

# Federal Agency Coastal Zone Management Act

## Consistency Determination

### BONUS, Puerto Rico Site – Perform Site Characterization Actions

The federal Coastal Zone Management Act of 1972 (CZMA), as amended provides for the effective management, beneficial use, protection, and development of the United States' coastal zone, including the Commonwealth of Puerto Rico. Under the CZMA, the term “coastal zone” is defined as coastal waters and adjacent shore lands strongly influenced by each other and in proximity to the coastal states, including islands, transitional and intertidal areas, salt marshes, wetlands, and beaches. In Puerto Rico, the coastal zone includes a coastal strip on the Main Island of Puerto Rico extending 1,000 meters inland from the shoreline and therefore includes the entire approximately 140-acre U.S. Department of Energy Office of Legacy Management (DOE-LM) BONUS, Puerto Rico site (Figure 1). Under Section 304 of the CZMA, the coastal zone excludes “those lands the use of which is by law subject solely to the discretion of or which is held in trust by the Federal Government, its officers or agents”. An opinion of the U.S. Attorney General has established that all lands owned, leased, held in trust, or otherwise used as solely by the Federal Government are excluded from the Coastal Zone by the Act. Because the land, buildings, and other improvements on the DOE LM BONUS site are owned and managed by the Puerto Rico Electric Power Authority (PREPA), this exemption would not apply.

Therefore, a review of the [Puerto Rico Coastal Management Program](#) (PR CMP) and its enforceable policies was completed, and DOE-LM is providing this consistency determination with respect to Puerto Rico's Coastal Zone Management Plan, Section 307 of the CZMA, and 15 Code of Federal Regulations (CFR) Part 930 Subpart C. This Consistency Determination addresses the Proposed Action titled “*Site Characterization for the DOE-LM BONUS Decommissioned Reactor Site, Puerto Rico.*”

#### **Project Description:**

The proposed action would be completed in accordance with the project Delivery Order (DO) W912DR24F0373 under USACE Contract No. W912DR20D0012 and supporting documents. Actions would include visual site inspections, gamma walkover surveys, and surficial radiological soil sampling. Gamma walkover surveys and radiological soil sampling would be performed to confirm that concentrations of the radionuclides of concern associated with soils are below the derived concentration guideline levels.

All actions would occur in 10 survey units (SUs) in the following locations (Figure 2 through Figure 5):

- Class 1 areas (SUs 1–3) surrounding the domed building within the fence boundary and two areas outside the site fence line which includes a seawater intake and water discharge.
- Class 2 areas (SUs 4 and 5) include a 25-foot buffer around the fence line and an area of coastline.
- Class 3 areas (SU 6) include a 100-foot buffer around the Class 2 areas.
- Class 3 areas (SUs 7–10) include non-impacted areas.

The proposed actions include civil surveys, subsurface utility locates, gamma walkover surveys, and surficial soil sampling. Civil surveys would be performed using a combination of GPS and total stations to mark and log the outer boundary of site. Subsurface utility location and mapping would use electromagnetic survey techniques and ground-penetrating radar to accurately locate and map underground utilities present. Gamma walkover surveys would be completed using hand-carried detectors within the reactor and across all SUs. The detector would be suspended approximately 4 inches over the surface being measured. The surveyor would move at a maximum rate of approximately 0.5 meters per second along paths that are approximately 1.0 meter apart to perform measurements over the required survey area for each of the SUs being investigated.

Soil investigation activities would focus on radionuclides and would include the collection of both biased surface soil samples based on the gamma survey results throughout the class areas and systematic surface soil samples. Approximately 18 locations are anticipated in each individual SU within Class 3 and non-impacted areas and approximately 28 locations are anticipated in Class 1 and 2 SUs. Biased sampling locations would be subject to a two-step reacquisition process to ensure that the sample matrix is representative of the gamma survey results that served as the basis for the selection of each biased sampling location. Specifically, a handheld GPS unit would be used to place a pin flag at the location of each selected location. Soil samples in Class 1 and 2 are anticipated to be up to 1-foot deep and not expected to exceed a total weight of 6.5 pounds (approximately 2,000 cm<sup>3</sup>), while samples in Class 3 and non-impacted areas are anticipated to be no more than 6 inches deep. All soil sampling would be completed using hand tools. Soil locations would be adjusted as needed to avoid disturbing trees, shrubs, or ground cover. If grass is present, the sod would be removed to expose soil and then replaced after the sample is collected. Some limited vegetation clearance may occur in previously disturbed areas within Class 1 and 2 SUs, but no off-road driving would occur in any SU. No changes to the reactor structures, systems, or components would occur. The actions would be completed by USACE and its subcontractors.

The Puerto Rico CMP is comprised of fifty-seven statutes and regulations. Additionally, DOE-LM reviewed the Municipality of Rincon's 2015 Community Climate Adaptation Plan

(CAP) and identified additional information that informed portions of this consistency review related to historical sites and potential for site flooding.

Table 1 provides an analysis of the Proposed Action's consistency with the enforceable policies of the NOAA approved PR CMP.

**CONCLUSION:** Based on the information outlined in Table 1 below, DOE-LM has determined that the proposed action would not have reasonably foreseeable effects on any coastal use (land or water) or natural resource of the coastal zone.

**Table 1. Puerto Rico Coastal Management Program Consistency Review [Enforceable Policies]**

| <b>Criteria / Statute</b>                                                                                                                                                                                                                        | <b>Scope</b>                                                                                                          | <b>Consistency</b>                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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| <b>a) Puerto Rico Planning Board (PRPB), Organic Law, No. 75 of 1975, as amended.</b>                                                                                                                                                            | This is the organic act for the PRPB.                                                                                 | <p>The proposed action would not impact the PRPB.</p> <p>The proposed action would not include the construction of structures or impact the development of the BONUS site. Additionally, there would be no change in land use of the BONUS site, as proposed site activities only involve performing non-invasive surficial soil (up to 12 inches below ground surface) sampling, Gamma walkover surveys, and pedestrian field surveys/inspections.</p> |
| <b>b) Regulations and Permits Administration (RPA), Organic Law No. 76 of 1975, as amended. Also, the laws to which Law No. 76 makes reference, through which the RPA's Administrator shall exercise his authority and functions. These are:</b> |                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <ul style="list-style-type: none"> <li>• Law No. 92 of 1953, Airport Zone Act</li> </ul>                                                                                                                                                         | This law mitigates hazards to aerial navigation within airport zones and impose restrictions such as building height. | <p>This law is not applicable to the proposed action.</p> <p>The proposed action would not be performed within an airport zone and would not impact aerial navigation.</p>                                                                                                                                                                                                                                                                              |

| Criteria / Statute                                                                                                              | Scope                                                                                                                                                                                        | Consistency                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| <ul style="list-style-type: none"> <li>Law No. 374 of 1949, as amended, which govern historic and tourist sites</li> </ul>      | <p>This act authorizes the creation of ancient or historic zones and that projects carried out within the boundaries of said site must be approved by the Board of Building Appeals.</p>     | <p>The proposed action would only involve site assessment and characterization activities and would not include construction activities or work within ancient or historic zones.</p> <p>There is a known historic site called the Spanish Wall along the northern coast of the site and the BONUS reactor and the Punta Higuero Lighthouse (located adjacent to and west of the site) are historic properties listed on the National Register of Historic Places. These properties would not be impacted by activities under the proposed action.</p> <p>Gamma walkover surveys would be completed using hand-carried detectors within the reactor and across the BONUS site.</p> |
| <ul style="list-style-type: none"> <li>Law No. 89 of 1955, as amended, created the Institute of Puerto Rican Culture</li> </ul> | <p>This act established the Institute of Puerto Rican Culture and regards the development of arts, humanities and culture in Puerto Rico.</p>                                                | <p>This law is not applicable to the proposed action.</p> <p>The proposed action(s) would not pertain to the cultural development of Puerto Rico. The site has natural and historical value, but the activities under the proposed action would not result in impacts to Puerto Rico humanities and culture.</p>                                                                                                                                                                                                                                                                                                                                                                   |
| <ul style="list-style-type: none"> <li>Law No. 3 of 1951, Buildings and Other Historic Structures Act</li> </ul>                | <p>Empowers the PRPB to make determinations on which buildings and structures have historic value and empowers DOI to take over custody, administration, and preservation of such sites.</p> | <p>The proposed action would only involve historical site assessment and characterization and will not involve impacts to buildings or structures.</p> <p>There is a known historic site called the Spanish Wall along the northern coast of the site and the BONUS reactor and the Punta Higuero Lighthouse (located adjacent to and</p>                                                                                                                                                                                                                                                                                                                                          |

| <b>Criteria / Statute</b>                                                                                                                       | <b>Scope</b>                                                                                                                            | <b>Consistency</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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|                                                                                                                                                 |                                                                                                                                         | <p>west of the site) are historic properties listed on the National Register of Historic Places, but these properties would not be impacted by activities under the proposed action.</p> <p>Gamma walkover surveys would be completed using hand-carried detectors within the reactor and across the BONUS site.</p> <p>A Section 106 consultation is being completed for the proposed project and concurrence from the Puerto Rico Historic Preservation Office would be obtained before start of work.</p> |
| <ul style="list-style-type: none"> <li>• Law No. 3 of 1961, To Control Buildings in Flood Prone Zones Act</li> </ul>                            | <p>This act provides that the PRPB is the authorized agency for regulations and maps controlling construction in flood-prone areas.</p> | <p>While the BONUS Site is not within an area designated as a 100-year floodplain, the site has experienced storm surge and flooding in recent decades, and therefore, it is within a flood prone zone.</p> <p>The proposed action would not involve construction activities and would therefore not affect the flood zone.</p>                                                                                                                                                                              |
| <ul style="list-style-type: none"> <li>• Law No. 168 of 1949, Puerto Rico Buildings Regulations</li> </ul>                                      | <p>This directs the PRPB to adopt and amend building regulations.</p>                                                                   | <p>This law is not applicable to the proposed action.</p> <p>There are no building activities in the scope of the proposed action.</p>                                                                                                                                                                                                                                                                                                                                                                       |
| <ul style="list-style-type: none"> <li>• Law No. 135 of 1967, as amended, For the Certification of Blueprints and Specifications Act</li> </ul> | <p>This act requires certified blueprints and inspections prior to a certificate of occupancy.</p>                                      | <p>This law is not applicable to the proposed action.</p> <p>The proposed action would not involve construction activities that would require a blueprint review or inspection.</p>                                                                                                                                                                                                                                                                                                                          |
| <ul style="list-style-type: none"> <li>• Law No. 25 of 1962, Neighborhood Facilities Act</li> </ul>                                             | <p>According to a <u>PR CMP Analysis Memo</u>, “This Reg.</p>                                                                           | <p>Not applicable (repealed)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

| <b>Criteria / Statute</b>                                                                                                                                                         | <b>Scope</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Consistency</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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|                                                                                                                                                                                   | was repealed by Reg. 3 (not added yet to the PRCMP)."                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <ul style="list-style-type: none"> <li>• Law No. 427 of 1951, for the collocation of signs and announcements in Puerto Rico's streets</li> </ul>                                  | This act regulates the use of roadsides, preserves beauty along roadways and promotes public safety.                                                                                                                                                                                                                                                                                                                                                                                                                       | <p>This law is not applicable to the proposed action.</p> <p>Public roadways would not be impacted by the proposed action.</p>                                                                                                                                                                                                                                                                                                                                                                                                        |
| <ul style="list-style-type: none"> <li>• Law No. 104 of 1958, Horizontal Property Act</li> </ul>                                                                                  | This act facilitates housing availability in areas with limited land availability.                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>This law is not applicable to the proposed action.</p> <p>The proposed action(s) would not involve constructing buildings/structures or competing for land use with other projects.</p>                                                                                                                                                                                                                                                                                                                                            |
| <b>c) Environmental Quality Board (EQB), Environmental Public Policy Act, Law No. 416 of 2004</b>                                                                                 | The purpose of this act is to promote environmental protection, create an environmental databank and information system, and ensure that environmental issues are included and taken into account in all government efforts directed to meeting the needs of Puerto Ricans. All persons responsible for polluting Puerto Rico's soils, waters, and atmosphere shall be accountable for decontamination- and restoration-related costs, and when applicable, for compensating the people of Puerto Rico for harm inflicted. | <p>The proposed activities are short term and limited in scope, involving only surficial soil (up to 12 inches below ground surface) sampling along established pathways, Gamma walkover surveys, and pedestrian field surveys/inspections. Therefore, no impacts to Puerto Rico's soils, waters, and atmosphere are expected as a result of the proposed action.</p> <p>DOE-LM is working with the Puerto Rico Permit Management Office to confirm that a Categorical Exclusion can be applied under Section 4(B)(3) of Act 416.</p> |
| <b>d) Department of Natural and Environmental Resources (DRNA), Organic Law of the Department of Natural and Environmental Resources, and the following acts which it refers:</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

| <b>Criteria / Statute</b>                                                                                                                                                                                                            | <b>Scope</b>                                                                                                                        | <b>Consistency</b>                                                                                                                                                                        |
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| <ul style="list-style-type: none"> <li>Hunting Law, Law No. 374 of 1950</li> </ul>                                                                                                                                                   | Allows the Secretary of Agriculture to regulate hunting seasons and methods.                                                        | <p>This law is not applicable to the proposed action.</p> <p>The proposed action would not include activities related to hunting or wildlife management.</p>                              |
| <ul style="list-style-type: none"> <li>Fishing Law, Law No. 83 of 1936</li> </ul>                                                                                                                                                    | Regulates fisheries and conserves fish resources.                                                                                   | <p>This law is not applicable to the proposed action.</p> <p>No activities would occur in the water; fisheries and fish resources would not be impacted.</p>                              |
| <ul style="list-style-type: none"> <li>Forestry Law, Law No. 22 of 1917; Law No. 19 of 1925 (planting); Law No. 38 of 1930 (forest reserves); Law No. 307 of 1946 (land acquisition); and Law No. 149 of 1945 (nurseries)</li> </ul> | These laws regulate forest products and forested land acquisition.                                                                  | <p>This law is not applicable to the proposed action.</p> <p>The proposed activities would not include harvesting forest products or impacting land acquisition or forest management.</p> |
| <ul style="list-style-type: none"> <li>Mining Law, Law No. 6 of 1954</li> </ul>                                                                                                                                                      | Regulates mining and mineral resources in Puerto Rico.                                                                              | <p>This law is not applicable to the proposed action.</p> <p>The proposed action would not involve mining or extraction of mineral resources.</p>                                         |
| <ul style="list-style-type: none"> <li>Joint Resolution No. 4 of 1967, Watershed Act</li> </ul>                                                                                                                                      | Authorizes the Secretary of Agriculture to use the Hydrographic Watershed Fund to pay for watershed projects.                       | <p>This policy is not applicable to the proposed action.</p> <p>The proposed action is not a watershed project.</p>                                                                       |
| <ul style="list-style-type: none"> <li>Watershed Protection and Flood Prevention Act, Law No. 28 of 1964</li> </ul>                                                                                                                  | Authorizes the PR Department of Agriculture to plan and carry out watershed and flood prevention projects in cooperation with USDA. | <p>This law is not applicable to the proposed action.</p> <p>The proposed action is not related to flood prevention.</p>                                                                  |
| <b>OTHER STATUTES:</b>                                                                                                                                                                                                               |                                                                                                                                     |                                                                                                                                                                                           |
| <ul style="list-style-type: none"> <li>a) Law No. 144 of 1976, as amended (extraction of materials from the earth's crust)</li> </ul>                                                                                                | Grants PR DRNA jurisdiction over mineral extraction.                                                                                | <p>This law is not applicable to the proposed action.</p> <p>The proposed action would not involve mineral extraction.</p>                                                                |

| Criteria / Statute                                                                                                  | Scope                                                                                                                                                                                      | Consistency                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| b) Law for the Conservation and Development of Culebra, Law No. 66 of 1975, as amended                              | Pertains to conservation and development of the island of Culebra.                                                                                                                         | <p>This law is not applicable to the proposed action.</p> <p>The proposed action would not take place on or impact the island of Culebra.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| c) Law No. 70 of 1976 (Wildlife Act) – replaced by Law No. 241 of August 15, 1999 (New Wildlife Act of Puerto Rico) | Protects endangered species and their habitats. There are state-level threatened and endangered species listed and managed by the Departamento de Recursos Naturales y Ambientales (DRNA). | <p>The proposed action would be limited in scope and duration and would not be expected to adversely impact vegetation, wildlife, or critical habitat.</p> <p>A Section 7 consultation under the Endangered Species Act (ESA) with the USFWS Caribbean Ecological Services Field Office will be completed before any work commences.</p> <p>Protected species that could be present in the project area are green sea turtle (<i>Chelonia mydas</i>), hawksbill sea turtle (<i>Eretmochelys imbricata</i>), Puerto Rican boa (<i>Chilabothrus inornatus</i>), and Vahl's boxwood (<i>Buxus vahlii</i>).</p> <p>As a conservative measure, qualified sea turtle monitors would be present during sampling activities to prevent impacts to nesting turtles, egg clutches, and hatchlings.</p> <p>All project personnel would be informed about the potential presence of the Puerto Rican boa in areas where the proposed work will be conducted. All boa sightings (dead or alive) will be reported to PR DRNA.</p> <p>USFWS monitors would also be present during sampling activities to</p> |

| <b>Criteria / Statute</b>                                                | <b>Scope</b>                                                                                                                                                                                                                                                                                                                | <b>Consistency</b>                                                                                                                                                                                                                                                                                                                                                                                                                   |
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|                                                                          |                                                                                                                                                                                                                                                                                                                             | <p>ensure boxwood species would not be harmed by the proposed actions.</p> <p>Additionally, vehicular travel will be limited to existing and navigable roads and dirt trails.</p> <p>PR DRNA is being consulted in conjunction with the USFWS ESA Section 7 consultation for any local concerns to plants or wildlife. DOE-LM has communicated with their office, and PR DRNA did not identify a need for separate consultation.</p> |
| d) Law No. 132 of 1975 (squatters)                                       | Pertains to removal of squatters and evictions.                                                                                                                                                                                                                                                                             | <p>This law is not applicable to the proposed action.</p> <p>The proposed action would not involve the removal or eviction of squatters.</p>                                                                                                                                                                                                                                                                                         |
| e) Law No. 211 of 1946 (Soil Conservation Districts)                     | This law established the Insular Soil Conservation Committee and created Soil Conservation Districts with the aim of conserving soil, preventing erosion, controlling floods, managing stormwater, protecting groundwater, and preserving wildlife. Eight Soil Conservation Districts have been established in Puerto Rico. | <p>This law is not applicable to the proposed action.</p> <p>The proposed action would not occur in any of the eight established soil conservation districts.</p>                                                                                                                                                                                                                                                                    |
| f) Law No. 21 of 1969 (penalizes littering in public and private places) | Prohibits and penalizes littering.                                                                                                                                                                                                                                                                                          | Field staff would follow all applicable rules, policies, and procedures in accordance with this and other laws and regulations. Littering would be prohibited.                                                                                                                                                                                                                                                                       |
| g) Law of Ports for the island of Puerto Rico of 1886                    | This is the original legislation for coastal development.                                                                                                                                                                                                                                                                   | This law is not applicable to the proposed action.                                                                                                                                                                                                                                                                                                                                                                                   |

| <b>Criteria / Statute</b>                                                                                                                              | <b>Scope</b>                                                                                                                                              | <b>Consistency</b>                                                                                                                                                                 |
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|                                                                                                                                                        |                                                                                                                                                           | The proposed action would not involve development activities.                                                                                                                      |
| h) Law of Piers and Ports of 1968                                                                                                                      | This regulates Puerto Rico's ports and navigable waters.                                                                                                  | <p>This law is not applicable to the proposed action.</p> <p>The proposed action is a land-based activity and would not impact any ports or navigable waters.</p>                  |
| i) Civil Code of Puerto Rico, 31 LPRA, Art. 254                                                                                                        | This details that a certificate from an authorized professional attesting to the health of an applicant is required for marriage by power of attorney.    | <p>This policy is not applicable to the proposed action.</p> <p>The proposed action would not involve marriages by special power of attorney.</p>                                  |
| j) Law No. 38 of 1949, (beach concessions)                                                                                                             | Authorizes the government to grant permits for concessions on public beaches.                                                                             | <p>This law is not applicable to the proposed action.</p> <p>The proposed action would not involve beach concessions.</p>                                                          |
| k) Law No. 128 of 1977 (created the Energy Affairs office)                                                                                             | This law established the public policy for energy and established the Energy Affairs office. Many of these duties have since been transferred to PR DRNA. | <p>This law is not applicable to the proposed action.</p> <p>DOE-LM, USACE, and partners will be communicating and coordinating with PR DRNA throughout this proposed project.</p> |
| l) Law No. 136 of 1976, Preservation, Development, and Use of the Puerto Rico Water Resources Act                                                      | Authorizes PR DRNA to regulate water resources and establishes policy to protect and conserve water resources.                                            | The proposed action would not involve impacts to water resources.                                                                                                                  |
| m) Penal Code of Puerto Rico, Law No. 115 of 1974, repealed and replaced by The New Penal Code of the Commonwealth of Puerto Rico, Law No. 149 of 2004 | This is the penal code for Puerto Rico which was updated in 2004.                                                                                         | <p>This policy is not applicable to the proposed action.</p> <p>The proposed actions would not impact the penal code of Puerto Rico.</p>                                           |
| Law No. 82 of 1979, Organic Law of the Corporation for the Development of and Administration of Marine,                                                | This is the organic act for CODREMAR, which had most of its functions transferred to DRNA in                                                              | This law is not applicable to the proposed action.                                                                                                                                 |

| <b>Criteria / Statute</b>                                                                                   | <b>Scope</b>                                                                                                                                                                                                                                                                        | <b>Consistency</b>                                                                                                                                                                                                                       |
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| Lacustrine and Fluvial Resources (CODREMAR)                                                                 | 1991.                                                                                                                                                                                                                                                                               | DOE-LM, USACE, and partners have communicated by electronic mail with PR DRNA on March 4, 2026 with a response received on March 10, 2026 and will continue to communicate and coordinate with PR DRNA throughout this proposed project. |
| Law No. 80 of 1979, amendment to Law Relating to Control of Development on Floodable Areas                  | [Unable to locate.]                                                                                                                                                                                                                                                                 | <p>This law is not applicable to the proposed action.</p> <p>The proposed action would not involve development in a floodable area.</p>                                                                                                  |
| Law No. 111 of 1985, Puerto Rico Caves, Caverns or Sinkholes Protection and Preservation Act, as amended    | This Act relates to prohibiting activities related to caves and sinkholes such as damaging the natural character or removing archaeological artifacts.                                                                                                                              | This site may be potentially located on or adjacent to karst areas. However, the proposed action would only impact surface soils up to 12” deep and is not expected to have impacts on caves or sinkholes.                               |
| Law No. 48 of 1986, Boating Safety, Protection of Bathing Beaches, Registration of Recreational Vessels Act | [Unable to locate.]                                                                                                                                                                                                                                                                 | <p>This law is not applicable to the proposed action.</p> <p>The proposed action would not involve any boating activities.</p>                                                                                                           |
| Law No. 150 of 1988, The Puerto Rico Natural Heritage Program Act                                           | This Act aims to provide PR DRNA with a mechanism to acquire areas of high natural value for protection and conservation.                                                                                                                                                           | DOE-LM will be communicating and coordinating with PR DRNA throughout this proposed project to maximize protection of the natural values of the BONUS site.                                                                              |
| Law No. 83 of 1983 (Amendment to the Organic Law of the Department of Natural Resources)                    | This Law amended the Organic Act of the PR DRNA to strengthen its role in coastal management by shifting responsibility for beach and river regulation from public works to the DRNA, giving DRNA control over sand and gravel extraction activities, and integrating flood control | <p>This law is not applicable to the proposed action.</p> <p>The proposed action would not involve sand and gravel extraction activities or flood control and development activities.</p>                                                |

| <b>Criteria / Statute</b>                                                                              | <b>Scope</b>                                                                                                                                                                                                                                                                                                                                                  | <b>Consistency</b>                                                                                                                                                       |
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|                                                                                                        | and development with coastal zone management.                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                          |
| Senate Joint Resolution No. 2683, To Establish the Natural Hazard Mitigation Planning Program          | This Joint Resolution established the Puerto Rico Natural Hazard Mitigation Planning Program led by the PRPB. Key components are the development of Local Hazard Mitigation Plans to reduce future disaster risks, strengthening infrastructure against natural hazards, and implementing sustainable development against hurricanes, floods, and landslides. | <p>This law is not applicable to the proposed action.</p> <p>The proposed action would not involve development or infrastructure activities.</p>                         |
| Executive Order 4784-B (E.O. on the Coordination of Executive Functions for Disasters and Emergencies) | This order establishes functions and authorities for various agencies in disasters and emergencies.                                                                                                                                                                                                                                                           | <p>This policy is not applicable to the proposed action.</p> <p>The proposed action would not impact emergency or disaster response coordination for the BONUS site.</p> |
| Executive Order 4974-E (E.O. Creating a Program for the Management and Mitigation of Flood Hazards)    | [Unable to locate.]                                                                                                                                                                                                                                                                                                                                           | <p>This policy is not applicable to the proposed action.</p> <p>The proposed action would not create any flood hazards.</p>                                              |
| Resolution JPE-039, Waiver of permits for the DRNA passive recreational projects                       | This resolution establishes a permit system for recreational projects for enjoyment and public use.                                                                                                                                                                                                                                                           | <p>This policy is not applicable to the proposed action.</p> <p>The proposed action would not involve recreational projects.</p>                                         |
| Administration Bulletin No. 5126-A (E.O. to Establish Earthquake Safety Commission)                    | This order established Puerto Rico's Earthquake Safety Commission.                                                                                                                                                                                                                                                                                            | <p>This policy is not applicable to the proposed action.</p> <p>The proposed action would not relate to earthquake safety measures.</p>                                  |
| Inter-agency Agreement on Joint Enforcement between the Regulations and Permits                        | This Inter-agency Agreement coordinates actions against unlawful                                                                                                                                                                                                                                                                                              | This Inter-agency Agreement is not applicable to the proposed action.                                                                                                    |

| <b>Criteria / Statute</b>                                                                                                                                                                                                                                            | <b>Scope</b>                                                                                                          | <b>Consistency</b>                                                                                                                                          |
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| Administration (RPA) and the Department of Natural and Environmental Resources (DRNA) on the Process to Intervene in the Relation to the Legality of Structures, Uses, and Acts in the Maritime Zone, the Coastal Zone, and Lands under the Jurisdiction of the DRNA | construction and development in the coastal zone, ensuring compliance with both environmental and zoning regulations. | The proposed action would not involve construction or development in the coastal zone.                                                                      |
| <b>REGULATIONS</b>                                                                                                                                                                                                                                                   |                                                                                                                       |                                                                                                                                                             |
| <b>a) Puerto Rico Planning Board</b>                                                                                                                                                                                                                                 |                                                                                                                       |                                                                                                                                                             |
| c) Regulation No. 3, Land Subdivision and Urbanization Regulation                                                                                                                                                                                                    | Regulates subdivisions of land and interactions between the government and private entities for land development.     | This regulation is not applicable to the proposed action.<br><br>The proposed action would not involve land development or subdivision of land.             |
| d) Regulation No. 4, Puerto Rico Zoning Regulation                                                                                                                                                                                                                   | Regulates zoning districts to guide the use and development of lands and buildings.                                   | This regulation is not applicable to the proposed action.<br><br>The proposed action would not involve the construction of new buildings or infrastructure. |
| e) Regulation No. 7, The Building Regulation                                                                                                                                                                                                                         | Regulates technical and safety standards for buildings.                                                               | This regulation is not applicable to the proposed action.<br><br>The proposed action would not involve the construction of new buildings or infrastructure. |
| f) Regulation No. 12, Regulation for the Certification of Construction Projects                                                                                                                                                                                      | Regulates the certification of construction project plans and inspections by certified inspectors.                    | This regulation is not applicable to the proposed action.<br><br>The proposed action would not involve the construction of new buildings or infrastructure. |
| g) Regulation No. 13, The Floodable Areas Regulation                                                                                                                                                                                                                 | Establishes safety procedures to regulate construction and development in lands susceptible to flooding.              | This regulation is not applicable to the proposed action.<br><br>The proposed action would not involve construction or development activities.              |
| h) Planning Regulation No. 17, Zoning Regulations for the                                                                                                                                                                                                            | Provides adequate access to the coasts and beaches                                                                    | This regulation is not applicable to the proposed action.                                                                                                   |

| <b>Criteria / Statute</b>                                                                                                                                                                                                                                                                                                                                                           | <b>Scope</b>                                                                                                                                                                         | <b>Consistency</b>                                                                                                                                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Coastal Zone and the Access to Beaches and Coasts of Puerto Rico                                                                                                                                                                                                                                                                                                                    | of Puerto Rico for the general citizenry.                                                                                                                                            | The proposed action would not result in any interruption of public access to the beach. The proposed activities would primarily take place inshore and away from the beaches.               |
| <b>b) Department of Natural and Environmental Resources</b>                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                      |                                                                                                                                                                                             |
| <ul style="list-style-type: none"> <li>Regulation for the Extraction, Excavation, Removal and Dredging of Earth Crust Components, Regulation No. 2305</li> </ul>                                                                                                                                                                                                                    | Modifies the permit structure and permit exemption provisions for activities associated with topsoil or vegetative cover which exceed 500 cubic meters of any earth crust component. | The proposed action would not involve disturbance to topsoil or vegetative cover that exceeds 500 cubic meters. Surficial soil sampling would involve limited soil disturbance and removal. |
| <ul style="list-style-type: none"> <li>Regulation on the Conservation and Management of Wildlife, Exotic Species and Hunting in the Commonwealth of Puerto Rico, Regulation 3416 (replaced by Regulation 6765 of February 11, 2004, "Regulations to Govern the Conservation and Management of Wildlife, Exotic Species, and Hunting in the Commonwealth of Puerto Rico")</li> </ul> | The purpose of this regulation is to protect and conserve native wildlife and habitat and manage presence and activities related to exotic species and hunting in Puerto Rico.       | The proposed action would be limited in nature and scope and would not impact wildlife habitat or involve hunting or exotic species.                                                        |
| <ul style="list-style-type: none"> <li>Fishing Regulation, Regulation No. 6768</li> </ul>                                                                                                                                                                                                                                                                                           | Administers the fisheries within Puerto Rican jurisdictional waters.                                                                                                                 | <p>This regulation is not applicable to the proposed action.</p> <p>The proposed action would not impact the administration or operation of fisheries in Puerto Rican waters.</p>           |
| <ul style="list-style-type: none"> <li>Regulation to Control the Extraction, Possession, Transportation and Sale of Coralline Resources, Regulation No. 2577</li> </ul>                                                                                                                                                                                                             | This regulation aims to control exploitation of coralline resources.                                                                                                                 | <p>This regulation is not applicable to the proposed action.</p> <p>The proposed action would not involve extraction, possession, or</p>                                                    |

| Criteria / Statute                                                                                                                                                                                                   | Scope                                                                                                                                                                                   | Consistency                                                                                                                                                                                                                                                                                                                                                                                                     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                      |                                                                                                                                                                                         | transportation and sale of coralline resources.                                                                                                                                                                                                                                                                                                                                                                 |
| <ul style="list-style-type: none"> <li>Regulation for Use, Surveillance, Conservation, and Management of the Territorial Waters and Submerged Lands Thereunder and the Maritime Zone, Regulation No. 4860</li> </ul> | This regulation aims to ensure the integrating and conservation of the maritime-terrestrial zone, guarantee public use of the sea and shoreline, and regulate the use of these assets.  | <p>This regulation is not applicable to the proposed action.</p> <p>The proposed action would not impede the use of the sea and shoreline by the public.</p>                                                                                                                                                                                                                                                    |
| <b>c) Environmental Quality Board</b>                                                                                                                                                                                |                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <ul style="list-style-type: none"> <li>Regulation for the Management of Non-Hazardous Solid Waste, Regulation No. 5717</li> </ul>                                                                                    | Establishes regulations for handling and disposing of non-hazardous waste.                                                                                                              | <p>The proposed action would result in very minimal, if any, waste generation.</p> <p>Any non-hazardous solid waste generated (i.e., packaging, incidental worker trash) would be managed and disposed of in accordance with all applicable federal and local Puerto Rico regulations.</p>                                                                                                                      |
| <ul style="list-style-type: none"> <li>Puerto Rico Water Quality Standards Regulation, Regulation No. 6616</li> </ul>                                                                                                | Regulates the protection of water quality, designating uses, and setting criteria for various water bodies. Includes an antidegradation policy and permit implementation (i.e., NPDES). | The proposed action would involve minimal ground disturbance for soil sampling and is not expected to result in any discharges to surface waters.                                                                                                                                                                                                                                                               |
| <ul style="list-style-type: none"> <li>Regulation for the Control of Atmospheric Pollution, Regulation No. 5300</li> </ul>                                                                                           | Regulates air pollution and emissions standards.                                                                                                                                        | The proposed action would not involve a major or area stationary source of emissions and would not require an application for construction or operation of an air emission source. Fugitive dust emissions are expected to be minimal as surficial soil sampling will be conducted using hand tools and vehicle travel will be limited by reducing travel speeds and staying on established roads and pathways. |