

DEPARTAMENTO DE LA  
**VIVIENDA**

PROGRAMA CDBG-ESTATAL



COMMONWEALTH OF PUERTO RICO  
HOUSING DEPARTMENT

**24 CFR 58.34-Categorical Exclusions  
that do not require compliance with 58.5**



## Determination of Exemption 24 CFR Part 58.34

**This project is Exempt (24CFR Part 58.34) from Environmental review as indicated below:**

Project Name: \_\_\_\_\_

Description: \_\_\_\_\_

Funding Amount: \$\_\_\_\_\_

\_\_\_\_\_  
Preparer Name and Signature

\_\_\_\_\_  
Preparer Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name and Signature of Responsible Entity Official  
(Mayor)

\_\_\_\_\_  
Date

**Check one or more below and place in the Environmental Review Record:**

- a. Except for the applicable requirements of Sec. 58.6, the responsible entity does not have to comply with the requirements of this part or undertake any environmental review, consultation or other action under NEPA and the other provisions of law or authorities cited in Sec 58.5 for the activities exempt by this section or projects consisting solely of the following exempt activities.
- ☐ 1. Environmental and other studies, resource identification and the development of plans strategies;
  - ☐ 2. Information and financial services;
  - ☐ 3. Administrative and management activities;
  - ☐ 4. Public services that will not have a physical impact or result in any physical changes, including but limited to services concerned with employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation and welfare or recreational needs;
  - ☐ 5. Inspections and testing of properties for hazards or defects;
  - ☐ 6. Purchase of insurance;
  - ☐ 7. Purchase of tools;
  - ☐ 8. Engineering or design cost;
  - ☐ 9. Technical assistance and training;
  - ☐ 10. Assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair or restoration activities necessary only to control or arrest the effects from disaster or imminent threats to public safety including those resulting from physical deterioration.
  - ☐ 11. Payments of principal and interest on loans made or obligations guaranteed by HUD;
  - ☐ 12. Any of the categorical exclusions listed in Sec. 58.35 (a) provided that there are not circumstances with require compliance with any other Federal laws and authorities cited in Sec. 58.
- b. A recipient does not have to submit an RROF and certification and no further approval from HUD or the State will be needed by the recipient for the drawdown of funds to carry out exempt activities and projects. However, the responsible entity must document in writing the determination that each activity or project is exempt and meets the conditions specified for such exemption under this section.



**FORMULARIO PARA EL CUMPLIMIENTO DE LA SECCIÓN 106  
ACTIVIDADES SUBVENCIONADAS CON FONDOS FEDERALES  
(SHPO Determination)**

**PARTE I - INICIO DEL PROCESO DE REVISIÓN**

**A. Datos de la Actividad**

|   |   |
|---|---|
| Municipio:  | Agencia:  |
| Título de la Actividad:   | Programa CDBG:<br>Número del proyecto:                          |
| Fondos: <input type="checkbox"/> Solicitados <input type="checkbox"/> Asignados<br>Cantidad: \$ | Otros Fondos Federales Solicitados:<br>Agencia:<br>Cantidad: \$ |
| De existir otros fondos federales indique agencia líder:  |   |

**B. Descripción de la Actividad:**

(Redactar descripción o Memorial Explicativo detallado de la actividad donde indique claramente en que consiste la actividad. Clarifique si las actividades a realizarse con fondos federales fueron comenzadas con fondos no federales (estatales, municipales, legislativos, etc.)

**Memorial Explicativo incluido:** ☐ Sí ☐ No

**C. Determinación de Proyecto**

[Según requerido en la Sección 800.3(a) y definido en la Sección 800.16(y)].

**¿Constituye esta actividad un proyecto ("undertaking")?** ☐ Sí ☐ No

**A. Determinación de Efecto Potencial sobre propiedades históricas.**

[Según requerido en la Sección 800.3 (a) (1)].

**¿Tiene el proyecto el potencial de afectar alguna propiedad histórica?**

☐ Sí ☐ No

[Si la respuesta es Sí, favor de completar la página siguiente del formulario; si la respuesta es No, no se requiere paso adicional en el proceso de revisión].

Se incluye Certificación con determinación del municipio.

Nombre y Firma de Alcalde(sa)

Fecha



## Statutory Checklist for Categorically Excluded Projects Subject to 58.5

Project Name and Description: \_\_\_\_\_

Location: \_\_\_\_\_

This project is determined to be Categorically Excluded according to: \_\_\_\_\_  
[Cite appropriate section(s) of the regulation]

**Directions** - Once the review process for each compliance factor has been completed, the Statutory Checklist must then be filled out. Specifically, the RE must indicate whether the activity does or does not affect the resources under consideration.

Indicate **Status "A"** on the worksheet if the project does not require formal consultation with an outside agency and does not affect the resource in question. Document the determination made and the sources of information were used—information sources are provided in the guidance.

If the activity triggers formal compliance consultation with the oversight agency or affects the resource, indicate **Status as "B"**. Any compliance documentation should also be attached to the Checklist and included in the ERR.

### COMPLIANCE FACTORS:

| Statutes, Executive Orders, and Regulations listed at 24 CFR Sec. 58.5 and 58.6      | Status Determination (A or B)                         | Compliance Documentation |
|--|---|--------------------------|
| Historic Preservation<br>[36 CFR Part 800]   | <input type="checkbox"/> A <input type="checkbox"/> B |                          |
| Floodplain Management<br>[Executive Order 11988; 24 CFR Part 55]                     | <input type="checkbox"/> A <input type="checkbox"/> B |                          |
| Wetland Protection<br>[Executive Order 11990]  | <input type="checkbox"/> A <input type="checkbox"/> B |                          |
| Coastal Zone Management<br>[Coastal Zone Management Act, 1972, sec. 307 (c) and (d)] | <input type="checkbox"/> A <input type="checkbox"/> B |                          |
| Sole Source Aquifers<br>[40 CFR 149]   | <input type="checkbox"/> A <input type="checkbox"/> B |                          |
| Endangered Species Act<br>[50 CFR 402]   | <input type="checkbox"/> A <input type="checkbox"/> B |                          |
| Wild and Scenic Rivers<br>[16 U.S.C. 1271, Sec. 7(b), (c)]                           | <input type="checkbox"/> A <input type="checkbox"/> B |                          |
| Clean Air Act<br>[40 CFR Parts 6, 51, 93]  | <input type="checkbox"/> A <input type="checkbox"/> B |                          |
| Farmland Policy Act.<br>[7CFR Part 658]  | <input type="checkbox"/> A <input type="checkbox"/> B |                          |



| Statutes, Executive Orders, and Regulations listed at 24 CFR Sec. 58.5 and 58.6 | Status Determination (A or B)                         | Compliance Documentation |
|---|---|--------------------------|
| Environmental Justice<br>[Executive Order 12898]                                | <input type="checkbox"/> A <input type="checkbox"/> B |                          |
| Noise Abatement and Control<br>[24 CFR Part 51, Subpart B]                      | <input type="checkbox"/> A <input type="checkbox"/> B |                          |
| Explosive and Flammable Operations<br>[24 CFR Part 51 C]                        | <input type="checkbox"/> A <input type="checkbox"/> B |                          |
| Toxic Chemical and Radioactive Materials<br>[24 CFR Part 58, Sec. 5 (i) (2)]    | <input type="checkbox"/> A <input type="checkbox"/> B |                          |
| Airport Clear Zones and Accident Potential Zones<br>[24 CFR Part 51 Subpart D]  | <input type="checkbox"/> A <input type="checkbox"/> B |                          |

**DETERMINATION:**

- ☐ This project converts to Exempt, per § 58.34(a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license (Status "A" has been determined in the status column for all authorities). Funds may be drawn down for this (now) EXEMPT project; OR
- ☐ This project cannot convert to Exempt because one or more statutes/authorities require consultation or mitigation. Complete consultation/mitigation requirements, publish NOI/RROF and obtain Authority to Use Grant Funds (HUD 7015.16) per §§ 58.70 and 58.71 before drawing down funds; OR
- ☐ The unusual circumstances of this project may result in a significant environmental impact. This project requires preparation of an Environmental Assessment (EA). Prepare the EA according to 24 CFR Part 58 Subpart E.

Preparer Name and Signature

Preparer Title

Date

Name and Signature of Responsible Entity Official  
(Mayor)

Date

## COMMONWEALTH OF PUERTO RICO HOUSING DEPARTMENT

Municipality of \_\_\_\_\_

### Endangered Species Act Certification

In compliance with Endangered Species Act of 1973, as amended, and the Fish and Wildlife Coordination Act for federally funded projects, the Fish and Wildlife Service, Caribbean Field Office at Boquerón, Puerto Rico, decided that the following minor actions and projects may be conducted within a blanket clearance, dated January 14, 2013. The purpose of the blanket letter is to cover activities and projects that typically result in no adverse effects to federally-listed species under the agency jurisdiction.

The Municipality of \_\_\_\_\_, Puerto Rico, certifies that the following project“\_\_\_\_\_” complies with:

| <b>Check one or more below and place in the Environmental Review Record</b> |   |
|---|---|
| <input type="checkbox"/>  | 1. Street resurfacing.  |
| <input type="checkbox"/>  | 2. Construction of gutters and sidewalks along existing roads.  |
| <input type="checkbox"/>  | 3. Reconstruction or emergency repairs of existing buildings, facilities and homes.   |
| <input type="checkbox"/>  | 4. Rehabilitation of existing occupied single safely homes and buildings; provides that equipment storage or staging areas are not located on vacant property harboring a wetland and /or forested vegetation and that the lighting associated to the new facilities are not visible directly or indirectly from a beach.                               |
| <input type="checkbox"/>  | 5. Demolition of dilapidated single family homes or buildings; provided that the demolition debris is disposed of in certified receiving facilities; equipment storage or staging areas not located on vacant property harboring a wetland and/or forested vegetation.  |
| <input type="checkbox"/>  | 6. Rebuilding of demolished single family homes or community buildings, provided that the new construction is within the existing footprint of the previous structure and/or within the pre-existing grassed or paved areas, and that the lighting associated to the facilities are not visible directly or indirectly from a beach.                    |
| <input type="checkbox"/>  | 7. Activities within existing Right of Ways (ROWs) of roads, bridges and highways, when limited to actions that do not involve cutting native vegetation or major earth moving; and are not located within, or adjacent to, drainages, wetlands, or aquatic systems. These activities include the installation of potable water and sanitary pipelines. |
| <input type="checkbox"/>  | 8. Improvements to existing recreational facilities, including the installation of roofs to existing basketball courts, provided that the lighting associated to the facilities are not visible directly or indirectly from a beach.  |



## Endangered Species Act Certification

| Check one or more below and place in the Environmental Review Record |  |
|--|--|
| <input type="checkbox"/>   | 9. Construction of electric underground systems in existing towns and communities, provided that the property is not a wetland area and the lighting associated to the facilities are not visible directly or indirectly from a beach. |
| <input type="checkbox"/>   | 10. Construction of facilities on vacant properties covered with grasses in urban areas, provided that the lighting associated to the new facilities are not visible directly or indirectly from a beach.                              |
| <input type="checkbox"/>   | 11. Construction of houses, buildings or acquiring lands in urban areas, covered by grass for relocation of low income families and/or facilities that have been affected by weather conditions.                                       |

\_\_\_\_\_  
Mayor Name and Signature)

\_\_\_\_\_  
Date

Fc: Ms. Marelisa Rivera  
Fish and Wildlife Services  
PO Box 491  
Boquerón, PR 00622  
Email: [marelisa\\_rivera@fws.gov](mailto:marelisa_rivera@fws.gov)