



**DEPARTMENT OF ECONOMIC DEVELOPMENT AND COMMERCE  
COMMUNITY DEVELOPMENT BLOCK GRANT- DISASTER RECOVERY ENERGY  
(CDBG-DR ENERGY)  
ENERGY SUPPORT INCENTIVE PROGRAM 2.0**

**ENVIRONMENTAL ACKNOWLEDGMENT AND CONSENT FORM**

Among the requirements established by law, regulations, and the Program Guidelines for the Energy Support Incentive Program 2.0 Set-Aside (**Program**)<sup>1</sup>, an environmental review process must be completed prior to the commitment or expenditure of Community Development Block Grant-Disaster Recovery Energy (**CDBG-DR Energy**) funds.

Accordingly, we, \_\_\_\_\_, Authorized Representative of the Applicant Business, \_\_\_\_\_, and \_\_\_\_\_, Authorized Representative of Supplier Company (collectively, "the Parties"), acknowledge that in order to receive assistance with CDBG-DR Energy funds under the Energy Support Incentive Program 2.0, we must comply with all applicable rules and regulations. Through this form, we **ACKNOWLEDGE, AGREE and CERTIFY** that:

1. The Parties received this Environmental Acknowledgment and Consent Form and had the opportunity to clarify any and all questions regarding the information provided herein, prior to the execution of the Partial Installation Agreement between the Supplier and the Applicant for the system installation services under the Program.
2. The Parties acknowledge that, as required by the National Environmental Policy Act (**NEPA**), the Department of Economic Development and Commerce (**DEDC**) and the Puerto Rico Department of Housing (**PRDOH**) must ensure that the proposed activities do not negatively impact the surrounding environment and that the property itself will not have an adverse environmental or health effect on the end users. Regarding limitations on activities pending clearance, 24 C.F.R. § 58.22 prohibits the commitment or expenditure of federal or non-federal funds for any activity that could have an adverse environmental impact or **limit the choice** of reasonable alternatives prior to the completion of an environmental review. **A choice limiting action** is an activity that has a physical impact, or which limits the choice of alternatives that can be undertaken, including the acquisition, demolition, disposition, rehabilitation, repair, new construction, site preparation, and leasing or any other activities that commit to future activities.<sup>2</sup>

<sup>1</sup> The PRDOH Electrical Power Reliability and Resilience Program (ER2) set aside \$30,000,000 in CDBG-DR Energy funds for the Energy Support Incentive Program 2.0, administered by DEDC.

<sup>2</sup> For example, spending either public or private funds (CDBG, other federal or non-federal funds), to enter into a legally binding agreement for property rehabilitation, acquisition, conversion, repair, or construction related to a specific site prior to completing an environmental clearance, constitutes a choice limiting action and may jeopardize federal funding for the Program and disallow all costs incurred before the completion of the environmental review.

3. The Parties acknowledge and agree that **they have no legal claim to any amount of Program funds to be used for any project or purchase of equipment** until the environmental review process is satisfactorily completed.
4. CDBG-DR Energy funds are contingent upon the outcome of the environmental review process conducted by PRDOH, after the DEDC determines that the Application is eligible and PRDOH receives a written conditional pre-approval determination from the Program.
5. The Parties acknowledge that the time period between the eligibility evaluation of the application, the environmental review by PRDOH, and the final determination notice may exceed ninety (90) days from the date the Application is received.
6. The Parties agree and certify that no action will be taken or initiated with respect to the Project or the Site until the environmental review process has been completed and PRDOH has issued a written notice to proceed.
7. The prohibition of committing or spending federal or non-federal funds for any activity that could have an adverse environmental impact or limit the choice of reasonable alternatives ("choice limiting actions") is ongoing, constant, and uninterrupted until the completion of an environmental review.
8. The Parties affirm and understand that they have been informed of the penalties applicable to any materially false or misleading statements made on their behalf to obtain funds under this or any other PRDOH program. They also understand that any person who knowingly makes a false claim or statement to the U.S. Department of Housing and Urban Development (**HUD**) may be subject to civil or criminal penalties under 18 U.S.C. §287, §1001 and 31 U.S.C. §3729.

By signing below, we, the Parties, affirm that we have read and understand this document; that the information contained herein has been explained to our full satisfaction; and that we freely and voluntarily accept and sign this Environmental Acknowledgment and Consent Form.

**By:**

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Signature of Applicant Business Representative

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Date

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Signature of Supplier Company Representative

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Date