



RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

COR3 EHP Review of FEMA’s Record of Environmental Consideration (REC) for use by the sub-recipient

FEMA EHP’s Special Conditions required for the sub-recipient to implement are summarized below. The Special Conditions are specific to this project and are found in the final pages of the Record of Environmental Consideration (REC) located in Grants Portal. The REC is attached to this document for reference.

COR3 is summarizing FEMA EHP’s Special Conditions for sub-recipient’s awareness and tracking, for consideration of inclusion in the Final Scope of Work and Cost estimate, and to reduce the risk of de-obligation of funds by FEMA for non-compliance. **Noncompliance with FEMA EHP requirements may jeopardize receipt of federal funds.**

Project Number:	164309	Date of FEMA EHP REC:	01/08/2021
EHP Review by:	Alexis Weaver	EHP Review date:	01/08/2020

Sub-Recipients may use this document for attachment to their bid package to ensure contractors will comply with FEMA EHP’s Special Conditions.

Reptiles, Amphibians, and Mammals

- **ESA-PR boa inform personnel, mark plans, activity stoppage, inspections, sightings**
 - Species name: *Chilabothrus inornatus* (formerly *Epicrates inornatus*)/Puerto Rican Boa
[Notice to the Sub-applicant: as per communication between U.S. Fish & Wildlife and FEMA EHP, the conditions below became effective starting on October 1, 2020.]
 - 1. Inform all personnel about potential presence of the PR boa and VI boa in work areas.
 - Display photographs of PR boa and VI boa at the site.
 - Ensure that project personnel is able to correctly identify a PR or VI boa.
 - Find PR boa information: <https://ecos.fws.gov/ecp/species/6628>.
 - 2. Prior to construction, mark sensitive areas on project plans and in the field.
 - Avoid further habitat degradation by setting boundaries and working within delineated work areas.
 - Prior to construction or site preparation, project personnel able to correctly identify a boa must survey the areas to be cleared to ensure none are present in the work area.
 - Vehicles and equipment must remain on access roads/paths and within rights-of-way.
 - 3. If boas are found, activities in that area should stop.
 - **DO NOT** capture the boa.
 - If boas need to be moved out of harm’s way, contact the Puerto Rico Department of Natural and Environmental Resources (PRDNER) Rangers for safe capture and relocation of the animal (PRDNER phone #s: 787-724-5700, 787-230-5550, 787-771-1124).
 - If its not possible to remove the animal, project-related activities in the area must stop until it leaves the area on its own.

- Work activities may continue in the areas where no boas have been found after completing a survey.
- 4. Inspect heavy machinery left on site (staging) or within 50 meters of potential boa habitat.
 - If the animal is found within vehicles or equipment **DO NOT** capture the animal.
 - Contact the Puerto Rico Department of Natural and Environmental Resources (PRDNER) Rangers for safe capture and relocation of the animal (PRDNER phone #s: 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. Inspect debris piles for boas prior to moving, disposing, or shredding.
 - Place debris piles away from forested areas.
 - **DO NOT** try to capture and relocate any boas found in debris piles, contact PRDNER rangers or allow the animal to move away on its own.
- 6. For boa sightings (dead or alive) take photograph and record time, date and location of sighting, including 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: USFWS Carib bean Ecological Service Field Office. Direct to: Marelisa Rivera - Deputy Field Supervisor, 787-851-7297 extension 206, 787-510-5207, marelisa_rivera@fws.gov.
- 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.
- **Per FEMA REC: “The Applicant [subrecipient] must provide documentation [to FEMA] at close-out that proves completion of required Conservation Measures.”**

Resources Conservation and Recovery Act, a.k.a. Solid Waste Disposal Act (RCRA)

— **RCRA-solid and hazardous waste disposal**

- Handle, manage, and dispose of all solid and hazardous waste in accordance with requirements of local, state, and federal laws, regulations, and ordinances.
- Ensure that all debris is separated and disposed of in a manner consistent with the PR DNER guidelines at a permitted site or landfill.
- Dispose of unusable equipment, debris, white goods, scrap metal any other material in approved manner and location.
 - ***[Keep receipts from permitted site or landfill for proof of compliance.]***

— **RCRA-asbestos and lead paint**

- Handle, manage, and dispose of all asbestos containing material and lead base paint in accordance with requirements of local, state, and federal laws, regulations, and ordinances.
- Ensure that all debris is separated and disposed of in a manner consistent with the DNER/EQB guidelines at a permitted site or landfill
 - ***[COR3 Recommendation: Keep receipts from permitted site or landfill for proof of compliance.]***

-or-

- Provide evidence of the close out permit from DNER/EQB for activities of remediation, abatement or removal of those materials.
- **RCRA- unusable equipment and other material disposal**
 - Unusable equipment, debris, white goods, scrap metal any other material shall be disposed in approved manner and location.
 - In the event significant items are discovered during the implementation or development of the project the Applicant shall handle, manage and dispose petroleum products, hazardous materials and toxic waste in accordance to the requirements of the local and federal agencies.
 - **Per FEMA “Noncompliance with these requirements may jeopardize receipt of federal funds.”**

FEMA’s 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.

State Law Compliance

All construction work performed in Puerto Rico, including the demolition of any structure, has to comply with Puerto Rico laws and regulations, including the Permitting Process Reform Act, Act No. 161-2009, as amended, and the Puerto Rico Planning Board Joint Regulation. The sub-recipient must obtain the permit, comments, or authorization from the Puerto Rico regulatory agencies before beginning the construction work. The permitting process must be initiated through the Permits Management Office (OGPe)’s platform: ogpe.pr.gov. Noncompliance with these requirements is considered a violation to the State laws and the sub-applicant may be subject to fines or penalties.

Additional recommendations, comments, or revision details:

None currently.

Attachments:

Record of Environmental Consideration (REC) – 01/08/2021

15:47:17

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project PA-02-PR-4339-PW-08144

Title: 164309 - L-065 - Zeno Gandia Industrial Park-II

NEPA DETERMINATION

Non Compliant Flag: No
 EA Draft Date: EA Final Date:
 EA Public Notice Date: EA Fonsi Level: CATEX
 EIS Notice of Intent EIS ROD Date:

Comment PR Industrial Development Company, Arecibo, [DI#218811: (18.45882, -66.74318), DI#218815: (18.45833, -66.74346), DI#218823: (18.45965, -66.74882)], Category E - Buildings and Equipment, this PW have work complete, works to be complete and Hazard Mitigation measures. The applicant will utilize contracts for repairs to restore the PRIDCO Buildings facilities back to pre-disaster condition within kind material, design, color, hardware and workmanship within the existing footprint. The works completed are: DI#218811: Removed and Replaced Waterproofing System, Styrene butadiene Styrene (SBS) Modified Bituminous composite reinforced roofing system and the Removed and Replaced "J" shaped Flashing. The works to be complete are the following: DI#218811: Remove and Replace with in kind material, design, color, hardware and workmanship within the existing footprint Exhaust Fans (hood caps). Clean and Paint within kind material, design, color, hardware and workmanship within the existing footprint Ceiling with primer and coats latex paint and the interior walls, with primer and coats latex paint. DI#218815: Remove and Replace with in kind material, design, color, hardware and workmanship within the existing footprint Exhaust Fans (hood caps). DI#218823: Remove and Replace chain link fence, Galv. Post, Barbed Wire. The Hazard Mitigation measures are the following: DI#218811: Secure the exhaust fans (hood caps), to roof, and Secure new aluminum J shaped flashing with self-drilling masonry screws with neoprene washers to prevent detachment and protect the waterproofing membrane. DI#218815: Secure the exhaust fan cap, to roof. DI#218823: Reduce the typical spacing between line posts, bury the posts deepest, and change the diameter of the posts for the fence. - jrod165 - 01/06/2021 18:33:18 GMT

CATEX CATEGORIES

Catex Category Code	Description	Selected
*n7	(*n7) Federal Assistance for Structure and Facility Upgrades. Federal assistance for the reconstruction, elevation, retrofitting, upgrading to current codes and standards, and improvements of pre-existing facilities in existing developed areas with substantially completed infrastructure, when the immediate project area has already been disturbed, and when those actions do not alter basic functions, do not exceed capacity of other system components, or modify intended land use. This category does not include actions within or affecting streams or stream banks or actions seaward of the limit of moderate wave action (or V zone when the limit of moderate wave action has not been identified).	Yes

EXTRAORDINARY

Extraordinary Circumstance Code	Description	Selected ?
	No Extraordinary Circumstances were selected	

ENVIRONMENTAL LAW / EXECUTIVE ORDER

Environmental Law/ Executive Order	Status	Description	Comment
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RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project PA-02-PR-4339-PW-08144

Title: 164309 - L-065 - Zeno Gandia Industrial Park-II

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 https://gis.fema.gov/PuertoRicoABFEs/ accessed on (01/06/2021), the project is outside the floodplain and has no effect on the floodplain values. - jrodr165 - 01/06/2021 18:44:32 GMT
Executive Order 11990 - Wetlands	Completed	No effects on wetlands and project outside wetlands - Review concluded	Per the USFWS Wetlands Inventory Mapper, accessed on (01/06/2021), the proposed scope of work is not located in a wetland. - jrodr165 - 01/06/2021 18:44:51 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 01/06/2021, FEMA has determined that threatened/endangered species and/or critical habitat are present at the project site(s): [DI#218811: (18.45882, -66.74318), DI#218815: (18.45833, -66.74346), DI#218823: (18.45965, -66.74882)]. 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 November 17, 2020: NLAA- (Epicrates Inornatus); NE- (list species Latin names). - jrodr165 - 01/06/2021 18:40:40 GMT

15:47:17

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project PA-02-PR-4339-PW-08144

Title: 164309 - L-065 - Zeno Gandia Industrial Park-II

Environmental Law/ Executive Order	Status	Description	Comment
	Completed	May affect, but not likely to adversely affect species or designated critical habitat (FEMA determination/USFWS/NMFS concurrence attached) - Review 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	The proposed activity complies with programmatic allowance(s) Tier II, Allowance(s) II.A.2.b, II.B.1.c, II.B.1.d, II.B.3.a, II.B.6.b, II.B.6.c 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 Nevada Tendillo (structures) and Daniel Cruz (archeology) who meets the applicable SOI qualifications, pursuant to Stipulation I.B.1.a of the Agreement. - mmarvel - 01/05/2021 20:09:33 GMT
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. - jrodr165 - 01/06/2021 18:43:24 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:

15:47:17

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project PA-02-PR-4339-PW-08144

Title: 164309 - L-065 - Zeno Gandia Industrial Park-II

FEMA Project Conditions / USFWS Required Conservation Measures / Reptiles: PR and VI 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 #'s: 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.
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 #'s: 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.

Source of condition: Endangered Species Act (ESA)

Monitoring Required: No

Continue: FEMA Project Conditions / USFWS Required Conservation Measures / Reptiles: PR and VI Boas

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.
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 must provide documentation at close-out that proves completion of required Conservation Measures

Source of condition: Endangered Species Act (ESA)

Monitoring Required: No

15:47:17

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project PA-02-PR-4339-PW-08144**Title:** 164309 - L-065 - Zeno Gandia Industrial Park-II

ç 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.

ç For asbestos containing material and lead base paint 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 DNER/EQB guidelines at a permitted site or landfill or provide evidence of the close out permit from DNER/EQB for activities of remediation, abatement or removal of those materials.

ç Unusable equipment, debris, white goods, scrap metal any other material shall be disposed in approved manner and location. In the event significant items are discovered during the implementation or development of the project the Applicant shall handle, manage and dispose petroleum products, hazardous materials and toxic waste in accordance to the requirements of the local and federal agencies. Noncompliance with these requirements may jeopardize receipt of federal funds.

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.

COR3 EHP Review of FEMA’s Record of Environmental Consideration (REC) for use by the sub-recipient

FEMA EHP’s Special Conditions required for the sub-recipient to implement are summarized below. The Special Conditions are specific to this project and are found in the final pages of the Record of Environmental Consideration (REC) located in Grants Portal. The REC is attached to this document for reference.

COR3 is summarizing FEMA EHP’s Special Conditions for sub-recipient’s awareness and tracking, for consideration of inclusion in the Final Scope of Work and Cost estimate, and to reduce the risk of de-obligation of funds by FEMA for non-compliance. **Noncompliance with FEMA EHP requirements may jeopardize receipt of federal funds.**

Project Number:	101805	Date of FEMA EHP REC:	12/02/2020
EHP Review by:	Carmen Marla Lopez, historic architect, meeting Secretary of the Interior’s Professional Qualifications Standards	EHP Review date:	12/03/2020

Sub-Recipients may use this document for attachment to their bid package to ensure contractors will comply with FEMA EHP’s Special Conditions.

Endangered Species Act

Reptiles, Amphibians, and Mammals

- **ESA-PR boa inform personnel, mark plans, activity stoppage, inspections, sightings**
 - Species name: *Chilabothrus inornatus* (formerly *Epicrates inornatus*)/Puerto Rican Boa
[Notice to the Sub-applicant: as per communication between U.S. Fish & Wildlife and FEMA EHP, the conditions below became effective starting on October 1, 2020. These are slightly different from the ones included in the REC.]
 - 1. Inform all personnel about potential presence of the PR boa and VI boa in work areas.
 - Display photographs of PR boa and VI boa at the site.
 - Ensure that project personnel is able to correctly identify a PR or VI boa.
 - Find PR boa information: <https://ecos.fws.gov/ecp/species/6628>.
 - 2. Prior to construction, mark sensitive areas on project plans and in the field.
 - Avoid further habitat degradation by setting boundaries and working within delineated work areas.
 - Prior to construction or site preparation, project personnel able to correctly identify a boa must survey the areas to be cleared to ensure none are present in the work area.
 - Vehicles and equipment must remain on access roads/paths and within rights-of-way.
 - 3. If boas are found, activities in that area shall stop.

- DO NOT capture the boa.
- If boas need to be moved out of harm’s way, contact the Puerto Rico Department of Natural and Environmental Resources (PRDNER) Rangers for safe capture and relocation of the animal (PRDNER phone #s: 787-724-5700, 787-230-5550, 787-771-1124).
- If its not possible to remove the animal, project-related activities in the area must stop until it leaves the area on its own.
- Work activities may continue in the areas where no boas have been found after completing a survey.
- 4. Inspect heavy machinery left on site (staging) in or within 50 meters of potential boa habitat.
 - If the animal is found within vehicles or equipment DO NOT capture the animal.
 - Contact the Puerto Rico Department of Natural and Environmental Resources (PRDNER) Rangers for safe capture and relocation of the animal (PRDNER phone #s: 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. Inspect debris piles for boas prior to moving, disposing, or shredding.
 - Place debris piles away from forested areas.
 - DO NOT try to capture and relocate any boas found in debris piles, contact PRDNER rangers or allow the animal to move away on its own.
- 6. For boa sightings (dead or alive) take photograph and record time, date and location of sighting, including 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: USFWS Carib bean Ecological Service Field Office. Direct to: Marelisa Rivera - Deputy Field Supervisor, 787-851-7297 extension 206, 787-510-5207, marelisa_rivera@fws.gov.
- **Per FEMA REC: “ The Applicant [subrecipient] must provide documentation [to FEMA] at close-out that proves completion of required Conservation Measures.”**

Resources Conservation and Recovery Act, a.k.a. Solid Waste Disposal Act (RCRA)

— **RCRA-solid and hazardous waste disposal**

- Handle, manage, and dispose of all solid and hazardous waste in accordance with requirements of local, state, and federal laws, regulations, and ordinances.
- Ensure that all debris is separated and disposed of in a manner consistent with the PR DNER guidelines at a permitted site or landfill.
- Dispose of unusable equipment, debris, white goods, scrap metal any other material in approved manner and location.
 - *[Keep receipts from permitted site or landfill for proof of compliance.]*

— **RCRA- unusable equipment and other material disposal**

- Unusable equipment, debris, white goods, scrap metal any other material shall be disposed in approved manner and location.
- In the event significant items are discovered during the implementation or development of the project the Applicant shall handle, manage and dispose petroleum products, hazardous materials and toxic waste in accordance to the requirements of the local and federal agencies.

- **Per FEMA “Noncompliance with these requirements may jeopardize receipt of federal funds.”**

State Law Compliance

All construction work performed in Puerto Rico, including the demolition of any structure, has to comply with Puerto Rico laws and regulations, including the Permitting Process Reform Act, Act No. 161-2009, as amended, and the Puerto Rico Planning Board Joint Regulation. The sub-recipient must obtain the permit, comments, or authorization from the Puerto Rico regulatory agencies before beginning the construction work. The permitting process must be initiated through the Permits Management Office (OGPe)’s platform: ogpe.pr.gov. Noncompliance with these requirements is considered a violation to the State laws and the sub-applicant may be subject to fines or penalties.

Additional recommendations, comments, or revision details:

- *Important to note that the Puerto Rican boa conditions require work to stop if sighted within the project area. This can increase costs due to contactor idle time.*
- Even though asbestos and lead paint were not included in the Special Conditions, COR3 recommends the subrecipient that since the property was built before 1973, there may still be **lead/asbestos** in the building being repaired:
 - Buildings constructed before 1973 may have lead/asbestos.
 - The cost of removal of asbestos or lead during repairs should be considered and may increase the scope and cost for this project under the Resources Conservation and Recovery Act, as follows:
 - **RCRA-asbestos and lead paint**
 - Handle, manage, and dispose of all asbestos containing material and lead base paint in accordance with requirements of local, state, and federal laws, regulations, and ordinances.
 - Ensure that all debris is separated and disposed of in a manner consistent with the DNER/EQB guidelines at a permitted site or landfill
 - *[COR3 Recommendation: Keep receipts from permitted site or landfill for proof of compliance.]*
 - or
 - Provide evidence of the close out permit from DNER/EQB for activities of
 - remediation, abatement or removal of those materials.

Attachments:

FEMA EHP REC is attached.

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project PA-02-PR-4339-PW-07801

Title: 101805 - L-276 - San Jose Ward - Quebradillas

NEPA DETERMINATION

Non Compliant Flag: No	EA Draft Date:	EA Final Date:
EA Public Notice Date:	EA Fonsi	Level: CATEX
EIS Notice of Intent	EIS ROD Date:	

Comment PR INDUSTRIAL DEVELOPMENT COMPANY, MUNICIPALITY OF QUEBRADILLAS, (Site 1: 18.47179, -66.93382; Site 2: 18.47259, -66.93419; Site 3: 18.47226, -66.93412), (v0), Category E, 0% Work Completed.

The applicant will utilize contracts for repairs to restore the facilities back to pre-disaster design, function, and capacity (in-kind) within the existing footprints. Work to be Completed: Site 1 - Remove and Replace, A) Chain Link Fence and Barbed Wire; Prep and Paint, B) Various Surfaces; Site 2 - Remove and Replace, A) Roof Waterproofing, B) Aluminum Flashing, C) Exhaust Fans, D) Aluminum Windows, E) Barbed Wire; Prep and Paint, F) Interior and Exterior Surfaces; Site 3 - Remove and Replace, A) Aluminum Windows, B) Ornamental Gate, C) Perimeter Fence; Repair, D) Cement Plaster; Prep and Paint, E) Various Surfaces. There is HAZARD MITIGATION to: Site 1 - a) Strengthen fencing; Site 2 - a) Add SBS air barrier layer, b) Add anchoring for exhaust fan systems; Site 3 - a) Strengthen fencing. - klevenst - 11/27/2020 17:51:04 GMT

CATEX CATEGORIES

Catex Category Code	Description	Selected
*n7	(*n7) Federal Assistance for Structure and Facility Upgrades. Federal assistance for the reconstruction, elevation, retrofitting, upgrading to current codes and standards, and improvements of pre-existing facilities in existing developed areas with substantially completed infrastructure, when the immediate project area has already been disturbed, and when those actions do not alter basic functions, do not exceed capacity of other system components, or modify intended land use. This category does not include actions within or affecting streams or stream banks or actions seaward of the limit of moderate wave action (or V zone when the limit of moderate wave action has not been identified).	Yes

EXTRAORDINARY

Extraordinary Circumstance Code	Description	Selected ?
	No Extraordinary Circumstances were selected	

ENVIRONMENTAL LAW / EXECUTIVE ORDER

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	

16:48:15

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project PA-02-PR-4339-PW-07801

Title: 101805 - L-276 - San Jose Ward - Quebradillas

Environmental Law/ Executive Order	Status	Description	Comment
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 https://gis.fema.gov/PuertoRicoABFEs/ accessed on November 27, 2020, the project is outside the floodplain and has no effect on the floodplain values. - klevenst - 11/27/2020 17:58:41 GMT
Executive Order 11990 - Wetlands	Completed	No effects on wetlands and project outside wetlands - Review concluded	Per the USFWS Wetlands Inventory Mapper, accessed on November 27, 2020, the proposed scope of work is not located in a wetland. - klevenst - 11/27/2020 17:58:53 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 November 27, 2020, FEMA has determined that threatened/endangered species and/or critical habitat are present at the project sites: (Site 1: 18.47179, -66.93382; Site 2: 18.47259, -66.93419; Site 3: 18.47226, -66.93412). 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, Peltophryne lemur); NE- (Atlantea tulita). - klevenst - 11/27/2020 17:51:35 GMT
	Completed	May affect, but not likely to adversely affect species or designated critical habitat (FEMA determination/USFWS/NMFS concurrence attached) - Review concluded	
Farmland Protection Policy Act (FPPA)	Completed	Project does not affect designated prime or unique farmland - Review concluded	

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project PA-02-PR-4339-PW-07801

Title: 101805 - L-276 - San Jose Ward - Quebradillas

Environmental Law/ Executive Order	Status	Description	Comment
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	The proposed activities comply with programmatic allowances Tier II: A.2.b, B.1.c, B.3.a, B.4.c, B.5.a, B.5.b, B.6.b, B.6.c. 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 Nevada Tendillo (Architecture specialist) and Heber Cortes (Archaeology specialist) who meet the applicable SOI qualifications, pursuant to Stipulation I.B.1.a of the Agreement. - ntendil1 - 11/27/2020 18:02:37 GMT
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. - klevenst - 11/27/2020 17:59:40 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 Virgin Islands 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.

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project PA-02-PR-4339-PW-07801

Title: 101805 - L-276 - San Jose Ward - Quebradillas

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.

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.

Source of condition: Endangered Species Act (ESA)

Monitoring Required: No

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.

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.

The Applicant must provide documentation at close-out that proves completion of required Conservation Measures

Source of condition: Endangered Species Act (ESA)

Monitoring Required: No

The Puerto Rican Crested Toad

32. The Puerto Rican Crested Toad (PRCT): Outside breeding events, the species is difficult to detect. The PRCT seems to be more active at night, from 7:30 pm to 1:00 am, and have been observed using small holes and crevices to access underground chambers as daytime retreats. The USFWS has developed the following conservation measures with the purpose of assisting others to avoid or minimize adverse effects to the PRCT and its habitat.

A) Inform all project personnel about the potential presence of the PRCT in areas where the proposed work will be conducted. A pre-construction meeting shall be conducted to inform all project personnel about the need to avoid harming the species as well as penalties for harassing or harming PRCTs. An educational poster or sign with photo or illustration of the species should be displayed at the project site.

B) Prior to any construction activity, including removal of vegetation and earth movements, the boundaries of the project and areas to be excluded and protected shall be clearly marked in the project plan and in the field in order to avoid further habitat degradation into forested and conservation areas.

C) Strict measures shall be established to minimize toad casualties by motor vehicles or other equipment in areas where the species is known to occur. Once the access routes are determined, maintain the traffic (human and vehicle) within designated access to minimize affecting toads and habitat. Personnel shall pay attention in those access routes particularly at night, and after heavy rains to avoid mortality of toads.

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project PA-02-PR-4339-PW-07801

Title: 101805 - L-276 - San Jose Ward - Quebradillas

Source of condition: Endangered Species Act (ESA)

Monitoring Required: No

D) Before earth movement, vegetation clearing or debris removal activities commence each workday, a biologist or personnel with experience identifying and searching for toads shall survey the work area to ensure that no toads are present or can be affected by the work activities for that day. If a crested toad is observed any time within the operational area of the project, cease or delay activities in this area until the toads move out of the area on their own. Activities at other work sites, where no toads have been found after surveying, may continue.

E) We recommend the use of sound recorders and monitoring of ponds, if present, within or near the project area to detect toad activities and breeding events, particularly during the rainy season.

F) Avoid impacts to drainages and avoid interrupting water flow.

G) If a PRCT is in an imminent risk of being affected by the project, contact DNER and the USFWS.

H) For all PRCT sightings (dead or alive), record the time and date of the sighting and the specific location and contact the USFWS. If you have any questions regarding the above conservation measures, please contact the USFWS: i. Marelisa Rivera, Deputy Field Supervisor ii. Email: marelisa_rivera@fws.gov

iii. Office phone 787-851-7297 ext. 206 or mobile 787-510-5207

The Applicant must provide documentation at close-out that proves completion of required Conservation Measures

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

Unusable equipment, debris, white goods, scrap metal any other material shall be disposed in approved manner and location. In the event significant items are discovered during the implementation or development of the project the Applicant shall handle, manage and dispose petroleum products, hazardous materials and toxic waste in accordance to the requirements of the local and federal agencies. Noncompliance with these requirements may jeopardize receipt of federal funds.

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.

COR3 EHP Review of FEMA’s Record of Environmental Consideration (REC) for use by the sub-recipient

FEMA EHP’s Special Conditions required for the sub-recipient to implement are summarized below. The Special Conditions are specific to this project and are found in the final pages of the Record of Environmental Consideration (REC) located in Grants Portal. The REC is attached to this document for reference.

COR3 is summarizing FEMA EHP’s Special Conditions for sub-recipient’s awareness and tracking, for consideration of inclusion in the Final Scope of Work and Cost estimate, and to reduce the risk of de-obligation of funds by FEMA for non-compliance. **Noncompliance with FEMA EHP requirements may jeopardize receipt of federal funds.**

Project Number:	102557	Date of FEMA EHP REC:	12/30/2020
EHP Review by:	Carmen Marla Lopez, historic architect, meeting Secretary of the Interior’s Professional Qualifications Standards	EHP Review date:	01/14/2021

Sub-Recipients may use this document for attachment to their bid package to ensure contractors will comply with FEMA EHP’s Special Conditions.

Endangered Species Act

Reptiles, Amphibians, and Mammals

- **ESA-PR boa inform personnel, mark plans, activity stoppage, inspections, sightings**
 - Species name: *Chilabothrus inornatus* (formerly *Epicrates inornatus*)/Puerto Rican Boa
[Notice to the Sub-applicant: as per communication between U.S. Fish & Wildlife and FEMA EHP, the conditions below became effective starting on October 1, 2020. These are slightly different from the ones included in the REC.]
 - 1. Inform all personnel about potential presence of the PR boa and VI boa in work areas.
 - Display photographs of PR boa and VI boa at the site.
 - Ensure that project personnel is able to correctly identify a PR or VI boa.
 - Find PR boa information: <https://ecos.fws.gov/ecp/species/6628>.
 - 2. Prior to construction, mark sensitive areas on project plans and in the field.
 - Avoid further habitat degradation by setting boundaries and working within delineated work areas.
 - Prior to construction or site preparation, project personnel able to correctly identify a boa must survey the areas to be cleared to ensure none are present in the work area.
 - Vehicles and equipment must remain on access roads/paths and within rights-of-way.
 - 3. If boas are found, activities in that area shall stop.
 - DO NOT capture the boa.

- If boas need to be moved out of harm’s way, contact the Puerto Rico Department of Natural and Environmental Resources (PRDNER) Rangers for safe capture and relocation of the animal (PRDNER phone #s: 787-724-5700, 787-230-5550, 787-771-1124).
 - If its not possible to remove the animal, project-related activities in the area must stop until it leaves the area on its own.
 - Work activities may continue in the areas where no boas have been found after completing a survey.
- 4. Inspect heavy machinery left on site (staging) in or within 50 meters of potential boa habitat.
 - If the animal is found within vehicles or equipment DO NOT capture the animal.
 - Contact the Puerto Rico Department of Natural and Environmental Resources (PRDNER) Rangers for safe capture and relocation of the animal (PRDNER phone #s: 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. Inspect debris piles for boas prior to moving, disposing, or shredding.
 - Place debris piles away from forested areas.
 - DO NOT try to capture and relocate any boas found in debris piles, contact PRDNER ranges or allow the animal to move away on its own.
- 6. For boa sightings (dead or alive) take photograph and record time, date and location of sighting, including 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: USFWS Carib bean Ecological Service Field Office. Direct to: Marelisa Rivera - Deputy Field Supervisor, 787-851-7297 extension 206, 787-510-5207, marelisa_rivera@fws.gov.
- **7. Culebra and Vieques only:** As per FEMA EHP, in an e-mail from Jorge Rodriguez to Anibal Hernandez (COR3) on November 19, 2020, “the VI boa can found in the eastern part of Puerto Rico, specifically in Culebra and potentially in Vieques. These conditions are applied to ensure the conditions covers any action where the specie can be found.”
 - 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.
- **Per FEMA REC: “ The Applicant [subrecipient] must provide documentation [to FEMA] at close-out that proves completion of required Conservation Measures.”**

Birds

— ESA-PR parrot nesting season (February-June)

→ Species name: *Amazona vittata*/Puerto Rican parrot

- During breeding seasons (February-June), conduct nest surveys by qualified personnel with the appropriate DNER permits prior to start of work.
 - If nesting activity is detected, avoid all construction activities or human disturbance within a 200-meter buffer to the closest nest and until fledglings leave the nest permanently.
- Outside the nesting season (July-January), if a nest is encountered, work shall not interfere with the species until they have left the site.
 - Avoid construction activities or human disturbance within a 200-meter buffer to the closest nest and until juvenile birds fledge the nest and are permanently gone.
- For all nest sightings, record the time, date, and location of the sighting, including GPS coordinates.
 - Data should also include a photo of the nest and eggs, relocation site GPS coordinates, and the time and date of the relocation.
- **Send all sightings and incidental lethal take reports to the USFWS Caribbean Ecological Services Field Office.**

— ESA-PR plain pigeon nesting season (April-September)

→ Species name: *Patagioenas inornata wetmorei* [*Columba inornata*]/ Puerto Rican plain pigeon

- During breeding seasons (April-September), conduct nest surveys by qualified personnel with the appropriate DNER permits prior to start of work.
 - If nesting activity is detected, avoid all construction activities or human disturbance within a 200-meter buffer to the closest nest and until fledglings leave the nest permanently.
- Outside the nesting season (October-March), if a nest is encountered, work shall not interfere with the species until they have left the site.
 - Avoid construction activities or human disturbance within a 200-meter buffer to the closest nest and until juvenile birds fledge the nest and are permanently gone.
- For all nest sightings, record the time, date, and location of the sighting, including GPS coordinates.
 - Data should also include a photo of the nest and eggs, relocation site GPS coordinates, and the time and date of the relocation.
- **Send all sightings and incidental lethal take reports to the USFWS Caribbean Ecological Services Field Office.**

Resources Conservation and Recovery Act, a.k.a. Solid Waste Disposal Act (RCRA)

— RCRA-solid and hazardous waste disposal

- Handle, manage, and dispose of all solid and hazardous waste in accordance with requirements of local, state, and federal laws, regulations, and ordinances.
- Ensure that all debris is separated and disposed of in a manner consistent with the PR DNER guidelines at a permitted site or landfill.
- Dispose of unusable equipment, debris, white goods, scrap metal any other material in approved manner and location.
 - **[Keep receipts from permitted site or landfill for proof of compliance.]**

— **RCRA-asbestos and lead paint**

- Handle, manage, and dispose of all asbestos containing material and lead base paint in accordance with requirements of local, state, and federal laws, regulations, and ordinances.
- Ensure that all debris is separated and disposed of in a manner consistent with the DNER/EQB guidelines at a permitted site or landfill
 - **[COR3 Recommendation: Keep receipts from permitted site or landfill for proof of compliance.]**

-or-

Provide evidence of the close out permit from DNER/EQB for activities of remediation, abatement or removal of those materials.

— **RCRA- unusable equipment and other material disposal**

- Unusable equipment, debris, white goods, scrap metal any other material shall be disposed in approved manner and location.
- In the event significant items are discovered during the implementation or development of the project the Applicant shall handle, manage and dispose petroleum products, hazardous materials and toxic waste in accordance to the requirements of the local and federal agencies.
- **Per FEMA “Noncompliance with these requirements may jeopardize receipt of federal funds.”**

FEMA’s 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.

State Law Compliance

All construction work performed in Puerto Rico, including the demolition of any structure, has to comply with Puerto Rico laws and regulations, including the Permitting Process Reform Act, Act No. 161-2009, as amended, and the Puerto Rico Planning Board Joint Regulation. The sub-recipient must obtain the permit, comments, or authorization from the Puerto Rico regulatory agencies before beginning the construction work. The permitting process must be initiated through the Permits Management Office (OGPe)’s platform: ogpe.pr.gov. Noncompliance with these requirements is considered a violation to the State laws and the sub-applicant may be subject to fines or penalties.

Additional recommendations, comments, or revision details:

-
- (1) Important to note that the Puerto Rican boa conditions require work to stop if sighted within the project area. This can increase costs due to contactor idle time.**

Attachments:

FEMA EHP REC is attached, “102557_08067(0)_PRIDCO_ZonaUrbana_Utuado”

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project PA-02-PR-4339-PW-08067

Title: 102557 - L-203-1 - Zona Urbana - Utuado

NEPA DETERMINATION

Non Compliant Flag: No
 EA Draft Date: EA Final Date:
 EA Public Notice Date: EA Fonsi Level: CATEX
 EIS Notice of Intent EIS ROD Date:

Comment PR INDUSTRIAL DEVELOPMENT COMPANY, 102557 - L-203-1 - Zona Urbana ç Utuado (18.26910, - 66.71205). Category E, 0.0% of work completed. The Applicant will utilize contract services to restore the facility. Work to be completed involves interior and exterior surfaces paint and the removal and replacement of the following components: waterproofing membrane, aluminum flashing, one exhaust fan, metal roof deck, exterior light, and 40 FT long of perimeter fence. MITIGATION: 406 Mitigation measures proposed for the facility consists of installing an additional roof membrane, a termination bar along the roof perimeter, and an anchoring system to the roof exhaust fan and strengthen the chain-link fence by reducing the distance between posts, increasing the posts diameter, burying posts deeper, and adding a galvanized wire at the bottom for bracing. - ncolonpe - 12/30/2020 17:00:34 GMT

CATEX CATEGORIES

Catex Category Code	Description	Selected
*n7	(*n7) Federal Assistance for Structure and Facility Upgrades. Federal assistance for the reconstruction, elevation, retrofitting, upgrading to current codes and standards, and improvements of pre-existing facilities in existing developed areas with substantially completed infrastructure, when the immediate project area has already been disturbed, and when those actions do not alter basic functions, do not exceed capacity of other system components, or modify intended land use. This category does not include actions within or affecting streams or stream banks or actions seaward of the limit of moderate wave action (or V zone when the limit of moderate wave action has not been identified).	Yes

EXTRAORDINARY

Extraordinary Circumstance Code	Description	Selected ?
	No Extraordinary Circumstances were selected	

ENVIRONMENTAL LAW / EXECUTIVE ORDER

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	

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project PA-02-PR-4339-PW-08067

Title: 102557 - L-203-1 - Zona Urbana - Utuado

Environmental Law/ Executive Order	Status	Description	Comment
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	Projects less than or equal to \$5,000 are exempt from floodplain review per 44 CFR 9.5(c)(13). - ncolonpe - 12/30/2020 17:09:02 GMT
Executive Order 11990 - Wetlands	Completed	No effects on wetlands and project outside wetlands - Review concluded	Per the USFWS Wetlands Inventory Mapper, accessed on (12/29/2020), the proposed scope of work is not located in a wetland. - ncolonpe - 12/30/2020 17:09:11 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 (12/29/2020), FEMA has determined that threatened/endangered species and/or critical habitat are present at the project site: (18.26910, -66.71205). 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 November 17, 2020: Not Likely to Adversely Affect (NLAA) ¿ (Puerto Rican Boa (Epricates inornatus), Puerto Rican Parrot (Amazona vittata), and Puerto Rican Plain Pigeon (Patagioenas (Columba) inornata wetmorei); No Effect (NE) ¿ Puerto Rican Broad-Winged Hawk (Buteo platypterus brunnescens). - ncolonpe - 12/30/2020 17:01:22 GMT
	Completed	May affect, but not likely to adversely affect species or designated critical habitat (FEMA determination/USFWS/NMFS concurrence attached) - Review concluded	
Farmland Protection Policy Act (FPPA)	Completed	Project does not affect designated prime or unique farmland - Review concluded	

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project PA-02-PR-4339-PW-08067

Title: 102557 - L-203-1 - Zona Urbana - Utuado

Environmental Law/ Executive Order	Status	Description	Comment
Fish and Wildlife Coordination Act (FWCA)	Not Applicable	Project does not affect, control, or modify a waterway/body of water - 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	The proposed activity for DI # 219458 (T-0894-0-67-00) complies with programmatic allowance(s) Tier II, Allowance(s) A.2.b, B.1.c, B.3.a, B.3.d, 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 Elegna Rodriguez Sanabria (Historic architect) and Daniel Rendon Cruz (Archaeologist) who meet the applicable SOI qualifications, pursuant to Stipulation I.B.1.a of the Agreement. - erodri90 - 12/30/2020 15:50:37 GMT
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. - ncolonpe - 12/30/2020 17:08:04 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:

Conservation Measures for the Puerto Rican Boa

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>.

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project PA-02-PR-4339-PW-08067

Title: 102557 - L-203-1 - Zona Urbana - Utuado

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.

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.

Source of condition: Endangered Species Act (ESA)

Monitoring Required: No

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.

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

Conservation Measures for the Puerto Rican Parrot & the Puerto Rican Plain Pigeon

During breeding seasons (see below), nest surveys shall be conducted if a project occurs in a species's range. Nest searches must be conducted by qualified personnel with the appropriate DNER permits prior to start of work. If nesting activity is detected, all construction activities or human disturbance must be avoided within a 200-meter buffer to the closest nest. This avoidance strategy must be kept until fledglings successfully leave the nest permanently.

Outside the nesting season, if a nest is encountered, work shall not interfere with the species until they have left the site. If nesting activity is detected, all construction activities or human disturbance must be avoided within a 200-meter buffer to the closest nest. This avoidance strategy must be kept until juvenile birds fledge the nest and are permanently gone.

Nesting season/breeding season: Puerto Rican parrot (*Amazona vittata*): February to June; Puerto Rican plain pigeon (*Patagioenas inornata wetmorei* [*Columba inornata*]): April-September; Puerto Rican broad-winged hawk (*Buteo platypterus*): December-June; Puerto Rican sharp-shinned hawk (*Accipiter striatus venator*): December-June; Puerto Rican nightjar (*Antrostomus noctitherus*): February-August; Elfin-woods warbler (*Setophaga angelae*): March-June; yellow-

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shouldered blackbird (*Agelaius xanthomus*): February through November. For all nest sightings, the Applicant must record the time and date of the sighting and the specific location where it was found. Data should also include a photo of the nest and eggs, relocation site GPS coordinates, and the time and date of the relocation. All sightings and incidental lethal take 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.

Source of condition: Endangered Species Act (ESA) Monitoring Required: No

The Applicant must provide documentation at close-out that proves completion of required Conservation Measures.

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.

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.

Unusable equipment, debris, white goods, scrap metal any other material shall be disposed in approved manner and location. In the event significant items are discovered during the implementation or development of the project the Applicant shall handle, manage and dispose petroleum products, hazardous materials and toxic waste in accordance to the requirements of the local and federal agencies. Noncompliance with these requirements may jeopardize receipt of federal funds.

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.