



DEPARTMENT OF DEFENSE
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
ATILLES OFFICE
400 FERNANDEZ JUNCOS AVENUE
SAN JUAN, PUERTO RICO 00901-3299

Antilles Regulatory Section

November 19, 2010

PUBLIC NOTICE

Permit Application No. SAJ- 2010-02881 (IP-EWG)

TO WHOM IT MAY CONCERN: This district has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403) as described below:

APPLICANT: Eng. Francisco E. Lopez
Autoridad de Energía Eléctrica
P.O. Box 364267
San Juan 00936-4267

WATERWAY & LOCATION: The Vía Verde natural gas pipe line project 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.

LATITUDE & LONGITUDE: Latitude 18°27'24.17" North, Longitude 66°40'15.93" West

PROJECT PURPOSE:

Basic: Natural gas utility line

Overall: Deliver an alternate fuel source to three existing electric power generating facilities located in Peñuelas, Arecibo, and Toa Baja operated by the Puerto Rico Energy and Power Authority (PREPA).

PROPOSED WORK: The applicant proposes to construct and install a 24-inch diameter steel natural gas (NG) pipeline approximately 92 miles long with a construction right-of-way (ROW) of 150 feet wide, that traverses the island of Puerto Rico from the EcoEléctrica Liquid Natural Gas Terminal in the municipality of Peñuelas, to the Cambalache Thermolectric Power Plant in the municipality of Arecibo, then east to the Palo Seco power plant facility in the municipalities of Toa Baja and San Juan. The total project area is about 1,672 acres and the pipeline will traverse 235 rivers and wetlands, covering 369 acres of jurisdictional Waters of the United States.

Avoidance and Minimization Information: The applicant has provided the following statement:

The applicant evaluated alternative methods to provide natural gas to the power stations. These options included building a terminal to receive liquid natural gas directly from tanker ships at, or near, the power plants; building storage and re-gasification facilities on the north coast with pipelines to the power plants; and evaluating several different overland routes for a pipeline to deliver natural gas from the existing facility near Peñuelas to the power plants. Public interest and environmental factors were used to identify positive and negative actions with all of these alternatives. The applicant submits the proposed pipeline and the proposed route appear to be the most practical alternative with the least adverse impact to the environment and public safety/interest when considering all factors.

Compensatory Mitigation: The applicant has provided the following statement:

The applicant will incur the costs of horizontal directional drilling (HDD) under all medium to large water bodies, i.e. any rivers and embayments, to avoid a discharge of dredged or fill material into waters of the U.S. Furthermore, the applicant has designed the construction of the pipeline to incorporate the use of vertical wall trenching whenever possible during placement of the pipe, to minimize the width of excavation and impacts in wetlands. If vertical trenching construction method is not practicable, standard ditch excavation with sloped walls will be utilized. Regardless of the method used, the project has been designed to avoid permanent impact and all wetland impacts will be temporary in nature. All excess fill or dredged material will be removed and preconstruction wetland elevations will be reestablished. Wetland organic topsoil will be separated during trench excavation and stockpiled in a separate area. This material will be re-used so that the top 6- inches of wetlands restored after the pipe is placed will be 100% organic material. All stream embankments where trenching occurs will be restored and covered with matting to prevent erosion until local wetland plant communities are reestablished. Clearing activities in waters of the U.S. will not incorporate mechanized equipment and mats will be used wherever possible to avoid the need for temporary fill. In situations where temporary roads are needed to construct HDD work pads in wetland areas, these roads and the work pads will be immediately removed after the HDD operation is completed at each crossing. Wetland conditions will be immediately reestablished at each crossing as the project moves forward. If it is determined that some type of additional compensatory mitigation is required to offset the minimal temporal impacts that will occur as the pipeline is constructed, the applicant is prepared to identify upland areas along the edges of existing wetland sites that will be crossed where the uplands can be lowered in elevation (scraped down) and additional herbaceous wetland habitat can be established on an agreed upon acreage ratio. Given the temporary nature of impacts expected to occur from construction, the applicant expects any such mitigation required by the U.S. Army Corps of Engineers

(Corps) to be at or below 0.01 acres of compensatory mitigation per 1 acre of temporary wetland impacts.

EXISTING CONDITIONS: The pipeline route will encompass both private and public lands which include commercial, industrial, and agricultural land. In its route, the pipeline will pass along populated urban areas, roads, and highways. Within the north (San Juan to Arecibo) segment of the Project route, the majority of the areas are herbaceous wetlands, rivers, creeks and channel crossings. North to south segment of the project (Arecibo to Peñuelas) includes mostly rivers, creeks and channel crossings. The wetland systems consist of Palustrine Herbaceous Wetlands dominated by herbaceous species, Estuarine Forested Wetland mainly dominated by mangrove trees, Estuarine Forested Canal mostly black mangroves (*Avicennia germinans*), and Estuarine Salt Flat dominated by dwarf black mangrove trees.

ENDANGERED SPECIES: The Corps has determined the proposal may affect 32 listed species, including the endangered Puerto Rican *Nightjar* (*Caprimulgus noctitherus*); the endangered Puerto Rican parrot (*Amazona vittata*), the threatened Puerto Rican crested toad (*Peltophryne lemur*), Puerto Rican boa (*Epicrates inornatus*), Puerto Rican sharp-shinned hawk (*Accipiter striatus venator*), Puerto Rican broad-winged hawk (*Buteo platypterus brunnescens*), and Puerto Rican plain pigeon (*Patagioenas inornata wetmorei*); and the listed plant species *Auerodendron pauciflorum*, palo de Ramon (*Banara vanderbiltii*), diablito de tres cuernos (*Buxus vahl*), *Cordia bellonis*, *Daphnopsis helleriana*, palo de rosa (*Ottoschulzia rhodoxylon*), *Myrcia pagani*, chupacallos (*Pleodendron macranthum*), *Schoepfia arenaria*, erubia (*Solanum drymophilum*), *Tectaria estremerana*, *Thelypteris verecunda*, *Thelypteris yaucoensis*, *Thelypteris inabonensis*, *Chamaecrista glandulosa*, Cobana negra (*Stahlia monosperma*), *Polystichum calderoense*, nogal (*Juglans jamaicensis*), *mitracarpus polycladus*, *mitracarpus maxwelliae*, *Cordia rupicola*, *Catesbaea melanocarpa*, *Eugenia woodburyana*, Bariaco (*Trichilia triacantha*), and St. Thomas prickly ash (*Zanthoxylum thomasianum*) or its designated critical habitat. The Corps will request initiation of formal consultation with the Fish and Wildlife Service/National Marine Fisheries Service pursuant to Section 7 of the Endangered Species Act.

ESSENTIAL FISH HABITAT (EFH): This notice initiates consultation with the National Marine Fisheries Service on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act of 1996. The proposal would impact approximately 28.5 acres of Estuarine Forested Wetland and Canals utilized by various life stages of Jewfish (*Epinephelus itajara*), Nassau Grouper (*E. striatus*), Red Hind (*E. guttatus*), Yellowtail Snapper (*Ocyurus chrysurus*), Mutton Snapper (*Lutjanus analis*), *Chaetodon striatus*, *C. capistratus*, *C. ocellatus*, *C. aculeatus*, Spiny Lobster, Queen Conch, and Corals. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries in the Tallaboa Bay, Arecibo Bay, and Ensenada de Boca Vieja Bay. Our final determination relative to project impacts and

the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

CULTURAL RESOURCES: Information provided by the proponent shows cultural or historic resources along the proposed construction right of way of the project. Pursuant to 33 CFR 325, Appendix C, 3.a and 7.b and in accordance with 36 CFR 800.4(a), the Corps hereby requests information to determine potential effects.

NOTE:

- (1) This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulations governing the regulatory program.
- (2) The jurisdictional line has not been verified by Corps personnel.
- (3) The proponent submitted the permit application for approval under the Nationwide Permit Program. However the Corps exerted discretionary authority to allow review as a standard permit and solicit public input.
- (4) More detail plans and drawings are available for viewing at the following web site:

<http://www.saj.usace.army.mil/Divisions/Regulatory/interest.htm>

In addition this same information is available for viewing at our office located at the address on this letterhead.

AUTHORIZATION FROM OTHER AGENCIES: Water Quality Certification will be required from the Puerto Rico Environmental Quality Board and a Certificate of Consistency with the Puerto Rico Coastal Zone Management from the Puerto Rico Planning Board will be required.

Comments regarding the application should be submitted in writing to the District Engineer at the above address within 30 days from the date of this notice.

If you have any questions concerning this application, you may contact Edgar W. Garcia at the letterhead address, by electronic mail at edgar.w.garcia@usace.army.mil, by fax at 787-729-6905, or by telephone at 787-729-6905.

The decision whether to issue or deny this permit application will be based on the information received from this public notice and the evaluation of the probable impact to the associated wetlands. This is based on an analysis of the applicant's avoidance and minimization efforts for the project, as well as the compensatory mitigation proposed.

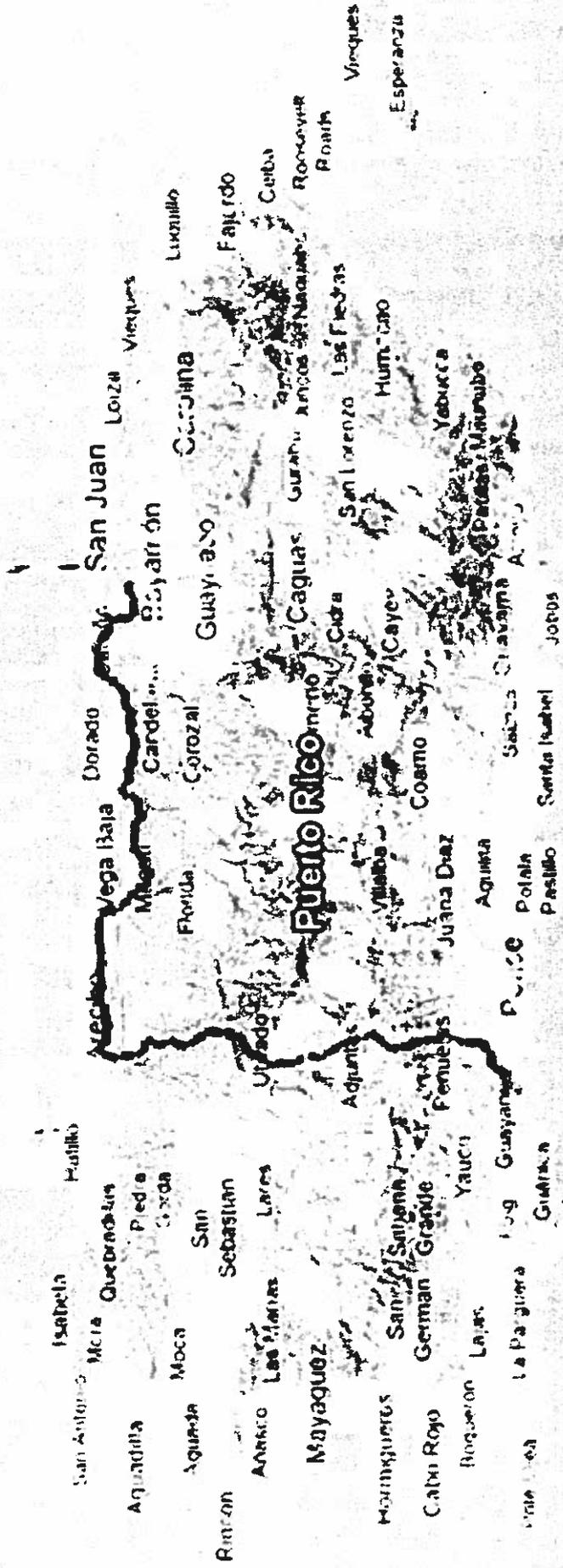
IMPACT ON NATURAL RESOURCES: Preliminary review of this application indicates that an Environmental Impact Statement will not be required. Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information that is instrumental in determining the impact the proposed action will have on the natural resources of the area. By means of this notice, we are soliciting comments on the potential effects of the project on threatened or endangered species or their habitat

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food, and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act of the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest. The US Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

COASTAL ZONE MANAGEMENT CONSISTENCY: In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board, In the Virgin Islands, the Department of Planning and Natural Resources permit constitutes compliance with the Coastal Zone Management Plan.

REQUEST FOR PUBLIC HEARING: Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.

D. W. Kinnard



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 PERMIT APPLICATION SAJ-2010-02881
 DRAWINGS NOV 2010, PAGE 1 OF 16

