




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

Garcia, Edgar W SAJ, lisamarie
Garcia, Edgar W SAJ to: carrubba, Carl Soderberg, Carlos A.
Rubio, Miguel Bonini, jaime.torres,

03/25/2011 08:12 AM

Cc: "Castillo, Sindulfo SAJ"

7 attachments

 3-17-11 centerline.dbf  carta coe shapefile.pdf 3-17-11  centerline.shx 3-17-11  centerline.shp
 3-17-11 centerline.prj  3-17-11 centerline.idx  Via Verde Pipe Line.kmz

<<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,

Edgar W. García

Project Manager

Army Corps of Engineers

Jacksonville District

Antilles Regulatory Section

Tel: (787) 729-6905 Ext. 3059

Fax: (787) 729-6906

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Caveats: NONE

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GOVERNMENT OF PUERTO RICO
Puerto Rico Electric Power Authority

SAN JUAN, PUERTO RICO



PO Box 364267
San Juan, PR 00936-4267

www.prepa.com

March 23, 2011

Mr. Edgar Garcia
Regulatory Project Manager
Antilles Regulatory Section
Jacksonville District Corps of Engineers
400 Fernandez Juncos Avenue
San Juan, Puerto Rico 00901-3299

**Re: SAJ-2010-0881-IP-EWG-Via Verde Gas Pipeline
Final Project Shape Files and Alignment**

Dear Mister Garcia:

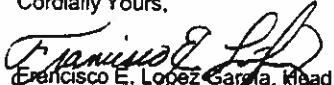
As discussed during the last Interagency Meeting held at the US ARMY Corps of Engineers (USACE) offices on March 2, 2011, attached please find the Shape Files depicting the Final Pipeline alignment for the Via Verde Project.

This alignment considers all mitigation efforts as well as realignments needed to avoid and minimize impacts to the environment; incorporates recommendations presented by different federal regulatory agencies part of the Interagency Committee evaluating the Joint Permit Application (JPA) presented back on September 20, 2011; and, considers additional pipeline alignment adjustments required during the State Environmental Impact Statement (EIS) approval process completed back on November 30, 2010.

The attached Shape File is provided before the due date agreed upon during the last Interagency Committee meeting, in an effort from the Puerto Rico Energy Power Authority (PREPA) to provide the USACE with the required information needed to supplement the information originally included with the JPA presented.

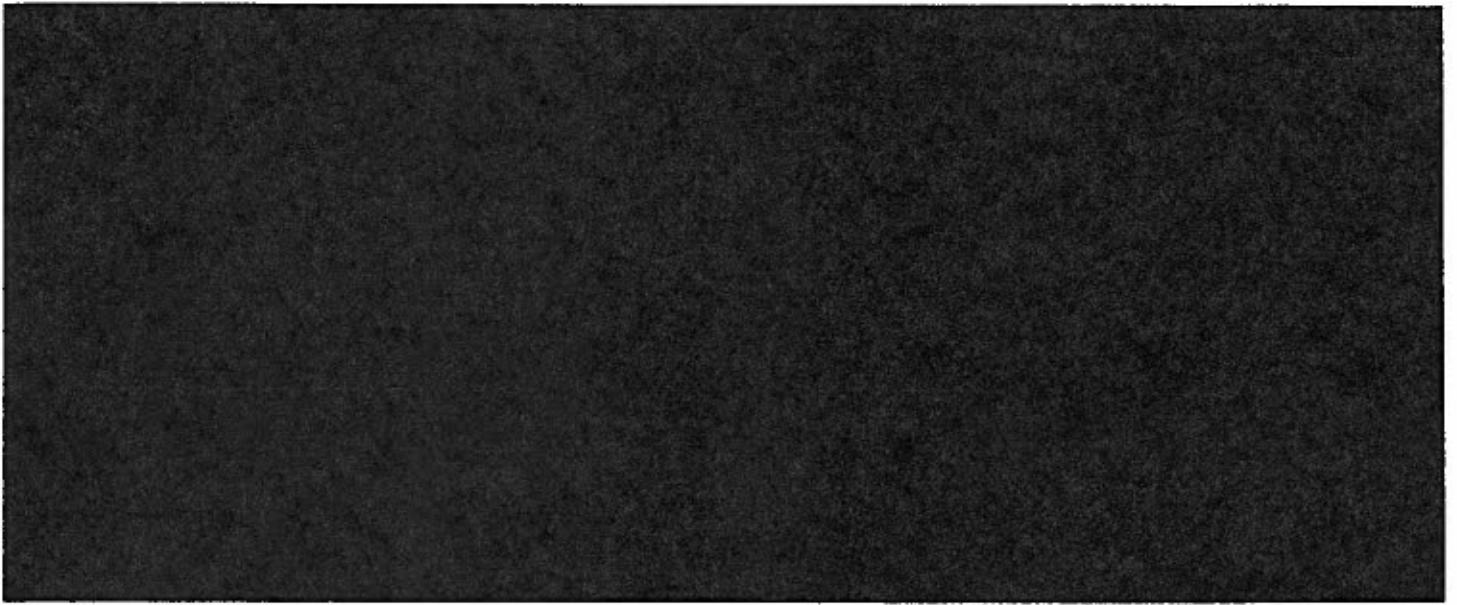
In the event additional information related with this important subject is needed, please do not hesitate to contact the undersigned or Eng. Danny Pagan, at your earliest convenience.

Cordially Yours,


Francisco E. Lopez Garcia, Head
Environmental Protection and
Quality Assurance Division

Enclosure

"We are an equal opportunity employer and do not discriminate on the basis of race, color, gender, age, national or social origin, social status, political ideas or affiliation, religion, for being or perceived to be a victim of domestic violence, sexual aggression or harassment; for physical or mental disability or veteran status or genetic information."



Via Verde Pipe Line

Via Verde follow-up letter

Jose Soto

to:

Carl Soderberg

03/25/2011 10:45 AM

Cc:

Teresita Rodriguez, Jose Font

Show Details

Attached please find the **first draft** of the follow-up letter for Via Verde. I limited the comments from DEPP to those solely dealing with wetlands program issues, as per a conference call with Dan Montella and Mario Del Vicario. As of this message, I have **NOT** forwarded the letter to New York. This letter is a follow-up and is not bound by program specific deadlines. If you have any questions/concerns, please let me know.

Mr. Edgar W. García

Regulatory Project Manager

Antilles Regulatory Section

Jacksonville District Corps of Engineers

400 Fernandez Juncos Avenue

San Juan, Puerto Rico 00901-3299

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

Dear Mr. García:

This is in further reference to the Vía Verde natural gas pipeline project proposed by the Puerto Rico Electric Power Authority (PREPA). After our December 23, 2010 letter, voluminous 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 has met with EPA representatives on several occasions to present and/or discuss such additional information, including several chapters of the local Environmental Impact Statement (EIS) for the project. These updated comments on the project are based on a thorough review of the additional information furnished by the applicant.

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 for the project, 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. After evaluating the additional information delivered by the applicant, EPA has the following comments:

To address the alternatives analysis issue, PREPA provided information on the alternatives contained in the local EIS prepared for the project. These included the 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 include 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*", which was previously considered by PREPA as means to address the diversification of the electric power supply methods in Puerto Rico, was briefly mentioned in response to comments from the U.S. Army Corps of Engineers and the Puerto Rico Engineers and Surveyors Association. EPA believes that PREPA's dismissal of this alternative as inconsistent with the current project's overall project purpose (to provide an alternative fuel source to three power generating plants located in the north coast of Puerto Rico), while accurate, does not address the fact that it would provide PREPA with an alternative fuel option for two major generating facilities with lesser environmental impacts. While we must defer 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, EPA believes that additional discussion of this alternative is required in order to satisfy the requirements of a comprehensive alternatives analysis for the currently proposed project.

In regards to EPA's concerns regarding 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 remain confident that the best management practices, combined with adequate monitoring, should minimize any impacts from directional drilling. Furthermore, EPA urges the Corps of Engineers to consider a special condition to the permit requiring the presence of a trained geologist/engineer with expertise on karst terrain during drilling in order to closely monitor the operations and stop work if any abnormalities are

detected. Another special condition mandating the avoidance of karst formations during pipeline placement should also be considered.

In our previous letter, we commented on the perceived 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 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' resource agencies before a permit is issued. In addition, questions regarding the concept of "temporary impacts" proposed by PREPA remain. While PREPA expresses that after placing the pipeline, areas would be immediately brought back to initial conditions so that natural re-colonization by suitable wetlands species begins, several of the documents indicate a willingness to enhance areas by suppressing invasive and/or nuisance species. These "enhancement" areas need to be identified and quantified. We also think that additional details on the management/maintenance methods to be used need to be clarified. In addition, we believe that the 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 feels 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 any mitigation planning 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. While the applicant has since explained the concept of a variable

ROW at the meetings to discuss outstanding project issues, we would appreciate a written, detailed explanation of this concept in order to include it in the project review file. If possible, PREPA should provide this information on a map, including the location of any staging areas or work platforms needed during construction. This information would help EPA determine whether there are any other issues that need to be addressed within the ROW in order to provide substantive comments to the Corps and PREPA.

In summary, while PREPA has addressed our major concerns regarding the Vía Verde Natural Gas Pipeline project, EPA believes that some additional information is required in order to fully comply with the Clean Water Act, Section 404(b)(1) Guidelines requirements. Specifically, we request additional evaluation regarding the "*Gasoducto del Sur*" alternative, the consideration of special condition to the permit in order to address our concerns regarding the use of directional drilling, additional details regarding the project's compensatory mitigation plan, and a detailed explanation of the project's variable right-of-way, including maps and staging areas. We therefore condition our approval of the proposed permit project to the submittal and positive evaluation of data to alleviate our remaining concerns.

If you have any questions or require additional information on this matter, please contact Ms. Teresita Rodriguez, 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



Fw: SAJ-2010-02881 Via Verde Pipeline Alignment (UNCLASSIFIED)
Carl Soderberg to: Teresita Rodriguez, Jose Soto

03/25/2011 01:31 PM

----- Forwarded by Carl Soderberg/R2/USEPA/US on 03/25/2011 01:38 PM -----

From: "Garcia, Edgar W SAJ" <Edgar.W.Garcia@usace.army.mil>
To: "Garcia, Edgar W SAJ" <Edgar.W.Garcia@usace.army.mil>, "lisamarie carrubba" <Lisamarie.Carrubba@noaa.gov>, Carl Soderberg/R2/USEPA/US@EPA, "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>, <Edwin_Muniz@fws.gov>, Jose Soto/R2/USEPA/US@EPA, <cathy.kendall@dot.gov>, <marisel.lopez-cruz@dot.gov>, <jose.a.rivera@noaa.gov>
Cc: "Castillo, Sindulfo SAJ" <Sindulfo.Castillo@usace.army.mil>
Date: 03/25/2011 08:12 AM
Subject: SAJ-2010-02881 Via Verde Pipeline Alignment (UNCLASSIFIED)

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

Ladies and Gentlemen:

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The line in RED is the pipeline alignment delivered with the permit application.

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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,

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

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3-17-11 centerline.prj	3-17-11 centerline.idx	Via Verde Pipe Line.kmz	

Fw: Requested Data
Teresita Rodriguez to: Jose Soto

03/29/2011 09:00 AM

Jose,

Last Friday I contacted Mr. Pagán, PREPA's consultant, to request the information identified as missing from their previous submittal. Attached you'll find the additional information submitted by Mr. Pagán.

----- Forwarded by Teresita Rodriguez/R2/USEPA/US on 03/29/2011 09:05 AM -----

From: Daniel Pagan <daniel_paganrosa@yahoo.com>
To: Teresita Rodriguez/R2/USEPA/US@EPA
Date: 03/29/2011 08:52 AM
Subject: Requested Data

Dear Teresita:

Attached please find the supplemental information requested las Friday, for needed action.



Alternatives Considered.doc

Alternatives Considered:

Via Verde Project is geared and structured to provide the Puerto Rico Electric Power Authority (PREPA) with the required operational flexibility to dispatch the most efficient (higher heating value) power generating units, located on the northern part of the Island. This will be accomplished through the use of a Computer Algorithm that considers each unit rated capacity, individual fuel consumption and the type of fuel that fosters the lowest power generating costs in Puerto Rico. In addition, the Via Verde project will allow PREPA the effective utilization of the units located on the northern part of the Island, allowing a reduction in the transmission losses traditionally observed in PREPA's electric power transfer system.

Since Via Verde is geared to increase the operational flexibility associated with the power generating facilities located on the northern area of PR, any project aimed to generate power at the Aguirre Power Plant is considered outside of the established project scope. In light of this, the former Gasoducto del Sur Project was not considered in the Alternative Analysis's included in Chapter # 4 of the Environmental Impact Statement (EIS) written for this project and approved by the Environmental Quality Board back on November 30, 2010.

As it may be recalled, the Gasoducto del Sur project showed a limited scope since it 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 will be providing Natural Gas and increasing PREPA's operational capabilities to a total of 1,519 MW, or around 3 times more of the power generating units considered in the original Gasoducto del Sur Project.

Considering all of the above, the Gasoducto del Sur was not included as one of the alternatives evaluated. Moreover, applicable regulations require that any project alternative to be considered as part of the Alternative Analysis in the EIS must be one that in fact can be implemented and is consistent with the scope of the project to be developed. Within the context of Via Verde, the Gasoducto del Sur does not meet such criteria.

Horizontal Directional Drill Technique Implementation:

As indicated in Chapter # 5 of the EIS, strict operational and environmental procedures will be followed at the time the Horizontal Directional Drill (HDD) Technique will be utilized throughout the Via Verde Project. These efforts will consider among other things, the implementation of a FRAC-OUT Plan, as well as the direct supervision of a fully qualified Engineer who will be overseeing and supervising the entire HDD operations. These were conditions required by the Department of Natural and Environmental resources as well as the Environmental Quality Board, during the evaluation and approval process of the Via Verde EIS. The implementation of the FRAC-OUT Plan as well as the requirement of having a qualified engineer overseeing all HDD operations could be included as one of the conditions of the Joint Permit to be issued.

Mitigation Plan:

PREPA will be in a position to develop the required Mitigation Plan in accordance with applicable rules and regulations promulgated by the US Environmental Protection Agency (EPA). Said Plan will be prepared and further negotiated with the EPA, including other regulatory agencies with jurisdiction, once the requested JPA have being approved by the US Army Corp of Engineers (USACE). Based on the

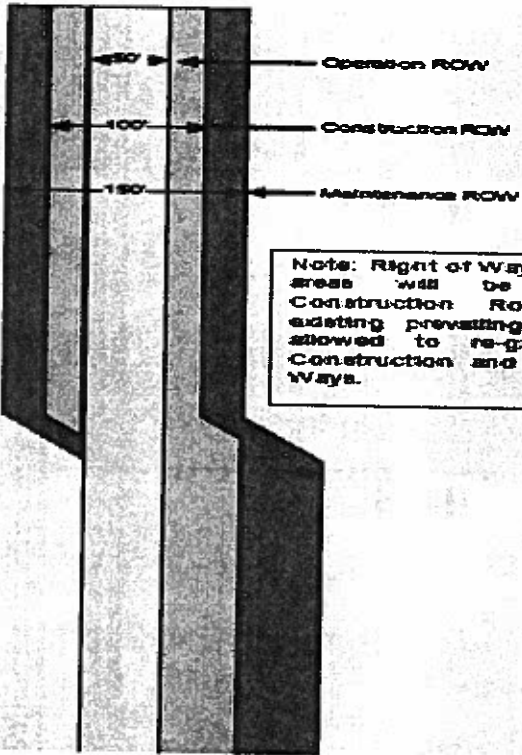
experience related with the development of this important Plan, PREPA considers that it could be developed and presented for needed evaluation on or before 30 days after the approval of the JPA. Considering the above, the development of a Mitigation Plan could be included as one of the conditions of the required JPA.

Project Right of Way:

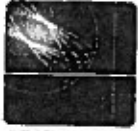
Via Verde Right of Way (RoW) as defined in the EIS as well as in the JPA considers three basic components defined as follows:

- Fifty (50) feet **Operation and Permanent RoW** where the pipeline will be buried. In this area, in particular within uplands, non deep rooted vegetation will be allowed to grow. In the case of Jurisdictional Areas, and once construction activities are completed, prevailing vegetation will be allowed to re-grow without any limitation, restoring the area to its original hydraulic and vegetative functions in a short period of time, (See Diagram included below)
- One hundred (100) feet **Construction RoW** to be utilized exclusively during the construction of the Via Verde project. Once construction activities are completed this area will be utilized as a Mitigation Area for the Planting of trees in uplands as required by the DNER. Within Jurisdictional Areas the RoW will be limited to 100 feet. After construction activities are completed, prevailing vegetation will be allowed to re-grow without any limitation, restoring the area to its original hydraulic and vegetative functions in a short period of time, (See Diagram included below)
- One Hundred and Fifty (150) feet **Maintenance RoW** which considers the above mentioned areas and provides an additional fifty (50) feet area of separation from any residential structures from the pipeline center line. Once construction activities are completed, it will be utilized as a Mitigation Area for the Planting of trees as required by the DNER. (See Diagram included below)

Right of Way Diagram:



Note: Right of Way within jurisdictional area will be limited to the Construction ROW (100 ft) and existing prevailing vegetation will be allowed to re-grow on both the Construction and Operation Right of Ways.



Via Verde - DRAFT # 2
Jose Soto to: Carl Soderberg
Cc: Teresita Rodriguez, Jose Font

03/29/2011 11:51 AM

Attached is draft # 2 of the Via Verde letter, including modifications as per the additional information submitted by Danny Pagan.

Please let me know of any comments and/or changes.

Thanks!

Jose Soto
Multimedia Permits and Compliance Branch
Phone: (787) 977-5829



Via Verde follow-up letter - March 29, 2011 - DRAFT #2.docx

Mr. Edgar W. García
Regulatory Project Manager
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. García:

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. These updated comments on the project are based on a thorough review of the additional information furnished by the applicant and its consultants.

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 for the project, 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. After evaluating the additional information delivered by the applicant, EPA has the following comments:

To address the alternatives analysis issue, PREPA provided information on the alternatives contained in the local EIS prepared for the project. These included the 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 mentioned in 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 fully addressed by the applicant.

In regards to EPA's concerns regarding 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 remain confident that best management practices, combined with adequate monitoring by qualified personnel should minimize any undesirable impacts from directional drilling. Therefore, EPA recommends that that a special condition to the Corps of Engineers permit, requiring the presence of a trained geologist/engineer with expertise on karst terrain in the field at all times during drilling operations in order 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 perceived 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' resource agencies before construction of the project begins. In addition, questions 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. We also think that additional details on the management/maintenance methods to be used need to be clarified. In addition, 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 feels 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. While the applicant has since explained the concept of a variable ROW according to the activities being performed (construction, mitigation, maintenance, operation). The applicant's consultant has provided a brief description of the ROW categories, but we would appreciate a written, detailed explanation of the concept in order to include it in the project review file for future reference.

In summary, while PREPA has addressed our major concerns regarding the Via Verde Natural Gas Pipeline project, EPA believes that some additional information is required in order to fully comply with the Clean Water Act, Section 404(b)(1) Guidelines requirements. Specifically, we request additional details regarding the project's compensatory mitigation plan, and a detailed explanation of the project's variable right-of-way. We therefore condition our approval of the proposed permit project to the inclusion of the requested special conditions regarding directional drilling, the timely submittal of appropriate mitigation plans, and additional information regarding project's right of way.

If you have any questions or require additional information on this matter, please contact Ms. Teresita Rodriguez, 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

