

ATTACHMENT 11

COPY OF COMMENTS AND ENDORSEMENT LETTERS RECEIVED FROM CONSULTED FEDERAL AND LOCAL AGENCIES

**ATTACHMENT 11A – COPY OF USFWS SECTION 7 OF THE
ESA LETTERS**

**ATTACHMENT 11B – COPY OF SECTION 106 OF THE
NHPA LETTER ISSUED BY SHPO**

ATTACHMENT 11C – PRIC ENDORSEMENTS

**ATTACHMENT 11D - ENDORSEMENT LETTERS FROM
ADJUNTAS, PONCE AND UTUADO MAYORS**

**ATTACHMENT 11E – FEDERAL HIGHWAY
ADMINISTRATION (FHWA)**

**ATTACHMENT 11F – PUERTO RICO HIGHWAY AND
TRANSPORTATION AUTHORITY (PRHTA)**

ATTACHMENT 11G – DEPARTMENT OF THE INTERIOR (DI)

ATTACHMENT 11H – LETTER FROM FHWA TO USFWS

ATTACHMENT 11A

COPY OF USFWS SECTION 7 OF THE ESA LETTERS



August 11, 2021

Eng. Edwin Muñiz
Field Supervisor
Fish and Wildlife Service
Caribbean Ecological Services- Field Office
PO Box 491
Boquerón, Puerto Rico 00622.

**RE: Consultation Under Section 7 of The Endangered Species Act (ESA)
New Listed Species
Sections II, III, IV and V
AC-100069, AC-100071, AC-100055 and AC-100076
Utuaado to Adjuntas, Puerto Rico**

Dear Mr. Muñiz:

The Puerto Rico Highway and Transportation Authority (PRHTA) proposes the completion of the construction of remaining portions of State Road PR-10 located between the Municipalities of Utuado and Adjuntas, Puerto Rico. This highway has been continuously under construction since the Final Environmental Impact Statement (FEIS) was approved in 1979. The proposed roadway sections arts at the already built parts of PR-10 and have an approximate total length of 7.60 kms. For construction purposes, the remaining project has been divided in four (4) sections which are:

- **Section II (AC-100069) with a length of 1.571 kms.**
- **Section III (AC-100071) with a length of 1.93 kms.**
- **Section IV (AC-100055) with a length of 2.29 kms.**
- **Section V (AC-100076) with a length of 1.81 kms.**

An aerial photograph illustrating the alignment of the described sections has been included in **Appendix 1**.

Project Description

A brief description of the remaining sections of the project subject follows:

Section II (AC-100069)

This section of the highway consists of the construction of a PR-10 segment of 1.57 kms of length starting from the intersection of the existing PR-10 with PR-123 at km 49.5 in the Municipality of Utuado (refer to the final construction plans attached in Appendix 1, Section II is between civil stations 39+78.73 and 55+50.36). It runs southeast alongside the Rio Grande Arcibo in the Guaonico neighborhood of the municipality of Utuado.

The highway's typical section consists of an undivided highway with one (1) traffic lane of 3.65 meters in each direction, with an additional climbing lane in the southbound direction toward Adjuntas). An exterior shoulder of 3.0 meters is provided in the northbound lane, while a 1.80 meters shoulder is provided in the southbound lane.

As part of this section, three (3) concrete bridges (BR-1, BR-1A and BR-1B) will be constructed. whose construction will help to minimize the use of fill material and therefore, will help to minimize environmental impacts associated with earthwork activities on the adjacent natural systems (such as the Rio Grande de Arecibo). As a result of the rugged characteristics of the topography of the area, drainage improvements in the form of berms, pipe crossings, pipes, catch basins, headwalls, and manholes will need to be incorporated in the highway design. The bridge structures are proposed at the following locations (as per the construction drawings):

- Bridge BR-1 near station 41+01.00 with a span of 150 meters (location coordinates: 18.2344°, -66.719°)
- Bridge BR-1A near station 44+71.00 with a span of 199 meters (location coordinates: 18.23081°, -66.719°)
- Bridge BR-1B near station 50+96.50 with a span of 80 meters (location coordinates: 18.22329°, -66.7181°)

Bridge BR-1 crosses over the Rio Grande de Arecibo.

Section III (AC-100071)

This section of the highway consists of the construction of a PR-10 segment of 1.93 kms of length joining to the previous section in the Municipality of Utua and runs southeast alongside of Rio Grande de Arecibo until Municipality of Adjuntas refer to the preliminary construction plans attached in Appendix 1, Section III is between between civil stations 55+50.36 and 73+90). The typical section of the highway consists of an undivided highway with one (1) traffic lane of 3.65 meters wide per direction and an additional climbing lane in the southbound direction (to Adjuntas). An exterior shoulder of 3.0 meters will be provided in the northbound section, while a 1.80 meters shoulder is being provided in the southbound lane.

As part of this section, four (4) concrete bridges will be built since the existing site topography requires them. The bridges structures are proposed at the following locations:

- Bridge BR-2 near station 56+25.00 with a span of 140 meters (location coordinates: 18.22329°, -66.7216°)
- Bridge BR-3 near station 61+25.00 with a span of 180 meters (location coordinates: 18.22307°, -66.7265°)
- Bridge BR-3A near station 66+20.00 with a span of 110 meters (location coordinates: 18.21989°, -66.7285°)
- Bridge BR-3B/3C near station 70+10.00 with a span of 315 meters (location coordinates: 18.2164°, -66.7276°)

Section IV (AC-100055)

This section of the highway consists of the construction of a PR-10 segment of 2.29 kms of length joining to the previous section and continues alongside the Rio Grande Arecibo toward the Capaez Ward of the Municipality of Adjuntas (refer to the conceptual construction plans attached in Appendix 1, Section IV is between between civil stations 73+90 and 96+85.93). As with previous sections, the typical section of the highway consists of an undivided highway with one (1) traffic lane of 3.65 meters per direction, with an additional climbing lane in the southbound (toward Adjuntas lane). An exterior paved shoulder of 3.0 meters is provided in the northbound lane, and a 1.80 meters shoulder is also provided in the southbound lane.

The construction of seven (7) concrete bridges is also required for this section of the highway. The bridges structures are proposed at the following locations:

- Bridge BR-4 near station 77+95.00 with a span of 129 meters (location coordinates: 18.21171°, -66.7317°)
- Bridge BR-4A near station 79+85.00 with a span of 115 meters (location coordinates: 18.2103°, -66.7328°)
- Bridge BR-4B near station 81+45.00 with a span of 50 meters (location coordinates: 18.20937°, -66.7334°)
- Bridge BR-5 near station 84+20.00 with a span of 105 meters (location coordinates: 18.20697°, -66.7348°)
- Bridge BR-6 near station 86+30.00 with a span of 134 meters (location coordinates: 18.20503°, -66.7342°)
- Bridge BR-7 near station 90+20.00 with a span of 160 meters (location coordinates: 18.20171°, -66.734°)
- Bridge BR-8 near station 92+40.00 with a span of 80 meters (location coordinates: 18.20006°, -66.7338°)

Section V (AC-100076)

This section of highway will serve to complete the construction of PR-10 and will make a reality the terrestrial connection between the north and south parts of the Island as originally envisioned when the FEIS for the project was approved. It will have an approximate length of 1.81 kilometers and will interconnect Section IV with the already constructed PR-10 in the Capáez Ward of the municipality of Adjuntas (refer to the conceptual construction plans attached in Appendix 1, Section V is between between civil stations 96+85.93 and 115+17.95).

This last section of the highway requires the construction of four (4) concrete bridges. Those bridges structures are proposed at the following locations:

- Bridge BR-9 near station 97+10.76 with a span of 284 meters (location coordinates: 18.19583°, -66.7353°)
- Bridge BR-10 near station 103+72.58 with a span of 84 meters (location coordinates: 18.19115°, -66.7378°)
- Bridge BR-11 near station 105+85.4 with a span of 208 meters (location coordinates: 18.1885°, -66.738°)
- Bridge BR-12 near station 109+63.89 with a span of 315 meters (location coordinates: 18.185°, -66.7378°)

It is important to indicate that all the herein described sections of PR-10 remain located the same alignment of the approved environmental clearance documents that have been submitted to the USFWS.

Previous Consultations with the USFWS

Since the early stages of the project planning and continuous study of the project area, some protected species have been identified as potentially present along the project corridor. Those species are:

- Puerto Rican Broad-winged Hawk (*Buteo platypterus brunnescens*)
- Puerto Rican Sharp-shinned Hawk (*Accipiter striatus venator*)
- Puerto Rican Boa (*Epicrates inornatus*)

To address the presence along the path of the remaining sections of PR-10 of the protected species, the following studies have been conducted in consultation with the USFWS as part of the various reevaluations that have been submitted to the Federal Highway Administration (FHWA) to maintain the validity of the determination that the project construction may affect but is not likely to adversely affect the previously listed species.

- Flora/Fauna Study conducted by Héctor Quintero, Ph.D. (2002)
- Endangered Plant Study by Franklin Axelrod, Ph.D. (2002)
- Distribution and Abundance of the Endangered Puerto Rican Broad-winged Hawk and the Puerto Rican Sharp-shinned Hawk by Francisco J. Virella, Ph.D. (2004)
- Presence/absence of Broad-Winged Hawk (*Buteo platypterus brunnescens*) and Sharp-Shinned Hawk (*Accipiter striatus venator*) and their habitat, along PR10 Proposed alignments for Sections II, III and IV, Utuado-Adjuntas, Puerto Rico, Laredo González, MP, PPL (June 2013)
- Endangered Species Assessment: Endangered Bird of Prey Species Status AT Highway PR-10 Proposed alignment for Sections III (AC100071) and IV (AC100055), Utuado-Adjuntas, Puerto Rico. Breeding Season 2014 Final Report, Laredo González, MP, PPL (May 2014)

For reference, copy of the previous determinations issued by the USFWS have been included in **Appendix 2**.

The PRHTA, in coordination with the FHWA, is seeking the necessary federal funds to complete the construction of the remaining portions of PR-10 previously described and is currently preparing an environmental reevaluation. As part of the preparation of this document, a review for the presence of critical and/or endangered species was conducted using the Information for Planning and Consultation (IPAC) tool developed by the USFWS (copy of the database review has been included in **Appendix 3**). The results of the investigation disclosed the presence of the following species along the path of the remaining sections of PR-10:

- Puerto Rican Broad-winged Hawk (*Buteo platypterus brunnescens*)
- Puerto Rican Sharp-shinned Hawk (*Accipiter striatus venator*)
- Puerto Rican Boa (*Epicrates inornatus*)
- Puerto Rican Parrot (*Amazona vittata*)

A comparison of the latest review and the previous one, indicates that a new species was identified along the path of the project corridor. This bird species is the Puerto Rican Parrot (*Amazona vittata*). Upon a closer review of the USFWS information published for the listed species, it is observed that the species was listed as being present in the Rio Abajo Forest, whose southern edge is located at an approximate distance of five (5) kilometers from the closest section of PR-10, which is Section II. Therefore, the determination of the PRHTA is that the project construction may affect but is not likely to adversely affect the previously listed species is maintained. This determination is consistent with the previous ones.

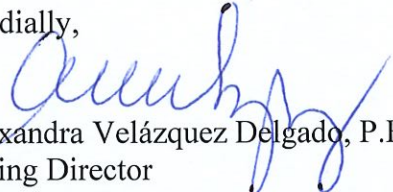
Eng. Edwin Muñiz
Consultation Under Section 7 of The Endangered Species Act (ESA)
New Listed Species
Sections II, III, IV and V
AC-100069, AC-100071, AC-100055 and AC-100076
Utuado to Adjuntas, Puerto Rico
Page 6

It shall be noted that the PRHTA maintains its commitment to implement the required species conservation measures for the protection of the Boa published by the USFWS (see copy included in **Appendix 4**) and to limit the removal of vegetation of the project during the months of April to June to minimize disruption to the species breeding season.

In summary, the PRHTA respectfully requests the USFWS concurrence that provided that the conservation measures are implemented as part of the project contract documents, the determination that the project construction may affect but is not likely to adversely affect the previously listed species is adequate and maintained for the remaining parts of the project.

If there is a need to provide additional information about this subject, please contact the Environmental Studies Office (ESO) at (787) 721-8787, Ext. 1571.

Cordially,


Alexandra Velázquez Delgado, P.E.
Acting Director
Programming and Special Studies Area



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/72LP-026

Ms. Alexandra Velázquez Delgado
Acting Director
Programming and Special Studies Area
Puerto Rico Highway Authority
PO Box 42007
San Juan, Puerto Rico 00940-2007

Re: PR-10 (AC-100069, 100071, 100055 and 100076)
Utuaado to Adjuntas, Puerto Rico

Dear Ms. Velázquez

Thank you for your letter dated August 11, 2021, requesting comments 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 Puerto Rico Highway and Transportation Authority (PRHTA) is proposing the completion of the construction of remaining portions of State Road PR-10 located between the Municipalities of Utuaado and Adjuntas, Puerto Rico. The proposed actions for this project consist of:

Section II (AC-100069):

- Construction of a PR-10 segment of 1.57 kms of length starting from the intersection of the existing PR-10 with PR-123 at km 49.5 in the Municipality of Utuaado.
- Construction of three concrete bridges:
 - Bridge BR-1 near station 41 +01.00 with a span of 150 meters (18.2344°, -66.719°)
 - Bridge BR-IA near station 44+71.00 with a span of 199 meters (18.23081°, -66.719°)
 - Bridge BR-IB near station 50+96.50 with a span of 80 meters (18.22329°, -66.7181°)

Section III (AC-100071):

- Construction of a PR-10 segment of 1.93 kms of length joining to the previous section in the Municipality of Utuaado and runs southeast alongside of Rio Grande de Arecibo until

Municipality of Adjuntas.

- Construction of four concrete bridges:
 - Bridge BR-2 near station 56+25.00 with a span of 140 meters (18.22329°, -66.7216°)
 - Bridge BR-3 near station 61+25.00 with a span of 180 meters (18.22307°, -66.7265°)
 - Bridge BR-3A near station 66+20.00 with a span of 110 meters (18.21989°, -66.7285°)
 - Bridge BR-3B/3C near station 70+ 10.00 with a span of 315 meters (18.2164°, -66.7276°)

Section IV (AC-100055):

- Construction of a PR-10 segment of 2.29 kms of length joining to the previous section and continues alongside the Rio Grande Arecibo toward the Capaez Ward of the Municipality of Adjuntas.
- Construction of seven concrete bridges:
 - Bridge BR-4 near station 77+95.00 with a span of 129 meters (18.21171°, -66.7317°)
 - Bridge BR-4A near station 79+85.00 with a span of 115 meters (18.2103°, -66.7328°)
 - Bridge BR-4B near station 81+45.00 with a span of 50 meters (18.20937°, -66.7334°)
 - Bridge BR-5 near station 84+20.00 with a span of 105 meters (18.20697°, -66.7348°)
 - Bridge BR-6 near station 86+30.00 with a span of 134 meters (18.20503°, -66.7342°)
 - Bridge BR-7 near station 90+20.00 with a span of 160 meters (18.20171°, -66.734°)
 - Bridge BR-8 near station 92+40.00 with a span of 80 meters (18.20006°, -66.7338°)

Section V (AC-100076):

- Construction of a PR- 10 segment of approximate length of 1.81 kms and will interconnect Section IV with the already constructed PR-10 in the Capaez Ward of the municipality of Adjuntas.
- Construction of four concrete bridges:
 - Bridge BR-9 near station 97+ 10. 76 with a span of 284 meters (18.19583°, -66. 73 53°)
 - Bridge BR-10 near station 103+72.58 with a span of 84 meters (18.19115°, -66. 73 78°)
 - Bridge BR-11 near station 105+85.4 with a span of 208 meters (18.1885°, -66. 738°)
 - Bridge BR-12 near station 109+63.89 with a span of 315 meters (18.185°, -66.7378°)

The U.S Fish and Wildlife Service's (the Service) Geospatial Data identified four federally listed species that might be present along the path of remaining sections of PR-10: Puerto Rican boa (*Epicrates inornatus* now known as *Chilabothrus inornatus*), Puerto Rican broad-winged hawk (*Buteo platypterus brunnescens*), Puerto Rican parrot (*Amazona vittata*) and Puerto Rican sharp-shinned hawk (*Accipiter striatus venator*).

After the initial review, PRHTA has determined that the proposed project may affect, but is not likely to adversely affect the Puerto Rican boa, Puerto Rican broad-winged hawk, Puerto Rican parrot and Puerto Rican sharp-shinned hawk. The PRHTA is proposing to implement Best Management Practices (BMP's) and conservation measures previously provided by the Service prior to and during the construction to avoid or minimize impacts to the above mentioned species. Also, PRHTA is limiting the removal of vegetation of the project during the months of April to June to minimize disruption to the species breeding season.

We have reviewed the information provided in your letter and our files, and concur with your determination that the proposed project may affect, but is not likely to adversely affect the above mentioned species. No adverse impacts to designated critical habitat are anticipated. However, the Service recommends that PRHTA take special attention during the breeding season of the species during the months of January to July (instead of April to June) in case any breeding activity is observed within or near the proposed construction area. In view of this, we believe that requirements of section 7 of the Endangered Species Act (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 Marelisa Rivera at marelisa_rivera@fws.gov.

Sincerely yours,

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Edwin E. Muñiz
Field Supervisor

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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/72LP-026

Mr. Juan C. Pérez
Director, Disaster Recovery
Departamento de la Vivienda de Puerto Rico
606 Barbosa Ave
San Juan, PR 00918-8461

Re: PR-10 Highway Project Utuado to Adjuntas

Dear Mr. Pérez:

This is in reply to the March 14, 2022, public notice announcing that the referenced project has been selected by the Puerto Rico Department of Housing (PRDOH) as a Strategic Project under the Community Development Block Grant - Mitigation (CDBG-MIT Grant number B-18-DP-72-0002), Infrastructure Mitigation Program to finalize the last 7.6 kilometers of this highway project. We also refer to email from Ms. Anie D. De Jesus Silva from PRHTA dated April 21, 2023. Our comments are issued in accordance with the Endangered Species Act (ESA) (16 U.S.C. 1531 et seq. as amended).

These proposed last 7.6 km of PR-10 highway will have 20 bridges that are to be constructed as part of the roadway. Three of these bridges will impact the floodplain and riverine wetlands associated with the Río Grande de Arecibo, and four other bridges will cross riverine wetlands located at the bottom of tributaries to the Río Grande de Arecibo, however, these four crossings would not impact wetlands because they would cross well above the stream bed. The other fifteen bridges are dry crossings, spanning local roads, electrical facilities, or dry ravines.

An Environmental Impact Statement (EIS) for this project was originally prepared in 1979 and has been continuously updated by the Puerto Rico Highway & Transportation Authority (PRHTA) and by the Federal Highway Administration (FHWA) as the lead federal agency of the project. The current Public Notice states that an Environmental Reevaluation was prepared by PRHTA in 2022, please forward a copy of this document so we can have a complete record in our files.

Throughout the years, the U.S. Fish and Wildlife Service (Service) has been consulted and collaborated in the review of PR-10 documents as the highway project was being constructed. Our last communication was in 2023 with PRDOH via email reaffirming that the 2021 consultation with the PRHTA was still current.

PRHTA evaluated the following species:

- Puerto Rican Broad-winged Hawk (*Buteo platypterus brunnescens*)
- Puerto Rican Sharp-shinned Hawk (*Accipiter striatus venator*)
- Puerto Rican Boa (*Epicrates inornatus* now known as *Chilabothrus inornatus*)
- Puerto Rican Parrot (*Amazona vittata*)

The Puerto Rican Parrot (*Amazona vittata*) is included because it is present in the Río Abajo Forest, whose southern edge is located at an approximate distance of five (5) kilometers from Section II, the closest section of PR-10, to the Forest. Section II is the only section that will be close to the Río Abajo Forest.

PRHTA determined that the project construction may affect but is not likely to adversely affect the previously listed species based on the proposed conservation measures. As outlined in the April 21, 2023, email by Ms. Anie D. De Jesús Silva from PRHTA, agreements have already been made with the Service and the Puerto Rico Department of Natural and Environmental Resources that include protocols and conservation measures for the species.

However, in 2022, the Service developed a Programmatic Biological Opinion (PBO) for the Puerto Rican boa and the Virgin Islands tree boa addressing the “take” of both species in the form of capture and relocation while conducting activities with Federal nexus or under the jurisdiction of a Federal agency in Puerto Rico and U.S. Virgin Islands (see enclosure). The Puerto Rican boa is present throughout the proposed action area, and capture and relocation may be needed to remove boas from harm’s way during the project activities. Capturing and relocating boas out of harm’s way during project activities constitutes “take” as defined by the ESA and requires a May Affect Likely to Adversely Affect determination (MLAA) from PRHTA and FHWA, which will trigger a formal consultation. Since there is a PBO in place, the Service would concur with the MLAA determination, and FHWS and PRHT will be exempted from the “take” determination that would result from the project actions provided that both agencies agree to comply with the Terms and Conditions stated in Section 6.4 of the PBO.

Please, note the PBO also has reporting requirements (Section 6.5) regarding the capture and relocation of boas; these reporting requirements are mandatory and must be complied with. We recommend that PRHTA adopt a MLAA determination for the Puerto Rican boa and use the PBO during the project activities. If PRHTA decides to adopt the MLAA determination for the Puerto Rican boa using the PBO, an email with the new determination and an agreement to comply with the Terms and Conditions of the PBO must be sent to caribbean_es@fws.gov referencing the PR-10 project.

Please remember, 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 action, if you have any questions, please contact Félix López of my staff at (305) 304-1128.

Sincerely yours,

EDWIN MUNIZ
Edwin E. Muñoz
Field Supervisor

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Programmatic Biological Opinion for the Puerto Rican boa and the Virgin Islands tree boa

cc:

DNER, San Juan

HUD, San Juan

PRHTA, San Juan

FEMA, San Juan

FHWA, San Juan

ATTACHMENT 11B
COPY OF SECTION 106 OF THE NHPA LETTER
ISSUED BY SHPO



GOVERNMENT OF PUERTO RICO
STATE HISTORIC PRESERVATION OFFICE

Executive Director | Carlos A. Rubio-Cancela | carubio@prshpo.pr.gov

January 17, 2024

Lauren Bair Poche

HORNE
10000 Perkins Rowe, Suite 610, Bldg G
Baton Rouge, LA 70810

SHPO 08-24-12-03, 04-30-13-01 and 08-20-13-01 PR-10 SECTIONS II THROUGH V, UTUADO TO ADJUNTAS, ISLANDWIDE, PUERTO RICO / AC-100069, AC-100071, AC-100055 AND AC-100076

Dear Ms. Poche,

We acknowledge receipt of your notice that the Puerto Rico Department of Housing, under the Community Development Block Grant Mitigation (CDBG-MIT) program, is assuming the lead agency role responsible for Section 106 compliance in the above referenced project. As previously stated, our records support the finding of **no historic properties affected** issued for this undertaking.

If you have any questions regarding our comments, please do not hesitate to contact our Office.

Sincerely,

Carlos A. Rubio-Cancela
State Historic Preservation Officer

CARC/GMO/MB





October 25, 2021

Arch. Carlos A. Rubio Cancela
Executive Director
State Historic Preservation Office
PO Box 9023935
San Juan, Puerto Rico 00902-3935

**REQUEST OF UPDATING SHPO ENDORSEMENT LETTERS
FOR PR-10 SECTIONS II THROUGH V, UTUADO TO ADJUNTAS, PUERTO RICO
AC-100069, AC-100071, AC-100055 AND AC-100076
SHPO IDENTIFICATION NUMBERS 04-30-13-01; 08-20-13-01; 08-24-12-03**

Dear Mr. Rubio:

The Puerto Rico Highway and Transportation Authority (PRHTA) and, the Federal Highway Administration (FHWA) are proposing the construction of the remaining **Section II (AC-100069)**, **Section III (AC-100071)**, **Section IV (AC-100055)** and **Section V (AC-100076)** of **PR-10**, to be constructed between the Municipalities of Utuado and Adjuntas, Puerto Rico. The total length of the proposed highway sections has an approximately 7.60 kms. For construction purposes, the remaining project has been divided in four (4) sections which are:

- **Section II (AC-100069) with a length of 1.57 kms.**
- **Section III (AC-100071) with a length of 1.93 kms.**
- **Section IV (AC-100055) with a length of 2.29 kms.**
- **Section V (AC-100076) with a length of 1.81 kms.**

This will allow to complete the travel between the municipalities of Arecibo and Ponce in a safe and efficient manner.

General Information

1. Section II (AC-100069)

This section of the highway consists of the construction of a PR-10 segment of 1.57 kms of length starting from the intersection of the existing PR-10 with PR-123 at km 49.5 in the Municipality of Utuado (civil stations 39+78.73 and 55+50.36). It runs

southeast alongside the Rio Grande Arecibo in the Guaonico neighborhood of the municipality of Utuaado. The highway's typical section consists of an undivided highway with one (1) traffic lane of 3.65 meters in each direction, with an additional climbing lane in the southbound direction toward Adjuntas). An exterior shoulder of 3.0 meters is provided in the northbound lane, while a 1.80 meters shoulder is provided in the southbound lane.

2. Section III (AC-100071)

This section of the highway consists of the construction of a PR-10 segment of 1.93 kms of length joining to the previous section in the Municipality of Utuaado and runs southeast alongside of Rio Grande de Arecibo until Municipality of Adjuntas (civil stations 55+50.36 and 73+90). The typical section of the highway consists of an undivided highway with one (1) traffic lane of 3.65 meters wide per direction and an additional climbing lane in the southbound direction (to Adjuntas). An exterior shoulder of 3.0 meters will be provided in the northbound section, while a 1.80 meters shoulder is being provided in the southbound lane.

3. Section IV (AC-100055)

This section of the highway consists of the construction of a PR-10 segment of 2.29 kms of length joining to the previous section and continues alongside the Rio Grande Arecibo toward the Capaez Ward of the Municipality of Adjuntas (civil stations 73+90 and 96+85.93). As with previous sections, the typical section of the highway consists of an undivided highway with one (1) traffic lane of 3.65 meters per direction, with an additional climbing lane in the southbound (toward Adjuntas lane). An exterior paved shoulder of 3.0 meters is provided in the northbound lane, and a 1.80 meters shoulder is also provided in the southbound lane.

4. Section V (AC-100076)

This section of highway will serve to complete the construction of PR-10 and will make a reality the terrestrial connection between the north and south parts of the Island as originally envisioned when the project was approved. It will have an approximate length of 1.81 kilometers and will interconnect Section IV with the already constructed PR-10 in the Capaez Ward of the municipality of Adjuntas.

The PRHTA has performed extensive archaeological studies (Phase IA-IB) along the corridor of this project at the request of the State Historic Preservation Office (SHPO).

Those studies have not disclosed the presence of cultural/historic resources that may be affected by the proposed project.

In response to the results of those studies, SHPO issued a finding of no historic properties affected determination for all the remaining highway sections under the terms and conditions of a **Section 106** consultation. Copies of those letters have been included in **Appendix and described in Table 2.**

Table 2: SHPO Endorsement Letters

Section	AC Code	Date	SHPO Identification
Section II	AC-100069	July 12, 2013	SHPO 04-30-13-01
Section III	AC-100071	August 18, 2016	SHPO 08-20-13-01
Section IV	AC-100055	August 18, 2016	SHPO 08-20-13-01
Section V	AC-100076	September 13, 2012	SHPO 08-24-12-03

Funds for the project's construction will be secured from the Construction Development Block Grant (CDBG) available for transportation projects as described in page FHWA-43 of the Transportation Improvement Program for Fiscal Years 2019 - 2022 for the Aguadilla Urbanized Area. Sections II and III which are at advanced stages of design (100%) while Phases IV and V are in preliminary stage of design (95% completion).

It is important to indicate that all the herein described sections of PR-10 remain located within the same alignment of the approved SHPO documents. Due to the time elapsed since obtaining the endorsements of the SHPO, the PRHTA respectfully requests the updating of the letters described in Table 2, with the intention of being able to obtain the

necessary construction permits and complete the construction of the PR-10, for the benefit of the citizens of all Puerto Rico.

For additional information about this subject, please contact Anie De Jesús Silva at (787) 721-8787, Ext. 51015.

Cordially,



Edwin E. Gonzalez-Montalvo, Ph.D., P.E.
Executive Director
PRHTA

Attachments



GOVERNMENT OF PUERTO RICO
STATE HISTORIC PRESERVATION OFFICE

Executive Director | Carlos A. Rubio-Cancela | carubio@prshpo.pr.gov

November 2, 2021

Edwin E. González-Montalvo, Ph.D., PE

Executive Director
PR Highways and Transportation Authority
PO Box 42007
San Juan, PR 00940-2007

SHPO 08-24-12-03, 04-30-13-01 and 08-20-13-01 PR-10 SECTIONS II THROUGH V, UTUADO TO ADJUNTAS, ISLANDWIDE, PUERTO RICO / AC-100069, AC-100071, AC-100055 and AC-100076

Dear Engineer González-Montalvo,

We acknowledge receipt of your October 25, 2021 letter regarding Section 106 compliance, under the National Historic Preservation Act, for the remaining sections to be constructed of the above referenced project. As previously communicated, we believe a finding of **no historic properties affected** would be appropriate for these undertakings.

Please note that should you discover other historic properties at any point during project implementation, you should notify the SHPO immediately. If you have any questions regarding our comments, please do not hesitate to contact our Office.

Sincerely,

Carlos A. Rubio-Cancela
State Historic Preservation Officer

CARC/GMO/MB



ATTACHMENT 11C
PRIC ENDORSEMENTS



GOBIERNO DE PUERTO RICO
INSTITUTO DE CULTURA PUERTORRIQUEÑA
Built Historical Heritage Program

SEPTEMBER 12 , 2022

Arqta. Maria Cintron Flores
Acting Secretary

DEPARTMENT OF ECONOMIC DEVELOPMENT AND TRADE

Permit Management Office

PO Box 41179

San Juan, Puerto Rico 00940-1179

FAVORABLE RECOMMENDATION

OGPE CASE:	2015-089377-SRA-058601
DESCRIPTION:	PR-10 SECTION II (AC-100069) PR-10 Section II (AC-100069)
MUNICIPALITY:	UTUED
LOCATION:	SECTION II BEGINS AT PROGRESSIVE 39+78.73, JUST AT THE END OF SECTION IA OF PR-10 WHICH WAS ALREADY BUILT; AND FINISHES IN THE PROGRESSIVE 55+50.36 WHERE IT WILL BE CONNECTED WITH THE FUTURE PR-10 PROJECT SECTION III
CADASTRE:	214-000-003-23
QUALIFICATION:	NC
OWNER:	ACT
PROPONENT:	ACT

The Institute of Puerto Rican Culture (**ICP**), through its Built Historical Heritage Program (**ICP-PPHE**), has examined the reference project to determine if it affects Properties of Historical and Architectural Value that are protected, or are eligible to be protected, under the laws and regulations that our agency is responsible for administering, as a primary agency, endorser or recommender. These laws and regulations include, but are not limited to:

1. Law 89 of June 21, 1955 SE, Organic Law of the Institute of Puerto Rican Culture, especially section 4(a)(7), "Determine which buildings or structures are of historical or artistic value in Puerto Rico. (...)" and subsection 4(a)(8), "Advise the Planning Board on construction regulations in those areas that it determines as areas of historical value. (...)".
2. Law 89 of June 21, 1955 SE, Organic Law of the Institute of Puerto Rican Culture, in its subsection 4(b)(3) as amended by Law 119 of September 26, 2005, which allows "adopting, amending or repeal, through its Board of Directors, the rules governing [the] operation and discharge of powers" granted and imposed on the ICP by law, and the imposition of administrative fines and/or other sanctions for non-compliance or violation .

to. Regulation of Administrative Procedures of the Built Historical Heritage Program of the Institute of Puerto Rican Culture registered in the Department of State as Regulation No. 7746 effective April 3, 2009.

3. Law No. 161 of December 1, 2009, SE, Law for the Reform of the Puerto Rico Permit Process, Article 1.5, paragraph 31, the Institute of Puerto Rican Culture is identified as one of the agencies
Calle Beneficencia, Old San Juan|PO BOX 9024184, San Juan, Puerto Rico 00902-4184



FAVORABLE RECOMMENDATION

OGPE CASE: 2015-089377-SRA-058601
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MUNICIPALITY: UTUED
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CADASTRE: 214-000-003-23
QUALIFICATION: NC
OWNER: ACT
PROponent: ACT
DATE: SEPTEMBER 12, 2022
PAGE: 2 OF 5

governments concerned and with interference in the process of evaluating applications for the development and use of land, consultations, permits, licenses, certifications, authorizations or any procedure for the operation of businesses in Puerto Rico. This Law clearly establishes the requirement for prior written authorization from the ICP for all interventions and operations in the properties included in the Registry of Historic Sites and Zones of Puerto Rico, *recreational plazas* and foundational centers (see Joint Regulations).

A. Joint Regulation for the Evaluation and Issuance of Permits Related to the Development, Use of Land and Business Operations (RC-2020); registered in the Department of State of Puerto Rico under Number 9233 effective January 2, 2021. Volume X: Conservation of Historical Resources

B. Joint Regulation for the Evaluation and Issuance of Permits Related to the Development, Use of Land and Business Operations (RC-2020); registered in the Department of State of Puerto Rico under Number 9233 effective January 2, 2021. Volumes II, III, IV, VI, VII, IX (see Annex 1 with identification of the corresponding Rules).

4. Law No. 183 of August 21, 2000, SE, Organic Law of the State Office of Historical Conservation, Article 7(b) and Article 8 (b), implicitly establishes the requirement of the prior favorable recommendation of the ICP in permits for projects that have funds, permits or assistance from any federal agency to carry out interventions that may impact properties located in the territory of Puerto Rico that have been included in the National Register of Historic Places in Washington or are eligible for it.¹
5. Law No. 60 of July 1, 2019, SE, Puerto Rico Incentives Code, Chapter 7 Infrastructure and Green Energy, Section 2071.01, Subsection 1: Provides for a business established, or to be established, in the Port Rich by a Person, organized or not under a common name, may request the Secretary of the DDEC for the Grant of Incentives when the Entity is established in Puerto Rico to engage in one of the following eligible activities: Carry out works of improvement, restoration or reconstruction of existing buildings, or restructuring or new construction works on vacant lots in the **Historic Zones of Puerto Rico**, and the rentals of such buildings located in such zones once they have been improved, restored, rebuilt, restructured or constructed, as the case may be. ICP Recommendation is required.
6. The requirement for **ICP** endorsement or comment applicable to properties designated of historical and architectural value by other means, such as:
 - to. Resolution of the Legislative Assembly.
 - b. Historical Monuments designated by the **ICP Board of Directors**.
 - c. Properties designated by a land use plan of an Autonomous Municipality that is in force, or by the Land Use Plan of Puerto Rico.
 - d. Be declared historic in a special zoning plan.
 - and. Other properties referred to by any component of the Unified Information System/Single Business Portal (**SUI/SBP**), the Permit Office of an Autonomous Municipality with the power to grant permits, the Planning Board, the Archeology and Ethnohistory Program of the **ICP**, or another government agency or entity with regulatory power.
7. Petition at the voluntary request of an owner or successor in title to a property.

¹ OECH ~~assists~~ federal agencies in the process of complying with 54 USC 306108 (Section 106 of the National Historic Preservation Act) and 36 CFR Part 800: Protection of Historic Properties, but this consultation is not a substitute for ~~permits or recommendations~~ required in Puerto Rico for interventions on historic properties under Law 161-2009, as amended, Law for the Reform of the Puerto Rico Permit Process and Law 89-1955, as amended, Organic Law of the Institute of Puerto Rican Culture.

**FAVORABLE RECOMMENDATION**

OGPE CASE: 2015-089377-SRA-058601
DESCRIPTION: PR-10 SECTION II (AC-100069)
MUNICIPALITY: UTUED
LOCATION: SECTION II BEGINS AT PROGRESSIVE 39+78.73, JUST AT THE END OF SECTION IA OF PR-10 WHICH WAS ALREADY BUILT; AND FINISHES IN PROGRAM 55+50.36 WHERE IT WILL BE CONNECTED WITH THE FUTURE PR-10 PROJECT SECTION III
CADASTRE: 214-000-003-23
QUALIFICATION: NC
OWNER: ACT
PROponent: ACT
DATE: SEPTEMBER 12, 2022
PAGE: 3 OF 5

According to our records and the information provided:

1. The ACT proposes the construction of the "PR-10 – Section II project in the municipalities of Utuado and Adjuntas. The project consists of the construction of 1.57 kilometers of express, including the construction of three new bridges, with a view to completing the approximately 10 kilometer segment of PR-10.
2. According to Cultural Resources Study (PHASE IA PROJECT: CONSTRUCTION OF THE PR-10 HIGHWAY SECTION II, UTUADO, PUERTO RICO AC-100069, Jaqueline López Meléndez, MA, 2012) It presents visible components on the land with evident or potential historical value related to an old coffee plantation. Specifically in Section II, east of the central alignment between stations 48+00 and 49+00, several structures that appeared to be part of a coffee farm were documented. The ICP-PAE required a Protection Plan for them.
3. As part of the requested Protection Plan, the ACT contracts the services of Arqja. Virginia Rivera Calderón (BIEQUE ARCHAEOLOGICAL RESEARCH CENTER). This contract included a Documentation Study regarding said structures, identified as "Structures 11 and 12", with a view to establishing their horizontal and vertical dispersions.
4. The Documentation Report of "Structures 11 and 12" Construction Completion Project of Section II pr-10 (AC-100069), Arqja. Rivera Calderón, June 2022, provided new and clarifying information on their valuation. We quote:

"It is concluded in this report that: the completion of the construction of the highway type PR-10 (AC-100069) in its SECTION II would in no way directly or indirectly impact the remnants of any coffee plantation, specifically between the "stations". " 48+20 and 48+40 as identified in the plans provided by the proponent ACT.

It is very respectfully recommended that STRUCTURES 11 and 12, as mentioned and referred to in this report, as well as in the 2012 REPORT, be eliminated from the classification with the rank of REMNANTS OF A COFFEE FARM, given the undoubted fact that they do not They are and never were."

5. **The structures are not a** declared Historical Monument or a designated Historic Site, as these concepts are defined by Volume XII Glossary of the Planning Board, part III, definitions M 55 and S-67 of the Joint Regulation 2020.
6. **The structures are not located in a** designated historic area or in the Urban Center as these concepts are defined by Volume XII Glossary of the Planning Board, part III, definitions Z-12, Z-13 and C 71 of the Joint Regulation 2020 .

In this framework of reference, the proposed project **does not imply an adverse** impact on cultural resources belonging to the built historical heritage of Puerto Rico. Therefore, a **FAVORABLE RECOMMENDATION** determination is issued to it.

This evaluation does not include the elements to be evaluated by the ICP Archeology and Ethnohistory Program. Law 161-2009, as amended, Article 19.6, amends Sections 2 and 3 of Law No. 112 of July 20, 1988, as amended, known as the "Puerto Rico Terrestrial Archaeological Heritage Protection Act," for the purposes of transferring to the Institute of Puerto Rican Culture all power, duty or obligation regarding the evaluation for the granting or denial of final determinations or permits, this in coordination with the Permit Management Office.



FAVORABLE RECOMMENDATION

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PROponent: ACT
DATE: SEPTEMBER 12, 2022
PAGE: 4 OF 5

This document is valid for one (1) year from its issuance.

Without further ado, I remain.

Mildred González Valentín, BDA. Mark.

Deputy Director

Built Historical Heritage Program

MGV/ejc

ANNEX 1

1. Joint Regulation for the Evaluation and Issuance of Permits Related to Development, Land Use and Business Operations (RC-2020); registered in the Department of State of Puerto Rico under Number 9233 effective January 2, 2021.
Volume X: Conservation of Historical Resources
 - to. Chapter 10.2 Conservation of Historic Sites, Historic Zones and Foundation Centers, 1. Rule
 - 10.2.2 Requirement for Issuance of Permits and Recommendations in Historic Sites and Zones, Section 10.2.2.3, Section 10.2.2.4, Section 10.2.2.3 and Section 10.2.2.4
 2. Rule 10.2.5 General Rules of Intervention
 3. Rule 10.2.7 Intervention in Public Spaces and Parking Lots where Historical Sites and Zones are located
 4. Rule 10.2.8 Works in Squares, Squares, Recreation Squares and the Properties Surrounding them, in Designated Historical Zones or in the Designation Process
 5. Rule 10.2.9 Parking in Historic Sites and Zones
 6. Rule 10.2.10 Signs, Curtains and Awnings in Historic Sites and Zones
 7. Rule 10.2.11 Conservation of Real Estate, Section 10.2.11.5 Requirement for Recommendations or Certifications
2. Joint Regulation for the Evaluation and Issuance of Permits Related to Development, Land Use and Business Operations (RC-2020); registered in the Department of State of Puerto Rico under Number 9233 effective January 2, 2021.
Volumes II, III, IV, VI, VII, IX
 - to. Rule 2.1.8, Section 2.1.8.7, Subsection "b": Any public or private project that involves land movement, excavation, extraction of earth's crust or construction, reconstructions or pipelines must request the Environmental Assessment Division or Unit (DECA.) the recommendation of the ICP on Archeology and Historical Conservation, whether through the OGPe, the Autonomous Municipalities with Hierarchy 1 to III or the Authorized Professional.
 - b. Rule 2.2.8, Subsection c-10: Location Consultations for municipal public improvement projects in properties and structures that are located in the founding centers, within Historical Zones or designated as historical sites must have the recommendation of the ICP, prior to the beginning of the work.
 - c. Rule 2.3.1: The PA will require a Recommendation from the ICP in all single permits to be granted in the structures officially designated and included in the Registry of Historic Sites and Zones of the JP and in the founding centers of the Municipalities. The final permits and determinations for a construction permit and for the demolition, repair, restoration or remodeling of a structure with historical value will require the recommendation of the ICP.
 - d. Rule 3.2.1 Construction Permits, Section 3.2.1.2, subsection "I": The project that is located in a historical area, traditional urban centers and archaeological sites, the OGPe, the Autonomous Municipalities with hierarchies from I to III or The PAs will require the written recommendation of the ICP before authorizing any construction permit, in accordance with Rule 10.2.11 of Conservation of Real Estate Heritage, in Volume X of this Joint Regulation.
 - and. Rule 3.2.2, subsection "b-6": If the project is located in a historical area, traditional urban centers and archaeological sites, the OGPe, the Autonomous Municipalities with Hierarchy I to III, or the PAs, will require the written recommendation of the ICP before authorizing the demolition activity. If it is a historic property, it will be in accordance with the provisions of this Joint Regulation on the Conservation of Historic Sites and Zones, understood as Volume X, or any formal document issued by the Concerned Government Entities when there is an emergency situation previously decreed by the Government. of Puerto Rico or the Federal Government.
 - F. Rule 3.2.4 Works Exempt from Construction Permits
 1. Section 3.2.4.1 Activities that are not considered Construction works, subsection "c": When the activity is going to be carried out in Historical Sites and Zones declared by the JP, the ICP or the Legislative Assembly, or in other special areas where this is established by Regulation or resolution, you must obtain authorization



FAVORABLE RECOMMENDATION

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PAGE: 5 OF 5

corresponding to the ICP, through a request for a recommendation from archeology and historic preservation ('SRA').

2. Section 3.2.4.2 Exempt Minor Works, subsection "b": When the exempt work is to be carried out in Historical Sites and Zones so declared by the JP, the ICP or the Legislative Assembly, or in other special areas where established by Regulation or resolution, you must obtain the corresponding authorization from the ICP, through an archeology and historical conservation recommendation request ('SRA').

- g. Rule 3.5.9 Formal Permit for the Extraction, Excavation, Removal and Dredging of Components of the Earth's Crust, Section 3.5.9.4, subsection "u": Recommendation of the ICP for the area where the extraction is proposed, when it has been predetermined by ICP or the Legislative Assembly as an area of historical or archaeological value.
 - h. Rule 3.7.1 Single Permit, Section 3.7.1.7, subsection "g": The recommendation of the ICP will be required in Historic Sites and Zones before issuing this type of permit for activities whose duration exceeds thirty (30) days.
 - ™ Rule 4.4.1.2 Retail Licenses for Alcoholic Beverages, Section 4.4.1.2, subsection "c": Recommendation of the ICP in cases where the property is located in a historic area Rule 6.1.27 SH District:
 - j. Historic Site, Section 6.6. 27.2 (see Table 6.85 – Permitted uses in SH District) and Section 6.1.27.4 (see Table 6.86 – SH District Design Parameters).
 - k. Rule 6.1.28 CH District: Historic Preservation, Section 6.1.28.2 (see Table 6.87 – Permitted Uses in CH District) and Section 6.1.28.4 (see Table 6.88- CH District Design Parameters).
 - l. Rule 7.3.6 Urban Center (CU), Section 7.3.6.1, Subsection "d": All intervention in the delimited urban centers will be done in accordance with the Territorial Planning Plan, Area Plan of the Traditional Urban Center or Rehabilitation Plan of the Urban Center, complying with the provisions of Rule 10.2.11 in Volume X of this Joint Regulation. m. Chapter 9.1 Electrical Works, Section 9.1.2.2 subsection "k": Permits and authorizations in Historical Sites and Zones, Plazas recreation areas and surrounding blocks, meaning founding centers of the towns, will require the recommendation of the ICP. no. Chapter 9.6 Aqueduct and Sewer Works, Section 9.6.2.2, Subsection "l": Permits and Authorizations in Historical Sites and Zones, recreation plazas and surrounding blocks, meaning founding centers of the towns, will require the recommendation of the ICP.
- either. Chapter 9.8 Individual Domestic Waste Disposal Systems (SIDDD), Section 9.8.3.1, subsection "d".
- p. Chapter 9.11 Construction Projects, Installation and Location of Telecommunications Towers and Facilities, Section 9.11.6.3, subsection "e" Historical Zones and Foundational Centers.

mgv



recommendations

Construction of PR-10 between Adjuntas and Utuado

Location Data

According to the information provided, an activity is proposed: Public in:

Physical address

EXCEPTION

Utuado Puerto Rico, 00959

Cadastre number(s)

720-141-000-10

Qualification

Rating District(s): VIAL (54%), NC (33%), CR District on
Flood Map: X (98.8%), AE (0.7%), A (0.4%), 0.2 PCT (0.1%)

Soil Type: PeF (21.4%), CID2 (11.1%), LcF2 (8.9%),

Reference Cases

2021-402750-PCL-014273

Owner

Highway and Transportation Authority

Room

Capacity according to writing: 430589.75
square meters

Archeology and Historical Conservation

DACH-ICP COMMENT TO CASE NO: 2021-406531-SRA-051119 -- PROJECT: Construction of PR-10 between

Adjuntas and Utuado -- I. LEGAL BASIS: The following comment is issued based on Law 374 of March 14, 1949, as amended, Law of Ancient or Historical Areas and Areas of Tourist Interest, Law 3 of March 2, 1951, Law of Buildings and other Historical Structures and Law 89 of June 21, 1955, as amended, known as the Organic Law of the Institute of Puerto Rican Culture and Law 161 of December 1, 2009, known as the Law for the Reform of the Puerto Rico Permit Process. These laws confer jurisdiction over the following matters: 1.

Buildings, places and areas included in the Registry of Historic Sites and Zones of Puerto Rico of the Planning Board (JOINT REGULATION FOR THE EVALUATION AND ISSUANCE OF PERMITS RELATED TO THE DEVELOPMENT, USE OF LAND AND BUSINESS OPERATION); 2. Buildings, places and areas declared historic through legislation (or resolution of the ICP BOARD OF DIRECTORS; 3. Recreational spaces and surrounding buildings (JOINT REGULATION FOR THE EVALUATION AND ISSUANCE OF PERMITS RELATED TO THE DEVELOPMENT, USE OF LAND AND BUSINESS OPERATION); 4. Properties zoned "P" built before 1960 (RESOLUTION JPE-25 AND RESOLUTION JPE-047); 5. Properties zoned "CRH", "SH" or "R-ZH" - According to JOINT REGULATION FOR THE EVALUATION AND ISSUANCE OF PERMITS RELATED TO THE DEVELOPMENT, LAND USE AND BUSINESS OPERATION; 6. Properties eligible for historic sites; properties of historical value that satisfy the eligibility criteria as historic sites to be designated as such individually (LAW NO. 89 OF 1955; JOINT REGULATION FOR THE EVALUATION AND ISSUANCE OF PERMITS RELATED TO THE DEVELOPMENT, USE OF LAND AND BUSINESS OPERATION); II. BUILT UP HISTORICAL HERITAGE PROGRAM (PPHE): FAVORABLE RECOMMENDATION. According to our records and the information provided: 1. It is not a declared Historical Monument or a designated Historic Site, as these concepts are defined by Volume XII Glossary of the Planning Board, part III, definitions M-55 and S- 67 of the Joint Regulation 2020. 2. It is not located in a designated historic area or in an Urban Center according to these concepts defined by Volume XII Glossary of the





recommendations

Construction of PR-10 between Adjuntas and Utuado

Planning Board, part III, definitions Z-12, Z-13 and C-71 of the Joint Regulation 2020. 3. According to Cultural Resources Study (PHASE IA PROJECT: CONSTRUCTION OF THE PR-10 HIGHWAY SECTION II, UTUADO, PUERTO RICO AC -100069, Jaqueline López Meléndez, MA, 2012) presents visible components on the land with evident or potential historical value related to an old coffee plantation. Specifically in Section II, east of the central alignment between stations 48+00 and 49+00, several structures that were part of a coffee farm owned by Mr. Martín Quiles Montalvo were documented. 4. The construction of the remaining sections of the PR-10 state highway is proposed, between the municipalities of Adjuntas and Utuado. The total length of the road is approximately 7.6 km. The projects are identified as: section II (AC-100069), section III (AC-100071), section IV (AC-100055), and section V (AC-100076). 5. The proposal presented accepted the recommendations made in the aforementioned Cultural Resources Study and does not impact the remnants of the old coffee plantation. 6. The proposed project or activity does not imply an adverse impact on cultural resources belonging to the built historical heritage of Puerto Rico. Therefore, a FAVORABLE RECOMMENDATION determination is issued to the proposed project. However, if any building, structure and object of architectural, historical or cultural value is found on the property, or the adjacent properties, which the proposed action could affect, the Institute's Built Historical Heritage Office must be notified for evaluation. correspondent. This recommendation does not include the elements to be evaluated in accordance with Law 112 of July 12, 1988, Terrestrial Archaeological Heritage Law, which must be done through a separate request to the ICP Archeology and Ethnohistory Program. Evaluations of both Programs are necessary to conclude the process with this agency. This document is valid for one (1) year from its issuance. III. ARCHEOLOGY AND ETHNOHISTORY PROGRAM (PAE). Legal Basis: Law 161-2009, as amended, Article 19.6, amends Sections 2 and 3 of Law No. 112 of July 20, 1988, as amended, known as the "Puerto Rico Terrestrial Archaeological Heritage Protection Act." ", for the purposes of transferring to the Institute of Puerto Rican Culture all power, duty or obligation regarding the evaluation for the granting or denial of final determinations or permits, this in coordination with the Permit Management Office. The Joint Regulation for the Evaluation and Issuance of Permits Related to Development, Land Use and Business Operations (RC-2020); registered in the Department of State of Puerto Rico under Number 9233 effective January 2, 2021, establishes, among others, the following: a. Rule 2.1.8, Section 2.1.8.7, Subsection "b": Any public or private project that involves movement of

terrain, excavation, extraction of the earth's crust or construction, reconstructions or pipelines must request the Environmental Assessment Division or Unit (DECA) the recommendation of the ICP on Archeology and Historical Conservation, either through the OGP, the Autonomous Municipalities with Hierarchy 1 to III or the Authorized Professional. b. CHAPTER 10.2, Section 10.2.1.2 the recommendation of the ICP will be required in all Permits related to construction, reconstruction, excavation, extraction or earthworks in any place for which there is prior documentation or reliable indications of the presence of archaeological material. Includes the founding centers of the municipalities, meaning, recreation square and surrounding blocks, in accordance with Law 89-1955, supra, Section 4. —Purposes, Functions and Powers of the Institute. (18 LPRA sec. 1198) and Law Number 112 of July 20, 1988, known as the "Terrestrial Archaeological Heritage Protection Law," as amended. IV. EVALUATION OF THE ARCHEOLOGY AND ETHNOHISTORY PROGRAM: The Archeology and Ethnohistory Program





recommendations

Construction of PR-10 between Adjuntas and Utuado

has evaluated the project for the construction of PR 10 (Construction of PR-10 between Adjuntas and Utuado) in its three sections individually. • SECTION H (AC-100069) - REQUEST PLAN FOR THE PROTECTION OF STRUCTURES 11 AND 12 SECTION II. -- For Section II (AC-100069), section between stations 48+00.00 and 49+00.00 where the remains of several structures that were part of a coffee plantation were documented according to what was contained in the Arqla report. Jaqueline López, must present for our analysis and determination a Protection Plan for structures 11 and 12, identified on the plan as "Coffee Farm. Remains for Preservation". Once the plan is received and approved, the corresponding endorsement for Section II will be issued. You will not be able to begin construction work in this Section until you have our authorization. This process is parallel to that of the Built Historical Heritage Program of the Institute of Puerto Rican Culture, a permit that the proponent must manage, to comply with the regulations of Law 374 of 1949 and the Law of 1955. -- • SECTION III (AC-100071) AND SECTION IV (AC 100055): CONDITIONAL AUTHORIZATION TO MONITOMA -- As requested by the Highways and Transportation Authority in its communication of October 22, 2021, it is preceded to update the endorsements issued by our office on June 1, 2016, conditioned on the performance of archaeological monitoring for sections Section III (AC 100071) and Section IV (AC-100055) of the project. Therefore, the beginning of construction work is authorized only for said sections subject to the following conditions: 1- Archaeological supervision (Monitoring) will be carried out during the demolition, land movement and/or excavation phases. 2- The Archeology and Ethnohistory Program will be notified by email of the start date of the excavation work. To coordinate a view of the work. 3- A qualified archaeologist will be present at all times/according to regulations. No ground movement will be carried out without the presence of the archaeologist. 4- If any deposit, structure, material or vestige of an archaeological nature is detected, the excavations must be stopped immediately. The archaeologist will proceed with the documentation of the findings. If it is understood that the discovery has characteristics that warrant additional considerations, the Archeology Program must be notified so that it can carry out its evaluation. This notification must be submitted together with the archaeologist's recommendations. 5- If the archaeological supervision is carried out for several months, a Monthly Report on the progress of the work will be delivered to the Archeology and Ethnohistory Program, in order to monitor the project. 6- Once the work is completed, you must submit a Final Report. This report will include field work, analysis of recovered material, if any, and historical research, among others with the respective payment of a fee of \$300.00. • SECTION V (AC-100076) - AUTHORIZATION UPDATE": Our records show that, on August 27, 2012, the Archeology and Ethnohistory Program issued an authorization to it. The evaluation carried out suggests that, based on the current data, the probabilities of impacting an archaeological resource, as defined by Law 112 of July 20, 1988, as amended, are minimal. Due to the above, we update our authorization for Section V (AC-100076). We notify you that this authorization is partial and that the proponent is subject to the responsibilities and obligations imposed by Law 112 of July 20, 1988, as amended. This establishes that all types of excavation, movement and removal of the Earth's crust must be stopped, and the Council must be notified within a period of twenty-four (24) hours, in the event that, during the development of the project, it is discovered or impacts any deposit, element, structure or vestige of nature





recommendations

Construction of PR-10 between Adjuntas and Utuado

archaeological. ••You are advised that failure to comply with these requirements may be subject to administrative sanctions as established in the aforementioned law••. This authorization is valid for one (1) year. IV. RECOMMENDATION: The Division of Archeology and Historical Conservation of the OGPe has evaluated the case of the three sections to be built of PR 10 between Adjuntas and Utuado. From the analysis and evaluation, the Archeology Program has determined that: For Section II, REQUEST A PROTECTION PLAN FOR STRUCTURES 11 AND 12 demarcated on the plan provided; for Section III (AC-100071) and IV (AC-100055) ISSUES A CONDITIONAL AUTHORIZATION ON ARCHAEOLOGICAL MONITORING. This includes the presentation of the ARCHAEOLOGICAL MONITORING PLAN; and for Section V (AC-100076) issues an AUTHORIZATION UPDATE." Each of these determinations, the result of the evaluation carried out, are for the project the construction of PR 10 in the aforementioned sections as proposed and established and under the conditions issued by the Built Historical Heritage Program and the Archeology and Ethnohistory Program of the ICP. You are warned that failure to comply with these requirements may be subject to administrative sanctions as established in the aforementioned laws.

Special conditions

NONE

General conditions

This recommendation is only applicable to the situation of facts and data as presented and evaluated in the case. The OGPe reserves the right to reevaluate, vary or modify it at any time prior to the issuance of the permit or the corresponding administrative action by the applicant or proposing agency when new specific official information emerges establishing that the applicable law or conditions environmental conditions on the property have changed substantially, or when the original recommendation was issued under false or fraudulent premises.

The validity of the different agencies of the recommendation process will be those established in the communications that they issue in accordance with their regulations.

Signature / Stamps

Expedition date:

28/FEB/2022

Ing. Gabriel Hernández
Secretario Auxiliar
Departamento de Desarrollo Económico y Comercio de Puerto Rico
Oficina de Gerencia de Permisos

Eng. Gabriel Hernández Rodríguez
Assistant Secretary





12 DE SEPTIEMBRE DE 2022

Arqta. María Cintrón Flores
Secretaria Interina
DEPARTAMENTO DE DESARROLLO ECONÓMICO Y COMERCIO
Oficina de Gerencia de Permisos
PO Box 41179
San Juan, Puerto Rico 00940-1179

RECOMENDACIÓN FAVORABLE

CASO OGPE: 2015-089377-SRA-058601
DESCRIPCIÓN: PR-10 SECCIÓN II (AC-100069) PR-10 Sección II (AC-100069)
MUNICIPIO: UTUADO
UBICACIÓN: LA SECCIÓN II COMIENZA EN LA PROGRESIVA 39+78.73, JUSTO AL FINAL DE LA SECCIÓN IA DE LA PR-10 QUE YA FUE CONSTRUIDA; Y CULMINA EN LA PROGRASIVA 55+50.36 DONDE SE CONECTRÁ CON EL FUTUTO PROYECTO DE LA PR-10 SECCIÓN III
CATASTRO: 214-000-003-23
CALIFICACIÓN: NC
PROPIETARIO: ACT
PROPONENTE: ACT

El Instituto de Cultura Puertorriqueña (ICP), por medio de su Programa de Patrimonio Histórico Edificado (ICP-PPHE), ha examinado el proyecto de referencia para determinar si afecta Propiedades de Valor Histórico y Arquitectónico que estén protegidas, o sean elegibles a serlo, bajo las leyes y reglamentos que nuestra agencia tiene responsabilidad de administrar, como agencia primaria, endosante o recomendante. Estas leyes y reglamentos incluyen, entre otros:

1. La Ley 89 del 21 de junio de 1955 S.E., Ley Orgánica del Instituto de Cultura Puertorriqueña, en especial el inciso 4(a)(7), “Determinar que edificios o estructuras son de valor histórico o artístico en Puerto Rico. (...)” y el inciso 4(a)(8), “Asesorar a la Junta de Planificación en la reglamentación de construcción en aquellas zonas que determine como zonas de valor histórico. (...)”.
2. La Ley 89 del 21 de junio de 1955 S.E., Ley Orgánica del Instituto de Cultura Puertorriqueña, en su inciso 4(b)(3) según enmendado por la ley 119 del 26 de septiembre de 2005, que permite “adoptar, enmendar o derogar, por conducto de su Junta de Directores, las reglas que gobiernen [el] funcionamiento y el descargo de los poderes” concedidos e impuestos al ICP por ley, y la imposición de multas administrativas y/u otras sanciones por su incumplimiento o violación.
 - a. Reglamento de Procedimientos Administrativos del Programa de Patrimonio Histórico Edificado del Instituto de Cultura Puertorriqueña registrado en el Departamento de Estado como Reglamento Núm. 7746 con vigencia del 3 de abril de 2009.
3. Ley Núm. 161 de 1 de diciembre de 2009, S.E., Ley para la Reforma del Proceso de Permisos de Puerto Rico, Artículo 1.5, inciso 31, el Instituto de Cultura Puertorriqueña es identificado como una de las agencias

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RECOMENDACIÓN FAVORABLE

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CATASTRO: 214-000-003-23
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PROPONENTE: ACT
FECHA: 12 DE SEPTIEMBRE DE 2022
PAGINA: 2 DE 5

gubernamentales concernidas y con injerencia sobre el proceso de evaluación de solicitudes para el desarrollo y uso de terrenos, consultas, permisos, licencias, certificaciones, autorizaciones o cualquier trámite para la operación de negocios en Puerto Rico. Esta Ley establece claramente el requerimiento de autorización escrita previa del ICP para toda intervención y operación en las propiedades incluidas en el Registro de Sitios y Zonas Históricas de Puerto Rico, *plazas de recreo* y centros fundacionales (ver Reglamento Conjunto).

- A. Reglamento Conjunto para la Evaluación y Expedición de Permisos Relacionados al Desarrollo, Uso de Terrenos y Operaciones de Negocios (RC-2020); registrado en el Departamento de Estado de Puerto Rico bajo el Número 9233 con vigencia de 2 de enero de 2021. Tomo X: Conservación de Recursos Históricos
 - B. Reglamento Conjunto para la Evaluación y Expedición de Permisos Relacionados al Desarrollo, Uso de Terrenos y Operaciones de Negocios (RC-2020); registrado en el Departamento de Estado de Puerto Rico bajo el Número 9233 con vigencia de 2 de enero de 2021. Tomos II, III, IV, VI, VII, IX (ver anejo 1 con identificación de Reglas correspondientes).
4. La Ley Núm. 183 de 21 de agosto de 2000, S.E., Ley Orgánica de la Oficina Estatal de Conservación Histórica, Artículo 7(b) y Artículo 8 (b), establece implícitamente el requerimiento de la recomendación favorable previa del ICP en permisos para proyectos que cuenten con fondos, permisos o asistencia de alguna agencia federal para realizar intervenciones que puedan impactar propiedades localizadas en el territorio de Puerto Rico que hayan sido incluidas en el Registro Nacional de Lugares Históricos en Washington o sean elegibles al mismo.¹
 5. Ley Núm. 60 de 1 de julio de 2019, S.E., Código de Incentivos de Puerto Rico, Capítulo 7 Infraestructura y Energía Verde, Sección 2071.01, Inciso 1: Se provee para que un negocio establecido, o que será establecido, en Puerto Rico por una Persona, organizado o no bajo un nombre común, pueda solicitarle al Secretario del DDEC la Concesión de Incentivos cuando la Entidad se establece en Puerto Rico para dedicarse a una de las siguientes actividades elegibles: Realizar obras de mejoras, restauración o reconstrucción de edificios existentes, u obras de reestructuración o nueva construcción en solares baldíos en las **Zonas Históricas de Puerto Rico**, y los alquileres de tales edificios localizados en tales zonas una vez hayan sido mejorados, restaurados, reconstruidos, reestructurados o construidos, según sea el caso. Se requiere la Recomendación del ICP.
 6. La exigencia de endoso o comentario del ICP aplicable a propiedades designadas de valor histórico y arquitectónico por otros medios, tales como:
 - a. Resolución de la Asamblea Legislativa.
 - b. Monumentos Históricos designados por la Junta de Directores del ICP.
 - c. Propiedades designadas por un plan de ordenamiento territorial de un Municipio Autónomo y que esté en vigor, o por el Plan de Uso de Terrenos de Puerto Rico.
 - d. Ser declaradas históricas en un plan especial de zonificación.
 - e. Otras propiedades referidas por cualquier componente del Sistema Unificado de Información/Single Business Portal (SUI/SBP), la Oficina de Permisos de un Municipio Autónomo con poder de otorgar permisos, la Junta de Planificación, el Programa de Arqueología y Etnohistoria del ICP, u otra agencia o entidad de gobierno con poder reglamentario.
 7. Petición a solicitud voluntaria de un propietario o derechohabiente de una propiedad.

¹ La OECH asiste a las agencias federales en el proceso de cumplimiento con el 54 USC 306108 (Sección 106 de la Ley de Preservación Histórica Nacional) y el 36 CFR Parte 800: Protección de Propiedades Históricas, pero esta consulta no sustituye los permisos ni las recomendaciones requeridos en Puerto Rico para intervenciones en propiedades históricas en virtud de la Ley 161-2009, según enmendada, Ley para la Reforma del Proceso de Permisos de Puerto Rico y la Ley 89-1955, según enmendada, Ley Orgánica del Instituto de Cultura Puertorriqueña.



RECOMENDACIÓN FAVORABLE

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CATASTRO: 214-000-003-23
CALIFICACIÓN: NC
PROPIETARIO: ACT
PROPONENTE: ACT
FECHA: 12 DE SEPTIEMBRE DE 2022
PAGINA: 3 DE 5

De acuerdo a nuestros expedientes y la información provista:

1. La ACT propone la construcción del proyecto “PR-10 – Sección II en los municipios de Utuado y Adjuntas. El proyecto consiste en la construcción de 1.57 kilómetros de expreso, incluyendo la construcción de tres nuevos puentes, con miras a finalizar el segmento de aproximadamente 10 kilómetros de la PR-10.
2. Conforme Estudio Recursos Culturales (FASE IA PROYECTO: CONSTRUCCIÓN DE LA AUTOPISTA PR-10 SECCIÓN II, UTUADO, PUERTO RICO AC-100069, Jaqueline López Meléndez, M.A, 2012) presenta componentes visibles sobre la tierra con valor histórico evidente o potencial relacionados a antigua hacienda cafetalera. Específicamente en la Sección II, al este de la alineación central entre las estaciones 48+00 y 49+00, se documentaron varias estructuras que aparentaban formar parte de una hacienda de café. El ICP-PAE requirió un Plan de Protección a las mismas.
3. Como parte del Plan de Protección solicitado, la ACT contrata los servicios de la Arqla. Virginia Rivera Calderón (CENTRO DE INVESTIGACIONES ARQUEOLÓGICAS BIEQUE). Esta contratación incluyó un Estudio de Documentación respecto a dichas estructuras, identificadas como “Estructuras 11 y 12”, con miras a establecer las dispersiones de índole horizontal y vertical de las mismas.
4. El Informe de Documentación de “Estructuras 11 y 12” Proyecto Terminación de Construcción de Tramo Sección II pr-10 (AC-100069), Arqla. Rivera Calderón, junio 2022, arrojó información nueva y aclaratoria sobre la valoración de las mismas. Citamos:

“Se concluye en el presente informe que: la terminación de la construcción de la carretera tipo autopista PR-10 (AC-100069) en su SECCIÓN II de forma alguna impactaría directa o indirectamente remanentes de hacienda cafetalera ninguna, en específico entre las “estaciones” 48+20 y 48+40 según identificados en los planos provistos por la proponente ACT.

Se recomienda muy respetuosamente que las ESTRUCTURAS 11 y 12, según mencionadas y aludidas en el presente informe, así como en el INFORME 2012, sean eliminadas de la clasificación con rango de REMANENTES DE UNA HACIENDA DE CAFÉ, dado el hecho indubitado de que no lo son y nunca lo fueron.”

5. **Las estructuras No son** un Monumento Histórico declarado o un Sitio Histórico designado, según estos conceptos están definidos por el Tomo XII Glosario de la Junta de Planificación, parte III, definiciones M-55 y S-67 del Reglamento Conjunto 2020.
6. **Las estructuras no se localizan** en una zona histórica designada o en Centro Urbano según estos conceptos están definidos por el Tomo XII Glosario de la Junta de Planificación, parte III, definiciones Z-12, Z-13 y C-71 del Reglamento Conjunto 2020.

En este marco de referencia, el proyecto que se propone **no implica** impacto adverso a recursos culturales pertenecientes al patrimonio histórico edificado de Puerto Rico. Por lo tanto, se emite una determinación de **RECOMENDACIÓN FAVORABLE** al mismo.

Esta evaluación, no incluye los elementos a ser evaluados por el Programa de Arqueología y Etnohistoria del ICP. La Ley 161-2009, según enmendada, Artículo 19.6, enmienda las Secciones 2 y 3 de la Ley Núm. 112 de 20 de julio de 1988, según enmendada, conocida como “Ley de Protección del Patrimonio Arqueológico Terrestre de Puerto Rico”, a los fines de transferir al Instituto de Cultura Puertorriqueña toda facultad, deber u obligación referente a la evaluación para la otorgación o denegación de determinaciones finales o permisos, esto en coordinación con la Oficina de Gerencia de Permisos.



RECOMENDACIÓN FAVORABLE

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CATASTRO: 214-000-003-23
CALIFICACIÓN: NC
PROPIETARIO: ACT
PROPONENTE: ACT
FECHA: 12 DE SEPTIEMBRE DE 2022
PAGINA: 4 DE 5

Este documento tiene vigencia de un (1) año a partir de su emisión.

Sin otro particular, quedo.

Mildred González Valentín, BDA. Marq.
Subdirectora
Programa Patrimonio Histórico Edificado

MGV/ejc

ANEJO 1

1. Reglamento Conjunto para la Evaluación y Expedición de Permisos Relacionados al Desarrollo, Uso de Terrenos y Operaciones de Negocios (RC-2020); registrado en el Departamento de Estado de Puerto Rico bajo el Número 9233 con vigencia de 2 de enero de 2021. Tomo X: Conservación de Recursos Históricos
 - a. Capítulo 10.2 Conservación de Sitios Históricos, Zonas Históricas y Centros Fundacionales
 1. Regla 10.2.2 Requerimiento Expedición de Permisos y Recomendaciones en Sitios y Zonas Históricas, Sección 10.2.2.3, Sección 10.2.2.4, Sección 10.2.2.3 y Sección 10.2.2.4
 2. Regla 10.2.5 Normas Generales de Intervención
 3. Regla 10.2.7 Intervención en Espacios Públicos y Estacionamientos donde ubican Sitios y Zonas Históricas
 4. Regla 10.2.8 Obras en las Plazas, Plazuelas, Plazas de Recreo y en las Propiedades Circundantes a éstas, en Zonas Históricas Designadas o en Proceso de Designación
 5. Regla 10.2.9 Estacionamiento en Sitios y Zonas Históricas
 6. Regla 10.2.10 Rótulos, Cortinas y Toldos en Sitios y Zonas Históricas
 7. Regla 10.2.11 Conservación del Patrimonio Inmueble, Sección 10.2.11.5 Requerimiento de Recomendaciones o Certificaciones
2. Reglamento Conjunto para la Evaluación y Expedición de Permisos Relacionados al Desarrollo, Uso de Terrenos y Operaciones de Negocios (RC-2020); registrado en el Departamento de Estado de Puerto Rico bajo el Número 9233 con vigencia de 2 de enero de 2021. Tomos II, III, IV, VI, VII, IX
 - a. Regla 2.1.8, Sección 2.1.8.7, Inciso “b”: Todo proyecto público o privado que conlleve movimiento de terreno, excavación, extracción de corteza terrestre o construcción, reconstrucciones o canalizaciones deberá solicitar a la División o Unidad de Evaluación Ambiental (DECA) la recomendación del ICP sobre Arqueología y Conservación Histórica, ya sea a través de la OGPe, los Municipios Autónomos con Jerarquía I a la III o el Profesional Autorizado.
 - b. Regla 2.2.8, Inciso c-10: Consultas de Ubicación a proyectos de mejoras públicas municipales en propiedades y estructuras que ubiquen en los centros fundacionales, dentro de Zonas Históricas o designadas como sitio histórico deberán contar con la recomendación del ICP, previo comienzo de la obra.
 - c. Regla 2.3.1: El PA requerirá una Recomendación del ICP en todo aquel permiso único a otorgarse en las estructuras oficialmente designadas e incluidas en el Registro de Sitios y Zonas Históricas de la JP y en los centros fundacionales de los Municipios. Los permisos y determinaciones finales a un permiso de construcción y para la demolición, reparación, restauración o remodelación de una estructura con valor histórico requerirán de la recomendación del ICP.
 - d. Regla 3.2.1 Permisos de Construcción, Sección 3.2.1.2, inciso “I”: El proyecto que se encuentre en una zona histórica, centros urbanos tradicionales y yacimientos arqueológicos, la OGPe, Los Municipios Autónomos con jerarquías de la I a la III o los PA, requerirán la recomendación escrita del ICP antes de autorizar cualquier permiso de construcción, conforme a la Regla 10.2.11 de Conservación del Patrimonio Inmueble, en el Tomo X de este Reglamento Conjunto.
 - e. Regla 3.2.2, inciso “b-6”: Si el proyecto se encuentre en una zona histórica, centros urbanos tradicionales y yacimientos arqueológicos, la OGPe, los Municipios Autónomos con Jerarquía I a la III, o los PA, requerirán la recomendación escrita del ICP antes de autorizar la actividad de demolición. En caso de ser una propiedad histórica, estará conforme a lo establecido en este Reglamento Conjunto sobre Conservación de Sitios y Zonas Históricas, entiéndase Tomo X, o cualquier documento formal emitido por las Entidades Gubernamentales Concernidas cuando existe una situación de emergencia previamente decretada por el Gobierno de Puerto Rico o el Gobierno Federal.
 - f. Regla 3.2.4 Obras Exentas de Permisos de Construcción
 1. Sección 3.2.4.1 Actividades que no se consideran obras de Construcción, inciso “c”: Cuando la actividad se vaya a realizar en Sitios y Zonas Históricas así declaradas por la JP, el ICP o la Asamblea Legislativa, o en otras áreas especiales donde así se establezca mediante Reglamento o resolución, deberá obtener la autorización



RECOMENDACIÓN FAVORABLE

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CATASTRO: 214-000-003-23
CALIFICACIÓN: NC
PROPIETARIO: ACT
PROPONENTE: ACT
FECHA: 12 DE SEPTIEMBRE DE 2022
PAGINA: 5 DE 5

correspondiente del ICP, mediante una solicitud de recomendación de arqueología y conservación histórica ('SRA').

2. Sección 3.2.4.2 Obras de Carácter Menor Exentas, inciso "b": Cuando la obra exenta se vaya a realizar en Sitios y Zonas Históricas así declaradas por la JP, el ICP o la Asamblea Legislativa, o en otras áreas especiales donde así se establezca mediante Reglamento o resolución, deberá obtener la autorización correspondiente del ICP, mediante una solicitud de recomendación de arqueología y conservación histórica ('SRA').
- g. Regla 3.5.9 Permiso Formal para la Extracción, Excavación, Remoción y Dragado de los Componentes de la Corteza Terrestre, Sección 3.5.9.4, inciso "u": Recomendación del ICP para el área donde se propone la extracción, cuando la misma haya sido determinada por ICP o la Asamblea Legislativa como zona de valor histórico o arqueológico.
- h. Regla 3.7.1 Permiso Único, Sección 3.7.1.7, inciso "g": Se requerirá la recomendación del ICP en Sitios y Zonas históricas antes de expedir este tipo de permiso para actividades cuya duración exceda de treinta (30) días.
- i. Regla 4.4.1.2 Licencias Traficantes al Detalle de Bebidas Alcohólicas, Sección 4.4.1.2, inciso "c": Recomendación del ICP en los casos en que la propiedad ubique en una zona histórica
- j. Regla 6.1.27 Distrito S-H: Sitio Histórico, Sección 6.6.27.2 (ver Tabla 6.85 – Usos permitidos en Distrito S-H) y Sección 6.1.27.4 (ver Tabla 6.86 – Parámetros de Diseño Distrito S-H).
- k. Regla 6.1.28 Distrito C-H: Conservación Histórica, Sección 6.1.28.2 (ver Tabla 6.87 – Usos permitidos en Distrito C-H) y Sección 6.1.28.4 (ver Tabla 6.88- Parámetros de Diseño Distrito C-H).
- l. Regla 7.3.6 Centro Urbano (CU), Sección 7.3.6.1, Inciso "d": Toda intervención en los centros urbanos delimitados se hará en conformidad con el Plan de Ordenación Territorial, Plan de área del Centro Urbano Tradicional o Plan de Rehabilitación del Centro Urbano, cumpliendo con las disposiciones de la Regla 10.2.11 en el Tomo X de este Reglamento Conjunto.
- m. Capítulo 9.1 Obras Eléctricas, Sección 9.1.2.2 inciso "k": Los permisos y autorizaciones en Sitios y Zonas Históricas, Plazas de recreo y bloques circundantes, entiéndase centros fundacionales de los pueblos requerirán de la recomendación del ICP.
- n. Capítulo 9.6 Obras de Acueductos y Alcantarillados, Sección 9.6.2.2, Inciso "l": Los permisos y Autorizaciones en Sitios y Zonas Históricas, plazas de recreo y bloques circundantes, entiéndase centros fundacionales de los pueblos requerirán de la recomendación del ICP.
- o. Capítulo 9.8 Sistemas Individuales de Disposición de Desperdicios Domésticos (SIDDD), Sección 9.8.3.1, inciso "d".
- p. Capítulo 9.11 Proyectos de Construcción, Instalación y Ubicación de Torres e Instalaciones de Telecomunicaciones, Sección 9.11.6.3, inciso "e" Zonas Históricas y Centros Fundacionales.



Recomendaciones

Construcción de PR-10 entre Adjuntas y Utuado

Datos de Localización

De acuerdo a la información suministrada se propone una actividad: Público en:

Dirección Física

EXCEPCION
Utuado Puerto Rico, 00959

Número(s) de Catastro

720-141-000-10

Calificación

Distrito(s) de Calificación: VIAL (54%), NC (33%), CR
Distrito en el Mapa de Inundabilidad: X (98.8%), AE (0.7%), A (0.4%), 0.2 PCT (0.1%)
Tipo de Suelo: PeF (21.4%), CID2 (11.1%), LcF2 (8.9%),

Dueño

Autoridad de Carreteras y Transportación

Cabida

Cabida según escritura: 430589.75 metros cuadrados

Casos de Referencia

2021-402750-PCL-014273

Arqueología y Conservación Histórica

COMENTARIO DACH-ICP A CASO NUM: 2021-406531-SRA-051119 -- PROYECTO: Construcción de PR-10 entre Adjuntas y Utuado -- I. BASE LEGAL: Se emite el siguiente comentario en base a la Ley 374 del 14 de marzo de 1949, según enmendada, Ley de Zonas Antiguas o Históricas y Zonas de Interés Turístico, Ley 3 del 2 de marzo de 1951, Ley de Edificios y otras Estructuras Históricas y la Ley 89 del 21 de junio de 1955, según enmendada, conocida como Ley Orgánica del Instituto de Cultura Puertorriqueña y la Ley 161 del 1 de diciembre de 2009, conocida como Ley para la Reforma del Proceso de Permisos de Puerto Rico. Estas leyes le confieren jurisdicción sobre los siguientes asuntos: 1. Edificios, lugares y zonas incluidas en el Registro de Sitios y Zonas Históricas de Puerto Rico de la Junta de Planificación (REGLAMENTO CONJUNTO PARA LA EVALUACIÓN Y EXPEDICIÓN DE PERMISOS RELACIONADOS AL DESARROLLO, USO DE TERRENOS Y OPERACIÓN DE NEGOCIOS); 2. Edificios, lugares y zonas declaradas históricas a través de legislación (o de resolución de la JUNTA DE DIRECTORES DEL ICP; 3. Plazas de recreo y edificios circundantes (REGLAMENTO CONJUNTO PARA LA EVALUACIÓN Y EXPEDICIÓN DE PERMISOS RELACIONADOS AL DESARROLLO, USO DE TERRENOS Y OPERACIÓN DE NEGOCIOS); 4. Propiedades zonificadas "P" construidas previo a 1960 (RESOLUCIÓN JPE-25 Y RESOLUCIÓN JPE-047); 5. Propiedades zonificadas "CRH", "SH" o "R-ZH"- Según REGLAMENTO CONJUNTO PARA LA EVALUACIÓN Y EXPEDICIÓN DE PERMISOS RELACIONADOS AL DESARROLLO, USO DE TERRENOS Y OPERACIÓN DE NEGOCIOS; 6. Propiedades elegibles a sitios históricos; propiedades de valor histórico que satisfacen los criterios de elegibilidad como sitios históricos para ser designada como tal individualmente (LEY NÚM. 89 DE 1955; REGLAMENTO CONJUNTO PARA LA EVALUACIÓN Y EXPEDICIÓN DE PERMISOS RELACIONADOS AL DESARROLLO, USO DE TERRENOS Y OPERACIÓN DE NEGOCIOS); II. PROGRAMA DE PATRIMONIO HISTORICO EDIFICADO (PPHE): RECOMENDACIÓN FACORABLE. De acuerdo con nuestros expedientes y la información provista: 1. No es un Monumento Histórico declarado o un Sitio Histórico designado, según estos conceptos están definidos por el Tomo XII Glosario de la Junta de Planificación, parte III, definiciones M-55 y S-67 del Reglamento Conjunto 2020. 2. No se localiza en una zona histórica designada o en Centro Urbano según estos conceptos están definidos por el Tomo XII Glosario de la





Recomendaciones

Construcción de PR-10 entre Adjuntas y Utuado

Junta de Planificación, parte III, definiciones Z-12, Z-13 y C-71 del Reglamento Conjunto 2020. 3. Conforme Estudio Recursos Culturales (FASE IA PROYECTO: CONSTRUCCIÓN DE LA AUTOPISTA PR-10 SECCIÓN II, UTUADO, PUERTO RICO AC-100069, Jaqueline López Meléndez, M.A, 2012) presenta componentes visibles sobre la tierra con valor histórico evidente o potencial relacionados a antigua hacienda cafetalera. Específicamente en la Sección II, al este de la alineación central entre las estaciones 48+00 y 49+00, se documentaron varias estructuras que formaron parte de una hacienda de café propiedad del Sr. Martín Quiles Montalvo. 4. Se propone la construcción de los tramos restantes de la carretera estatal PR-10, entre los municipios de Adjuntas y Utuado. El largo total de la carretera es de aproximadamente 7.6 kms. Los proyectos se identifican como: sección II (AC-100069), sección III (AC-100071), sección IV (AC-100055), y sección V (AC-100076). 5. La propuesta presentada acogió las recomendaciones vertidas en el Estudio de Recursos Culturales antes mencionado y no impacta los remanentes de la antigua hacienda cafetalera. 6. El proyecto o actividad que se propone no implica impacto adverso a recursos culturales pertenecientes al patrimonio histórico edificado de Puerto Rico. Por lo tanto, se emite una determinación de RECOMENDACIÓN FAVORABLE al proyecto propuesto. Sin embargo, de hallarse algún edificio, estructura y objeto de valor arquitectónico, histórico o cultural en la propiedad, o los predios adyacentes, a los que la acción propuesta pudiese afectar, debe notificarse a la Oficina de Patrimonio Histórico Edificado del Instituto para la evaluación correspondiente. Esta recomendación no incluye los elementos a evaluarse conforme a la Ley 112 del 12 de julio de 1988, Ley de Patrimonio Arqueológico Terrestre, lo cual debe hacerse mediante solicitud separada al Programa de Arqueología y Etnohistoria del ICP. Las evaluaciones ambos Programas son necesarias para concluir el proceso con esta agencia. Este documento tiene vigencia de un (1) año a partir de su emisión. III. PROGRAMA DE ARQUEOLOGIA Y ETNOHISTORIA (PAE). Base Legal: La Ley 161-2009, según enmendada, Artículo 19.6, enmienda las Secciones 2 y 3 de la Ley Núm. 112 de 20 de julio de 1988, según enmendada, conocida como “Ley de Protección del Patrimonio Arqueológico Terrestre de Puerto Rico”, a los fines de transferir al Instituto de Cultura Puertorriqueña toda facultad, deber u obligación referente a la evaluación para la otorgación o denegación de determinaciones finales o permisos, esto en coordinación con la Oficina de Gerencia de Permisos. El Reglamento Conjunto para la Evaluación y Expedición de Permisos Relacionados al Desarrollo, Uso de Terrenos y Operaciones de Negocios (RC-2020); registrado en el Departamento de Estado de Puerto Rico bajo el Número 9233 con vigencia de 2 de enero de 2021, establece, entre otros, lo siguiente: a. Regla 2.1.8, Sección 2.1.8.7, Inciso “b”: Todo proyecto público o privado que conlleve movimiento de terreno, excavación, extracción de corteza terrestre o construcción, reconstrucciones o canalizaciones deberá solicitar a la División o Unidad de Evaluación Ambiental (DECA) la recomendación del ICP sobre Arqueología y Conservación Histórica, ya sea a través de la OGP, los Municipios Autónomos con Jerarquía 1 a la III o el Profesional Autorizado. b. CAPÍTULO 10.2, Sección 10.2.1.2 se requerirá la recomendación del ICP en todos los Permisos relacionados con construcción, reconstrucción, trabajos de excavación, extracción o movimiento de tierras en lugar alguno del que haya documentación previa o indicios fidedignos de presencia de material arqueológico. Incluye los centros fundacionales de los municipios, entiéndase, plaza de recreo y bloques circundantes, conforme a la Ley 89-1955, supra, Sección 4. —Propósitos, Funciones y Poderes del Instituto. (18 L.P.R.A. sec. 1198) y la Ley Número 112 del 20 de julio de 1988, conocida como la “Ley de Protección del Patrimonio Arqueológico Terrestre”, según enmendada. IV. EVALUACIÓN PROGRAMA DE ARQUEOLOGIA Y ETNOHISTORIA: El Programa de Arqueología y Etnohistoria





Recomendaciones

Construcción de PR-10 entre Adjuntas y Utuado

ha evaluado el proyecto de la construcción de la PR 10 (Construcción de PR-10 entre Adjuntas y Utuado) en sus tres secciones de manera individual. • SECCION H (AC-100069) - SOLICITUD PLAN DE PROTECCION DE ESTRUCTURAS 11 Y 12 SECCION II. -- Para la Sección II (AC-100069) tramo entre las estaciones 48+00.00 y 49+00.00 donde se documentaron lo remanentes de varias estructuras que formaban parte de una hacienda cafetalera según lo contenido en el informe de la Arqla. Jaqueline López, deberá presentar para nuestro análisis y determinación un Plan de Protección para las estructuras 11 y 12, identificadas en el plano como "Coffee Farm. Remains for Preservation". Una vez recibido y aprobado el plan se procederá emitir el correspondiente endoso para la Sección II. No podrá comenzar los trabajos de construcción en esta Sección hasta contar con nuestra autorización. Este proceso es paralelo al del Programa de Patrimonio Histórico Edificado del Instituto de Cultura Puertorriqueña, permiso que el proponente deberá gestionar, para cumplir con las regulaciones de la Ley 374 de 1949 y la Ley de 1955. -- • SECCION III (AC-100071) Y SECCION IV (AC-100055): AUTORIZACION CONDICIONADA A MONITOMA -- Según lo solicitado por la Autoridad de Carreteras y Transportación en su comunicación del 22 de octubre de 2021, se precede a actualizar los endosos emitidos por nuestra oficina el 1 de junio de 2016, condicionados a la realización de monitorias arqueológicas para las secciones Sección III (AC-100071) y Sección IV (AC-100055) del proyecto. Por lo tanto, se autoriza el comienzo de los trabajos de construcción de este solo para dichas secciones sujeto a las siguientes condiciones: 1- Se realizará una supervisión arqueológica (Monitoria) durante las fases de demolición, movimiento de terreno y/o excavaciones. 2- Se notificará al Programa de Arqueología y Etnohistoria mediante correo electrónico de la fecha de comienzo de los trabajos de excavación. Para coordinar una vista a los trabajos. 3- Se contará en todo momento con la presencia de un arqueólogo cualificado/ según reglamento. No se realizará movimiento alguno de terreno sin la presencia del arqueólogo. 4- En caso de detectarse algún deposito, estructura, material o vestigio de carácter arqueológico/ se deberán detener las excavaciones inmediatamente. El arqueólogo procederá con la documentación de los hallazgos. De entender que el hallazgo tiene unas características que ameriten consideraciones adicionales/ deberá notificarse al Programa de Arqueología para que realice su evaluación. Esta notificación debe ser presentada junta con las recomendaciones del arqueólogo. 5- Si la supervisión arqueológica se lleva a cabo durante varios meses, se entregará al Programa de Arqueología y Etnohistoria un Informe Mensual de los avances del trabajo, a fin de darle seguimiento al proyecto. 6- Una vez concluidos los trabajos, deberá entregar un Informe Final. Este informe incluirá los trabajos de campo, el análisis de material recuperado, si alguno y la investigación histórica, entre otros con el respectivo pago de cuota de \$300.00. • SECCION V (AC-100076) - ACTUALIZACION DE AUTORIZACION": Nuestros registros evidencian que, con fecha del 27 de agosto de 2012, el Programa de Arqueología y Etnohistoria emitió una autorización al mismo. La evaluación realizada sugiere que, basado en los datos existentes al presente, las probabilidades de impactar un recurso arqueológico, según definido por la Ley 112 del 20 de julio de 1988, según enmendada, son mínimas. Por lo antes expuesto, actualizamos nuestra autorización para la Sección V (AC-100076). Le notificamos que esta autorización es de tipo parcial y que el proponente queda sujeto a las responsabilidades y obligaciones que impone la Ley 112 del 20 de julio de 1988, según enmendada. Esta establece que, se deberá paralizar todo tipo de actividad de excavación, movimiento y remoción de la corteza terrestre, y notificar en un plazo de veinticuatro (24) horas al Consejo, en caso de que, durante el desarrollo del proyecto, se descubra o impacte algún deposito, elemento, estructura o vestigio de naturaleza





Recomendaciones

Construcción de PR-10 entre Adjuntas y Utuado

arqueológica. ••Se le apercibe que el incumplimiento de estos requerimientos podrá ser objeto de sanciones administrativas según lo establecido en la citada ley••. Esta autorización tiene una vigencia de un (1) año. IV. RECOMENDACIÓN: La División de Arqueología y Conservación Histórica de la OGPe ha evaluado el caso de las tres secciones a construirse de la PR 10 entre Adjuntas y Utuado. Del análisis y evaluación el Programa de Arqueología ha determinado que: Para la Sección II SOLICITA UN PLAN DE PROTECCION DE ESTRUCTURAS 11 Y 12 demarcadas en el plano provisto; para la Sección III (AC-100071) y IV (AC-100055) EMITE UNA AUTORIZACION CONDICIONADA A MONITORIA ARQUEOLOGICA. Esto incluye la presentación del PLAN DE MONITORIA ARQUEOLOGICA; y para La Sección V (AC-100076) emite una ACTUALIZACION DE AUTORIZACION". Cada una de estas determinaciones, resultado de la evaluación realizada son para el proyecto la construcción de la PR 10 en los tramos antes mencionado según propuesto y establecido y bajo las condiciones emitidas por el Programa de Patrimonio Histórico Edificado y el Programa de Arqueología y Etnohistoria del ICP. Se le apercibe que el incumplimiento de estos requerimientos podrá ser objeto de sanciones administrativas según lo establecido en las leyes citadas.

Condiciones Especiales

NINGUNA

Condiciones Generales

Esta recomendación es solamente aplicable a la situación de hechos y los datos según presentados y evaluados en el caso. La OGPe se reserva el derecho de reevaluar, variar o modificar el mismo en cualquier momento anterior a la emisión del permiso o la acción administrativa correspondiente por parte de la agencia solicitante o proponente cuando surja nueva información oficial específica estableciendo que el derecho aplicable o las condiciones ambientales en el predio han cambiado sustancialmente, o cuando la recomendación original se emitió bajo premisas falsas o fraudulentas.

Las vigencias de las diferentes agencias del proceso de recomendación serán las establecidas en los comunicados que estas emiten conforme a sus reglamentos.

Firma / Sellos

Fecha de Expedición:

28/FEB/2022



Ing. Gabriel Hernández Rodríguez
Secretario Auxiliar



ATTACHMENT 11D
ENDORSEMENT LETTERS FROM ADJUNTAS,
PONCE AND UTUADO MAYORS



Gobierno Municipal Adjuntas
OFICINA DEL ALCALDE
Apartado 1009
Adjuntas, Puerto Rico 00601



Hon. José H. Soto Rivera
Alcalde

Tels: (787) 829-3310
(787) 829-2590
Fax: (787) 829-0686

28 de junio de 2022

Dr. Edwin E. González Montalvo
Director Ejecutivo
Autoridad de Carreteras y Transportación
Apartado Postal 42007
San Juan, PR 00940-2007

EXTENSION DE LA CARRETERA PR-10 ENTRE UTUADO Y ADJUNTAS
(AC-100069, AC-100071, AC-100055, AC-100076)

Estimado Doctor González:

El proyecto de la Extensión de la PR-10 entre los Municipios de Adjuntas y Utuado servirá como la conexión entre los Municipios de Ponce y Arecibo. Esto representará una gran alternativa para el movimiento de bienes y servicios entre el sur y el norte acortando la distancia entre ellos, recorriendo por los municipios del centro de la isla.

La misma discurrirá entre los Municipios de Ponce, Adjuntas, Utuado y Arecibo, actualmente solo están restando cuatro (4) tramos con un total de 7.6 kilómetros para su terminación.

Una vez concluya la construcción de estos tramos será posible viajar de una manera eficiente y segura, entre los Municipios de Ponce y Arecibo, en acuerdo a la planificación original del proyecto.

Luego de revisar la información suministrada, le informamos que el municipio no tiene objeción en endosar favorablemente el mismo.

Sin otro particular a que referirme, quedo de usted.

Cordialmente,

Hon. José Hiram Soto Rivera
Alcalde

Adjuntas... Ciudad del Gigante Dormido



ESTADO LIBRE ASOCIADO DE PUERTO RICO
MUNICIPIO AUTÓNOMO DE PONCE
HON. LUIS M. IRIZARRY PABÓN

8 de junio de 2022

Dr. Edwin E. González Montalvo
Director Ejecutivo
Autoridad de Carreteras y Transportación
Apartado Postal 42007
San Juan, Puerto Rico 00940-2007

**EXTENSIÓN DE LA CARRETERA PR-10 ENTRE UTUADO Y ADJUNTAS
(AC-100069, AC-100071, AC-100055, AC-100076)**

Estimado doctor González:

El proyecto de la Extensión de la PR-10 entre los Municipios de Utuado y Adjuntas, representa una alternativa para el movimiento de bienes y servicios entre el norte hasta el sur acortando la distancia entre Municipios del centro de la Isla.

La misma discurre entre los municipios de Adjuntas a Arecibo, Utuado, Adjuntas y Ponce y actualmente ha sido completada en un 86%, restando solo cuatro (4) tramos con un total de 7.6 kilómetros para su terminación.

Una vez concluya la construcción de estos tramos será posible viajar de Arecibo a Ponce de una manera eficiente y segura, en acuerdo a la planificación original del proyecto.

Luego de revisar la información suministrada, le informamos que nuestro Municipio endosa favorablemente el mismo.

Estamos a sus órdenes para cualquier gestión necesaria con el Municipio.

Cordialmente,

Luis M. Irizarry Pabón, MD
Alcalde

OFICINA DEL ALCALDE

PO Box 331709, Ponce, PR 00733-1709
Tel. 787.284.4141 ext. 2186

8 de junio de 2022

Dr. Edwin E. González Montalvo
Director Ejecutivo
Autoridad de Carreteras y Transportación
Apartado Postal 42007
San Juan, Puerto Rico 00940-2007

**EXTENSIÓN DE LA CARRETERA PR-10 ENTRE UTUADO Y ADJUNTAS
AC-100069, AC-100071, AC-100055, AC-100076**

Estimado doctor González:

El proyecto de la Extensión de la PR-10 entre los Municipios de Arecibo, Utuado, Adjuntas y Ponce ayudará a mejorar la comunicación terrestre constituyéndose en una ruta principal terrestre que permitirá el transporte de comida, material y personal de apoyo necesarios en la respuesta a desastres naturales que se experimenten en la Isla.

Luego de revisar la información suministrada, le informamos que nuestro Municipio endosa favorablemente la pronta construcción de los cuatro (4) tramos restantes del mismo.

Estamos a sus órdenes para cualquier gestión necesaria con el Municipio.

Cordialmente;

Jorge A Pérez Heredia
Alcalde



ATTACHMENT 11E
FEDERAL HIGHWAY ADMINISTRATION



U. S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
REGION ONE

U.S. Courthouse and Federal Building
Room 150, Carlos Chardon Street
Hato Rey, Puerto Rico 00918

June 8, 1979

FHCLH-1247

F-26-d

IN REPLY REFER TO:

Mr. Elmer Olivieri Cintron, Secretary
Department of Transportation
and Public Works
Box 8218
Santurce, Puerto Rico 00910


Dear Mr. Olivieri:

Subject: PR-10, Arecibo to Ponce
Final EIS

Enclosed is a copy of the publication of the subject final EIS in the Federal Register of Friday, April 13, 1979 by the EPA. The Department made available the subject document on April 27, 1979.

Therefore, the thirty days waiting period as required by FHFM 7-7-2, Par. 6.e ended on May 27, 1979. The Department may, therefore, proceed with further actions on this project.

Sincerely yours,


For: F. J. Geiser, Jr.
Division Administrator

Enclosure

cc: Secretary DTPW
Edwin Cuebas
Nestor Quevedo
Jorge Bengoechea
Luis Landrau



ATTACHMENT 11F
PUERTO RICO HIGHWAY AND
TRANSPORTATION AUTHORITY

From: Anie D. De Jesus Silva <andjesus@act.pr.gov>

Sent: Wednesday, May 3, 2023 2:00 PM

To: Muniz, Edwin <edwin_muniz@fws.gov>; Shirley Birriel Osorio <sbirriel@vivienda.pr.gov>

Cc: Angel Alicea Rodriguez <baalicea@act.pr.gov>; Lopez, Luis D. (FHWA) <Luis.D.Lopez@dot.gov>; Jose A. Cedeno Maldonado <jose.a.cedeno.maldonado@hud.gov>; Luis E. Rodriguez Rosa <lurodriguez@act.pr.gov>; environmentdcbg <environmentdcbg@vivienda.pr.gov>; Roman, Damaris <damaris_roman@fws.gov>; Santiago Tirado, Angel <angel.santiagotirado@atkinglobal.com>; David Moreno <dmorenov@hotmail.com>; Cesar Collazo <cesar.collazo@bha-llc.com>; Carlos Fournier <Carlos.Fournier@hornepr.com>; William O. Rodriguez Rodriguez <w.rodriiguez@vivienda.pr.gov>; Maretzie Diaz Sanchez <mdiaz@dtop.pr.gov>; Edwin E. Gonzalez Montalvo <eegonzalez@act.pr.gov>; Samir El Hage <Samir.ElHage@hornepr.com>; Roman, Damaris <damaris_roman@fws.gov>

Subject: [EXTERNAL] RE: Reply to Public Notice – Final Notice and Public Explanation of a Proposed Activity in the 100-Year Floodplain and Wetlands for the Crossing of the Río Grande de Arecibo for the PR-10 Highway Project at Utuado, PR (AC-100069, AC-1010071,....

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Mr. Muniz,

Thank you for your prompt response to our email regarding the PR-10 highway project.

As instructed in your communication, the Puerto Rico Highway and Transportation Authority will adopt the MLAA determination for the boq of PR, using the Biological Opinion (BBO) to comply with the required terms and conditions. Regarding the requirement to execute an agreement, we already requested a format to proceed with the process.

Shirley:

We understand that with this communication, the email we received on April 12th from FWLS personnel has been satisfactorily addressed. We remain attentive to any communication from the PRDOH in this regard.

Once again, thank you all for your contribution during this process.
Best regards,

Anie Denise De Jesús Silva, Esq.
Special Assistant to the Executive Director



ATTACHMENT 11G
DEPARTMENT OF INTERIOR



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

In reply refer to:
(ER-75/1192)

FEB 24 1976

Dear Mr. Geiser:

This is in response to the request for Department of the Interior's comments on the draft environmental/Section 4(f) statement for Route PR-10, Arecibo-Ponce, Puerto Rico.

GENERAL COMMENTS

a The statement adequately addresses the impacts on fish and wildlife resources. However, there could be a need for several Federal permits from the Corps of Engineers depending on the alternate selected. If any permits will be required, the U.S. Fish and Wildlife Service of this Department will be commenting on them pursuant to its responsibilities in the Fish and Wildlife Coordination Act. The final statement should clearly indicate all related Federal actions including Corps of Engineers permits that may be required by the project.

s We are pleased to note that procedures have been followed to identify known and unknown cultural (historical, archeological, architectural) resources during the early planning stages. The result of these procedures, however, should be discussed in greater detail in the final statement.

SECTION 4(f) COMMENTS

Municipio of Arecibo Basketball Court

We understand that only Alternate 2A including 2A Revised would require the use of this public recreation area. Information on page 4 indicates that minor adjustments in the alignment to avoid this area are undesirable because of additional adverse impacts.

c Since several other alternatives have been discussed, it is apparent that other feasible alternatives to the use of this area exist. However, since Alternates 2B and 3 appear to be more significantly damaging to the Forest of the Rio Abajo, we believe it may be prudent to choose Alternate 2A including revisions. For this reason, we would

Mr. F. J. Geiser, San Juan, Puerto Rico

concur that the taking of the basketball court is necessary, if Alternate 2A including 2A Revised is selected. We would not be opposed to this selection.

From the information provided, we believe the basketball court to be a significant facility for the local area. We agree with the compensation plans mentioned on page 5 that the basketball court will be replaced by the Commonwealth Highway Authority to a nearby suitable site. The final statement should include the concurrence of this action by the recreation officials of Arecibo. It would be useful if the maps showing this facility were improved to better delineate the basketball court and any other associated recreation facilities.

Commonwealth Forest of the Rio Abajo

Information in the statement shows that all of the four "new location" alternates would require use of a portion of this forest. Alternate 2A would be adjacent to developed recreation facilities in the forest and has the potential for adverse impacts on these facilities. Alternate 2B would require the most land from the forest, and Alternate 3 would cut off five parcels of the forest. We understand that Alternate 2A Revised requires the least amount of forest land, and it is on the border of the forest rather than through the interior.

The statement needs considerable clarification for the reader to more easily understand the impacts of the various alternatives. In particular the three segments of Alternate 2A Revised should be better distinguished by numbering these segments as 2A1 Revised, 2A2 Revised, and 2A3 Revised.

As we understand the information contained in the statement, channelization 1 and channelization 2 (Segment 2A1 Revised) between kilometer 51.2 and 49.5 will require a 400 meter encroachment on this forest and 14,000m² would be taken. Channelization 3 (Segment 2A2 Revised) between kilometer 46 and kilometer 49 is not discussed. The statement should elaborate on the significance of the forest in this area. If its use for recreation is insignificant as indicated by the Department of Natural Resources (page 256), we would not object to the use of this portion of the forest in order to avoid the channelization of the Rio Grande de Arecibo, providing that adequate compensation for the forest land and suitable means to minimize harm are included.

Mr. F. J. Geiser, San Juan, Puerto Rico

We do not find use of the existing road to be a disadvantage as stated on page 256, although it will be a temporary inconvenience. Use of existing rights-of-way may cause less environmental damage than use of undeveloped land, especially when Commonwealth Forest land is being taken. The statement should explore the possibilities to use more existing highway right-of-way and less of the Commonwealth Forest land.

We understand that the third revision (Segment 2A3 Revised) between kilometer 44.3 and 42.8 is proposed to avoid directly affecting an established recreation area within the forest on Alternate 2A. This recreation area has facilities for swimming, picnicking, camping, and hiking. It is described as being unique (page 6 of the Section 4(f) statement). For these reasons we believe Alternate 2A could not be selected in this vicinity, and Alternate 2A Revised or another complete alternate would have to be chosen. As stated in the United States Department of Transportation Order 5610.1B in referring to the Supreme Court Decision on Overton Park ".....protection of parklands was to be given paramount importance.....public parks were not to be lost unless there were truly unusual factors present in a particular case or the cost or community disruption resulting from alternative routes reached extraordinary magnitudes.the Secretary cannot approve the destruction of parkland unless he finds that the alternate routes present unique problems."

Should Alternate 2A be chosen instead of 2A Revised at this location, the Section 4(f) statement would have to show that Alternate 2A Revised (kilometer 44.3 to 42.8) involved truly unusual factors or the cost or community disruption reached extraordinary magnitudes.

Other Potential Section 4(f) Sites

On page 166 under the discussion of Alternate 2A, the statement mentions acquisition and construction on two small school lots. This point should be expanded to discuss the use of these areas and the impact of the project on them. If these lots are publically owned, used for recreation, and available for public use, they should be evaluated as possible Section 4(f) involvements.

Mr. F. J. Geiser, San Juan, Puerto Rico

ENVIRONMENTAL STATEMENT COMMENTS

Evaluation of Alternatives

Direct effects of the highway construction on surface waters may be limited to land erosion and riverbed siltation. The major effect may result from pollution of the streams which would increase due to the greater number of bridges and nearby river traverses constructed. On the island it has been observed that bridge crossings serve as dump sites for all types of solid wastes. Thus, on this basis, those alternatives with the greater number of bridge crossings and/or nearby river passes would be potentially the most detrimental. This should be thoroughly evaluated in the final statement.

Ground-water resources may be affected by secondary effects of the road such as enhancing land development and the potential for seepage of toxic or detrimental substances. This effect may pose the greatest hazard in the karst area which serves as the recharge zone for the artesian aquifers. On this basis Alternative 3 would probably enhance land development with its effects since it crosses the western edge of the Forest of the Rio Abajo which is only accessible by trails and unsurfaced roads. The other alternatives cross near or within the eastern portion of the forest where the north-south boundary is greatest, thus limiting future land development within the recharge zone. The final statement should discuss and evaluate these secondary impacts.

SUMMARY COMMENTS

From the information included in the statement, we believe Alternate 2A with the three revised segments would have the least impact on the resources of the area. We understand that all new location alternatives would require the use of some lands defined as Section 4(f) areas. Alternate 2A including the three revisions would require the use of Arecibo Basketball Court and a portion of the Forest of the Rio Abajo at channelization sites 1 and 2, but would not impact the established recreation sites within the forest. We would object to construction of Alternate 2A without the revision at kilometers 44.3 to 42.8 that would avoid established recreation facilities.

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Mr. F. J. Geiser, San Juan, Puerto Rico

We agree with the proposal to replace the Arecibo Basketball Court to a nearby location as adequate compensation. The statement is lacking in the discussion of specific actions that will be taken for compensation and as the means to minimize harm to the Forest of the Rio Abajo for lands required with Alternate 2A and its revisions. The only means to minimize harm to this forest that has been mentioned is the consideration of erosion control and slope stabilization measures.

We would be pleased to provide technical assistance in your preparation of a final Section 4(f) statement for this project. Responsibility for coordinating this assistance has been assigned to the Regional Director, Southeast Regional Office, Bureau of Outdoor Recreation, Atlanta, Georgia 30303, telephone 404-526-4405, FTS 404-285-4405.

Sincerely yours,

(Sgd) Stanley D. Doremus

Acting
Assistant Secretary of the Interior

Mr. F. J. Geiser
Division Administrator
Federal Highway Administration
Department of Transportation
1225 Ponce de Leon Avenue
San Juan, Puerto Rico 00907

cc: Miguel P. Velez
Commonwealth Highway Authority
San Juan, Puerto Rico 00936



ATTACHMENT 11H
LETTER FROM FHWA TO USFWS



U.S. Department
of Transportation

**Federal Highway
Administration**

Puerto Rico Division

350 Ave. Carlos Chardon, Suite 210
San Juan, Puerto Rico 00918-2148

Phone: (787) 766-5600
Fax: (787) 766-5924 / 766-5603

<http://www.fhwa.dot.gov/prdiv/index.htm>

August 3, 2012

In Reply Refer To:
HDA-PR

Mr. Edwin E. Muniz
Field Supervisor
U.S. Fish and Wildlife Service
Boqueron Field Office
P.O. Box 491
Boqueron, PR 00622

Attention: Ms. Marelisa Rivera

Dear Mr. Muniz:

The Puerto Rico Highway Transportation Authority (PRHTA) has been continually constructing the PR-10 project from Ponce to Arecibo since the Final Environmental Impact Statement (FEIS) was approved in 1979. Only the central portion, approximately four miles long, between Utuado and Adjuntas remains to be constructed. This remaining portion includes segments AC-100055, AC-100069, AC-100071, AC-100074 (this segment is part of the AC-100062 segment reevaluation approved in 2002), and AC-100076 (this segment was previously labeled AC-100065 in the 2005 approved reevaluation).

Since the 1979 FEIS was approved, additional studies have been conducted over the years to address the potential impact to listed species. These include a Flora/Fauna Study in 2002 by Hector Quintero, Ph.D., the report on the Distribution and Abundance of the Endangered Puerto Rican Broad-winged Hawk and the Puerto Rican Sharp-shinned Hawk under the direction of Francisco J. Virella, Ph.D. in 2004, and the 2002 endangered plant study by Franklin Axelrod, Ph.D.

Based on previous letters of Section 7 findings and concurrence (12/8/02 and 5/5/04) from the United States Fish and Wildlife Service (USFWS), the Federal Highway Administration (FHWA) approved reevaluations for the above mentioned remaining segments in 2002, 2003 and 2005. It is our understanding that much of the mitigation for the project has been completed in the acquisition of land near the Rio Abajo Forest, and monitoring reports have been completed as required. Nonetheless, the commitments will still require the implementation of protocol for various species that may be present in the remaining segments, such as the search, capture and relocation of the Puerto Rican Boa.

Due to the length of time since our last consultation with USFWS, the FHWA would like to informally consult with USFWS to reaffirm that construction of the remaining segments is not likely to adversely affect listed species, including the Broad-winged Hawk *Buteo platypterus*


Mr. Edwin E. Muniz
August 3, 2012

2

brunnescens, the Sharp-shinned Hawk *Accipiter striatus vennator*, the Puerto Rican Boa *Epicrates inornatus*, or other listed plant or animal species within the project area. The scope of the project for these segments remains the same as the project scope considered in our previous consultations requested between 2001 and 2005.

It is FHWA's understanding that the efforts of the past studies, monitoring reports and mitigation activities remain satisfactory, and the previous finding of "may affect, but not likely to adversely affect" remains valid. It is therefore FHWA's intent to approve a reevaluation of the project to allow the remaining segments to proceed to construction. Our office will contact Ms. Marelisa Rivera, who has been the USFWS contact for the project during our past consultations, to verify that there are no outstanding issues. In the meantime, if you have any concerns that the project has not met the needed action items specified in our previous consultations, please contact Ms. Cathy Kendall, at cathy.kendall@dot.gov or by phone at (850) 553-2225 to let us know so that we can address any issues.

Sincerely,



Martin C. Knopp
Division Administrator

cc: Luis E. Rodriguez Rosa, PRHTA Director of Programming and Special Studies Area