

Re: PREPA Via Verde Letters

Jose Soto

to:

John Filippelli

02/16/2011 08:00 AM

Show Details

John,

Thursday would be OK for me. There is actually in NY this week, so you may be able to see her there. Have you heard anything new on Martin Peña?

Jose

-----John Filippelli/R2/USEPA/US wrote: -----

To: Jose Soto/R2/USEPA/US@EPA
From: John Filippelli/R2/USEPA/US
Date: 02/15/2011 06:51PM
Subject: Re: PREPA Via Verde Letters

Jose,

Thank you. I had a lot of other information for the meeting so it wasn't a problem. I would like to tell you and Teresita about what was discussed at the meeting with PREPA. Tomorrow and Friday I'll be on travel. I'll ask Traci to set up a call half-hour call for Thursday or early next week.

John

-----Jose Soto/R2/USEPA/US wrote: -----

To: John Filippelli/R2/USEPA/US@EPA
From: Jose Soto/R2/USEPA/US
Date: 02/15/2011 09:14AM
Cc: "Lingard Knutson" <Knutson.Lingard@epamail.epa.gov>, "Grace Musumeci" <Musumeci.Grace@epamail.epa.gov>, Daniel Montella/R2/USEPA/US@EPA
Subject: Re: PREPA Via Verde Letters

John,

Sorry for the delay. I was out of the office and did not have the file with me at the time of the request. The letters are attached.

Jose Soto
Multimedia Permits and Compliance Branch
Phone: (787) 977-5829

(See attached file: Via Verde January 27, 2011 letter.pdf) (See attached file: Via Verde Jan 28, 2011 letter.pdf)

John Filippelli---02/11/2011 11:30:03 AM---Grace, Jose, I'm on my way to Washington, DC for the PREPA Via Verde meeting. In CEPD's fact sheet 2

From: John Filippelli/R2/USEPA/US
To: "Grace Musumeci" <Musumeci.Grace@epamail.epa.gov>, "Jose Soto" <Soto.Jose@epamail.epa.gov>
Cc: "Lingard Knutson" <Knutson.Lingard@epamail.epa.gov>
Date: 02/11/2011 11:30 AM
Subject: PREPA Via Verde Letters

Grace, Jose,

I'm on my way to Washington, DC for the PREPA Via Verde meeting. In CEPD's fact sheet 2 letter are mentioned:

- January 27, 2011 PREPA's Executive Director forwarded a letter to R2 RA
- January 28, 2011 PREPA letter and attachment to USACE project manager.

Could you please e-mail me copies of these this morning?

Thank you very much.

John

Sent from my BlackBerry Wireless Device

[attachment "Via Verde January 27" removed by John Filippelli/R2/USEPA/US]
[attachment " 2011 letter.pdf" removed by John Filippelli/R2/USEPA/US]
[attachment "Via Verde Jan 28" removed by John Filippelli/R2/USEPA/US]
[attachment " 2011 letter.pdf" removed by John Filippelli/R2/USEPA/US]



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

Carl Soderberg to: Teresita Rodriguez, Jose Soto

03/01/2011 09:03 AM

please coordinate response with DEPP

----- Forwarded by Carl Soderberg/R2/USEPA/US on 03/01/2011 09:08 AM -----

From: "Garcia, Edgar W SAJ" <Edgar.W.Garcia@usace.army.mil>
To: "Garcia, Edgar W SAJ" <Edgar.W.Garcia@usace.army.mil>, "lisamarie carrubba" <Lisamarie.Carrubba@noaa.gov>, Carl Soderberg/R2/USEPA/US@EPA, "Carlos A. Rubio" <carubio@prshpo.gobierno.pr>, "Miguel Bonini" <mbonini@prshpo.gobierno.pr>, <jaime.torres@dot.gov>, <carlos.machado@dot.gov>, <Marelisa_Rivera@fws.gov>, <rafael_gonzalez@fws.gov>, <Edwin_Muniz@fws.gov>, Jose Soto/R2/USEPA/US@EPA
Cc: "Castillo, Sindulfo SAJ" <Sindulfo.Castillo@usace.army.mil>
Date: 03/01/2011 08:33 AM
Subject: RE: SAJ-2010-02881 (IP-EWG) Response to Corps' Dec 22 "issues" letter (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Ladies and Gentlemen,

The Corps received at our office the enclosed copy of BCPeabody (BCP) follow-up response letter to the Corps Dec 22, 2010 letter.

The letter is not a complete response, and the references are not well identified. Upon calling the BCP, they will be sending corrections.

Respectfully,

Edgar W. Garcia
Project Manager
Antilles Regulatory Section

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

From: Garcia, Edgar W SAJ
Sent: Monday, January 31, 2011 11:42 AM
To: 'lisamarie carrubba'; 'Carl Soderberg'; 'Carlos A. Rubio'; 'Miguel Bonini'; 'jaime.torres@dot.gov'; 'carlos.machado@dot.gov'; 'Marelisa_Rivera@fws.gov'; 'rafael_gonzalez@fws.gov'; 'Edwin_Muniz@fws.gov'; 'Soto.Jose@epamail.epa.gov'
Cc: Castillo, Sindulfo SAJ; Garcia, Edgar W SAJ
Subject: FW: SAJ-2010-02881 (IP-EWG) Response to Corps' Dec 22 "issues" letter (UNCLASSIFIED)
Importance: High

Classification: UNCLASSIFIED
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Ladies and Gentlemen,

The Corps received 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. Garcia
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; johannawillis@bcpeabody.com; johnhall@bcpeabody.com; KenCaraccia@bcpeabody.com
Subject: Response 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

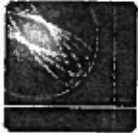
Classification: UNCLASSIFIED
Caveats: NONE

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Caveats: NONE



Via Verde Response to COE Dec2010 Ltr 02282011b.pdf



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

Jose Soto to: Daniel Montella, Grace Musumeci, Mario DelVicario, Stephanie Lamster, John Filippelli

03/01/2011 05:18 PM

Cc: Teresita Rodriguez, Carl Soderberg, Jose Font

I just received this document through the Corps. It contains a lot of information in response to agency objections to the Via Verde Project. It is quite extensive and I have not had the chance to review it, but I plan to look at it tonight.

Tomorrow is the second Corps of Engineers Interagency Meeting regarding Via Verde. I believe that PREPA's consultants will come in to say they have provided all requested information, and agency representatives will request time to review it. We need to prepare a response to the Corps.

I will keep you informed of what happens at tomorrow's meeting.

Jose Soto
Multimedia Permits and Compliance Branch
Phone: (787) 977-5829

----- Forwarded by Jose Soto/R2/USEPA/US on 03/01/2011 05:09 PM -----

From: "Garcia, Edgar W SAJ" <Edgar.W.Garcia@usace.army.mil>
To: "Garcia, Edgar W SAJ" <Edgar.W.Garcia@usace.army.mil>, "Lisamarie carrubba" <Lisamarie.Carrubba@noaa.gov>, Carl Soderberg/R2/USEPA/US@EPA, "Carlos A. Rubio" <carubio@prshpo.gobierno.pr>, "Miguel Bonini" <mbonini@prshpo.gobierno.pr>, <jaime.torres@dot.gov>, <carlos.machado@dot.gov>, <Marelisa_Rivera@fws.gov>, <rafael_gonzalez@fws.gov>, <Edwin_Muniz@fws.gov>, Jose Soto/R2/USEPA/US@EPA
Cc: "Castillo, Sindulfo SAJ" <Sindulfo.Castillo@usace.army.mil>
Date: 03/01/2011 08:37 AM
Subject: RE: SAJ-2010-02881 (IP-EWG) Response to Corps' Dec 22 "issues" letter (UNCLASSIFIED)

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Caveats: NONE

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Cc: Castillo, Sindulfo SAJ; Garcia, Edgar W SAJ
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Cc: andrewgoetz@bcpeabody.com; daniel_paganrosa@yahoo.com; E-BAEZ@PREPA.COM; I-SANCHEZ@PREPA.COM; johannawillis@bcpeabody.com; johnhall@bcpeabody.com; KenCaraccia@bcpeabody.com
Subject: Response to Corps' Dec 22 "issues" letter for SAJ-2010-02881 (IP-EWG)
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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

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Best regards.

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

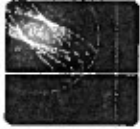
Classification: UNCLASSIFIED
Caveats: NONE

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Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE



Via Verde Response to COE Dec2010 Ltr 02282011b.pdf



Requested Via Verde document
Jose Soto to: coralodiot
Bcc: Jose Font

03/03/2011 03:18 PM

As requested, attached please find the subject document. If you need any additional information, so not hesitate to contact me.

Jose Soto
Multimedia Permits and Compliance Branch
Phone: (787) 977-5829



Public Notice Number SAJ-2010-02881 IP-EWG.PDF



**SAJ-2010-02881 Via Verde Meeting with US Department of Transportation
Pipeline and Hazardous Materials Safety Administration (PHMSA)
(UNCLASSIFIED)**

Garcia, Edgar W SAJ to: Garcia, Edgar W SAJ, lisamarie
carrubba, Carl Soderberg, Carlos A.
Rubio, Miguel Bonini, jaime.torres,
Cc: "Castillo, Sindulfo SAJ"

03/17/2011 04:57 PM

Classification: UNCLASSIFIED
Caveats: NONE

Ladies and Gentlemen:

As discussed is our meeting of March 2, 2011, subject meeting has been arranged for March 31, 2011 at 1:00PM to coordinate efforts in the federal review process, and clarify the roles and functions of the PHMSA in the Via Verde project.

Background information on PHMSA

As one of ten agencies within the U.S. Department of Transportation (DOT), PHMSA works to protect the American public and the environment by ensuring the safe and secure movement of hazardous materials to industry and consumers by all transportation modes, including the nation's pipelines. PHMSA was created under the Norman Y. Mineta Research and Special Programs Improvement Act (P.L. 108-426) of 2004. which was signed into law by President Bush on November 20, 2004. The creation of PHMSA provides the Department a modal administration focused solely on its pipeline and hazardous materials transportation programs. Through PHMSA, the Department develops and enforces regulations for the safe, reliable, and environmentally sound operation of the nation's 2.3 million mile pipeline transportation system and the nearly 1 million daily shipments of hazardous materials by land, sea, and air.

PHMSA's Administrator is appointed by the President and confirmed by the United States Senate. As the Agency's chief executive, the PHMSA Administrator provides direction to nearly 400 employees within the agency's Washington, DC Headquarters and Regions.

Please contact me should you have any questions.

Respectfully,

Edgar W. Garcia
Project Manager
Army Corps of Engineers
Jacksonville District
Antilles Regulatory Section
Tel: (787) 729-6905 Ext. 3059

Classification: UNCLASSIFIED
Caveats: NONE



Via Verde Comments

Stephanie Lamster to: Teresita Rodriguez, Jose Soto
Cc: Grace Musumeci, Carlos Ramos

03/21/2011 11:31 AM

Hello Teresita and Jose,

Attached are our comments regarding the translated sections of the state EIS for the Via Verde project. A hard copy has also been sent to you. Please let me know if you have any questions.

Thank you!
Stephanie



ViaVerdeMemoToCEPD.docx

Stephanie Lamster Brandt
Endangered Species Coordinator
U.S. Environmental Protection Agency
Region 2
(212) 637-3465

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

DATE: March 21, 2011

SUBJECT: Puerto Rico Electric Power Authority, Via Verde Natural Gas Project
Public Notice Number SAJ-2010—02881 (IP-EWG)

FROM: Carlos R. Ramos, Acting Chief
Strategic Planning and Multi-Media Programs Branch, DEPP

TO: Teresita Rodriguez, Chief
Multi-Media Permits & Compliance Branch, CEPD

The Environmental Review Section (ERS) has reviewed the translated chapters of the Commonwealth of Puerto Rico's Environmental Impact Statement (EIS) provided by the Electric Power Authority (AEE) for the Via Verde Natural Gas Project. We received Chapters 4 and 6, as well as a couple of summary sections. We recognize that our comments may be addressed in other portions of the EIS that we did not receive. Therefore, our review and comments are limited to the sections of the state EIS provided. Please feel free to convey the comments below in your communications with the Army Corps (Corps) of Engineers as you feel appropriate.

In a number of places throughout the EIS, such as page 16 of the summary chapter under "Pipeline right-of-way restoration," a 100-foot right-of-way is mentioned, however in other places in the document (such as page 31 of Chapter 6) and as stated in DEPP's February 28th meeting with EQB, it is listed as 150 feet. Does the size of the right-of-way vary throughout the project? If so, why? The difference is significant and the distance should be clarified.

On page 23 of the summary chapter, it is mentioned that a biologist will be available at all times during karst drilling to evaluate the area carefully. Though we see the value in having a biologist present, it would also be important to have a geologist with a karst background present who can evaluate the impacts of the drilling from a geological perspective.

Of the 33% of the alignment that will cross through wetlands (page 24 of the summary chapter), it is not clear whether the full 33% will be mitigated at a 3:1 ratio.

Page 29 of the summary chapter states that no cumulative impacts on mangroves and wetlands are expected. That is inconsistent with statements made in other sections of the EIS and should be clarified.

Page 4 of chapter 6 discusses the impacts of deforestation. It states, "It is estimated that 1,191.3 acres of land will be impacted, most of them (approximately 66%) temporarily." ERS is assuming that the 34% of permanently impacted acres are from the right-of-way. We disagree that the impacts of 66% of the deforestation are temporary since the permanent removal of trees will alter the habitat and thus impact areas of deforestation regardless of whether or not deep rooted trees and natural vegetation are permitted to regrow in those areas. Further, using the term "temporary impacts" might not be representative of the impacts, and should be explained in terms of months or years of recovery. A discussion of the age and species of the trees inhabiting the forest should be included to give a clearer picture of the recovery time of the area as well as a discussion of the ecosystem in general and the habitat provided by the trees and undergrowth in those areas. This information will all be helpful in determining how best to mitigate project impacts.

Pages 6-7 of Chapter 6 state, "Bosque Vega is the only forest that will receive a direct impact with this project. This reserve is fragmented in six portions. Via Verde will impact one of them. However, the impact will be minimal. The total area of this forest is 1.85 square miles. The portion that will be impacted is .46 square miles." The impacted area represents about 25% of this portion of the forest, which is not minimal. This section then goes on to say "of these, only .0086 square miles will be impacted." These sentences are inconsistent, but ERS interprets them to mean that .0086 square miles are being directly impacted by the project. We reiterate that the impacts of deforestation are not only limited to the trees that are cut down. The statement on page 7 that "...the total area to be impacted by the project is .0086 square miles, or 0.07%. This percentage is graphically imperceptible," might not be representative of the impact. AEE should be reminded that evaluation of direct impacts only, and not indirect impacts, does not paint a clear picture of environmental effects and that an imperceptible amount on a graph could be very significant from an ecosystem perspective. The effectiveness of the mitigation proposed by AEE through the acquisition of "land contiguous to some of the portions to connect two isolated portions" cannot be assessed without a map of the fragmented forest and proposed area of acquisition.

Page 59 of chapter 6 states that there will be no impact to most areas of the project during the operational phase. However, once the forested areas are deforested, the indirect impacts of the project will continue as long as a clearing is maintained. This section also states that the impacts from the clearance of existing vegetation in the forest mostly affect the ecosystem by allowing exotic species to invade. However, there are also essential natural behaviors (mating, feeding, nesting, etc.) of species that can be impacted, especially for species that spend time in the canopy or underbrush which will be permanently eliminated in the 50-foot right-of-way. Page 61 states that there "could be indirect impacts on biodiversity by the secondary effects of fragmentation in the short and middle terms." ERS believes these impacts will be felt in the *long* term as well, as the impacts of deforestation and fragmentation are likely to exist well beyond the life of the pipeline.

Lastly, we wanted to point out that on January 14, 2011 the Council on Environmental Quality (CEQ) provided guidance for departments and agencies of the Federal government on mitigation and monitoring of activities. As highlighted in this guidance, "Mitigation measures included in the project design are integral components of the proposed action, are implemented with the proposed action, and therefore should be clearly described as part of the proposed action." ERS feels that a more robust description of the mitigation and monitoring plans needs to be developed to ensure that this federal objective is fulfilled. The guidance further states, "Mitigation commitments needed to lower the level of impacts so that they are not significant should be clearly described in the mitigated FONSI [finding of no significant impact] document and in any other relevant decision documents related to the proposed action." Therefore, any Corps-issued Environmental Assessment coupled with a FONSI for this project should include that information.

In a related matter, pursuant to a March 16, 2011 memorandum from Office of Water Acting Assistant Administrator Nancy K. Stoner to Regional Administrators, the Regions are being asked to work in partnership with their States to limit phosphorous and nitrogen pollution to our waters to the extent possible regardless of whether or not numeric nutrient criteria exist for a particular water body. It would be environmentally beneficial if these principles could be incorporated into the permitting and stormwater management processes.

Should you have any questions regarding these comments, or the NEPA process in general, please feel free to call Stephanie Lamster at (212) 637-3465.

cc: J. Filippelli, DEPP
J. Brennan-McKee, DEPP

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