



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION  
CENTRO EUROPA BUILDING, SUITE 417  
1492 PONCE DE LEON AVENUE, STOP 22  
SAN JUAN, PR 00907-4127

APR 01 2011

Sindulfo Castillo  
Chief, Antilles Regulatory Section  
Jacksonville District Corps of Engineers  
400 Fernández Juncos Avenue  
San Juan, Puerto Rico 00901-3299

Re: Vía Verde Natural Gas Pipeline; SAJ-2010-02881 (IP-EWG)

Dear Mr. Castillo:

This is in further reference to the Vía Verde Natural Gas Pipeline project proposed by the Puerto Rico Electric Power Authority (PREPA). Since our December 23, 2010 letter, additional information has been provided by PREPA and its consultants to address the U.S. Environmental Protection Agency's (EPA's) concerns. In addition, the applicant met with EPA representatives on several occasions to present and/or discuss such additional information, including chapters four and six of the local Environmental Impact Statement (EIS) for the project, plus several summary sections.

In our previous letter, EPA objected to the issuance of a Department of the Army permit for the project based on the lack of a detailed alternatives analysis, concerns regarding the use of directional drilling, the lack of suitable compensatory mitigation to address wetlands impacts, and the need to complete a federal Environmental Impact Statement (EIS) for the project. The comments provided herein are based on a thorough review of the additional information furnished by the applicant and its consultants.

To address the alternatives analysis issue, PREPA provided information on the alternatives contained in the local EIS prepared for the project. These included a no action alternative, the construction of a natural gas import terminal on the north coast of the island, tanker and buoy systems and/or transfer platforms for receipt of natural gas at PREPA's Palo Seco, San Juan and Cambalache plants, gravity based systems, floating storage and re-gasification units, and several terrestrial alignments for a natural gas pipeline system. While this represents a significant milestone in the review of alternatives for the project, the documents provided included an additional option: the use of natural gas at PREPA's existing Costa Sur and Aguirre power generating facilities on the south coast of Puerto Rico, combined with the conversion of the nearby Las Mareas Port facility to receive liquefied natural gas (LNG) as means to achieve significant energy production using an alternative fuel. This project, formerly known as the "*Gasoducto del Sur*", was previously considered by PREPA as means to address the diversification of the electric power supply methods in Puerto Rico. The project was briefly



VIA VERDE

Magdalena Aviles to: Teresita Rodriguez

04/01/2011 05:08 PM



VIA VERDE.pdf

Re: Via Verde Follow Up letter  
Nieves Miranda, Pedro J.  
to:  
Teresita Rodriguez  
04/01/2011 05:46 PM  
Show Details

Thank you.  
Pedro J. Nieves Miranda  
Presidente  
Junta de Calidad Ambiental

---

**From:** Rodriguez.Teresita@epamail.epa.gov <Rodriguez.Teresita@epamail.epa.gov>  
**To:** Nieves Miranda, Pedro J.  
**Sent:** Fri Apr 01 17:43:34 2011  
**Subject:** Via Verde Follow Up letter

Mr. Nieves,

Attached you'll find USEPA's follow up letter regarding the Via Verde Project. Please, do not hesitate to contact us if you have any questions.

Tere Rodriguez  
Chief  
Multimedia Permits and Compliance Branch  
(787) 977-5864

Re: Via Verde Follow Up letter  
Jose Valenzuela  
to:  
Teresita Rodriguez  
04/01/2011 05:52 PM  
Show Details

Thanks!

---

**From:** Rodriguez.Teresita@epamail.epa.gov  
**To:** Jose Valenzuela  
**Sent:** Fri Apr 01 17:49:50 2011  
**Subject:** Via Verde Follow Up letter

Mr. Valenzuela,

On behalf of Ms. Judith Enck, EPA's Region 2 Administrator, I am hereby providing you with the letter sent to the US Army Corps of Engineers regarding our follow up comments on the Via Verde Project. Please, do not hesitate to contact us if you have any questions.

Tere Rodriguez  
Chief  
Multimedia Permits and Compliance Branch  
(787) 977-5864

If you have any questions or require additional information on this matter, please contact Ms. Teresita Rodríguez, Chief of the Multimedia Permits and Compliance Branch (MPCB), at 787-977-5864 or Mr. José Soto, of the MPCB, at 787-977-5829.

Sincerely,

Carl-Axel P. Soderberg  
Director

CC: USFWS-Cabo Rojo, PR  
DNER- San Juan, PR  
PRPB- San Juan, PR  
PREQB- San Juan, PR

natural resource agencies before construction of the project begins. In addition, questions remain regarding the concept of "temporary impacts". PREPA expresses that after placing the pipeline, areas would be immediately brought back to initial conditions so that natural re-colonization by prevailing vegetation begins. However, sections of the local Environmental Impact Statement (EIS) prepared for the project indicate a willingness to enhance areas by suppressing invasive and/or nuisance species at locations such as Caño Tiburones or other ecologically valuable areas. If PREPA plans to pursue such wetlands enhancement options, the areas need to be identified, quantified, and a specific plan to address local conditions must be developed. Additional details on the management/maintenance methods to be used need to be clarified. EPA believes that any mitigation and/or wetlands enhancement plans should include performance/success rates to evaluate their suitability and long term viability. Furthermore, please be advised that on January 14, 2011 the Council on Environmental Quality (CEQ) provided guidance for departments and agencies of the Federal government on 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." Therefore, EPA believes 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 that "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. We look forward to receiving and reviewing the mitigation plan documents as they become available.

One additional remaining concern for EPA is the proposed project's right-of-way (ROW). At various times throughout the documents supplied by PREPA, the ROW is described as being 100, 150 or 50 feet wide. The applicant's consultant has provided a brief description of the ROW categories, but we would appreciate a written, detailed explanation of the concept and its implementation along the final pipeline route in order to include it in the project review file for future reference.

In summary, we believe PREPA has addressed most of our major concerns regarding the Via Verde Natural Gas Pipeline project. However, additional information is required to fully comply with the Clean Water Act, Section 404(b)(1) Guidelines requirements. We, therefore, condition our approval of the proposed project to receiving, for review and approval, a comprehensive mitigation plan which addresses compensation for both, temporary and permanent impacts to wetlands and a detailed explanation of the project's variable right-of-way before project construction activities begin. In addition, we request that the permit includes a special condition requiring the presence of independent qualified personnel during drilling operations to closely monitor the process and stop work if any issues or abnormalities are detected.

mentioned in response to comments from the U.S. Army Corps of Engineers and the Puerto Rico Engineers and Surveyors Association. EPA believed that PREPA's dismissal of this alternative was inconsistent with the current project's overall project purpose, since it would provide PREPA with an alternative fuel option for two major generating facilities with lesser environmental impacts. However, after evaluating additional information furnished by the applicant's environmental consultant, it appears that *Gasoducto del Sur* was geared to provide natural gas to the combined cycle units located at the Aguirre Power Plant with a 592 MW operational capacity. On the other hand, Via Verde would provide natural gas and an increase in PREPA's operational capabilities to a total of 1,519 MW. Moreover, the Via Verde Project would provide PREPA with the flexibility to operate the most efficient power generating units on the island, which are located on the north coast, through the monitoring of each unit's rated capacity, individual fuel consumption and the type of fuel that fosters the lowest power generating costs. The Via Verde project would thus allow a more efficient use of such power generating units, allowing reductions in the transmission losses, as observed in other PREPA electric power transfer systems. EPA also defers to PREPA's expertise on the fact that "*Gasoducto del Sur*" may destabilize the island's electrical system, resulting in frequent collapses of the electric network of Puerto Rico. Upon further consideration of the supplied information, EPA believes that the alternatives analysis issues have been addressed by the applicant.

In regards to EPA's concerns about the use of directional drilling in wetlands and karst terrain, PREPA provided additional information regarding best management practices, the monitoring to be performed and the presence of specialized personnel during drilling operations to monitor the process and stop work immediately if any escape of bentonite mud into karst formations and/or waters of the United States is suspected. In addition, during a March 2, 2011 meeting at the Corps of Engineers, PREPA's consultants announced that directional drilling operations in karst terrain would be greatly reduced, since the pipeline route would be altered to circumvent haystack hills ("*mogotes*"), light equipment would be used, and a pipeline pull method would be required to further reduce impacts. We commend PREPA on these impact reduction measures, and now believe that best management practices, combined with adequate monitoring by qualified personnel should minimize any undesirable impacts from directional drilling. EPA recommends that that a special condition to the Corps of Engineers permit, requiring the presence of a trained independent geologist/engineer with expertise on karst terrain in the field at all times during drilling operations to closely monitor the process and stop work if any issues or abnormalities are detected be included. We also urge the Corps to consider additional special conditions requiring the avoidance of major karst formations during pipeline construction.

In our previous letter, we commented on the unsuitability of the initially proposed compensation for unavoidable impacts to aquatic resources. Additional information supplied by PREPA to address this issue includes, among others, a commitment to coordinate with the Department of Natural and Environmental Resources (DNER) to develop suitable on-site mitigation in a 3:1 ratio for any unavoidable impacts to aquatic resources. While PREPA has repeatedly stated that a suitable mitigation plan would be developed in a timely manner, EPA believes that such plan must be reviewed and accepted by the Corps of Engineers, EPA and all

Sindulfo Castillo  
Chief, Antilles Regulatory Section  
Jacksonville District Corps of Engineers  
400 Fernández Juncos Avenue  
San Juan, Puerto Rico 00901-3299

Re: Vía Verde Natural Gas Pipeline; SAJ-2010-02881 (IP-EWG)

Dear Mr. Castillo:


This is in further reference to the Vía Verde natural gas pipeline project proposed by the Puerto Rico Electric Power Authority (PREPA). Since our December 23, 2010 letter, additional information has been provided by PREPA and its consultants to address the U.S. Environmental Protection Agency's (EPA's) concerns. In addition, the applicant met with EPA representatives on several occasions to present and/or discuss such additional information, including chapters four and six of the local Environmental Impact Statement (EIS) for the project, plus several summary sections.

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Re: Via Verde Follow up Letter   
Daniel Montella to: Teresita Rodriguez

04/04/2011 08:57 AM

I've been out since midafternoon on thursday - did this go out already?

- Dan

Teresita Rodriguez      Hi Mario and Dan, Attached you'll find the Via Verde follow up letter. Please, le...      03/31/2011 02:51:20 PM

From: Teresita Rodriguez/R2/USEPA/US  
To: Mario DelVicario/R2/USEPA/US@EPA, Daniel Montella/R2/USEPA/US@EPA  
Date: 03/31/2011 02:51 PM  
Subject: Via Verde Follow up Letter

Hi Mario and Dan,

Attached you'll find the Via Verde follow up letter. Please, let me know if you have any comments and if I should send it for your concurrence. Carl sent it to Judith and she is OK with it. They would like to send the letter out by COB today so that the Governor will know about our position before he meets with Judith next Wednesday.

Thanks,

Tere



Via Verde Draft Follow Up letter - Final.docx



**Via Verde letter**

**Elias Rodriguez** to: **Teresita Rodriguez**  
Cc: **Jose Font**

04/04/2011 03:21 PM

History: This message has been replied to.

Hi - Can you email me the final version of the Via Verde letter sent out last week?

Thank you,

Elias Rodriguez, M.P.A.  
Press Officer  
U.S. Environmental Protection Agency  
290 Broadway, New York, NY 10007  
rodriguez.elias@epa.gov  
212-637-3664

EPA's Region 2 Covers N.J., N.Y., P. R. and the U.S. V.I.  
Visit us at [www.epa.gov/region2](http://www.epa.gov/region2)



Re: Via Verde letter   
Elias Rodriguez to: Teresita Rodriguez

04/05/2011 10:20 AM

Thank you

Elias Rodriguez, M.P.A.  
Press Officer  
U.S. Environmental Protection Agency  
290 Broadway, New York, NY 10007  
rodriguez.elias@epa.gov  
212-637-3664

EPA's Region 2 Covers N.J., N.Y., P. R. and the U.S. V.I.  
Visit us at [www.epa.gov/region2](http://www.epa.gov/region2)

Teresita Rodriguez                      Hi Elias, Attached you'll find the letter. Feel free to contact me if you have any...                      04/05/2011 10:16:39 AM

From: Teresita Rodriguez/R2/USEPA/US  
To: Elias Rodriguez/R2/USEPA/US@EPA  
Date: 04/05/2011 10:16 AM  
Subject: Re: Via Verde letter

Hi Elias,

Attached you'll find the letter. Feel free to contact me if you have any questions.

[attachment "VIA VERDE.pdf" deleted by Elias Rodriguez/R2/USEPA/US]

Elias Rodriguez                      Hi - Can you email me the final version of the Via Verde letter sent out last wee...                      04/04/2011 03:21:32 PM



**RE: Via Verde Follow Up Letter (UNCLASSIFIED)**

Castillo, Sindulfo SAJ to: Teresita Rodriguez

Cc: Jose Soto, Carl Soderberg

04/05/2011 10:34 AM

Classification: UNCLASSIFIED  
Caveats: NONE

Acknowledge receipt. Thank you.

Sindulfo Castillo, P.E.  
Chief, Antilles Regulatory Section  
400 Fernandez Juncos Avenue, San Juan, PR 00901  
Tel: 787-729-6905 ext. 3054; Fax: 787-729-6906

-----Original Message-----  
From: Rodriguez.Teresita@epamail.epa.gov  
[mailto:Rodriguez.Teresita@epamail.epa.gov]  
Sent: Friday, April 01, 2011 5:28 PM  
To: Castillo, Sindulfo SAJ  
Cc: Soto.Jose@epamail.epa.gov; Soderberg.Carl@epamail.epa.gov  
Subject: Via Verde Follow Up Letter

Mr. Castillo,

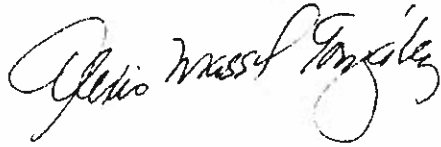
Attached you will find USEPA's follow up letter concerning the Via Verde Natural Gas Pipeline Project. Please, do not hesitate to contact me or Jose Soto at (787) 977-5829 should you have any questions.

Tere Rodriguez  
Chief  
Multimedia Permits and Compliance Branch  
(787) 977-5864

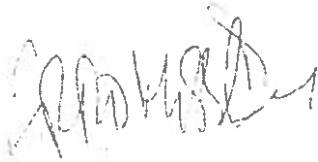
Classification: UNCLASSIFIED  
Caveats: NONE

Based on the information provided, we request an investigation into this endorsement and strongly request EPA to remove its conditional endorsement for the Via Verde project immediately.

Sincerely yours,



Dr. Alexis Massol-González, Director



Dr. Arturo Massol-Deyá, Biologist



Dr. Gerson Beauchamp, Electrical Engineer

cc: Congressman Luis Gutierrez (Enrique.Fernandez@mail.house.gov)  
Sindulfo Castillo (Sindulfo.Castillo@usace.army.mil)

- b. These four units of the Aguirre plant are programmed by the PREPA to operate on natural gas with a capacity of 1,492 MW for 2014. For that reason, in terms of capacity the Aguirre plant can produce as much energy as the 3 northern plants combined and therefore, the construction of a 92-mile long gas pipeline is unnecessary.
2. The EPA is wrong in neglecting the fact that the PREPA is completing the final tests to operate units 5 and 6 of the Costa Sur plant with natural gas, representing a capacity of 820 MW. The EPA has failed to recognize that the other four units (1-4) of Costa Sur have an additional capacity of 270 MW and are scheduled to operate on natural gas in 2014.
3. The EPA is in its endorsement because in 2009 the 3 northern plants generated around 22% of Puerto Rico's energy while the Costa Sur power plant generated 24%. This implies that the Vía Verde project is of limited utility with monumentally destructive impacts to the water resources, wetlands, forests, and endangered species.
4. The EPA is entirely wrong endorsing the Via Verde project because the natural gas supplier, EcoElectrica, has already admitted to the FWS that they do not have the required natural gas send-out capacity, infrastructure, neither permits from FERC to supply gas to the three northern plants with a capacity of 1,519 MW. Giving an endorsement to the Vía Verde project without gas for the operation is absurd, negligent, and is suspicious.
5. The EPA is erroneous when citing information supplied by PREPA indicating that the northern power plants are more efficient. According to a 2009 report from PREPA, the Costa Sur and Aguirre plants have in average greater efficiency than the northern plants. In fact, Cambalache is the least efficient plant and is located in the north.
6. The EPA is inaccurate using the information supplied from PREPA to state that generating more energy in the south can destabilize the system causing frequent collapses of the Puerto Rican power-grid. This is absurd and false. Historically the south has generated from 75% to 80% of the total energy for the island and has done so with no major difficulties.
7. The EPA has failed to acknowledge that a number of prestigious engineers from the Department of Electrical Engineering at the University of Puerto Rico have determined that the savings expected from the Vía Verde project are about 1.2 cents per kWh which drastically contradicts the PREPA claims of savings of 12 to 22 cents per kWh.



April 8, 2011

Judith A. Enck  
Administrator for EPA's Region 2 Office  
290 Broadway  
New York, New York 10007-1866

Dear Administrator:

We represent Casa Pueblo, a community-based organization with over 30 years of service contributing towards sustainable development in Puerto Rico in the areas of economic development, environmental protection, educational programs, and agriculture. Casa Pueblo has been nationally and internationally recognized, including through the award of a 2002 Goldman Prize, equivalent to an Environmental Nobel Prize, to its Director Dr. Alexis Massol-González. Our concern regarding the potential impact of a major natural gas pipeline proposal led us to assemble a Scientific and Technical Commission to study the potential environmental, social and economical impacts of the project. This Commission has now been studying this project for more than nine months.

In a recent letter signed by Carl Soderberg (Director of the EPA in Puerto Rico, April 1, 2011) directed to the US Army Corps of Engineers addressing the Vía Verde gas pipeline project; SAJ-2010-02881 (IP-EWG), the EPA endorses the project conditionally pending the supply of additional information.

The EPA analysis that endorses the Vía Verde project is supported by a number of arguments that contain errors, omissions, and a misguided investigation (refer to the last paragraph in page 1 and the first in page 2 of Soderberg's letter to USCOE).

1. It is completely wrong to say that the capacity of the Via Verde is 1,519 MW while the Aguirre Plant capacity is only 592 MW.
  - a. Whether omitted deliberately or by accident, the Aguirre plant has units 1 and 2 with a total capacity of 900 MW, in addition to two combined cycle units with a total capacity of 592 MW.



reach any kind of endorsement for this proposal, on the contrary, the denial of the Joint Permit seems to be the only path.

Your ambiguous position is currently use by the local government to justify an expedite process of contracting without the necessary permits. Please see enclosed letter.

Do not hesitate to contact us for further information.

Arturo Massol-Deyá, Ph.D.

Gerson Beauchamp, Ph.D. Electrical Engineer



Alexis Massol-González, Goldman Prize Winner 2002 [letterEPA\\_April\\_08.pdf](#)



**Fw: [POSSIBLE SPAM] Casa Pueblo to EPA - 'Via Verde'**  
Carl Soderberg to: Teresita Rodriguez  
Cc: Jose Font

04/11/2011 08:47 AM

History: This message has been forwarded.

preparar contestacion

----- Forwarded by Carl Soderberg/R2/USEPA/US on 04/11/2011 08:46 AM -----

From: Judith Enck/R2/USEPA/US  
To: Carl Soderberg/R2/USEPA/US  
Date: 04/10/2011 10:43 AM  
Subject: Fw: [POSSIBLE SPAM] Casa Pueblo to EPA - 'Via Verde'

Sent by EPA Wireless E-Mail Services

From: Arturo Massol [amassol@gmail.com]  
Sent: 04/10/2011 09:39 AM AST  
To: Judith Enck  
Cc: <Enrique.Fernandez@mail.house.gov>; <Sindulfo.Castillo@usace.army.mil>; Gerson Beauchamp <gerson@ece.uprm.edu>; CASA PUEBLO <casapueb@coqui.net>  
Subject: [POSSIBLE SPAM] Casa Pueblo to EPA - 'Via Verde'

Dear Judith Enck:

The EPA analysis that endorses the 'Via Verde' project is supported by a number of arguments that contain errors, omissions, and a misguided investigation. Either by accident or alternative motivations, EPA has failed with its responsibility by endorsing a clearly corrupted proposal (just check the local headlines of the past week while additional issues are still to come).

We are requesting an investigation including the direct role of Carl Soderberg and strongly request EPA to remove its conditional endorsement for the Via Verde project immediately. Neither EPA or the USCOE has the necessary information to

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/>

Classification: UNCLASSIFIED  
Caveats: NONE

Classification: UNCLASSIFIED  
Caveats: NONE

[attachment "3-17-11 centerline.dbf" deleted by Jorge Saliva/R4/FWS/DOI] [attachment "carta coe shapefile.pdf" deleted by Jorge Saliva/R4/FWS/DOI] [attachment "3-17-11 centerline.shx" deleted by Jorge Saliva/R4/FWS/DOI] [attachment "3-17-11 centerline.shp" deleted by Jorge Saliva/R4/FWS/DOI] [attachment "3-17-11 centerline.prj" deleted by Jorge Saliva/R4/FWS/DOI] [attachment "3-17-11 centerline.idx" deleted by Jorge Saliva/R4/FWS/DOI] [attachment "Via Verde Pipe Line.kmz" deleted by Jorge Saliva/R4/FWS/DOI]



pic27753.gif pic10383.gif pic14945.gif

<Edwin\_Muniz@fws.gov>, <Soto.Jose@epamail.epa.gov>, <cathy.kendall@dot.gov>, <marisel.lopez-cruz@dot.gov>, <jose.a.rivera@noaa.gov>

cc"Castillo, Sindulfo SAJ" <Sindulfo.Castillo@usace.army.mil>

SubjectSAJ-2010-02881 Via Verde Pipeline Alignment (UNCLASSIFIED)

<<Via Verde Pipe Line.kmz>> Classification: UNCLASSIFIED  
Caveats: NONE

Ladies and Gentlemen:

Enclosed are subject file to illustrate the Via Verde Project changes to the alignment.

I don't have the required software to properly convert the file with all information, but at least I was able to illustrate the line.

On the Google Earth KMZ  
The line in RED is the pipeline alignment delivered with the permit application.  
The line in GEEN is the new proposed pipeline alignment.

Just click on the attached file and select OK and it will show up on your Google Earth program.

For those of you who are fortunate and have ArcView or ArcInfo the shape files are also attached.

I'll see you all on Mach 31st.

Respectfully,

Fax: (787) 851-7440  
rafael\_gonzalez@fws.gov

----- Forwarded by Rafael Gonzalez/R4/FWS/DOI on 03/31/2011 07:29 AM -----

**Marelisa Rivera/R4/FWS/DOI**

03/25/2011 08:58 AM

To Rafael Gonzalez/R4/FWS/DOI@FWS

cc

SubjectFw: SAJ-2010-02881 Via Verde Pipeline Alignment (UNCLASSIFIED)

Por favor abre los documentos y coteja si la ruta demuestra los 100 pies

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

----- Forwarded by Marelisa Rivera/R4/FWS/DOI on 03/25/2011 08:56 AM -----

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

03/25/2011 08:20 AM

To "Garcia, Edgar W SAJ" <Edgar.W.Garcia@usace.army.mil>, "Lisamarie carrubba" <Lisamarie.Carrubba@noaa.gov>, "Carl Soderberg" <Soderberg.carl@epa.gov>, "Carlos A. Rubio" <carubio@prshpo.gobierno.pr>, "Miguel Bonini" <mbonini@prshpo.gobierno.pr>, <jaime.torres@dot.gov>, <carlos.machado@dot.gov>, <Marelisa\_Rivera@fws.gov>

JORGE

ps- suggest them that, next time that they provide PDF files, they label them with the municipality name or something. It is a royal pain having to go through all of them to find the ones you need!

---

Jorge E. Saliva, Ph.D.  
Endangered Species Program  
U.S. Fish and Wildlife Service  
Caribbean Ecological Services Field Office  
P.O. Box 491  
Boquerón, Puerto Rico 00622  
Telephone: 787/851-7297, extension 219  
Fax: 787/851-7440  
E-mail: [Jorge\\_Saliva@fws.gov](mailto:Jorge_Saliva@fws.gov)  
Rafael Gonzalez/R4/FWS/DOI

Rafael Gonzalez/R4/FWS/DOI

03/31/2011 07:33 AM

To: Carlos Pacheco/R4/FWS/DOI@FWS, Omar Monsegur/R4/FWS/DOI@FWS,  
Jorge Saliva/R4/FWS/DOI@FWS, Felix Lopez/R4/FWS/DOI@FWS

cc

Subject: Fw: SAJ-2010-02881 Via Verde Pipeline Alignment (UNCLASSIFIED)

Rafael Gonzalez  
Fish and Wildlife Biologist  
U.S. Fish and Wildlife Service  
Ecological Services Caribbean Field Office  
P.O. Box 491  
Boquerón, Puerto Rico 00622

Phone: (787) 851-7297 x 214

Monsegur/R4/FWS/DOI@FWS

SubjectRe: Fw: SAJ-2010-02881 Via Verde Pipeline Alignment (UNCLASSIFIED)

Thanks for your comments!

Rafael Gonzalez  
Fish and Wildlife Biologist  
U.S. Fish and Wildlife Service  
Ecological Services Caribbean Field Office  
P.O. Box 491  
Boquerón, Puerto Rico 00622

Phone: (787) 851-7297 x 214  
Fax: (787) 851-7440  
rafael\_gonzalez@fws.gov

Jorge Saliva/R4/FWS/DOI

Jorge Saliva/R4/FWS/DOI

04/12/2011 01:30 PM

ToRafael Gonzalez/R4/FWS/DOI@FWS

ccCarlos Pacheco/R4/FWS/DOI@FWS, Felix Lopez/R4/FWS/DOI@FWS, Omar Monsegur/R4/FWS/DOI@FWS

SubjectRe: Fw: SAJ-2010-02881 Via Verde Pipeline Alignment (UNCLASSIFIED)

Rafa,

After reviewing the information provided, I do not see changes in the road alignment (in areas of concern) that are significant enough to prevent impacts to habitat of the sharp-shinned hawk, broad-winged hawk, Puerto Rican parrot, nightjar, and Puerto Rican boa; except potentially a couple of spots in Manati and one in southeast Adjuntas. Therefore, comments and concerns that I expressed on a previous email of March 24, 2011 regarding these species remain.

occur due to having to build a stable road bed over which to transport equipment. Also many of these areas are prone to landslides and have highly erodible soils. How is AEE going to maintain these areas free of deep tree roots and perform any needed repairs? The slopes would have to be cut to allow for some kind of permanent transit along the entire route.

48.0-Z-321.28\_Rev1 - Why is the pipeline following the east bank of the Rio Grande de Arecibo at Utuado? That would entail work in the river bank or active river channel, either way the area is subject to erosion and construction would impact the river. Going up the steep hill on the other side will create a slide for water and erosion right into the river.

48.0-Z-321.22\_Rev1 - Just how are they going to cross the Rio Pellejas at this point, the profile shows that the river is down in a steep valley with a 300 feet below the pipeline, are they just going to cut a slide down one side and up the other, this would adversely impact the river and become a focal point for future land slides. There is no place for them to have the additional work area at the bottom of the valley unless they cut into the mountains.

48.0-Z-321.15\_Rev3 - What is that sudden deviation in the pipeline at this point and what is the reason.

48.0-Z-321.01\_Rev3 - Extra HDD work space is in a saltflat and mangrove area, pipeline route from metering station to HDD is through saltflats and mangrove that seems to be permanently flooded and connected with Guayanilla Bay.

Felix Lopez  
USFWS  
Boqueron FO  
787 510 5208

"No one seems to know what it is we do, but what ever it is, we are the only ones that can do it, and we do it well"  
Rafael Gonzalez/R4/FWS/DOI

**Rafael Gonzalez/R4/FWS/DOI**

To Jorge Saliva/R4/FWS/DOI@FWS

04/12/2011 02:22 PM

cc Carlos Pacheco/R4/FWS/DOI@FWS, Felix Lopez/R4/FWS/DOI@FWS, Omar



permanently claim?

48.0-Z-321.87\_Rev1 - looks like they will be working very close to the Rio Cocal mangroves, and what is the HDD pull back area, additional fill, it seems substantial. All impacts here seem to be in herbaceous wetlands.

48.0-Z-321.86\_Rev1 - Same thing, looks like the additional 75x200 work area may impact mangrove wetlands, HDD pull back area is shown, all other impacts are in marsh.

It looks like they will require additional work areas in all HDD work and major road and river crossings.

48.0-Z-321.61\_Rev1 - Large additional work area and HDD pull back area

I do not see the wetlands indicated in the drawings, even though there is a symbol for them in the legend.

48.0-Z-321.62\_Rev1 - Same as xxx.61

48.0-Z-321.53\_Rev1 - Caño Tiburones, wetlands are shown on the drawing legend but not shown on the shaded map area. It would be advantageous to have all wetland areas shown on all the maps.

48.0-Z-321.48\_Rev1 - Caño Tiburones, pipeline crossing deep marsh and open water, how are they going to build over open water?

48.0-Z-321.44\_Rev2 - Rio Grande de Arecibo crossing, had additional work areas and HDD pull back in possible wetlands.

The drawings are very good at identifying unnamed roads, but the symbol for road and creek are very similar, it is difficult to differentiate these on the map, they should have been colored blue. We recommend that all streams, drainage which fall under the jurisdiction of the Corps should be clearly shown in the project drawings in a distinctive color. Surely they could extract this from soil and topo maps.

As you move into the mountains and look at the pipeline profile you will see that in some areas the pipeline will be built along the side of a hill, this will probably involve more than the 150 foot construction zone, since you cannot build on the side of a hill with trucks and heavy equipment, it simply is not possible from an engineering stand point. I believe that much more natural resource impacts will



**Fw: SAJ-2010-02881 Via Verde Pipeline Alignment (UNCLASSIFIED)**

**Carl Soderberg to: Teresita Rodriguez**

04/13/2011 11:33 AM

----- Forwarded by Carl Soderberg/R2/USEPA/US on 04/13/2011 11:42 AM -----

**From:** Felix\_Lopez@fws.gov  
**To:** Rafael\_Gonzalez@fws.gov  
**Cc:** Carlos\_Pacheco@fws.gov, Jorge\_Saliva@fws.gov, Omar\_Monsegur@fws.gov, Edgar.W.Garcia@usace.army.mil, Edwin\_Muniz@fws.gov  
**Date:** 04/13/2011 11:06 AM  
**Subject:** Re: Fw: SAJ-2010-02881 Via Verde Pipeline Alignment (UNCLASSIFIED)

More comments on the PDF files, yes I looked at each and every one, its very time consuming

48.0-Z-322.45\_Rev1 - What is the Proposed Palo Seco Lateral ? It should be included in this permit application.

48.0-Z-322.21\_Rev1 - The route to Costa Sur from the proposed meter station runs through salt flat mangrove scrub shrub wetlands.

48.0-Z-322.41\_Rev1 - Entry into the Palo Seco plant may impact wetlands, the 150 foot construction corridor is not shown here. It is not clear if HDD will be used here or not.

48.0-Z-321.94\_Rev2 - The proposed Bayamon Connection may impact a former mitigation site, also what is the section of pipe heading east for?

48.0-Z-321.95\_Rev1 - The pipeline will impact the existing CAPECO underflow dam, and herbaceous wetlands.

48.0-Z-321.93\_Rev1 - Possible wetland impacts

48.0-Z-321.91\_Rev2 - Large HDD pullback area along the beach in Levittown, may impact beach area.

48.0-Z-321.90\_Rev2 - HDD pullback area in mean high water and sometimes mean low water

48.0-Z-321.88\_Rev1 - Why is there a 50' wide construction corridor along the HDD routes, is that the ROW that AEE is going to

cc:  
FHWA  
FWS  
NMFS - ESA  
NMFS - EFH  
SHPO  
EPA Region 2



DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
P.O. Box 4970  
JACKSONVILLE, FLORIDA 32232-0019

APR 13 2011

REPLY TO  
ATTENTION OF

Regulatory Division

Mr. Carl-Axel P. Soderberg  
Caribbean Environmental Protection Division  
Centro Europa Building, Suite 417  
1492 Ponce de Leon Avenue, Stop 22  
San Juan, PR 00907-4127

Dear Mr. Soderberg:

This letter acknowledges yours dated April 1, 2011, regarding the Via Verde Natural Gas Pipe Line proposal currently under review by Department of the Army permit application number SAJ-2010-02881. We were extremely surprised by the conclusions made by your agency considering that much information is still forthcoming on this project. We take exception to the contents of the letter, the analysis therein contained, and its conclusions.

It appears the EPA was provided with privileged information by the PREPA, as expressed repeatedly in your letter. It concerns me that the Corps was not involved in any of the exchanges of information and/or meetings that took place between the applicant and your agency, as the Corps has primary and ultimate authority over the Via Verde application. The applicant has not submitted all required information to properly address the alternative analysis, avoidance and minimization, compensatory mitigation, public interest, endangered species, historical properties, and impacts to federal projects. With that said, the Corps considers it to be premature to render a decision if the NEPA process could be concluded with a mitigated FONSI or an EIS; or even to imply that this project is permissible.

Thus I am requesting that privileged information in the hands of EPA be provided to the Corps. Please feel free to call me reference this subject at your convenience.


Sincerely,

A handwritten signature in black ink, appearing to read "D. W. Kirfard", is written over the typed name.

Donald W. Kirfard  
Chief, Regulatory Division

If you have any questions or require additional information on this matter, please contact Ms. Teresita Rodríguez, Chief of the Multimedia Permits and Compliance Branch (MPCB), at 787-977-5864 or Mr. José Soto, of the MPCB, at 787-977-5829.

Sincerely,



Carl-Axel B. Soderberg  
Director

CC: USFWS-Cabo Rojo, PR  
DNER- San Juan, PR  
PRPB- San Juan, PR  
PREQB- San Juan, PR



## **Martin Peña & Via Verde Highlights**

**Jose Soto to: Jose Font**

**Cc: Teresita Rodriguez**

03/31/2011 06:03 PM

Martin Peña:

1. CEPD met with representatives from the Ponce School of Medicine and Proyecto ENLACE on March 25. The purpose of the meeting was to discuss the possibility of performing an epidemiological study at the Martin Peña communities in order to gather evidence regarding the possible link between repeated exposure to sewage contaminated water and sediments to illnesses within the communities. ENLACE's presentation included a video on the community and the project, and additional information on the proposed dredging project and the current conditions of the area. Ms. Hirnilce Velez, from the Epidemiology Department of the Ponce School of Medicine welcomed the opportunity to participate in this project, which will address a long standing data gap regarding the communities. ENLACE invited Ms. Velez to a tour of the area which had been previously planned as part of an EPA sampling and data collection effort. Ms. Velez and some graduate students participated in the tour on March 27, and coordinated for further meetings with ENLACE for the planning and community involvement efforts.

Via Verde:

1. A revised draft letter providing comments to the information supplied by PREPA in response to our original comments on the project began internal review at CEPD on March 30.
2. EPA participated in a meeting with DOT's Pipeline Hazardous Materials Safety Administration, as coordinated by the Corps of Engineers. During the meeting, some requirements from PHMSA which may affect PREPA's plans were discussed. The main issue that would require a major modification to current project plans is PHMSA's requirement that the right of way for the project be kept clear at all times. This could prevent PREPA from developing mitigation plans for wetlands impacts within the right of way, and may result in additional impacts to wetland areas due to regular maintenance requirements. Additional information and a copy of PHMSA's presentation will be forwarded by the Corps to all participating agencies.