



**Enclosed VIA VERDE LETTER**  
Sandra Mendez to: Teresita Rodriguez, Jose Soto

12/21/2010 09:58 AM

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VIA VERDE LETTER.pdf





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF REGIONAL COUNSEL  
CENTRO EUROPA BUILDING, SUITE 207  
1492 PONCE DE LEON AVENUE, STOP 22  
SAN JUAN, PR 00907-4127

December 21, 2010

Mr. José M. Rosado  
Deputy District Engineer for the Antilles  
U.S. Army Corps of Engineers  
Antilles Office  
400 Fernandez Juncos Ave,  
San Juan, PR 00901-3299

**RE: Public Notice Number SAJ-2010-02881 (IP-EWG)**

Dear Mr. Rosado:

We are in receipt of the above Public Notice (PN) describing the Puerto Rico Electric Power Authority's (PREPA) request to obtain Department of the Army authorization for construction of a natural gas pipeline project that will pass through the municipalities of Peñuelas, Adjuntas, Utuado, Arecibo, Barceloneta, Manati, Vega Alta, Vega Baja, Dorado, Toa Baja, Cataño, Bayamón, and Guaynabo, Puerto Rico. The pipeline, known as Via Verde, would be approximately 92 miles long and 24 inches in diameter with a right-of-way 150 feet wide. The total project area is approximately 1,672 acres and the pipeline would traverse 235 rivers and wetlands, resulting in an estimated impact to 369 acres of jurisdictional waters of the United States. The applicant's stated purpose for this project is to deliver an alternate fuel source to three existing electric power generating facilities located in Peñuelas, Arecibo, and Toa Baja.

After evaluating the information contained in the November 19, 2010 PN, the Environmental Protection Agency (EPA) believes that the applicant has not adequately demonstrated the need for the proposed pipeline in accordance with the Clean Water Act Section 404(b)(1) Guidelines requirements. The applicant must better document the need for a natural gas pipeline by presenting a more thorough alternatives analysis. Such analysis should evaluate other fuel sources other than natural gas since the stated purpose does not specify fuel type, the construction of an alternative terminal near one of the north coast power plants and the installation of a shorter length pipeline between Arecibo and Toa Baja.

EPA also has concerns regarding the use of directional drilling, particularly in karst terrain areas. In the past and on other projects in the Caribbean, directional drilling has resulted in major impacts when the drilling mud leaked into the surrounding environment. Due to the nature of karst terrain, we are concerned that any spill of drilling mud may contaminate groundwater or reach other aquatic resources which were not evaluated as part of this review.

If PREPA complies with the needs requirement of the Clean Water Act Section 404 (b)(1) guidelines, the risks of directional drilling must be thoroughly analyzed. In conjunction with such analysis, PREPA must establish appropriate mechanisms to monitor



the drilling operations so that any escape of drilling mud is detected immediately as well as identify steps to be taken to minimize potential impacts of an escape.

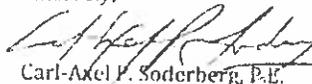
Furthermore, PREPA has not proposed adequate compensation to offset any impacts to jurisdictional areas which would result from the proposed project. While PREPA has proposed the use of horizontal directional drilling and vertical wall trenching, among other measures, to avoid and minimize impacts to wetlands, additional analysis to identify the nature and extent of both temporary and potentially permanent impacts at each jurisdictional area will be needed. We acknowledge that PREPA has offered to be vigilant of such impacts in order to immediately determine whether mitigation is required at any area along the project corridor; but, specific plans to address the need for mitigation must be identified in advance. EPA is also concerned about the criteria identified in the PN for determining whether mitigation sites will be successful. Finally with regard to mitigation, EPA believes that any compensatory mitigation required for permanent impacts should be at a minimum of a 1:1 ratio.

After carefully considering the challenges associated with this project, EPA recommends that an environmental impact statement (EIS) rather than an environmental assessment (EA) be prepared for this project. As highlighted in the PN, the project covers a large area and impacts many rivers and wetlands. Though the wetlands to be traversed are diverse in nature, all provide the important functions of flood water storage and filtration of contaminants that would otherwise reach other aquatic resources. These indirect impacts associated with the loss of wetlands also need to be evaluated. The PN states that the impacts of the project are expected to be temporary in nature, however, the impacts to threatened and endangered species could be extensive, as demonstrated by the fact that a formal versus informal Endangered Species Act (ESA) consultation is being undertaken for the project.

In summary, EPA believes that the Via Verde project could have substantial impacts to aquatic resources and that adequate compensatory mitigation has not been offered to offset such impacts. Furthermore, an EIS is needed to properly evaluate the project's impacts. Therefore, it is EPA's position that a permit for this project be held in abeyance until our concerns are addressed.

If you have any questions regarding this matter, please contact me at (787) 977-5801 or have your staff contact José Soto of the Multimedia Permits and Compliance Branch at (787) 977-5829.

Sincerely,



Carl-Axel F. Soderberg, P.E.

Director

Caribbean Environmental Protection Division

cc: USFWS - Boquerón, PR  
DNER - San Juan, PR  
PRPB - San Juan, PR  
PREQB-San Juan, PR





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Director

Caribbean Environmental Protection Division

cc: USFWS - Boquerón, PR  
DNER - San Juan, PR  
PRPB - San Juan, PR  
PREQB-San Juan, PR



SAJ-2010-02881 Via Verde Meeting (UNCLASSIFIED)

Garcia, Edgar W SAJ

to:

lisamarie carrubba, Carl Soderberg, Carlos A. Rubio, Miguel Bonini, Felix\_Lopez, jaime.torres, iyutka53, carlos.machado, Marelisa\_Rivera, rafael\_gonzalez, daniel\_paganrosa, Carlos Monroig, Edwin\_Muniz, Jose Soto, larryevans, flopez1075, MADELINE RAMOS CARO

01/18/2011 10:29 AM

Cc:

"Castillo, Sindulfo SAJ", "Collazo, Osvaldo SAJ", "Garcia, Edgar W SAJ"

Show Details

Classification: UNCLASSIFIED

Caveats: NONE

Ladies and Gentlemen:

Your agency is cordially invited to our Interagency Meeting on the Via Verde Natural Gas Pipe Line project.

As previously agreed at the end of October 2010 with each agency, the meeting is necessary to discuss the technical status of the project in relation to each agency area of jurisdiction. It is urged that only personnel and or supervisors directly related to the project be present for this meeting as space would be limited.

We are scheduling subject meeting at the US Army Corps of Engineers (USACOE) Patio Conference Room on Tuesday February 1, 2011 at 9:30AM.

The USACOE is located at the following address:

Stop 7½

400 Ave Fernández Juncos, San Juan, PR 00901-3223

For a Map use the following link:

[http://maps.google.com/maps?f=q&source=s\\_q&hl=en&geocode=&q=18.462660+-66.094082&sll=37.0625,-95.677068&sspn=30.819956,56.337891&ie=UTF8&t=h&z=16](http://maps.google.com/maps?f=q&source=s_q&hl=en&geocode=&q=18.462660+-66.094082&sll=37.0625,-95.677068&sspn=30.819956,56.337891&ie=UTF8&t=h&z=16)

Please confirm who will be attending from your agency by email at your earliest convenience.

Respectfully,

Edgar W. García

Project Manager

Army Corps of Engineers

Jacksonville District

Antilles Regulatory Section

Tel: (787) 729-6905 Ext. 3059

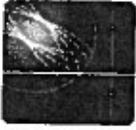


Fax: (787) 729-6906

Classification: UNCLASSIFIED

Caveats: NONE





**{In Archive} Via Verde comment letter**

**Jose Soto** to:

Bcc: edwin\_muniz, hernandez\_le, Sandra Mendez

12/21/2010 10:23 AM

Archive:

This message is being viewed in an archive.

Enclosed please find EPA's comment letter regarding the Via Verde project.



VIA VERDE LETTER.pdf





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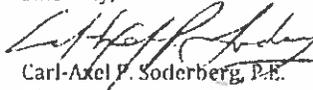
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cc. USFWS - Boquerón, PR  
DNER - San Juan, PR  
PRPB - San Juan, PR  
PREQB-San Juan, PR



RE: SAJ-2010-02881 Via Verde Meeting (UNCLASSIFIED)

Garcia, Edgar W SAJ, lisamarie  
Collazo, Osvaldo SAJ to: carrubba, Carl Soderberg, Carlos A.  
Rubio, Miguel Bonini, Felix\_Lopez,  
Cc: "Castillo, Sindulfo SAJ"

01/18/2011 10:31 AM

Thanks. I won't be able to make it. I fly in that day.

Osvaldo Collazo  
Chief, North Permits Branch  
Telephone (904) 232-1659  
Fax (904) 232-1904  
Cell (904) 610-9350

Please assist us in better serving you! Please complete the customer survey by clicking on the following link:  
<http://per2.nwp.usace.army.mil/survey.html>

-----Original Message-----

From: Garcia, Edgar W SAJ  
Sent: Tuesday, January 18, 2011 9:33 AM  
To: lisamarie carrubba; Carl Soderberg; Carlos A. Rubio; Miguel Bonini; 'Felix\_Lopez@fws.gov'; jaime.torres@dot.gov; iyutka53@aol.com; carlos.machado@dot.gov; Marelisa\_Rivera@fws.gov; rafael\_gonzalez@fws.gov; daniel\_paganrosa@yahoo.com; Carlos Monroig; Edwin\_Muniz@fws.gov; Soto.Jose@epamail.epa.gov; larryevans@bcpeabody.com; flopez1075@prepa.com; MADELINE RAMOS CARO  
Cc: Castillo, Sindulfo SAJ; Collazo, Osvaldo SAJ; Garcia, Edgar W SAJ  
Subject: SAJ-2010-02881 Via Verde Meeting (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

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Please confirm who will be attending from your agency by email at your earliest convenience.

Respectfully,

Edgar W. García

Project Manager

Army Corps of Engineers

Jacksonville District

Antilles Regulatory Section

Tel: (787) 729-6905 Ext. 3059

Fax: (787) 729-6906

Classification: UNCLASSIFIED

Caveats: NONE



Re: SAJ-2010-02881 Via Verde Meeting (UNCLASSIFIED)

Marelisa\_Rivera

to:

Garcia, Edgar W SAJ  
01/18/2011 11:00 AM

Cc:

"Carlos Monroig", carlos.machado, "Carlos A. Rubio", daniel\_pagarrosa, "Garcia, Edgar W SAJ", Edwin\_Muniz, Felix\_Lopez, flopez1075, iyutka53, jaime.torres, larryevans, "lisamarie carrubba", "MADELINE RAMOS CARO", "Miguel Bonini", "Collazo, Osvaldo SAJ", rafael\_gonzalez, "Castillo, Sindulfo SAJ", Carl Soderberg, Jose Soto  
Show Details

Edgar:

From the Ecological Services Field Office the following staff will be participating:

Edwin Muñiz - Field Supervisor  
Marelisa Rivera - Assistant Field Supervisor  
Rafael Gonzalez and Omar Monsegur - F&W Biologists

Thanks

Marelisa Rivera  
Assistant Field Supervisor  
U.S. Fish and Wildlife Service  
Ecological Services Caribbean Field Office  
P.O. Box 491  
Boquerón, Puerto Rico 00622  
(787) 851-7297 x 206 (direct)  
(787) 851-7440 (fax)  
(787) 510-5207 (mobile)  
marelisa\_rivera@fws.gov

There are three constants in life...change, choice and principles.

Stephen R. Covey

"Garcia, Edgar W SAJ" <Edgar.W.Garcia@usace.army.mil>

"Garcia, Edgar W SAJ"  
<Edgar.W.Garcia@usace.army.mil>

01/18/2011 10:32 AM

To "lisamarie carrubba"  
<Lisamarie.Carrubba@noaa.gov>, "Carl Soderberg" <Soderberg.carl@epa.gov>, "Carlos A. Rubio" <carubio@prshpo.gobierno.pr>, "Miguel Bonini" <mbonini@prshpo.gobierno.pr>, <Felix\_Lopez@fws.gov>, <jaime.torres@dot.gov>, <iyutka53@aol.com>, <carlos.machado@dot.gov>, <Marelisa\_Rivera@fws.gov>,



<rafael\_gonzalez@fws.gov>,  
<daniel\_paganrosa@yahoo.com>, "Carlos  
Monroig" <c-monroig-tdcar@prepa.com>,  
<Edwin\_Muniz@fws.gov>,  
<Soto.Jose@epamail.epa.gov>,  
<larryevans@bcpeabody.com>,  
<flopez1075@prepa.com>, "MADELINE  
RAMOS CARO" <M-  
RAMOS@PREPA.COM>  
cc "Castillo, Sindulfo SAJ"  
<Sindulfo.Castillo@usace.army.mil>,  
"Collazo, Osvaldo SAJ"  
<Osvaldo.Collazo@usace.army.mil>,  
"Garcia, Edgar W SAJ"  
<Edgar.W.Garcia@usace.army.mil>  
Subject SAJ-2010-02881 Via Verde Meeting  
(UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

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Jacksonville District  
Antilles Regulatory Section  
Tel: (787) 729-6905 Ext. 3059  
Fax: (787) 729-6906

Classification: UNCLASSIFIED  
Caveats: NONE



Re: SAJ-2010-02881 Via Verde Meeting (UNCLASSIFIED)

daniel\_paganrosa

to:

Garcia, Edgar W SAJ, lisamarie carrubba, Carl Soderberg, Carlos A. Rubio, Miguel Bonini, Felix\_Lopez, jaime.torres, iyutka53, carlos.machado, MarElisa Rivera, rafael\_gonzalez, Carlos Monroig, Edwin Muniz, Jose Soto, Larry Evans, Director Francisco Lopez, MADELINE RAMOS CARO

01/18/2011 06:24 PM

Cc:

"Castillo, Sindulfo SAJ", "Collazo, Osvaldo SAJ"

Please respond to daniel\_paganrosa

Show Details

Dear Edgar:

PREPA attendance as well as the list of attendees was confirmed by Eng. Lopez earlier this afternoon.

Danny Pagan

Sent via BlackBerry by AT&T

---

**From:** "Garcia, Edgar W SAJ" <Edgar.W.Garcia@usace.army.mil>

**Date:** Tue, 18 Jan 2011 09:32:35 -0500

**To:** lisamarie carrubba<Lisamarie.Carrubba@noaa.gov>; Carl Soderberg<Soderberg.carl@epa.gov>; Carlos A. Rubio<carubio@prshpo.gobierno.pr>; Miguel Bonini<mbonini@prshpo.gobierno.pr>; <Felix\_Lopez@fws.gov>; <jaime.torres@dot.gov>; <iyutka53@aol.com>; <carlos.machado@dot.gov>; <Marelisa\_Rivera@fws.gov>; <rafael\_gonzalez@fws.gov>; <daniel\_paganrosa@yahoo.com>; Carlos Monroig<c-monroig-tdcar@prepa.com>; <Edwin\_Muniz@fws.gov>; <Soto.Jose@epamail.epa.gov>; <larryevans@bcpeabody.com>; <flopez1075@prepa.com>; MADELINE RAMOS CARO<M-RAMOS@PREPA.COM>

**Cc:** Castillo, Sindulfo SAJ<Sindulfo.Castillo@usace.army.mil>; Collazo, Osvaldo SAJ<Osvaldo.Collazo@usace.army.mil>; Garcia, Edgar W SAJ<Edgar.W.Garcia@usace.army.mil>

**Subject:** SAJ-2010-02881 Via Verde Meeting (UNCLASSIFIED)

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SAJ-2010-02881 Via Verde Meeting Reminder (UNCLASSIFIED)

Garcia, Edgar W SAJ

to:

Garcia, Edgar W SAJ, lisamarie carrubba, Carl Soderberg, Carlos A. Rubio, Miguel Bonini, Felix\_Lopez, jaime.torres, iyutka53, carlos.machado, Marelisa\_Rivera, rafael\_gonzalez, daniel\_paganrosa, Carlos Monroig, Edwin\_Muniz, Jose Soto, larryevans, flopez1075, MADELINE RAMOS CARO, Castillo, Sindulfo SAJ, Collazo, Osvaldo SAJ, arivera

01/27/2011 11:15 AM

Show Details

Classification: UNCLASSIFIED

Caveats: NONE

Ladies and Gentlemen:

This is a reminder, of subject meeting at the US Army Corps of Engineers (USACOE) Patio Conference Room on Tuesday February 1, 2011 at 9:30AM.

Your agency is cordially invited to our Interagency Meeting on the Via Verde Natural Gas Pipe Line project.

As previously agreed at the end of October 2010 with each agency, the meeting is necessary to discuss the technical status of the project in relation to each agency area of jurisdiction.

The USACOE is located at the following address:

Stop 7½  
400 Ave Fernández Juncos, San Juan, PR 00901-3223

For a Map use the following link:

[http://maps.google.com/maps?f=q&source=s\\_q&hl=en&geocode=&q=18.462660+-66.094082&sll=37.0625,-95.677068&sspn=30.819956,56.337891&ie=UTF8&t=h&z=16](http://maps.google.com/maps?f=q&source=s_q&hl=en&geocode=&q=18.462660+-66.094082&sll=37.0625,-95.677068&sspn=30.819956,56.337891&ie=UTF8&t=h&z=16)

Edgar W. García  
Project Manager  
Antilles Regulatory Section

-----Original Message-----

From: Garcia, Edgar W SAJ

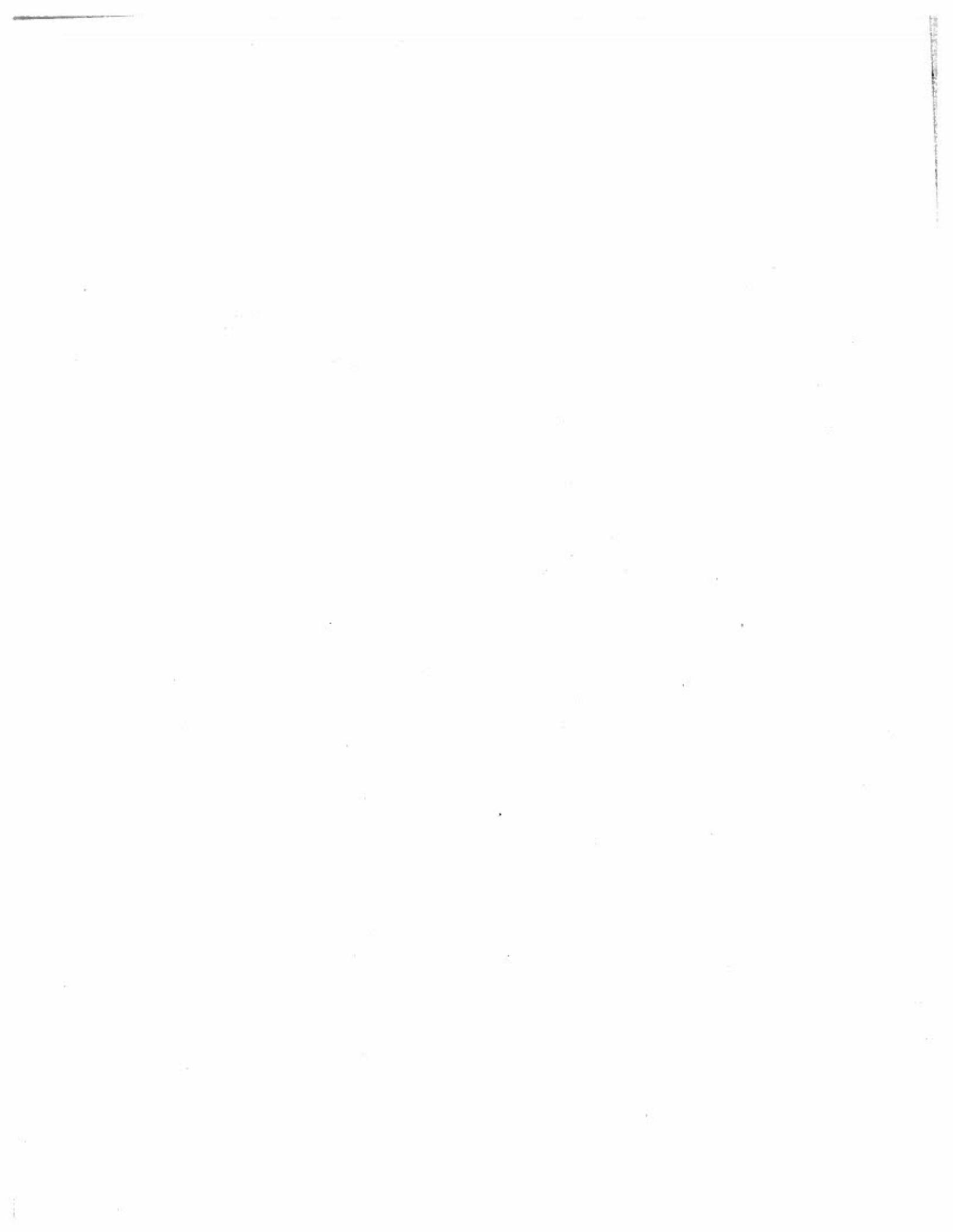
Sent: Tuesday, January 18, 2011 10:33 AM

To: 'lisamarie carrubba'; 'Carl Soderberg'; 'Carlos A. Rubio'; 'Miguel Bonini'; 'Felix\_Lopez@fws.gov'; 'jaime.torres@dot.gov'; 'iyutka53@aol.com'; 'carlos.machado@dot.gov'; 'Marelisa\_Rivera@fws.gov'; 'rafael\_gonzalez@fws.gov'; 'daniel\_paganrosa@yahoo.com'; 'Carlos Monroig'; 'Edwin\_Muniz@fws.gov'; 'Soto.Jose@epamail.epa.gov'; 'larryevans@bcpeabody.com'; 'flopez1075@prepa.com'; 'MADELINE RAMOS CARO'

Cc: Castillo, Sindulfo SAJ; Collazo, Osvaldo SAJ; Garcia, Edgar W SAJ

Subject: SAJ-2010-02881 Via Verde Meeting (UNCLASSIFIED)

Classification: UNCLASSIFIED



Caveats: NONE

Ladies and Gentlemen:

Your agency is cordially invited to our Interagency Meeting on the Via Verde Natural Gas Pipe Line project.

As previously agreed at the end of October 2010 with each agency, the meeting is necessary to discuss the technical status of the project in relation to each agency area of jurisdiction. It is urged that only personnel and or supervisors directly related to the project be present for this meeting as space would be limited.

We are scheduling subject meeting at the US Army Corps of Engineers (USACOE) Patio Conference Room on Tuesday February 1, 2011 at 9:30AM.

The USACOE is located at the following address:

Stop 7½

400 Ave Fernández Juncos, San Juan, PR 00901-3223

For a Map use the following link:

[http://maps.google.com/maps?f=q&source=s\\_q&hl=en&geocode=&q=18.462660+-66.094082&sll=37.0625,-95.677068&sspn=30.819956,56.337891&ie=UTF8&t=h&z=16](http://maps.google.com/maps?f=q&source=s_q&hl=en&geocode=&q=18.462660+-66.094082&sll=37.0625,-95.677068&sspn=30.819956,56.337891&ie=UTF8&t=h&z=16)

Please confirm who will be attending from your agency by email at your earliest convenience.

Respectfully,

Edgar W. García

Project Manager



Army Corps of Engineers

Jacksonville District

Antilles Regulatory Section

Tel: (787) 729-6905 Ext. 3059

Fax: (787) 729-6906

Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE





FW: SAJ-2010-02881 (IP-EWG) Responses to Corps' Dec 22 "issues" letter  
(UNCLASSIFIED)

Garcia, Edgar W SAJ to: lisamarie carrubba, Carl Soderberg,  
Carlos A. Rubio, Miguel Bonini,

01/31/2011 11:42 AM

Cc: "Castillo, Sindulfo SAJ", "Garcia, Edgar W SAJ",  
jaime.torres, carlos.machado,

2 attachments



Via Verde Response Letter Jan 29 2011.pdf Via Verde Appendix A final for response letter Jan 29 2011.doc

Classification: UNCLASSIFIED  
Caveats: NONE

Ladies and Gentlemen,

The Corps received today the enclosed advanced copy of the PREPA response letter to the Corps Dec 22, 2010 letter.

The Corps is forwarding a copy of subject letter in an effort to clarify certain aspect of the letter during our meeting tomorrow. Also, the proponent suggested that the Federal Agencies involved with this project have a copy of the letter before the meeting.

At this moment we have not received the original letter in our office, nor have we evaluated the supplied information.

Respectfully,

Edgar W. García  
Project Manager  
Antilles Regulatory Section

-----Original Message-----

From: LarryEvans@bcpeabody.com [mailto:LarryEvans@bcpeabody.com]  
Sent: Saturday, January 29, 2011 8:22 PM  
To: Collazo, Osvaldo SAJ; Garcia, Edgar W SAJ  
Cc: andrewgoetz@bcpeabody.com; daniel\_paganrosa@yahoo.com; E-BAEZ@PREPA.COM;  
I-SANCHEZ@PREPA.COM; johannawilllis@bcpeabody.com; johnhall@bcpeabody.com;  
KenCaraccia@bcpeabody.com  
Subject: Responses to Corps' Dec 22 "issues" letter for SAJ-2010-02881  
(IP-EWG)  
Importance: High

Gentlemen -

Attached are three files that comprise a response to the letter the Corps sent on Dec 22, 2011 re: PREPA's Via Verde Project. The .pdf file is a letter signed by Mr. Francisco E. Lopes Garcia, the .doc file is an Attachment to the letter with additional information and the .xls file is a spreadsheet with information on delivery of the PN to those individuals whose address was originally undeliverable.

The original documents will be provided to you in hard copy the first part of next week (Feb 1). We are sending this email, with the attached files, to



you now so you have this information prior to next Tuesday's meeting. If you wish to distribute the documents email to the Federal Resource agencies, or other participating agencies prior to the meeting, please feel free to do so.

If you have any questions about any of the documents, please do not hesitate to contact us by phone or email. We look forward to meeting with you next Tuesday and appreciate the opportunity it will present to further address any questions you may have.

Best regards.

Lawrence C. Evans  
503.781.7930 (cell)  
larryevans@bcpeabody.com  
iyutka53@aol.com

Classification: UNCLASSIFIED  
Caveats: NONE



GOVERNMENT OF PUERTO RICO  
*Puerto Rico Electric Power Authority*

SAN JUAN, PUERTO RICO



www.aeepr.com

PO BOX 364267  
SAN JUAN, PUERTO RICO 00936-4267

January 28, 2011

Mr. Edgar W. García  
Regulatory Project Manager  
Antilles Regulatory Section  
Jacksonville District Corps of Engineers  
400 Fernández Juncos Avenue  
San Juan, Puerto Rico 00901-3299

Dear Mr. García:

RE: SAJ 2010-02881 IP-EWG, Vía Verde Gas Pipeline

This correspondence responds to the letter you sent on December 22, 2010 with regard to Department of the Army permit application SAJ-2010-02881 (IP-EWG). The letter requested a comprehensive and detailed written response to issues of concern the U.S. Army Corps of Engineers (Corps) has and issues raised in letters and documents received during the public notice (PN) comment period. These comment letters and emails were included on a CD sent with your letter. This response consists of two documents. The first is a point by point response to the issues in your letter. The second is an attachment with additional information in response to the issues raised in some of the comment letters to the Corps PN.

The Puerto Rico Electric Power Authority (PREPA), the applicant, will continue to work closely with the Corps and all regulatory agencies, both federal and local. In this letter we will address the issues you raised and provide information in response to those issues. However, we must point out that it is difficult, if not impossible, to properly address issues of concern if the Corps does not clearly and specifically identify those substantive issues pertinent to its review responsibility. Advising PREPA the information previously provided does not "... fully address the public interest factors ..." and "... is largely deficient ..." does not help us provide the specific detailed response you may need on a particular issue.

You express a concern that project impacts have not been adequately quantified. We must profess some confusion on this point since Chapter VI in the Final Environmental Impact Statement (FEIS) approved on November 30, 2010 by the

"We are an equal opportunity employer and do not discriminate on the basis of race, color, gender, age, national or social origin, social status, political ideas or affiliation, religion; for being or perceived to be a victim of domestic violence, sexual aggression or harassment; for physical or mental disability or veteran status or genetic information."

