

Federal Emergency Management Agency
FINDING OF NO SIGNIFICANT IMPACT
Programmatic Environmental Assessment
Commonwealth of Puerto Rico – Transportation: Bridges, Culverts, Roads, and Landslides

BACKGROUND

The mission of the Federal Emergency Management Agency (FEMA) is to reduce the loss of life and property and protect our institutions from all hazards by leading and supporting the nation in a comprehensive, risk-based emergency management program of mitigation, preparedness, response, and recovery. Since 2017, President Donald J. Trump signed multiple disaster declarations for the Commonwealth of Puerto Rico (Commonwealth) in response to various disaster events. These disaster events included Hurricane Irma (DR-4336-PR), Hurricane Maria (DR-4339-PR), and increases in seismic activity (DR-4473-PR). The declarations authorized federal public assistance to affected communities and certain non-profit organizations through FEMA in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance (Stafford) Act, *as amended* (42 United States Code [U.S.C.] §§ 5121-5207), the Sandy Recovery Improvement Act of 2013; and the Bipartisan Budget Act of 2018 (Pub. L. 115-123). The Puerto Rico Central Office of Recovery, Reconstruction and Resiliency is the grant recipient and multiple Commonwealth and Municipal agencies may be subrecipients for specific projects.

This Programmatic Environmental Assessment (PEA) is prepared in accordance with Section 102 of the National Environmental Policy Act (NEPA) of 1969, *as amended*, and the Regulations for NEPA Implementation (Title 40 Code of Federal Regulations [CFR] §§1500–1508). This PEA considers potential environmental impacts of project alternatives to determine whether to prepare an Environmental Impact Statement (EIS) or prepare a Finding of No Significant Impact (FONSI). In accordance with the above regulations and Department of Homeland Security Instruction Manual 023-01-001-01, Revision 01, FEMA Directive 108-1, and FEMA Instruction 108-1-1, FEMA is required, during decision-making, to evaluate and consider the environmental consequences of major federal actions it funds or undertakes. FEMA will review projects that fit within the parameters considered in this PEA with any necessary project-specific consultation and permitting. Projects that exceed the thresholds or have impacts greater than considered in in this PEA may result in a project-specific tiered environmental assessment or stand-alone project-specific environmental assessment. Such projects that FEMA determines cannot meet a FONSI will require an EIS or FEMA may choose to not fund such a project.

ALTERNATIVES

Under the Stafford Act, FEMA has authority to provide funding for cost-effective hazard mitigation and resiliency measures for facilities damaged the recent disasters. The purpose of this PEA is to restore damaged transportation infrastructure and increase their resiliency in response to future disaster events. The need for the PEA is to re-establish a safe and reliable network of transportation infrastructure, through repair, replacement, or hazard mitigation, reducing the damage and disruption caused by future disasters throughout the Commonwealth.

FEMA developed and considered multiple alternatives to fulfill the purpose and need to address the overall programmatic impacts and effects for an expected large number of transportation system projects that FEMA anticipates receiving from the recipient and subrecipients for grant funding. The no action alternative (“Future without Federal Project Condition”) will result in no FEMA funding supporting protective measures for the Commonwealth of Puerto Rico. The programmatic action alternatives for this PEA include Transportation Bridge and Culvert Replacement; Repair of Landslides, Hazard Mitigation and Repair of Bridges, Culverts, and Roadways; and a combination of the alternatives (Preferred Alternative) and represent classes of actions implemented both individually or in combination with one another.

SUMMARY OF POTENTIAL IMPACTS AND MITIGATION

FEMA anticipates that project thresholds evaluated in the PEA and the conditions and permits listed in Section 6.0 will assist in limiting impacts from proposed actions to below the level of major. Additionally, project-specific consultations and agency permitting will further aid in minimizing impacts from proposed actions.

FEMA will review potential scopes of work (SOW) covered under this PEA in accordance with the Clean Air Act. FEMA anticipates that construction emissions will be below threshold levels. The Subrecipients will be responsible for preparing a General Conformity applicability analysis in air quality non-attainment or maintenance areas in accordance with the State Implementation Plan for all applicable projects to be satisfied by this PEA.

If a project site is located within the floodway or 100-year floodplain, and within or near wetlands, FEMA will conduct the 8-Step Decision-Making Process in accordance with Executive Orders 11988 and 11990, as well as 44 CFR Part 9. Many of the actions undertaken as part of this PEA will have a positive effect on floodplains by improving the hydraulic flow and protect developed areas from flooding. Hazard mitigation and repair projects may include replacement or relocation of bridges or culvert enhancement with rightsizing for proper channel flow, or otherwise minimizing their impacts on floodplain or wetlands. Avoidance and mitigation measures will minimize any adverse impacts to floodplains and wetlands.

If a proposed project is likely to impact Waters of the United States, the recipient and subrecipients will be responsible for obtaining all applicable federal, Commonwealth, and local permit approvals and requirements. The implementation of mitigation measures and erosion controls will minimize water quality impacts by limiting sediment leaving the site and retaining turbid waters within project areas.

Proposed actions located within the Commonwealth-defined coastal zone are subject to review in accordance with the Coastal Zone Management Act and Puerto Rico Coastal Zone Management Program and Policies. Pursuant to Federal Consistency Regulations at 15 CFR §§ 930, FEMA and the Puerto Rico Planning Board (PRPB) signed a Federal Consistency Certificate for Category C through G work dated October 3, 2018 (Resolution JP-2018-324). FEMA will submit Federal Coastal Zone Consistency Determinations for SOW not included in the resolution to the PRPB for concurrence.

FEMA will determine if a project SOW meets outlined programmatic allowances from the most recent or applicable Programmatic Agreement with the Puerto Rico State Historical Preservation Office (SHPO) or requires standard Section 106 review and consultation. The Programmatic Agreement will establish a project-specific compliance review process for the undertaking, including avoidance measures which will aid to minimize and mitigate adverse impacts to historic resources. If the SOW is within the applicable allowances, FEMA will determine the project compliant with Section 106 of NHPA and the review process will be complete. If the proposed SOW does not fall within the allowances, according to the standard Section 106 review process FEMA will determine the effect and initiate consultation with the SHPO. Additional archaeological surveys of ground disturbing activities may be required depending on SHPO consultation.

The actions covered by this PEA are not expected to adversely affect federally listed or proposed threatened and endangered species or their designated critical habitat (DCH). This PEA does not include actions that will create a level of impact beyond a “*not likely to adversely affect*” determination for federally listed species or have an *adverse modification* to DCH. The actions satisfied by this PEA may temporarily displace local wildlife during construction; however, landscape restoration will restore wildlife habitat following completion of transportation projects.

PUBLIC INVOLVEMENT

This Transportation PEA was available for agency and public review and comment for a period of 60 days concluding on 11 March 2021. The public information process included a public notice in both Spanish and English with information regarding proposed actions published in the *Primera Hora* newspaper. The public notice included website addresses to locations where the documents have been available for download and review. FEMA targeted outreach to environmental justice populations through notices to ten community support organizations within the Commonwealth.

The Transportation PEA is and has been available for download at <https://www.fema.gov/media-library> and <https://recovery.pr/es/document-library> and hard copies were distributed to four (4) municipalities. FEMA has considered comments during the public notice comment period. **Attachment A** includes both agency and public comments as well as, FEMA’s responses.

PERMITS AND PROJECT CONDITIONS

The Recipient and Subrecipients are responsible for obtaining all applicable Federal, State, and local permits and other authorizations for project implementation prior to construction including adherence to all permit conditions. Failure to comply with grant conditions may jeopardize Federal funds.

FINDINGS

FEMA received comments during the initial 30-day public comment period and the extended second 30-days, used for additional outreach. FEMA determined that the comments do not substantively affect the analysis or outcomes; comments received are addressed in Attachment A to this FONSI. FEMA has made the determination that Alternative 5, a combination of the Alternatives, best fulfills the purpose and need of this PEA. In accordance with NEPA and the FEMA Directive and Instruction, FEMA has determined that the evaluated actions will have no

significant adverse impact on the quality of human health and the environment. As a result of this FONSI, an Environmental Impact Statement will not be prepared, and the actions as described in this PEA may proceed with the constraints described. This FONSI serves as the final public notice for the proposed action. Construction activities shall not start until fifteen (15) days after the date of this FONSI.

APPROVED BY:

John Dawson Date
Regional Unified Federal Review Coordinator, FEMA Region II

SIGNED FOR AWARENESS BY:

Danna E. Planas Ocasio Date
Infrastructure Division Director, Joint Recovery Office, DR-4336/4339/4473-PR

Antonio Busquets Lopez Date
Hazard Mitigation Division Director, Joint Recovery Office, DR-4336/4339/4473-PR

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Attachment A: FEMA Responses to Agency and Public Comments

Commenter	Comment	FEMA's Response
USEPA dated December 16, 2020, pg. 1, 2 nd paragraph	EPA recommends that FEMA and its funding recipient, the Central Office of Recovery, Reconstruction and Resiliency, consider evaluating any culvert repair or reconstruction for fish passage and habitat enhancement.	FEMA encourages subrecipients to incorporate best design practices to accommodate fish passage and habitat preservation in accordance with USFWS and PRDNER guidance.
USFWS dated December 28, 2020, pg. 2, last paragraph	Section 4 Discussion of Alternatives. We recommend that Alternatives 2 and 4 mention the use of the U.S. Fish and Wildlife Service's (Service)/FEMA Post-Disaster Guidance for Repair, Replacement, and Clean-up Projects in Streams and Waterways of Puerto Rico from Hurricane María.	The Post-Disaster Guidance for Repair, Replacement, and Clean-up Projects in Streams and Waterways of Puerto Rico from Hurricane María is available for review at Post-disaster guidance for repair, replacement, and clean-up projects in streams and waterways of Puerto Rico from Hurricane Maria (fws.gov) . FEMA evaluates projects submitted by the subrecipients in accordance with the Stafford Act and grant eligibility guidelines.
USFWS dated December 28, 2020, pg. 3, 1 st paragraph	We recommend that in order to expedite the process, FEMA should encourage applicants to take advantage of the preplanning process. After conducting avoidance and minimization of possible wetland impacts, they should include compensatory mitigation in their project designs and cost analysis to avoid delays in the permitting and grant process.	FEMA encourages subrecipients to use preplanning processes and incorporation of conservation measures in project design. Projects submitted to FEMA are reviewed for wetland impacts through the 8-Step Decision-Making Process under 44 CFR Part 9 to avoid and minimize impacts to the extent practicable. FEMA defers to the regulatory agencies that issue permits for further conditions or compensatory mitigation.

Commenter	Comment	FEMA's Response
USFWS dated December 28, 2020, pg. 3, 2 nd paragraph	The Post-Disaster Guidance for Repair, Replacement, and Clean-up Projects in Streams and Waterways of Puerto Rico from Hurricane María should also be referenced in this section as a way to minimize impacts to fish and wildlife resources.	The Post-Disaster Guidance for Repair, Replacement, and Clean-up Projects in Streams and Waterways of Puerto Rico from Hurricane María is available for review at Post-disaster guidance for repair, replacement, and clean-up projects in streams and waterways of Puerto Rico from Hurricane Maria (fws.gov) . FEMA evaluates projects submitted by the subrecipients in accordance with the Stafford Act and grant eligibility guidelines.
USFWS dated December 28, 2020	If FEMA believes that the consultation requirements for the proposed alternatives, are already covered in the existing matrix and programmatic consultation then they should state that determination.	Section 5.9.2 page 53 of the Transportation PEA, any projects that may affect an ESA listed species and not included in existing agreements may require consultation with the Services. FEMA will apply the results of existing programmatic consultations in reviewing project proposals prior to initiating project-specific consultation.
U.S. Department of Transportation, dated January 20, 2021	1. Section 4.2 (PDF page 14 of 138) and other sections where Maintenance of Traffic (MOT) is stated to be performed in accordance with DTOP guidance: Recommend adding that the recipient will be responsible for performing MOT in accordance to: 1) the latest approved version of the FHWA Manual on Uniform Traffic Control Devices (MUTCD), 2) the 2020 PRHTA Manual de Rotulacion para las Vias Publicas, and 3) PRHTA's Planos Modelos (Standard Drawings) https://act.dtop.pr.gov/planos-modelo/ .	Subrecipients will be responsible for performing MOT in accordance with the latest approved version of the FHWA Manual on Uniform Traffic Control Devices (MUTCD), 2) the 2020 PRHTA Manual de Rotulacion para las Vias Publicas, and 3) PRHTA's Planos Modelos (Standard Drawings) https://act.dtop.pr.gov/planos-modelo/ .
U.S. Department of Transportation, dated January 21, 2021	1. There is no definition of Recipient and Sub-recipient in the document. It would be helpful if this is clarified, as the PEA will be used by these organizations to develop and deliver the projects.	Section 1.0 page 8 of the Transportation PEA, the Central Office of Recovery, Reconstruction and Resiliency (COR3) is the Recipient for FEMA grants and multiple agencies may be subrecipients for specific projects.
U.S. Department of Transportation, dated January 21, 2021	2. The document makes many references to FHWA codes and standards. Design standards and codes are established by AASHTO and each State DOT adopts these while FHWA provides concurrence or approval to many of them using guidelines, policy and regulation as a base for the decision.	FEMA acknowledges that state standards and codes apply for transportation projects not on federal lands. As noted in Section 4.2 page 13, Section 4.3 page 15, and Section 4.4 page 16, projects satisfied by this Transportation PEA will comply with PRHTA codes and standards.

Committer	Comment	FEMA's Response
U.S. Department of Transportation, dated January 21, 2021	3. The document leaves or defers to the Recipient and/or Sub-recipient the Section 7 of the Endangered Species Act. This is the same situation for the Section 106 of the National Historic Preservation Act. Would the PEA be reevaluated for each project to reflect the unique circumstances of each site? What is the process and who will be responsible for it? Does FEMA has the final determination for these consultations as well?	Section 5.9.2 page 53 of the Transportation PEA notes that any projects that may affect an ESA listed species and not included in existing agreements may require consultation with the Services. Section 6.0 page 85 of the Transportation PEA, FEMA will review all SOWs for the presence of any historic or archaeological resources on or eligible for the National Register of Historic Places. If there is potential to affect historic or archaeological resources, the stipulations detailed in the Puerto Rico Programmatic Agreement will apply. The subrecipients will be responsible for all coordination with the Puerto Rico Institute of Culture for compliance with Commonwealth's historic preservation and archaeological requirements.
U.S. Department of Transportation, dated January 21, 2021	4. On Section 4.3, page 15, the PEA makes reference to PRHTA landslide remediation guidance. The document includes some standard designs but it doesn't seems like a guidance was provided or that PRHTA has a document for it.	Section 4.3 pages 15 and 16, landslide repairs are required to comply with PRHTA standards and codes for landslide repairs.
U.S. Department of Transportation, dated January 21, 2021	5. The document doesn't provide for Public Involvement engagement based on the needs of the project, i.e. bridge or roadway closures. How does the PEA takes that in consideration?	As noted in Section 6.0 Permits and Requirements, the subrecipients must comply with all applicable local, state, and federal environmental and historic preservation laws and regulations. Projects that exceed the thresholds described in this PEA may require a tiered environmental assessment or project-specific environmental assessment and associated public comment period. Should a project proposal require an EIS and FEMA choose to proceed toward funding it, there will be public process required in accordance with 40 CFR §§1500–1508. Any local or Commonwealth-required public process associated with permitting or approvals are the responsibility of the subrecipient to fulfil.

Commenter	Comment	FEMA's Response
U.S. Department of Transportation, dated January 21, 2021	6. The PEA doesn't include provisions for acquisition of properties or relocations. Are acquisitions or relocations covered under the Uniform Relocation Act?	Section 4.2 page 13, Section 4.3 page 15, and Section 4.4 page 16 of the Transportation PEA, any acquisition of ROW will adhere to federal, state, and local regulations for the acquisition of lands.
U.S. Department of Transportation, dated January 21, 2021	7. It would have been adequate to either attach or link the agreements or documents that are referenced in the PEA such as the Programmatic Agreement with SHPO.	Copies of documents and agreements referenced are available by request and are incorporated into the PEA by reference.
Puerto Rico Department of Transportation and Public Works dated January 20, 2021, accessed March 4, 2021	<p>Section 5.1.2 Possible impacts and proposed mitigation</p> <p>For each alternative, it is indicated that if the impacted area exceeds one (1) acre, a Stormwater Pollution Prevention Plan (SWPPP) must be prepared and must be covered by the National Pollutant Discharge Elimination System (NPDES) Construction Permit by completing a Notice of Intent (NOI) with the EPA. However, it is not indicated that at the local level, a Plan for Erosion and Sedimentation Control (<i>Plan para el Control de Erosión y Sedimentación or CES Plan</i>) should be prepared and must be submitted to the Office of Permit Management (<i>Oficina de Gerencia y Permisos or OGPe</i>) as part of the Single Incidental Permit (<i>Permiso Unico Incidental or PUI</i>) application. This should be included as part of the PEA.</p>	FEMA acknowledges that local regulations require submittal of an Erosion and Sediment Control Plan to OGPe for approval. As noted in Section 6.0 Permits and Requirements, the Subrecipients must comply with all applicable local, state, and federal environmental and historic preservation laws. FEMA appreciates the additional information for clarity on local process.
Puerto Rico Department of Transportation and Public Works dated January 20, 2021, accessed March 4, 2021	<p>Section 5.2.2 Possible impacts and proposed mitigation:</p> <p>The description of the possible impacts resulting from the soil movement activities indicates the generation of fugitive dust in a temporary manner. It is also mentioned that Rule 404 of the Regulations for the Control of Air Pollution requires the implementation of BMPs to minimize them. A truck is usually used for spraying with water as the control mechanism mentioned in the text. However, it is not indicated the aspect of atmospheric pollution that is included as part of the PUI that is submitted to OGPe. It is recommended to incorporate this clarification that is addressed by local regulations.</p>	FEMA acknowledges that local regulations may require additional analyses beyond what is provided for in this PEA. As noted in Section 6.0 Permits and Requirements, the subrecipients must comply with all applicable local, state, and federal environmental and historic preservation laws. FEMA appreciates the additional information for clarity on local process.

Commenter	Comment	FEMA's Response
Puerto Rico Department of Transportation and Public Works dated January 20, 2021, accessed March 4, 2021	Section 5.3.3 Water Quality: This section (last sentence on page 35 and start of page 36) states that: "In Puerto Rico, US EPA has authorized PRDNER/PREQB to administer the NPDES program. NPDES permit process requires the preparation of a SWPPP for each qualifying project under the program." This statement is not entirely correct because the EPA retains the authority to grant all NPDES permits from Puerto Rico through Region 2 in New York. All PRDNER/PREQB can do is issue the Water Quality Certificate (WQC) that is required to obtain the individual NPDES permits and general permits. NPDES permits related to runoff water discharges generated during the construction of projects impacting more than one acre are issued by the EPA. It is recommended to clarify this statement as to what it means to administer the program.	FEMA acknowledges that the USEPA has not delegated administration of the NPDES program to PRDNER/PREQB. As such, the subrecipients will be responsible for obtaining their NPDES permit directly from the USEPA.
Puerto Rico Department of Transportation and Public Works dated January 20, 2021, accessed March 4, 2021	Section 5.3.2, Alternative 3 (page 39): Indicates the need to obtain the NPDES Permit and prepare the SWPPP but does not mention the need to prepare a Plan for Erosion and Sedimentation Control (CES Plan). It is recommended to clarify this point.	FEMA acknowledges that local regulations require submittal of an Erosion and Sediment Control Plan to OGPe as part of obtaining local permits. As noted in Section 6.0 Permits and Requirements, the subrecipients must comply with all applicable local, state, and federal environmental and historic preservation laws and regulations.
Puerto Rico Department of Transportation and Public Works dated January 20, 2021, accessed March 4, 2021	Section 5.4 Wetlands: The parts of this section that mention the impacts on wetlands and bodies of water in alternatives 2,3 and 4 do not indicate the need to prepare a Plan for Erosion and Sedimentation Control (CES Plan).	
Puerto Rico Department of Transportation and Public Works, dated January 20, 2021, accessed March 4, 2021	Section 5.5 Floodplain: The text that refers to the impacts of Alternative 3 does not mention the need to prepare a Plan for Erosion and Sedimentation Control (CES Plan) in addition to the SWPPP.	
Puerto Rico Department of Transportation and Public Works, dated January 20, 2021, accessed March 4, 2021	Section 5.6 Coastal Resources The text that refers to the impacts of alternatives 2 and 3 do not mention the need to prepare a Plan for Erosion and Sedimentation Control (CES Plan) in addition to the SWPPP.	

Commenter	Comment	FEMA's Response
Puerto Rico Department of Transportation and Public Works, dated January 20, 2021, accessed March 4, 2021	<p>Section 5.7 Vegetation In Section 5.7.2 where it discusses the impacts of each of the alternatives, it does not mention the applicability or non-applicability of the requirement to prepare an Inventory of Trees document and obtain a Cutting and Pruning Permit (<i>Permiso de Corte y Poda</i>) which is part of the Single Incidental Permit (<i>Permiso Unico Incidental or PUI</i>) issued by the OGPe. Furthermore, mitigation measures are not discussed in the case that it is necessary to cut down trees for the construction of the proposed works. The description of the impacts of Alternative 2 indicate the need for the NPDES and SWPPP permits, but it doesn't establish the need for the Plan for Erosion and Sedimentation Control (CES Plan). This needs to be included.</p>	FEMA acknowledges that local regulations require submittal of an Erosion and Sediment Control Plan to OGPe as part of obtaining local permits. As noted in Section 6.0 Permits and Requirements, the subrecipients must comply with all applicable local, state, and federal environmental and historic preservation laws and regulations.
Puerto Rico Department of Transportation and Public Works, dated January 20, 2021, accessed March 4, 2021	<p>Section 5.9 Endangered (syp. Threatened) or (syp. and) Endangered Species: This section makes no mention of local PR DNER regulations regarding endangered species.</p>	FEMA reviews projects for impacts to federally listed threatened and endangered species in consultation with U.S. Fish and Wildlife Service. Section 6.0 Permits and Requirements, the Subrecipients must comply with all applicable local, state, and federal environmental and historic preservation laws.
Puerto Rico Department of Transportation and Public Works, dated January 20, 2021, accessed March 4, 2021	<p>Section 5.10 Cultural Resources: This section does not establish the need for the local level consultation and/or coordination with the <i>Instituto de Cultura Puertorriqueña</i>.</p>	Section 5.10.1.2, FEMA will determine if a project SOW meets outlined allowances from the applicable Programmatic Agreement with the Puerto Rico SHPO or requires standard 106 review and consultation. If the proposed SOW does not fall within the allowances, FEMA will initiate consultation with the SHPO following the standard Section 106 review process.

Commenter	Comment	FEMA's Response
<p>Puerto Rico Department of Transportation and Public Works, dated January 20, 2021, accessed March 4, 2021</p>	<p>Section 5.13 Noise In this section, although it talks about the L₁₀ noise level set by the DNER/EQB for an industrial activity, the applicability of the Rule 21 – Noises Prohibited of the Noise Pollution Control Regulation of 5/5/2011 (<i>Regla 21 – Ruidos Prohibidos del Reglamento para el Control de la Contaminación por Ruidos de 5/5/2011</i>) is not mentioned. This is shown in the following paragraph. <i>4. Construcción</i> <i>Ninguna persona usará u operará o permitirá el uso u operación de cualquier equipo para la construcción, reparación o trabajos de demolición, de forma que se produzca contaminación por ruido, según se define en este Reglamento. Además, se prohíbe el uso u operación de dicho equipo durante el período nocturno, excepto para realizar obras en casos de emergencia, según definido en este Reglamento. Esta Sección no aplicará el uso de herramientas domésticas, sujeto a éste.</i> It is recommended to include a brief discussion about this matter within the PEA</p>	<p>The Noise Pollution Control Regulation of 2011 is referenced in Section 5.15 Page 67 of the Transportation PEA. Section 6.0 Permits and Requirements of the Transportation PEA states that the Subrecipients must comply with all applicable local, state, and federal laws.</p>
<p>Puerto Rico Department of Transportation and Public Works, dated January 20, 2021, accessed March 4, 2021</p>	<p>Section 5.17 Hazardous Materials: This section describes EPA regulations, but does not indicate the need to comply with the Dangerous Solid Waste Management Regulations (<i>Reglamento para el Manejo de Desperdicios Sólidos Peligrosos</i>) from DNER/EQB. This needs to be included</p>	<p>Section 5.17.2 of the Transportation PEA provides a list of mitigation measures and requirements that the Subrecipients will be responsible for implementing if their contractor encounters hazardous materials.</p>
<p>FEMA Office of Chief Council, dated March 10, 2021</p>	<p>Section 5.4 Wetlands: The citation to FEMA's 8-Step Decision Making Process is missing from sections 5.4 and 5.5 of the PEA. FEMA's 8-Step Decision Making Process is found in 44 CFR Part 9.6.</p>	<p>Please note that the citation for the 8-Step Decision Making Process is 44 CFR Part 9.6.</p>
<p>FEMA Office of Chief Council, dated March 10, 2021</p>	<p>Section 5.5 Floodplain: The citation to FEMA's 8-Step Decision Making Process is missing from sections 5.4 and 5.5 of the PEA. FEMA's 8-Step Decision Making Process is found in 44 CFR Part 9.6.</p>	<p>Please note that the citation for the 8-Step Decision Making Process is 44 CFR Part 9.6.</p>

Committer	Comment	FEMA's Response
FEMA Office of Chief Council, dated March 10, 2021	Section 5.5.2 Floodplain: FEMA OCC commented on two references to the prohibition of an action causing greater than one foot rise in flood elevation; one attributing it to 44 CFR Part 9.7 and one that implies the prohibition is associated with the VE zone. FEMA's prohibition to increased base flood elevation applies to [zones] and can be found in 44 CFR Part 59 or 60... check with the floodplain specialist.	Please note that the correct reference for the one-foot rise in floodplains referenced in the OCC's comment is located within 44 CFR § 9.4, not 44 CFR § 9.7. Additional requirements for projects within the coastal high hazard zone, also known as V or VE zones are located in 44 CFR § 9.11.
FEMA Office of Chief Council, dated March 10, 2021	Section 5.8.2 Wildlife and Fish: Page 48 has a hanging sentence.	Please note that on Page 50 of Section 5.8.2 of the Transportation PEA, the last sentence of the fourth paragraph should conclude with "then an additional NEPA analysis beyond this PEA will occur."
FEMA Office of Chief Council, dated March 10, 2021	Section 9.0 Summary of Impacts: Should you state how the "long-term adverse effects" would be mitigated?	Please note that mitigation is discussed in Section 5.7.2, no revisions to the Summary Impact table are necessary. FEMA expects project specific conditions resulting from consultation and permitting will limit adverse impacts when project proposals are submitted for review.