

# Environmental Consideration Greensheet DR-4336-PR and DR-4339-PR

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## Environmental and Historic Preservation Division

Dear Applicant,

FEMA Environmental and Historic Preservation (EHP) staff are committed to assisting Applicants with identifying and meeting environmental and historic compliance responsibilities for every proposed project. This Greensheet provides guidance on FEMA's EHP review process to assist communities during their recovery from Hurricanes Irma and María. If you plan to request FEMA funding for disaster recovery projects, please read the following guidance information carefully.

Because FEMA awards are federally funded, Applicants for FEMA assistance must comply with all applicable federal, state and local laws, executive orders, regulations and permitting requirements.

FEMA EHP will consult with the appropriate natural and cultural resources agencies on behalf of the Applicant and will review all supporting documents to determine compliance. The last page of this Greensheet provides technical assistance, contact information and links to address questions and needs. Failure to obtain the appropriate documentation jeopardizes federal funding.

The Puerto Rico Central Office for Recovery, Reconstruction, and Resiliency (COR3) oversees grants administration, and is committed to following all environmental laws and regulations during disaster recovery operations. Their role is to assist Applicants in complying with state and local environmental and historic requirements. For state and local requirements, COR3 serves as your support system and you should not hesitate to contact them if you need help determining these permit requirements. COR3 can assist Applicants with state requirements for construction permits from the PR Office of General Permits (OGPe).

Sincerely,

FEMA EHAP



**FEMA**



## Environmental Laws and Project Compliance

The National Environmental Policy Act (NEPA) requires federal agencies to consider the effects of their actions, and the actions they fund, on the human and natural environment prior to grants approval. The level of NEPA review required depends on the scope of work and any environmental and historic laws, regulations and executive orders that may apply.

The location of the project and the complexity of the work determine the level of review required. The actions that may trigger advanced EHP review are detailed in the following pages. Use this Greensheet as a guide to develop project strategies; this will help ensure compliance with the laws and avoid potential delays or de-obligation of funds.

Obtaining permits is the sole responsibility of the Applicant. Required permits and pre-construction notifications must be issued prior to initiating any site activity. If the project is an emergency action to address immediate threats to life or property, regulatory agencies should be notified as soon as possible, and documentation should be submitted to FEMA EHP for review.

### Initial EHP Requirements Documents to Gather

- Clear and complete project description (Scope of Work)
- Maps and accurate GPS coordinates
- Existing environmental documentation:
  - Include any permits and approval
  - Debris management plan (if applicable)
- Photographs
  - Historic structures and areas of environmental concern will require extra photographs
- Sketches or design plans
- Description of the project area
- Date of construction for built structures
- Community information for projects with anticipated public opposition or support

## Actions That May Trigger Elevated EHP Review

Not all projects will require consultation and advanced EHP review, however, there are certain activities and circumstances that can trigger an elevated review. Below are some, but not all, of the most common triggers:

### Impacts to Historic Properties

**Repairs/changes to demolition or buildings 45 years old or older:** Can negatively impact their historic integrity.

**New ground disturbance:** Can negatively impact archaeological sites and other cultural resources.

When a project's scope of work involves ground disturbance or may change/affect a historic structure listed, or eligible for listing, in the National Register of Historic Places, FEMA must complete a consultation with the Puerto Rico State Historic Preservation Officer prior to begin work.

### Removing Vegetation or Trees

Trees, brushes and other vegetation removal, site preparation, clearing for construction, demolition, or the creation of staging areas for construction equipment can have an impact on protected species or habitats and archaeological sites.

The main island of Puerto Rico is considered habitat for the Puerto Rican Boa; therefore, many projects may require specific actions to avoid or minimize effects.

Read below for more information "Protected Species and Habitats".

### Hazard Mitigation Efforts

Hazard Mitigation is intended to reduce or eliminate the threat of future damages. All hazard mitigation proposals undergo EHP review because they typically involve new ground disturbance, a change in project footprint or may affect historic resources.

**Examples of mitigation projects include** upgrades to codes and standards, acquiring, elevating or relocating at-risk structures, upsizing culverts, improving erosion control measures, elevating electrical boxes, etc.

For additional information on this program go to: [www.fema.gov/grants/mitigation](http://www.fema.gov/grants/mitigation).

## Working on the Beach or in Water

Most waterways, including rivers, streams, creeks, inlets and the ocean, are protected by a variety of laws, regulations and executive orders. Different bodies of water are regulated by different agencies. Read the next page to learn about “Work Along Coastlines and in Water Resources”.

## Work with Debris

FEMA may provide assistance for debris management, including clearance, removal and disposal of vegetation, sediment, damaged building materials, household and hazardous waste.

FEMA must ensure proper management (removal, staging, sorting, storage, reduction and disposal) of storm-related debris. Compliance with federal laws, regulations, and executive orders should be verified prior to FEMA funding the work. For potentially hazardous materials, such as lead and asbestos, the Applicant is responsible for proper management. They must use permitted transportation and disposal facilities in accordance with applicable federal and state laws and local compliance requirements.

For more information about permitting requirements for debris, contact the Solid Waste Program (former EQB, now under DNER).



PHOTOS PROVIDED BY EHP SPECIALIST BENITO

## Protected Species and Habitats

- All FEMA-funded activities must comply with both the Endangered Species Act (ESA) and the Magnuson Stevens Fishery Conservation and Management Act (MSA).
- The U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) are the two federal agencies with ESA jurisdiction.

- Under the ESA, projects must avoid or minimize impacts that are likely to adversely affect threatened or endangered (“listed”) species. Maps for the areas where listed species can be found are available at: <https://ecos.fws.gov/ipac/>.
- FEMA must consult with NMFS and USFWS before funding any activities that have the potential to affect listed species or their critical habitat. MSA protects the “essential fish habitat” of commercial and recreational coastal fisheries. FEMA must consult with NMFS if a project may adversely affect such habitat. ESA and MSA frequently require conservation measures (such as project or timing restrictions) to minimize potential impacts.

## Coastal Zones

The shorelines of Puerto Rico and its municipal islands are located within coastal zones. Projects within these zones must be consistent with the provisions of the PR Coastal Zone Management (CZM) Program and approved by the PR Planning Board (PRPB). An individual Federal Consistency Determination from the PRPB may be required for certain projects. As the Applicant, you can choose to conduct this consultation or FEMA can consult on your behalf. A consistency determination must be obtained prior to the obligation of funding. Information on PR Coastal Zones can be found at the PRPB.

Another resource is: [www.drna.pr.gov/oficinas/pmzc/](http://www.drna.pr.gov/oficinas/pmzc/)

## Coastal Barriers

More than 125 miles of Puerto Rico and its municipal island coastlines fall within the boundaries of coastal barrier zones. These lands function as protective buffers to the coastline and serve as important habitat for fish and wildlife. There are restrictions for activities conducted in these zones. Consultation with USFWS is required for any actions proposed in a coastal barrier zone. FEMA conducts these consultations on behalf of the Applicant.

Coastal barrier zone maps can be found on the USFWS website at: [www.fws.gov/cbra/maps/](http://www.fws.gov/cbra/maps/)

## Costal High Hazard Areas (CHHA)

Also known as velocity (V) zones, these are locations where wave heights of 3 feet or higher can create hazardous conditions due to the power and speed at which waves come ashore during storms. A more rigorous EHP floodplain review may be required if a project is located in a V zone.

Maps of flood zones can be found at: [www.cedd.pr.gov/fema/index.php/461-2/](http://www.cedd.pr.gov/fema/index.php/461-2/)

## Work in Water

For any project involving work in or affecting a water resource, the Applicant must notify and coordinate with the U.S. Army Corps of Engineers (USACE). You will be required to provide documentation of these efforts, obtain any required USACE permits, and comply with permit conditions.

Information about USACE permitting requirements in PR can be found at:

[www.saj.usace.army.mil/About/Divisions-Offices/Antilles-Area-Office/](http://www.saj.usace.army.mil/About/Divisions-Offices/Antilles-Area-Office/) or [www.saj.usace.army.mil/](http://www.saj.usace.army.mil/)

The Clean Water Act and the U.S. Rivers and Harbors Act apply to actions in, and/or adjacent to, waters of the U.S., including coastal areas, small streams, creeks, lakes, and wetlands. Examples of actions requiring permits include construction, demolition, or any dredging or filling in any part of surface water, tributaries, or wetland systems. Repairs to piers, bridges, causeways, etc. may require a permit or authorization from the U.S.

Coast Guard as well. Information about Nationwide Permits is available at:

[www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Nationwide-Permits/](http://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Nationwide-Permits/).

Obtaining permits is the responsibility of the Applicant and must be obtained PRIOR to initiating any site activity including site preparation and the establishment of staging areas (with the exception of emergency actions that address immediate threats to life or property).

## Floodplains

Special Flood Hazard Areas are subject to inundation by anticipated flood patterns. For projects that may affect these floodplains, FEMA must seek ways to avoid, minimize, or mitigate both long- and short-term impacts.

Depending on the potential for impacts, an alternatives analysis and public involvement may be required. For assistance or additional information about work in a floodplain, contact your local floodplain administrator.

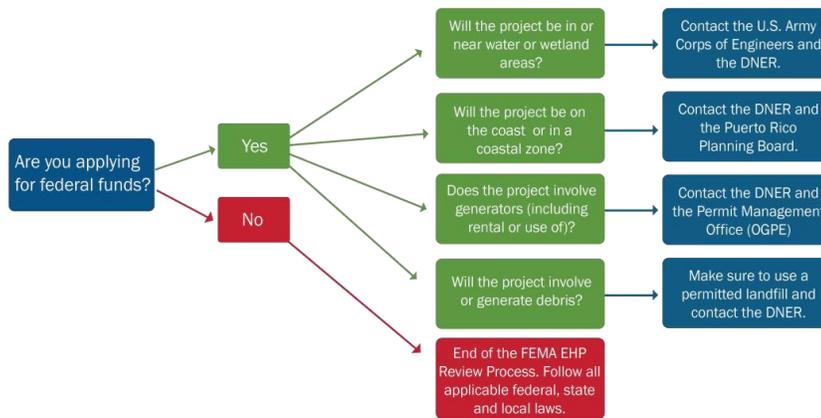
For more information about FEMA floodplains visit <http://cedd.pr.gov/fema/index.php/461-2/>

## Wetlands

Wetlands are sensitive protected areas that support complex ecological functions. The Applicant may be required to obtain a permit from USACE if their project is in, near, or may impact a wetland. Depending on the potential for impacts, an alternatives analysis as well as public involvement may be required.

Debris should never be disposed of in a wetland. You must coordinate debris removal from a wetland with the USACE and USFWS prior to initiating work.

# Applicant Permit Guide



## Other Considerations

### EHP REVIEW AT OTHER FEDERAL AGENCIES

If there is funding from multiple Federal Agencies and the project is complex, early interagency coordination for this situation is important, since Federal Agencies funding disaster recovery have a responsibility to complete their respective EHP reviews. However, a unified process streamlines the reviews by promoting interagency coordination and the frontloading of EHP information into projects, so federal agencies can make the best informed decisions when funding or permitting disaster recovery projects. Please let COR3-EHP or FEMA’s EHP representatives know if this situation is present.

## Contacts and Helpful Links

### Regulatory (Permits)

#### U.S. Army Corps of Engineers (USACE) Karen M. Urelius

Team Lead, Antilles Regulatory Office Phone: 787-289-7040

Antilles Permit Section

Annex Building, Fundación Ángel Ramos | 383 F. D. Roosevelt Avenue, | Suite 202 | San Juan, Puerto Rico 00918

[www.saj.usace.army.mil/About/Divisions-Offices/Construction/Antilles-Area-Office](http://www.saj.usace.army.mil/About/Divisions-Offices/Construction/Antilles-Area-Office)

#### Puerto Rico Department of Natural and Environmental Resources (DNER)

Phone: 787-999-2200

Road 8838, km. 6.3, Sector El Cinco, Río Piedras, San Juan

San José Industrial Park 1375, Ave. Ponce de León | San Juan, Puerto Rico 000926

[www.drna.pr.gov/](http://www.drna.pr.gov/)

#### Former Environmental Quality Board (EQB) [Now under the administration of DNER]

Phone: 787-767-8181

Fax: 787-767-4861

P.O. Box 11488 | San Juan, Puerto Rico 00910-1488

[www.jca.pr.gov](http://www.jca.pr.gov)

[www.drna.pr.gov/otrora.jca/](http://www.drna.pr.gov/otrora.jca/)

### **Puerto Rico Planning Board (PRPB)**

Division of Coastal Resources: Consistency Review

Rose Ortíz

Email: ortiz\_r@jp.pr.gov

Phone: 787- 723-6200, ext. 16012

Centro Gubernamental Roberto Sánchez Vilella,

Ave. De Diego Pda. 22, Santurce

P.O. Box 41119 | San Juan, Puerto Rico 00940-1119

[www.jp.gobierno.pr/](http://www.jp.gobierno.pr/)

## **Technical Assistance**

### **FEMA – Environmental and Historic Preservation (EHP)**

Sindulfo Castillo - EHP Recovery Branch Director

Email: sindulfo.castillo@fema.dhs.gov

Phone: 787-679-8338

### **National Marine Fisheries Service (NMFS)**

José A. Rivera - Fishery Biologist

Email: Jose.A.Rivera@noaa.gov

Phone: 787-729-6829

NMFS San Juan Office U.S. Army Corps of Engineers,

383 Ave. Franklin D. Roosevelt Annex Building, Suite 202 | San Juan, Puerto Rico 00918

[www.seo.nmfs.noaa.gov/](http://www.seo.nmfs.noaa.gov/)

[www.fisheries.noaa.gov/topic/endangered-species-conservation](http://www.fisheries.noaa.gov/topic/endangered-species-conservation)

### **Puerto Rico State Historic Preservation Office (SHPO)**

Elba Díaz - Executive Assistant

Email: ediaz@prshpo.pr.gov

Carlos A. Rubio Cancela - Director

Gloria Ortíz - Deputy

Cuartel de Ballajá

Tercer piso, calle Norzagaray

Esquina Beneficencia San Juan, Puerto Rico 00919

Phone: 787-721-3737

<http://www.oech.pr.gov/>

Email: [sumbissions@PRSHPO.pr.gov](mailto:sumbissions@PRSHPO.pr.gov)

### **US Fish and Wildlife Service (USFWS)**

Edwin Muñoz - Field Supervisor

Edwin\_Muniz@fws.gov

Phone: 787-851-7297

Fax: 787-851-7440

Caribbean Ecological Services Field Office

P.O. Box 491 | Boquerón, Puerto Rico 00622

Road 301 KM. 5.1 Barrio Corozo | Boquerón, Puerto Rico 00622-0510

<https://www.fws.gov/caribbean/>