

EXECUTIVE ORDER 11988
FLOODPLAIN MANAGEMENT – CHECKLIST (44 CFR Part 9)

TITLE: Reconstruction of the Culebra Cargo Ferry Terminal

PROPOSED ACTION: Rehabilitation of the Cargo terminal at Sardinias Bay and the construction of an Auxiliary Cargo pier at San Ildefonso area

APPLICABILITY: **Actions which have the potential to affect floodplains or their occupants, or which are subject to potential harm by location in floodplains.**

YES NO The proposed action could potentially adversely affect the floodplain or support floodplain development.

Remarks:

YES NO The proposed action could potentially be adversely affected by the floodplain.

Remarks: Subject to coastal flood hazard due to wave action

IF ANSWER IS NO, REVIEW IS COMPLETED, OTHERWISE CONTINUE WITH Step 1.

STEP NO. 1 **Determine whether the proposed action is located in the 100-year floodplain, which includes the Coastal High Hazard Area (500-year floodplain for critical actions);**

LOCATION (lat/long): San Ildefonso: 18.306272/-65.823611
Sardinias Bay: 18.301509/-65.302641

Flood Hazard data available (check the box that applies)

YES NO The project is located in a 100 Year floodplain as mapped by FIRM Panel No: 72000C0895J, Dated: November 18, 2009.

YES NO The project is located in a 500 Year floodplain as mapped by FIRM Panel No. , Dated .

YES NO The project is located in a floodplain as mapped by a FEMA draft/preliminary study. Name , Dated .

YES NO The project is located in a floodplain as mapped by another Agency (State, Corps, USGS, NRCS, local community, etc.) Agency Name , Dated ,

YES NO The project is outside the floodplain but has potential to affect floodplain, including support of floodplain development.

Flood Hazard data not available

YES NO The proposed action is subject to flooding based on evaluation from soil surveys, aerial photos, site visits and other available data. Evaluation material used in determination:

YES NO FEMA assumes the proposed action is subject to flooding based upon previous flooding of the facility/structure.

IF ANY OF THE ANSWERS ARE YES, CONTINUE WITH THE REVIEW, OTHERWISE REVIEW IS COMPLETE.

REVIEW CRITERIA: Determine the appropriate level of review and applicable review steps required

CRITICAL ACTION:

- YES Review against 500 Year floodplain
 NO Review against 100 Year floodplain

FLOODWAY/COASTAL HIGH HAZARD ZONE

- YES NO The proposed action is located in a floodway or coastal high hazard area (full 8 step process is required).
Source, other than FIRM:

Check the appropriate block for the review steps required per applicability:

- 1,4,5,8 (44 CFR Part 9.5 (g))
 1,2,4,5,8 (44CFR Part 9.5 (d))
 All steps

STEP NO. 2 Notify the public at the earliest possible time of the intent to carry out an action in a floodplain, and involve the affected and interested public in the decision-making process.

- Notice was provided as part of a disaster cumulative notice.
 Project Specific Notice was provided by: Applicant

Type of Public Notice:

- Newspaper, (name:)
 Post Site, (location:)
 Broadcast, (station:)
 Direct Mailing, (area:)
 Public Meeting, (dates:)
 Other:

Date of Public Notice:

STEP NO. 3 Identify and evaluate practicable alternatives to locating the proposed action in a floodplain (including alternatives sites, actions and the "no action" option). If a practicable alternative exists outside the floodplain, FEMA must locate the action at the alternative site.

Alternative Options

- YES NO Is there a practicable alternative site location outside of the 100-Year floodplain?
Site location:
- YES NO For Critical Actions, is there a practicable alternative site location outside of the 500-Year floodplain?
Site location:
- YES NO Is there a practicable alternative action outside of the 100-Year floodplain that will not affect the floodplain?
Alternative action:
- YES NO Is the NO Action alternative the most practicable alternative?

Remarks:

IF ANY ANSWER IS YES, THEN FEMA SHALL TAKE THAT ACTION AND THE REVIEW IS CONCLUDED.

FLOODWAY

YES NO

Is the action new construction (i.e. construction of new structure, demolition/ rebuilding, reconstruction, replacement) or substantial improvement (for structures damaged in equal or excess of 50% of its market value or the total replacement cost of the structure)?

YES NO

If Yes, is the action a functional dependent use (cannot perform its intended purpose unless it is located or carried out in close proximity to water) or a facility or structure that facilitates open space use?

If Yes, explain:

If No, FEMA cannot fund this action.

YES NO

Is the action an alteration of a structure or facility listed on the National Register of Historic Places or a State Inventory of Historic Places?

If Yes, then this is not substantial improvement and the action may proceed as long as it does not cause any increase of flood levels within the community during the occurrence of the base flood discharge.

COASTAL HIGH HAZARD ZONE

YES NO

Is the action new construction (i.e. construction of new facility or structure, demolition/ rebuilding of facilities or structures, reconstruction of facilities or structures, replacement of facilities or structures)?

YES NO

If Yes, is the action a functional dependent use (cannot perform its intended purpose unless it is located or carried out in close proximity to water) or a facility or structure that facilitates open space use?

If Yes, explain: The proposal consists of the rehabilitation of existing cargo pier facilities

If No, FEMA cannot fund this action.

STEP NO. 4

Identify the potential direct and indirect impacts associated with the occupancy or modification of floodplains and the potential direct and indirect support of floodplain development that could result from the proposed action. 44CFR Part 9.10

YES NO

Is the Proposed Action based on incomplete information?

YES NO

Is the proposed action in compliance with the NFIP?

YES NO

Does the proposed action increase the risk of flood loss?

YES NO

Has the facility been damaged before from a Presidentially declared flooding event?

- YES NO Will the proposed action result in an increased base discharge or increase the flood hazard potential to other properties or structures?
- YES NO Does the proposed action minimize the impact of floods on human health, safety and welfare?
- YES NO Will the proposed action induce future growth and development, which will potentially adversely affect the floodplain?
- YES NO Does the proposed action involve dredging and/or filling of a floodplain?
- YES NO Will the proposed action result in the discharge of pollutants into the floodplain?
- YES NO Does the proposed action avoid long and short-term adverse impacts associated with the occupancy and modification of floodplains?
- YES NO Will the proposed action result in any indirect impacts that will affect the natural values and functions of floodplains?

NOTE: If wetlands are near or potentially affected, refer review to the Environmental Section.

- YES NO Will the proposed action forego an opportunity to restore the natural and beneficial values served by floodplains?
- YES NO Does the proposed action restore and/or preserve the natural and beneficial values served by floodplains?
- YES NO Will the proposed action result in an increase to the useful life of a structure or facility?
- YES NO Will the action encroach on the Floodway in manner that causes any increase of flood levels within the community during the occurrence of the base flood discharge?

Remarks:

STEP NO. 5 Minimize the potential adverse impacts and support to or within floodplains to be identified under Step 4, restore and preserve the natural and beneficial values served by floodplains.

- YES NO Were flood hazard reduction techniques (see technical bulletins) applied to the proposed action in the Scope of Work to minimize the flood impacts if site location is in the 100-Year floodplain?
Note: New construction or substantial improvement of a structure (i.e. walled or roofed building) requires elevation or flood proofing (non-residential), except for listed Historic Structures.
If No, Identify Flood Hazard Reduction Techniques required as a condition of the grant:

YES NO Were avoidance and minimization measures applied to the proposed action in the Scope of Work to minimize the short and long term impacts on the floodplain?
If No, identify measures required as a condition of the grant:

YES NO Were measures implemented to restore and preserve the natural and beneficial values of the floodplain.
If No, identify measures required as a condition of the grant:

FLOODWAY/COASTAL HIGH HAZARD ZONE

YES NO Is there a practicable alternative site location or action outside of the Floodway (but within the floodplain)?
Site location:

YES NO Can the facility be relocated to minimize impacts within the cs there a practicable alternative action outside of the Floodway or CHHA that will not affect the Floodway or CHHA?
Alternative action:

YES NO Are functionally dependent new construction in the CHHA elevated on adequately anchored pilings or columns such that lowest portion of the structural members of the lowest floor are above base flood elevation.
The use of fill for elevation is prohibited in the CHHA.

Remarks:

STEP NO. 6 **Reevaluate the proposed action to determine first, if it is still practicable in light of its exposure to flood hazards, the extent to which it will aggravate the hazards to others, and its potential to disrupt floodplain values and second, if alternatives preliminarily rejected at Step 3 are practicable in light of the information gained in Steps 4 and 5. FEMA shall not act in a floodplain unless it is the only practicable location.**

YES NO The action is still practicable at a floodplain site in light of the exposure to flood risk and ensuing disruption of natural values;

YES NO The floodplain site is the only practicable alternative.

YES NO There is no potential for limiting the action to increase the practicability of previously rejected non-floodplain sites and alternative actions.

YES NO Minimization of harm to or within the floodplain can be achieved using all practicable means.

YES NO The action in a floodplain clearly outweighs the requirement of E.O. 11988.

Note: Careful consideration needs to be applied for facilities repetitively damaged.

Remarks:

IF ANY ANSWER IS NO, THEN FEMA SHALL NOT TAKE THE ACTION AND THE REVIEW IS CONCLUDED.

STEP NO. 7 **Prepare and provide the public with a finding and public explanation of any final decision that the floodplain is the only practicable alternative.**

- Final Notice was provided as part of the floodplain notice. See EO 11988 checklist.
- Notice was provided as part of a disaster cumulative notice.
- Project Specific Notice was provided by: FEMA

Type of Public Notice:

- Newspaper, (name:)
- Post Site, (location:)
- Broadcast, (station:)
- Direct Mailing, (area:)
- Public Meeting, (dates:)
- Other:

Date of Public Notice:

This eight-step review and the associated Record of Environmental Consideration constitute FEMA’s findings and the final notification of FEMA’s actions.

STEP NO. 8 **Review the implementation and post - implementation phases of the proposed action to ensure that the requirements stated in Section 9.11 are fully implemented. Oversight responsibility shall be integrated into existing processes.**

- YES** **NO** Was Grant conditioned on review of implementation and post-implementation phases to insure compliance of EO 11988?

The following conditions are not reflected in the Scope of Work and are required:

The project will be constructed in accordance with the proposed scope of work, including “Good Construction Practices” and “Codes and Standards” and adherence to the floodplain and wetland impact minimization measures herein described in Step 5, and will be conditions of the federal grant. The Sub-grantee is responsible for the review of the final project plans and will assure compliance with all the applicable local, state and federal laws. The Sub-grantee will obtain all required building and site development permits as a condition of the federal grant, to preserve the floodplain and wetland environment and minimize risk to life and property.