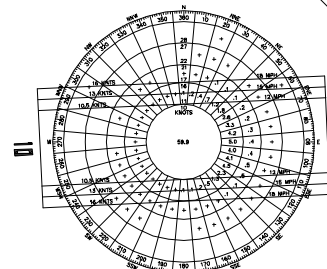


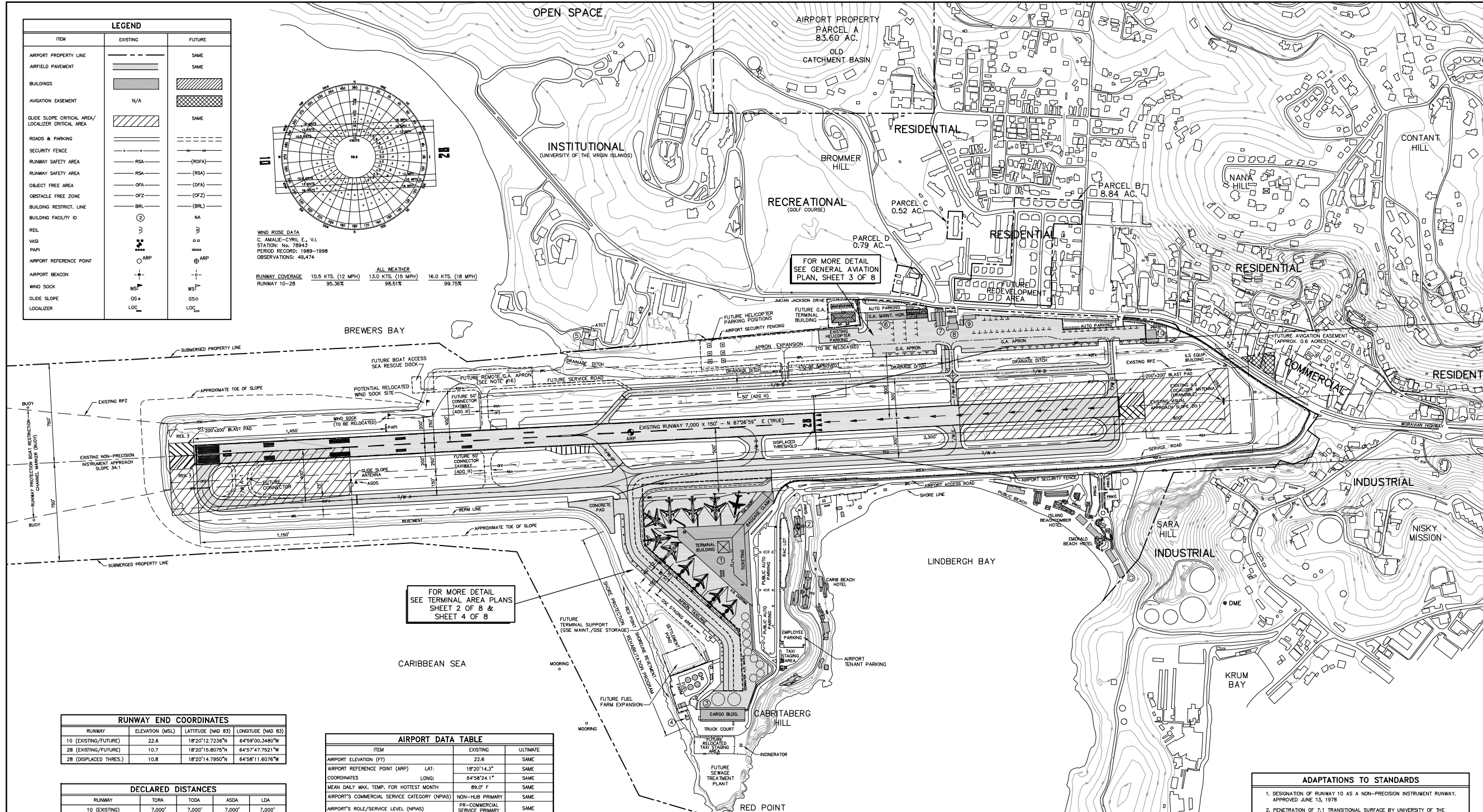
Appendix A:
Airport Hazards
Supporting Documentation

LEGEND		
ITEM	EXISTING	FUTURE
AIRPORT PROPERTY LINE	---	SAME
AIRFIELD PAVEMENT	---	SAME
BUILDINGS	[Symbol]	[Symbol]
AVIGATION EASEMENT	N/A	[Symbol]
GLIDE SLOPE CRITICAL AREA/ LOCALIZER CRITICAL AREA	[Symbol]	SAME
ROADS & PARKING	---	---
SECURITY FENCE	---	---
RUNWAY SAFETY AREA	---	(ROFA)
RUNWAY SAFETY AREA	---	(RSA)
OBJECT FREE AREA	---	(OFA)
OBSTACLE FREE ZONE	---	(OFZ)
BUILDING RESTRICT. LINE	---	(BRL)
BUILDING FACILITY ID	①	NA
REL	②	③
VAS	④	⑤
PAPI	⑥	⑦
AIRPORT REFERENCE POINT	⑧	⑨
AIRPORT BEACON	⑩	⑪
WIND SOCK	WS	WS
GLIDE SLOPE	GS	GS
LOCALIZER	LOC	LOC



WIND ROSE DATA
 C. AMALE-CYRIL E. VI.
 STATION: No. 78943
 PERIOD RECORDED: 1989-1998
 OBSERVATIONS: 49,474

RUNWAY COVERAGE	10.5 KTS. (12 MPH)	13.0 KTS. (15 MPH)	16.0 KTS. (18 MPH)
RUNWAY 10-28	95.36%	98.21%	99.75%



REGIONS	NO.	DATE	BY	APP.
REGIONS	NO.	DATE	BY	APP.
REGIONS	NO.	DATE	BY	APP.
REGIONS	NO.	DATE	BY	APP.
REGIONS	NO.	DATE	BY	APP.

FOR MORE DETAIL
 SEE TERMINAL AREA PLANS
 SHEET 2 OF 8 &
 SHEET 4 OF 8

RUNWAY END COORDINATES				
RUNWAY	ELEVATION (MSL)	LATITUDE (NAD 83)	LONGITUDE (NAD 83)	
10 (EXISTING/FUTURE)	22.6	18°20'12.7236"N	64°59'00.3480"W	
28 (EXISTING/FUTURE)	10.7	18°20'15.8075"N	64°57'47.7521"W	
28 (DISPLACED THRES.)	10.8	18°20'14.7950"N	64°58'11.6076"W	

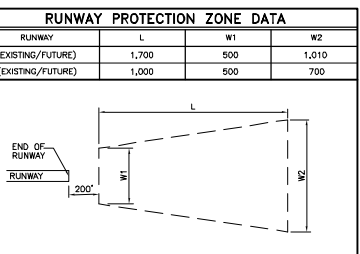
DECLARED DISTANCES				
RUNWAY	TORA	TOSA	ASDA	LDA
10 (EXISTING)	7,000'	7,000'	7,000'	7,000'
28 (EXISTING)	7,000'	7,000'	6,000'	3,700'
10 (FUTURE)	SAME	SAME	SAME	SAME
28 (FUTURE)	SAME	SAME	SAME	SAME

- GENERAL NOTES:**
- BASE SHEETS COMPILED FROM PHOTOGRAMMETRIC MAPPING, DATED MARCH 2000, USGS QUAD SHEETS, STI DRAWINGS AND AERIAL PHOTO.
 - AIRPORT ELEVATION, AIRPORT REFERENCE POINT COORDINATES, RUNWAY END ELEVATIONS AND RUNWAY END COORDINATES TAKEN FROM NATIONAL GEODETIC SURVEY'S "AERONAUTICAL SURVEY PROGRAM, AERONAUTICAL DATA FOR CHARLOTTE, AMALE, CYRIL E. KING AIRPORT, SURVEYED ON JULY 3, 2000, (NAD 83)
 - ALL ELEVATIONS DERIVED FROM LOCAL TIDAL STATION DATUM, (NAVD 88)
 - EXISTING PROPERTY BOUNDARY AS SHOWN ON THE PLAN WAS TAKEN FROM STI "EXHIBIT A" DATED 11/8/73 AND 9/30/83.
 - RUNWAY 10 IS A PRECISION INSTRUMENT RUNWAY WITH NON-PRECISION INSTRUMENT SURFACE. RUNWAY 28 IS A VISUAL RUNWAY.
 - RUNWAY APPROACH SURFACES CONFORM WITH FAA FAR PART 77 CRITERIA.
 - RUNWAY/TAXIWAY PAVEMENT WIDTHS MEET OR EXCEED FAA CRITERIA.
 - TAXIWAYS A, B, C, D, E, F, G AND TERMINAL APRON TAXILANE ARE LIGHTED.
 - RUNWAY NAVIGATIONAL AID LOCATIONS ARE SUBJECT TO FAA VERIFICATION.
 - FUTURE APRON CAN ACCOMMODATE ONE GROUP I/II OR TWO GROUP I AIRCRAFT.
 - THE EASTERN RUNWAY PROTECTION ZONE (RPZ) AREA BEYOND THE AIRPORT BOUNDARY IS TO BE CONTROLLED BY A HEIGHT LIMITING ZONING ACT ESTABLISHED BY THE VIRGIN ISLANDS LEGISLATURE.
 - SURROUNDING LAND USES SHOWN ON PLAN ARE FOR REFERENCE PURPOSE ONLY. THEY DO NOT INDICATE ZONING CATEGORIES.
 - THE FAA DESIGN CRITERIA FOR BOTH THE EAST AND WEST RUNWAY END SAFETY AREAS ARE NOT PRACTICABLE AT THIS AIRPORT TO MEET THIS FAA STANDARD.
 - THE LOCALIZER EQUIPMENT SITE LOCATION AND RSA WERE ESTABLISHED AND COORDINATED AS PART OF THE NEW RUNWAY PROJECT IN THE EARLY 1980'S.
 - RESTRICTED SERVICE ROAD AROUND THE EAST END OF RUNWAY 28 WAS ESTABLISHED AND ALIGNED BASED ON EXISTING HIGHWAY, TOE OF SLOPE, AND EXISTING DRAINAGE.
 - AN ADAPTATION TO STANDARDS WILL BE PROCESSED IF AND WHEN NEEDED FOR FUTURE REMOTE PARKING G.A. APRON.

AIRPORT DATA TABLE			
ITEM	EXISTING	ULTIMATE	
AIRPORT ELEVATION (FT)	22.6	SAME	
AIRPORT REFERENCE POINT (APP) LAT:	18°20'14.3"	SAME	
COORDINATES LONG:	64°58'24.1"	SAME	
MEAN DAILY MAX. TEMP. FOR HOTTEST MONTH	89.0° F	SAME	
AIRPORT'S COMMERCIAL SERVICE CATEGORY (NPIAS)	NON-HUB PRIMARY	SAME	
AIRPORT'S ROLE/SERVICE LEVEL (NPIAS)	PR-COMMERCIAL SERVICE PRIMARY	SAME	
TERMINAL NAVAIDS	VOR/DME	SAME	
AIRPORT ACREAGE (FEE SIMPLE)	288.30	SAME	

RUNWAY DATA TABLE				
ITEM	RUNWAY 10/28			
	EXISTING	ULTIMATE		
RUNWAY LENGTH/WIDTH (FT)	7,000'/150'	SAME		
AIRPORT REFERENCE CODE (ARC)	D-IV	SAME		
EFFECTIVE RUNWAY GRADIENT (%)	20	SAME		
% WIND COVERAGE (10.5 KNOTS CROSSWIND)	95.36	SAME		
RUNWAY PAVEMENT STRENGTH (LBS)				
SINGLE GEAR (S)	100,000#	SAME		
DUAL GEAR (D)	155,000#	SAME		
DUAL TANDEN GEAR (DT)	350,000#	SAME		
RUNWAY PAVEMENT TYPE/FRICTION	ASPHALT-GROOVED	SAME		
RUNWAY LIGHTING	MRL	SAME		
RUNWAY MARKING	PREC./VISUAL	SAME		
CRITICAL AIRCRAFT	DC-10/L1011	SAME		
RUNWAY ENDS	10 28 10 28			
RUNWAY END ELEVATIONS (MSL)	22.6 10.7	SAME	SAME	
FAR 77 RUNWAY CATEGORY	NON-PREC. INST.	VISUAL	SAME	SAME
FAR 77 APPROACH SURFACE SLOPES	34:1 20:1	SAME	SAME	
APPROACH AIDS				
ELECTRONIC NAVIGATION AIDS	ILS, G.S. LOC, DME	NONE	SAME	SAME
VISUAL APPROACH AIDS	PAPI/REL	NONE	SAME	SAME
APPROACH LIGHTING	NONE	NONE	SAME	SAME
APPROACH MINIMUMS				
LOWEST STRAIGHT-IN	600-1	V	SAME	SAME

BUILDING LEGEND	
1	PASSENGER TERMINAL BUILDING
2	AIRPORT ADMINISTRATION BUILDING (VIRGIN ISLANDS PORT AUTHORITY)
3	AIR CARGO BUILDING
4	FREIGHTER PLUMBHOUSE
5	AIRPORT TRAFFIC CONTROL TOWER
6	GENERAL AVIATION HANGAR/MAINTENANCE FACILITIES
7	AIRPORT MAINTENANCE BUILDING
8	FIRE STATION (ARFF)
9	HANGARS
10	BOEING INTERNATIONAL HANGAR/FACILITIES (FBI)



- ADAPTATIONS TO STANDARDS**
- DESIGNATION OF RUNWAY 10 AS A NON-PRECISION INSTRUMENT RUNWAY. APPROVED JUNE 13, 1978
 - PENETRATION OF 7:1 TRANSITIONAL SURFACE BY UNIVERSITY OF THE VIRGIN ISLANDS BUILDING. APPROVED JUNE 13, 1978
 - PENETRATION OF 7:1 TRANSITIONAL SURFACE BY SARA HILL. (SOUTH EDGE) APPROVED JUNE 13, 1978
 - PENETRATION OF 20:1 APPROACH SURFACE TO RUNWAY 28 BY PORTIONS OF CONTANT AND NISKY MISSION HILLS. APPROVED JUNE 13, 1978
 - RUNWAY/TAXIWAY SEPARATION OF 300 FEET ON EAST END. APPROVED JUNE 13, 1978
 - LOCATION OF GLIDE SLOPE FACILITY BETWEEN RUNWAY AND TAXIWAY AT WEST END. APPROVED JUNE 13, 1978
 - WIDE BODY AIRCRAFT TAIL PENETRATIONS OF 7:1 TRANSITIONAL SURFACE ON NORTH SIDE OF TERMINAL. APPROVED JUNE 13, 1978
 - DESIGNATION OF ACCESS TO CARGO AREA AS TAXILANE. APPROVED JUNE 13, 1978
 - REDUCED GENERAL AVIATION TAXIWAY OBSTACLE CLEARANCE TO 70 FEET. APPROVED JUNE 13, 1978

CONSTRUCTION NOTICE REQUIREMENT

To protect operational safety and future development, all proposed construction on the airport must be coordinated by the airport owner with the FAA Airports District Office prior to construction. FAA's review takes approximately 60 days.

AIRPORT SPONSOR APPROVAL

THIS AIRPORT DRAWING IS APPROVED BY: _____ DATE: _____

(SIGNATURE) _____

NAME: _____

TITLE: _____

AIRPORT LAYOUT PLAN
CYRIL E. KING AIRPORT
St. Thomas, U.S. Virgin Islands

VIRGIN ISLANDS PORT AUTHORITY
ST. THOMAS, U.S. VIRGIN ISLANDS



DESIGNED: FJM
 DRAWN: RJM
 PROJECT MANAGER: FJM
 PROJECT DIRECTOR: SJH

DATE: 3/03
 SHEET: 1 OF 8

URS Corporation Southern
 7650 West Courtney
 Campbell Causeway
 Houston, TX 77063-1462
 No. 00000002

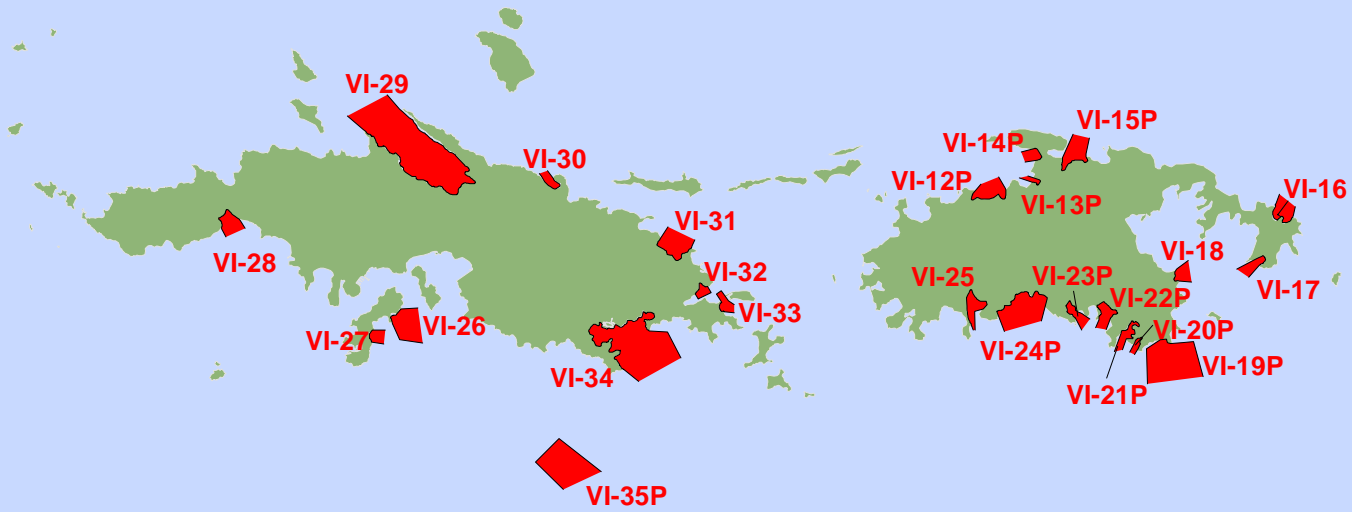


SOURCE: SAN JUAN, PUERTO RICO
 DC-784 JANUARY 1985

300 0 300
 GRAPHIC SCALE IN FEET

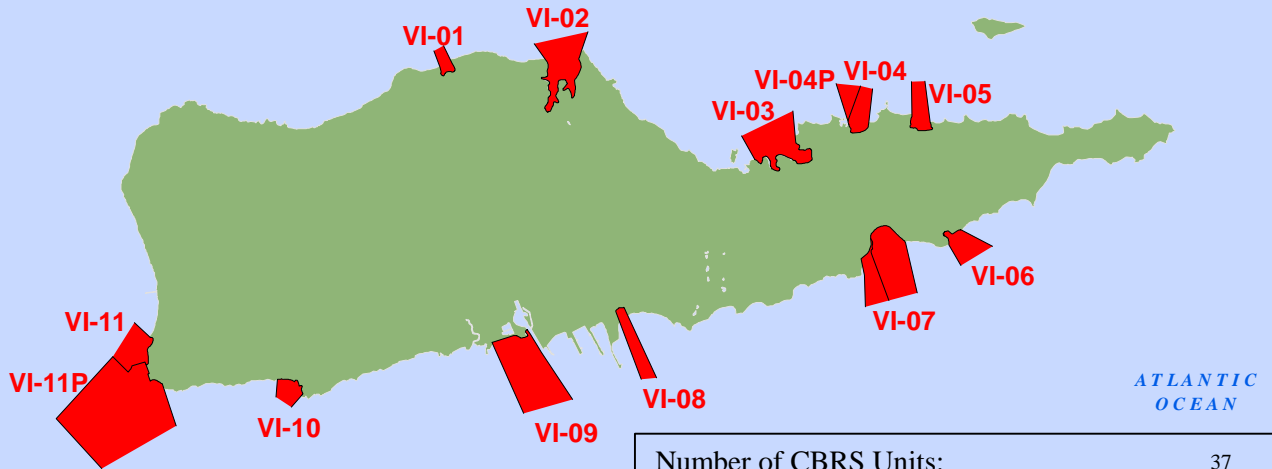
Appendix B:
Coastal Barrier Resources
Supporting Documentation

JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM VIRGIN ISLANDS



St. Thomas and St. John Islands

St. Croix Island



Number of CBRS Units:	37
Number of System Units:	24
Number of Otherwise Protected Areas:	13
Total Acres:	3,816
Upland Acres:	1,245
Associated Aquatic Habitat Acres:	2,571
Shoreline Miles:	26



Map Date: December 14, 2016

Boundaries of the John H. Chafee Coastal Barrier Resources System (CBRS) shown on this map were transferred from the official CBRS maps for this area and are depicted on this map (in red) for informational purposes only. The official CBRS maps are enacted by Congress via the Coastal Barrier Resources Act, as amended, and are maintained by the U.S. Fish and Wildlife Service. The official CBRS maps are available for download at <http://www.fws.gov/CBRA>.

Appendix C:
Clean Air
Supporting Documentation



VIRGIN ISLANDS HOUSING FINANCE AUTHORITY

3202 Demarara Plaza • Suite 200 • St. Thomas, USVI 00802-6447
Telephone: (340) 777-4432 • Fax: (340) 775-7913
Email: vihfa@vihfa.gov

April 26, 2023

Mr. Jean-Pierre Oriol
Commissioner
Department of Planning & Natural Resources
8100 Lindberg Bay, Suite 61
Cyril E. King Airport
St. Thomas, VI 00802

Re: Community Development Block Grant – Disaster Recovery (CDBG-DR)
Project: Neighborhood Revitalization Program

Dear Commissioner Oriol:

The Virgin Islands Housing Finance Authority (VIHFA) is the administrating entity of the Community Development Block Grant – Disaster Recovery (CDBG-DR) Program. Pursuant to the CDBG-DR regulations, each CDBG-DR grantee is required to conduct the appropriate level of environmental review before undertaking any project with CDBG-DR funds. The environmental review process entails assessing the potential impact that each respective project can be expected to have on various environmental resources.

Project Description:

The Neighborhood Revitalization Program will support activities such as aesthetic and functional enhancements, preservation of historic sites, increased security, better services for tourists and residents alike, and promotion of private investment. Program options include: (1) Building Façade and Streetscape Enhancement Program and (2) Small Business Entrepreneurship Grant and Technical Assistance Program.

The Building Façade and Streetscape Enhancement Program will provide funding to eligible business buildings, commercial or residential, to repair visible exterior damage and enhance downtown area, high traffic areas, historic district, etc. The goal is to increase investment and improve the aesthetic of local communities. Applicants for this program may use funds for exterior scraping/painting, roof spouting, brick repairs, repair/replace exterior windows and doors, safety improvements, signage on the building, improving the curb appeal of back and side entrances, physical improvements to prominent courtyards (including planters, seating, lighting, landscaping, and signage), and installation of directional signage to landmarks/places of interest.

The Small Business Entrepreneurship Grant and Technical Assistance Program (SBETA) is comprised of two components: (1) Small Business Grant and (2) Technical Assistance. The program will fund recovery grants to small businesses and microenterprises that suffered physical and/or financial losses due to the 2017 storms. Applicants for the business grant option may use funds for advertising, license fees, and accounting expenses. The technical assistance component is designed to support entrepreneurs and existing small businesses to build economic resilience and lessen commerce disruptions due to natural or manmade disasters. Applicants for this program option may use funds for business plan development, financial management, marketing, inventory, and skilled workforce development.

Environmental Review Structure:

For the Neighborhood Revitalization Program, the Environmental Review will be completed as a Tiered Environmental Review. The Tier I Environmental Review will address and analyze environmental impacts related to the proposed activities that might occur on a typical site within the geographic area. All environmental compliance requirements satisfactorily resolved in the first level of review meaning there are findings of no significant impact or impacts requiring mitigation and are excluded from any additional examination or consideration once the Tier I Environmental Review is completed. However, the Tier I Environmental Review also identifies the compliance requirements that cannot be resolved within the Tier I Environmental Review. These factors will be addressed within the Tier II Environmental Review.

A Tier II Environmental Review will be completed once sites are identified for project activities. Activities not covered under the project description outlined within this Tier I Environmental Review will require the completion of a separate Environmental Review.

Concurrence Request:

Given your Department’s mandate to protect, maintain and manage the natural and cultural resources of the Virgin Islands, VIHFA is hereby seeking the agency’s concurrence on VIHFA’s compliance determination for the **Clean Air Act**. VIHFA has made the following determination:

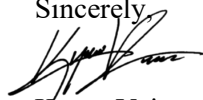
The US Virgin Islands is not in nonattainment or maintenance status for any criteria pollutants. Also, the proposed project complies with the US Virgin Islands Monitoring Network Plan 2022, as the proposed activities would not present a significant source of sulfur dioxide or pollutants which contribute to ozone depletion and based on the population size and pollution sources, 40 CFR Part 58 does not require monitoring in the US Virgin Islands for CO, O3, NO2, PM10, PM2.5, SO2, and Pb.

Before the operation of an air pollution source can take place, an Authority to Construct Permit and a Permit to Operate will be obtained from the Department of Planning and Natural Resources - Division of Environmental Protection (DEP) Air Pollution Control Program. When necessary, these permits will be added as Compliance Measures in Tier II Environmental Review and proof of compliance will be required prior to a Notice to Proceed.

Kindly review the information included within this letter. Your response can be submitted utilizing the enclosed document. Timely completion of the environmental review process is critical to the implementation of these vital community development projects; as such, you are asked to return the form by May 10, 2023. VIHFA environmental staff will follow-up in fifteen (15) days to check on the status of the review form.

Thank you in advance for your cooperation in ensuring that the enclosed forms are completed promptly. Should you have any questions, please feel free to contact me at kveira@vihfa.gov.

Sincerely,



Kyora Veira
Senior Environmental Manager





VIRGIN ISLANDS HOUSING FINANCE AUTHORITY

3202 Demarara Plaza • Suite 200 • St. Thomas, USVI 00802-6447

Telephone: (340) 777-4432 • Fax: (340) 775-7913

Email: vihfa@vihfa.gov

Responsible Entity _____

Program _____

Project Name _____

Regulation in Review _____

Compliance Determination:

Additional Comments/Measures:

I concur with the Compliance Determination made by the Virgin Islands Housing Finance Authority, without any further action.

I concur with the Compliance Determination made by the Virgin Islands Housing Finance Authority, with the addition of further compliance measures.

I do not concur with the Compliance Determination made by the Virgin Islands Housing Finance Authority and would recommend consultation before a determination is made.

Name/Title: _____

Signature: _____ Date: _____



USVI Annual Air Monitoring Network Plan 2022

Table of Contents

	Page
Introduction	01
References	05

Tables

Bethlehem Village Site (Location Information) 1	02
Bethlehem Village Site (Monitoring Parameters) 2	02
Vendor's Plaza Site (Location Information) 3	03
Vendor's Plaza Site (Monitoring Parameters) 4	04

U.S. Virgin Islands Monitoring Network Plan 2022

Introduction

The annual network plan describes to the US Environmental Protection Agency which pollutants and other parameters the US Virgin Islands Department of Planning and Natural Resources Division of Environmental Protection measures at its different ambient air monitoring sites and why they are measured at those specific locations.

Based on population, 40 CFR Part 58 does not require monitoring in the US Virgin Islands for CO, O₃, NO₂, PM₁₀ and PM_{2.5}. Based on sources, 40 CFR Part 58 does not require monitoring in the US Virgin Islands for SO₂, and Pb. The Division of Environmental Protection (DEP) currently operates two (2) monitoring stations for particulate matter in ambient air. One (1) of the sampling stations is located on St. Croix and one (1) is located on St. Thomas.

The objective of the Virgin Islands air monitoring network is to determine the exposure of PM_{2.5} and PM₁₀ on the population. The goal is to provide ambient data that supports the nation's air quality programs. The ambient data from this network will drive an array of regulatory decisions, ranging from designating areas as attainment or non-attainment, to developing cost effective control programs. Data from this program will also be used for the National Ambient Air Quality Standards (NAAQS) comparisons, development and tracking of implementation plans, assessments for regional haze, and assistance for health studies and other aerosol research activities.

The Virgin Islands now maintains the continuous PM_{10-2.5} monitor to collect data on Sahara Dust episodes passing through the Territory which is more prevalent in the summer months. These episodes of dust storms appear to be passing through the region before summertime more frequently. These events can be documented through sampling and verified through the US Naval website www.nrlmry.navy.mil/aerosol/ and the San Juan Weather Service.

There have been questions locally whether these Sahara Dust episodes are contributing to the increase in emergency room visits by asthmatics, or other individuals with respiratory illnesses. PM₁₀ data can be utilized if the VI Department of Health decides to conduct a health study on whether there is a correlation between increase emergency room visits and Sahara Dust.

The following is the PM₁₀ and PM_{2.5} monitoring network plan description which is available to the public for comment. After that review period it must be submitted to the Regional Administrator for approval (40CFR § 58.10).

Bethlehem Village

Table 1

Site Location	Bethlehem Village
Site Address	Bethlehem Village Management Office
Site Specific Name	Bethlehem Village
AQS Number	78-010-0012
VI County	St. Croix
Statistical Area	US Virgin Islands
Coordinates	Latitude 17°42'48.57" N Longitude 64°47'0.33" W

The Bethlehem Village site was established in July 1979. This site was originally established to sample for Total Suspended Particulate (TSP). TSP monitoring ended in 1995. PM₁₀ Federal Reference Method (FRM) began in 1996 and PM_{2.5} FRM monitoring began in 1999. The PM₁₀ primary and collocated FRM samplers were shut down at the site in 2017. The current Met One FRM PM_{2.5} FRM sampler and Teledyne API T640X PM_{10-2.5} monitor began operation in July 2018. The parameters monitored are indicated in the following table:

Table 2

Parameter	Sampling Instrument	AQS Method Code	Analysis Method	Schedule	Spatial Scale
PM _{2.5} FRM	Met ONE E-FRM	221	gravimetric	1 in 6 days	Neighborhood
PM _{10-2.5}	Teledyne API T640X	240	Light Scattering	continuous	Neighborhood

Monitoring objective statement:

Population Exposure

Statement of Purpose statement:

The goal of the Particulate Matter, two and a half microns or less (PM_{2.5}) and Particulate Matter ten microns or less (PM₁₀) monitoring program is to provide ambient data that supports the nation's air quality programs.

The ambient data from this network will drive an array of regulatory decisions, ranging from designating areas as attainment or non-attainment, to developing cost effective

control programs.

Data from this program will also be used for the National Ambient Air Quality Standards (NAAQS) comparisons, development and tracking of implementation plans, assessments for regional haze, and assistance for health studies and other aerosol research activities.

This site was established to maintain compliance with the regulations.
This site is suitable for comparison against the annual PM_{2.5} NAAQS standard.

Plan Changes for Next 18 Months

There are plans to re-locate this site in the next 18 months.

Waterfront/ Vendor's Plaza

Table 3

Site Location	Waterfront/Vendor's Plaza
Site Address	# 48B Norre Gade
Site Specific Name	Vendor's Plaza
AQS Number	78-030-0010
VI County	St. Thomas
Statistical Area	US Virgin Islands
Coordinates	Latitude 18°20'26.70" N Longitude 64°55'50.93" W

This site began data collection with continuous TEOM 1400A samplers in 2007 for Particulate Matter ten microns or less (PM₁₀) and Particulate Matter two and a half microns or less (PM_{2.5}) sampling. Since 2016, only a PM_{2.5} continuous monitor has been operated at the site. The current Teledyne API T640 Monitor began its operation at Waterfront/Vendor's Plaza site July 2018.

The parameters monitored are indicated in the following tables:

Table 4

Parameter	Sampling Method	AQS Method Code	Analysis Method	Schedule	Spatial Scale
PM _{2.5} FEM	Teledyne API T640	236	Light Scattering	Continuous	Neighborhood

Monitoring objective statement:

Population Exposure

Statement of Purpose statement:

The goal of the Particulate Matter two and a half microns or less (PM_{2.5}) monitoring program is to provide ambient data that supports the nation’s air quality programs. The ambient data from this network will drive an array of regulatory decisions, ranging from designating areas as attainment or non-attainment, to developing cost effective control programs.

Data from this program will also be used for the National Ambient Air Quality Standards (NAAQS) comparisons, development and tracking of implementation plans, assessments for regional haze, and assistance for health studies and other aerosol research activities.

This site was established for reporting daily air quality, especially in instances of Sahara dust storms from the Sahara Desert in Africa, and volcanic ash from the Volcano on the Caribbean island of Monseratt. These storms are passing through the territory throughout the year. There are six levels in the Air Quality (AQI) Index. Each section has a color code level of health concern and AQI value range. This gives the public a better understanding of the air quality.

Plan Changes for Next 18 Months

There are no planned changes for the next 18 months.

References

1. 40 Code of Federal Regulations. U.S. Environmental Protection Agency Part 58 Ambient Air Quality Surveillance Subpart B, C and D.
2. U.S. Environmental Protection Agency. Air Quality System Database.

**GOVERNMENT OF THE VIRGIN ISLANDS OF THE UNITED STATES
DEPARTMENT OF PLANNING AND NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION
AIR POLLUTION CONTROL**

GENERAL APPLICATION INFORMATION

A separate application is required for each unit of basic equipment (the use of which may cause the issuance of air contaminants). Such a unit may consist of one individual item, or a group of two or more items. A separate application is also required for each air pollution control system (equipment which eliminates or reduces the emission of air contaminants).

With each application for authority to construct and permit to operate, the following data specifications, plans and drawings must be submitted in **DUPLICATE**:

- 1) **EQUIPMENT LOCATION DRAWING.** The drawing or sketch submitted must be to scale (suggested scale: 1 inch – 100 feet accuracy of measurement to the nearest 5 feet will be satisfactory) and must show at least the following:
 - a. The property involved and outlines and heights of all buildings on it. Identify property lines plainly.
 - b. Location and identification of the proposed equipment on the property.
 - c. Location of the property with respect to streets and adjacent properties. Identify adjacent properties.

- 2) **DESCRIPTION OF EQUIPMENT.** State make, model, size, and type for either the entire unit or for its major parts.

- 3) **DESCRIPTION OF PROCESS.** The application must be accompanied by a written description of each process to be carried out in the equipment of the function of the equipment itself in the process. The descriptions must be complete and in detail concerning all operations. Particular attention must be given to explaining all stages in the process where the discharge of any material might contribute in any way to air pollution. All concentrations of all types of air contaminants that may be discharged at each stage in the process. Similarly, control procedure must be described in sufficient detail to show the extent of control air contaminants anticipated in the design, specifying the expectant efficiency of the control devices.

- 4) **OPERATING SCHEDULE.** Specify the hours per day and days per week the equipment is to be operated.

- 5) **PROCESS WEIGHT.** Detail type and total weight of each material charged into the equipment or the process on the basis of pounds per hour or other specific unit of time.

- 6) **FUELS AND BURNERS USED.** Indicate for fuel gas-type and cubic feet per hour; for fuel oil-grade and gallons per hour (specify temperature to which oil is preheated); for solid fuels-type and pounds per hour; indicate for burners-make, model, size, type, number of burners, and capacity range of each burner (from minimum to maximum).

- 7) **DRAWINGS OF EQUIPMENT.** (See **NOTE** Below). Supply an assembly drawing, dimension and to scale, in plan, elevation and as many selections as are needed to show clearly the design and operation of the equipment and the means by which air contaminants are controlled. The following must be shown:
 - a. Size and shape of the equipment. Show exterior and interior dimensions and features.
 - b. Location, Sizes and shape details of all features which may affect the production, collection, conveying or control of air contaminants of any kind; location, size, and shape details concerning all materials handling equipment.
 - c. All data and calculations used in selecting or designing the equipment.
 - d. Horsepower rating of all electric motors driving the equipment.

- 8) **RADIOACTIVE MATERIAL.** Describe any use of processing of radioactive materials.

NOTE: **Structural design calculations and details are not required. When standard commercial equipment is to be installed, the manufactures catalog describing the equipment may be submitted in lieu of the parts of Item 8 that it covers. All information required above that the catalog does not contain must be submitted by the applicant.**

NOTE: ADDITIONAL INFORMATION MAY BE REQUIRED.

After authority to construct or to install is granted for any equipment, deviations from the approved plans are not permissible without first securing additional approval for the changes from the Air Pollution Control Engineers.

Further information or clarification concerning permits can be obtained by writing or calling the Division of Environmental Protection Office located at #45 Mars Hill Frederiksted , VI 00840 (340) 773-1082.

**GOVERNMENT OF THE VIRGIN ISLANDS OF THE UNITED STATES
DEPARTMENT OF PLANNING AND NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION
AIR POLLUTION CONTROL**

Application for Authority to Construction and Permit to Operate

“GENERAL INSTRUCTIONS”

- A. This application must be filled out completely and must be filed in **DUPLICATE**.
- B. Applications are incomplete unless accompanied by **DUPLICATE** copies of all plans, specifications and drawings required. Details required for specific equipment are listed on separate forms which are available upon request.

NOTE: INCOMPLETE APPLICATIONS ARE NOT ACCEPTABLE

Date of Application: _____

“APPLICATION INFORMATION”

- 1. Permit to be issued to: *(Business License Name of Corporation, Company, Individual Owner, or Governmental Agency that is to operate the Equipment):*

- 2. Mailing Address:

P.O. Box _____ City _____ Island _____ Zip _____.

- 3. Address at which the equipment is to be operated:

Number _____ Street _____ Island _____ Zip _____.

Parcel Identification Number: _____.

(May be obtained from upper right hand corner of tax bill)

- 4. Contact Number: Telephone (____)_____, Cell (____)_____, Other(____)_____

- 5. Check Type of Organization:

Corp. Partnership Individual Owner Governmental Agency

- 6. Describe General Nature of Business:

7. Equipment Description: Pursuant to the Provisions of the U.S. Virgin Islands Code and the Rules and Regulations of the Air Pollution Control Region, application is hereby made for authority to construct and permit to operate the equipment listed in the table below:

A.
1. <input type="checkbox"/> NEW PROCESS EQUIPMENT AND NEW AIR POLLUTION CONTROL APPARATUS <input type="checkbox"/> NEW AIR POLLUTION CONTROL APPARATUS ON EXISTING PROCESS EQUIPMENT <input type="checkbox"/> NEW PROCESS EQUIPEMNT WITH NO CONTROL APPARATUS <input type="checkbox"/> OTHER: _____
2. PRIOR PERMIT NUMBERS COVERING THE INSTALLATIONS, SPECIFY.
3. ESTIMATED STARTING DATE: _____ . EST. COMPLETION _____ .
B.
NAME/BRAND/MAKE of the GENERATOR: _____
ENGINE MODEL : _____
ENGINE SERIAL NUMBER: _____
YEAR ENGINE MANUFACTURED: _____
DATE OF PURCHASE: _____
NUMBER OF CYLINDER: _____
ENGINE DISPLACEMENT: _____
POWER OUTPUT: In KW: _____ In HP: _____
TYPE OF FUEL USED: _____
FUEL CONSUMPTION in gallons per hour: _____
FUEL CONSUMPTION in gallons per year: _____

NUMBER OF HOURS OF OPERATIONS PER YEAR:

C.

1. DESCRIPTION OF OPERATION

2. IDENTIFY PROCESS EQUIPMENT

3. RAW MATERIALS (NAMES)

TOTAL POUNDS PER HOUR _____ TOTAL GALLONS PER HOUR _____.

4. OPERATING FREQUENCY:

Continuous: _____ HRS. PER DAY: _____ DAYS PER: WEEK MONTH

Batch: _____ HRS. PER DAY: _____ BATCH PER: DAY WEEK

D.

Air Contaminants

Emission Level

	With Control Apparatus	Without Control Apparatus
PARTICULATE MATTER		
CARBON MONOXIDE		
OXIDES OF NITROGEN (NO _x)		
OXIDES OF SULFUR (SO _x)		
VOLATILE ORGANIC COMPOUND (VOCs)		

E.
1. DESCRIBE AIR POLLUTION CONTROL APPARATUS:
2. Efficiency of control apparatus: _____%
3. Height of discharge above ground: _____ft.
4. Distance from discharge to nearest property line: _____ft.
5. Volume of gas discharged into open air: _____ft ³ /min. at stack conditions.
6. Exit velocity at point of discharge: _____ft./min. at stack conditions
7. Temperature at point of discharge: _____°F.
8. Will emissions comply with existing local requirements? _____.
9. Initial cost of control apparatus: \$_____.
10. Estimated annual operating cost: \$_____.

This application is submitted in accordance with the provisions of the Virgin Islands Code 12, Chapter 9, Air Quality Control Regulations Section 206 -20, and to the best of my knowledge and belief is true and correct.

Signature

Printed name

Title

Mailing Address:

Appendix D:
Coastal Zone Management
Supporting Documentation

From: [Marlon Hibbert](#)
To: [Kyora Veira](#)
Cc: [Donnie Dorsett](#); [Delaun Mercer](#); [Akil Jacobs](#); [Gregory Richards](#); [Lucette Merced-Green](#); [Viola Hendrickson-vanSluytman](#)
Subject: Re: [EXTERNAL MAIL]RE: Neighborhood Revitalization Concurrence
Date: Wednesday, May 10, 2023 12:15:32 PM
Attachments: [image002.png](#)
[image001.png](#)

Good afternoon Ms. Veira,

Thanks for the information, on the face of it that the repair and maintenance waiver could be used to repair those properties that are in fact in the CZM Tier 1. You make mention of curb appeal improvements such as planters etc., this is the only thing that gives pause if this is new work, but if it is in more or less the original footprint of the building will be adjudged on a case-by-case basis.

Since it is likely that these structures are historic then proof of corresponding Historic Preservation Committee application should be part of the application package when coming for the repair and maintenance.

Best regards

Marlon Hibbert

From: Kyora Veira <kveira@vihfa.gov>
Sent: Wednesday, May 10, 2023 12:06 PM
To: Marlon Hibbert <Marlon.Hibbert@dpr.vi.gov>
Cc: Donnie Dorsett <ddorsett@vihfa.gov>; Delaun Mercer <dmercer@vihfa.gov>; Akil Jacobs <ajacobs@vihfa.gov>
Subject: [EXTERNAL MAIL]RE: Neighborhood Revitalization Concurrence

Good Afternoon Mr. Hibbert,

I just wanted to follow-up on the below request. Please let me know if you require any additional information to assist with your review of the Neighborhood Revitalization Program.

Regards,



Kyora Veira
Senior Environmental Manager
Community Development Block Grant-Disaster Recovery Program

From: Kyora Veira
Sent: Thursday, May 4, 2023 9:37 AM

To: Marlon Hibbert <Marlon.Hibbert@dpr.vi.gov>

Cc: Donnie Dorsett <ddorsett@vihfa.gov>; Delaun Mercer <dmercer@vihfa.gov>; Akil Jacobs <ajacobs@vihfa.gov>

Subject: Neighborhood Revitalization Concurrence

Good Day Dir. Hibbert,

I hope all is well.

We are currently working on a new Tiered Environmental Review for the upcoming Neighborhood Revitalization Program, for which I have provided the project description below.

For the EnVision Tomorrow Program we currently utilize the Request for Repair and/or Maintenance Waiver. As Building Façade and Streetscape Enhancement Program mentioned below involves providing funds to eligible business buildings, commercial or residential, to repair visible exterior damage and enhance the downtown area, high traffic areas, historic district etc., would this program follow the same process as the EnVision Tomorrow Program? Also, the program does not involve new construction and all damage will need to have a tie to the disaster to be deemed eligible for the program.

Project Description:

The Neighborhood Revitalization Program will support activities such as aesthetic and functional enhancements, preservation of historic sites, increased security, better services for tourists and residents alike, and promotion of private investment. Program options include: (1) Building Façade and Streetscape Enhancement Program and (2) Small Business Entrepreneurship Grant and Technical Assistance Program.

The Building Façade and Streetscape Enhancement Program will provide funding to eligible business buildings, commercial or residential, to repair visible exterior damage and enhance downtown area, high traffic areas, historic district, etc. The goal is to increase investment and improve the aesthetic of local communities. Applicants for this program may use funds for exterior scraping/painting, roof spouting, brick repairs, repair/replace exterior windows and doors, safety improvements, signage on the building, improving the curb appeal of back and side entrances, physical improvements to prominent courtyards (including planters, seating, lighting, landscaping, and signage), and installation of directional signage to landmarks/places of interest.

The Small Business Entrepreneurship Grant and Technical Assistance Program (SBETA) is comprised of two components: (1) Small Business Grant and (2) Technical Assistance. The program will fund recovery grants to small businesses and microenterprises that suffered physical and/or financial losses due to the 2017 storms. Applicants for the business grant option may use funds for advertising, license fees, and accounting expenses. The technical assistance component is designed to support entrepreneurs and existing small businesses to build economic resilience and lessen commerce disruptions due to natural or manmade disasters. Applicants for this program option may use funds for business plan development, financial management, marketing, inventory, and skilled workforce development.

Regards,

Kyora Veira

Senior Environmental Manager

Community Development Block Grant-Disaster Recovery Program



Phone: 340.772.4432 ext.3253

Cell: 340.514.5997

Email: kveira@vihfa.gov

Web: www.cdbgdr.vihfa.gov

Virgin Islands Housing Finance Authority

100 Lagoon Complex | Suite 4 | St. Croix, VI 00840

Caution: This e-mail has originated outside of GVI network. Do not click on links or open any attachment (s) that might look suspicious unless you have knowledge of who the sender is.

The information contained in this communication, and in any accompanying documents, may constitute confidential or proprietary. If you are not the intended recipient of this message, then you may not disclose, print, copy, or disseminate this information, nor take any action in reliance on this information. If you have received this communication in error, please reply and notify the sender (only) and then delete the message. Unauthorized interception of e-mail communications is a violation of federal criminal law.



GOVERNMENT OF THE UNITED STATES VIRGIN ISLANDS

-----O-----

DEPARTMENT OF PLANNING AND NATURAL RESOURCES

Division of Coastal Zone Management

No. 45 Estate Mars Hill, Frederiksted
St. Croix, US Virgin Islands 00840-4477
Tel: (340) 773-1082; Fax: (340) 773-3343

8100 Lindberg Bay, Ste #61, C.E.K. Airport
St. Thomas, US Virgin Islands 00802
Tel: (340) 774-3320; Fax: (340) 714-9524

REQUEST FOR REPAIR AND/OR MAINTENANCE WAIVER

The following request is hereby submitted for a waiver of the permit requirement pursuant to 12 VIC § 910(b)(1) of the VI Coastal Zone Management (CZM) Act.

1. Name, mailing address, email address and telephone number of Applicant (all required) _____

2. Name, mailing address, email address and telephone number of the Property Owner (if not Applicant) _____

3. Location of activity. Plot No(s). _____ Estate _____ Island _____

4. Summary of proposed activity. Include the scope of all repairs to be undertaken such as roof, walls, decking, etc. (Use additional sheets if necessary). _____

5. Please include the following required documents with your application:

- a) Proof of legal interest (deed, tax bill, lease, etc.)
- b) Required supporting schematics (drawings, photos, etc.) to be satisfied by Inspector's request
- c) Location Map

In submitting such request I certify that **the development activities are related to the repair/maintenance of an existing structure and will not result in an addition to, or enlargement or expansion, of the existing structure.** I agree to provide entry to the project site for inspectors from the environmental protection agencies for the purpose of making inspections regarding this request and that to the best of my knowledge and belief, that such information provided herein, is true, complete and accurate. I further certify that I possess the authority to undertake the proposed activities.

Signature of Applicant Date

Signature of Owner Date

Print _____

Print _____

FOR DEPARTMENT USE ONLY

Inspector

Date

Your request for the waiver of the permit requirement has
been deemed consistent / inconsistent with 12 VIC §
910(b)(1) of the VI CZM Act.

Commissioner

Date

SPECIAL CONDITIONS:

Appendix E:
Contamination and Toxic
Substances
Supporting Documentation

NEIGHBORHOOD REVITALIZATION ENVIRONMENTAL FIELD INSPECTION REPORT

HUD Grant Number: P-17-VI-78-HIM1			
Program Option:			
Field Inspection Date:		Conducted By:	
Project Name:			
Street Address:			
Identify the factor which describes the property's maintenance status.	Overgrown	Site Cleared	
Attachments (circle all that are included):	Photographs	Maps	Aerials
Project Area Bounded By:			
General Description of Existing Conditions: (air quality/odors, water quality, noise, flooding, drought, auto/pedestrian traffic, vegetation spills, waste, drainage, livestock, construction occurring, structures, etc.)			
<p>Based upon visual inspections of the project site and adjacent properties, indicate evidence of the following. An explanation should accompany any checked item.</p> <p style="margin-left: 40px;">None identified on or adjacent to project site.</p> <p style="margin-left: 40px;">Distressed Vegetation – a possible indication of soil contamination.</p> <p style="margin-left: 40px;">Vent or Fill Pipes – a possible indication of current or previous existence of underground storage tanks.</p> <p style="margin-left: 40px;">Storage/Oil Tanks or Questionable Containers – possible indication of the use of heating fuels, chemicals, and petroleum products.</p> <p style="margin-left: 40px;">Pits, Ponds, or Lagoons – these have the potential to hold liquids or sludge-containing hazardous substances or petroleum products. The potential is increased if there also exists water discoloration, distressed vegetation, and/or wastewater discharge.</p> <p style="margin-left: 40px;">Stained Soil or Pavement (other than water stains) – a possible indication soil is contaminated as well as a sign of current or previous leakage of piping and liquid storage containers.</p> <p style="margin-left: 40px;">Pungent, Foul or Noxious Odors – a possible indication of leaks of hazardous substances or petroleum products or contaminants.</p> <p style="margin-left: 40px;">Dumped Material or Soil, Mounds of Dirt, Rubble Fill, etc. – as their origins may be unknown there is potential for transfer of contamination. Look for other signs of contamination as described above.</p> <p style="margin-left: 40px;">Visible Mold</p> <p style="margin-left: 40px;">Animal/Pest Infestation</p> <p>Notes:</p> <p style="margin-left: 40px;">Name/Title/Signature: _____</p>			



CDBG-DR NEIGHBORHOOD REVITALIZATION EPA Facilities Assessment

HUD Grant Number: P-17-VI-78-HIM1			
Program Option:			
Project Name:			
Street Address:			
Property ID:		Year Built:	
Project Description:			

Section to be completed by CDBG-DR Environmental/NEPA Specialist:

- (1) EPA Facility: _____
- (2) Distance from Proposed Project Site: _____
- (3) Noted Violation (s): _____

- (4) Violation Timeline: _____
- (5) Notes: _____

Section to be completed by DPNR:

- (1) Is the facility listed above still in violation, as listed above? Yes No
- (2) Based on the distance from the proposed project site, listed above, does the listed violation have the potential to impact the proposed project? Yes No
- (3) Does DPNR propose further investigation, and/or the addition of mitigation measures to protect against potential impacts? Yes No
- (4) Provide additional information relevant to the next steps.

Name/Title (Print): _____

Signature: _____ Date: _____

CDBG-DR NEIGHBORHOOD REVITALIZATION Mold Inspection Document

HUD Grant Number: P-17-VI-78-HIM1	
Program Option:	
Project Name:	
Street Address:	
Contractor:	
Project Description:	

(1) Was mold identified in the structure?

Yes

No

(2) If yes, how was the mold identified?

(3) If yes, what steps were taken to clean the identified mold?

(4) Please provide pictures, reports, and any additional documentation that can be used to document the presence and clean-up of any mold present at the above-mentioned home.

Name/Title (Print): _____

Signature: _____ Date: _____

Environmental Approval: _____ Date: _____

CDBG-DR NEIGHBORHOOD REVITALIZATION Environmental Final Mold Assessment

HUD Grant Number: P-17-VI-78-HIM1	
Program Option:	
Project Name:	
Street Address:	
Date of Site Inspection:	
Contractor:	
Project Description:	

- | | | | | |
|---|-----|----|-----|----|
| (1) Is there a musty or odd smell? | Yes | No | | |
| (2) Do the walls, floors and/or ceiling have any visible signs of cracks or stains? | | | Yes | No |
| (3) Are there any suspicious growths? | Yes | No | | |
| (4) Do cabinets have signs of mold growing on or in them? | | | Yes | No |
| (5) Are there any noticeable leaks or water stains? | | | Yes | No |
| (6) Does the ceiling have any spots or stains? | Yes | No | | |
| (7) Is there any rippling in carpets or cupping of hardwood floors? | | | Yes | No |
| (8) Are there any dark spots around the edges of carpets or flooring? | | | Yes | No |
| (9) Are there any signs of wood rot or decay around the windows or doors? | | | Yes | No |

Conclusion

Mold was identified and further clean-up is required prior to Close-Out.

Mold was not identified, and the project can proceed to Close-Out.

Environmental Approval: _____ Date: _____

LEGEND

- Wells
- 2022 GW Total CVOC Concentration Isocontours (µg/L)
- - - 2022 GW Total CVOC Concentration Isocontours: Inferred (µg/L)
- 2019 GW Total CVOC Concentration Iso-contours (µg/L)
- - - 2019 GW Total CVOC Concentration Iso-contours: Inferred (µg/L)

0 US Feet 250



© 2022 Microsoft Corporation © 2022 Maxar © CNES (2022) Distribution Airbus DS © 2022 TomTom



PATH: \\MAHPI-FILED1\ACTIVE\PROJECTS\443005\CON003696\00000002547947_0_GIS_MODEL\517_2_WORK\NL_PROGRESS\MAP_DOC\DRIFT20202\CONTOURS\TUTUCONTOURS\TUTUCONTOURS.APRX - USER: HROBADO - DATE: 8/29/2022

Appendix F:
Endangered Species
Supporting Documentation



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Caribbean Ecological Services Field Office
PO Box 491
Boquerón, PR 00622



In Reply Refer to:
FWS/R4/CESFO/78-Gen

Kyora Veira
Senior Environmental Manager
Community Development Block Grant - Disaster Recovery Program
Virgin Islands Housing Finance Authority

Re: U.S. Virgin Island, Neighborhood Revitalization

Dear Mrs. Veira:

Thank you for your letter of May 25, 2023, requesting concurrence on the above referenced project. As per your request, our comments are provided under the Endangered Species Act (Act) (87 Stat. 884, as amended; 16 United States Code 1531 et seq.), and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.).

The Virgin Islands Housing Finance Authority, in coordination with the Neighborhood Revitalization Program proposes the following actions throughout U.S. Virgin Islands back to pre-disaster conditions:

1. Repair and/or replacement of a boardwalk.
2. Repair and/or replacement of a boardwalk including minor alterations such as upgrades to codes and standards, changes in material, or hazard mitigation (including elevation) which does not substantially alter the pre-disaster footprint of the structure.
3. Repair and/or replacement of beach access structures (walkways, stairs, ramps, handicapped access equipment, etc.).
4. Repair and/or replacement of beach access structures (walkways, stairs, ramps, handicapped access equipment, etc.) including minor alterations such as upgrades to codes and standards, changes in material, or hazard mitigation (including elevation) which does not substantially alter the pre-disaster footprint of the structure.
5. Repair and/or replacement of a floor control structure such as a seawall, levee, bulkhead, floodway, channel, weir, floodgates, energy dissipator, spillway and/or drainage pipes.
6. Repair and/or replacement of a flood control structure such as a seawall, levee, bulkhead, floodway, channel, weir, floodgates, energy dissipator, spillway and/or drainage pipes including minor alterations such as upgrades to codes and standards, changes in material, or hazard mitigation (including elevation, which does not substantially alter the pre-disaster footprint of the structure.

7. Repair and/or replacement of a dock surface.
8. Repair and/or replacement of a dock surface, including minor alterations such as upgrades to codes and standards, changes in material, or hazard mitigation (including elevation), which does not substantially alter the pre-disaster footprint of the structure.
9. Repair and/or replacement of flood gates and/or tidal gates.
10. Repair and/or replacement of flood gates and/or tidal gates including minor alterations such as upgrades to codes and standards, changes in material, or hazard mitigation (including elevation) which does not substantially alter the pre-disaster footprint of the structure.
11. Replacement of wooden dune fencing.
12. Repair and/or replacement of a hardened roadway or pedestrian walkway and associated structures (retaining walls, guard rails, curbs, elevation, road signs, traffic signals, etc.).
13. Repair and/or replacement of a hardened roadway or pedestrian walkway and associated structures (retaining walls, guard rails, curbs, elevation, road signs, lampposts, traffic signals, etc.), including minor alterations such as upgrades to codes and standards, changes in material, or hazard mitigation (including elevation), which does not substantially alter the pre-disaster footprint of the structure.
14. Repair and/or replacement of recreational structures (bleachers, playground equipment, pools, tennis courts, basketball courts, gazebos, baseball diamonds, gymnasium equipment, bath houses, kiosks, picnic tables, etc.).
15. Repair and/or replacement of recreational structures (bleachers, playground equipment, pools, tennis courts, basketball courts, gazebos, baseball diamonds, gymnasium equipment, bath houses, kiosks, picnic tables, etc.) including minor alterations such as upgrades to codes and standards, changes in material, or hazard mitigation (including elevation).
16. Flushing of vegetative debris out of clogged storm water management structures (wet/dry detention basins/ponds, drainage swales, dry wells, bioretention basin/wetlands).
17. Repair and/or replacement of minor building elements (drywall, flooring, ceiling tiles, roof shingles, siding, windows, electrical/mechanical elements, etc.) to restore the facility to its pre-disaster condition.
18. Repair and/or replacement of minor building elements (drywall, flooring, ceiling tiles, roof shingles, siding, windows, etc.), including minor alterations such as upgrades to codes and standards, changes in material, or hazard mitigation (including elevation), which does not substantially alter the pre-disaster footprint of the structure.
19. Repair and/or replacement of antennas on buildings.
20. Repairs and/or replacement of antennas on buildings including minor alterations such as upgrades to codes and standards, changes in material, or hazard mitigation (including elevation) which does not substantially alter the pre-disaster footprint of the structure.
21. Repair and/or replacement of a fence.

Based on the information provided in your letter, the proposed project is located within the range of the following federally listed species and critical habitats:

Name of the species	Threatened/Endangered/Candidate
West Indian manatee (mammal)	Threatened
Roseate tern (bird)	Threatened
Hawksbill sea turtle (reptile)	Endangered
Leatherback sea turtle (reptile)	Endangered
Green sea turtle (reptile)	Threatened
Loggerhead sea turtle (reptile)	Threatened
Olive Ridley sea turtle (reptile)	Threatened
St. Croix ground lizard (reptile)	Endangered
Virgin Islands tree boa (reptile)	Endangered
<i>Agave eggersiana</i> (flowering plant)	Endangered
<i>Calyptanthus thomasiana</i> (flowering plant)	Endangered
<i>Catesbaea melanocarpa</i> (flowering plant)	Endangered
Marrón bacora (flowering plant)	Endangered
St. Thomas prickly-ash (flowering plant)	Endangered
Vahl's boxwood (flowering plant)	Endangered

Critical Habitat
<i>Agave aggersiana</i>
<i>Catesbaea melanocarpa</i>
Leatherback Sea Turtle
Marron Bacora
St. Croix Ground Lizard

Based on the nature of the project, scope of work, information available, and careful analysis the Virgin Islands Housing Finance Authority has made the following effects determinations:

Names of the species	Effect Determination	Conservation Measures that will be implemented
West Indian manatee (<i>Trichachus manatus</i>)	NE (work not in water) NLAA (work in water)	N/A Manatee conservation measures
Roseate Tern (<i>Sterna dougallii dougallii</i>)	NE	N/A
Hawksbill sea turtle (<i>Eretmochelys imbricata</i>), Green sea turtle (<i>Chelonia mydas</i>), Leatherback sea turtle (<i>Dermochelys coriacea</i>), Loggerhead sea turtle (<i>Caretta caretta</i>), Olive Ridley sea turtle (<i>Lepidochelys olivacea</i>)	NLAA	Lighting associated with construction activities will not be visible directly or indirectly from the beach. There will be no activities occurring on the beaches. Sea turtles conservation measures
St. Croix Ground Lizard (<i>Ameiva polops</i>)	NLAA	N/A
Virgin Islands Tree Boa (<i>Chilabothrus granti</i>)	NLAA	Properties located in wooded areas will undergo clearing following the Department of Planning and Natural Resources' VI Tree Boa: Site Clearance Protocol.

<i>Agave eggersiana</i>	NLAA	A survey for listed plants will be conducted prior to any work in areas within the range of the species and where suitable habitat is present. If listed species are found within the project site, the USFWS will be contacted, and measures to avoid or minimize impacts to those species will be developed for the USFWS evaluation and approval. IF no listed plants are found during the survey, no further action will be required.
<i>Calyptanthus thomasi</i>	NLAA	A survey for listed plants will be conducted prior to any work in areas within the range of the species and where suitable habitat is present. If listed species are found within the project site, the USFWS will be contacted, and measures to avoid or minimize impacts to those species will be developed for the USFWS evaluation and approval. IF no listed plants are found during the survey, no further action will be required.
<i>Catesbaea melanocarpa</i>	NE	N/A
Marrón bacora (<i>Solanum conocarpum</i>)	NLAA	A survey for listed plants will be conducted prior to any work in areas within the range of the species and where suitable habitat is present. If listed species are found within the project site, the USFWS will be contacted, and measures to avoid or minimize impacts to those species will be developed for the USFWS evaluation and approval. IF no listed plants are found during the survey, no further action will be required.
St. Thomas prickly-ash (<i>Zanthoxylum thomasi</i>)	NE	N/A
Vahl's Boxwood (<i>Buxus vahlii</i>)	NE	N/A

Critical Habitat

<i>Agave aggersiana</i>	NE
<i>Catesbaea melanocarpa</i>	NE
Leatherback Sea Turtle (<i>Dermochelys coriacea</i>)	NE
Marrón bacora (<i>Solanum conocarpum</i>)	NE
St. Croix Ground Lizard (<i>Ameiva polops</i>)	NE

Based on the nature of the project and the information provided, the proponent has determined that the proposed project would have *no effect* (NE) on the listed *Trichechus manatus*, *Sterna dougallii dougallii*, *Catesbaea melanocarpa*, Vahl's Boxwood and St. Thomas prickly-ash. No adverse impacts to designated critical habitat are anticipated. We acknowledge receipt of your no effect (NE) determinations. Currently we do not have any information to refute your determination. Because you made a NE determination, you are not required to conduct formal or informal section 7 consultation with the U.S. Fish and Wildlife Service (Service), and the Service is not required to concur with your NE determination.

We have reviewed the information provided in your letter and our files and concur with the above *may affect but is not likely to adversely affect* (NLAA) determinations. In view of this, we believe that requirements of section 7 of the Act have been satisfied. However, obligations under section 7 of the Act must be reconsidered if: (1) new information reveals impacts of this identified action that may affect listed species or critical habitat in a manner that was not previously considered; (2) this action is subsequently modified in a manner not previously considered in this assessment; or (3) a new species is listed, or critical habitat determined that may be affected by the identified action.

Thank you for the opportunity to comment on this project. If you have any questions or require additional information, please contact us at caribbean_es@fws.gov.

Sincerely yours,

Edwin E. Muñiz
Field Supervisor

drr

Appendix G:
Floodplain Management
Supporting Documentation



VIRGIN ISLANDS HOUSING FINANCE AUTHORITY

Community Development Block Grant – Disaster Recovery
3202 Demarara No.3 · Frenchtown Plaza · Suite 200
St. Thomas, USVI 00802-6447
Telephone: (340) 777-4432 · Fax: (340) 775-7913

NEIGHBORHOOD REVITALIZATION PROGRAM

5-STEP OF AN 8 STEP DECISION-MAKING PROCESS

Step 1: *Determine whether the action is located in a 100-year floodplain.*

The Neighborhood Revitalization Program will support activities such as aesthetic and functional enhancements, preservation of historic sites, increased security, better services for tourists and residents alike, and promotion of private investment. Program options include: (1) Building Façade and Streetscape Enhancement Program and (2) Small Business Entrepreneurship Grant and Technical Assistance Program.

The Building Façade and Streetscape Enhancement Program will provide funding to eligible business buildings, commercial or residential, to repair visible exterior damage and enhance downtown areas, high traffic areas, historic districts, etc. The goal is to increase investment and improve the aesthetic of local communities. Applicants for this program may use funds for exterior scraping/painting, roof spouting, brick repairs, repair/replace exterior windows and doors, safety improvements, signage on the building, improving the curb appeal of back and side entrances, physical improvements to prominent courtyards (including planters, seating, lighting, landscaping, and signage), and installation of directional signage to landmarks/places of interest.

The Small Business Entrepreneurship Grant and Technical Assistance Program (SBETA) is comprised of two components: Small Business Grants and Technical Assistance. This program will fund recovery grants to small businesses and microenterprises that suffered physical and/or financial losses due to the 2017 storms. Applicants for this program option may use funds for advertising, license fees, and accounting expenses. The technical assistance component is designed to support entrepreneurs and existing small businesses to build economic resilience and lessen commerce disruptions due to natural or manmade disasters. Applicants for this program option may use funds for business plan development, financial management, marketing, inventory, and skilled workforce development. As this program option does not involve any physical activities, this 5-Step Decision-Making Process does not apply.

A tiered categorically excluded subject to section 58.5 environmental review of impacts is being performed for the Building Façade and Streetscape Enhancement Program. The Tier I Broad-Level Review addresses and analyzes those environmental impacts related to the proposed activities that might occur on a typical site within the geographic area. A Tier II Site-Specific Review will be performed on eligible projects once specific addresses are identified. A programmatic exemption is being completed for projects eligible for funding

under SBETA. The 2018 FEMA Advisory Base Flood Elevation (ABFE) Map, available on the Virgin Islands Department of Planning and Natural Resources website, will be utilized, for projects within the Building Façade and Streetscape Enhancement Program, during the Tier II Site-Specific Review to determine if a property is located within the 100-year floodplain.

Step 2: Notify the public for early review of the proposal and involve the affected and interested public in the decision-making process. – This step does not apply to the 5-step process

Step 3: Identify and evaluate practicable alternatives – This step does not apply to the 5-Step Process

Step 4: Identify Potential Direct and Indirect Impacts of Associated with Floodplain Development.

Based on the program description and eligible activities, all repairs will be minor and there will be no new construction or placement of fill within the floodplain. All structures receiving funding within the Neighborhood Revitalization – Building Façade and Streetscape Enhancement Program are existing structures and will be undergoing façade rehabilitation and/or exterior improvements. Improvements located within the floodplain must already exist and require repair. Also, substantial improvement projects are not eligible for the program and the program will not allow any expansion within the floodplain.

Property damage as a result of flooding is the highest priority. Therefore, the acceptance of federal funds requires applicants to maintain flood insurance for the life of the property.

As substantial improvement is not eligible for the Neighborhood Revitalization Program, elevation is not required for activities within the program.

In general, new development in the floodplain may result in adverse effects to the floodplain that can lead to the degradation and loss of natural functions and habitats. Since there is no new development in the 100-year floodplain, the potential for direct or indirect detrimental effects on the quantity and quality of floodplain habitats used by fish and other wildlife is minimal.

Common negative effects of development in the floodplain include reduced habitat complexity, reduced prey availability, modified hydrology, reduced bank stability, increased erosion, increased pollution, increased water temperature, and increased risk of downstream wildlife displacement.

Severe impacts to the floodplain are not anticipated as ground disturbance will be minimal based on the program description and all projects will involve existing structures.

Step 5: Where practicable, design or modify the proposed action to minimize the potential adverse impacts to lives, property, and natural values within the floodplain and to restore, and preserve the values of the floodplain.

- (a) Preserving Property: In order to preserve property, structures, with a total project cost of \$10,000, located within the 100-year floodplain will require flood insurance to mitigate possible flood damage.

- (b) Preserving Natural Values and Minimizing Impacts: Minimal impact to the floodplain is expected as a result of the Neighborhood Revitalization – Building Façade and Streetscape Enhancement Program. Eligible activities within this program option include exterior scraping/painting, roof sprouting, brick repairs, repair/replace exterior windows and doors, safety improvements, signage on the building, improving the curb appeal of back and side entrances, physical improvements to prominent courtyards (include planters, seating, lighting, landscaping, and signage), and installation of directional signage to landmarks/places of interest.

Step 6: Reevaluate the Alternatives

No alternatives for locating proposed project activities outside of the floodplain or redesigning the proposed project activities to avoid or minimize impacts to the floodplain are required. Activities eligible for the Building Façade and Streetscape Enhancement Program option, located within the 100-year floodplain, will have no direct or indirect impact to the floodplain.


Step 7: Determination of No Practicable Alternative – This step does not apply to the 5-Step Process

Step 8: Implement the Proposed Action

The Virgin Islands Housing Finance Authority (VIHFA) will enforce and monitor this program, as modified, and described above. Flood insurance requirements will be included in all agreements with participating parties, where applicable. The Department of Planning and Natural Resources will randomly enforce that no unnecessary impacts to the floodplain occur, nor unnecessary risks are taken during the construction activities. VIHFA will also play an active role in monitoring the construction activities to ensure that there are deviations from the approved scope of work. The flood insurance requirement will be documented during the grant close-out process.

VIHFA will also include provisions within the grant agreement requiring applicants to maintain flood insurance in perpetuity. This requirement is to be passed along with the property and, if the property is transferred to a new owner, the transferring owner must notify the transferee of the flood insurance requirements. Applicants will be required to submit proof of flood insurance during the Program Monitoring Period.

Completed By: Kyora Veira, CDBG-DR Senior Environmental Manager

Signature: 

Date: 06/14/2023

Appendix H:
Historic Preservation
Supporting Documentation

ADDENDUM
to
THE PROGRAMMATIC AGREEMENT AMONG
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,
THE VIRGIN ISLANDS STATE HISTORIC PRESERVATION OFFICER,
THE VIRGIN ISLANDS TERRITORIAL EMERGENCY MANAGEMENT AGENCY,
And
THE VIRGIN ISLANDS HOUSING FINANCE AUTHORITY

WHEREAS, FEMA makes assistance available to States, Commonwealths, Territorial governments, communities, Federally recognized Indian Tribes (Tribes) and other eligible entities through programs set forth in Appendix A (Programs), pursuant to the Homeland Security Act of 2002, Pub. L. No. 107-296 (2002) (codified as amended at 6 U.S.C. § 101 *et seq.*); Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. No. 93-288 (1974) (codified as amended at 42 U.S.C. § 5121 *et seq.*, (Stafford Act); the National Flood Insurance Act of 1968, Pub. L. No. 90-448 (1968) (as amended); the National Flood Insurance Reform Act of 1994, Pub. L. No. 103-325 (1994) (as amended); the Post-Katrina Emergency Management Reform Act of 2006, Pub. L. No. 109-295 (2006) (as amended); implementing regulations contained in Title 44 of the Code of Federal Regulations (CFR), Executive Order 13407 (2006); the Sandy Recovery Improvement Act, Pub. L. No. 113-2 (2013), and such other acts, executive orders, implementing regulations, or Congressionally authorized programs as are enacted from time to time; and

WHEREAS, FEMA has developed a Prototype Programmatic Agreement (FEMA Prototype Agreement) pursuant to 36 CFR § 800.14(b)(4) in consultation with the Advisory Council on Historic Preservation and National Conference of State Historic Preservation Officers to serve as a basis for negotiation of a State/Tribal specific Programmatic Agreement with the State Historic Preservation Officer, State/Tribal Emergency Management Agency, and/or participating Tribe(s); and

WHEREAS, FEMA consulted with the Virgin Islands State Historic Preservation Officer (SHPO), and the Virgin Islands Territorial Emergency Management Agency to adopt and execute the FEMA Prototype Agreement for its Programs in the Territory of the Virgin Islands, and the Territory of the Virgin Islands specific Agreement (Agreement) was executed on July 14, 2016; and

WHEREAS, there are no Federally recognized non-resident or resident Indian tribes (Tribes) with interests in the Territory of the Virgin Islands, and therefore no Tribes were invited to execute the Prototype Agreement or this Addendum; and

WHEREAS, under the Disaster Relief Appropriations Act of 2013 (Public Law 113-2, January 29, 2013); Further Continuing and Security Assistance Appropriations Act, 2017 (Public Law 114-254, December 10, 2016); Consolidated Appropriations Act, 2017 (Public Law 115-31, May 5, 2017);

December 10, 2016); Consolidated Appropriations Act, 2017 (Public Law 115-31, May 5, 2017); Continuing Appropriations Act, 2018 and Supplemental Appropriations for Disaster Relief Requirements Act, 2017 (Public Law 115-56, September 8, 2017); Additional Supplemental Appropriations For Disaster Relief Requirements Act, 2017 (Public Law 115-123, February 9, 2018) and other Congressionally authorized programs as are enacted from time to time, the U.S. Department of Housing and Urban Development (HUD) allocates Community Development Block Grant- Disaster Recovery (CDBG-DR) funds for disaster recovery activities similar to the activities covered by the Agreement; and

WHEREAS, the Virgin Islands Housing Finance Authority has assumed HUD's environmental review responsibilities as Responsible Entity and is responsible for environmental review, decision-making and action, pursuant to Section 104(g) of the Housing and Community Development Act of 1974 (42 USC 5304(g)) and 24 CFR Part 58, and proposes to administer CDBG-DR funds pursuant to the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2016 and other Congressionally authorized programs as are enacted from time to time;

WHEREAS, Stipulation I.A.6. of the Agreement allows other Federal agencies, including state and local governments acting as Responsible Entities for CDBG-DR funds, to fulfill their Section 106 responsibilities for those types of activities covered under the terms of the Agreement by accepting and complying with the terms of the Agreement and executing this Addendum; and

WHEREAS, the Virgin Islands Housing Finance Authority will ensure that staff who meet the appropriate Secretary of the Interior's Professional Qualifications Standards in Architectural History, Archeology, History and/or Historic Architecture, as originally published in Appendix A of 36 CFR 61, will review all Second Tier projects in accordance with Appendix B of the Agreement and complete Standard Project Reviews in accordance with Stipulation II.D of the Agreement, and the Virgin Islands Housing Finance Authority will provide resumes of such staff to the signatories to this Addendum; and

NOW, THEREFORE, the Virgin Islands Housing Finance Authority agrees to assume the federal agency role and accept the terms and conditions of the Agreement and subsequent amendments as appropriate under HUD's authorizing legislation and regulations, and thereby take into account the effect of its undertakings and satisfy its Section 106 responsibilities for the CDBG-DR program for activities in the Territory of the Virgin Islands.

DURATION AND EXTENSION, This Addendum to the Agreement will remain in effect for currently open disaster declarations and subsequent disaster declarations in the Territory of the Virgin Islands; however, the Addendum will not exceed the expiration date of the Agreement.

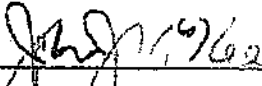
Signatories may collectively agree to extend this Addendum to cover additional calendar years provided that the Agreement is also extended.

EXECUTION AND IMPLEMENTATION, of this Addendum to the Agreement evidences that the Virgin Islands Housing Finance Authority has taken into account the effects of their undertakings on historic properties, and that through the execution of this Addendum and implementation of the Agreement will satisfy their responsibilities under Section 106 of the National Historic Preservation Act and its implementing regulations for the referenced CDBG-DR program for activities in the Territory of the Virgin Islands. This Addendum may be executed in counterparts, with separate signature pages.

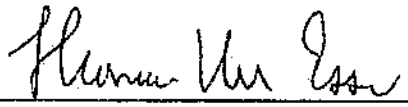
ADDENDUM
to
THE PROGRAMMATIC AGREEMENT AMONG
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,
THE VIRGIN ISLANDS STATE HISTORIC PRESERVATION OFFICER,
THE VIRGIN ISLANDS TERRITORIAL EMERGENCY MANAGEMENT AGENCY,
And
THE VIRGIN ISLANDS HOUSING FINANCE AUTHORITY

SIGNATORY PARTIES:

FEDERAL EMERGENCY MANAGEMENT AGENCY

 Date: 6/24/2019

John McKee
Regional Environmental Officer
FEMA Region II

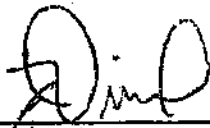
 Date: 7-3-19

Thomas Von Essen
Regional Administrator
FEMA Region II

ADDENDUM
to
THE PROGRAMMATIC AGREEMENT AMONG
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,
THE VIRGIN ISLANDS STATE HISTORIC PRESERVATION OFFICER,
THE VIRGIN ISLANDS TERRITORIAL EMERGENCY MANAGEMENT AGENCY,
And
THE VIRGIN ISLANDS HOUSING FINANCE AUTHORITY

SIGNATORY PARTIES:

VIRGIN ISLANDS STATE HISTORIC PRESERVATION OFFICER



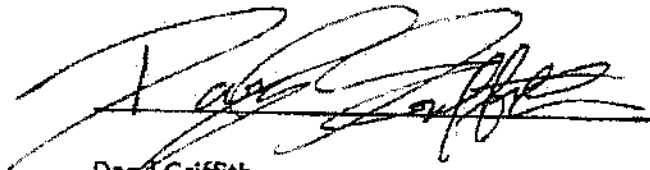
Date: 22-June-2019

Jean-Pierre L. Oriol
State Historic Preservation Officer

ADDENDUM
to
THE PROGRAMMATIC AGREEMENT AMONG
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,
THE VIRGIN ISLANDS STATE HISTORIC PRESERVATION OFFICER,
THE VIRGIN ISLANDS TERRITORIAL EMERGENCY MANAGEMENT AGENCY,
And
THE VIRGIN ISLANDS HOUSING FINANCE AUTHORITY

SIGNATORY PARTIES:

THE VIRGIN ISLANDS HOUSING FINANCE AUTHORITY

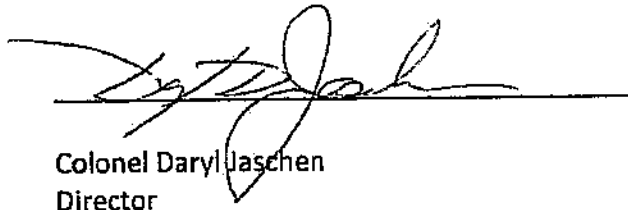

Date: 7/8/19

Darryl Griffith
Executive Director

ADDENDUM
to
THE PROGRAMMATIC AGREEMENT AMONG
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,
THE VIRGIN ISLANDS STATE HISTORIC PRESERVATION OFFICER,
THE VIRGIN ISLANDS TERRITORIAL EMERGENCY MANAGEMENT AGENCY,
And
THE VIRGIN ISLANDS HOUSING FINANCE AUTHORITY

SIGNATORY PARTIES

VIRGIN ISLANDS TERRITORIAL EMERGENCY MANAGEMENT AGENCY

 _____ Date: 1 JULY 2019

Colonel Daryl Jaschen
Director

**PROGRAMMATIC AGREEMENT AMONG
THE FEDERAL EMERGENCY MANAGEMENT AGENCY;
THE VIRGIN ISLANDS STATE HISTORIC PRESERVATION OFFICER;
AND THE VIRGIN ISLANDS TERRITORIAL EMERGENCY
MANAGEMENT AGENCY**

WHEREAS, the mission of the Federal Emergency Management Agency (FEMA) of the Department of Homeland Security is to support our citizens and first responders to ensure that as a nation we work together to build, sustain, and improve our capability to prepare for, protect against, respond to, recover from, and mitigate all hazards; and

WHEREAS, FEMA makes assistance available to States, Commonwealths, Territorial governments, communities, Federally recognized Indian Tribes (Tribes) and other eligible entities through programs (Programs) set forth in Appendix A, pursuant to the Homeland Security Act of 2002, Pub. L. No. 107-296 (2002) (codified as amended at 6 U.S.C. § 101 *et seq.*); Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. No. 93-288 (1974) (codified as amended at 42 U.S.C. § 5121 *et seq.*, (Stafford Act); the National Flood Insurance Act of 1968, Pub. L. No. 90-448 (1968) (as amended); the National Flood Insurance Reform Act of 1994, Pub. L. No. 103-325 (1994) (as amended); the Post-Katrina Emergency Management Reform Act of 2006, Pub. L. No. 109-295 (2006) (as amended); implementing regulations contained in Title 44 of the Code of Federal Regulations (CFR), Executive Order 13407 (2006), and such other acts, executive orders, implementing regulations, or Congressionally authorized programs as are enacted from time to time; and

WHEREAS, FEMA has determined that implementing its Programs may result in Undertakings (as defined by 54 U.S.C. § 300320 and 36 CFR § 800.16(y)) that may affect properties listed in or eligible for listing in the National Register of Historic Places (National Register) pursuant to 36 CFR Part 60 (historic properties), and FEMA has consulted with the US Virgin Islands State Historic Preservation Officer (SHPO) pursuant to Section 106 of the National Historic Preservation Act (NHPA), Pub. L. No. 89-665 (1966) (codified as amended at 54 U.S.C. § 306108) and Section 110 of NHPA (codified as amended at 54 U.S.C. § 306108), and the Section 106 implementing regulations at 36 CFR Part 800; and

WHEREAS, FEMA, the Advisory Council on Historic Preservation (ACHP), and the National Conference of State Historic Preservation Officers (NCSHPO) have determined that FEMA's Section 106 requirements can be more effectively and efficiently implemented and delays to the delivery of FEMA assistance minimized if a programmatic approach is used to stipulate roles and responsibilities, exempt certain Undertakings from Section 106 review, establish protocols for consultation, facilitate identification and evaluation of historic properties, and streamline the assessment and resolution of adverse effects; and

WHEREAS, FEMA has developed a Prototype Programmatic Agreement (Prototype Agreement) pursuant to 36 CFR § 800.14(b)(4) in consultation with the ACHP and NCSHPO to serve as a basis for negotiation of a State specific Programmatic Agreement (Agreement) with the SHPO and the State Emergency Management Agency, and

WHEREAS, this Agreement conforms to the FEMA Prototype Agreement as designated by the ACHP on December 17, 2013, and therefore does not require the participation or signature of the ACHP; and

WHEREAS, in order to implement its Programs, FEMA will provide assistance to the Territory of the Virgin Islands that may provide monies and other assistance to eligible sub-recipients, and as such, the Virgin Islands Territorial Emergency Management Agency (VITEMA) (Recipient) is typically responsible for administering funds provided under these Programs, has participated in this consultation, and has been invited by FEMA to execute this Agreement as an Invited Signatory; and

WHEREAS, FEMA has determined that its Programs may result in Undertakings with the potential to affect historic properties having religious and cultural significance, including sites that may contain human remains and/or associated cultural items; and

WHEREAS, FEMA in consultation with the SHPO, has determined that there are no Federally recognized non-resident or resident Indian Tribes (Tribes) with interests in the Territory of the Virgin Islands; and

WHEREAS, FEMA may perform direct Undertakings in order to implement its programs pursuant to this Agreement; and

WHEREAS, in anticipation or in the immediate aftermath of an event, impacted communities and the Territory of the Virgin Islands may conduct critical preparedness, response and recovery activities to safeguard public health and safety and to restore vital community services and functions before, during, and or following an event. Some of these activities may become Undertakings requiring Section 106 review subject to the terms of this Agreement, and FEMA shall coordinate the appropriate review as warranted; and

WHEREAS, for the review of specific Undertakings under this Agreement, FEMA may invite other agencies, organizations, and individuals to participate as consulting parties; and

NOW, THEREFORE, FEMA, and SHPO as the Signatories and the Recipient as Invited Signatories, agree that FEMA Programs in the Territory of the Virgin Islands shall be administered in accordance with the following Stipulations to satisfy FEMA's Section 106 and Section 110 responsibilities for all resulting Undertakings and effectively integrate historic preservation compliance considerations into the delivery of FEMA assistance. FEMA will not authorize implementation of an individual Undertaking until Section 106 review of the project is completed pursuant to this Agreement.

STIPULATIONS

To the extent of its legal authority, and in coordination with SHPO and the Recipient, FEMA shall require that the following measures be implemented:

I. GENERAL

A. Applicability

1. The execution of this Agreement supersedes the terms of previously executed Agreement with the Territory of the Virgin Islands signed February 3, 2005, and extended October 22, 2010.
2. For FEMA Undertakings that also are within the jurisdiction of the Federal Communications Commission (FCC) and within the scope of its Section 106 Programmatic Agreements for communication facilities, FEMA defers Section 106 review in accordance with the ACHP Program Comment, as amended on September 24, 2015. The approval of funding for the FEMA Undertaking shall be conditioned upon the compliance of the sub-recipient with FCC's applicable Section 106 review. FEMA shall notify the SHPO when it applies the ACHP Program Comment to an Undertaking. FEMA remains responsible for any FEMA Undertaking it determines are outside the jurisdiction of FCC.
3. In the event of a Stafford Act major disaster or emergency declaration (Declaration), State and local governments may lack the capability to perform or to contract for emergency work, and instead request that the work be accomplished by a Federal agency. Through a mission assignment (MA), FEMA may direct appropriate Federal agencies to perform the work. This Agreement shall apply to such Federal assistance undertaken by or funded by FEMA pursuant to Titles IV and V of the Stafford Act and 44 CFR Part 206.
4. FEMA may utilize this Agreement to fulfill its Section 106 responsibilities and those of other Federal agencies that designate FEMA as the lead Federal agency pursuant to 36 CFR § 800.2(a)(2) with appropriate notification to the other Signatories and the ACHP regarding Undertakings that fall within the scope of this Agreement. When FEMA is not designated as the lead Federal agency, all Federal agencies, including FEMA, remain individually responsible for their compliance with Section 106. FEMA may also recognize another Federal agency as lead Federal agency for specific Undertakings as appropriate.
5. If another Federal program or Federal agency has concluded Section 106 consultation review and approved an Undertaking within the past eight (8) years, FEMA has no

further requirement for Section 106 review regarding that Undertaking provided that FEMA:

- a. confirms that the scope and effect [as defined by 36 CFR § 800.16(i)] of its Undertaking are the same as that of the Undertaking reviewed by the previous agency, and;
 - b. determines that the previous agency complied with Section 106 appropriately, and;
 - c. adopts the findings and determinations of the previous agency
 - d. FEMA shall document these findings in its project file in order to confirm that the requirements of Section 106 have been satisfied. Should FEMA, in consultation with SHPO, determine that the previous Section 106 review was insufficient or involved interagency disagreements about eligibility, effect, and/or treatment measures, FEMA shall conduct additional Section 106 consultation in accordance with the terms of this Agreement.
6. With the written concurrence of the Signatories, other Federal agencies providing financial assistance for the same type of activities covered under the terms of this Agreement as outlined in Appendix A may satisfy their Section 106 responsibilities for such activities by accepting and complying in writing with the terms of this Agreement.
- a. Other Federal Agencies may include Territorial agencies/units of the local government who have assumed environmental responsibilities of the U.S. Department of Housing and Urban Development and, acting as the Responsible Entity pursuant to 24 CFR Part 58, are responsible for environmental review, decision-making and action.
 - b. In such situations, the Federal Agency shall notify the Signatories in writing of its intent to use this Agreement to achieve compliance with its Section 106 requirements, and consult with the Signatories regarding its Section 106 compliance responsibilities. Resumes of staff who meet the Secretary of the Interior's (Secretary's) *Professional Qualification Standard(s)* will review Tier II projects in accordance with Appendix B of this Agreement. Their C.V. shall be provided to FEMA and the SHPO for review upon request.
7. FEMA has determined that the following types of activities have limited or no potential to affect historic properties and FEMA has no further Section 106 responsibilities with regards to them, pursuant to 36 CFR § 800.3(a)(1):
- a. Pursuant to 44 CFR § 206.110(m), assistance to individuals and households provided under 44 CFR Part 206, Subpart D and Section 408 of the Stafford Act, including funding for owner occupied home repair and replacement, content

replacement, personal property, transportation and healthcare expenses, is exempt from the provisions of Section 106. For ground disturbing activities, and construction related to 44 CFR §§ 206.117(b)(1)(ii) (temporary housing), 206.117(b)(3) (replacement housing), 206.117(b)(4) (permanent housing construction), 206.117(c)(1)(vi) (repair or replacement of privately owned access routes) and repair of (multi-family housing units, FEMA shall conduct Section 106 review.

- b. Administrative actions such as personnel actions, travel, procurement of services, supplies (including vehicles and equipment) for the support of day-to-day and emergency operational activities, and the temporary storage of goods provided storage occurs within existing facilities or on previously disturbed soils.
- c. Granting of variances, and actions to enforce Federal, State, or local codes, standards or regulations.
- d. Monitoring, data gathering, and reporting in support of emergency and disaster planning, response and recovery, and hazard activities.
- e. Research and development of hazard warning systems, hazard mitigation plans, codes and standards, and education/public awareness programs.
- f. Assistance provided for planning, studies, design and engineering costs that involve no commitment of resources other than staffing and associated funding.
- g. Assistance provided for training, management and administration, exercises, and mobile/portable equipment purchases; with the exception of potential ground-disturbing activities and modification of existing structures.
- h. Community Disaster Loans for funding to perform governmental functions for any eligible jurisdiction in a designated disaster area that has suffered a substantial loss of tax and other revenue.
- i. Funding the administrative action of acquisition or lease of existing facilities where planned uses conform to past use or local land use requirements.
- j. Funding the administrative action of acquiring properties in acquisition projects including the real estate transaction.
- k. Labor, equipment and materials used to provide security in the Declaration area, including lease, rental, purchase or repair of equipment or vehicles and payment for staff and contract labor.

- l. Application of pesticides to reduce adverse public health effects, including aerial and truck-mounted spraying.
 - m. Unemployment assistance.
 - n. Distribution of food coupons.
 - o. Legal services.
 - p. Crisis counseling.
8. Any FEMA Programs authorized by the United States Congress in the future may be included in this Agreement in accordance with Stipulation IV.A, Amendments. Any change in the FEMA name, Programs, or organizational structure shall not affect this Agreement.

B. Roles and Responsibilities of the Signatories

1. FEMA:

- a. FEMA shall use Federal, Territorial, sub-recipient, or contractor staff whose qualifications meet the Secretary of the Interior's (Secretary's) Professional Qualifications Standards (Professional Qualifications) set forth in the Federal Register at 48 Fed. Reg. 44716-01 (September 29, 1983), as amended (Qualified), in applying Tier II Programmatic Allowances listed in Appendix B, completing identification and evaluation of historic properties and in making determinations of effects. FEMA shall review any National Register eligibility determination and make its own findings of effect resulting from the performance of these activities prior to submitting such determinations to the SHPO.
- b. FEMA alone shall conduct all project consultation. In accordance with 36 CFR § 800.2(c)(4), FEMA may authorize the Recipient, or a sub-recipient through the Recipient, to initiate the Section 106 process with the SHPO and other consulting parties, assist in identifying other consulting parties with a demonstrated interest in the Undertaking, and prepare any necessary analyses and documentation, but FEMA will remain responsible for determinations of National Register eligibility and findings of effect recommended by the authorized party. FEMA shall follow the process set forth in Stipulation I.B.1.(a), FEMA Roles and Responsibilities, and notify the SHPO in writing when a Recipient or sub-recipient has been authorized to initiate consultation on FEMA's behalf.
- c. Prior to authorizing the release of funds for individual Undertakings requiring grant conditions pursuant to this Agreement, FEMA shall inform the Recipient of all stipulations and conditions and ensure that they are understood so they can be

adequately conveyed to the sub-recipient. FEMA shall work in partnership with the Recipient to provide sub-recipients with guidance on in-kind repair pursuant to *The Secretary of the Interior's Standards for the Treatment of Historic Properties 1995 (Standards)*, 36 CFR Part 68, or the most updated version, and techniques to avoid or minimize adverse effects to historic properties.

- d. FEMA shall provide the other Signatories and the ACHP with an annual report for the previous calendar year by November first each year that this Agreement is in effect. This annual report will summarize the actions taken to implement the terms of this Agreement, statistics on Undertakings reviewed, and recommend any actions or revisions to be considered, including updates to the appendices.
- e. FEMA shall confer annually and as necessary with the other Signatories within thirty (30) days after issuance of the annual report, to review the report and/or discuss issues and concerns in greater detail. This review shall occur in person or by telephone as determined by FEMA.
- f. FEMA shall notify the SHPO, as soon as practicable, following a Declaration to provide specific points of contact and other pertinent information about the Declaration.
- g. FEMA may convene an initial scoping meeting with the Signatories and other interested parties as soon as practicable after each Disaster Declaration to address Disaster Declaration-specific issues and procedures.
- h. FEMA shall ensure that all documentation resulting from Undertakings reviewed pursuant to this Agreement is consistent with applicable SHPO guidelines and the confidentiality provisions of 54 U.S.C. § 307103 and 36 CFR § 800.11(c).

2. SHPO:

- a. SHPO shall review FEMA's determination of the Areas of Potential Effect (APE), National Register eligibility determinations, and FEMA's effect findings and provide concurrence within timeframes required by this Agreement.
- b. Upon request, the SHPO shall provide FEMA and/or its designee(s) with available information about historic properties (such as access to online systems or site files, GIS data, survey information, geographic areas of concern). Such data sharing may be memorialized in an agreement. Only Qualified FEMA staff and/or designee(s) shall be afforded access to protected historic property information.
- c. The SHPO shall identify staff or consultants to assist FEMA staff with their Section 106 responsibilities, and identify, in coordination with FEMA, those activities

within the Section 106 review process that SHPO may perform for specific Undertakings as agreed in writing with FEMA.

- d. As requested, SHPO staff shall be available as a resource and for consultation through site visits, written requests, telephone conversations or electronic media. In those instances where consultation with SHPO has occurred, FEMA shall provide a written summary via e-mail or regular mail to SHPO, including any decisions that were reached.
 - e. The SHPO may delegate some or all of its responsibilities under this Agreement to one or more Liaisons to serve as a dedicated point of contact for consultation with FEMA. The SHPO will confer with FEMA about the selection of any Liaisons, the scope of responsibilities delegated and related implementing procedures. SHPO shall formally document these decisions for concurrence by FEMA. Liaisons are not required to be members of the SHPO staff.
 - f. The SHPO shall participate in an initial scoping meeting for a Declaration.
 - g. The SHPO may assist local jurisdictions and/or the Recipient in the Territory of the Virgin Islands with advance planning efforts to consider historic properties as part of homeland security, including disaster preparedness, response, recovery, and mitigation programs for which FEMA funding may be requested.
 - h. The SHPO shall coordinate with FEMA to identify consulting parties, including any communities, organizations, or individuals that may have an interest in a specific Undertaking and its effects on historic properties.
 - i. The SHPO shall participate in annual reviews convened by FEMA to review the effectiveness of this Agreement in accordance with I.B.1.(e).
3. Recipient:
- a. The Recipient shall ensure that their sub-recipients understand and acknowledge conditions and potential requirements that may be placed upon Undertakings as a result of Section 106 consultation and the provisions of this Agreement.
 - b. The Recipient shall participate in an initial scoping meeting for a Declaration.
 - c. The Recipient shall ensure that their sub-recipients understand that failure to comply with any project-specific conditions that have been placed on their grants could jeopardize FEMA funding; to include audits, withholding of additional funding, and possible de-obligation.

- d. The Recipient shall notify FEMA as soon as possible of any proposed change to the approved scope of work. The Recipient shall direct their sub-recipients not to implement the changes to the proposed scope of work until any additional review required by this Agreement is complete.
- e. The Recipient shall ensure that their sub-recipients are made aware that in the event of an unexpected discovery involving an Undertaking that has affected a previously unidentified historic property, human remains, or affected a known historic property in an unanticipated manner, the sub-recipients will comply with Stipulation III.B, Unexpected Discoveries, Previously Unidentified Properties, or Unexpected Effects.
- f. The Recipient shall ensure that in its sub-recipient agreements, any scope of work involving ground disturbance, and resultant contracts to execute said work, provide for the protection of and notification protocols for unexpected discoveries or unexpected effects to cultural material and human remains.
- g. The Recipient shall advise its sub-recipients that they may jeopardize their receipt of federal funding if work is performed without all required local, US VI and federal licenses, permits, or approvals, including the completion of the Section 106 process.

C. Public Participation

- 1. FEMA recognizes that the views of the public are essential to informed decision making throughout the Section 106 consultation process. FEMA shall notify the public of proposed Undertakings in a manner that reflects the nature, complexity, and significance of historic properties likely affected by the Undertaking, the likely public interest given FEMA's specific involvement, and any confidentiality concerns of private individuals and businesses.
- 2. FEMA may consult with the Recipient, sub-recipient, SHPO, and other consulting parties to determine if there are individuals or organizations with a demonstrated interest in historic properties that should be included as a consulting party for the Undertaking in accordance with 36 CFR § 800.2(c)(5). If such parties are identified or identify themselves to FEMA, FEMA shall provide them with information regarding the Undertaking and its effect on historic properties, consistent with the confidentiality provisions of 36 CFR § 800.11(c).
- 3. In accordance with the outreach strategy developed for an Undertaking in consultation with the SHPO for involving the public, FEMA shall identify the appropriate stages for seeking public input during the Section 106 consultation process. FEMA shall consider all views provided by the public regarding an Undertaking.

4. FEMA shall also provide public notices and the opportunity for public comment or participation in an Undertaking through the public participation process of the National Environmental Policy Act (NEPA) and its implementing regulations set out at 44 CFR Part 10, and/or Executive Orders 11988 and 11990 relating to floodplains and wetlands as set out in 44 CFR Part 9, and if applicable, Executive Order 12898, Environmental Justice, provided such notices specifically reference Section 106 as a basis for public involvement.
5. Should a member of the public object in writing to implementation of the Agreement's terms, FEMA shall notify the other Signatories in writing. FEMA should consult with the objecting party and, if that party so requests, the other Signatories, for not more than thirty (30) days. In reaching its decision regarding the objection, FEMA shall take into consideration all comments from these parties. Within fifteen (15) days after closure of this consultation period, FEMA shall provide the other parties with its final decision in writing.

D. Timeframes and Communications

1. All time designations shall be in calendar days unless otherwise stipulated. If any Signatory does not object to FEMA's finding or determination related to an Undertaking within an agreed upon timeframe, FEMA may proceed to the next step in the consultation process as described in Stipulation II, Project Review.
2. Due to the varied nature of Undertakings, the individual response times to FEMA's requests for comment/concurrence may vary. These response times are contingent upon FEMA ensuring that its findings and determinations are made by Qualified staff and supported by documentation as required by 36 CFR §800.11(d) and 36 CFR §800.11(e) and consistent with FEMA guidance.
 - a. For Expedited Review of Emergency Undertakings as outlined in Stipulation II.B *Expedited Review of Emergency Undertakings*, the SHPO shall respond to any FEMA request for comments within three (3) days after receipt, unless FEMA determines the nature of the emergency action warrants a shorter time period.
 - b. For Undertakings associated with the Individual Assistance (IA) and Public Assistance (PA) programs, the review time shall be a maximum of fifteen (15) days, or in accordance with temporary timelines established by FEMA on a Declaration to Declaration basis.
 - c. For the Hazard Mitigation Grant Program (HMGP) and all non-disaster programs, the response time for each request for concurrence shall be a maximum of thirty (30) days.

3. The consulting parties may send and accept official notices, comments, requests for further information and documentation, and other communications required by the Agreement by e-mail.

II. PROJECT REVIEW

A. The *Preservation Guidelines* attached herein as Appendix D were developed by the USVI's State Historic Preservation Office's Department of Archeology and Preservation to encourage consistent preservation practices and to guide decision making regarding repair and restoration of historic resources. FEMA staff whose experience meets the level of the Secretary of the Interior's (SOI) Professional Qualifications Standards are encouraged to reference these documents when applicants are required to make in-kind repairs to historic fabric as part of the project scope of work.

B. Programmatic Allowances

1. If FEMA determines an Undertaking conforms to one or more allowances in Appendix B of this Agreement, FEMA shall complete the Section 106 review process by documenting this determination in the project file, without SHPO review or notification.
2. If the Undertaking involves a National Historic Landmark (NHL), FEMA shall notify the SHPO, and the National Park Service (NPS) NHL Program Manager of the NPS Southeast Regional Office (Atlanta Federal Center, 1924 Building, 100 Alabama Street SW, Atlanta, GA 30303 Phone: 404-507-5792; FAX: 404-562-3202 Email: SER_NHL@nps.gov) that the Undertaking conforms to one or more allowances. FEMA shall provide information about the proposed scope of work for the Undertaking and the allowance(s) enabling FEMA's determination.
3. If FEMA determines any portion of an Undertaking's scope of work does not conform to one or more allowances listed in Appendix B, FEMA shall conduct expedited or standard Section 106 review, as appropriate, for the entire Undertaking in accordance with Stipulation II.C, Expedited Review for Emergency Undertakings, or Stipulation II.D, Standard Project Review.
4. Allowances may be revised and new allowances may be added to this Agreement in accordance with Stipulation IV.A.3, Amendments.

C. Expedited Review for Emergency Undertakings

1. Determining need for Expedited Review
 - a. As part of the Declaration process, FEMA shall define the time interval during which the disaster causing incident occurs (the incident period, as defined in 44 CFR § 206.32(f)). FEMA may approve direct Federal assistance and/or funding for

emergency work (as defined in 44 CFR § 206.201(b)) that occurs during the incident period, including work already completed, in response to an immediate threat to human health and safety or property. Pursuant to 36 CFR § 800.12(d), FEMA may conduct expedited review of emergency Undertakings for thirty (30) days from the beginning of the incident period.

- b. Should FEMA determine that it is necessary to extend the expedited review period for emergency Undertaking beyond the initial thirty (30) days, FEMA shall, in thirty (30)-day increments, as needed, notify in writing the Recipient, SHPO and ACHP.

2. Conducting Expedited Reviews:

- a. If the emergency Undertaking is an immediate rescue and salvage operation conducted in response to an event to preserve life and property, FEMA has no Section 106 consultation responsibilities in accordance with 36 CFR § 800.12(d); or
- b. If the emergency Undertaking meets one or more of the Allowances in Appendix B of this Agreement, FEMA shall complete the Section 106 review process pursuant to Stipulation II.A.1, Programmatic Allowances.
- c. If FEMA determines that the Undertaking would adversely affect a historic property during this expedited review period:
 - i. To the extent practicable FEMA shall propose treatment measures that would address adverse effects during implementation, and request the comments of the SHPO within three (3) days of receipt of this information unless FEMA determines the nature of the emergency warrants a shorter time period.
 - ii. FEMA may provide this information through written requests, telephone conversations, meetings, or electronic media. In all cases, FEMA shall clarify that an "expedited review" is being requested for the Undertaking.
 - iii. FEMA shall take into account any timely comments provided by SHPO in making a decision on how to proceed.
 - iv. Should the SHPO not comment within three (3) days, FEMA shall complete Section 106 for the Undertaking based on the available information.
 - v. FEMA shall notify the SHPO of the final decision, indicating how any comments received were considered in reaching that decision.

D. Standard Project Review: For Undertakings not exempt from further Section 106 review, FEMA shall ensure that the following standard project review steps are implemented. In

the interest of streamlining, FEMA may combine some or all of these steps during consultation in accordance with 36 CFR § 800.3(g).

1. Consulting Parties: FEMA shall consider all written requests of individuals and organizations to participate as consulting parties, and consult with the SHPO to identify any other parties that meet the criteria to be consulting parties and invite them to participate in the Section 106 process. FEMA may invite others to participate as consulting parties as the Section 106 process proceeds. FEMA shall invite any individual or organization that will assume a specific role or responsibility outlined in a Memorandum of Agreement (MOA) or Programmatic Agreement to participate as an Invited Signatory to the Agreement.
2. Area of Potential Effects:
 - a. For standing structures not adjacent to or located within the boundaries of a National Register listed or eligible district, Qualified staff may define the APE as including individual structures when the proposed Undertaking is limited to its repair or rehabilitation (as defined in 36 CFR § 68. 2(b)).
 - b. For all other Undertakings, Qualified staff shall determine the APE in consultation with the SHPO. FEMA may consider information provided by other parties, such as local governments and the public, when establishing the APE.
3. Identification and Evaluation: Qualified staff shall determine, in consultation with the SHPO if the APE contains historic properties, including archaeological sites or properties of religious or cultural significance. This may include the review of documentation provided by the Recipient or sub-recipient in coordination with the SHPO.
 - a. Level of Effort: FEMA shall make a reasonable and good faith effort to identify historic properties in accordance with 36 CFR § 800.4(b)(1). FEMA may consult with the SHPO to determine the level of effort and methodology necessary to identify a variety of historic property types. For properties of religious and cultural significance, FEMA shall consult with SHPO to determine geographical areas containing them that may be affected by an Undertaking and determine the necessary level of effort required to identify and evaluate or avoid or protect any such historic properties.
 - b. National Historic Landmark: When FEMA identifies an Undertaking with the potential to affect an NHL, FEMA shall consult the NPS NHL Program Manager of the NPS Southeast Regional Office (Atlanta Federal Center, 1924 Building, 100 Alabama Street SW, Atlanta, GA 30303 _ Phone: 404-507-5792; FAX: 404-562-3202 _ Email: SER_NHL@nps.gov) and other consulting parties. The purpose of

this notification is to ensure early coordination for the Undertaking which FEMA later may determine adversely affects the NHL as outlined in Stipulation II.D.6.

- c. **Determination of Eligibility:** FEMA shall review or determine National Register eligibility based on identification and evaluation efforts, and consult with SHPO and other consulting parties regarding these determinations. Should the SHPO or another consulting party disagree with the determination, FEMA shall either:
 - i. Elect to consult further with the objecting party until the objection is resolved;
 - ii. Treat the property as eligible for the National Register; or
 - iii. Obtain a determination of eligibility from the Keeper of the National Register in accordance with 36 CFR § 63.2(d)-(e) and 36 CFR § 800.4(c)(2).
4. **Findings of No Historic Properties Affected:** FEMA shall make a finding of “no historic properties affected” under the following circumstances:
 - a. If no historic properties are present in the APE;
 - b. The Undertaking is designed to avoid effects to historic properties, including National Register listed or eligible properties; or
 - c. The Undertaking does not affect the character defining features of a historic property.
 - d. FEMA shall notify the SHPO and any other consulting parties of this finding and provide supporting documentation in accordance with 36 CFR § 800.11(d). Unless the SHPO objects to the finding within the applicable timeframe outlined in Stipulation I.D., Timeframes and Communications, the Section 106 review of the Undertaking will have concluded.
 - e. If the SHPO objects to a finding of “no historic properties affected,” FEMA shall consult with the objecting party to resolve the disagreement.
 - i. If the objection is resolved, FEMA either may proceed with the Undertaking in accordance with the resolution or reconsider effects on the historic property by applying the criteria of adverse effect pursuant to Stipulation II.D.5., Application of the Criteria of Adverse Effect, below.
 - ii. If FEMA is unable to resolve the disagreement, it will forward the finding and supporting documentation to the ACHP and request that the ACHP review FEMA’s finding in accordance with 36 CFR § 800.4(d)(1)(iv)(A) through 36 CFR § 800.4(d)(1)(iv)(C). FEMA shall consider the ACHP’s recommendation

in making its final determination. If FEMA's final determination is to reaffirm its "no historic properties affected" finding, the Section 106 review of the Undertaking will have concluded. Otherwise, FEMA will proceed to Stipulation II.D.5. below.

5. Application of the Criteria of Adverse Effect: If FEMA finds an Undertaking may affect historic properties in the APE, FEMA shall apply the criteria of adverse effect to historic properties within the APE(s), taking into account the views of the consulting parties and public concerning effects in accordance with 36 CFR § 800.5(a).
 - a. If FEMA determines that an Undertaking does not meet the adverse effect criteria FEMA shall propose a finding of "no adverse effect" in accordance with 36 CFR § 800.5(b).
 - i. FEMA shall notify the SHPO and all other consulting parties of its finding and provide supporting documentation pursuant to 36 CFR §800.11(e).
 - ii. Unless a consulting party objects within the applicable timeframe in Stipulation I.D., Timeframes and Communications, FEMA will proceed with its "no adverse effect" determination and complete the Section 106 review.
 - iii. If a consulting party objects to a finding of "no adverse effect," FEMA will consult with the objecting party to resolve the disagreement.
 - 1) If the objection is resolved, FEMA shall proceed with the Undertaking in accordance with the resolution, or:
 - 2) If the objection cannot be resolved, FEMA shall request that the ACHP review the findings in accordance with 36 CFR § 800.5(c)(3)(i)-(ii) and submit the required supporting documentation. FEMA shall consider the ACHP's comments in making its final determination.
 - b. If FEMA finds the Undertaking may have an adverse effect on historic properties, FEMA shall request through the Recipient that the sub-recipient revise the scope of work to substantially conform to the *Standards* for standing structures, or avoid or minimize adverse effects for national register listed or eligible archaeological properties.
 - i. If the sub-recipient modifies the scope of work to avoid the adverse effect(s), FEMA shall notify the consulting parties, and provide supporting documentation. Unless a consulting party makes a timely objection within the applicable timeframe outlined in Stipulation I.D., Timeframes and Communications, FEMA shall proceed with its "no adverse effect" determination, including any conditions, and conclude the Section 106 review.

- ii. If an Undertaking is not modified to avoid the adverse effect(s), FEMA shall initiate consultation to resolve the adverse effect(s) in accordance with Stipulation II.D.6, Resolution of Adverse Effect.
6. Resolution of Adverse Effects: If FEMA determines that an Undertaking may adversely affect a historic property, it shall resolve the effect(s) of the Undertaking in consultation with the SHPO, Recipient, sub-recipient, the ACHP, if participating, and other consulting parties, by one of the following methods depending upon the severity of the adverse effect(s) as well as determination of the historic property's significance on a local, state or national level. When FEMA determines an Undertaking will adversely affect an NHL, FEMA shall notify and invite the Secretary and the ACHP to participate in consultation in accordance with 36 CFR §.800.10. When the ACHP participates in consultation related to an NHL, the ACHP shall report the outcome of the consultation to the Secretary and FEMA Administrator.
- a. Abbreviated Consultation Process: After taking into consideration the nature of the historic properties affected and the severity of the adverse effect(s), FEMA may propose in writing to the consulting parties to resolve the adverse effects of the Undertaking through the application of one or more Treatment Measures outlined in Appendix C as negotiated with the SHPO and other consulting parties. The use of these Treatment Measures may not require the execution of a Memorandum of Agreement (MOA) or Programmatic Agreement.
 - i. In consultation with the SHPO, participating organization(s), and other consulting parties, FEMA shall propose in writing the implementation of a specific Treatment Measure, or combination of Treatment Measures, with the intent of expediting the resolution of adverse effects, and provide documentation as required by 36 CFR § 800.11(e) and subject to the confidentiality provisions of 36 CFR § 800.11(c). Unless a consulting party or the ACHP objects within fifteen (15) days of receipt of FEMA's proposal, FEMA shall proceed with the use of the Treatment Measure(s) and will conclude the Section 106 review.
 - ii. If any of the consulting parties or the ACHP objects within the fifteen (15) day review and comment period to the resolution of adverse effects through the application of the Abbreviated Consultation Process, FEMA shall resolve the adverse effect(s) using procedures outlined below in Stipulation II.D.6.(b), MOA or Stipulation II.D.6.(c), Programmatic Agreement.
 - iii. Because funding and implementation details of Treatment Measures for specific Undertakings may vary by program, FEMA shall provide written notice to the consulting parties within sixty (60) days of the completion of the Treatment Measure(s). This written notice will serve as confirmation that the Treatment Measure(s) for a specific Undertaking have been implemented. FEMA also shall

include information pertaining to the completion of Treatment Measures in the annual report pursuant to Stipulation I.B.1.(d), FEMA Roles and Responsibilities.

- b. Memorandum of Agreement: FEMA shall provide the ACHP with an adverse effect notice in accordance with 36 CFR § 800.6(a)(1) if it has not already provided such under the Abbreviated Consultation Process of this Agreement, if a consulting party or the ACHP objects in accordance with Stipulation II.D.6.(a)(ii) or if FEMA, in consultation with the SHPO and the other consulting parties, has determined that an MOA would be more appropriate to resolve the adverse effect(s). In consultation with the other consulting parties, including the ACHP (if participating), FEMA shall develop an MOA in accordance with 36 CFR § 800.6(c) to agree upon treatment measures to avoid, minimize, and/or mitigate adverse effects on historic properties. The MOA may also include treatment measures that serve an equal or greater benefit promoting the preservation of historic properties in lieu of more traditional treatment measures.
- c. Programmatic Agreement: Should the execution of an MOA be inappropriate given the similar nature of effects on historic properties, the inability to determine effects prior to approval of an Undertaking, or when other circumstances warrant, FEMA shall consult with the SHPO, the ACHP, if participating, and any other consulting party to develop a Programmatic Agreement in accordance with 36 CFR § 800.14(b) and identify programmatic conditions or treatment measures to govern the resolution of potential or anticipated adverse effects from certain complex project situations for an Undertaking or for multiple but similar Undertakings by a single sub-recipient.
- d. Objections: Should any Signatory or consulting party object within the timeframes established by this Agreement to any plans, specifications, or actions pursuant to resolving an adverse effect, FEMA shall consult further with the objecting party to seek resolution. If FEMA determines the objection cannot be resolved, FEMA shall address the objection in accordance with Stipulation IV.B, Dispute Resolution.

III. OTHER CONSIDERATIONS

- A. Changes to an Approved Scope of Work: The Recipient shall notify FEMA and shall require a sub-recipient to notify it immediately when a sub-recipient proposes changes to an approved scope of work for an Undertaking.
 - 1. If FEMA determines the change meets an Allowance or has no effect on the property, FEMA shall approve the change.

2. If the change can be modified to meet an Allowance, or conform to any applicable SOI's Standards, FEMA shall complete its Section 106 review responsibilities.
3. If FEMA determines that the change does not meet an Allowance, FEMA shall initiate consultation pursuant to Stipulation II.D., Standard Project Review.

B. Unexpected Discoveries, Previously Unidentified Properties, or Unexpected Effects:

1. Upon notification by a sub-recipient of an unexpected discovery, or if it appears that a Undertaking has affected a previously unidentified property or affected a known historic property in an unanticipated manner, in accordance with Stipulation I.B.3(e), Recipient Roles and Responsibilities, the Recipient shall immediately notify FEMA and require the sub-recipient to:
 - a. Stop construction activities in the vicinity of the discovery.
 - b. Take all reasonable measures to avoid or minimize harm to the property until FEMA has completed consultation with the SHPO, participating organization(s), and any other consulting parties. Upon notification by the Recipient of a discovery, FEMA shall immediately notify the SHPO, participating organization(s), and other consulting parties that may have an interest in the discovery, previously unidentified property or unexpected effects, and consult to evaluate the discovery for National Register eligibility and/or the effects of the undertaking on historic properties.
 - c. If human remains are discovered, notify the local law enforcement office and coroner/medical examiner in accordance with applicable Virgin Islands Territorial statute(s) and protect the remains from any harm. Discoveries of human remains on Federal lands shall be subject to the Native American Graves Protection and Repatriation Act (NAGPRA) (25 U.S.C. §3001-3013, 18 U.S.C. §1170) and Archeological Resources Protection Act of 1979 (ARPA), as applicable..
 - d. Assist FEMA in completing the following actions, as required:
 - i. FEMA shall consult with the SHPO and other consulting parties in accordance with the consultation process outlined in Stipulation II, Project Review, to develop a mutually agreeable action plan with timeframes to identify the discovery or previously unidentified property, take into account the effects of the Undertaking, resolve adverse effects if necessary, and ensure compliance with applicable Federal, Territorial, and local statutes.
 - ii. FEMA shall coordinate with the Recipient and the sub-recipient regarding any needed modification to the scope of work for the Undertaking necessary to implement recommendations of the consultation and facilitate proceeding with the Undertaking.

- iii. In cases where human remains are discovered, FEMA shall follow the guidelines outlined in the ACHP's *Policy Statement Regarding the Treatment of Burial Sites, Human Remains, and Funerary Objects* (2007) and any territory-specific policies that may be in force.

C. Curation

1. In cases where archeological survey and testing are conducted on private land, any recovered collections remain the property of the land owner. In such instances, FEMA and the Recipient, in coordination with the SHPO, shall encourage land owners to donate the collection(s) to an appropriate public entity. In cases where the property owner wishes to transfer ownership of the collection(s) to a public entity, and in the case of artifacts recovered from public lands, FEMA and the Recipient shall ensure that recovered artifacts and related documentation are curated in a suitable repository as agreed to by FEMA, and SHPO, and following applicable USVI guidelines.
2. When an Undertaking will adversely affect a National Register listed or eligible archaeological site, FEMA may treat the adverse effect by providing for the recovery of significant information through archaeological data recovery. FEMA will consult with the other consulting parties to prepare a research design (data recovery plan), including a specific plan for curation. This plan will incorporate any relevant curation provisions contained in the SHPO's *Guidelines for Conducting Archaeological Studies*, ACHP's "*Recommended Approach for Consultation on Recovery of Significant Information from Archaeological Sites*" published in the Federal Register (64 Federal Register 27085-27087 (May 18, 1999)), or other provisions agreed to by the consulting parties. No excavation should be initiated before FEMA acceptance and approval of the curation plan.
 - a. As stipulated in the curation plan, artifacts, as well as field and laboratory records sufficient to document the collection, will be curated at a facility, preferably in-state, that meets the standards of, and in accordance with the provisions of 36 CFR Part 79, "Curation of Federally Owned and Administered Archaeological Collections," and applicable US-VI requirements.

D. Review of Undertakings Initiated Before Initiation or Completion of Section 106 Review

1. In accordance with Section 110(K) of the NHPA, FEMA shall not grant assistance to a sub-recipient who, with intent to avoid the requirements of this Agreement or Section 106 of the NHPA, has intentionally significantly and adversely affected a historic property to which the assistance would relate, or having legal power to prevent it, allowed an adverse effect to occur. However, if after consultation with the SHPO and ACHP, FEMA determines that extraordinary circumstances justify granting assistance

despite the adverse effect created or permitted by the sub-recipient, FEMA shall complete consultation for the Undertaking pursuant to the terms of this Agreement.

2. FEMA shall specifically advise the Recipient and shall require that the Recipient advise its sub-recipients in writing that they may jeopardize Federal funding if work is performed without all required local, USVI, and Federal licenses, permits, and/or approvals, including the completion of the Section 106 process. FEMA also shall document this requirement in its Record of Environmental Consideration, as applicable, as well as all project approval documents specifying the project scope and limits, and containing all conditions and caveats.
3. In circumstances where FEMA determines a sub-recipient has initiated an Undertaking without willful intent to avoid the requirements of this Agreement or Section 106 of NHPA, FEMA shall proceed as follows:
 - a. Determine if the Undertaking is of a type for which FEMA has no further Section 106 responsibilities, namely:
 - i. An Undertaking listed in Stipulation I.A.7; or
 - ii. An immediate rescue and salvage operation in accordance with 36 CFR § 800.12(d); or
 - iii. A Programmatic Allowance as described under Stipulation II.B.
 - b. In any such cases, listed in Stipulation III.D.2. above, FEMA shall document this determination in the project files, and consider the Undertaking Section 106 compliant.
 - c. If FEMA determines the Undertaking would have required Section 106 review, FEMA shall coordinate with the SHPO to determine if consultation is feasible.
 - i. If after coordination with the SHPO, FEMA determines that consultation is feasible, FEMA shall review the Undertaking in accordance with Stipulation II.D., Standard Project Review.
 - ii. If after coordination with the SHPO, FEMA determines that review is infeasible, FEMA shall document the outcome to the Section 106 review process, and the applicable FEMA program shall take the outcome into account before making a decision whether to fund the Undertaking. FEMA shall provide written notification of its funding decision to the Recipient, SHPO and the ACHP.
4. FEMA shall ensure that all Undertakings considered for after the fact review in accordance with this stipulation are included in the annual report.

IV. IMPLEMENTATION OF AGREEMENT

A. Amendments

1. If any Signatory determines that the Agreement cannot be fulfilled, or that an amendment to the terms of this Agreement must be made, they shall consult for no more than sixty (60) days to seek amendment of the Agreement.
2. An amendment to this Agreement, exclusive of the appendices, shall be effective only when it has been signed by the Signatories.
3. Appendix A (FEMA Programs); Appendix B (Programmatic Allowances), and Appendix C (Treatment Measures) may be amended at the request of FEMA or another Signatory in the following manner:
 - a. FEMA, on its own behalf or on behalf of another Signatory, shall notify the other Signatories of the intent to modify the current Appendix or Appendices and shall provide a draft of the updated Appendix or Appendices to all Signatory parties.
 - b. If no other Signatory objects in writing within thirty (30) days of receipt of FEMA's proposed modification, FEMA shall date and sign the amended Appendix and provide a copy of the amended Appendix to the other Signatories. Such an amendment shall go into effect on the date FEMA transmits the amendment to other Signatories.

B. Dispute Resolution

1. Should any Signatory object in writing to the terms of this Agreement, FEMA shall consult with the objecting party for not more than thirty (30) days to resolve the objection.
2. If the objection is resolved within thirty (30) days, FEMA shall proceed in accordance with the resolution.
3. If FEMA determines within thirty (30) days that the objection cannot be resolved, FEMA shall forward to ACHP all documentation relevant to the objection, including FEMA's proposed resolution. Within thirty (30) days of receipt, ACHP will:
 - a. Concur in FEMA's proposed resolution; or
 - b. Provide FEMA with recommendations, which FEMA shall take into account in reaching a final decision regarding the objection; or

- c. Notify FEMA that the objection will be referred for comment in accordance with 36 CFR § 800.7(a)(4), and proceed to do so.
4. FEMA shall take into account any ACHP recommendations or comments, and any comments from the other Signatories, in reaching a final decision regarding the objection. FEMA shall provide in writing to the ACHP and Signatories a summary of its final decision before authorizing any disputed action to proceed. The Signatories shall continue to implement all other terms of this Agreement that are not subject to objection.
5. Should ACHP not respond within thirty (30) days, FEMA may assume ACHP has no comment and proceed with its proposed resolution to the objection after providing the ACHP and Signatories a written summary of its final decision.

C. Severability and Termination

1. In the event any provision of this Agreement is deemed by a Federal court to be contrary to, or in violation of, any applicable existing law or regulation of the United States of America, only the conflicting provision(s) shall be deemed null and void, and the remaining provisions of the Agreement shall remain in effect.
2. FEMA, the SHPO, ACHP, or Recipient may terminate this Agreement by providing thirty (30) days' written notice to the other Signatories, provided that the Signatories consult during this period to seek amendments or other actions that would prevent termination. If this Agreement is terminated, FEMA will comply with Section 106 through other applicable means pursuant to 36 CFR Part 800. Upon such determination, FEMA shall provide all other Signatories and the ACHP with written notice of the termination of this Agreement.
3. This Agreement may be terminated by the implementation of a subsequent Agreement pursuant to 36 CFR § 800.14(b). That explicitly terminates or supersedes this Agreement, or by FEMA's implementation of Alternative Procedures, pursuant to CFR 36 § 800.14(a).

D. Duration and Extension

1. This Agreement shall remain in effect from the date of execution for a period not to exceed seven (7) years unless otherwise extended pursuant to Stipulation IV.D.2 below, or pursuant to Stipulation IV.C.2 or IV.C.3., Severability and Termination. The

Agreement shall remain in effect for Declarations made prior to expiration of the Agreement in order to minimize delays in delivery of FEMA assistance.

2. The Signatories may collectively agree to extend this Agreement to cover additional calendar years through an amendment per Stipulation IV.A., provided that the original Agreement has not expired.


E. Execution and Implementation

1. This Agreement may be executed in counterparts, with a separate page for each Signatory and Invited Signatory, and shall become effective on the date of the final signature of FEMA and the SHPO.
2. FEMA shall ensure that each Signatory is provided with a complete copy of the Agreement, including an original set of signatures.
3. Execution and implementation of this Agreement evidence that FEMA has afforded ACHP a reasonable opportunity to comment on FEMA's administration of all referenced Programs, and that FEMA has satisfied its Section 106 responsibilities for all individual Undertakings of its Programs.

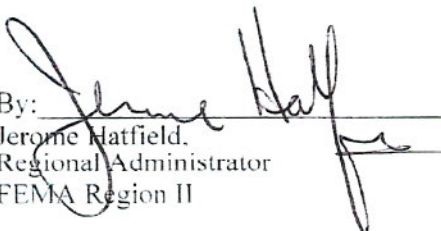
**PROGRAMMATIC AGREEMENT AMONG
THE FEDERAL EMERGENCY MANAGEMENT AGENCY;
THE VIRGIN ISLANDS STATE HISTORIC PRESERVATION OFFICER;
AND THE VIRGIN ISLANDS TERRITORIAL EMERGENCY
MANAGEMENT AGENCY**

SIGNATORY

FEDERAL EMERGENCY AGENCY

By: 
Alejandro De La Campa
Caribbean Area Division Director
FEMA Region II

Date: JUNE 29, 2016

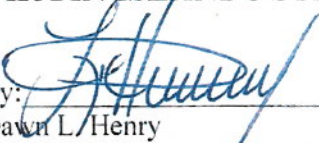
By: 
Jerome Hatfield.
Regional Administrator
FEMA Region II

Date: 6/29/16

**PROGRAMMATIC AGREEMENT AMONG
THE FEDERAL EMERGENCY MANAGEMENT AGENCY;
THE VIRGIN ISLANDS STATE HISTORIC PRESERVATION OFFICER;
AND THE VIRGIN ISLANDS TERRITORIAL EMERGENCY
MANAGEMENT AGENCY**

SIGNATORY

VIRGIN ISLANDS STATE HISTORIC PRESERVATION OFFICER

By: 
Dawn L. Henry
State Historic Preservation Officer

Date: July 14, 2016

**PROGRAMMATIC AGREEMENT AMONG
THE FEDERAL EMERGENCY MANAGEMENT AGENCY;
THE VIRGIN ISLANDS STATE HISTORIC PRESERVATION OFFICER;
AND THE VIRGIN ISLANDS TERRITORIAL EMERGENCY
MANAGEMENT AGENCY**

INVITED SIGNATORY

**VIRGIN ISLANDS TERRITORIAL EMERGENCY MANAGEMENT
AGENCY**

By: 

Ms. Mona L. Barnes
Director

Date: 

Appendix A

FEMA Program Summaries

This Appendix may be amended in accordance with Stipulation IV.A, Amendments.

Disaster Response and Recovery Programs

The following programs are authorized under Titles IV and V of the Stafford Act.

Public Assistance Program (PA)

This program assists States, US Territories, Tribal and local governments, and certain types of private nonprofit organizations quickly respond to and recover from major disasters or emergencies declared by the President. Grants are provided for debris removal (Category A), emergency protective measures (Category B), and the repair, replacement, or restoration of disaster-damaged, publicly owned and certain private non-profit facilities (Categories C-G).

Individual Assistance Programs (IA)

These programs help to ensure that individuals and families that have been affected by disasters have access to the full range of FEMA assistance including: crisis counseling (Section 416), disaster legal services (Section 415), essential assistance (Section 403), emergency sheltering assistance (Section 403), transportation (Section 419), funeral services, minor home repairs (Section 408), and temporary housing assistance (Section 408). It should be noted that other Federal agencies provide disaster assistance programs, services, and activities to individuals as well, such as the U.S. Small Business Administration, U.S. Department of Agriculture, and U.S. Department of Labor, but these other assistance programs are not subject to the terms of this Agreement.

Fire Management Assistance Grant Program (FMAG)

The FMAG is available to State, US Territories, Tribal, and local governments for the mitigation, management, and control of fires on publicly or privately owned lands. Eligible costs may include expenses for field camps, equipment use, repair and replacement, materials and supplies, and mobilization and demobilization activities.

Hazard Mitigation Grant Program (HMGP)

The HMGP provides grants to States, Territories, Tribes, and local governments to implement long-term hazard mitigation measures after a Declaration. Activities may include buyouts, retrofits, relocations, elevations, and minor flood control projects.

Non-Disaster Programs

Pre-Disaster Mitigation Program (PDM)

The PDM program provides competitive grants to States, Territories, Tribes, and local governments for hazard mitigation planning and the implementation of mitigation projects prior to a disaster

event. Activities may include planning, buyouts, retrofits, relocations, elevations, minor flood control projects, and vegetative fuels reduction.

Flood Mitigation Assistance Program (FMA)

The FMA provides grants to States, Territories, Tribal entities, and communities to assist in their efforts to reduce or eliminate the long-term risk of repetitive flood damage to buildings and structures insurable under the National Flood Insurance Program.

Repetitive Flood Claims Program (RFC)

This program provides grant funds to assist States and communities in reducing flood damages to insured properties that have had one or more claims to the National Flood Insurance Program, which includes buyouts.

Assistance to Firefighters Grant Program

The AFG program provides funding for purchase of equipment and retrofit or construction of fire stations to improve first responder capabilities.

Homeland Security Grant Program (HSGP)

The HSGP plays an important role in the implementation of the National Preparedness System (NPS) by supporting the building, sustainment, and delivery of core capabilities essential to achieving the National Preparedness Goal (NPG) of a secure and resilient Nation. HSGP is comprised of three interconnected grant programs including (1) the State Homeland Security Program (SHSP), (2) the Urban Areas Security Initiative (UASI) and the Operation Stonegarden (OPSG). Together, these grant programs and other future projects that may be included under the HSGP fund a range of preparedness activities, including planning, organization, equipment purchase, training, exercises, and management and administration.

State Homeland Security Program (SHSP)

This core assistance program provides funds to build capabilities at the state and local levels and to implement the goals and objectives included in state homeland security strategies and initiatives in the State Preparedness Report.

Urban Areas Security Initiative (UASI) Program

The UASI "Urban Area Security Initiative (UASE)" program focuses on enhancing regional preparedness in major metropolitan areas. The UASI program directly supports the National Priority on expanding regional collaboration in the National Preparedness Guidelines and is intended to assist participating jurisdictions in developing integrated regional systems for prevention, protection, response and recovery.

Metropolitan Medical Response System (MMRS) Program

The MMRS program supports the integration of emergency management, health, and medical systems into a coordinated response to mass casualty incidents caused by any hazard. Successful MMRS recipients reduce the consequences of a mass casualty incident during the initial period of

a response by having augmented existing local operational response systems before the incident occurs.

Citizen Corps Program

The Citizen Corps mission is to bring community and government leaders together to coordinate community involvement in emergency preparedness, planning, mitigation, response and recovery.

Nonprofit Security Grant Program (NSGP)

NSGP provides funding support for target-hardening activities to nonprofit organizations that are at high risk of a terrorist attack and are located within one of the specific UASI-eligible urban areas.

Operation Stonegarden (OPSG)

The intent of OPSG is to enhance cooperation and coordination among local, State and Federal law enforcement agencies in a joint mission to secure the United States borders along routes of ingress from international borders to include travel corridors in States bordering Mexico and Canada, as well as States and territories with international water borders.

Transit Security Grant Program (TSGP)

The TSGP provides grant funding to the nation's key high-threat urban areas to enhance security measures for their critical transit infrastructure including bus, ferry and rail systems.

Freight Rail Security Grant Program (FRSGP)

The FRSGP funds security training for frontline employees, the completion of vulnerability assessments, the development of security plans within the freight rail industry and GPS tracking systems for railroad cars transporting toxic inhalation materials.

Intercity Passenger Rail (Amtrak)

The purpose of the Intercity Passenger Rail (IPR) is to create a sustainable, risk-based effort to protect critical surface transportation infrastructure and the traveling public from acts of terrorism, major disasters and other emergencies within the Amtrak rail system.

Port Security Grant Program (PSGP)

The PSGP provides grant funding to port areas for the protection of critical port infrastructure from terrorism. PSGP funds are primarily intended to assist ports in enhancing maritime domain awareness, enhancing risk management capabilities to prevent, detect, respond to and recover from attacks involving improvised explosive devices (IEDs), weapons of mass destruction (WMDs) and other non-conventional weapons, as well as training and exercises and Transportation Worker Identification Credential (TWIC) implementation.

Intercity Bus Security Grant Program (IBSGP)

The IBSGP provides funding to create a sustainable program for the protection of intercity bus systems and the traveling public from terrorism. The program seeks to assist operators of fixed-route intercity and charter bus services in obtaining the resources required to support security measures such as enhanced planning, facility security upgrades and vehicle and driver protection.

Trucking Security Program (TSP)

TSP funding will be awarded to eligible applicants to implement security improvement measures and policies deemed valuable by DHS as indicated in the *Security Action Items* publication of June 26, 2008. These items are primarily focused on the purchase and installation or enhancement of equipment and systems related to tractor and trailer tracking systems. Additionally, the TSP will provide funding to develop a system for DHS to monitor, collect and analyze tracking information; and develop plans to improve the effectiveness of transportation and distribution of supplies and commodities during catastrophic events.

Buffer Zone Protection Program (BZPP)

The BZPP provides funding to increase the preparedness capabilities of jurisdictions responsible for the safety and security of communities surrounding high-priority pre-designated Tier 1 and Tier 2 critical infrastructure and key resource (CIKR) assets, including chemical facilities, financial institutions, nuclear and electric power plants, dams, stadiums and other high-risk/high-consequence facilities, through allowable planning and equipment acquisition.

Emergency Management Performance Grants (EMPG)

The purpose of the EMPG program is to assist State and local governments in enhancing and sustaining all-hazards emergency management capabilities.

Emergency Operations Center (EOC) Grant Program

The EOC grant program is intended to improve emergency management and preparedness capabilities by supporting flexible, sustainable, secure, and interoperable Emergency Operations Centers (EOCs) with a focus on addressing identified deficiencies and needs. This program provides funding for construction or renovation of a State, local, or tribal governments' principal EOC. Fully capable emergency operations facilities at the State and local levels are an essential element of a comprehensive national emergency management system and are necessary to ensure continuity of operations and continuity of government in major disasters caused by any hazard.

Driver's License Security Grant Program

The purpose of the Driver's License Security Grant Program is to prevent terrorism, reduce fraud, and improve the reliability and accuracy of personal identification documents that States and territories issue.

Integrated Public Alert and Warning System (IPAWS)

The Integrated Public Alert and Warning System (IPAWS) was established by Executive Order 13407 in 2006. In the event of a national emergency, the President may use IPAWS to send a message to the American people quickly and simultaneously through multiple communications pathways. FEMA has identified several radio transmission sites across the nation which provide significantly powerful signals for this purpose, and is responsible for upgrading, maintaining, and managing the agency installed and owned auxiliary fuel systems at each of these radio transmission sites.

Appendix B

Programmatic Allowances

This list of Allowances enumerates FEMA funded activities that based on FEMA experience have no or minimal effect on historic properties if implemented as specified in this Appendix and will not require review by the SHPO.

The allowances consist of two tiers – First Tier and Second Tier. Staff may apply First Tier allowances whether or not they meet professional historic preservation qualification standards, while only staff meeting the applicable SOI Professional Qualifications Standards in accordance with Stipulation I.B(1)(a) of this Agreement may apply Second Tier allowances.

When referenced in the allowances, “in-kind” shall mean that it is either the same or a similar material, and the result shall match all physical and visual aspects, including form, color, and workmanship. The in-kind repair provided for in both First and Second Tier allowances in Appendix B should be limited to pre-existing architectural features and physical components of buildings and structures.

When referenced in the allowances, “previously disturbed soils” shall refer to soils that are not likely to possess intact and distinct soil horizons and have the reduced likelihood of possessing historic properties within their original depositional contexts in the area and the depth to be excavated.

Specifically, disturbed ground is defined for purposes of this document as the modification of natural landscapes or landforms through removal of natural soils through ground-disturbing activities such as cuts, grading and excavation and/or the deposition of non-native soils or materials to existing or original ground surface such as fill. In the case of the deposition of fill, disturbance is only considered for the depth of the fill layer. Intact soils could exist underneath the fill layer. Note that activities such as agricultural plowing and disking are not considered disturbance. In addition, in some areas, historic urban areas, construction activities associated with early utilities, creation of roadways and or parking lots may constitute a “disturbed” context and may be of historic significance and will need to be evaluated. Therefore, context is important. Guides to assist in identifying prior disturbed ground may come from the following: historic maps, soil borings, soil reports, utility records, pavement core records.

I. First Tier Allowances

- A. **GROUND DISTURBING ACTIVITIES AND SITE MODIFICATION**, when proposed activities described below substantially conform to the original footprint and/or are performed in previously disturbed soils, including the area where the activity is staged.

1. Debris Removal

- a. Debris removal and collection, including removal of uprooted trees, limbs and branches from public rights of way and public areas and areas as well as the transport and disposal of such waste to existing licensed waste facilities or landfills. This includes the temporary establishment and expansion of non-hazardous debris staging, reduction, and disposal areas at licensed transfer stations, or existing hard-topped or graveled surfaces (e.g. parking lots, roads, athletic courts) but not the creation of new or temporary access roads. This does not include partially uprooted trees in archeological sensitive areas such as cemeteries, battlegrounds, historic landscapes, historic parks, and historic districts.
- b. Removal of debris from private property provided that buildings are not affected, ground disturbance is minimal and in-ground elements, such as driveways, walkways or swimming pools, are left in place.
- c. Chipping and disposal of woody debris by broadcasting within existing rights-of-way.
- d. Sediment removal from man-made drainage facilities, including retention/detention basins, ponds, ditches, and canals, in order to restore the facility to its pre-disaster condition. The sediment may be used to repair eroded banks or disposed of at an existing licensed or permitted spoil site.
- e. Dewatering flooded developed areas by pumping.

2. Temporary Structures and Housing

- a. Installation and removal of temporary structures for use as school classrooms, offices, or temporary shelters for essential public service agencies, such as police, fire, rescue and medical care, as well as temporary housing for disaster personnel and survivors at the following types of locations:
 - i. Single units on private residential sites when all utilities are installed above ground or tie into pre-existing utility lines.
 - ii. Existing multi-family Units
 - iii. Existing RV/Mobile Home Parks and campgrounds with pre-existing utility hookups;
 - iv. Paved areas, such as parking lots and paved areas at such facilities as conference centers, shopping malls, airports, industrial port facilities business parks, and

military bases when all utilities are installed above ground or tie into pre-existing utility lines.

- v. Sites that have been previously cleared and prepared for planned construction, such as land being developed for public housing, office buildings, city parks, ball fields, schools, etc. when all utilities are installed above-ground or tie into pre-existing utility lines.
- vi. Areas previously filled to depths of at least six feet so that subsurface utilities can be installed.

3. Barriers, bollards and protective measures

- a. Installation of temporary removable barriers.
- b. In-kind repairs, installation, or replacement, and minor upgrades/mitigation of bollards and associated protective barriers when in previously disturbed areas. In-kind repairs or replacement, and minor upgrades/mitigation of bollards and associated protective barriers when in previously disturbed areas.

B. BUILDINGS AND STRUCTURES

- 1. Repair or retrofit of buildings less than 45 years old,
- 2. Removal of water, muck, or mud, sand, sewage, and/or debris by physical or mechanical means.

C. TRANSPORTATION FACILITIES, when proposed activities substantially conform to the original footprint and/or performed in previously disturbed soils, including any staging areas.

1. Roads and Roadways

- a. Paving and repair of roads to pre-disaster geometric design standards and conditions using in-kind materials, shoulders medians, clearances, curbs, and side slopes. This allowance does not include improvement to existing roadways and appurtenances. This allowance does not apply in archaeologically-sensitive areas, including any area in which a professional archaeologist determines that there may be a potential to yield cultural resources.
- b. Repair and replacement of metal and concrete culverts no greater than 42" in diameter with no headwalls or concrete headwalls when culverts are returned to pre-disaster size and location. This allowance does not allow for upgrades.

- c. Construction of temporary emergency access roads in previously disturbed soils to allow for passage of emergency vehicles.
- d. Repairs to road slips and landslides that do not require grading of undisturbed soils on the up-hill side of the slip. Re-establishment, armoring and/or upgrading of existing roadway ditches.
- e. In-kind repair or replacement of traffic control devices such as traffic signs and signals, delineators, pavement markings, traffic surveillance systems.
- f. Installation and removal of temporary traffic control devices, including pre-formed concrete barriers and fencings.
- h. In-kind repair or replacement of roadway safety elements such as barriers, guardrails, and impact-attenuation devices. Additional guardrails and safety elements end treatments are permitted.
- i. Replacement of vehicles, with provisioning of all-terrain-vehicles (ATVs) on a temporary basis until primary vehicle replacement is carried out.

2. Airports

- a. In-kind repair or replacement of existing runway surfaces and features (e.g. asphalt, concrete, gravel, and dirt) and associated air transportation safety components and systems (e.g. lighting bars, beacons, signage and weather sensors).

3. Rail Systems

- a. In-kind repair or replacement of safety components.
- b. In-kind repair or replacement of existing track system and passenger loading areas.

D. FEES AND SERVICES

- a. Reimbursement of a sub-recipient's insurance deductible, not to exceed \$2,500.

II. Second Tier Allowances

- A. GROUND DISTURBING ACTIVITIES AND SITE WORK**, when proposed activities described below substantially conform to the original footprint and/or are performed in previously disturbed soils, including the area where the activity is staged.

1. Footings, Foundations, Retaining Walls, Slopes, and Slope Stabilization Systems

- a. In-kind repair, replacement, reinforcement and minor hardening of footings, foundations, retaining walls, slopes, riprap, and slope stabilization systems (e.g., gabion baskets, crib walls, soldier pile and lag walls) if related ground disturbing activities are within the boundary of previously disturbed soils.
- b. Installation of perimeter drainage (e.g. French drains) when performed in previously disturbed soils.

2. Recreation and Landscaping

- a. In-kind repairs or replacement, and minor upgrades to recreational facilities and features (e.g. playgrounds, campgrounds, fire pits, dump stations and utility hook-ups, swimming pools, athletic fields and signage, batting cages, basketball courts, swing sets, pathways, simple wooden/wire stream crossings).
- b. In-kind repair, replacements, and minor upgrades to landscaping elements (e.g., fencing, security gates, free standing walls, paving, existing parking lots, parking meters, planters, irrigation systems, lighting elements, signs, flag poles, ramps, steps).

3. Piers, Docks, Boardwalks, Boat Ramps, and Dune Crossovers

- a. In-kind repair and replacement and minor upgrades to existing piers, docks, boardwalks, boat ramps, boarding bridges, gate arms (and associated features), dune crossovers in areas of previously disturbed soils.

4. Cemeteries

- a. Removal of woody debris such as branches and limbs, from cemeteries, provided that heavy equipment and other machinery are not operated or staged on areas potentially containing human remains. Small light vehicles (such as gators and skid steers) may be used.

5. Tsunami Warning Sirens

- a. Ground disturbing activities related to the installation of a new pole, provided the excavation will affect previously disturbed soils, and there are no National Register of Historic Places listed properties within 250 feet of the proposed location of the tsunami siren.

B. BUILDINGS AND STRUCTURES

1. Interior Work: Floors, Walls, Stairs, Ceilings and Trim

- a. In-kind repair and replacement of floors, walls, stairs, ceilings, and/or trim lighting, and/or built-in appurtenances (e.g., bookcases and auditorium seating). The allowance does not apply to decorative finishes, including murals, glazed paint, gold leaf, or ornamental plaster and/or any other character defining interior feature of a National Register listed and/or eligible resource that may require highly specialized study and/or skills for the purpose of repair and/or replacement..
- b. Interior cleaning of surfaces using a weak solution of household bleach and water for mold remediation solutions or dry vacuuming, or dry vacuuming. The allowance applies to interior finishes, including plaster and wallboard, provided the cleaning is restricted to damaged areas and does not affect adjacent materials.
- c. Non-destructive or concealed testing for hazardous materials (e.g., lead paint, asbestos) or for assessment of hidden damages.
- d. Replacement of damaged vinyl floor tile (including floor tile containing asbestos) with contemporary floor tile of the same dimension and thickness, and similar texture or pattern.
- e. Painting and surface preparation provided color/finish is matched to pre-existing finish and the coating and preparation is limited to material repaired or replaced or immediately adjacent thereto.
- f. Use of portable de-humidification systems provided no changes are made to character-defining features (specifically for mold remediation).

2. Building Contents

- a. Repair or replacement of building contents including furniture, movable partitions, computers, cabinetry, supplies, and equipment and any other moveable items which are not character defining features of a historic property.

3. Utilities and Mechanical, Electrical, and Security Systems

- a. In-kind repair or replacement, or limited upgrading of interior or exterior utility systems, including mechanical (e.g., heating, ventilation, air conditioning), electrical, and plumbing systems (freshwater and drainage). This allowance does not provide for the installation of new exposed ductwork.

- b. Elevation of heating, ventilation, and air conditioning system (HVAC) and mechanical equipment as long as it is placed or located where it is not highly visible from the street or located within an interior space of secondary architectural/historic character.
- c. Installation or replacement of interior fire detection, fire suppression, or security alarm systems. The allowance does not apply to surface-mounted wiring, conduits, piping, etc., unless previously existing, provided that installation of the system hardware does not damage or cause the removal of character-defining architectural features and can be easily removed in the future. New fire detection systems with exposed electric conduit are allowed in unfinished basements and historically-unfinished upper floors, and attics
- d. Installation of communication and surveillance security systems, such as cameras, closed-circuit television, alarm systems, lighting and public address systems, provided that installation of the system hardware does not damage or cause the removal of character defining architectural features and can be easily removed in the future.
- e. Installation of building access security devices, such as card readers, enhanced locks, door alarms, and security scanners (e.g., metal detectors), provided the device does not damage or cause the removal of character-defining architectural features and can be removed in the future without impacts to significant architectural features.
- f. New exposed ductwork, air handler units and electric conduit in unfinished basements and historically-unfinished upper floors, and attics.
- g. In-kind repair, replacement, or limited upgrading of escalators, elevators, and/or other mechanical conveyance systems.
- h. Installation of exterior security features and early warning devices on existing light poles or other permanent utilities.

4. Windows and Doors

- a. In-kind repair or replacement of damaged or severely deteriorated windows and window frames, shutters, storm shutters, doors and door frames, and associated hardware, where profiles, elevations, details and materials match those of the originals. Whenever possible original materials should be retained for future information and/or repair and/or reuse.
- b. In-kind replacement of window panes. Clear plate, double, laminated or triple insulating glazing can be used, provided it does not result in altering the existing

window material, tint, form, muntin profiles, or number of divided lights. This allowance does not apply to the replacement of existing intact decorative glass.

- c. Replacement of exterior, utilitarian, non-character-defining metal doors and frames with metal blast resistant doors and frames.
- d. Installation of security bars over windows on rear elevations,
- e. Installation or application of safety and/or security window film on window panes, provided that it does not result in altering the existing tint or appearance of the pane. This allowance does not apply to the application of film on existing intact or decorative glass.

5. Exterior Walls, Cornices, Porches, and Foundations

- a. In-kind repainting of surfaces, provided that destructive surface preparation treatments are not used, such as water blasting, sandblasting, power sanding and chemical cleaning.
- b. In-kind repair of walls, porches, foundations, columns, cornices, siding, balustrades, stairs, dormers, brackets, trim, lighting, and their ancillary components or in-kind replacement of severely deteriorated or missing or lost features, as long as the replacement pieces match the original in detail and material. Any ground disturbance will be limited to previously disturbed soils.
- c. In-kind repair or replacement of signs or awnings.
- d. Installation of temporary stabilization bracing or shoring, provided such work does not result in additional damage.
- e. Anchoring of walls to floor systems, provided the anchors are embedded and concealed from exterior view.
- f. In-kind repair of concrete and masonry walls, columns, parapets, chimneys, or cornices or limited in-kind replacement of damaged components including comparable brick, and mortar that matches the color, strength, content, rake, and joint width.
- g. Bracing and reinforcing of walls, chimneys and fireplaces, provided the bracing and reinforcing are either concealed from exterior view or reversible in the future.
- h. Strengthening of foundations and the addition of foundation bolts, provided that visible new work is in-kind, including mortar that matches the color, content, strength, rake, and joint width where occurring.

- i. Repairs to and in-kind replacement of elements of curtain wall assemblies or exterior cladding that is hung on the building structure, usually from floor to floor, and when the color, size reflectivity, materials, and visual patterns are unaltered.

6. Roofing

- a. Installation of scaffolding, polyethylene sheeting, or tarps, provided such work will not result in additional damage or irreversible alterations to character defining features.
- b. In-kind repair, replacement, or strengthening of roofing, rafters, fascia, soffits, gutters, verge boards, leader boxes, downspouts, or other damaged roof system components.
- c. Repairs to flat roof cladding, including changes in roofing materials, where the repairs are not highly visible from the ground level.

7. Weatherproofing and Insulation

- a. Caulking and weather-stripping to complement the color of adjacent surfaces or sealant materials.
- b. In-kind repair or replacement of insulation systems, provided that existing interior plaster, woodwork, exterior siding, or exterior architectural detail is not altered.

8. Structural Retrofits

- a. The installation of the following retrofits/upgrades, provided that such upgrades are not visible on the exterior: attic bracing, cross bracing on pier and post foundations; fasteners; collar ties; gussets; tie downs; strapping and anchoring of mechanical, electrical, and plumbing equipment; concealed anchoring of furniture; installation of plywood diaphragms beneath first floor joists, above top floor ceiling rafters, and on roofs; and automatic gas shut off valves.
- b. Replacement, repair or installation of lightning rods.
- c. Earthquake bracing used on refrigerators and against-the-wall shelving in schools and other public facilities.
- d. Activities related to flood proofing and minor upgrades on secondary facades. A secondary façade is a façade that does not face a public thoroughfare, mews or court and that does not possess historically significant architectural features. Minor upgrades include replacement of exterior utilitarian, non-character-defining doors or

windows with new doors or windows, the addition of new elements (such as storm panels or flood panels) to exterior doors or windows, and the installation of metal grating at basement window wells.

9. Americans with disabilities Act (ADA) compliance

- a. Installation of grab bars and other such minor interior modifications required for compliance with the Americans with Disabilities Act (ADA).

10. Safe Rooms

- a. Installation of individual safe rooms within the property limits of a residence where the installation would occur within the existing building or structure or in previously disturbed soils.

11. Elevation, Demolition, and Reconstruction

- a. Activities related to the elevation, demolition and/or reconstruction of buildings or structures less than 45 years of age so long as the proposed activities substantially conform to the original footprint and/or are performed in previously disturbed soils including any staging area, and the buildings or structures are not located within or adjacent to a National Register listed or eligible historic district.

C. TRANSPORTATION FACILITIES, when proposed activities substantially conform to the original footprint and/or performed in previously disturbed soils, including the area where the activity is staged.

1. Roads and Roadways

- a. Repair of roads to pre-disaster geometric design standards and conditions using in-kind materials, shoulders, medians, clearances, curbs, and side slopes. This allowance permits minor improvement to meet current code and standards or hazard mitigation measures, such as those designed to harden exposed surfaces, including the application of gravel armoring to side slopes and ditches.
- b. In kind repair to historic paving materials for roads and walkways.
- c. In-kind repair or replacement, or minor upgrade of culvert systems and arches beneath roads or within associated drainage systems, including provision of headwalls, riprap and any modest increase in capacity for the purposes of hazard mitigation or to meet current codes and standards, provided that the work substantially conforms to the existing footprint. For stone or brick culverts or arches beneath roadways, this allowance only applies to in-kind repair.

- d. In-kind repair or replacement of road lighting systems, including period lighting fixture styles.
- e. In-kind repair or replacement of road appurtenances such as curbs, berms, fences, and sidewalks, and parking meters
- f. Installation of speed bumps and/or enhanced curbs. This allowance does not apply to any work in historic districts listed or eligible for listing in the National Register.
- g. Stabilization of hazardous slopes within transportation rights-of-way. Stabilization methods include the installation of retaining walls and systems such as gabion baskets, crib walls, and soldier pile and lag walls. Work will not exceed the limits of the previously disturbed rights-of-way and will not take place within the APE of any historic property listed or eligible for listing in the National Register.

2. Bridges

- a. Installation of a temporary (Bailey-type) bridge over an existing structure or at a previously disturbed location, such as a former bridge location, to allow passage of emergency vehicles.
- b. In-kind repair or replacement of bridges and bridge components (e.g. abutments, wing walls, piers, decks, and fenders) in previously disturbed soils.
- c. Repair of historic bridges to pre-disaster geometric design standards and conditions using in-kind materials, shoulders, medians, clearances, curbs, and side slopes. This allowance permits minor improvement to meet current code and standards or hazard mitigation measures, such as those designed to harden exposed surfaces, including the application of gravel armoring to side slopes and ditches. For stone or brick culverts or arches beneath roadways, this allowance only applies to in-kind repair. Strengthening of foundations and the addition of foundation bolts, provided that visible new work is in-kind, including mortar that matches the color, content, strength, rake, and joint width where occurring.

D. UTILITIES, COMMUNICATIONS SYSTEMS AND TOWERS, when proposed activities substantially conform to the original footprint and/or performed in previously disturbed soils, including the area where the activity is staged.

1. General

- a. In-kind repair or replacement, or minor upgrading, small scale realignment, and elevation of utilities and associated features and structures within previously disturbed soils of rights-of-way or utility corridors.

- b. Installation of new utilities and associated features within existing rights-of-way.
- c. Directional boring of new/replacement service line and related appurtenances involving boring or trenching for silt fencing within previously disturbed soils of rights-of-way or utility corridors.
- d. In-kind repair or replacement, or minor upgrade of water towers provided activities take place within previously disturbed soils. Ground-level facilities may be added or expanded in previously disturbed areas. This allowance does not apply to masonry water towers.

2. Generators and Utilities

- a. In-kind repair or replacement, or minor upgrades, elevation, and/or installation of generators, HVAC systems, and similar equipment provided that activities occur within previously disturbed soils and/or any roof mounted equipment is not visible from the ground level.
- b. Repair of metal utilitarian structures to house or protect utilities, such as pump house and electrical transformer houses, as well as related elements, such as oil tanks and exposed pipelines, except when located within a historic district.
- c. Underground cable replacements of any length when the replacement cable is placed within three feet of the same trench as an existing or failed cable except when in proximity (100 meters or 300 feet) to a known archeological sit
- d. Replacement of power poles in pre-existing locations is allowed including increase in the pole diameter. Relocation or construction of new poles are allowed in (1) urban or suburban settings between the edge of roadway and the sidewalk, (2) rural settings along roadway shoulders, and (3) in off-road alignment settings in the existing utility corridor except when in close proximity (100 meters or 300 feet) to a known archaeological site or within the view shed of historic districts listed or eligible for listing on the National Register.
- e. New construction of a single pole overhead line is permissible when the auguring, pole placement, and line placement is conducted from within the previously disturbed public or private right-of-ways, or when the lines will not pass within or through any areas known or suspected to contain human remains, archeological resources, or any other historic properties except when in close proximity (100 meters or 300 feet) to a known archaeological site or within the view shed of historic districts listed or eligible for listing on the National Register.

3. Communication Equipment/Systems and Towers

- a. Acquisition, installation, or operation of communication and security equipment/systems that use existing distribution systems, facilities, or existing infrastructure right-of-way.
- b. The collocation of communication and security equipment on existing towers and buildings/structures less than 45 years in age, provided that the work does not increase existing tower height or footprint by more than 10% and occurs within previously disturbed soils.
- c. Enhancement, repair or replacement of existing communication towers and antenna structures provided the work does not increase existing tower height or footprint by more than 10% and occurs within previously disturbed soils.
- d. Installation of new temporary (not to exceed 12 months) communications towers and antenna structures provided that the work occurs does not require modification of buildings/structures 45 years or older and occurs within previously disturbed soils.
- e. Installation of new communication towers, less than 200 feet tall, in previously developed urban complexes when the work does not require modification of buildings/structures 45 years or older, occurs within previously disturbed soil, and is not within 500 feet of the boundaries of a historic property.
- f. Substantially in kind repair or replacement of antenna towers.

E. WATER RESOURCE MANAGEMENT AND CONTROLS, when proposed activities substantially conform to the original footprint and/or performed in previously disturbed soils, including the area where the activity is staged.

1. Canal Systems

- a. In-kind repairs or replacement to canal systems and associated elements.

2. Bulkheads, Breakwaters, Seawalls, Revetments, and Berms

- a. In-kind repair or replacement of bulkheads, breakwaters, seawalls, and revetments, provided the work occurs in previously disturbed soils.

3. Dams, Levees, and Floodwalls

- a. In-kind repair of dams, levees, floodwalls and related features, including spillways, tide gates, and fuse plugs, provided the work occurs in previously disturbed soils.

4. Fish Hatcheries

- a. In-kind repair or replacement of fish hatcheries and fish ladders.

5. Waste-Water Treatment Lagoon Systems

- a. In-kind repair or replacement, or minor upgrades of waste-water treatment lagoon systems.

OTHER PROGRAM ACTIVITIES

1. Temporary Actions

- a. Installation of temporary stabilization, bracing or shoring, provided each work does not result in additional damage, significant loss of historic fabric, or irreversible alterations, and does not affect known archaeological sites or features or is located in an area with high potential for significant archeological sites.
- b. Installation of scaffolding, polyethylene sheeting, tarps or temporary barriers (e.g. chain link fences), provided such work will not result in additional damage, irreversible alterations, or significant loss of historic fabric.

2. Buildings/structures previously determined ineligible

- a. Repair, retrofitting or renovation of buildings/structures that have been previously determined ineligible for listing in the National Register within the last five (5) years providing the undertaking does not include exterior modification to such a building/structure that is located within the APE of a historic resource listed or eligible for listing on the National Register.

Appendix C

Treatment Measures

When avoidance or minimization of adverse effects is not appropriate, the following Treatment Measures are suggested for the resolution of Adverse Effects:

If Undertakings result or will result in adverse effects, FEMA, the Recipient, sub-recipient, SHPO, and participating organization(s), may develop a treatment measure plan that includes one or more of the following Treatment Measures, depending on the nature of historic properties affected and the severity of adverse effects. This Appendix may be amended in accordance with Stipulation IV.A.3 of this Agreement, Amendments.

- A. Recordation must include the Digital Photography Package, #1., below, whereas inclusion of the 35mm Black and White and/or Large-Scale Format Photo Packages 2 and 3 are optional.
 1. Digital Photography Package: Prior to project implementation, the designated responsible party shall oversee the successful delivery of a digital photography package prepared by staff or contractors meeting the Professional Qualifications for Architectural History, History, Architecture, or Historic Architecture, as appropriate. The digital photography package will meet the standards cited in the NPS' *National Register of Historic Places Photographic Policy May 2013* or subsequent revisions (<http://www.nps.gov/nr/publications/bulletins/photopolicy/index.htm>).
 - a. The digital photography package shall include a comprehensive collection of photographs of both interior and exterior views showing representative spaces and details of significant architectural features and typical building materials. However, interior photographs will only be subject to this if a request for access is approved by the property owner and/or lessee. Exterior photographs shall include full oblique and contextual images of each elevation. Exterior views shall be keyed to a site plan while interior views shall be keyed to a floor plan of the building/structure. The photographs shall be indexed according to the date photographed, site number, site name, site address, direction, frame number, subject matter and photographer's name recorded on the reverse side in pencil.
 - b. The digital photography package shall include printed color copies of the digital photographs (on appropriate paper, per *NPS Photographic Policy*), a CD/DVD of the digital photographs, a completed state architectural inventory form, and a written site history of the historic property.

- c. The designated responsible party shall submit the digital photography package to the SHPO for review and approval. Once approved by the SHPO, the designated responsible party shall submit a copy of the approved documentation to a local historical society, archive, and/or local library for permanent retention.
2. 35mm Black and White Photography Package: Prior to project implementation, the designated responsible party shall oversee the successful delivery of a 35 mm film black and white film photography package prepared by staff or contractors meeting the Professional Qualifications for Architectural History, History, Architecture, or Historic Architecture, as appropriate.
 - a. The 35 mm film black and white film photography package shall include a comprehensive collection of photographs of both interior and exterior views showing representative spaces and details of significant architectural features and typical building materials. However, interior photographs will only be subject to this if a request for access is approved by the property owner and/or lessee. Exterior photographs shall include full oblique and contextual images of each elevation. Exterior views shall be keyed to a site plan while interior views shall be keyed to a floor plan of the building/structure. The photographs shall be indexed according to the date photographed, site number, site name, site address, direction, frame number, subject matter and photographer's name recorded on the reverse side in pencil.
 - b. The 35 mm film black and white film photography package shall include one (1) full set of 35mm film black and white photographs printed on acid free paper, the corresponding 35mm film negatives in acid free sleeves, a completed state architectural inventory form, and a written site history of the historic property.
 - c. The designated responsible party shall submit the 35 mm black and white film photography package the SHPO for review and approval. Once approved by the SHPO, the designated responsible party shall submit a copy of the approved documentation to a local historical society, archive, and/or local library for permanent retention.
3. Large Format Photography Package: Prior to project implementation, the designated responsible party shall oversee the successful delivery of a large format photography package prepared by staff or contractors meeting the Professional Qualifications for Architectural History, History, Architecture, or Historic Architecture, as appropriate.
 - a. The large format photography package shall include a comprehensive collection of photographs of both interior and exterior views showing representative spaces and details of significant architectural features and typical building materials. However, interior photographs will only be subject to this if a request for access is approved by the property owner and/or lessee. Exterior photographs shall include full oblique and contextual images of each elevation. Exterior views shall be keyed to a site plan

while interior views shall be keyed to a floor plan of the building/structure. The photographs shall be indexed according to the date photographed, site number, site name, site address, direction, frame number, subject matter and photographer's name recorded on the reverse side in pencil.

- b. The large format film photography package shall include one (1) full set of 4 x 5 or 5 x 7-inch photographs printed on acid free paper, the corresponding 4 x 5 or 5 x 7-inch negatives in acid free sleeves, a completed state architectural inventory form, and a written site history of the historic property.
- c. The designated responsible party shall submit the large format film photography package to the SHPO for review and approval. Once approved by the SHPO, the designated responsible party shall submit copies of the approved documentation to a local historical society, archive, and/or local library for permanent retention.

B. Public Interpretation

Prior to project implementation, FEMA, the Recipient, and sub-recipient shall work with the SHPO and/or participating organization(s) to design an educational interpretive plan. The plan may include signs, displays, educational pamphlets, websites, workshops and other similar mechanisms to educate the public on historic properties within the local community, state, or region. Once an interpretive plan has been agreed to by the parties, SHPO and/or participating organization(s) and the designated responsible party shall continue to consult throughout implementation of the plan until all agreed upon actions have been completed by the designated responsible party.

C. Historical Context Statements and Narratives

Prior to project implementation, FEMA, the Recipient, and sub-recipient shall work with the SHPO and participating organization(s) to determine the topic and framework of a historic context statement or narrative the designated responsible party shall be responsible for completing. The statement or narrative may focus on an individual property, a historic district, a set of related properties, or relevant themes as identified in the statewide preservation plan. Once the topic of the historic context statement or narrative has been agreed to, the designated responsible party shall continue to coordinate with the SHPO and participating organization(s) through the drafting of the document and delivery of a final product. The designated responsible party shall use staff or contractors that meet the Secretary's Professional Qualifications for the appropriate discipline.

D. Oral History Documentation

Prior to project implementation, FEMA, the Recipient, and sub-recipient shall work with the SHPO and/or participating organization(s) to identify oral history documentation needs and agree upon a topic and list of interview candidates. Once the parameters of the oral

history project have been agreed upon, the designated responsible party shall continue to coordinate with the SHPO and/or participating organization(s) through the data collection, drafting of the document, and delivery of a final product. The SHPO and/or participating organization(s) shall have final approval over the end product. The designated responsible party shall use staff or contractors that meet the Secretary's Professional Qualifications for the appropriate discipline.

E. Historic Property Inventory

Prior to project implementation, FEMA, the Recipient, and sub-recipient shall work with the SHPO and/or participating organization(s) to establish the appropriate level of effort to accomplish a historic property inventory. Efforts may be directed toward the resurvey of previously designated historic properties and/or districts which have undergone change or lack sufficient documentation, or the survey of new historic properties and/or districts that lack formal designation. Once the boundaries of the survey area have been agreed upon, the designated responsible party shall continue to coordinate with the SHPO and/or participating organization(s) through the data collection process. The designated responsible party shall use SHPO and/or participating organization(s) standards for the survey of historic properties and SHPO and/or participating organization(s) forms as appropriate. The designated responsible party shall prepare a draft inventory report, according to SHPO and/or participating organization(s) templates and guidelines, and work with the SHPO and/or participating organization(s) until a final property inventory is approved. The designated responsible party shall use staff or contractors that meet the Secretary's Professional Qualifications for the appropriate discipline.

F. National Register and National Historic Landmark Nominations

Prior to project implementation, FEMA, the Recipient, and sub-recipient shall work with the SHPO and/or participating organization(s) to identify the individual properties that would benefit from a completed National Register or National Historic Landmark nomination form. Once the parties have agreed to a property, the designated responsible party shall continue to coordinate with the SHPO and/or participating organization(s) through the drafting of the nomination form. The SHPO and/or participating organization(s) shall provide adequate guidance to the designated responsible party during the preparation of the nomination form and shall formally submit the final nomination to the Keeper for inclusion in the National Register. The designated responsible party shall use staff or contractors that meet the Secretary's Professional Qualifications for the appropriate discipline.

G. Geo-References of Historic Maps and Aerial Photographs

Prior to project implementation, FEMA, the Recipient, and sub-recipient shall work with the SHPO and/or participating organization(s) to identify the historic maps and/or aerial photographs for scanning and geo-referencing. Once a list of maps and/or aerial

photographs have been agreed upon, the designated responsible party shall continue to coordinate with the SHPO and/or participating organization(s) through the scanning and geo-referencing process and shall submit drafts of paper maps and electronic files to the SHPO, and/or participating organization(s) for review. The final deliverable shall include a paper copy of each scanned image, a geo-referenced copy of each scanned image, and the metadata relating to both the original creation of the paper maps and the digitization process.

Appendix D

Preservation Guidelines 1 to 16 Virgin Islands State Historic Preservation Office Department of Planning and Natural Resources

CDBG-DR NEIGHBORHOOD REVITALIZATION Historic Preservation and Cultural Resources Assessment

HUD Grant Number: P-17-VI-78-HIM1			
Program Option:			
Project Name:			
Street Address:			
Property ID:		Year Built:	
Project Description:			

(1) Does the proposed project area contain any property listed on the National Register of Historic Places?

Yes No

(2) Are there any other properties within the vicinity of the project that appear to be historic or fit to be listed or are already listed in the National Register?

Yes No

(3) If yes, will the proposed project have any adverse impact on these resources?

Yes No

(4) Describe the design features necessary to minimize any potential impact on historic or cultural resources.

(5) Is the Section 106 Compliance Process required?

Yes No

(6) Is review by the Historic Preservation Commission required?

Yes No

(7) Are any additional surveys or studies required?

Yes No

(8) Other Comments

Name/Title (Print): _____


Signature: _____ Date: _____

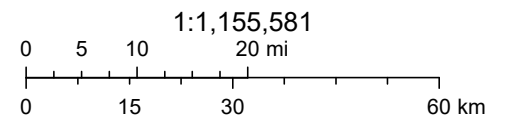
Appendix I:
Sole Source Aquifers
Supporting Documentation

USVI Sole Source Aquifers Map



3/2/2023, 2:42:46 PM

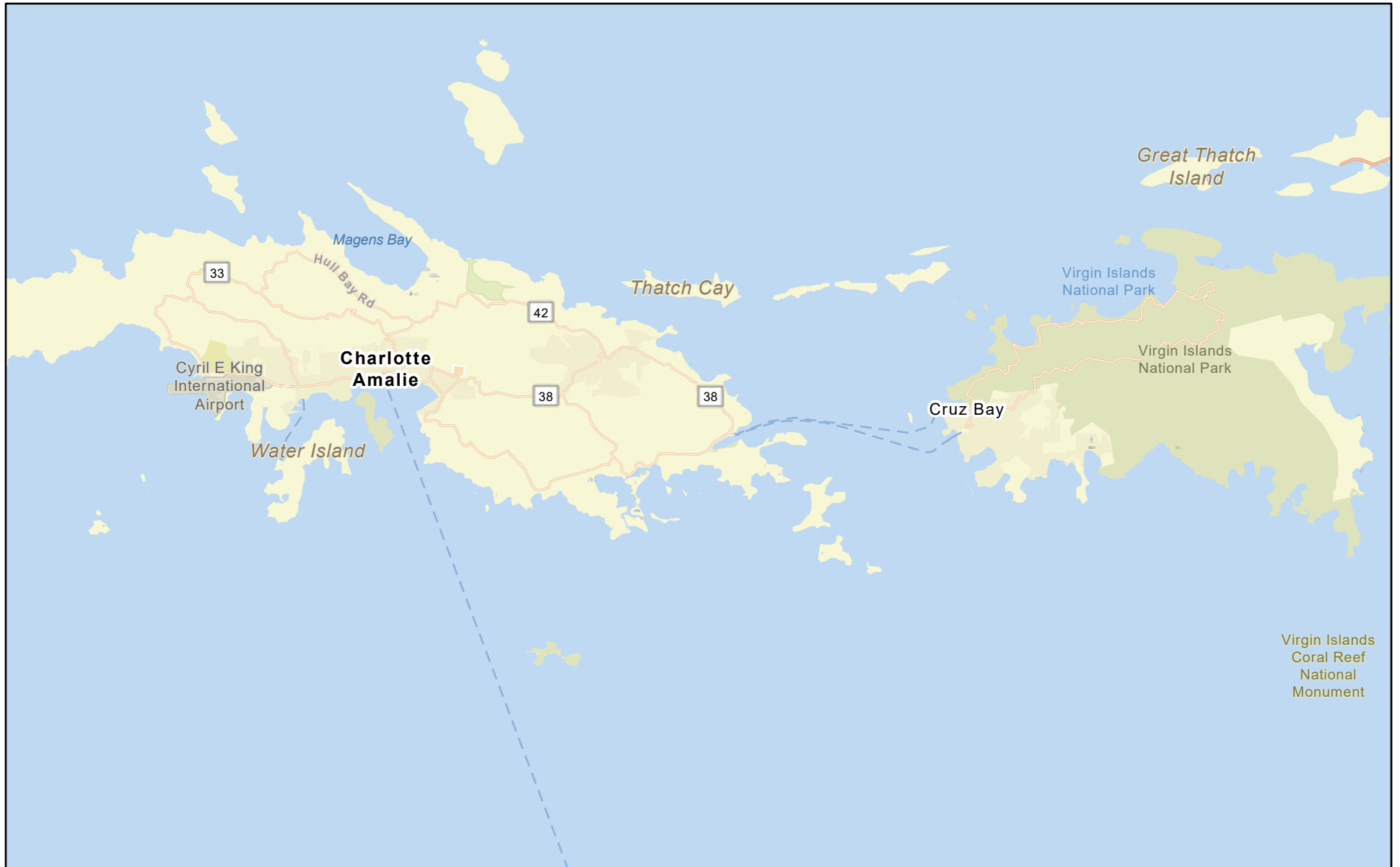
 Sole_Source_Aquifers



United States Virgin Islands, Esri, HERE, Garmin, NGA, USGS

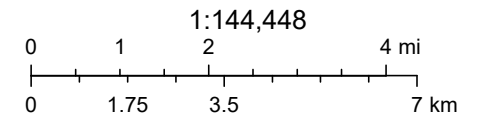
Appendix J:
Wild and Scenic Rivers
Supporting Documentation

St. Thomas and St. John Wild and Scenic Rivers



August 23, 2023

— Wild and Scenic Rivers



US Virgin Islands GIS Division, Esri, HERE, Garmin, Foursquare, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, NPS

Appendix K:
Tier II Site-Specific
Checklist



Neighborhood Revitalization Tier II: Site-Specific Checklist

HUD Grant Number: P-17-VI-78-HIM1			
Program Option:			
VIHFA Submittal Date:		Reviewer Name:	
Site Inspection Date:		Date Review Initiated:	
Project Name:			
Street Address:			
USVI Island:		Property ID:	
Funding Amount:		GPS Coordinates (Lat/Long)	
Tier II Directions:			
<p>The Neighborhood Revitalization Program involves two program options, the Small Business Entrepreneurship Grant and Technical Assistance option and the Building Façade and Streetscape Enhancement Program option.</p> <p>Proposed projects submitted under the Small Business Entrepreneurship Grant and Technical Assistance option are either exempt under 24 CFR 58.34 or categorically excluded and not subject to the Federal Laws and Authorities cited in 24 CFR 58.5. Complete Section 1 of this Tier II Site-Specific Checklist for these proposed projects.</p> <p>Proposed projects submitted under the Building Façade and Streetscape Enhancement Program option are categorically excluded subject to the Federal Laws and Authorities cited in 24 CFR 58.5 per 24 CFR 58.35(a)(1). Complete Section 2 of this Tier II Site-Specific Checklist for these proposed projects.</p>			
Project Description:			
<p>The Virgin Islands Housing Finance Authority Neighborhood Revitalization Program Tier I: Broad Level Categorically Excluded Subject to Section 58.5 Pursuant to 24 CFR 58.35(a) Review of the proposed CDBG-DR funded action was completed to establish measures for compliance with multiple local and federal environmental regulations including various Codes of Federal Regulation (CFR), United States Codes (USC), Executive Orders (EO), and United States Virgin Islands' Rules and Regulations. This document is the Tier II Site-Specific Checklist for activities eligible under this program, for which funds were released at the Tier I level on DATE for St. Croix, St. Thomas, and St. John in the US Virgin Islands.</p> <p>The site-specific project description involves the following activities:</p>			

Neighborhood Revitalization

Tier II: Site-Specific Environmental Checklist

Section 1: Small Business and Entrepreneurship Grant and Technical Assistance Option

Level of Environmental Review Determination

1. Based on the information provided in the project description, identify the level of environmental review below. Identify the regulation subsection which the activity is covered under.

Activity/Project is Exempt per 24 CFR 58.34(a):

Activity/Project is Categorically Excluded Not Subject To §58.5 per 24 CFR 58.35(b):

2. Based on the proposed activities within the provided project description, is the proposed project covered within the Programmatic Exemption prepared for the purpose of the Neighborhood Revitalization Program?

Yes

Based on the response, environmental compliance for the proposed project is documented within the Programmatic Exemption prepared for the purpose of the Neighborhood Revitalization Program. No additional review is required. Skip Section 2 and continue to the end of the Tier II Site-Specific Checklist.

No

Based on the response, environmental compliance for the proposed project cannot be documented utilizing the Programmatic Exemption prepared for the purpose of the Neighborhood Revitalization Program. Determine the correct level of review for the proposed activities and complete a separate environmental review for the purpose of the proposed activities.

Section 2: Building Façade and Streetscape Enhancement Program Option

Site-Specific Findings

STATUES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 AND 58.6

Airport Hazards
24 CFR Part 51 Subpart D

1. Is the proposed project site located on St. John?

Yes

There are no civilian nor military airports located on the island of St. John. Based on the response the proposed project is in compliance with this section. Continue to the Worksheet Summary below.

Neighborhood Revitalization Tier II: Site-Specific Environmental Checklist

No
Continue to Question 2.

2. Is the proposed project site located within 2,500 feet of the nearest civilian airport?

Yes
Continue to Question 3.

No
Based on the response, the proposed project is in compliance with this section. Continue to the Worksheet Summary below. Attach a map documenting the proposed project's location in relation to the nearest civilian airport.

3. Is the proposed project site located within the Accident Potential Zone (APZ) or Runway Potential Zone/Clear Zone (RPZ/CZ)?

Yes
The proposed project is ineligible for the Neighborhood Revitalization Program.

No
Based on the response, the proposed project is in compliance with this section. Continue to the Worksheet Summary below. Attach a map documenting the proposed project's location in comparison to the nearest civilian airport and documentation supporting that the proposed project is not located within the APZ or RPZ/CZ.

Worksheet Summary

Additional Comments:

Is the proposed project eligible for CDBG-DR funding?

Yes
Continue to the next section.

No – **The proposed project is ineligible for CDBG-DR funding.**

Coastal Barrier Resources

Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]

1. Is the project located in a Coastal Barrier Resource System Unit?

Neighborhood Revitalization Tier II: Site-Specific Environmental Checklist

- Yes
The proposed project cannot proceed at this location and is ineligible for the Neighborhood Revitalization Program.
- No
Based on the response, the proposed project is in compliance with this section. Continue to the Worksheet Summary below. Attach a site map supporting that the proposed project is not located within a Coastal Barrier Resource System Unit.

Worksheet Summary

Additional Comments:

Is the proposed project eligible for CDBG-DR funding?

- Yes
Continue to the next section.
- No - **The proposed project is ineligible for CDBG-DR funding.**

Flood Insurance

Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]

1. Is the total project cost greater than or equal to \$10,000?
 - Yes
Continue to Question 2.
 - No
Based on the response, the proposed project is in compliance with this section. However, if the project cost should increase to \$10,000 or greater, a re-evaluation of Flood Insurance requirements is necessary. Continue to the Worksheet Summary below. Document the total project cost on Page 1 on this Tier II Site-Specific Checklist.

2. Is the proposed structure, part of the structure, or insurable property located in the FEMA-designated Special Flood Hazard Area based on the Flood Insurance Rate Map?
 - Yes
For loans, loan insurance or loan guarantees, flood insurance coverage must be continued for the term of the loan. For grants and other non-loan forms of financial assistance, flood insurance coverage must be continued for the life of the building

Neighborhood Revitalization Tier II: Site-Specific Environmental Checklist

irrespective of the transfer of ownership. The amount of coverage must equal the total project cost or the maximum coverage limit of the National Flood Insurance Program, whichever is less. A copy of the Flood Insurance Policy is required prior to Close-Out to document compliance. Proof of flood insurance will also be monitored during the Program-identified monitoring period.

No

Based on the response, the proposed project is in compliance with this section. Continue to the Worksheet Summary below. Attach a map supporting that the site is not within Special Flood Hazard Area as designated on a FEMA Flood Insurance Rate Map.

Worksheet Summary

Additional Comments:

Are mitigation measures and/or conditions required?

Yes

All mitigation measures and/or conditions are to be documented in the Mitigation Measures and Conditions section of the Tier II Site-Specific Checklist and on the Neighborhood Revitalization – Environmental Mitigation Measures Acknowledgement Form. The acknowledgement form is to be reviewed and signed by the Environmental Specialist, Program Manager/Specialist, and Applicant in acknowledgement of the mitigation measures and/or conditions. Continue to the next section.

No

Continue to the next section.

STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 AND 58.5

Clean Air

Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93

1. Does the proposed project involve minor construction activities where the operation of an air pollution source is anticipated?

Yes

Based on the response, the proposed project requires mitigation measures to remain in compliance with this section. An Authority to Construct Permit and a Permit to Operate must be obtained by the contractor and/or applicant, from the Department of Planning and Natural Resources – Division of Environmental

Neighborhood Revitalization Tier II: Site-Specific Environmental Checklist

Protection Air Pollution Control Program, prior to the start of construction activities. Continue to the Worksheet Summary below.

No

Based on the response, the proposed project is in compliance with this section. Continue to the Worksheet Summary below.

Worksheet Summary

Additional Comments:

Are mitigation measures and/or conditions required?

Yes

All mitigation measures and/or conditions are to be documented in the Mitigation Measures and Conditions section of the Tier II Site-Specific Checklist and on the Neighborhood Revitalization - Environmental Mitigation Measures Acknowledgement Form. The acknowledgement form is to be reviewed and signed by the Environmental Specialist, Program Manager/Specialist, and Applicant in acknowledgement of the mitigation measures and/or conditions. Continue to the next section.

No

Continue to the next section.

Coastal Zone Management

Coastal Zone Management Act, sections 307(c) & (d)

1. Is the proposed project located in Tier I as identified within the Virgin Islands Coastal Management Plan?

Yes

Submit the Request for Repair and/or Maintenance Waiver to the Department of Planning and Natural Resources. Continue to Question 2.

No

Based on the response, the proposed project is in compliance with this section. Continue to the Worksheet Summary below. Attach a map supporting that the site is not within Tier I as identified within the Virgin Islands Coastal Management Plan.

Neighborhood Revitalization Tier II: Site-Specific Environmental Checklist

2. Based on the Request for Repair and/or Maintenance Waiver submitted to the Department of Planning and Natural Resources, is the project approved to move forward?

- Yes, without mitigation measures or conditions.

Based on the response, the proposed project is in compliance with this section. Continue to the Worksheet Summary below. Attach a map supporting that the site is within Tier I as identified within the Virgin Islands Coastal Zone Management Plan and the approved Request for Repair and/or Maintenance Waiver.

- Yes, with mitigation measures and/or conditions.

Based on the response, the proposed project requires mitigation measures and/or conditions to remain in compliance with this section. Continue to the Worksheet Summary below. Attach a map supporting that the site is within Tier I as identified within the Virgin Islands Coastal Management Plan and the approved Request for Repair and/or Maintenance Waiver documenting the mitigation measures and/or conditions.

- No

The proposed project cannot proceed at this location.

Worksheet Summary

Additional Comments:

Are mitigation measures and/or conditions required?

- Yes

All mitigation measures and/or conditions are to be documented in the Mitigation Measures and Conditions section of the Tier II Site-Specific Checklist and on the Neighborhood Revitalization - Environmental Mitigation Measures Acknowledgement Form. The acknowledgement form is to be reviewed and signed by the Environmental Specialist, Program Manager/Specialist, and Applicant in acknowledgement of the mitigation measures and/or conditions. Continue to the next section.

- No

Continue to the next section.

Neighborhood Revitalization

Tier II: Site-Specific Environmental Checklist

Contamination and Toxic Substances

24 CFR Part 50.3(i) & 58.5(i)(2)

This section contains six (6) subsections (Potential Recognized Environmental Conditions, Visible Mold, EPA Facilities, Superfund Sites, Lead-Based Paint, and Asbestos Containing Materials). Completion of all is sections is required.

Potential Recognized Environmental Conditions (PRECs)

1. Based on the attached Environmental Site Inspection checklist conducted by the Environmental Field Specialist listed on Page 1, does the proposed project site contain PRECs which require further investigation?

Yes

Schedule a Phase I ESA to determine if there is a potential for contaminants to be present on the site.

Continue to Question 2.

No

Based on the response, the proposed project is in compliance with this section. Continue to the Worksheet Summary below. Attach a copy of the Environmental Site Inspection supporting the absence of PRECs.

2. Based on the Phase I ESA Report, is a Phase II ESA recommended?

Yes

Schedule a Phase II ESA to evaluate the presence or absence of petroleum products, or hazardous substances on the proposed project site.

Continue to Question 3.

No

Based on the response, the proposed project is in compliance with this section. Continue to the Worksheet Summary below. Attach a copy of the Environmental Site Inspection and the Phase I ESA documenting that no further investigation is required at the proposed project site.

3. Was contamination identified on the project site as a result of the Phase II ESA?

Yes

Schedule a Phase III ESA to determine the extent of the contamination discovered during the Phase II ESA and develop a Remediation Plan to be added to the Mitigation Measures. Continue to the Worksheet Summary below. Attach a copy of the Environmental Site Inspection, Phase I ESA, Phase II ESA, Phase III ESA, and the Remediation Plan.

No

Neighborhood Revitalization Tier II: Site-Specific Environmental Checklist

Based on the response, the proposed project is in compliance with this section. Continue to the Worksheet Summary below. Attach a copy of the Environmental Site Inspection, the Phase I ESA, and the Phase II ESA documenting that no further investigation is required.

Visible Mold

1. Does the proposed project involve minor rehabilitation of an existing structure?

Yes

Continue to Question 2.

No

Based on the response, the proposed project is in compliance with this section. Continue to the Worksheet Summary below.

2. Based on the attached Environmental Site Inspection conducted by the Environmental Field Specialist listed on Page 1, does the proposed project site contain Visible Mold?

Yes

Based on the response, the proposed project requires mitigation measures to remain in compliance with this section. General contractors handling mold cleanup are required to complete the EPA Mold Training Course, administered by VIHFA. Upon successful completion, a Certification of Completion will be added to the contractor's file and to the Environmental Review Record. Mold cleanup is required during the construction phase of the proposed project. A CDBG-DR NEPA/Environmental Specialist will conduct a Mold Investigation prior to Close-Out to ensure that cleanup was conducted. Continue to the Worksheet Summary below. Attach a copy of the Environmental Site Inspection and pictures of the Visible Mold located on the proposed project site.

No

Based on the response, the proposed project is in compliance with this section. Continue to the Worksheet Summary below. Attach a copy of the Environmental Site Inspection supporting the absence of Visible Mold.

EPA Facilities

1. Based on the EPA Facilities Map (0.5 mi. radius), are there any EPA Facilities within a 0.5-mile radius of the proposed project site? (toxic releases, Brownfields Sites, water discharge, air pollution, hazardous waste, and/or Toxic Substance Control Act)

Yes

Review the ECHO Report for each of the EPA Facilities to identify the type of permit(s) and the presence of any violations to the permit(s).

Neighborhood Revitalization Tier II: Site-Specific Environmental Checklist

Continue to Question 2

No

Based on the response, the proposed project is in compliance with this section. Continue to the Worksheet Summary below. Attach a copy of the EPA Facilities Map (0.5 mi. radius) supporting the absence of EPA Facilities within the 0.5-mile radius.

2. Based on the ECHO Reports for each of the EPA Facility, do any of the facilities have current or unresolved violations?

Yes

Contact the Department of Planning and Natural Resources (DPNR) and/or the Environmental Protection Agency (EPA) to identify how the violations may impact the proposed project site.
Continue to Question 3.

No

Based on the response, the proposed project is in compliance with this section. Continue to the Worksheet Summary below. Attach a copy of the EPA Facilities Map (0.5 mi. radius) and the ECHO Reports supporting the absence of violations requiring further investigation.

3. Will any of the violations have a direct or indirect impact on the proposed project site?

Yes

Continue to Question 4.

No

Based on the response, the proposed project is in compliance with this section. Continue to the Worksheet Summary below. Attach a copy of the EPA Facilities Map (0.5 mi. radius), ECHO Reports, and supporting documentation from DPNR/EPA that the violations have no direct or indirect impact on the proposed project site.

4. Can mitigation measures and/or conditions be incorporated to mitigation direct or indirect impacts to the proposed project?

Yes

Based on the response, the proposed project will require mitigation measures to remain in compliance with this section. Continue to the Worksheet Summary below. Attach a copy of the EPA Facilities Map (0.5 mi. radius), ECHO Reports, and recommended mitigation measures from DPNR/EPA.

No

The proposed project cannot proceed at this location.

Neighborhood Revitalization

Tier II: Site-Specific Environmental Checklist

Superfund Sites

1. Is the proposed project site located in St. Thomas?

Yes

Continue to Question 2.

No

The only active Superfund Site within the US Virgin Islands is the Tutu Wellfield Superfund Site located in east-central St. Thomas. Based on the response, the proposed project is in compliance with this section. Continue to the Worksheet Summary below.

2. Is the proposed project located within 100-ft of the Tutu Wellfield Plume depicted on the Distribution of Total Chlorinated VOCs – 2022 Map provided by EPA?

Yes

Initiate consultation with the project staff at EPA Region 2, Superfund and Emergency Management Division to determine the potential impact and to identify possible mitigation measures.

No

Based on the response, the proposed project is in compliance with this section. Attach a copy of the project location in comparison to the Tutu Wellfield Plume supporting the finding. Continue to the Worksheet Summary below.

3. Based on consultation with EPA, does the proposed project require the addition of mitigation measures to protect against the potential impacts of the Tutu Wellfield Superfund Site?

Yes

Based on the response, the proposed project requires mitigation measures to remain in compliance with this section. Attach a copy of the EPA consultation documents and mitigation measures. Continue to the Worksheet Summary below.

No

Based on the response, the proposed project is in compliance with this section. Attach a copy of the EPA consultation documents. Continue to the Worksheet Summary below.

Lead-Based Paint (LBP)

1. Does the proposed project involve the renovation, remodeling, or rehabilitation of a mixed-use facility?

Neighborhood Revitalization Tier II: Site-Specific Environmental Checklist

Yes

Continue to Question 2.

No

Based on the response, the proposed project is in compliance with this section. Continue to the Worksheet Summary below.

2. Was the mixed-use structure constructed prior to 1978?

Yes

Schedule a LBP Investigation to determine the presence or absence of lead-based paint. Continue to Question 3.

No

Based on the response, the proposed project is in compliance with this section. Continue to the Worksheet Summary below. Document the year built on Page 1 of this Tier II Site-Specific Checklist.

3. Based on the results of the LBP Investigation, was LBP identified?

Yes

Outline the positive components in the Mitigation Measures and Conditions section found at the end of this Tier II Site-Specific Checklist, noting that LBP at this address should be temporarily controlled to prevent any lead exposure. If the positive area is to be disturbed, paint stabilization should be performed by a certified, EPA approved contractor. All work must be performed pursuant to federal and local regulatory standards and follow lead-safe work practices. If paint stabilization is conducted, Clearance Testing will be required prior to Close-Out. Continue to the Worksheet Summary below. Attach a copy of the LBP Investigation Report documenting the presence of positive components.

No

Based on the response, the proposed project is in compliance with this section. Continue to the Worksheet Summary below. Attach a copy of the LBP Investigation Report supporting the absence of positive components.

Asbestos Containing Materials (ACM)

1. Does the proposed project involve rehabilitation of an already existing structure?

Yes

Continue to Question 2.

Neighborhood Revitalization Tier II: Site-Specific Environmental Checklist

No

Based on the response, the proposed project is in compliance with this section. Continue to the Worksheet Summary below.

2. Was the structure constructed prior to 1980?

Yes

Schedule an ACM Investigation to determine the presence or absence of ACM.

No

Based on the response, the proposed project is in compliance with this section. Continue to the Worksheet Summary below. Document the year build on Page 1 of this Tier II Site-Specific Checklist.

3. Based on the results of the ACM Investigation, was ACM identified within the structure?

Yes

Outline the positive components in the Mitigation Measures and Conditions section found at the end of this document, noting that if positive components are to be disturbed during the construction phase, remediation/abatement efforts will be required in accordance with the National Emissions Standards for Hazardous Air Pollutants (NESHAP) and disposal in accordance with the Resource Conservation and Recovery Act (RCRA). If remediation/abatement is conducted, Clearance Testing will be required prior to Close-Out.

Continue to the Worksheet Summary below. Attach a copy of the ACM Investigation Report documenting the presence of positive components.

No

Based on the response, the proposed project is in compliance with this section. Continue to the Worksheet Summary below. Attach a copy of the ACM Investigation Report supporting the absence of positive components.

Worksheet Summary

Additional Comments:

Is the proposed project eligible for CDBG-DR funding?

Yes

Continue to the next question.

Neighborhood Revitalization Tier II: Site-Specific Environmental Checklist

No- **The proposed project is ineligible for CDBG-DR funding.**

Are mitigation measures and/or conditions required?

Yes

All mitigation measures and/or conditions are to be documented in the Mitigation Measures and Conditions section of the Tier II Site-Specific Checklist and on the Neighborhood Revitalization – Environmental Mitigation Measures Acknowledgement Form. The acknowledgement form is to be reviewed and signed by the Environmental Specialist, Program Manager/Specialist, and Applicant in acknowledgement of the mitigation measures and/or conditions. Continue to the next section.

No

Continue to the next section.

Endangered Species

Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402

1. Based on the USFWS Information for Planning and Consultation (IPAC) map, does the proposed project have the potential to affect any of the listed species below? (select all that apply)

West Indian Manatee

Continue to Question 2.

Hawksbill Sea Turtle

Based on the response, the proposed project will require the following mitigation measures to remain in compliance with this section: Lighting associated with construction activities will not be visible directly or indirectly from the beach. There are to be no activities occurring on the beaches. Continue to the Worksheet Summary below. Attach a copy of the IPAC results.

Green Sea Turtle

Based on the response, the proposed project will require the following mitigation measures to remain in compliance with this section: Lighting associated with construction activities will not be visible directly or indirectly from the beach. There are to be no activities occurring on the beaches. Continue to the Worksheet Summary below. Attach a copy of the IPAC results.

Leatherback Sea Turtle

Based on the response, the proposed project will require the following mitigation measures to remain in compliance with this section: Lighting associated with construction activities will not be visible directly or indirectly from the beach.

Neighborhood Revitalization Tier II: Site-Specific Environmental Checklist

There are to be no activities occurring on the beaches. Continue to the Worksheet Summary below. Attach a copy of the IPAC results.

Loggerhead Sea Turtle

Based on the response, the proposed project will require the following mitigation measures to remain in compliance with this section: Lighting associated with construction activities will not be visible directly or indirectly from the beach. There are to be no activities occurring on the beaches. Continue to the Worksheet Summary below. Attach a copy of the IPAC results.

Olive Ridley Sea Turtle

Based on the response, the proposed project will require the following mitigation measures to remain in compliance with this section: Lighting associated with construction activities will not be visible directly or indirectly from the beach. There are to be no activities occurring on the beaches. Continue to the Worksheet Summary below. Attach a copy of the IPAC results.

Virgin Islands Tree Boa

Conduct a site visit to determine if the proposed project site is overgrown. Continue to Question 3.

Agave eggersiana

Conduct a survey, with either the Department of Planning and Natural Resources – Division of Fish and Wildlife or a contractor, for listed plants. Continue to Question 5.

Calypttranthes thomasiana

Conduct a survey, with either the Department of Planning and Natural Resources – Division of Fish and Wildlife or a contractor, for listed plants. Continue to Question 5.

Marron Bacora (Solanum conocarpum)

Conduct a survey, with either the Department of Planning and Natural Resources – Division of Fish and Wildlife or a contractor, for listed plants. Continue to Question 5.

2. Does the proposed project involve activities in the water?

Yes

Based on the response, the proposed project requires mitigation measures to remain in compliance with this section. Manatee Conservation Measures will be implemented during the construction phase of the proposed project. Continue to the Worksheet Summary below. Attach a copy of the IPAC results.

Neighborhood Revitalization Tier II: Site-Specific Environmental Checklist

No

Based on the response, the proposed project is in compliance with this section. Continue to the Worksheet Summary below. Attach a copy of the IPAC results.

3. Based on the site visit, is the project site overgrown with vegetation?

Yes

Contact DPNR – Department of Fish and Wildlife (DPNR-DFW) to conduct an onsite consultation. Submit an Endangered Species Assessment to DPNR with the necessary information for the consultation. Continue to Questions 3.

No

Based on the response, the proposed project is in compliance with this section. Continue to the Worksheet Summary below. Attach a copy of the IPAC results, the Environmental Field Investigation Form documenting that the proposed project site is cleared of vegetation.

4. Based on the DPNR on-site consultation, are mitigation measures and/or conditions required?

Yes

Based on the response, mitigation measures and/or conditions are required for the proposed project to remain in compliance with the Endangered Species Act. Virgin Islands Tree Boa conservation measures will be implemented during the construction phase of the proposed project. Continue to the Worksheet Summary below.

No

Based on the response, the proposed project is in compliance with this section. Continue to the Worksheet Summary below. Attach a copy of the IPAC results, the Environmental Field Investigation Form documenting the conditions at the proposed project site, and the Endangered Species Assessment supporting that no mitigation measures and/or conditions are required.

5. Based on the survey, were listed species identified on the proposed project site?

Yes

Based on the response, consult with the DOI-USFWS to identify measures to avoid or minimize impacts to the identified species. Approval of the mitigation measures are required for the proposed project to remain in compliance with this section. Document the approved mitigation measures on this Tier II Site-Specific Checklist and all contracts and agreements.

Neighborhood Revitalization

Tier II: Site-Specific Environmental Checklist

No

Based on the response, the proposed project is in compliance with this section. Continue to the Worksheet Summary below. Attach a copy of the IPAC results, the Environmental Field Investigation Form documenting the conditions at the proposed project site, and the survey report documenting the absence of listed species.

Worksheet Summary

Additional Comments:

Is the proposed project eligible for CDBG-DR funding?

Yes

Continue to the next question.

No

Are mitigation measures and/or conditions required?

Yes

All mitigation measures and/or conditions are to be documented in the Mitigation Measures and Conditions section of the Tier II Site-Specific Checklist and on the Neighborhood Revitalization - Environmental Mitigation Measures Acknowledgement Form. The acknowledgement form is to be reviewed and signed by the Environmental Specialist, Program Manager/Specialist, and Applicant in acknowledgement of the mitigation measures and/or conditions. Continue to the next section.

No

Continue to the next section.

Explosive and Flammable Hazards

24 CFR Part 51 Subpart C

Compliance determination made in Tier I Broad Level Environmental Review.

The Neighborhood Revitalization Program does not allow development, construction, rehabilitation that will increase residential densities, or conversion of land. Therefore, further review under Explosive and Flammable Hazards is not required.

Neighborhood Revitalization

Tier II: Site-Specific Environmental Checklist

Farmlands Protection

Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 15411 7 CFR Part 658

Compliance determination made in Tier I Broad Level Environmental Review

The Neighborhood Revitalization Program does not allow new construction; therefore, all proposed project activities will occur within areas already under Urban Use. Further review under Farmland Protection is not required.

Floodplain Management

Executive Order 11988, particularly section 2(a); 24 CFR Part 55

1. Based on the Advisory Base Flood Elevation Map, will the proposed structure, part of the structure, or insurable property be located in the 100-year floodplain?

Yes

Based on the response, the proposed project requires monitoring during the construction activities to ensure no unnecessary impacts to the floodplain occurs, no unnecessary risks are taken, and that there are no deviations from the approved scope of work.

No

Based on the response, the proposed project does not require compliance with 24 CFR 55. Continue to the Worksheet Summary below. Attach a copy of the map supporting that the proposed project site is not located within the 100-year floodplain.

Worksheet Summary

Additional Comments:

Are mitigation measures and/or conditions required?

Yes

All mitigation measures and/or conditions are to be documented in the Mitigation Measures and Conditions section of the Tier II Site-Specific Checklist and on the Neighborhood Revitalization – Environmental Mitigation Measures Acknowledgement Form. The acknowledgement form is to be reviewed and signed by the Environmental Specialist, Program Manager/Specialist, and Applicant in acknowledgement of the mitigation measures and/or conditions. Continue to the next section.

Neighborhood Revitalization

Tier II: Site-Specific Environmental Checklist

No
Continue to the next section.

Historic Preservation

National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800

1. Based on the allowances within the Programmatic Agreement, are the activities described in the proposed scope of work expected to have no or minimal effect on historic properties?

Yes – First Tier, which staff may apply whether or not they meet professional historic preservation qualifications.

Continue to Question 2.

Yes – Second Tier, which can only be applied by applicable SOI Professional Qualifications Standards in accordance with Stipulations I.B(1)(a) of the Programmatic Agreement.

Continue to Question 2.

No

Based on the response, the proposed project requires consultation with the State Historic Preservation Office. Submit a Historic Preservation and Cultural Resources Assessment to DPNR.

Continue to Question 3.

2. Is the project site located in or near a Historic District?

Yes

Based on the response, the proposed project requires consultation with the State Historic Preservation Office. Submit a Historic Preservation and Cultural Resources Assessment to DPNR.

Continue to Question 3.

No

Based on the response, the proposed project is in compliance with this section. Continue to the Worksheet Summar below. Attach a map supporting that the structure is not located in or near a Historic District.

3. Based on the completed Historic Preservation and Cultural Resources Assessment, does this project require further investigation?

Yes

Conduct the necessary investigation outlined within the Historic Preservation and Cultural Resources Assessment. Consult with the State Historic Preservation Office on the next steps.

Continue to Question 4.

Neighborhood Revitalization Tier II: Site-Specific Environmental Checklist

No

Based on the response, the proposed project is in compliance with this section. Continue to the Worksheet Summary below. Attach a copy of the completed Historic Preservation and Cultural Resources Assessment and all supporting documents submitted to the state Historic Preservation Office.

4. Based on further investigation and consultation with SHPO, does the proposed project require approval by the Historic Preservation Commission or the completion of the Section 106 Process?

Yes, the proposed project must be reviewed by the Historic Preservation Commission.

Based on the response, the review will require mitigation measures to remain in compliance with this section. Continue to the Worksheet Summary below. Attach a copy of the Historic Preservation and Cultural Resources Assessment and any further documentation obtained during the investigation.

Once the final scope of work and drawings have been developed, the applicant will need to complete the Historic Preservation Commission's Application for Change within the Historic & Architectural Control District and have the project scope reviewed during one of the monthly Historic Preservation Commission's Application meetings. Mitigation measures identified as part of this meeting will be added to the Environmental Review and documented on the Mitigation Measures Acknowledgement Form. All compliance documentation must be obtained prior to Close-Out.

Yes, the project requires the Section 106 process.
Continue to Question 5.

No

Based on the response, the proposed project is in compliance with this section. Continue to the Worksheet Summary below. Attach a copy of the complete Historic Preservation and Cultural Resources Assessment and all supporting documents submitted to the State Historic Preservation Office. Also, include all documentation obtained during the investigation conducted in Step 3.

5. Complete the below section and then continue to the question at the end of the question.

Initiate consultation with the regulatory agency and other interested parties, identify and evaluate historic properties, assess effects of the project on properties listed on or eligible for the National Register of Historic Places, and resolve any adverse effects through project design modifications or mitigation. Note that consultation continues through all phases of the review.

Neighborhood Revitalization Tier II: Site-Specific Environmental Checklist

Step 1: Initiate consultation (Use the space below to list all consulting parties that were consulted here and their status of consultation):

Step 2: Identify and evaluate historic properties (Use the space below to list the historic properties identified and evaluated in the Area of Potential Effect):

Step 3: Assess effects of the project on historic properties (Use the space below to document the absence or presence of adverse effects and document the adverse effects, as needed):

Step 4: Resolve any adverse effects (Use the space below to document the resolution for any adverse effects identified in Step 3, as needed):

Were adverse effects identified as part of the Section 106 Review?

Yes

Based on the response, the proposed project will require mitigation measures to remain in compliance with this section. Continue to the Worksheet Summary below. Attach a copy of the completed Historic Preservation and Cultural Resources Assessment and all supporting documents submitted to the State Historic Preservation Office. Also, include all documentation of consultation conducted during the Section 106 Process.

No

Neighborhood Revitalization Tier II: Site-Specific Environmental Checklist

Based on the response, the proposed project is in compliance with this section. Continue to the Worksheet Summary below. Attach a copy of the completed Historic Preservation and Cultural Resources Assessment and all supporting documents submitted to the State Historic Preservation Office. Also include all documentation of consultation conducted during the Section 106 Process.

Worksheet Summary

Additional Comments:

Are mitigation measures and/or conditions required?

Yes

All mitigation measures and/or conditions are to be documented in the Mitigation Measures and Conditions section of the Tier II Site-Specific Checklist and on the Neighborhood Revitalization – Environmental Mitigation Measures Acknowledgement Form. The acknowledgement form is to be reviewed and signed by the Environmental Specialist, Program Manager/Specialist, and Applicant in acknowledgement of the mitigation measures and/or conditions. Continue to the next section.

No

Continue to the next section.

Noise Abatement and Control

Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B

Compliance determination made in Tier I Broad Level Environmental Review

The Neighborhood Revitalization Program does not allow new construction activities or major rehabilitation and will not result in an increase in density. Therefore, no further investigation is required for Noise Abatement and Control.

Also, all proposed construction activities must take place during business hours to avoid noise during rest hours.

Sole Source Aquifers

Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149

Compliance determination made in Tier I Broad Level Environmental Review

There are no sole source aquifers located within the US Virgin Islands.

Neighborhood Revitalization Tier II: Site-Specific Environmental Checklist

<p>Wetlands Protection Executive Order 11990, particularly sections 2 and 5</p>
<p style="color: red; font-weight: bold;">Compliance determination made in Tier I Broad Level Environmental Review</p> <p style="color: red;">The Neighborhood Revitalization Program will not provide funding for activities involving new construction or ground disturbance. This Program is designed to support activities such as aesthetic and functional enhancements, preservation of historic sites, increased security, better services for tourists and residents alike, and promotion of private investment. No wetlands will be impacted as a result of this program as there will be no major ground disturbance activities.</p>
<p>Wild and Scenic Rivers Wild and Scenic Rivers Act of 1968, particularly sections 7(b) and (c)</p>
<p style="color: red; font-weight: bold;">Compliance determination made in Tier I Broad Level Environmental Review</p> <p style="color: red;">There are no wild and scenic rivers located within the US Virgin Islands.</p>
<p>Environmental Justice Executive Order 12898</p>
<p style="color: red; font-weight: bold;">Compliance determination made in the Tier I Broad Level Environmental Review</p> <p style="color: red;">The Neighborhood Revitalization Program will support activities such as aesthetic and functional enhancements, preservation of historic sites, increased security, better services for tourists and residents alike, and promotion of private investment. The goal of the Building Façade and Streetscape Enhancement Program is to increase investment and improve the aesthetic of local communities. While the Small Business Entrepreneurship Grant and Technical Assistance Program will fund recovery grants to small business and microenterprises which suffered physical and/or financial losses due to the 2017 hurricanes. This program will not create an adverse environmental impact on low-income or minority communities.</p>



Neighborhood Revitalization Tier II: Site-Specific Environmental Checklist

Additional Information

Additional Studies Performed	
Field Inspection Specifications	
Sources, Agencies and Persons Consulted	



Neighborhood Revitalization Tier II: Site-Specific Environmental Checklist

Mitigation Measures and Conditions [40 CFR 1505.2(c)]

Use this section below to summarize mitigation measures and conditions identified within the Tier II Site-Specific Checklist. These measures/conditions must be documented on the Environmental Mitigation Measures Acknowledgement form.

Law, Authority, or Factor	Mitigation Measure(s)	Condition(s)

Completed By (Name/Title): _____

Signature: _____ Date: _____

Approved By (Name/Title): _____

Signature: _____ Date: _____