

1.0 PROJECT PURPOSE AND NEED

This chapter presents the project purpose, need and necessity.

1.1 Who Proposes to Do What, Where and When

The Commonwealth of Puerto Rico (Commonwealth) proposes the development of the Port of the Américas (PTA or the Project) in the southern region of the Island. According to the Applicant, the PTA is the most important element of an initiative of the Commonwealth to promote the economic development of the southern region and generate additional employment and income throughout Puerto Rico. The Project includes the development of deep-draft ports in the Guayanilla and Ponce bays, designed to provide world-class facilities for the anchorage of Post-Panamax cargo ships, and for the transshipment of cargo containers for international and local markets. The Puerto Rico Infrastructure Financing Authority (AFI by its Spanish acronym or the Applicant) serves as the principal agency within the Commonwealth responsible for obtaining the permits and endorsements required for the development of the PTA.

The Applicant plans to initiate the construction of the Project immediately after obtaining the required environmental, site and construction permits. The development of the infrastructure for the PTA would be accomplished through a combined effort between the public and private sectors and is expected to last approximately 24 months.

1.1.1 Proposed Action

The PTA, as proposed by the Applicant, includes the following components:

- The development of a deep-draft terminal in the Guayanilla Bay with the capacity to receive Post-Panamax ships. The Guayanilla terminal includes:
 - Construction of a berthing pier of a maximum of 6,000 feet long, anchored to land west of Punta Gotay, capable of mooring as many as four Post-Panamax ships. The proposed berthing pier will include facilities to allow the continued operation of the Peerless Oil & Chemicals dock.
 - Reclamation by fill of approximately 110 acres from Guayanilla Bay adjacent to the new pier and Punta Gotay, and fill of approximately 12 acres of wetlands near Punta Guayanilla, for the construction of parking and container storage areas, and administrative and operations facilities.
 - Utilization of a portion of the parcel previously occupied by Union Carbide Caribe (UCC) in Peñuelas, for the development of value-added activities including industrial, commercial and other infrastructure facilities as part of the Guayanilla Port. This area was recently selected by the EPA for inclusion in the Brownfields RCRA program, designed to reclaim abandoned industrial sites.
 - Improvements to the existing infrastructure of the area, including highways, water, sewers, power and communications.

- The development of a deep-draft terminal at the Port of Ponce with the capacity to receive Post-Panamax ships. The Port of Ponce would include:
 - Expansion of Pier No. 8 in Ponce to a maximum length of about 3,610 feet to allow simultaneous handling of as many as two Post-Panamax ships.
 - Immediate dredging of the navigation channel at the Ponce Bay and the areas adjacent to the berth to a minimum of 45 feet and a maximum of 53 feet, to allow entry to the port of Post-Panamax ships. The proposed dredging would require disposal and/or reuse of a minimum 810,000 cubic yards and a maximum of 2.2 million cubic yards of material. It is estimated that the material would be discharged at the EPA designated ocean disposal site south of Ponce.
 - Development of approximately 132 acres of land adjoining the Port of Ponce, for construction of value-added activities such as industries, commerce, offices and warehouses, shops and other infrastructure needed for the efficient operation of the Port of Ponce.
 - Improvements to the existing infrastructure of the area, including highways, water, sewers, power and communications.

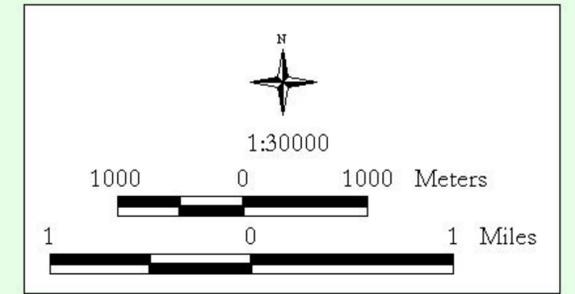
The Port of the Américas would be operated by the private sector. The terminals would be managed by a public corporation denominated the Authority for the Port of the Américas, created by legislation recently enacted by the Commonwealth.

1.1.2 Project Location

The Project would be located in the south coast of Puerto Rico, within the municipalities of Guayanilla, Peñuelas, and Ponce (Figure 1-1).

- In the Guayanilla-Peñuelas area, the piers, docks, wharfs and storage areas for containers would be located on the northern shore of the Guayanilla Bay, adjacent to Punta Guayanilla and Punta Gotay. The area is part of the Playa Ward of Guayanilla (**Figure 1-2**). The areas proposed for value-added activities in the parcel owned by Union Carbide are located within the Tallaboa Poniente Ward of the Municipality of Peñuelas.
- In the Ponce area, the improvements to the piers, docks and wharfs are located on the south shore of the existing Port of Ponce at the Ponce Bay, within the Playa Ward. The land proposed for value-added activities within the Port of Ponce is located within the Port of Ponce area, in parcels north of the main warehouses near Piers 4 and 6 (**Figure 1-3**).

Although the major elements of the PTA would be located in the municipalities of Guayanilla, Peñuelas and Ponce, the main objective of the Project is to promote the socioeconomic development of the entire southern region of the Island. This would in turn act as a catalyst to the economy of Puerto Rico, generating employment and income throughout the Island.



Source: NOAA, 2000.

Coordinates in State Plane NAD 27

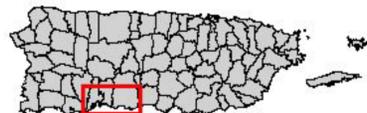
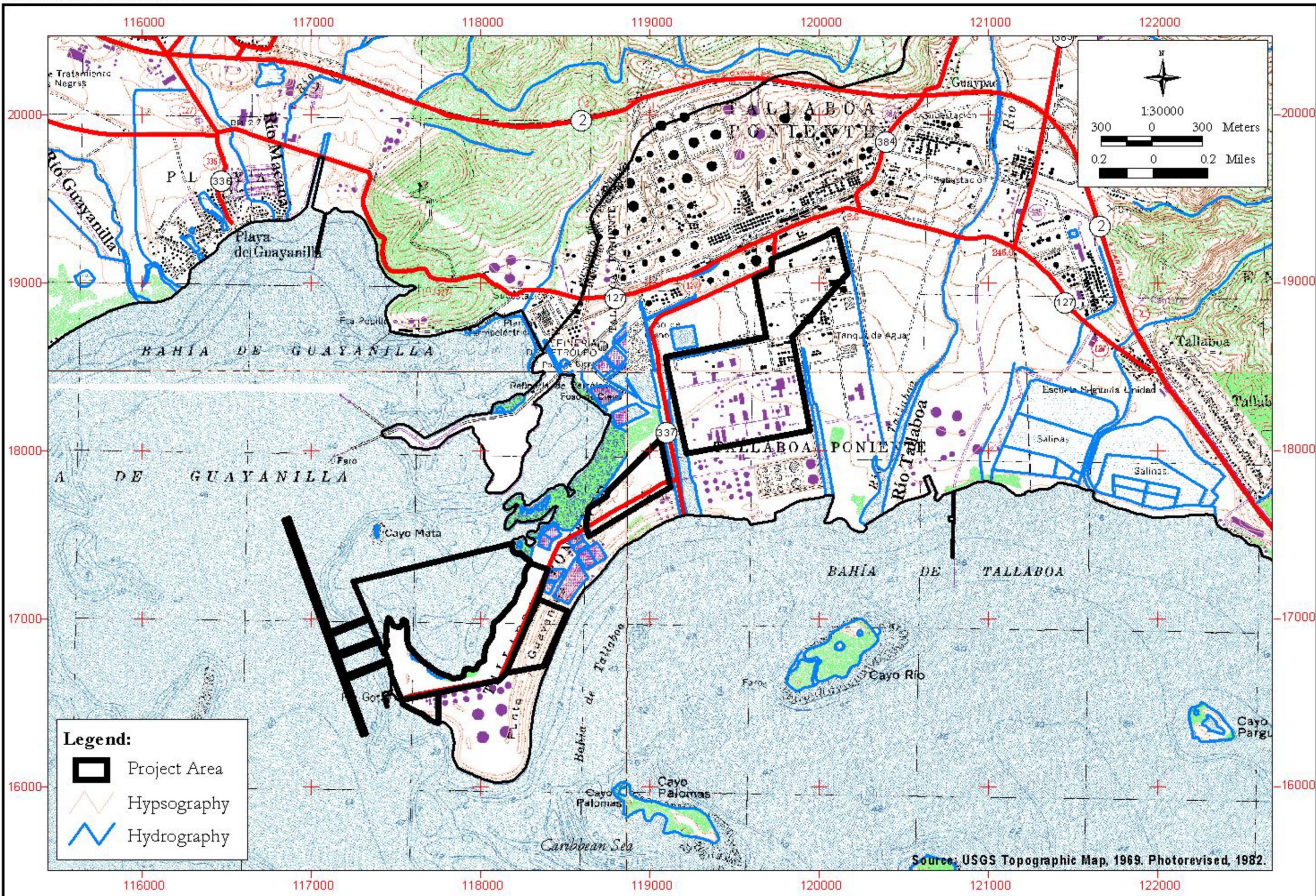


Figure 1-1 Project Area Aerial Photograph

Port of the Americas





Coordinates in State Plane NAD 27

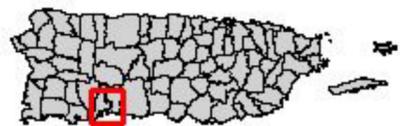


Figure 1-2 Location Map: Guayanilla-Peñuelas Area

Port of the Americas



1.2 Project Need and Opportunity

The Applicant has concluded that the development of a deep-draft transshipment port in Puerto Rico is essential for the future socioeconomic development of the Island. The Port of the Americas (PTA) promises to advance the economic development of the Island, promote foreign capital investment, create new direct jobs from its operation and indirect jobs from value-added activities, and increase the per capita income. In addition, the PTA is essential to reduce the costs of products that are transshipped to and from Puerto Rico to continental and international ports.

The foremost justification of the Applicant for the development of the PTA in Puerto Rico, is the opportunity of capturing a substantial segment of the transoceanic traffic of cargo containers that occurs from Asia and Europe to the east coast of South America, the United States (USA), and the Caribbean. The development of a deep-draft port in Puerto Rico to serve Post-Panamax ships would provide the opportunity of supplying transshipment services with Panamax ships to ports of lesser draft. Maritime and economic analyses conducted by the Applicant indicate that Puerto Rico has the potential of capturing in 10 years a volume of approximately 1.5 million TEU (Twenty-foot Equivalent Units) of the international traffic of containers in the Caribbean (Frankel, 2000).

1.3 Regulatory Authority

Pursuant to Section 10 of the Rivers and Harbors Act of 1899, the U.S. Army Corps of Engineers (USACE) has regulatory authority over structures and/or work in or affecting navigable waters of the United States. Under Section 404 of the Clean Water Act of 1972, the USACE has regulatory authority to permit the discharge of dredged or fill material into wetlands and other waters of the United States. Also, under Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972, the USACE has regulatory authority over the transportation of dredged material for the purpose of dumping into ocean waters at sites designated under 40 CFR Part 228.

1.4 Goals or Objectives

1.4.1 Applicant's Goals or Objectives

The main objective of the Applicant is to promote the socioeconomic development of the southern region of Puerto Rico, and to generate employment and income throughout Puerto Rico. It is expected that the PTA, and the industrial and commercial activities in its vicinity, would act as a catalyst to promote additional industrial and commercial growth in other regions of the island, thus creating a favorable environment that would generate jobs and income.

The following are the overall objectives of the Project:

- Promote economic growth and create long-term positive economic conditions;
- Reduce the costs of imports and exports by minimizing external transshipment of cargo to and from Puerto Rico;
- Improve the local economy to minimize its dependency on federal programs; and
- Increase the degree of autonomy of the Commonwealth to manage the economy.

The PTA would also create new jobs in the construction and operation of the port facilities. Once completed, the Project would represent a significant positive stimulus to the Puerto Rican economy.

1.4.2 USACE Goals or Objectives

The purpose of this DEIS is to establish a better foundation of information and knowledge of the existing conditions of the affected environment, assess the need of the project, conduct a public interest review, identify alternatives, and assess the potential environmental consequences of the different alternatives in order to be able to make well informed decisions in the Regulatory permit process.

1.5 Related Planning and Environmental Documents

The Puerto Rico Infrastructure Financing Authority (AFI, for its Spanish acronym), as the lead Applicant, is responsible for the preparation of various environmental documents for the Project, in compliance with the laws and regulations of the Commonwealth and the Federal Government. In addition, and prior to the construction of the Project, AFI or its successor agency, must obtain approval of several local and federal permits concomitantly with the submittal of the pertinent environmental documents. The environmental document and permits include:

- A local Preliminary Environmental Impact Statement (PEIS) in compliance with Puerto Rico Public Law Number 9 of 1970, as amended. In December 2000, the Applicant filed a PEIS with the Puerto Rico Environmental Quality Board (EQB) for the construction of a project named "Transshipment Port of Puerto Rico". This project proposed the construction of a single deep-draft berthing pier at the Guayanilla Harbor, for the loading and unloading of Post-Panamax and Panamax cargo ships and ancillary facilities, as well as an area for value-added activities near the Guayanilla Peninsula. The current Commonwealth administration reviewed the scope of the project in light of the socioeconomic potential and capacities of the entire south coast of the Island. This review resulted in adopting the concept of two deep-draft terminals to allow servicing Post-Panamax ships at the Guayanilla and Ponce harbors. Since the changes on the scope of the original project were significant, the initial PEIS filed at the EQB was recalled and discarded. A new PEIS that includes the two terminals and conforms to this DEIS was filed by the Applicant with the EQB on January 2002.
- A Land Use Consultation as required by the Puerto Rico Planning Board (PB) in compliance with the Puerto Rico Zoning Regulations: Regulation # 4, dated September 16, 1992, as part of the zoning and land use regulations in effect. On May 2002, the Applicant filed with the PB the Land Use Consultation for the PLA, including the elements described in this DEIS.
- Water Quality Certificate (WQC) from the EQB and Consistency with the Coastal Zone Management Program administered by the PB.

The PEIS requirements at the Commonwealth level, as specified by Law # 9, and those required by the NEPA are essentially similar, except for the following evaluation processes for the documents:

- At the local level, AFI acts as the sponsor agency for the Project, while the EQB has established guidelines for the preparation of environmental documents (Regulation for the Preparation, Submittals and Evaluation of Environmental Documents, dated September 29, 1999).
- The USACE is the responsible agency since the proposed project would involve work in navigable waters that are subject to the laws and regulations under its jurisdiction (Section 10 of the Rivers and Harbors Act of 1899, Section 103 of the Marine Protection Research and Sanctuaries Act of 1972, and Section 404 of the Clean Water Act of 1972). The USACE has developed general guidelines for the preparation of a DEIS that will comply with the requirements of NEPA.

1.6 Decisions to be Made

The District Engineer must decide:

- Issue the Applicant the permits under Section 10 of the Rivers and Harbors Act, Section 404 of the Clean Water Act and Section 103 of the Marine Research, Protection and Sanctuaries Act, to allow the construction of the Port of the Américas in Ponce and Guayanilla-Peñuelas;

or,

- Issue the indicated permits to a modified proposal;

or,

- Deny the indicated permits.

1.7 Scoping and Issues

1.7.1 Scoping Process

The Scoping Process for this DEIS is described in detail in Chapter 6.

1.7.2 Issues Evaluated in Detail

This Section identifies several environmental issues associated with the development of the PTA that were evaluated in great detail in the DEIS because of special concerns and interests expressed by the resource agencies during the scoping process. For each issue discussed below, a list is included of measurement indicators highlighting the relevant and pertinent information that was necessary to complete a thorough evaluation of the environmental impacts associated with each issue.

ISSUE 1: FISH AND WILDLIFE RESOURCES

Large areas of waters of the U.S., including wetlands, as well as other special aquatic sites would be affected by the discharge of fill, dredging and the construction of structures in navigable waters. Also, the fill material to be discharged in navigable waters would be obtained from upland sources. Essential marine fish and wildlife resources would be impacted by these actions, and endangered species may be affected.

Measurement Indicators:

- What are the fish and wildlife resources at risk by the proposed discharge of fill, dredging and the construction of structures in navigable waters?
- What are the sources of fill material and what wildlife resources would be at risk?
- Which endangered species would be affected?

ISSUE 2: MARINE RESOURCES/SPECIAL AQUATIC SITES

In addition to the effects to open marine waters and wetlands, the PLA would have effects on other marine resources or special aquatic sites such as coral reefs, hard bottoms, sea grasses, etc. These effects would be direct, indirect or cumulative.

Measurement Indicators:

- What marine resources such as coral reefs, hard bottoms, and seagrasses, are located within the proposed areas of the Project and nearby areas?
- How many acres of marine resources would be affected?
- Project layout superimposed over marine resources/special aquatic sites that would be affected.
- What are potential impacts from port operations, including increased vessel traffic, on these resources?
- What alternatives to design have been considered to avoid or minimize impacts to marine resources?
- What mitigation opportunities would be available to compensate for the unavoidable impacts to marine resources?

ISSUE 3: ESSENTIAL FISH HABITAT

The proposed project would be located in aquatic areas identified as Essential Fish Habitat (EFH) the 1998 Amendment to the Fishery Management Plans prepared by the Caribbean Fishery Management Council (CFMC). EFH should be analyzed to determine potential individual and cumulative impacts from the proposed action.

Measurement Indicators:

- Identify and describe EFH's within the proposed Project areas.
- Identify managed species of concern and their life stages.
- What are the potential individual, direct, indirect and cumulative effects on these species and their habitat?
- What alternatives to the design have been considered to avoid or minimize adverse effects to EFH's?
- What compensatory mitigation measures would be implemented?

ISSUE 4: THREATENED OR ENDANGERED SPECIES

Several federally endangered or threatened species and their habitats are found within the proposed Project areas. The potential for impacts to endangered species and their habitat is high. As the proposed project is considered to be a major federal action, the preparation of a biological assessment is required by 50 CFR Part 402.12, to evaluate potential effects on listed or proposed species and designated habitat and determine whether the proposed project is likely to adversely affect any federally protected species.

Measurement Indicators:

- Identify endangered and threatened species of concerns and their habitat.
- Do these species occur at the proposed sites?
- Analyze the effects of the proposed action on the species and habitats, including considerations for cumulative effects.
- Prepare a Biological Assessment
- Would the proposed action have an adverse effect on the species and habitats?

ISSUE 5: ECOLOGICALLY SENSITIVE AREAS

The south coast of Puerto Rico, where the proposed terminals of the PTA would be developed, contains numerous ecologically sensitive areas that are in and outside the USACE jurisdiction. The potential for direct, indirect and cumulative environmental effects from additional development that would be promoted, as value added activities, is high in these areas.

Measurement Indicators:

- Define the boundaries of the proposed project.
- Identify areas for value-added development.
- Identify and describe ecologically sensitive areas surrounding the proposed terminals areas (i.e., Punta Verraco, Cayo Mata, etc.).
- Identify reasonably foreseeable future actions that are not part of the proposed Project in these areas.
- What are the potential effects to these areas due to port development and operation?
- What actions have been considered to avoid or minimize impacts to ecologically sensitive areas?

ISSUE 6: WETLANDS

The discharge of fill material in as much as 110 acres of open waters and 12 acres of wetlands would take place under the proposed project. Direct, indirect and cumulative effects would occur from the construction and operation of the terminals and other PTA facilities, as well as from the value added activities, including the development of needed infrastructure. Functions and values of waters of the U.S., including wetlands and associated salt flats, would be lost with

the discharge of fill material and would further impair or degrade the water quality of the area. Before any discharge of fill material would be authorized, compliance with Section 404(b)(1) guidelines would be required.

Measurement Indicators:

- Identification of wetlands located within and near the proposed port development areas.
- How many acres of waters of the United States, including wetlands and salt flats, would be affected?
- Project layout superimposed over waters of the U.S. that would be affected.
- What are the present functions and values of those wetlands?
- What alternatives to design have been considered to avoid the discharge of fill material into waters of the United States, including wetlands?
- What alternatives to design have been considered to minimize the discharge of fill material into waters of the United States, including wetlands?
- What mitigation opportunities are available to compensate for unavoidable impacts to waters of the United States, including wetlands?

ISSUE 7: COASTAL ZONE

The proposed terminals of the PTA would be located in the coastal zone. The impacts on the coastal zone should be evaluated.

Measurement Indicators:

- Is the Project consistent with the Coastal Zone Management Program?
- Are there any coastal barriers affected by the proposed action?

ISSUE 8: FLOODING

The proposed sites are located in the coastal zone and nearby rivers. The impacts on the flood levels inland or in coastal areas must be discussed.

Measurement Indicators:

- Would the Project impact food zones?
- Is the Project consistent with applicable flood regulations, plans and policies?
- Would the Project modify the flood zone classifications of affected areas?

ISSUE 9: WATER AND SEDIMENT QUALITY

Applications for Department of the Army permits for activities which may adversely affect the quality of waters of the United States should be evaluated for compliance with applicable effluent limitations and water quality standards, during the construction and subsequent

operation of the proposed activity. The evaluation should include the consideration of both point and non-point sources of pollution. It should be noted, however, that the Clean Water Act assigns responsibility for control of non-point sources of pollution to the states. Certification of compliance with applicable effluent limitations and water quality standards is required under provisions of Section 401 of the Clean Water Act.

Measurement Indicators:

- What are the potential effects on water quality and water circulation during the construction and operation of the port facilities?
- What effect would the discharge of fill material in Guayanilla Bay have on the thermal plume discharge from the Puerto Rico Electric and Power Authority?
- Would sediments re-suspend due to increased vessel traffic, and what would be the potential effects for the re-suspension of sediments?
- What water quality standards for Puerto Rico apply to the proposed project?
- Would the discharge of fill material into waters of the U.S., including wetlands, meet the water quality standards for Puerto Rico?

ISSUE 10: AIR QUALITY

The proposed action would take place in already industrialized areas. The construction of a port facility and the operation of the same would have effects on the air quality of the areas of the Project. It may also induce the construction of additional electric power generating facilities in the future.

Measurement Indicators:

- Are the proposed areas presently in compliance with NAAQS standards?
- What are the potential air emissions effects from increased ship traffic?
- Would the construction of new terminals induce the construction of new electric power generating facilities?

ISSUE 11: CULTURAL RESOURCES

The proposed Project may be located in areas that possess recognized historic, cultural, architectonic, scenic, conservation, recreational or similar values. Full evaluation must be given to the effect which the proposed structures or activities may have on values such as those associated with historic properties and National Landmarks, archeological resources, including Indian religious or cultural sites.

Measurement Indicators:

- Identify archeological and architectural resources (terrestrial and sub-aquatic) within the Project areas.
- Determine potential effects to cultural resources.

ISSUE 12: SOCIO-ECONOMIC

The proposed action includes the development of two deep-draft terminals in areas already industrialized that however are surrounded by nearby communities. It is envisioned that these facilities may increase the economy of Puerto Rico. There are concerns with the need to develop two terminals instead of a single facility.

Measurement Indicators:

- Would the proposed action require the relocation of people or communities?
- What are the effects of the proposed action on employment and economic base?
- What are the social and economic implications of developing the Project at one location versus two?
- Benefit/cost analysis for the Project at one location versus two?

ISSUE 13: HAZARDOUS, TOXIC, AND RADIOACTIVE WASTES

The proposed action may include work in areas that may have been previously contaminated. Implications of the presence of potentially contaminated areas must be considered.

Measurement Indicator:

- Specify the properties that would be used for the proposed action.
- Discuss past developments, activities and history of contamination.
- Identify remediation activities.

ISSUE 14: DREDGING AND DISPOSAL OF DREDGED MATERIAL

The Applicant's purpose is to allow passage to Post-Panamax vessels to the proposed transshipment port. This would require dredging of the Ponce Harbor to a minimum depth of 45 feet, with a proposed maximum of 53 feet. Dredging would not be required at the Guayanilla Harbor, since its depth exceeds this minimum. The proposal includes the disposal of part of the dredged material at an EPA approved Offshore Dredged Material Disposal Site (ODMDS). Resource agencies have expressed concerns with the need to dredge areas not included in the proposed project. Before dredged material is disposed in the ocean, other alternatives must be considered and the sediments must be suitable for ocean disposal.

Measurement Indicators:

- What are the current depths?
- What are the minimum required depths to meet the proposed project's goals?
- What areas would need to be dredged?
- What quantity of dredged material would be generated?
- What upland disposal alternatives have been considered?

- Are there opportunities available for beneficial use of dredged material?
- Is the dredged material suitable for ocean disposal?
- Availability of an EPA approved Offshore Dredged Material Disposal Site (ODMDS) with an approved Site Management Plan.

ISSUE 15: NAVIGATION

The proposed action included the development of two deep-draft terminals in areas already subject to continuous maritime traffic. It is anticipated that the development of the Ponce and Guayanilla components of the Project may affect the current navigation regime in both locations. Repercussions of the increase in marine traffic due to port operations were analyzed for a series of factors.

Measurement Indicators:

- Need for channel improvements and anchoring areas.
- Risk of groundings and/or accidents if no channel improvements are performed.
- Net increase in ship traffic.
- General environmental effects from increased vessel traffic and port operation.
- Effect of port operations due to security and safety requirements.
- Effect of structures in navigable waters to navigation.

ISSUE 16: INFRASTRUCTURE

The construction of a port facility and the operation of the piers and industrial zones would demand modifications or new developments to the existing infrastructure at both locations, including roads, utilities (water, sewers and power) and telecommunications. The magnitude and extent of such undertakings was taken into account.

Measurement Indicators:

- Need for improvements to the potable and wastewater infrastructure.
- Need for improvements to the existing stormwater management infrastructure.
- Vehicular traffic impact and need for road geometry and capacity modifications.
- Generation of solid wastes and landfill availability.
- Energy and telecommunications requirements and conservation.

ISSUE 17: MARINE CURRENTS

The effects on the local marine currents due to the development of the Project need to be assessed. Potential changes in the currents at the Guayanilla and Ponce Harbors from the construction of large-capacity berthing facilities, and from the placing of fill in a 110-acre shallow-water area in the Guayanilla Bay, need to be considered.

Measurement Indicators:

- Effects of berthing structures in the general and local maritime current flow.
- Effects of reclamation of submerged land in the Guayanilla Harbor in the general and local maritime current flow.

ISSUE 18: NOISE

Noise impacts related to the Project must be assessed. Noise levels due to the construction and operation of the proposed facilities, considered as an industrial source, need to be examined at various types of receptors for both components of the Project.

Measurement Indicators:

- Noise levels during construction for receptors classified as residential, commercial, industrial, and tranquility.
- Noise levels during operation for receptors classified as residential, commercial, industrial, and tranquility.

Table 1-1 provides a quick reference to the sections of the DEIS where the issues previously described are addressed in detail.

Table 1-1: DEIS Issue Tracking Matrix

Issue #	Issue	Executive Summary	1.0 Purpose and Need	2.0 Alternatives	3.0 Affected Environment	4.0 Environmental Consequences	Appendices
1	Fish and Wildlife Resources	ES-4; ES-5	1-8	2-5; 2-30	3-47	4-16	G; H; I; J; X; Y; CC; DD; EE
2	Marine Resources/Special Aquatic Sites	ES-4, ES-5	1-9	2-30	3-52; 3-57; 3-59; 3-60	4-18; 4-24; 4-26; 4-122	G; H; I; Y; CC; DD; EE
3	Essential Fish Habitat	ES-5	1-9	2-30	3-58	4-30	EE
4	Threatened or Endangered Species	ES-4; ES-5	1-10	2-5; 2-10; 2-12; 2-30	3-52; 3-61 to 3-70	4-32	G; H; I; Y; CC; DD; EE
5	Ecologically Sensitive Areas	ES-4	1-10	2-12; 2-13; 2-30	3-50; 3-71;	4-40	G; H; P; Q; Y; CC; DD; EE
6	Wetlands	ES-5	1-10	2-5; 2-20; 2-30	3-72 to 3-81	4-41	P; Q
7	Coastal Zone	ES-5	1-11	2-4; 2-10; 2-13; 2-14; 2-30	3-82	4-45	N/A
8	Flooding	ES-5	1-11	2-30	3-83	4-47	P; Q
9	Water and Sediment Quality	ES-5	1-11	2-6; 2-30	3-23; 3-33; 3-93	4-48; 4-54; 4-119	E; F
10	Air Quality	ES-5	1-12	2-31	3-99	4-55	Z
11	Cultural Resources	ES-5	1-12	2-6; 2-10; 2-31	3-103	4-65	K; L; M
12	Socio-Economic	ES-5	1-13	2-31	3-107	4-65; 4-117	B; O; AA
13	Hazardous, Toxic, and Radioactive Wastes	ES-5	1-13	2-31	3-132	4-72	N/A
14	Dredging and Disposal Of Dredged Material	ES-5	1-13	2-6; 2-15; 2-26; 2-29; 2-31	3-23; 3-34; 3-141	4-73	N/A
15	Navigation	ES-5	1-14	2-6; 2-31	3-142	4-77	BB
16	Infrastructure	ES-5; ES-6	1-14	2-4; 2-15; 2-31	3-148	4-81	D
17	Marine Currents	ES-5	1-14	2-31	3-158	4-98	V
18	Noise	ES-5	1-15	2-31	3-159	4-99	N

1.7.3 Issues not Discussed in Detail

Some issues identified during the scoping process of the Project are not discussed in this DEIS because they were not considered relevant or significant, or were not considered within the scope of the USACE jurisdiction on the Project. The issues includes health aspects, port operations concerns, port staffing and personnel training, mineral needs, and concerns arising from comments related to an incorrect project definition (such as the inclusion of the Aguadilla Airport as part of the project). The following issues raised during the scoping process were not discussed in detail in this document:

1. Economic impacts of potential new safety regulations on the proposed port due to the September 11, 2001 terrorist attack.
2. Ongoing port activities at the San Juan Harbor and impacts of this new port complex on this facility.
3. Impacts on the project caused by the Aguadilla Airport and Yabucoa Harbor developments.
4. Discussion on the role of the US Congress in the decision-making process of the Ponce Harbor proposed dredging.
5. Effect of port lightning on animal populations and navigational aid systems
6. Impacts from the use of explosives on marine mammals.
7. Effects of underwater port noise on local fisheries.
8. Quantification and effects of fill material losses over time at the fill area in Guayanilla.
9. Assessment of tugboat service capacity to satisfy the PLA requirements.
10. Assessment of benthic habitats in the outer shoals at Guayanilla Bay and the potential need to remove said formations.
11. Labor-related issues on the project's operation.

1.8 Permits, Licenses, and Entitlements

In addition to obtaining Permits under Section 10 of the Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act of 1972 and Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 from the USACE, the Applicant must obtain a series of endorsements and permits from the local and other federal regulatory agencies. These permits and endorsements are related to environmental, zoning, pre-construction, infrastructure and operational issues. The potential permits and endorsements required for the Project as proposed are summarized in Table 1-2, which includes a brief description, as well as the name of the pertinent agency.

Table 1-2: Permits and Endorsements Required by Local and Federal Regulatory Agencies

Permit	Regulatory Agency	Description
PERMITS AND ENDORSEMENT PRIOR TO CONSTRUCTION		
Compliance with Puerto Rico Law Number 9 of 1970	Environmental Quality Board of Puerto Rico (EQB)	Certification that the local EIS complies with Article 4(C) of the Puerto Rico Environmental Policy Act of 1970.
Siting Consultation	Puerto Rico Planning Board (PB)	Application to construct the proposed Project as a public improvement as specified in the PB Adjudicative Processes Regulation
Certification of Compatibility with the Coastal Zone Management Program	Puerto Rico Planning Board (PB)	Endorsement required from the PB for conformance with the PR Coastal Zone Management Program
Municipal Endorsement	Municipalities of Ponce, Guayanilla, and Peñuelas	Statement of Agreement or Disagreement with the proposed Project. The Autonomous Municipality of Ponce requires a similar endorsement as the PB.
Endorsements of the Archeological / Historical Land and Sub-Aquatic Evaluations, Phases 1A and 1 B	Puerto Rican Institute of Culture	Determine the possible presence of archeological / historical resources in the proposed Project site.
Electrical Power Supply Determination	Puerto Rico Electric Power Authority (PREPA)	Consultation on the supply of electrical power.
Water Quality Certificate	Environmental Quality Board (EQB)	Certificate that assures that the proposed Project would not exceed the water quality standards established for a particular body of water.
Tree Pruning or Cutting in Public or Private Land for Construction Projects Permit (PB Regulation Number 25)	Puerto Rico Planning Board (PB) Department of Natural and Environmental Resources (PB - DNER)	Inventory of all existing trees at the sites to be used (pruned or cut) and the development of a reforestation plan.

Permit	Regulatory Agency	Description
PERMITS AND ENDORSEMENTS DURING CONSTRUCTION		
Earth Crust Removal Permit	Department of Natural and Environmental Resources (DNER)	Necessary permit for any activity that requires the extraction of more than 5,000 cubic meters of earth crust material or 1,000 m ³ of sand.
Incidental Movement of Earth Crust Material Permit	Department of Natural and Environmental Resources (DNER)	Permit required for any activity that requires the extraction of less than 5,000 cubic meters of earth crust material or 1,000 m ³ of sand.
Non-hazardous Solid Waste Generation Activities Permit	Puerto Rico Environmental Quality Board (EQB)	Permit required for any activity that generates more than 25 yd ³ weekly of non-hazardous solid waste.
Erosion and Sedimentation Control Permit and Plan (CES Permit and Plan)	Puerto Rico Environmental Quality Board (EQB)	Permit required for the prevention and control of soil erosion and sedimentation of bodies of water due to construction activities.
Emissions Source Permit (Fuel)	Puerto Rico Environmental Quality Board (EQB)	Permit required in Puerto Rico for the construction of an air contaminant emission source due to fuel combustion.
Fugitive Dust Permit (PFE)	Puerto Rico Environmental Quality Board (EQB)	Permit required in Puerto Rico for any fugitive dust emission source due to construction activities.
Floodplain Compliance Certificate	Puerto Rico Planning Board (PB)	To determine if the Project is located with a floodplain zone and, if so, is it in compliance with the construction regulations for floodplains
Run-off Contamination Prevention Plan	US Environmental Protection Agency (EPA)	Plan required for all construction activities that impact 5 or more acres.
Construction Activities Regulations Compliance Certificate	Puerto Rico Environmental Quality Board (EQB)	Certificate of compliance with the Noise Contamination Regulations.
Emergency Generator Emission Source Permit	Puerto Rico Environmental Quality Board (EQB)	Required permit for the construction of an emergency generator as a source of air contaminant emissions.

Permit	Regulatory Agency	Description
PERMITS AND ENDORSEMENT REQUIRED FOR OPERATION		
Electrical Power Use Permit	Puerto Rico Electric Power Authority (PREPA)	Permit authorizing the proposed Project to connect to and use the existing electrical power supply installations.
Fire Department Endorsement	Puerto Rico Fire Department	Compliance with the fire hazards and prevention regulations in force for the proposed Project
Combustible Liquids and Oil Tanks Storage Permit	Puerto Rico Fire Department	Compliance with the fire hazards and prevention regulations in force for the proposed Project.
Emergency Generator Emission Source Permit	Puerto Rico Environmental Quality Board (EQB)	Permit required for the operation of the emergency generator as an air contaminant emission source.