

**GOVERNMENT OF PUERTO RICO
PUERTO RICO PLANNING BOARD**

October 3, 2018

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)

The damage caused by high winds, storm surge and flooding attributed to Hurricanes Irma and Maria had devastating effects on Puerto Rico's coastal areas that need to be addressed in an expeditious manner. While many of the most dire emergency needs have been met, the post-Irma and Maria recovery needs of the Commonwealth are on-going and will continue into the near future.

In its role conducting reviews pursuant to the authority of the Commonwealth under the Coastal Zone Management Act, the Puerto Rico Planning Board recognizes that these circumstances require expedited reviews. In order to achieve this, the Federal Emergency Management Agency (FEMA) in coordination with the Puerto Rico Planning Board agreed the following:

1. The financial assistance awards made by FEMA for responding to the Hurricanes Irma and Maria (Puerto Rico DR-4336-PR and DR-4339-PR) are consistent with the enforceable policies of the Puerto Rico Coastal Zone Management Program (PRZCMP), when the use of such funds is to finance:
 - a. Activities described under categories C through G according to the FEMA Public Assistance Program and Policy Guide (FP 104-009-2/April 2018). A summary table with these activities is provided in Appendix A.
 - b. Hazard mitigation projects and activities to be covered through the "Hazard Mitigation Grant Program" (HMGP) according to the "Hazard Mitigation Assistance Guidance of February 27, 2015". Hazard mitigation activities to be covered by this program are detailed in appendix A.
 - c. "Planning-Related Activities", "Technical Assistance" and "Management Cost" covered under the Hazard Mitigation Grant Program.
2. Financing the above mentioned projects and activities will not require further review pursuant to Subpart F of the Federal Consistency Regulations at 15 CFR Part 930, yet:
 - a. The granting of financial assistance under the programs at reference does not exclude or supersede the financed projects to comply with applicable federal and state permits or requirements.
 - b. Recipients and Subrecipients that receive FEMA assistance through these programs are not exempt to comply 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.
 - c. This Certification does not exempt or supersede any of the activities mentioned in paragraph number one (1) from compliance with Federal Consistency requirements for "Federal Licenses or Permits" (according to Subpart D of the 15 CFR Part 930) that may be required for certain projects and activities under this agreement.



- d. Where “In-kind” repair or replacement is specified for a project, “In-kind” shall mean that it is either the same or a similar material, and the result shall match all physical and visual aspects. The in-kind repairs and replacements should be limited to pre-existing architectural features and physical components of buildings and structures that were in existence prior to the event but are not extant after the event.

After the evaluation of the type of activities to be granted, according to the above mentioned FEMA guides, the Puerto Rico Planning Board, in its meeting of October 3, 2018, determined the following:

“The Financial Assistance at reference is consistent with the Puerto Rico Coastal Zone Management Program; as long as each financed project complies with conditions under paragraph number two (2) of this resolution.”

This Certification only applies to disasters DR-4336-PR and DR-4339-PR and will be in effect for a term of five years from the notification date of this resolution. The Certification at reference will be renewed or amended if necessary to extend its validity or address other matters. The Puerto Rico Planning Board agree to have an open line of communication with FEMA to resolve questions that may arise in executing the Federal Assistance grants under the programs at reference.


María del C. Gordillo Pérez
President


Excused
Eileen Poueymirou Yunque
Associate Member


Rebecca Rivera Torres
Associate Member


Suheidy Barreto Soto
Designated Associate Member

Certify: That this Resolution is copy of the agreement adopted by Puerto Rico Planning Board (PRPB) in its meeting of **October 3, 2018**. I expedite and notify this copy to the parties under my sign and official stamp of the Puerto Rico Planning Board stamp, for general use and knowledge.

In San Juan, Puerto Rico, today **10:5 OCT 2018**


Loida E. Soto Noguera
Secretary

SUMMARY OF PUBLIC ASSISTANCE AND HAZARD MITIGATION ASSISTANCE COVERED UNDER THE GENERAL FEDERAL CONSISTENCY CERTIFICATION WITH THE PUERTO RICO COASTAL ZONE MANAGEMENT PROGRAM
 RESOLUTION JP-2018-324
 APPENDIX A

PUBLIC ASSISTANCE (PA)		ELIGIBLE WORK INCLUDING BUT NOT LIMITED TO:	HAZARD MITIGATION GRANT PROGRAM (HMGP) ELEGIBLE ACTIVITIES
CATEGORY	TYPE OF PROJECT		
C- ROADS AND BRIDGES	<p>1- Roads may be paved, gravel or dirt. Road components include but may not be limited to:</p> <ul style="list-style-type: none"> • Surfaces • Bases • Shoulders • Ditches • Drainage Structures, such as culverts • Low Water Crossings • Associated facilities, such as lighting, sidewalks, guardrails and signs. <p>2- Bridge components include, but may not be limited to:</p> <ul style="list-style-type: none"> • Decking • Guardrails • Girders • Pavement • Abutments • Piers • Slope Protection • Approaches • Associated facilities, such as lighting, sidewalks and signs. <p>3- Maintenance: the incident may cause minor damage to roads that result in damage similar to that which may occur over time from other causes. Normal maintenance is not eligible.</p>	<p>Restoration: Permanent repair or replacement</p>	<p>Localized Flood Risk Reduction Projects</p> <p>Non-localized Flood Risk Reduction Projects</p> <p>Infrastructure Retrofit</p> <p>Soil Stabilization</p> <p>Post-Disaster Code Enforcement</p> <p>Advance Assistance</p> <p>5% Percent Initiative Projects:</p> <p>Miscellaneous/Other</p>

PUBLIC ASSISTANCE (PA)			HAZARD MITIGATION GRANT PROGRAM (HMGP) ELEGIBLE ACTIVITIES
CATEGORY	TYPE OF PROJECT	ELIGIBLE WORK INCLUDING BUT NOT LIMITED TO:	
D- WATER CONTROL FACILITIES	<p>Water Control facilities are does built for Channel alignment, recreation, navigation, land reclamation, irrigation, maintenance of fish and wildlife habitat, interior drainage, erosion prevention, flood control and storm water management. They include:</p> <ul style="list-style-type: none"> • Dams and reservoirs • Levees and floodwalls • Lined and unlined engineered drainage channels • Canals • Aqueducts • Sediment and debris basins • Storm water retention and detention basins • Coastal shoreline protective devices • Irrigation facilities • Pumping facilities • Navigational waterways and shipping channels 	<p>1- Debris and silt removal required to restore capacity (engineered and maintained facilities only)</p> <ul style="list-style-type: none"> • Eligible only if the Applicant provides documentation to establish the pre-disaster capacity of the facility and that the facility was actively used and maintained with a regular clearance schedule. <p>2- Restoration: Permanent Repair or Replacement</p> <ul style="list-style-type: none"> • PNP irrigation facilities are only eligible if they provide water for essential services of a governmental nature to the general public for fire suppression, generating and supplying electricity, and drinking water supply. 	Localized Flood Risk Reduction Projects
			Non-localized Flood Risk Reduction Projects
			Soil Stabilization
			Post-Disaster Code Enforcement
			5% Percent Initiative Projects
			Miscellaneous/Other



PUBLIC ASSISTANCE (PA)		HAZARD MITIGATION GRANT PROGRAM (HMGP) ELEGIBLE ACTIVITIES	
CATEGORY	TYPE OF PROJECT	ELIGIBLE WORK INCLUDING BUT NOT LIMITED TO:	
E- BUILDINGS AND EQUIPMENT	<p>Buildings including:</p> <ul style="list-style-type: none"> All structural and non-structural components, including mechanical, electrical, and plumbing systems. Contents and equipment within the building Furnishings <p>Equipment includes:</p> <ul style="list-style-type: none"> Vehicles Construction equipment 	<p>1- Restoration – Permanent repair or replacement</p> <ul style="list-style-type: none"> Repair or replacement of buildings Repair or replacement of building components, vehicles or equipment with items similar in age, condition, and capacity. Replacement of destroyed contents with items similar in age, condition, and capacity. Recovering and stabilizing records. Stabilization of irreplaceable collections and individual objects is eligible. Re-shelving, cataloging, and other work incidental to the replacement of library books and publications. <p>2- Demolition when replacing a facility including removal and disposal of associated debris.</p> <p>3- Extracting water and removing mud, silt, or debris from interior in conjunction with repairs.</p> <p>4- Mold remediation when conducted in conjunction with restoration of the facility</p> <ul style="list-style-type: none"> Post remediation sampling to confirm remediation is complete. <p>5- Post-earthquake inspection and evaluation of welded steel moment frames in buildings to determine the level of disaster-related damage requiring repair.</p>	<p>Property Acquisition and Structure Demolition</p> <p>Property Acquisition and Structure Relocation</p> <p>Structure Elevation</p> <p>Wind Retrofit Projects</p> <p>Soil Stabilization</p> <p>Mitigation Reconstruction</p> <p>Wildfire Mitigation</p> <p>Advance Assistance</p> <p>5% Percent Initiative Projects</p> <p>Miscellaneous/Other</p>

PUBLIC ASSISTANCE (PA)		
CATEGORY	TYPE OF PROJECT	ELIGIBLE WORK INCLUDING BUT NOT LIMITED TO:
F- UTILITIES	<ul style="list-style-type: none"> Water storage facilities, treatment plants, and delivery systems Power generation, transmission, and distribution facilities, including, but not limited to, wind turbines, generators, substations, and power lines Natural gas transmission and distribution facilities Sewage collection systems and treatment plants Communication systems 	<p>Eligible restoration activities:</p> <ul style="list-style-type: none"> Permanent repair or replacement of any component of system, including buildings, structures, or systems, even if not contiguous. Electrical conductor replacement subject to specific criteria. Inspection or assessment of damaged components of a system. Inspection or assessment of an inaccessible structure or component of a system may be eligible, but only when there is evidence of damage, such as when sunken ground appears above a water pipeline.
		Generators
		Infrastructure Retrofit
		Soil Stabilization
		Post-Disaster Code Enforcement
		Advance Assistance
		5% Percent Initiative Projects
Miscellaneous/Other		

**HAZARD MITIGATION GRANT PROGRAM (HMGP)
ELEGIBLE ACTIVITIES**



PUBLIC ASSISTANCE (PA)		HAZARD MITIGATION GRANT PROGRAM (HMGP) ELEGIBLE ACTIVITIES
CATEGORY	TYPE OF PROJECT	
G- PARKS, RECREATIONAL, OTHER	<p>Eligible publicly owned facilities in this category include:</p> <ul style="list-style-type: none"> • Mass transit facilities such as railways • Beaches • Parks • Playground equipment • Swimming pools • Bath houses • Tennis courts • Boat docks • Piers • Picnic tables • Golf courses • Ball fields • Fish hatcheries • Ports and harbors <p>Other facilities that do not fit in Categories C–F</p>	<p>Restoration – Permanent repair or replacement.</p> <p>Restoration of engineered beaches is subject to specific eligibility criteria.</p>

