CDBG-DR/MIT

ENVIRONMENTAL ASSESSMENT
INSTRUCTIONAL GUIDE
24 C.F.R. Part 58

DEPARTMENT OF
HOUSING
GOVERNMENT OF PUERTO RICO

May 22, 2025
V.1

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PUERTO RICO DEPARTMENT OF HOUSING
CDBG-DR/MIT PROGRAMS
ENVIRONMENTAL ASSESSMENT INSTRUCTIONAL GUIDE
24 C.F.R. PART 58
VERSION CONTROL

VERSION NUMBER	DATE REVISED	DESCRIPTION OF REVISIONS
1	**May 22, 2025**	**Original Version.**

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Introduction

This Environmental Assessment (**EA**) Instructional Guide provides Responsible Entities (**REs**) and environmental review preparers with a structured approach for consistently conducting EAs under 24 C.F.R. Part 58 for projects funded by the Puerto Rico Department of Housing (**PRDOH**) through its Community Development Block Grant – Disaster Recovery (**CDBG-DR**) and Community Development Block Grant – Mitigation (**CDBG-MIT**) programs. This Guide follows the same numbering structure used in PRDOH's *Environmental Assessment Determinations and Compliance Findings 24 C.F.R. Part 58* template (**Appendix 1**) so that environmental review preparers have specific instructions for completing each section.

In compliance with the National Environmental Policy Act (**NEPA**) and related regulations, projects proposing the use of CDBG-DR/MIT funds must ensure environmental impacts are properly considered before project implementation. Before preparing an Environmental Review Record (**ERR**) for these projects, please refer to the following relevant compliance resources:

- Environmental Review requirements for entities assuming the U.S. Housing and Urban Development Department's (**HUD**) Environmental Review responsibilities (https://www.hudexchange.info);
- *PRDOH's Best Practices for Conducting Environmental Reviews* (**Appendix 2**);
- *Environmental Map Requirements for CDBG-DR/MIT Programs* (**Appendix 3**);
- *ESA Section 7 Compliance Consultation Process* (**Appendix 4**);
- *NOAA-NMFS Compliance Consultation Process (**Appendix 5**);*
- *FPPA Compliance Consultation Process (**Appendix 6**);*
- *State Historic Preservation Compliance Consultation Process (**Appendix 7**);*
- *Primary Screening for Wetlands 24 C.F.R. § 55.9* (**Appendix 8**).

General Recommendations

- All consultations must be submitted through PRDOH unless the agency has delegated the RE role. PRDOH may delegate this role to another entity that can assume the environmental review responsibilities under 24 C.F.R. Part 58.
- Ensure narratives reflect the CDBG program applied and the grant number and that appropriate entities are identified through quality control (**QC**).

- Remove all comments from the document that are not relevant to the review.
- Compress the document before submitting it for PRDOH review and ensure the compression does not distort the report.

Disclaimer of Use and Compliance Responsibility under 24 CFR Part 58

This internal guidance document is intended solely to support the implementation of the environmental review process as required under the U.S. Department of Housing and Urban Development (HUD) regulations at 24 CFR Part 58 – Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities. It is provided as a general reference to assist environmental professionals in understanding and navigating applicable requirements; however, it does not replace or supersede any statutory, regulatory, or HUD-issued guidance documents.

The content herein is informational in nature and should not be construed as a comprehensive or authoritative source of regulatory interpretation. Users are solely responsible for ensuring full compliance with all applicable federal, state, and local environmental review requirements, as mandated by 24 CFR § 58.5, § 58.6, and other related provisions.

The Puerto Rico Department of Housing (PRDOH) and the authors of this guide assume no responsibility or liability for any errors, omissions, or consequences arising from reliance on this guide alone. Users must independently verify the applicability and current status of all referenced requirements, regulations, and policies. Failure to conduct adequate due diligence and solely relying on this document may result in noncompliance with HUD environmental requirements.

Forms, Templates and Guidance repository

- To request access for the Forms, Templates and Guidance repository for an Environmental Review Record, fill the form below.
    - Request form for access to ERR: Guidance and Templates

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Part A. General Project Information

1. Project Name

Enter the proper/official Project Name followed by the PRDOH Program-assigned Project ID or Case ID in parentheses. The Project ID or Case ID typically starts with "PR" followed by the corresponding Program acronym and then a 5-digit identifying number.

Example: *Hacienda San Miguel* (*PR*-RGRW-#####)

Note: The project name must be kept identical in all documents of the environmental review record (**ERR**), including maps, consultations, plans, appendixes, and forms, to ensure project document consistency. Project names may appear in either Spanish or English. It is important to clarify that the "proper/official" project name will be the one approved by the Program, including all the elements stated in the above example.

2. Responsible Entity

In accordance with 24 C.F.R. § 58.2(a)(7), PRDOH acts as RE for projects funded with CDBG-DR/MIT funds within the jurisdiction. However, PRDOH may delegate this role to another entity that can assume the environmental review responsibilities under 24 C.F.R. Part 58. Therefore, this item should always state either the **Puerto Rico Department of Housing** (**PRDOH**) or the **name of the Municipality or Agency** that has been duly delegated the role of RE by PRDOH.

Example: *Puerto Rico Department of Housing (PRDOH)* ***OR***
Department of Transportation and Public Works (DTOP)

Note: This item may not be modified or left blank.

3. Grant Recipient Name

Please include the name of the entity implementing the project as it appears in the grant or subrecipient agreement, maintaining its original language.

Example: *[Municipality of San Juan]*

Note: Ensure the entity's name is correctly spelled and matches the corresponding agreement. For the private sector, identify the legally registered Entity name as identified with the state authority and IRS.

4. State / Local Identifier

The State or Local Identifier field must be completed only with "**Puerto Rico**." Variants such as "Estado Libre Asociado de Puerto Rico" or abbreviations like "PR" should not be used.

Example: *Puerto Rico*

Note: For the PRDOH City-Revitalization Program (**CRP**), preparers must include the Municipality Name after the State Name. This item may not be modified or left blank.

Example: *Puerto Rico, [Municipality Name].*

5. Preparer

Indicate the name(s) and title(s) of the individual(s) responsible for performing the review, completing this document, and compiling supporting documentation.

Example: *"John Smith, Environmental Specialist".*

Note: This item should not be confused with the consulting firm's name. Please refer to item 7 below.

6. Certifying Officer

The environmental review preparer must verify that all the PRDOH Certifying Officers (COs) are included in the list and that their titles match their current positions. For municipalities or agencies where PRDOH has delegated to them the RE role, the environmental review preparer must ensure that the municipality or agency's CO is included.

Example: *John Doe, PRDOH Permits and Environmental Compliance Specialist* ***OR***
Jane Doe, Municipal Environmental Specialist

Note: This section shall be left blank for the CO to add their name and title when the document is ready for signature. If PRDOH is the RE, preparers must ensure the document is not locked when converting it to PDF, allowing the PRDOH CO to add their name and title before signing.

7. Consultant

Provide the name of the consultant who completed the review and the official name of the consulting firm, as listed in the service contract, if applicable.

Example: John Doe,
Green Space LLC

Note: This item should not be confused with the preparer's name. Please refer to item 5 above.

8. Direct Comments to

This item should always state: PRDOH at comentariosambiental@vivienda.pr.gov. The email provided is part of the official communication channel for environmental review processes established by PRDOH. It must not be altered without prior authorization.

Example: *PRDOH at comentariosambiental@vivienda.pr.gov.*

Note: Please do not modify or leave this item blank.

9. Project Location

Enter the project's physical address (street and/or Intersection), cadastral number(s), and site coordinates in decimal degrees. Coordinates should be expressed in 6 decimal points (not degrees, minutes, and seconds). For linear projects or those that cover multiple locations, such as sewer systems or power lines, a general description of the route or extent must be provided, accompanied by representative geographic coordinates at its endpoints.

If the project affects a large area, such as an infrastructure or community services project, describe the project's location in narrative form. This should also include a reference for the property's boundaries. The project's location, address, and coordinates should be consistent in all environmental review documents and agency consultations.

Example: *Puerto Rico Department of Housing*
Physical Address: 606 Barbosa Ave., Juan C. Córdero Dávila Bldg., San Juan PR
Cadastral No. 000-000-000-00-000
Coordinates: 18.413329, -66.043792

The Puerto Rico Department of Housing is a public facility located in San Juan, Puerto Rico, adjacent to the Puerto Rico Aqueduct and Sewage Authority (PRASA) headquarters, with direct access via Highway 27, Barbosa Ave., near the intersection with Gipuzkoa St.

Note: Avoid confusing cadastral numbers with parcel numbers. In Puerto Rico, each parcel has a unique identifier within the cadastral, distinguishing it from other properties. If the parcel is part of a larger lot or subdivision, its cadastral number will reflect that relationship by including identifiers for the municipality, sector, block, and specific parcel number. Please check the number of decimal points in the coordinates to ensure proper identification of the project's location.

Additionally, if the nature of the Project involves streets/roads under private development, gated communities, or roads not under municipal jurisdiction that do not appear in official cadastral maps, preparers should indicate "not applicable" (N/A), in the Cadastral No. field.

10. Description of the Proposed Project

24 C.F.R. § 50.21 and § 58.32

Provide a brief description of the project that captures **the maximum anticipated scope** of the proposal. To determine compliance with 24 C.F.R. § 58.32 regarding project aggregation, evaluating the geographical and functional relationships between the projects and their purposes and needs is essential. Include all actions that are functionally and geographically connected or related to the main project, regardless of the source of funding, in accordance with 40 C.F.R. § 1501.9(e). Preparers shall consider whether the project meets **either** one of the following criteria:

- Geographical Relation: Projects are located close to each other or within a defined geographic area.
- Functional Relation: Projects serve similar or interrelated functions, such as infrastructure, public services, or housing, and are dependent on or complementary to one another.
- Logical Parts of a Composite of Contemplated Actions: Projects with similar goals or that address the same needs—such as housing shortages or improving

transportation accessibility—are more likely to meet the criteria for aggregation.

Include all contemplated actions that are logically, either geographically or functionally, a composite part of the project (aggregation), regardless of the funding source. If projects have multiple funding sources, preparers should specify which part of the project will be funded by CDBG-DR/MIT and which will be funded through other sources. Describe all physical aspects of the project, such as plans for multiple phases of development, size (i.e., acres and square feet) and number of buildings, and activities to be undertaken. Include details of the physical impacts of the project, including whether there will be ground disturbance.

If applicable, indicate whether the project site will require acquisition or if the sponsor already has ownership.

Example: *The [Project Name] project will be an open-air, river-front recreational park and gathering area to establish safe and identifiable bicycles and pedestrian paths. The project will also take advantage of [John Adams Creek's] presence and establish a connection with this surface water canal with pedestrian and bicycle trails in proximity.*

Due to the extent of the project, the description has been split into different sections of the development to be constructed concurrently, these include:

- *Section I (PR-000 to PR-00) with bike lanes, sidewalk, curb, gutter, and lighting improvements; and*
- *Section II (Green Leaves to Green Trail Plaza) with additional bike lanes along the riverbank, plaza renovation, and plaza expansion.*

The [Project Name] project includes replacements such as reconstructing and improving existing sidewalks, curbs, gutters, lighting, and pavement rehabilitation. The reconstruction of the existing sidewalks located on both sides of the PR-000 is proposed to be used as pedestrian lanes and to establish new bicycle lanes along the same segment. A gravel stone pathway will also be established. The activity also proposes a new access road and parking area, reconstructing part

of the fence and rehabilitating the Green Trail Plaza's existing bathroom building (fixtures and accessories), while demolishing an existing platform at the same plaza. New installations include bicycle lanes, a new asphalt access road, a permeable parking area with grass and stone, and an elevated observation platform.

Additional new features are outdoor exercise stations, safety signage, reforestation efforts, and green initiatives like permeable concrete for runoff management. The different types of bicycle lanes are:

- *Shared bike lanes adjacent to the exiting PR-00 roadway that consists in the marked bike lanes;*
- *Separated gravel bike lanes bordering the riverbank of John Adams' Creek; and*
- *A mountain bike lane at the last segment of the project, closer to the top of the hill to the southernmost portion of the project.*

Due to its proximity to John Adams Creek, permeable concrete is proposed to manage runoff water. Other green techniques that serve as a transition with the natural environment and retain permeable surfaces in the area are also proposed. The following are descriptions of the proposed activities for each section.

Section I - From the beginning of the proposed project in the intersection of the PR-000 with PR-00 at km. 0.0 to PR-000 Km. 0.0 at Green Leaves Development Area.

At this section, the proposed works include the pavement marked and signage of two 1.50 mts-wide bike sharing lanes (one in each direction) at the existing road, reconstruction and improvements of the existing 1.50 mts-wide sidewalks, reconstruction of curbs and gutters, improvements of the lighting system, pavement rehabilitation and installation of new pavement markings. The proposed typical section for this phase consists of 1.50-mts-wide sidewalks at both sides of the roads, 1.05-mts-wide sharing bike lanes in each direction and 3.45-mts-

wide travel lanes (one in each direction). See enclosed photos 1, 2, 3, 4, 5, 6 and 7 for the existing conditions of this section on Attachment 2.

Section II - From Green Leaves Development area at PR-000, km. 0.0 to [Project] Municipal Monument (Green Trail Plaza)

At this section, the proposed works include the pavement marked and signage of two 1.50 mts-wide bike sharing lanes (one in each direction) at the existing road, reconstruction and improvements of the existing 1.50 mts-wide sidewalks, reconstruction of curbs and gutters, improvements to the lighting system and pavement rehabilitation and installation of new pavement markings. This section also includes the construction of two additional stone-separated bike lanes bordering the riverbank until Green Trail Plaza at km. 0.0 of the PR-000. The additional bike lanes are 1.50 mts-wide in each direction and are in the existing green area between the road and the riverbank.

The proposed project includes the rehabilitation of the existing Las Green Trail Plaza building and structures. The plaza rehabilitation works include the following activities:

- *Renovation of the plaza building and structures, including the existing bathrooms;*
- *Improvements to the existing lighting;*
- *Demolition of the existing plaza platform/stage (time).*

Note: Focus on the overall activities rather than the project's benefits. Project size must be consistent throughout the ERR using the same measurement unit. If there are differences between documents as to the size or boundaries of the project site, the preparer shall justify such differences.

11. Statement of Purpose and Need for the Proposal

The project's purpose and need must be explicitly aligned with the strategic objectives of the specific program outlined in the current CDBG-DR or CDBG-MIT Action Plan approved by HUD. Briefly describe the program objective and then apply how your project will meet the program's needs.

Example: "*In September 2017, Hurricanes Irma and María made landfall in Puerto Rico, causing catastrophic island-wide damage. They knocked out power, water and telecommunications for the entire island and its municipalities. Hurricane María caused major structure and infrastructure damage to family homes, businesses and government facilities, triggering the displacement of thousands of residents from their homes and jobs.*

The Hurricanes directly impacted all seventy-eight (78) municipalities in Puerto Rico. Towns and cities across the Island experienced damage and/or destruction to public and private housing and not-for-profit facilities. The Community Development Block Grant [City Revitalization] Program (CDBG-[CRP]) will allow municipal governments and eligible entities to begin to address community recovery at the local level while also addressing regional needs through projects identified through thoughtful planning processes.

The Program establishes funding for municipal governments and other eligible entities to enable various critical recovery activities to reinvigorate downtown areas, urban centers, and key community corridors and address critical affordable housing shortages within or near urban and downtown centers. The primary objective of this Program is to address identified needs and allow communities across Puerto Rico to restore impacted downtown areas, urban areas, and key corridors and make them more resilient to future events.

The proposed project is aligned with the program in promoting redevelopment, blight removal, and re-greening or restoration of areas that lost natural resources from the Hurricanes. Also, the proposed project intends to enhance an already-used space to improve the experience and needs of its citizens, the residents of the area, who have mostly low-to-moderate income (LMI). The actions are also aimed at improving the resiliency of public infrastructure, promoting pedestrian safety, improving accessibility to handicapped persons and enhancing spaces for recreation and leisure.

The project is proposed as part of the efforts to revitalize the urban center of the [Name of Municipality] Municipality and improve its surroundings to make it more attractive. It will provide a safe and comfortable corridor sharing different transportation modes that will connect the [Municipality] downtown with one of the most important recreational areas of the municipality, where Festival de las Flores is celebrated every year and is one of the most important municipality economic activities."

Note: Instead of relying on a blanket statement, be intentional in specifying how the project aligns with the program's goals.

12. Existing Conditions and Trends

24 C.F.R. § 58.40(a)

Describe the project area's baseline environmental, physical, and socioeconomic conditions. This baseline will serve as a reference for analyzing potential impacts in accordance with 40 C.F.R. § 1502.15, and as a starting point for the Cumulative Impacts Analysis. Assess the current conditions and detail the project area's characteristics, features, resources, and surroundings. Specify if the project site conditions affect the community and the projected effects if the project is not completed. Assess whether the project maintains or continues the same use of utilities (e.g., water, electricity, gas), local permits, and services (e.g., waste management, transportation).

Example: "*The building structure is currently in severe decay with unstable roofing. If the project is not completed, the negative impacts on the community will likely be compounded without access to public services. Continued neglect of the building structure will only exacerbate existing infrastructure problems and increase health and safety risks to those with access. In the long term, failure to complete the project could lead to higher remediation costs and further extensive damage.*"

Note: Avoid copying the project location description.

13. Funding Information

Include a direct reference to the Subrecipient Agreement (SRA) as evidence of the allocation of funds to the described project. The table below outlines the various

CDBG-DR/MIT allocations awarded to Puerto Rico, including the grant numbers and award amounts. Please select the applicable funding source and remove the others.

Grant Number	HUD Program	Funding Amount
B-17-DM-72-0001	Community Development Block Grant – Disaster Recovery **(CDBG-DR)**	$1,507,179,000
B-18-DP-72-0001		$8,220,783,000
B-19-DP-78-0002		$277,853,230
B-18-DE-72-0001	Community Development Block Grant – Disaster Recovery **(CDBG-DR) Energy**	$1,932,347,000
B-23-DN-72-0001	Community Development Block Grant – Disaster Recovery **(CDBG-DR) Fiona**	$165,645,000
B-23-DN-72-0002		$667,000
B-18-DP-72-0002	Community Development Block Grant – Disaster Recovery **(CDBG-MIT)**	$8,285,284,000

Example:

Grant Number	***HUD Program***	***Funding Amount***
B-18-DE-72-0001	*Community Development Block Grant – Disaster Recovery* ***(CDBG-DR) Energy***	*$1,932,347,000*

Note: Only one funding source should be listed.

14. Estimated Total HUD Funded Amount

In projects with multiple funding sources, this item will only include the CDBG-DR or CDBG-MIT funding, not the rest. In cases where the entire project will be funded by CDBG-DR or CDBG-MIT funds, the total included in this item will be the same as in item 15.

15. Estimated Total Project Cost (HUD and non-HUD funds)

24 C.F.R. § 58.32(d)

The total project cost must match the official amount contained in the project's master budget in the agreement approved by PRDOH (and/or its respective amendments) and must be supported by valid financial documentation. In cases with multiple funding sources, the Estimated Total Project Cost should include a breakdown of all funding sources, including HUD and non-HUD funds, that equal the total project amount; this amount will be larger than the one included in item 14. In cases where the entire project will be funded by CDBG-DR or CDBG-MIT funds, the total included in this item will be the same as in item 14. Make sure to include any supplemental assistance.

Example:

Allocation	***Amount***
CDBG-DR/MIT Funds	*$X amount allocated for [disaster recovery and infrastructure improvements/economic development activities/mitigation activities/electrical power system improvements].*
Federal Funding (include the Agency's name i.e FEMA, FHWA, etc)	*$X amount from federal grants designated for [i.e. community resilience and rebuilding efforts].*
State/Local Government Funds (include the State agency's name; i.e. PRDOH, PRDA, ARPA/ CSFRF Funds, municipal funds, etc)	*$X amount from municipal and state budget allocations to address [i.e. the regional needs associated with the project].*
Private Sector Investments (include the Company's name)	*$X amount from private partners contributing to specific areas of development, including [i.e. infrastructure and services].*

Other Grant Funds (specify the funding source)	*$X amount from targeted grants for [i.e. environmental sustainability, housing development, or economic revitalization].*
Loans/Financing	*$X amount [i.e. in expected loans to ensure cash flow and timely project completion].*
In-kind Contributions	*Valued at $X amount; these include [i.e. materials, volunteer labor, and services provided by local stakeholders and organizations].*
Others	*$X amount from [indicate source] for [indicate purpose].*

Note: Use the table above and eliminate any items that do not apply to your project. You may only include the approved total project cost amount.

Part B. Statutory Checklist – Compliance Factors

Use the following link for more information on HUD's environmental review compliance with related Federal laws and authorities listed at 24 C.F.R. § 58.4 and § 58.6: https://www.hudexchange.info/programs/environmental-review/federal-related-laws-and-authorities/. Use the worksheets posted on the HUD Exchange page to substantiate your description of how the project complies with each Statutory Checklist item.

Provide credible, traceable, and supportive source documentation for each authority. When delegated the RE role by PRDOH, perform the necessary reviews or consultations for Environmental Reviews and secure any relevant permits or approvals. Clearly document citations, including dates, names, titles of contacts, and page references. Attach any additional documentation as appropriate.

Part B summarizes the steps or formal procedures that need to be completed before submitting a Request for Release of Funds (**RROF**) to HUD or the State. The project's ERR

must contain evidence of completion and implementation of the required procedures or mitigation.

16. Statutes, Executive Orders, and Regulations listed at 24 C.F.R. § 50.4 and § 58.6

In this section, preparers must evaluate and determine whether formal compliance steps or mitigation are required under each compliance factor. They will also need to include a narrative justifying the compliance determination.

Refer below to the instructions on completing the *Formal Compliance Steps or Mitigation* section and the *Compliance Determination* section:

"No" applies when compliance with the authority is achieved without adverse effects on the protected resource, without necessary mitigation or attenuation **AND** when no formal consultation, permit, condition, formal compliance steps or agreement is required to establish compliance.

"Yes" applies when project compliance with the authority requires formal consultation, a permit, condition, formal compliance steps or agreement, **OR** when the proposal may have an adverse effect on the protected resources.

Explain how the project complies with the authority and provide supporting documentation, including maps. Include specific regulatory citations and reference the supporting documentation in the narrative.

Do not leave any section blank, even if you think it does not apply to your project. Instead, explain and show how and why it does not apply. The use of 'Not Applicable' or the abbreviations N/A, NA, or any other variant are not acceptable compliance determinations.

16.1 Airport Hazards[1]

24 C.F.R. Part 51, Subpart D

[1] https://www.hudexchange.info/programs/environmental-review/airport-hazards/

16.1.1 Formal Compliance Steps or Mitigation

"**No**" - The project is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport **OR** the project is not located within an FAA-designated Runway Clear Zone (**RCZ**) or Runway Protection Zone for civilian airports, nor within the military Airfield Clear Zone (**CZ**) or Accident Potential Zone/Approach Protection Zone (**APZ**), based on official information available to the public from the airport or military airfield administrator identifying the boundaries of such zones; If distances are not met **OR** the project involves only minor rehabilitation, the sale or purchase of an existing property in an RCZ or CZ or other activities that do not introduce new development or occupancy risks, and written notice was provided to the prospective buyer, informing the potential hazards from airplane accidents and the potential of the property to be purchased as part of an airport expansion project in accordance with 24 C.F.R. § 51.303(a)(3).

"**Yes**" - HUD policy prohibits providing any development assistance, subsidy or insurance in RCZs or CZs unless: The project will not be frequently used or occupied by people, and the airport operator provides written assurances that there are no plans to purchase the project site.

16.1.2 Compliance Determination

According to 24 C.F.R. § 51.302(a), federal assistance cannot be approved for construction or significant rehabilitation in RCZs due to safety risks. This restriction applies if the project is within 15,000 feet of a military airport or 2,500 feet of a civilian airport. Therefore, a map is required to ensure compliance with safety regulations and to evaluate the project's potential impact on nearby airports.

Submit a detailed map showing the project's location relative to the **nearest civil airport runway**, including the exact distance in feet, a graphic scale, and geographic coordinates as specified by 24 C.F.R. § 51.302.

To verify if a project is located within the specified distances from an airport, follow these steps:

1. Measure the Distance: Measure the distance from the **edge of the project site nearest to the airport runway**. Ensure the project is within 15,000 feet of a military airport **OR** 2,500 feet of a civilian airport.

2. Check Restricted Zones: Confirm whether the project site falls within any restricted zones such as:
    - Runway Protection Zone (RPZ);
    - Clear Zone (CZ);
    - Accident Potential Zone (APZ);
    - Restricted Zone (RCZ)
3. State the Distance: Clearly state the distance (**in feet**) from the edge of the project site to the nearest military and civilian airports.
4. Identify the Correct Puerto Rico Airport: Use the Federal Aviation Administration (**FAA**) list included below:

Civil Airports:

- Luis Muñoz Marín International Airport (SJU) – **San Juan** / Civil large/medium hub and joint military airfield
- Rafael Hernández Airport (BQN) – **Aguadilla** / Non-hub commercial service
- Mercedita Airport (PSE) – **Ponce** / Primary non-hub commercial service
- Antonio Rivera Rodríguez Airport (VQS) – **Vieques** / Primary non-hub commercial service
- Fernando Luis Ribas Dominicci Airport (SIG) – **San Juan** / Civil small/non-hub
- Eugenio María de Hostos Airport (MAZ) – **Mayagüez** / Regional commercial service
- José Aponte De La Torre Airport (RVR) – **Ceiba** / Primary non-hub commercial service
- Benjamín Rivera Noriega Airport (CPX) – **Culebra** / Primary non-hub commercial service

At the end of this section, as applicable, include a statement of compliance such as: *"Therefore, the project is in compliance with 24 C.F.R. Part 51, Subpart D. See Information and Figures attached to this report."*

Example: *"The project is not located within an FAA-designated civilian airport Runway Protection Zone (RPZ), or Accident Potential Zone (APZ). The project is not within 15,000 feet of a military airport nor 2,500 feet of a civilian airport. The nearest civil airport is Merceditas Regional Airport in Ponce and is approximately X,XXX feet measured from the project*

boundary to the runway. The nearest military airport is Luis Muñoz Marín (SJU) Joint Military Airfield Muñiz Air National Guard, approximately X,XXX feet measured from the project boundary to the runway.

Written assurances from the airport operator have been obtained, and all necessary notifications have been made. Therefore, the project is in compliance with 24 C.F.R. Part 51, Subpart D."

Note: The best practice is to measure from the edge of your project site to the end of the nearest runway - **NOT** from the middle of your site to the middle of the airport. Ensure these distances are clearly represented in the project maps, using scales and labels. Make sure to include the **nearest** airport on the FHAA list, and not just any airport. Refer to **Appendix 3:** *Environmental Map Requirements for CDBG-DR/MIT Programs.*

16.2 Coastal Barrier Resources[2]

Coastal Barrier Resources Act (CBRA), as amended by the Coastal Barrier Improvement Act (CBIA) of 1990 [16 U.S.C. § 3501]; Bolstering Ecosystems Against Coastal Harm Act or BEACH Act (Pub. L. 118-117), approved on November 25, 2024, reauthorized and amended CBRA.

16.2.1 Coastal Barrier Resources System (CBRS)

The CBRS consists of relatively undeveloped coastal barriers and other areas located the Atlantic, Gulf of America, Great Lakes, U.S. Virgin Islands, and Puerto Rico coasts. The CBRS units are identified and depicted on a series of official maps entitled "John H. Chafee Coastal Barrier Resources System." These maps are controlling and indicate which areas are within the CBRS. The Department of the Interior maintains the maps through the U.S. Fish and Wildlife Service (**USFWS**).[3]

16.2.2 Formal Compliance Steps

"**No**" - The project is not located in a CBRS Unit. Provide a map showing that the site is not within a CBRS Unit.

"**Yes**" - The project is located in a CBRS Unit. Federal assistance for most activities may not be used at this location. You must either choose an alternate site or cancel the

[2] https://www.hudexchange.info/programs/environmental-review/coastal-barrier-resources/

[3] A spreadsheet containing metrics on the CBRS (including acreage and shoreline miles) by state or Territory is available at https://www.fws.gov/program/coastal-barrier-resources-act/maps-and-data.

project. In very rare cases, federal monies can be spent within CBRS units for certain exempted activities (e.g., a nature trail), after consultation with the USFWS (see 16 U.S.C. § 3505 for exceptions to limitations on expenditures).

Note: After consultation with USFWS, federal agencies may make expenditures for activities that meet one of the exceptions outlined in 16 U.S.C. § 3505. The CBRA does not restrict the use of private, state, or local funds or limit the issuance of federal permits including any related environmental studies or planning.

16.2.3 Compliance Determination

If your Project is located within a CBRS Unit, you need to consider if the proposed project falls under the statutory exceptions outlined 16 U.S.C. § 3505. If so, consultation with the USFWS is required to obtain concurrence. The Federal Responsible Officer at HUD would have to initiate the consultation process.

Use maps exclusively obtained from the CBRS **Mapper**, managed by the USFWS.[4] Provide a map showing the distance from the nearest point of the project to the nearest Coastal Barrier unit, and include the following information:

1. Include the corresponding CBRS number or ID;
2. Map panel numbers and dates;
3. Names of all consulted parties and relevant consultation dates;
4. Names of plans or reports;
5. Any additional requirements specific to your region.

Map panel numbers example:			
Map Format	**Type of Number**	**Panel Example**	**Index Example**
Flood Hazard Boundary Map (FHBM)	*Panel Number*	*MAP **04***	*MAP **01 -04***
FIRM/FBFM for Individual Community	*Community-Panel Number*	*COMMUNITY-PANEL NUMBER 480662 **0001E***	*COMMUNITY PANEL NUMBERS 480662 **0001-0020***

[4] CBRS Mapper may be accessed at: https://fwsprimary.wim.usgs.gov/cbrs-mapper-v2/.

At the end of this section, as applicable, include a statement of compliance such as: *"Therefore, the Project is in compliance with the Coastal Barrier Resources Act (CBRA), as amended by the Coastal Barrier Improvement Act (CBIA) of 1990 [16 U.S.C. § 3501]."*

Note: In cases where the project borders CBRS units, the potential for indirect impacts, such as alteration of runoff flow, increased vehicular access, or fragmentation of natural habitat, must be evaluated.

Example: *"The proposed project is not located within a Coastal Barrier Resources Unit. The CBRS Unit closest to the Project is PR-00, [CBRS Unit Name], located to the Northeast of the Property at an approximate distance of 0.00 miles (00,000.0 feet). Therefore, the Project is in compliance with the Coastal Barrier Resources Act (CBRA)."*

16.3 Flood Insurance[5]

Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 U.S.C. §§ 4001-4128 and 42 U.S.C. § 5154a]

16.3.1 Formal Compliance Steps or Mitigation

"**No**" - The Project is not located in the FEMA Flood Insurance Rate Map (**FIRM**) flood zone, FEMA Special Flood Hazard Area (**SFHA**)/100-year floodplain, **OR** involves a non-insurable property (i.e. roads, plazas).

"**Yes**" The project is located within the FEMA FIRM flood zone and is an insurable property (i.e. structure with at least two rigid walls and a roof).

16.3.2 Compliance Determination

Preparers must confirm if the project is located in a National Flood Insurance Program (**NFIP**) participating community. If so, specify the FEMA Effective FIRM panel number and effective date when the project is located. Determine if the project site falls within the SFHA (100-year floodplain). Flood insurance is required if the project is in an SFHA (100-year floodplain). Even if only a small portion of your project site falls within the 100-year floodplain within the FEMA FIRM, flood insurance must be obtained.

[5] https://www.hudexchange.info/programs/environmental-review/flood-insurance/

Note: Do not use the Advisory Base Flood Elevation (**ABFE**) to determine the flood insurance requirements.

At the end of this section, as applicable, include a statement of compliance such as: *"Therefore, the project is in compliance with the Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 U.S.C. §§ 4001-4128 and 42 U.S.C. § 5154a]."*

Example 1: *"The project site is located in flood zone [A, AO, etc.] within a Special Flood Hazard Area (SFHA)/ 100-year floodplain as designated in FIRM Panel number [XXXXX], effective date: [MM/DD/YYYY]. Flood insurance has been purchased in accordance with the Flood Disaster Protection Act of 1973 and the National Flood Insurance Reform Act of 1994. Documentation of the insurance policy is included in the ERR. Therefore, the project is in compliance with 42 U.S.C. §§ 4001-4128 and 42 U.S.C. § 5154a."*

Example 2: *The project site is located in zone [X, Shaded X], outside the Special Flood Hazard Area (SFHA)/ 100-year floodplain as designated in FIRM Panel number [XXXXX], effective date: [MM/DD/YYYY]. Therefore, the project does not require flood insurance in accordance with the Flood Disaster Protection Act of 1973 and the National Flood Insurance Reform Act of 1994. Documentation demonstrating the location outside the SFHA has been included. Therefore, the project is in compliance with 42 U.S.C. §§ 4001-4128 and 42 U.S.C. § 5154a."*

17. Statutes, Executive Orders, and Regulations Listed at 24 C.F.R. § 50.4 and § 58.5

17.1 Clean Air Act

Clean Air Act, as amended, particularly section 176(c) and (d); 40 C.F.R. Parts 6, 51, and 93

17.1.1 Formal Compliance Steps or Mitigation

"**No**" - The project is located within an "attainment" area, **OR**, if within a "non-attainment" area, conforms with the EPA-approved State Implementation Plan (**SIP**), per contact with a regional Clean Air Agency, **AND** the project requires no individual

National Emission Standards for Hazardous Air sPollutants (**NESHAP**) permit or notification.

"**Yes**" – If the project is located within a "non-attainment" area **AND** if the estimated emissions levels exceed de minimis levels, the preparer must determine whether the project can be brought into compliance with the SIP through modification or mitigation. Federal compliance and negotiation of suitable mitigation measures with the relevant regional Clean Air Agency are required. This may include regular emissions testing and reporting to regulatory authorities, as well as obtaining necessary permits and issuing the required notices.

17.1.2 Compliance Determination

Refer to the EPA's Green Book on Nonattainment Areas for Criteria Pollutants to determine the compliance status of the county or air quality management district where your project is located for each Criteria Pollutant.[6] If your project's county or air quality management district is in attainment status for all criteria pollutants, the project is in compliance with the Clean Air Act. Otherwise, determine which criteria pollutants are in non-attainment or maintenance status.

EPA's Green Book classified several of Puerto Rico's municipalities as non-attainment areas or in maintenance. The Municipalities in Nonattainment or Maintenance areas are: Arecibo, Bayamon, Cataño, Guaynabo, Salinas, San Juan and Toa Baja. HUD Exchange provides a step-by-step guide on how to complete this evaluation.

At the end of this section, as applicable, include a statement of compliance such as: *"Therefore, the project is in compliance with the Clean Air Act, as amended, particularly section 176(c) and (d); 40 C.F.R. Parts 6, 51, and 93."*

Example: *"The project is located in [X] Municipality, which is designated as an [nonattainment] area for [specific pollutant(s)] according to the U.S. Environmental Protection Agency's (USEPA) Online Green Book on Nonattainment Areas for Criteria Pollutants as per data obtained on [DATE]. An emissions analysis was conducted to estimate the project's*

[6] https://www.epa.gov/green-book

total direct and indirect emissions. [Incorporate analysis procedure and results].

Therefore, the proposed project complies with the National Attaining Air Quality Standards (NAAQS). Due to its scope, no impact on air quality will be expected during its construction and operation. The proposed action complies with the Clean Air Act and 40 C.F.R. Parts 6, 51 and 93. No formal compliance steps or mitigation are required.

See Non-Attainment Area Map in Attachment [XX] and a copy of the EPA PR Non-Attainment Areas List in Attachment [X].

NOTE: Local permits must be included in the Mitigation Measures and Conditions section of the document. Additionally, when the proposed project scope involves the introduction of new emission sources, compliance with local permits must be documented and disclosed in this section. Provide more specificity regarding the type of pollutant by Municipality under the "Non-Attainment" category.

17.2 Coastal Zone Management[7]

Coastal Zone Management Act (CZMA), sections 307(c) and (d)

The Puerto Rico Planning Board (**PRPB**) defines the coastal zone as a strip of land extending 1,000 meters inland from the coastline. This zone also includes additional areas necessary to incorporate key natural systems of the coastal environment.[8]

17.2.1 Formal Compliance Steps or Mitigation

"**No**" - The project is not located within a Coastal Zone, **OR** the PRPB has determined that the project will not significantly impact Puerto Rico Coastal Resources and does not require Federal Consistency review as per Resolution JP-2024-004 **OR** the PRPB has accepted the RE's certification that the project is consistent with the Coastal Zone Management Program and provided a final Federal Consistency Certification for the Project.

[7] https://www.hudexchange.info/programs/environmental-review/coastal-zone-management/
[8] PRCZMP2009-Appendix-B.-The-Puerto-Rico-Program-and-The-Coastal-Zone-Management-Act.pdf

"**Yes**" – The project is located within a Coastal Zone, but the PRPB conditioned the consistency determination to the submittal of additional information **AND/OR** the project requires mitigation. Explain in detail the proposed measures that will be implemented to mitigate the impact or effect, including the timeline for implementation.

17.2.2 Compliance Determination

For projects located in the coastal zone (JP Resolution number JP-2024-004), REs must conduct a conditional consultation by applying for a Certification of Consistency from the PRPB with the documentation required in Part 10 of the JP-833 Form. If the project complies with the Resolution JP-2024-004 criteria, an Application for Certification of Consistency with the PRPB can be submitted with any available documentation. Include the date of the consultation with the PRPB and the date they responded with the conditional approval. State what the conditional approval entails.

Note: If the project is outside the Coastal Zone, demonstrate compliance by providing a map showing its location and the distance (in feet) between it and the coastal zone buffer—not the actual coastline where land meets water.

The distance to the coastline is not required if the project is within the Coastal Zone. However, you must include a layer indicating that the project is located within the Coastal Zone.

At the end of this section, as applicable, include a statement of compliance such as: "*Therefore, the project is in compliance with the Coastal Zone Management Act, sections 307(c) and (d).*"

Example 1: *"The project is located within the coastal zone of Puerto Rico, as defined by the State's Coastal Zone Management Program (CZMP). The project activities include [brief description of activities]. A consistency determination was obtained from the PRPB, confirming that the project is consistent with the State's CZMP. This determination was based on a thorough review of the Project's potential impacts on coastal resources and uses.*

The project will implement the following mitigation measures to ensure minimal impact on coastal resources: [list specific measures, if any].

All relevant documentation, including the consistency, is included in the Environmental Review Record (ERR). Therefore, the project is in compliance with Section 307(c) and (d) of the Coastal Zone Management Act."

Example 2: "*The project is located within the coastal zone of Puerto Rico, as defined by the State's Coastal Zone Management Program (CZMP). The project activities include [brief description of activities]. A consultation was submitted to the agency on [DATE] by the [REs]. The PRPB responded that the project is consistent with the State's CZMP if the project fulfills the following requirements* 120 days before beginning its construction phase:

1. [Include the requirements as listed by the PRPB]

This determination was based on a thorough review of the Project's potential impacts on coastal resources and uses.

The project will implement the following mitigation measures to ensure minimal impact on coastal resources: *[list specific measures, if any].*

All relevant documentation, including the consistency determination, is included in the Environmental Review Record (ERR). Therefore, the project is in compliance with Section 307(c) and (d) of the Coastal Zone Management Act."

Note: All documents must be submitted to PRDOH for review and processing; the preparer or project proponent should not send any documents directly to the PRPB.

17.3 Contamination and Toxic Substances[9]

24 C.F.R. § 50.3(i) and § 58.5(i)(2)

17.3.1 Formal Compliance Steps or Mitigation

"**No**" - The subject and adjacent properties are free of hazardous materials, contamination, toxic chemicals, gasses, and radioactive substances that could affect

[9] https://www.hudexchange.info/programs/environmental-review/site-contamination/

the health or safety of occupants or conflict with the intended use of the subject property.

"**Yes**" – The project requires mitigation to meet HUD's toxic standards.

17.3.2 Compliance Determination

An environmental inspection is necessary to identify potential hazards at the project site. Inspectors will conduct an onsite screening, including taking site photos that must be incorporated into the ERR. Accordingly, preparers must:

- Conduct a desktop screening and provide documentation showing all known toxic or contamination sites within a three-thousand-foot (3,000ft) buffer from the project site. These assessments include identifying the Underground Storage Tanks (**USTs**) and Echo Reports obtained from the NEPAssist website.
- Describe site history, document potential contaminating uses (e.g., if there was previously a gas station on the project site, this may trigger the need to perform a Phase I study or assessment), and provide evidence that the site is not contaminated (e.g., Phase I Environmental Site Assessment is strongly encouraged for multifamily and non-residential projects, historic aerial photos, interviews with neighbors, public deeds, etc).

Note: If USTs identified within the 3,000ft buffer are registered at the Puerto Rico Department of Natural and Environmental Resources (**DNER**), the UST registration number must be included, **AND** if listed in the Leaking UST (**LUST**) list published by the UST Division, this shall be disclosed in the report. Resources available for identifying USTs include but are not limited to: UST Finder | US EPA.

- Regulations require testing for Radon only in indoor spaces. If testing is infeasible, reference the PRDOH-developed Radon memo to file. This memo should be included in the environmental review documentation to justify why radon testing is not feasible for the project site. If the Radon memo will be used, include a copy of all agency letters confirming that up-to-date data is unavailable. Ensure all steps comply with HUD's guidelines and any other relevant federal, state, or local regulations.
- Describe how this combination of evaluated factors leads to compliance.

- Depending on the project type and any applicable exceptions (24 C.F.R. § 35.115 and 40 C.F.R. § 61.145), assessing, testing, and disposing of **asbestos and lead-based paint** (**LBP**) may be necessary, along with potential abatement. If an exception applies, specify it and explain its relevance to the project. If no exception applies, preparers must complete the testing process and provide evidence of completion, including disposal and abatement plans. Dated reports showing results of specific areas must be included to indicate whether those areas will be affected by the project activity. A risk assessment is required for sensitive uses and residential structures.
- The inspection must include a visual check, including, but not limited to, **black mold** in all properties, with a qualified professional confirming its presence.
- While Radon and black mold are the most relevant contaminants and toxic substances, preparers must assess for all other contaminants, as applicable.[10]

Note: Include wording specifying that Asbestos and LBP surveys and risk assessments must be conducted by a registered DNER professional with a corresponding category (e.g. Inspector, Risk Assessor).

At the end of this section, as applicable, include a statement of compliance such as: "*Therefore, the project is in compliance with 24 C.F.R. § 50.3(i) and § 58.5(i)(2).*"

Example 1: *"The subject property is a vacant, undeveloped lot with no history of commercial use. There are no landfills, dumping, or disturbed soil on the property or its adjoining lots. The soil remains undisturbed and shows no signs of water accumulation in areas subject to precipitation. The property is surrounded by residential properties, with no commercial use recorded. No hazardous substances or petroleum products were observed or reported, nor were any power generators, storage tanks, or drums present. No standing water, pools, or sumps containing*

[10] Refer to HUD's Course Handbook: Detecting and Addressing Hazards from Mold available at https://files.hudexchange.info/resources/documents/PHA-Training-Detecting-and-Addressing-Hazards-from-Mold-Course-Handbook-English.pdf.

potentially hazardous substances or petroleum products were observed during the site inspection. Additionally, no strong or noxious odors were detected on the property or surrounding area. No unidentified substance containers or containers holding hazardous substances or petroleum products were observed during the site visit.

*No visual signs of equipment likely containing polychlorinated biphenyls (**PCBs**) were noted, and no HVAC systems or water heaters were reported. No corroded or stained metal containers, drains, or sump systems were found during the site inspection. No construction or demolition debris, solid waste, or signs of waste disposal (such as mounds or depressions) were observed. No stressed vegetation was noted on the property.*

There were no visible signs of wastewater discharge into drains, ditches, underground injection systems, or streams, either on or adjacent to the site. Additionally, no dry wells, irrigation wells, injection wells, abandoned wells, or on-site septic systems were observed. Finally, a review of standard environmental records revealed no evidence of recognized environmental conditions (RECs) associated with the property.

There are no existing structures on the property that require demolition, so there is no risk of contamination from asbestos or lead.

The Phase I Environmental Site Assessment (Phase I Environmental Study) was conducted in conformance with the scope and limitations of ASTM Practice E 1527-21. The Phase I Environmental Study determined:

- *There is no evidence of oily films in standing water.*
- *There is no evidence of discolored and oil-stained floors.*
- *There is no evidence of discarded chemical containers.*
- *There is no evidence of waste pipes or buried waste.*
- *There is no evidence of distressed vegetation.*
- *There is no presence of unusual odors.*
- *There is no evidence of a LUST Facility at the subject property.*
- *There is no evidence of a LUST Facility at the adjoining properties.*

- *The results of this assessment have revealed no Recognized Environmental Conditions (RECs) associated with the subject property.*
- *The results of this assessment have revealed no Controlled Recognized.*
- *Environmental Conditions (CRECs) associated with the subject property.*
- *The results of this assessment have revealed no Historically Recognized.*
- *Environmental Conditions (HRECs) associated with the subject property.*
- *The results of this assessment have revealed no De Minimis Condition associated with the subject property.*
- *This Phase I ESA did not identify RECs in connection with the subject property or evidence of any potentially significant*
- *environmental concern. Therefore, no further investigations at the subject property are recommended to satisfy All Appropriate Inquiries.*
- *No environmental conditions have been identified on the Property; therefore, there is a low probability of the site being contaminated. The Phase I Environmental Study's conclusion was based on the historical and environmental review of records, visits to the site, interviews, and electronic data from local and federal agencies. No further investigation of the site was recommended.*

The site was evaluated for its proximity to known hazardous sites, including those listed on the EPA Superfund National Priorities List, state equivalent lists, and sites within 3,000 feet of a toxic or solid waste landfill. No such sites were identified within the specified radius. ***OR*** *[Within a 3,000-feet radius measured from the Project perimeter, three locations are identified in NEPAssits with contamination and toxic substances. Enforcement and Compliance History Online (ECHO) states that the compliance status is No Violation Identified for all three sites.]*

Therefore, the project is in compliance with 24 C.F.R. § 50.3(i) and § 58.5(i)(2).

If Radon testing applies to the Project, refer to the suggested language below:

Example 2: *Regarding radon, the Puerto Rico Department of Housing (PRDOH) has determined that testing the property's radon levels is infeasible and impracticable. This conclusion follows consultations with several agencies, including the United States Geological Survey (USGS), the Centers for Disease Control and Prevention (CDC), the Puerto Rico Department of Health, and the United States Environmental Protection Agency (EPA). These agencies confirmed the lack of scientific data on radon testing in Puerto Rico and the technical challenges involved. These challenges include a shortage of trained and professionally licensed personnel to collect samples, the unavailability of test kits, the high costs associated with testing, difficulties ensuring quality control of results, and the lengthy process required to purchase, ship, and analyze samples.*

Furthermore, local authorities in Puerto Rico lack the specialized equipment and trained personnel needed to perform radon testing and ensure proper quality control. Additionally, no certified radiation laboratory in Puerto Rico can conduct radon testing.

Based on these factors, the PRDOH memorandum concludes that radon testing is not feasible for this property and that no further consideration of radon is required for environmental review.

Therefore, the Project is in compliance with 24 C.F.R. Part 50.3(i) and 58.5(i)(2)."

See Exhibit [X]. EPA NEPAssits – EPA Facilities MAP and [Xa]. Environmental Assessment Phase I Report and Exhibit, [Xb]. PRDOH Memorandum for Infeasibility and Impracticability of Radon Testing and, [Xc]. Radon Memorandum Attachments (including communications with agencies confirming there is no data available).

NOTE: If Radon testing applies to the project as per HUD's Notice CPD-23-103, issued on January 11, 2024, preparers should comply with the Departmental Policy for Addressing Radon in the Environmental Review Process. If Radon levels are above acceptable limits, develop and implement appropriate mitigation measures to address the issue. Ensure all steps comply with HUD's guidelines and relevant federal, state, or local regulations.

17.4 Endangered Species[11]

Endangered Species Act of 1973 (ESA), particularly section 7; 50 C.F.R. Part 402

17.4.1 Formal Compliance Steps or Mitigation

"**No**" - The RE determines that the proposal will have "no effect" on federally protected (listed or proposed) Threatened or Endangered Species. This may be achieved via the applicability of the USFWS Blanket Clearance Letter or a No Effect memo prepared by a qualified professional and approved by the RE.

"**Yes**" - USFWS and/or National Marine Fisheries Service (**NMFS**) concur the project is "not likely to adversely affect" any federally protected (listed or proposed) Threatened or Endangered Species (i.e., plants or animals, fish, or invertebrates), nor adversely modify critical habitats **OR** USFWS and/or NMFS do not concur the project is "not likely to adversely affect" federally protected species or adversely modify critical habitats **OR** the proposal is "likely to adversely affect" any federally protected (listed or proposed) Threatened or Endangered Species.

17.4.2 Compliance Determination

A detailed guidance has been created and included in the ERR Smartsheet repository "*ERR guidance and Templates"* for your reference.

For all PRDOH projects in the IPaC system, the use of the Determination Keys (DKEYS) is mandatory if and when they are available. DKEYS are a structured set of questions based on USFWS analysis to determine project consultation outcomes.

- **No Effect Detemination:**

1. Obtain an official species list (no watermark should be present) from the IPaC system website https://ipac.ecosphere.fws.gov/.

[11] https://www.hudexchange.info/programs/environmental-review/endangered-species/

2. Use determination keys "DKEYS" (if available and applicable): These are a structured set of questions based on USFWS analysis to determine project consultation outcomes.
3. If "No Effect" determination, the environmental professional must complete the NE memorandum with the required documentation detailed and further explain in the "Form_EA Instructional Guide_Appendix 4_ESA Section 7 Compliance Consultation Process" attached In the ERR repository for the guidance and templates.
    - **Note: IF** DKEYS are not available and sufficient information exists to determine "no effect" outside of the DKEYS assessment, internal evaluation may be completed by a qualified Biologist.
4. It's important to note that when making a **"NO EFFECT"** determination, concurrence from the USFWS is not required.

II- **Self-Certification:**

1. In order to expedite the consultation process, the Caribbean Ecological Services Field Office (CESFO) has developed this BCL to cover for activities and projects that typically result in no adverse effects to federally-listed species under our jurisdiction. The proposed project criteria discussed below are subject to the following conditions:
    a. The project is located within an urban or developed area.
        - An urban or developed area is defined as an area that has one or more of the following characteristics:
        - Presence of existing buildings, residential areas, and commercial establishments.
        - Well-established infrastructure including roads, utilities, and urban facilities.
        - High population density. +
        - Established neighborhood and urban amenities ("urbanizaciones").
        - Developed landscape with paved surfaces, parking lots, and industrial areas.
        - Signs of human activity and urbanization, such as shopping centers and recreational facilities.

- Location within the boundaries of a city or town ("casco urbano").
- High concentration of built-up structures and limited open spaces.
- Aerial imagery might be requested to the applicant.

b. If the project is located in a rural area, and the project is located within a disturbed area that does not require additional clearing of forested (trees) areas.
c. The project is not located within (or adjacent to) drainages, rivers, streams, wetlands, aquatic systems, or coastal areas.
d. If the project is located in a rural area, and the project is not located immediately adjacent to forested areas (e.g., rock walls and haystack hills ("mogotes"); wet montane forest; lowland wet forest; remnant coastal; mangrove forest; damp and dry limestone karst forests; pastureland with patches of exotic trees).
e. The lighting associated to the facilities is not visible directly or indirectly from the shoreline or beach area.

2. The environmental preparer needs to determine if the proposed project complies with the criteria listed in the BCL **and** meets the conditions above. If the proposed project complies, Section 7 consultation has been completed. Detailed documentation and rationale supporting this determination needs to be included and attached to the ERR as detailed further explain in the *"Form_EA Instructional Guide_Appendix 4_ESA Section 7 Compliance Consultation Process"* attached In the ERR repository for the guidance and templates
3. Proposed projects that **do not** meet the above conditions **Do Not** Qualify for review under the Blanket Clearance Letter developed for compliance with Section 7 of the Endangered Species Act.

III- The following process should be followed when the environmental professional determines that the project does **not** meet any of the criteria listed in the self-certification form:

1. Obtain an official species list (no watermark should be present) from the IPaC system website https://ipac.ecosphere.fws.gov/.

2. Use determination keys "DKEYS" (if available and applicable): These are a structured set of questions based on USFWS analysis to determine project consultation outcomes.
3. The reviewer will choose the applicable template (Not Likely to Adversely Affect Letter **Or** the Likely to Adversely Affect template approved by PRDOH) to describe project location, nature, species, and critical habitat information obtained from IPaC and other sources. This analysis forms the basis for determining potential effects on species, which are categorized into two outcomes: Not Likely to Adversely Affect (**NLAA**), and May Affect Likely to Adversely Affect (**MALAA**). All templates must be PRDOH-approved versions.
4. Use determination keys "DKEYS" (if available and applicable): These are a structured set of questions based on USFWS analysis to determine project consultation outcomes.
    - NLAA determinations require informal consultation with the service. This informal consultation is applicable when **at least one** of the listed species is given a NLAA determination.
    - If an LAA is reached, through a biological assessment or other review, that its action is likely to adversely affect a listed species, formal consultation must be completed. This process requires the submission of a biological assessment or similar documents that analyzes the effects of the project on federally listed species and designated critical habitat. After analyzing that information, the USFWS agency will prepare a Biological Opinion to analyze if the project could jeopardize the continued existence of the species, or if it would cause adverse modification of designated critical habitat.

The narrative must include all identified species within the site based on the IPaC system, along with the date when IPaC was obtained, including the determination for the project based on the scope. If a USFWS consultation was conducted, include a copy of the official consultation with its respective date and USFWS response dates and comments. Include all conservation measures for each species.

State the distance (in feet) between the project's boundary and the nearest Critical Habitat and include a map with respective identification from the proposed project site.

If a Self-certification applies to the project, include the transmittal letter properly signed by PRDOH, and then signed and stamped by USFWS. If an informal or formal consultation is completed, include the concurrence letter from USFWS.

NOAA-NMFS Compliance Consultation Process:

Note: When assessing the project's impact on endangered species, it is crucial to recognize that sea turtles and other marine mammals fall under the jurisdiction of the National Oceanic and Atmospheric Administration (**NOAA**). Therefore, consulting with NOAA is essential to address any potential effects on these marine species. Refer to **Appendix 5**: NOAA-NMFS Compliance Consultation Process.

I- Assess Whether the Project Affects NOAA Resources—ESA Species, EFH, or Critical Habitat

1. Determine if your action may affect
2. Use the ESA Section 7 Mapper &/or EFH Mapper if applicable to identify the species within your action area.

II- Define Action Area and Evaluate Effects on ESA, Critical Habitat and EFH

1. When defining your action area and evaluating the effects on species and/or critical habitat within your project, use the guidance available in the ERR Smartsheet Repository or consult the relevant websites to access the tools provided for determining your action area and assessing potential effects on listed species and/or critical habitats.
2. Below is a summary of the steps to submit a consultation request to NOAA:
    a. All ESA Section 7 consultation requests/packages shall be submitted electronically to nmfs.ser.esa.consultations@noaa.gov (copy and paste this email address). Please note this email restricts file sizes to 25mb. Any larger files will need to be split or shared on a data-sharing portal (e.g., PKZIP®, WinZip®, Google Drive) for download. To avoid confusion and delays, please **DO NOT** submit a hard copy of your request, and please **DO NOT** submit electronic requests to individual email addresses other than the official inbox.
    b. There are two types of actions to be considered based on the project scope. REs will need to define if the project constitutes a *minor* or *major* federal action as defined in 50 C.F.R. § 404.02. The action area is defined

as *"all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action".*

For detailed instructions and additional resources, please refer to https://www.fisheries.noaa.gov/consultations/how-submit-consultation-request-southeast and Smartsheet repository for the ERR guidance and templates.

For the EFH:

The Magnuson Stevens Fishery Conservation and Management Act (MSA) requires federal agencies to consult with NOAA Fisheries on any action or proposed action authorized, funded, or undertaken by such agency that may adversely affect essential fish habitat (EFH) identified under the MSA. This process is guided by the requirements of our EFH regulation at 50 CFR 600.905, which mandates the preparation of EFH assessments and generally outlines the obligations in the consultation process. For guidance, refer to the Consultations for Essential Fish Habitat | NOAA Fisheries and and Smartsheet repository for the ERR guidance and templates.

At the end of this section, as applicable, include a statement of compliance such as: "*Therefore, the project is in compliance with the Endangered Species Act of 1973, particularly section 7; 50 C.F.R. Part 402."*

Example: *"PRDOH, as the Responsible Entity, is conducting due diligence to assess Federally Listed Threatened and Endangered Species, in accordance with the Endangered Species Act Section 7. This involves consulting the U.S. Fish and Wildlife Service (USFWS), the National Marine Fisheries Service (NMFS) databases, as well as field surveys.*

An [informal consultation/blanket clearance letter] was submitted to the agency for determination (or other sources such as Fauna/Flora Survey), which identified the proposed project's range within the habitat of federally listed species and critical habitats on [Date].

The agency responded on [Date] with the following determination: [include a brief description of the "determination"]

If any [federally listed species] is encountered during construction, [include mitigation measures]. The nearest critical habitat to the project area is [X] miles from the project boundary.

Therefore, the project is in compliance with the Endangered Species Act of 1973, particularly section 7; 50 C.F.R. Part 402."

See Exhibit [X]. USFWS Endangered Species Concurrence for NLAA Determination Letter, [Xa]. USFWS Informal Consultation Package.

Note: All consultations must be submitted through PRDOH unless the agency has delegated the RE role. PRDOH may delegate this role to another entity that can assume the environmental review responsibilities under 24 C.F.R. Part 58.

17.5 Explosive and Flammable Hazards[12]

24 C.F.R. Part 51, Subpart C

17.5.1 Formal Compliance Steps or Mitigation

"**No**" - The project is located at an Acceptable Separation Distance (**ASD**) from any above-ground explosive or flammable fuels or chemicals containers according to 24 C.F.R. § 51.201, **OR** the project will expose neither people nor buildings to such hazards according to 24 C.F.R. §§ 51.201-51.205.

"**Yes**" - The project requires mitigation to meet the Acceptable Separation Distance. If the separation distance is not acceptable, mitigation is required. A technical evaluation by a licensed civil or structural engineer must be conducted to determine whether an existing barrier (natural or man-made) is sufficient mitigation or to design a barrier.

17.5.2 Compliance Determination

On-site assessment is only required if the activity will increase **residential, institutional, recreational, commercial or industrial** densities or conversion. If the project itself will not contribute to this increase but entails adding an aboveground storage tank (**AST**) to a parcel, it shall be ensured that such ASTs are located at an

[12] https://www.hudexchange.info/programs/environmental-review/explosive-and-flammable-facilities/.

acceptable separation distance from the residences and from any other facility or area where people may congregate or be present.

When conducting a one-mile search for ASTs during the on-site assessment, both aerial imagery and physical inspections are required. However, this can be challenging due to factors like vegetation cover or indoor storage. Additionally, preparers may identify ASTs and other potential hazards by conducting desktop reviews utilizing resources like the PRPB and EPA. These databases can provide valuable information that might not be visible through physical inspections or aerial imagery. Additionally, a detailed review of the properties adjacent to the project site should be included in the evaluation to ensure comprehensive coverage.

Under 24 C.F.R. § 51.201, a HUD-assisted project means "the development, construction, rehabilitation, modernization or conversion with HUD subsidy, grant assistance, loan, loan guarantee, or mortgage insurance, of any project **which is intended for residential, institutional, recreational, commercial or industrial use.** For purposes of this subpart, the terms "rehabilitation" and "modernization" refer only to such repairs and renovation of a building or buildings as will result in an increased number of people being exposed to hazardous operations by increasing residential densities, converting the type of use of a building to habitation, or making a vacant building habitable."

Preparers should use the calculation tool on the HUD exchange page (https://www.hudexchange.info/environmental-review/asd-calculator/) to determine ASD.[13]

At the end of this section, as applicable, include a statement of compliance such as: "*Therefore, the project is in compliance with 24 C.F.R. Part 51, Subpart C.*"

Example: "*The project is located near places with inherent potential dangers associated with facilities that store, handle, or process hazardous substances of a flammable or explosive nature that can expose the*

[13] https://www.hud.gov/sites/documents/barrier_design_guidance.pdf.

inhabitants of the Project to the risk of injury in the event of a fire or an explosion.

To identify stationary hazards, the following were conducted:

- *Identification of a 1-mile (5,280 feet) radius of the project of any current or planned stationary aboveground storage tank (AST) with more than 100-gallon capacity, containing common liquid industrial fuels or any capacity, containing hazardous liquids or gases that are not common liquid industrial fuel.*
- *Georeferenced photos were taken of the Hazard stationary or the place where it is located.*
- *The type of material, capacity of the tanks, and information on the dams were identified.*
- *The tanks were in an aerial photo to determine the distance from the project.*
- *The acceptable distance was determined using the Acceptable Separation Distance (ASD) Electronic Assessment Tool. https://www.hudexchange.info/environmental-review/asd-calculator/.*
- *The ASD is measured from the center of the assessed container to the perimeter of the Project.*

During the visual assessment conducted on [Month DD, YYYY], [four (4)] potential explosive hazard sources were identified in relation to the operations of the stationary Aboveground Storage Tank (AST) facility. These hazard sources are located at a safe distance from the project area and from locations where people may be present or congregate. The closest identified hazard is a [350]-gallon diesel fuel storage tank, which supplies fuel to a portable electric generator that powers a telecommunications facility during electrical service interruptions. This tank is situated [XXX] feet from the project area.

For reference, the ASD is XXX.XX feet for personnel and XX.XX feet for structures.

Therefore, the Project is in compliance with the 24 C.F.R. Part 51 Subpart C."

See Exhibit [X]. Explosive and Flammable Hazard Location (Aerial Image), Table with description of AST and ASD, and photos of the AST.

Note: For compliance purposes, generators with self-contained tanks (double-wall tanks) are not considered to have a containment dike.[14]

When there is no ASD, mitigation is required and, therefore, the Barrier Design guidelines apply. These guidelines are provided to licensed professional engineers (civil or structural) and must be strictly followed during the design process to ensure that the barrier offers adequate protection against potential risks. Additionally, a detailed analysis should be conducted to assess the specific site conditions, ensuring that the barrier meets the regulatory and technical requirements set for projects of this nature. The barrier design must be completed and certified by a licensed professional before ERR approval.

17.6 Farmlands Protection[15]

Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 C.F.R. Part 658

17.6.1 Formal Compliance Steps or Mitigation

"**No**" - The project site does not include prime or unique farmland or other farmland of statewide or local importance as identified by the U.S. Department of Agriculture, Natural Resources Conservation Service (**NRCS**) (formerly the Soil Conservation Service), **OR** the project site includes prime or unique farmland, but is located in an area committed to urban uses.

"**Yes**" - The project site includes prime or unique farmland as identified by NRCS.

17.6.2 Compliance Determination

Clearly identify whether the proposed project activities entail new construction, acquisition of undeveloped land, or conversion, which could potentially convert one land use to another. Preparers must provide a brief description of the NRCS

[14] Barrier Design Guidance For HUD-Assisted Projects Near Hazardous Facilities Guidebook 6600.G: https://www.hud.gov/sites/documents/barrier_design_guidance.pdf.
[15] https://www.hudexchange.info/programs/environmental-review/farmlands-protection/

consultation by the RE if the project activity is located on identified agricultural lands to clarify if it is subject to FPPA with the dates they were conducted and the NRCS response with its implementation date.

Note: For new construction, all projects must complete the AD-1006 form if they are located in one of the farmland classifications ("Important Farmland," including prime farmland, unique farmland, or farmland of statewide or local importance regulated under the FPPA). Preparers must complete **form AD-1006**, mark as **"No"**, and explain that the project is not subject to FPPA.

Preparers must consider that project sites larger than 10 acres without structures do not fall within the definition of urban-built-up area, are subject to FPPA, and must consult with NRCS.[16] Alternatively, corridor projects that go over several tracts, such as railroads, utility lines, highways, etc., only require the completion of **form NRCS-CPA-106**. (See **Appendix 6** – FPPA Compliance Consultation Process).

Note: All documents must be submitted to PRDOH for review and processing; the preparer or project proponent should not send any documents directly to the NRCS.

At the end of this section, as applicable, include a statement of compliance such as: "*Therefore, the project is in compliance with the Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 C.F.R. Part 658.*"

Example: *"The [Project Name] Project occupies [0.00] acres. According to the 2020 U.S. Census Bureau Urban Area Map, within a 1-mile radius from the Project perimeter, XX.XX% of the land is classified as urban, including the Project area itself, while XX.XX% is classified as rural. Within the property, based on the NRCS Farm Classification Maps, X.X acres are designated as Prime Farmland, and X.X acres are classified as Non-Prime Farmland.*

A Farmland Conversion Impact Rating (Form AD-1006) was completed in consultation with the Natural Resources Conservation Service (NRCS) to evaluate the potential impact of the project on protected farmland.

After the evaluation of the USDA-NRCS Form, it determined the following:

[16] Farmland Protection Policy Act, Subpart B-Program Activities and Requirements, 523.10 (B)(v).

> *"After evaluating the project footprint, including the WSS Farmland Classification Map and the 2020 US Census Bureau Urban Area Map, it was found that the area of interest includes land as prime farmland (prime farmland). However, it is within the designated urban area based on the 2020 Census Map. Therefore, this area is not subject to the Farmland Protection Policy Act (FPPA)."*
>
> *Although the Proposed Project is not subject to the Farmland Protection Policy Act (FPPA), as requested by PRDOH, once the EA is approved, we will provide the completed AD-1006 form to NRSC for recordkeeping of Agricultural Lands converted.*
>
> *Therefore, the project is in compliance with the Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 C.F.R. Part 658."*
>
> *See Exhibit [X]. USDA-NRCS Farmland Protection Policy Act Evaluation for [Project Name] Development Determination (MM/DD/YYYY). Exhibit [Xa]. Form AD-1006 (03-02) Farmland Conversion Impact Ration Consultation Package.*

17.7 Floodplain Management[17]

Executive Order 11988, particularly section 2(a); 24 C.F.R. Part 55

17.7.1 Formal Compliance Steps or Mitigation

"**No**" - The project does not require compliance with 8-step decision-making at 24 C.F.R. § 55.20 or the 5-step decision-making at 24 C.F.R. § 55.12(a) **OR meets criteria under 24 C.F.R. § 55.13**. The 5-step decision-making process has been completed, and no mitigation measures are required as a result.

"**Yes**" - The project requires compliance with the 8-step decision-making process at 24 C.F.R. § 55.20 or the 5-step decision-making process at 24 C.F.R. § 55.12(a).

17.7.2 Compliance Determination

If the project is not located in the floodplain, specify the zone it is located in, and include maps to demonstrate it. Determine if the project qualifies as a critical action

[17] https://www.hudexchange.info/programs/environmental-review/floodplain-management/

under 24 C.F.R. § 55.2(b)(3), and if it is located within 500-year flood zones (0.2% PFA). If so, it must adhere to more stringent regulatory standards, which include additional mitigation requirements. State the methodology used to make that determination (500-year floodplain or 0.2% PFA method).

Since the CISA information is not yet available, preparers should default to the 0.2% PFA.

Include location in all maps and its designated floodplain (FIRM, PFIRM, ABFE), indicate the most restrictive, and consider the FIRM and PFIRM should both include the panel number, FIRM the effective date, and PFIRM and ABFE the issue date.

If located in the floodplain and not exempted as per 24 C.F.R. § 55.13 the project will need to complete the 8-step **OR** the 5-step process, as applicable, and include evidence of the following:

1. Step 2 and 7 publication dates (only for 8-step).
2. Date the public comment period ended. If comments are received, provide a summary of how and when they were addressed and by whom. State what was the final resolution (only for 8-step).
3. Alternatives evaluated
4. Mitigation measures needed
5. Potential impacts
6. Evidence that the public notices were sent to the concerned agencies

At the end of this section, as applicable, include a statement of compliance such as: "*Therefore, the project is in compliance with Executive Order 11988,.*"

Example: *"The project is not located within the floodplain. According to Advisory Base Flood Elevation (ABFE), issued on [Month DD, YYYY], the project is located in zone X. According to the Flood Insurance Rate Map (FIRM), effective [Month DD, YYYY], the project is in Zone X Area of Minimal Flood (Map number 72XXXCXXXXJ). The Preliminary FIRM Map is not available for the Project Area.*

The project will not undergo activities within a floodplain. Therefore, the Project is in compliance with Executive Order 11988."

See Exhibit [X] National Flood Hazard Layer FI and Exhibit [XX]. Advisory Base Flood Elevation Map (ABFE) Map (JP).

17.8 Historic Preservation[18]

National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 C.F.R. Part 800

17.8.1 Formal Compliance Steps or Mitigation

"**No**" - Through consultation with the Puerto Rico State Historic Preservation Office (**PRSHPO**), a finding of No Historic Properties Affected per 36 C.F.R. § 800.4(d)(1) has been received.

"**Yes**" - Through consultation with the PRSHPO, a finding of No Adverse Effect (with or without conditions) per 36 C.F.R. § 800.5(d)(1) or a finding of Adverse Effect per 36 C.F.R. § 800.5(d)(2).

17.8.2 Compliance Determination

Review the detailed scope of work and compare all activities to Appendix B of the *THIRD AMENDMENT TO THE PROGRAMMATIC AGREEMENT AMONG THE FEDERAL EMERGENCY MANAGEMENT AGENCY, THE PUERTO RICO STATE HISTORIC PRESERVATION OFFICER, AND THE PUERTO RICO CENTRAL OFFICE FOR RECOVERY, RECONSTRUCTION AND RESILIENCY*, executed on May 5, 2023. If all proposed activities in the project comply with the Programmatic Allowances outline in Appendix B, these must be documented in detail as to what allowances apply to the project.

Tier I allowances can be applied by any individual, regardless of their professional qualifications. However, **Tier II** allowances can only be applied by individuals who meet the Secretary of the Interior's Professional Qualifications Standards for the relevant discipline, such as architectural history, historic architect, and archaeology. Standard consultation is necessary if the project is not entirely clear on allowances.

If it is determined that Standard Consultation is necessary, the Section 106 Effect Determination Form (**EDF**) for the applicable program must be completed per the guidance included in **Appendix 7**: *State Historic Preservation Compliance Consultation Process*. There may be instances, particularly when there is a finding such as a no adverse effect with a condition or an adverse effect, that additional steps

[18] https://www.hudexchange.info/programs/environmental-review/historic-preservation/

must be taken before approving the EA. This includes but is not limited to preparing archaeological work plans and adverse effect notifications; these will be addressed on a case-by-case basis.

The Advisory Council on Historic Preservation (**ACHP**) must be notified when there is an adverse effect on historic properties. RE will prepare the notification on the ACHP's e106 Form which is located on their website, along with instructions on filling out the form.[19] The RE will submit the e106 form to the ACHP for their review and response within fifteen (15) days.

After the consultation is completed, all documentation related to the consultation consisting of but not limited to letters to the SHPO, from the SHPO, and the ED Form and supporting documents must be compiled and included in the EA. The consultation history must be summarized to include the date submitted to SHPO, recommendation, date on SHPO response letter, and official finding.

Note: All SOIs must be approved by HUD's Federal Preservation Officer as per the PA protocol for RE to Adopt HUD Addendum to the FEMA PA for CDBG-DR projects in Puerto Rico.

For detailed information on Historic Preservation Compliance Consultation Processes refer to: **Appendix 7** .

At the end of this section, as applicable, include a statement of compliance such as: "*Therefore, the project is in compliance with the National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 C.F.R. Part 800.*"

Example: *"The project was assessed for its potential effects on identified historic properties. This assessment considered direct, indirect, and cumulative impacts on the integrity and significance of the properties.*

Archaeologists [Archaeologist Full Name] (SOI-Qualified Archaeologist) and [Architect/Architectural Historian Full Name] (SOI-Qualified

[19] Electronic Section 106 Documentation Submittal System (e106) | Advisory Council on Historic Preservation available at: https://www.achp.gov/e106-email-form.

Architect/Architectural Historian) conducted historical archaeological and architectural evaluations for the property.

*The evaluation concluded that project actions will not affect the historic properties that compose the Area of Potential Effect (**APE**).*

- *There are no Listed, Eligible, or locally designated properties within a ¼ mile radius of the APE.*
- *No historic/eligible properties or archaeological sites within the APE or visual APE will be directly affected by the proposed project.*
- *No historic/eligible properties or archaeological sites within the APE or visual APE will be directly affected by the proposed projects.*

Consultation with the SHPO and other consulting parties was conducted to discuss the findings and potential impacts. Public views and concerns about historic preservation issues were also considered. The consultation process resulted in a determination that the project will have no adverse effect on historic properties.

In a letter dated [Month DD, YYYY], the State Historic Preservation Office (SHPO) executive director [John Doe] indicates the following: ["Our records support your findings of no historic properties affected for this undertaking."]

Therefore, the project is in compliance with the National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 C.F.R. Part 800."

17.9 Noise Abatement and Control[20]

Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 C.F.R. Part 51, Subpart B

17.9.1 Formal Compliance Steps or Mitigation

"**No**" - The project does not involve the development of noise-sensitive uses **OR** Does not expand the existing building footprint; **OR** Does not involve new construction **OR**

[20] https://www.hudexchange.info/programs/environmental-review/noise-abatement-and-control/

the project is not within 15 miles of a civil airport or military airfield, within 1,000 feet of major highways or busy roads, or 3,000 feet of a railroad, **OR** ambient noise level is documented to be 65 Day-Night Average Sound Level (**DNL**) or less, based upon the HUD Noise Assessment Guidelines (**NAG**).

"**Yes**" - The development project requires mitigation to meet HUD's noise standards at 24 C.F.R. Part 51, Subpart B.

17.9.2 Compliance Determination

The Environmental Division of the Puerto Rico Department of Housing (PRDOH) has formally approved the following guidance regarding the applicability of federal noise abatement regulations to rehabilitation and reconstruction activities funded under the CDBG-DR and CDBG-MIT programs.

Following consultations with the U.S. Department of Housing and Urban Development (HUD), PRDOH confirms that 24 CFR Part 51, Subpart B – Noise Abatement and Control applies to HUD-assisted projects. However, consistent with the regulatory language at 24 CFR § 51.101(a)(3), certain activities are specifically exempted.

Regulatory Interpretation and Applicability PRDOH interprets the regulation as follows:

- A **noise analysis** is not required for rehabilitation or reconstruction activities funded under CDBG-DR or CDBG-MIT, so long as the project:
  - Does not involve new construction;
  - Does not expand the existing building footprint; and
  - Does not convert the property to a more noise-sensitive use.
- This exemption applies even if the structure is located near major noise sources (e.g., highways, or airports).
- If the project scope includes new construction, footprint expansion, or conversion to a more noise-sensitive use, a **noise analysis** must be conducted in accordance with 24 CFR § 51.103.

This interpretation is issued with the intent of ensuring consistent regulatory compliance across all PRDOH-managed CDBG-DR and CDBG-MIT programs, while supporting the expedited implementation of critical recovery and mitigation activities.

Determine noise sensitivity, that is, determine if the project affects or will affect a sensitive noise land use or will introduce new noise-sensitive land use (e.g., hospitals, schools, residential areas, and some commercial uses such as churches or libraries, hotels, and care facilities). Measure the distance to the noise source.

Identify noise generators, that is, determine if the project is within 1,000 feet of a major roadway, 3,000 feet of a railroad, or 15 miles of a military or FAA-regulated civil airfield (HUD defines these as "noise generators").

If the project is within one of these noise generators, calculate the DNL to determine if the project area is within the "acceptable," "normally acceptable," or "normally unacceptable" values.[21]

If **new construction** is within "normally acceptable" or "unacceptable" zones, attenuation is required.[22]

The following conditions must be taken into account:

- Airports located within 15 miles of the project site,
- Major roads within 1,000 feet of the site,
- Railroad within 3,000 feet of the site; the "Tren Urbano" is a single-line fixed-track rapid transit system with 16 stations, a vehicle maintenance and storage facility, and 74 railcars. Therefore, it is considered a railroad, so preparers should account for it when conducting their evaluations.

At the end of this section, as applicable, include a statement of compliance such as: "*Therefore, the project is in compliance with the Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 C.F.R. Part 51, Subpart B.*"

Example 1: *"The [Project Name] Project is not located within 1,000 feet of major roads, 3,000 feet of railways, or 15 miles (79,200 feet) of an airport. Specifically, the Project is approximately 1,900 feet from*

[21] Day/Night Noise Level (DNL) Calculator is available at: https://www.hudexchange.info/programs/environmental-review/dnl-calculator/.
[22] Day/Night Noise Level (DNL) Electronic Assessment Tool is available at: https://www.hudexchange.info/programs/environmental-review/daynight-noise-level-electronic-assessment-tool/.

Highway PR-00 (a major road, as classified by its traffic volume and/or functionality) and about 29.7 miles east of the nearest airport. The closest railroad (Tren Urbano) is situated roughly 141,100 feet to the east of the project site.

Additionally, based on the HUD Noise Guidebook, chapter 1, the dynamics of a noise problem are based on the relationship between the noise source, the person or place exposed to the noise, called the receiver and the path the noise will travel from source to receiver. Therefore, the distance to the PR-XX road was taken from the nearest house, which resulted in 1,008 feet.

Therefore, there are no potential noise generators near the project. During the construction phase, noise generation will be temporary and primarily associated with heavy machinery, hand tools, and loading and unloading activities. Several control measures will be implemented to minimize or prevent the impact of construction noise on the surrounding community. Equipment and vehicles will remain turned off when not in use; noisy activities will be limited to specific hours to reduce disruption, and Machinery and tools that operate more quietly will be selected whenever possible. All machinery will be adequately maintained to ensure optimal performance, as poorly maintained equipment is typically louder and workers will receive training on the importance of noise control and the appropriate use of tools.

Therefore, the project is in compliance with the Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 C.F.R. Part 51, Subpart B."

When the noise assessment falls in between **"normally unacceptable"** and **"unacceptable"** requiring mitigation measures, refer to the HUD Noise Guidebook, and preparers could include the following suggested language:

Example 2: *The project will incorporate additional sound attenuation measures to achieve an interior noise level of [XX] dB, in*

compliance with HUD standards. [If the site is within the Normally Unacceptable or Unacceptable noise zone, describe the noise attenuation measures implemented to reduce interior noise levels to acceptable standards (e.g., soundproofing, building design modifications).]

All relevant documentation, including the noise assessment report and any mitigation plans, is attached.

Therefore, the project is in compliance with the Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 C.F.R. Part 51, Subpart B."

17.10 Sole Source Aquifers[24]

Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 C.F.R. Part 149

17.10.1 Formal Compliance Steps or Mitigation

"**No**" - The project is not located within a U.S. EPA-designated sole source aquifer watershed area (including stream flow source areas), **OR** the project need not be referred to EPA for evaluation according to an EPA-approved MOU or checklist, **OR** EPA has concurred that the project is "not likely to affect Sole Source Aquifer quality" in an informal consultation.

"**Yes**" - EPA does not concur with "not likely to affect Sole Source Aquifer quality' determination and/or requires mitigation.

17.10.2 Compliance Determination

There are no sole source aquifers in Puerto Rico, so the answer to this question will always be **No**.

Note: Although there are no sole source aquifers in Puerto Rico, do not leave this section blank. Instead, include a brief response such as the example provided below. At the end of this section, as applicable, include a statement of compliance such as: "*Therefore, the project is in compliance with the Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 C.F.R. Part 149.*"

[24] https://www.hudexchange.info/programs/environmental-review/sole-source-aquifers/

Example: *There are no sole source aquifers in Puerto Rico. Therefore, the proposed project site is not located within a sole source aquifer, nor will it directly or indirectly impact one. Therefore, the project is in compliance with the Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 C.F.R. Part 149.*

17.11 Wetlands Protection[25]

Executive Order 11990, particularly sections 2 and 5

17.11.1 Formal Compliance Steps or Mitigation

"**No**" - The project does not require compliance with 8-step decision-making at 24 C.F.R. § 55.20.

"**Yes**" - The project requires compliance with the 8-step decision-making process for possible impacts to wetlands at 24 C.F.R. § 55.20 **OR** BMPs are required to avoid and minimize impacts to the maximum extent practicable.

17.11.2 Compliance Determination

Preparers should follow this process when making the wetlands determination:

1. Determine if the project involves new construction, as defined in Executive Order 11990, that is located within or impacts a wetland.[26]
2. Conduct a primary screening (visual assessment) by verifying whether the project area is near wetlands identified on the National Wetlands Inventory (**NWI**) map and assessing the site for visual indications of wetlands, such as hydrology, hydric soils, or wetland vegetation.[27] (**Appendix 5**: *Primary Screening for Wetlands 24 C.F.R. § 55.9*). Where the visual assessment is inconclusive, potential wetlands should be further evaluated using one or more of the following methods:
    a. Consulting with the **USFWS** for information on wetlands within the area.

[25] https://www.hudexchange.info/programs/environmental-review/wetlands-protection/
[26] The term "new construction" shall include draining, dredging, channelizing, filling, diking, impounding, and related activities and any structures or facilities begun or authorized after the effective date of the Order.
[27] 24 C.F.R. § 55.9.

b. Referring to the National Soil Survey (**NSS**) and other relevant sources for information on wetlands.
c. Engaging a qualified wetlands scientist to delineate wetland boundaries on-site.

If your project is in a wetland, state the type of wetland that applies, whether jurisdictional or non-jurisdictional. If jurisdictional, preparers must consult with the U.S. Corps of Engineers (**USACE**) and provide evidence of the consultation and the corresponding results. If the project is not located within the wetland, preparers must specify the distance (**in feet**) to the wetland. If the proposed project is located adjacent to or near a wetland, best management practices (**BMPs**) must be implemented as a mitigation measure.

If the 8-step process must be completed, include the following information in the narrative for this section:

1. Step 2 and 7 publication dates;
2. Date the public comment period ended. If comments were received, provide a summary of how and when they were addressed and by whom. State what was the final resolution;
3. Alternatives evaluated;
4. Mitigation measures needed;
5. Potential impacts.

Note: An 8-step process will not be required if it is not a new construction. However, **BMPs** must be implemented. If your project *indirectly* affects wetlands by altering stormwater flow, releasing pollutants, or changing conditions that support to wetland viability, the significance of these impacts must be assessed and minimized through BMPs as per 24 C.F.R. § 55.10. Additionally, if the project impacts any jurisdictional wetlands or navigable waters of the US, consultation with other agencies may be required.

At the end of this section, as applicable, include a statement of compliance such as: "*Therefore, the project is in compliance with Executive Order 11990, particularly sections 2 and 5.*"

Example: *"According to the National Map Inventory, the [Project Name] project is located [determine the presence and type of wetland(s) within the project footprint] wetlands within the project footprint. Additionally, an aerial image provides a visual representation of [indicate whether the area is a wetland or not].*

A primary wetland screening was conducted by [Inspector's Full Name] on [Date] in accordance with HUD's regulations at 24 C.F.R. § 55.9(b). This screening assessed the presence of wetland characteristics such as hydrology, hydric soils, and wetland vegetation. [Detail the observations encountered during the assessment].

The project design was reviewed to avoid any direct or indirect impacts on identified wetlands. Where avoidance was not feasible, measures were taken to minimize harm to wetlands.

[If impacts on wetlands could not be fully avoided, mitigation measures were implemented to compensate for the loss of wetland functions and values. This may include wetland restoration, creation, or enhancement projects.] A wetland mitigation plan was developed in coordination with the U.S. Army Corps of Engineers (USACE) to restore [Insert Acreage] of wetlands at an off-site location.

Based on the wetland delineation study, avoidance and minimization efforts, public involvement, and mitigation measures, the [Project Name] Project complies with the requirements of Executive Order 11990, particularly sections 2 and 5."

17.12 Wild and Scenic Rivers[28]

Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)

[28] https://www.hudexchange.info/programs/environmental-review/wild-and-scenic-rivers/

17.12.1 Formal Compliance Steps or Mitigation

"**No**" - The project is not located within one mile of a listed Wild and Scenic River, **OR** the project will have no effects on the natural, free-flowing or scenic qualities of a river in the National Wild and Scenic Rivers system.

"**Yes" -** Impact resolution and/or mitigation required.

17.12.2 Compliance Determination

The wild and scenic rivers in Puerto Rico are in the El Yunque National Forest. These rivers include La Mina River, Icacos River, and Mameyes River. The narrative for this section should reference this wild and scenic river, the distance between the project and the river, and include a map that shows the distance.

If the project is expected to impact any of these rivers, it is essential to consult with the Bureau of Land Management, the U.S. Forest Service, and the USFWS. This consultation will help assess potential environmental effects, ensure compliance with relevant regulations, and identify necessary mitigation measures to protect the natural habitat and water quality of the affected rivers.

Note: Ensure to include a specific reference to the three rivers mentioned above and the distance from the project to the nearest wild and scenic river. When applicable, indicate any potential impacts between the project and the protected rivers La Mina, Mameyes, and Icacos using a reference map with scales and coordinates.

At the end of this section, as applicable, include a statement of compliance such as: "*Therefore, the project is in compliance with Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c).*"

Example: "*The wild and scenic rivers in Puerto Rico are in the El Yunque National Forest, approximately XXX miles (XX feet) [north, south, east, west] of the Project [name]. These rivers include La Mina River, Icacos River, and Mameyes River, with the XXX River being the closest to the Project. Therefore, the project is in compliance with Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c).*"

18. Environmental Assessment Factors

24 C.F.R. § 58.40

Please use the following link to learn more about Environmental Assessment Factors: https://www.hudexchange.info/programs/environmental-review/environmental-assessment/.

The EA Template shows the scale that will be used to score the qualitative and quantitative significance of the proposed action's effects on the character, features, and resources of the project area. The preparer must evaluate and document each of the five EA factors, as appropriate and in proportion to its relevance to the proposed action. Credible, verifiable, traceable, and supportive source documentation must be provided and described in support of each determination and authority, as appropriate. Where applicable, preparers must ensure that the necessary reviews or consultations have been completed, and applicable permits of approval have been obtained or noted. Clear references to citations, dates/names/titles of contacts, and document pages must be included. Furthermore, all conditions, attenuation, or mitigation measures must be clearly identified.

Based on the relevant information and analysis that is entered for each factor, make a determination using one of four codes:

Score		
1	Minor beneficial impact	The outcome of the project is positive in some way, but the community improvement is limited.
2	No impact anticipated	The proposed project will likely have no beneficial or adverse effect on the community.
3	Minor adverse impact	Analysis of the proposal shows that some aspects of the project will negatively affect the community, but the impact can be easily mitigated. While not required, mitigation may be appropriate to improve project and environmental quality.
4	Significant or potentially	The EA description of existing conditions and trends establishes the baseline environmental conditions at the

	significant impact	site. When project impacts would significantly change conditions from this baseline (**40 C.F.R. § 1501.3(b)**), especially in a manner that is adverse and affects one of the EA factor categories listed here, this is considered a "significant impact." The threshold for a degree of change that is considered significant depends on the baseline conditions at each project site and is determined as part of the EA process. When there is potential significant impact, NEPA requires either: a. Identification of mitigation measures that reduce the impact below the level of significance (which, for HUD projects, often involves mitigating changes that are adverse); b. Preparing an Environmental Impact Statement.

19. Land Development Factor[29]

Develop an evaluation process by assessing your project *vis à vis* the plan objectives and determining whether it will help meet those objectives. Take into account the following considerations when preparing the narrative for the Land Development Factor section as they may apply to your project:

19.1 Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design

19.1.1 Conformance with Plans

1. How does the proposed project support the community's comprehensive plan? Where appropriate, provide the plan's name and date of approval, and upload the relevant page(s).
2. Is the project located within a specific planning area, community planning area, or other planning area that details existing and future planning initiatives for those areas? Will the project be unduly influenced by a planned transition of land uses?

[29] https://www.hudexchange.info/programs/environmental-review/environmental-assessment/guide/land-development/

3. Does the project conflict with any of the goals or policies in the comprehensive plan?
4. In general, do any reasonably foreseeable aspects of the project or future use plans for the site conflict with the community's vision for its future?

19.1.2 Land Use and Zoning

1. What is the current zoning classification of the project location?
2. Does the proposed project comply with existing zoning regulations? If not, does the proposal require a zoning variance?
3. What is the existing land use at the project location?
4. How does the project relate to the existing land uses of the adjacent and surrounding properties?
5. Will the location of the proposed project contribute to urban sprawl? If so, are there alternative location options for the proposed project that align with smart growth objectives?
6. Will the location place the proposed project at an increase environmental risk compared to the community as a whole?
7. Is the project proposed for development in the Karst region of Puerto Rico? If so, it must comply with all applicable regulations.

19.1.3 Scale and Urban Design

1. How will the project alter the landform? Will the project demonstrably destroy or alter the natural or man-made environment? For example, will there be clearance of trees or buildings or alteration of the geomorphic form of the land?
2. How does the project "fit" or conform within the surrounding and established built environment in terms of overall scale, density, size, and mass?
3. Will there be an intrusion of elements out of character or scale with the existing physical environment?
4. Does the proposed building represent a significant change in size, scale, placement, or height in relation to neighboring structures in an inappropriate manner?
5. Does the project affect building density in the community?
6. Are the changes resulting from any induced development regarded by the community as beneficial or negative?

7. How does the project's design relate to the context of its surroundings?
8. Are levels of activity reduced or detrimentally increased? Does the project enhance street-level activity and community interaction?
9. Is signage and street furniture in character with existing architectural styles? Does it differ in materials, color, or style from its neighbors in an inappropriate manner?
10. Does the project conform to locally adopted design guidelines?
11. Can beneficial or mitigating elements (e.g., street trees and cool pavements to limit urban heat islands) be added?

19.2 Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff

19.2.1 Soil Suitability

1. Is there evidence of ground subsidence, seismic activity, a high-water table, erosion, or other unusual conditions on the site?
2. Is there any visible evidence of soil problems (such as foundation cracking, heaving, settling, or basement flooding) in the neighborhood of the project site?
3. Were structural borings or a dynamic soil analysis/geotechnical study needed and conducted? If so, please discuss the findings of the report.
4. Are there visual indications of the filled ground?
5. Will the project site significantly affect or be affected by unsuitable soil conditions? Is climate change expected to exacerbate unsuitable soil conditions due to rainfall variability and warming temperatures?
6. Will the project significantly affect soils that may be better suited for natural resource management activities such as farming, forestry, unique natural area preservation, etc.?

19.2.2 Slope

1. Is the site on a slope? If so, is the slope slight, moderate, severe, or very severe?
2. Does the area have a history of slope failure?
3. Do visual indications exist of previous slides or slumps in the project area, such as cracked walls, tilted trees or fences?
4. Does the city or county have a soil survey that mentions that slopes are unstable for any of the soils on the site?

5. Has a geotechnical report that includes soil boring information been previously developed for the site?
6. Does the proposal call for development on a steep slope and, if so, does the design plan include measures to overcome potential erosion, slope stability, and runoff problems?
7. Will slope modification activities remove micro-climatic conditions that facilitate the growth of unique natural habitats (e.g., northwest-facing slopes occupied by plant communities from cooler regions)?
8. Will the slope modification activities affect social and cultural resources?

19.2.3 Erosion

1. Is there evidence of erosion or sedimentation?
2. Does the project involve the development of an erosion-sensitive area (near water, on a steep slope, or on sandy or silty soil)?
3. If the site requires clearance, what are the effects of the removal of vegetation? How will erosion be managed and controlled? How many acres will be cleared and for how long?
4. Is an erosion control plan included as part of construction and the construction contract?
5. Will the project site significantly affect or be affected by erosion or sedimentation conditions? If so, does the design plan include measures to overcome potential erosion problems?
6. Could erosion from the project adversely impact a downslope development or natural environment?
7. Does the proposed project involve the steepening of slopes?

19.2.4 Drainage/Stormwater runoff

1. Is there an indication of cross-lot runoff, swales, or drainage flows on the property?
2. Are there visual indications of filled ground, active rills, or gullies on-site?
3. Will existing or planned stormwater disposal and treatment systems adequately service the proposed development? Will the proposed project be adversely affected by proximity to these facilities?

4. Does nearby stormwater infrastructure (e.g., culverts, large drainage pipes) include safety measures like grates or fencing to prevent drownings during floods?
5. If the public storm sewer is not available, how will stormwater drainage be handled?
6. Is state/regional/local permitting required to control stormwater runoff (e.g., a National Pollutant Discharge Elimination System (NPDES) permit; a Municipal Separate Storm Sewer System (MS4) Permit)? If so, what conditions will the permit require?
7. Will the project itself cause or substantially contribute to off-site pollution by stormwater runoff, leaching of chemicals, or other pollutants?
8. Will drainage and stormwater conditions significantly affect or be affected by the project site? If so, does its design plan include measures to overcome potential runoff problems?
9. How will future changes in precipitation patterns affect the above considerations? How can such climate change impacts be mitigated?

19.3 Hazards and Nuisances including Site Safety and Noise

1. Will the project be affected by any hazards, including natural hazards, air pollution generators, or man-made site hazards?

2. Will the project be affected by any nuisance, including gas, smoke, or fumes; odors; vibration; glare from lightning, industrial or commercial uses, or parking lots; vacant/boarded-up buildings; unsightly land uses; abandoned vehicles; or vermin infestation?

3. Is the project itself a noise-generating facility in a noise-sensitive area, such as a site in close proximity to schools and housing?

20. Socioeconomic Factor[30]

Develop an evaluation process by assessing your project *vis à vis* the plan objectives and determining whether it will help meet those objectives. Take into account the

[30] https://www.hudexchange.info/programs/environmental-review/environmental-assessment/guide/socioeconomic/

following considerations when preparing the narrative for the Socioeconomic Factor section as they may apply to your project:

20.1 Employment and Income Patterns

Evaluating a project's impact on employment and income patterns, it is essential to consider both the opportunities and challenges it may create. The following questions help assess the project's potential to enhance or disrupt employment conditions in the area.

1. Will the project either significantly increase or decrease employment opportunities? Will it create conditions favorable or unfavorable to commercial, industrial, or institutional operation or development?
2. How many temporary and how many permanent jobs will the project create?
3. What are the profiles of the newly created jobs? What is the distribution across the skill sets and income scale? How do these relate to the skills and income profiles of project area residents?
4. Where are the new employees likely to come from? To what degree will these new jobs go to local residents, and will local residents be competitively positioned for these jobs?

20.2 Demographic Character Changes and Displacement

20.2.1 Demographic Character Changes

Understanding how a project may influence a community's demographic character is essential. The following questions help assess potential changes in population composition, social cohesion, and access to resources to ensure the project supports inclusive and equitable development.

1. What is/are the identifiable community(ies) within the sphere of likely impact of the proposed project? What are the factors which contribute to the character of the community(ies)?
2. Does the proposed project contribute to reducing or significantly altering the racial, ethnic, or income segregation of the area's housing?
3. Will the proposed project result in physical barriers or difficult access which will isolate a particular neighborhood or population group, making access to local services, facilities, and institutions or other parts of the city more difficult?

4. Could/does the project help address historical barriers present segregating the community?
5. Does the proposed project at this site create a concentration of low-income or disadvantaged people in violation of HUD site and neighborhood standards?
6. Do the environmental impacts of the proposed project affect low- and moderate-income or minority persons or communities more significantly than the general public?

20.2.2 Displacement

Displacement can disrupt lives, businesses, and communities, whether directly through relocation or indirectly through rising costs. The following questions help assess potential displacement impacts and identify measures to minimize hardship for affected individuals and groups.

1. Will the project directly displace individuals or families? How many people?
2. Will the project destroy or relocate existing jobs, community facilities, or any business establishments?
3. Will the project affect identifiable groups, such as older persons, females, single-parent households, racial/ethnic groups, income groups, or minority group members?
4. Are replacement facilities or housing units available within the community or in nearby neighborhoods? What will be the effect of relocation on these neighborhoods?
5. Will the project result in probable indirect displacement? If so, what measures have been planned to alleviate the hardship of those affected whose displacement is not covered under the Uniform Relocation Act?

21. Community Facilities and Services Factor[31]

The Community Facilities and Services impact category consists of the community assets and services impacted by and necessary for a potential project. Factors such as health care offerings, waste and recycling services, public safety teams, and public transit and accessibility are included in this category.

[31] https://www.hudexchange.info/programs/environmental-review/environmental-assessment/guide/community-facilities-and-services/

21.1 Educational and Cultural Facilities

1. What is the projected increase in student population due to the proposed project?
2. Will the additional school-aged children in the proposed project exceed the capacity of existing or planned school facilities?
3. Does the potentially affected school(s) have adequate and safe access facilities (i.e., walking paths, bus routes, crosswalks, and guards) for the projected population increase? Are these adequate both in terms of safety and access?
4. Are additional or alternative facilities needed to ensure safety and suitable access?

21.2 Commercial Facilities

1. Is there adequate and convenient access to retail services? For the elderly, this means that shopping for essential items such as food and medicine is within three blocks, and services such as banks and other convenience shopping are within walking distance.
2. Do local retail services meet the needs of project occupants/users? Are they affordable, and is the range of services adequate?
3. In areas not readily served by retail services, can public transportation carry commuters to retail services within half an hour? If public transportation is not currently available, what are the plans to provide readily available transportation services? If access to vital services, such as a grocery store, is limited or requires multiple transfers via public transportation, consider options, such as establishing a paratransit service or alternative locations, before beginning the project.
4. Will the proposed project adversely impact or displace existing retail and commercial services?

21.3 Health Care and Social Services

21.3.1 Health Care

1. Will a potential population increase the need for area healthcare services beyond current capacities?
2. Are non-emergency health care services, including mental health and substance abuse services, located within reasonable proximity to the

proposed project (i.e., less than a half-hour drive or commute away)? In dense urban areas, an even shorter time may be necessary.

3. Are emergency health services (such as those that police, fire, and ambulances provide) available within approximately three to five minutes?
4. Is the number of doctors, dentists, nurses, and other trained medical staff in realistic proportion to any increase in residents/users? If not, are provisions planned for additional skilled staff?
5. Are the number of hospital beds and other medical facilities adequate in proportion to the increase in residents/users?
6. Will project residents/users require special medical services or skills such as geriatric clinics?

21.3.2 Social Services

1. Are the social services located onsite or within a convenient and reasonable distance to residents of the proposed project? Or, is adequate public transportation available from the project to these services?
2. Will the proposed project overtax or negatively impact social services?
3. Will the provision of additional social services at this site create a concentration of the disadvantaged in violation of HUD site and neighborhood standards?

21.4 Solid Waste Disposal / Recycling

In assessing this service, consider three factors:

- The proximity of the service to appropriate disposal sites
- The disposal site capacity to accommodate the types and quantities of waste that the project may generate both during construction and upon completion
- The likely disposal site's climate resilience, including its susceptibility to erosion and flooding from sea level rise

21.4.1 Construction Period

1. What types and amounts of waste will the project generate as construction debris?
2. What solid waste disposal system or company will handle the construction debris? Does it have the capacity to handle the amount of debris?

21.4.2 Solid Waste Disposal/Recycling

1. What types of solid waste (including hazardous waste, if any) will the completed project generate?
2. What is the name of the solid waste servicing company or landfill and what is the distance from the proposed project site?
3. Is solid waste permitting required for the project?
4. If it is hazardous waste, does the servicing company/landfill accept hazardous waste? If yes, attach documentation.
5. What organization will handle garbage collection, composting, and recycling? Does this organization have the capacity to handle all services? Are these services affordable?
6. Will the waste from the proposal exceed the capacity of the waste system or landfill?

21.5 Waste Water / Sanitary Sewers

21.5.1 Sewer Systems

1. What kind of wastewater/sewer system will provide satisfactory service to the proposal?
2. Does the existing or proposed sewer system have the capacity to adequately service the proposed development?
3. Will climate change–induced floods increase the risk of combined sewage overflow events? What populations are most exposed to pollution associated with these events?

21.5.2 On-Site Septic Systems

1. If the sanitary sewers and wastewater disposal systems are non-municipal, have the appropriate authorities and agencies approved or permitted an acceptable system?
2. Has a report of the soil conditions suitable for on-site septic systems been submitted? Does the report consider the likely impacts of climate change on soil conditions (e.g., increased temperature, increased saturation from heavier precipitation, etc.) that will affect soil treatment efficacy?
3. Are soil conditions suitable for on-site septic systems? Is there a large variance in the water table elevation? (A high seasonal water table can

prevent the proper functioning of septic tank drain fields). Is the water table likely to rise significantly due to sea level rise in coastal areas?

4. Does the septic disposal system's design, installation, and maintenance properly prevent effluent from contaminating soil or groundwater, including sole-source aquifers?
5. How will climate change affect these suitability factors in the foreseeable future? As a rule of thumb, the useful life of the project may be used to set a minimum time horizon for such future considerations.

21.6 Water Supply

1. What private company, public organization, or system will provide enough clean, potable water needed for each step of the proposal (planning, construction, and completion)?
2. Is the municipal water utility or on-site water supply system adequate to serve the proposed project? Does the project require an adequate water supply determination from the state water resource agency or other state department?
3. Is the water supply quality safe and free from potentially harmful chemicals, metals, bacteria, and other pathogens?
4. Will the project affect a sole source or other aquifers by overdrawing resources from the water source? (Please refer to the Sole Source Aquifers webpage for further guidance.)
5. If the water supply is non-municipal, have the appropriate authorities and agencies approved an acceptable water purification and transport system?
6. Will the project water requirements of the proposal result in a significant consumption of the community's available water supply or a significant deterioration of water quality?
7. How is the project likely to be affected by future water conditions under likely global climate change scenarios? Consider both quantity (e.g., droughts, water shortages) and quality (e.g., increased potential for harmful algal blooms).

21.7 Public Safety - Police, Fire, and Emergency Medical

1. What police services are located within reasonable proximity to the proposed project? What is the approximate response time?
2. What firefighting protection is located within reasonable proximity to the proposed project? What is the approximate response time?
3. Is the firefighting protection service adequate and equipped to service the project?
4. Is the project in an area of likely wildfire intensification? If so, how much additional strain will the project put on the local firefighting protection service? What fire mitigation best practices will be adopted to minimize this impact?
5. What emergency health care providers are located within reasonable proximity to the proposed project? What is the approximate response time?
6. Will the project significantly burden police, fire, or health care providers in terms of manpower and/or equipment?

21.8 Parks, Open Space, and Recreation

1. Are open space and recreational and cultural facilities within reasonable walking distance to the project area, or is adequate public transportation available from the project to these facilities?
2. Will the proposed project cause any overload of existing open space or recreational or cultural facilities?
3. How does the project satisfy any special recreational/cultural needs of certain population groups, such as small children, the elderly, or people with disabilities?
4. If the development is housing, does the site include space for informal play for children of all ages? Does the site provide passive recreation areas for adults and the elderly?

21.9 Transportation and Accessibility

1. Does the project require a traffic study? Has one already occurred? What actions did the study identify as needed?
2. Do safe and adequate public transportation services serve the project?

3. Is the project safely accessible to vehicles? Is vehicle parking adequate, including parking for moving vans/trucks?
4. Does the project facilitate pedestrian movement (e.g., sidewalks, pavement markings, landscaping, pedestrian-activated signal lights, or pedestrian overpasses)?
5. Do bicycle lanes or trails serve the project area? Does the project provide covered, secure parking for bicycles, employees, and residents?
6. Overall, will the existing and reasonably foreseeable transportation facilities and services be adequate to meet the project's needs?
7. Will the project itself cause a significant adverse impact on the local or regional transportation system (e.g., by reducing the level of service of roadways)?
8. Are there any barriers to emergency vehicle access?
9. Is the project accessible to the elderly and persons with disabilities (e.g., wheelchair ramps, traffic light timing, disabled parking, shuttle services)?
10. Does the project design address any special transportation issues (e.g., bridge clearances for trucks)?
11. Does the proximity to a highway or high-traffic area disproportionately expose low- and moderate-income or minority persons or communities to harmful air pollutants?

22.Natural Features Factor[32]

22.1.1. Unique Natural Features

To determine the project's proximity to any unique natural features, aerial photography is highly recommended. As is, consulting other sources of information, such as the state geological survey, U.S. Geological Survey, state or regional departments of conservation, and local planning geographic information system (**GIS**) dataset analysis. It is important to determine how the project will impact the natural feature visually and audibly. Assess whether the project will bring more people and cars near the natural feature and answer the following:

[32] https://www.hudexchange.info/programs/environmental-review/environmental-assessment/guide/natural-features/

1. Will the proposed project location, construction, or activities of project users adversely impact unique natural features on or near the site?
2. Will the project destroy, isolate from public or scientific access, or degrade the rare feeling of the unique natural feature?
3. Will the unique feature pose safety hazards for a proposed development?
4. Will the proposed project alter any views between public areas and the unique natural feature?
5. Will runoff from the project erode or degrade the unique feature?
6. Will the project create problems by introducing nuisance or non-indigenous species of vegetation that may be ecologically disruptive, invasive, or threaten the survival of unique plant or animal habitats?
7. Will the project limit a natural feature's ability to provide important ecosystem services to the community?

22.1.2. Water Resources

1. Is the site subject to rapid water withdrawal problems that change the depth or character of the water table or aquifer? Are there many wells that pump large quantities of water from the water table near the proposed project site? (Consider both current and future conditions that are likely to be due to increased water stress from climate change.)
2. Will the project use a septic system? If so, is the system in proximity to sensitive natural receptors (e.g., wetlands) that could be adversely impacted by the design or location? Is there a large variance in the water table? (A high seasonal water table can prevent the proper functioning of septic tank drain fields.)
3. Are there visual or other indications of water quality problems on or near the site (e.g., algal blooms or state listing as an impaired stream/waterway)? Will the proposed project(s) maintain, diminish, damage, or destroy the riparian buffer (e.g., a natural wooded buffer adjacent to a stream)?
4. Will the project involve a substantial increase in the impervious surface area? Does the design include runoff control measures or permeable surfaces?
5. Will the project substantially reduce groundwater recharge due to an increase in impervious surface area? If so, could the project affect sensitive

groundwater-dependent features (e.g., rare wetlands)? If yes, does the design include appropriate measures to promote groundwater recharge?

6. Is the project located in a state or locally designated sensitive watershed area or the watershed of a particularly sensitive natural area (e.g., a unique wetland)? If so, what run-off control measures does the design include (e.g., the storm-year design is increased from 10 years to 25 years, and buffers are placed along surface waters)?
7. Will the project involve the discharge of non-sewage pollutants (i.e., agricultural fertilizer, insecticides, road salts, etc.) into surface water bodies? If so, will it meet state, federal, and other applicable standards?
8. Does the project limit the access to or quality of water for downstream communities? Also, specify the radius of the area affected by the project.

22.2. Vegetation, Wildlife

22.2.1. Vegetation

1. Will the project create problems by introducing nuisance or non-indigenous species of vegetation that may be ecologically disruptive, be invasive, threaten the survival of indigenous plant habitats, or disrupt agricultural or silvicultural activities?
2. Will the project introduce landscape maintenance actions (pesticide usage, fertilization) that may threaten the survival of indigenous plant habitats, or disrupt agricultural or silvicultural activities?
3. Will the project damage or destroy existing remnant or endemic plant communities, especially those containing nationally, regionally, or locally rare species (e.g., prairie grasslands, ice-age disjuncts, local soil-type endemics)?
4. Will the project damage or destroy plant species that are legally protected by state or local ordinances?
5. Will the project damage or destroy trees without replacement and landscaping?
6. How much risk does the proposed project face from the impact of climate change? Will the proposed vegetation management or landscaping plan mitigate those risks (e.g., excessive heat, flooding, degraded air quality), where possible?

22.2.2. Wildlife

This section addresses animal life disruption, habitat alteration or removal, rare species (including those that are considered threatened or endangered), pest species, and game species.

1. Will the project create special hazards for animal life? What types and numbers of animals will the project affect and how?
2. Will the project impact migratory birds? The Migratory Bird Treaty Act (**MBTA**) prohibits the take (including killing, capturing, selling, trading, and transporting) of protected migratory bird species without prior authorization from the Department of Interior's USFWS. Consult with the USFWS. Construction activities should occur outside the migratory bird nesting season. Alternatively, survey the site for migratory bird nests prior to construction.
3. Does the project site host any species on the local, state, tribal or federal government lists or monitors?
4. Will the project damage or destroy existing wildlife habitats (e.g., removal or blockage of wildlife corridors, such as a riparian buffer)?
5. Will excessive grading alter the groundwater level and thus cause the death of trees and ground cover which in turn diminish animal habitats?
6. Will the project damage game fish habitat or spawning grounds? When answering this question, consider off-site damage resulting from erosion and stormwater run-off.
7. Will the project create conditions favorable to the proliferation of pest species?
8. Will the project create conditions (e.g., excessive noise, pesticide usage) that could harm or harass wildlife species that are nationally, regionally, or locally, or rare or protected by state or local ordinance?
9. How will the project affect species or habitats that are particularly at risk due to climate change or other changing environmental conditions?
10. How will the project impact the ecosystem as a whole? For example, will impacts on keystone species or ecosystem engineers lead to broader ecosystem consequences?

22.3. Other Factors

Include references to any other factor related to the natural features of the project. Use a similar approach as described in previous sections when preparing your narrative.

23. Energy Factor[33]

NOTE: The Climate Change factor is no longer included in the HUD template as of the March 2025 amendment. However, preparers may use the following narrative when completing the EA through HEROS, since the platform has not been updated:

> *"On January 20, 2025, the U.S. President issued Executive Order 14148 titled "Initial Rescissions of Harmful Executive Orders and Actions", which revoked Executive Order 14008 and eliminated federal mandates requiring agencies to assess climate change impacts. Consequently, there is no longer a federal requirement to address climate change concerns in the environmental compliance review process."*

23.1. Energy Efficiency

23.1.1. Location and Siting

1. Is the location of the project near:
   - Transit,
   - Shopping,
   - Services,
   - Schools, or
   - Employment locations?
2. Has the project taken advantage of shading from trees and other natural features to lower summer energy use?
   - If new, is the project maximizing solar gain with south-facing exposures?
3. Have the architectural plans and building orientation taken full advantage of potential energy-saving measures related to climate, sun, and wind?

23.1.2. Appliance and Green Building Standards

1. Is the project planning to install Energy Star appliances, lighting fixtures, or heating, cooling, and hot water systems? Does the project include programmable thermostats, occupancy sensors in common areas, water filters, insulated hot water pipes, and/or point-of-use/tankless hot water heaters?

2. Does the project design meet the current version of the Energy Star Certified Homes performance standard for single-family and low-rise multifamily housing or does the Energy Star Multifamily New Construction standard for multifamily buildings with four or more stories?

3. Is the project seeking a rating under a recognized green building standard such as the following, or another green standard or sustainability program:
   - Leadership in Energy and Environmental Design (**LEED**)
   - Enterprise Green Communities; the National Green Building Standard
   - Energy Star Indoor AirPlus
   - Passive Building or EnerPHit certification from Passive House Institute U.S. (**PHIUS**)
   - International Passive House Association or Passive House Institute Living Building Challenge
   - A regional standard such as EarthCraft, Earth Advantage, or Greenpoint Rated

4. For large developments, is the project considering LEED-Neighborhood Development (**LEED-ND**) certification?

23.1.3. Energy and Water Use

1. What is the estimated energy consumption of the proposal and are the energy resources of the utility provider sufficient to support the proposal?

2. For an existing property:
   - Has energy or water data been entered in EPA's Portfolio Manager for the purpose of utility benchmarking?
   - Has the project committed to benchmarking future energy use/expenditures?

- Is there a current or proposed Energy Utilization Index (**EUI**) for this project?

3. What are the projected greenhouse gas emissions of the project upon full occupancy? Consider both direct and indirect emissions associated with the project.
   - Are they significant?
   - Can measures to reduce emissions be incorporated into the project scope?
     - The greenhouse gas calculation tools link, located in the Resources section, can help identify a project's anticipated greenhouse gas emissions.
4. Does the estimated energy consumption of the proposal require a significant increase in energy production for the energy provider?

23.1.4. Project Financing

1. Are utility rebates, federal or state tax incentives for energy efficiency measures, and renewable energy components being considered as part of the project financing?
2. For multifamily projects, is there individual metering for utilities or a tenant energy efficiency education program?
3. Is there an opportunity to enter into an Energy Performance Contract (public housing)?

24. Additional Studies Performed

List here and attach copies of all relevant studies mentioned throughout the document.

Note: Do not leave this section blank. Include attachments and page numbers to make references easier to identify.

Example:

Studies Performed	Exhibit Number	Page Number	Company/Professional	Date
PHASE I ASTM E1524-21	[X] a	125	X Group Inc	Month 2025

Section 106 NHPA Effect Determination	[X] a	131	SOI-Qualified Archaeologist: John Doe SOI-Qualified Architect/Architectural: Historian: Jane Doe	Month 2025 Month 2025

25. Field Inspection

Attach a copy of all field inspection reports with photos and environmental observations. Ensure they are dated and signed, including the inspector's name and title, and the date the inspection was conducted.

26. List of Sources, Agencies, and Persons Consulted

The list should be comprehensive and include all data sources, as well as all agencies, contacts, and stakeholders consulted.

Note: Do not leave this section blank. If no consultations were made, provide an explanation as to why.

Example: ***List of Sources, Agencies and Persons Consulted*:**

- ***Data Sources*:**

1. *Esri Imagery Basemap service.*
2. *Flood zone data obtained from FEMA web viewer.*
3. *Coastal Zone Management Act files obtained from NOAA.*
4. *Wetlands, Coastal Barrier Resource Zone and Critical Habitat data U.S. Fish and Wildlife Service (**USFWS**).*
5. *Hazardous site data from EPA.*
6. *Karst zone data obtained from USGS.*
7. *Puerto Rico Planning Board website.*
8. *Puerto Rico Government official "web dsp.pr.gov"*
9. *USDA-NRCS (Natural Resources Conservation Service) – Farmland Classification Map.*
10. *NEP.*

11. *Google Earth – Various Distance and Location Maps.*

- ***Agencies Consulted*:**

1. *La Autoridad de Acueductos y Alcantarillados (**AAA**) – Point of Connection Letter*
2. *Autoridad de Energía Eléctrica (**AEE**) – Point of Connection Letter*
3. *Institute of Puerto Rican Culture (**ICP**) – Dept. of Archaeology and Ethnohistory Endorsement (W.6), Built Historic Patrimony Study*
4. *Puerto Rico Department of Transportation and Public Works (**DTOP**) – ACT Recommendations Letter*
5. *Municipality of San Lorenzo – Endorsement Letter Municipality Permits*
6. *USDA-NRCS (Natural Resources Conservation Service) – Farmland Classification Map*

- ***Persons Consulted*:**

1. *Project Manager – Contract for Project Oversight.*
2. *Architect – Contract for Architectural Designs and Construction Drawings.*
3. *Environmental Consultants – Conducted Environmental Site Assessments, Noise Study, and other evaluations.*
4. *Geotechnical Engineers – Soil Study and Site Condition Analysis.*
5. *Archaeologists – Conducted Archaeological Study.*

27.List of Permits Obtained

Provide a list of the project permits, reviews, and approvals required for project construction, and include a copy of each document.

Note: The list should include the permits already obtained and those remaining to be obtained.

Example:

List of Permit			
Permit	***Exhibit***	***Permit Number***	***Date***
PR Environmental Compliance Re-Certification	*[X]*	*2023-000004-PCD-000005 DN-01-0001*	*MM/DD/YYYY*
Development Permit	*[X]*	*01PZ1-00000-00001*	*MM/DD/YYYY*
Incidental Permit (PUI, for its Spanish acronym)	*[X]*	*2021-000051-PUI-004001*	*MM/DD/YYYY*
SRI-AAA (PRASA)	*[X]*	*AAA-RN-23-01-0001*	*In Process*
LUMA	*[X]*	*08-1-0001.1*	*In Process*
PR Telecommunication Bureau	*[X]*	*2023-500001-SRI-100004*	*MM/DD/YYYY*
"Aprobación Planos Seguros" (APS)	*[X]*	*2023-APS-000001*	*MM/DD/YYYY*
Notice of Building Permit Approval Requirements	*[X]*	*2023-500001-PCOC-280001*	*MM/DD/YYYY*
Construction Permit	*[X]*	*2023-500001-PCOC-280001*	*In Process*
Conwaste Certification letter	*[X]*	*--*	*MM/DD/YYYY*
Municipality [Municipality Name] Endorsement	*[X]*	*--*	*MM/DD/YYYY*

28. Public Outreach

24 C.F.R. § 50.23 and § 58.43

Provide the PRDOH-approved list of concerned agencies including Step 2, Step 7, and Finding of No Significant Impact (**FONSI**)/Finding of Significant Impact (**FOSI**), as applicable. Describe any additional public meetings and hearings held as part of or relevant to the environmental review and include attendance lists.

NOTE: Unless the review is a re-evaluation, this section must specify that the FONSI/FOSI has not been completed/published but will be once the ERR is approved.

Example: "*The Finding of No Significant Impact (FONSI) has not been published but will be in Spanish and English languages after the completion of the Environmental Review (ERR) process. This approval signifies that, after careful analysis, the project will not cause significant adverse environmental effects. The FONSI determination will be publicly available and published in a newspaper, providing the community with full transparency regarding the project's environmental impact.*"

29. Cumulative Impact Analysis

24 C.F.R. § 58.32

Identify the cumulative impact on the environment that will result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over time.

Note: Preparers should not use bullets, tables, or graphics in this section. The description should be in narrative form.

Example: *"The project will build [Project type/building] for low- and moderate-income individuals affected by Hurricanes Irma and María.*

***Social Impact**: Socially, the project will have a significant positive impact by providing safer and more stable [housing] for the affected families. This will improve the quality of life for residents, reducing their vulnerability to future natural disasters and contributing to the emotional recovery of those affected by the hurricanes.*

***Environmental Impact**: This may affect biodiversity but includes eco-friendly measures.*

***Infrastructure Impact**: This could strain services, but it has support from local agencies and includes backup solutions like water cisterns and solar energy."*

NOTE: The above-mentioned impacts are mere examples. The preparer should include a case-specific narrative and its interrelationship with other activities.

30. Alternatives

24 C.F.R. § 58.40(e)

Identify other reasonable courses of action that were considered and not selected, such as other sites, design modifications, or other uses of the subject site. Include the benefits and adverse impacts to the environment of each alternative and the reasons (e.g., economic, engineering, or others) for rejecting it.

Note: Alternatives must relate to the proposed project activity or fulfill the need your proposed project will address, not change the project type.

Example: *"**Alternative Sites**: While exploring alternative sites could be an option, such locations may not offer the same strategic advantages in terms of proximity to existing infrastructure, public services, and transportation links. Moving the project to a less central or less developed area could increase environmental impacts by contributing to urban sprawl, requiring new infrastructure, and consuming additional natural resources. Additionally, alternative sites might not align with the municipality's urban planning objectives, which favor higher-density housing in established suburban areas.*

***Design Modifications**: Design modifications, such as expanding green spaces and using sustainable building materials, can significantly mitigate environmental impacts. Green spaces improve air quality by filtering pollutants, support stormwater management by reducing runoff, and help counteract the heat island effect, keeping the area cooler.*

***Benefits and Adverse Impacts**: The primary benefit of the proposed project, with its current density, is the substantial increase in affordable housing units that meet a critical community need. This also aligns with the Municipality's urban planning and economic development goals. In contrast, reducing the density or shifting to alternative uses could limit these social and economic benefits. Adverse environmental impacts,*

such as increased noise, air pollution, traffic, and utility demand, are anticipated to be manageable with appropriate mitigation measures, such as sustainable design features, efficient water and energy use, and traffic management strategies.

In conclusion, while alternative options could reduce some environmental impacts, they would undermine the primary objective of providing much-needed affordable housing. The current project design, with mitigation measures in place, offers the most balanced approach to meeting both housing and environmental goals."

31. No Action Alternative

24 C.F.R. § 58.40(e)

Identify the "no action" alternative, describing the most likely conditions expected to exist in the future in the absence of the implementation of any action.

Example: *"Maintaining the land in its natural state is always an alternative, and at first glance, it could be seen as having the least or no impact, but that is not always the case. The natural growth of the population and adaptation to climate change requires that it be anticipated in advance where this growth will have to be located; this is a fundamental part of any planning exercise.*

Therefore, the reasonableness of maintaining any land in its natural state must be analyzed, considering issues such as the property's location, the uses for which the state has designated it and the appropriateness of providing continuity to the existing community, avoiding the creation of isolated urban centers.

The property subject to this analysis was approved for land use by the Puerto Rico Planning Board (PRPB) several decades ago. But more importantly, the Land Use Plan classified the lands as [land classification].

Maintaining the land in its natural state and not using it for its accepted use would generate development pressure in other parts of the

Municipality because of the population growth and the need to build safe [case-specific need], which could negatively impact areas not designated for such developments."

32. Summary of Findings and Conclusions

Identify the main points of analysis in the EA. The summary should include any potential impacts of the proposed project, both beneficial and potentially adverse. The summary must also discuss any changes to the proposal necessary to avoid significant impacts. Based on your conclusions, confirm whether the project will have a FONSI or FOSI. Document the technical and regulatory criteria supporting the final determination, including references to 40 C.F.R. § 1501.6 and 1501.13.

Example: "*The proposed project will have minimal environmental impact based on a thorough site assessment and planned mitigation measures. It does not affect natural systems or endangered species. The site has already been cleared of significant vegetation, and only common urban fauna are present.*

No historical or cultural resources have been found, but work will stop if any are discovered. The area is mainly residential, and waste will be managed according to regulations. The project will not produce harmful emissions or affect air or water quality.

Overall, the project will not significantly impact the environment, and all permitting recommendations will be followed."

Note: The preparer should include a case-specific narrative.

33. Mitigation Measures and Conditions

40 C.F.R. § 1505.2(c)

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

implementing and monitoring mitigation measures. Include BMPs and conservation methods.

Each mitigation measure must be identified or tied to its corresponding Compliance Factor (Statutes, Executive Orders, and Regulations 24 C.F.R. § 58.5 and § 58.6).

Law, Authority, or Factor	***Mitigation Measures***
National Pollutant Discharge Elimination System (NPDES), Environmental Protection Agency (EPA) *Puerto Rico Department of Natural and Environmental Resources (DNER)*	*Storm Water Pollution Prevention Plan (SWPPP) – Construction General Permit (CGP). Required for construction projects with an area greater than one (1) acre.* *Examples of stormwater pollution mitigation measures:* • *Erosion control, such as dust control, mulching, permanent seeding, land grading, and riprap;* • *Runoff control, such as grass-lined channels and land grading;* • *Sediment control, such as brush barrier, compost filter berms and socks, filter berms, and silt fences.*
US Fish and Wildlife Service (USFWS) - Endangered Species Act	*If a Puerto Rican Boa is found in the project action site, work shall cease until the Boa moves off on its own. If the Boa does not move off, the CM shall contact the DNER and ask them to relocate the Boa.*

Note: Ensure you add both federal and state conditions required by the corresponding authorities during consultations and permitting.

34. Determination

33.1. Finding of No Significant Impact

24 C.F.R. § 58.40(g)(1)

Select this alternative if the project will not result in a significant impact on the quality of the human environment.

33.2. Findings of Significant Impact

24 C.F.R. § 58.40(g)(2)

Select this alternative if the project may significantly affect the quality of the human environment.

35. RE Preparer's Signature

The RE preparer must sign the document once it is complete and ready for submittal. For details on the RE, please see item 2 of this Guide.

36. RE Preparer's Signature Date

The preparer must include the date the document was completed. If PRDOH requests that the document be modified, please update the date to reflect the latest modification.

Example: *MM/DD/YYYY*

37. RE Preparer's Name/Title/Organization

The preparer must include their name in print, the title/position, and the consulting firm's name, if applicable.

38. Certifying Officer's Signature

Once the review is completed and the EA is approved, the CO must sign the document. For details on the CO please see item 6 of this Guide.

39. Certifying Officer's Signature Date

The CO will Include the date they signed and approved the EA.

Example: *MM/DD/YYYY*

40. Certifying Officer's Name/Title

The Certifying Officer will include their name in print and their title or position.

END OF GUIDE