

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 Americas (PTA or the Project) in the southern region of the Island. The Project includes the development of a deep-draft terminal in the Ponce Bay within the Municipality of Ponce, 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 (Figure 1-1). The Port of the Americas Authority (PAA 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.

In 2002, the Applicant proposed the Project with the main terminal at the Guayanilla Bay, while the Ponce Bay terminal would be utilized for future expansions whenever the Guayanilla terminal reached its maximum capacity. On September 13, 2002, the Corps filed and circulated a Draft Environmental Impact Statement (DEIS) for the Project as proposed by the Applicant. In response to comments received during the review process of the DEIS, the Applicant modified the scope of the Project, and now proposes to develop the PTA as a single terminal at the Ponce Bay, with no proposed activities at the Guayanilla Bay. These modifications to the Project as originally described in the DEIS are significant, and required additional field studies and environmental impact analyses not included in the original document. This Supplemental DEIS (SDEIS) for the Project provides additional information not included in the original DEIS circulated by the US ARMY Corps of Engineers (USACE).

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 Applicant proposes the development of a deep-draft terminal at the Port of Ponce with the capacity to receive Post-Panamax ships and handle as much as 1.5 MM TEUs per year (Figure 1-2). The Port of Ponce would include:

- Construction of an inland navigation channel (from hereon defined as the docking channel) with a length of 3,000 feet, 800 ft wide, and a navigation depth of 50 feet below mean sea level (bmsl).
 - The entrance to this channel would be located between Piers 7 and 8 at the Port of Ponce. The length of the channel would be aligned nearly parallel to Highway PR-14 (Los Caballeros Avenue) and would extend north to the limits of what is known today as the PERCON property.
 - A “flushing channel” would be excavated north of Pier 8 to promote recirculation of the water in the docking channel.
 - Excavation of the docking channel would require the removal of approximately 3.4 MM m³ of soil from an area of 45 acres adjacent to the Port of Ponce. Approximately 1.9 MM m³ of this material would be

reutilized for fill and surcharge of a wetland adjacent to the Port of Ponce as described below. The remaining material would be discharged at a nearby upland at the PERCON property.

- Fill of approximately 59 acres of wetlands adjacent to the Port of Ponce, for the storage of containers and cargo.
- Dredging of the navigation channel, turning basin and berthing areas at the Ponce Harbor to a minimum depth of 50 feet bmsl, to allow entry to the port of Post-Panamax ships. The proposed dredging would require disposal of approximately 5.5 MM m³ of material consisting mainly of sand and clays and would cover an area of approximately 248 acres.
- Improvements to the Port of Ponce as follow:
 - Expansion of the Port storage areas by an additional 135 acres of uplands.
 - Initial acquisition and installation of four (4) Post-Panamax cranes to unload and load containers on ships. At its peak, the operation is expected to employ a total of 12 cranes, which would be acquired as the port activities expand.
- Development of approximately 132 acres of upland area adjoining the Port of Ponce, which would be used to expand the port, including additional areas for storage of containers, access roads, internal transit, and value-added activities such as industries, commerce, offices and warehouses, shops, and other infrastructure needed for the efficient operation of the PTA.
- Improvements to the existing infrastructure of the area, including highways, water, sewers, power and communications.

1.1.2 Project Location

All of the elements of the Project would be located within the general area of the Ponce Harbor:

- The proposed docking channel would be excavated adjacent to the wetland area located west of Highway PR-14 (Los Caballeros Avenue), extending inland from the vicinity of where Piers 7 and 8 are currently located.
- The wetland area where filling of 59 acres is proposed is located adjacent to Los Caballeros Avenue, east of the current main gate of the Port of Ponce.
- The land proposed for value-added activities is located within several parcels north of the main warehouses near Piers 4 and 6.
- Improvements to the piers, docks and wharfs would take place on the south shore of the existing Port of Ponce within the Playa Ward.

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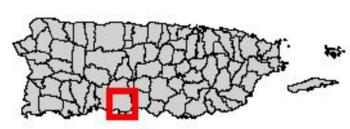
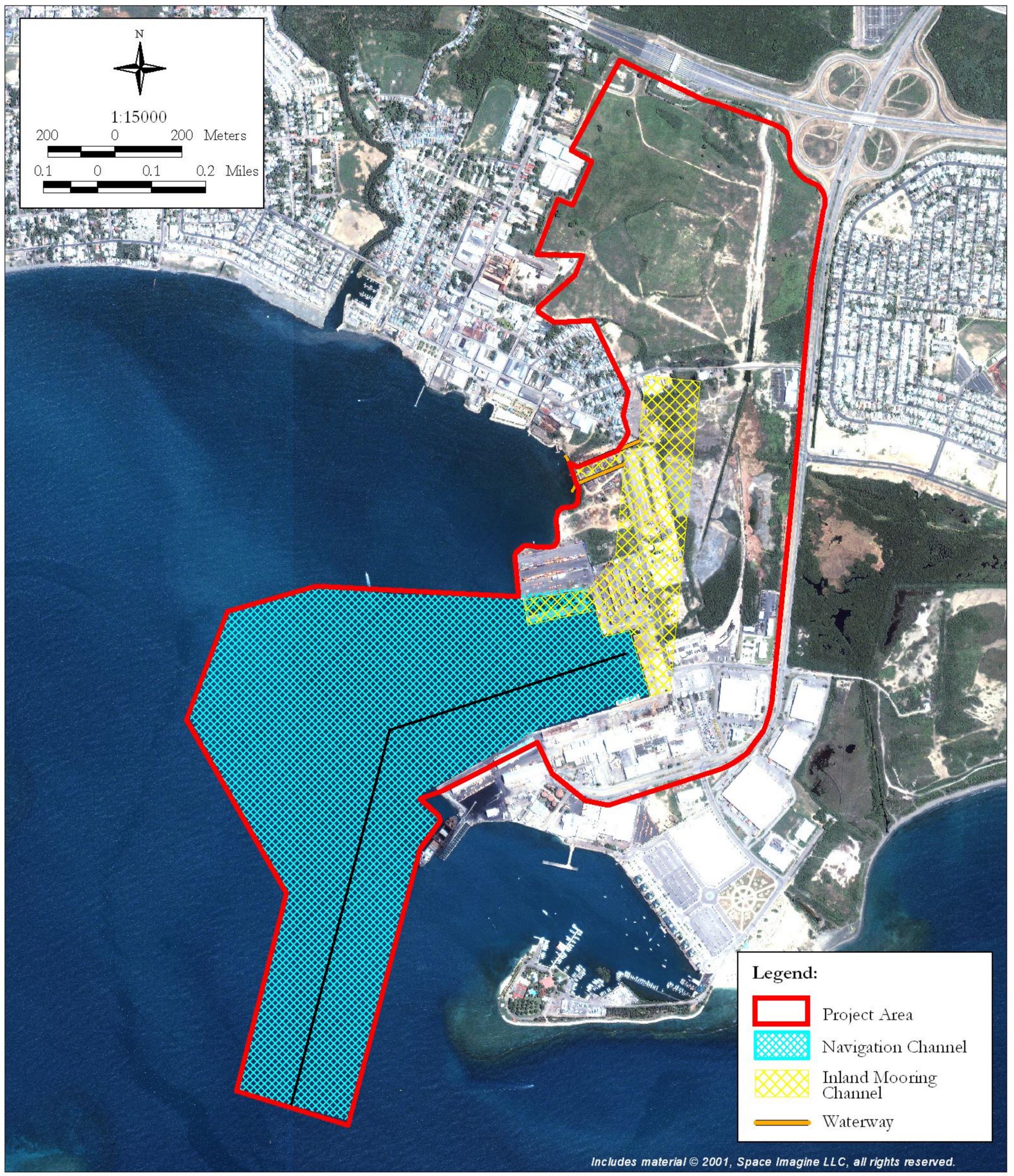


Figure 1-1. Port of the Americas: Project Area

Port of the Americas



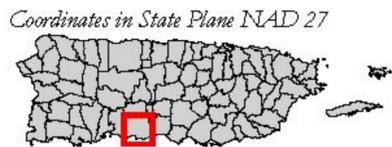
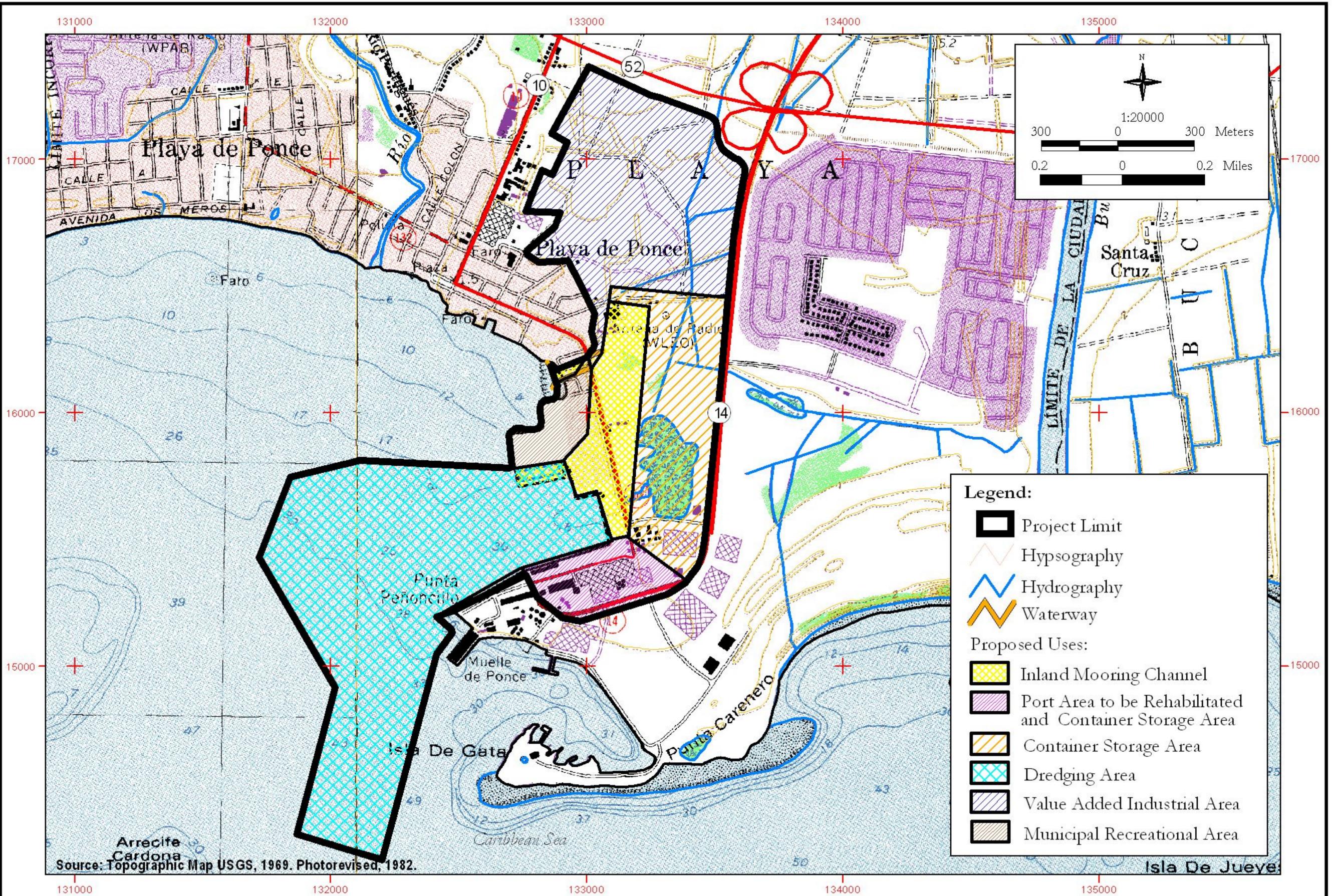


Figure 1-2. Port of the Americas: Project Components

Port of the Americas



1.2 Project Need and Opportunity

The foremost justification provided by 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 (US), 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 market 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).

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 Puerto Rico, 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.

1.3 Regulatory Authority

Pursuant to Section 10 of the Rivers and Harbors Act of 1899, the US Army Corps of Engineers (USACE) has regulatory authority over structures and/or work in or affecting navigable US waters. 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 US waters. 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 develop a transshipment port to capture a substantial segment of the transoceanic traffic of cargo containers that occurs from Asia and Europe to the east coast of South America, the US. The PTA also would provide modern oceanic unloading and shipping piers for import and export activities that would be developed in the vicinity of the Port of Ponce. This would also promote the socioeconomic development of the southern region of Puerto Rico, and to generate employment and income throughout the island. 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;

- Promote import and export businesses.
- 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 SDEIS 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 Port of the Americas Authority (PAA) is responsible for the preparation of various environmental documents for the Project, in compliance with the laws and regulations of the Commonwealth of Puerto Rico and the Federal Government. In addition, and prior to the construction of the Project, PAA 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 Ponce and Guayanilla harbors. As a result, the initial PEIS filed at the EQB was recalled and discarded.
 - On February 2003, the Applicant filed an amended PEIS that included two terminals, with the main facility located at the Municipality of Ponce. On July 2003, EQB declared as final the amended preliminary EIS.
 - As a result of the most recent decisions to construct a single terminal in the Ponce Harbor, the PAA filed in mid-August a declaration to amend the final EIS (FEIS) to include the most recent changes to the Project.

- A Siting 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 Siting Consultation for the PLA as originally proposed. The Applicant filed an amended Consultation on February 2003, reflecting the changes included in the Final EIS endorsed by EQB.
 - The Applicant filed a second amendment to the Siting Consultation on October 2003 to reflect the elements of the Project in this SDEIS.
- Water Quality Certificate (WQC) from the EQB and Consistency with the Coastal Zone Management Program administered by the PB.
 - The Applicant filed applications for the approval of these certifications with the indicated agencies in 2002 based on the original elements of the Project. Amended applications conforming to the local FEIS were filed on January 2003. Final amendments to these documents were filed on October 2003 reflecting the elements of the Project described in this SDEIS.

The EIS requirements in the Commonwealth as specified by Law # 9 are essentially similar to those required by NEPA, except for the following evaluation processes for the documents:

- At the local level, the PAA acts as the sponsor agency for the Project, while the EQB regulates the preparation of environmental documents through specific guidelines (Regulation for the Preparation, Submittals and Evaluation of Environmental Documents, dated September 29, 1999).
- The USACE is the responsible Federal agency for the approval of the proposed works, since the 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 an EIS that complies with the requirements set forth by NEPA.

1.6 Decisions to be Made

The District Engineer of the USACE must decide whether to:

- 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 Americas in the Ponce Harbor as proposed; 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 SDEIS is described in detail in Chapter 6.

1.7.2 Issues Evaluated in Detail

This Section identifies key environmental issues associated with the development of the PTA. These issues have been identified during the scoping process for the DEIS and SDEIS. 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 potential environmental impacts associated with each issue. Table 1-1 provides a quick reference where the issues previously described are addressed in detail.

ISSUE 1: FISH AND WILDLIFE RESOURCES

Large areas of US waters, including wetlands, as well as other special aquatic sites, could be affected by the dredging, excavation and filling activities and the construction of structures in navigable waters as proposed by the Project. 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 dredging and the construction of structures in navigable waters?
- Which endangered species would be affected?
- What mitigation opportunities would be available to compensate for the unavoidable fill of wetlands?

ISSUE 2: MARINE RESOURCES/SPECIAL AQUATIC SITES

In addition to the effects to open marine waters and wetlands, the PLA could have effects on other marine resources or special aquatic sites such as coral reefs, hard bottoms, sandy bottoms, seagrasses, 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 are present in the project area and how many 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) as described by 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 area, including the Ocean Dredged Material Disposal Site (ODMDS).
- 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 Federal endangered or threatened species and their habitats were identified within the proposed project areas. Since 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 their designated critical habitat, and determine whether the 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 site?
- 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 terminal of the PTA would be developed, contains numerous ecologically sensitive areas that are in and outside the USACE jurisdiction, such as the Guánica Dry Forest, Punta Verraco in Guayanilla, Laguna de Las Salinas and the Matilde sector in western Ponce, and La Esperanza area in eastern Ponce, among others. The

potential for direct, indirect and cumulative environmental effects from additional development that would be promoted, as value-added activities, is high in this area.

Measurement Indicators:

- Define the boundaries of the proposed project.
- Identify areas for value-added development.
- Identify and describe ecologically sensitive areas surrounding the proposed terminal area.
- Identify the relation of the project area with the identified ecologically sensitive areas.
- 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 filling of about 59 acres of wetlands in the surrounding areas of the Port of Ponce 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 US waters, 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 area.
- How many acres of US waters, including wetlands and salt flats, would be affected?
- Project layout superimposed over US waters 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 US waters, including wetlands?
- What alternatives to design have been considered to minimize the discharge of fill material into US waters, including wetlands?
- What mitigation opportunities are available to compensate for unavoidable impacts to US waters, 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 site is 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 flood 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 US waters 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, including the Commonwealth, and the EPA. 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?
- Would sediments resuspend due to increased vessel traffic, and what would be the potential effects for the resuspension of sediments?
- What water quality standards for Puerto Rico apply to the proposed project?
- Would the discharge of fill material into US waters, including wetlands, meet the water quality standards for Puerto Rico?

ISSUE 10: AIR QUALITY

The proposed action would take place in an already industrialized area. The construction and the operation of a port facility would have effects on the air quality of the area surrounding 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 the National Ambient Air Quality Standards (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 subaquatic) within the project areas.
- Determine potential effects to cultural resources.

ISSUE 12: SOCIOECONOMIC

The proposed action includes the development of a deep-draft terminal in an area already industrialized that is also surrounded by nearby communities. It is envisioned that this facility may increase the economic activity in Puerto Rico, generating employment and income.

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?

ISSUE 13: HAZARDOUS, TOXIC, AND RADIOACTIVE WASTES

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

Measurement Indicators:

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

ISSUE 14: DREDGING AND DISPOSAL OF DREDGED MATERIAL

The Applicant's purpose is to develop a transshipment that would accommodate Post-Panamax vessels. To achieve this goal, the deepening of the existing navigational channel and berthing areas is necessary. Said action would require dredging of the Ponce Harbor to a maximum depth of 50 feet. The Project proposes the disposal of most of the dredged material from the Ponce Harbor at an EPA approved Ocean Dredged Material Disposal Site (ODMDS) located about 2.4 miles south of the harbor. 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 Ocean Dredged Material Disposal Site (ODMDS) with an approved Site Management Plan.

ISSUE 15: NAVIGATION

The proposed action included the development of a deep-draft terminal in a harbor already subject to continuous maritime traffic. It is anticipated that the development of the Project may affect the current navigation regime in the Ponce Harbor. Repercussions of the increase in marine traffic due to port operations were analyzed for a series of factors. Also, the proposed project would take place in a Federal harbor.

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.
- Does a conflict exist with the Federal project approved at the Ponce Harbor?
- 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 in Ponce, 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.
- Impacts to vehicular traffic 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 Ponce Harbor due to the construction of an inland docking channel aimed to serve as a large-capacity berthing facility, need to be considered.

Measurement Indicators:

- Effects of berthing structures in the general and local maritime current flow (longshore drift).
- Effects of the relocation of the stormwater discharge at the Ponce 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 facility; considered as an industrial source, need to be examined for the various types of receptors impacted.

Measurement Indicators:

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

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	1-8	2-6; 2-32	3-30	4-8	D;E
2	Marine Resources/Special Aquatic Sites	ES-4	1-8	2-32	3-36	4-14	E
3	Essential Fish Habitat	ES-4	1-9	2-32	3-37	4-20	E
4	Threatened or Endangered Species	ES-4	1-9	2-32	3-38	4-23	D
5	Ecologically Sensitive Areas	ES-4	1-9	2-32	3-46	4-30	D;E
6	Wetlands	ES-4	1-10	2-33	3-47	4-31	K
7	Coastal Zone	ES-4	1-11	2-33	3-52	4-32	B
8	Flooding	ES-4	1-11	2-33	3-53	4-36	
9	Water and Sediment Quality	ES-4	1-11	2-33	3-54	4-37	C
10	Air Quality	ES-4	1-12	2-33	3-59	4-42	H
11	Cultural Resources	ES-4	1-12	2-7; 2-33	3-64	4-45	J
12	Socioeconomic	ES-4	1-12	2-34	3-68	4-46	
13	Hazardous, Toxic, and Radioactive Wastes	ES-4	1-12	2-34	3-76	4-52	G
14	Dredging and Disposal Of Dredged Material	ES-4	1-13	2-6; 2-34	3-77	4-53	C; K; L
15	Navigation	ES-4	1-13	2-4; 2-34	3-77	4-57	
16	Infrastructure	ES-4	1-14	2-4; 2-35	3-80	4-61	
17	Marine Currents	ES-4	1-14	2-35	3-85	4-74	B
18	Noise	ES-4	1-14	2-35	3-86	4-74	F

1.7.3 Issues not Discussed in Detail

During the scoping process of the Project, other issues of concern were identified. These are not discussed in this SDEIS 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, concerns arising from comments related to an incorrect project definition (such as the inclusion of the Aguadilla Airport as part of the Project), and comments that were of a derogatory nature. 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. Effect of port lightning on animal populations and navigational aid systems
5. Effects of underwater port noise on local fisheries.
6. Assessment of tugboat service capacity to satisfy the PLA requirements.
7. 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, preconstruction, 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	Municipality of Ponce	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 Subaquatic 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.
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 m ³ 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 m ³ of earth crust material or 1,000 m ³ of sand.

Permit	Regulatory Agency	Description
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
NPDES 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.
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 hazard and prevention regulations in effect for the proposed project
Combustible Liquids and Oil Tanks Storage Permit	Puerto Rico Fire Department	Compliance with the fire hazard and prevention regulations in effect for the proposed project.
Emergency Generator Emission Source Permit	Puerto Rico Environmental Quality Board (EQB)	Permit required for the operation of an emergency generator as an air contaminant emission source.