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April 6, 2011

The Honorable John M. McHugh
Secretary, U.S. Army
101 Army Pentagon
Washington, D.C. 20310

Dear Secretary McHugh:

I am writing to express grave concern over a proposed natural gas pipeline in Puerto Rico currently awaiting approval from the U.S. Army Corps of Engineers (USACE). The Puerto Rico Electric Power Authority (PREPA) is requesting a Section 404 permit under the Clean Water Act to construct a trans-Island natural gas pipeline, known as *Vía Verde*, which would span over 92 miles and cross hundreds of sensitive ecosystems. Although the vast majority of the Puerto Rican people oppose the pipeline, the Government of Puerto Rico has denied them an opportunity to express their views in public hearings using the pretext of an "energy emergency."

PREPA's permit request has raised serious concerns regarding the potential for environmental and public harm by citizens, experts, and both the U.S. Fish & Wildlife Service (F&W) and the U.S. Environmental Protection Agency (EPA). These concerns should not be taken lightly considering the magnitude of the project, estimated to cost almost half a billion dollars and potentially impacting nearly 300 bodies of water. I am pleased that USACE found these concerns to be serious enough to hold the project in abeyance on December 22, 2010. I commend the USACE for the actions it has already taken and urge it to stand firm against PREPA's continued efforts to proceed with the *Vía Verde* project.

In a December 15, 2010 letter to the USACE, F&W expressed misgivings over PREPA's *Vía Verde* proposal including the fact that completion of the pipeline would require modifications to EcoEléctrica's natural gas terminal. Plans to modify the terminal were not only absent from PREPA's proposal, but PREPA never received the necessary authorization from the Federal Energy Regulatory Commission (FERC) to undertake such modifications. F&W also found that PREPA did not adequately investigate alternatives to the pipeline before deciding to move ahead with *Vía Verde*. F&W also determined that *Vía Verde* would be devastating to undisturbed forest areas, endangered animal and plant species, protected natural reserves, rivers and wetlands. Based on these unacceptable impacts to the environment, F&W recommended that the USACE deny PREPA's permit request for *Vía Verde*.

The EPA reached similar conclusions regarding the environmental impact of Vía Verde, conveyed to USACE in a letter dated December 21, 2010. The EPA found that given the scope of the project, further studies, including an environmental impact statement (EIS), should be conducted before a final decision is made. The EPA recommended that the Army Corps of Engineers withhold the permit for the project until an EIS rather than an environmental assessment (EA) is submitted and thoroughly evaluated. As of today, no EIS has been conducted nor submitted to USACE.

However, on April 1, 2011, the Caribbean Environmental Protection Division of the EPA stated that PREPA had addressed most of EPA's concerns regarding the project. In its letter to the USACE, the EPA issued what appears to be a conditional approval for the project, requiring only that PREPA provide a mitigation plan for impacts to wetlands, clarification on right-of-way requirements, and that independent qualified personnel be present during drilling operations.

Unfortunately, the local EPA office failed to disclose the process it used to reach its most recent decision. Since the EPA itself acknowledged that many of its original complaints have yet to be rectified, I have written to the EPA asking it to make public the information submitted by PREPA that was found sufficient enough to satisfy the EPA's major concerns. As this information is not yet public, I believe it would be irresponsible to proceed with this project without ensuring that every safety issue has in fact been adequately addressed.

Perhaps most troubling is that PREPA's attempts to allay F&W's concerns have only produced greater alarm from F&W over the potential for severe environmental harm caused by construction of the Vía Verde pipeline. Based on all of the information available, I believe that proceeding with the Vía Verde project will be disastrous to Puerto Rico's environment and place thousands of Puerto Rican citizens in harm's way.

Based on the very real possibility for serious public and environmental damage, I urge the Army Corps of Engineers to consider denying PREPA's permit request for the Vía Verde pipeline. PREPA has repeatedly failed to meet its obligations under the National Environmental Policy Act for this project, receive proper authorization from FERC, or adequately address the issues raised by several federal agencies.

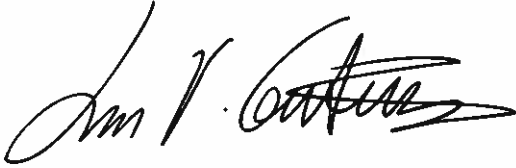
Furthermore, I request public hearings be held to allow those who would be directly affected by the pipeline an opportunity to express their concerns, a right that was denied to them under Governor Luis Fortuño's executive order, based on the unfounded claim of an "energy emergency," that fast-tracked the approval process in Puerto Rico. Considering the deadly accidents that have occurred due to natural gas pipeline explosions--in San Bruno, California in 2010 and in Carlsbad, New Mexico in 2000--I urge the Army Corps of Engineers to take these safety concerns seriously.

Countless Puerto Ricans have asked that I help defend them from the harm that may result from Vía Verde. As a Puerto Rican who has lived and studied in Puerto Rico and whose parents still live there, the wellbeing of its people, environment, and economy are vitally important to me. In the interest of justice, due process, and environmental and public safety, I urge the USACE to

heed the advice of its colleagues and immediately take action to stop the Vía Verde project as it is currently being proposed.

I appreciate your support and assistance with this request and will contact you in the coming days to further discuss my concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Luis V. Gutiérrez". The signature is fluid and cursive, with a long horizontal stroke at the end.

Luis V. Gutiérrez
Member of Congress