



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Caribbean Ecological Services Field Office
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In Reply Refer To:
FWS/R4/CESFO/BKT/HUD

Mr. Efrain Maldonado
Field Office Director
U.S. Department of Housing and Urban Development
235 Federico Costa Street, Suite 200
San Juan, Puerto Rico 00918

Re: Blanket Clearance Letter for Federally
sponsored projects, Housing and Urban
Development

Dear Mr. Maldonado:

On January 14, 2013, the U.S. Fish and Wildlife Service (USFWS) in coordination with the U.S. Department of Housing and Urban Development (HUD), signed the Blanket Clearance Letter (BCL) to expedite the consultation process, for federally sponsored projects. On March 20, 2025, the USFWS and the Puerto Rico Department of Housing (PRDOH) acting as the responsible entity designated by HUD decided to review and update the BCL to ensure that new available information regarding the consultation process is included. This amendment is consistent with July 15, 2025, Departmental memorandum (attached) regarding undertakings related to wind and solar energy projects. Therefore, this letter replaces the April 24, 2025, Blanket Clearance Letter for HUD sponsored projects.

The U.S. Fish and Wildlife Service (USFWS) is one of two lead Federal Agencies responsible for the protection and conservation of Federal Trust Resources, including threatened or endangered species listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) (ESA). In the U.S. Caribbean, the USFWS has jurisdiction over terrestrial plants and animals, the Antillean manatee and sea turtles when nesting. The National Marine Fisheries Service has jurisdiction over marine species, except for the manatee. The ESA directs all Federal agencies to participate in conserving these species. Section 7 of the ESA requires Federal agencies to consult with the USFWS to ensure that actions they fund authorize, permit, or otherwise carry out will not jeopardize the continued existence of any listed species or adversely modify designated critical habitat.

The USFWS issued regulations in 1986 detailing the consultation process. As part of this consultation process, the USFWS reviews development projects to assist Federal agencies on the compliance of the ESA. Since HUD typically allocate grant funds for rural and urban development projects, obligations under the ESA, as well as the National Environmental Policy Act (NEPA), require HUD to perform consultation and an environmental impact review prior to the project

authorization. Primarily, these projects involve repair or reconstruction of existing facilities associated with developed land.

In order to expedite the consultation process, the Caribbean Ecological Services Field Office (CESFO) has developed this BCL to cover activities and projects that typically result in no adverse effects to federally-listed species under our jurisdiction. The proposed project criteria discussed below are subject to the following conditions:

1. The project is located within an urban or developed area.
 - An urban or developed area is defined as an area that has one or more of the following characteristics:
 - Presence of existing buildings, residential areas, and commercial establishments.
 - Well-established infrastructure including roads, utilities, and urban facilities.
 - High population density.
 - Established neighborhood and urban amenities (“urbanizaciones”).
 - Developed landscape with paved surfaces, parking lots, and industrial areas.
 - Signs of human activity and urbanization, such as shopping centers and recreational facilities.
 - Location within the boundaries of a city or town ("casco urbano").
 - High concentration of built-up structures and limited open spaces.
 - Aerial imagery might be requested to the applicant¹.
2. If the project is located in a rural area, and the project is located within a disturbed area that does not require additional clearing of forested (trees) areas.
3. The project is not located within (or adjacent to) drainages, rivers, streams, wetlands, aquatic systems, or coastal areas.
4. If the project is located in a rural area, and the project is not located immediately adjacent to forested areas (e.g., rock walls and haystack hills (“mogotes”); wet montane forest; lowland wet forest; remnant coastal; mangrove forest; damp and dry limestone karst forests; pastureland with patches of exotic trees²).
5. The lighting associated to the facilities is not visible directly or indirectly from the shoreline or beach area.

Proposed projects that **do not** meet the above conditions **Do Not Qualify** for review under the Blanket Clearance Letter developed for compliance with Section 7 of the Endangered Species Act.

¹ This is the definition used by the USFWS in IPaC.

¹ *Ibid.*

Project Criteria:

1. Activities related to the resurfacing existing streets or roads; maintenance of existing upland gabion or reinforced concrete retention walls; construction, reconstruction or repair of gutters and sidewalks along existing roads.
2. Repair, replace, improve, reconstruct and/or rehabilitate facilities in already established public transportation systems (Signs, sidewalks and ramps, bus stops and existing routes).
3. Repair, replace, improve, reconstruct, rehabilitate and/or expanding existing public transportation facilities located in urban or developed areas.
4. Construction of new facilities for public transportation systems (e.g. School bus stops, city buses, trolleybuses, public car stops, Public car terminal) in urban or developed areas.
5. Repair, replace, improve, reconstruct, or rehabilitate existing bridges or rip-rap. (follow FWS rip-rap guidance for design).
6. Reconstruction, or emergency repairs, of existing structures, including but not limited to buildings, facilities and homes.
7. Demolition of dilapidated single-family homes or buildings.
8. Rebuilding of demolished single-family homes or buildings.
9. Retrofitting existing buildings.
10. Construction of residential and/or commercial facilities.
11. Construction, repair, replace, improve, reconstruct, and/or rehabilitate recreational facilities.
12. Addition of concrete pads to the existing footprint of a residential and/or commercial structure, provided that the resulting addition is less than 20% of the size of the existing structure.
13. Improvement or renovations to existing structures (exterior and interior) renovations resulting in an exterior increase greater than 20%.
14. Improvements or renovations to existing structures (exterior and interior renovations) resulting in an exterior increase of less than 20%.
15. Acquisition of residential and/or commercial properties in urban or developed areas for the relocation of families and/or activities.
16. Construction, reconstruction, rehabilitation and/or expansion of cemeteries.

17. Installation/drilling of new water well and associated utility infrastructure, either above ground or underground.
18. Establishment of power facilities, including but not limited to associated aboveground and/or underground infrastructure.
19. Construction of electrical system infrastructure and associated components, including but not limited to associated aboveground and/or underground infrastructure.
20. Activities within existing Right of Ways (ROWs) related to water and sanitary infrastructure; communication infrastructure; roads, bridges and highways without the removal of native vegetation and/or major earth movement.
21. Construction of rooftop or urban telecommunications systems and associated components, including but not limited to associated aboveground and/or underground infrastructure.
22. Establishment of temporary debris storage (TDS) facilities.
23. Establishment and/or closure of solid waste management facilities. But not new landfills.
24. Installation of water storage systems (cisterns) and associated infrastructure, either above ground or underground, including but not limited to installations on existing or new concrete pads, or existing or new roofs.
25. Installation of generators on existing or new concrete slabs, and associated utility infrastructure, either above ground or underground.
26. Repair of existing agricultural structures including but not limited to greenhouses, warehouses, canopies, fences, corrals, and shade structures with less than 20% expansion of footprint.
27. New construction of agricultural structures in established farms including but not limited to greenhouses, warehouses, canopies, fences, corrals, and shade structures with or without underground and/or aboveground infrastructure utility connections.
28. Construction of fences, cattle corrals, concrete slabs.
29. Installation of storage containers on new concrete slab.
30. New construction or work which expands the footprint of an existing structure and occurs entirely on disturbed, regularly maintained, upland property, including the staging of equipment.

***** Please be aware that Consistent with Executive Order (EO) 14315, entitled “Ending Market Distorting Subsidies for Unreliable, Foreign-Controlled Energy Sources,” EO 14156, entitled “Declaring a National Energy Emergency,” Presidential Memorandum, entitled “Temporary Withdrawal of All Areas on the Outer Continental Shelf from Offshore Wind Leasing and Review of the Federal Government’s Leasing and Permitting Practices for Wind Projects,” Secretary’s Order (SO) 3417, entitled “Addressing the National Energy Emergency,” and SO 3418, entitled “Unleashing American Energy,” all decisions, actions, consultations, and other undertakings—related to wind and solar energy facilities shall require submission to the Office of the Executive Secretariat and Regulatory Affairs, subsequent review by the Office of the Deputy Secretary, and final review by the Office of the Secretary.**

Determination:

Based on the nature of the projects described above and habitat characteristics described on project criteria, we have determined that the actions and type of projects described above may be conducted within this BCL without adversely affecting federally-listed species under our jurisdiction. Thus, consultation under Section 7 of the Endangered Species Act is not required.

For all projects, HUD and its funded partners (municipalities) are expected to implement Best Management Practices to enhance the conservation of our trust resources (i.e.; listed species, wetlands, aquatic habitats, migratory birds and marine mammals) and avoid impacts from project development to aquatic habitat such as erosion and stream sedimentation. The Service provides the following recommendations that have proven to help achieve this effort.

Water Crossing Structures:

1. Use of bottomless culverts or single span bridges instead of traditional box or RCP culverts or any other water crossing structure that impacts the stream bottom, particularly in streams which support native fish. The use of bottomless culverts or a short span bridge would provide a more stable crossing and would not alter the stream habitat. However, if bottomless structures or bridges are not feasible due to cost or engineering constraints, we recommend the following criteria be used to maintain good habitat in the streams:
 - a. The stream should not be widened to fit the bridge since this can lead to sedimentation during low flows and possible bank erosion during high flows. Rather, the bridge should be designed to fit the stream channel at the point of crossing. Culverts should be sized to carry natural bank full flow. Additional flow can be captured by culverts placed at a higher elevation so as not to impact bank full flows.
 - b. Bridge abutments, wing walls or any other structures should not intrude into the active stream channel.
 - c. All culvert footings must be countersunk into the stream channel at both the invert and outlet ends at a minimum of 10% of the culvert height. This will align the water crossing structure with the slope of the stream.

- d. Waterways must not be blocked as to impede the free movement of water and fish. Materials moved during construction, such as grubbing, earth fills, and earth cut materials must not be piled where they can fall back into the stream and block the drainage courses.
- e. Appropriate erosion and/or sedimentation controls measures are to be undertaken to protect water quality until riverbanks are re-vegetated. It has been our experience that appropriate erosion and/or sedimentation control measures are not implemented properly by project contractors. In order to function properly, silt fences need to be buried 6" (proper depth is marked by a line on the silt fence) and supported at regular intervals by wood stakes. For that reason we are recommending that the enclosed drawing of proper silt fence installation is included in all final project construction plans.
- f. Upon completion of a water crossing construction, any temporary fill must be removed from the construction area and disposed in a landfill.

For a detailed guide to water crossing structures, the Service developed a detailed guide to water crossing structures for regulatory review by permitting agencies, protect damaged structures, reduce future damages, and prevent or minimize damage to natural resources. The document is titled "Guidance for Repair, Replacement, and Clean-up Projects in Streams and Waterways of Puerto Rico and U.S. Virgin Islands" and is available at:

<https://www.fws.gov/media/guidance-repair-replacement-and-clean-structures-streams-and-waterways-puerto-rico-and-us>

Limitations:

Actions that do not meet the above project criteria, such as actions requiring placement of fill, disturbance, or modification to land outside of an existing access road or ROW; actions that occur on vacant property harboring a wetland and/or forest vegetation; actions requiring excavation, clearing of native vegetation, or alteration of storm water drainage patterns; or actions that require lighting which can be directly or indirectly seen from a beach, must be individually coordinated through the Caribbean Ecological Services Field Office and will be evaluated on a case by case basis.

The Service reserves the right to revoke or modify this BCL if:

1. New information reveals that the categories of work covered in this BCL may affect listed or designated critical habitat in a manner, or to an extent, not previously considered.
2. The categories of work included in this BCL are subsequently modified to include activities not considered in this review.
3. New species are listed, or designated critical habitat may be affected.
4. Lack of compliance with criteria in this BCL.

To obtain additional information on threatened and endangered species, you may visit our website <https://www.fws.gov/office/caribbean-ecological-services> where you will also find the Map of the Species by Municipality and the Map of Critical Habitat. These maps provide information on the species/habitat relations within a municipality and could provide the applicants an insight if the proposed action is covered under this BCL or may affect a species, thus requiring individual review

The USFWS has also developed a web based tool called the Information for Planning and Consultation (IPaC). Please visit <https://ipac.ecosphere.fws.gov/> and familiarize yourself with the features we offer. We encourage you to begin your project planning process by requesting an Official Species List for your individual project that will include all species that may occur in the vicinity of the action area and includes a map of the action area. The site will also identify designated critical habitat, or other natural resources of concern that may be affected by your proposed project. Best management practices or conservation measures are available at the site for some species, but we expect the site to continue growing in its offering.

We appreciate your interest in protecting endangered species and their habitats. It is the Service's mission to work with others to conserve, protect and enhance fish, wildlife, and plants and their habitats for the continuing benefit of our people. It is our mission to work with others, to conserve, protect and enhance fish wildlife and plants and their habitats for the continuing benefit of our people. If you have any additional questions regarding this BCL, please do not hesitate to contact us at (786) 244-0081 or via email at caribbean_es@fws.gov.

Sincerely,

Lourdes Mena
Field Supervisor