



REPLY TO
ATTENTION OF

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

Exemption (b)(6)

16 May 2011

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Notes of Via Verde PDT Meeting 11 May 2011

1. Introduction by Exemption (b)(6), Regulatory Division, Jacksonville District. Additional Corps staff: Exemption (b)(6); Exemption (b)(6) (Archeologist); Exemption (b)(6) (Office of Counsel).

2. Status presentation by applicant.

- a. Scope is to supply natural gas to three power plants.
- b. Final alignment to Corps 23 March address issues from SHPO and FWS.
- c. NHPA. Realigned @ Vega Baja. All data provided 15 April.
- d. EFH. Report provided 15 April. Minimal Impact.
- e. FHWA. Utility Agreement signed and to be provided to FHA for needed approval. Construction Guidelines amended May 9, requested meeting with FHA for this and to provide drawings.
- f. EPA. Endorsed by letter April 1, with three conditions.
- g. Pipeline construction within karst revised.
- h. FWS. Studies for various species provided 12 March in advance of BA.
- i. Corps. Additional information 25 February. Letter on availability of natural gas provided 4 March.
- k. Alignment changes. (1) At Adjuntas to avoid conservation easement. (2) Utuado across river for pull-out. (3) Cambalache metering moved to upland. (4) HDD to avoid historic site La Esperanza Manatí. (5) To avoid mogotes in Manatí karst. (6) To avoid historic site Paso del Indio. (7) To avoid future interchange construction at PR22 & PR5.
- l. Mitigation. Ready to discuss. Upland mitigation 3:1 per permit.

3. Project Purpose.

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a. Applicant: Is as stated in permit application, specifically §1.4 of JPA.

b. FWS Q: PDFs show connection to industrial plants? Applicant A: The project is as described. Stub-outs being installed now since much less expensive than cutting into existing pipe if ever a decision is made to provide supply. No plans now. Corps: Is relevant to permit decision for (1) scope of cumulative impacts (2) commitment of resources prior to NEPA analysis for supply to plants and (3) whether stub-out location/need constrains alternatives.

c. Applicant & Corps will get together.

To Do # 1

4. Alignment. (PDT 1, 2, etc. Corps Google Earth placemarks.)

a. (PDT 1, Mile 1, Eco Electrica) HDD near salt marsh, why not follow existing access road and use pipe rack. HDD pullout moved within bermed area. PREPA look at. To Do # 2

b. (PDT 2, Mile 6, Landfill). Alignment moved away from potential hazmat, vicinity used disposal Union Carbide but not good records. Not same as PDF because one used older aerial (landfill expands). Why not follow access road?

c. (PDT 3, Mile 14, Adjuntas). Alignment moved around conservation easement.

d. (PDT __, Mile 15-16). Minor changes to move to top of the ridge.

e. (PDT __, Mile 24-26, Utuado). Pipe now follows PR10. FHWA needs how impact travelers. Asking DTOP for 50ft permanent ROW? Recommend have ROW people at meetings.

To Do # 3

f. (PDT 4, Mile 30, Bosque Rio Abajo). Alignment moves off of PR10 into mitigation area agreed to under Biological Opinion for PR10. PREPA will research.

To Do # 4

g. (PDT 5, Mile 36-40, Rio Grande de Arecibo). Alignment moves toward river to move away from community, much concern being near community.

h. (PDT 6, Mile 40.5). Going under channel of Rio Grande de Arecibo / Rio Santiago Diversion Federal Project.

i. (PDT 7, Mile 41, Cambalache). Change in metering station to upland by drag strip, away from wetland.

j. (PDT 8, Mile 42-54, Arecibo airport & landfill). Palustrine Emergent, much ex agricultural land, impact temporary) Q: To avoid wetland, can alignment go along PR22? A: Discarded because runs near communities and infrastructure, utilities (power and water). Q: Is limited access, much community? Q: Can alignment go south of PR22? A: Karst.

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- k. (PDT 9, Mile 52, Barcenoleta). Is near but outside Federal Project.
- l. (PDT 10, Mile 54, La Luisa). Used HDD to avoid Hacienda Azucarera La Esperanza historic site.
- m. (PDT 11, Mile 53-58, Rio Grande de Manatí). Alignment toward river to move away from community.
- n. (PDT 12, Mile 58-60, Manatí karst). Q: PDF page 63 indicates open trench through mogotes? If pipe stays level then some places trench deep, pipe not shown on PDF profile. A: pipe follow contour of surface. Q: Access?
- o. (PDT 13, Mile 65-66). FWS Q: Along foothills applicant said would bore, now open trench and alignment moved into mogotes; we originally agreed to no surveys since boring but now many species and no survey. PREPA study. To Do # 5
- p. (PDT 14, Mile 67, Vega Baja). Alignment moved to avoid Paso del Indio historic site. At Mile 69 revised alignment crosses mitigation are for PR22, looking for information on. To Do # 6
- q. (PDT __, Mile 75-81). Alignment leaves PR22 past Toa Baja crossing rivers.
- r. (PDT 15, Mile 83, Levittown). HDD pull-back areas and exit points with work pads on top of beach, what are characteristics and location of operations? Corals off shore and bentonite.
- s. (PDT 16, Mile 84, HDD pullback area in area of cemetery, boundary unknown, for La Candelarie Hacienda, aka El Plantaje. Lateral to Palo Seco along wetlands along Rio de Bayamon goes by Alemnta 5 aka Warehouse 5 historic site, boundary unknown.
- t. (PDT 17, Mile 84.5). HDD pull-back area possibly in area of mitigation for Bacardi or Flextank (sp?) permit(s). PREPA and Corps research permits. To Do # 7
- u. (PDT __, Mile 85-86). Parallel to service road.
- v. (PDT 18, Mile 86.5). Possibly location of mitigation associated with Bayamon jail construction. To Do # 8
- w. (PDT 19, Mile 87). Interchange PR22 and PR5. Alignment moved to avoid construction of road. FHWA Q: Aware putting in sound wall along route? Applicant A: We are discussing. To Do #10
- x. (PDT 20, Mile 87.5, Cucharillas). Corps did cumulative impact analysis and denied a permit in this area. Corps research. To Do #11

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w. (PDT 21, Mile 88). Q: At PR22 at Lajas Creek oil seeps out and is an underflow dam in place due to CAPECO (sp?) tank explosion, suggest talk with EPA. Applicant A: May move alignment. To Do #12

x. (PDT 22, Mile 88-89. Lajas Creek). Alignment parallel to pipe rack.

5. NHPA.

a. Corps send letter to SHPO on consultation. Now in technical assistance.

To Do #13

b. PREPA to send Corps English 1B report.

To Do #14

c. Corps. We are in "find out what we know". Will know what more needs to be done after evaluate 1B report. Will look at plateau areas. Paso del Indio site delineated for SR22 but not in direction of pipe.

6. FHWA.

a. Have draft Policy, cannot sign until NEPA complete. PREPA will send to FHWA.

To Do #15

b. Local authority and PREPA working details then to FHWA.

7. Barges (FSRU's) as Costa Sur.

a. Applicant. PREPA's charter is to generate power. PREPA considers projects not related to Via Verde. March 7 letter to Corps on source of gas.

b. Corps Q: FSRU's similar to that described in alternative analysis submitted?

Application A: Yes, ship and buoy. Letter coming to Corps.

To Do #16

8. Eco Electrica Site Visit.

a. PREPA: Will select which plan and fuel to generate based on cost per KWH. Today Costa Sur on gas. We asking for gas from 2nd gasification plant instead of keeping on standby, so now 93,000,000 cf + leftover cf from 1st gasification plant not used by Eco Electrica. If no gas then not able to comply with upcoming EPA emissions ruling.

b. FWS: FERC permit says 12 ships (93,000,000 cf), pending modification FERC permit adds 2 gasification plants. Biological Opinion is up to 25 ships. Whatever happens to gas between plants is PREPAs. Eco Electrica asked for meeting next week on Biological Opinion.

c. Corps: Our concern is whether need change to Biological Opinion for Via Verde.

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d. PREPA: Pending FERC modification waiting for dispersion model to be validated (change in use).

e. FWS: Concern if building project for just part of total. Applicant: Gives flexibility.

9. ESA FWS.

a. FWS waiting info on extent aquatic resources.

b. FWS providing technical assistance to Corps.

c. FWS HDD presentation. Bentonite non-toxic but if spilled can suffocate fish. Sometimes other additives that may be toxic. Pullback areas here as long as 4,000 feet, not just pipe rollers but equipment to handle, on marsh need work pads, at Mile 80 is 5 acres. Access roads? Where is water coming from? Where dispose of slurry? Want to see boring data.

d. Applicant. Contractor may be able to do less intrusive in pullback areas so may not be fill.

e. FWS Stream crossings presentation. Please label on maps. Not all streams identified, using USGS hydro layer and not same detail as USDA's soil. Erosion, e.g., trench breakers to prevent water following pipe. FWS Q: PREPA's January 29th letter says stream bank protection (i.e., armoring) may be required, that is Rio Pellejas has very steep slope, how will contractor do? Applicant A: Corps may allow in permit that contractor can select least intrusive.

f. FWS ROW presentation. Is 50ft permanent clearing, how will maintain vegetation, i.e., in sensitive areas.

g. Through karst. Is pipe following surface profile? FWS Q: What do when hit a void, what is void space protocol? Applicant A: is in EIS chapter 8.) In karst vegetation will not regrow.

h. ESA Review. We will provide technical assistance comments to Corps. Following are highlights only.

(1) Plants. In northern karst shows trenching vs. boring. Palo de rosa, BA says not effect but attached report says in access road. Not agree with MANLAA, your evaluation says not present but possible loss of habitat, so adverse. Cannot use one size fits all conservation recommendations for plant species.

(2) Hawks. Loss of habitat is not temporary, planting 3 trees for 1 not appropriate. 4 home ranges fragmented. Avoid places where alignment moved off of PR10. In northern karst avoid the karst. May effect, would look at Biological Opinion used for PR10, do not anticipate jeopardy.

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(3) Parrot. Will look at data we have on re-introduction. Concerned with deviations into mitigation area at Bosque Rio Abajo

(4) PR Nightjar. Construction during breeding season. Regrowth of vegetation in karst. Suggest alignment that goes around prime habitat (showed two ideas). Issue is dividing/fragmenting habitat.

(5) PR Crested toad. We can coordinate site visits for new alignment.

(6) PR Boa. Believe GIS quantity of habitat to be underestimated.

(7) Sea Turtles. We need to evaluate Levittown beach work. How will work at night? You say DNR has some data.

(8) Northern karst. Can move to PR22? Would remove many species issues.

(9) PR10, if can move would avoid Hawks and Boa issues.

i. Applicant Q: If move alignment would be MANLAA? FWS A: No, but reduce # of species May Affect. Applicant Q: If not? FWS A: Will prepare Biological Opinion right and dedicate resources to it but cannot give timeframe.

j. Corps to complete initiation package. To Do #17

k. Applicant wants to meet on details. To Do #18

10. ESA NMFS.

a. Your meeting with Habitat Evaluation Section for EFH not same as meeting with PRD for Section 7 ESA purposes. Please contact.

b. Potential impacts on turtles in water.

c. Corals at mouth of rivers. Sediment erosion plan submitted to Corps not sufficient. You are close to water, wherever you doing crossings.

d. Corps: not yet made determination. To Do #19

11. Mitigation. Applicant working on concept to further develop jointly with Corps. FWS wants to be involved. To Do #20

12. Next meeting Wednesday, June 8, 2011 at 9:30am.

13. Any errata on above? Please contact the undersigned at robert.b.barron@usace.army.mil or (904) 232-2203.

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/s/

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Attendees of PDT