y beneficiar el valor de los terrenos inundables:

- 1. Todos los participantes del Programa deberán tener seguro contra inundación para la estructura. El período regulatorio para la cobertura del seguro contra inundaciones puede extenderse más allá de la finalización del proyecto. Para este Programa, la cobertura debe continuar durante la vida útil de la propiedad, independientemente de la transferencia de propiedad de dicha propiedad.
2. En el caso de zonas "Conteras de Alto Riesgo" (zonas "V" en los mapas más recientes publicados por FEMA), Vivienda requiere a los solicitantes que hayan cumplido con los estándares, los métodos y las técnicas de construcción según requerido por las regulaciones de HUD 24 CFR 55.1(c)(3) en el tiempo de construcción original. La única actividad permitida en la zona V es la rehabilitación menor.
Es necesario que el Departamento de la Vivienda de Puerto Rico reciba los comentarios escritos en o antes del 17 de enero de 2019. Vivienda autoriza a que se envíen los comentarios por medio electrónico a infoCDBG@vivienda.gov con el siguiente encabezado: "CDBG-DR Environmental Review Tier 1 Step 7 Comments". El número para obtener información sobre el Programa CDBG-DR es 787.274.2527. Como alternativa, también se pueden enviar a Vivienda los comentarios en forma impresa a la dirección que sigue:

RE: CDBG-DR Environmental Review Tier 1 Step 7 Comments

Departamento de la Vivienda de Puerto Rico
Avenida Barbosa # 606, Edificio Juan C. Cordero Dávila
Rio Piedras, PR 00916

Logo and signature of Loida Ferrnando A. Gil Echevarría, Secretary



NOTICE OF POLICY DETERMINATION FOR THE PUERTO RICO DEPARTMENT OF HOUSING COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY PROGRAM (CDBG-DR) (STEP SEVEN):

January 10, 2019

To: All Interested Agencies, Groups & Individuals

This is to give notice that the Puerto Rico Department of Housing (PRDOH) has conducted an evaluation as required by Executive Order 1988, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management, to determine the potential effect that its activity in the floodplain will have on the human environment for the residents of the 78 Municipalities in Puerto Rico as part of the PRDOH Community Development Block Grant - Disaster Recovery (CDBG-DR) Program, from now on Program, under Title I of the Housing and Community Development Act of 1974 (PL 93-383).

In accordance with that process, PRDOH has made a final determination that there is no practicable alternative to locating the proposed activities in the floodplain as summarized in this notice. This notice satisfies 24 CFR Part 55.20 (g), Step 7 of the eight-step decision process.

Reasons why the Proposed Activities Must be Located in the Floodplain

The Selected Course of Action by the PRDOH for the CDBG-DR Program will provide funding to repair non-substantially damaged properties on previously developed parcels that may be in a 100-year floodplain or Special Flood Hazard Area. The Program is designed to recover the primary residences and structures that were damaged by Hurricanes Irma and María. Puerto Rico has identified numerous structures on the island that could be considered as "substantially damaged", in which repair costs equal to or exceed 50% of the structure's market value. However, these homes will not be rebuilt in the floodplain, as the Program does not allow elevation. Homeowners will have the option to rebuild outside the floodplain, if available, or relocate to an existing structure outside of the floodplain. The only option allowed by this Program is repair of non-substantially damaged structures.

List of the Alternatives Considered

Alternative 1. Relocating the Homeowner Outside the Floodplains: This alternative was considered and is an option provided to all applicants which allows, under certain conditions, the applicant to relocate from their current property (if the applicant meets conditions of eligibility for the Program) to another property to reduce their exposure to flooding conditions. The homeowner may be approved where the original location is in the 100-year floodplain and the new location is not. Most applicants, however, are expected to desire to remain on their current parcels due to socio-economic factors (school, work, religion, friends, relatives, etc.). In addition, the economic feasibility of mass relocations would likely not be practical given funding restrictions. Therefore, this alternative is not the most practicable for all the applicants affected by hurricanes Irma and María. This alternative will be an option for some applicants in the event their structure requires elevation, since the Program allows for relocation but not elevation.

Alternative 2. No Action: The "No-Action" alternative was considered. This alternative would mean that homeowners would not receive funding to provide for rehabilitation or reconstructed housing under the PRDOH CDBG-DR Program. As a result, these property owners may not be able to recover from the storms. Furthermore, the applicants would not be provided financial assistance to rehabilitate their homes and thus their properties would still be vulnerable to future storm conditions. Thus, the No-Action alternative would not address Puerto Rico's need for safe, decent and affordable housing. Therefore, this alternative is not the most practicable for all the applicants affected by hurricanes Irma and María.

Mitigation Measures to be Taken to Minimize Adverse Impacts and Preserve Natural and Beneficial Values

The PRDOH is not allowing elevation as part of this Program. The only action in the floodplain is the rehabilitation of non-substantially damaged structures. In summary, applicants participating in this Program would be required to adhere to the following conditions to minimize the threat to property, minimize losses from flooding events, and benefit floodplain values:

- 1. All participants in the Program must carry flood insurance on the structure. The statutory period for flood insurance coverage may extend beyond project completion. For this Program, coverage must be continued for the life of the property, regardless of transfer of ownership of such property.
2. In the case of "Coastal High Hazard" areas ("V" zones on the latest (most recent) FEMA-issued map), PRDOH requires that the applicant must have adhered to construction standards, methods and techniques as required by HUD regulation 24 CFR 55.1(c)(3) at the time of original construction. The only allowed activity in the V zone is minor rehabilitation.

Written comments must be received by the Puerto Rico Department of Housing on or before January 17, 2019. PRDOH encourages electronic submission of comments at infoCDBG@vivienda.gov with the following subject: "CDBG-DR Environmental Review Tier 1 Step 7 Comments". The number to get information about CDBG-DR Program is 787.274.2527. In the alternative, comments may be submitted on paper to the following address:

RE: CDBG-DR Environmental Review Tier 1 Step 7 Comments

Puerto Rico Department of Housing
606 Barbosa Ave., Juan C. Cordero Dávila Building
Rio Piedras, PR 00916

Logo and signature of Loida Ferrnando A. Gil Echevarría, Secretary







## Appendix D

### Official Forms and Public Comments

Attachment 1 - Combined Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Funds

Attachment 2 - Comments and Objections to the FONSI and Notice of Intent to Request for Release of Funds

Attachment 3 - Request for Release of Funds

Attachment 4 - Authority to Use Grant Funds



**Attachment 1  
English Version**

**NOTICE TO PUBLIC OF FINDING OF NO SIGNIFICANT IMPACT AND  
NOTICE TO PUBLIC OF REQUEST FOR RELEASE OF FUNDS  
GROUP 4 MUNICIPIOS**

[Date]

Puerto Rico Department of Housing (PRDOH)  
606 Avenida Barbosa, Edificio Juan C. Cordero Dávila  
Río Piedras, PR 00918  
787.274.2527

This notice shall satisfy two separate but related procedural requirements for activities to be undertaken by the PRDOH; (1) to provide notice to the public that the PRDOH has determined that the project will have no significant impact on the human environment, and (2) to provide notice to the public that the PRDOH is requesting the release of CDBG-DR funds for the PRDOH CDBG-DR Program. This notice is submitted in accordance with 24 CFR 58.33 (b); Emergencies.

**FINDING OF NO SIGNIFICANT IMPACT**

The PRDOH has determined that the proposed action will have no significant impact on the human environment within the Group 4 Municipios. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional proposed action information is contained in the Tier I Environmental Assessment Environmental Review Record (ERR) (which documents the determination for this proposed action) on file at 606 Avenida Barbosa, Edificio Juan C. Cordero Dávila, Río Piedras, PR, and available for review, examination and copying Monday through Friday from 8:00 AM to 5:00 PM.

**REQUEST FOR RELEASE OF FUNDS**

On or about [Date + 16], PRDOH will submit a request to the Department of Housing and Urban Development (HUD), Region IV, to release Federal Funds under the "Continuing Appropriations Act, 2018" and "Supplemental Appropriations for Disaster Relief Requirements Act, 2017" (Public Law 115-56) (House Resolution 569 provided a Second Disaster Package) to undertake a project known as the Puerto Rico Department of Housing CDBG-DR Program for the purpose of providing repairs, rehabilitation, reconstruction and / or new construction of single-family housing owned at the time of Hurricanes Irma and Maria and subsequently damaged as a result of those storms. The sites are in the Group 4 Municipios of Guánica, Yauco, Guayanilla, Peñuelas, Ponce, Juana Díaz, Villalba, Lares, Utuado, Adjuntas, Jayuya, and Ciales. Individual action sites have not been identified and, as such, PRDOH has performed a Tiered Environmental Assessment Review for environmental requirements. The Tiered Review allows the PRDOH to assess broad environmental impacts at the early stage of the project and to review site-specific impacts later, after the sites have been identified. Thousands of homes are estimated to have major or severe damage.

Total CDBG-DR Cost=\$1,507,179,000 (Anticipated Amendment: \$8,220,783,000)



## PUBLIC COMMENTS

Any individual, group, or agency may submit written comments to PRDOH, Dennis G. Gonzalez Ramos, Deputy Secretary Disaster Recovery, in his role as Certifying Officer. All comments received by [Date + 15] will be considered by HUD prior to authorizing submission of a request for release of funds. Comments should specify which Notice they are addressing. PRDOH encourages electronic submittal of comments at [infoCDBG@vivienda.pr.gov](mailto:infoCDBG@vivienda.pr.gov). The number to get information about CDBG-DR Programs is 787.274.2527. In the alternative, comments may be submitted on paper to: PRDOH, at the following address:

Puerto Rico Department of Housing  
606 Avenida Barbosa, Edificio Juan C. Cordero Dávila  
Rio Piedras, PR 00918

## ENVIRONMENTAL CERTIFICATION

The PRDOH is certifying to HUD that Dennis G. González Ramos, in his official capacity as Deputy Secretary Disaster Recovery, consents to accept the jurisdiction of the Federal courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows PRDOH to use Program funds.

## OBJECTIONS TO HUD RELEASE OF FUNDS

HUD will accept objections to its release of funds and the PRDOH certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of PRDOH; (b) the PRDOH has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to U.S. Department of Housing and Urban Development, Community Planning and Development – Disaster Recovery, Tennille Smith Parker – Director, 451 7<sup>th</sup> Street S.W., Washington DC 20410. Potential objectors should contact HUD to verify the actual last day of the objection period.

*Dennis G. González Ramos*  
*Deputy Secretary of Disaster Recovery*  
*Certifying Officer*



Spanish Version

**AVISO AL PÚBLICO DE HALLAZGO DE NO IMPACTO  
SIGNIFICATIVO Y AVISO AL PÚBLICO DE SOLICITUD DE  
LIBERACIÓN DE FONDOS  
MUNICIPIOS DEL GRUPO 2**

[Fecha]

Departamento de Vivienda de Puerto Rico  
606 Avenida Barbosa, Edificio Juan C. Cordero Dávila  
Rio Piedras, PR 00918  
787.274.2527

Esta notificación cumplirá con dos requisitos de procedimiento separados pero relacionados para las actividades que Vivienda llevará a cabo: (1) proveer notificación al público de que Vivienda ha determinado que el proyecto no tendrá un impacto significativo en el ambiente humano y (2) proveer notificación al público de que Vivienda está solicitando la liberación de fondos CDBG-DR para su Programa de CDBG-DR. Este aviso se presenta de acuerdo con 24 CFR 58.33 (b); Emergencies.

**HALLAZGO DE “NO IMPACTO SIGNIFICATIVO”**

Vivienda ha determinado que la acción propuesta tendrá un impacto no significativo en el ambiente humano en los municipios del Grupo 4. Por lo tanto, no se requiere una Declaración de Impacto Ambiental según la Ley Nacional de Política Ambiental (NEPA, por sus siglas en inglés) de 1969. Hay información adicional sobre la acción propuesta en el Registro de Revisión de Evaluaciones Ambientales de Nivel 1 (ERR, por sus siglas en inglés) que documenta la determinación de esta acción propuesta archivado en 606 Avenida Barbosa, Edificio Juan C. Cordero Dávila, Río Piedras, PR y disponible para revisar, examinar y copiar de lunes a viernes, 8:00 AM a 5:00 PM.

**SOLICITUD DE LIBERACIÓN DE FONDOS**

En o alrededor del [fecha + 16], el Departamento de Vivienda de Puerto Rico presentará una solicitud ante el Departamento de Vivienda y Desarrollo Urbano de Estados Unidos (HUD), Región IV, para liberar fondos federales bajo la Ley de Asignaciones Continuas (Continuing Appropriations Act) de 2018 y la Ley de Asignaciones Complementarias para Requisitos de Ayuda ante Desastres (Supplemental Appropriations for Disaster Relief Requirements Act) de 2017 (Ley Pública 115-56) (la Resolución de la Cámara 569 dispuso un segundo paquete para desastres) a fin de llevar a cabo el proyecto conocido como Programa CDBG-DR del Departamento de Vivienda de Puerto Rico para fines de ofrecer reparación, rehabilitación, reconstrucción y/o nuevas construcción de propiedades de viviendas unifamiliares al momento de los huracanes Irma y María y subsiguientemente dañadas por dichas tormentas. Las ubicaciones están en los municipios del Grupo 4 de Guánica, Yauco, Guayanilla, Peñuelas, Ponce, Juana Díaz, Villalba, Lares, Utuado, Adjuntas, Jayuya y Ciales. No se han identificado lugares de acción individuales por lo que Vivienda ha realizado una Revisión de Evaluación Ambiental por Niveles para fines de requisitos ambientales. La revisión por niveles permite a Vivienda evaluar los impactos



ambientales más amplios en la etapa preliminar del proyecto y revisar los impactos específicos del lugar después, cuando hayan sido identificados. Se calcula que miles de hogares tengan daños mayores o severos.

Costo total de CDBG-DR=\$1,507,179,000 (Enmienda prevista: \$8,220,783,000)

### COMENTARIOS PÚBLICOS

Cualquier persona, grupo o agencia puede presentar comentarios por escrito a Vivienda, dirigiéndolos a Dennis G. González Ramos, Subsecretario de Recuperación ante Desastres en su función como Oficial Certificador. Todos los comentarios recibidos a más tardar el [fecha + 15] serán considerados por HUD antes de autorizar la presentación de una solicitud de liberación de fondos. Los comentarios deben especificar a cuál aviso se están refiriendo. Vivienda exhorta a que se envíen los comentarios por medio electrónico a [infoCDBG@vivienda.pr.gov](mailto:infoCDBG@vivienda.pr.gov). El número para obtener información sobre programas CDBG-DR es 787.274.2527. Como alternativa, también se pueden enviar a Vivienda los comentarios en forma impresa a la dirección que sigue:

Departamento de Vivienda de Puerto Rico  
606 Avenida Barbosa, Edificio Juan C. Cordero Dávila  
Rio Piedras, PR 00918

### CERTIFICACIÓN AMBIENTAL

Vivienda certifica a HUD que Dennis G. González Ramos, en su función oficial como Subsecretario de Recuperación ante Desastres, ha dado su consentimiento para aceptar la jurisdicción de las cortes federales en el caso de que se tome acción para reforzar las tareas relacionadas con el proceso de revisión ambiental y que estas tareas se cumplan. La aprobación de HUD de la certificación cumple con las responsabilidades bajo la Ley NEPA y las leyes y autoridades relacionadas y permite a Vivienda usar los fondos del Programa.

### OBJECIONES A LA LIBERACIÓN DE FONDOS POR PARTE DE HUD

HUD aceptará objeciones a su liberación de los fondos y a la certificación de Vivienda por un periodo de quince días después de la fecha de presentación prevista o su recibo de la solicitud (lo que ocurra más tarde) solo si dichas objeciones se basan en uno de los siguientes casos: (a) la certificación no fue ejecutada por el Oficial Certificador de Vivienda; (b) Vivienda ha omitido un paso o ha dejado de tomar una decisión o presentar un hallazgo según requerido por las regulaciones de HUD en 24 CFR parte 58; (c) el beneficiario de la subvención u otro participante del proceso de desarrollo ha asignado fondos, incurrido en gastos o realizado actividades no autorizadas por 24 CFR Parte 58 antes de la aprobación de una liberación de fondos por parte de HUD o (d) otra agencia federal actuando de conformidad con 40 CFR Parte 1504 ha presentado un hallazgo por escrito de que el proyecto no es satisfactorio desde el punto de vista de calidad ambiental. Es necesario que las objeciones se preparen y se presenten conforme a los procedimientos requeridos (24 CFR Parte 58, Sec. 58.76) y que se envíen



a U.S. Department of Housing and Urban Development, Community Planning and Development – Disaster Recovery, Tennille Smith Parker – Director, 451 7<sup>th</sup> Street S.W., Washington DC 20410. Los posibles objetores deben comunicarse con HUD para verificar cuál será el día final para presentar objeciones.

*Dennis G. González Ramos*  
*Subsecretario de Recuperación ante Desastres*  
*Oficial Certificador*



## Letter to Interested Parties on FONSI NOI/RROF

[Date]

Puerto Rico Department of Housing (PRDOH)  
Dennis G. González Ramos  
Deputy Secretary Disaster Recovery  
Certifying Officer  
606 Avenida Barbosa, Edificio Juan C. Cordero Dávila  
Río Piedras, PR 00918

On or about [Date + 16], PRDOH will submit a request to the Department of Housing and Urban Development (HUD), Region IV, to release Federal Funds under the "Continuing Appropriations Act, 2018" and "Supplemental Appropriations for Disaster Relief Requirements Act, 2017" (Public Law 115-56) (House Resolution 569 provided a Second Disaster Package) to undertake a project known as the Puerto Rico Department of Housing CDBG-DR Program for the purpose of providing repairs, rehabilitation, reconstruction and / or new construction of dwellings and structures owned at the time of Hurricanes Irma and Maria and subsequently damaged as a result of those storms. The sites are in the Group 4 Municipios of Guánica, Yauco, Guayanilla, Peñuelas, Ponce, Juana Díaz, Villalba, Lares, Utuado, Adjuntas, Jayuya, Ciales. Individual action sites have not been identified and, as such, PRDOH has performed a Tiered Environmental Assessment Review for environmental requirements. The Tiered Review allows the PRDOH to assess broad environmental impacts at the early stage of the project and to review site-specific impacts later, after the sites have been identified. Thousands of homes are estimated to have major or severe damage.

Total CDBG-DR Cost=\$1,507,179,000 (Anticipated Amendment: \$8,220,783,000)

### Purpose of Notice

This notice shall satisfy two separate but related procedural requirements for activities to be undertaken by PRDOH; (1) to provide notice to the public that the PRDOH has determined that the project will have no significant impact on the human environment, and (2) to provide notice to the public that the PRDOH is requesting the release of CDBG-DR funds for the PRDOH CDBG-DR Program. This notice is presented in accordance with 24 CFR 58.33 (b); Emergencies.

### Finding of No Significant Impact

The PRDOH has determined that the proposed action will have no significant impact on the human environment within the Group 4 Municipios. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional proposed action information is contained in the Tier I Environmental Assessment Environmental Review Record (ERR) (which documents the determination for this proposed action) on file at 606 Avenida Barbosa, Edificio Juan C. Cordero Dávila, Río Piedras, PR, and available for review, examination and copying Monday through Friday from 8:00 AM to 5:00 PM.



## Public Comments on Finding

Any individual, group, or agency may submit written comments to PRDOH, Dennis G. González Ramos, Deputy Secretary Disaster Recovery, in his role as Certifying Officer. All comments received by [Date + 15] will be considered by HUD prior to authorizing submission of a request for release of funds. Comments should specify which Notice they are addressing. PRDOH encourages electronic submittal of comments at [infoCDBG@vivienda.pr.gov](mailto:infoCDBG@vivienda.pr.gov). The number to get information about CDBG-DR Programs is 787.274.2527. In the alternative, comments may be submitted on paper to: PRDOH, at the following address:

Puerto Rico Department of Housing  
606 Avenida Barbosa, Edificio Juan C. Cordero Dávila  
Rio Piedras, PR 00918

## Environmental Certification

The PRDOH is certifying to HUD that Dennis G. González Ramos, in his official capacity as Deputy Secretary Disaster Recovery, consents to accept the jurisdiction of the Federal courts if an action is brought to enforce responsibilities in relation to environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies responsibilities under NEPA and related laws and authorities and allows PRDOH to use Program funds.

## Objections to HUD Release of Funds

HUD will accept objections to its release of funds and the PRDOH certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of PRDOH; (b) the PRDOH has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to HUD at San Juan (Caribbean) Field Office, Parque Las Americas I, 235 Federico Costa St. Suite 200, San Juan, PR 00918. Potential objectors should contact HUD to verify the actual last day of the objection period.





### Contacted Agencies

US Housing and Urban Development

US Fish and Wildlife Service

US Environmental Protection Agency

US Army Corps of Engineers

National Oceanic and Atmospheric Administration Fisheries Service

Federal Emergency Management Agency

Puerto Rico Department of Agriculture

Puerto Rico Historic Preservation Office

Puerto Rico Department of Economic Development and Commerce

Puerto Rico Planning Board

Puerto Rico Environmental Quality Board

Puerto Rico Department of Environment and Natural Resources



## Attachment 2 Comments to FONSI and NOI/RROF

The following comments from the US Environmental Protection Agency, Region II, were received via e-mail on March 7, 2019. The comments and responses are included.

### **Comment:**

Amend the Tier 1 document to include a commitment that a percentage of construction and debris materials from demolition activities will be recycled as appropriate and using the EPA developed and FEMA adopted tool for identifying materials acceptable for recycling. EPA considers the potential impacts to landfills to be significant and has requested this mitigation measure to support the Finding of No Significant Impact. During our previous conversation about this concern and the conversation of March 6<sup>th</sup>, you indicated that debris management would be managed through construction contracts. There is also the potential that there is an existing commitment of the percent of materials required to be recycled. We discussed the incorporation of this change in the Tier 1 and Tier 2 documents but agreed that for both it could be included in the conditions for approval with the list of conditions accompanying every tier 2 review provided to the construction contractor.

### **Response:**

Vivienda acknowledges EPA's comment and, though recycling demolition and construction wastes are discussed in the Environmental Assessment, has agreed to include additional information regarding the program and regulations about recycling and reuse. Puerto Rico law 70 of 1992 ordered the solid waste authority to create and implement a program to reduce and recycle solid waste in Puerto Rico. The Puerto Rico Planning Board regulations of November 29, 2010 contains green permits which aim, among other things, for sustainable practices that help to lower the amount of debris that will arrive to landfills. It adopts the ICC Green Construction Code and follows a LEED-like process. Additionally, Puerto Rico Executive Order 2013-029 orders agencies to incorporate sustainable initiatives focused on residue exploitation based on responsible consumption, source separation and the reduction, reuse and recycling of waste.

Due to these regulations and the implementation of standard operating procedures for reducing waste materials to the greatest extent possible (specifically construction and demolition wastes), the materials being deposited in the existing landfills should be greatly reduced.



Vivienda will add to the “Conditions for Approval” and “General Mitigation Conditions,” in the Tier I Environmental Review Record, a statement describing the regulations for recycling/reuse and the reduction of solid waste from construction and/or demolition activities. These conditions will be included in the Mitigation Requirements in the Tier II Environmental Review Record documents presented to building contractors for each project activity in the HRRRP.

**Comment:**

Amend the Tier 2 document to address the EPA stormwater management requirement that projects of an acre or more need a National Pollution Discharge Elimination Permit from the EPA.

**Response:**

The Storm Water Phase II Final Rule requires that all construction activities that result in the disturbance of 1 acre or more of land will be required to secure a National Pollutant Discharge Elimination System (NPDES) permit. Puerto Rico and the USEPA/Caribbean Environmental Protection Division administer the Federal Construction General Permit (CGP) for stormwater discharges associated with construction activities. Most, if not all, of the construction activities associated with the HRRRP will be for disturbed properties far less than the 1-acre threshold. However, Vivienda will add as a Site-Specific Mitigation measure, that any activities that may disturb 1 acre or more of land must be permitted by Puerto Rico and the EPA, as required. Additionally, Vivienda will modify the Tier 2 Environmental Review Record checklist to address the potential for requiring permits for land disturbance over 1 acre.

**Comment:**

Amend the Tier 2 document to include the requirement for a Control and Erosion Sediment Plan from the DNER as required.

**Response:**

The Puerto Rico Department of Natural and Environmental Resources (DNER) is tasked with protecting, conserving, developing and managing the natural and environmental resources of Puerto Rico. As such, the DNER and the Puerto Rico Environmental Quality Board developed best management practices as identified in the manual entitled “Puerto Rico Erosion and Sediment Control Handbook for Developing Areas.” The manual identifies that any construction area over 1 acre should perform best management practices in accordance with the manual. Contractors should also contact the Puerto Rico DNER to determine



if a permit is required prior to construction activities beginning. Vivienda will amend the Tier 2 ERR to include a check if this action is required.

**Comment:**

Incorporate green and energy building efficiencies into the Tier 2 as recommended by EPA but HUD indicated that many of these requirements were already required by HUD through waivers and adopted in Action Plans. Vivienda and HUD were going to compare the EPA recommendations to see how the EPA recommendations compare with HUD requirements to determine if additional green standards should be included in the EA. You mentioned during our discussion that Puerto Rico had adopted a green building standard that was accepted by HUD. There is also a February 19, 2019 Federal Register Notice (<https://www.govinfo.gov/content/pkg/FR-2019-02-19/pdf/2019-02695.pdf>) that clarifies which certified green building programs are acceptable for construction, and the option to use another equivalent program as approved by HUD. The HUD approved programs and the program approved for Puerto Rico are sufficient for implementing EPA's recommendations. As the Notice requires that each project file identify which Green Building Standard will be used on any building along with a checklist or other documentation demonstrating the elements of the chosen standard that have been followed, it is recommended that the Tier 1 identify the selected program as a condition of approval, and that it is referenced in the Tier 2 checklist.

**Response:**

Green Building requirements were briefly discussed in the EA "Energy Consumption" topic. Vivienda proposes that, for new construction or reconstruction, sustainability options be incorporated, where applicable or possible. Vivienda will comply with the requirements of the Federal Register of February 9, 2018, which includes green standards.

Vivienda will also include the use of Green Building requirements in the "Conditions for Approval" and "Mitigation Measures" addressing the Green Building requirements. These "Mitigation Measures" will be included in the Tier 2 ERR presented to the construction contractors for each project activity.



**Attachment 3**  
**Request for Release of Funds**  
(HUD Form 7015.15)

[To be included after NOI/RROF comment period complete]

# Request for Release of Funds and Certification

US Department of Housing  
and Urban Development  
Office of Community Planning  
and Development

OMB No. 2506-0087  
(exp. 03/31/2020)

This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 58.2) when requesting the release of funds, and Requesting the authority to use such funds, for HUD programs identified by statutes that provide for the assumption of the environmental review responsibility by units of general local government and States.

## Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)

1. Program Title(s)  Community Development Block Grant – Disaster Recovery	2. HUD/State Identification Number  B-17-DM-72-0001	3. Recipient Identification Number (optional)
4. OMB Catalog Number(s)  CFDA No. 14.218, Community Development Block Grant (CDBG)	5. Name and address of responsible entity  Puerto Rico Department of Housing Avenida Barbosa 606, Edificio Juan C. Cordero Dávila San Juan, Puerto Rico 00918	
6. For information about this request, contact (name & phone number)  Joeni L. Camacho Luciano, RA 787.274.2527	7. Name and address of recipient (if different than responsible entity)  <b>Not Applicable – there are no additional recipients</b>	
8. HUD or State Agency and office unit to receive request  U.S. Department of Housing and Urban Development Community Planning and Development – Disaster Recovery Tennille Smith Parker – Director 451 7 <sup>th</sup> Street S.W. Washington DC 20410	7. Name and address of recipient (if different than responsible entity)  <b>Not Applicable – there are no additional recipients</b>	

The recipient(s) of assistance under the program(s) listed above requests the release of funds and removal of environmental grant conditions governing the use of the assistance for the following

9. Program Activity(ies)/Project Name(s)  Home Repair, Reconstruction or Relocation Program	10. Location (Street, address, city, county, State)  Scattered sites in Puerto Rico throughout the Group 4 Municipios of Guánica, Yauco, Guayanilla, Peñuelas, Ponce, Juana Díaz, Villalba, Lares, Utuado, Adjuntas, Jayuya and Ciales.
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### 11. Program Activity/Project Description

This program provides funding to homeowners to repair damaged homes or rebuild substantially damaged homes in non-hazard areas. Reconstruction activity returns otherwise displaced families to their homes in their same community. Substantially damaged homes in the floodplain and homes that may not be rebuilt in place due to legal, engineering or environmental constraints (permitting, extraordinary site conditions, etc.) will not be reconstructed and the homeowner will be provided relocation options.

Relocation options include providing eligible homeowners the choice between purchasing an existing home or constructing a new home on a vacant lot identified outside of the floodplain. Existing homes may be bank-foreclosed properties, on a PRDOH certified development roster, a market-listed unit, or a home in a condominium or co-op.

The individual action sites have not been chosen, so a tiered review has been performed.

**Part 2. Environmental Certification (to be completed by responsible entity)**

With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, certify that:

1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.
3. The responsible entity has assumed responsibility for and complied with and will continue to comply with Section 106 of the National Historic Preservation Act, and its implementing regulations 36 CFR 800, including consultation with the State Historic Preservation Officer, any Indian tribes and the public.
4. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal did  did not  require the preparation and dissemination of an environmental impact statement.
5. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.42 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure (See attachment 1).
6. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.

ITEM	COMMENCE MO/DAY/YEAR	EXPIRE MO/DAY/YEAR
Combined Notice of Finding of No Significant Environmental Impact and Notice of Intent to Request Release of Funds: (Date of Notice: February 1, 2019) <i>15 Day Simultaneous Publication</i>	February 1, 2019	February 16, 2019
Request for Release of Funds: (Date of Submittal to HUD: February 19, 2019) <i>15 Day HUD Review Period</i>	February 21, 2019	March 8, 2019

7. In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project. **Not applicable – there are no additional recipients.**

As the duly designated certifying official of the responsible entity, I also certify that:

8. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.
9. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.

Signature of Certifying Officer of the Responsibility Entity  Dennis G. González Ramos, PE MEM 	Title of Certifying Officer Department of Housing Deputy Secretary for Disaster Recovery
	Date signed 2-19-19
Address of Certifying Officer Avenida Barbosa 606, Edificio Juan C. Cordero Dávila San Juan, Puerto Rico 00918	

**Part 3. To be completed when the Recipient is not the Responsible Entity**

The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).

Signature of Authorized Officer of the Recipient  NA – no additional recipients	Title of Authorized Officer NA – no additional recipients
	Date Signed NA – no additional recipients

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)



HOUSING

# PUBLIC NOTICE

## NOTICE TO PUBLIC OF FINDING OF NO SIGNIFICANT IMPACT AND NOTICE TO PUBLIC OF REQUEST FOR RELEASE OF FUNDS

GROUP 4 MUNICIPIOS

This notice shall satisfy two separate but related procedural requirements for activities to be undertaken by the PRDOH; (1) to provide notice to the public that the PRDOH has determined that the project will have no significant impact on the human environment, and (2) to provide notice to the public that the PRDOH is requesting the release of CDBG-DR funds for the PRDOH CDBG-DR Program. This notice is submitted in accordance with 24 CFR 58.33 (b); Emergencies.

### FINDING OF NO SIGNIFICANT IMPACT

The PRDOH has determined that the proposed action will have no significant impact on the human environment within the Group 4 Municipios. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional proposed action information is contained in the Tier I Environmental Assessment Environmental Review Record (ERR) (which documents the determination for this proposed action) on file at 606 Avenida Barbosa, Edificio Juan C. Cordero Dávila, Río Piedras, PR, and available for review, examination and copying Monday through Friday from 8:00 AM to 5:00 PM.

### REQUEST FOR RELEASE OF FUNDS

On or about February 17, 2019, PRDOH will submit a request to the Department of Housing and Urban Development (HUD) to release Federal Funds under the "Continuing Appropriations Act, 2018" and "Supplemental Appropriations for Disaster Relief Requirements Act, 2017" (Public Law 115-56) (House Resolution 569 provided a Second Disaster Package) to undertake a project known as the Puerto Rico Department of Housing CDBG-DR Program for the purpose of providing repairs, rehabilitation, reconstruction and / or new construction of single-family housing owned at the time of Hurricanes Irma and Maria and subsequently damaged as a result of those storms. The sites are in the Group 4 Municipios of Guánica, Yauco, Guayanilla, Peñuelas, Ponce, Juana Díaz, Villalba, Lares, Utuado, Adjuntas, Jayuya, and Ciales. Individual action sites have not been identified and, as such, PRDOH has performed a Tiered Environmental Assessment Review for environmental requirements. The Tiered Review allows the PRDOH to assess broad environmental impacts at the early stage of the project and to review site-specific impacts later, after the sites have been identified. Thousands of homes are estimated to have major or severe damage.

Total CDBG-DR Cost=\$1,507,179,000 (Anticipated Amendment: \$8,220,783,000)

### PUBLIC COMMENTS

Any individual, group, or agency may submit written comments to PRDOH, Dennis G. Gonzalez Ramos, Deputy Secretary Disaster Recovery, in his role as Certifying Officer. All comments received by February 16, 2019 will be considered by HUD prior to authorizing submission of a request for release of funds. Comments should specify which Notice they are addressing. PRDOH encourages electronic submittal of comments at [infoCDBG@vivienda.pr.gov](mailto:infoCDBG@vivienda.pr.gov). The number to get information about CDBG-DR Programs is 787.274.2527. In the alternative, comments may be submitted on paper to: PRDOH, at the following address:

Puerto Rico Department of Housing  
606 Avenida Barbosa, Edificio Juan C. Cordero Dávila  
Río Piedras, PR 00918

### ENVIRONMENTAL CERTIFICATION

The PRDOH is certifying to HUD that Dennis G. González Ramos, in his official capacity as Deputy Secretary Disaster Recovery, consents to accept the jurisdiction of the Federal courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows PRDOH to use Program funds.

### OBJECTIONS TO HUD RELEASE OF FUNDS

HUD will accept objections to its release of funds and the PRDOH certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of PRDOH; (b) the PRDOH has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to U.S. Department of Housing and Urban Development, Community Planning and Development - Disaster Recovery, Tennille Smith Parker - Director, 451 7th Street S.W., Washington DC 20410. Potential objectors should contact HUD to verify the actual last day of the objection period.

February 1, 2019  
Puerto Rico Department of Housing (PRDOH)  
606 Avenida Barbosa, Edificio Juan C. Cordero Dávila  
Río Piedras, PR 00918  
787.274.2527

**Dennis G. González Ramos**  
Deputy Secretary of Disaster Recovery  
Certifying Officer



VIVIENDA

# AVISO PÚBLICO

## AVISO AL PÚBLICO DE HALLAZGO DE NO IMPACTO SIGNIFICATIVO Y AVISO AL PÚBLICO DE SOLICITUD DE LIBERACIÓN DE FONDOS

MUNICIPIOS DEL GRUPO 4

Esta notificación cumplirá con dos requisitos de procedimiento separados pero relacionados para las actividades que Vivienda llevará a cabo: (1) proveer notificación al público de que Vivienda ha determinado que el proyecto no tendrá un impacto significativo en el ambiente humano y (2) proveer notificación al público de que Vivienda está solicitando la liberación de fondos CDBG-DR para su Programa de CDBG-DR. Esto aviso se presenta de acuerdo con 24 CFR 58.33 (b); Emergencies.

### HALLAZGO DE "NO IMPACTO SIGNIFICATIVO"

Vivienda ha determinado que la acción propuesta tendrá un impacto no significativo en el ambiente humano en los municipios del Grupo 4. Por lo tanto, no se requiere una Declaración de Impacto Ambiental según la Ley Nacional de Política Ambiental (NEPA, por sus siglas en inglés) de 1969. Hay información adicional sobre la acción propuesta en el Registro de Revisiones de Evaluaciones Ambientales de Nivel 1 (ERR, por sus siglas en inglés) que documenta la determinación de esta acción propuesta archivado en 606 Avenida Barbosa, Edificio Juan C. Cordero Dávila, Río Piedras, PR y disponible para revisar, examinar y copiar de lunes a viernes, 8:00 AM a 5:00 PM.

### SOLICITUD DE LIBERACIÓN DE FONDOS

En o alrededor del 17 de febrero de 2019, el Departamento de Vivienda de Puerto Rico presentará una solicitud ante el Departamento de Vivienda y Desarrollo Urbano de Estados Unidos (HUD) para liberar fondos federales bajo la Ley de Asignaciones Continuas (Continuing Appropriations Act) de 2018 y la Ley de Asignaciones Complementarias para Requisitos de Ayuda ante Desastres (Supplemental Appropriations for Disaster Relief Requirements Act) de 2017 (Ley Pública 115-56) (la Resolución de la Cámara 569 dispuso un segundo paquete para desastres) a fin de llevar a cabo el proyecto conocido como Programa CDBG-DR del Departamento de Vivienda de Puerto Rico para fines de ofrecer reparación, rehabilitación, reconstrucción y/o nuevas construcción de propiedades de viviendas unifamiliares al momento de los huracanes Irma y María y subsiguientemente dañadas por dichas tormentas. Las ubicaciones están en los municipios del Grupo 4 de Guánica, Yauco, Guayanilla, Peñuelas, Ponce, Juana Díaz, Villalba, Lares, Utuado, Adjuntas, Jayuya y Ciales. No se han identificado lugares de acción individuales por lo que Vivienda ha realizado una Revisión de Evaluación Ambiental por Niveles para fines de requisitos ambientales. La revisión por niveles permite a Vivienda evaluar los impactos ambientales más amplios en la etapa preliminar del proyecto y revisar los impactos específicos del lugar después, cuando hayan sido identificados. Se calcula que miles de hogares tengan daños mayores o severos.

Costo total de CDBG-DR=\$1,507,179,000 (Enmienda prevista: \$8,220,783,000)

### COMENTARIOS PÚBLICOS

Cualquier persona, grupo o agencia puede presentar comentarios por escrito a Vivienda, dirigiéndolos a Dennis G. González Ramos, Subsecretario de Recuperación ante Desastres en su función como Oficial Certificador. Todos los comentarios recibidos a más tardar el 16 de febrero de 2019 serán considerados por HUD antes de autorizar la presentación de una solicitud de liberación de fondos. Los comentarios deben especificar a cuál aviso se están refiriendo. Vivienda exhorta a que se envíen los comentarios por medio electrónico a [infoCDBG@vivienda.pr.gov](mailto:infoCDBG@vivienda.pr.gov). El número para obtener información sobre programas CDBG-DR es 787.274.2527. Como alternativa, también se pueden enviar a Vivienda los comentarios en forma impresa a la dirección que sigue:

Departamento de Vivienda de Puerto Rico  
606 Avenida Barbosa, Edificio Juan C. Cordero Dávila  
Río Piedras, PR 00918

### CERTIFICACIÓN AMBIENTAL

Vivienda certifica a HUD que Dennis G. González Ramos, en su función oficial como Subsecretario de Recuperación ante Desastres, ha dado su consentimiento para aceptar la jurisdicción de las cortes federales en el caso de que se tome acción para reforzar las tareas relacionadas con el proceso de revisión ambiental y que estas tareas se cumplan. La aprobación de HUD de la certificación cumple con las responsabilidades bajo la Ley NEPA y las leyes y autoridades relacionadas y permite a Vivienda usar los fondos del Programa.

### OBJECCIONES A LA LIBERACIÓN DE FONDOS POR PARTE DE HUD

HUD aceptará objeciones a su liberación de los fondos y a la certificación de Vivienda por un periodo de quince días después de la fecha de presentación prevista o su recibo de la solicitud (lo que ocurra más tarde) solo si dichas objeciones se basan en uno de los siguientes casos: (a) la certificación no fue ejecutada por el Oficial Certificador de Vivienda; (b) Vivienda ha omitido un paso o ha dejado de tomar una decisión o presentar un hallazgo según requerido por las regulaciones de HUD en 24 CFR parte 58; (c) el beneficiario de la subvención u otro participante del proceso de desarrollo ha asignado fondos, incurrido en gastos o realizado actividades no autorizadas por 24 CFR Parte 58 antes de la aprobación de una liberación de fondos por parte de HUD o (d) otra agencia federal actuando de conformidad con 40 CFR Parte 1504 ha presentado un hallazgo por escrito de que el proyecto no es satisfactorio desde el punto de vista de calidad ambiental. Es necesario que las objeciones se preparen y se presenten conforme a los procedimientos requeridos (24 CFR Parte 58, Sec. 58.76) y que se envíen a U.S. Department of Housing and Urban Development, Community Planning and Development - Disaster Recovery, Tennille Smith Parker - Director, 451 7th Street S.W., Washington DC 20410. Los posibles objetores deben comunicarse con HUD para verificar cuál será el día final para presentar objeciones.

1 de febrero de 2019  
Departamento de Vivienda de Puerto Rico  
606 Avenida Barbosa, Edificio Juan C. Cordero Dávila  
Río Piedras, PR 00918  
787.274.2527

**Dennis G. González Ramos**  
Subsecretario de Recuperación ante Desastres  
Oficial Certificador







## Attachment 4 Authority to Use Grant Funds

[to be included after receipt]

**Authority to Use  
Grant Funds**

**U.S. Department of Housing  
and Urban Development  
Office of Community Planning  
and Development**

<p><b>To:</b> (name &amp; address of Grant Recipient &amp; name &amp; title of Chief Executive Officer)</p> <p>Dennis Gonzalez Deputy Secretary Puerto Rico Department of Housing P.O. Box 21365 San Juan, PR 00928-1365</p>	<p><b>Copy To:</b> (name &amp; address of SubRecipient)</p> <p>Joeni L. Camacho Luciano, RA</p>
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<p>We received your Request for Release of Funds and Certification, form HUD-7015.15 on</p>	<p>02/20/2019</p>
<p>Your Request was for HUD/State Identification Number</p>	<p>B-17-DM-72-0001</p>

All objections, if received, have been considered. And the minimum waiting period has transpired. You are hereby authorized to use funds provided to you under the above HUD/State Identification Number. File this form for proper record keeping, audit, and inspection purposes.


Project Activity: Home Repair, Reconstruction or Relocation Program

Program Description: This program provide funds to homeowners to repair, reconstruct or relocate persons harmed by the storm under the Commonwealth's Home Repair, Reconstruction or Relocation Program. This activity is being funded by Puerto Rico Department of Housing.

CDBG-DR funds: \$362,595,008  
Total Project funds: \$362,595,008

Project Location: Scattered sites throughout Guanica, Yauco, Guayanilla, Penuelas, Ponce Juana Diaz, Villa, Lares, Utuado, Adjuntas, Jayuya and Ciales

This release is conditioned upon the completion of site specific environmental reviews prior to committing CDBG-DR funding to a project.

<p>Typed Name of Authorizing Officer Stanley Gimont Title of Authorizing Officer Deputy Assistant Secretary for Grant Programs</p>	<p>Signature of Authorizing Officer</p> <p>X </p>	<p>Date (mm/dd/yyyy)</p> <p>MAR - 8 2019</p>
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## Appendix E

### Programmatic Agreement for Section 106 Review

- Exhibit 1. Cover Letter for the Addendum
- Exhibit 2. Addendum to the FEMA Programmatic Agreement
- Exhibit 3. FEMA Programmatic Agreement with Puerto Rico



## Exhibit 1. Cover Letter for the Addendum

Date: October 31, 2018

### MEMORANDUM

To: Interested Parties

From: Fernando A. Gil-Enseñat, Esq  
Secretary, P.R. Department of Housing  
606 Barbosa Avenue  
Building Juan C. Cordero Davila  
Rio Piedras, P.R. 00918

**Subject: ADDENDUM TO THE PROGRAMMATIC AGREEMENT AMONG THE FEDERAL EMERGENCY MANAGEMENT AGENCY, THE PUERTO RICO STATE HISTORIC PRESERVATION OFFICER, AND THE CENTRAL OFFICE OF RECOVERY, RECONSTRUCTION, AND RESILIENCY TO INCLUDE THE PUERTO RICO DEPARTMENT OF HOUSING**

In February 9, 2018, the U.S. Department of Housing and Urban Development (HUD) allocated \$1,507,179,000 to the Government of Puerto Rico in Community Development Block Grant for Disaster Recovery (CDBG-DR) funds by the Supplemental Appropriations for Disaster Relief Requirements Act, 2017 (Public Law 115-56). The Puerto Rico Department of Housing (PRDOH) has been designated by the governor of Puerto Rico, Ricardo Roselló Nevares, as the grantee and administrator of this allocation. As grantee, the PRDOH is the responsible entity acting as the federal agency that will carry out environmental reviews for CDBG-DR programs. These programs are authorized under the PRDOH's Action Plan for Disaster Recovery, approved by HUD on July 29, 2018, in conformance with 83 FR 5844 requirements.

The PRDOH, in coordination with the Puerto Rico State Historic Preservation Officer (SHPO), the Central Office of Recovery, Reconstruction, and Resiliency (COR3, in lieu of the Puerto Rico Emergency Management Agency [PREMA]), and the Federal Emergency Management Agency (FEMA), agreed to adopt, through the attached Addendum<sup>1</sup>, FEMA's Prototype Agreement for its Programs in Puerto Rico, and the Puerto Rico specific Programmatic Agreement (PA) executed on May 6, 2016 and amended on May 31, 2018. Such adoption will facilitate the implementation of CDBG-DR projects subject to environmental review under HUD's corresponding regulations at 24 CFR Part 58, as well as Section 106 of the National Historic Preservation Act, and regulations at 36 CFR Part 800, Protection of Historic and Cultural Properties. The PRDOH will utilize specialized personnel who meet the Secretary of the Interior's Professional Qualification Standards to review all Second-Tier projects and complete Standard Project Reviews in accordance with the PA.

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<sup>1</sup> Addendum to The Programmatic Agreement Among The Federal Emergency Management Agency, The Puerto Rico State Historic Preservation Officer, And The Central Office Of Recovery, Reconstruction, And Resiliency To Include The Puerto Rico Department Of Housing



The approved CDBG-DR Action Plan contemplates programs in four categories as follows: Planning Programs, Housing Programs, Economic Development Programs and Infrastructure Programs. For more information about Programs included in the approved Action Plan see the attached exhibit “Appendix A – CDBG-DR Program Summaries”<sup>2</sup>. (*Appendix A not included in this document*)

Planning Programs: Currently, these programs do not involve construction activities, therefore are exempt to accomplish environmental review.

Housing Programs: PRDOH expects to receive hundreds of thousands of requests for housing repairs and reconstruction all over the Island. According to data gathered by FEMA Individual Assistance Program, hurricanes Irma and Maria caused damage to an estimated 1,067,6184 homes distributed across all 78 Municipalities of Puerto Rico. These construction activities will be subject to Environmental Review as required by HUD 24 part 58 regulations.

Economic Development Programs: will be providing loans and grants for eligible micro, small, medium and large businesses distributed throughout Puerto Rico that may involve construction work activities. In such instances, the PRDOH will require compliance with HUD applicable environmental review regulations.

Infrastructure Programs: PRDOH may combine funding from FEMA’s Hazard Mitigation Grant Program (HMGP) with CDBG-DR funds to complete resilience projects in the future. Using a Global Match, the non-federal share for FEMA-4339-DR projects, under Categories C to G (as defined by FEMA Public Assistance Program), need not be 10%, so long as the combined value of all eligible projects submitted equals or exceeds 10% for the overall disaster. The PRDOH will work closely with FEMA and the COR3 as both agencies develop and complete project worksheets. Environmental Review compliance evidence will be required on all projects performed under this program category.

The PRDOH foresees that all repair, reconstruction and relocation activities within the aforementioned CDBG-DR Programs will have the potential to include demolition, rehabilitation, new construction and/or ground disturbance activities. For this reason, the PRDOH plan to establish comprehensive workplan to address HUD’s corresponding regulations at 24 CFR Part 58, as well as Section 106 of the National Historic Preservation Act, and regulations at 36 CFR Part 800, Protection of Historic and Cultural Properties.



## Exhibit 2. Addendum to the FEMA Programmatic Agreement

**ADDENDUM**  
to  
**THE PROGRAMMATIC AGREEMENT AMONG**  
**THE FEDERAL EMERGENCY MANAGEMENT AGENCY,**  
**THE PUERTO RICO STATE HISTORIC PRESERVATION OFFICER,**  
**and THE CENTRAL OFFICE OF RECOVERY, RECONSTRUCTION, AND RESILIENCY**  
**TO INCLUDE**  
**THE PUERTO RICO DEPARTMENT OF HOUSING**

**WHEREAS**, FEMA makes assistance available to States, Commonwealths, communities, Federally recognized Indian Tribes (Tribes) and other eligible entities through programs set forth in Appendix A (Programs), pursuant to the Homeland Security Act of 2002, Pub. L. No. 107-296 (2002) (codified as amended at 6 U.S.C. § 101 *et seq.*); Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. No. 93-288 (1974) (codified as amended at 42 U.S.C. § 5121 *et seq.*, (Stafford Act); the National Flood Insurance Act of 1968, Pub. L. No. 90-448 (1968) (as amended); the National Flood Insurance Reform Act of 1994, Pub. L. No. 103-325 (1994) (as amended); the Post-Katrina Emergency Management Reform Act of 2006, Pub. L. No. 109-295 (2006) (as amended); implementing regulations contained in Title 44 of the Code of Federal Regulations (CFR), Executive Order 13407 (2006); the Sandy Recovery Improvement Act, Pub. L. No. 113-2 (2013); and such other acts, executive orders, implementing regulations, or Congressionally authorized programs as are enacted from time to time; and

**WHEREAS**, FEMA has developed a Prototype Programmatic Agreement (FEMA Prototype Agreement) pursuant to 36 CFR § 800.14(b)(4) in consultation with the Advisory Council on Historic Preservation and National Conference of State Historic Preservation Officers to serve as a basis for negotiation of a State/Tribal specific Programmatic Agreement with the State Historic Preservation Officer, State/Tribal Emergency Management Agency, and/or participating Tribe(s); and

**WHEREAS**, FEMA consulted with the Puerto Rico State Historic Preservation Officer (SHPO), and Puerto Rico Emergency Management Agency (PREMA) to adopt and execute the FEMA Prototype Agreement for its Programs in Puerto Rico, and the Puerto Rico specific Agreement (Agreement) was executed on May 6, 2016 and amended on May 31, 2018; and

**WHEREAS**, subsequent to the execution of the amended FEMA Prototype Agreement, the emergency management responsibilities of the Commonwealth were transferred from PREMA to the Central Office of Recovery, Reconstruction, and Resiliency (COR3) and COR3 will be a signatory to this Addendum in lieu of PREMA; and



**WHEREAS**, there are no Federal Tribes recognized in the Commonwealth of Puerto Rico, and no known Tribal interests in the Commonwealth of Puerto Rico by non-resident Tribes, and therefore no Tribes were invited to execute the Prototype Agreement or this Addendum; and

**WHEREAS**, under the Disaster Relief Appropriations Act of 2013 (Public Law 113-2, January 29, 2013); Further Continuing and Security Assistance Appropriations Act, 2017 (Public Law 114-254, December 10, 2016); Consolidated Appropriations Act, 2017 (Public Law 115-31, May 5, 2017); Continuing Appropriations Act, 2018 and Supplemental Appropriations for Disaster Relief Requirements Act, 2017 (Public Law 115-56, September 8, 2017), Additional Supplemental Appropriations For Disaster Relief Requirements Act, 2017 (Public Law 115-123, February 9, 2018) and other Congressionally authorized programs as are enacted from time to time, the U.S. Department of Housing and Urban Development (HUD) allocates Community Development Block Grant- Disaster Recovery (CDBG-DR) funds for disaster recovery activities similar to the activities covered by the Agreement; and

**WHEREAS**, the Puerto Rico Department of Housing intends to use its CDBG-DR funds as summarized in Attachment 1 to this Addendum; and

**WHEREAS**, the Puerto Rico Department of Housing has assumed HUD's environmental review responsibilities as Responsible Entity and is responsible for environmental review, decision-making and action, pursuant to Section 104(g) of the Housing and Community Development Act of 1974 (42 USC 5304(g)) and 24 CFR Part 58, and proposes to administer CDBG-DR funds pursuant to the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2016 and other Congressionally authorized programs as are enacted from time to time;

**WHEREAS**, Stipulation I.A.6. of the Agreement allows other Federal agencies, including state and local governments acting as Responsible Entities for CDBG-DR funds, to fulfill their Section 106 responsibilities for those types of activities covered under the terms of the Agreement by accepting and complying with the terms of the Agreement and executing this Addendum; and

**WHEREAS**, the Puerto Rico Department of Housing will ensure that staff who meet the Secretary of the Interior's Professional Qualification Standards will review all Second Tier projects in accordance with Appendix B of the Agreement and complete Standard Project Reviews in accordance with Stipulation II.C of the Agreement and the Puerto Rico Department of Housing will provide resumes of such staff to the signatories to this Addendum; and

**NOW, THEREFORE**, the Puerto Rico Department of Housing agrees to assume the federal agency role and accept the terms and conditions of the Agreement and subsequent amendments as appropriate under HUD's authorizing legislation and regulations, and thereby take into account



the effect of its undertakings and satisfy its Section 106 responsibilities for the CDBG-DR program for activities in Puerto Rico.

**DURATION AND EXTENSION,** This Addendum to the Agreement will remain in effect for currently open disaster declarations and subsequent disaster declarations in the Commonwealth of Puerto Rico; however, the Addendum will not exceed the expiration date of the Agreement. Signatories may collectively agree to extend this Addendum to cover additional calendar years provided that the Agreement is also extended; and

**DISPUTE RESOLUTION,** Should any signatory object in writing to the manner in which Puerto Rico Department of Housing implements the terms of the Agreement, the Puerto Rico Department of Housing shall follow the dispute resolution procedures found in Stipulation IV.B of the Agreement.

**EXECUTION AND IMPLEMENTATION,** of this Addendum to the Agreement evidences that the Puerto Rico Department of Housing has taken into account the effects of its undertakings on historic properties, and that through the execution of this Addendum and implementation of the Agreement will satisfy its responsibilities under Section 106 of the National Historic Preservation Act and its implementing regulations for the referenced CDBG-DR program for activities in Puerto Rico. This Addendum may be executed in counterparts, with separate signature pages.




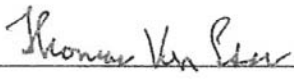


ADDENDUM  
to  
THE PROGRAMMATIC AGREEMENT AMONG  
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,  
THE PUERTO RICO STATE HISTORIC PRESERVATION OFFICER,  
and THE CENTRAL OFFICE OF RECOVERY, RECONSTRUCTION, AND RESILIENCY  
TO INCLUDE  
THE PUERTO RICO DEPARTMENT OF HOUSING

SIGNATORY PARTIES:

FEDERAL EMERGENCY MANAGEMENT AGENCY

  
\_\_\_\_\_  
Date: 18 DEC 2018  
John McKee  
Regional Environmental Officer  
FEMA Region II

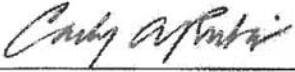
  
\_\_\_\_\_  
Date: Dec. 15, 2018  
Thomas Von Essen  
Regional Administrator  
FEMA Region II



**ADDENDUM**  
to  
**THE PROGRAMMATIC AGREEMENT AMONG**  
**THE FEDERAL EMERGENCY MANAGEMENT AGENCY,**  
**THE PUERTO RICO STATE HISTORIC PRESERVATION OFFICER,**  
**and THE CENTRAL OFFICE OF RECOVERY, RECONSTRUCTION, AND RESILIENCY**  
**TO INCLUDE**  
**THE PUERTO RICO DEPARTMENT OF HOUSING**

**SIGNATORY PARTIES:**

**PUERTO RICO STATE HISTORIC PRESERVATION OFFICER**

  
\_\_\_\_\_ Date: 11/14/18

Carlos Rubio-Cancela  
State Historic Preservation Officer



ADDENDUM  
to  
THE PROGRAMMATIC AGREEMENT AMONG  
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,  
THE PUERTO RICO STATE HISTORIC PRESERVATION OFFICER,  
And THE CENTRAL OFFICE OF RECOVERY, RECONSTRUCTION, AND RESILIENCY  
TO INCLUDE  
THE PUERTO RICO DEPARTMENT OF HOUSING

SIGNATORY PARTIES:

THE CENTRAL OFFICE OF RECOVERY, RECONSTRUCTION, AND RESILIENCY

 \_\_\_\_\_ Date: \_\_\_\_\_

Mr. Omar J. Marrero, Esq.  
Governor's Authorized Representative  
Executive Director



ADDENDUM  
to  
THE PROGRAMMATIC AGREEMENT AMONG  
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,  
THE PUERTO RICO STATE HISTORIC PRESERVATION OFFICER,  
And THE CENTRAL OFFICE OF RECOVERY, RECONSTRUCTION, AND RESILIENCY  
TO INCLUDE  
THE PUERTO RICO DEPARTMENT OF HOUSING

SIGNATORY PARTIES

PUERTO RICO DEPARTMENT OF HOUSING

  
\_\_\_\_\_ Date: 11/1/18

Fernando Gil Enseñat  
Secretary of the Puerto Rico Department of Housing



### **Exhibit 3. FEMA Programmatic Agreement with Puerto Rico**



**AMENDMENT TO  
PROGRAMMATIC AGREEMENT AMONG  
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,  
THE PUERTO RICO STATE HISTORIC PRESERVATION OFFICER,  
AND THE PUERTO RICO EMERGENCY MANAGEMENT AGENCY**

WHEREAS, the Agreement was executed on May 6, 2016; and

WHEREAS, to minimize delays in the delivery of assistance by the Federal Emergency Management Agency (FEMA) in the aftermath of Hurricane Irma (DR-4336-PR) and Hurricane Maria (DR-4339-PR), the Agreement will be amended to include additional Programmatic Allowances under Appendix B for FEMA-funded activities which FEMA and SHPO have agreed will have no or minimal effect on historic properties if implemented as specified in this Appendix and will not require review by the State Historic Preservation Officer (SHPO); and

WHEREAS, in response to SHPO concerns regarding the anticipated new permanent housing construction program proposed in the aftermath of Hurricane Maria, SHPO and FEMA have agreed to remove "home replacement" from the list of actions exempted from Section 106 review as described in Stipulation I.A.7.a; and

WHEREAS, to ensure the appropriate application of the Programmatic Allowances (Appendix B), an expanded definition of "in-kind" as referenced in the Programmatic Allowances has been added to the introduction to Appendix B; and

WHEREAS, to ensure appropriate application of the Programmatic Allowances to ground disturbing activities, additional language has been added to the introduction of Appendix B regarding methods of identifying soil disturbance, types of projects that will likely disturb the soil horizon, and providing greater clarity on soil disturbance, especially as applicable to roads and parking area; and

WHEREAS, to address SHPO concerns resulting from the extensive FEMA-funded private property demolition that is anticipated in the aftermath of Hurricane Maria, **Appendix C: Criteria for Identification of Collapsed Structures** has been added to create common criteria for identifying collapsed structures; and

WHEREAS, to address SHPO concerns regarding the identification of buildings eligible for FEMA's Private Property Debris Removal program **Appendix D: Private Property Debris Removal Program Process** has been added to ensure that only buildings meeting FEMA's Public Assistance program eligibility guidelines will be reviewed for compliance with Section 106; and

WHEREAS, to address SHPO concerns regarding potential impacts to archaeological resources, **Appendix E: Low Impact Debris Removal Stipulations** has been added in order to provide Best Management Practices that will protect potential archaeological resources; and

FEMA – Puerto Rico SHPO Programmatic Agreement for Section 106 Review, May 2016  
Amended April 2018

Page 1 of 54



**WHEREAS, Appendix C: Treatment Measures has been retitled Appendix F.**

**NOW THEREFORE,** in accordance with Stipulation IV.A.1 of the Agreement, the signatories and invited signatories agree to amend the Agreement, complete with all the Appendices below, as follows:

**PROGRAMMATIC AGREEMENT AMONG  
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,  
THE PUERTO RICO STATE HISTORIC PRESERVATION OFFICER,  
AND THE PUERTO RICO EMERGENCY MANAGEMENT AGENCY**

**WHEREAS,** the mission of the Federal Emergency Management Agency (FEMA) of the Department of Homeland Security is to support our citizens and first responders to ensure that as a nation we work together to build, sustain, and improve our capability to prepare for, protect against, respond to, recover from, and mitigate all hazards; and

**WHEREAS,** FEMA makes assistance available to States, Territories, Commonwealths, communities, Federally recognized Indian Tribes (Tribes) and other eligible entities through programs (Programs) set forth in Appendix A, pursuant to the Homeland Security Act of 2002, Pub. L. No. 107-296 (2002) (codified as amended at 6 U.S.C. § 101 *et seq.*); Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. No. 93-288 (1974) (codified as amended at 42 U.S.C. § 5121 *et seq.*, (Stafford Act); the National Flood Insurance Act of 1968, Pub. L. No. 90-448 (1968) (as amended); the National Flood Insurance Reform Act of 1994, Pub. L. No. 103-325 (1994) (as amended); the Post-Katrina Emergency Management Reform Act of 2006, Pub. L. No. 109-295 (2006) (as amended); implementing regulations contained in Title 44 of the Code of Federal Regulations (CFR), Executive Order 13407 (2006); the Sandy Recovery Improvement Act, Pub. L. No. 113-2 (2013); and such other acts, Executive Orders, implementing regulations, or Congressionally authorized programs as are enacted from time to time; and

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**WHEREAS,** FEMA has determined that implementing its Programs may result in Undertakings (as defined by 54 U.S.C. § 300301 and 36 CFR § 800.16(y)) that may affect properties listed in or eligible for listing in the National Register of Historic Places (National Register) pursuant to 36 CFR Part 60 (historic properties), and FEMA has consulted with the Puerto Rico State Historic Preservation Officer (SHPO) pursuant to Section 106 of the National Historic Preservation Act (NHPA), Pub. L. No. 89-665 (1966) (codified at 54 U.S.C. § 306108 (as amended by Pub. Law No. 96-515 of December 14, 2014)), and the regulations implementing Section 106 of the NHPA (Section 106) at 36 CFR Part 800; and

**WHEREAS,** FEMA, the Advisory Council on Historic Preservation (ACHP), and the National Conference of State Historic Preservation Officers (NCSHPO) have determined that FEMA's Section 106 requirements can be more effectively and efficiently implemented and delays to the



delivery of FEMA assistance minimized if a programmatic approach is used to stipulate roles and responsibilities, exempt certain Undertakings from Section 106 review, establish protocols for consultation, facilitate identification and evaluation of historic properties, and streamline the assessment and resolution of adverse effects; and

**WHEREAS**, FEMA has developed a Prototype Programmatic Agreement (FEMA Prototype Agreement) pursuant to 36 CFR § 800.14(b)(4) in consultation with the ACHP and NCSHPO to serve as a basis for negotiation of a State specific Programmatic Agreement (Agreement) with the SHPO, State/Tribal Emergency Management Agency, and/or participating Tribe(s) or Native Hawaiian organization(s); and

**WHEREAS**, this Agreement conforms to the FEMA Prototype Agreement as designated by the ACHP on December 13, 2013, and therefore does not require the participation or signature of the ACHP; and

**WHEREAS**, in order to implement its Programs, FEMA will provide assistance to the Commonwealth of Puerto Rico that may provide monies and other assistance to eligible sub-recipients, and as such, the Puerto Rico Emergency Management Agency (Recipient) that is typically responsible for administering funds provided under these Programs, has participated in this consultation, and FEMA has invited them to execute this Agreement as an Invited Signatory; and

**WHEREAS**, FEMA also may directly perform its own Undertakings pursuant to this Agreement; and

**WHEREAS**, there are no Federal Tribes recognized in the Commonwealth of Puerto Rico, and no known Tribal interests in the Commonwealth of Puerto Rico by non-resident Tribes, and therefore no Tribes were invited to execute this Agreement; and

**WHEREAS**, in anticipation or in the immediate aftermath of an event, impacted communities and the Commonwealth of Puerto Rico may conduct critical preparedness, response and recovery activities to safeguard public health and safety and/or to restore vital community services and functions before, during, and or following an event. Some of these activities may become Undertakings requiring Section 106 review subject to the terms of this Agreement, and FEMA shall coordinate the appropriate review as warranted; and

**WHEREAS**, for the review of specific Undertakings under this Agreement, FEMA may invite other agencies, organizations, and individuals to participate as consulting parties; and

**NOW, THEREFORE**, FEMA and SHPO as Signatories and the Recipient as Invited Signatory (collectively referenced hereafter as Signatories) agree that FEMA Programs in the Commonwealth of Puerto Rico shall be administered in accordance with the following Stipulations to satisfy FEMA's Section 106 and Section 110 responsibilities for all resulting Undertakings and effectively integrate historic preservation compliance considerations into the delivery of FEMA assistance.

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Amended April 2018

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FEMA will not authorize implementation of an individual Undertaking until Section 106 review is completed pursuant to this Agreement.

## STIPULATIONS

To the extent of its legal authority, and in coordination with other Signatories, FEMA shall ensure that the following measures are implemented:

### I. GENERAL

#### A. Applicability

1. The execution of this Agreement supersedes the terms of the Programmatic Agreement among FEMA, SHPO, the Puerto Rico Emergency Management Agency, and the Puerto Rico Office of Management and Budget dated May 9, 2011, and the subsequent letter from the SHPO dated July 11, 2011, approving additional Allowances.
2. For FEMA Undertakings that also are within the jurisdiction of the Federal Communications Commission (FCC) and within the scope of its Section 106 Programmatic Agreements for communication facilities, FEMA defers Section 106 review in accordance with the ACHP Program Comment of October 23, 2009, amended September 24, 2015 (<http://www.ach.gov/docs/pc-wireless-communication.pdf>). The approval of funding for the FEMA Undertaking shall be conditioned upon the compliance of the sub-recipient with FCC's applicable Section 106 review. FEMA shall notify the SHPO when it applies the ACHP Program Comment to an Undertaking. FEMA remains responsible for any FEMA Undertakings it determines are outside the jurisdiction of FCC.
3. In the event of a Stafford Act major disaster or emergency declaration (Declaration), State, and local governments may lack the capability to perform or to contract for emergency work, and instead request that the work be accomplished by a Federal agency. Through a mission assignment (MA), FEMA may direct appropriate Federal agencies to perform the work. This Agreement shall apply to such Federal assistance undertaken by or funded by FEMA pursuant to Titles IV and V of the Stafford Act and 44 CFR Part 206.
4. FEMA may utilize this Agreement to fulfill its Section 106 responsibilities and those of other Federal agencies that designate FEMA, or another Federal agency, as the lead Federal agency pursuant to 36 CFR § 800.2(a)(2) with appropriate notification to the other Signatories and the ACHP regarding Undertakings that fall within the scope of this Agreement. When FEMA is not designated as the lead Federal agency, all Federal agencies, including FEMA, remain individually responsible for their compliance with Section 106. FEMA may also recognize another Federal agency as lead Federal agency for specific Undertakings as appropriate.

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5. If another Federal program or Federal agency has concluded Section 106 consultation review and approved an Undertaking within the past five (5) years, FEMA has no further requirement for Section 106 review regarding that Undertaking provided that FEMA:
  - a. confirms that the scope and effect [as defined by 36 CFR § 800.16(i)] of its Undertaking are the same as that of the Undertaking reviewed by the previous agency;
  - b. determines that the previous agency complied with Section 106 appropriately, and;
  - c. adopts the findings and determinations of the previous agency.

FEMA shall document these findings in its project file in order to confirm that the requirements of Section 106 have been satisfied. Should FEMA, in consultation with SHPO determine that the previous Section 106 review was insufficient or involved interagency disagreements about eligibility, effect, and/or treatment measures, FEMA shall conduct additional Section 106 consultation in accordance with the terms of this Agreement.

6. With the written concurrence of the Signatories, other Federal agencies providing financial assistance for the same type of activities covered under the terms of this Agreement as outlined in Appendix A may satisfy their Section 106 responsibilities for such activities by accepting and complying in writing with the terms of this Agreement.
  - a. Other Federal agencies may include States and units of local government who have assumed environmental responsibilities of the U.S. Department of Housing and Urban Development and, acting as the Responsible Entity pursuant to 24 CFR Part 58, are responsible for environmental review, decision-making and action.
  - b. In such situations, the other Federal agency shall notify the Signatories in writing of its intent to use this Agreement to achieve compliance with its Section 106 requirements, and consult with the Signatories regarding its Section 106 compliance responsibilities. Resumes of staff who meet the Secretary of the Interior Professional Qualification Standard(s) and will review Second Tier projects in accordance with Appendix B of this Agreement shall be provided to the SHPO.
  - c. When amendments are made to the body of this Agreement, the other Federal Agencies utilizing the Agreement shall notify the Signatories in writing of its intent to use the Agreement as amended. Written notification by the other Federal agencies is not required when amendments are made to Appendices A, B C, D, E and F.



7. FEMA has determined that the following types of activities have limited or no potential to affect historic properties and FEMA has no further Section 106 responsibilities with regards to them, pursuant to 36 CFR § 800.3(a)(1):
- a. Pursuant to 44 CFR § 206.110(m), assistance to individuals and households provided under 44 CFR Part 206, Subpart D and Section 408 of the Stafford Act, including funding for owner occupied home repair, content replacement, personal property, transportation and healthcare expenses, is exempt from the provisions of Section 106. For ground disturbing activities, and construction related to 44 CFR §§ 206.117(b)(1)(ii) (temporary housing), 206.117(b)(3) (replacement housing), 206.117(b)(4) (permanent housing construction), 206.117(c)(1)(vi) (repair or replacement of privately owned access routes), and repair of multi-family housing units, FEMA shall conduct Section 106 review.
  - b. Administrative actions such as personnel actions, travel, procurement of services, supplies (including vehicles and equipment) for the support of day-to-day and emergency operational activities, and the temporary storage of goods provided storage occurs within existing facilities or on previously disturbed soils.
  - c. Granting of variances, and actions to enforce Federal, State, or local codes, standards or regulations.
  - d. Monitoring, data gathering, and reporting in support of emergency and disaster planning, response and recovery, and hazard activities.
  - e. Research and development of hazard warning systems, hazard mitigation plans, codes and standards, and education/public awareness programs.
  - f. Assistance provided for planning, studies, design and engineering costs that involve no commitment of resources other than staffing and associated funding.
  - g. Assistance provided for training, management and administration, exercises, and mobile/portable equipment purchases; with the exception of potential ground-disturbing activities and modification of existing structures.
  - h. Community Disaster Loans for funding to perform governmental functions for any eligible jurisdiction in a designated disaster area that has suffered a substantial loss of tax and other revenue.
  - i. Funding the administrative action of acquisition or lease of existing facilities where planned uses conform to past use or local land use requirements.
  - j. Funding the administrative action of acquiring properties in acquisition projects, including the real estate transaction.



- k. Labor, equipment and materials used to provide security in the Declaration area, including lease, rental, purchase or repair of equipment or vehicles and payment for staff and contract labor.
  - l. Application of pesticides to reduce adverse public health effects, including aerial and truck-mounted spraying.
  - m. Unemployment assistance.
  - n. Distribution of food coupons.
  - o. Legal services.
  - p. Crisis counseling.
8. Any FEMA Programs authorized by the United States Congress in the future may be included in this Agreement in accordance with Stipulation IV.A, Amendments. Any change in the FEMA name, Programs, or organizational structure shall not affect this Agreement.

B. Roles and Responsibilities of the Signatories

1. FEMA:

- a. FEMA shall use Federal, State, sub-recipient, or contractor staff whose qualifications meet the Secretary of the Interior's (Secretary's) Professional Qualifications Standards (Professional Qualifications) set forth in the Federal Register at 48 Fed. Reg. 44716-01 (September 29, 1983), as amended (Qualified), in applying Second Tier Programmatic Allowances listed in Appendix B, completing identification and evaluation of historic properties and in making determinations of effects. FEMA shall review any National Register eligibility determination and make its own findings of effect resulting from the performance of these activities prior to submitting such determinations to the SHPO.
- b. In accordance with 36 CFR § 800.2(c)(4), FEMA may authorize the Recipient, or a sub-recipient through the Recipient, to initiate the Section 106 process with the SHPO and other consulting parties, assist in identifying other consulting parties with a demonstrated interest in the Undertaking, and prepare any necessary analyses and documentation, but FEMA shall remain responsible for determinations of National Register eligibility and findings of effect recommended by the authorized party. FEMA shall follow the process set forth in Stipulation I.B.1.a, FEMA Roles and Responsibilities, and notify the SHPO in writing when a Recipient or sub-recipient has been authorized to initiate consultation on FEMA's behalf.



- c. Prior to authorizing the release of funds for individual Undertakings requiring grant conditions pursuant to this Agreement, FEMA shall inform the Recipient of all stipulations and conditions and ensure that they are understood so they can be adequately conveyed to the sub-recipient. FEMA shall work in partnership with the Recipient to provide sub-recipient(s) with guidance on in-kind repair pursuant to *The Secretary of the Interior's Standards for the Treatment of Historic Properties 1995 (Standards)*, 36 CFR Part 68, or the most updated version, and techniques to avoid or minimize adverse effects to historic properties.
- d. FEMA shall provide the Signatories and the ACHP with an annual report for actions taking place between November 1<sup>st</sup> and October 31<sup>st</sup> the previous year and will be made available to Signatories and Invited Signatory by December 31<sup>st</sup> of each year this Agreement is in effect. This annual report will summarize the actions taken to implement the terms of this Agreement, statistics on Undertakings reviewed, and recommend any actions or revisions to be considered, including updates to the appendices.
- e. FEMA shall confer annually and as necessary with the other Signatories within thirty (30) days after issuance of the annual report, to review the report and/or discuss issues and concerns in greater detail. This review shall occur in person or by telephone as determined by FEMA.
- f. FEMA shall notify the SHPO, as soon as practicable, following a Declaration to provide specific points of contact and other pertinent information about the Declaration.
- g. FEMA may convene an initial scoping meeting with the Signatories and other interested parties as soon as practicable after each Declaration to address Declaration-specific issues and procedures.
- h. FEMA shall ensure that all documentation resulting from Undertakings reviewed pursuant to this Agreement is consistent with applicable SHPO guidelines and the confidentiality provisions of 54 U.S.C. § 300301 and 36 CFR § 800.11(c).
- i. FEMA will notify in writing the Federal Preservation Officer(s) of other Federal agency(s) utilizing the Agreement in accordance with Stipulation I.A.6. of any proposed amendments to the Agreement.

2. SHPO:

- a. SHPO shall review FEMA's determination of the Areas of Potential Effects (APE), National Register eligibility determinations, and FEMA's effect findings and respond within timeframes required by this Agreement.



- b. Upon request, the SHPO shall provide FEMA and/or its designee(s) with available information about historic properties (such as access to online systems or site files, GIS data, survey information, geographic areas of concern). Such data sharing may be memorialized in an agreement. Only Qualified FEMA staff and/or designee(s) shall be afforded access to protected historic property information.
  - c. The SHPO shall identify staff or consultants to assist FEMA staff with their Section 106 responsibilities, and identify, in coordination with FEMA, those activities within the Section 106 review process that SHPO may perform for specific Undertakings as agreed in writing with FEMA.
  - d. As requested, SHPO staff shall be reasonably available as a resource and for consultation through site visits, written requests, telephone conversations or electronic media (can only accept documents on a CD). In those instances where consultation with SHPO has occurred, FEMA shall provide a written summary via regular mail to SHPO, including any decisions that were reached.
  - e. The SHPO may delegate some or all of its responsibilities under this Agreement to one or more Liaisons to serve as a dedicated point of contact for consultation with FEMA. The SHPO shall confer with FEMA about the selection of any Liaisons, the scope of responsibilities delegated and related implementing procedures. SHPO shall formally document these decisions for concurrence by FEMA. Liaisons are not required to be members of the SHPO staff.
  - f. The SHPO shall participate in an initial scoping meeting in response to a Declaration.
  - g. The SHPO may assist local jurisdictions and/or the Recipient in the Commonwealth of Puerto Rico with advance planning efforts to consider historic properties in the context of homeland security considerations, including disaster preparedness, response, recovery, and mitigation programs for which FEMA funding may be requested.
  - h. The SHPO shall coordinate with FEMA, to identify consulting parties, including any communities, organizations, or individuals that may have an interest in a specific Undertaking and its effects on historic properties.
  - i. The SHPO shall participate in annual reviews convened by FEMA to review the effectiveness of this Agreement in accordance with Stipulation I.B.1.e.
3. Recipient(s):
- a. The Recipient(s) shall ensure that their sub-recipient(s) understand and acknowledge conditions and potential requirements that may be placed upon Undertakings as a result of Section 106 consultation and the provisions of this Agreement.



- b. The Recipient(s) shall participate in an initial scoping meeting in response to a Declaration.
- c. The Recipient(s) shall ensure that their sub-recipient(s) understand that failure to comply with any project-specific conditions that have been placed on their grants could jeopardize FEMA funding.
- d. The Recipient(s) shall notify FEMA as soon as possible of any proposed change to the approved scope of work. The Recipient(s) shall direct their sub-recipient(s) not to implement the changes to the proposed scope of work until any additional review required by this Agreement is complete.
- e. The Recipient(s) shall ensure that its sub-recipient(s) are made aware that in the event of an unexpected discovery involving an Undertaking that has affected a previously unidentified historic property or human remains, or affected a known historic property in an unanticipated manner, the sub-recipient(s) will comply with Stipulation III.B, Unexpected Discoveries, Previously Unidentified Properties, or Unexpected Effects.
- f. The Recipient(s) shall ensure that in its sub-recipient(s) agreements, any scope of work involving ground disturbance, and resultant contracts to execute said work, provide for the protection of and notification protocols for unexpected discoveries or unexpected effects to historic properties and human remains.

#### C. Public Participation

1. FEMA recognizes that the views of the public are essential to informed decision making throughout the Section 106 consultation process. FEMA shall notify the public of proposed Undertakings in a manner that reflects the nature, complexity, significance of historic properties likely affected by the Undertaking, the likely public interest given FEMA's specific involvement, and any confidentiality concerns.
2. FEMA may consult with the Recipient(s), sub-recipient(s), SHPO, and other consulting parties to determine if there are individuals or organizations with a demonstrated interest in historic properties that should be included as a consulting party for the Undertaking in accordance with 36 CFR § 800.2(c)(5). If such parties are identified or identify themselves to FEMA, FEMA shall provide them with information regarding the Undertaking and its effects on historic properties, consistent with the confidentiality provisions of 36 CFR § 800.11(c).
3. In accordance with the outreach strategy developed for an Undertaking in consultation with the SHPO for involving the public, FEMA shall identify the appropriate stages for seeking public input during the Section 106 consultation process. FEMA shall consider all views provided by the public regarding an Undertaking.



4. FEMA may also provide public notices and the opportunity for public comment or participation in an Undertaking through the public participation process of the National Environmental Policy Act (NEPA) and its implementing regulations set out at 44 CFR Part 10, and/or Executive Orders 11988 and 11990 relating to floodplains and wetlands as set out in 44 CFR Part 9, and as appropriate, Executive Order 12898, Environmental Justice, provided such notices specifically reference Section 106 as a basis for public involvement.
5. Should a member of the public object in writing to implementation of the Agreement's terms, FEMA will notify the other Signatories in writing and take the objection into consideration. FEMA shall consult with the objecting party and, if that party so requests, the other Signatories, for not more than thirty (30) days. In reaching its decision regarding the objection, FEMA shall take into consideration all comments from these parties. Within fifteen (15) days after closure of this consultation period, FEMA shall provide the other parties with its final decision in writing.

D. Timeframes and Communications

1. All time designations shall be in calendar days unless otherwise stipulated. If any Signatory does not object to FEMA's finding or determination related to an Undertaking within an agreed upon timeframe, FEMA may proceed to the next step in the consultation process as described in Stipulation II, Project Review.
2. Due to the varied nature of Undertakings, the individual response times to FEMA's requests for comment/concurrence will vary. These response times are contingent upon FEMA ensuring that its findings and determinations are made by Qualified staff and supported by documentation as required by 36 CFR § 800.11(d) and 36 CFR § 800.11(c), and consistent with FEMA guidance.
  - a. For Emergency Undertakings as outlined in Stipulation II.B, Expedited Review of Emergency Undertakings, the SHPO shall respond to any FEMA request for comments within three (3) days after receipt, unless FEMA determines the nature of the emergency action warrants a shorter time period.
  - b. For Undertakings associated with the Individual Assistance (IA) and Public Assistance (PA) programs, the response time for each request for concurrence shall be a maximum of fifteen (15) days, or in accordance with temporary timelines established by FEMA on a Declaration by Declaration basis.
  - c. For the Hazard Mitigation Grant Program (HMGP) and all non-disaster programs, the response time for each request for concurrence shall be a maximum of thirty (30) days.





3. The consulting parties may send and accept official notices, comments, requests for further information and documentation, and other communications required by this Agreement by e-mail.

## II. PROJECT REVIEW

### A. Programmatic Allowances

1. If FEMA determines an Undertaking conforms to one or more allowances in Appendix B of this Agreement, FEMA shall complete the Section 106 review process by documenting this determination in the project file, without SHPO review or notification.
2. If the Undertaking involves a National Historic Landmark (NHL) (<http://www.nps.gov/nhl/find/statelist/pr/PR.pdf>), FEMA shall notify the SHPO and the NPS NHL Program Manager of the NPS Southeast Regional Office (Atlanta Federal Center, 1924 Building, 100 Alabama Street SW, Atlanta, GA 30303. Phone: 404-507-5792; FAX: 404-562-3202 Email: [SER\\_NHL@nps.gov](mailto:SER_NHL@nps.gov)) that the Undertaking conforms to one or more allowances. FEMA shall provide information about the proposed scope of work for the Undertaking and the allowance(s) enabling FEMA's determination.
3. If FEMA determines any portion of an Undertaking's scope of work does not conform to one or more allowances listed in Appendix B, FEMA shall conduct expedited or standard Section 106 review, as appropriate, for the entire Undertaking in accordance with Stipulation II.B, Expedited Review for Emergency Undertakings, or Stipulation II.C, Standard Project Review.
4. Allowances may be revised and new allowances may be added to this Agreement in accordance with Stipulation IV.A.3, Amendments.

### B. Expedited Review for Emergency Undertakings

#### 1. Determine Expedited Review

- a. As part of the Declaration process, FEMA shall define the time interval during which the disaster causing incident occurs (the incident period, as defined in 44 CFR § 206.32(f)). FEMA may approve direct Federal assistance and/or funding for emergency work (as defined in 44 CFR § 206.201(b)) that occurs during the incident period, including work already completed, in response to an immediate threat to human health and safety or property. Pursuant to 36 CFR § 800.12(d), FEMA may conduct expedited review of emergency Undertakings for thirty (30) days from the beginning of the incident period.



- b. Should FEMA determine that it is necessary to extend the expedited review period for emergency Undertakings beyond the initial thirty (30) days, FEMA shall, in thirty (30)-day increments, as needed, notify in writing the Recipient, SHPO and ACHP.

2. Conduct Expedited Reviews

- a. If the emergency Undertaking is an immediate rescue and salvage operation conducted in response to an event to preserve life and property, FEMA has no Section 106 consultation responsibilities in accordance with 36 CFR § 800.12(d); or
- b. If the emergency Undertaking meets one or more of the Allowances in Appendix B of this Agreement, FEMA shall complete the Section 106 review process pursuant to Stipulation II.A.1, Programmatic Allowances.
- c. If FEMA determines that the emergency Undertaking would adversely affect a historic property during this expedited review period:
  - i. To the extent practicable, FEMA will propose treatment measures that would address adverse effects during implementation, and request the comments of the SHPO within three (3) days of receipt of this information unless FEMA determines the nature of the emergency warrants a shorter time period.
  - ii. FEMA may provide this information through written requests, telephone conversations, meetings, or electronic media (CD's only). In all cases, FEMA shall clarify that an "expedited review" is being requested for the Undertaking.
  - iii. FEMA shall take into account any timely comments provided by SHPO in making a decision on how to proceed.
  - iv. Should the SHPO not comment within three (3) days, FEMA shall complete Section 106 consultation for the Undertaking based on the available information.
  - v. FEMA shall notify the SHPO of the final decision, indicating how any comments received were considered in reaching that decision.

C. Standard Project Review: For Undertakings not exempt from further Section 106 review, FEMA shall ensure that the following standard project review steps are implemented. In the interest of streamlining, FEMA may combine some or all of these steps during consultation in accordance with 36 CFR § 800.3(g).

- 1. Consulting Parties: FEMA shall consider all written requests of individuals and organizations to participate as consulting parties, and consult with the SHPO to identify any other parties that meet the criteria to be consulting parties and invite them to



participate in the Section 106 process. FEMA may invite others to participate as consulting parties as the Section 106 consultation proceeds. FEMA shall invite any individual or organization that will assume a specific role or responsibility outlined in a Memorandum of Agreement (MOA) or Programmatic Agreement to participate as an invited signatory to the agreement.

2. Area of Potential Effects:

- a. For standing structures or buildings not adjacent to or located within the boundaries of a National Register listed or eligible district, Qualified staff may define the (Area of Potential Effect (APE) as the individual structure or building when the proposed Undertaking is limited to its repair or rehabilitation (as defined in 36 CFR § 68.2(b)).
- b. For all other Undertakings, Qualified staff shall determine the APE in consultation with the SHPO. FEMA may consider information provided by other parties, such as local governments and the public, when establishing the APE.

3. Identification and Evaluation: Qualified staff shall determine in consultation with the SHPO if the APE contains historic properties, including properties of religious and cultural significance. This may include the review of documentation provided by the Recipient or sub-recipient in coordination with the SHPO.

- a. Level of Effort: FEMA shall make a reasonable and good faith effort to identify historic properties in accordance with 36 CFR § 800.4(b)(1). FEMA may consult with the SHPO to determine the level of effort and methodology necessary to identify and evaluate a variety of historic property types.
- b. National Historic Landmarks: When FEMA identifies an Undertaking with the potential to affect an NHL, FEMA shall contact the NPS NHL Program Manager of the NPS Southeast Regional Office (Atlanta Federal Center, 1924 Building, 100 Alabama Street SW, Atlanta, GA 30303. Phone: 404-507-5792; FAX: 404-562-3202 Email: [SER\\_NHL@nps.gov](mailto:SER_NHL@nps.gov)) in addition to the SHPO, and other consulting parties. The purpose of this notification is to ensure early coordination for the Undertaking which FEMA later may determine adversely affects the NHL as outlined in Stipulation II.C.8.
- c. Determinations of Eligibility: FEMA shall review or determine National Register eligibility based on identification and evaluation efforts and consult with SHPO and other consulting parties regarding these determinations. Should the SHPO or another consulting party disagree with the determination of eligibility, FEMA shall either:
  - i. Elect to consult further with the objecting party until the objection is resolved;
  - ii. Treat the property as eligible for the National Register; or

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- iii. Obtain a determination of eligibility from the Keeper of the National Register in accordance with 36 CFR § 63.2(d)-(e) and 36 CFR § 800.4(c)(2).
4. Findings of No Historic Properties Affected: FEMA shall make a finding of “no historic properties affected” under the following circumstances:
- a. If no historic properties are present in the APE; or
  - b. The Undertaking is designed to avoid effects to historic properties; or
  - c. The Undertaking does not affect the character defining features of a historic property.
  - d. FEMA shall notify the SHPO and any other consulting parties of this finding and provide supporting documentation in accordance with 36 CFR § 800.11(d). Unless the SHPO objects to the finding within the applicable timeframe outlined in Stipulation I.D, Timeframes and Communications, the Section 106 review of the Undertaking will have concluded.
  - e. If the SHPO objects to a finding of “no historic properties affected,” FEMA shall consult with the SHPO to resolve the disagreement.
    - i. If the objection is resolved, FEMA either may proceed with the Undertaking in accordance with the resolution or reconsider effects on the historic property by applying the criteria of adverse effect pursuant to Stipulation II.C.5, Application of the Criteria of Adverse Effect, below.
    - ii. If FEMA is unable to resolve the disagreement, it will forward the finding and supporting documentation to the ACHP and request that the ACHP review FEMA’s finding in accordance with 36 CFR § 800.4(d)(1)(iv)(A) through 36 CFR § 800.4(d)(1)(iv)(C). FEMA shall consider the ACHP’s recommendation in making its final determination. If FEMA’s final determination is to reaffirm its “no historic properties affected” finding, the Section 106 review of the Undertaking will have concluded. Otherwise, FEMA will proceed to Stipulation II.C.5., below.
5. Application of the Criteria of Adverse Effect: If FEMA finds an Undertaking may affect historic properties in the APE, FEMA shall apply the criteria of adverse effect to historic properties within the APE(s), taking into account the views of the consulting parties and the public concerning effects in accordance with 36 CFR § 800.5(a).
- a. If FEMA determines that an Undertaking does not meet the adverse effect criteria, FEMA shall propose a finding of “no adverse effect” in accordance with 36 CFR § 800.5(b).



- i. FEMA shall notify the SHPO, and all other consulting parties of its finding and provide supporting documentation pursuant to 36 CFR §800.11(c).
  - ii. Unless a consulting party objects within the applicable timeframe outlined in Stipulation I.D, Timeframes and Communications, FEMA will proceed with its “no adverse effect” determination and conclude the Section 106 review.
  - iii. If a consulting party objects to a finding of “no adverse effect,” FEMA will consult with the objecting party to resolve the disagreement.
    - 1) If the objection is resolved, FEMA shall proceed with the Undertaking in accordance with the resolution, or;
    - 2) If the objection cannot be resolved, FEMA shall request that the ACHP review the findings in accordance with 36 CFR § 800.5(c)(3)(i)-(ii) and submit the required supporting documentation. FEMA shall consider the ACHP’s comments in making its final determination.
- b. If FEMA finds the Undertaking may adversely affect historic properties, FEMA shall request through the Recipient that the sub-recipient revise the scope of work to substantially conform to the *Standards* for standing structures or buildings, or avoid or minimize adverse effects for National Register listed or eligible historic properties.
- i. If the sub-recipient modifies the scope of work to avoid the adverse effect(s), FEMA shall notify the SHPO and all other consulting parties, and provide supporting documentation. Unless a consulting party makes a timely objection in accordance with the applicable timeframe outlined in Stipulation I.D, Timeframes and Communications, FEMA shall proceed with its “no adverse effect” determination, including any conditions, and conclude the Section 106 review.
  - ii. If an Undertaking is not modified to avoid the adverse effect(s), FEMA shall initiate consultation to resolve the adverse effect(s) in accordance with Stipulation II.C.6, Resolution of Adverse Effects.
6. Resolution of Adverse Effects: If FEMA determines that an Undertaking may adversely affect a historic property, it shall resolve the effect(s) of the Undertaking in consultation with the SHPO, Recipient, sub-recipient, the ACHP, if participating, and other consulting parties, by one of the following methods depending upon the severity of the adverse effect(s) as well as determination of the historic property’s significance on a local, state or national level. When FEMA determines an Undertaking will adversely affect an NHL, FEMA shall notify and invite the Secretary and ACHP to participate in consultation in accordance with 36 CFR § 800.10. When the ACHP participates in

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consultation related to an NHL, the ACHP shall report the outcome of the consultation to the Secretary and the FEMA Administrator.

- a. **Abbreviated Consultation Process:** After taking into consideration the significance of the historic properties affected, the severity of the adverse effect(s) and avoidance or minimization of the adverse effect(s), FEMA may propose in writing to the consulting parties to resolve the adverse effect(s) of the Undertaking through the application of one or more Treatment Measures outlined in Appendix F as negotiated with the SHPO and other consulting parties. The use of these Treatment Measures shall not require the execution of an MOA or Programmatic Agreement.
- i. In consultation with the SHPO and other consulting parties, FEMA shall propose in writing the implementation of a specific Treatment Measure, or combination of Treatment Measures, with the intent of expediting the resolution of adverse effects, and provide documentation as required by 36 CFR § 800.11(e) and subject to the confidentiality provisions of 36 CFR § 800.11(c). Unless a consulting party or the ACHP objects within fifteen (15) days of receipt of FEMA's proposal, FEMA shall proceed with the implementation of the Treatment Measure(s) and will conclude the Section 106 review.
  - ii. If any of the consulting parties or the ACHP objects within the fifteen (15) day review and comment period to the resolution of adverse effects through the application of the Abbreviated Consultation Process, FEMA shall resolve the adverse effect(s) using procedures outlined below in Stipulation II.C.6(b), MOA or Stipulation II.C.6(c), Programmatic Agreement.
  - iii. Because funding and implementation details of Treatment Measures for specific Undertakings may vary by program, FEMA shall provide written notice to the consulting parties within sixty (60) days of the completion of the Treatment Measure(s). This written notice will serve as confirmation that the Treatment Measure(s) for a specific Undertaking have been implemented. FEMA also shall include information pertaining to the completion of Treatment Measures in the annual report pursuant to Stipulation I.B.1.d, FEMA Roles and Responsibilities.
- b. **Memorandum of Agreement:** FEMA shall provide the ACHP with an adverse effect notice in accordance with 36 CFR § 800.6(a)(1) if it has not already provided such under the Abbreviated Consultation Process of this Agreement, if a consulting party or the ACHP objects in accordance with Stipulation II.C.6(a)(ii), or if FEMA in consultation with the SHPO and other consulting parties has determined that an MOA would be more appropriate to resolve the adverse effect(s). In consultation with the SHPO and other consulting parties, including the ACHP (if participating), FEMA shall develop an MOA in accordance with 36 CFR § 800.6(c) to agree upon treatment measures to avoid, minimize, and/or mitigate adverse effect(s) on historic properties. The MOA may also include treatment measures that serve an equal or



greater public benefit in promoting the preservation of historic properties in lieu of more traditional treatment measures.

- c. **Programmatic Agreement:** Should the execution of an MOA be inappropriate given the similar nature of effects on historic properties, the inability to determine effects prior to approval of an Undertaking, or where other circumstances warrant, FEMA, shall consult with the SHPO and the ACHP, if participating, and any other consulting parties to develop a Programmatic Agreement in accordance with 36 CFR § 800.14(b) and identify programmatic conditions or treatment measures to govern the resolution of potential or anticipated adverse effects from certain complex project situations for an Undertaking or for multiple but similar Undertakings by a single sub-recipient.
- d. **Objections:** Should any signatory or consulting party object within the timeframes established by this Agreement to any plans, specifications, or actions taken pursuant to resolving an adverse effect, FEMA shall consult further with the objecting party to seek resolution. If FEMA determines the objection cannot be resolved, FEMA shall address the objection in accordance with Stipulation IV.B, Dispute Resolution.

### III. OTHER CONSIDERATIONS

- A. **Changes to an Approved Scope of Work:** The Recipient shall notify FEMA and shall require a sub-recipient to notify it immediately when a sub-recipient proposes changes to an approved scope of work for an Undertaking.
  1. If FEMA determines the change meets a Programmatic Allowance or has no effect on the property, FEMA shall approve the change.
  2. If the change can be modified to meet a Programmatic Allowance, or conform to any applicable SOI Standards, FEMA shall conclude its Section 106 review responsibilities.
  3. If FEMA determines that the change does not meet an Allowance, FEMA shall initiate consultation pursuant to Stipulation II.C, Standard Project Review.
- B. **Unexpected Discoveries, Previously Unidentified Properties, or Unexpected Effects:**
  1. Upon notification by a sub-recipient of an unexpected discovery, or if it appears that a Undertaking has affected a previously unidentified property or affected a known historic property in an unanticipated manner, in accordance with Stipulation I.B.3(e), Recipient Roles and Responsibilities, the Recipient shall immediately notify FEMA and require the sub-recipient to:
    - a. Stop construction activities in the vicinity of the discovery.



- b. Take all reasonable measures to avoid or minimize harm to the property until FEMA has completed consultation with the SHPO, and any other consulting parties. Upon notification by the Recipient of a discovery, FEMA shall immediately notify the SHPO, and other consulting parties that may have an interest in the discovery, previously unidentified property or unexpected effects, and consult to evaluate the discovery for National Register eligibility and/or the effects of the Undertaking on historic properties.
- c. If human remains are discovered, notify the local law enforcement office and coroner/medical examiner in accordance with applicable Commonwealth statute(s), and protect the remains from any harm. Notify the SHPO within twenty-four (24) hours of identifying human remains.
- d. Assist FEMA in completing the following actions, as required:
  - i. FEMA shall consult with the SHPO and other consulting parties in accordance with the consultation process outlined in Stipulation II, Project Review, to develop a mutually agreeable action plan with timeframes to identify the discovery or previously unidentified property, take into account the effect(s) of the Undertaking, resolve adverse effect(s) if necessary, and ensure compliance with applicable Federal, State, and local statutes.
  - ii. FEMA shall coordinate with the Recipient and the sub-recipient regarding any needed modification to the scope of work for the Undertaking necessary to implement recommendations of the consultation and facilitate proceeding with the Undertaking.
  - iii. In cases where discovered human remains are determined to be native to Puerto Rico, FEMA shall follow the guidelines outlined in the ACHP's *Policy Statement Regarding the Treatment of Burial Sites, Human Remains, and Funerary Objects* (2007) and any state-specific policies that may be in force.

C. Curation

1. FEMA and the Recipient shall ensure that recovered artifacts and related documentation are curated in a suitable repository as agreed to by FEMA and SHPO, following applicable federal guidelines (36 CFR Part 79).
2. When an Undertaking will adversely affect a National Register listed or eligible archaeological site, FEMA may treat the adverse effect by providing for the recovery of significant information through archaeological data recovery. FEMA shall consult with the SHPO and other consulting parties to prepare a research design (data recovery plan), including a specific plan for curation. This plan will incorporate any relevant curation provisions contained in ACHP's "*Recommended Approach for Consultation on Recovery of Significant Information from Archaeological Sites*" published in the Federal Register (64 Federal Register 27085-27087 (May 18, 1999)), or other provisions agreed





to by the consulting parties. No excavation should be initiated before FEMA acceptance and approval of the curation plan.

- a. As stipulated in the curation plan, artifacts, as well as field and laboratory records sufficient to document the collection, shall be curated at a facility that meets the standards of, and in accordance with the provisions of 36 CFR Part 79, "Curation of Federally Owned and Administered Archaeological Collections," and applicable State requirements.

D. Review of Undertakings Initiated Before Initiation or Completion of Section 106 Review

1. In accordance with Section 110(k) of the NHPA, FEMA shall not grant assistance to a sub-recipient who, with intent to avoid the requirements of this Agreement or Section 106 of the NHPA, has intentionally significantly and adversely affected a historic property to which the assistance would relate, or having legal power to prevent it, allowed an adverse effect to occur. However, if after consultation with the SHPO and ACHP, FEMA determines that extraordinary circumstances justify granting assistance despite the adverse effect created or permitted by the sub-recipient, FEMA shall complete consultation for the Undertaking pursuant to the terms of this Agreement.
2. FEMA shall specifically advise the Recipient and shall require that the Recipient advise its sub-recipient in writing that they may jeopardize Federal funding if work is performed without all required local, State, and Federal licenses, permits, and/or approvals, including the completion of the Section 106 process. FEMA also shall document this requirement in its Record of Environmental Consideration, as applicable, as well as all project approval documents specifying the project scope and limits, and containing all conditions and caveats.
3. In circumstances where FEMA determines a sub-recipient has initiated an Undertaking without willful intent to avoid the requirements of this Agreement or Section 106 of NHPA, FEMA shall proceed as follows:
  - a. Determine if the Undertaking is of a type for which FEMA has no further Section 106 responsibilities, namely:
    - i. An Undertaking listed in Stipulation I.A.7; or
    - ii. An immediate rescue and salvage operation in accordance with 36 CFR § 800.12(d); or
    - iii. A Programmatic Allowance as described under Stipulation II.A.
  - b. In any such cases listed in Stipulation III.D.3.a., above, FEMA shall document this determination in the project files, and consider the Undertaking Section 106 compliant.



- c. If FEMA determines the Undertaking would have required Section 106 review, FEMA shall coordinate with the SHPO to determine if consultation is feasible.
  - i. If after coordination with the SHPO, FEMA determines that consultation is feasible, FEMA shall review the Undertaking in accordance with Stipulation II.C, Standard Project Review.
  - ii. If after coordination with the SHPO, FEMA determines that review is infeasible, FEMA shall document the outcome to the Section 106 review process, and the applicable FEMA program shall take the outcome into account before making a decision whether to fund the Undertaking. FEMA shall provide written notification of its funding decision to the Recipient, SHPO and ACHP.
4. FEMA shall ensure that all Undertakings considered for after the fact review in accordance with this stipulation are included in the annual report.

#### IV. IMPLEMENTATION OF AGREEMENT

##### A. Amendments

1. If any Signatory determines that an amendment to the terms of this Agreement must be made, the Signatories shall consult for no more than thirty (30) days to seek amendment of the Agreement.
2. An amendment to this Agreement, exclusive of the appendices, shall be effective only when it has been signed by all the Signatories.
3. Appendix A (FEMA Program Summaries), Appendix B (Programmatic Allowances), Appendix C (Criteria for Identification of Collapsed Structures), Appendix D (Private Property Debris Removal Program Process), Appendix E (Low Impact Debris Removal Stipulation), and Appendix F (Treatment Measures) may be amended at the request of FEMA or another Signatory in the following manner:
  - a. FEMA, on its own behalf or on behalf of another Signatory, shall notify the other Signatories of the intent to modify the current Appendix or Appendices and shall provide the Signatories a draft of the updated Appendix or Appendices.
  - b. If no other Signatory objects in writing within thirty (30) days of receipt of FEMA's proposed modification, FEMA shall date and sign the amended Appendix and provide a copy of the amended Appendix to the other Signatories. Such an amendment shall go into effect on the date FEMA transmits the amendment to the other Signatories.

##### B. Dispute Resolution

FEMA – Puerto Rico SHPO Programmatic Agreement for Section 106 Review, May 2016  
Amended April 2018

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1. Should any Signatory object in writing to the terms of this Agreement, FEMA shall consult with the objecting party for not more than thirty (30) days to resolve the objection.
2. If the objection is resolved within thirty (30) days, FEMA shall proceed in accordance with the resolution.
3. If FEMA determines within thirty (30) days that the objection cannot be resolved, FEMA shall forward to ACHP all documentation relevant to the objection, including FEMA's proposed resolution. Within thirty (30) days of receipt, ACHP will:
  - a. Concur in FEMA's proposed resolution; or
  - b. Provide FEMA with recommendations, which FEMA shall take into account in reaching a final decision regarding the objection; or
  - c. Notify FEMA that the objection will be referred for comment in accordance with 36 CFR § 800.7(a)(4), and proceed to do so.
4. FEMA shall take into account any ACHP recommendations or comments, and any comments from the other Signatories, in reaching a final decision regarding the objection. FEMA shall provide in writing to the ACHP and Signatories a summary of its final decision before authorizing any disputed action to proceed. The Signatories shall continue to implement all other terms of this Agreement that are not subject to objection.
5. Should ACHP not respond within thirty (30) days, FEMA may assume ACHP has no comment and proceed with its proposed resolution to the objection after providing the ACHP and Signatories a written summary of its final decision.

C. Severability and Termination

1. In the event any provision of this Agreement is deemed by a Federal court to be contrary to, or in violation of, any applicable existing law or regulation of the United States of America, only the conflicting provision(s) shall be deemed null and void, and the remaining provisions of the Agreement shall remain in effect.
2. FEMA, the SHPO, ACHP, or Recipient may terminate this Agreement by providing thirty (30) days written notice to the other Signatories, provided that the Signatories consult during this period to seek amendments or other actions that would prevent termination. If this Agreement is terminated, FEMA shall comply with Section 106 through other applicable means pursuant to 36 CFR Part 800. Upon such determination, FEMA shall provide all other Signatories and the ACHP with written notice of the termination of this Agreement.

FEMA – Puerto Rico SHPO Programmatic Agreement for Section 106 Review, May 2016  
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3. This Agreement may be terminated by the implementation of a subsequent Agreement, pursuant to 36 CFR § 800.14(b), that explicitly terminates or supersedes this Agreement, or by FEMA's implementation of Alternate Procedures, pursuant to 36 CFR § 800.14(a).

D. Duration and Extension

1. This Agreement shall remain in effect from the date of execution for a period not to exceed seven (7) years unless otherwise extended pursuant to Stipulation IV.D.2 below, or terminated pursuant to Stipulation IV.C.2 or IV.C.3, Severability and Termination. The Agreement shall remain in effect for Declarations made prior to expiration of the Agreement in order to minimize delays in delivery of FEMA assistance.
2. The Signatories may collectively agree to extend this Agreement to cover additional calendar years, or portions thereof, through an amendment per Stipulation IV.A., provided that the original Agreement has not expired.

E. Execution and Implementation

1. This Agreement may be executed in counterparts, with a separate page for each Signatory, and shall become effective on the date of the final signature of FEMA and the SHPO.
2. FEMA shall ensure that each Signatory is provided with a complete copy of the Agreement, including an original set of signatures.
4. Execution and implementation of this Agreement evidence that FEMA has afforded ACHP a reasonable opportunity to comment on FEMA's administration of all referenced Programs, and that FEMA has satisfied its Section 106 responsibilities for all individual Undertakings of its referenced Programs.



**PROGRAMMATIC AGREEMENT AMONG  
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,  
THE PUERTO RICO STATE HISTORIC PRESERVATION OFFICER,  
AND THE PUERTO RICO EMERGENCY MANAGEMENT AGENCY**

**SIGNATORY PARTY**

**FEDERAL EMERGENCY MANAGEMENT AGENCY**

By: \_\_\_\_\_  
**Alejandro R. De La Campa**  
**Caribbean Area Division Director**  
**FEMA Region II**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
**Thomas Von Essen**  
**Regional Administrator**  
**FEMA Region II**

Date: \_\_\_\_\_



**PROGRAMMATIC AGREEMENT AMONG  
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,  
THE PUERTO RICO STATE HISTORIC PRESERVATION OFFICER,  
AND THE PUERTO RICO EMERGENCY MANAGEMENT AGENCY**

**SIGNATORY PARTY**

**PUERTO RICO STATE HISTORIC PRESERVATION OFFICER**

By: *Carlos Rubio Cancela*  
Carlos Rubio Cancela  
State Historic Preservation Officer

Date: *April 19, 2018*



**PROGRAMMATIC AGREEMENT AMONG  
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,  
THE PUERTO RICO STATE HISTORIC PRESERVATION OFFICER,  
AND THE PUERTO RICO EMERGENCY MANAGEMENT AGENCY**

**SIGNATORY PARTY**

**PUERTO RICO EMERGENCY MANAGEMENT AGENCY**

By: \_\_\_\_\_

Date: \_\_\_\_\_

**Carlos Acevedo**

**Deputy Director**

**Puerto Rico Emergency Management Agency**



## Appendix A

### FEMA Program Summaries

#### Disaster Response and Recovery Programs

The following programs are authorized under Titles IV and V of the Stafford Act.

##### *Public Assistance Program (PA)*

This program assists States, Tribal and local governments, and certain types of private nonprofit organizations quickly respond to and recover from major disasters or emergencies declared by the President. Grants are provided for debris removal (Category A), emergency protective measures (Category B), and the repair, replacement, or restoration of disaster-damaged, publicly owned and certain private non-profit facilities (Categories C-G).

##### *Individual Assistance Programs (IA)*

These programs help to ensure that individuals and families that have been affected by disasters have access to the full range of FEMA assistance including: crisis counseling (Section 416), disaster legal services (Section 415), essential assistance (Section 403), emergency sheltering assistance (Section 403), transportation (Section 419), funeral services, minor home repairs (Section 408), and temporary housing assistance (Section 408). It should be noted that other Federal agencies provide disaster assistance programs, services, and activities to individuals as well, including the U.S. Small Business Administration, U.S. Department of Agriculture, and U.S. Department of Labor, but these other assistance programs are not subject to the terms of this Agreement.

##### *Fire Management Assistance Grant Program (FMAG)*

The FMAG is available to State, Tribal, and local governments for the mitigation, management, and control of fires on publicly or privately owned lands. Eligible costs may include expenses for field camps, equipment use, repair and replacement, materials and supplies, and mobilization and demobilization activities.

##### *Hazard Mitigation Grant Program (HMGP)*

The HMGP provides grants to States, Territories, Tribes, and local governments to implement long-term hazard mitigation measures after a Declaration. Activities may include buyouts, retrofits, relocations, elevations, and minor flood control projects.

#### Non-Disaster Programs

##### *Pre-Disaster Mitigation Program (PDM)*

The PDM program provides competitive grants to States, Territories, Tribes, and local governments for hazard mitigation planning and the implementation of mitigation projects prior to a disaster event. Activities may include planning, buyouts, retrofits, relocations, elevations, minor flood control projects, and vegetative fuels reduction.





*Flood Mitigation Assistance Program (FMA)*

The FMA program provides grants to States, Territories, Tribal entities, and communities to assist in their efforts to reduce or eliminate the risk of repetitive flood damage to buildings and structures insurable under the National Flood Insurance Program (NFIP).

*Assistance to Firefighters Grant Program*

The AFG program provides funding for purchase of equipment and retrofit or construction of fire stations to improve first responder capabilities.

*Homeland Security Grant Program (HSGP)*

The HSGP plays an important role in the implementation of the National Preparedness System (NPS) by supporting the building, sustainment, and delivery of core capabilities essential to achieving the National Preparedness Goal (NPG) of a secure and resilient Nation. HSGP is comprised of three interconnected grant programs including (1) the State Homeland Security Program (SHSP), (2) the Urban Areas Security Initiative (UASI) and the Operation Stonegarden (OPSG). Together, these grant programs and other future projects that may be included under the HSGP fund a range of preparedness activities, including planning, organization, equipment purchase, training, exercises, and management and administration.

*State Homeland Security Program (SHSP)*

This core assistance program provides funds to build capabilities at the state and local levels and to implement the goals and objectives included in state homeland security strategies and initiatives in the State Preparedness Report.

*Urban Areas Security Initiative (UASI) Program*

The Urban Areas Security Initiative (UASI) program focuses on enhancing regional preparedness in major metropolitan areas. The UASI program directly supports the National Priority on expanding regional collaboration in the National Preparedness Guidelines and is intended to assist participating jurisdictions in developing integrated regional systems for prevention, protection, response and recovery.

*Metropolitan Medical Response System (MMRS) Program*

The MMRS program supports the integration of emergency management, health, and medical systems into a coordinated response to mass casualty incidents caused by any hazard. Successful MMRS recipients reduce the consequences of a mass casualty incident during the initial period of a response by having augmented existing local operational response systems before the incident occurs.

*Citizen Corps Program (CCP)*

The Citizen Corps mission is to bring community and government leaders together to coordinate community involvement in emergency preparedness, planning, mitigation, response and recovery.

*State Homeland Security Program Tribal (SHSP Tribal)*

To provide supplemental funding to directly eligible tribes to help strengthen the nation against risks associated with potential terrorist attacks. Pursuant to the 9/11 Act, "a directly eligible tribe



applying for a grant under section 2004 [SHSP] shall designate an individual to serve as a tribal liaison with [DHS] and other Federal, state, local, and regional government officials concerning preventing, preparing for, protecting against and responding to acts of terrorism.”

*Nonprofit Security Grant Program (NSGP)*

NSGP provides funding support for target-hardening activities to nonprofit organizations that are at high risk of a terrorist attack and are located within one of the specific UASI-eligible urban areas.

*Operation Stonegarden (OPSG)*

The intent of OPSG is to enhance cooperation and coordination among local, State and Federal law enforcement agencies in a joint mission to secure the United States borders along routes of ingress from international borders to include travel corridors in States bordering Mexico and Canada, as well as States and territories with international water borders.

*Transit Security Grant Program (TSGP)*

The TSGP provides grant funding to the nation’s key high-threat urban areas to enhance security measures for their critical transit infrastructure including bus, ferry and rail systems.

*Freight Rail Security Grant Program (FRSGP)*

The FRSGP funds security training for frontline employees, the completion of vulnerability assessments, the development of security plans within the freight rail industry and GPS tracking systems for railroad cars transporting toxic inhalation materials.

*Intercity Passenger Rail (Amtrak)*

The purpose of the Intercity Passenger Rail (IPR) is to create a sustainable, risk-based effort to protect critical surface transportation infrastructure and the traveling public from acts of terrorism, major disasters and other emergencies within the Amtrak rail system.

*Port Security Grant Program (PSGP)*

The PSGP provides grant funding to port areas for the protection of critical port infrastructure from terrorism. PSGP funds are primarily intended to assist ports in enhancing maritime domain awareness, enhancing risk management capabilities to prevent, detect, respond to and recover from attacks involving improvised explosive devices (IEDs), weapons of mass destruction (WMDs) and other non-conventional weapons, as well as training and exercises and Transportation Worker Identification Credential (TWIC) implementation.

*Intercity Bus Security Grant Program (IBSGP)*

The IBSGP provides funding to create a sustainable program for the protection of intercity bus systems and the traveling public from terrorism. The program seeks to assist operators of fixed-route intercity and charter bus services in obtaining the resources required to support security measures such as enhanced planning, facility security upgrades and vehicle and driver protection.

*Trucking Security Program (TSP)*

TSP funding will be awarded to eligible sub-recipients to implement security improvement measures and policies deemed valuable by DHS as indicated in the *Security Action Items*



publication of June 26, 2008. These items are primarily focused on the purchase and installation or enhancement of equipment and systems related to tractor and trailer tracking systems. Additionally, the TSP will provide funding to develop a system for DHS to monitor, collect and analyze tracking information; and develop plans to improve the effectiveness of transportation and distribution of supplies and commodities during catastrophic events.

*Buffer Zone Protection Program (BZPP)*

The BZPP provides funding to increase the preparedness capabilities of jurisdictions responsible for the safety and security of communities surrounding high-priority pre-designated Tier 1 and Tier 2 critical infrastructure and key resource (CIKR) assets, including chemical facilities, financial institutions, nuclear and electric power plants, dams, stadiums and other high-risk/high-consequence facilities, through allowable planning and equipment acquisition.

*Emergency Management Performance Grants (EMPG)*

The purpose of the EMPG program is to assist State and local governments in enhancing and sustaining all-hazards emergency management capabilities.

*Emergency Operations Center (EOC) Grant Program*

The EOC grant program is intended to improve emergency management and preparedness capabilities by supporting flexible, sustainable, secure, and interoperable Emergency Operations Centers (EOCs) with a focus on addressing identified deficiencies and needs. This program provides funding for construction or renovation of a State, local, or tribal governments' principal EOC. Fully capable emergency operations facilities at the State and local levels are an essential element of a comprehensive national emergency management system and are necessary to ensure continuity of operations and continuity of government in major disasters caused by any hazard.

*Driver's License Security Grant Program*

The purpose of the Driver's License Security Grant Program is to prevent terrorism, reduce fraud, and improve the reliability and accuracy of personal identification documents that States and territories issue.

*Integrated Public Alert and Warning System (IPAWS)*

The Integrated Public Alert and Warning System (IPAWS) was established by Executive Order 13407 in 2006. In the event of a national emergency, the President may use IPAWS to send a message to the American people quickly and simultaneously through multiple communications pathways. FEMA has identified several radio transmission sites across the nation with significantly powerful signals for this purpose, and FEMA is responsible for upgrading, maintaining, and managing the agency installed and owned auxiliary fuel systems at each of these radio transmission sites.



## Appendix B

### Programmatic Allowances

This list of Programmatic Allowances enumerates FEMA funded activities that based on FEMA experience have no or minimal effect on historic properties if implemented as specified in this Appendix and will not require review by the SHPO.

The Programmatic Allowances consist of two tiers – First Tier and Second Tier. Staff may apply First Tier allowances whether or not they meet professional historic preservation qualification standards, while only staff meeting the applicable SOI Professional Qualifications Standards in accordance with Stipulation I.B(1)(a) of this Agreement may apply Second Tier allowances.

When referenced in the Programmatic Allowances, “in-kind” shall mean that it is either the same or a similar material, and the result shall match all physical and visual aspects, including form, color, and workmanship. When severity of deterioration requires replacement of a character-defining feature, the new feature will match the old in design, color, texture and, where possible, materials. “Character-defining” refers to all those visual aspects and physical features that comprise the appearance of every historic building. Character-defining elements include the overall shape of the building, its materials, craftsmanship, decorative details, interior spaces and features, as well as the various aspects of its site and environment.<sup>1</sup> The in-kind repair provided for in both First and Second Tier allowances in Appendix B should be limited to pre-existing architectural features and physical components of buildings and structures.

When referenced in the allowances, “previously disturbed soils” shall refer to soils that are not likely to possess intact and distinct soil horizons and have the reduced likelihood of possessing historic properties within their original depositional contexts in the area and to the depth to be excavated.

Specifically, disturbed ground is defined for purposes of this document as the modification of natural landscapes or landforms through removal of natural soils through ground-disturbing activities such as cuts, grading and excavation and/or the deposition of non-native soils or materials to existing or original ground surface such as fill. In the case of the deposition of fill, disturbance is only considered for the depth of the fill layer. Intact soils could exist underneath the fill layer. Note that activities such as agricultural plowing and disking is not considered disturbance. In addition, in some areas, particular historic urban areas, construction activities associated with early utilities, creation of roadways and or parking lots, may constitute a “disturbed” context but may be of historic significance and will need to be evaluated. Therefore, context is important. Guides to assist in identifying prior disturbed ground may come from the following: historic maps, soil borings, soil reports, utility records, pavement core records, etc.

<sup>1</sup> Nelson, Lee H. *Architectural Character – Identifying the Visual Aspects of Historic Buildings as an Aid to Preserving their Character*, Preservation Brief 17, Department of the Interior, September 1988.



Soil disturbance can be established through cultural resource surveys, site inspections, or construction drawings that clearly depict the depth of prior ground disturbance. Examples of activities that would create disturbed soil horizons include: the installation of culverts, foundations, and below ground utilities; excavation for footings; and the construction of dams, bridge abutments, and other structures.

Soil disturbance under a parking lot or road is limited to the depth of prior construction. Soils beneath the depth of prior construction may be undisturbed. Undisturbed soils may exist under areas where additional material (e.g. soil or gravel) has been placed in order to raise land surface (e.g. road beds, railroad alignments, and building paths). The addition of soil may not constitute significant disturbed ground beyond the added soil layer.

## I. First Tier Allowances

A. **GROUND DISTURBING ACTIVITIES AND SITE MODIFICATION**, when proposed activities described below substantially conform to the original footprint and/or are performed in previously disturbed soils, including the area where the activity is staged.

### 1. Debris Removal

- a. Debris removal and collection, including removal of uprooted trees, limbs and branches from public rights of way and public areas and areas as well as the transport and disposal of such waste to existing licensed waste facilities or landfills. This includes the temporary establishment and expansion of non-hazardous debris staging, reduction, and disposal areas at licensed transfer stations, or existing hard-topped or graveled surfaces (e.g. parking lots, roads, athletic courts) but not the creation of new or temporary access roads. This does not include partially uproot trees in archeologically sensitive areas such as cemeteries, battlegrounds, historic landscapes, historic parks, and historic districts.
- b. Removal of debris from private property provided that buildings are not affected, ground disturbance is minimal and in-ground elements, such as driveways, walkways or swimming pools are left in place.
- c. Chipping and disposal of woody debris by broadcasting within existing rights-of-way.
- d. Sediment removal from man-made drainage facilities, including retention/detention basins, ponds, ditches, and canals, in order to restore the facility to its pre-disaster condition. The sediment may be used to repair eroded banks or disposed of at an existing licensed or permitted spoil site.
- e. Dewatering flooded developed areas by pumping.

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## 2. Temporary Structures and Housing

- a. Staging, installation and removal of temporary structures for use as school classrooms, offices, or temporary shelters for essential public service agencies, such as police, fire, rescue and medical care, as well as temporary housing for disaster personnel and survivors at the following types of locations:
  - i. Single units on private residential sites when all utilities are installed above ground or tie into pre-existing utility lines.
  - ii. Existing RV/Mobile Home Parks and campgrounds with pre-existing utility hookups;
  - iii. Paved areas, such as parking lots and paved areas at such facilities as conference centers, shopping malls, airports, industrial port facilities business parks, and military bases when all utilities are installed above ground or tie into pre-existing utility lines.
  - iv. Sites that have been previously prepared for planned construction, such as land being developed for public housing, office buildings, city parks, ball fields, schools, etc. when all utilities are installed above-ground or tie into pre-existing utility lines.
  - v. Areas previously filled to depths of at least six feet so that subsurface utilities can be installed.
- b. Temporary repair to single-family, residential properties to ensure safe shelter with access to essential electrical supply, solar panels, HVAC, hot water, natural gas and potable water, and protection from elements such as weatherproofing, and securing broken doors and windows. Temporary repairs must be reversible.

## 3. Recreation and Landscaping

- a. Installation of temporary removable barriers.
- b. In-kind repairs, installation, or replacement, and minor upgrades/mitigation of bollards and associated protective barriers when in previously disturbed areas.
- c. Repair or replacement of existing driveways, parking areas and walkways with materials of similar appearance in a manner that does not disturb historic landscape materials or features.

## 4. Borrow material



- a. Borrow material if it is derived from a commercial source, a stock tank berm, dug-outs, or a reclaimed ditch provided the original surface of the ground is not impacted by the removal method from the ditch.

## B. BUILDINGS AND STRUCTURES

1. Repair in-kind of buildings and structures less than 45 years old.
2. Removal of water, soil, muck or mud by physical or mechanical means.
3. Installation of exterior security features and early warning devices on existing light poles or other permanent utilities.
4. Installation of grab bars in buildings less than 45 years old as required for compliance with the Americans with Disabilities Act (ADA). This allowance applies only to the actual installation; any other work that may be required to allow for the installation of grab bars are not covered under this allowance.
5. Dry vacuuming for mold removal.
6. Repair of existing wheelchair ramps.

## C. TRANSPORTATION FACILITIES, when proposed activities substantially conform to the original footprint and/or performed in previously disturbed soils, including any staging areas.

1. Roads and Roadways
  - a. Paving and repair of roads to pre-disaster geometric design standards and conditions using in-kind materials, shoulders medians, clearances, curbs, and side slopes. This allowance does not include improvement to existing roadways and appurtenances.
  - b. Repair and replacement of metal and concrete culverts no greater than 42" in diameter, with no headwalls or concrete headwalls, when culverts are returned to predisaster size and location. This allowance does not allow for upgrades.
  - c. Construction of temporary emergency access roads in previously disturbed soils to allow for passage of emergency vehicles.
  - d. Repairs to road slips and landslides that do not require grading of undisturbed soils on the up-hill side of the slip.
  - e. Re-establishment, armoring and/or upgrading of existing roadway ditches.



- f. In-kind repair or replacement of traffic control devices such as traffic signs and signals, delimiters, pavement markings, traffic surveillance systems.
  - g. Installation and removal of temporary traffic control devices, including pre-formed concrete barriers and fencings.
  - h. In-kind repair or replacement of roadway safety elements such as barriers, guardrails, and impact-attenuation devices. In the case of guardrails, the addition of safety end treatments is permitted.
  - i. Replacement of vehicles.
2. Airports
- a. In-kind repair or replacement of existing runway surfaces and features (e.g. asphalt, concrete, gravel, and dirt) and associated air transportation safety components and systems (e.g. lighting bars, beacons, signage and weather sensors).
3. Rail Systems
- a. In-kind repair or replacement of safety components.
  - b. In-kind repair or replacement of existing track system and passenger loading areas.

#### D. FEES AND SERVICES

- 1. Reimbursement of a sub-recipient's insurance deductible, not to exceed \$2,500.

## II. Second Tier Allowances

- A. **GROUND DISTURBING ACTIVITIES AND SITE WORK**, when proposed activities described below substantially conform to the original footprint and/or are performed in previously disturbed soils, including the area where the activity is staged.

- 1. Footings, Foundations, Retaining Walls, Slopes, and Slope Stabilization Systems
  - a. In-kind repair, replacement, reinforcement and minor hardening of footings, foundations, retaining walls, slopes, riprap, and slope stabilization systems (e.g., gabion baskets, crib walls, soldier pile and lag walls) if related ground disturbing activities are within the boundary of previously disturbed soils.
  - b. Installation of perimeter drainage (e.g. French drains) when performed in previously disturbed soils.





2. Recreation and Landscaping

- a. In-kind repairs or replacement, and minor upgrades to recreational facilities and features (e.g. playgrounds, campgrounds, fire pits, dump stations and utility hook-ups, swimming pools, athletic fields and signage, batting cages, basketball courts, swing sets, pathways, simple wooden/wire stream crossings).
- b. In-kind repair, replacements, and minor upgrades to landscaping elements (e.g., fencing, security gates, free standing walls, paving, existing parking lots, parking meters, planters, irrigation systems, lighting elements, signs, flag poles, ramps, steps).

3. Piers, Docks, Boardwalks, Boat Ramps, and Dune Crossovers

- a. In-kind repair and replacement and minor upgrades to existing piers, docks, boardwalks, boat ramps, boarding bridges, gate arms (and associated features) and dune crossovers in areas of previously disturbed soils.

4. Cemeteries

- a. Removal of woody debris such as branches and limbs, from cemeteries, provided that heavy equipment and other machinery are not operated or staged on areas potentially containing human remains.

**B. BUILDINGS AND STRUCTURES**

1. Interior Work: Floors, Walls, Stairs, Ceilings and Trim

- a. Retrofit of buildings and structures less than 45 years old, unless the property is of exceptional importance under National Register criterion consideration "G" of 36 CFR § 60.4.
- b. In-kind repair and replacement of floors, walls, stairs, ceilings, and/or trim, lighting and/or built-in appurtenances (e.g., bookcases and auditorium seating). The allowance does not apply to decorative finishes, including murals, glazed paint, gold leaf, or ornamental plaster.
- c. Replacement of damaged vinyl or linoleum floor tile or rolls (including floor tile containing asbestos) with contemporary floor tile of the same dimension and thickness, and similar texture or pattern.
- d. Painting and surface preparation provided color and finish are matched to pre-existing finish, and the coating and preparation is limited to material repaired or replaced or immediately adjacent thereto.

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- c. Interior cleaning of surfaces using a weak solution of household bleach and water solutions. The allowance applies to interior finishes, including plaster and wallboard, provided the cleaning is restricted to damaged areas and does not affect adjacent materials.
  - f. Use of portable de-humidification systems provided no changes are made to character-defining features (specifically for mold remediation).
  - g. Non-destructive or concealed testing for hazardous materials (e.g., lead paint, asbestos) or for assessment of hidden damages.
  - h. Installation of interior handicapped accessibility provided that the installation does not affect character defining features.
  - i. The removal of asbestos tiles (floor, ceilings, or walls) and replacement with materials of similar appearance.
2. Building Contents
- a. Repair or replacement of building contents including furniture, movable partitions, computers, cabinetry, supplies, and equipment and any other moveable items which are not character defining features of a historic property.
3. Utilities and Mechanical, Electrical, and Security Systems
- a. In-kind repair or replacement, or limited upgrading of interior or exterior utility systems, including mechanical (e.g., heating, ventilation, air conditioning), electrical, and plumbing systems (water tanks, freshwater and drainage). This allowance does not provide for the installation of new exposed ductwork.
  - b. Elevation of heating, ventilation, and air conditioning system (HVAC) and mechanical equipment as long as it is placed or located where it is not visible from the street.
  - c. Installation or replacement of interior fire detection, fire suppression, or security alarm systems. The allowance does not apply to surface mounted wiring, conduits, piping, etc., unless previously existing, provided that installation of the system hardware does not damage or cause the removal of character-defining architectural features and can be easily removed in the future.
  - d. Installation of building communication and surveillance security systems, such as cameras, closed-circuit television, lighting, alarm systems, and public address systems, provided that installation of the system hardware does not damage or cause the removal of character defining architectural features and can be easily removed in the future.



- c. Installation of exterior security features and early warning devices on existing light poles or other permanent utilities. New wiring will be sub-surface to the greatest extent possible or, where exposed, will be enclosed in conduit that is painted to match the existing surface.
- f. Installation of building access security devices, such as card readers, enhanced locks, door alarms, and security scanners (e.g., metal detectors), provided the device does not damage or cause the removal of character-defining architectural features and can be removed in the future without impacts to significant architectural features.
- g. Installation of mechanical equipment within existing mechanical closets, chases, and unfinished attics or basements when ducts are not visible in occupied spaces of the building and access to the ducts does not require demolition of walls or ceilings in occupied spaces of the building.

#### 4. Windows and Doors

- a. In-kind repair of damaged or severely deteriorated windows and window frames, shutters, storm shutters (use models already reviewed by SHPO), doors and door frames, and associated hardware, where profiles, elevations, details and materials match those of the originals.
- b. In-kind replacement of window panes. Clear plate, double, laminated or triple insulating glazing can be used, provided it does not result in altering the existing window material, tint, form, muntin profiles, or number of divided lights. This allowance does not apply to the replacement of intact decorative glass.
- c. Replacement of windows and doors, where the existing windows and doors are beyond repair. Replacement windows and doors must match the appearance, size, design, materials, proportions, and profiles of the existing windows/doors. In order to ensure the proposed windows/doors meet the Standards, detailed dimensional drawings of both the existing and any proposed windows/doors, showing them in relationship to the wall assembly, must be reviewed.
- d. Replacement of exterior, utilitarian, non-character-defining metal doors and frames leading into non character-defining spaces with metal blast resistant doors and frames.
- d. Installation or application of safety and/or security window film on existing window panes, provided that it does not result in altering the existing tint or appearance of the pane. This allowance does not apply to the application of film on existing intact or decorative glass.

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- c. Installation of interior storm windows or doors, exterior storm or wood screen doors, on residential buildings, in a manner that does not harm or obscure the historic windows or trim.
5. Exterior Walls, Cornices, Porches, and Foundations
- a. In-kind repainting of surfaces, provided that destructive surface preparation treatments are not used, such as water blasting, sandblasting, power sanding and chemical cleaning.
  - b. In-kind repair of walls, porches, foundations, columns, cornices, siding, balustrades, stairs, dormers, brackets, trim, lighting, and their ancillary components or in-kind replacement of severely deteriorated or missing or lost features, as long as the replacement pieces match the original in detail and material. Any ground disturbance will be limited to previously disturbed soils.
  - c. In-kind repair or replacement of signs or awnings.
  - d. Installation of temporary stabilization bracing or shoring, provided such work does not result in additional damage, significant loss of historic fabric, or irreversible alteration, and does not affect known archaeological sites or features or is located in an area with high potential for significant archaeological sites.
  - e. Anchoring of walls to floor systems, provided the anchors are embedded and concealed from exterior view.
  - f. In-kind repair of concrete and masonry walls, columns, parapets, chimneys, or cornices or limited in-kind replacement of damaged components including comparable brick, and mortar that matches the color, strength, content, rake, and joint width.
  - g. Bracing and reinforcing of walls, chimneys and fireplaces, provided the bracing and reinforcing are either concealed from exterior view or reversible in the future.
  - h. Strengthening of foundations and the addition of foundation bolts, provided that visible new work is in-kind, including mortar that matches the color, content, strength, rake, and joint width where occurring.
  - i. Repairs to and in-kind replacement of elements of curtain wall assemblies or exterior cladding that is hung on the building structure, usually from floor to floor, and when the color, size reflectivity, materials, and visual patterns are unaltered.

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6. Roofing

- a. Installation of scaffolding, polyethylene sheeting, or tarps, provided such work will not result in additional damage or irreversible alterations to character defining features or significant loss of historic fabric.
- b. In-kind repair, replacement, or strengthening of roofing, rafters, fascia, soffits, gutters, verge boards, leader boxes, downspouts, or other damaged roof system components.
- c. Repairs to flat roof cladding, including changes in roofing materials, where the repairs are not highly visible from the ground level.

7. Weatherproofing and Insulation

- a. Caulking and weather-stripping to complement the color of adjacent surfaces or sealant materials.
- b. In-kind repair or replacement of insulation systems, provided that existing interior plaster, woodwork, exterior siding, or exterior architectural detail is not altered.

8. Structural Retrofits

- a. The installation of the following retrofits/upgrades, provided that such upgrades are not visible on the exterior: attic bracing, cross bracing on pier and post foundations; fasteners; collar ties; gussets; tie downs; strapping and anchoring of mechanical, electrical, and plumbing equipment; concealed anchoring of furniture; installation of plywood diaphragms beneath first floor joists, above top floor ceiling rafters, and on roofs; and automatic gas shut off valves.
- b. Replacement, repair or installation of lightning rods.
- c. Earthquake bracing used on refrigerators and against-the-wall shelving in schools and other public buildings.

9. Demolition and Reconstruction

- a. Activities related to the demolition and/or reconstruction of buildings or structures provided proposed activities substantially conform to the original footprint. Activities will follow the **Criteria for a Collapsed Structure/Building Demolition Stipulations in Appendix C** and the **Low Impact Debris Removal Stipulations in Appendix E**, and/or are performed in previously disturbed soils (including staging areas) as identified by an SOI-qualified archaeologist, and:



- 1) The proposed undertaking is located within a designated "green area" from a prior agreed-upon joint survey. A "green area" is defined as an area that has been formally determined to contain no above ground historic properties in accordance with 36 CFR § 800.4 (d) (1) and is not located within or adjacent to a historic district listed in or eligible for listing in the National Register; or
- 2) The building/structure subject to demolition or reconstruction was formally determined not eligible for listing in the National Register within the past (10) years and is not located within or adjacent to a historic district listed in or eligible for listing in the National Register.
- 3) Any demolition and/or reconstruction occurring within or adjacent to a historic district listed in or eligible for listing in the National Register shall be reviewed in accordance with Stipulation II.C, Standard Project Review of this Agreement.

#### 10. Americans with Disabilities Act (ADA) Compliance

- a. Installation of new wheelchair ramp on the front or other entrance of a structure visible from a public right-of-way, in a manner that does not remove, compromise or damage the existing historic materials or features and would be completely reversible without damage to historic fabric. This Allowance only applies to residential structures.
- b. Installation of new wheelchair ramp on side or rear entrance of a structure, when not visible from any public right-of-way. This Allowance only applies to residential structures.
- c. Installation of grab bars and other small-scale interior modifications required for compliance with the Americans with Disabilities Act (ADA). This does not include relocation or demolition of interior walls or modification of openings on interior and exterior walls.

#### 11. Safe Rooms

- a. Installation of individual safe rooms within the property limits of a residence where the installation would occur within the existing building or structure or in previously disturbed soils.

#### 12. Flood Proofing on Secondary Façades

- a. Activities related to flood proofing and minor upgrades on secondary façades. A secondary façade is an elevation that does not face a public thoroughfare, mews or court and that does not possess historically significant architectural features. Minor upgrades include replacement of exterior utilitarian, non-character-defining doors or windows with new doors or windows, the addition of new elements (such as storm



panels or flood panels) to exterior doors or windows, and the installation of metal grating at basement window wells.

13. Previously Determined Ineligible

- a. Repair or retrofit of buildings/structures that have been previously determined ineligible for listing in the National Register within the last five (5) years.

**C. TRANSPORTATION FACILITIES**, when proposed activities substantially conform to the original footprint and/or performed in previously disturbed soils, including the area where the activity is staged.

1. Roads and Roadways

- a. Repair of roads to pre-disaster geometric design standards and conditions using in-kind materials, shoulders, medians, clearances, curbs, and side slopes. This allowance permits minor improvement to meet current code and standards or hazard mitigation measures, such as those designed to harden exposed surfaces, including the application of gravel armoring to side slopes and ditches.
- b. In kind repair to historic paving materials for roads and walkways.
- c. In-kind repair or replacement, or minor upgrade of culvert systems and arches beneath roads or within associated drainage systems, including provision of headwalls, riprap and any modest increase in capacity for the purposes of hazard mitigation or to meet current codes and standards, provided that the work substantially conforms to the existing footprint, or falls within the footprint of the washed out location, and does not involve an increase in roadway width. For stone or brick culverts or arches beneath roadways, this allowance only applies to in-kind repair.
- d. In-kind repair or replacement of road lighting systems, including period lighting fixture styles.
- e. In-kind repair or replacement of road appurtenances such as curbs, berms, fences, parking lots, storm drains, catch basins, fire hydrants and sidewalks.
- f. Stabilization of hazardous slopes within transportation rights-of-way. Stabilization methods include the installation of retaining walls and systems such as gabion baskets, crib walls, and soldier pile and lag walls. Work will not exceed the limits of the previously disturbed rights-of-way and will not take place within the APE of any historic property listed or eligible for listing in the National Register. This allowance does not apply to any work in historic districts listed or eligible for listing in the National Register.

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2. Bridges

- a. Installation of a temporary (Bailey-type) bridge at a previously disturbed location, such as a former bridge location, to allow passage of emergency vehicles.
- b. In-kind repair or replacement of bridges and bridge components (e.g. abutments, wing walls, piers, decks, and fenders) in previously disturbed soils.

**D. UTILITIES, COMMUNICATIONS SYSTEMS AND TOWERS**, when proposed activities substantially conform to the original footprint and/or performed in previously disturbed soils, including the area where the activity is staged.

I. General

- a. In-kind repair or replacement, or minor upgrading, small scale realignment, and elevation of utilities and associated features and structures within previously disturbed soils of rights-of-way or utility corridors.
- b. Installation of new utilities and associated features within existing rights-of-way.
- c. Directional boring of new/replacement service lines and related appurtenances involving boring or trenching for silt fencing within previously disturbed soils of rights-of-way or utility corridors.
- d. In-kind repair or replacement, or minor upgrade of water towers provided activities take place within previously disturbed soils. Ground-level facilities may be added or expanded in previously disturbed areas. This allowance does not apply to masonry water towers.
- e. Temporary storage of supplies and equipment (poles, cables spools, pedestals, etc.) where no ground disturbance will occur; this does not include construction of temporary access routes.
- f. Repair in-kind or replacement of metal utilitarian structures to house or protect utilities, such as pump houses and electrical transformer houses, as well as related elements, such as oil tanks and exposed pipelines, except when located within a historic district.
- g. Repair or replacement of utility lines (e.g. sewer, gas, and water) located within the property boundary of the structure, when performed in previously disturbed soils.
- h. Repair or replacement of septic tanks, drain fields, and well pumps in previously disturbed soils.

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## 2. Generators and Utilities

- a. In-kind repair or replacement, or minor upgrades, elevation, and/or installation of generators, HVAC systems, and similar equipment provided that activities occur within previously disturbed soils and/or any roof mounted equipment is not visible from the ground level.
- b. Underground cable replacements of any length when the replacement cable is placed within three feet of the same trench as an existing or failed cable except when in proximity (one-hundred (100) meters or three-hundred (300) feet) to a known archeological site.
- c. Replacement of power poles in pre-existing locations is allowed including increase in the pole diameter. Relocation or construction of new poles are allowed in (1) urban or suburban settings between the edge of roadway and the sidewalk, and (2) rural settings along roadway shoulders.
- d. New construction of a single pole overhead line is permissible when the auguring, pole placement, and line placement is conducted from within the previously disturbed public or private right-of-ways, or when the lines will not pass within or through any areas known or has the potential to contain human remains, archeological resources, or any other historic properties except when in close proximity (one-hundred (100) meters or three-hundred (300) feet) to a known archaeological site or within the view shed of historic districts listed or eligible for listing on the National Register.
- e. Replacement, relocation or installation of solar panels on the roof of buildings less than forty-five (45) years of age, except when located within a historic district.
- f. Directional boring for replacement or installation of new service lines and related appurtenances, where ground disturbance would involve no greater than ten (10) square foot excavation units for directional boring equipment to be placed. These units would be placed in areas for directional drill to begin and end where needed to complete boring.

## 3. Communication Equipment/Systems and Towers

- a. Acquisition, installation, or operation of communication and security equipment/systems that use existing distribution systems, facilities, or existing infrastructure right-of-way.
- b. The collocation of communication and security equipment on existing towers and buildings/structures less than forty-five (45) years in age, provided that the work does not increase existing tower height or footprint by more than 10% and occurs within previously disturbed soils.



- c. Enhancement, repair or replacement of existing communication towers and antenna structures provided the work does not increase existing tower height or footprint by more than 10% and occurs within previously disturbed soils.
- d. Installation of new temporary (not to exceed twelve (12) months) communications towers and antenna structures provided that the work occurs does not require modification of buildings/structures forty-five (45) years or older and occurs within previously disturbed soils.
- g. Installation of new communication towers, less than two-hundred (200) feet tall, in previously developed urban complexes when the work does not require modification of buildings/structures forty-five (45) years or older, occurs within previously disturbed soil, and is not within one-half mile of the boundaries of a historic property.
- h. Substantially in-kind repair or replacement of antenna towers.
- i. Ground disturbing activities related to new poles for tsunami warning sirens provided the excavation will only affect previously disturbed soils and there are no properties listed on the National Register of Historic Places within two-hundred and fifty (250) feet of the proposed location.

**E. WATER RESOURCE MANAGEMENT AND CONTROLS**, when proposed activities substantially conform to the original footprint and/or performed in previously disturbed soils, including the area where the activity is staged.

- 1. Canal Systems
  - a. In-kind repairs or replacement to canal systems and associated elements.
- 2. Bulkheads, Breakwaters, Seawalls, Revetments, and Berms
  - a. In-kind repair or replacement of bulkheads, breakwaters, seawalls, and revetments, provided the work occurs in previously disturbed soils.
- 3. Dams, Levees, Locks, and Floodwalls
  - a. In-kind repair of dams, levees, locks, floodwalls and related features, including spillways, tide gates, and fuse plugs, provided the work occurs in previously disturbed soils.
- 4. Fish Hatcheries



- a. In-kind repair or replacement of fish hatcheries and fish ladders.
- 5. Waste-Water Treatment Lagoon Systems
  - a. In-kind repair or replacement, or minor upgrades of waste-water treatment lagoon systems.
- 6. Outfall Systems
  - a. In-kind repair, replacement, or minor upgrades to outfall pipes along beaches or inland waterways.

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## Appendix C

### Criteria for Identification of Collapsed Structures

The following criteria for determining whether a structure is collapsed will be applied by FEMA to support identification of buildings eligible for the Private Property Debris Removal (PPDR) program. Any structure/building that meets one or more of the identified criteria below is considered to lack integrity and will not be considered eligible for listing in the National Register of Historic Places:

- The structure is collapsed forming a pile of debris and rubble, or rubble has already been removed from property (Unable to identify as a structure/building).
- The structure has been displaced from its original block/lot parcel.
- The structure is certified as an imminent threat, structurally unstable and unsafe for human habitation by building code officials in the municipality (decreed by municipal ordinance).
- The structure demonstrates the following characteristics listed below (porches should not be considered).
  - Minimally wracked or canted. Wracked or canted is defined as “moved by forces in multiple dimensions which have distorted what was a rectangular shape into a parallelogram; twisted, not merely shifted or tilted”.
  - Missing two or more full elevations and/or stories (second or third floor).

## Appendix D

### Private Property Debris Removal Program Process

The following process for PPDR will be followed by FEMA to ensure that only buildings meeting program eligibility will be reviewed for compliance with Section 106.

- Local building authorities will be responsible for submitting properties to FEMA for inclusion in the PPDR program. Each property must be declared to be an imminent threat; that it, it must pose a life-safety issue or be in imminent danger of collapsing and causing damage to an adjacent property.
- The local building authority must submit five photographs of each property, including one of each elevation and one of the streetscape.
- Accurate GPS coordinates will be submitted for each property.
- Public Assistance (Program) will review each application (including photos) to ensure that each program meets program eligibility.
- Only properties that the Program has reviewed and found eligible will be submitted to EHP for review.

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- Demolition will not include removal of slabs or driveways.
- The contractor will be required to test for asbestos and to abate the nuisance appropriately.
- Properties in the PPDR program will be reviewed by a team composed of a SHPO staff member and a FEMA historic preservation specialist who meets the Secretary of the Interior's Professional Qualifications.

## Appendix E

### Low Impact Debris Removal Stipulations

**Desktop Review:** Prior to any soil disturbing activities all properties will be reviewed in order to identify known historic properties and archaeologically sensitive areas.

**Low Impact Debris Removal Stipulations (LIDRS) will be applied as a Best Management Practice to protect potential archaeological resources.**

1. General Approach to Minimize Impact to Soil:

- a. When using heavy equipment, work from hard or firm surfaces to the fullest extent possible, to avoid sinking into soft soils.
- b. The sub-recipient will, to the fullest extent possible, ensure that its contractors minimize soil disturbance when operating heavy equipment on wet soils (6 inches or less).
- c. Excavation and burial of debris on-site is not permitted.

2. Activity-Specific Guidelines:

a. *Woody Debris Removal (including Rootballs)*

The sub-recipient will ensure to the fullest extent possible that all prior Public Assistance Program guidance regarding woody debris removal is followed.

b. *Filling Voids*

Any voids which require filling because they are a "health and safety issue" will be filled with suitable fill from an approved source.

c. *Surface Grading and Site Clean-Up*

The sub-recipient will ensure to the fullest extent possible that its contractor limits site grading to within six (6) inches of the existing surface elevation (e.g., sidewalk level, driveway level, slab level, etc.).

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d. *If the building or structure has been destroyed by the event and there are remaining structural features or utilities that require removal, then:*

- 1) Utility lines will be disconnected and capped. In cases where there are no shut-off valves, limited excavation within the utility rights-of-way will be required to cap these service lines.
- 2) Shearing off of utilities or other structure features is strongly encouraged so that further soil disturbance is minimized.

e. *Demolition: If the building or structure has been destroyed by the event and there are remaining structural features that require removal, then the following applies for the removal of the features listed below:*

1) *Foundation Removal*

The sub-recipient will ensure, to the fullest extent possible, that the contractors will limit excavation to within two (2) feet of the foundation perimeter and will not excavate more than six (6) inches below the depth of the foundation to minimize soil disturbance.

2) *Slab/Driveway/Sidewalk Removal*

The sub-recipient will ensure, to the fullest extent possible, that the contractor will limit excavation to within one (1) foot of the slab/driveway/sidewalk perimeter and will not excavate more than six (6) inches below the depth of the asphalt/concrete to minimize soil disturbance.

3) *Oil Tank Relocation/Removal*

- a) The sub-recipient will ensure, to the fullest extent possible, that approved methods will be used in locating an underground oil tank. Approved methods include using a magnetometer, probe, or GPR system. Trenches are not permitted.
- b) The sub-recipient will inform landowners, to the fullest extent possible, of best practice guidelines for oil tank removal and will ensure that they are made aware of state regulations for contamination remediation. Best practices for tank removal would be to use smaller machines with approximately two (2) foot wide buckets for excavation to reduce potential soil disturbance.

4) *Septic Tanks*

- a) The sub-recipient will ensure, to the fullest extent possible, that fill required by the decommissioning of septic tanks is from an approved, established borrow source.



- b) Utility lines will be disconnected and capped. In cases where there are no shut-off valves, limited excavation within the utility right-of-way will be required to cap these service lines.
- c) Shearing off of utility lines at the ground surface is strongly encouraged so that further soil disturbance is minimized.

3. Treatment of Unanticipated Discoveries

a. *Archaeological Materials/Human Remains*

- 1) If debris removal activities disturb archaeological artifacts (e.g. old bricks, ceramic pieces, historic bottle glass or cans, coins, beads, stones in the form of tools, pieces of crude clay pottery, etc.), archaeological features (e.g. grave markers, house foundations, cisterns, etc.), or human remains, the sub-recipient will ensure, to the fullest extent possible, that the Contractor immediately stops work in the vicinity of the discovery and takes all reasonable measures to avoid or minimize harm to the finds. In such cases, the sub-recipient will immediately inform SHPO and FEMA (also in accordance with state guidelines, the local law enforcement medical examiner for human remains) of the discovery for further guidance. The sub-recipient will ensure that the Contractor does not proceed with work in the area of concern until FEMA staff has completed consultation with the SHPO and other interested parties, as necessary.
  - 2) To ensure compliance with all applicable state and local laws, and permission from all appropriate parties is obtained to remove remains, the sub-recipient is responsible to determine appropriate legal measures under Puerto Rico law.
4. FEMA reserves the right to conduct unannounced field inspections and observe debris removal activities to verify compliance with LIDRS. Failure to comply with these stipulations may jeopardize the sub-recipient's receipt of federal funding.
5. FEMA and the SHPO have agreed that the sub-recipient is responsible for ensuring that their demolition Contractor adheres to these work restrictions for FEMA-funded undertakings.



## Appendix F

### Treatment Measures

When avoidance or minimization of adverse effects is not appropriate, the following Treatment Measures are suggested for the resolution of adverse effects:

If Undertakings may or will result in adverse effects, FEMA, the Recipient, sub-recipient, and SHPO, may develop a treatment measure plan that includes one or more of the following Treatment Measures, depending on the nature of historic properties affected and the severity of adverse effects.

#### A. Recordation

1. Digital Photography Package: Prior to project implementation, the designated responsible party shall oversee the successful delivery of a digital photography package prepared by staff or contractors meeting the Secretary's Professional Qualifications for Architectural History, History, Architecture, or Historic Architecture, as appropriate. The digital photography package will meet the standards cited in the NPS' *National Register of Historic Places Photographic Policy May 2013* or subsequent revisions (<http://www.nps.gov/nr/publications/bulletins/photopolicy/index.htm>).
  - a. The digital photography package shall include a comprehensive collection of photographs of both interior and exterior views showing representative spaces and details of significant architectural features and typical building materials. However, interior photographs will only be subject to this if a request for access is approved by the property owner and/or lessee. Exterior photographs shall include full oblique and contextual images of each elevation. Exterior views shall be keyed to a site plan while interior views shall be keyed to a floor plan of the building/structure. The photographs shall be indexed according to the date photographed, site number, site name, site address, direction, frame number, subject matter and photographer's name recorded on the reverse side in pencil.
  - a. The digital photography package shall include printed color copies of the digital photographs (on appropriate paper, per *NPS Photographic Policy*), a CD/DVD of the digital photographs, a completed state architectural inventory form, and a written site history of the historic property.
  - d. The designated responsible party shall submit the digital photography package to the SHPO, or review and approval. Once approved by the SHPO the designated responsible party shall submit a copy of the approved documentation to a state or local historical society, archive, and/or library for permanent retention.
2. 35mm Black and White Photography Package: Prior to project implementation, the designated responsible party shall oversee the successful delivery of a 35 mm film black





and white film photography package prepared by staff or contractors meeting the Professional Qualifications for Architectural History, History, Architecture, or Historic Architecture, as appropriate.

- a. The 35 mm film black and white film photography package shall include a comprehensive collection of photographs of both interior and exterior views showing representative spaces and details of significant architectural features and typical building materials. However, interior photographs will only be subject to this if a request for access is approved by the property owner and/or lessee. Exterior photographs shall include full oblique and contextual images of each elevation. Exterior views shall be keyed to a site plan while interior views shall be keyed to a floor plan of the building/structure. The photographs shall be indexed according to the date photographed, site number, site name, site address, direction, frame number, subject matter and photographer's name recorded on the reverse side in pencil.
  - b. The 35 mm film black and white film photography package shall include one (1) full set of 35mm film black and white photographs printed on acid free paper, the corresponding 35mm film negatives in acid free sleeves, a completed state architectural inventory form, and a written site history of the historic property.
  - c. The designated responsible party shall submit the 35 mm black and white film photography package the SHPO for review and approval. Once approved by the SHPO, the designated responsible party shall submit a copy of the approved documentation to a state or local historical society, archive, and/or library for permanent retention.
3. Large Format Photography Package: Prior to project implementation, the designated responsible party shall oversee the successful delivery of a large format photography package prepared by staff or contractors meeting the Professional Qualifications for Architectural History, History, Architecture, or Historic Architecture, as appropriate.
- a. The large format photography package shall include a comprehensive collection of photographs of both interior and exterior views showing representative spaces and details of significant architectural features and typical building materials. However, interior photographs will only be subject to this if a request for access is approved by the property owner and/or lessee. Exterior photographs shall include full oblique and contextual images of each elevation. Exterior views shall be keyed to a site plan while interior views shall be keyed to a floor plan of the building/structure. The photographs shall be indexed according to the date photographed, site number, site name, site address, direction, frame number, subject matter and photographer's name recorded on the reverse side in pencil.
  - b. The large format film photography package shall include one (1) full set of 4 x 5 or 5 x 7-inch photographs printed on acid free paper, the corresponding 4 x 5 or 5 x 7-



inch negatives in acid free sleeves, a completed state architectural inventory form, and a written site history of the historic property.

- c. The designated responsible party shall submit the large format film photography package to the SHPO for review and approval. Once approved by the SHPO, and/or participating the designated responsible party shall submit a copies of the approved documentation to a state or local historical society, archive, and/or library for permanent retention.

#### B. Public Interpretation

Prior to project implementation, FEMA, the Recipient, and sub-recipient shall work with the SHPO to design an educational interpretive plan. The plan may include signs, displays, educational pamphlets, websites, workshops and other similar mechanisms to educate the public on historic properties within the local community, state, or region. Once an interpretive plan has been agreed to by the parties, SHPO and the designated responsible party shall continue to consult throughout implementation of the plan until all agreed upon actions have been completed by the designated responsible party.

#### C. Historical Context Statements and Narratives

Prior to project implementation, FEMA, the Recipient, and sub-recipient shall work with the SHPO to determine the topic and framework of a historic context statement or narrative the designated responsible party shall be responsible for completing. The statement or narrative may focus on an individual property, a historic district, a set of related properties, or relevant themes as identified in the statewide preservation plan. Once the topic of the historic context statement or narrative has been agreed to, the designated responsible party shall continue to coordinate with the SHPO through the drafting of the document and delivery of a final product. The designated responsible party shall use staff or contractors that meet the Secretary's Professional Qualifications for the appropriate discipline.

#### D. Oral History Documentation

Prior to project implementation, FEMA, the Recipient, and sub-recipient shall work with the SHPO to identify oral history documentation needs and agree upon a topic and list of interview candidates. Once the parameters of the oral history project have been agreed upon, the designated responsible party shall continue to coordinate with the SHPO through the data collection, drafting of the document, and delivery of a final product. The designated responsible party shall use staff or contractors that meet the Secretary's Professional Qualifications for the appropriate discipline.

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E. Historic Property Inventory

Prior to project implementation, FEMA, the Recipient, and sub-recipient shall work with the SHPO to establish the appropriate level of effort to accomplish a historic property inventory. Efforts may be directed toward the resurvey of previously designated historic properties and/or districts which have undergone change or lack sufficient documentation, or the survey of new historic properties and/or districts that lack formal designation. Once the boundaries of the survey area have been agreed upon, the designated responsible party shall continue to coordinate with the SHPO through the data collection process. The designated responsible party shall use SHPO standards for the survey of historic properties and SHPO forms as appropriate. The designated responsible party shall prepare a draft inventory report, according to SHPO templates and guidelines, and work with the SHPO until a final property inventory is approved. The designated responsible party shall use staff or contractors that meet the Secretary's Professional Qualifications for the appropriate discipline.

F. National Register and National Historic Landmark Nominations

Prior to project implementation, FEMA, the Recipient, and sub-recipient shall work with the SHPO to identify the individual properties that would benefit from a completed National Register or National Historic Landmark nomination form. Once the parties have agreed to a property, the designated responsible party shall continue to coordinate with the SHPO through the drafting of the nomination form. The SHPO shall provide adequate guidance to the designated responsible party during the preparation of the nomination form and shall formally submit the final nomination to the Keeper for inclusion in the National Register. The designated responsible party shall use staff or contractors that meet the Secretary's Professional Qualifications for the appropriate discipline.

G. Geo-References of Historic Maps and Aerial Photographs

Prior to project implementation, FEMA, the Recipient, and sub-recipient shall work with the SHPO to identify the historic maps and/or aerial photographs for scanning and geo-referencing. Once a list of maps and/or aerial photographs have been agreed upon, the designated responsible party shall continue to coordinate with the SHPO through the scanning and geo-referencing process and shall submit drafts of paper maps and electronic files to the SHPO, for review. The SHPO shall have final approval on the quality of the documentation provided by the designated responsible party. The final deliverable produced by the designated responsible party shall include a paper copy of each scanned image, a geo-referenced copy of each scanned image, and the metadata relating to both the original creation of the paper maps and the digitization process.



## Appendix F

# Change Management Documentation



## Change Addendum No. 1

**Project Name:**

PRDOH Community Development Block Grant – Disaster Recovery Single-Family Program

**Grant Number:** B-17-DM-72-0001 **HUD Program:** CDBG-DR

**Responsible Entity (RE) Organization Name:** PRDOH

**RE Address:** 606 Avenida Barbosa, Edificio Juan C. Cordero Dávila, Río Piedras, PR 00918

**RE Certifying Officer:** Dennis G. González Ramos, Deputy Secretary Disaster Recovery  
E-mail: DGgonzalez@vivienda.pr.gov

**Proposed Change Findings:** All changes in the sections are shown in italics.

- The original Tier I findings are still valid (March 11, 2019)
- The RE CO determines that this change affects the Tier I to an extent that additional studies are required.

**Change:**

- i. Modified “Conditions for Approval” and “General Mitigation Conditions” in Section 4 to include a statement describing the regulations for recycling/reuse and the proposed reduction of solid waste from construction and/or demolition activities.
- ii. Modified “Conditions for Approval” and “General Mitigation Conditions” in Section 4 to include a statement addressing the Green Building Requirements.
- iii. Modified the enclosed Tier II Environmental Review Record to include NPDES permit requirements for any parcel with project activities that disturb an area one (1) acre or more.
- iv. Modified the enclosed Tier II Environmental Review Record to include a Control and Erosion Sediment Permit requirements for any parcel with project activities that disturb an area one (1) acre or more.
- v. Modified Section 3 item in EA on “Slope and Erosion” to include NPDES and Control and Erosion Sediment permits.



## Change Addendum No. 2

**Project Name:**

PRDOH Community Development Block Grant – Disaster Recovery Single-Family Program

**Grant Number:** B-17-DM-72-0001 **HUD Program:** CDBG-DR

**Responsible Entity (RE) Organization Name:** PRDOH

**RE Address:** 606 Avenida Barbosa, Edificio Juan C. Cordero Dávila, Río Piedras, PR 00918

**RE Certifying Officer:** Dennis G. González Ramos, Deputy Secretary Disaster Recovery  
E-mail: DGgonzalez@vivienda.pr.gov

**Proposed Change Findings:**

- The original Tier I findings are still valid (March 11, 2019)
- The RE CO determines that this change affects the Tier I to an extent that additional studies are required.

**Change:**

- 1) Added RROF to Appendix D
- 2) Added AUGF to Appendix D



### Change Addendum No. 3

**Project Name:**

PRDOH Community Development Block Grant – Disaster Recovery Single-Family Program

**Grant Number:** B-17-DM-72-0001 **HUD Program:** CDBG-DR

**Responsible Entity (RE) Organization Name:** PRDOH

**RE Address:** 606 Avenida Barbosa, Edificio Juan C. Cordero Dávila, Río Piedras, PR 00918

**RE Certifying Officer:** Dennis G. González Ramos, Deputy Secretary Disaster Recovery  
E-mail: DGgonzalez@vivienda.pr.gov

**Proposed Change Findings:**

- The original Tier I findings are still valid (March 11, 2019)
- The RE CO determines that this change affects the Tier I to an extent that additional studies are required.

**Change:**

Modified Tier II Environmental Review Record in Appendix A to include General Mitigation Measures and Site-Specific Mitigation Measures.



## Change Addendum No.

**Project Name:**

PRDOH Community Development Block Grant – Disaster Recovery Single-Family Program

**Grant Number:** B-17-DM-72-0001 **HUD Program:** CDBG-DR

**Responsible Entity (RE) Organization Name:** PRDOH

**RE Address:** 606 Avenida Barbosa, Edificio Juan C. Cordero Dávila, Río Piedras, PR 00918

**RE Certifying Officer:** Dennis G. González Ramos, Deputy Secretary Disaster Recovery  
E-mail: DGgonzalez@vivienda.pr.gov

**Proposed Change Findings:**

- The original Tier I findings are still valid
- The RE CO determines that this change affects the Tier I to an extent that additional studies are required.

**Change:**