RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

FEDERAL EMERGENCY MANAGEMENT AGENCY

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Project PA-02-PR-4339-PW-09007

Title: 155837 - Project-2-Caguas/Cidra

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, 155837 - Project-2-Caguas/Cidra; DI#407831 (18.24651, -66.03917) & DI#407843 (18.18056, -66.16136). Category E, 0.0% of work completed. The Applicant will utilize contract services to repair the facilities within the existing footprint. Work to be completed for Version (0) of this project involves prep and paint several surfaces and remove and replace the following components: waterproofing membrane, aluminum flashing, rolling doors, lighting fixtures, and 480 FT of chain-link fence at DI#407831; and exhaust fans, waterproofing membrane, flashing, jalousie windows, metal deck roof, wood doors, and 571 FT of chain-link fence at DI#407843. MITIGATION: 406 Mitigation measures proposed consist on the following: install a termination bar to the roof membrane, apply a waterproofing coating to the surface paint, and strengthen the chain-link fence by decreasing the space between posts, increasing posts diameter, burying posts deeper, and adding a galvanized wire at the bottom of the fence at DI#407831; and install a termination bar to the roof membrane, apply a waterproofing coating to the surface paint, install an anchoring system to the exhaust fans, add extra anchoring to the jalousie windows, and strengthen the chain-link fence at DI#407843. - ncolonpe - 06/03/2021 20:55:35 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	

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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 (6/1/2021), the project is outside the floodplain and has no effect on the floodplain values. - ncolonpe - 06/03/2021 20:56:45 GMT
Executive Order 11990 - Wetlands	Completed	No effects on wetlands and project outside wetlands - Review concluded	Per the USFWS Wetlands Inventory Mapper, accessed on (6/1/2021), the proposed scope of work is not located in a wetland. - ncolonpe - 06/03/2021 20:58:24 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 (6/1/2021), FEMA has determined that threatened/endangered species and/or critical habitat are present at the project sites: DI#407831 (18.24651, -66.03917) & DI#407843 (18.18056, -66.16136). 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 Plain Pigeon (Patagioenas (Columba) inornata wetmorei). - ncolonpe - 06/03/2021 20:56:01 GMT
	Completed	May affect, but not likely to adversely affect species or designated critical habitat (FEMA determination/USFWS/NMFS concurrence attached) - Review concluded	

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Environmental Law/ Executive Order	Status	Description	Comment
Farmland Protection Policy Act (FPPA)	Completed	Project does not affect designated prime or unique farmland - Review concluded	
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	NHPA: The proposed activity complies with programmatic allowance(s) Tier II, Allowance(s) DI 407831: A.2.b.; B.1.c.; B.4.c.; B.6.b. and B.6.c.; DI 407843: A.2.b.; B.1.c.; B.3.a.; B.4.c.; B.5.a.; B.6.b. and 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 Humberto Artigas Hernandez (Structures) and Roberto Duran Aviles (Archaeology) who meets the applicable SOI qualifications, pursuant to Stipulation I.B.1.a of the Agreement. - hartigas - 06/03/2021 19:12:21 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. At time of closeout, all final disposition areas must be identified, and permit numbers must be provided. - ncolonpe - 06/03/2021 20:56:26 GMT
Wild and Scenic Rivers Act (WSR)	Completed	Project is not along and does not affect Wild and Scenic River - Review concluded	

CONDITIONS

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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.

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

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 Plain Pigeon

During breeding seasons (see below), nest surveys shall be conducted if a project occurs in a species¿ 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

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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-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 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, abetment 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.