

EXHIBIT T
FEMA Record of Environmental Considerations (REC)

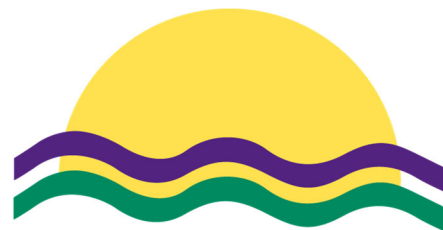
EXHIBIT T: FEMA Record of Environmental Considerations

HURRICANE MARIA RECONSTRUCTION
Category E (Buildings and Equipment)

FEMA PROJECT NUMBER # 77979 & 118695

Bid Number: CDIPC-2023-001

Compañía para el Desarrollo Integral de la Península de Cantera



Proyecto Península de Cantera
¡Nuestro Orgullo!

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project PA-02-PR-4339-PW-01845

Title: 77979 - MCDI004 Cantera Peninsula Community Center

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 Co. Desarrollo Integral De La Peninsula Cantera, End of Constitution Street, San Juan, PR, (1) 18.43220, -66.03540 (Building 1); (2) 18.43210, -66.03520 (Building 2); (3) 18.43150, -66.03540 (Building 4); (4) 18.43213, -66.03531 (Building 5); (5) 18.43170, -66.03500 (Building 6); and (6) 18.43180, -66.03510 (Building 7). Category E, 0-50% of work completed. The following components will be removed and replaced at Building (1) (0% completed): ornamental lightning poles, lamps, concrete base, concrete sidewalk, trellis wood boards, wall mounted luminaire, steel and wood bench, red clay bricks steps, and column stucco finish. There is not hazard mitigation for Building 1 project. The following components was removed and replaced at Building (2) Main Building (100% completed): A/C duct sanitation service and A/C condensing unit. The following components was removed and replaced at Building (2) Main Building (0% completed): acoustic ceiling tiles, lightning fixture, window glass pane, duplex outlets, wood floor base, emergency exit signs, exterior security camera, gypsum board wall, vinyl floor base, carpet, window weather-stripping, and exterior and interior paint. MITIGATION: The sub-recipient has decided to pursue mitigation for Building 2 (0% completed). The following component will be installed: anchoring the A/C system on the roof top. The following components was removed and replaced at Building (4) Boat Shack (0% completed): galvalume metal roofing, luminaries, and electrical outlets. MITIGATION: The sub-recipient has decided to pursue mitigation for Building 4 (0% completed). The following component will be installed: add additional anchoring screw to the metal deck. The following components was removed and replaced at Building (5) Restaurant (100% completed): aluminum and glass rolling door components and terrazo tiles finish repair. The following component will be installed: add additional anchoring screw to the metal deck. The following components was removed and replaced at Building (5) Restaurant (0% completed): metal flashing system, roof gutter sealant, galvanized steel handrails, exterior lamps, frame solar panels, adjustable shade curtains, dual head emergency light, window weather-stripping, and interior and exterior paint. The following components was removed and replaced at Building (6) Exhibition Center (0% completed): metal flashing system, roof gutter sealant, aluminum overhang trellis, galvanized steel handrail cables, joint roof sealant, and interior and exterior paint. The following components was removed and replaced at Building (7) Audiovisual Center (0% completed): metal flashing system, galvanized steel handrail cables, lighting fixtures, joint wall base sealant, windows, gypsum board wall, ceiling cement plaster, aluminum & louvered door, and interior and exterior paint. - mluariv - 04/20/2020 14:43:30 GMT

No change in version number, second time reviewed; changes in the documentation only, previous review applies - ncolonpe - 08/27/2020 16:18:53 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

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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 is located in a non-attainment area

Based on the Nonattainment Areas and Designations MapServer from the US Environmental Protection Agency (EPA) Office of Air Quality Planning and Standards (OAQPS), accessed on April 15, 2020, the project is located within an identified non-attainment area, however, due to the nature of the proposed scope of work, action does not have the potential to affect air quality. - mlunariv - 04/20/2020 14:10:39 GMT***Previous comment applies*** - ncolonpe - 08/27/2020 16:23:00 GMT

Completed

Coordination required with applicable state administering agency - Review concluded

Coastal Barrier Resources Act (CBRA)

Completed

Project is not on or connected to CBRA Unit or otherwise protected area - Review concluded

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 located in a coastal zone area and/or affects the coastal zone

FEMA's financial assistance for the proposed action, as described in the scope of work, conforms with Resolution JP 2018-324, Federal Consistency Certification with the Puerto Rico Coastal Zone Management Program FEMA Puerto Rico DR-4336-PR and DR-4339-PR Permanent Work: Federal Assistance for Permanent Work through the Public Assistance (PA) Program and Hazard Mitigation Grant Program (HMGP), dated October 3, 2018. Recipients and Sub-recipients that receive FEMA financial assistance through these programs, as described in Appendix A of this Resolution, are not exempt from compliance with Federal Consistency Requirements (according to Subpart C of the 15 CFR Part 930) for certain projects and activities that may affect the Puerto Rico Coastal resources. - mlunariv - 04/20/2020 14:09:35 GMT***Previous comment applies*** - ncolonpe - 08/27/2020 16:22:46 GMT

Completed

State administering agency requires consistency review - Review concluded

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Title: 77979 - MCDI004 Cantera Peninsula Community Center

Environmental Law/ Executive Order	Status	Description	Comment
Executive Order 11988 - Floodplains	Completed	Located in floodplain or effects on floodplain/flood levels	The project site is located in the regulated floodplain as mapped on the ABFE available at https://gis.fema.gov/PuertoRicoABFEs/ accessed on April 15, 2020. FEMA has applied the 8-step decision-making process per 44 CFR 9.6, and has determined that the project will not result in short or long-term adverse impacts to the floodplain. The Initial Disaster Public Notice was published in El Vocero for DR-4339 on December 17, 2017). - mlunariv - 04/20/2020 14:25:05 GMT***Previous review applies*** - ncolonpe - 08/27/2020 16:41:40 GMT
	Completed	Possible adverse effects associated with investment in floodplain, occupancy or modification of floodplain environment	
	Completed	8 Step Process Complete - documentation attached - Review concluded	
Executive Order 11990 - Wetlands	Completed	No effects on wetlands and project outside wetlands - Review concluded	Per the USFWS Wetlands Inventory Mapper, accessed on April 15, 2020, the proposed scope of work is not located in a wetland. - mlunariv - 04/20/2020 14:37:24 GMT***Previous comment applies*** - ncolonpe - 08/27/2020 16:41:54 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 U.S. Fish and Wildlife Service's Geospatial Data received on March 20, 2018 and the PR ESA Matrix, FEMA has determined that threatened/endangered species and/or critical habitat are present at the project sites (1) 18.43220, -66.03540; (2) 18.43210, -66.03520; (3) 18.43150, -66.03540; (4) 18.43213, - 66.03531; (5) 18.43170, -66.03500; and (6) (18.43180, -66.03510). Based on the project location and the proposed scope of work, FEMA has made a determination of may affect, but not likely to adversely affect (NLAA) species or designated critical habitat for the following listed species Puerto Rican boa (Epicrates Inornatus). - mlunariv - 04/20/2020 14:04:22 GMT***DISREGARD PREVIOUS COMMENT***Per review of the

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Environmental Law/
Executive Order

Status

Description

Comment

U.S. Fish and Wildlife Service's Information, Planning, and Consultation System (IPaC), dated 8/27/2020, FEMA has determined that threatened/endangered species and/or critical habitat are present at the project site(s): (1) 18.43220, -66.03540; (2) 18.43210, -66.03520; (3) 18.43150, -66.03540; (4) 18.43213, -66.03531; (5) 18.43170, -66.03500; and (6) (18.43180, -66.03510). 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 July 19, 2019: Not Likely to Adversely Affect (NLAA) - (Puerto Rican Boa / Epricates inornatus). - ncolonpe - 08/27/2020 16:22:16 GMT

Completed

May affect, but not likely to adversely affect species or designated critical habitat (FEMA determination/USFWS/NMFS concurrence attached) - Review concluded

Farmland Protection Policy Act (FPPA)

Completed

Project does not affect designated prime or unique farmland - 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

The proposed activity complies with programmatic allowance(s) Tier I, Allowance(s) B.1, and Tier II Allowance(s) A.2.b, as identified in Appendix B of the Puerto Rico Programmatic Agreement among FEMA, PRSHPO, and the COR3, as amended November 13, 2019. Date of construction ca. 1992, verified with Google Earth. This determination was made by Elegna Rodriguez Sanabria (Historic architect) and Daniel Rendon Cruz (Archaeologist) who meet the applicable SOI qualifications, pursuant to Stipulation I.B.1.a of the Agreement. - erodri90 - 04/15/2020 14:05:42 GMT***Previous determination, review applies.*** - erodri90 - 08/26/2020 16:03:27 GMT

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**Environmental Law/
Executive Order****Status****Description****Comment**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. - ncolonpe - 08/27/2020 16:26:51 GMT

Wild and Scenic Rivers Act
(WSR)

Completed

Project is not along and does not affect Wild
and Scenic River - Review concluded

CONDITIONS

Special Conditions required on implementation of Projects:

Final public notice must be provided per 44 CFR Part 9.12(e) at least 15 days prior to the start of work. The final notice shall include the following: (1) A statement of why the proposed action must be located in an area affecting or affected by a floodplain or a wetland; (2) A description of all significant facts considered in making this determination; (3) A list of the alternatives considered; (4) A statement indicating whether the action conforms to applicable state and local floodplain protection standards; (5) A statement indicating how the action affects or is affected by the floodplain and/or wetland, and how mitigation is to be achieved; (6) Identification of the responsible official or organization for implementation and monitoring of the proposed action, and from whom further information can be obtained; and (7) A map of the area or a statement that such map is available for public inspection, including the location at which such map may be inspected and a telephone number to call for information.

Source of condition: Executive Order 11988 - Floodplains

Monitoring Required: No

*****PREVIOUS EO11988 CONDITION VOID*****

Source of condition: Executive Order 11988 - Floodplains

Monitoring Required: No

Applicants must provide proof of consistency determination from the Puerto Rico Planning Board, Coastal Zone Unit at closeout.

Source of condition: Coastal Zone Management Act (CZMA)

Monitoring Required: No

The Applicant must provide documentation at close-out that proves completion of required Conservation Measures.
The following conservation measures are for the Puerto Rican boa (*Epicrates inornatus*).

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. This measure will be conducted in accordance with the FEMA/USFWS/DNER-approved SOP for employee boa awareness training and project site preparation.

2. Train project personnel on the identification and handling of snakes so they can be available to respond to sightings and as necessary safely handle boas found at project sites. Verify with the Puerto Rico DNER if a permit is needed for snake handling and/or relocation activities. This measure will be conducted in accordance with the FEMA/USFWS/DNER-approved SOP for employee boa awareness training and project site preparation. Alternatively, biological professionals can be hired for this task.

3. Prior to any construction activity, including removal of vegetation and earth movement, the contractor-delineated boundaries of the project area, the 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, personnel trained in boa identification must survey the areas to be cleared to ensure that no boas are present within the work area. Vehicle and equipment operation must

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remain on designated access roads/paths and within rights-of way. This measure will be conducted in accordance with the FEMA/USFWS/DNER-approved SOP for employee boa awareness training and project site preparation. Alternatively, biological professionals can be hired for this task.

4. If boas are found within any of the working or construction areas, activities shall stop in the area where boas are found. Boas must be safely captured and relocated at least 1 km from project, within suitable forested habitat, and away from construction areas and roads. Relocation of boas shall be done by trained and designated personnel, and shall not harm or injure captured boas. Activities at other work sites, where no boas have been found after surveying the area, may continue. 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. Another option is to call DNER Rangers for safe capture and relocation (DNER phone #'s: 787-724-5700, 787-230-5550, 787-771-1124). This measure will be conducted in accordance with the FEMA/USFWS/DNER-approved SOP for employee boa awareness training and project site preparation. Alternatively, biological professionals can be hired for this task.

Source of condition: Endangered Species Act (ESA)

Monitoring Required: No

5. Any heavy machinery left on site (in staging) within 50 meters of forest vegetation needs to be thoroughly inspected each morning before work starts to ensure that no boas are sheltered within engine compartments or other areas of the equipment. If boas are found within vehicles or equipment, boas need to be safely captured and relocated. This measure will be conducted in accordance with the FEMA/USFWS/DNER-approved SOP for employee boa awareness training and project site preparation. Alternatively, biological professionals can be hired for this task.

6. Prior to moving, disposing or shredding, debris piles shall be carefully inspected for the presence of boas. If boas are found in debris piles, contractors shall wait for boas to move away on their own; if this does not occur, boas need to be safely captured and relocated. This measure will be conducted in accordance with the FEMA/USFWS/DNER-approved SOP for employee boa awareness training and project site preparation. Alternatively, biological professionals can be hired for this task.

7. For all boa sightings (dead or alive), the Applicant must record the time and date of the sighting and the specific location where it was found. Boa data should also include a photo of the animal (dead or alive), relocation site GPS coordinates, and the time and date of the relocation. All boa sightings and relocation 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. This measure will be conducted in accordance with the FEMA/USFWS/DNER-approved SOP for employee boa awareness training and project site preparation. Alternatively, biological professionals can be hired for this task.

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.

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.