

: Re: Via Verde Comments
Stephanie Lamster

Grace Musumeci
4/28/2011 02:31 PM
View Details

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

--Forwarded by Stephanie Lamster/R2/USEPA/US on 04/28/2011 02:31PM -----

To: Stephanie Lamster/R2/USEPA/US@EPA
From: Carlos Ramos/R2/USEPA/US
Date: 03/21/2011 11:46AM
Subject: Re: Via Verde Comments

Thanks!

[Stephanie Lamster---03/21/2011 11:31:11 AM---Hello Teresita and Jose, Attached are our comments regarding the translated sections of the state EIS

From: Stephanie Lamster/R2/USEPA/US
To: Teresita Rodriguez/R2/USEPA/US@EPA, Jose Soto/R2/USEPA/US@EPA
Cc: Grace Musumeci/R2/USEPA/US@EPA, Carlos Ramos/R2/USEPA/US@EPA
Date: 03/21/2011 11:31 AM
Subject: Via Verde Comments

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

[attachment "ViaVerdeMemoToCEPD.docx" deleted by Carlos Ramos/R2/USEPA/US]

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

Re: Via Verde & Pedro Nieves - DC meeting request.
Stephanie Lamster

Grace Musumeci
04/28/2011 02:33 PM
View Details

Stephanie Lamster Brandt
Endangered Species Coordinator
U.S. Environmental Protection Agency
Region 2
Phone: (202) 637-3465

-Forwarded by Stephanie Lamster/R2/USEPA/US on 04/28/2011 02:33PM -----

From: Barbara Finazzo/R2/USEPA/US@EPA, Bonnie Bellow/R2/USEPA/US@EPA, Kevin Bricke/R2/USEPA/US@EPA, Peter Brandt/R2/USEPA/US@EPA, "shore berry" <shore.berry@epa.gov>, Teresita Rodriguez/R2/USEPA/US@EPA, Stephanie.Lamster@epa.gov, John Filippelli/R2/USEPA/US@EPA
Sent: 02/02/2011 08:23AM
Subject: Re: Via Verde & Pedro Nieves - DC meeting request.

Hi Teresita.

Imagine you may have the lead on this. If you need anything re NEPA, please contact Stephanie Lamster as I will be on travel the remainder of this week.

Thanks,
Grace

From: Judith Enck/R2/USEPA/US
To: Peter Brandt/R2/USEPA/US@EPA, George Pavlou/R2/USEPA/US@EPA, Barbara Finazzo/R2/USEPA/US@EPA, Carl Soderberg/R2/USEPA/US@EPA, Jose S. Serrano/R2/USEPA/US@EPA, Teresita Rodriguez/R2/USEPA/US@EPA, Kevin Bricke/R2/USEPA/US@EPA, Grace Musumeci/R2/USEPA/US@EPA, Bonnie Bellow/R2/USEPA/US@EPA, "shore berry" <shore.berry@epa.gov>
Sent: 02/01/2011 08:23 PM
Subject: Re: Via Verde & Pedro Nieves - DC meeting request.

Please work on a background memo for Nancy or Scott or whomever agrees to take the meeting. I would like to review it first.
Thanks
Sent by EPA Wireless E-Mail Services

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

From: Peter Brandt
Sent: 02/01/2011 05:02 PM EST

To: Judith Enck; George Pavlou; Barbara Finazzo; Carl Soderberg; Jose Font; Mercedesita Rodriguez; Kevin Bricke; Grace Musumeci; Bonnie Bellow; thore.berry@epa.gov

Subject: Via Verde & Pedro Nieves - DC meeting request.

Pedro Nieves and Daniel Galan of DPNR, through Governor Fortuño's DC office, has requested a meeting with Acting Administrator for Water Agency Stoner and General Counsel Scott Fulton on Feb. 9. to discuss Puerto Rico's Via Verde project.

Although we all likely know, I've asked OCIR to re-engage the Governor's office on more specifics on what they would like to cover.

: Re: Via Verde & Pedro Nieves - DC meeting request.
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Environmental Protection Agency
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2) 637-3465

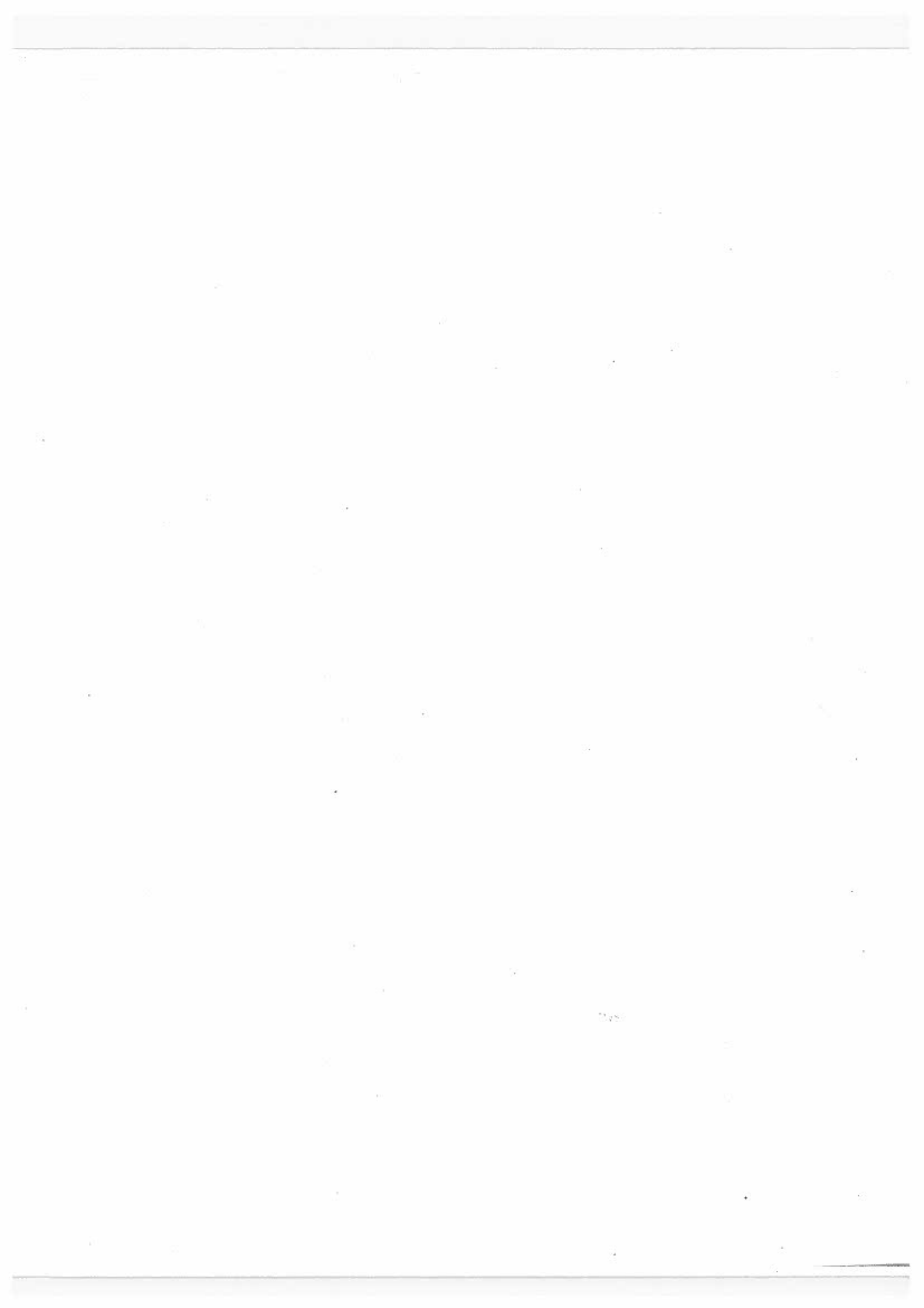
-Forwarded by Stephanie Lamster/R2/USEPA/US on 04/28/2011 02:33PM -----

o: lamster.stephanie@epa.gov
om: Grace Musumeci/R2/USEPA/US
ate: 02/04/2011 01:49PM
ubject: Fw: Re: Via Verde & Pedro Nieves - DC meeting request.
See attached file: Via Verde Breifing = February 3)
See attached file: 2011.doc)

-----Forwarded by Grace Musumeci/R2/USEPA/US on 02/04/2011 01:49PM -----

=====

To: Judith Enck/R2/USEPA/US@EPA
From: Teresita Rodriguez/R2/USEPA/US
Date: 02/03/2011 09:18AM
Cc: Peter Brandt/R2/USEPA/US@EPA, Barbara Finazzo/R2/USEPA/US@EPA, Bonnie
ellow/R2/USEPA/US@EPA, Carl Soderberg/R2/USEPA/US@EPA, George
avlou/R2/USEPA/US@EPA, Grace Musumeci/R2/USEPA/US@EPA, Jose
ont/R2/USEPA/US@EPA, Kevin Bricke/R2/USEPA/US@EPA, "shore berry"



: Re: Via Verde
phanie Lamster

Grace Musumeci
04/28/2011 02:34 PM
View Details

Stephanie Lamster Brandt
Endangered Species Coordinator
U.S. Environmental Protection Agency
Region 2
Tel: (202) 637-3465

--Forwarded by Stephanie Lamster/R2/USEPA/US on 04/28/2011 02:34PM -----

From: Lamster.Stephanie@epa.gov
To: Grace Musumeci/R2/USEPA/US
Date: 03/17/2011 04:06PM
Subject: Re: Via Verde

would like to leave it at the very end since it is a toss up and I don't think you or I would be able to answer any questions about that. We'll let Carlos decide when he reviews it. I don't think he has had a chance. If he doesn't get to it this evening, I'll give him a hard copy tomorrow.

From: Stephanie Lamster/R2/USEPA/US
To: Grace Musumeci/R2/USEPA/US@EPA
Date: 03/17/2011 04:03 PM
Subject: Re: Via Verde

Hi Grace,
Looks good. Do you think the last paragraph you added should go before the "if you have any questions" paragraph?
Thanks,
Steph

Stephanie Lamster Brandt
Endangered Species Coordinator
U.S. Environmental Protection Agency
Region 2
Tel: (202) 637-3465

--Grace Musumeci/R2/USEPA/US wrote: -----

From: Lamster.Stephanie@epa.gov
To: Grace Musumeci/R2/USEPA/US
Date: 03/17/2011 03:02PM
Subject: Via Verde

Please see my mark-up. I think the last sentence is something like what he's looking for.

Attachment "viaverdememoGMmarkup.docx" removed by Stephanie Lamster/R2/USEPA/US]

: Via Verde memo for final review
Stephanie Lamster

Grace Musumeci
04/28/2011 02:35 PM
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Stephanie Lamster Brandt
Endangered Species Coordinator
U.S. Environmental Protection Agency
Region 2
(2) 637-3465

--Forwarded by Stephanie Lamster/R2/USEPA/US on 04/28/2011 02:34PM -----

To: Carlos Ramos/R2/USEPA/US@EPA, John Filippelli/R2/USEPA/US@EPA, Joann Brennan-
McKee/R2/USEPA/US@EPA
From: Grace Musumeci/R2/USEPA/US
Date: 03/18/2011 01:21PM
Cc: Lamster.Stephanie@epa.gov
Subject: Via Verde memo for final review
See attached file: ViaVerdeMemoToCEPD.docx

Please see the attached version.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

DATE:

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% 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 by 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.

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 the 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.

On one final note, pursuant to a March 16, 2011 memorandum from Acting Assistant Administrator Nancy K. Stoner to Regional Administrators, the Regions are being asked to work in partnership with its 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.

Should 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
J. Brennan-McKee

Saved in: G:\deppdiv\SPM\ERS\Staff\LAMSTER\ViaVerdeMemoToCEPD.docx

Save to:

G:\deppdiv\SPM\ERS\ERSFINAL\309\PuertoRico\ViaVerdeMemoToCEPD.docx

Re: Via Verde & Pedro Nieves - DC meeting request.
Stephanie Lamster

Grace Musumeci
4/28/2011 02:36 PM
View Details

Stephanie Lamster Brandt
Endangered Species Coordinator
U.S. Environmental Protection Agency
Region 2
Tel: 637-3465

--Forwarded by Stephanie Lamster/R2/USEPA/US on 04/28/2011 02:36PM -----

To: Grace Musumeci/R2/USEPA/US@EPA
From: Teresita Rodriguez/R2/USEPA/US
Date: 02/02/2011 11:13AM
Cc: Barbara Finazzo/R2/USEPA/US@EPA, Bonnie Bellow/R2/USEPA/US@EPA, Kevin Bricke/R2/USEPA/US@EPA, Peter Brandt/R2/USEPA/US@EPA, "shore berry" <shore.berry@epa.gov>, Lamster.Stephanie@epa.gov, John Filippelli/R2/USEPA/US@EPA, Jose Soto/R2/USEPA/US@EPA
Subject: Re: Via Verde & Pedro Nieves - DC meeting request.

Hi Grace,
Jose Soto is preparing the background memo. I'm forwarding your message to him so he can contact Stephanie, if necessary.

Thanks,

Ter

From: Grace Musumeci/R2/USEPA/US
To: Barbara Finazzo/R2/USEPA/US@EPA, Bonnie Bellow/R2/USEPA/US@EPA, Kevin Bricke/R2/USEPA/US@EPA, Peter Brandt/R2/USEPA/US@EPA, "shore berry" <shore.berry@epa.gov>, Teresita Rodriguez/R2/USEPA/US@EPA, Lamster.Stephanie@epa.gov, John Filippelli/R2/USEPA/US@EPA
Date: 02/02/2011 09:19 AM
Subject: Re: Via Verde & Pedro Nieves - DC meeting request.

Hi Teresita.
Imagine you may have the lead on this. If you need anything re NEPA, please contact Stephanie Lamster as I will be on travel the remainder of this week.
Thanks,
Grace

From: Judith Enck/R2/USEPA/US
To: Peter Brandt/R2/USEPA/US@EPA, George Pavlou/R2/USEPA/US@EPA, Barbara Finazzo/R2/USEPA/US@EPA, Carl Soderberg/R2/USEPA/US@EPA, Jose Font/R2/USEPA/US@EPA, Teresita Rodriguez/R2/USEPA/US@EPA, Kevin Bricke/R2/USEPA/US@EPA, Grace Musumeci/R2/USEPA/US@EPA, Bonnie Bellow/R2/USEPA/US@EPA, "shore berry" <shore.berry@epa.gov>
Date: 02/01/2011 08:23 PM
Subject: Re: Via Verde & Pedro Nieves - DC meeting request.

Please work on a background memo for nancy or scott or whomever agrees to take the meeting. I would like to review it first.
Thanks
Sent by EPA Wireless E-Mail Services

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

From: Peter Brandt

Sent: 02/01/2011 05:02 PM EST

To: Judith Enck; George Pavlou; Barbara Finazzo; Carl Soderberg; Jose Font; Teresita Rodriguez; Kevin Bricke; Grace Musumeci; Bonnie Bellow; shore.berry@epa.gov

Subject: Via Verde & Pedro Nieves - DC meeting request.

Hi,

Pedro Nieves and Daniel Galan of DPNR, through Governor Fortuño's DC office, has requested a meeting with Acting Administrator for Water Nancy Stoner and General Counsel Scott Fulton on Feb. 9. to discuss Puerto Rico's Via Verde project.

Although we all likely know, I've asked OCIR to re-engage the Governor's office on more specifics on what they would like to cover.

: Via Verde - February 28, 2011 Meeting Participants
phanie Lamster

nce Musumeci
28/2011 02:38 PM
ow Details

Stephanie Lamster Brandt
Endangered Species Coordinator
U.S. Environmental Protection Agency
Region 2
Tel: 637-3465

--Forwarded by Stephanie Lamster/R2/USEPA/US on 04/28/2011 02:38PM -----

From: pedronieves@jca.gobierno.pr, Daniel.Paganrose@yahoo.com, Daniel.Paganrose@yahoo.com,
Carlos.Amos@epa.gov, Brennan-McKee.Joann@epa.gov, Lamster.Stephanie@epa.gov,
Mario.Alvarado@epa.gov, Feinmark.Phyllis@epa.gov, Mark.Kalpin@wilmerhale.com,
Aron.Clayton@wilmerhale.com, Montella.Daniel@epa.gov, Rodriguez.Teresita@epa.gov
To: John Filippelli/R2/USEPA/US
Date: 03/04/2011 09:44AM
Subject: Via Verde - February 28, 2011 Meeting Participants
See attached file: *via verde meeting 2-28-11.docx*

Hi,

Thank you for your participation in last Monday's meeting. I believe that the conversation was informative and productive. Attached is the attendance list.

Please let me know if you have any questions.

John Filippelli, Acting Deputy Director
Division of Environmental Planning & Protection
PA Region 2
637-3736

Via Verde Pipeline Meeting 2/28/11
New York, NY Attendance sheet

<u>NAME</u>	<u>ORGANIZATION</u>	<u>PHONE #</u>	<u>E-MAIL</u>
John Filippelli	EPA-R2- Water	212-637-3736	Filippelli.John@epa.gov
Carlos R. Ramos	EPA -R2- SPMMB	212-637-3755	Ramos.Carlos@epa.gov
Joann Brennan-Mckee	EPA-R2- DEPP	212-637-3803	Brennan-Mckee.Joann@epa.gov
Stphanie Lamster	EPA-R2-DEPP	2123-637-3465	Lamster.Stephanie@epa.gov
Mario DelVicario	EPA-R2-WMB	212-637-3779	Delvicario.Mario@epa.gov
Phyllis Feinmark	EPA-R2-ORC	212-637-3232	Feinmark.Phyllis@epa.gov
Pedro J. Nieves	EQB	787-767-8056	pedronieves@ica.gobierno.pr
Mark C. Kalpin	Wilmer Hale	617-526-6176	Mark.Kalpin@wilmerhale.com
Carol Clayton	Wilmer Hale	202-663-6650	Carol.Clayton@wilmerhale.com
Dan Montella	EPA-R2-WMB	212-637-3801	Montella.Daniel@epa.gov
Daniel Pagan	PREPA	787-382-7330	Daniel.Paganrose@yahoo.com
Teresita Rodriquez (via conference line)	EPA-R2 CEPD	787-977-5846	Rodriquez.Teresita@epa.gov

