

No. 25-2163

**IN THE UNITED STATES COURT OF APPEALS FOR THE
FIRST CIRCUIT**

COMITÉ DIALOGO AMBIENTAL, INC.; ALIANZA COMUNITARIA
AMBIENTALISTA DEL SURESTE, INC.; CAMPAMENTO CONTRA
LAS CENIZAS EN PEÑUELAS, INC.; CASA TALLABOENÑA DE
FORMACIÓN COMUNITARIA Y RESILIENCIA, INC.; CENTER FOR
BIOLOGICAL DIVERSITY; COMITÉ CABORROJEÑO PRO SALUD Y
AMBIENTE, INC.; COMITÉ YABUCOEÑO PRO-CALIDAD DE VIDA,
INC; EL PUENTE DE WILLIAMSBURG, INC.; FRENTE UNIDO PRO-
DEFENSA DEL VALLE DE LAJAS, INC., *Plaintiffs – Appellees,*
Plaintiffs-Appellees,

v.

FEDERAL EMERGENCY MANAGEMENT AGENCY; DEPARTMENT
OF HOMELAND SECURITY; KAREN EVANS, Acting Administrator,
Federal Emergency Management Agency; MARKWAYNE MULLIN,
Secretary, Department of Homeland Security,,
Defendants-Appellants.

On Appeal from the United States District Court for the District of
Puerto Rico Case No. 3:24-cv-01145-JAG

**AMICUS CURIAE BRIEF OF SOUTHERN LEGAL COUNSEL,
INC., LATINOJUSTICE PRLEDF, AND THE AMERICAN CIVIL
LIBERTIES UNION OF PUERTO RICO IN SUPPORT OF
APPELLEES AND AFFIRMANCE**

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RULE 26.1 CORPORATE DISCLOSURE STATEMENT

In accordance with Federal Rule of Appellate Procedure 26.1, amicus curiae, the Southern Legal Counsel, Inc. (“SLC”), LatinoJustice PRLDEF (“LJP”), and the American Civil Liberties Union of Puerto Rico (“ACLU of PR”) state that they are nonprofit corporations that have no parent companies, subsidiaries, or affiliates. Nor does Amicus issue shares to the public, and no publicly traded corporation owns 10% or more of its stock.

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INTEREST OF AMICI CURIAE¹

Amici Curiae are a coalition of civil rights, environmental justice, and legal advocacy organizations dedicated to protecting the rights of marginalized communities in Puerto Rico and the United States. SLC is a statewide Florida non-profit law firm that provides high-impact legal advocacy to protect the civil rights of vulnerable populations. SLC leads this amicus effort to ensure federal disaster recovery standards are climate-resilient and equitable. LJP, formerly the Puerto Rican Legal Defense and Education Fund, founded in 1972, is dedicated to protecting the constitutional and human rights of Puerto Ricans and the broader Latino community. It responds to disasters affecting both the Archipelago and the Diaspora to ensure equitable access to relief. The ACLU of PR are devoted to promoting the internationally recognized right to self-determination for residents of Puerto Rico and challenging discriminatory federal policies in U.S. territories.

¹ Amici moved for leave to file this brief. *See* Fed. R. App. P 29(b)(2). All parties assented to the filing of this brief. No counsel for a party authored this brief in whole or in part, and no person other than Amici and their counsel has made a monetary contribution to the preparation or submission of this brief. *See* Fed. R. App. P. 29(a)(4)(E).

SUMMARY OF ARGUMENT

Pursuant to Federal Rule of Appellate Procedure 29(a)(3), this amicus brief is uniquely necessary to provide a vital, data-driven perspective on the institutional consequences of the Federal Emergency Management Agency’s (“FEMA”) disaster response mechanisms, demonstrating through Professor Nadia B. Ahmad's accompanying empirical research addendum how FEMA’s programmatic reliance on a threadbare Programmatic Environmental Assessment (“Utilities PEA”) shuts out meaningful community participation and entrenches systemic civil rights and structural inequities across vulnerable frontline populations and the Puerto Rican Diaspora. Amici contextualize the record by highlighting three devastating institutional failures exposed by this empirical data: first, a deep-seated funding disparity characterized by a structural, national 3.99:1 funding ratio heavily skewed in favor of corporate, contractor-directed Public Assistance over direct Individual and Households Program (IHP) aid—a gap that deteriorates to 4.26:1 within the South and Southwest; second, a severe 38% national grant penalty levied against completely rural jurisdictions alongside the systematic economic relegation of U.S. territories; and third, a profound

National Risk Index void wherein FEMA executes multi-billion-dollar infrastructure choices in Puerto Rico despite its primary hazard-tracking mechanism containing zero usable risk or resilience data for any of the territory's 78 municipalities. Ultimately, in the wake of *Loper Bright Enterprises v. Raimondo*, 144 S. Ct. 2244 (2024), this perspective provides the critical analytical framework necessary for this Court to exercise its mandatory independent statutory judgment rather than deferring to an agency shortcut, establishing that FEMA's sweeping control over \$12 billion in reconstruction funding constitutes a "major federal action" that legally triggers a comprehensive Environmental Impact Statement ("EIS") under the National Environmental Policy Act ("NEPA") to safeguard public participation, community-driven data, and climate-resilient equity over corporate contractor entrenchment.

ARGUMENT

I. Environmental Impact Statement Requirement

Under the NEPA, the FEMA multi-billion-dollar allocation to rebuild Puerto Rico's energy system constitutes a "major federal action" that significantly affects the human environment, thereby legally triggering

a comprehensive EIS rather than a truncated programmatic shortcut.² While federal agencies frequently rely on abbreviated Environmental Assessments (EAs) to prioritize administrative speed and expedite the restoration of basic services, this desire for bureaucratic expediency must be balanced against the long-term environmental, social, and climate impacts of infrastructure choices.³ Rather than merely rubber-stamping an obsolete, unreliable, and highly vulnerable pre-disaster fossil-fuel status quo, the globally recognized mandate to “build back better” requires a formal, rigorous procedural framework for public participation.⁴ By opting to proceed with threadbare Utilities PEA, FEMA systematically neglected to evaluate critical long-term climate risks and dismissed resilient, community-driven distributed renewable alternatives, such as solar microgrids.⁵ Ultimately, NEPA commands

² 42 U.S.C. § 4332(2)(C); 40 C.F.R. § 1508.1(q)

³ See, e.g., 44 C.F.R. § 10.8(d)

⁴ United Nations Office for Disaster Risk Reduction (UNDRR). 2017. *The Sendai Framework Terminology on Disaster Risk Reduction*. "Build back better". Accessed 1 March 2026

⁵ Fed. Emergency Mgmt. Agency, Region II, Programmatic Environmental Assessment: Utility Repair, Replacement, and Realignment, Commonwealth of Puerto Rico, DR-4339-PR (Aug. 2020) at

that FEMA balance its interest in rapid utility restoration with a thorough, transparent evaluation of public alternatives, making a full EIS an absolute necessity to ensure that federal disaster relief serves the true public interest and achieves climate-resilient equity.

II. FEMA’s Failure to Perform an EIS Ignores the Community Submission of Data and Testimony on health, safety and welfare

Establishing a formal procedural framework through a full EIS ensures that FEMA’s Hurricane Maria recovery efforts are informed by community-driven data, testimony and legal advocacy, shifting the focus of disaster relief toward the actual public interest.⁶

First, public interest in health and safety calls for community driven data to ensure sustainable recovery. Here, the community-based data shows that Puerto Rico's main fossil fuel system hits poor and rural areas hard. Many live close to fossil fuel power plants and deal with

https://recovery.pr.gov/documents/3b%20Utilities_PEA_FINAL_20200710%20-%20508.pdf (hereinafter “Utilities PEA”)

⁶ 42 U.S.C. § 4332(2)(C). *Also see Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 349 (1989)

higher asthma, cancer, and other issues from the damage. The Southeast region, known as “la ruta del hambre⁷”, show unsustainable cancer rates significantly higher than the national average.⁸

Second, the public’s general welfare demands expert testimony to ensure resilient recovery. In this case, testimony from Professor Nadia Ahmad exposes systemic inequities in FEMA’s disaster framework. Analyzing 2000–2024 data, it reveals a national 4:1 funding disparity favoring corporate contractors over direct individual household assistance, alongside a 38% grant penalty for rural communities. Crucially, FEMA’s National Risk Index entirely excludes risk and resilience data for Puerto Rico’s 78 local municipalities. Despite \$26.8 billion in flood losses, FEMA authorized household aid in just 1.6% of Puerto Rico’s flood declarations. Legally, these unexamined failures defeat judicial deference under *Seven County Infrastructure Grant v.*

⁷ Composed by the municipalities of Salinas, Arroyo, Patillas, Maunabo, Guayama and Yabucoa. A. Díaz Rolón, *Expuesta la “ruta del hambre”*, El Vocero (September 20, 2017); A. Díaz Rolón, *Más sólida la ‘ruta del hambre’*, El Vocero (September 29, 2019)

⁸ Maria Gallucci, *Rebuilding Puerto Rico’s Power Grid: The Inside Story*, Inst. Of Electrical & Electronic Engineers Spectrum (Mar. 12, 2018)

Eagle Cnty., 145 S. Ct. 423 (2024) precedent, and violate *Motor Vehicle Manufacturers Ass'n v. State Farm Mutual Automobile Insurance Co.*, 463 U.S. 29 (1983) oversight standards because the agency completely ignored these stark socioeconomic, geographic, and territorial disparities.

Thirdly, the public demands that governments regulate health, safety, and welfare under police power, but constitutional limits like due process and regulatory takings set real boundaries. FEMA did not weigh the environmental effects of fossil fuel power plants in Puerto Rico's southeast region as required by NEPA rules and Executive Orders 14008 and 14096.⁹ The Executive Orders push for climate justice and racial fairness in federal work. Skipping an EIS blocked a deep look at the harm of repairing a polluting fossil fuel power grid and shut out communities from real input on a clean energy path.

By bypassing a comprehensive EIS, FEMA ignores acute public health crises within *La Ruta del Hambre* and completely overlooked Professor Ahmad's empirical data exposing a stark 4:1 contractor funding

⁹ *Tackling the Climate Crisis at Home and Abroad* (January 27, 2021), Exec. Order No. 14,008, 86 Fed. Reg. 7,619 (Feb. 1, 2021); *Revitalizing Our Nation's Commitment to Environmental Justice for All* (April 21, 2023), Exec. Order No. 14,096, 88 Fed. Reg. 25,251 (Apr. 26, 2023)

imbalance, a 38 percent rural penalty, and the total exclusion of Puerto Rico from federal risk indexes. Because an agency cannot look away from these structural disparities under *State Farm* or claim *Seven County* deference for choices it never evaluated, a full EIS is a vital public necessity to enforce the environmental justice mandates of Executive Orders 14008 and 14096 and secure a resilient transition to clean energy.

III. Democratizing Disaster Recovery: The Essential Role of the EIS in Aligning FEMA's Post-Maria Reconstruction with the Public Interest.

More to the point, by failing to consider renewable energy alternatives under a full EIS, FEMA perpetuates a cycle of disaster-and-rebuild, effectively institutionalizing vulnerability for a predominantly low-income and minority population.¹⁰ The Amici's core point is clear: NEPA's push to check options matters most when the plan hurts long-term health, safety and welfare for those hit hard by natural disasters.

A. The Economics of Reconstruction

¹⁰ See 40 C.F.R. § 1502.14 (2024)

Under Puerto Rico's present political status, marginalized communities bear the brunt of climate disasters and chronic power outages amidst an unaddressed fiscal crisis.¹¹ Lacking the constitutional authority of U.S. states to declare Chapter 9 bankruptcy, the territory's \$70 billion public debt prompted Congress to enact the Puerto Rico Oversight, Management, and Economic Stability Act (PROMESA), 48 U.S.C. § 2101 et seq. PROMESA established the Fiscal Oversight and Management Board (FOMB), a federal entity empowered to override local legislative decisions, restructure debt, and intervene in critical energy infrastructure decisions to protect creditors.¹² Crucially, the FOMB has no statutory mandate under PROMESA to implement or enforce local climate initiatives like the Puerto Rico Energy Public Policy Act, driving a massive wave of climate displacement to the U.S.

¹¹ See generally Sarah M. Ladislaw, *Environmental Racism, Colonialism, and the Legacy of Hurricane Maria in Puerto Rico*, 34 Geo. Env't L. Rev. 367 (2022); Council on Environmental Quality, *Environmental Justice: Guidance under the National Environmental Policy Act* (Dec. 10, 1997) at 7

¹² *In re Fin. Oversight & Mgmt. Bd.*, 7 F.4th 31 (1st Cir. 2021); *Pierluisi v. Fin. Oversight & Mgmt. Bd. for P.R.*, 37 F.4th 746 (1st Cir. 2022); F. Fajana & L. Fiol-Matta, *The Scourge of the Insular Cases: Ending Constitutional Apartheid in Puerto Rico*, 92 Rev. Jur. UPR 1 (2023)

mainland.¹³ Sound economic imperatives dictate that the public be granted a formal voice through a full EIS framework to steer this multi-billion-dollar disaster reconstruction.

B. Public Interest in Energy Policy and International Law

FEMA's programmatic approach to grid reconstruction systematically ignores extensive community testimony, federal studies like the PR100 report, and local statutory mandates.¹⁴ The Puerto Rico Energy Public Policy Act mandates a rapid transition to 100% renewable energy by 2050—with interim targets of 40% by 2025 and 60% by 2040, alongside a total phaseout of coal-fired generation by 2028. By actively bypassing an EIS and rubber-stamping fossil-fuel dependency, FEMA contradicts international law principles of self-determination and

¹³ Puerto Rico Energy Public Policy Act, PR Act No. 17-2019; Cathy Kunkel & Tom Sanzillo, *FOMB, New Fortress Energy Threaten Puerto Rico Resident Efforts to Install Life-Saving Rooftop Solar*, Inst. for Energy Econ. & Fin. Analysis (Oct. 21, 2024); Edwin Meléndez & Jennifer Hinojosa, *Estimates of Post-Hurricane Maria Exodus from Puerto Rico*, Centro de Estudios Puertorriqueños, at 1–3 (Oct. 2017); *Climate Migration as Climate Resilience: A Case Study of Orlando, Florida*, 54 *Env'tl. L. Rep.* 10736, at 10738–40 (2024)

¹⁴ PR Act No. 17-2019, *supra*; National Renewable Energy Laboratory (NREL), *PR100 Final Results* (Feb. 2024), available at www.nrel.gov/publications

deepens a historical legacy of environmental racism and economic extraction, ranging from the U.S. Navy's toxic contamination of Vieques to the restrictive financial burdens of the Jones Act.¹⁵

Extensive data from the PR100 study confirms that distributed renewable alternatives, such as rooftop solar and localized microgrids, offer superior physical resilience against extreme weather while effectively decentralizing power generation.¹⁶ In a parallel to Professor Ahmad's findings on the national 3.99:1 funding disparity prioritizing corporate infrastructure over direct household assistance, the Utilities PEA references local energy laws solely to justify the procurement of

¹⁵ International Covenant on Civil and Political Rights (ICCPR) art. 1.1, 999 U.N.T.S. 171; *Legal Consequences of the Separation of the Chagos Archipelago From Mauritius in 1965*, Advisory Opinion, ICJ Reports 2019, par. 152; Catalina M. de Onís, *Energy Colonialism Powers the Ongoing Unnatural Disaster in Puerto Rico*, *Frontiers in Communication* (Jan. 29, 2018); Nada Hassanein, *In Vieques, Puerto Rico, Cancer Rates are High. Advocates Say Navy Bombing May Be to Blame*, *USA Today* (June 14, 2023); and, Colin Grabow & Alfredo Carrillo Obregon, *The Jones Act is Forcing Puerto Rico to Overpay for Energy*, *Cato Institute* (Jul. 25, 2022)

¹⁶ NREL, *supra* note 6; *Vermont Yankee Nuclear Power Corp. v. Nat. Res. Def. Council, Inc.*, 435 U.S. 519, 551 (1978); Mariah Espada, *Solar Power is Helping Some Puerto Rico Homes Avoid Hurricane Fiona Blackouts*, *Time* (Sept. 20, 2022)

industrial fossil-fuel equipment under the pretext of "efficiency," entirely disregarding community sustainability and climate resilience.¹⁷

IV. FEMA's Failure to Prepare an EIS Creates a Dangerous Precedent for Vulnerable Communities Nationwide

A. Reversal of the "Build Back Better" Agenda under the OBBB Act

The landscape of federal disaster policy has shifted dramatically following the passage of the One Big Beautiful Bill Act (OBBB).¹⁸ This sweeping domestic package effectively undid the previous

¹⁷ Utilities PEA, *supra*, at note 5, pages 25-26 (“**Alternative 3: Realignment or Relocation of Utilities** [...] Alternative 3 may have a beneficial impact on air quality and energy efficiency long-term by installing new industrial equipment that meets the USDOE’s Office of Energy Efficiency and Renewable Energy standards. The Office of Energy Efficiency and Renewable Energy sets energy efficiency standards for new industrial products such as distribution transformers, pumps, boilers, and electric motors. By operating at a greater efficiency, it is possible that updated utilities would produce fewer emissions (USDOE 2020b). By installing industrial equipment that meets current efficiency standards, Alternative 3 activities would be in alignment with the Commonwealth’s 2019 Energy Public Policy Act. The 2019 Act updates and unifies policy initiatives stated from several Acts regarding Puerto Rico’s energy policy. The 2019 Act establishes the Puerto Rican energy public policy and guiding principles for the electric grid based on efficiency, formulates energy policy, and establishes goals and objectives for becoming more energy efficient and independent (PREPA 2019).”); see Addendum at Page 26

¹⁸ One Big Beautiful Bill Act (OBBB), Pub. L. No. 119-1, 139 Stat. 1 (2025)

administration's "Build Back Better" agenda¹⁹, which had prioritized climate-resilient infrastructure and the transition to clean energy. By dismantling the prior platform, the OBBB Act emphasizes a return to traditional, large-scale infrastructure projects, often favoring fossil-fuel-based systems. In this context, FEMA's reliance on fossil entrenchment in Puerto Rico is no longer just a procedural choice, but a reflection of a national policy pivot that prioritizes speed and industrial output over climate resilience mandates sought by marginalized communities.

B. FEMA is Not a Bank, it is a Policymaker

Post- *Loper Bright Enters. v. Raimondo*, 144 S. Ct. 2244, 2262 (2024), the era of reflexive deference to agency shortcuts is over, barring FEMA from using a programmatic wave-off to evade a full Environmental Impact Statement (EIS). FEMA's reliance on the passive funder logic of *Seven County* is a legal fiction, holding the exclusive \$12 billion purse strings makes the agency the primary architect of Puerto

¹⁹ Build Back Better Act, H.R. 5376, 117th Cong. (2021); Inflation Reduction Act of 2022, Pub. L. No. 117-169, 136 Stat. 1818 (2022); and, UNDRR. 2017. *The Sendai Framework Terminology on Disaster Risk Reduction*. "Build back better", *supra* note 4

Rico's energy future and the but-for cause of its fossil-fuel entrenchment. Accordingly, this Court must exercise independent statutory judgment to ensure FEMA's choices satisfy NEPA's "hard look" mandate.²⁰

C. Protecting Sovereignty and Self-Determination

FEMA must be held to a rigorous standard to ensure recovery policies do not authoritatively impose infrastructure plans that conflict with territorial and Tribal sovereignty or local self-determination. In states like New Mexico and Arizona, environmental justice requires the “meaningful involvement of all people, regardless of Tribal affiliation,” in agency decision-making.²¹ Bypassing an EIS in Puerto Rico sets a precedent that federal agencies can disregard local and the stated preference for renewable energy, directly threatening the autonomous decision-making of territorial and Indigenous communities regarding their own local affairs.²²

²⁰ Addendum at Page 26; also see Nadia Ahmad, Uma Outka, Danielle Stokes & Hannah Wiseman, *Synthesizing Energy Transitions*, 39 Ga. St. U. L. Rev. 1087 (2023)

²¹ 40 C.F.R. § 1508(m)(1)-(2); Executive Order 12898, 60 F.R. § 7795

²² *Supra*, note 40; See ADDENDUM at page 26

D. Interconnected Risks for the Diaspora

The quality of Puerto Rico's recovery is a matter of national civil rights importance due to the deep connections with the Diaspora.²³ Grid instability and economic displacement on the Archipelago directly impact the social and economic infrastructure of states like Florida, which serves as a primary destination for those displaced by infrastructure failures.²⁴ Ensuring FEMA adheres to climate-informed NEPA reviews is vital to the national public interest to mitigate the compounding crises of energy insecurity and socioeconomic marginalization that transcend geographic boundaries, regardless of shifting federal political platforms.

CONCLUSION

For the reasons stated, the District Court correctly found that FEMA's minimal analysis failed to meet the necessary thresholds under NEPA. To ensure a resilient and equitable future for Puerto Rico and all vulnerable communities nationwide, this Court must affirm the remand for a full Environmental Impact Statement (EIS).

²³ Letter from 17 members of Congress to FEMA (Feb. 2021), JA374–377.

²⁴ Dr. Fernando I. Rivera, *When the U.S. Sneezes, Puerto Rico Already Has a Cold*, 17 CONTEXTS 62 (2018).

Dated: May 27, 2026

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CERTIFICATE OF COMPLIANCE

This brief complies with type-volume limitations, because it is “no more than one-half the maximum length authorized by [the Federal Rules of Appellate Procedure] for a party’s principal brief.” Fed. R. App. P. 29(a)(5). This brief complies with the typeface and type style requirements of Fed. R. App. P. 32(a)(5) & (6), because it was prepared in proportionally spaced 14-point Century Schoolbook typeface, using Microsoft® Word for Microsoft 365 MSO (Version 2404 Build 16.0.17531.20152) 64-bit.

Dated: May 27, 2026

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ADDENDUM

DECLARATION OF PROF. NADIA B. AHMAD, J.D., LL.M.

Comité Diálogo Ambiental, Inc., et al. v. Federal Emergency Management Agency, et al.

No. 25-2163 | United States Court of Appeals, First Circuit

FEMA Data Addendum | May 2026

RESEARCH SYNOPSIS & EXECUTIVE BRIEF

TITLE: *Inverting the Stafford Act: Data Voids, Rural Penalties, and the Arbitrary Architecture of Federal Disaster Recovery*

AUTHOR: Nadia B. Ahmad, J.D., LL.M., Ph.D. (*Professor of Law, Barry University; Ph.D., Yale School of the Environment*)

LINK: Nadia B. Ahmad, *Addendum: Declaration of Nadia B. Ahmad, J.D., LL.M.*, Southern Legal Counsel (May 2026), <https://www.southernlegal.org/news/comite-dialogo-ambiental-v-fema> (direct link at <https://static1.squarespace.com/static/6283b20d7013340d81fd360f/t/6a0cd09ef303072eadc166d7/1779224736193/07+-+ADDENDUM+-+Rev.pdf>).

AUTHOR PROFILE & CREDENTIALS

Professor Nadia B. Ahmad coordinates the Environmental & Earth Law Program at Barry University School of Law, with a Ph.D. from the Yale School of the Environment, and has taught at Yale Law School. She holds a J.D. from the University of Florida, an LL.M. from the University of Denver, and an M.Phil. from Yale. A co-author of the seminal textbook *Environmental Justice: Law, Policy & Regulation*, she has published over 50 law review articles. In 2023, her global advocacy for frontline communities culminated in the United Nations Human Rights Prize. She is also the founder of Mudder AI, a climate-tech startup backed by Yale Ventures and Google.

ABSTRACT & EXECUTIVE SUMMARY

This document outlines an empirical critique of the Federal Emergency Management Agency's (FEMA) contemporary disaster recovery framework. Utilizing five federal datasets spanning 2000–2025—including FEMA disaster summaries, historical loss matrices, and social vulnerability indexes—the research exposes an arbitrary national pattern of structural inequality. The data demonstrates how top-down administrative shortcuts systematically divert resources from marginalized families to corporate contractors, lock out community participation, and entrench severe geographic, racial, and territorial disparities.

TAXONOMY OF SYSTEMIC DISPARITIES (EMPIRICAL FINDINGS)

The Corporate Contractor Imbalance: Nationally, FEMA awards Public Assistance (PA) to government infrastructure entities and corporate contractors at a **3.99:1 ratio** over direct Individual and Households Program (IHP) grants. This disparity worsens to a **4.26:1 ratio** across the South and Southwest.

The 38 Percent Rural Penalty: Completely rural counties face a **38% national deficit** in household recovery grants compared to metropolitan cores, despite carrying 46% higher baseline poverty rates and double the concentration of manufactured housing.

The Inverse Damage Relationship: Communities experiencing the highest absolute disaster losses receive the least proportional household support per dollar of damage (e.g., Louisiana received a mere 3.05 IHP grants per billion dollars of damage).

The Chronic Exposure Gap: In high-exposure counties hit by 20 or more federal disaster declarations, individual household assistance was denied or completely absent in **83 out of every 100** recurring events.

The National Risk Index (NRI) Territory Void: FEMA's primary tool for measuring hazard risk and resilience contains **zero usable data** for

any U.S. territory. All 78 Puerto Rico local municipalities are blank spaces coded as "Insufficient Data." Consequently, while flooding caused \$26.8 billion of Puerto Rico's \$28 billion in documented losses, FEMA authorized household aid in just **1.6%** of its flood declarations.

The Tribal Mitigation Trap: Sovereign tribal nations are systematically excluded from Hazard Mitigation funding due to resource-intensive five-year administrative planning cycles imposed without adequate federal funding or support.

CORE ADMINISTRATIVE IMPLICATIONS

FEMA's current framework actively inverts the household-supplementing mandate of the Stafford Act, abdicates the federal nation-to-nation trust responsibility to tribes, and triggers serious Fifth Amendment rational-basis challenges by systematically underfunding rural and territorial communities.