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June 21, 2011

Honorable John M. McHugh
Secretary, U.S. Army
101 Army Pentagon
Washington, D.C. 20310

Dear Secretary McHugh:

We are writing this letter as Puerto Rican elected officials from New York State to express our grave concern and opposition over a proposed natural gas pipeline in Puerto Rico currently awaiting approval from the U.S. Army Corps of Engineers (USACE). The Puerto Rico Electric Power Authority (PREPA) is requesting a Section 404 permit under the Clean Water Act to construct the "Via Verde" gas pipeline. This project does not comply with the most basic regulatory standards and procedural safeguards for the construction of such a high-risk project and puts the life, property and natural resources of the Puerto Rican people at great risk. Although the vast majority of the Puerto Rican people oppose the pipeline, the government of Puerto Rico has denied them an opportunity to express their views in public hearings using the pretext of an "energy emergency." Therefore, we exhort the USACE to deny all requests for permits and conduct a thorough environmental impact statement before the project is able to proceed.

Puerto Rico measures 100 miles long and 35 miles wide. "Via Verde" is a 92 mile long cross-island natural gas pipeline project in Puerto Rico. The pipeline crosses near schools, universities, churches, public beaches, factories and densely transited freeways. Over 200,000 citizens are located in the permanent risk zone.

The Governor of Puerto Rico declared a state of energy emergency as a means by which the "Via Verde" project can be pushed forward in a "fast track" manner without submitting environmental impact studies or holding public hearings. According to a recent survey conducted by "El Nuevo Dia," one of Puerto Rico's local newspapers, 56% of Puerto Ricans are not convinced that "Via Verde" will lower their bills, compared to 27% who do. Polls indicate that 70% of the citizens of Puerto Rico oppose the construction of the pipeline (El Nuevo Dia-March 2011) and on May 1st over 30,000 people marched to protest the "Via Verde" pipeline. Public hearings should be held in order to ensure the process is transparent and that it is based on the best interest of the majority of the people of Puerto Rico.

The purported main purpose of the "Via Verde" project was to reduce the cost of electricity in Puerto Rico and reduce the dependency on oil. According to a study performed by specialists from the University of Puerto Rico, Mayaguez Campus, in the best-case scenario the "Via Verde" project will provide savings of only one cent per kilowatt-hour. Also, the exclusive source of gas for "Via Verde" is the EcoElectrica Company. EcoElectrica has admitted that they lack the required natural gas send-out capacity infrastructure and that they do not have the necessary permits to supply gas to the PREPA. They acknowledged that acquiring these permits and modifying its facilities could take about 10 years.

The environmental impact this project is going to have on the island's natural resources is devastating and is further proof of the need for an environmental impact statement and a final decision should not be made before it is conducted. "Via Verde" will impact permanently the habitat of 34 endangered species, more than 235 river streams, 369 acres of wetlands and more than 1,500 acres of forest, causing permanent habitat fragmentation. Studies conducted by the environmental law clinics from the Interamerican University School of Law and the University of Puerto Rico School Law state that Puerto Rico's government has failed to supply federal agencies with the necessary information to comply with the requirements of the Clean Water Act and the Endangered Species Act.

This again is too great of a risk for the life, property and natural resources of the people of Puerto Rico. No price can be put on their peace and safety. A thorough and transparent process should be conducted in order to assure that their well-being is preserved. The USACE should deny all requests for permits, public hearings should be held and a thorough environmental impact statement should be conducted before the project is able to proceed.

I await your response to this letter.

Sincerely,

Melissa Mark-Viverito
NYC Council Member

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NYS Assembly Member

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NYS Assembly Member

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