

**From:** FOIA Exemption (b)(6) SAJ  
**To:** "[Johanna R Willis](#)"  
**Cc:** FOIA Exemption (b)(6) [@usace.army.mil](#); "[LarryEvans@bcpeabody.com](#)"; "[Larry Evans](#)"; "[Ken Caraccia](#)"; "[Daniel Pagan](#)"; "[Yousev Garcia](#)"  
**Subject:** RE: Via Verde Pipeline  
**Date:** Monday, July 19, 2010 9:29:00 AM

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Dear Mrs. Willis:

Thank you for providing the Google Earth file for the route of your project.

Concerning your question, In Puerto Rico and the U.S. Virgin Islands, NWP#12 is excluded from use in forested wetlands, submerged aquatic vegetation, tidal wetlands, and/or coral assemblages. Discharges not authorized in Designated Critical Resource Waters and/or their adjacent wetlands.

The applicability of NWP#12 is for Non-tidal, excluding ALL wetlands adjacent to tidal waters.

As soon as you provide complete information about your project I would be able to make an educated determination of what would apply or not.

Respectfully,

FOIA Exemption (b)(6)  
Project Manager  
Antilles Regulatory Section

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

From: Johanna R Willis [<mailto:johannawillis@bcpeabody.com>]  
Sent: Friday, July 16, 2010 2:35 PM  
To: FOIA Exemption (b)(6) SAJ  
Cc: FOIA Exemption (b)(6) SAJ; 'LarryEvans@bcpeabody.com'; 'Larry Evans'; 'Ken Caraccia'; 'Daniel Pagan'; 'Yousev Garcia'  
Subject: Via Verde Pipeline

Good afternoon FOIA Exemption (b)(6),

I wanted to inform you that there have been some minor changes to the proposed Via Verde pipeline route from the original we discussed in our meeting on June 28, 2010. I've attached a Google Earth file for you to view the most updated pipeline route. Please let me know if you have any questions.

Also, I wanted to verify a point that we discussed during our meeting. We discussed the interpretation of the conditions for Nationwide Permit #12. I understood that the regional conditions eliminated the use of this NWP in forested wetlands, tidal wetlands, and tidal waters. Additionally, the national conditions state that NWP can only be used in Non-tidal wetlands. I understand that to mean that NWP #12 cannot be used in any waters or wetlands below the Mean High Water Line (MHWL). Conversely, any non-tidal wetlands above the MHWL, adjacent or otherwise, are applicable for use of NWP #12. Is that correct?

Thank you very much for your assistance.

Best Regards,

Johanna Willis

Environmental Scientist

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