

U.S. Department of Housing and Urban Development 451 Seventh Street, SW Washington, DC 20410 www.hud.gov 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: Acosta-70-Acquisition-&-Rehabilitation---FUNDESCO

HEROS Number: 900000010224394

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

State / Local Identifier:

RE Preparer: GUILLERMO RIVERA CRUZ

Certifying Office LYDIA RIVERA DENIZARD

Grant Recipient (if different than Responsible Ent FUNDESCO

ity):

Point of Contact:

CARMEN MATOS

Consultant (if applicabl

e):

Point of Contact:

Project Location: Pueblo Ward, Caguas, PR 00725

Additional Location Information:

70 Acosta Street, Pueblo Ward. ID parcel: 225-055-112-07-001

Direct Comments to:

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



In this case, FUNDESCO will be use ESG-CV funds from FY 2020 (\$930,233.30) to the acquisition of a building located in 70 Acosta Street to convert it into a shelter with fourteen (14) private bedrooms for participants in quarantine from COVID or to provide shelter to other participants that needs housing and supporting services. In addition to the private bedrooms, the building will have a kitchen, dinning room and a warehouse for supplies.

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

CARTA FUNDESCO Y CONTRATO .pdf
Tasacion Acosta 70 FUNDESCO.pdf
MEMORIAL EXPLICATIVO ACOSTA 70.pdf
localizacion adq FUNDESCO.pdf
Contrato de Opcio'n de Compraventa.pdf
FOTOS ACOSTA 70.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)(5) 58.35(a)(3)(ii)

Determination:

	√	This categorically excluded activity/project converts to EXEMPT 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; Funds may be committed and drawn down after certification of this part for this (now) EXEMPT project; OR
or more statutes or authorities listed at Section 58.5 requires formal consimitigation. Complete consultation/mitigation protocol requirements, publish		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, publish NOI/RROF and obtain "Authority to Use Grant Funds" (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 r subject to a full Environmental Assessment according to Part 58 Subpart E due extraordinary circumstances (Section 58.35(c)).	

Approval Documents:

7015.15 certified by Certifying Officer on:



Acosta-70-Acquisition-&-Rehabilitation---FUNDESCO

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7015.16 certified by Authorizing Officer on:

Funding Information

Grant / Project Identification Number	HUD Program	Program Name
11	Community Planning and	Emergency Solutions Grants CARES Act
E-20-DW-72-0001	Development (CPD)	(ESG-CV)

Estimated Total HUD Funded, Assisted or Insured Amount: \$1,310,610.32

Estimated Total Project Cost:

\$930,233.30

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)
STATUTES, EXECUTIVE ORD	PERS, AND REGULATION	ONS LISTED AT 24 CFR §50.4 & § 58.6
Airport Hazards Clear Zones and Accident Potential Zones; 24 CFR Part 51 Subpart D	□ Yes ☑ 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. Based on the project description, the project includes no activities that would require further evaluation under this section. The project is in compliance with Airport Hazards requirements.



Coastal Barrier Resources Act Coastal Barrier Resources Act, as	☐ Yes ☑ No	Puerto Rico is one of the areas with Coastal Barriers Resources System
amended by the Coastal Barrier Improvement Act of 1990 [16 USC	2	(CBRS). However, the project is located in the Municipality of Caguas, which is more than 9 miles away from the
3501]	2	nearest CBRS designated by the USFWS and/or the Puerto Rico CZM Program.
		This project is not located in a CBRS Unit (see attached document). Therefore, this
		project has no potential to impact a
· ·		CBRS Unit and is in compliance with the Coastal Barrier Resources Act.
Flood Insurance	☐ Yes ☑ No	The project is out of a FEMA Special
Flood Disaster Protection Act of		Flood Hazard Area (see attached maps).
1973 and National Flood Insurance		Source of information: FIRM Map
Reform Act of 1994 [42 USC 4001-		72000C1210J, valid since November 18, 2009. The structure or insurable
4128 and 42 USC 5154a]		property is not located in a FEMA-
		designated Special Flood Hazard Area.
		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.
STATUTES, EXECUTIVE ORE	DERS, AND REGULATION	ONS LISTED AT 24 CFR §50.4 & § 58.5
Air Quality	☐ Yes ☑ No	The Municipality of Caguas is classified
Clean Air Act, as amended,	a a	as an attainment area. Source of
particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	25	information: Attached Letter of July 27, 2020 from Puerto Rico Department of
CFR Parts 6, 51, 95		Natural and Environmental Resources.
		The project's county or air quality
		management district is in attainment
	2	status for all criteria pollutants. The
	a a	project is in compliance with the Clean
C	D Voc Ed No	Air Act.
Coastal Zone Management Act Coastal Zone Management Act,	☐ Yes ☑ No	The proposed project is not located, nor affects, a coastal zone. The Municipality
sections 307(c) & (d)	- e	of Caguas does not have any coastal
	11	zone. The nearest coast is 18 miles
A &		away, therefore, it is not define as a
		Coastal Municipality by Puerto Rico
17		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
8		Management Act.
0 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	D V D N-	-
Contamination and Toxic	☐ Yes ☑ No	Using NEPA Assist Tool; a total of 31
Substances		sites related to TRI, Superfund, RCRA
24 CFR 50.3(i) & 58.5(i)(2)]	f: -	and Brownfield are identified in a radius
2		of 0.5 miles. The nearest one is a
5		Brownfield site (Marianne Building) was
*	·	located 0.24 miles from the structure
*	•	and the most farthest one is a TRI site
	43	(Bull Bond) was located 0.50 miles from
		the structure. The proposed project
		consist of the acquisition &
		rehabilitation of a existing building for
		shelter in a urban neighborhood and
		quite far or not immediately next to
,		these sites. During the inspection of the
_9		place, where the project will take place,
		no landfills/dumps, industrial sites, UST,
		gas stations, substations or dry cleaners
· · · · · · · · · · · · · · · · · · ·	_	were identified in a radius of 1,000 feet.
± **	Tild Control of the C	
		Additional, two of the Brownfield sites
*		was evaluated in a Phase I ESA and no
		recognizable concerns was founded. The
		rest have RCRA or TRI permits because
		of the uses in these sites. No complains
		or hazardous contamination actions
	18	occur in the area. 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
4.7		property were not found. The project is
		in compliance with contamination and
		toxic substances requirements.
Endangered Species Act	☐ Yes ☑ No	USFW issued a Blanket Clearance Letter
Endangered Species Act of 1973,	to made defined a design of the analysis of th	for HUD federally sponsored projects on
particularly section 7; 50 CFR Part		January 14, 2013. Our project complies
402		criteria #4 of this clearance letter. USFW
		Puerto Rico Field Office concur with this
		determination by letter dated on
	-	September 27, 2021. This project will
	*	have No Effect on listed species based
		have no thect on listed species based



1	I	an a latter of understanding
		on a letter of understanding,
		memorandum of agreement,
		programmatic agreement, or checklist
		provided by local HUD office. This
	Α	project is in compliance with the
		Endangered Species Act.
Explosive and Flammable Hazards	☐ Yes ☑ No	Six underground storage containers and
Above-Ground Tanks)[24 CFR Part		two aboveground containers are
51 Subpart C		located in the same area. The
31 Subpart C	= 2.	underground containers are related to
	*	gas stations and the most nearest one
		(Gulf Gas Station) is located at 1,584
	3	feet from the property, The two
		aboveground containers (100 gallones
	0	each one) are related to emergency
*		electricity generators to the Municipal
* 28		Government Building. Both of them
	`	have permits for their operation and
	,	contains mitigation measures in case of
19		an hazard accident. However, these
X	-	containers are located more than 2,000
1 2		feet from the project, exceeding the
		ASD requirement distance of 660 feet.
		The project is in compliance with
		explosive and flammable hazard
		requirements.
Farmlands Protection	☐ Yes ☑ No	The project area has been impacted
Farmland Protection Policy Act of		previously. The proposed project consist
1981, particularly sections 1504(b)	5 g	on the acquisition and rehabilitation of
and 1541; 7 CFR Part 658	ix II	an existing building for shelter housing
- Company of the Comp		in a heavy populated urban area. The
B		project is out of agricultural reserves,
	9	experimental stations, soils classified as
		of agricultural capacity or classified as
0		
2	34	prime agricultural land. Caguas does not
	<u> </u>	have protected areas covered by
		Farmlands Protection Policy Act. Based
		on the analysis made through the USDA
· *		Web Soil Survey, the area where the
		house is located is not a prime
		farmland. This project does not include
8		any activities that could potentially
		convert agricultural land to a non-
	14	agricultural use. The project is in
2 00	3	compliance with the Farmland
34		Protection Policy Act.



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Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	□ Yes ☑ No	This project does not occur in a floodplain. Source of information: FIRM Map 72000C1210J, panel 1210, valid since November 18, 2009. The project is in compliance with Executive Order 11988.
Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	□ Yes ☑ No	SHPO communication dated on October 21, 2021 determined to support our findings of no adverse effects in historic properties with the area of Tradicional Urban Center in Pueblo Ward or next to this property. 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.
Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	□ Yes ☑ No	Based on the project description (acquisition and rehabilitation of an existing building for shelter housing in a heavy populated urban area), this project includes no activities that would require further evaluation under HUD's noise regulation. However, based on the analysis made through the NEPA Assist platform, the property is located more than 3,482.03 linear feet from a major highway (PR-52). See attached document. No airports or railroads are located in the municipal jurisdiction. The project is in compliance with HUD's Noise regulation.
Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	□ Yes ☑ No	Based on the project description (acquisition and rehabilitation of an existing building for shelter housing in a heavy populated urban area), the project consists of activities that are unlikely to have an adverse impact on groundwater resources. There are no designated Sole Source Aquifers in Puerto Rico. According the USGS Aquifers Map, the site is classified as unconsolidated sand and gravel aquifers. The project is not located on a



		sole source aquifer area. The project is
	6	in compliance with Sole Source Aquifer
		requirements.
Wetlands Protection	☐ Yes ☑ No	Based on the project description
Executive Order 11990, particularly		(acquisition and rehabilitation of an
sections 2 and 5		existing building for shelter housing in a
Sections 2 and 5	p .	heavy populated urban area that not
	₩ ¥	involve new construction or expansion
		of the existing footprint or right of way
v.		as defined in Executive Order 11990),
,	2	this project includes no activities that
		would require further evaluation under
		this section. However, according to the
	i i	definition of wetland by US Corps of
		Engineers, visual inspection of the land
		and the National Wetland Inventory, the
		proposed project is located at 2,011.27
*		ft, 3,749.90 ft and 3363.05 ft from three
		riverine (Santo Domingo Creek, Turabo
4		River and Caguitas River, respectively).
		Because of this, the activity is out of
ē		jurisdictional area. The project is in
		compliance with Executive Order 11990.
Wild and Scenic Rivers Act	☐ Yes ☑ No	Puerto Rico have rivers designated as
Wild and Scenic Rivers Act of 1968,	L les E No	Wild and Scenic Rivers (See attached
E and the second		document). However, the Municipality
particularly section 7(b) and (c)		of Caguas does not have any river
e		registered as a Wild and Scenic River,
		Study River or listed in the Nationwide
₩		Rivers Inventory (NRI). The proposed
		project is not within proximity of a
8		National Wild and Scenic Rivers
		(NWSRS) river. The project is in
	27	compliance with the Wild and Scenic
		and the second s
,		Rivers Act.
HUD HO	DUSING ENVIRONMEN	ITAL STANDARDS
	ENVIRONMENTAL J	USTICE
Environmental Justice	☐ Yes ☑ No	The activities involved in this project is
Executive Order 12898		acquisition and rehabilitation of an
		existing building to convert it into a
	į.	shelter in a heavy populated urban area.
	2	After completing the other portions of
		the environmental review, we
	×	determined that neither the project



	site, nor the surrounding neighborhood
<i>y</i>	suffer from adverse environmental
7	conditions. The project is out of the
	airport hazards zones, out of flood and
	coastal zones (according to FIRM Maps
*	and the Puerto Rico Coastal Zone
¥	Management Program), is located in an
,	Clean Air Act attainment area (according
	to the Puerto Rico Natural Resources
	and Environmental Department), is
	quite far from sites of contamination
9	and toxic substances (according to
	NEPAssist), doesn't affected endangered
	species, is not a hazardous facility,
	aboveground containers are located in
	an acceptable ASD and are not
	regulated by 24 CFR 51C, doesn't
	expand the gross area or existing
	footprint of the property; have not
	adverse effects to nearby historic
· ·	properties, doesn't affect wetlands,
	farmlands or sole aquifers. No adverse
	environmental impacts were identified
9	in the project's total environmental
	review. The project is in compliance
	with Executive Order 12898.
	WILLI EXECUTIVE OTHER 12030.

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,	Mitigation Measure or Condition	Comments on	Mitigation	Complete
Authority,	.0	Completed	Plan	8
or Factor		Measures		

Caguas, PR

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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		24 CFR Part 51 Subpart D
prevent incompatible development		
around civil airports and military airfields.		

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. Based on the project description, the project includes no activities that would require further evaluation under this section. 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	Coastal Barrier Resources Act	
used for most activities in units of the	(CBRA) of 1982, as amended by	
Coastal Barrier Resources System	the Coastal Barrier Improvement	
(CBRS). See 16 USC 3504 for limitations	Act of 1990 (16 USC 3501)	
on federal expenditures affecting the		
CBRS.		

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 Barriers Resources System (CBRS). However, the project is located in the Municipality of Caguas, which is more than 9 miles away from the nearest CBRS designated by the USFWS and/or the Puerto Rico CZM Program. This project is not located in a CBRS Unit (see attached document). 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 map Adq FUNDESCO.pdf Coastal Barrier 2.jpg

Are formal compliance steps or mitigation required?

Yes



Flood Insurance

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

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

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

✓ Yes

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

Mapa FEMA Adq FUNDESCO(1).pdf FEMA map Adq FUNDESCO.pdf

The Federal Emergency Management Agency (FEMA) designates floodplains. The <u>FEMA</u>, <u>Map Service Center</u> 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. Provide FEMA/FIRM floodplain zone designation, panel number, and date within your documentation.

Is the structure, part of the structure, or insurable property located in a FEMA-designated Special Flood Hazard Area?

✓ No

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

Yes

<u>Screen Summary</u> Compliance Determination Acosta-70-Acquisition-&-Rehabilitation---FUNDESCO

The project is out of a FEMA Special Flood Hazard Area (see attached maps). Source of information: FIRM Map 72000C1210J, valid since November 18, 2009. The structure or insurable property is not located in a FEMA-designated Special Flood Hazard Area. 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

Are formal compliance steps or mitigation required?

Yes

√ No



Air Quality

General requirements	Legislation	Regulation
The Clean Air Act is administered	Clean Air Act (42 USC 7401 et	40 CFR Parts 6, 51
by the U.S. Environmental	seq.) as amended particularly	and 93
Protection Agency (EPA), which	Section 176(c) and (d) (42 USC	
sets national standards on	7506(c) and (d))	
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.		

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: Attached Letter of July 27, 2020 from Puerto Rico Department of Natural and Environmental Resources. 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
Carta Caguas cumplimiento NNCAA 2020.pdf

Are formal compliance steps or mitigation required? Yes

Coastal Zone Management Act

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

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



Contamination and Toxic Substances

General requirements	Legislation	Regulations
It is HUD policy that all properties that are being		24 CFR 58.5(i)(2)
proposed for use in HUD programs be free of		24 CFR 50.3(i)
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.		

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?)



Explain:

Using NEPA Assist Tool; a total of 31 sites related to TRI, Superfund, RCRA and Brownfield are identified in a radius of 0.5 miles. The nearest one is a Brownfield site (Marianne Building) was located 0.24 miles from the structure and the most farthest one is a TRI site (Bull Bond) was located 0.50 miles from the structure. The proposed project consist of the acquisition of a existing building for shelter in a urban neighborhood and quite far or not immediately next to these sites. During the inspection of the place, where the project will take place, no landfills/dumps, industrial sites, UST, gas stations, substations or dry cleaners were identified in the surroundings.

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

Yes

Screen Summary

Compliance Determination

Using NEPA Assist Tool; a total of 31 sites related to TRI, Superfund, RCRA and Brownfield are identified in a radius of 0.5 miles. The nearest one is a Brownfield site (Marianne Building) was located 0.24 miles from the structure and the most farthest one is a TRI site (Bull Bond) was located 0.50 miles from the structure. The proposed project consist of the acquisition & rehabilitation of a existing building for shelter in a urban neighborhood and quite far or not immediately next to these sites. During the inspection of the place, where the project will take place, no landfills/dumps, industrial sites, UST, gas stations, substations or dry cleaners were identified in a radius of 1,000 feet. Additional, two of the Brownfield sites was evaluated in a Phase I ESA and no recognizable concerns was founded. The rest have RCRA or TRI permits because of the uses in these sites. No complains or hazardous contamination actions occur in the area. 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 - Adq FUNDESCO(4).pdf
NEPA Assist Report - Adq FUNDESCO TRI.pdf
NEPA Assist Report - Adq FUNDESCO Superfund.pdf
NEPA Assist Report - Adq FUNDESCO RCRA.pdf
NEPA Assist Report - Adq FUNDESCO Brownfields.pdf

Are formal compliance steps or mitigation required?

Yes



Endangered Species

General requirements	ESA Legislation	Regulations
Section 7 of the Endangered Species Act (ESA)	The Endangered	50 CFR Part
mandates that federal agencies ensure that	Species Act of 1973	402
actions that they authorize, fund, or carry out	(16 U.S.C. 1531 et	
shall not jeopardize the continued existence of	seq.); particularly	
federally listed plants and animals or result in	section 7 (16 USC	
the adverse modification or destruction of	1536).	
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").		

1. Does the project involve any activities that have the potential to affect specifies 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 #4 of this clearance letter. USFW Puerto Rico Field Office concur with this determination by letter dated on September 27, 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 #4 of this clearance letter. USFW



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Puerto Rico Field Office concur with this determination by letter dated on September 27, 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.

SV

Supporting documentation

CONTESTACION USFW Acosta 70 - FUNDESCO.pdf Consulta USFW Acosta 70 - FUNDESCO.pdf

Are formal compliance steps or mitigation required? Yes

Explosive and Flammable Hazards

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

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

✓ Yes



- 3. Within 1 mile of the project site, are there any current or planned stationary aboveground storage containers that are covered by 24 CFR 51C? Containers that are NOT covered under the regulation include:
 - Containers 100 gallons or less in capacity, containing common liquid industrial fuels OR
- Containers of liquified petroleum gas (LPG) or propane with a water volume capacity of 1,000 gallons or less that meet the requirements of the 2017 or later version of National Fire Protection Association (NFPA) Code 58.

If all containers within the search area fit the above criteria, answer "No." For any other type of aboveground storage container within the search area that holds one of the flammable or explosive materials listed in Appendix I of 24 CFR part 51 subpart C, answer "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.

Yes

Screen Summary

Compliance Determination

Six underground storage containers and two aboveground containers are located in the same area. The underground containers are related to gas stations and the most nearest one (Gulf Gas Station) is located at 1,584 feet from the property, The two aboveground containers (100 gallones each one) are related to emergency electricity generators to the Municipal Government Building. Both of them have permits for their operation and contains mitigation measures in case of an hazard accident. However, these containers are located more than 2,000 feet from the project, exceeding the ASD requirement distance of 660 feet. The project is in compliance with explosive and flammable hazard requirements.

Supporting documentation

explosive hazard map - FUNDESCO (2).pdf explosive hazard map - FUNDESCO.pdf

Are formal compliance steps or mitigation required?

Yes

No



Farmlands Protection

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

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 the acquisition and rehabilitation of an existing building for shelter housing in a heavy populated urban area. 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. Based on the analysis made through the USDA Web Soil Survey, the area where the house is located is not a prime farmland. 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

Soil Survey - Adq FUNDESCO.pdf

Are formal compliance steps or mitigation required?

Yes

√ No

Sol

Floodplain Management

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

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 FEMA Adq FUNDESCO(1).pdf FEMA map Adq FUNDESCO.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. Source of information: FIRM Map 72000C1210J, panel 1210, valid since November 18, 2009. The project is in compliance with Executive Order 11988.

Supporting documentation

Are formal compliance steps or mitigation required?

Yes



Historic Preservation

General requirements	Legislation	Regulation
Regulations under	Section 106 of the	36 CFR 800 "Protection of Historic
Section 106 of the	National Historic	Properties"
National Historic	Preservation Act	http://www.access.gpo.gov/nara/cfr/waisi
Preservation Act	(16 U.S.C. 470f)	dx 10/36cfr800 10.html
(NHPA) require a		
consultative process		
to identify historic		
properties, assess		
project impacts on		
them, and avoid,		
minimize, or mitigate		
adverse effects		

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 and after our determination that this project doesn't have adverse effects in 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

 Define the Area of Potential Effect (APE), either by entering the address(es) or uploading a map depicting the APE below: Tradicional Urban Center, 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	National Register	SHPO Concurrence	Sensitive
/ District	Status		Information

Additional Notes:

The Municipality prepared a historical determination for the property using information from SHPO and Puerto Rico Cultural Institute that indicated the acquisition and rehabilitation activities doesn't affect any historical property 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?



Document and upload surveys and report(s) below. For Archeological surveys, refer to HP Fact Sheet #6, Guidance on Archeological Investigations in HUD Projects.

Additional Notes:



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.

√ No Adverse Effect

Based on the response, the review is in compliance with this section. **Document reason for finding:**

The project is located in Tradicional Urban Center. The project is not an intervention in a historic property. Some properties listed in the National Register of Historic Places are located in the same area. However, any of them are located near or next to the project site. The rehabilitation activities will be developed in the building interior.

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

SHPO communication dated on October 21, 2021 determined to support our findings of no adverse effects in historic properties with the area of Tradicional Urban Center in Pueblo Ward or next to this property. 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

SEECION 106 SHPO ACOSTA 70.pdf localizacion adq FUNDESCO(1).pdf FOTOS ACOSTA 70(1).pdf DETERMINACION HISTORICA SHPO.pdf CONTESTACION SHPO ACOSTA 70 FUNDESCO.pdf CARTA SHPO FUNDESCO ACOSTA 70.pdf

Are formal compliance steps or mitigation required?

Yes



Noise Abatement and Control

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

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 (acquisition and rehabilitation of an existing building for shelter housing in a heavy populated urban area), this project includes no activities that would require further evaluation under HUD's noise regulation. However, based on the analysis made through the NEPA Assist platform, the property is located more than 3,482.03 linear feet from a major highway (PR-52). See attached document. No airports or railroads are located in the municipal jurisdiction. The project is in compliance with HUD's Noise regulation.

Supporting documentation



NEPA Assist Report - Adq FUNDESCO Noise Abatement.pdf

(SN)

Are formal compliance steps or mitigation required? Yes

Sole Source Aquifers

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

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

✓ Yes

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

No

Screen Summary

Compliance Determination

Based on the project description (acquisition and rehabilitation of an existing building for shelter housing in a heavy populated urban area), the project consists of activities that are unlikely to have an adverse impact on groundwater resources. There are no designated Sole Source Aquifers in Puerto Rico. According the USGS Aquifers Map, the site is classified as unconsolidated sand 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
Sole Source Aquifers US PR.jpg

Are formal compliance steps or mitigation required?

Yes

√ No



Wetlands Protection

General requirements	Legislation	Regulation
Executive Order 11990 discourages direct or	Executive Order	24 CFR 55.20 can be
indirect support of new construction impacting	11990	used for general
wetlands wherever there is a practicable		guidance regarding
alternative. The Fish and Wildlife Service's		the 8 Step Process.
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.		

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 (acquisition and rehabilitation of an existing building for shelter housing in a heavy populated urban area that not involve new construction or expansion of the existing footprint or right of way as defined in Executive Order 11990), this project includes no activities that would require further evaluation under this section. However, according to the definition of wetland by US Corps of Engineers, visual inspection of the land and the National Wetland Inventory, the proposed project is located at 2,011.27 ft, 3,749.90 ft and 3363.05 ft from three riverine (Santo Domingo Creek, Turabo River and Caguitas River, respectively). Because of this, the activity is out of jurisdictional area. The project is in compliance with Executive Order 11990.

Supporting documentation

NEPA Assist Report - Adq FUNDESCO Wetlands.pdf

Are formal compliance steps or mitigation required?



Yes

No

10/27/2021 08:36

Wild and Scenic Rivers Act

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

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

Puerto Rico have rivers designated as Wild and Scenic Rivers (See attached document). However, 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). The proposed project is not within proximity of a National Wild and Scenic Rivers (NWSRS) river. The project is in compliance with the Wild and Scenic Rivers Act.

Supporting documentation

Wild Scenic Rivers.pdf
Rivers Trails Conservation Program.pdf
Nationwide Rivers Inventory.pdf

Are formal compliance steps or mitigation required?

Yes



Environmental Justice

	General requirements	Legislation	Regulation
De	etermine if the project	Executive Order 12898	
cr	eates adverse environmental		
im	npacts upon a low-income or		
m	inority community. If it		
do	oes, engage the community		
in	meaningful participation		
ak	oout mitigating the impacts		
or	move the project.		

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 is acquisition and rehabilitation of an existing building to convert it into a shelter in a heavy populated urban area. 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 of the airport hazards zones, out of flood and coastal zones (according to FIRM Maps and the Puerto Rico Coastal Zone Management Program), is located in an Clean Air Act attainment area (according to the Puerto Rico Natural Resources and Environmental Department), is quite far from sites of contamination and toxic substances (according to NEPAssist), doesn't affected endangered species, is not a hazardous facility, aboveground containers are located in an acceptable ASD and are not regulated by 24 CFR 51C, doesn't expand the gross area or existing footprint of the property; have not adverse effects to nearby historic properties, doesn't affect wetlands, farmlands or sole aquifers. 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