

Doc #40



United States Department of the Interior



FISH & WILDLIFE SERVICE

Boqueron Field Office

Carr. 301, KM 5.1, Bo. Corozo

P.O. Box 491

Boqueron, PR 00622

NOV 10 2010

Mr. Francisco E. López Garcia
Head, Environmental Protection and
Quality Assurance Division
Puerto Rico Electric Energy Authority
Box 364267
San Juan, Puerto Rico 00936-4267

Re: Via Verde Project LP-012

Dear Mr. López:

We acknowledge receipt of your letter dated November 5, 2010, providing information regarding PREPA's interest to contract additional experts to conduct supplemental field surveys to identify presence of federally-listed species along the proposed route of the Via Verde project. We applaud PREPA for this initiative and would like to provide the following comments:

Habitat characterization for the Puerto Rican sharp-shinned hawk and Puerto Rican broad-winged hawk.

We agree with the approach of characterizing the suitable breeding habitat for the endangered raptors utilizing expert's opinion, maps of previously known breeding areas or home ranges, data from previous studies and published references. This characterization should be conducted as a GIS layer. We would like to meet with the species expert and discuss during a working meeting the areas to be included in the analysis to ensure that all available information is considered for the determination. We also would like to have the opportunity to visit the areas with contracted personnel. If surveys to determine breeding territories are not conducted, suitable breeding habitat for the species should be avoided. The alternative of avoiding impacts to potential nesting trees and tree species is not protective to the species if the breeding territory is not identified. We do not concur with your expert that it would be possible to avoid impacts to breeding habitat and breeding behavior without first establishing the breeding territory. Under the assumption that suitable habitat is occupied for breeding, possible take as defined by the Endangered Species Act should be anticipated. It is important to determine the number of breeding territories that would be affected by the project construction and operation in order to evaluate in a Biological Opinion if the project jeopardizes the continued existence of the species or not.

Potential presence of endangered plants

We acknowledge the expertise of Dr. Axelrod and applaud PREPA's commitment to appropriately survey the forested habitat for listed plants. However, we do not agree that surveying at intervals of 100 m within suitable habitat would result in the detection of all listed plants along the proposed route. Interval sampling and transects is more appropriate for diversity inventories. However, as previously mentioned the patchy distribution of endangered plants and its resemblance with other common species would let to the fail of detecting an individual or a population. Therefore, based in our experience we recommend that the areas that harbors suitable habitat are entirely and systematically screened and that the personnel participating of the surveys is trained to recognize sterile specimens of listed plants. We propose a working meeting between our staff and Dr. Axelrod to share information and delineate together the survey areas. Once the areas are designated, we propose combined site visits to determine the suitability of the sampling approach for each area. The Service requests that if listed species are identified or found, duplicates of herbarium specimens are provided to our office for reference purposes.

Potential presence of coqui llanero in Toa Baja

We agree with PREPA's approach to search for this species. We would like to have the opportunity to visit the ROW of the proposed project within other wetland areas in the northern Puerto Rico to identify if possible suitable habitat for the coqui llanero is present in other areas of the route.

Potential presence of the Puerto Rican crested toad

We agree with PREPA's approach to search for the Puerto Rican crested toad in both the southern and northern limestone forest areas. We recommend that before surveys are initiated, survey areas are discussed and delineated between our staff and contracted species experts. We would like to also have the opportunity to visit the areas with contracted personnel. As we mentioned in our letter dated October 18, 2010, haystack hills between Manatí and Bayamón harbor suitable habitat for the Puerto Rican crested toad. These areas should be included in the survey plans.

Thank you for the opportunity to provide comments on the above-mentioned surveys. We continue recommending intensive surveys during breeding season for the endangered Puerto Rican nightjar to determine amount of suitable habitat to be affected by the proposed project and number of singing males or territories to be affected by the project. This information is vital to better determine direct and indirect effects to the species. We also recommend that measures to minimize harassment of the species after construction related to possible transit throughout the Via Verde project be evaluated. Regarding the Puerto Rican boa, we recommend that amount of

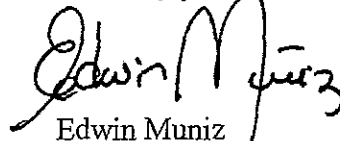
Mr. López

3

suitable boa habitat to be affected by the project be appropriately delineated and quantified. Once the area is delineated, alternatives should be explored to avoid these areas and conservation measures be implemented to minimize possible adverse effects to the species. Once possible effects are appropriately minimized, appropriate search and rescue protocols would be needed to minimize the possibility of taking individuals during construction. Since the implementation of this protocol has effects on the species and its behavior, this alternative should be implemented as the last resource and once impacts to the species have been minimized by relocating the route outside of suitable boa habitat.

If you have any questions, please contact Marelisa Rivera, Assistant Field Supervisor for the Caribbean Ecological Services Field Office at 787-851-8297 extension 206.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Edwin Muniz". The signature is written in a cursive style with a large initial "E" and "M".

Edwin Muniz
Field Supervisor

mtr

From: "Garcia, Edgar W SAJ"
Sent: Wednesday, November 17, 2010 2:50 PM
To: "Garcia, Edgar W SAJ" , "Johanna R Willis"

Doc #41

Subject: RE: Via Verde pipeline- USFWS Conference Call

Good afternoon everyone:

I have confirmed attendance for subject telephone conference at 10:00AM Atlantic Time (9:00AM EST) tomorrow November 18, 2010.

I will email you in the Moring for specifics. I'm trying to set up a call in number.

VR

Edgar W. García
Project Manager
Army Corps of Engineers
Jacksonville District
Antilles Regulatory Section
Tel: (787) 729-6905 Ext. 3059
Fax: (787) 729-6906

Please assist us in better serving you! Please complete the customer survey by clicking on the following link: <http://regulatory.usacesurvey.com/>

Doc # 42

From: Marelisa_Rivera@fws.gov
Sent: Wednesday, November 17, 2010 3:43 PM
To: LarryEvans@bcpeabody.com
Subject: RE: Via Verde pipeline- USFWS Conference Call

I will not be in the office at 2pm. But I will try to call from the mobile phone.

Marelisa Rivera
Assistant Field Supervisor
U.S. Fish and Wildlife Service
Ecological Services Caribbean Field Office
P.O. Box 491
Boquerón, Puerto Rico 00622
(787) 851-7297 x 206 (direct)
(787) 851-7440 (fax)
(787) 510-5207 (mobile)
marelisa_rivera@fws.gov

There are three constants in life...change, choice and principles.
Stephen R. Covey

"LarryEvans@bcpeabody.com" <LarryEvans@bcpeabody.com>

Doc # 43



"LarryEvans@bcpeabody.com"
<LarryEvans@bcpeabody.com>

11/17/2010 04:13 PM

Please respond to
LarryEvans@bcpeabody.com

To <andrewgoetz@bcpeabody.com>,
<daniel_paganrosa@yahoo.com>,
<E-BAEZ@PREPA.COM>, <I-SANCHEZ@PREPA.COM>,
cc "Collazo, Osvaldo SAJ"
<Osvaldo.Collazo@usace.army.mil>,
<KenCaraccia@bcpeabody.com>, "Castillo, Sindulfo SAJ"

bcc

Subject RE: Via Verde pipeline- USFWS Conference Call

Outstanding! Great accomplishment on your part Edgar, thank you very much for making this opportunity come through!!

Lawrence C. Evans
503.781.7930 (cell)
larryevans@bcpeabody.com
iyutka53@aol.com

Doc #44

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

From: LarryEvans@bcpeabody.com [mailto:LarryEvans@bcpeabody.com]

Sent: Wednesday, November 17, 2010 4:28 PM

To: Garcia, Edgar W SAJ; Garcia, Edgar W SAJ; Johanna R Willis

Cc: Collazo, Osvaldo SAJ; KenCaraccia@bcpeabody.com; Castillo, Sindulfo SAJ;

Marelisa_Rivera@fws.gov; edwin_muniz@fws.gov; rafael_gonzalez@fws.gov

Subject: RE: Via Verde pipeline- USFWS Conference Call

Importance: High

Good afternoon again Edgar -

I just received a call from Danny Pagan who notified me that many of the PREPA members have a conflict at 1000. Would it be possible at all to schedule the call with USFWS for 1400 (2:00 PM) tomorrow afternoon instead of 1000? This would be 1300 here in Florida.

Thank you very much for any consideration you can give to this request.

We look forward very much to a call tomorrow.

Lawrence C. Evans

503.781.7930 (cell)

larryevans@bcpeabody.com

iyutka53@aol.com

Doc # 45



"LarryEvans@bcpeabody.com"

<LarryEvans@bcpeabody.com>

11/17/2010 06:25 PM

Please respond to
LarryEvans@bcpeabody.com

To <Edgar.W.Garcia@usace.army.mil>,
<Marelisa_Rivera@fws.gov>,
<Osvaldo.Collazo@usace.army.mil>
cc <johannawillis@bcpeabody.com>,
<KenCaraccia@bcpeabody.com>

bcc

Subject RE: Via Verde pipeline- USFWS Conference Call

Thank you Marelisa ... I haven't heard back from Edgar yet to confirm if the call will take place at 10:00 AM or 2:00 PM.

Lawrence C. Evans
503.781.7930 (cell)
larryevans@bcpeabody.com
iyutka53@aol.com

Doc # 46

From: "Garcia, Edgar W SAJ"
Sent: Thursday, November 18, 2010 7:15 AM
To: LarryEvans@bcpeabody.com, "Johanna R Willis"

Subject: RE: Via Verde pipeline- USFWS Conference Call

Larry:

I can be available a 2:00PM (3:00PM EST), but there might be a conflict with FWS because they would be using their mobile phones while they are waiting for previous scheduled meeting, and the PM fro FWS has a previous engagement at 2:00PM and would not be available.

I confirmed this morning the following options:

1. Keep the meeting for today at 10:00AM (9:00AM EST)
2. Change the time to 2:00PM (1:00 EST) (not all players would be in that meeting)
3. Setup a meeting for Monday November 22, 2010- I do have to clarify that I had schedule Family time for the week of Nov 22, that I need to reschedule.

Regardless, I had setup voice conference with our IT department for 10:00AM that I would need to reschedule. Let me know so that I can Cancel.

Edgar W. Garcia
Project Manager
Antilles Regulatory Section

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

Doc # 47



"Garcia, Edgar W SAJ"
<Edgar.W.Garcia@usace.army.mil>

11/18/2010 08:15 AM

To <LarryEvans@bcpeabody.com>, "Johanna R Willis"
<johannawillis@bcpeabody.com>
cc "Collazo, Osvaldo SAJ"
<Osvaldo.Collazo@usace.army.mil>,
<KenCaraccia@bcpeabody.com>, "Castillo, Sindulfo SAJ"
bcc

Subject RE: Via Verde pipeline- USFWS Conference Call

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Project Manager
Antilles Regulatory Section

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Cc: Collazo, Osvaldo SAJ; KenCaraccia@bcpeabody.com; Castillo, Sindulfo SAJ; Marelisa_Rivera@fws.gov; edwin_muniz@fws.gov; rafael_gonzalez@fws.gov
Subject: RE: Via Verde pipeline- USFWS Conference Call
Importance: High

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Thank you very much for any consideration you can give to this request.

We look forward very much to a call tomorrow.

Lawrence C. Evans
503.781.7930 (cell)
larryevans@bcpeabody.com
iyutka53@aol.com

From: "Garcia, Edgar W SAJ" <Edgar.W.Garcia@usace.army.mil>
Sent: Wednesday, November 17, 2010 2:50 PM
To: "Garcia, Edgar W SAJ" <Edgar.W.Garcia@usace.army.mil>, "Johanna R Willis"
<johannawillis@bcpeabody.com>
Subject: RE: Via Verde pipeline- USFWS Conference Call

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Atlantic Time (9:00AM EST) tomorrow November 18, 2010.

I will email you in the Moring for specifics. I'm trying to set up a call in
number.

VR

Edgar W. Garcia
Project Manager
Army Corps of Engineers
Jacksonville District
Antilles Regulatory Section
Tel: (787) 729-6905 Ext. 3059
Fax: (787) 729-6906

Please assist us in better serving you! Please complete the customer survey
by clicking on the following link: <http://regulatory.usacesurvey.com/>

Doc # 48

From: "Garcia, Edgar W SAJ" <Edgar.W.Garcia@usace.army.mil>
Sent: Thursday, November 18, 2010 8:55 AM
To: LarryEvans@bcpeabody.com, daniel_paganrosa@yahoo.com, "Johanna R Willis"
<johannawillis@bcpeabody.com>
Subject: RE: Via Verde pipeline- USFWS Conference Call

Larry,

As per your call, here is the LOGIN information Remember is at 9:00AM EST,
10:00 Atlantic

DATE and TIME:

- * Start Date/Time: Nov 18 2010 09:00 AM EST, Thu
- * End Date/Time: Nov 18 2010 10:15 AM EST, Thu
- * Duration: 1 hr 15 mins
- * Total Ports: 5

AUDIO CONFERENCE ACCESS INFORMATION:

- * USA Toll-Free: (888)285-4585
- * HOST CODE: 339341
- * PARTICIPANT CODE: 951757

HOST and ARRANGER INFORMATION:

- * Conference Host: EDGAR GARCIA - CERM-BA
- * Host Phone Number: (787)729-6905

- * Conference Arranger: MOE OSSOOLI

FEATURES SECURED:

- * Automatic Port Expansion
- * Host Dial Out

- * Operator Dial Out

CONFERENCE INFORMATION:

- * Conference ID: BEG5983
- * Conference Name: VIA VERDE

Thank you for choosing AT&T TeleConference Services!

Edgar W. Garcia
Project Manager
Antilles Regulatory Section

Doc # 49

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

From: LarryEvans@bcpeabody.com [mailto:LarryEvans@bcpeabody.com]

Sent: Thursday, November 18, 2010 9:39 AM

To: daniel_paganrosa@yahoo.com; Garcia, Edgar W SAJ; Johanna R Willis

Cc: andrewgoetz@bcpeabody.com; yousevgr@yahoo.com; Collazo, Osvaldo SAJ;

KenCaraccia@bcpeabody.com; Castillo, Sindulfo SAJ; Marelisa_Rivera@fws.gov;

edwin_muniz@fws.gov; rafael_gonzalez@fws.gov

Subject: RE: Via Verde pipeline- USFWS Conference Call

Importance: High

Good morning Edgar -

We would like to hold the call today and we believe it important for the principle USFWS staff to be available. Please go ahead with the call at 10:00 AM (thur in Puerto Rico). Johanna Willis, Ken Caracchia and I will participate as will Yousev Garcia. I am not sure if other PREPA members will call-in and Danny will miss the call due to another meeting.

Johanna sent you an email about using the BCPeabody call-in number if that will help.

Thank you again for your support with this action.

Lawrence C. Evans

503.781.7930 (cell)

larryevans@bcpeabody.com

iyutka53@aol.com

Doc #50



"LarryEvans@bcpeabody.com"
<LarryEvans@bcpeabody.com>

11/18/2010 09:58 AM

Please respond to
LarryEvans@bcpeabody.com

To "Garcia, Edgar W SAJ" <Edgar.W.Garcia@usace.army.mil>, <daniel_paganrosa@yahoo.com>, "Johanna R Willis" <johannawillis@bcpeabody.com>
cc <andrewgoetz@bcpeabody.com>, <yousevgr@yahoo.com>, "Collazo, Osvaldo SAJ" <Osvaldo.Collazo@usace.army.mil>

bcc

Subject RE: Via Verde pipeline- USFWS Conference Call

Thank you Edgar!

Lawrence C. Evans
503.781.7930 (cell)
larryevans@bcpeabody.com
iyutka53@aol.com

Doc # 51



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 Via 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 Thermoelectric 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 vahli*), *Cordia bellonis*, *Daphnopsis helleriana*, palo de rosa (*Ottoschulzia rhodoxylon*), *Myrcia pagani*, chupacallos (*Pleodendron macranthum*), *Schoepfia arenaria*, erubia (*Solanum drymophilum*), *Tectaria estremarana*, *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. García 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.

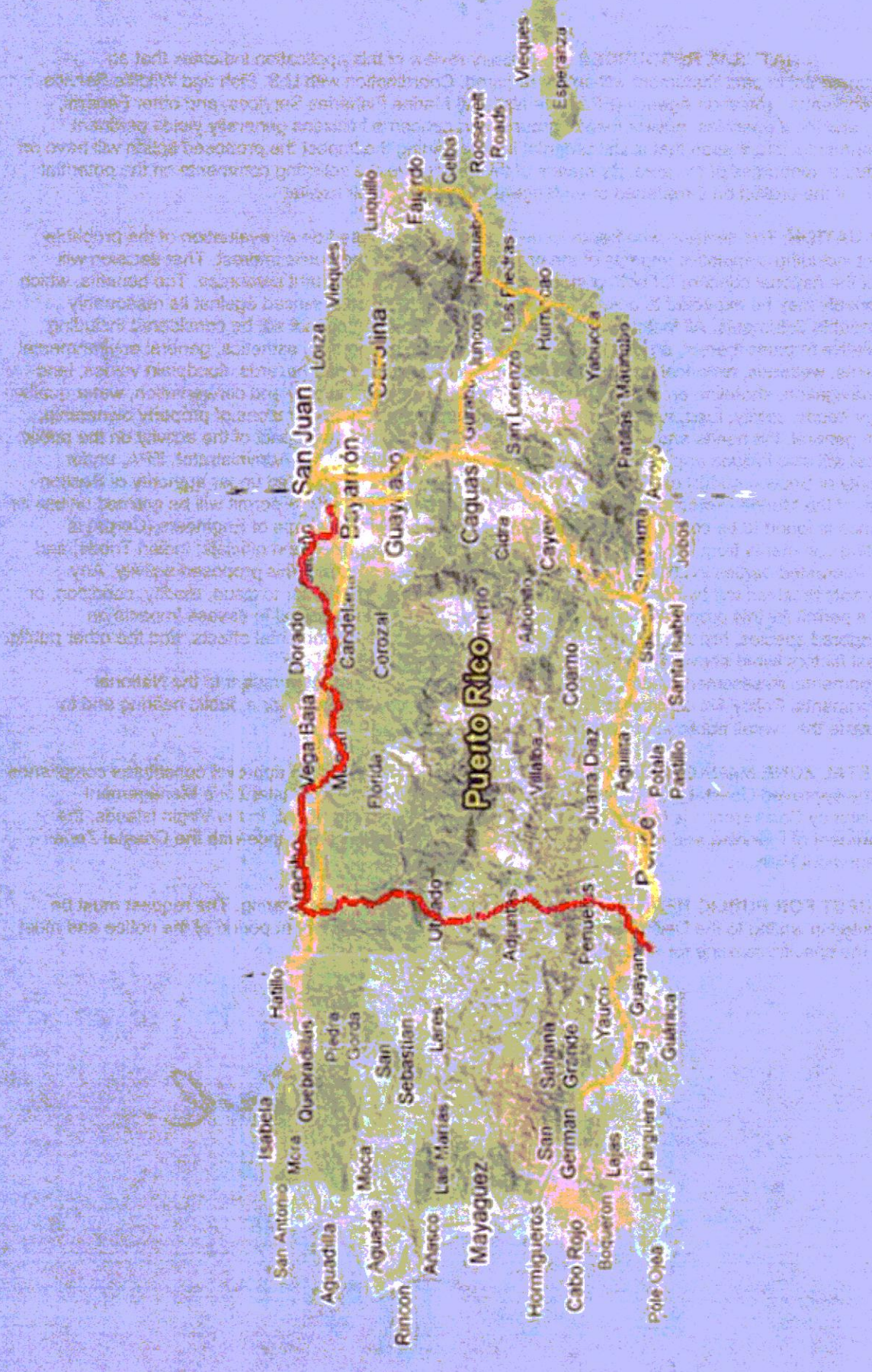
IMPACT ON NATURAL RESOURCES: Preliminary review of this application indicates that an Environmental Impact Statement will not be required. Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, and local 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.







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

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 Image U.S. Geological Survey

— Via Verde NGPL



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PERMIT APPLICATION SAJ-2010-02881
DRAWINGS NOV 2010, PAGE 2 OF 16

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Data SIO, NOAA, U.S. Navy, NGA, GEBCO
Image U.S. Geological Survey
18°14'15.17" N 66°26'49.02" W

Via Verde NGPL

16.8 mi

Hydrology Map
Cuadrante 5







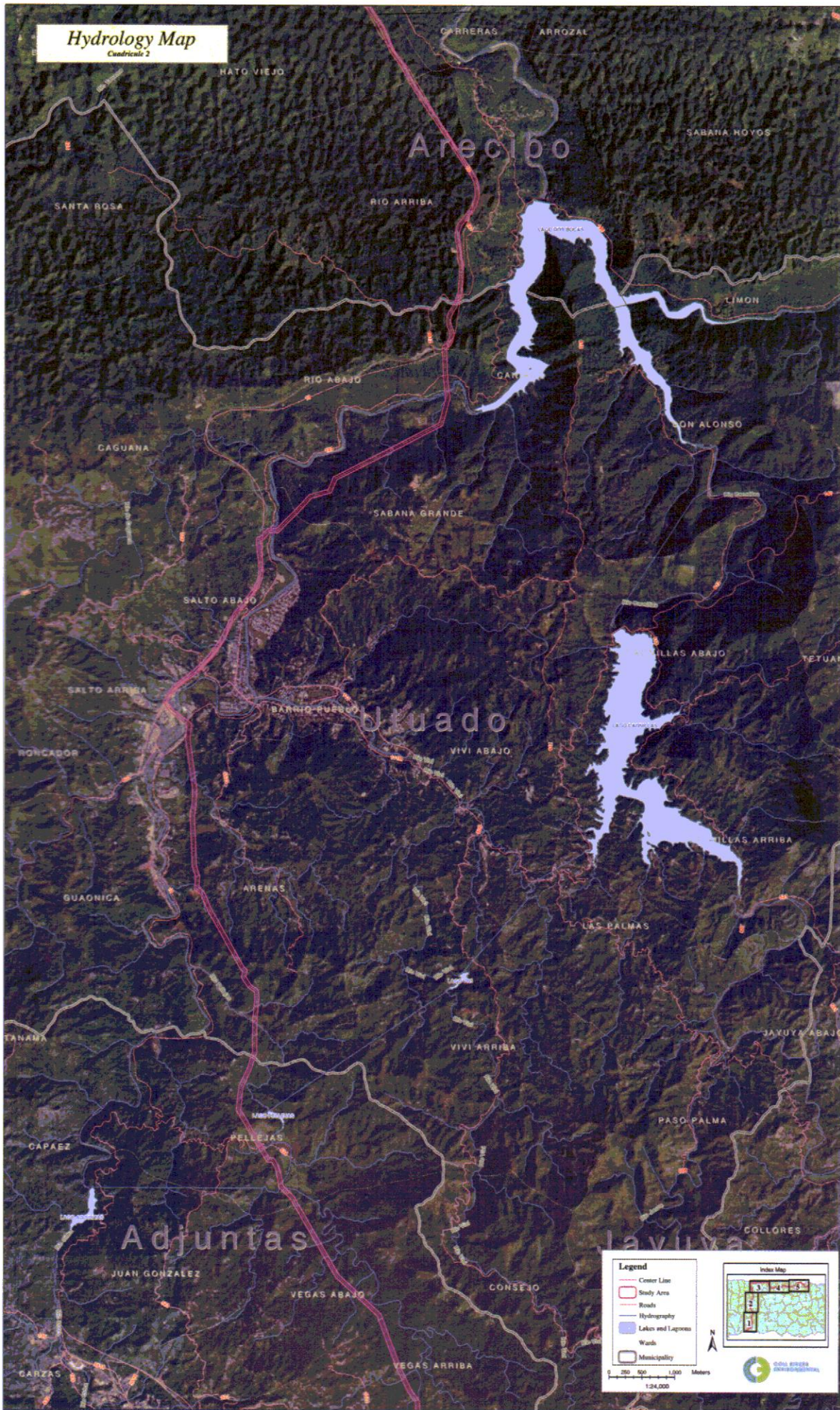
Hydrology Map
Cuadrante 3

Legend

- Contour Lines
- Study Area
- Hydrography
- Administrative Limits
- Urban and Logistics
- Roads
- Works
- Management

Scale: 1:100,000
North Arrow

Hydrology Map
Cuadrante 2



Legend

- Center Line
- Study Area
- Roads
- Hydrography
- Lakes and Lagoons
- Wards
- Municipality

Index Map

Scale: 0 500 1,000 Meters
1:24,000

US ARMY CORPS OF ENGINEERS
 PERMIT APPLICATION SAJ-2010-02881
 DRAWINGS NOV 2010, PAGE 6 OF 16

Hydrology Map
Cuadrícula 1



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PERMIT APPLICATION SAJ-2010-02881
DRAWINGS NOV 2010, PAGE 7 OF 16



Via Verde NG Pipeline-
Cambalache Metering Station

Approximate Wetland Line

HDD

12-inch Lateral


Available Upland Area for 0.5 acre
Metering Station

Main Via Verde Pipeline

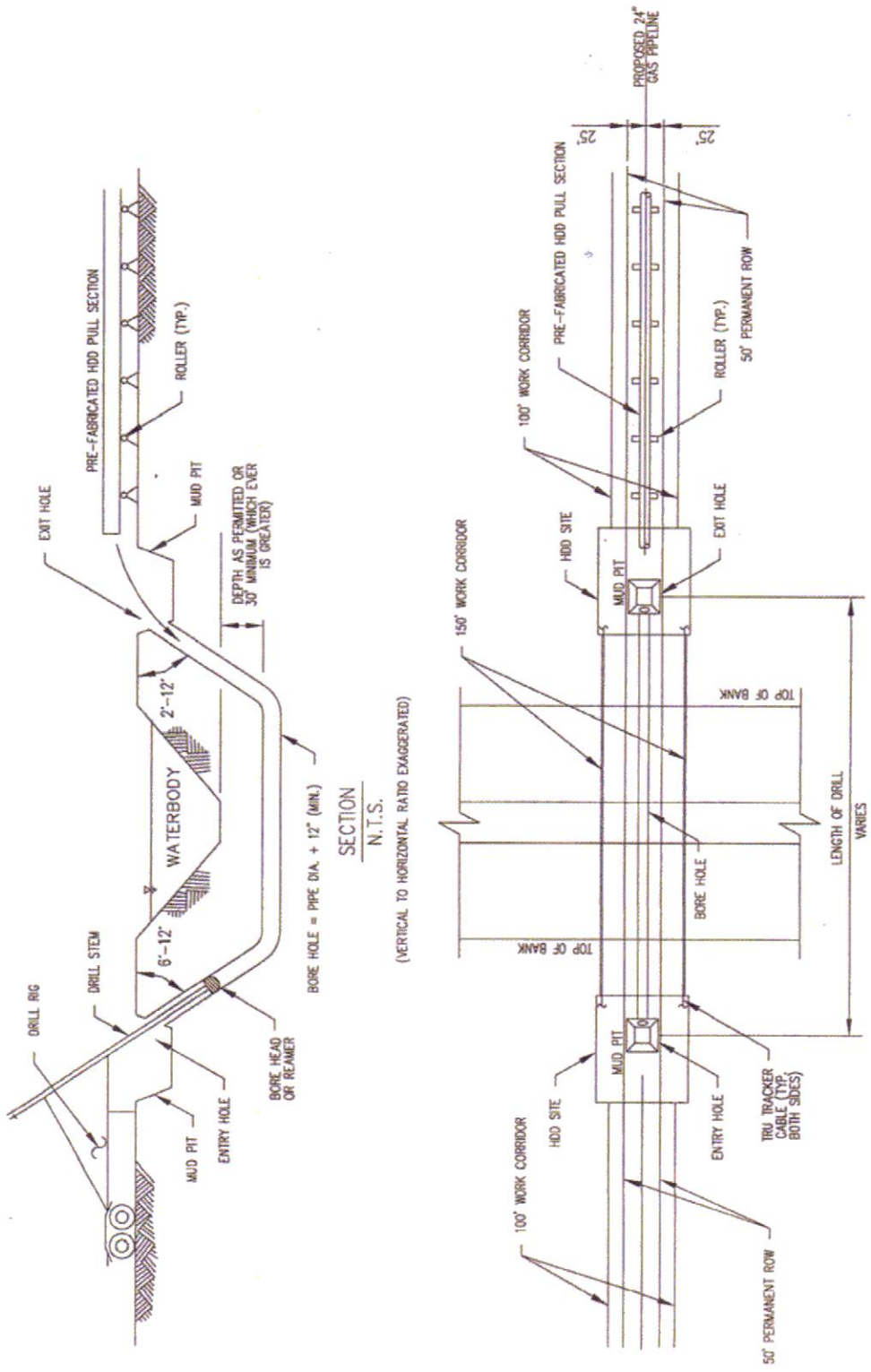
Main Via Verde Pipeline

Via Verde Pipeline


Arecibo



US ARMY CORPS OF ENGINEERS
PERMIT APPLICATION SAJ-2010-02881
DRAWINGS NOV 2010, PAGE 8 OF 16



HDD CROSSING

		DWN. BY: JMM 07/01/10	
CHK.		PROJ. ENGR.	
PROJ. MGR.		CLIENT APP.	
SCALE: NONE		APP'D	
DATE		BY	
REVISION-DESCRIPTION		DATE	
NO.		BY	
ISSUED FOR ENVIRONMENTAL PURPOSES		GDF 07/16/10	
ISSUED FOR REVIEW		JMM 07/01/10	
NO.		BY	

VIA VERDE PIPELINE PROJECT


TYPICAL

PROPOSED 24" GAS PIPELINE
HDD WATERBODY CROSSING

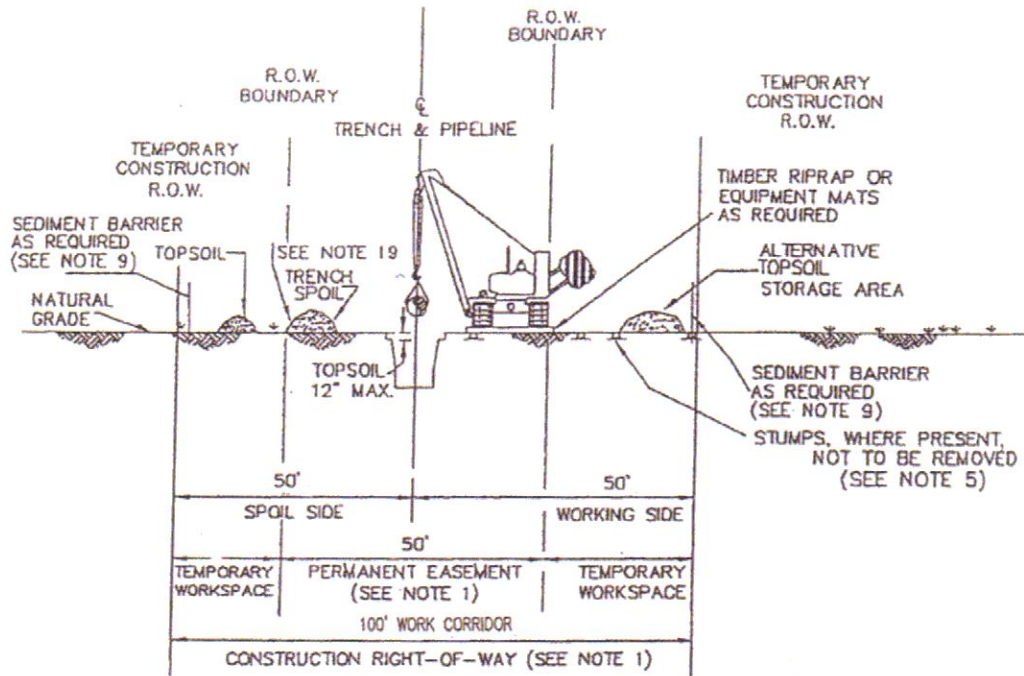
DWG. NO. 48.0-Z-326.04

REV. NO. 1 OF 7

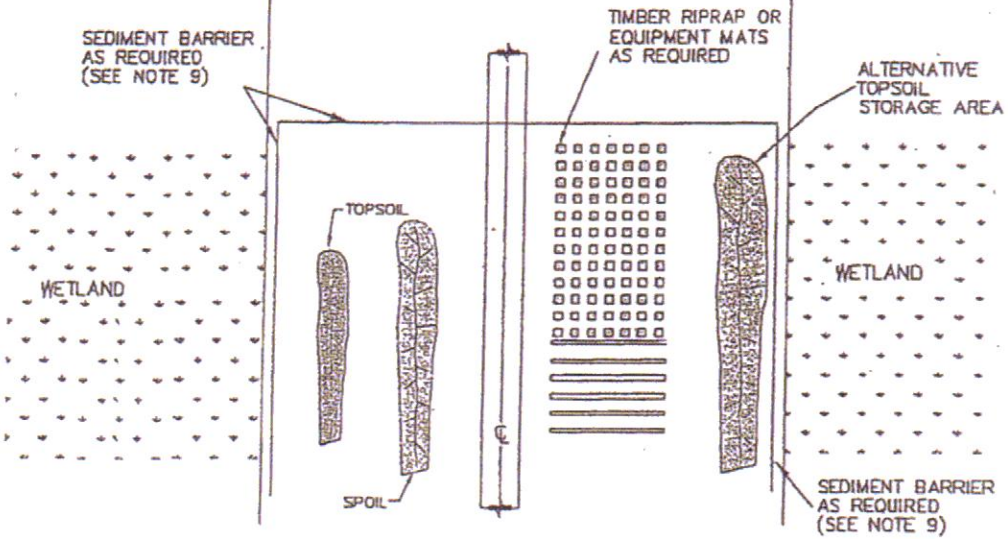
REV. B



US ARMY COPRS OF ENGINEERS
 PERMIT APPLICATION SAJ-2010-02881
 DRAWINGS NOV 2010, PAGE 9 OF 16




PROFILE



PLAN VIEW

REVISIONS				DATE	BY	
△				CHECKED BY		
△				DESIGNED BY		
△				APPROVED BY		
△				PROJECT MANAGER		
△				PROJECT MANAGER		VIA VERDE PIPELINE PROJECT TYPICAL WETLAND CROSSING SHEET 2 OF 7
△				PROJECT MANAGER		PROJECT NUMBER: 2190-01 DRAWING NUMBER: SHEET 2 OF 7 PLEASANT HARBOR, PUERTO RICO



US ARMY CORPS OF ENGINEERS
 PERMIT APPLICATION SAJ-2010-02881
 DRAWINGS NOV 2010, PAGE 10 OF 16

CONSTRUCTION NOTES:

1. CONSTRUCTION RIGHT-OF-WAY WILL TYPICALLY BE 100 FEET WIDE CONSISTING OF 50 FEET OF PERMANENT EASEMENT AND UP TO 25 FEET OF TEMPORARY WORKSPACE ON EITHER SIDE.
2. THE SAME LAYOUT APPLIES WHETHER CONSTRUCTION R.O.W. DOES OR DOES NOT ABUT A FOREIGN R.O.W.
3. LOCATE ANY EXTRA TEMPORARY WORK SPACE AREAS AT LEAST 25 FEET FROM EDGE OF WETLAND AND WITHIN THE APPLICABLE FULL WIDTH CONSTRUCTION R.O.W. WHENEVER POSSIBLE.
4. CLEARING OF VEGETATION AND TREES IS PROHIBITED BETWEEN TEMPORARY EXTRA WORK SPACE AND THE EDGE OF THE WETLAND.
5. CUT VEGETATION AND TREES OFF AT GROUND LEVEL, LEAVING EXISTING ROOT SYSTEMS IN PLACE WHEREVER PRACTICABLE, AND REMOVE CUTTINGS FROM THE WETLAND FOR DISPOSAL.
6. LIMIT CONSTRUCTION EQUIPMENT TO ONE PASS THROUGH WETLANDS TO THE EXTENT PRACTICABLE.
7. NO REFUELING OF EQUIPMENT WITHIN 100 FEET OF WETLAND EXCEPT IN ACCORDANCE WITH THE SPCC PLAN.
8. IF SATURATED AT TIME OF CONSTRUCTION, REDUCE SOIL COMPACTION BY UTILIZING WIDE-TRACK OR BALLOON TIRE CONSTRUCTION EQUIPMENT OR NORMAL EQUIPMENT OPERATED ON TIMBER RIPRAP OR EQUIPMENT MATS.
9. AVOID ADJACENT WETLANDS. INSTALL SEDIMENT BARRIERS IMMEDIATELY AFTER INITIAL GROUND DISTURBANCE AND AT THE EDGE OF CONSTRUCTION R.O.W. ALONG THE WETLAND AS DIRECTED BY THE COMPANY'S INSPECTOR.
10. THIS DRAWING REFLECTS "TRENCH ONLY" TOPSOIL STRIPPING PROCEDURE FOR AREAS WHERE STANDING WATER OR SATURATED SOIL ARE NOT PRESENT.
11. SALVAGE UP TO 12" OF TOPSOIL OVER TRENCH AT LOCATIONS IDENTIFIED ON THE CONSTRUCTION DRAWINGS OR AS DIRECTED BY THE COMPANY'S INSPECTOR. MAINTAIN SEPARATION BETWEEN TOPSOIL AND TRENCH SPOIL.
12. LEAVE GAPS IN TOPSOIL AND SPOIL PILES AT OBVIOUS DRAINAGES. DO NOT USE TOPSOIL FOR PADDING. AVOID SCALPING VEGETATED GROUND SURFACE WHEN BACKFILLING SPOIL PILE.
13. IN UNSATURATED CONDITIONS, SPOIL MAY BE USED TO STABILIZE THE WORKING SIDE.
14. IF SATURATED AT TIME OF CONSTRUCTION, LEAVE HARD PLUGS AT THE EDGE OF WETLAND UNTIL JUST PRIOR TO TRENCHING.
15. TRENCH THROUGH WETLANDS.
16. LOWER-IN PIPE, INSTALL TRENCH BREAKERS AT WETLAND EDGES AS DIRECTED BY THE COMPANY'S INSPECTORS TO PREVENT DRAINAGE. BACKFILL UPON COMPLETION OF CONSTRUCTION.
17. REMOVE ALL TIMBER, RIPRAP OR EQUIPMENT MATS FROM WETLANDS UPON COMPLETION OF CONSTRUCTION.
18. RESTORE GRADE TO NEAR PRE-CONSTRUCTION TOPOGRAPHY AND REPLACE TOPSOIL, WHERE SALVAGED, WITHOUT A CROWN OVER THE TRENCH.
19. IF STANDING WATER IS NOT PRESENT, SEED AS SPECIFIED.
20. TOPSOIL AND TRENCH SPOIL RELATIVE POSITIONS CAN, AS DIRECTED BY THE COMPANY'S INSPECTOR, BE REVERGED.

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VIA VERDE PIPELINE PROJECT

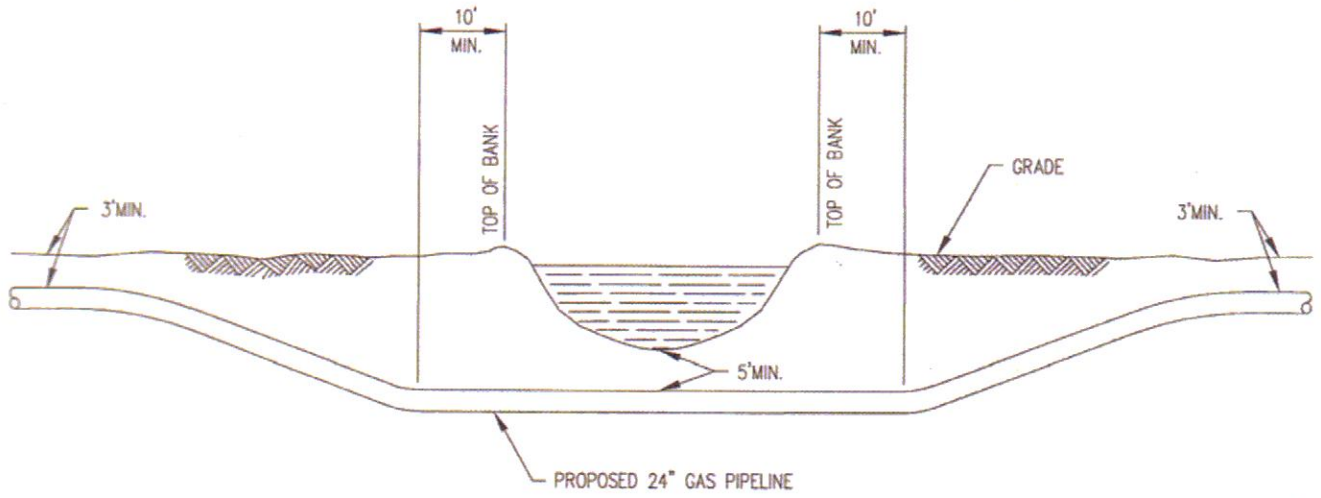
DWN. BY:	JMM	07/01/10
CHK.		
PROJ. ENGR.		
PROJ. MGR.		
CLIENT APP.		
SCALE:	NONE	

TYPICAL WETLAND CROSSING
CONSTRUCTION NOTES

DWG. NO.	48.0-Z-326.05	SHT. NO.	3 OF 7	REV.	B
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 PERMIT APPLICATION SAJ-2010-02881
 DRAWINGS NOV 2010, PAGE 11 OF 16

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**TYPICAL MINOR WATER BODY CROSSING
FOR TRENCHING**



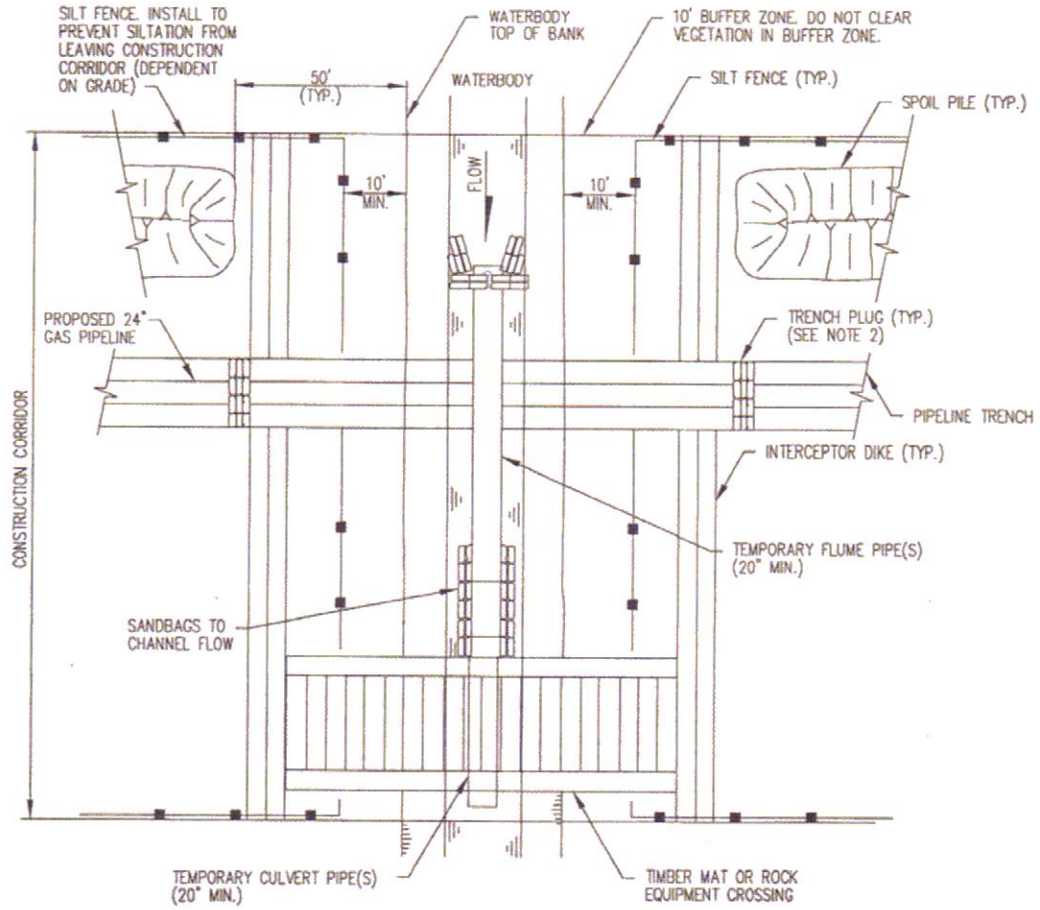
VIA VERDE PIPELINE PROJECT

DWN. BY:	JMM	07/01/10
CHK.		
PROJ. ENGR.		
PROJ. MGR.		
CLIENT APP.		
SCALE:	NONE	

TYPICAL MINOR WATERBODY CROSSING OPEN CUT CROSSING DETAIL		
DWG. NO.	48.0-Z-326.05	SHT. NO. 4 OF 7
		REV. B

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PERMIT APPLICATION SAJ-2010-02881
DRAWINGS NOV 2010, PAGE 12 OF 16

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TYPICAL WATERBODY CROSSING

1. SILT FENCE AND INTERCEPTOR DIKE TO BE REMOVED ACROSS PIPELINE TRENCH DURING CONSTRUCTION OF PIPELINE. SILT FENCE AND INTERCEPTOR DIKES TO BE REPLACED AFTER BACKFILL OF TRENCH.
2. USE HARD OR SOFT PLUGS PRIOR TO PIPE INSTALLATION. INSTALL PERMANENT TRENCH PLUGS AFTER PIPE INSTALLATION AND PRIOR TO BACKFILLING PIPELINE TRENCH.
3. NUMBER OF FLUMES MAY BE INCREASED AS NECESSARY TO SUIT FLOW.



VIA VERDE PIPELINE PROJECT

DWN. BY:	GDF	7/12/10
CHK.		
PROJ. ENGR.		
PROJ. MGR.		
CLIENT APP.		
SCALE:	NONE	

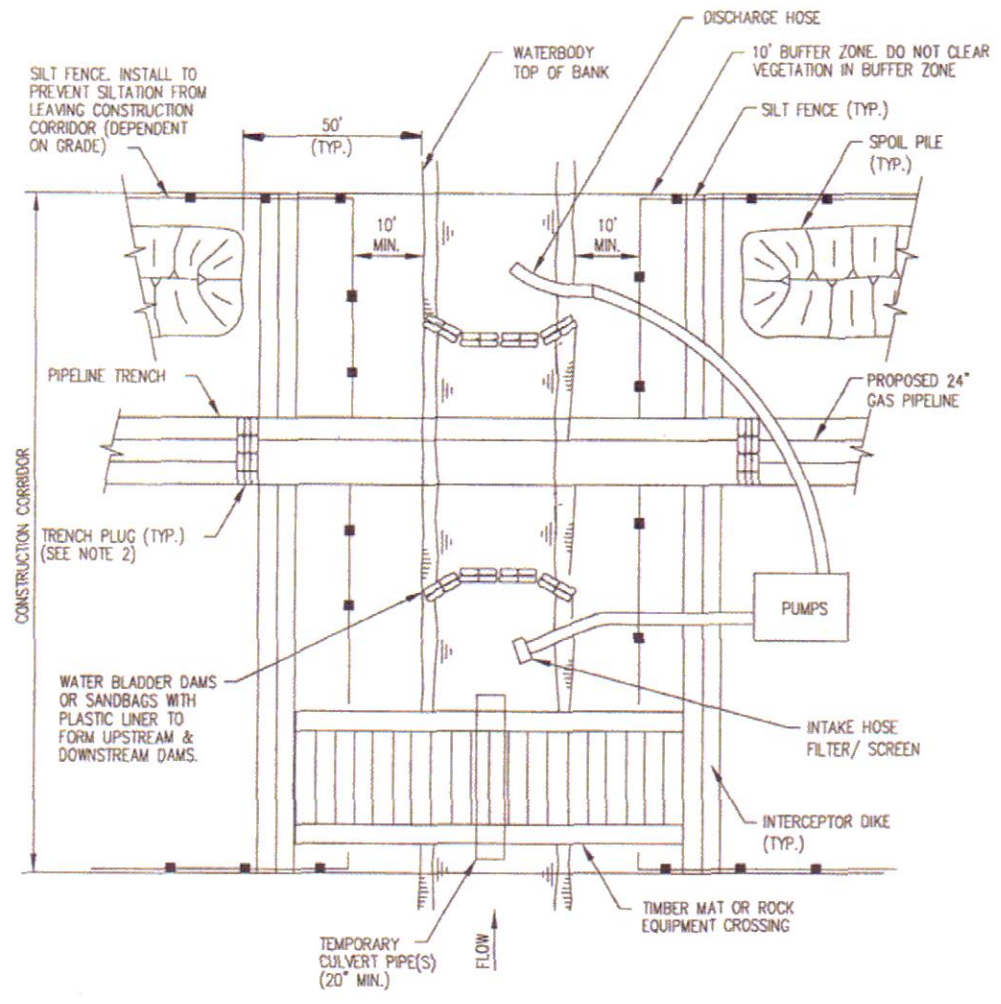
ENVIRONMENTAL DETAIL
TYPICAL

WATERBODY CROSSING
FLUMED CROSSING METHOD

DWG. NO.	48.0-Z-326.51	SHT. NO.	5 OF 7	REV.	B
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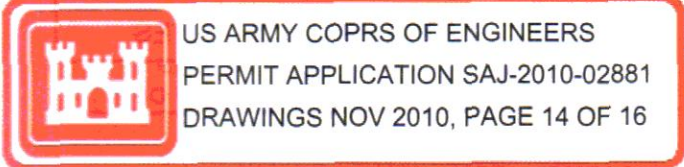
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 PERMIT APPLICATION SAJ-2010-02881
 DRAWINGS NOV 2010, PAGE 13 OF 16

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TYPICAL WATERBODY CROSSING

1. SILT FENCE AND INTERCEPTOR DIKE TO BE REMOVED ACROSS PIPELINE TRENCH DURING CONSTRUCTION OF PIPELINE. SILT FENCE AND INTERCEPTOR DIKES TO BE REPLACED AFTER BACKFILL OF TRENCH.
2. USE HARD OR SOFT PLUGS PRIOR TO PIPE INSTALLATION. INSTALL PERMANENT TRENCH PLUGS AFTER PIPE INSTALLATION AND PRIOR TO BACKFILLING PIPELINE TRENCH.



		VIA VERDE PIPELINE PROJECT	
DWN. BY:	GDF	7/12/10	ENVIRONMENTAL DETAIL TYPICAL
CHK.			
PROJ. ENGR.			
PROJ. MGR.			
CLIENT APP.			
SCALE:	NONE		WATERBODY CROSSING DAM & PUMP METHOD
DWG. NO.	48.0-Z-326.50	SHT. NO. 6 OF 7	
			REV. B

NOTES:

1. THIS METHOD APPLIES TO WATERBODIES WITH LIMITED FLOW AT THE TIME OF CONSTRUCTION WHERE DOWNSTREAM SILTATION MUST BE AVOIDED AND THE CROSSING WIDTH IS NOT PROHIBITIVE.
2. SCHEDULE CROSSING DURING LOW FLOW PERIOD IF POSSIBLE.
3. COMPLETE ALL IN-STREAM ACTIVITIES AS EXPEDIENTLY AS POSSIBLE.
4. NO REFUELING OF MOBILE EQUIPMENT WITHIN 100 FEET OF WATERBODY.
5. INSTALL TEMPORARY EQUIPMENT CROSSING IF REQUIRED.
6. IN AGRICULTURAL LAND, STRIP TOPSOIL FROM SPOIL STORAGE AREA.
7. CONSTRUCT SEDIMENT BARRIERS TO PREVENT SILT LADEN WATER AND SPOIL FROM FLOWING INTO WATERBODY. CONSTRUCTED SEDIMENT BARRIERS SHALL EXTEND ALONG THE SIDES OF THE SPOIL AND TOPSOIL STOCKPOLES AND ACROSS THE ENTIRE CONSTRUCTION R.O.W. BARRIERS MAY BE TEMPORARILY REMOVED TO ALLOW CONSTRUCTION ACTIVITIES BUT MUST BE REPLACED BY THE END OF EACH WORK DAY.
8. CONSTRUCT UPSTREAM STRUCTURE (DAM). WATER STRUCTURES (AQUA DAM, JERSEY BARRIERS, AND BAGS, STEEL PLATE, POLYETHYLENE LINER, ETC.) FINAL LOCATION WILL BE APPROVED BY THE ENVIRONMENTAL INSPECTOR.
9. SIZE PUMPS FOR DIVERSION OF ENTIRE STRAM FLOW. CONTRACTOR SHALL MAINTAIN 100% SPARE PUMPING CAPACITY ON SITE. PUMPS SHALL BE INSTALLED ON POLYETHLENE BARRIERS FOR FUEL/OIL SPILL CONTAINMENT. PUMP INTAKES WILL BE SCREENED TO PREVENT ENTRAPMENT OF FISH. CONTRACTOR SHALL MONITOR PUMPS AND WATER STRUCTURES ON A 24 HOUR BASIS UNTIL THE CROSSING INSTALLATION IS COMPLETE. SHOULD LEAKING AT THE DAM STRUCTURES OCCUR, CONTRACTOR SHALL DEWATER BETWEEN THE STRUCTURES THROUGH AN APPROPRIATE FILTER AND ONTO A WELL VEGETATED UPLAND AREA. NO HEAVILY SILT-LADEN WATER SHALL BE DISCHARGED INTO THE STREAM.
10. LEAVE HARD PLUGS AT STREAM BANK EDGE UNTIL JUST PRIOR TO PIPE INSTALLATION.
11. COMPLETE CONSTURCTION OF IN-STREAM PIPE SECTION. WEIGHT PIPE AS NECESSARY PRIOR TO COMMENCEMENT OF IN-STREAM ACTIVITY.
12. TRENCH THROUGH WATERBIDY AS EXPEDIENTLY AS PRACTICAL. INSTALL TEMPORARY (SOFT) PLUGS, IF NECESSARY, TO CONTROL WATER FLOW AND TRENCH SLOUGHING.
13. MAINTAIN STREAM FLOW THROUGHOUT CROSSING CONSTRUCTION.
14. LOWER-IN PIPE, INSTALL TRENCH PLUG AND BACKFILL IMMEDIATELY.
15. BACKFILL WITH NATIVE MATERIAL.
16. RESTORE WATERBODY CHANNEL TO APPROPRIATE PRE-CONSTRUCTION PROFILE AND SUBSTRATE.
17. DISMANTLE DOWNSTREAM WATER STRUCTURE (DAM) AND UPSTREAM WATER STRUCTURE (DAM) AFTER TRENCH BACKFILL.
18. RESTORE STREAM BANKS TO APPROXIMATE ORIGINAL CONDITION AND STABILIZE, AS REQUIRED.

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VIA VERDE PIPELINE PROJECT

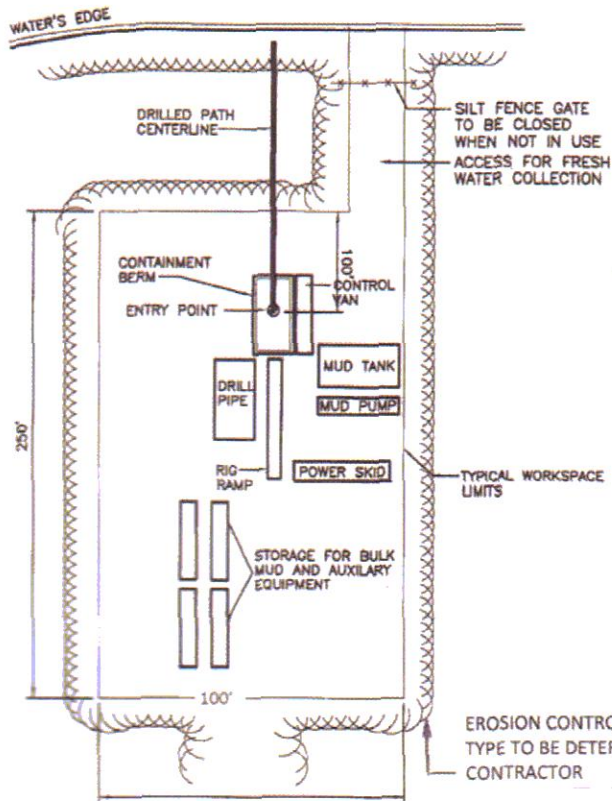
DWN. BY:	JMM	07/01/10
CHK.		
PROJ. ENGR.		
PROJ. MGR.		
CLIENT APP.		
SCALE:	NONE	

WATERBODY CROSSING
OPEN CUT DAM / PUMP METHOD

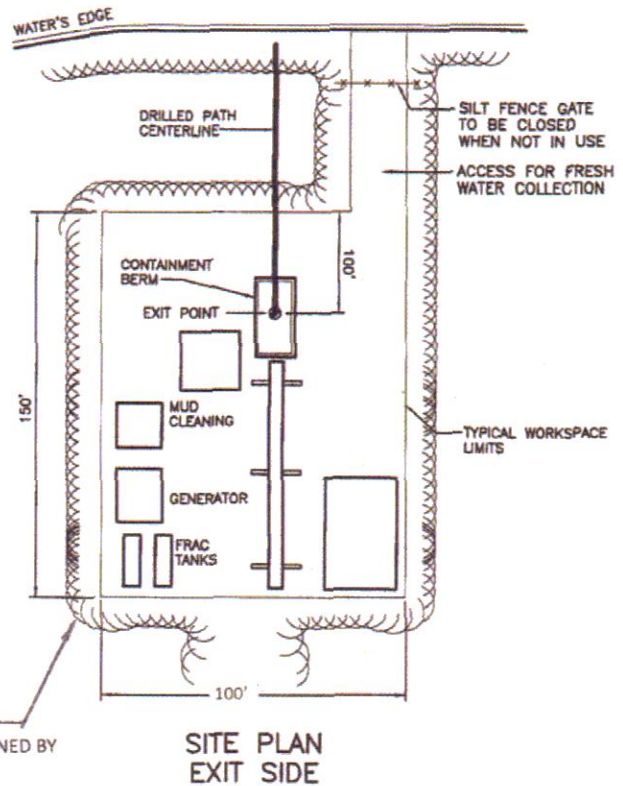
CONSTRUCTION NOTES

DWG. NO.	48.0-Z-326.05	SHT. NO.	7 OF 7	REV.	B
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PERMIT APPLICATION SAJ-2010-02881
DRAWINGS NOV 2010, PAGE 15 OF 16

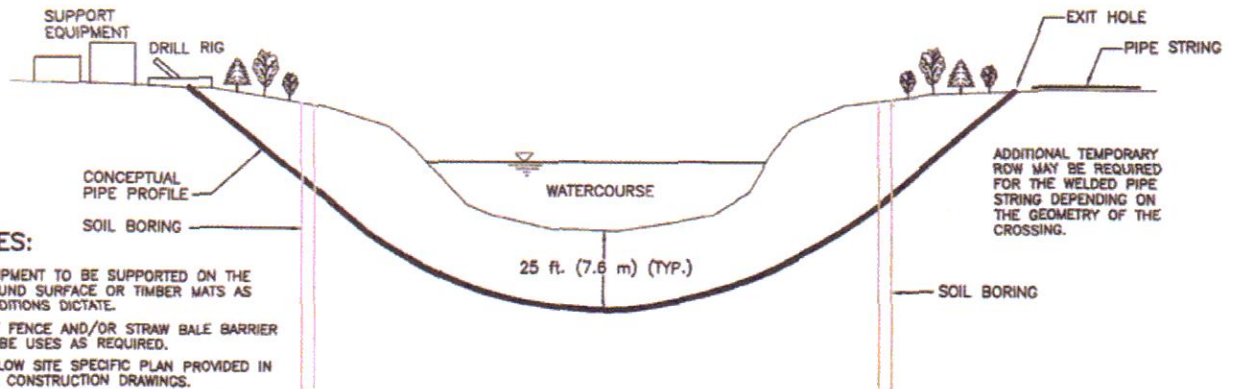


SITE PLAN ENTER SIDE



SITE PLAN EXIT SIDE

HDD ENTRY and EXIT POINT DETAILS



NOTES:

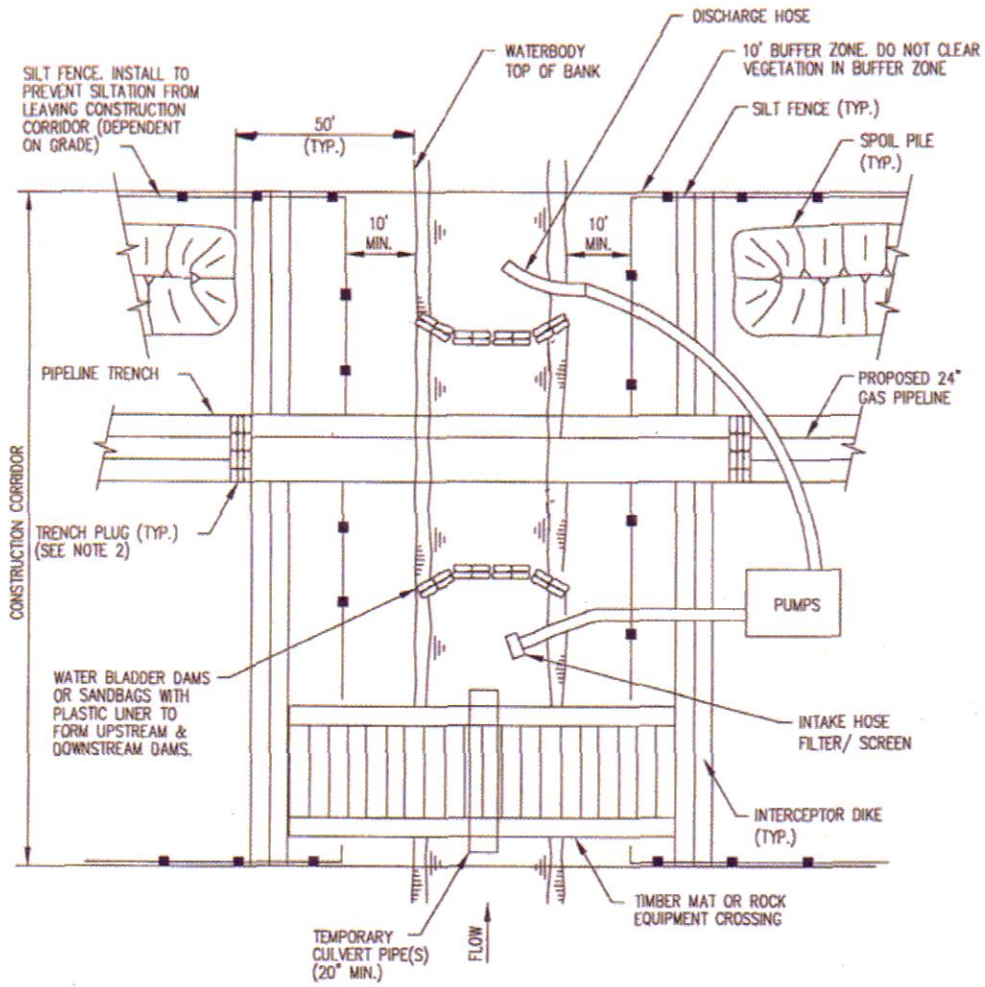
1. EQUIPMENT TO BE SUPPORTED ON THE GROUND SURFACE OR TIMBER MATS AS CONDITIONS DICTATE.
2. SILT FENCE AND/OR STRAW BALE BARRIER TO BE USES AS REQUIRED.
3. FOLLOW SITE SPECIFIC PLAN PROVIDED IN THE CONSTRUCTION DRAWINGS.
4. CONFIGURATIONS SHOWN ARE TYPICAL AND SHALL BE MODIFIED BY CONTRACTOR AS NECESSARY TO SUIT ACTUAL SITE CONDITIONS

PROFILE

		VIA VERDE PIPELINE PROJECT	
NO.	REVISION	DATE	PROJECT:
			5038RE
ISSUED FOR DEPARTMENT OF STATE FILING		MAIL 07 2010	APPROVED BY:
DRAWING NUMBER:	DRAWN BY:	CHECKED BY:	
DETAIL 15			LAST PLOT DATE: Nov. 04 Apr. 2008 - 3:29pm

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

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TYPICAL WATERBODY CROSSING

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VIA VERDE PIPELINE PROJECT

DWN. BY:	GDF	7/12/10
CHK.		
PROJ. ENGR.		
PROJ. MGR.		
CLIENT APP.		
SCALE:	NONE	

ENVIRONMENTAL DETAIL
TYPICAL

WATERBODY CROSSING
DAM & PUMP METHOD

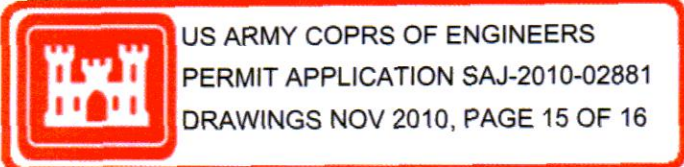
DWG. NO.	48.0-Z-326.50	SHT. NO.	6 OF 7	REV.	B
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 PERMIT APPLICATION SAJ-2010-02881
 DRAWINGS NOV 2010, PAGE 14 OF 16

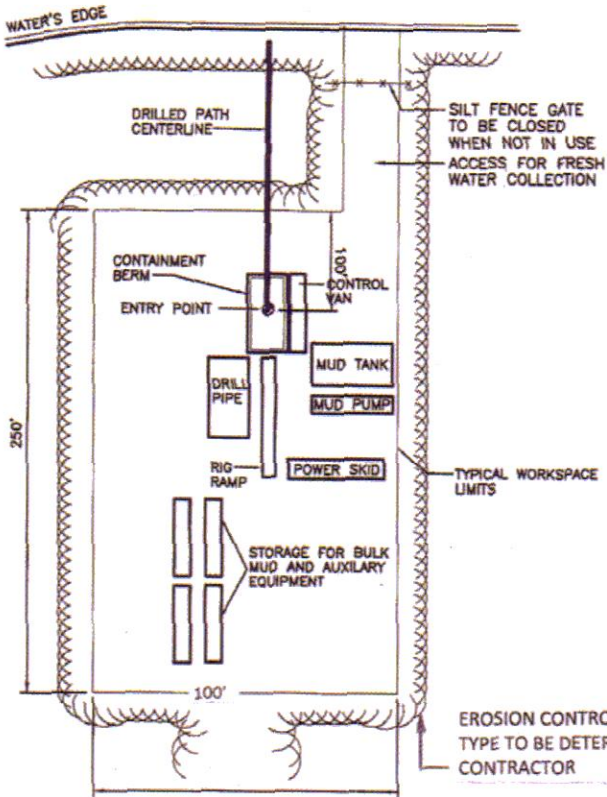
NOTES:

1. THIS METHOD APPLIES TO WATERBODIES WITH LIMITED FLOW AT THE TIME OF CONSTRUCTION WHERE DOWNSTREAM SILTATION MUST BE AVOIDED AND THE CROSSING WIDTH IS NOT PROHIBITIVE.
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18. RESTORE STREAM BANKS TO APPROXIMATE ORIGINAL CONDITION AND STABILIZE, AS REQUIRED.

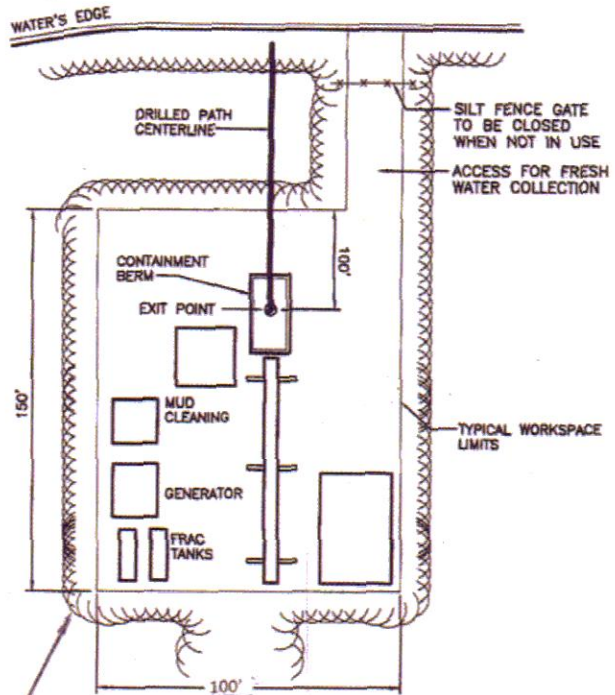
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		VIA VERDE PIPELINE PROJECT	
DWN. BY:	JMM	07/01/10	WATERBODY CROSSING OPEN CUT DAM / PUMP METHOD CONSTRUCTION NOTES
CHK.			
PROJ. ENGR.			
PROJ. MGR.			
CLIENT APP.			
SCALE:	NONE		DWG. NO. 48.0-Z-326.05 SHT. NO. 7 OF 7 REV. B

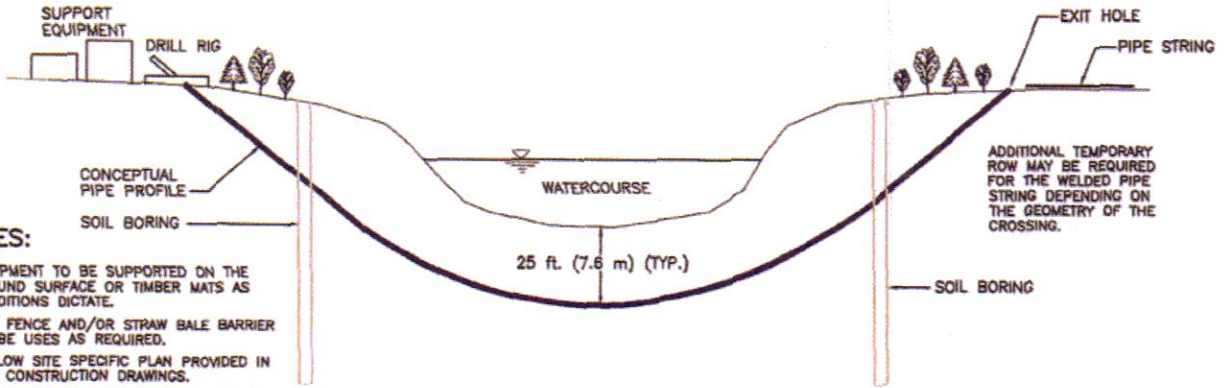


SITE PLAN ENTER SIDE



SITE PLAN EXIT SIDE

HDD ENTRY and EXIT POINT DETAILS



NOTES:

- EQUIPMENT TO BE SUPPORTED ON THE GROUND SURFACE OR TIMBER MATS AS CONDITIONS DICTATE.
- SILT FENCE AND/OR STRAW BALE BARRIER TO BE USES AS REQUIRED.
- FOLLOW SITE SPECIFIC PLAN PROVIDED IN THE CONSTRUCTION DRAWINGS.
- CONFIGURATIONS SHOWN ARE TYPICAL AND SHALL BE MODIFIED BY CONTRACTOR AS NECESSARY TO SUIT ACTUAL SITE CONDITIONS

PROFILE

		VIA VERDE PIPELINE PROJECT	
NO.	REVISION	DATE	TYPICAL HORIZONTAL DRILL (HDD) SITE PLAN & PROFILE
<small>ISSUED FOR DEPARTMENT OF STATE FILING</small>		<small>MAR 15 2010</small>	<small>PROJECT: 60388E</small>
<small>DRAWING NUMBER</small>	<small>DRAWN BY</small>	<small>CHECKED BY</small>	<small>APPROVED BY</small>
<small>LAST PLOT DATE</small>			<small>Rev. 04 Apr 2008 - 222pp</small>





November 19, 2010

Via verde
fk

Colonel Alfred A. Pantano, Jr.
U.S. Army Corps of Engineers
District Commander, Jacksonville District
P.O. Box 4970
Jacksonville, FL 32232-0019

Doc # 52

Dear Sir:

I am writing you regarding an issue that the USACE will become involved in concerning the natural gas pipeline "VIA VERDE PROJECT" proposed by the Puerto Rico Electric Power Authority (PREPA) to run from Peñuelas to Arecibo and then to San Juan, Puerto Rico.

As resident of the Levittown development in the municipality of Toa Baja, I am extremely concerned about the serious risk it poses for the lives of thousands of people on its route through our community and the impact on our environment. I, and up to thousands of neighbors and drivers, are firmly opposed to, not the use of natural gas per se, but to the proposed means and route of transportation of that gas.

I am enclosing various attachments that support our strong opposition and reveal the seriousness of this situation so that USACE can step forward and take prompt action, before it's too late:

- Exhibit 1 - Newspaper articles (2) dated 11/11/10 from the P.R. Daily Sun & one translated from the Vocero summarizing our concerns;
- Exhibit 2 - The deposition I gave before the PR Planning Board's public hearing held on 11/06/10 focusing on risks & safety concerns;
- Exhibits 3 - Signatures of residents of our community & elsewhere expressing their opposition to the Via Verde natural gas pipeline project;
- Exhibits 4-7 - Google Earth maps of the route of the pipeline (denser red lines with approximate outer zones of risk) with identified sites (yellow push pins).

Along the nearest route, the U.S. Government has interests that USACE should take into consideration in the evaluation of this project:

- Toa Baja – along State Road No. 165:
 - Affected road entrance to the USAF Puntas Salinas Radar Station and Air National Guard (see Exhibit 4);
 - Peninsula of Puntas Salinas quit-claim deeded by the Dept. of the Interior for recreational purposes (see Exhibit 4);
 - Affected land of the deactivated Naval Radio Station of Sabana Seca (see Exhibit 4).

- Guaynabo – along State Road Nos. 165, 28 and 22 (Expressway):
 - Detention Center of the US Federal Bureau of Prisons (see Exhibit 5);
 - US Army Reserve, Fort Buchanan and Motor Pool (off-post) (see Exhibit 5) – immediately east of 2009 CAPECO explosion below PR-22;
 - General Services Administration Center (see Exhibit 5);
- Throughout the 92-mile route, constructed with federal funds:
 - Roads PR-22 (see Exhibits 4-6) and PR-10 (see Exhibit 7);
 - Levee for the flood control of the Manati River surrounding the town of Barceloneta (see Exhibit 6).

From prior service in the USACE to CGMP training throughout my previous pharmaceutical career (in the municipality of Barceloneta) to, lastly, certification in regulations on Multi-Modal Transportation of Hazardous Materials, I'm more than aware of the need for federal security and requirements. Together with an incorporated community group that I've belonged for many years, Comunidad Toabajeña en Defensa de la Zona Costera, Inc. (CTDZC), in learning of the letter of October 18, 2010 by the Fish & Wildlife Service to your USACE Antilles Office regarding a joint permit application, we appreciated and firmly support FWS's proposal that the USACE assume jurisdiction by being the leading federal agency among several in evaluating this project's Draft Environmental Impact Statement (DEIS) with the full rigorousness that it merits.

PREPA and local authorities, however, due to the DEIS's administrative basis, had in effect denied the need of such a federal evaluation and focused on fast-tracking the project without seriously addressing the public's concerns. Despite claims to the contrary, one example is an unexplained non-compliance with 49 CFR 192.903 requirements for a high consequence area, such as Levittown, whose calculated potential impact radius would range from 129 m. at a nominal pressure of 650 psi, to 192 m. at a MAOP of 1440 psi - for lack of a locally designated value (as filed by Spectra Energy at FERC for Jersey City, NJ).

Even prior to this situation, CTDZC had already been developing contact with USACE. It had written the USACE Antilles office (Mr. J. Tous) on May 27, 2010 to ask for an expansion of a limited study to include the rest of our community's coast-line. I had even contemplated writing Lt. Col. N. W. Rainey to ask for support on this. That issue, one of sand removal, had been explored earlier on January 25th with Mr. Sindulfo Castillo of the Antilles office who had kindly clarified USACE's scope to us.

Yet, our organization had long been focused on the goal of preserving the Puntas Salinas coastal forest, Isla de Cabras and the intervening beach along the Levittown community of Toa Baja since its founding. With the revelation in August of the more pressing issue of the pipeline, we shifted our focus but not before initiating talks with a state senator - when

Via Verde was yet a threat to it or even in our vocabulary - on a plan to combine Puntas Salinas and nearby mangroves into an official state forest for better protection in the future.

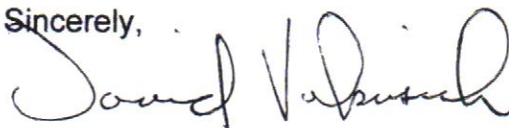
Nevertheless, Mr. Tous' unreported study may be relevant to the current matter of the pipeline because, as nourishment sand is reduced due to altered currents, so is coastal erosion enhanced, dune protection diminished (which our community relies on against storm surges or worse), and our key 4-lane coastal road PR-165 in front of the Levittown area endangered. The installation of the proposed natural gas pipeline 60 feet into our narrow dune would further damage the dune severely. We see environmental protection of our shore needing to be, more than ever, part of USACE's Civil Works mission.

As it has been discussed in news media and during recent public hearings, various people here with vast knowledge in this field have testified that there are other alternate and feasible means of transportation of gas that don't have the dire consequences on the safety of our communities and our environment, including bodies of water such as the nearby wetlands of the San Pedro mangroves of Sabana Seca, the adjacent Cocal River and the Cucharillas marshland of Catano and elsewhere throughout Puerto Rico

I make myself available for any future contact that your office feels necessary to have regarding this matter as a representative member of the CTDZC and my community. I am confident of the primacy that'll be given to federal interests which will be free of undue political influence.

Thank you for your attention to this.

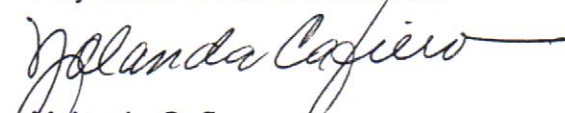
Sincerely,



David Vukusich

200 Blvd. Monroig, Buzon 231
 Cond. Lago Vista II
 Toa Baja, PR 00949
 Tel.787-795-7235 /e-mail: vukd@prtc.net

Key fellow CTDZC members:



Yolanda Cafiero



Zulma Clavell

Copies to be furnished without enclosures to:

- US Dept. of the Interior
 Fish & Wildlife Service
 Boqueron Field Office
 Carr. 301, Km. 5.1, Bo Corozo
 P.O. Box 491
 Boqueron, PR 00622
 Attn. Edwin E. Muniz, Field Supervisor
- National Park Service, Department of the Interior
 David Vela, Southeast Regional Director
 100 Alabama Street, SW
 1924 Building
 Atlanta, GA 30303
- USAF Air National Guard Center
 Lieutenant General Harry M Wyatt III, Director
 Andrews AFB, Md. 20762
- US Department of the Navy
 NAS Jacksonville
 Capt. John C. Scorby,
 Commander, Naval Region Southeast
 Jacksonville, FL 32212
- USAG Fort Buchanan
 Colonel John D. Cushman, Garrison Commander
 PO Box 34000
 Fort Buchanan, PR 00934
- Federal Bureau of Prisons
 Ray Holt, Southeast Regional Office
 3800 Camp CRK PK SW/BDG 2000
 Atlanta, GA 30331
- U.S. General Services Administration
 Denise L. Pease, Regional Administrator
 Northeast and Caribbean Region
 26 Federal Plaza,
 New York, NY 10278
- US Dept. of Transportation
 Federal Highway Administration
 Victor Mendez, Administrator
 1200 New Jersey Ave SE,
 Washington, DC 20590



Noticias

27 Noviembre 2010

Veinte empresas en carrera por el gasoducto

La AEE espera escoger a los contratistas en enero de 2011

Entre 18 y 20 compañías han pedido que se les considere para la construcción del gasoducto, informó el director ejecutivo de la Autoridad de Energía Eléctrica (AEE), Miguel Cordero.

Empero, aclaró el ingeniero de inmediato, ninguna empresa ha sido cualificada todavía porque el gasoducto no cuenta con los permisos estatales y federales requeridos. Asimismo, la Declaración de Impacto Ambiental (DIA) de la obra aún no está aprobada.

"Para seleccionar al contratista hay que esperar a que estén todos los permisos aprobados", dijo Cordero.

Por su parte, el consultor externo de la AEE para el gasoducto, Daniel Pagán, indicó ayer -sin dar nombres- que entre las 18 ó 20 compañías hay algunas puertorriqueñas y otras extranjeras.

Comentó que entre los criterios de evaluación a las empresas se encuentran su capacidad técnica, su solvencia económica y su experiencia previa en el desarrollo de proyectos similares.

Pagán señaló que a finales de este mes (la semana entrante)

concluye el período para que las firmas interesadas en participar de la construcción del gasoducto, lo informen a la AEE. Para la misma fecha, agregó, deberá estar completado el diseño final del gasoducto, que se le entregará a las compañías finalmente escogidas para que coticen adecuadamente el proyecto.

"En primera instancia les dimos la alineación preliminar y los datos disponibles sobre ingeniería, naturaleza y magnitud del proyecto y las consideraciones ambientales", contó.

Según Pagán, la selección final de contratistas debe darse a más tardar la última semana de enero de 2011. La AEE espera que para ese entonces el gasoducto tenga todos los permisos.

¿Será una o varias las compañías escogidas?, se le preguntó a Pagán.

"En este momento no te puedo decir si será una o varias, pero la tendencia en este tipo de proyectos es que sea más de una empresa", respondió.

La DIA-Preliminar del gasoducto, sometida por la AEE el pasado 18 de noviembre, establece que el proyecto se construirá por tramos, lo que supone que varias compañías estarían trabajando simultáneamente.

Aval municipal

En tanto, la AEE informó que la legislatura municipal de Canóvanas aprobó una resolución de apoyo al gasoducto y al

aumento en el uso del gas natural para bajar la factura de luz.

Hay que aclarar, no obstante, que Canóvanas no es uno de los 13 municipios por los que cruzará el gasoducto. La ruta la integran Peñuelas, Adjuntas, Utuado, Arecibo, Barceloneta, Manatí, Vega Baja, Vega Alta, Dorado, Toa Baja, Cataño, Bayamón y Guaynabo.

“Se expresa nuestro respaldo a la propuesta del gobernador Luis Fortuño y la AEE en la creación del proyecto Vía Verde, que redundará en una mejor calidad de vida para todos los puertorriqueños”, reza la resolución aprobada por la legislatura municipal.

Añade que el gasoducto será una transición y contribuirá al desarrollo de proyectos de energía renovable.

Mañana, domingo, los sectores opuestos al gasoducto marcharán a las 2:00 p.m. en Levittown, Toa Baja.

Doc #54



"LarryEvans@bcpeabody.com

"

<LarryEvans@bcpeabody.com>

m>

12/01/2010 05:30 PM

Please respond to
LarryEvans@bcpeabody.com

To <Marelisa_Rivera@fws.gov>

cc <andrewgoetz@bcpeabody.com>,
<daniel_paganrosa@yahoo.com>,
<johannawillis@bcpeabody.com>,

bcc

Subject Conference call with Derek and Raphael tomorrow and Dec 8 meeting

History:

✉ This message has been replied to.

Good afternoon Marelisa -

Thank you for the time you spent earlier today to discuss upcoming opportunities to meet with Derek Hengstenberg and Dr. Axelrod on the raptor and plant issues associated with the Via Verde project.

As you suggested, we contacted Derek today and made arrangements for a conference call sometime tomorrow. Presently, we are looking at a time later in the morning (perhaps around 1030 or so) and we are waiting to hear back from Danny Pagan in case he would prefer a different time. We will send out an email invite with the call time and number later today.

I advised Danny of the schedule conflicts with your team next week and told him of your gracious offer to meet directly with Derek on December 8 (while Derek is in Puerto Rico). We appreciate, very much, the opportunity for tomorrow's call and your offer to meet with Derek directly so Derek can make sure he is fully aware of the issues USFWS would like to see addressed. I also advised Danny that Omar would be available for a meeting with Dr. Axelrod sometime the week of Dec 13 (after Omar returns from his business trip).

As soon as a time for tomorrow's call has been finalized we will send out the email notice. Also, once we know exactly what Derek's travel schedule is for next week we will contact you to finalize a time for the meeting on Dec 8.

Thank you again for your continued support.

Lawrence C. Evans
503.781.7930 (cell)
larryevans@bcpeabody.com
iyutka53@aol.com

Doc # 55

From: "Ken Caraccia"
Sent: Wednesday, December 01, 2010 6:11 PM
To: "Daniel Pagan" , "Hengstenberg, Derek"
 , yousevgr@yahoo.com,
Marelisa_Rivera@fws.gov, "Garcia, Edgar W SAJ"
 , Rafael_Gonzalez@fws.gov
Subject: USFWS/USACE Via Verde Pipeline Conference Call

Good evening everyone,

We have a conference call scheduled for tomorrow (12/2) at 10:30 AM (Eastern Standard Time). The call will be to discuss preliminary planning and discussion items to be considered during the USFWS -Consultant Team meetings scheduled for the first two weeks in December. Larry Evans will serve as the conference moderator. The call-in number is:

AT Conference

Call in number is: 866-939-8416

Participant Code is: 4502959#

Thank you.

Best Regards,

Kenneth S. Caraccia

Senior Environmental Scientist

BCPeabody Consulting, P.A.

Cell: 813-928-1455

Office: 813-961-7300

kencaraccia@bcpeabody.com

Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE

Doc #56



"LarryEvans@bcpeabody.com"
<LarryEvans@bcpeabody.com>

12/01/2010 08:06 PM

Please respond to
LarryEvans@bcpeabody.com

To "Ken Caraccia" <kencaraccia@bcpeabody.com>, "Daniel Pagan" <daniel_paganrosa@yahoo.com>, "Hengstenberg, Derek" <Derek.Hengstenberg@tetrattech.com>, cc <johannawillis@bcpeabody.com>, "Andrew Goetz" <andrewgoetz@BCPeabody.com>

bcc

Subject re: USFWS/USACE Via Verde Pipeline Conference Call

Hey Ken -

I keep forgetting is Puerto Rico on the same time as we are?? Is the 1030 time the time in San Juan (which might be 0930 here) ... or the other way around, with 1030 here being 1130 in San Juan??!

Any help :-)

Lawrence C. Evans
503.781.7930 (cell)
larryevans@bcpeabody.com
iyutka53@aol.com

Doc #57

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

From: LarryEvans@bcpeabody.com [mailto:LarryEvans@bcpeabody.com]

Sent: Wednesday, December 01, 2010 10:15 PM

To: Ken Caraccia; Daniel Pagan; Hengstenberg, Derek; yousevgr@yahoo.com;

Marelisa_Rivera@fws.gov; Garcia, Edgar W SAJ; Rafael_Gonzalez@fws.gov

Cc: johannawillis@bcpeabody.com; Andrew Goetz

Subject: re: USFWS/USACE Via Verde Pipeline Conference Call

Importance: High

Team -

Danny Pagan graciously reminded me (my bad) that Puerto Rico is one hour ahead of the continental US. With that in mind ... our call for tomorrow morning will take place at 10:30 AM there in Puerto Rico which will make it 9:30 AM here in Florida.

Derek/Ken - If you have a conflict with this 0930 time for us, please let me know immediately. The 1030 start time for Puerto Rico falls in line with the opportunities USFWS staff and Danny have.

Best regards to all.

Lawrence C. Evans

503.781.7930 (cell)

larryevans@bcpeabody.com

iyutka53@aol.com

Doc #58

From: Marelisa_Rivera@fws.gov

Sent: Thursday, December 02, 2010 3:51 AM

To: LarryEvans@bcpeabody.com

Subject: re: USFWS/USACE Via Verde Pipeline Conference Call

I was under the impression that Rafael and Derek were going to talk about the areas for the hawk surveys in the morning. Edwin and I will be out of the office during the morning.

Doc. #59

From: "Garcia, Edgar W SAJ"
Sent: Thursday, December 02, 2010 6:22 AM
To: LarryEvans@bcpeabody.com, "Ken Caraccia",
"Daniel Pagan", "Hengstenberg, Derek"
, yousevgr@yahoo.com,
Marelisa_Rivera@fws.gov, Rafael_Gonzalez@fws.gov
Subject: RE: USFWS/USACE Via Verde Pipeline Conference Call (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Larry:

Daniel is correct. Also, I suggest a little more lead time for scheduling purposes. I'm unavailable at the moment, for the 10:30AM or the 11:30 Atlantic time.

Respectfully,

Edgar W. Garcia
Project Manager
Antilles Regulatory Section

Doc #62

From: "Garcia, Edgar W SAJ" <Edgar.W.Garcia@usace.army.mil>
Sent: Thursday, December 02, 2010 8:23 AM
To: LarryEvans@bcpeabody.com, "Ken Caraccia" <kencaraccia@bcpeabody.com>, "Daniel Pagan" <daniel_paganrosa@yahoo.com>, "Hengstenberg, Derek" <Derek.Hengstenberg@tetrattech.com>, yousevgr@yahoo.com, Marelisa_Rivera@fws.gov, Rafael_Gonzalez@fws.gov
Subject: RE: USFWS/USACE Via Verde Pipeline Conference Call (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Good morning Larry,

Thank you for the information. Please provide to everyone on this email, meeting notes and any agreement that is reached during the conversation as soon as possible.

Also, if you agree on a calendar for a follow-up call, meeting or site visit let me know.

Respectfully,

Edgar W. Garcia
Project Manager
Antilles Regulatory Section

Doc # 63



"LarryEvans@bcpeabody.com"

<LarryEvans@bcpeabody.com>

12/02/2010 08:31 AM

Please respond to
LarryEvans@bcpeabody.com

To <Marelisa_Rivera@fws.gov>

cc "Ken Caraccia" <kencaraccia@bcpeabody.com>, "Daniel Pagan" <daniel_paganrosa@yahoo.com>, "Hengstenberg, Derek" <Derek.Hengstenberg@tetrattech.com>,

bcc

Subject re: USFWS/USACE Via Verde Pipeline Conference Call

Good morning Marelisa -

Yes, the purpose of the call is for Derek and Rafael to talk about the areas for the hawk survey and to discuss any other interests or issues USFWS would want to see included in a study. Ken Caraccia, Danny and I are only listening in to ensure we are aware of all issues and can provide support to Derek when he travels to Puerto Rico next week, and later.

Lawrence C. Evans
503.781.7930 (cell)
larryevans@bcpeabody.com

iyutka53@aol.com

Doc #64

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

From: LarryEvans@bcpeabody.com [mailto:LarryEvans@bcpeabody.com]
Sent: Thursday, December 02, 2010 8:45 AM
To: Garcia, Edgar W SAJ; Ken Caraccia; Daniel Pagan; Hengstenberg, Derek;
yousevgr@yahoo.com; Marelisa_Rivera@fws.gov; Rafael_Gonzalez@fws.gov
Cc: johannawillis@bcpeabody.com; Andrew Goetz; Collazo, Osvaldo SAJ
Subject: RE: USFWS/USACE Via Verde Pipeline Conference Call (UNCLASSIFIED)
Importance: High

Good morning Edgar -

Yes, my apologies for the late notice on the call for this morning. The need for the call arose unexpectedly yesterday when I was speaking with Marelisa about the trip Mr. Hengstenberg is making to Puerto Rico next week. Marelisa let us know that Rafael would be out of the office for the next two weeks and unable to meet with Derek when he was there to visit the project site. We all understood the value for Rafael to talk with Derek before field work starts and Rafael was only available for a call today, so

The purpose of the call is for Derek and Rafael to discuss those interests that USFWS believes should be included in the hawk study Derek will perform in the weeks/months ahead. Ken C., Danny and I are listening in so we are aware of any needs Derek may have and we can provide support later.

If you are unable to sit in on the call, that would be OK. I will be glad to provide you with all notes from the discussion.

Best regards!

Lawrence C. Evans
503.781.7930 (cell)
larryevans@bcpeabody.com
iyutka53@aol.com

Doc #65



"LarryEvans@bcpeabody.com"

<LarryEvans@bcpeabody.com>

12/02/2010 09:26 AM

Please respond to
LarryEvans@bcpeabody.com

To "Garcia, Edgar W SAJ" <Edgar.W.Garcia@usace.army.mil>, "Ken Caraccia" <kencaraccia@bcpeabody.com>, "Daniel Pagan" <daniel_paganrosa@yahoo.com>, "Hengstenberg, cc <johannawillis@bcpeabody.com>, "Andrew Goetz" <andrewgoetz@BCPeabody.com>, "Collazo, Osvaldo SAJ" <Osvaldo.Collazo@usace.army.mil>

bcc

Subject RE: USFWS/USACE Via Verde Pipeline Conference Call (UNCLASSIFIED)

Good morning Edgar! Thanks, will do.

Lawrence C. Evans
503.781.7930 (cell)
larryevans@bcpeabody.com
iyutka53@aol.com

Doc #66



"LarryEvans@bcpeabody.com"
<LarryEvans@bcpeabody.com>

To <Rafael_Gonzalez@fws.gov>
cc
bcc

12/02/2010 09:58 AM

Subject re: USFWS/USACE Via Verde Pipeline Conference Call

Please respond to
LarryEvans@bcpeabody.com

History: This message has been replied to.

Good morning Rafael -

Due to a minor schedule issue with the conference line we need to push our call back to 11:00AM your time (instead of 10:30AM). Would you please confirm receipt of this email? The call-in number, etc. will remain the same - jst call at 11:00AM instead of 10:30AM.

Thank you and best regards.

Lawrence C. Evans
503.781.7930 (cell)
larryevans@bcpeabody.com
iyutka53@aol.com

From: Rafael_Gonzalez@fws.gov
Sent: Thursday, December 02, 2010 6:27 AM
To: LarryEvans@bcpeabody.com
Subject: re: USFWS/USACE Via Verde Pipeline Conference Call

Doc #60

Return Receipt

Your document:
was received by:
at:

re: USFWS/USACE Via Verde Pipeline Conference Call
Rafael_Gonzalez@fws.gov
12/02/2010 07:34:27 AM AST

Doc # 67



"Ken Caraccia"
<kencaraccia@bcpeabody.com>

12/02/2010 10:11 AM

To "Hengstenberg, Derek"
<Derek.Hengstenberg@tetrattech.com>,
<Rafael_Gonzalez@fws.gov>
cc <johannawillis@bcpeabody.com>, "Andrew Goetz"
<andrewgoetz@BCPeabody.com>

bcc

Subject Today's Teleconference

Gentlemen,

Danny Pagan has requested that the conference time be moved to 11 AM (CST) or 10 AM Puerto Rico time. Accordingly, the time will be shifted +30 minutes.

Thanks for your time and efforts on this matter.

Kenneth S. Caraccia
Senior Environmental Scientist
BCPeabody Consulting, P.A.
Cell: 813-928-1455
Office: 813-961-7300
kencaraccia@bcpeabody.com

Doc #68



Edwin Muniz/R4/FWS/DOI

12/02/2010 03:24 PM

To osvaldo.collazo@usace.army.mil

cc

bcc

Subject Via Verde Contract to be Awarded in Jan 2011 News Article



Via Verde_Contrato de Construccion.pdf

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Field Supervisor
Caribbean Field Office
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(W) 787-851-7297
(C) 787-405-3641
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edwin_muniz@fws.gov
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