

From: FOIA Exemption (b)(6) SAJ
To: "LarryEvans@bcpeabody.com"
Cc: "Daniel Pagan"; FOIA Exemption (b)(6) SAJ
Subject: Via Verde: checklist from review of Biological Assessment (UNCLASSIFIED)
Date: Wednesday, June 15, 2011 3:39:00 PM

Classification: UNCLASSIFIED
Caveats: NONE

Larry, following is my "checklist" to be use when reviewing the revision/supplement of the draft Biological Assessment. Is derived from my interpretation of the several technical assistance letters from FWS and my meeting notes from meetings with same. As you know, my handwritten version was drafted last week and therefore does not reflect your submittal today of information.

1. Vegetation.

- a. Concern that transects performed yet species occurs patchy. Provide Survey GPS points in shapefile and shapefile of current ROW (right of way cleared for construction) for entire corridor. FWS will review adequacy of coverage in determining degree/extent of effect and nature of conservation recommendations.
- b. Penuelas new alignment. Provide Survey and ROW for newest hybrid alignment. Concern for indirect effects of opening alignment (FWS will assist in conservation recommendations).
- c. Adjuntas. Provide Survey GPS and ROW for alignment shift (alignment shift for stream).
- d. Bosque Rio Bajo / PR10. ROW changed to avoid base of mogotes. Mitigation plants not present but is issue for FHWA.
- e. Northern karst. Construction technique changed (e.g., not boring) but now is trenching in "valley" between mogotes, but concern how far up the sides go and whether surveys covered those for presence of species. Manati West, provide Survey points and ROW. Manati East, ROW and characterize both sides of dirt road. Vega Baja (both #1 and #2) are described as "more impacted", provide professional characterization as well as ROW and Survey.
- f. Concern that conservation measures in BA are generic, provide species specific measures.
 - (1) How will survey during construction period: systematic, not transects.
 - (2) Clarify ROW (BA says 60ft on steep slopes, 50ft on sensitive, 100ft other).
 - (3) Implementation plan for transplanting: e.g., *Goetzea elegans* and *Cordia alliodora* can be transplanted but success rate very low; roots are deep; ensure mix male/female; and microclimate important.
 - (4) Collecting seeds not appropriate for most species shown.
 - (5) Implementation plan for propagation/cuttings: need to monitor success.
 - (6) Species found in remnant forest, yet will preservation in a cleared ROW appropriate?
 - (7) Will acquisition be for all species?
- g. Effects of control of exotics/invasives in ROW, e.g., chemicals; breeding times of wildlife.
- h. DNR performing relocation?

2. Nightjar.

- a. ROW shapefile.
- b. Consult recommendations from Windmar (sp?) project.
- c. Propose acquisition/preservation plan.
- d. BA has wrong breeding season, should be Jan-Aug not Apr-Jun

3. PR Parrott

- a. At time of construction, avoid/mark base of mogotes + 25-30' setback at PR-10.
- b. FWS has information on species for consultation.

4. BOA

- a. Concern is fragmentation opens area to predation.
- b. FWS will use ROW shapefile to calculate acres of effect: Applicant on 2 Jun verbally described how their estimate was performed using GIS; FWS believes low.
- c. Consult recommendations in BO for PR10.
- d. Concern if relocate species outside construction area yet will return to site.
- e. Protection of relocation area?

5. Hawks.

- a. At time of construction, avoid/mark base of mogotes + 25-30' setback at PR-10.

- b. Concern is opening forest canopy to competition Red-tailed hawk. Utilize Derek Heisenberg's work to estimate loss of home ranges. In particular at MM 26-28.
- c. Acquisition of land at Rio Abajo but already at capacity with 52 individuals.
- 6. Levittown beach.
 - a. Protocol if work on the beach (e.g., Arecibo project) but now project located off of beach.
 - b. Leatherback: 70 day survey as stated in BA, or enclose/barrier.
 - c. No night operations.
- 7. Crested toad.
 - a. Provide GIS overlay of ponds found as well as potential locations from Ms Sondra's work.
 - b. Protocol for MM___ to MM___ for searching for presence of species during construction away from ponds.
 - (1) Species active at night, so BA's proposal to search by day and same time as BOA not appropriate.
 - (2) Concern how successful relocation since species adherent to home range.
 - (3) Provide survey of new alignment.
 - c. BA says ROW reduced to 70ft in vicinity of this species but drawings not show this.
- 8. Coqui llanero.
 - a. BA says relocate yet concern since this species is a "habitat specialist"
 - b. Found at MM78-79
- 9. Yellow shouldered black bird. No change, no effect.
- 10. PR Pigeon. No change, no effect.
- 11. Other concerns (not all are applicable to BA).
 - a. HDD.
 - (1) Bentonite can still suffocate species if spill.
 - (2) Admixtures?
 - (3) Where is water supply?
 - b. Stream crossings.
 - (1) Clear the construction method, including construction bridges if access solely within ROW.
 - (2) Will some embankments be armored? Steep slope in some cases may preclude vegetation to regrow and resulting sedimentation.
 - (3) All accounted for (FWS notes soil survey may indicate others). Confirm when preparing revised wetland impact maps. Corps concern is effect on water column if present.
 - (4) Post-construction crossing by maintenance crews.
 - c. Planting in ROW.
 - (1) In Karst, once open has proven tough to replant successfully.
 - (2) Wetland (being addressed as part of ongoing site visits for functional assessment).
 - (3) Access by public.
 - (4) Maintenance: noise while mowing; herbicide?
 - d. ROW, work areas, access roads.
 - (1) Concern that "running over" plants with soft tired vehicles if repeated often enough is same effect as clearing.
 - (2) Access roads: applicant states will be existing roads and ROW, but contractor responsibility if needs more; concern is some existing roads very small; some ROW distance from roads.
 - e. Hydrology effects.
 - (1) Trench blocks to prevent "piping" down slopes.
 - (2) Trench blocks to prevent French drain effect along Cano Tiberones and other wetland systems.
 - f. Some alignments crossing mitigation areas for permitted wetland impacts (e.g., for Bayamon penitentiary), Corps researching.
 - g. BA description of "Action Area": include access enabled by public and predators.

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