



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

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

**Project Information**

**Project Name:** Streets-Improvements---Urb-Borinquen

**HEROS Number:** 900000010325266

**Responsible Entity (RE):** CAGUAS, BOX 7889 CAGUAS MUNICIPI PR, 00626

**State / Local Identifier:**

**RE Preparer:** GUILLERMO RIVERA CRUZ

**Certifying Officer:** LYDIA RIVERA DENIZARD

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

**Point of Contact:**

**Consultant (if applicable):**

**Point of Contact:**

**Project Location:** Pueblo Ward, Caguas, PR 00725

**Additional Location Information:**

Troche, Santiago, San Juan, Manuel Soto Aponte, Santa Maria, Bartolome Esteras, Prolongacion Troche & Ramon del Campo Amor in Urbanizacion Borinquen at Pueblo Ward. Coordinates: 18.232987,-66.029656

**Direct Comments to:**

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

Funds will be used for scarification, asphalt deposit, rehabilitation of sidewalks and handicapped street access in the following streets: Troche, Santiago, San Juan, Manuel Soto Aponte, Santa Maria, Bartolome Esteras, Prolongacion Troche & Ramon del Campo Amor in

Urbanizacion Borinquen at Pueblo Ward. The activity will consume 909 tons of asphalt in a total of 1,445 linear meters and 200 cubic meters of concrete. The funds to this project was a reprogramming activity from non-obligated funds of canceled activities from years 2021 & 2022.

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

[Localizacion Urb Borinquen.png](#)

[Hoja proyecto Urb Borinquen.pdf](#)

[Aviso Prensa Enmienda Calles y caminos Urb Borinquen.pdf](#)

[Memorial Urb Borinquen.pdf](#)

**Level of Environmental Review Determination:**

**Categorically Excluded per 24 CFR 58.35(a), and subject to laws and authorities at 58.5: 58.35(a)(1)**

**Determination:**

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

**Approval Documents:**

7015.15 certified by Certifying Officer on:

7015.16 certified by Authorizing Officer on:

**Funding Information**

Grant / Project	HUD Program	Program Name
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Identification Number		
B-21-MC-72-0001	Community Planning and Development (CPD)	Community Development Block Grants (CDBG) (Entitlement)
B-22-MC-72-0001	Community Planning and Development (CPD)	Community Development Block Grants (CDBG) (Entitlement)

**Estimated Total HUD Funded, Assisted or Insured Amount:** \$500,723.00

**Estimated Total Project Cost:** \$232,868.00

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

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §50.4, §58.5, and §58.6	Are formal compliance steps or mitigation required?	Compliance determination (See Appendix A for source determinations)
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 &amp; § 58.6</b>		
<b>Airport Hazards</b> Clear Zones and Accident Potential Zones; 24 CFR Part 51 Subpart D	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The Municipality of Caguas doesn't have a military or civilian airport in their territorial jurisdiction. The nearest civilian or military airport is located 72,426 feet (SJU airport) from the area. The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The project is in compliance with Airport Hazards requirements.
<b>Coastal Barrier Resources Act</b> Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Puerto Rico is one of the areas with Coastal Barrier Resources Systems (CBRS). However, the project is located 72,426 feet from the nearest CBRS (Punta Vacía Talega). This project is not located in a CBRS Unit. Therefore, this project has no potential to impact a CBRS Unit and is in compliance with the Coastal Barrier Resources Act.
<b>Flood Insurance</b> Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project area is located in a Zone X (outside of floodplain with a 1% or 0.2% chance annual probability of flooding). Source of information: FIRM Map 72000C0745J, panel 745, valid since

		<p>November 18, 2009. Based on the project description (scarification, asphalt deposit and rehabilitation of sidewalks on existing streets on a heavy populated urban area), the project includes no activities that would require further evaluation under this section. Roads &amp; streets are not insured by the NIPF. The project does not require flood insurance or is excepted from flood insurance. While flood insurance may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). The project is in compliance with Flood Insurance requirements.</p>
<p><b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 &amp; § 58.5</b></p>		
<p><b>Air Quality</b> Clean Air Act, as amended, particularly section 176(c) &amp; (d); 40 CFR Parts 6, 51, 93</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>The Municipality of Caguas is classified as an attainment area. Source of information: PR Department of Environmental &amp; Natural Resources, Air Quality Division letter dated on December 19, 2022. The 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.</p>
<p><b>Coastal Zone Management Act</b> Coastal Zone Management Act, sections 307(c) &amp; (d)</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>The proposed project is not located, nor affects, a coastal zone. The Municipality of Caguas does not have any coastal zone. The nearest coast is 18 miles away, therefore, it is not define as a Coastal Municipality by Puerto Rico Coastal Zone Management Program (PRCZM). This project is not located in or does not affect a Coastal Zone as defined in the state Coastal Management Plan. The project is in compliance with the Coastal Zone Management Act.</p>
<p><b>Contamination and Toxic Substances</b> 24 CFR 50.3(i) &amp; 58.5(i)(2)]</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Using NEPA Assist Tool; twenty-eight (28) RCRA, seven (7) Brownfield and two (2) TRI sites were identified in a radius</p>

*Handwritten signature*

		<p>of 0.6 miles from the structure. The nearest one is a RCRA site (Shell Gas Station) located at 0.06 miles from the project. The most far one is a RCRA site (Esso Gas Station) at 0.58 miles from the project. The TRI site (Walgreens Pharmacy) is located at 0.17 miles from the project. However, the project is an activity of scarification, asphalt deposit and rehabilitation of existing sidewalks on existing streets on a heavy populated urban area, so the uses in the area are mostly commercial with some housing units around. During the inspection of the place, where the project will take place, no landfills/dumps, substations or dry cleaners were identified in the surroundings. Brownfield sites are evaluated by a Phase I ESA and no recognizable environmental conditions are found. Copy of these Phase I ESA are available for revision. TRI &amp; RCRA data is related to permits awarded because of the properties uses and operations. No investigations or citizens' complaints about chemical accidents or hazardous situations are received or notified to our Office. No on-site or nearby toxic, hazardous or radioactive substance will be found or create conflict with the use of the streets. It's important to clarify that this activity is not related to a construction of a building or home that increases the people's density in the area. Site contamination was evaluated as follows: None of the above. On-site or nearby toxic, hazardous, or radioactive substances that could affect the health and safety of project occupants or conflict with the intended use of the property were not found. The project is in compliance with contamination and toxic substances requirements.</p>
<p><b>Endangered Species Act</b> Endangered Species Act of 1973,</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>USFW issued a Blanket Clearance Letter for HUD federally sponsored projects on</p>

<p>particularly section 7; 50 CFR Part 402</p>		<p>January 14, 2013. Our project complies criteria #1, 2 &amp; 7 of this clearance letter. According to USFW Puerto Rico Field Office communication dated April 25, 2023, they concur with the Municipality Self Certification for Compliance with the Blanket Letter dated on April 13, 2023. This information will be included in the case documentation to comply with Endangered Species Act. This project will have No Effect on listed species based on a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office. This project is in compliance with the Endangered Species Act.</p>
<p><b>Explosive and Flammable Hazards Above-Ground Tanks)</b>[24 CFR Part 51 Subpart C</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>The project does not include any hazardous facilities either or a hazardous facility (a facility that mainly stores, handles, or processes flammable or combustible chemicals such as bulk fuel storage facilities and refineries). The project activities will not increase residential densities or convert other uses into residential ones. Based on the project description (scarification &amp; asphalt deposit on existing streets on a heavy populated urban area), the project includes no activities that would require further evaluation under this section. The project is in compliance with explosive and flammable hazard requirements.</p>
<p><b>Farmlands Protection</b> Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>The project area has been impacted previously. The proposed project consist on rehabilitation activities of existing streets in a community. The project is out of agricultural reserves, experimental stations, soils classified as of agricultural capacity or classified as prime agricultural land, according with the Soil Survey from NRCS. Caguas does not have protected areas covered by Farmlands Protection Policy Act. This project does not include any activities</p>

		that could potentially convert agricultural land to a non-agricultural use. The project is in compliance with the Farmland Protection Policy Act
<b>Floodplain Management</b> Executive Order 11988, particularly section 2(a); 24 CFR Part 55	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The proposed project consist on scarification & asphalt deposit on existing streets on a heavy populated urban area. This project does not occur in a floodplain. Source: FEMA FIRM Panel 72000C1210J effective on November 18, 2009. The project is in compliance with Executive Order 11988.
<b>Historic Preservation</b> National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The Municipality submitted the consultation to SHPO for NO HISTORIC PROPERTIES AFFECTED by the project. SHPO on communication dated May 2, 2023 indicated that the project has NO ADVERSE EFFECT on historical properties. The Municipality submitted a reconsideration letter on May 16, 2023 indicated that the historical considerations in the area are not reasonable for SHPO determination, among other reasons. SHPO on communication dated June 12, 2023 reconfirms its determination of NO ADVERSE EFFECT. The Municipality no longer discuss this matter and accepted SHPO determination. Based on Section 106 consultation the project will have No Adverse Effect on historic properties. Conditions: None. Upon satisfactory implementation of the conditions, which should be monitored, the project is in compliance with Section 106.
<b>Noise Abatement and Control</b> Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Based on the project description (scarification & asphalt deposit on existing streets on a heavy populated urban area), this project includes no activities that would require further evaluation under HUD's noise regulation. The project is in compliance with HUD's Noise regulation.
<b>Sole Source Aquifers</b> Safe Drinking Water Act of 1974, as amended, particularly section	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project is limited to scarification & asphalt deposit on existing streets on a heavy populated urban area. There are

<p>1424(e); 40 CFR Part 149</p>		<p>no designated Sole Source Aquifers in Puerto Rico. According the USGS PR Aquifers Map, the Municipality of Caguas are classified as alluvial and gravel aquifers. The project is not located on a sole source aquifer area. The project is in compliance with Sole Source Aquifer requirements.</p>
<p><b>Wetlands Protection</b> Executive Order 11990, particularly sections 2 and 5</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Based on the project description (scarification &amp; asphalt deposit on existing streets on a heavy populated urban area), this project includes no activities that would require further evaluation under this section. The project do not required draining, dredging, channelizing, filling, diking, impounding or related activities on a wetland area as defined in Executive Order 11990. The project site is not located on any riparian nor wetland or a floodplain area. The closest wetlands, Rio Turabo (R2UHB) &amp; Rio Caguitas (R5UBH) are located relatively far near to the north and south of the project area. This activity is an exception described in 24 CFR 55.12(a)(4) because is a no substantial improvement to existing no residential buildings or structures or public facilities that the footprint of paved areas is not significantly increased. This project includes no activities that would require further evaluation under this section. The project is in compliance with Executive Order 11990.</p>
<p><b>Wild and Scenic Rivers Act</b> Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>The proposed project is not within proximity of a National Wild and Scenic Rivers (NWSRS) river. The Municipality of Caguas does not have any river registered as a Wild and Scenic River, Study River or listed in the Nationwide Rivers Inventory (NRI). This project is not within proximity of a NWSRS river. The project is in compliance with the Wild and Scenic Rivers Act.</p>



HUD HOUSING ENVIRONMENTAL STANDARDS		
ENVIRONMENTAL JUSTICE		
<p><b>Environmental Justice</b> Executive Order 12898</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>The activities involved in this project are rehabilitation of a single residential unit in a community. After completing the other portions of the environmental review, we determined that neither the project site nor the surrounding neighborhood suffer from adverse environmental conditions. The project is out: (a) of the airport hazards zones, (b) out of flood zone (according to FEMA FIRM Maps), (c) out of coastal barrier zones (according to Puerto Rico Coastal Zone Management Program), (d) is located in an Clean Air Act attainment area (according to the Puerto Rico Department of Natural and Environmental Resources), (e) sites of contamination and toxic substances (according to NEPAssist) are located in a radius of 0.6 miles. However, Brownfield sites are evaluated by a Phase I ESA and no recognizable environmental conditions are found. TRI and RCRA data are related to permits awarded because of the properties uses and operations. No investigations or citizens' complaints about chemical accidents or hazardous situations are received or notified to our Office. (f) the project will not result in an increased number of people in the area, (g) there are not AST's in the project surroundings; (h) doesn't impact a farmland, sole aquifer, wild rivers or wetlands areas (according to location map), (i) is not a hazardous or flammable facility, (j) is not a new construction that exceeds the building footprint, (k) no noise abatement needed, (l) SHPO determined that the project has no adverse effect on historic properties in the area and (m) comply with USFW Blanket Clearance Letter for HUD funding projects. Neither the</p>

		<p>project site, nor the surrounding neighborhood suffer from adverse environmental conditions. No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898.</p>
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**Mitigation Measures and Conditions [40 CFR 1505.2(c)]:**

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

Law, Authority, or Factor	Mitigation Measure or Condition	Comments on Completed Measures	Mitigation Plan	Complete
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**Project Mitigation Plan**

**Supporting documentation on completed measures**

## APPENDIX A: Related Federal Laws and Authorities

### Airport Hazards

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

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

No

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

Yes

#### Screen Summary

##### Compliance Determination

The Municipality of Caguas doesn't have a military or civilian airport in their territorial jurisdiction. The nearest civilian or military airport is located 72,426 feet (SJU airport) from the area. The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The project is in compliance with Airport Hazards requirements.

##### Supporting documentation

[Urb Borinquen airport\\_map.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

### Coastal Barrier Resources

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

1. Is the project located in a CBRS Unit?

No

Document and upload map and documentation below.

Yes

#### Screen Summary

##### **Compliance Determination**

Puerto Rico is one of the areas with Coastal Barrier Resources Systems (CBRS). However, the project is located 72,426 feet from the nearest CBRS (Punta Vacía Talega). This project is not located in a CBRS Unit. Therefore, this project has no potential to impact a CBRS Unit and is in compliance with the Coastal Barrier Resources Act.

##### **Supporting documentation**

[Urb Borinquen barrier map.pdf](#)

[CBRS map Urb Borinquen.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

### Flood Insurance

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

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

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

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

Yes

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

Yes

- ✓ No

#### Screen Summary

##### **Compliance Determination**

The project area is located in a Zone X (outside of floodplain with a 1% or 0.2% chance annual probability of flooding). Source of information: FIRM Map 72000C0745J, panel 745, valid since November 18, 2009. Based on the project description (scarification, asphalt deposit and rehabilitation of sidewalks on existing streets on a heavy populated urban area), the project includes no activities that would require further evaluation under this section. Roads & streets are not insured by the NIPF. The project does not require flood insurance or is excepted from flood insurance. While flood insurance may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). The project is in compliance with Flood Insurance requirements.

##### **Supporting documentation**

[Urb Borinquen flood\\_map\(1\).pdf](#)

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

Yes

No

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### Air Quality

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

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

Yes


No

#### Air Quality Attainment Status of Project's County or Air Quality Management District

2. Is your project's air quality management district or county in non-attainment or maintenance status for any criteria pollutants?

No, project's county or air quality management district is in attainment status for all criteria pollutants.

Yes, project's management district or county is in non-attainment or maintenance status for the following criteria pollutants (check all that apply):



#### Screen Summary

##### Compliance Determination

The Municipality of Caguas is classified as an attainment area. Source of information: PR Department of Environmental & Natural Resources, Air Quality Division letter dated on December 19, 2022. The 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.

##### Supporting documentation

[Current Nonattainment Counties for All Criteria Pollutants \\_ Green Book \\_ US EPA.pdf](#)  
[CERTIFICACION DE AREA DE LOGROS CALIDAD DE AIRE 2023.PDF](#)

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

Yes

✓ No

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### Coastal Zone Management Act

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

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

Yes

No

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

#### Screen Summary

##### **Compliance Determination**

The proposed project is not located, nor affects, a coastal zone. The Municipality of Caguas does not have any coastal zone. The nearest coast is 18 miles away, therefore, it is not define as a Coastal Municipality by Puerto Rico Coastal Zone Management Program (PRCZM). This project is not located in or does not affect a Coastal Zone as defined in the state Coastal Management Plan. The project is in compliance with the Coastal Zone Management Act.

##### **Supporting documentation**

[PMZCPR ingles 2009 final.pdf](#)

[Mapa PMZC Puerto Rico 2023.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

### Contamination and Toxic Substances

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

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

- American Society for Testing and Materials (ASTM) Phase I Environmental Site Assessment (ESA)
- ASTM Phase II ESA
- Remediation or clean-up plan
- ASTM Vapor Encroachment Screening
- None of the Above

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

- No

**Explain:**

Using NEPA Assist Tool; twenty-eight (28) RCRA, seven (7) Brownfield and two (2) TRI sites were identified in a radius of 0.6 miles from the structure. The nearest one is a RCRA site (Shell Gas Station) located at 0.06 miles from the project. The most far one is a RCRA site (Esso Gas Station) at 0.58 miles from the project. The TRI site (Walgreens Pharmacy) is located at 0.17 miles from the project. However, the project is an activity of scarification, asphalt deposit and rehabilitation of existing sidewalks on existing streets on a heavy populated urban area, so the uses in the area are mostly commercial with some housing units around. During the inspection of the place, where the project will take place, no landfills/dumps, substations or dry cleaners were identified in the surroundings. Brownfield sites are evaluated by a Phase I ESA and no recognizable environmental conditions are found. TRI & RCRA data is related to permits awarded because of the properties uses and operations. No investigations or citizens' complaints about chemical accidents or hazardous situations are received or notified to our Office. No on-site or nearby toxic,

hazardous or radioactive substance will be found or create conflict with the use of the streets. It's important to clarify that this activity is not related to a construction of a building or home that increases the people's density in the area.

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

Yes

### **Screen Summary**

#### **Compliance Determination**

Using NEPA Assist Tool; twenty-eight (28) RCRA, seven (7) Brownfield and two (2) TRI sites were identified in a radius of 0.6 miles from the structure. The nearest one is a RCRA site (Shell Gas Station) located at 0.06 miles from the project. The most far one is a RCRA site (Esso Gas Station) at 0.58 miles from the project. The TRI site (Walgreens Pharmacy) is located at 0.17 miles from the project. However, the project is an activity of scarification, asphalt deposit and rehabilitation of existing sidewalks on existing streets on a heavy populated urban area, so the uses in the area are mostly commercial with some housing units around. During the inspection of the place, where the project will take place, no landfills/dumps, substations or dry cleaners were identified in the surroundings. Brownfield sites are evaluated by a Phase I ESA and no recognizable environmental conditions are found. Copy of these Phase I ESA are available for revision. TRI & RCRA data is related to permits awarded because of the properties uses and operations. No investigations or citizens' complaints about chemical accidents or hazardous situations are received or notified to our Office. No on-site or nearby toxic, hazardous or radioactive substance will be found or create conflict with the use of the streets. It's important to clarify that this activity is not related to a construction of a building or home that increases the people's density in the area. Site contamination was evaluated as follows: None of the above. On-site or nearby toxic, hazardous, or radioactive substances that could affect the health and safety of project occupants or conflict with the intended use of the property were not found. The project is in compliance with contamination and toxic substances requirements.

#### **Supporting documentation**

[NEPA ASSIST REPORTS MAPS URB BORINQUEN.pdf](#)

[NEPA ASSIST REPORT URB BORINQUEN.pdf](#)

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

Yes

✓ No

### Endangered Species

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

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

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

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

Explain your determination:

USFW issued a Blanket Clearance Letter for HUD federally sponsored projects on January 14, 2013. Our project complies criteria #1, 2 & 7 of this clearance letter. According to USFW Puerto Rico Field Office communication dated April 25, 2023, they concur with the Municipality Self Certification for Compliance with the Blanket Letter dated on April 13, 2023. This information will be included in the case documentation to comply with Endangered Species Act.

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

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

**Screen Summary**

**Compliance Determination**

USFW issued a Blanket Clearance Letter for HUD federally sponsored projects on January 14, 2013. Our project complies criteria #1, 2 & 7 of this clearance letter. According to USFW Puerto Rico Field Office communication dated April 25, 2023, they concur with the Municipality Self Certification for Compliance with the Blanket Letter dated on April 13, 2023. This information will be included in the case documentation to comply with Endangered Species Act. This project

will have No Effect on listed species based on a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office. This project is in compliance with the Endangered Species Act.

**Supporting documentation**

[consulta USFW calles y caminos Urb Borinquen.pdf](#)

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

Yes

No

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### Explosive and Flammable Hazards

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

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

No

Yes

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


No

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

Yes

#### Screen Summary

##### **Compliance Determination**

 The project does not include any hazardous facilities either or a hazardous facility (a facility that mainly stores, handles, or processes flammable or combustible chemicals such as bulk fuel storage facilities and refineries). The project activities will not increase residential densities or convert other uses into residential ones. Based on the project description (scarification & asphalt deposit on existing streets on a heavy populated urban area), the project includes no activities that would require further evaluation under this section. The project is in compliance with explosive and flammable hazard requirements.

##### **Supporting documentation**

Are formal compliance steps or mitigation required?

Yes

✓ No

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### Farmlands Protection

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

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

Yes

No

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

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

#### Screen Summary

##### **Compliance Determination**

The project area has been impacted previously. The proposed project consist on rehabilitation activities of existing streets in a community. The project is out of agricultural reserves, experimental stations, soils classified as of agricultural capacity or classified as prime agricultural land, according with the Soil Survey from NRCS. Caguas does not have protected areas covered by Farmlands Protection Policy Act. This project does not include any activities that could potentially convert agricultural land to a non-agricultural use. The project is in compliance with the Farmland Protection Policy Act

##### **Supporting documentation**

[URB BORINQUEN Soil Report.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No



### Floodplain Management

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

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

- 55.12(c)(3)
- 55.12(c)(4)
- 55.12(c)(5)
- 55.12(c)(6)
- 55.12(c)(7)
- 55.12(c)(8)
- 55.12(c)(9)
- 55.12(c)(10)
- 55.12(c)(11)

None of the above

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

[Urb Borinquen flood\\_map.pdf](#)

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

Does your project occur in a floodplain?

No

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

Yes

**Screen Summary**

**Compliance Determination**

The proposed project consist on scarification & asphalt deposit on existing streets on a heavy populated urban area. This project does not occur in a floodplain. Source: FEMA FIRM Panel 72000C1210J effective on November 18, 2009. The project is in compliance with Executive Order 11988.

**Supporting documentation**

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

Yes

✓ No

### Historic Preservation

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

#### Threshold

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

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

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

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

#### Step 1 – Initiate Consultation

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

- State Historic Preservation Offer (SHPO) Completed
- Advisory Council on Historic Preservation Not Required
- Indian Tribes, including Tribal Historic Preservation Officers (THPOs) or Native Hawaiian Organizations (NHOs)

Other Consulting Parties

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

In compliance with Section 106 because HUD federal funds will be used for this project and after our determination that this project doesn't affected historic properties in the APE, we want SHPO concur with our determination.

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

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

- Yes
- No

**Step 2 – Identify and Evaluate Historic Properties**

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

Urbanizacion Borinquen, Pueblo Ward

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

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

Address / Location / District	National Register Status	SHPO Concurrence	Sensitive Information
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**Additional Notes:**

The Municipality prepared a historical determination for the property using information from SHPO and Puerto Rico Cultural Institute that indicated the rehabilitation activities doesn't affect historical properties in the area and the property isn't a historical property.

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

- Yes
- ✓ No

**Step 3 –Assess Effects of the Project on Historic Properties**

Only properties that are listed on or eligible for the National Register of Historic Places receive further consideration under Section 106. Assess the effect(s) of the project by applying the Criteria of Adverse Effect. (36 CFR 800.5)] Consider direct and indirect effects as applicable as per guidance on direct and indirect effects.

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

No Historic Properties Affected

✓ No Adverse Effect

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

**Document reason for finding:**

The Municipality submitted the consultation to SHPO for NO HISTORIC PROPERTIES AFFECTED by the project. SHPO on communication dated May 2, 2023 indicated that the project has NO ADVERSE EFFECT on historical properties. The Municipality submitted a reconsideration letter on May 16, 2023 indicated that the historical considerations in the area are not reasonable for SHPO determination, among other reasons. SHPO on communication dated June 12, 2023 reconfirms its determination of NO ADVERSE EFFECT. The Municipality no longer discuss this matter and accepted SHPO determination.

**Does the No Adverse Effect finding contain conditions?**

Yes (check all that apply)

✓ No

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

Adverse Effect

**Screen Summary**

**Compliance Determination**

The Municipality submitted the consultation to SHPO for NO HISTORIC PROPERTIES AFFECTED by the project. SHPO on communication dated May 2, 2023 indicated that the project has NO ADVERSE EFFECT on historical properties. The Municipality submitted a reconsideration letter on May 16, 2023 indicated that the historical considerations in the area are not reasonable for SHPO determination, among other reasons. SHPO on communication dated June 12, 2023 reconfirms its determination of NO ADVERSE EFFECT. The Municipality no longer discuss this matter and accepted SHPO determination. Based on Section 106 consultation the project will have No Adverse Effect on historic properties. Conditions: None. Upon satisfactory implementation of the conditions, which should be monitored, the project is in compliance with Section 106.

**Supporting documentation**

[SHPO Sección 106- calles y caminos Urb Borinquen.pdf](#)

[Reconsideracion SHPO Urb Borinquen \(1\).pdf](#)

[determinacion historica SHPO calles y caminos Urb Borinquen.pdf](#)

[Contestacion Reconsideracion SHPO Urb Borinquen.pdf](#)

[Consulta SHPO Mejoras de Rampas y Pavimentación Urb Boriquen.pdf](#)

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

Yes

No

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### Noise Abatement and Control

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

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

New construction for residential use

Rehabilitation of an existing residential property

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

An interstate land sales registration

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

None of the above

**Screen Summary**

**Compliance Determination**

Based on the project description (scarification & asphalt deposit on existing streets on a heavy populated urban area), this project includes no activities that would require further evaluation under HUD's noise regulation. The project is in compliance with HUD's Noise regulation.

**Supporting documentation**

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

Yes

No

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### Sole Source Aquifers

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

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

Yes

No

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

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

< No

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

Yes

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

Yes

No

**Screen Summary**

**Compliance Determination**

The project is limited to scarification & asphalt deposit on existing streets on a heavy populated urban area. There are no designated Sole Source Aquifers in Puerto Rico. According the USGS PR Aquifers Map, the Municipality of Caguas are classified as alluvial and gravel aquifers. The project is not located on a sole source aquifer area. The project is in compliance with Sole Source Aquifer requirements.

**Supporting documentation**

[ssa Region II EPA.pdf](#)  
[Puerto Rico aquifers.pdf](#)

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

- Yes
- No

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### Wetlands Protection

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

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

✓ No

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

Yes

#### Screen Summary

##### **Compliance Determination**

Based on the project description (scarification & asphalt deposit on existing streets on a heavy populated urban area), this project includes no activities that would require further evaluation under this section. The project do not required draining, dredging, channelizing, filling, diking, impounding or related activities on a wetland area as defined in Executive Order 11990. The project site is not located on any riparian nor wetland or a floodplain area. The closest wetlands, Rio Turabo (R2UHB) & Rio Caguaitas (R5UBH) are located relatively far near to the north and south of the project area. This activity is an exception described in 24 CFR 55.12(a)(4) because is a no substantial improvement to existing no residential buildings or structures or public facilities that the footprint of paved areas is not significantly increased. This project includes no activities that would require further evaluation under this section. The project is in compliance with Executive Order 11990.

##### **Supporting documentation**

[URB BORINQUEN WETLAND MAP.pdf](#)

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

Yes

✓ No



### Wild and Scenic Rivers Act

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

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

No

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

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

**Screen Summary**

**Compliance Determination**

The proposed project is not within proximity of a National Wild and Scenic Rivers (NWSRS) river. The Municipality of Caguas does not have any river registered as a Wild and Scenic River, Study River or listed in the Nationwide Rivers Inventory (NRI). This project is not within proximity of a NWSRS river. The project is in compliance with the Wild and Scenic Rivers Act.

**Supporting documentation**

[Puerto Rico - Nationwide Rivers Inventory \(US National Park Service\).pdf](#)

[Wild Scenic Rivers map - Puerto Rico.pdf](#)

[WSR Inventory.pdf](#)

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

Yes

No



**Environmental Justice**

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

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

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

Yes

✓ No

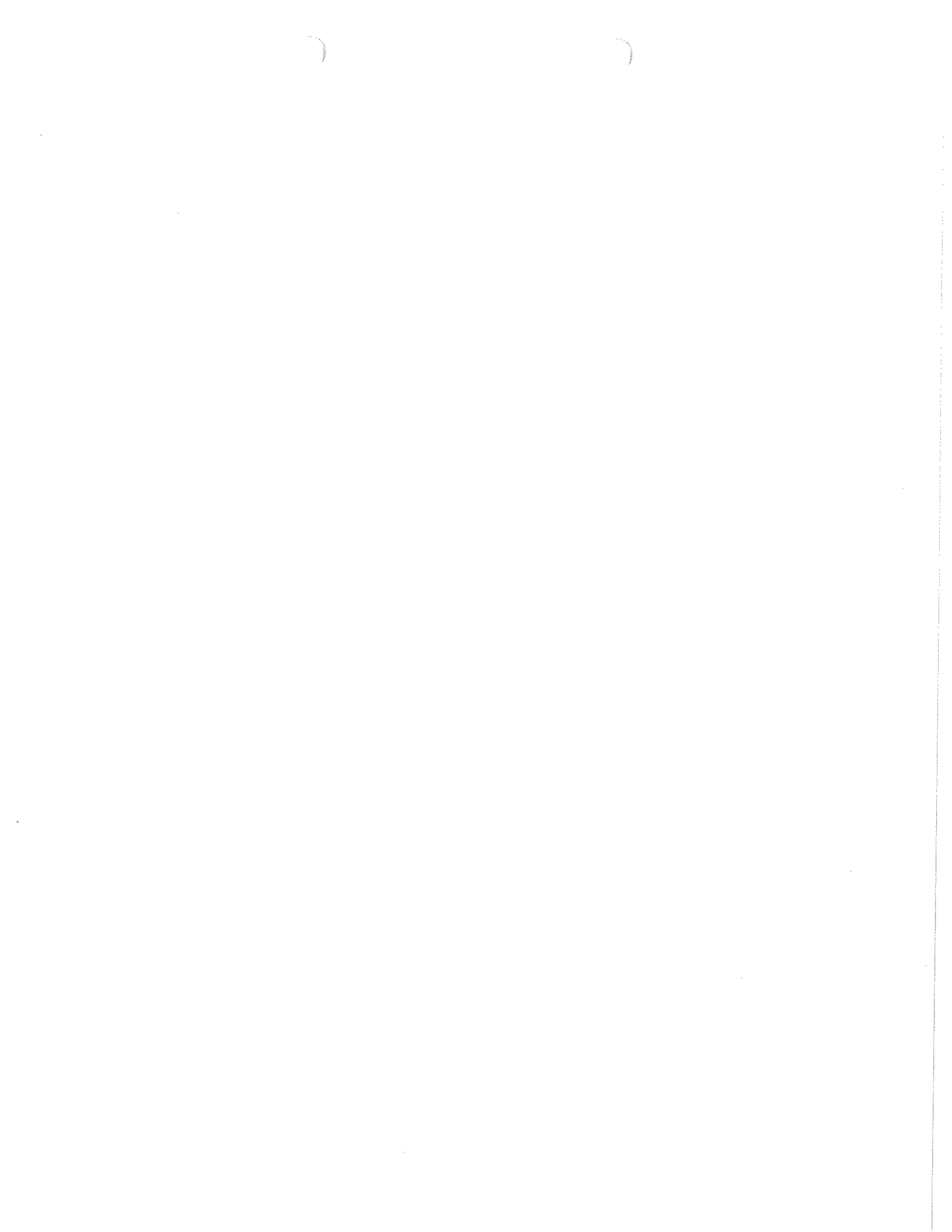
Based on the response, the review is in compliance with this section.

**Screen Summary**

**Compliance Determination**

The activities involved in this project are rehabilitation of a single residential unit in a community. After completing the other portions of the environmental review, we determined that neither the project site nor the surrounding neighborhood suffer from adverse environmental conditions. The project is out: (a) of the airport hazards zones, (b) out of flood zone (according to FEMA FIRM Maps), (c) out of coastal barrier zones (according to Puerto Rico Coastal Zone Management Program), (d) is located in an Clean Air Act attainment area (according to the Puerto Rico Department of Natural and Environmental Resources), (e) sites of contamination and toxic substances (according to NEPAAssist) are located in a radius of 0.6 miles. However, Brownfield sites are evaluated by a Phase I ESA and no recognizable environmental conditions are found. TRI and RCRA data are related to permits awarded because of the properties uses and operations. No investigations or citizens' complaints about chemical accidents or hazardous situations are received or notified to our Office. (f) the project will not result in an increased number of people in the area, (g) there are not AST's in the project surroundings; (h) doesn't impact a farmland, sole aquifer, wild rivers or wetlands areas (according to location map), (i) is not a hazardous or flammable facility, (j) is not a new construction that exceeds the building footprint, (k) no noise abatement needed, (l) SHPO determined that the project has no adverse effect on historic properties in the area and (m)





comply with USFW Blanket Clearance Letter for HUD funding projects. Neither the project site, nor the surrounding neighborhood suffer from adverse environmental conditions. No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898.

**Supporting documentation**

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

Yes

✓ No

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