

**FINDING OF NO SIGNIFICANT IMPACT (FONSI)
MITIGATION FOR
SAN JUAN HARBOR NAVIGATION PROJECT
SAN JUAN, PUERTO RICO**

I have reviewed the Environmental Assessment (EA) for the proposed action. This finding incorporates by reference all discussions and conclusions contained in the EA enclosed hereto. Based on information analyzed in the EA, reflecting pertinent information obtained from agencies having jurisdiction by law and/or special expertise, I conclude that the proposed action will not significantly impact the quality of the human environment and does not require an Environmental Impact Statement (EIS). Reasons for this conclusion are in summary:

a. The proposed action would provide habitat for sea grass and other submerged vegetation to mitigate for the unavoidable impacts of the expansion of the San Juan Harbor Navigation Project.

b. The proposed action would not jeopardize the continued existence of any listed threatened or endangered species and would not destroy or adversely modify designated critical habitat (*Acropora* coral).

c. The proposed action is consistent with the Coastal Zone Management program of Puerto Rico (see Appendix B of the EA for the Coastal Zone Consistency Statement) and Section 404(b) of the Clean Water Act (see Appendix A of the EA).

d. The proposed action would not impact any property eligible for inclusion in the National Register of Historic Places.

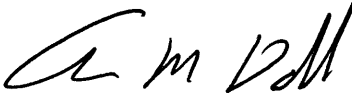
e. Measures to eliminate, reduce, or avoid potential impacts include the following: (1) locating the borrow and fill sites outside of established coral reef areas, (2) providing a net gain of habitat for sea grass and other submerged vegetation, (3) avoiding eligible historic resources, (4) following standard manatee protection measures for any water based activity in manatee habitat, (5) following the sea turtle [and smalltooth sawfish] construction conditions (NMFS, March 23, 2006), (6) following the "Vessel Strike Avoidance Measures and Reporting for Mariners" (NMFS, Southeast Region, February 2008), (7) monitoring for and avoiding destruction of migratory birds (including eggs, chicks, and active nests) in nesting habitat, (8) locating the pipeline corridor to minimize impacts to sea grass and to avoid impacts to coral (NMFS, Essential Fish Habitat Conservation Recommendation), (9) elevating the pipeline above the bottom where unavoidable sea grass is abundant (NMFS, Essential Fish Habitat Conservation Recommendation) (10) monitoring and managing turbidity, (11) geotechnical sampling to ensure suitability of borrow material, and (12) following the requirements of DNER for activities in Condado Lagoon.

f. The contractor is required to obtain a “permit or license for and the location of the solid waste disposal area” and “the Contractor shall comply with Federal, State Commonwealth Territorial and local regulations pertaining to the use of the solid waste disposal site.” In addition, “the Contractor shall comply with all applicable Federal, State Commonwealth Territorial, or local laws and regulations”. This may include, but is not limited to, applicable requirements for an approved solid waste management plan in Puerto Rico.

The point of contact for this finding is Kenneth Dugger at 904 232-1686 (kenneth.r.dugger@usace.army.mil).

A scoping letter was coordinated with the public and agencies on January 22, 2013. Comments received from the National Marine Fisheries Service, the U.S. Fish and Wildlife Service, and the Solid Waste Management Authority of Puerto Rico (Autoridad de Desperdicios Sólidos) have been addressed in the EA.

The draft FONSI was coordinated with the public and agencies on May 23, 2014, with a 30-day comment period pursuant to 40 CFR 1501.4(e) and 1508.13. Comments from coordination of the draft FONSI have been addressed.



Alan M. Dodd
Colonel, U.S. Army
District Engineer



Date