ESTADO LIBRE ASOCIADO DE
PUERTO RICO
Autoridad de Desperdicios Sólidos

VÍA CORREO ELECTRÓNICO
comentarios@martinpena.org

9 de noviembre de 2015

Sra. Lyvia N. Rodríguez del Valle
Directora Ejecutiva
Corporación del Proyecto ENLACE
del Caño Martín Peña
P.O. Box 41308
San Juan, P.R. 00940-1308

Asunto: Comentarios al Borrador de la Declaración de Impacto Ambiental del Proyecto de Restauración del Ecosistema del Caño Martín Peña

Estimada señora Rodríguez del Valle:

Reciba un cordial saludo de los que laboramos en la Autoridad de Desperdicios Sólidos (ADS). El 10 de septiembre de 2015, se recibió en la ADS el Borrador de la Declaración de Impacto Ambiental sobre el Proyecto de Restauración del Ecosistema del Caño Martín Peña (Proyecto). Esto, con el propósito de obtener comentarios y recomendaciones al mismo. El Proyecto consiste en el realojo, dragado, construcción y restauración de 2.2 millas de la mitad este del Caño Martín Peña, comenzando desde la Laguna San José en dirección oeste hasta las inmediaciones del puente en la Avenida Luis Muñoz Rivera.

En resumen, las alternativas consideradas en el documento podrían generar entre 68,000 a 87,200 yardas cúbicas de residuos sólidos, principalmente compuestos por residuos domésticos y escombros. El sistema de relleno sanitario de Humacao es la primera opción para recibir todos los residuos que se originarían del Proyecto. El documento indica que, "los impactos potenciales debido a los residuos sólidos han sido determinados en relación a su efecto sobre el área donde estos han sido ubicados para su disposición final. Todas las Alternativas del Proyecto tendrán un efecto beneficioso en la salud ecológica del Área del Proyecto y el Área de Estudio, debido a la remoción y disposición de los desperdicios sólidos que actualmente afectan dichas áreas". Además, el documento concluye que no se prevé ningún daño irrevocable en el ambiente como consecuencia del manejo de los residuos.

Respecto a los impactos acumulativos, el documento señala que "se esperan mejoras en el manejo de residuos sólidos, incluyendo las prácticas de disposición, debido al aumento en

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la conciencia ciudadana y la implantación de programas de base comunitaria que incluyen reciclaje y eventos de limpiezas periódicas". Esto, conforme a la política pública establecida en la Ley Núm. 70-1992, según enmendada, conocida como "Ley para la Reducción y Reciclaje de Desperdicios Sólidos en Puerto Rico" (Ley de Reciclaje).

Luego de evaluar y analizar el documento presentado, la ADS determinó que el mismo **no** tiene aspectos contrarios a su política pública. A pesar de ello, estimamos pertinente emitir los siguientes comentarios y recomendaciones sobre las alternativas de manejo de residuos y escombros generados por el Proyecto:

1. Recomendamos identificar otro sistema de relleno sanitario como segunda alternativa de disposición final.

2. El documento concluye que "el reciclaje de residuos sólidos no es una alternativa viable debido a que demandaría una cantidad sustancial de mano de obra, además del lavado para la remoción de sedimentos y la separación en diferentes grupos de materiales reciclables". Sin embargo, se debe evaluar si los escombros grandes y que puedan encontrarse fácilmente accesibles en la superficie, tales como automóviles o refrigeradores, pueden transportarse a una instalación de reciclaje de metales antes de considerar su disposición final. Esto, conforme a la jerarquía de métodos de manejo de residuos sólidos establecida en la Ley de Reciclaje.

3. Estimar la cantidad y tipo de residuos que se generarán durante el proceso de demolición de estructuras, así como las alternativas para el manejo de dichos residuos.

4. En la sección 4.22.1 del documento remitido, sobre Cumplimiento con Estatutos Locales, se debe añadir la referencia a la Ley Núm. 70-1992, según enmendada, conocida como "Ley para la Reducción y Reciclaje de Desperdicios Sólidos en Puerto Rico".

5. Todo el manejo de los residuos sólidos generados durante la ejecución del Proyecto deberá cumplir con todos los estatutos y reglamentos federales y locales aplicables.

Así las cosas, la ADS reitera su apoyo al Proyecto según contemplado en el Borrador de la Declaración de Impacto Ambiental. Reiteramos nuestro apoyo a esta obra de gran beneficio para las comunidades aledañas al Caño Martín Peña. Además, contamos con la Corporación del Proyecto ENLACE del Caño Martín Peña y el Cuerpo de Ingenieros del Ejército de los Estados Unidos para lograr nuestra meta de reducir el volumen de los residuos sólidos que se depositan en los sistemas de relleno sanitario del país.

De necesitar información adicional, puede comunicarse con este servidor o con la Lcda. Maritere Padilla Rodríguez, Ayudante Especial y Directora de Interina Planificación, Operaciones e Ingeniería al (787) 765-7575, extensiones 4611 o 4671, respectivamente.

Cordialmente,

Lcdo. Nelson J. Santiago Marrero
Director Ejecutivo

ESTADO LIBRE ASOCIADO DE
PUERTO RICO
Departamento de Recursos Naturales
y Ambientales

9 de noviembre de 2015

Plan. Lyvia Rodríguez del Valle
Directora Ejecutiva
Corporación del Proyecto ENLACE del Caño Martín Peña
Apartado Postal 41308
San Juan, Puerto Rico 00940-1308

Estimada Planificadora Rodríguez del Valle:

Reciba un cordial saludo de parte de esta servidora y de todo el equipo de trabajo del Departamento de Recursos Naturales y Ambientales (DRNA). Es con gran entusiasmo que brindamos nuestros comentarios y recomendaciones para el borrador del *Estudio de viabilidad y declaración de impacto ambiental para el proyecto de restauración de los ecosistemas del Caño Martín Peña*. Estos documentos fueron preparados en atención a los requisitos de la Ley para el Desarrollo de los Recursos de Agua (WRDA, siglas en inglés), la Ley de Política Pública Ambiental Federal (NEPA, siglas en inglés) y la Ley 416 de 2004, según enmendada.

Resulta importante destacar que por los pasados 20 años, el DRNA ha participado activamente en las discusiones y el desarrollo de alternativas para adelantar el dragado del Caño Martín Peña (CMP) con el fin de restaurar sus funciones y servicios ecológicos, así como para atender situaciones de seguridad y salud pública asociadas a las condiciones actuales de la sección del Caño que aún no ha sido dragada.

Reconocemos y resaltamos la importancia de completar la restauración de los ecosistemas como un elemento clave de justicia ambiental para los residentes y habitantes de las comunidades aledañas al CMP y al Estuario de la Bahía de San Juan. El propósito de la restauración del ecosistema del Caño es restablecer la conexión entre la Laguna San José y la Bahía de San Juan, restableciendo de esta manera el flujo mareal mediante el dragado y remoción de material que por décadas ha obstruido esta interconexión natural. Al promover un mejor flujo y reflujo mareal se logrará aumentar los niveles de oxígeno disuelto en la columna de agua y mejorarán las condiciónes de los hábitat bénticos, de los manglares que bordean al caño y se crearán mejores condiciones para albergar y sostener biodiversidad marina y vida silvestre.

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COMENTARIOS Y RECOMENDACIONES GENERALES:

- Luego de evaluadas las diferentes alternativas, se propone como alternativa preferida la Alternativa Número 2 que consiste de un canal de 100 pies de ancho con una profundidad de 10 pies. Esta opción ha sido evaluada exhaustivamente e implica atender desalojos y reubicación de familias afectadas por la huella del proyecto, situaciones de infraestructura, control de las velocidades de flujo, técnicas de manejo y disposición del material dragado, construcción de ventanas y diseño de estructuras que permitan el flujo y reflujo de aguas para el desarrollo de manglares al borde del Caño una vez dragado y estabilizados los taludes. Concordamos con los resultados presentados en el estudio de costo efectividad, donde esta alternativa se resalta frente a las otras opciones consideradas.

- Una de las alternativas más estudiadas y recomendadas a través de los años fue seleccionada como la preferida para la disposición de los sedimentos. La fase de manejo del material dragado en el sitio consite de tamizado y separación de sólidos para encapsular los sedimentos en membranas geotextiles. El sedimento confinado dentro del geotextil luego es transportado y depositado en las depresiones de la Laguna San José y cubierto con 2 pies de arena limpia. La calidad del agua y de los sedimentos será evaluada antes de su disposición. Un aspecto importante que se atiende en esta etapa del Estudio de Viabilidad y la Declaración de Impacto Ambiental es que si se identifican niveles que excedan los parámetros permisibles de sustancias peligrosas en los sedimentos o el agua, el manejo debe ser modificado para cumplir con la reglamentación específica para estas sustancias.

- El concepto propuesto para la construcción de la Alternativa 2/Alternativa Preferida (Ancho: 100 pies/ Profundidad: -10 pies) plantea que las paredes del canal consistirán de tablaestacado metálico revestido de concreto. A través de nuestros comentarios en todas las reuniones que hemos participado y lo reiteramos, se recomienda que se contemple la elevación del nivel del mar y que se empleen las directrices vigentes sobre cambios en el nivel del mar para obras civiles (*Sea level change for civil works-circular letter*) emitidas para los proyectos del Cuerpo de Ingenieros de EEUU[1]. Las proyecciones más conservadoras sobre el nivel del mar rondan 0.5 metros para el 2100 (IPCC, 2013) mientras que la más probable se estima en 1.0 metros. Existen otras proyecciones que aproximan y superan los 2 metros al año 2100 (Rhanstorf[2], Vermeer, Jevrejeva y otros). Además de cumplir con las guías del Cuerpo de Ingenieros de EEUU hemos sugerido que se planifique y diseñe para la posible necesidad de adecuación vertical del tablaestacado (*"retrofit ready"*) para atender escenarios de alza del nivel del mar e inundaciones no previstas. El Cuerpo de Ingenieros realizó un cálculo específico para el Consejo de

[1] http://planning.usace.army.mil/toolbox/library/ECs/EC11652212Nov2011.pdf
[2] http://www.pik-potsdam.de/~Stefan/Publications/index.html

Cambios Climáticos de Puerto Rico en el 2012 que presenta escenarios entre 0.57 y 1.6 metros para el 2110[3].

- Reafirmamos el compromiso para el mantenimiento de las obras una vez completadas, según estipuladas en el Acuerdo de Entendimiento entre el Cuerpo de Ingenieros de EEUU, la Agencia de Protección Ambiental Federal (EPA), la Corporación ENLACE del Caño Martín Peña y el Estado Libre Asociado de Puerto Rico el pasado 30 de octubre de 2015. Como custodios de los bienes de dominio público marítimo terrestre, el DRNA tendrá la resposabilidad utlerior de velar y mantener en buen estado las obras de restauración ecológica del CMP, con el compromiso y apoyo financiero de la Rama Ejecutiva.

Agradecemos la oportunidad de continuar apoyando los avances para la ejecución de la restauración ecológica del Caño Martín Peña.

Cordialmente,

Plan. Carmen R. Guerrero Pérez
Secretaria

[3] http://pr-ccc.org/download/PR%20State%20of%20the%20Climate-FINAL_ENE2015.pdf

Cdpc.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

NOV -9 2015

Mr. Jim Suggs
U.S. Army Corps of Engineers
701 San Marco Blvd.
Jacksonville, Florida 32207

Dear Mr. Suggs:

The U.S. Environmental Protection Agency has reviewed the U.S. Army Corps of Engineers/Proyecto Enlace del Caño Martin Peña's draft environmental impact statement (DEIS) and feasibility report for the Caño Martin Peña Ecosystem Restoration Project (CMP-ERP) (CEQ #20150253). This review was conducted in accordance with Section 309 of the Clean Air Act, as amended (42 U.S.C 7609, PL 91-604 12 (a), 84 Stat. 1709) and the National Environmental Policy Act (NEPA).

EPA agrees that the purpose and need for this project are important to the human and ecological health of the San Juan Estuary and its residents. In fact, on October 30, 2015, the U.S. Environmental Protection Agency joined with the U.S. Army Corps of Engineers, the Commonwealth of Puerto Rico and the *Corporación del Proyecto ENLACE del Caño Martín Peña* and signed an agreement to assist in the restoration of the ecosystem of the Martín Peña channel. The agreement, detailed in a Memorandum of Understanding, provides the foundation for close collaboration between the entities to carry out the Caño Martín Peña Ecosystem Restoration Project, which will address long-term challenges facing those living near the channel. This project is the top priority for EPA in Puerto Rico. The people in the area have suffered for too long with the pollution and flooding associated with the clogged canal.

The proposed project consists of the dredging of approximately 2.2 miles of the eastern half of the Caño Martín Peña, starting from the San José Lagoon towards the west, in the vicinity of the Luis Muñoz Rivera Avenue Bridge. The dredged canal will be 100 feet wide by 10 feet deep, with a natural bottom, and sheet pile walls capped with concrete. "Windows" will be placed in the sheet pile walls, providing a hydraulic connection that will allow the replanting of mangroves behind them. A weir will be constructed at the western edge of the project area to mitigate water flows into the adjacent waterways, and prevent scouring of the bottom of the canal. Several linear and discreet park areas are also planned as part of the project.

According to the DEIS, approximately 762,000 cubic yards of material will be dredged from the Caño Martín Peña using a clamshell or environmental bucket. The dredged material includes solid waste (approximately 10 percent by volume), consisting of household appliances, construction and demolition debris and garbage. The dredged material will be screened, solid waste removed for landfill disposal, and the remaining material placed in geotechnical bags and possibly disposed of in borrow pits in the San José Lagoon. Other actions will be performed prior to the project dredging, including the acquisition of 336 structures and relocation of 335 residents, and the relocation of the San José trunk sewer.

EPA has several suggestions regarding alternatives for dredged material disposal, the handling of dredged material to minimize hydrogen sulfide release, preparation of and material disposal in borrow pits SJ1 and SJ2 for the primary disposal site, the tidal amplitudes in the San José Lagoon after the project is completed, sewer and stormwater connections that will be remaining after the project, and the cumulative impacts analysis. Technical comments which include recommendations for improving the project and documentation are presented in an enclosure to this letter.

EPA lacks objections with and supports the intent of this project. Moreover, recommendations have been provided to address the concerns that we do have. The attached comments are not unusual at the DEIS stage and provide an opportunity for project improvements. The impacts associated with project changes should be discussed in order to fully protect the environment and public health and ensure transparency. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Thank you for the opportunity to comment. If you have any questions regarding this review or our comments, please contact John Filippelli, Director of the Clean Air and Sustainability Division at (212) 637-3736 or filippelli.john@epa.gov.

Sincerely,

Judith A. Enck

Judith A. Enck
Regional Administrator

Enclosure

EPA Technical Comments on the
U.S. Army Corps of Engineers/Proyecto Enlace del Caño Martín Peña
Caño Martín Peña (CMP) Ecosystem Restoration Project
Draft Environmental Impact Statement dated September 2015

Alternatives Analysis:

- It appears from Table 2-2, that the Corps/Enlace did not evaluate the possibility of beneficial reuse of amended dredged material as landfill or brownfield cover material or other upland purpose. A number of non-compliant municipal landfills are in the process of being closed. Dredged material amended with Portland cement or other pozzolans can provide daily cover for landfills, brownfields or other developments in place of clean fill. Beneficial reuse of the dredged material needs to be evaluated in the EIS.

Dredged Material and Disposal:

- The draft EIS and feasibility reports indicate that material from the CMP will be dredged with a clamshell or environmental bucket. Solid waste will be separated from the material by the use of a grate or metal sieve that will overlay the dump scow, allowing sediment and smaller bits of solid material to go into the scow. As this material may have concentrations of hydrogen sulfide, EPA recommends that the bulk of the material dredged from the eastern portion of the canal be placed in the barge as is, kept covered with water and sent to the upland staging area on the San José Lagoon at Ciudad Deportiva Roberto Clemente site. There, the material can be "raked" by an excavator outfitted with a slotted rake to extract the large solid waste objects. Performing this task at the upland site has several advantages: the lagoon can provide enough water to keep the dredged material covered and prevent the outgassing of hydrogen sulfide, there are no residential areas nearby to be affected by noise and odors, and the solid waste can be immediately loaded into trucks for transport to a landfill.

- With regard to material to be dredged from the SJ1 and SJ2 pits, both the draft EIS (page 2-15) and the 404(b) (1) Evaluation state, "it is assumed that the excavated pit material is clean and therefore is suitable for unconfined water disposal." As the modification and enlargement of the SJ1 and SJ2 pits are the preferred alternative for disposal of dredged material from CMP, the 506,381 cubic yards of material from those pits should be tested, analyzed and results included in the environmental impact statement to ensure that the preferred alternative is viable. Delayed sampling could result in project challenges and delays. If the material is not suitable for unconfined water disposal, more environmental analysis will need to be performed.

- Table 2-4 in the draft EIS presents acceptable sources for sand material to cap the CMP sediments in the SJ1 and SJ2 pits. Please note that utilizing underwater sand sources, such as the bottom of San José Lagoon, may require permits.

Wetlands:

- Regarding wetlands mitigation, the EIS states that spaces to mitigate for wetlands impacts on an approximate 1:1 ratio will be provided, and that the channel will be designed to allow for the appropriate hydrology and topography to plant mangroves. This was successfully achieved during the dredging of the western side of the CMP in the 1980's. Given that the wetlands associated with the portion of CMP to be dredged now are stressed (in large part due to changes in hydrology), and that several segments of the channel appear to be transitioning into uplands, the proposed ecosystem restoration project and its associated wetlands mitigation should result in a significant improvement over current conditions. In addition, the proposed mangrove mitigation fringes should provide an additional buffer zone between the channel and urban areas and at the same time significantly raise the habitat value and the functional values of wetlands in the area. However, while these issues are laid out in the current document, the necessary details to ascertain that the mitigation areas will be ultimately successful were not included. At a minimum, the Corps should provide a plan as to how the mitigation areas will be completed, the timing of their construction relative to the channel dredging, and their relationship with some of the proposed "water plazas." Most importantly, the mitigation success criteria, as well as the mechanisms to ensure that the mitigation will be completed in a thorough and timely manner should be included.

Cumulative Impacts:

- The cumulative impacts analysis should include the following projects: relocation of the Borinquen freshwater line, relocation of the Rexach trunk sewer, relocation of the San José trunk sewer, relocation of the 115kv Power Line, and any other sewer relocations that have been performed or are expected to be performed in the near future in the project area.

Resources Impacts:

- Neither the draft EIS, nor the feasibility study, describe or map the upland staging area to be used during construction of the western weir and cofferdam. This site should be described and any environmental impacts that may arise due to its use should be analyzed.

- The feasibility report, page 5-55, states, "tidal amplitude within the CMP and San José Lagoon would increase as a result of construction of the channel" and "the water surface rise may affect extremely low-lying structures around the San José Lagoon." The Corps typically includes the modeling results in its EISs to provide local and states stakeholders with information during the NEPA process.

- The feasibility report, page 6-4 states that the narrow band of sediment deposits with mangroves between the Quebrada Juan Méndez and the project channel will be enhanced. This action should be described and any environmental impacts analyzed in the environmental impact statement.

- The feasibility report, page 6-34, states that post project maintenance material is expected to be uncontaminated. Please provide a citation or reason as to why this is thought to be the case.

General:

- Table 2-6 in the FEIS is missing a footnote.

- The Executive Summary (page vi) states, "All constructed alternatives include an elongated weir under the Martín Peña, Tren Urbano, and Luis Muñoz Rivera bridges involving a 115- foot-wide by 6.5-foot-deep channel with riprap on side slopes and articulated concrete mats at the channel bottom to reduce water velocity and erosion, and to control scour." However, the description of Alternative 2 (the tentatively selected plan), page 2-25 states, "…this alternative would also feature a weir at the western end of the project area for mitigating water flows…" The environmental impact statement should clarify how many weirs are expected to be constructed for each alternative, where the weir(s) are to be placed, and the full dimensions of each.

- As of October 29, 2015, a settlement was reached between the U.S. Department of Justice, the U.S. Environmental Protection Agency and the Municipality of San Juan in which the Municipality has agreed to upgrade storm sewer systems through the city, including those on the Martin Peña Canal. This agreement should be appended to the environmental impact statement, and the expected storm sewer upgrades in the project area should be addressed. Given that some of these projects may not be completed by the time the CMP-ERP project is started, any remaining storm sewers, or combined sewer overflows that will discharge into the CMP should be discussed in the environmental impact statement.

October 23, 2015

Ms. Lyvia N. Rodríguez del Valle
Executive Director
Corporación del Proyecto ENLACE del Caño Martín Peña
PO Box 41308
San Juan, Puerto Rico 00940-1308

Dear Ms. Rodríguez del Valle

Draft Feasibility Report and Environmental Impact Statement
Caño Martín Peña Ecosystem Restoration Project
San Juan, Puerto Rico

The Puerto Rico Aqueduct and Sewer Authority (PRASA) reviewed the Draft Feasibility Report and Environmental Impact Statement (EIS) for the referenced project as requested in your letter dated September 10, 2015. As you are aware, PRASA has been a very active member of the Technical Advisory Committee for the Environmental Restoration of the Caño Martín Peña (CMP), having already completed most of the engineering work needed as support to the restoration efforts being led by ENLACE.

The document reviewed was the Spanish version of the EIS and the review was completed focused mainly on PRASA's area of expertise, water and wastewater infrastructure. The comments are based on Alternative #2 (100 ft wide and 10 ft deep) and are follows:

- In several sections of the EIS, it is mentioned that the flow velocities along the proposed CMP might have a negative impact on the bridges of Muñoz Rivera and Barbosa avenues. It is important that ENLACE be aware that both bridges have PRASA infrastructure and that any potential damage to the bridges because of the CMP flow velocities would be detrimental to PRASA as well.

  The Muñoz Rivera Bridge has a 20-inch and a 30-inch diameter potable water line and the Barbosa Bridge has a 20-inch diameter potable water line.

  Please consider the potential impact to these lines in your analysis.

- Table 4-1 in page 4-4 states that the wastewater discharge to the CMP is from PRASA. This is an incorrect statement, and it should be noted that the discharges of untreated wastewater are sourced from residential and commercial units not connected to the PRASA collection system due to a lack of infrastructure in the area. Please make the corresponding corrections.

- Section 4.12, under the Infrastructure sub-section's second paragraph, states that the Rexach Trunk Sewer and the Ave. Borinquen Potable Water pipe need to be replaced because they are deteriorated and obsolete. However, the only reason PRASA will replace these lines is because they represent a physical obstruction to the ENLACE proposed project. There were no plans under the Capital Improvement Program to replace these lines. Please make the corresponding corrections.

- Page 4-45 incorrectly states that the length of the Borinquen Potable Water line is 263 ft, when it should be 406 ft. Please make the corresponding corrections.

- The list of projects included in pages 4-63 and 4-64 states that the San Jose Trunk Sewer improvement project shall be completed by PRASA, but construction was finished on December of 2014. Please make the corresponding corrections.

- The list of projects included in pages 4-63 and 4-64 states there is a project to replace the San José Trunk Sewer, although to this point this has not been identified as a need. Please make the corresponding corrections.

- The list of projects included in pages 4-63 and 4-64 indicates that the design of the sanitary sewer system of the north section of the Israel and Bitumul communities is in the conceptual stage, when it is at the 100% Design stage. Please make the corresponding corrections.

- The list of projects included in pages 4-63 and 4-64 lacks to include the following projects: Sanitary Sewer and Potable Water System for the South Section of the Israel and Bitumul Communities (100% designed); Potable Water System for the North Section of the Israel and Bitumul Communities (100% designed); Relocation of the Potable Water Line in Borinquen Avenue (100% designed); New Rexach Trunk Sewer Siphon (100% designed); Sanitary Sewer and Potable Water System for Buena Vista and San Ciprián Communities (Preliminary Engineering Report completed). Please make the corresponding corrections.

- Section 4.18.2.3 "Decreto por Consentimiento entre AAA-USEPA" and Table 4-3 "Resumen de Impacto Acumulativos" use the June 2006 mega-consent decree between PRASA and the United States Environmental Protection Agency for analysis. This decree has been negotiated and a new decree was approved by both parties on September 2015. Please make the corresponding corrections.

PRASA shall continue to provide ENLACE its support in such an important environmental and social endeavor. Our commitment to the success of this project is proven and will continue until the CMP is restored.

Should you have any questions regarding our comments, please feel free to contact us at your convenience.

Sincerely,

José J. Rivera Sanabria, P.E.
Director of Engineering

cc. Alberto M. Lázaro Castro, PRASA
Lynnette M. Ramírez Rivera, PRASA
Jim L. Suggs, U.S. Army Corps of Engineers

NOTICE OF INTENT COMMENTS

NPS

OFFICIAL CORRESPONDENCE VIA ELECTRONIC MAIL
NO HARDCOPY TO FOLLOW

United States Department of the Interior

NATIONAL PARK SERVICE
Southeast Regional Office
Atlanta Federal Center
1924 Building
100 Alabama St., SW.
Atlanta, Georgia 30303

IN REPLY REFER TO:
SER-PC

17 December 2012

U.S. Army Corps of
Engineers, Jacksonville District,
Planning Division, Environmental
Branch, P.O. Box 4970, Jacksonville, FL
32232–0019.

Mr. Wilberto Cubero:

The National Park Service received the Notice of Intent to prepare and Environmental Impact Statement for Cano Martin Pena Ecosystem Restoration in Puerto Rico San Juan, ER -12/0833. We have no comments at this time.

Thank you for the opportunity to review and provide comments. If you have any questions please contact Mrs. Barnett at 404-507-5706.

Anita Barnett
Environmental Protection Specialist
Planning and Compliance Division
Southeast Region
National Park Service

TAKE PRIDE IN AMERICA

FWS

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Caribbean Ecological Services
Field Office
P.O. Box 491
Boqueron, PR 00622

DEC 07 2012

In Reply Refer To:
FWS/R4/CESFO/72127-12

Mr. Wilberto Cubero
U.S. Army Corps of Engineers
Jacksonville District
Planning Division, Environmental Branch
P.O. Box 4970
Jacksonville, FL 32232-0019

Re: ER 12-0833, NOI for the Caño Martín Peña Ecosystem Restoration

Dear Mr. Cubero:

This is in reply to the November 16, 2012 US Army Corps of Engineers Notice of Intent to prepare Draft Environmental Impact Statement (DEIS) and Feasibility Report (FR) for the ecosystem restoration of the Cano Martin Pena (CMP). Our comments are provided as technical in accordance with the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.) and the Endangered Species Act (16 U.S.C. 1531 et seq. as amended).

The CMP restoration consists of dredging approximately 825,200 cubic yards of sediments and debris along a 2.2 miles segment of the CMP, installing sheet piles, a mangrove restoration project along the CMP, formal public spaces for recreation and interaction between the communities, and a mangrove restoration project at the Suarez Canal.

Based on the information provided we believe that the DEIS should include the following:

1) The dredged material will form the substrate for the proposed Suarez Canal mitigation site. The document should discuss the following aspects of the mitigation:

   a) The level of contamination of the dredged material and how possible contaminants in the dredged material will be contained in the mitigation site.

   b) The feasibility of transporting the dredged to the mitigation site at Canal Suarez.

   c) The stability of the dredged material to support mangrove mitigation at Canal Suarez.

Mr. Cubero

The Service supports the efforts to restore the CMP this restoration effort has the opportunity to increase hydrology and water quality throughout the San Juan Bay Estuary system.

If you have any questions please contact Félix López of my staff at 787 851 7297 x210.

Sincerely,

for Edwin Muñiz
Field Supervisor

fhl
cc:
David Sire, OEPC
REO, Atlanta
FWS, R4, Atlanta

COMMONWEALTH GOVERNMENT

PREPA-1

CN 078-04495
REV. 01/13

COMMONWEALTH OF PUERTO RICO
PUERTO RICO ELECTRIC POWER AUTHORITY

SAN JUAN, PUERTO RICO

www.prepa.com

GPO BOX 364267
SAN JUAN, PR 00936-4267

March 21, 2013

Mr. Eric L. Bush
Chief, Planning and Policy Division
Department of the Army
Jacksonville District Corps of Engineers
Jacksonville, FL 32232-0019

Attention: Wilberto Cubero

Dear Mr. Bush:

RE: Request for Comments
Draft Environmental Impact Statement
Ecosystem Restoration Project Martin Peña Channel and Waters
Associated with the Estuary of the Bay of San Juan

On March 4, 2013 the Puerto Rico Electric Power Authority (PREPA) received your letter requesting our comments for the reference project. The project is a joint effort between the U.S. Army Corps of Engineers and the *Corporación del Proyecto Enlace del Caño Martín Peña*. The main objective of the project is to restore the hydraulic head and tidal flow of water bodies associated with the estuary of the Bay of San Juan.

Considering the information submitted with your request for our evaluation, PREPA has no objection to the proposed project. PREPA has not identified any existing infrastructure or easement within the project area. Nevertheless, in the event of any change on the proposed scope of work, PREPA will promptly notify if such change will or has the potential to impact any existing infrastructure.

For additional information, please contact Mr. Rafael Marrero Carrasquillo, Acting Head, Environmental Protection & Quality Assurance Division, by (787) 521-4959.

Cordially,

Sonia Miranda Vega, Director
Planning and Environmental Protection

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PREPA-2

CN 078-04495
REV. 01/13

COMMONWEALTH OF PUERTO RICO
PUERTO RICO ELECTRIC POWER AUTHORITY

SAN JUAN, PUERTO RICO

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GPO BOX 364267
SAN JUAN, PR 00936-4267

April 12, 2013

Mr. Eric L. Bush
Chief, Planning and Policy Division
Department of the Army
Jacksonville District Corps of Engineers
Jacksonville, FL 32232-0019

Attention: Mr. Wilberto Cubero

Dear Mr. Bush:

RE: Request for Comments
Draft Environmental Impact Statement
Ecosystem Restoration Project Martín Peña Channel and Waters Associated with the Estuary of the Bay of San Juan

On March 4, 2013 we received your letter requesting our comments for the reference project. The proposed work is a joint effort between the US Army Corps of Engineers and the *Corporación del Proyecto Enlace del Caño Martín Peña*. The main objective of the project is to restore the hydraulic head and tidal flow of water bodies associated with the estuary of the Bay of San Juan. This letter will cancel and replace our previous communication dated on March 21, 2013 (**refer to Attachment #1, Letter to Corps of Engineers**).

The Puerto Rico Electric Power Authority (PREPA) has identified at the Caño Martín Peña the Underground Power Line Infrastructure Num. 39,300 of 115 KV within or nearby the project area (**refer to Attachment #2, Aerial Photo View, Infrastructure Site Plan and Built Layout Drawings**). Considering the information submitted with your request for our evaluation, PREPA has no objection to the proposed project, as long as any work including excavation, dredge or drill is coordinated with our agency previous to its occurrence. Any further action should be consulted with engineer Ramón L. Burgos Medina, Transmission and Distribution Director, by (787) 521-2066.

For additional information, please contact engineer Rafael Marrero Carrasquillo, Acting Head, Environmental Protection & Quality Assurance Division, by (787) 521-4959.

Cordially,

Sonia Miranda Vega, Director
Planning and Environmental Protection

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November 5, 2015

Lyvia Rodríguez del Valle
Executive Director
Corporación del Proyecto ENLACE del Caño Martín Peña
Apartado Postal 41308
San Juan, Puerto Rico 00940-1308

Dear Ms Rodríguez del Valle:

The San Juan Bay Estuary (SJBE) was designated by the US Environmental Protection Agency (USEPA) as a resource of national importance on 1992. As a result, the SJBE Program was created to identify those actions needed to improve and maintain the integrity of the San Juan Bay Estuary (SJBE) and its designated uses. This effort has been documented in a Comprehensive Conservation and Management Plan (the CCMP, hereafter), which was approved and adopted as part of the Commonwealth and Federal governments' public policy. The SJBE Program has been involved, since its approval, in the full implementation of the CCMP and in assuring that any action within the SJBE is consistent with the commitments established in the plan.

The SJBE Program has received the report title "**Feasibility Report & Environmental Impact Statement for the Caño Martín Peña Ecosystem Restoration Project**" (hereafter, the FR/EIS report). This document describes the final array of alternatives, plan comparison, and selection of alternatives for the restoration of the Caño Martín Peña ecosystem.

Some of the important findings of the FR/EIS report are:

- The best alternative for the restoration of the tidal flow and circulation of the Caño Martín Peña and the San José Lagoon would be the dredging of approximately 2.2 miles of the eastern portion of the Caño Martín Peña to a width of 100 feet and a depth of 10 feet (**Alternative Plan 2** in the FR/EIS report). This alternative was selected because it will maximizes ecosystem restoration benefits and outputs and meet the study evaluation criteria and objectives.

- The best alternative for the sediments disposal – after screening for the removal of solid waste debris - would be the encapsulation of such sediments within geotextile fabric bags, and then transported to the San José Lagoon artificial subaqueous pits (contained aquatic

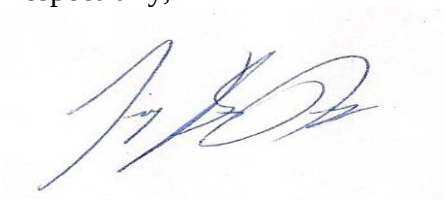
disposal or CAD). After sediments deposition, the disposal sites will be capped with a 2-foot layer of sand.

- Water quality and sediment testing, such as bioassays and toxicity test, would be conducted prior to and/or during project construction to ensure their suitability of disposal. As stated in the FR-EIS report, if testing identify hazardous substance in the sediments at levels that are not suitable for unregulated disposal, they will be managed in accordance with the applicable regulations of the relevant regulatory agencies. Also erosion and turbidity controls will be implemented during the construction activities.

The dredging of the Caño Martín Peña (CMP) and the filling of the San Jose and Los Corozos artificial depressions are Actions WS-5 and WS-6, respectively, of the CCMP. Both actions are marked as urgent and of high priority in the CCMP which mean that they deserve immediate attention and should be initiated as soon as possible. Thus, the SJBE Program is in agreement with both actions. However, they should be carried out in a manner that they do not further affect water quality and natural habitats of our estuary system. The dredging of the CMP will greatly benefit the water and habitat quality of the SJBE system, and we agree that the propose channel dimensions (depth of 10 ft and width of 100 ft) of the proposed project is appropriate. Regarding the dredge material disposal in Contained Aquatic Disposal (CAD) pits, the SJBE Program also agrees with such action if proper capping of the fill is follow as to avoid any further degradation to water quality of the San Jose Lagoon and the SJBE.

Overall, the SJBEP agrees with the plan formulation, evaluation, and selection process as described in the FR/EIS report. Furthermore, the SJBEP and its Scientific and Technical Advisory Committee (STAC) are more than interested in providing support and collaboration during the implementation of the propose project. Thus, we appreciate the opportunity to comment during this process. If you have any questions or comments please don't hesitate to contact me at jbauza@estuario.org or the SJBEP Executive Director, Dr. Javier E. Laureano at jlaureano@estuario.org.

Respectfully,



Jorge Bauzá-Ortega, Ph.D. QEP
Sciences Director
San Juan Bay Estuary Program