



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

## PUBLIC NOTICE

Permit Application No. SAJ-1997-8245(IP-ML) **OCT 07 2004**  
Joint Permit Application no. 602

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

APPLICANT: Honorable Santos E. Padilla  
Mayor  
Municipality of Cabo Rojo  
Box 1308  
Cabo Rojo, Puerto Rico 00623

WATERWAY & LOCATION: The project would be located in navigable waters of the U.S. at Bahia Salinas and Bahia Sucia, PR-301-end, El Faro Sector, Boquerón Ward, Cabo Rojo, Puerto Rico

LATITUDE AND LONGITUDE: Lat. 17°56'39"N, Lon. 67°11'30"W

BACKGROUND: On April 7, 1999, the Corps issued a Public Notice for the proposed project. The applicant was not able to address all concerns raised as result of the public notification process. The application was withdrawn on September 5, 2000. As part of the evaluation process the project was divided in two phases. Phase I consisted on the lighthouse restoration and related works to be performed in uplands. Phase II consisted in the construction of visitor center, parking, trails, docks, and an access bridge. The current public notice describes the works proposed for construction of Phase II.

PROJECT PURPOSE:

Basic: Coastal and cultural recreation and tourism facilities

Overall: The proposed project would enhance the existing facilities at the Cabo Rojo Lighthouse to serve recreation and tourism activities currently performed at the site.

**PROPOSED WORK:** The applicant proposes to construct recreational facilities at the Cabo Rojo Lighthouse. The facilities would consist of 14 gazebos, 3 boardwalks, 3 fishing decks, 1 observation tower, 1 lifeguard tower, 1 visitor center, parking, mobile concessions and access bridge. The applicant proposes to impact waters of the U.S. to construct the 3 boardwalks, the 3 fishing decks, and the bridge replacement. One of the boardwalks would be 1,085 feet long and 8 feet wide, and would be located along the shoreline at Bahia Sucia. The other two would be 315 feet long and 8 feet wide and would be located at two locations along wetlands. The fishing decks would be 8 x 8 feet. One would be located at Bahia Sucia, one at Bahia Salinas and one to the south of the Lighthouse. The applicant also proposes to impact waters of the U.S. to replace the existing concrete bridge that provides access to the Lighthouse area. This bridge is 18.5 meters long and 3.1 meters wide. It would be replaced with a "Composite Beam Bridge" of 28 meters in length and 4.5 meters in width.

According to the applicant the visitor center, the observation tower and the parking are located in uplands. To minimize impacts to waters of the U.S. the visitor center was relocated from the site entrance, impacting wetlands, to uplands nearby the Lighthouse. The in-site parking was relocated to areas that are currently being used for such purpose. The areas would be re-graded, identified, and wheel stops would be installed. To acquire lands nearby the Lighthouse to built an off-site parking was not a practicable alternative. Therefore, the need for additional parking would be served by using the Unit 9 Emergency, and the Corozo court facilities as off-site parking, and implementing a collective transportation route. The public would be transported in buses to the Lighthouse facilities. Also, a bus route would be established from the Cabo Rojo Public Bus Terminal to the Lighthouse. The new route would also include visit stops at the Cabo Rojo Wildlife Refuge, the Mariano Rodríguez Observation Tower, as well as the Lighthouse. Another minimization measure was the elimination of 2 docks, and 2 observation towers to be located at the lagoon, and an "alternate fishing dock". Also, the bridge proposed would be a pile-supported one instead of a box culvert. According to the applicant there would be no need to built a temporary bridge. Necessary measures would be implemented such to provide access to the Lighthouse while the new bridge is built. Another minimization measure proposed by the applicant is to make the boardwalks, visitor center and decks "wooden-floors". The wooden pieces would be installed 1-inch apart to allow for light and breeze to flow. The boardwalk would be built in areas with no vegetation, 3- feet elevated from the ground.

As mitigation the applicant offers to enhance approximately 1,000 m<sup>2</sup> of red mangroves in the area. Mangrove propagules would be planted at a 6'x6' distance along the lagoon margins. Plant material would be obtain from nearby areas.

**EXISTING CONDITIONS:** The Environmental Sensitivity Index for Puerto Rico (ESI) shows multi-group sensitive biological resources at the project site. According to the ESI the site contains fine to medium-grained, and coarse-grained sandy beaches, fringing mangroves and rocky cliffs. The ESI reports the presence of the Cook's anole (*Anolis cooki*), yellow-shouldered blackbird (*Agelaius xanthomus*), and the brown pelican (*Pelecanus occidentalis*). It also shows the presence of the black-necked stilt,

clapper rail, greater flamingo, least tern, piping plover, shorebirds, snowy plover, wading birds, waterfowls, sea birds, nursery fish, snook and tarpon, and the blue land crab. Portions of the site are part of the Cabo Rojo National Wildlife Refuge, and the Boquerón State Forest. Bahia Salinas has seagrasses and corals, while Bahia Sucia has seagrasses.

**ENDANGERED SPECIES:** The ESI shows the presence of the endangered brown pelican and the yellow-shouldered blackbird. By letter dated May 7, 1999, the U.S. Fish and Wildlife Service commented the public notice. They were concerned of artificial lightings at the site. However, at that time the applicant addressed their concerns and the FWS removed their objections. Based on the available information the Corps determines that the project may affect, but is not likely to adversely affect the endangered brown pelican, yellow-shouldered blackbird, or sea turtles. The Corps requests concurrence with this determination to complete the consultation requirements pursuant to Section 7 of the Endangered Species Act.

**HISTORIC and CULTURAL RESOURCES:** The ESI shows the presence of archaeological / historic sites within the proposed project site. The work proposed as part of the current application for Phase II includes work near the historic bridge. The SHPO, by letter dated May 28, 1997, made a no adverse effect determination for the proposed restoration of the lighthouse (Phase I) (SHPO 02-05-97-04). A Stage II archaeological work plan was accepted on September 14, 1998. By letter dated March 23, 1999, the SHPO determined that the effects on historic resources will not be adverse. This was subject to the implementation of the Protection Plan for Known Cultural Resources, dated February 8, 1999. Based on this information the Corps determines that the proposed works, as part of Phase II of the project, would not adversely impact historic resources. This is pursuant 33 CFR 325, Appendix C 7.c, and in accordance with 36 CFR 800.5(b).

**ESSENTIAL FISH HABITAT:** This notice initiates Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposed project would directly impact of sea bottom that may be utilized by various life stages of some of the 17 selected managed species. Our initial determination is that the proposed action would not have a substantial adverse impact on Essential Fish Habitat or Federally managed fisheries in the Caribbean Sea. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with NOAA Fisheries.

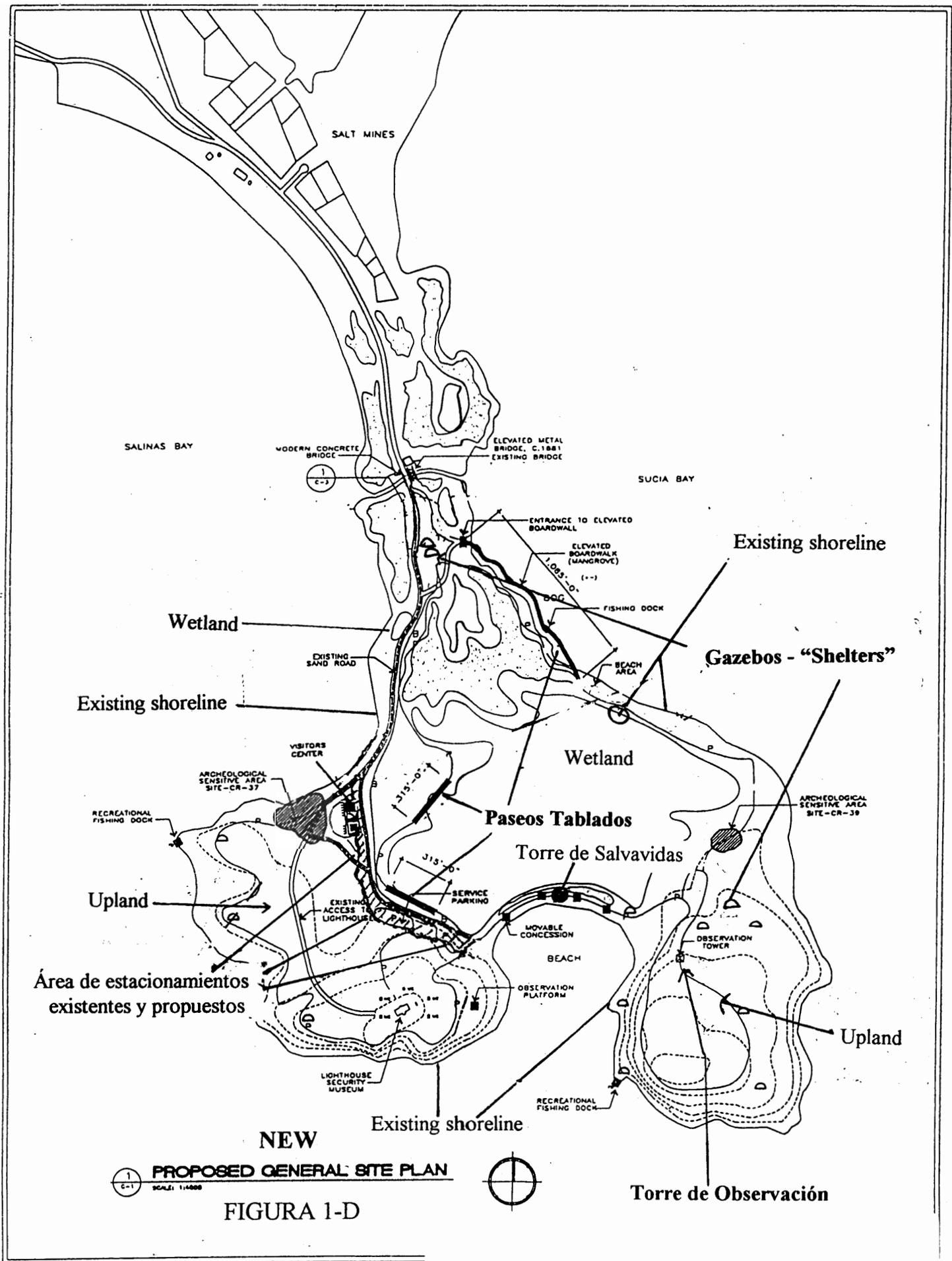
**AUTHORIZATION FROM OTHER AGENCIES:** A Water Quality Certificate from the P.R. Environmental Quality Board will be required. A Coastal Zone Consistency certification from the P.R. Planning Board will also be required.

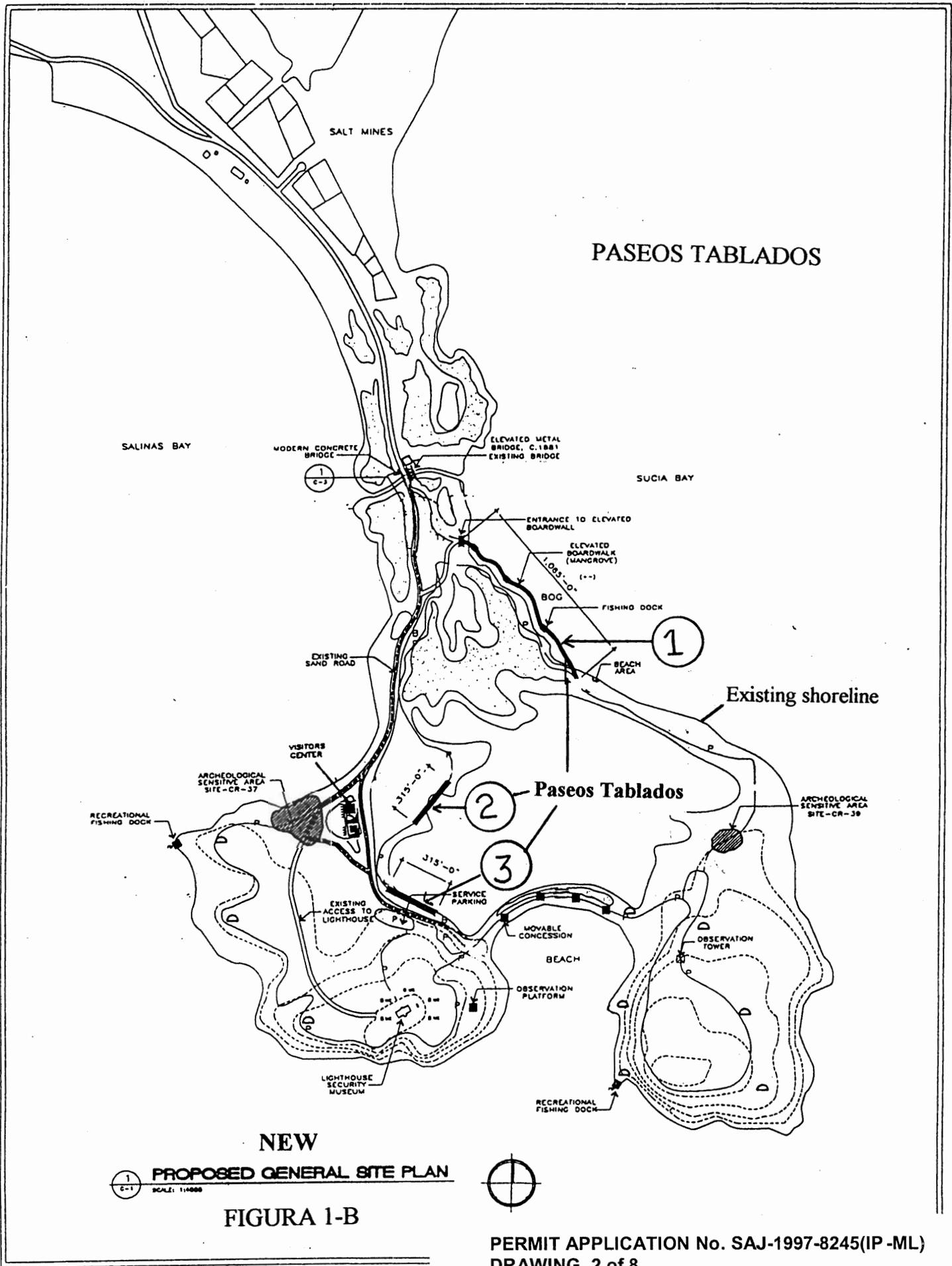
**NOTE:** This public notice is being issued based on information furnished by the applicant. This information has not been verified.

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

Chief Antilles Regulatory Section  
U.S. Army Corps of Engineers  
400 Fernández Juncos Avenue  
San Juan, Puerto Rico 00901-3299

or by electronic mail to [Myrna.I.Lopez@saj02.usace.army.mil](mailto:Myrna.I.Lopez@saj02.usace.army.mil). Please reference application number in your correspondence. If you have any questions concerning this application, you may contact Ms. Myrna I. López of this office, telephones 787-729-6905/6944, x. 3059.





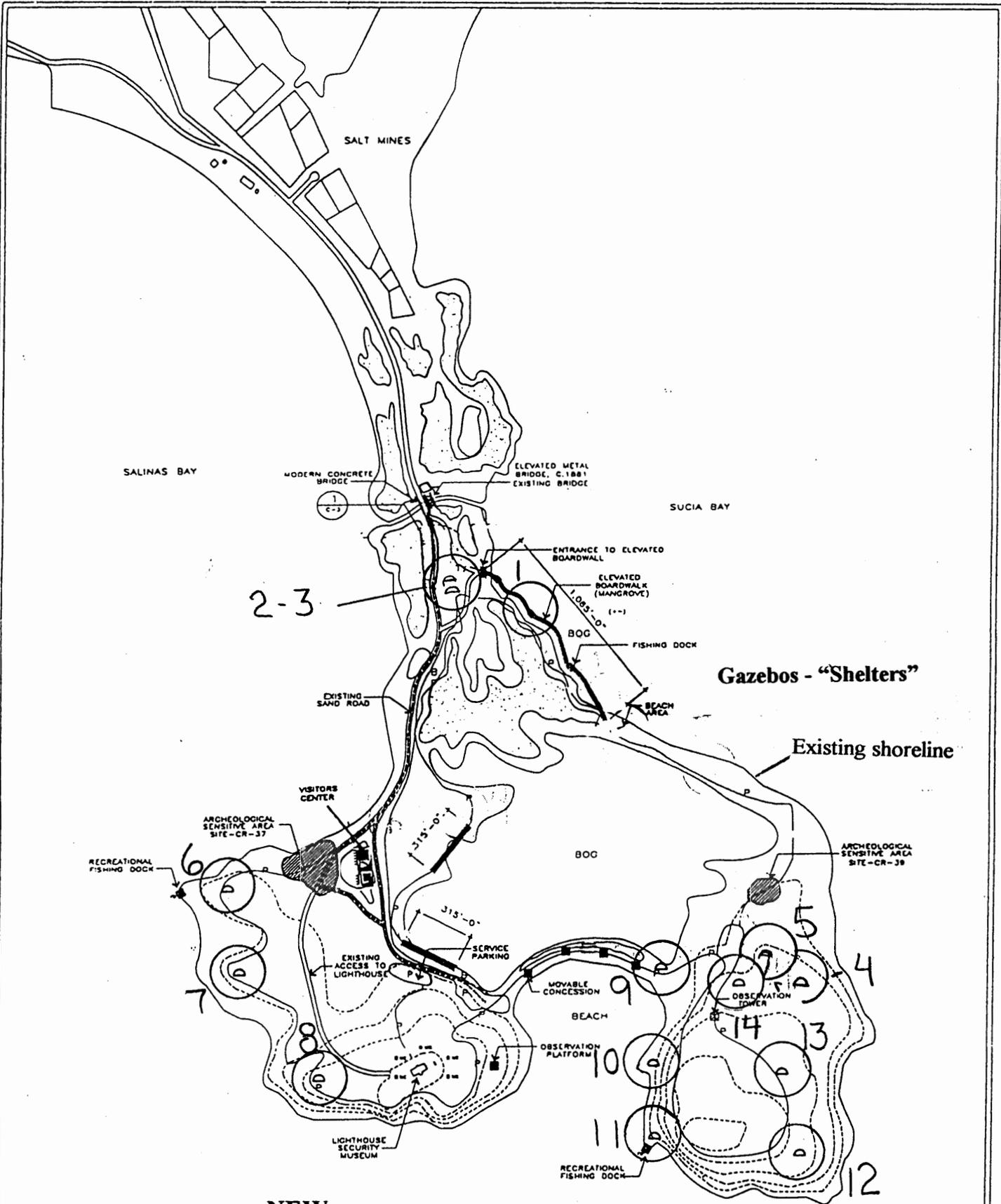
PASEOS TABLADOS

NEW

1  
2-1  
PROPOSED GENERAL SITE PLAN  
SCALE: 1:1000

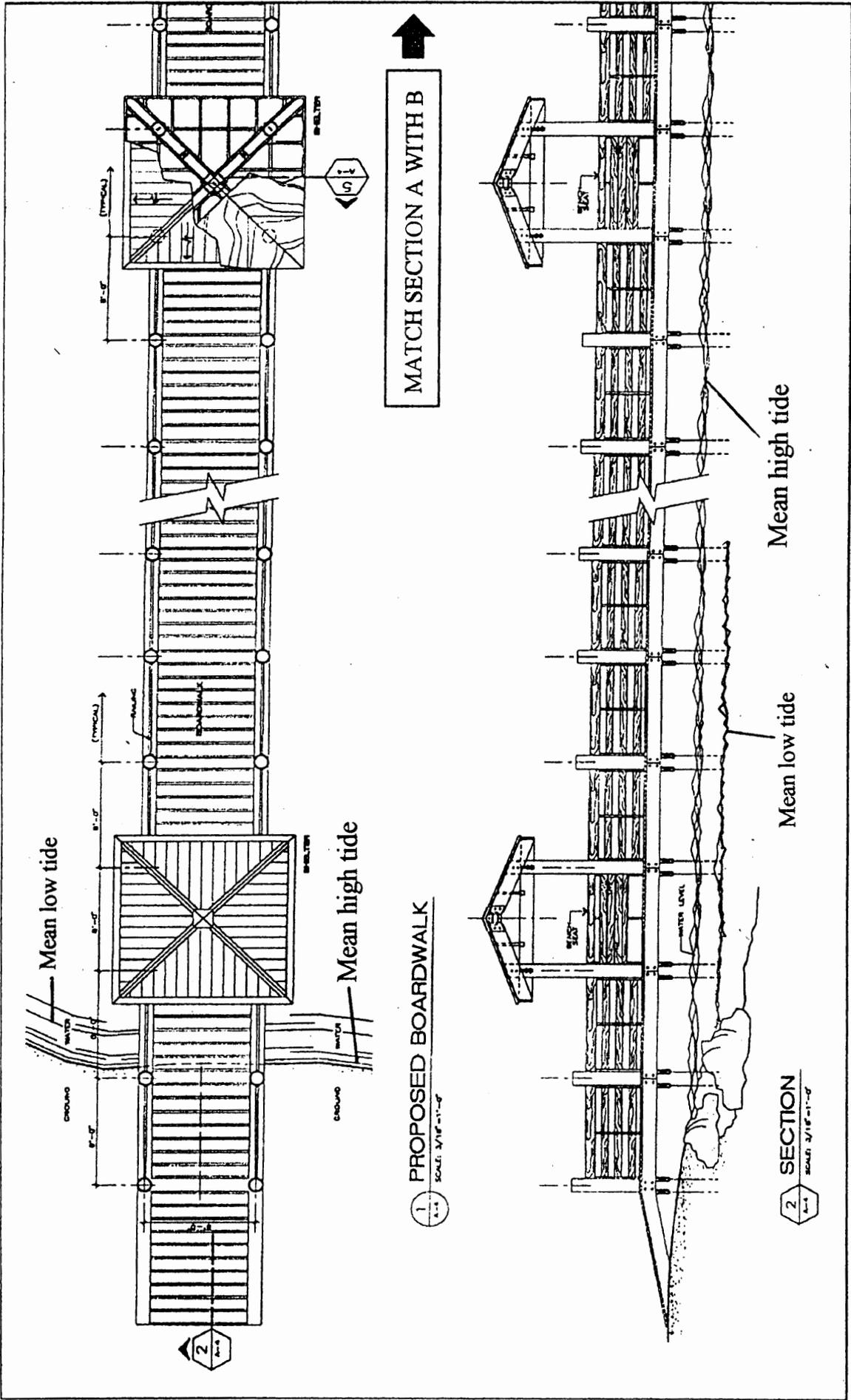
FIGURA 1-B



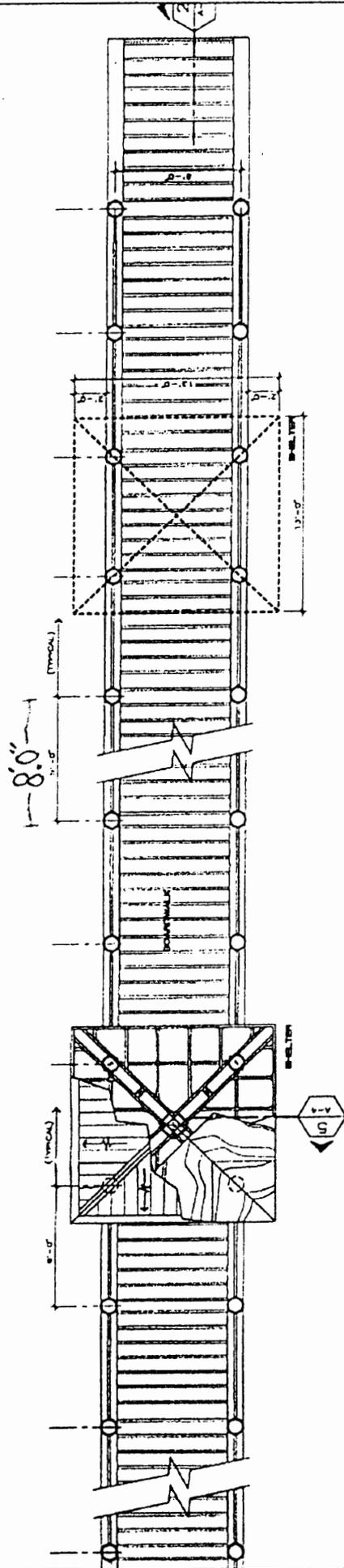


1  
 C-1  
**NEW**  
**PROPOSED GENERAL SITE PLAN**  
 SCALE: 1:14000

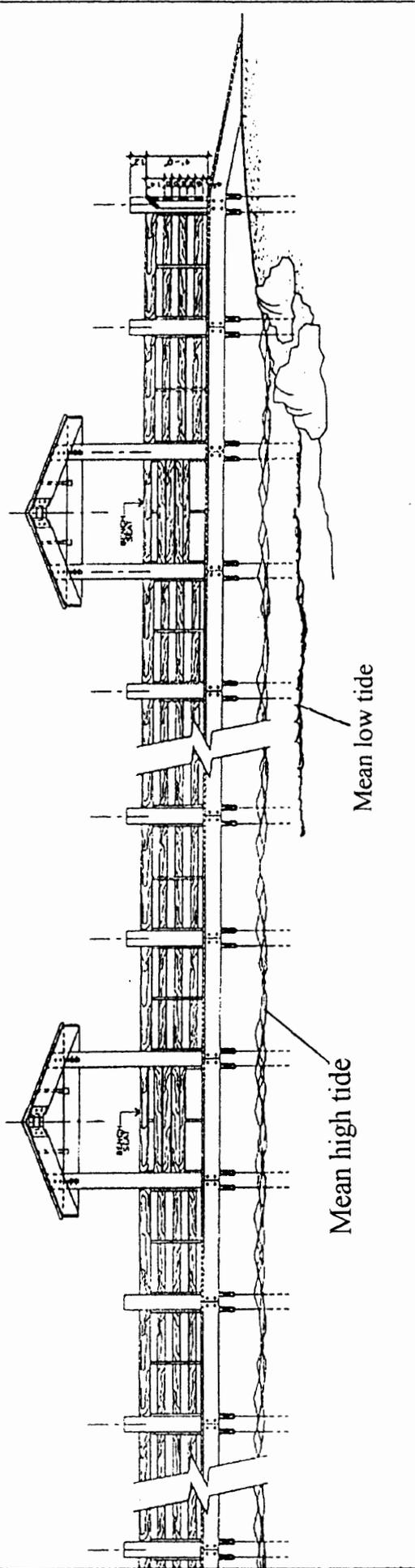
**FIGURA 1-A**



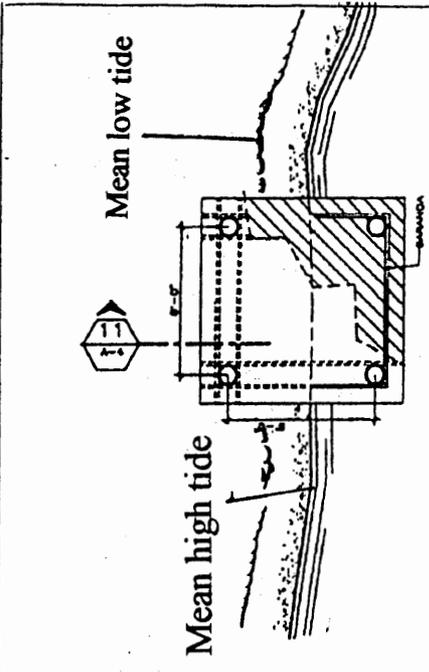
PROPOSED BOARDWALK SECTION A



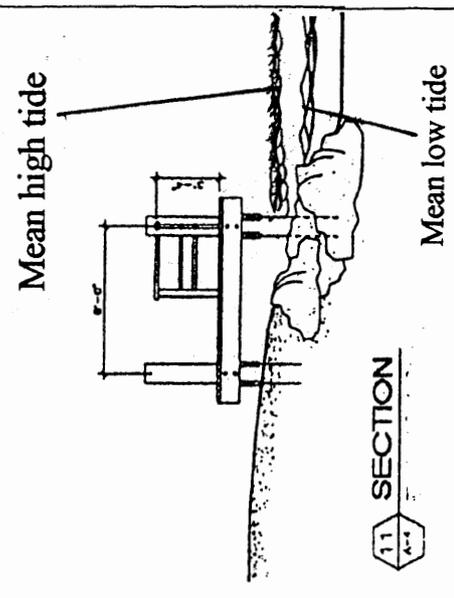
MATCH SECTION B WITH A



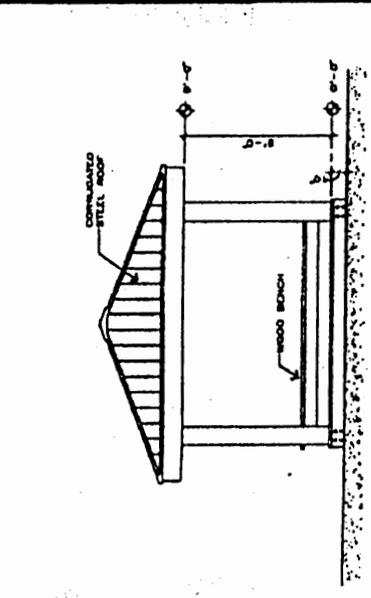
PROPOSED BOARDWALK SECTION B



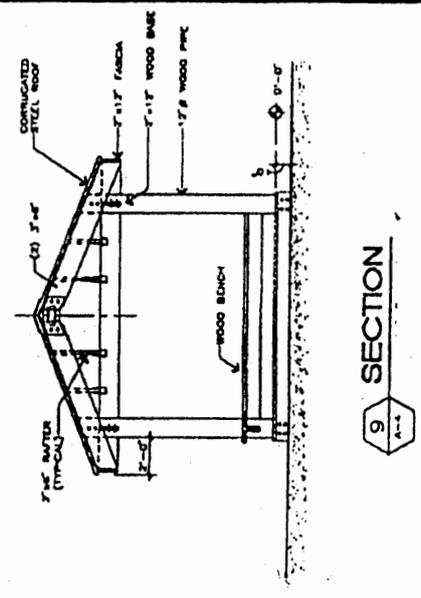
10 PROPOSED FISHING DOCK



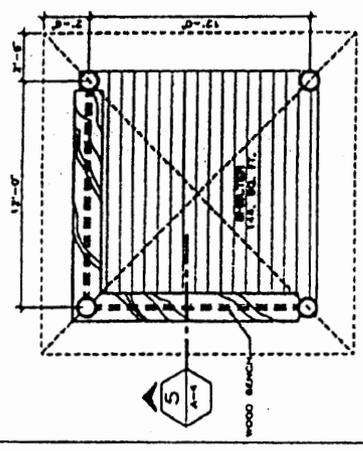
11 SECTION



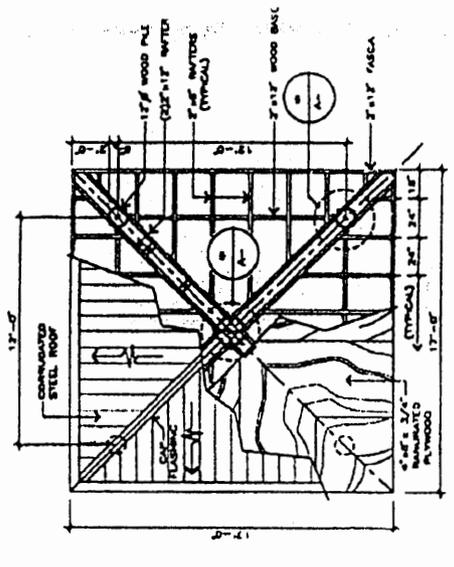
8 ELEVATION



9 SECTION



5 SHELTER FLOOR PLAN

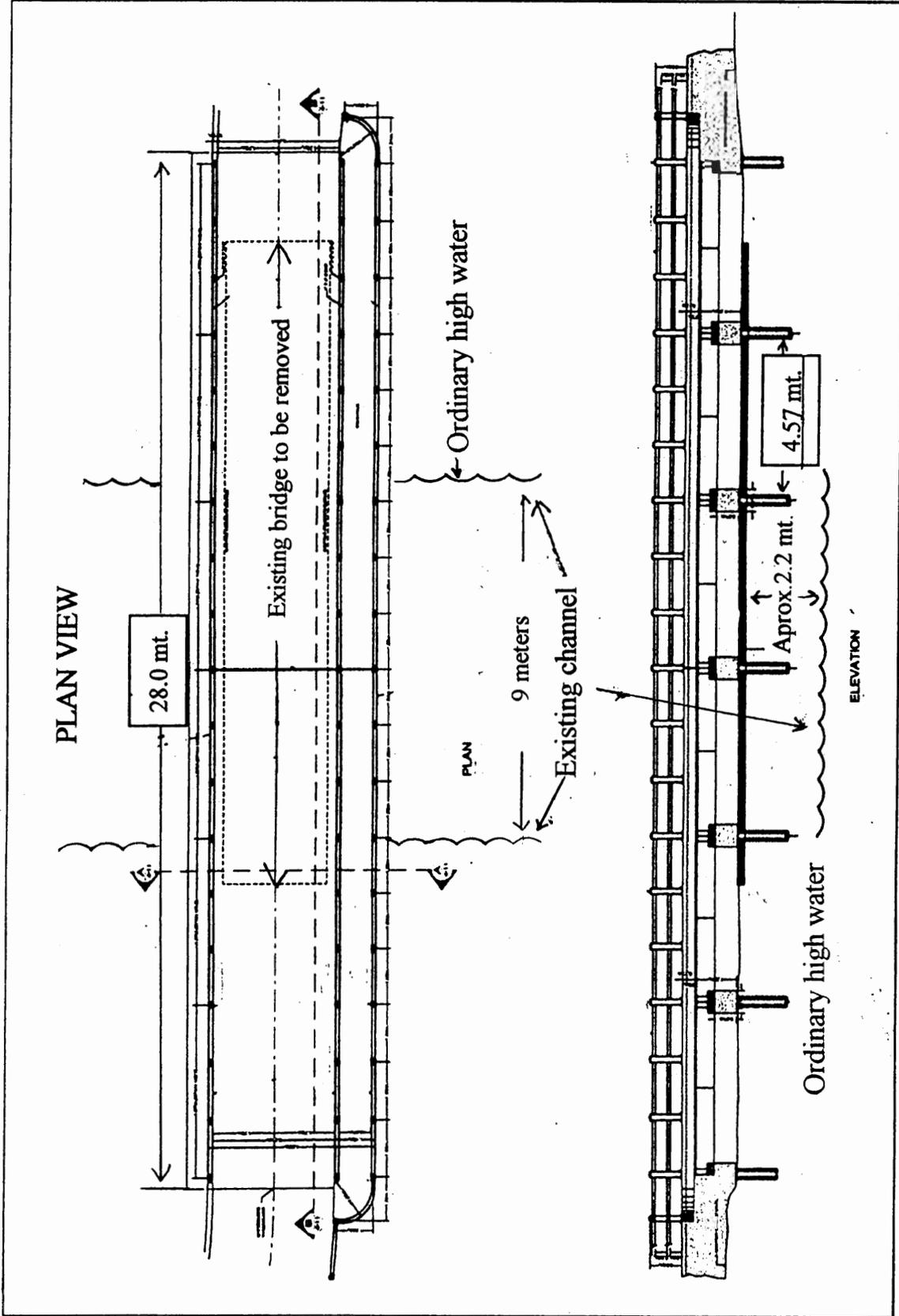


7 FRAMING ROOF PLAN

SHELTER AND FISHING DOCK

PERMIT APPLICATION No. SAJ-1997-8245(IP -ML)  
DRAWING 6 of 8

# NEW BRIDGE



ELEVATION



**IMPACT ON NATURAL RESOURCES:** Preliminary review of this application indicates that an Environmental Impact Statement will not be required. Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, 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 the natural resources of the area. By means of this notice we are soliciting comments on the potential effects of the project on threatened or endangered species or their habitat.

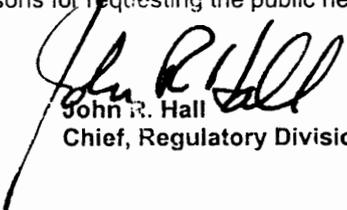
**IMPACT ON CULTURAL RESOURCES:** Review of the latest published version of the National Register of Historic Places indicates that no registered properties, or properties listed as eligible or inclusion therein, are located at the site of the proposed work. Presently, unknown archeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished.

**EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity 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 proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, 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, EPA, under authority of Section 404(b) of the Clean Water Act of the criteria established under authority of Section 102(a) of the Marine, Protection, Research, and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

The U.S. Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; 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 of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make or deny this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**COASTAL ZONE MANAGEMENT CONSISTENCY:** In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning and Natural Resources permit constitutes compliance with approved Coastal Zone Management Plan.

**REQUEST FOR PUBLIC HEARING:** Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.

  
John R. Hall  
Chief, Regulatory Division