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April 26, 2011

Lisa P. Jackson, Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW, Room 3426 ARN
Washington, DC 20460

Dear Administrator Jackson:

I am still awaiting your response to my April 6, 2011 letter asking for an explanation of EPA's apparent reversal of position regarding the proposed "Via Verde" natural gas pipeline in Puerto Rico currently awaiting approval from the U.S. Army Corps of Engineers (USACE). In the interim, a letter from the Corps of Engineers to EPA Caribbean Environmental Protection Division dated April 13, 2011 has come to my attention. A copy of the letter is attached.

In all of my years of public service I do not recall seeing a letter from one federal agency to another that uses such strong language. Referring to a letter from the Caribbean Environmental Protection Division dated April 1, 2011, Donald W. Kinard, Chief of the Regulatory Division for USACE Jacksonville District writes "We were extremely surprised by the conclusions made by your agency considering that much information is still forthcoming on this project. We take exception to the contents of the letter, the analysis therein contained and its conclusions."

The letter raises the very important point that key "privileged" information was shared with EPA regulators by the Puerto Rican power company PREPA that was not shared with the USACE or anyone else involved in deciding whether the proposed pipeline is safe enough and necessary enough to move forward. Mr. Kinard writes, "It concerns me that the Corps was not involved in any of the exchanges of information and/or meetings that took place between the applicant and you agency." I am deeply concerned by this, as well.

This is precisely why, in addition to the aforementioned letter to you, I have submitted a FOIA request for information related to this project to several federal agencies including the EPA. I want to know what documents and other information you have that you have not shared with the USACE or other relevant agencies and entities.

The people of Puerto Rico, like all American citizens, expect transparency, honesty, and openness from the federal government as agencies consider matters of vital importance to them. The whole "Via Verde" natural gas pipeline affair in Puerto Rico has been sorely lacking in these vital attributes which are essential to democracy.

As the attached USACE letter is directly related to the matter I asked you to investigate in my original April 6, 2011 letter, I hereby request a prompt and thorough explanation of this situation not later than close of business on Friday, April 29, 2011.

Thank you for your attention to my request and I anxiously await your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Luis V. Gutiérrez". The signature is fluid and cursive, with a long horizontal stroke at the end.

Luis V. Gutiérrez
Member of Congress