



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

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

**Project Information**

**Project Name:** PR-765-ROW-Improvements---Rio-Canas-Ward-

**HEROS Number:** 900000010173524

**State / Local Identifier:**

**Project Location:** Rio Canas Ward, Caguas, PR 00725

**Additional Location Information:**

State Road PR-795, Rio Canas Ward.

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

The funds assigned to this project was a reprogramming activity of non obligated funds from 2011, 2013, 2014, 2015, 2016, 2017, 2018 and 2019 CDBG allocations. Funds will be used for scarification and asphalt deposit in the State Road PR-795 from intersection with Start Road PR-1 until 1st Street at La Mesa Community. The activity will consume 2,471 tons of asphalt in a total of 2,600 linear meters. .

**Level of Environment Review Determination:**

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

58.34(a)(12)

58.35(a)(1)

**Funding Information**

Grant Number	HUD Program	Program Name
B-20-MC-72-0001	Community Planning and Development (CPD)	Community Development Block Grants (CDBG) (Entitlement)

**Estimated Total HUD Funded Amount:** \$1,763,589.00

**Estimated Total Project Cost [24 CFR 58.2 (a) (5)]:** \$319,000.00

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

Summarized below are all mitigation measures adopted by the Responsible Entity to reduce, avoid or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project

contracts, development agreements and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure or Condition	Comments on Completed Measures	Complete
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**Determination:**

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

Preparer Signature:  Date: Feb 3, 2021

Name / Title/ Organization: Guillermo Rivera-Cruz / / CAGUAS

Responsible Entity Agency Official Signature:  Date: 3-Feb-2021

Name/ Title: Lydia I Rivera Benward - Deputy Mayor

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environment Review Record (ERR) for the activity / project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).



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

**Project Information**

**Project Name:** PR-765-ROW-Improvements---Rio-Canas-Ward-

**HEROS Number:** 900000010173524

**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:** Rio Canas Ward, Caguas, PR 00725

**Additional Location Information:**

State Road PR-795, Rio Canas Ward.

**Direct Comments to:**

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

The funds assigned to this project was a reprogramming activity of non obligated funds from 2011, 2013, 2014, 2015, 2016, 2017, 2018 and 2019 CDBG allocations. Funds will be used for scarification and asphalt deposit in the State Road PR-795 from intersection with Start Road PR-1 until 1st Street at La Mesa Community. The activity will consume 2,471 tons of asphalt in a total of 2,600 linear meters. .

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

- [Memorial Explicativo PR-795.pdf](#)
- [Mapa Topografico y Localizacion PR-795.pdf](#)
- [Hoja de Proyecto PR-795.pdf](#)
- [Aviso de Enmienda PR-795 PA 2019-2020.pdf](#)
- [MEMORIAL PR-795.pdf](#)
- [Fotos del Area PR-795.pdf](#)

**Level of Environmental Review Determination:**

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

- 58.34(a)(12)
- 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 Identification	HUD Program	Program Name
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<b>Number</b>		
B-20-MC-72-0001	Community Planning and Development (CPD)	Community Development Block Grants (CDBG) (Entitlement)

**Estimated Total HUD Funded, Assisted or Insured Amount:** \$1,763,589.00

**Estimated Total Project Cost:** \$319,000.00

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

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §50.4, §58.5, and §58.6	<b>Are formal compliance steps or mitigation required?</b>	<b>Compliance determination (See Appendix A for source determinations)</b>
<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 airports are in the cities of Carolina, Humacao, Ceiba and Salinas. These cities are located more than 15,000 feet from the city limits. 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 in the Municipality of Caguas, more than 20 miles for the nearest CBRS. 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	Based on the project description (street scarification & resurfacing of an existing street), the project includes no activities that would require further evaluation under this section. The project does not

		<p>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. However, the project is located out of an Special Hazard Flood Area or any other flood hazard category.</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 Environmental &amp; Natural Resources Department, Air Quality Area letter dated on July 27, 2020. Based on the project description (scarification and asphalt deposit on an existing street in a heavy populated urban community), this project includes no activities that would require further evaluation under the Clean Air Act. The project is in compliance with the Clean Air Act.</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>The project is an activity of scarification and asphalt deposit on an existing street on a heavy populated urban community, so the uses in the area are mostly residential with little businesses around. However, using NEPA Assist Tool; four (4) TRI or RCRA sites were</p>

		<p>identified in a radius of 0.5 miles. The nearest one is a RCRA facility (Ferrero Inc.) at 0.38 miles and the more distant is a TRI facility (ID 35950) at 0.41 miles. No record of toxic, radioactive or hazardous substance releases occurred in this properties. Therefore, any on-site or nearby toxic, hazardous, or radioactive substances was found that could affect the health and safety of drivers or conflict with the intended use of the street. 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, particularly section 7; 50 CFR Part 402</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 January 14, 2013. Our project complies criteria #1, #2 &amp; #7 of this clearance letter. USFW Puerto Rico Field Office concur with this determination by letter dated on February 2, 2021. 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</b> Above-Ground Tanks)[24 CFR Part 51 Subpart C</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Based on the project description (scarification and asphalt deposit in an existing street on a heavy populated urban community), the project includes no activities that would require further evaluation under this section. The project is in compliance with explosive</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>and flammable hazard requirements. The project area has been impacted previously. The proposed project consist on scarification and asphalt deposit on an existing street in a heavy populated urban community. The project is out of agricultural reserves, experimental stations, soils classified as of agricultural capacity or classified as prime agricultural land. 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.</p>
<p><b>Floodplain Management</b> Executive Order 11988, particularly section 2(a); 24 CFR Part 55</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>This project does not occur in a floodplain. The project is in compliance with Executive Order 11988.</p>
<p><b>Historic Preservation</b> National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>On December 10, 2020 at 7:30am; we submitted the reference documentation to SHPO evaluation using the email PRSHPO Submissions (submissions@prshpo.pr.gov). We received an acknowledge of receipt of the documents this day at 12:30pm. Until today, we doesn't receive any SHPO communication related to this evaluation. If consulting parties concur or fail to respond to user's request for concurrence, project is in compliance with this section. No further review is required. If consulting parties object, refer to (36 CFR 800.4(d)(1)) and consult further to try to resolve objection(s). Based on Section 106 consultation, there are No Historic Properties Affected because there are no historic properties present. The project is in compliance with Section 106.</p>
<p><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</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Based on the project description (scarification and asphalt deposit on an existing street in a heavy populated urban community), the project includes no activities that would require further</p>



		evaluation under this section. HUD's noise regulation is not applicable to this project per 24 CFR 51.101(a)(3).
<b>Sole Source Aquifers</b> Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project is limited to scarification and asphalt deposit on an existing street in a heavy populated urban community. There are no designated Sole Source Aquifers in Puerto Rico. According to the USGS PR Aquifers Map, the north section of 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.
<b>Wetlands Protection</b> Executive Order 11990, particularly sections 2 and 5	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Based on the project description (scarification and asphalt deposit on an existing street in a heavy populated urban community), this project includes no activities that would require further evaluation under this section. The project does not require draining, dredging, channelizing, filling, diking, impounding or related activities on a wetland area as defined in Executive Order 11990. The project is in compliance with Executive Order 11990.
<b>Wild and Scenic Rivers Act</b> Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	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.
<b>HUD HOUSING ENVIRONMENTAL STANDARDS</b>		
<b>ENVIRONMENTAL JUSTICE</b>		
<b>Environmental Justice</b> Executive Order 12898	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	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: (a) is out of the airport hazards zones, (b) out of flood zone and coastal barrier zones,

		<p>according to FIRM Maps and the Puerto Rico Coastal Zone Management Program, (c) is located in an Clean Air Act attainment area, according to the Puerto Rico Department of Environmental &amp; Natural Resources, (d) is quite far from sites of contamination and toxic substances, according to NEPAssist review, (e) the project will not result in an increased number of people in the area, (f) no AST's present in the project surroundings, according to location map, (g) no historic properties were affected, (h) comply with USFW Blanket Certification Letter, (1) no wetlands, sole aquifer or wild scenic river will be affected. 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	Complete
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**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 airports are in the cities of Carolina, Humacao, Ceiba and Salinas. These cities are located more than 15,000 feet from the city limits. 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

[NEPAssist analysis airport.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 in the Municipality of Caguas, more than 20 miles from the nearest CBRS. 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**

[Coastal Barrier 2.jpg](#)

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

### Screen Summary

#### **Compliance Determination**

Based on the project description (street scarification & resurfacing of an existing street), the project includes no activities that would require further evaluation under this section. The project does not require flood insurance or is excepted from flood insurance. While flood insurance may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). The project is in compliance with Flood Insurance requirements. However, the project is located out of an Special Hazard Flood Area or any other flood hazard category.

#### **Supporting documentation**

[Mapa de Inundabilidad PR-795.pdf](#)

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

Yes

- No

## Air Quality

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

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

Yes

No

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

### Screen Summary

#### **Compliance Determination**

The Municipality of Caguas is classified as an attainment area. Source of information: PR Environmental & Natural Resources Department, Air Quality Area letter dated on July 27, 2020. Based on the project description (scarification and asphalt deposit on an existing street in a heavy populated urban community), this project includes no activities that would require further evaluation under the Clean Air Act. The project is in compliance with the Clean Air Act.

#### **Supporting documentation**

[Carta Caguas cumplimiento NNCAA 2020.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

### Coastal Zone Management Act

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

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

Yes

No

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

#### Screen Summary

##### **Compliance Determination**

The 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](#)

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:**

The project is an activity of scarification and asphalt deposit on an existing street on a heavy populated urban community, so the uses in the area are mostly residential with little businesses around. However, using NEPA Assist Tool; four (4) TRI or RCRA sites were identified in a radius of 0.5 miles. The nearest one is a RCRA facility (Ferrero Inc.) at 0.38 miles and the more distant is a TRI facility (ID 35950) at 0.41 miles. No record of toxic, radioactive or hazardous substance releases occurred in this properties. Therefore, any on-site or nearby toxic, hazardous, or radioactive substances was found that could affect the health and safety of drivers or conflict with the intended use of the street. 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**

The project is an activity of scarification and asphalt deposit on an existing street on a heavy populated urban community, so the uses in the area are mostly residential with little businesses around. However, using NEPA Assist Tool; four (4) TRI or RCRA sites were identified in a radius of 0.5 miles. The nearest one is a RCRA facility (Ferrero Inc.) at 0.38 miles and the more distant is a TRI facility (ID 35950) at 0.41 miles. No record of toxic, radioactive or hazardous substance releases occurred in this properties. Therefore, any on-site or nearby toxic, hazardous, or radioactive substances was found that could affect the health and safety of drivers or conflict with the intended use of the street. 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 Report PR-795 Improvements.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. USFW Puerto Rico Field Office concur with this determination by letter dated on February 2, 2021.

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. USFW Puerto Rico Field Office concur with this determination by letter dated on February 2, 2021. 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**

[Contestacion USFW PR-795.pdf](#)

[Carta USFW PR-795.pdf](#)

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

Yes

No



### Explosive and Flammable Hazards

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

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

No

Yes

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

No

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

Yes



#### Screen Summary

##### **Compliance Determination**

Based on the project description (scarification and asphalt deposit in an existing street on a heavy populated urban community), the project includes no activities that would require further evaluation under this section. The project is in compliance with explosive and flammable hazard requirements.

##### **Supporting documentation**

Are formal compliance steps or mitigation required?

Yes

No

## Farmlands Protection

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

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

Yes

No

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

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 scarification and asphalt deposit on an existing street in a heavy populated urban community. The project is out of agricultural reserves, experimental stations, soils classified as of agricultural capacity or classified as prime agricultural land. 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

[Mapa Topografico y Localizacion PR-795\(1\).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:

[Mapa de Inundabilidad PR-795\(1\).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**

This project does not occur in a floodplain. 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="http://www.access.gpo.gov/nara/cfr/waisidx_10/36cfr800_10.html">http://www.access.gpo.gov/nara/cfr/waisidx_10/36cfr800_10.html</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) Response Period Elapsed
- ✓ 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).


**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:**

State Road PR-795, La Barra Community

**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:**

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

Yes

No

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

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

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

✓ No Historic Properties Affected

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

**Document reason for finding:**

✓ No historic properties present.

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

No Adverse Effect

Adverse Effect

**Screen Summary**

**Compliance Determination**

On December 10, 2020 at 7:30am; we submitted the reference documentation to SHPO evaluation using the email PRSHPO Submissions (submissions@prshpo.pr.gov). We received an acknowledge of receipt of the documents this day at 12:30pm. Until today, we doesn't receive any SHPO communication related to this evaluation. If consulting parties concur or fail to respond to user's request for concurrence, project is in compliance with this section. No further review is required. If consulting parties object, refer to (36 CFR 800.4(d)(1)) and consult further to try to resolve objection(s). Based on Section 106 consultation, there are No Historic Properties Affected because there are no historic properties present. The project is in compliance with Section 106.

**Supporting documentation**

[memorial Planificacion 30 dias SHPO.pdf](#)

- [Mapa Topografico y Localizacion PR-795\(2\).pdf](#)
- [Formulario Proyecto Sección 106 PR-795.pdf](#)
- [Determinación Historica PR-795.pdf](#)
- [Carta Consulta SHPO PR-795.pdf](#)
- [Acuse de Recibo SHPO PR-795.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No



## Noise Abatement and Control

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


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

New construction for residential use

Rehabilitation of an existing residential property

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

An interstate land sales registration

-   Any timely emergency assistance under disaster assistance provision or appropriations which are provided to save lives, protect property, protect public health and safety, remove debris and wreckage, or assistance that has the effect of restoring facilities substantially as they existed prior to the disaster
- None of the above

### Screen Summary

#### **Compliance Determination**

Based on the project description (scarification and asphalt deposit on an existing street in a heavy populated urban community), the project includes no activities that would require further evaluation under this section. HUD's noise regulation is not applicable to this project per 24 CFR 51.101(a)(3).

#### **Supporting documentation**

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

Yes

✓ No



### Sole Source Aquifers

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

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

Yes

✓ 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 and asphalt deposit on an existing street in a heavy populated urban community. There are no designated Sole Source Aquifers in Puerto Rico. According the USGS PR Aquifers Map, the north section of 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**

[Sole Source Aquifers Map-Caguas PR.jpg](#)

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

Yes

✓ No



## Wetlands Protection

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

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

✓ No

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

Yes

### Screen Summary

#### Compliance Determination

Based on the project description (scarification and asphalt deposit on an existing street in a heavy populated urban community), 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 is in compliance with Executive Order 11990.

#### Supporting documentation

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 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**

[Rivers Trails Conservation Program.pdf](#)

[Nationwide Rivers Inventory.pdf](#)

[Wild Scenic Rivers.pdf](#)

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

Yes

No

### Environmental Justice

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

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

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

Yes

No

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

#### Screen Summary

##### **Compliance Determination**

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: (a) is out of the airport hazards zones, (b) out of flood zone and coastal barrier zones, according to FIRM Maps and the Puerto Rico Coastal Zone Management Program, (c) is located in an Clean Air Act attainment area, according to the Puerto Rico Department of Environmental & Natural Resources, (d) is quite far from sites of contamination and toxic substances, according to NEPAssist review, (e) the project will not result in an increased number of people in the area, (f) no AST's present in the project surroundings, according to location map, (g) no historic properties were affected, (h) comply with USFW Blanket Certification Letter, (1) no wetlands, sole aquifer or wild scenic river will be affected. 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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