



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS, ANTILLES OFFICE
400 FERNANDEZ JUNCOS AVENUE
SAN JUAN, PUERTO RICO 00901-3299

REPLY TO
ATTENTION OF

Antilles Regulatory Section

OCT 10 2002

PUBLIC NOTICE

Permit Applications No. 200206524 (IP-JER), and 200206525 (IP-JER)
Joint Permit Application No. 370

TO WHOM IT MAY CONCERN: This District has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act of 1977, and Section 103 of the Marine Protection, Research and Sanctuaries Act, as described below and:

APPLICANT: Puerto Rico Infrastructure Financing Authority
235 Arterial Hostos Avenue
Capital Center Building, Floor 16
North Building
Hato Rey, Puerto Rico 00919

WATERWAY & LOCATION: Caribbean Sea, Ponce Harbor, Municipality of Ponce, and Punta Guayanilla, Municipalities of Peñuelas and Guayanilla, Puerto Rico.

LATITUDE & LONGITUDE: (center of project sites)
Guayanilla-Peñuelas Site: Latitude 17° 59' 11"N., Longitude 66° 45' 35"W.
Ponce Site: Latitude 17° 58' 33"N., Longitude 66° 37' 15"W.

WORK & PURPOSE: The applicant proposes the development of the Port of the Americas which consists of the construction of simultaneous deep draft ports in the south coast of the Island to harbor Post-Panamax vessels for transshipment activities at Guayanilla- Peñuelas area, and at Ponce.

200206524 (IP-JER) Guayanilla-Peñuelas: The applicant proposes the discharge of fill material over approximately 110 acres of shallow navigable waters and discharge of fill in approximately 12 acres of mangrove coastal wetlands in the Punta Gotay area, at the Guayanilla-Peñuelas site for the development of loading-unloading storage areas and other support facilities. The construction of a pier with a maximum length of 6,000 feet, with support facilities capable of handling as many as four Post-Panamax vessels is also proposed. Approximately 300 acres of a parcel owned by Union Carbide in Peñuelas adjoining Punta Guayanilla are being considered for the value-added activities.

200206525 (IP-JER) Ponce: The applicant proposes the expansion of the existing pier to a maximum length of about 3,610 feet to allow simultaneous handling of as many as two Post-Panamax vessels. Also, they propose the dredging of the

navigation channel and berthing areas to a minimum depth of 45 feet and a maximum of 53 feet to allow the navigation of Post-Panamax vessels is proposed. The dredged material (estimated to be from 810,000 to 2.2 million cubic meters) would be disposed at the EPA designated offshore disposal site south of Ponce. Some of the dredged material would be used for either the fill at the Guayanilla site or fill at uplands in the vicinity. The project includes the development of approximately 132 acres of upland adjacent to the Ponce Port for value-added activities.

The project purpose is to enhance the economic growth, reduce unemployment, increase per capita income, and greatly increase direct investment from outside Puerto Rico, and would also move the Island towards a more knowledge-based and globally oriented economy.

EXISTING CONDITIONS:

At the Guayanilla-Peñuelas site, the 110 acres shallow bottom area proposed to be filled, and for the pier construction, support the following benthic communities: approximately 11.9 acres of seagrasses (6.4 acres of *Thalassia testudinum*; 3.9 acres of *Halodule wrightii*; and 1.6 acres of *Halophila decipiens*); 72.7 acres of shallow mud (lacking vegetation cover); 19.8 acres of mixed algae and mud; 13.5 acres of deep mud; 75 acres of sandy bottoms; 3.7 acres of coral rubble. The total area surveyed was 129.2 acres. No coral reefs were found within this footprint. The site includes approximately 12 acres of a mangrove fringe, and slat flats at Punta Guayanilla.

At the Ponce site, the sea-bed that characterize the area and navigational channel are fine sticky muddy bottoms, devoid of vegetation or reef structures, seagrasses or hard bottoms

ADDITIONAL INFORMATION REGARDING THE APPLICATION WITH RESPECT TO SECTION 103 OF THE MARINE PROTECTION, RESEARCH AND SANCTUARIES

ACT: For Section 103 of the Marine Protection, Research and Sanctuaries Act, the permit application requesting authorization to transport dredged material by vessel or other vehicle for the purpose of dumping it in ocean waters at dumping sites designated under 40 CFR Part 228 is incomplete because the information required in 33 CFR Part 325.3 (a)(17)(vii), information on the characteristics and composition of the dredged material, is not yet available. Once this information is available, another public notice will be published.

IMPACT ON NATURAL RESOURCES: In accordance with the requirements of National Environmental Policy Act (NEPA), the U.S. Army Corps of Engineers (Corps) determined that an Environmental Impact Statement is needed for this project. A Draft Environmental Impact Statement (DEIS) for the proposed project subject to the permit application has been prepared. On September 20, 2002, a Notice of Availability for the DEIS for this proposed project was published in the Federal Register. On September 23, 2002, a public notice was also issued providing the Notice of Availability for the DEIS for the Port of the Americas. Coordination with the U.S. Fish and Wildlife Service,

Environmental Protection Agency, the National Marine Fisheries Service, and other Commonwealth, 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 natural resources of the area. By means of this notice, we are soliciting comments on the potential effects of these projects on endangered or threatened species or their habitat.

ENDANGERED SPECIES: The proposed project falls within the range of several endangered and/or threatened species under the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service jurisdiction. The list of threatened and/or endangered species, under the USFWS jurisdiction that are present in the general area of the project includes one marine mammal, four reptiles, four birds, three plants, and one amphibian. These are; the Antillean manatee (*Trichechus manatus manatus*), the Roseate tern (*Sterna dougallii*), the Least tern (*Sterna antillarum*), the Yellow shouldered blackbird (*Agelaius xanthomus*), the Brown pelican (*Pelecanus occidentalis*), and the Puerto Rican nightjar (*Caprimulgus noctitherus*). The reptiles are; the Leatherback turtle (*Dermochelys coriacea*), the Green turtle (*Chelonia mydas*), the Loggerhead turtle (*Caretta caretta*) and the Hawkbill turtle (*Eretmochelys imbricata*). The plants are; the Vahl's boxwood (*Buxus vahlii*), the Palo de Rosa (*Ottoschulzia rhodoxylon*), the Bariaco (*Trichilia tricantha*), and *Mitracarpus polycladus*. The amphibian is the Puerto Rican crested toad (*Peltophryne lemur*). In addition to the above, in the USFWS included, the Least tern. It is the Corps understanding that this is a Federally listed as endangered species in the U.S. mainland, but it is not listed for Puerto Rico, and that it is being mentioned by the Service as a species of concern. Therefore, the Corps is not making a determination under the ESA for this species.

After considering the information available to the Corps, the following determinations have been made:

- a. The proposed project at Guayanilla and Ponce sites, would have no effect on the four listed sea turtles, the listed plants species, the Puerto Rican crested toad, the Puerto Rican nightjar, and the Yellow shouldered blackbird.
- b. The proposed project may affect, but not likely to adversely affect, the Roseate tern at the Guayanilla and Ponce sites.
- c. The proposed project may affect, but not likely to adversely affect, the Antillean manatee and the Brown Pelican at the Ponce site.
- d. The proposed project may affect, likely to adversely affect, the Antillean manatee and the Brown pelican at the Guayanilla site.

The Corps initiated formal consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act, for the Antillean manatee and the Brown pelican, by means of a letter dated August 14, 2002, because it was determined the

proposed project may affect, likely to adversely affect, the Antillean manatee and the Brown pelican at the Guayanilla site.

The list of threatened and/or endangered species, under the NMFS jurisdiction, that may occur in the general area of the project includes 6 marine mammals, and 4 reptiles. The marine mammals listed are; the Sei whale (*Balaenoptera borealis*), Finback whale (*Balaenoptera physalus*), Humpback whale (*Megaptera novaeangliae*), Blue whale (*Balaenoptera musculus*), and the Sperm whale (*Physeter macrocephalus*). Regarding their potential presence at the project general area, including the offshore area where the navigational channel would be defined, all are likely to occur. The four marine sea turtles that occur in Puerto Rico, the Leatherback turtle (*Dermochelys coriacea*), the Green turtle (*Chelonia mydas*), the Loggerhead turtle (*Caretta caretta*) and the Hawksbill turtle (*Eretmochelys imbricata*) are also likely to occur at the project sites general area. The Caribbean monk seal (*Monachus tropicalis*), although stated as endangered, is extinct and deserves no comments, as such.

After considering the information available to the Corps, the following determinations have been made:

a. The proposed project at Guayanilla and Ponce sites would have no effect on the five whales species.

b. The proposed project at Guayanilla and Ponce sites would have no effect on the Leatherback and Loggerhead sea turtles.

d. The proposed project at Guayanilla and Ponce sites may affect, but not likely to adversely affect the Hawksbill and Green sea turtles.

Regarding the species under the NMFS jurisdiction, the Corps initiated consultation with the NMFS pursuant to Section 7 of the Endangered Species Act, by letter dated September 3, 2002.

ESSENTIAL FISH HABITAT: This statement is to comply with the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposed project, at the Guayanilla site, would have permanent and substantial individual and cumulative adverse impact on EFH and many of the Federally managed fisheries in the Caribbean. The proposal would have permanent impacts in aquatic resources of national importance utilized by most of the 17 species managed fisheries species, including their life stages. At the Ponce site, the project would have a temporary effect in the water column due to increased turbidity during dredging and the pier construction, temporary affecting the indicated species. However, according to the known information, the areas proposed for dredging, that were dredged in 1986-87, and the pier construction site at Ponce can be identified as EFH for adult white grunts and silk snappers, as are present in this type of habitat. An EFH Assessment was submitted to the NMFS on August 26, 2002.

HISTORIC AND CULTURAL RESOURCES:

The applicant has performed an Archaeological Study Phase IA and a Submerged Cultural Resources Survey Stage I for both project sites. The findings of these reports are provided below:

Guayanilla-Peñuelas - The Archaeological Study Phase IA study concluded that the region of Guayanilla-Peñuelas is of high archaeological sensitivity because of the high concentrations of Pre-Columbian sites. The study detected the existence of three areas positive for archaeological sites within a 10 kilometer radius of the project area. The first is located to the west of the project site at one of the banks of the Tallaboa River. The second site is located at the Punta Verraco peninsula containing ten pre-Columbian sites, and the third archaeological site is to the northwest of the project site where there are a variety of pre-Columbian sites in the region of Rufina, Pueblo and Quebradas Wards. The Submerged Cultural Resource Survey Stage IA, documented extensive coastal and marine human activity at the Guayanilla Bay potentially extending 5,000 years into the past. The area is highly sensitive to submerged cultural resources, both historic and prehistoric. The report concluded that there is a high probability of finding within the area where that applicant proposes to fill, or nearby, potentially significant resources which may include historic shipwrecks, historic discards, aboriginal watercrafts and as well as submerged prehistoric sites. The study recommends the performance of a Phase IB marine survey of the area proposed to be filled.

Ponce - The Archaeological Study Phase IA study identified 11 pre-Columbian sites within 5 kilometer radius, and 25 sites within 5 to 10 kilometer radius from the project site. All these sites are outside the area of potential effects for this undertaking. The report recommends that further studies be conducted at the archaeological site found east/northeast of the project site, known as La Esperanza site. The Casona Quinta La Esperanza, once owned by the Serralles family is also located at this site. The study also considered the Historic District of Ponce Playa in the area of the Old Ponce Port located about 0.5 kilometers to the north of the project. The Historic District of Ponce Playa, is outside the area of undertaking, but the study recommended evaluation the project's potential indirect effects on this historic district. The Submerged Cultural Resource Survey Stage IA, documented extensive coastal and marine human activity at the Ponce bay. The area is highly sensitive to submerged cultural resources, both historic and prehistoric. The report concluded that there is a high probability of finding, within the area where the applicant proposes to dredge, or nearby, potentially significant resources which may include historic shipwrecks, historic discards, aboriginal watercrafts and as well as submerged prehistoric sites. The study recommends the performance of a Phase IB marine survey of the project area.

Pursuant to 36 CFR Part 800, the Corps is requesting the State Historic Preservation Office (SHPO) and the interested public to provide advice, assistance, and/or any information that will assist the Corps in identifying historic properties, assessing potential effects, and making the appropriate determinations pursuant to 36 CFR Part 800.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activities 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 proposals must be balanced against the reasonably foreseeable detriments. All factors which may be relevant to the proposals will be considered including cumulative impacts thereof. Among those are: conservation, economics, esthetics, general environmental concerns, historic values, fish and wildlife values, flood-damage prevention, land-use classification, navigation, recreation, water supply, water quality, energy needs, safety, food and fiber production, 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, Environmental Protection Agency, under authority of Section 404 of the Clean Water Act. A permit will be granted unless its issuance is found to be contrary to the public interest.

The Corps is soliciting comments from the public, Federal, Commonwealth, Territorial, and local agencies and officials; 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 or not to reissue, modify, or condition these general permits. To make these decisions, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors of the proposed activity.

COASTAL ZONE MANAGEMENT CONSISTENCY: A Coastal Zone Management Consistency Certification (CZM) from the Puerto Rico Planning Board is required.

WATER QUALITY CERTIFICATION: A Water Quality Certification from the Puerto Rico Environmental Quality Board is required.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified. The Corps issued a wetland Preliminary Jurisdictional Determination for both sites.

REQUEST FOR PUBLIC HEARING: Any person may request a public hearing. The request must be submitted in writing within 30 days of the date of this notice and must state the specific reasons for requesting the public hearing.

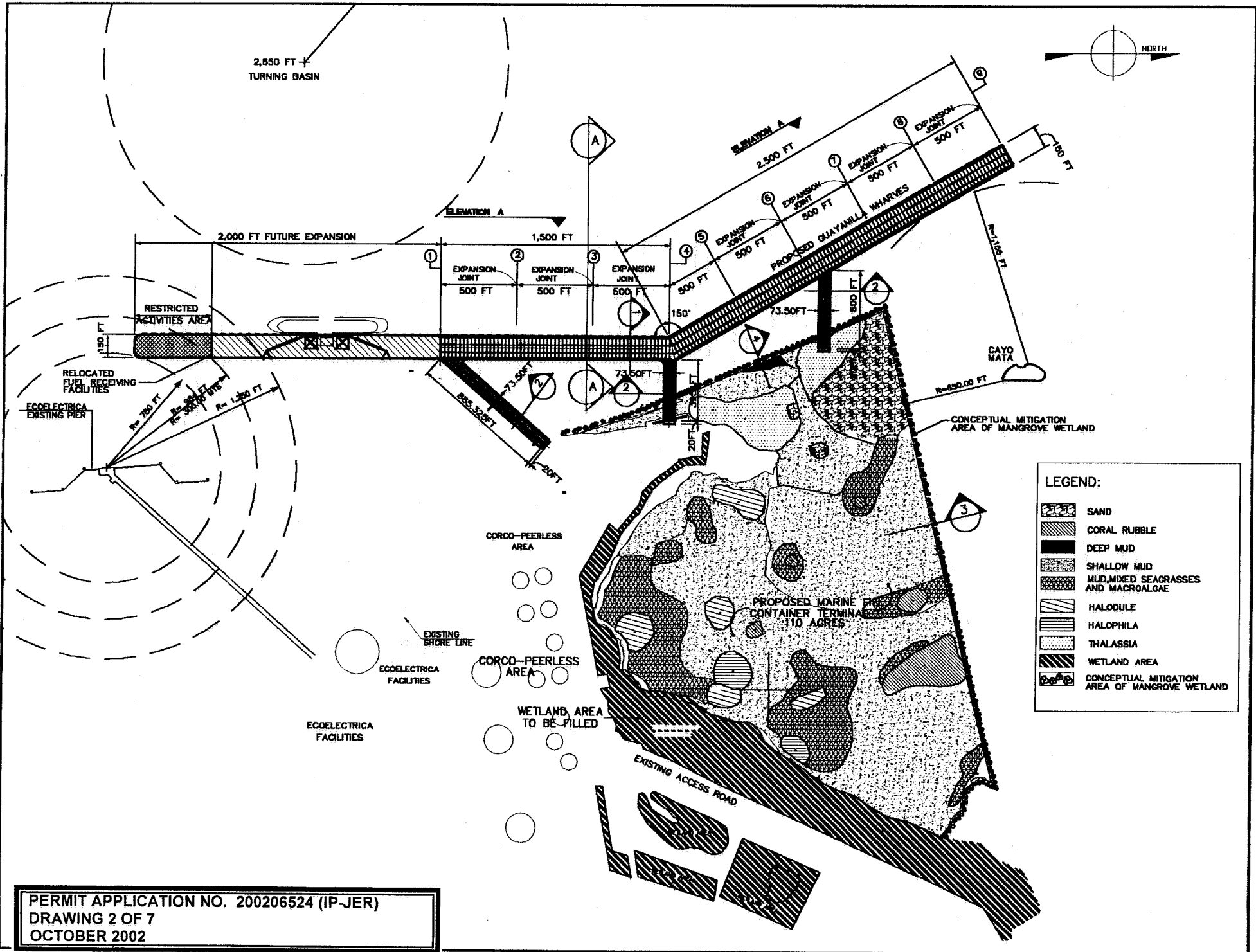
COMMENTS: The Corps hereby solicits comments from the public, Federal agencies, State and local agencies and officials, and any other interested parties. Comments on the permit application should be as specific as possible. The Corps is asking those that provide comments to identify the site for which they are providing comments.

Comments regarding this application should be submitted in writing within 30 days from the date of this notice to:

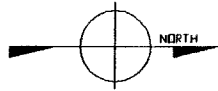
Mr. Edwin E. Muñiz
Chief, Antilles Regulatory Section
U.S. Army Corps of Engineers
400 Fernandez Juncos Avenue
San Juan, Puerto Rico 00901-3299

FOR FURTHER INFORMATION CONTACT: If you have any questions concerning this application, please contact Mr. José E. Rosario, (787) 729-6905/6944, extension 3061, facsimile (787) 729-6906, or email at jose.e.rosario-fabregas@saj02.usace.army.mil

Dennis M. Gassert
Lieutenant Colonel, U.S. Army
Deputy District Engineer
for the Antilles



2,850 FT
TURNING BASIN



2,000 FT FUTURE EXPANSION

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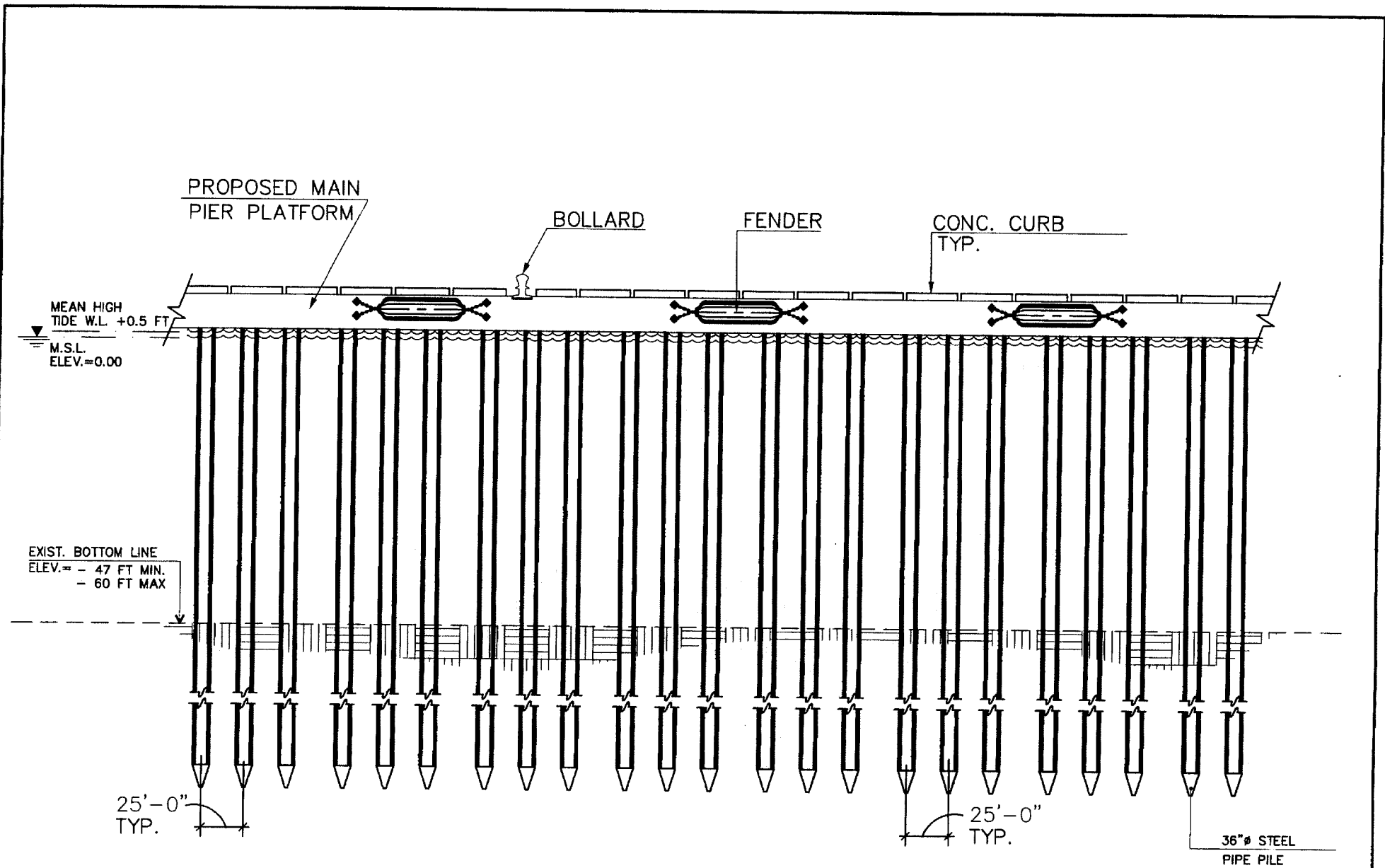
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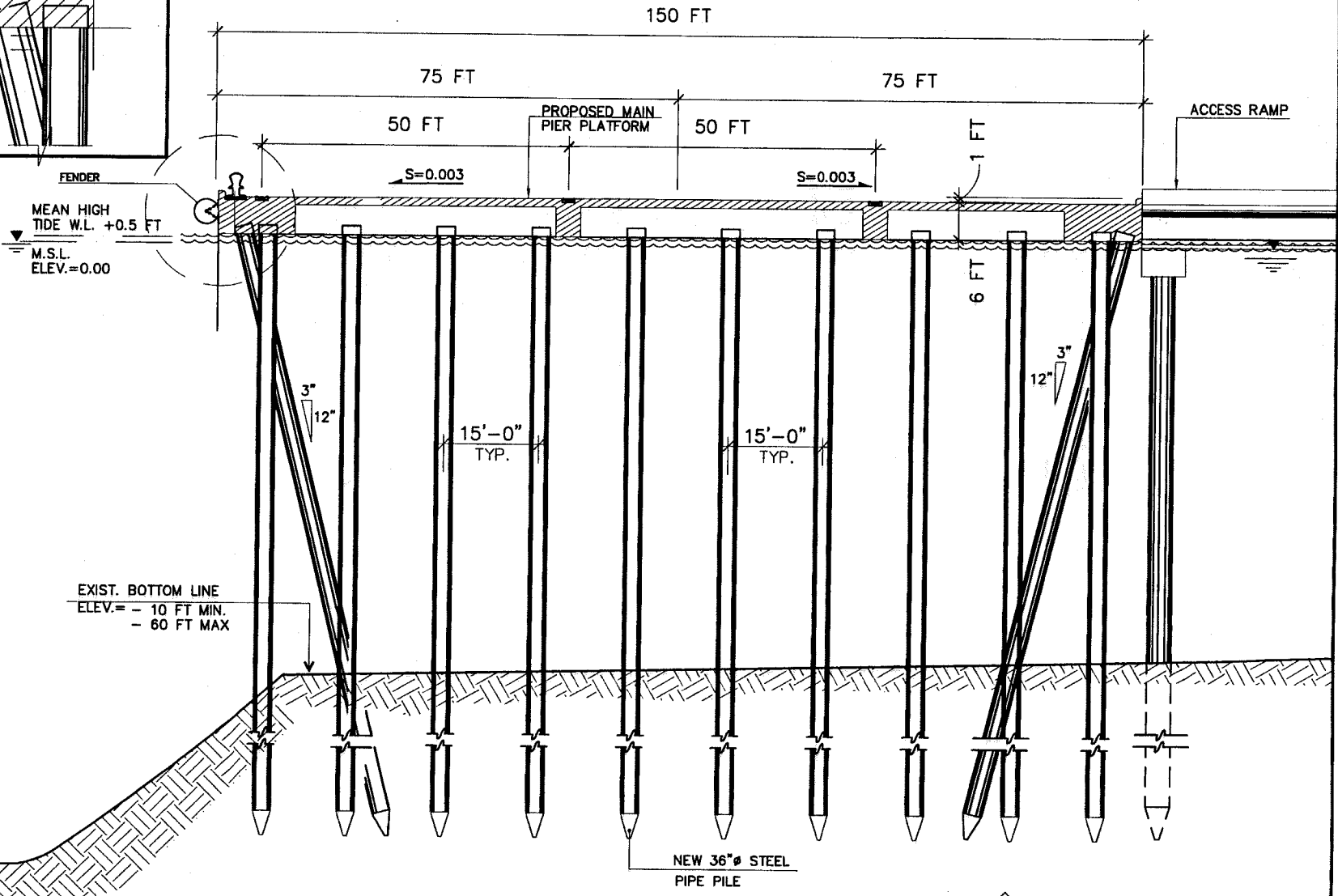
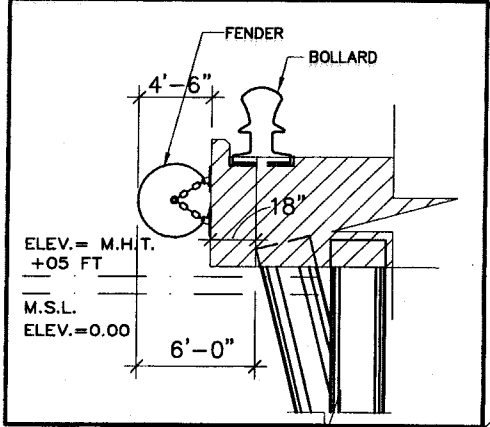
	SAND
	CORAL RUBBLE
	DEEP MUD
	SHALLOW MUD
	MUD, MIXED SEAGRASSES AND MACROALGAE
	HALODULE
	HALOPHILA
	THALASSIA
	WETLAND AREA
	CONCEPTUAL MITIGATION AREA OF MANGROVE WETLAND

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GUAYANILLA ELEVATION WHARVES A

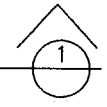
PERMIT APPLICATION NO. 200206524 (IP-JER)
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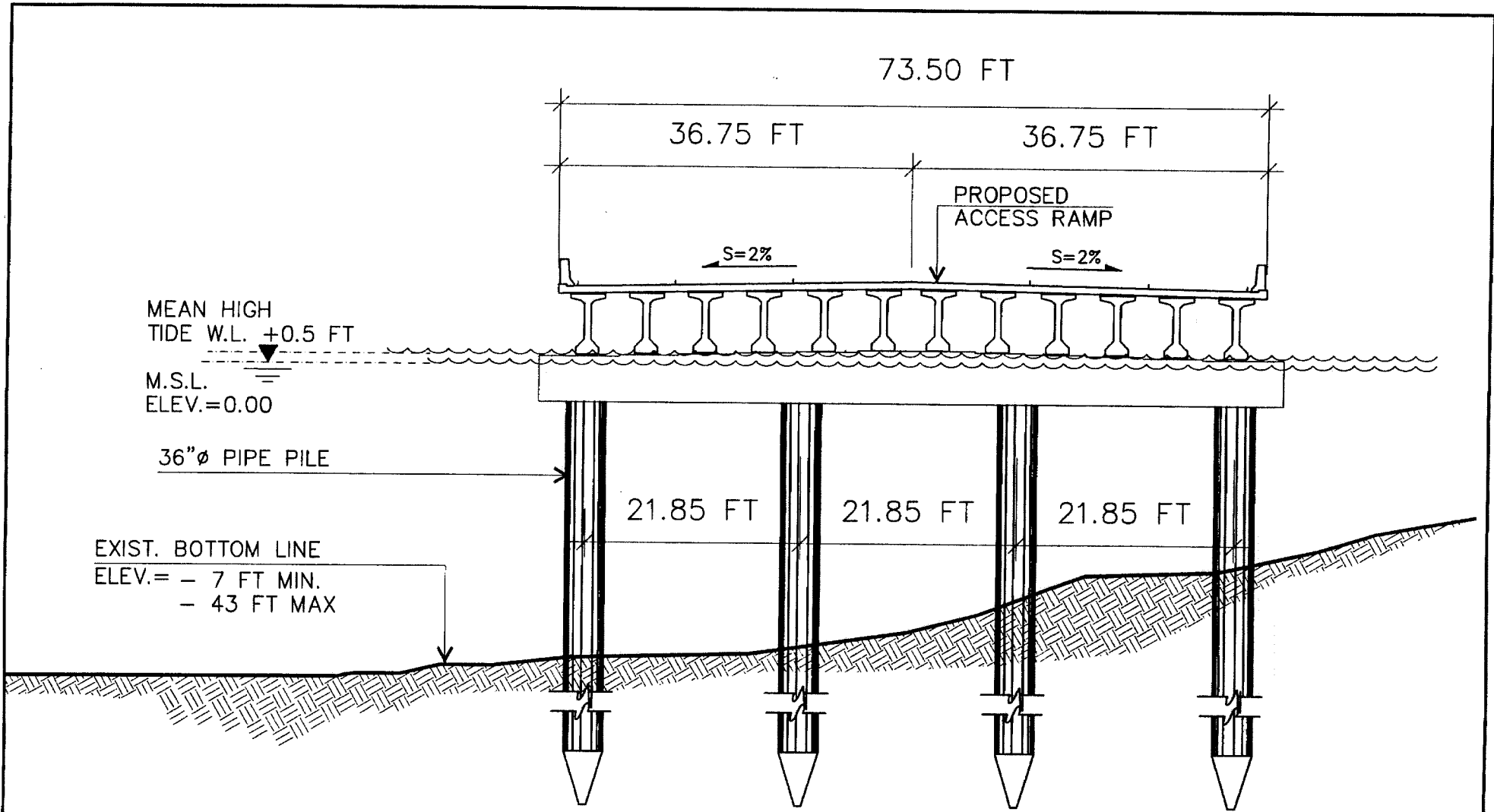


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TYPICAL CROSS SECTION
GUAYANILLA WHARVES

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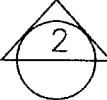




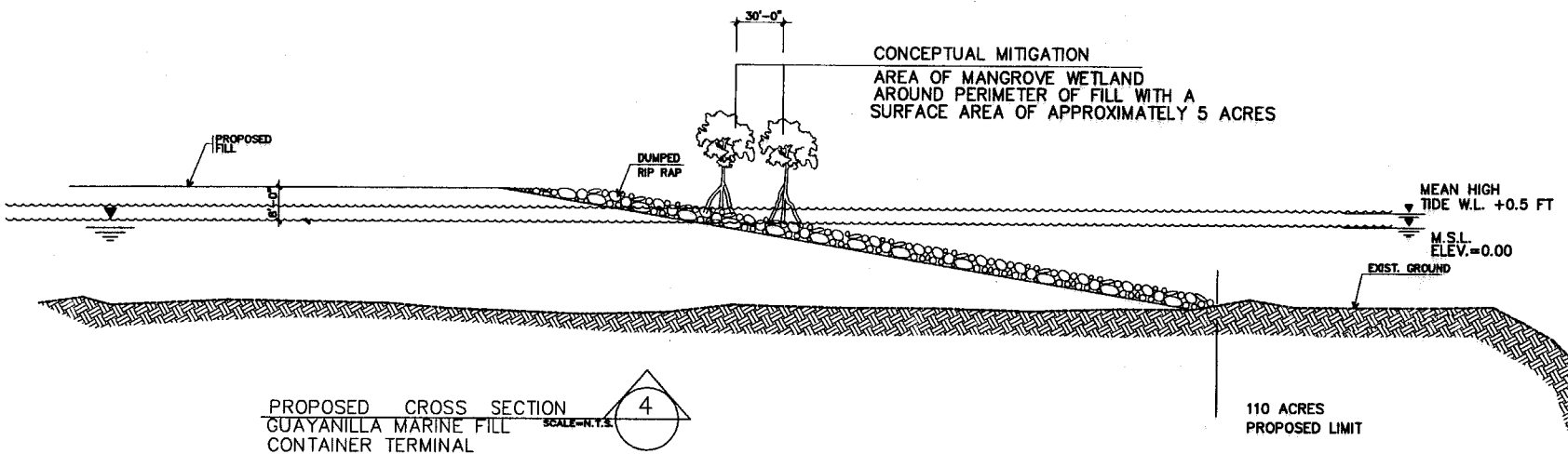
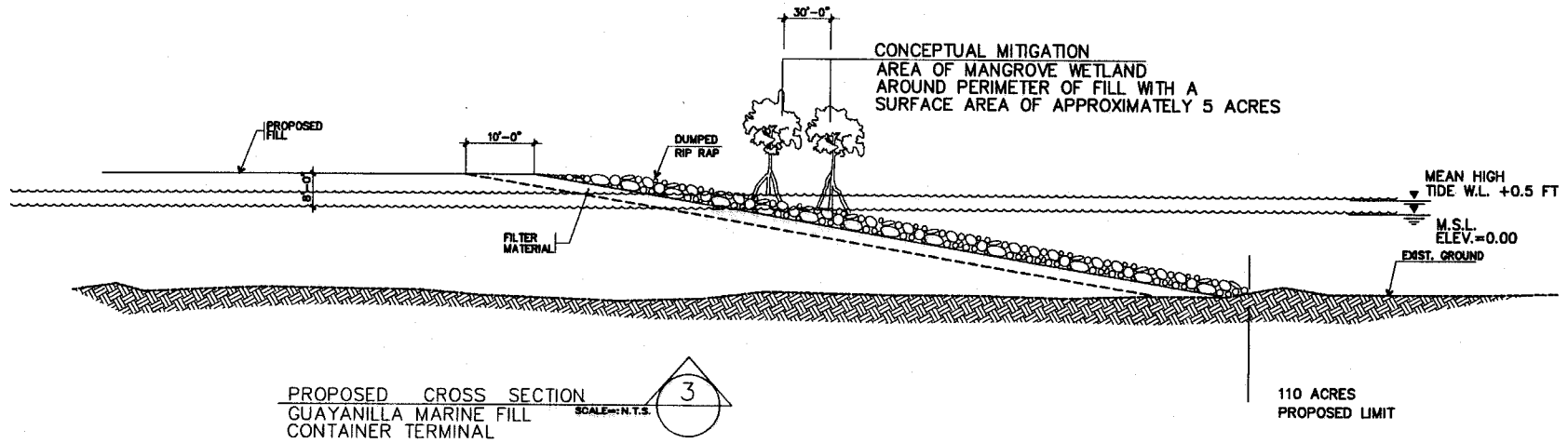
TYPICAL CROSS SECTION

GUAYANILLA WHARVES

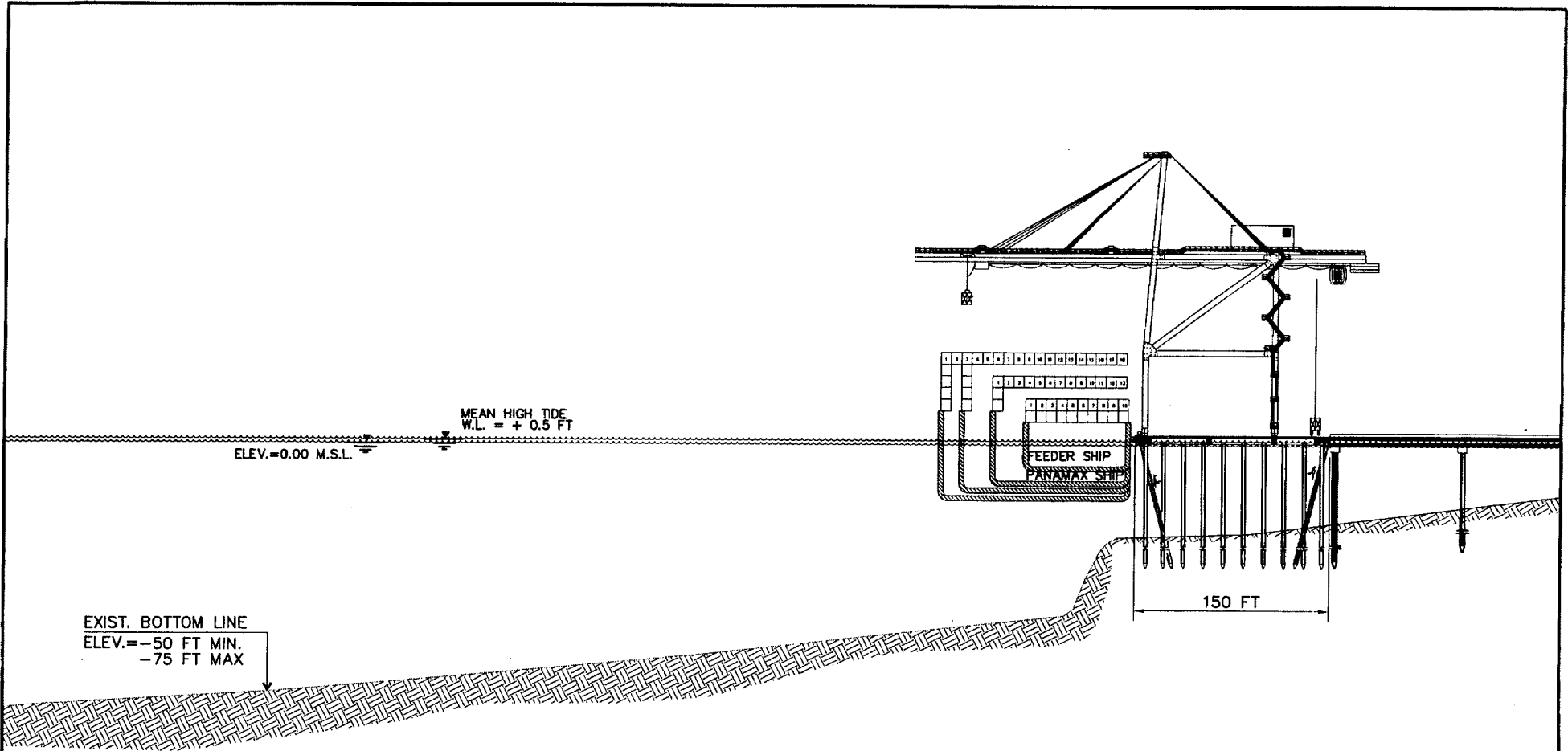
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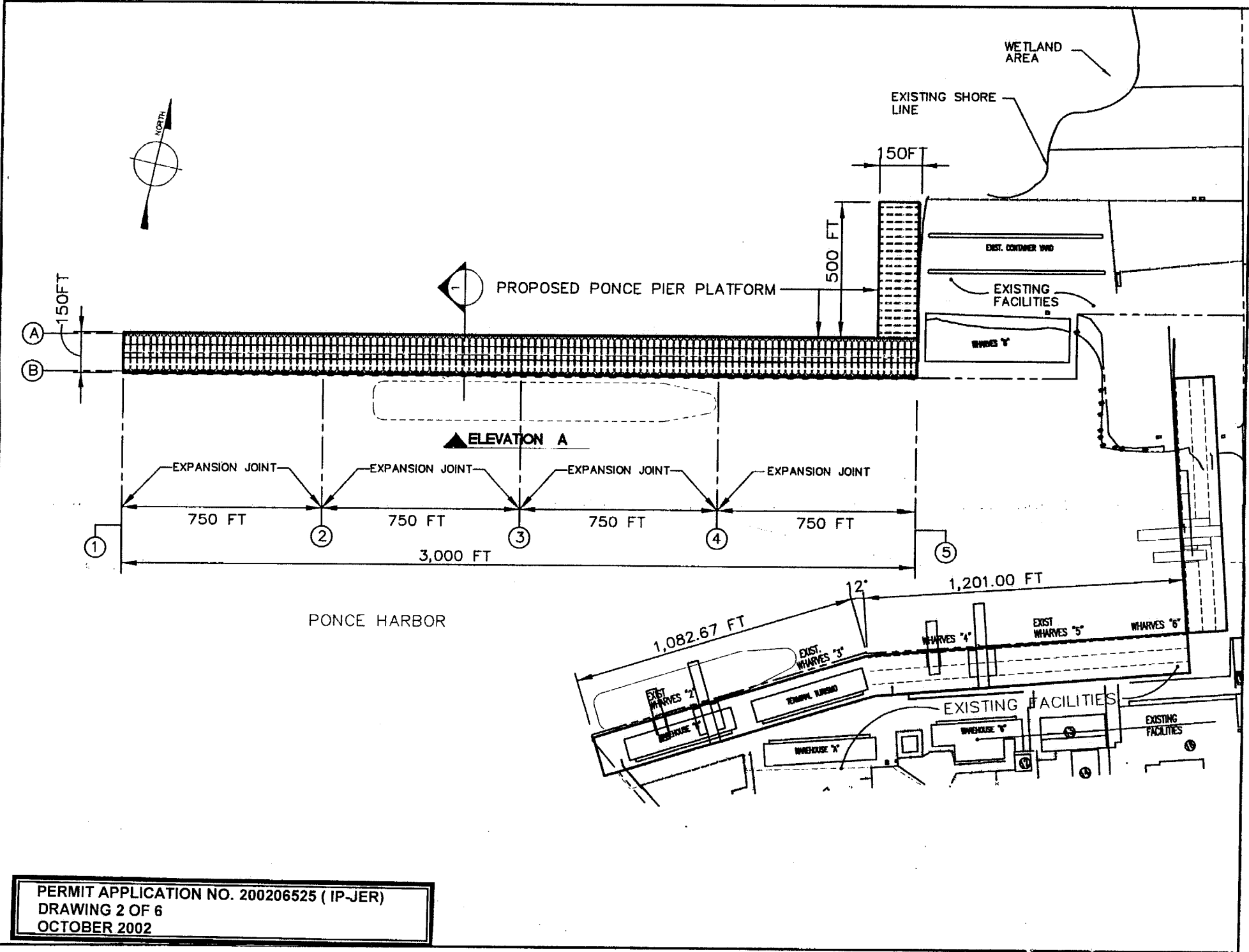


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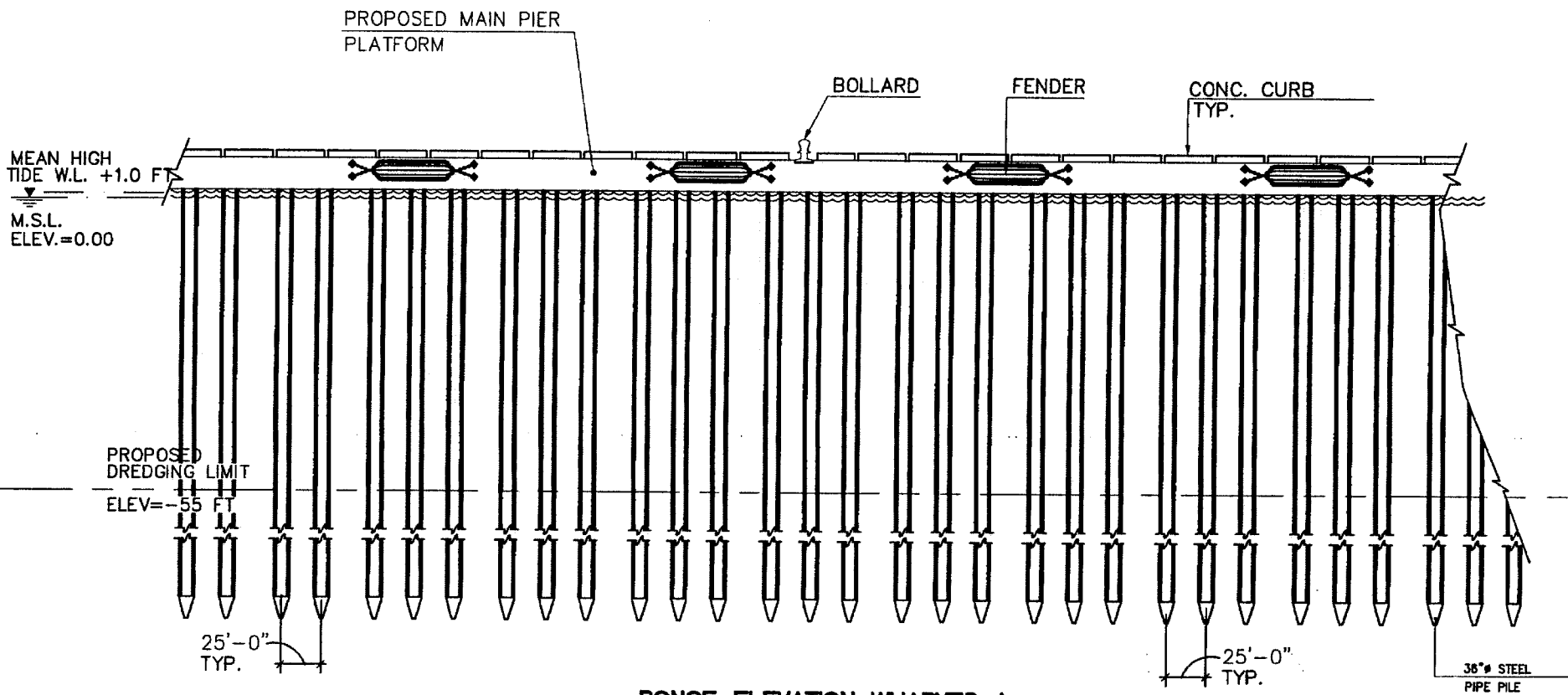


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DRAWING 7 OF 7
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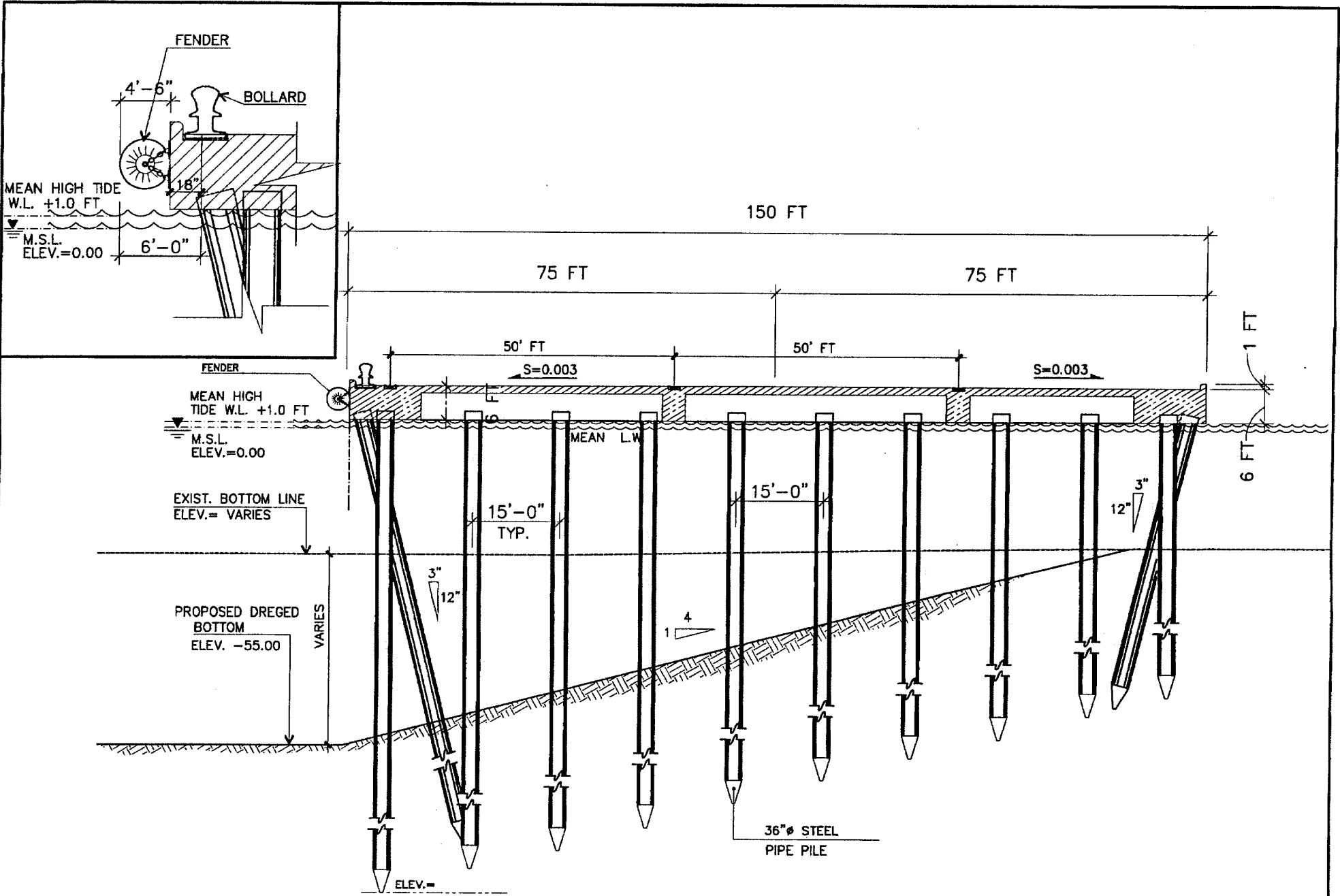


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PONCE ELEVATION WHARVES A

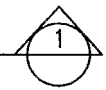
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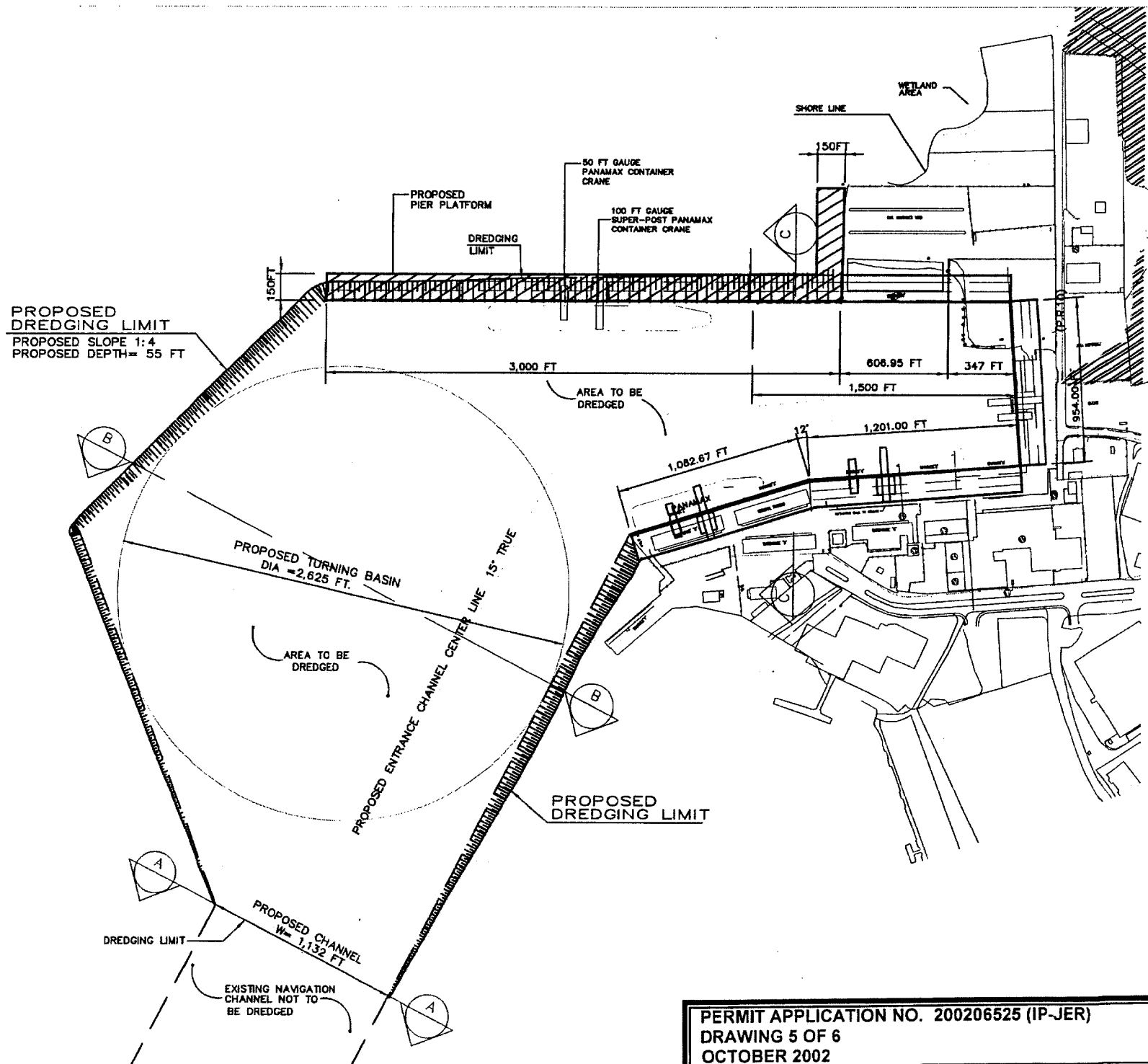


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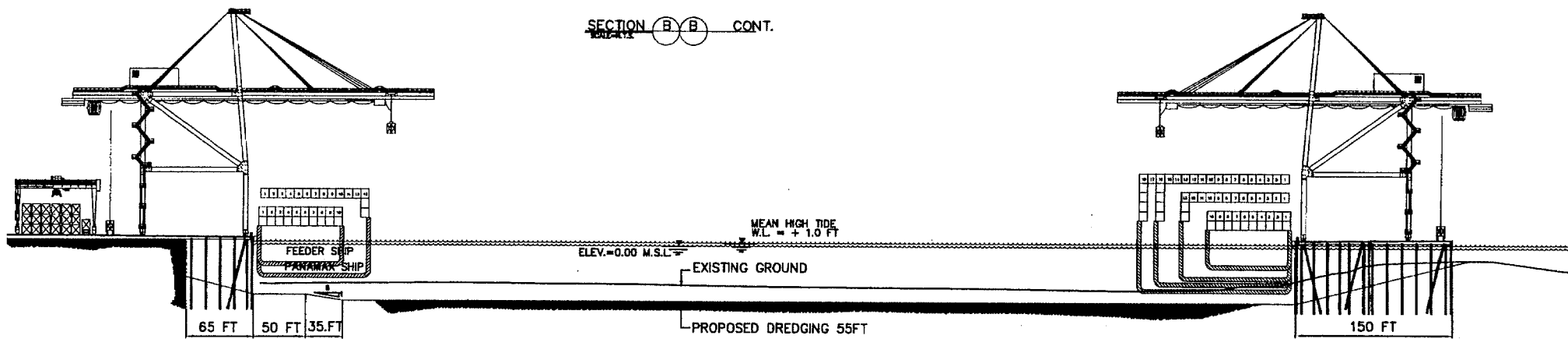
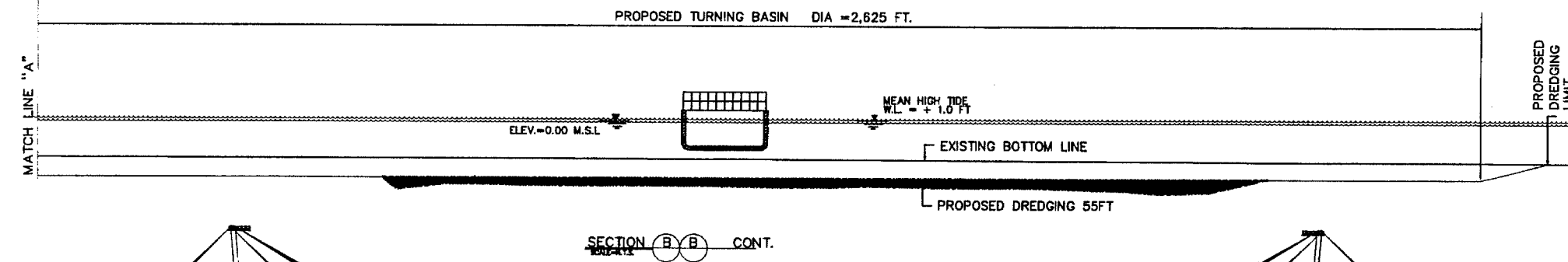
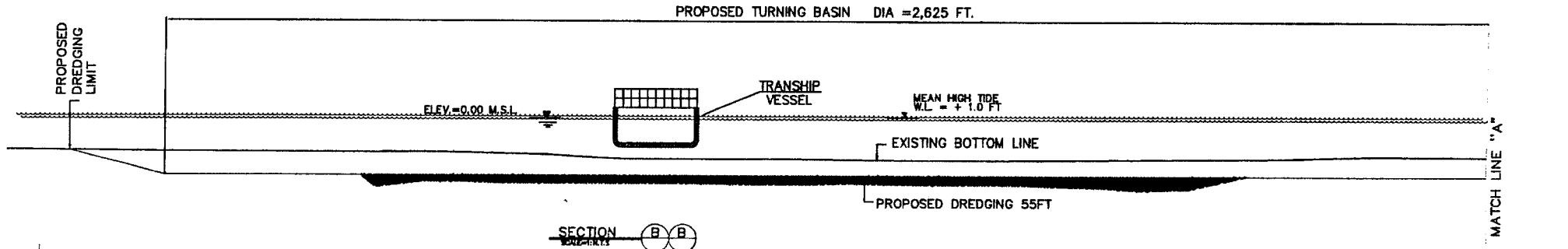
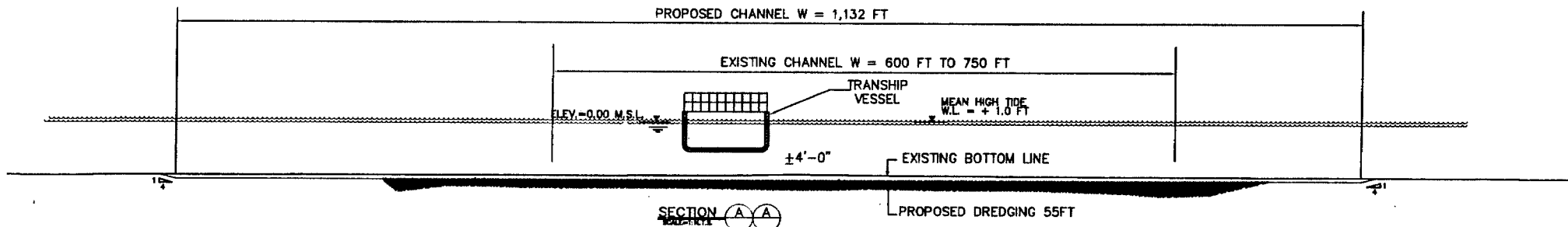
TYPICAL CROSS SECTION
 PONCE WHARVES

SCALE= N.T.S.





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