

# **Record of Environmental Consideration (REC)**

**East Region**

**Bid Package E1-3**



## RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project PA-02-PR-4339-PW-07768

Title: 101909 - L-140-1 Cataño Ward - Humacao

Environmental Law/ Executive Order	Status	Description	Comment
Clean Air Act (CAA)	Completed	Project will not result in permanent air emissions - Review concluded	
Coastal Barrier Resources Act (CBRA)	Completed	Project is not on or connected to CBRA Unit or otherwise protected area - Review concluded	
Clean Water Act (CWA)	Completed	Project would not affect any water of the U.S. - Review concluded	
Coastal Zone Management Act (CZMA)	Completed	Project is not located in a coastal zone area and does not affect a coastal zone area - Review concluded	
Executive Order 11988 - Floodplains	Completed	No effect on floodplain/flood levels and project outside floodplain - Review concluded	Based on the ABFE available at <a href="https://gis.fema.gov/PuertoRicoABFEs/">https://gis.fema.gov/PuertoRicoABFEs/</a> accessed on (11/24/2020), the project is outside the floodplain and has no effect on the floodplain values - ctoledoh - 11/25/2020 16:19:36 GMT
Executive Order 11990 - Wetlands	Completed	No effects on wetlands and project outside wetlands - Review concluded	Per the USFWS Wetlands Inventory Mapper, accessed on 11/24/2020, the proposed scope of work is not located in a wetland - ctoledoh - 11/25/2020 16:19:51 GMT
Executive Order 12898 - Environmental Justice for Low Income and Minority Populations	Completed	Low income or minority population in or near project area	
	Completed	No disproportionately high and adverse impact on low income or minority population - Review concluded	
Endangered Species Act (ESA)	Completed	Listed species and/or designated critical habitat present in areas affected directly or indirectly by the federal action	Per review of the U.S. Fish and Wildlife Service's Information, Planning, and Consultation System (IPaC), dated <<11/18/2020>>, FEMA has determined that threatened/endangered species and/or critical habitat are present at the project sites: (see attached table of coordinates). Based on the project location and scope of work, FEMA has made the following determinations using the PR ESA Matrix in accordance with the agreement between FEMA and the USFWS PR Field Office, dated July 19, 2019: NLAA- (Epicrates inornatus) - ctoledoh - 11/25/2020 16:09:23 GMT
	Completed	May affect, but not likely to adversely affect species or designated critical habitat (FEMA determination/USFWS/NMFS concurrence attached) - Review	

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Environmental Law/ Executive Order	Status	Description	Comment
		concluded	
Farmland Protection Policy Act (FPPA)	Completed	Project does not affect designated prime or unique farmland - Review concluded	
Migratory Bird Treaty Act (MBTA)	Completed	Project located within a flyway zone	
	Completed	Project does not have potential to take migratory birds - Review concluded	
Magnuson-Stevens Fishery Conservation and Management Act (MSA)	Completed	Project not located in or near Essential Fish Habitat - Review concluded	
National Historic Preservation Act (NHPA)	Completed	Applicable executed Programmatic Agreement. Activity meets Programmatic Allowance (enter date and # in comments) - Review concluded	<p>----- 219083 -----The proposed activity complies with programmatic allowance Tier II, Allowance A.2.b., B.1.c, B.3.a, B.4.c., B.5.a., B.5.b., B.6.b., B.6.c. and B.8.a, as identified in Appendix B of the Puerto Rico Programmatic Agreement among FEMA, PRSHPO, and the COR3, as amended November 13, 2019. This determination was made by Roberto Duran Aviles (Archeologist) and Elegna Rodriguez Sanabria (Architect) who meets the applicable SOI qualifications, pursuant to Stipulation I.B.1.a of the Agreement. ----- 219084 -----The proposed activity complies with programmatic allowance Tier II, Allowance B.3.a, B.4.c., B.5.a., B.6.b. and B.8.a, as identified in Appendix B of the Puerto Rico Programmatic Agreement among FEMA, PRSHPO, and the COR3, as amended November 13, 2019. This determination was made by Roberto Duran Aviles (Archeologist) and Elegna Rodriguez Sanabria (Architect) who meets the applicable SOI qualifications, pursuant to Stipulation I.B.1.a of the Agreement. -----</p> <p>219099 -----The proposed activity complies with programmatic allowance Tier II, Allowance A.2.b., B.1.c, B.3.a, B.4.c., B.5.a., B.6.b., B.6.c. and B.8.a., as identified in Appendix B of the Puerto Rico Programmatic Agreement among FEMA, PRSHPO, and the COR3, as amended November 13, 2019. This determination was made by Roberto Duran Aviles (Archeologist) and Elegna Rodriguez Sanabria (Architect) who meets the applicable SOI qualifications, pursuant to Stipulation I.B.1.a of the Agreement. - vriver12 - 11/25/2020 15:10:15 GMT</p>

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Environmental Law/ Executive Order	Status	Description	Comment
Resource Conservation and Recovery Act, aka Solid Waste Disposal Act (RCRA)	Completed	Review concluded	The applicant is responsible to ensure potentially hazardous materials, if any, shall be removed and disposed of in accordance with all applicable federal and state laws and local compliance requirements. - ctoledoh - 11/25/2020 16:18:38 GMT
Wild and Scenic Rivers Act (WSR)	Completed	Project is not along and does not affect Wild and Scenic River - Review concluded	

CONDITIONS

Special Conditions required on implementation of Projects:

Puerto Rican and Virgins Island Boas

1. Inform all personnel about the potential presence of the PR boa and the VI boa in areas where the proposed work will be conducted. Photographs of the PR and VI Boa are to be prominently displayed at the site. The recipient must ensure that project personnel is able to correctly identify a PR or VI boa. For information on PR boa, please visit:

<https://ecos.fws.gov/ecp/species/6628>.

2. Prior to any construction activity, including removal of vegetation and earth movement, the boundaries of the project area must be delineated, buffer zones, and areas to be excluded and protected, should be clearly marked in the project plan and in the field to avoid further habitat degradation into forested areas. Once areas are clearly marked, and prior to any construction activity, including site preparation, project personnel able to correctly identify a PR or VI boa must survey the areas to be cleared to ensure that no boas are present within the work area. Vehicle and equipment operation must remain on designated access roads/paths and within rights-of way.

3. If a PR boa is found within any of the working or construction areas, activities should stop in the area where the boa was found. Do not capture the boa. If boas need to be moved out of harm's way, project personnel designated by the recipient shall immediately contact the Puerto Rico Department of Natural and Environmental Resources (PRDNER) Rangers for safe capture and relocation of the animal (PRDNER phone #: 787-724-5700, 787-230-5550, 787-771-1124). If immediate relocation is not an option, project-related activities at this area must stop until the boa moves out of harm's way on its own. Activities at other work sites, where no boas have been found after surveying the area, may continue.

Source of condition: Endangered Species Act (ESA)

Monitoring Required: No

4. Measures should be taken to avoid and minimize PR boa casualties by heavy machinery or motor vehicles being used on site. Any heavy machinery left on site (staging) or near potential PR boa habitat (within 50 meters of potential boa habitat), needs to be thoroughly inspected each morning before work starts to ensure that no boas have sheltered within engine compartments or other areas of the equipment. If PR boas are found within vehicles or equipment, do not capture the animal and let it move on its own or call PRDNER Rangers for safe capture and relocation of the boa (PRDNER phone #: 787-724-5700, 787-230-5550, 787-771-1124). If not possible, the animal should be left alone until it leaves the vehicle on its own.

5. PR boas may seek shelter in debris piles. Measures should be taken to avoid and minimize boa casualties associated with sheltering in debris piles as a result of project activities. Debris piles should be placed far away from forested areas. Prior to moving, disposing or shredding, debris piles should be carefully inspected for the presence of boas. If PR boas are found within debris piles, do not capture the animal and let it move on its own or call PRDNER Rangers for safe capture and relocation of the animal. If debris piles will be left on site, we recommend they be placed in areas that will not be disturbed in the future.

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6. For all boa sightings (dead or alive), personnel designated by the recipient must record the time and date of the sighting and the specific location where the boa was found. Data should also include a photo of the animal dead or alive, and site GPS coordinates, and comments on how the animal was detected and its behavior. If the PR boa was accidentally killed as part of the project actions, please include information on what conservation measures had been implemented and what actions will be taken to avoid further killings. All boa-sighting reports should be sent to the USFWS Caribbean Ecological Services Field Office, Marelisa Rivera - Deputy Field Supervisor, 787-851-7297 extension 206, 787-510-5207, marelisa\_rivera@fws.gov.

For Virgin Islands Boas in St. Thomas and Steven's Cay US Virgin Islands (VI boas have not been reported on St. Croix or St. John):

7. Follow the same guidance above but contact the VI Division of Fish and Wildlife (VIDFW), for technical assistance (340-775-6762) and capture of any VI boas. For information on USVI boa, please visit: <https://ecos.fws.gov/ecp/species/3247>. The VIDFW has developed site-specific VI boa protocol; Applicants will be responsible for executing conservation measures recommended by VIDFW. Final project report to be submitted to USFWS.

Source of condition: Endangered Species Act (ESA)

Monitoring Required: No

The Applicant shall handle, manage, and dispose of all solid and hazardous waste in accordance with requirements of local, state, and federal laws, regulations, and ordinances. In addition, the Applicant shall ensure that all debris is separated and disposed of in a manner consistent with the PR DNER guidelines at a permitted site or landfill

Source of condition: Resource Conservation and Recovery Act, aka Solid Waste Disposal Act (RCRA)

Monitoring Required: No

For asbestos containing material and lead base paint the Applicant shall handle, manage, and dispose of all types of hazardous waste in accordance with requirements of local, state, and federal laws, regulations, and ordinances. In addition, the Applicant shall ensure that all debris is separated and disposed of in a manner consistent with the PR-DNER guidelines at a permitted site or landfill or provide evidence of the close out permit from PR-DNER for activities of remediation, abatement or removal of those materials.

Source of condition: Resource Conservation and Recovery Act, aka Solid Waste Disposal Act (RCRA)

Monitoring Required: No

**Standard Conditions:**

Any change to the approved scope of work will require re-evaluation for compliance with NEPA and other Laws and Executive Orders.

This review does not address all federal, state and local requirements. Acceptance of federal funding requires recipient to comply with all federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize federal funding.

If ground disturbing activities occur during construction, applicant will monitor ground disturbance and if any potential archeological resources are discovered, will immediately cease construction in that area and notify the State and FEMA.