



# United States Department of the Interior



## FISH & WILDLIFE SERVICE

### Boqueron Field Office

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JAN 20 2011

CAPS  
TPIP  
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Mr. Angel Rivera Santana  
Director, Planning and Environmental Protection  
PR Electric Power Authority  
PO Box 364267  
San Juan, Puerto Rico 00936-4267

Re: SAJ 2010-02881 IP-EWG. Via Verde  
Gas Pipeline, Final Environmental Impact  
Statement (Final EIS)

Dear Mr. Rivera:

Thank you for your letter dated December 20, 2010, providing a copy of the Final EIS for the Via Verde gas pipeline. Our comments are issued as technical assistance in accordance with the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.) and the Endangered Species Act (16 U.S.C. 1531 et seq. as amended).

In the letter, you mentioned that the comments raised by the Service on the December 15, 2010, letter to the U.S. Army Corps of Engineers were based on the preliminary EIS and not the Final EIS. You also mentioned that most of the comments raised in our December 15, 2010 letter were addressed in the approved Final EIS.

You should be aware that our December 15, 2010 letter is in response to the U.S. Army Corps of Engineers Public Notice requesting comments and our comments were based on the information provided by Puerto Rico Electric and Power Authority in the Joint Permit Application (JPA) and the documents referenced and attached to the JPA. The Final EIS was not part of the JPA; however, the preliminary EIS was part.

We have reviewed the information in the Final EIS and we have concluded that the document does not address the Service concerns regarding the Via Verde Project. Therefore, our comments made to the Corps on December 15, 2010 still stand. Furthermore, the Final EIS increased our concerns regarding possible effects to wetland since the document states that the project corridor may range from the 150 foot corridor to 300 feet in areas where HDD takes place. The JPA only mentioned a 150 foot corridor. Regarding the proposed mitigation for wetlands, the JPA and the final EIS are

not consistent. Other mitigation plans for impacts to fauna and flora are mentioned in the document but none have been developed or approved.

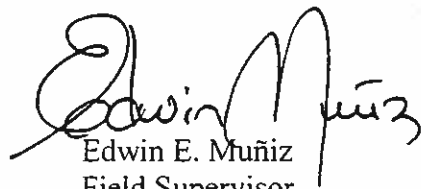
We have reviewed Chapter 8, Section 8.5 which listed the agency comments and PREPA's response. Of the numerous concerns the Service expressed regarding the proposed project, the Final EIS listed our comments regarding the lack of appropriateness of flora fauna studies, and the response consists of mentioning that additional studies will be conducted. The document mentioned that as the final answer to the Service concern is that it will be resolved during the ongoing Corps of Engineers Joint Permit Application review. Be aware that at present time, this issue has not been appropriately addressed. For example surveys with appropriate methodology for listed plants and the endangered nightjars have not been conducted. The Section 8.5 makes reference to the Joint Permit process, and defers addressing resolution of wetland impacts, mitigation, and other concerns to the ongoing Corps Joint Permit review.

The comments provided by the Service on December 15, 2010 are comprehensive and complex. While the Final EIS provides some additional information, the document does not provide an in-depth analysis of the direct, indirect, cumulative, interrelated and interdependent effects on our listed species and their habitats, aquatic resources (wetland, streams, etc.), forested lands and sinkholes in the northern karst region of Puerto Rico. We continue to believe that the project as currently proposed constitutes a major construction activity with potential significant adverse effects to the human environment. Therefore, we continue recommending the development of a federal Environmental Impacts Statement, as required under NEPA.

As we expressed before, the Service supports alternatives to the use of fuel as the main energy source in Puerto Rico. We recommend PREPA to continue identifying alternative sources, construction methods and project sites to minimize adverse effects of energy projects into our natural resources.

If you have any questions please contact Ms. Marelisa Rivera at 787 851 7297 x 206.

Sincerely,



Edwin E. Muñiz  
Field Supervisor  
Caribbean Ecological Services  
Field Office

Fhl/mtr

cc:

COE, Regulatory, Jacksonville

COE, Regulatory, San Juan

Mr. Rivera Santana

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DNER, San Juan

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