

SCOPING PROCESS



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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

Notice of Availability
of the
Supplemental Draft Environmental Impact Statement (SDEIS) **JAN 12 2004**
for the
Port of the Americas

TO WHOM IT MAY CONCERN: In accordance with the requirements of the National Environmental Policy Act (NEPA), the U.S. Army Corps of Engineers (Corps) Jacksonville District, announces the availability of a Regulatory Program Supplemental Draft Supplemental Environmental Impact Statement (SDEIS) for the proposed Port of the Americas. On January 2, 2004, the Notice of Availability was published in the Federal Register (Volume 69, Number 1, Page 69).

LOCATION: Ponce, Puerto Rico

SUMMARY:

The Port of the Americas Authority is proposing the development a transshipment port (Port of the Americas) in Ponce, Puerto Rico. The proposed project consists in the construction of a deep draft port in the Ponce harbor that would harbor simultaneously two Post-Panamax vessels to handle 1.3 million TEUs of cargo transshipment per year. The project includes the proposal to construct an inland navigation channel of approximately 3,000 feet in length and 600 feet wide in average, with its entrance between piers 7 and 8. The inland channel would be located mostly on uplands in 45 acres in size area and would require the excavation of 3.8 million of cubic meters of soil. Also, an area of approximately 59 acres of wetlands adjacent to the proposed inland channel would be filled for the construction of an area for the handling and storage of containers and cargo. The deepening of the existing navigation entrance channel and turning basin to a depth of 50 feet is also proposed. The deepening involves the removal of approximately 5.5 million cubic meters of dredged material that would be disposed at the EPA's approved Ocean Dredged Material Disposal Site (ODMDS) located south of Ponce. The proposed project also includes the development of approximately 132 acres of upland areas adjacent to the north of the project site for value-added activities.

For this proposed project, the Corps is preparing a Federal Environmental Impact Statement pursuant to the National Environmental Policy Act. During the scoping process and preparation of the Draft Environmental Impact Statement (DEIS), several alternatives and several issues of relevance associated with the development of the PTA were identified. These issues are evaluated in detail in the SDEIS for each of the alternatives considered, including the no-action alternative. Each issue was evaluated in terms of a list of measurement indicators to complete a thorough evaluation of the environmental impacts associated with each issue. The following issues were evaluated in detail as part of this SDEIS: Fish and Wildlife Resources; Marine Resources/ Special Aquatic Sites; Essential Fish Habitat; Threatened or Endangered Species; Ecologically Sensitive Areas; Wetlands, Coastal Zone; Flooding, Water and Sediment Quality; Air Quality; Cultural Resources; Socio-Economic Impacts; Hazardous, Toxic, and Radioactive Wastes; Dredging and Disposal of Dredged Material; Navigation; Infrastructure; Marine Currents; and Noise. The SDEIS evaluates the potential direct, indirect, and cumulative environmental consequences.

COMMENTS:

The Corps hereby solicits comments from the public, Federal agencies, State and local agencies and officials, and any other interested parties on the SDEIS. Comments on the SDEIS shall be as specific as possible, and may address either the adequacy of the statement or the merits of the alternatives discussed or both. The Corps will assess and consider the comments received in the preparation of the final Environmental Impact Statement.

SUBMISSION OF COMMENTS: Comments must be submitted in writing to the following address:

Chief, Antilles Regulatory Section
ATTENTION: PTA SDEIS
U.S. Army Corps of Engineers
400 Fernández Juncos Avenue
San Juan, Puerto Rico 00901

Comments must be received by **February 17, 2004**.

AVAILABILITY OF THE DEIS:

Copies of the SDEIS will be available for inspection at the locations identified below:

- a. U.S. Army Corps of Engineers
Antilles Regulatory Section
Stop 7 ½, 400 Fernández Juncos Avenue
San Juan, Puerto Rico 00901
Point of Contact: Ms. Angela Muñoz or Mr. José Rosario
Telephone 787-729-6905/6944

- b. Autoridad para el Financiamiento de la Infraestructura
235 Arterial Hostos Avenue, Suite 1601
San Juan, Puerto Rico 00918-1454
Point of contact: Mrs. Myriam Piazza
Telephone 787-763-5757, Ext. 1606

Copies of the SDEIS document may be obtained by contacting:

Autoridad para el Financiamiento de la Infraestructura
235 Arterial Hostos Avenue, Suite 1601
San Juan, Puerto Rico 00918-1454
Point of contact: Mrs. Myriam Piazza
Telephone 787-763-5757, Ext. 1606

The applicant has provided copies of the SDEIS to the following institutions:

1. Library, Interamerican University, Metropolitan Campus,
Mrs. Rosa Pimentel, Librarian

2. University of Puerto Rico, Río Piedras Campus
Mr. Ramón A. Budet, Librarian

3. Metropolitan University
Mrs. María de los Angeles Lugo, Librarian

3. Polytechnic University
Mrs. Maritza Grajales, Librarian

4. Interamerican University, San Germán Campus
Mrs. Doris Asencio, Librarian

5. Interamerican University, Industrial Park Turpó
Mrs. Brunilda Figueroa, Librarian

6. Catholic University
Mrs. Esther Irizarry, Librarian

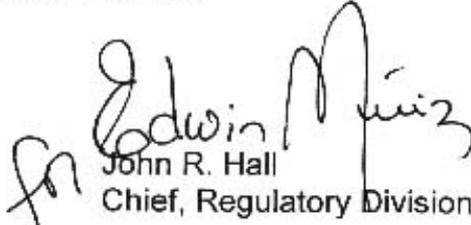
In the near future, the SDEIS will be posted in the Corps' website at the following address:

http://www.saj.usace.army.mil/permit/hot_topics/POAEIS/content.htm

REQUEST FOR PUBLIC HEARINGS:

As part of the public involvement process, any person may request a public hearing. The request must be made in writing within the established comment period and must state the specific reason(s) for requesting the public hearing.

FOR FURTHER INFORMATION CONTACT: Mr. José E. Rosario, (787) 729-6905/6944, extension 3061, facsimile (787) 729-6906, or email at jose.e.rosario-fabregas@saj02.usace.army.mil


John R. Hall
Chief, Regulatory Division



REPLY TO
ATTENTION OF

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

Antilles Regulatory Section

FEB 20 2003

PUBLIC NOTICE
Supplemental Draft Environmental Impact Statement

On December 30, 2002, a Notice of Intent (NOI) to prepare a Supplemental Draft Environmental Impact Statement (S-DEIS) for the proposed Port of the Americas complex was published in the Federal Register. Additionally, a Public Notice was issued on January 17, 2003, notifying the public of this action. Copies of the NOI and Public Notice are located at the following Internet address:

http://www.saj.usace.army.mil/permit/hot_topics/POAEIS/content.htm

We want to inform the interested parties and public in general that the period to submit comments have been extended until February 28, 2003.

Comments should be submitted in writing to the following address:

Chief, Antilles Regulatory Section
ATTN: Port of the Americas
U.S. Army Corps of Engineers
400 Fernández Juncos Avenue
San Juan, Puerto Rico 00901

Marie S. Burns
for John R. Hall
Chief, Regulatory Division



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS, ANILLES OFFICE
400 FERNANDEZ JUNCOS AVENUE
SAN JUAN, PUERTO RICO 00901-3288

Antilles Regulatory Section

JAN 17 2003

PUBLIC NOTICE

Supplemental Draft Environmental Impact Statement

TO WHOM IT MAY CONCERN: The purpose of this notice is to inform interested parties that on December 30, 2002, a notice of intent to prepare a Supplemental Draft Environmental Impact Statement (S-DEIS) for the proposed Port of the Americas port complex was published in the Federal Register.

PROJECT NAME: Port of the Americas.

LOCATION: Puerto Rico

BACKGROUND:

Pursuant to Section 10 of the Rivers and Harbors Act, the U.S. Army Corps of Engineers (Corps) 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, the Corps 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, the Corps has regulatory authority over the transportation of dredged material for the purpose of dumping it in ocean waters at dumping sites designated under 40 CFR Part 228. The guidelines pursuant to Section 404(b) of the act require that impacts to the aquatic environment be avoided and minimized to the extent practicable. Permit applications for the transportation of dredged material for the purpose of dumping it in ocean waters will be evaluated to determine whether the proposed dumping will unreasonably degrade or endanger human health, welfare, amenities, or the marine environment, ecological systems or economic potentialities.

In determining whether to issue a permit, the Corps must also comply with other requirements including, but not limited to, the Endangered Species Act, the National Environmental Policy Act, the Coastal Zone Management Act, the Magnuson-Stevens Fishery Conservation and Management Act Section 401 of the Clean Water Act, and other applicable Federal laws.

On August 28, 2001, the Corps published a Notice of Intent to prepare a Draft Environmental Impact Statement (DEIS) for the Las Americas Transshipment Port Complex being proposed by the Puerto Rico Infrastructure Financing Authority (AFI, acronym in Spanish), the original applicant. On September 20, 2002, the Corps issued

the Notice of Availability of the DEIS for the Proposed Port of the Americas. In the DEIS, the applicant's preferred alternative consisted in the development of terminals at the Guayanilla and Ponce harbors to accommodate Post-Panamax vessels. In the Guayanilla-Peñuelas area, this alternative would include the following:

a. Construction of a new pier with a maximum length of 6,000 feet, with support facilities capable of handling as many as four Post-Panamax vessels;

b. Discharge of fill material in approximately 110 acres of shallow navigable waters, including approximately 12 acres of mangrove coastal wetlands in the Punta Gotay area, for the development of loading-unloading storage areas and other support facilities;

c. Development for value-added activities of as much as 300 acres of a parcel owned by Union Carbide in Peñuelas adjoining Punta Guayanilla;

d. Development and/or improvements to other infrastructure within the Guayanilla-Peñuelas area to operate the terminal efficiently, including water, sewers, power, highways and communication services.

In Ponce, the Applicant's Preferred Alternative would include:

a. Expansion of the existing transshipment pier to a maximum length of about 3,610 feet to allow simultaneous handling of as many as two Post-Panamax vessels;

b. Immediate dredging of the navigation channel and berthing areas to a minimum depth of 45 feet and a maximum of 53 feet to allow the navigation of Post-Panamax vessels;

c. Disposal of part of the dredged material at the EPA designated offshore disposal site south of Ponce, while reclaiming for beneficial use for either the fill at the Guayanilla Harbor or fill at uplands in the vicinity;

d. Development of approximately 132 acres of upland adjacent to the port for value-added activities.

PROPOSED PROJECT CHANGES: The applicant (Port of the Americas) notified the Corps of Engineers of their decision to modify their preferred alternative as follows:

a. The elimination of the proposed fill in the Guayanilla Harbor;

b. The reduction in length of the proposed pier in the Guayanilla harbor to a maximum length of 3,000 feet to service Panamax vessels; and

c. The proposal to fill approximately 70 acres of waters of the U.S. at the Ponce harbor adjacent to the proposed expansion of pier number 8.

Because the proposed changes are significant changes to what was previously proposed, a Supplemental Draft Environmental Impact Statement (S-DEIS) for the Port of the Americas Port Complex will be prepared.

SCOPING AND ISSUES:

During the scoping process for the preparation of the DEIS, several issues of relevance associated with the development of the PTA were identified. These issues were evaluated in detail in the DEIS for each of the alternatives considered, including the no-action alternative. Each issue was evaluated in terms of a list of measurement indicators to complete a thorough evaluation of the environmental impacts associated with each issue. The following issues were evaluated in detail as part of this DEIS: Fish and Wildlife Resources; Marine Resources/ Special Aquatic Sites; Essential Fish Habitat; Threatened or Endangered Species; Ecologically Sensitive Areas; Wetlands, Coastal Zone; Flooding, Water and Sediment Quality; Air Quality; Cultural Resources; Socio-Economic Impacts; Hazardous, Toxic, and Radioactive Wastes; Dredging and Disposal of Dredged Material; Navigation; Infrastructure; Marine Currents; and Noise. The DEIS evaluated the potential direct, indirect, and cumulative environmental consequences. As result of the comments provided by the resource agencies in reviewing the DEIS, the new applicant's preferred alternative is being developed. The same issues identified in the scoping process for the DEIS will be considered in the S-DEIS. However, the Corps will consider any additional scoping issues provided to us.

On October 31, 2002, the Corps and the applicant met with Federal and Commonwealth resources agencies to discuss the alternative to discharge fill in Ponce. As result of the comments provided by the resource agencies in reviewing the DEIS, the new applicant's preferred alternative is being developed. The Corps may hold additional scoping meeting(s) with Federal and State Agencies. At this time, there are no plans for a public scoping meeting. If the Corps holds a public scoping meeting, it will be announced. In addition, Federal, State and local agencies, as well as interested private organizations and individuals are encouraged to suggest additional issues not listed above for consideration.

COORDINATION: The proposed action is being coordinated with a number of Federal, Commonwealth, and local agencies including but not limited to the following: U.S. Fish and Wildlife Service, National Marine Fisheries Service, U.S. Environmental Protection

Agency, U.S. Coast Guard, Puerto Rico Department of Natural and Environmental Resources, Puerto Rico Environmental Quality Board, Puerto Rico Planning Board, Puerto Rico State Historic Preservation Office, and other agencies as previously identified in scoping, public involvement, and agency coordination.

PUBLIC INVOLVEMENT: We invite the participation of affected Federal, State, and local agencies, and other interested private organizations and individuals that have additional issues not listed above to submit written comments to the information contact provided in this notice no later than 30 days from the date of the notice in the Federal Register. Comments should be submitted in writing to the following address:

Chief, Antilles Regulatory Section
ATTN: Port of the Americas
U.S. Army Corps of Engineers
400 Fernández Juncos Avenue
San Juan, Puerto Rico 00901


John R. Hall
Chief, Regulatory Division