



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

***PUBLIC NOTICE***  
PERMIT APPLICATION NO. SAJ-1996-1062(IP-CGR) **SEP 24 2004**  
(JPA#454)

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 of 1977, as described below:

APPLICANT: Puerto Rico Housing Department  
P.O. Box 21365  
San Juan, Puerto Rico 00928-1365

WATERWAY & LOCATION: The proposed project would be located at El Marquéz Creek, Juan Sánchez Ward, Municipality of Bayamón, Puerto Rico.

LONGITUDE & LATITUDE: Latitude 18°24'8" North  
Longitude 66°08'31" West

BACKGROUND: A permit application for a similar project was submitted by the Puerto Rico Housing Department on August 7, 2001. On July 17, 2002, the Corps granted an extension of time, as requested by the applicant, in order for the applicant to submit a revised proposal after receipt of the comments submitted in response to the public notice. This project, named Río Bayamón North Community, is the second phase of Río Bayamón Community. It was planned since 1963, where the Government of Puerto Rico acquired 576.90 acres for future development of housing units, recreation and commercial facilities. The first phase, Río Bayamón South, was already built and consisted of approximately 1,500 housing units at the south side of PR-177.

PROJECT PURPOSE:

Basic: Residential and Commercial Development

Overall: To provide housing and commercial facilities to the San Juan Metropolitan Area.

**PROPOSED WORK:** The applicant proposes to realign approximately 800 linear meters of El Marquéz Creek with the construction of an open earth channel, and four bridges. Approximately 1 acre of El Marquéz Creek would be impacted. The applicant also proposes to discharge fill material over approximately 0.36 acre of an herbaceous wetland to construct access roads no. 1 and 2, and approximately 0.5 acre of a tributary of El Marquéz Creek to construct a medium rise commercial building and a road. The total extent of impacts over jurisdictional areas is 1.86 acres. The applicant is also proposing a mitigation plan to compensate the proposed impacts on the El Marquéz Creek and herbaceous wetlands. This mitigation consists of the construction of a new El Marquéz Creek channel with 26 riffle and pool complex which would cover an area of 0.96 acre, the creation of approximately 2.94 acres of a marsh and forested wetland adjacent to El Marquéz Creek, the preservation of a total of approximately 4.41 acres of wetlands, and the creation of approximately 2.19 acres of riparian forest adjacent to El Marquéz Creek. This would result in the preservation and creation of a total area of approximately 10.5 acres. The wetland areas to be created would consist of forested wetland dominated by *Annona glabra*, *Pterocarpus officinalis*, *Colocasia esculenta* and *Brachiaria purpurascens*. The riparian forest creation and enhancement would consist of the introduction of native trees such as *Guarea glabra*, *Montezuma grandiflora*, *Cecropia peltata*, *Andira inermis*, and *Roystonea borinquena*.

The proposed works are for the construction of 4,040 housing units with the following distribution: town houses and patio homes, walkups apartments, medium rise buildings for residential, and institutional-commercial uses. The project also includes the construction of an urban park along the new channel of El Marquéz Creek.

**EXISTING CONDITIONS:** El Marquéz Creek cross through the property from the eastern side toward the west side, and ends in the Bayamón River that runs along the west side, and outside of the property limits. The dominant wetland vegetation found in the site consists of *Brachiaria purpurascens*, *Colocasia esculenta*, *Urochloa maxima*, *Cynodon dactylon*, and *Paspalum fasciculatum*. The new Jurisdictional Determination Study performed for the parcel of land determined that a total of 7.26 acres of jurisdictional areas are within the proposed site.

**AUTHORIZATION FROM OTHER AGENCIES:** A water quality certificate from the Environmental Quality Board is required for this project.

**ENDANGERED SPECIES:** The Puerto Rico Environmental Sensitivity Index does not show the presence of threatened or endangered species at the project site. The comments submitted for the previous project did not indicate the presence of these species and their critical habitat at the proposed site. Based on this information, the Corps determines that the project would have no effect on threatened or endangered

species, or their critical habitat. This finalizes consultation pursuant to Section 7 of the Endangered Species Act.

**CULTURAL RESOURCES:** A review of the Puerto Rico Environmental Sensitivity Index does not show the presence of historic properties. Based on this information, the Corps determines that the proposed project would have no effect on archaeological and/or cultural resources.

**NOTE:** A jurisdictional determination study was submitted for the proposed site. The jurisdictional line has not been verified by Corps personnel. 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 to the District Engineer at the above address within 30 days from the date of this notice.

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

If you have any questions concerning this application, you may contact Miss Carmen G. Román at the letterhead address, by fax at 787-729-6906, by telephone at 787-729-6944/6905, or by electronic mail at [Carmen.G.Roman@saj02.usace.army.mil](mailto:Carmen.G.Roman@saj02.usace.army.mil).

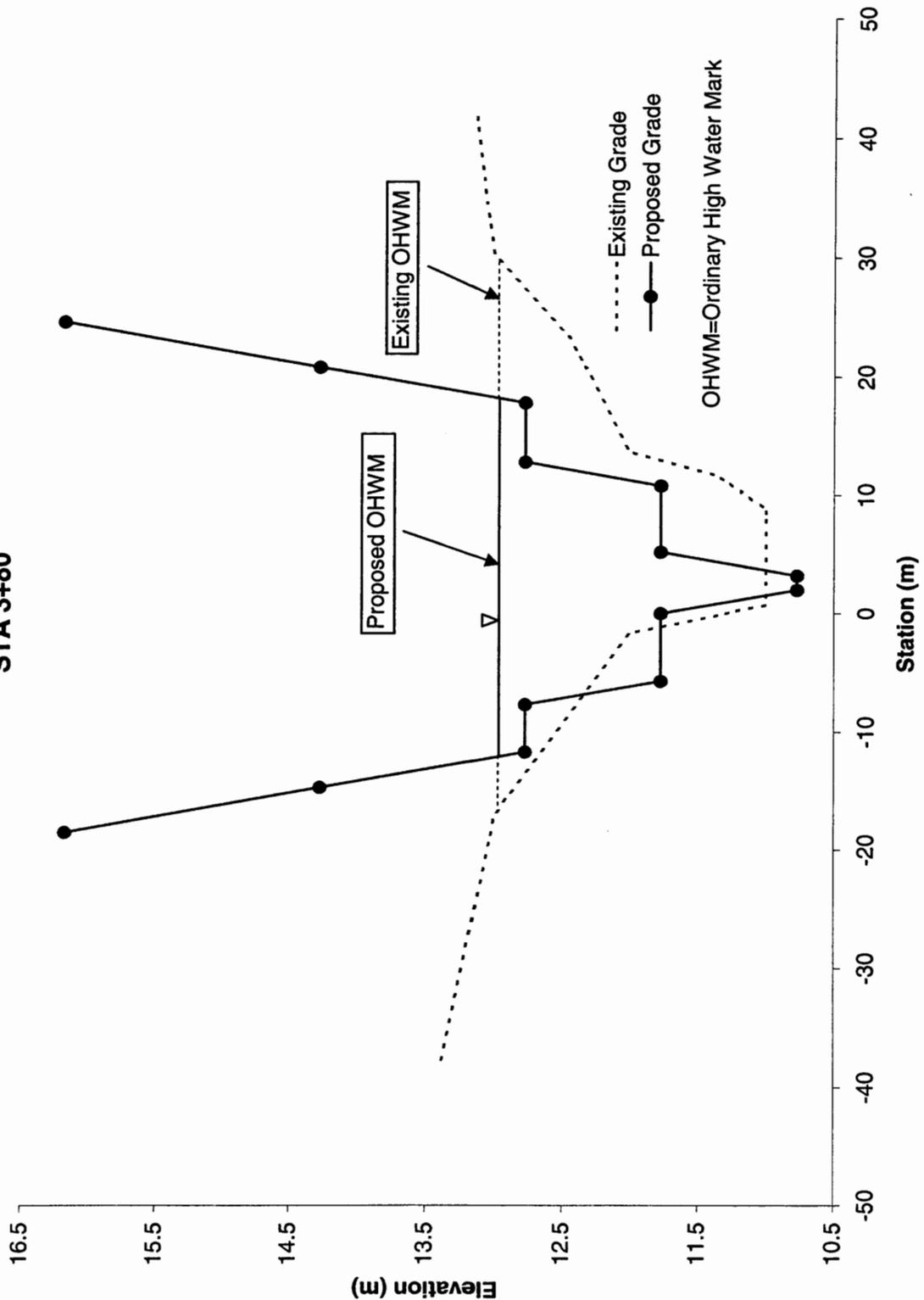


Figure 1: Proposed Project Location on a Partial Reproduction of the U.S.G.S. Topographic Quadrangle of Bayamón Scale (1: 20, 000)



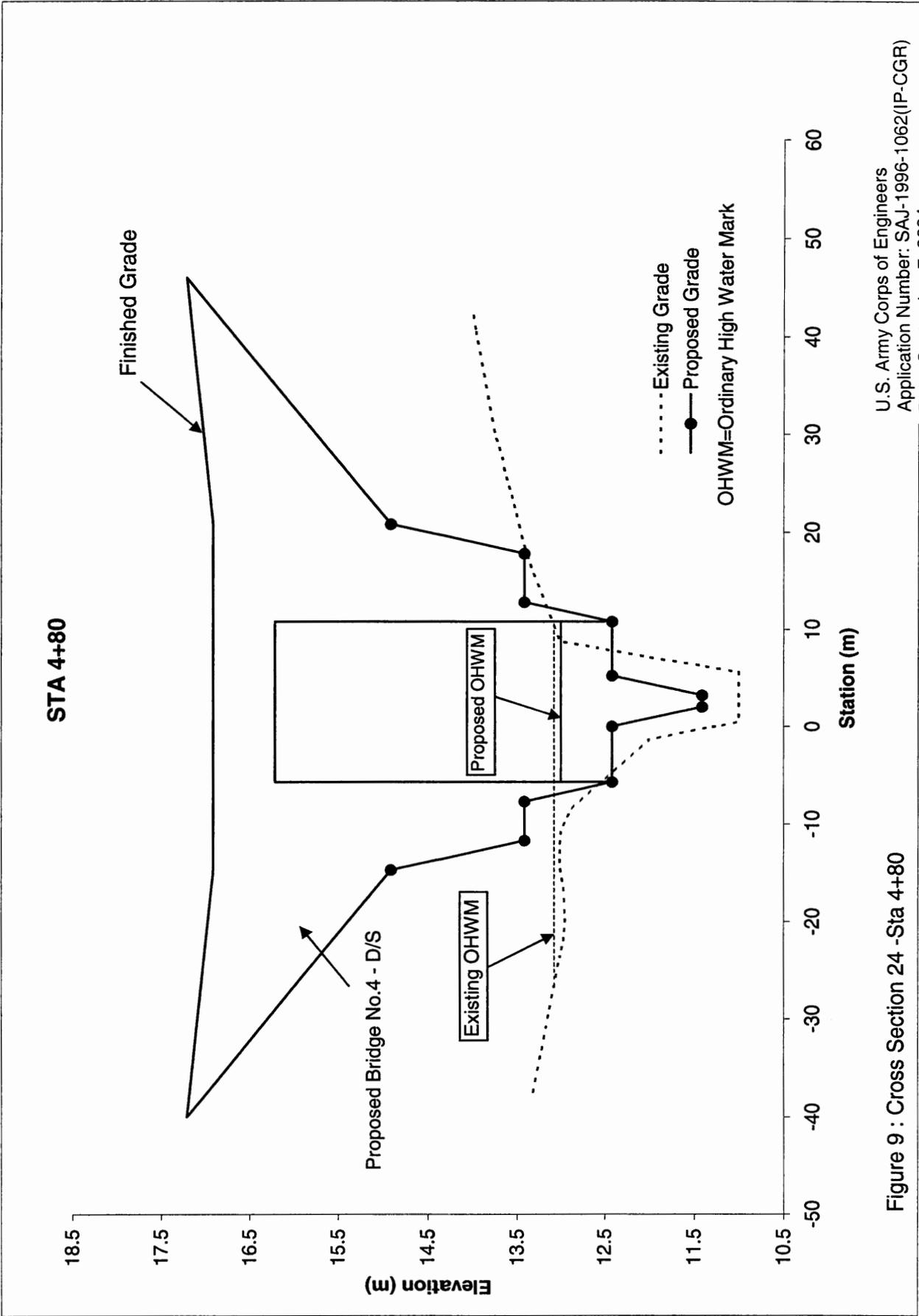


STA 3+80



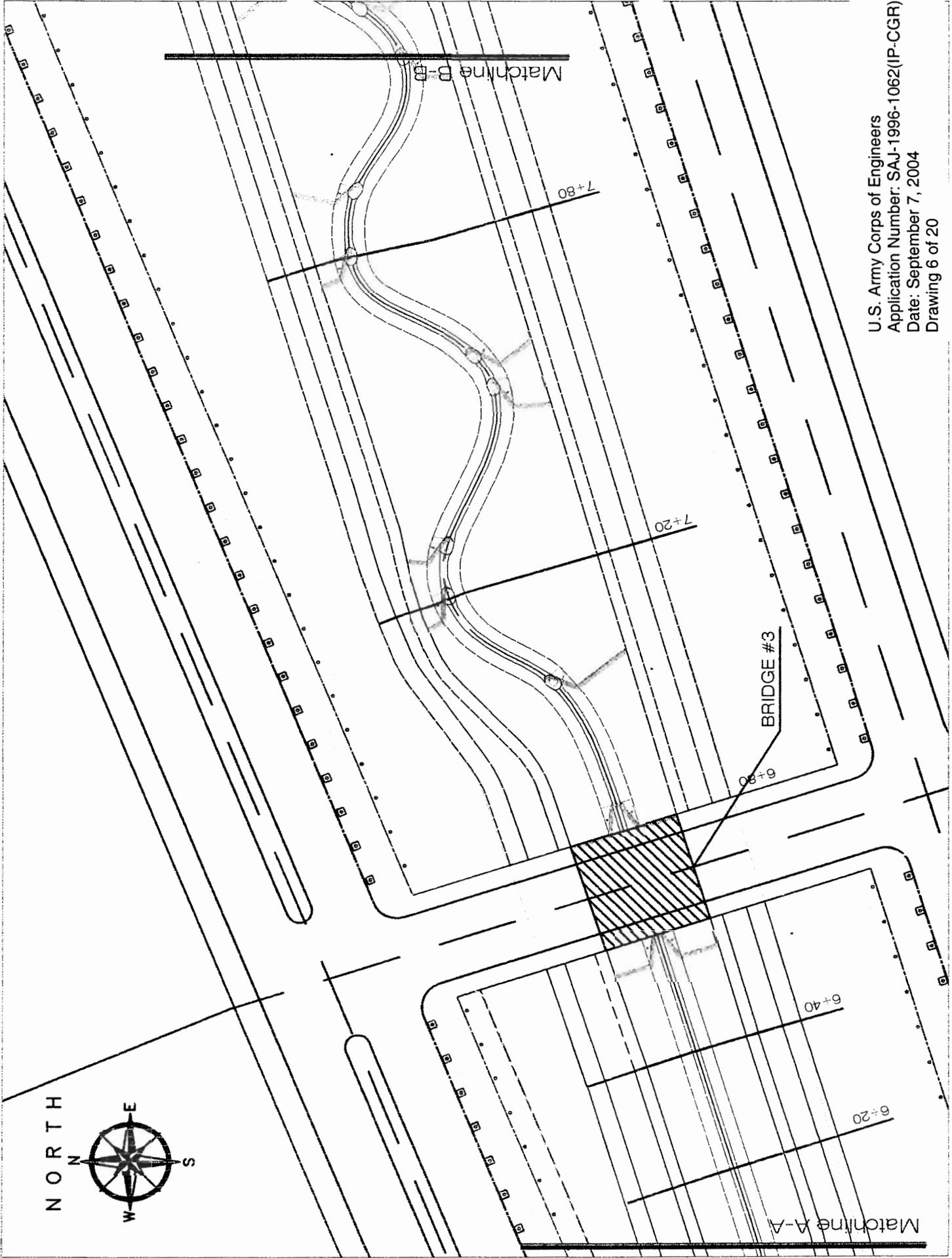
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Figure 5 : Cross Section 19-Sta 3+80



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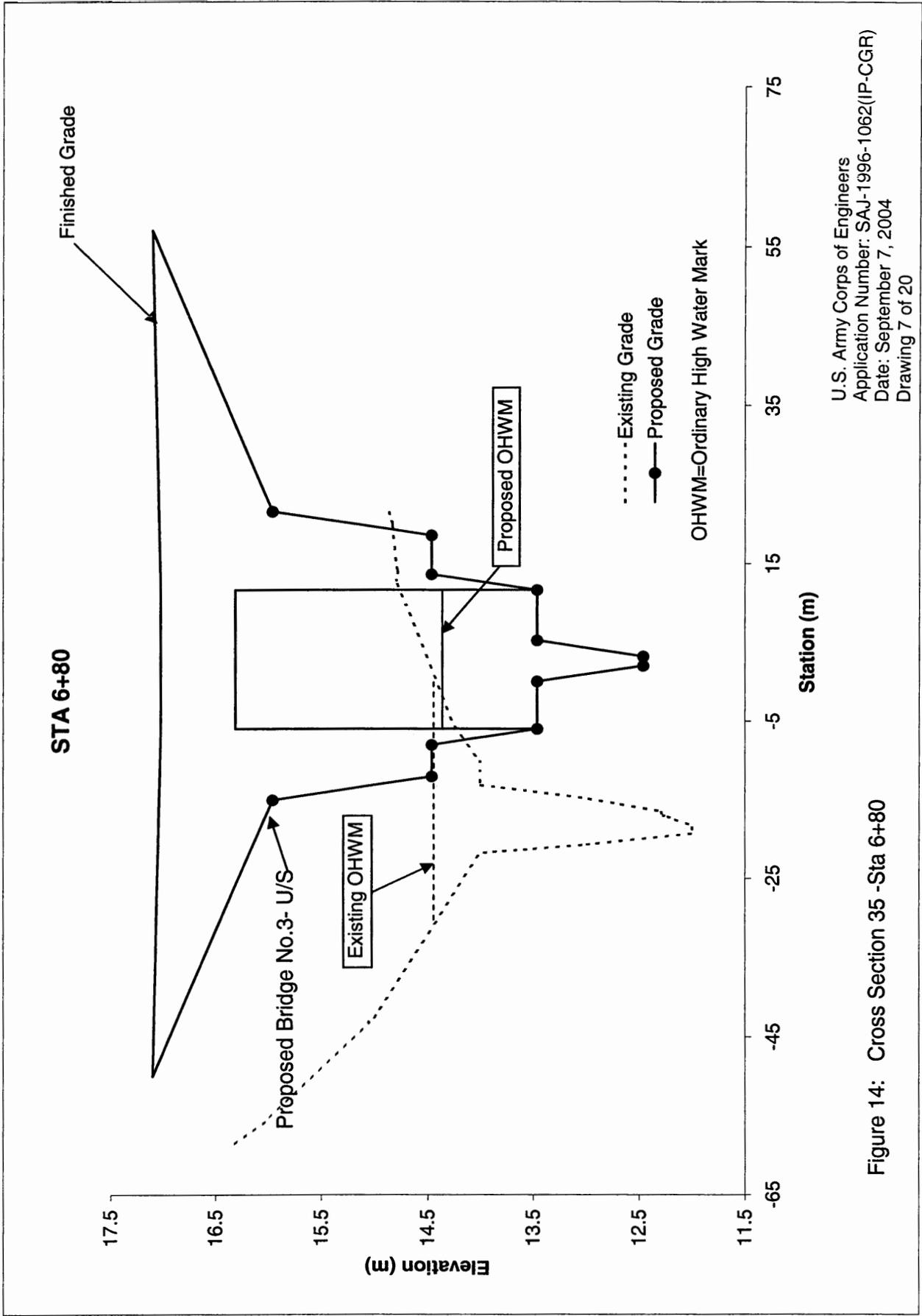
Figure 9 : Cross Section 24 -Sta 4+80



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Figure 4b: Cross-Section Location - Proposed Condition

Scale ( 1 : 800)



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Figure 14: Cross Section 35 -Sta 6+80

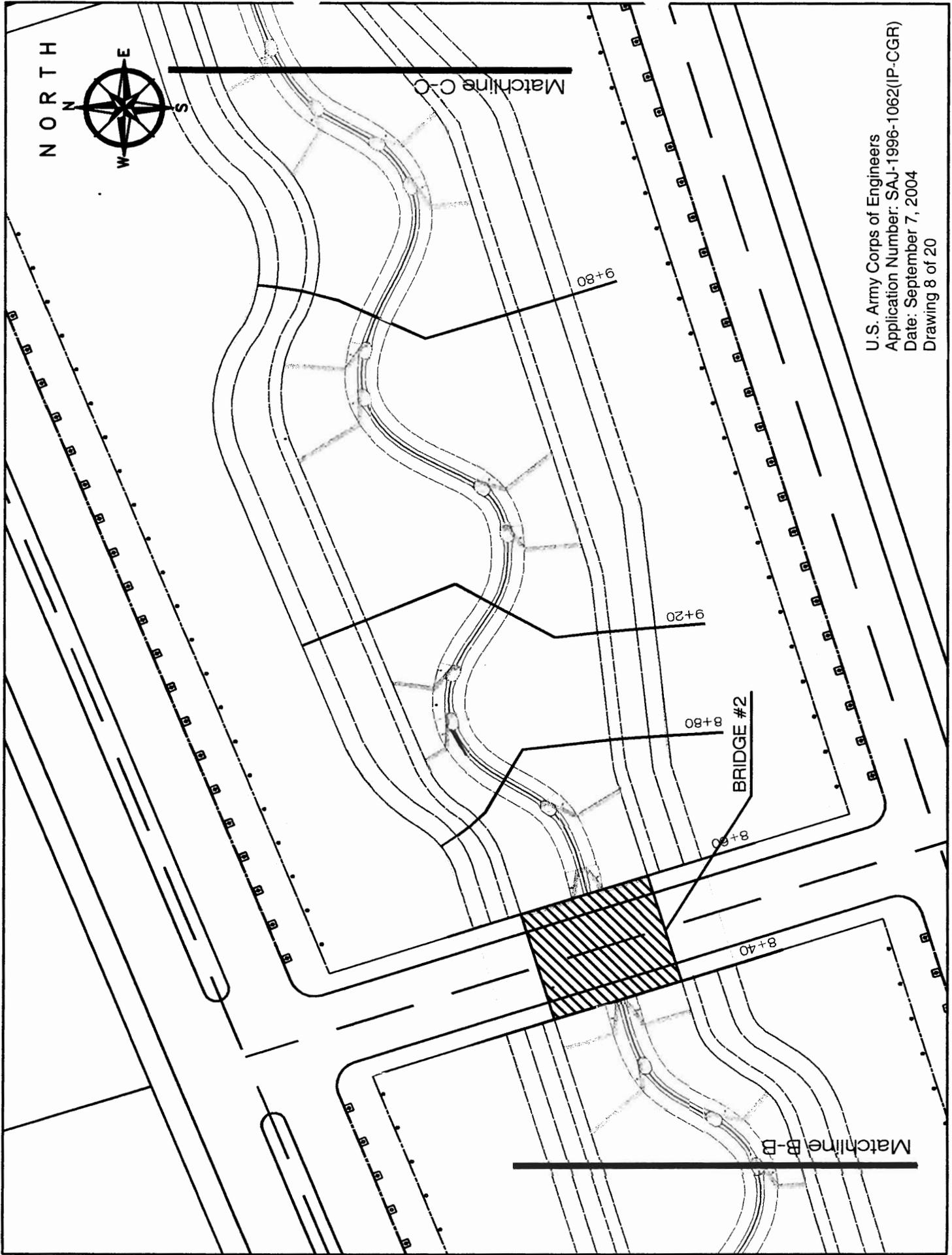
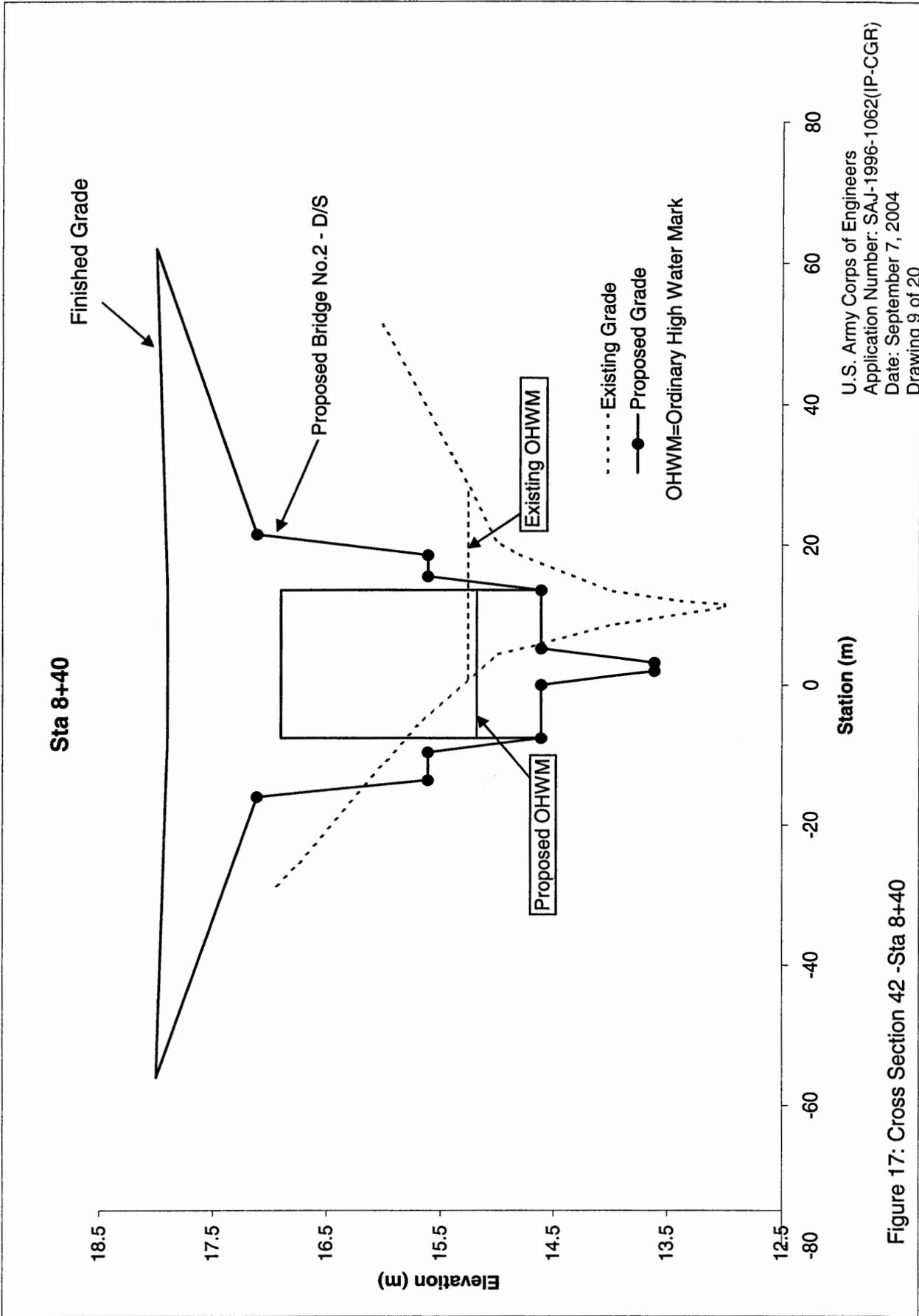


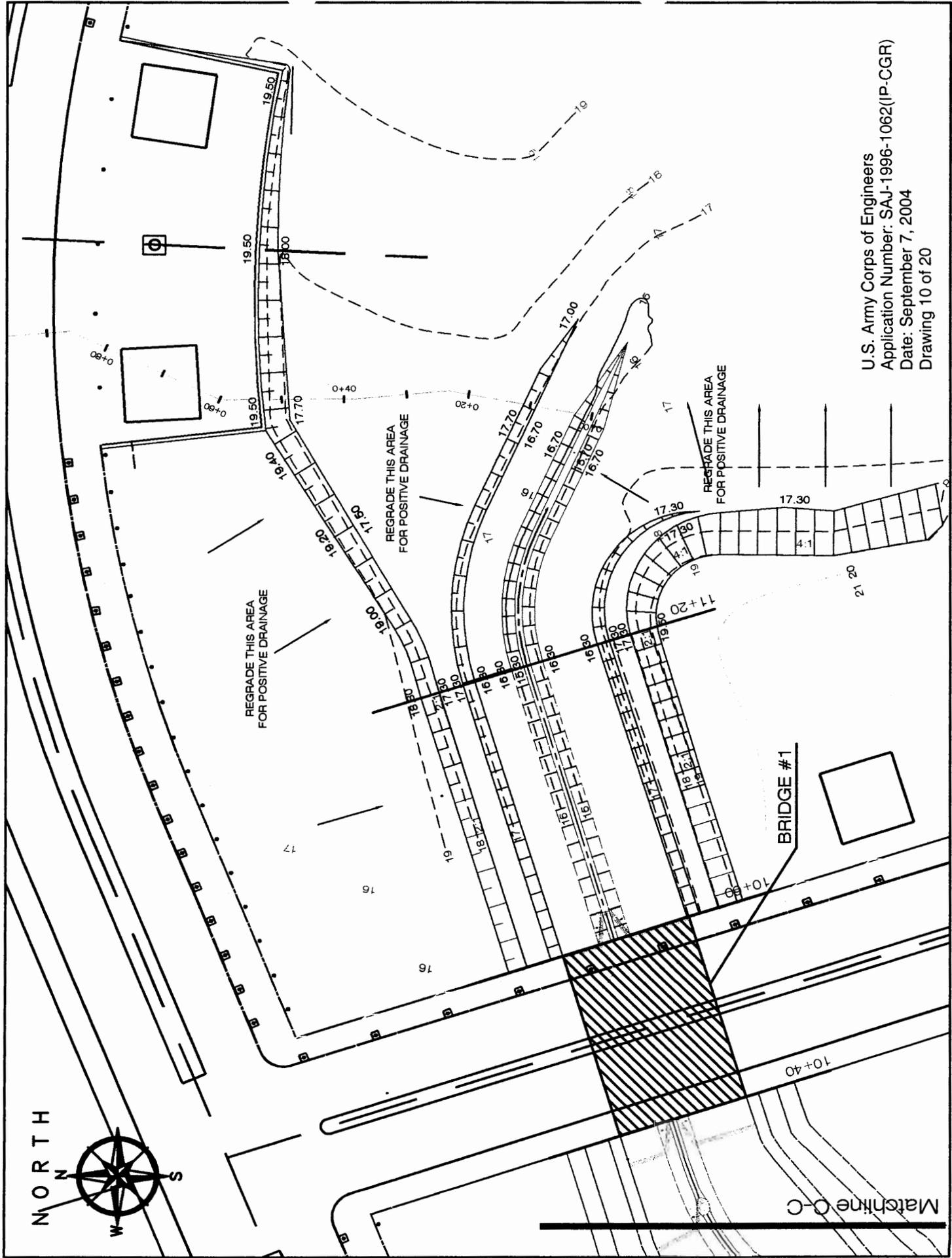
Figure 4c: Cross-Section Location - Proposed Condition

Scale ( 1 : 800)



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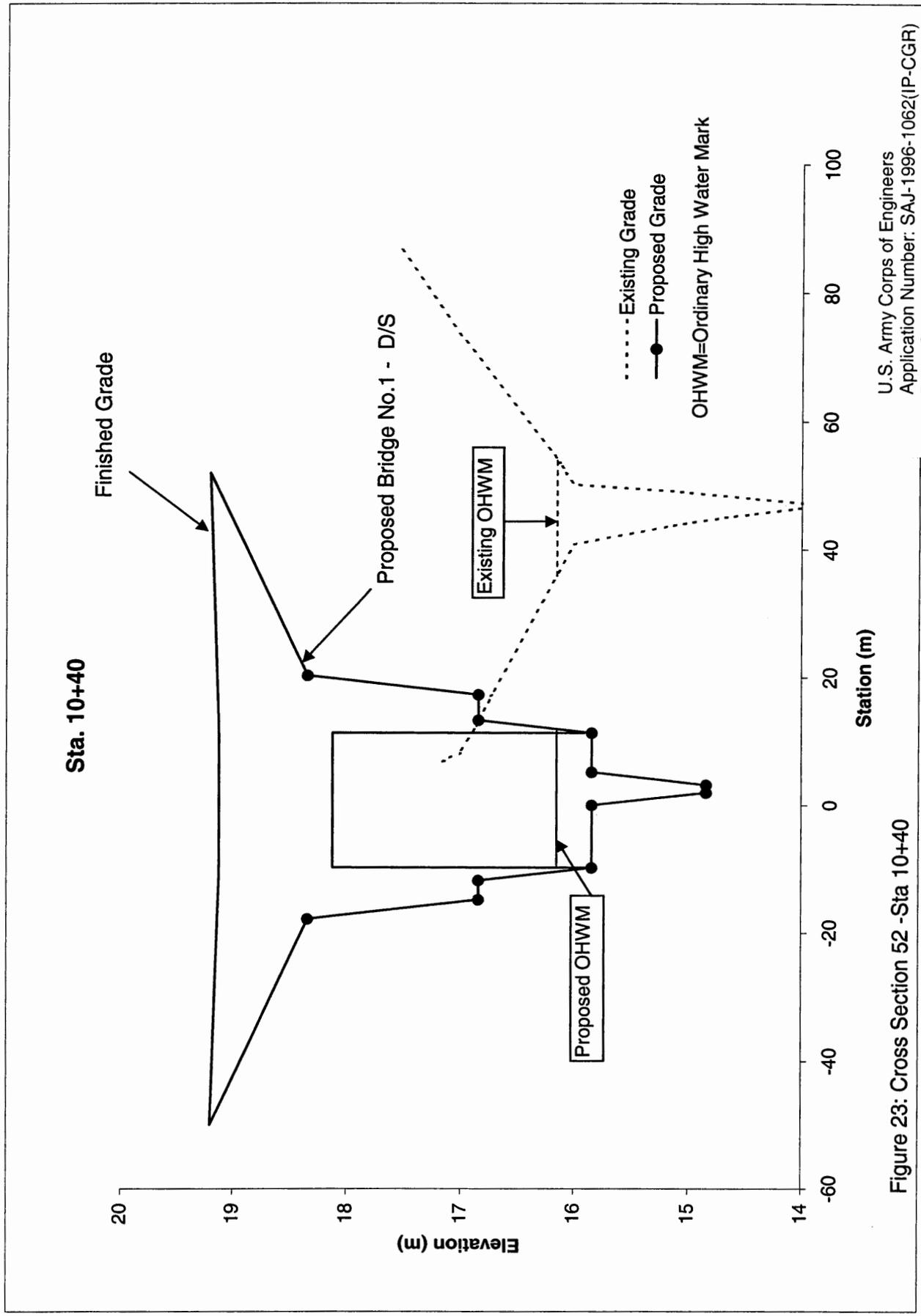
Figure 17: Cross Section 42 -Sta 8+40



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Figure 4d: Cross-Section Location - Proposed Condition

Scale ( 1 : 800)



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Figure 23: Cross Section 52 -Sta 10+40

Sta 11+20

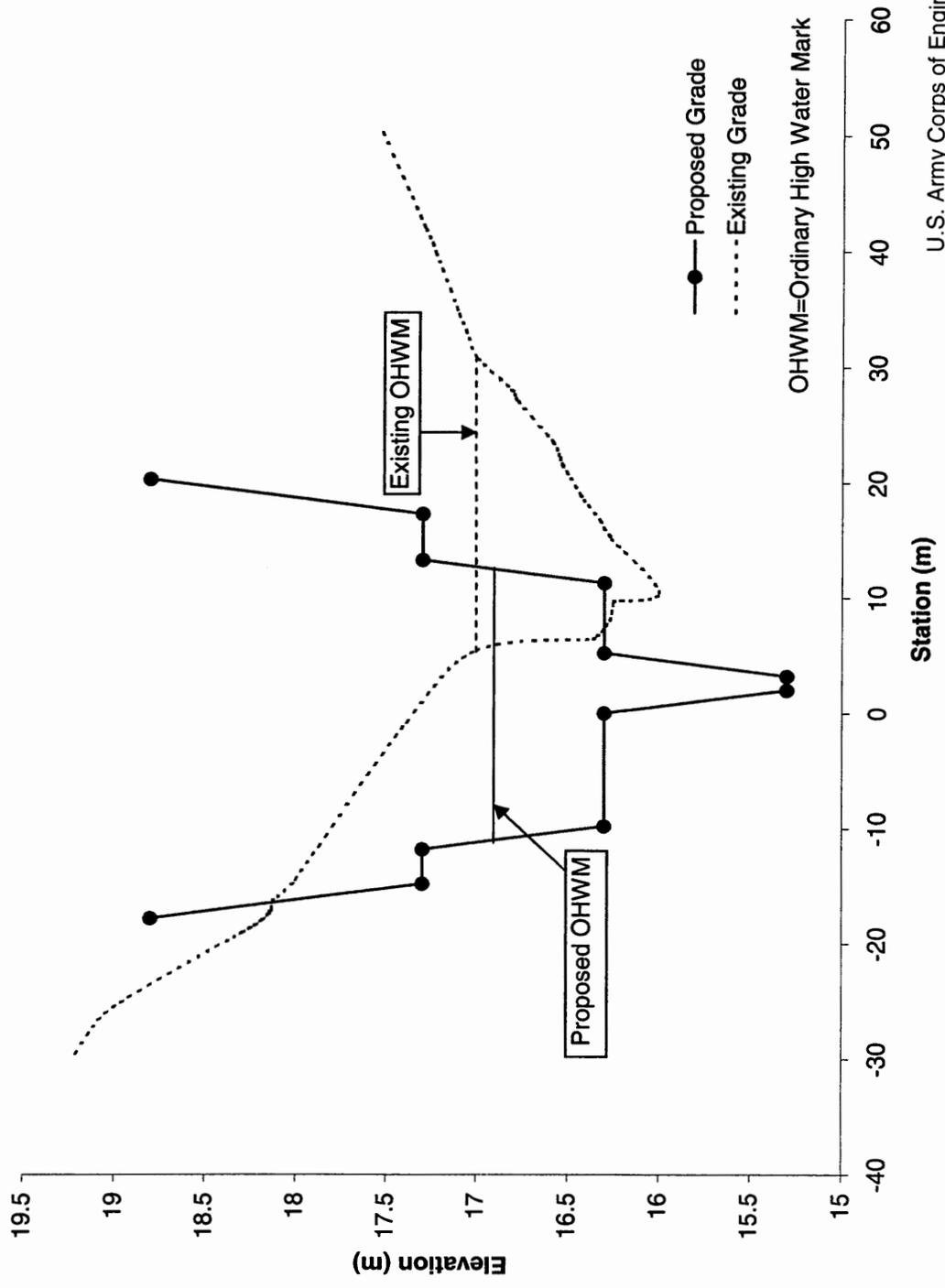
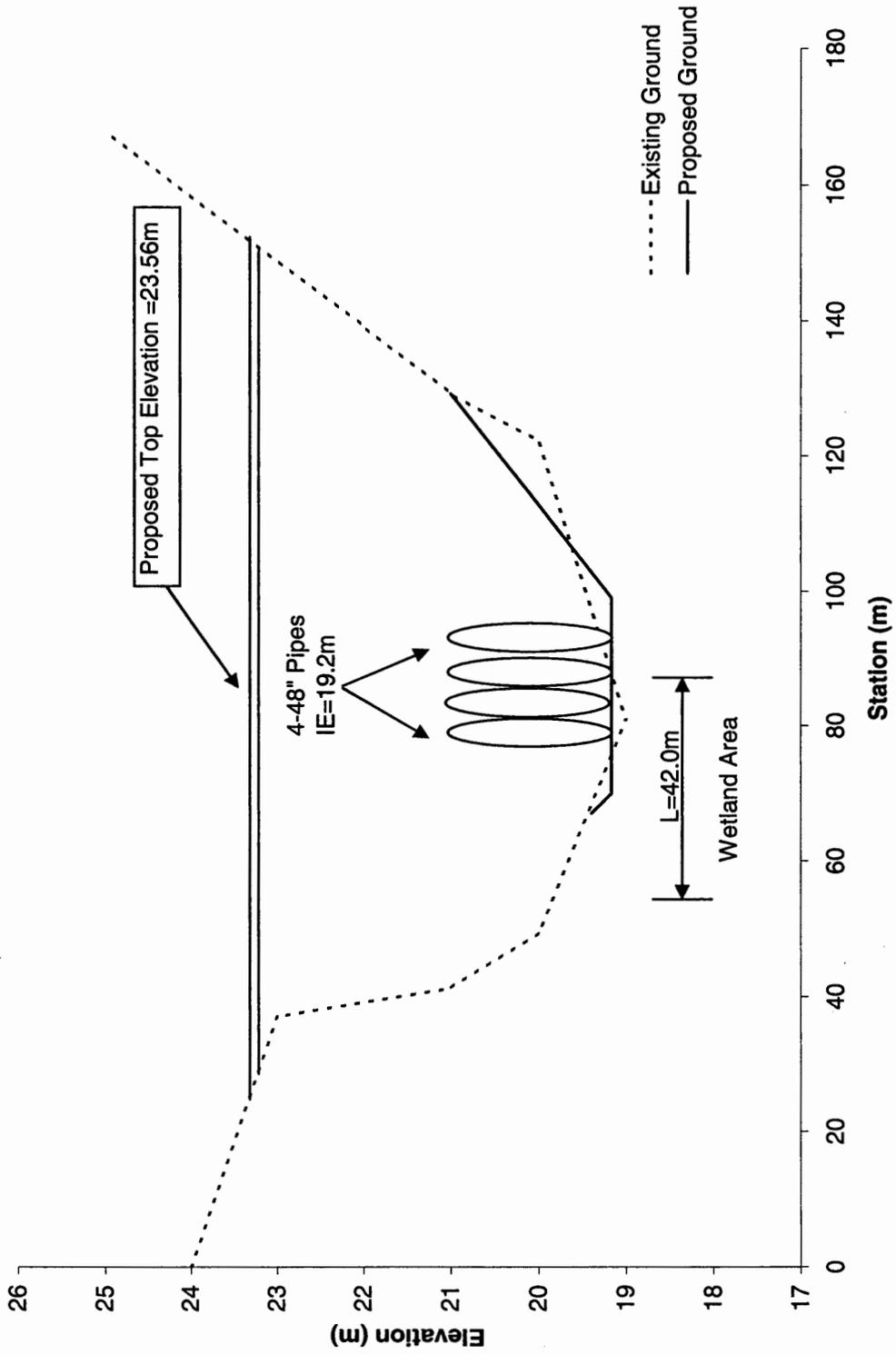


Figure 24 : Cross Section 56 -Sta 11+20

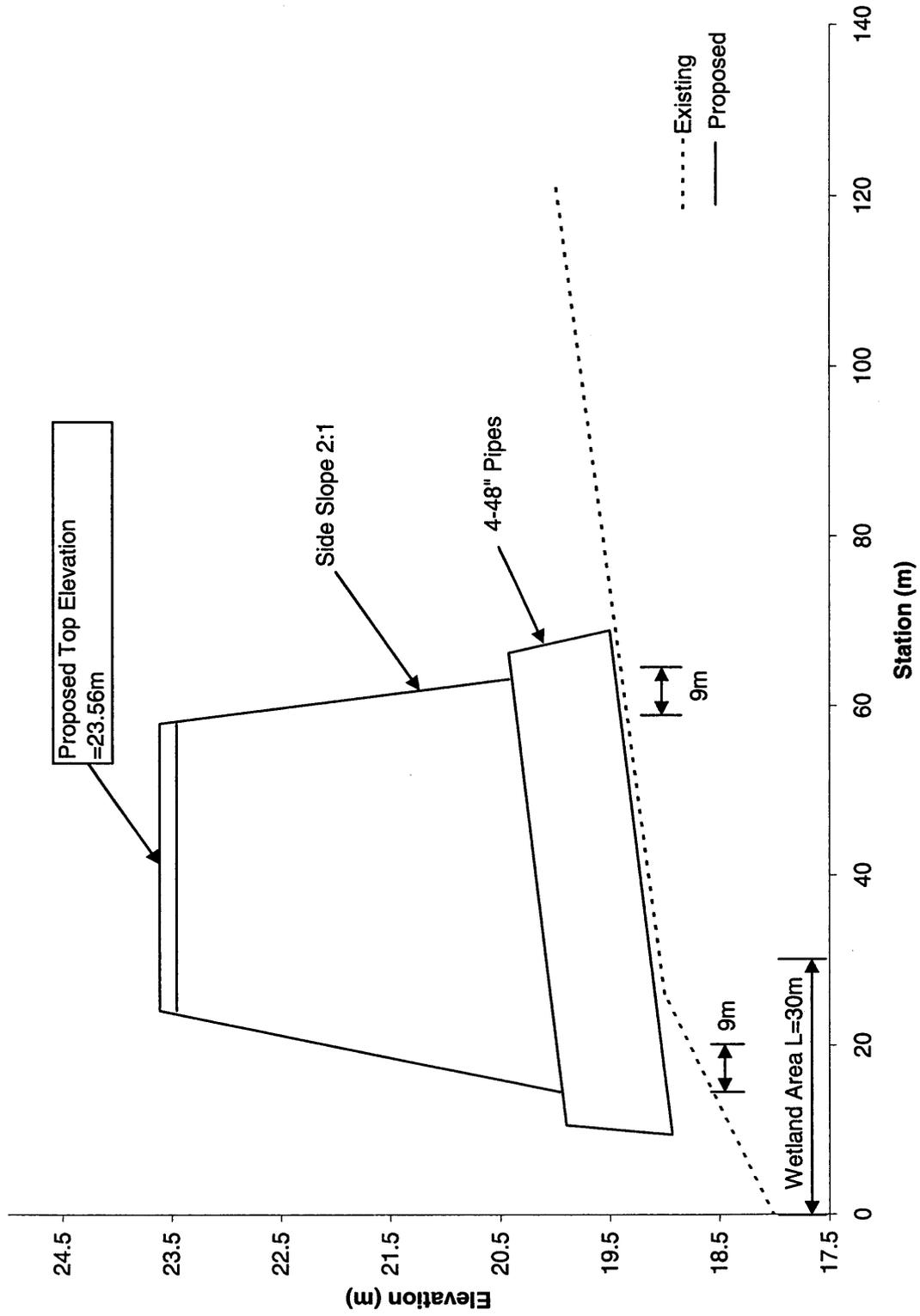
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# Cross Section E Road #1

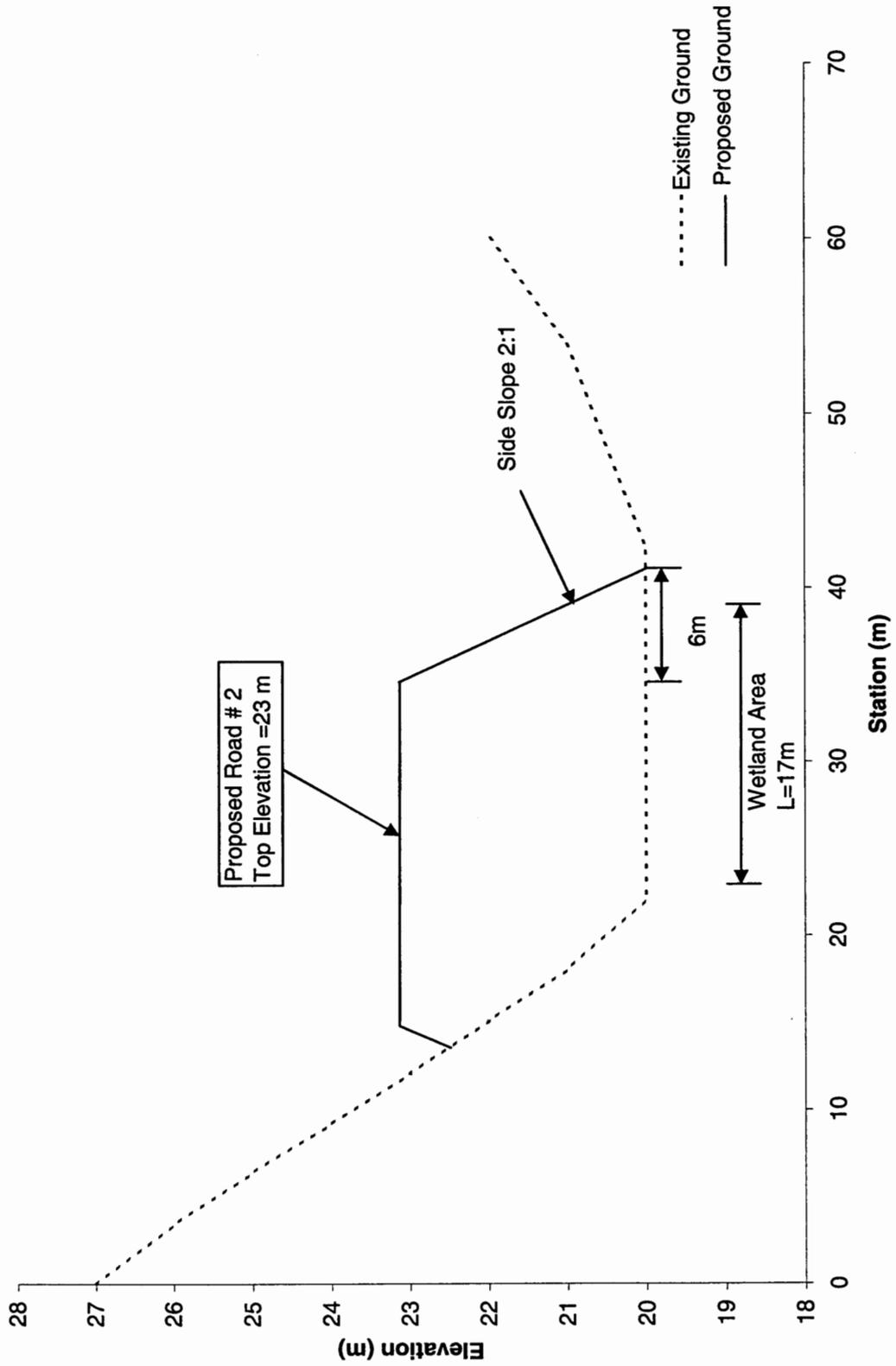


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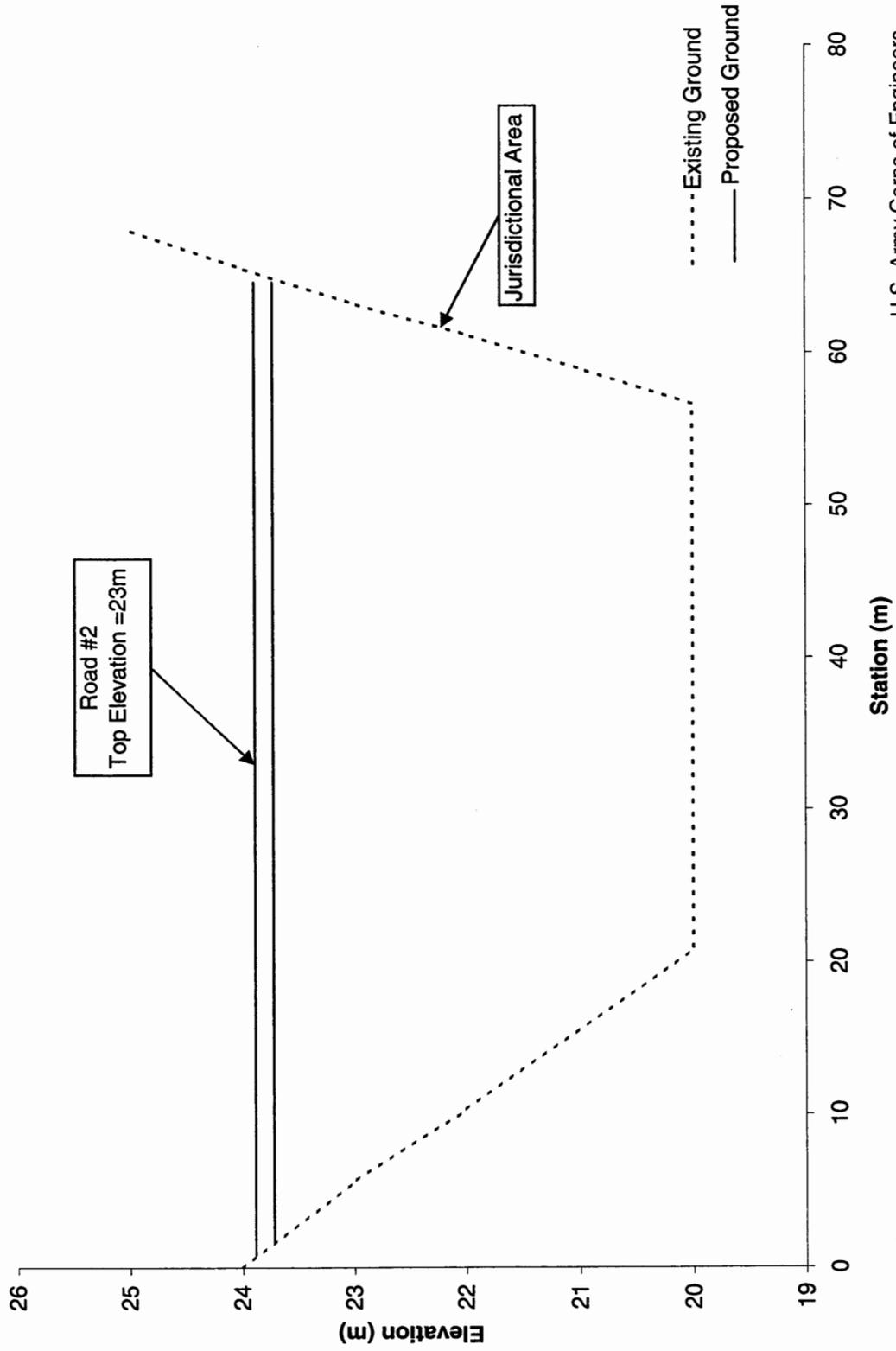
# Cross Section F Road # 1



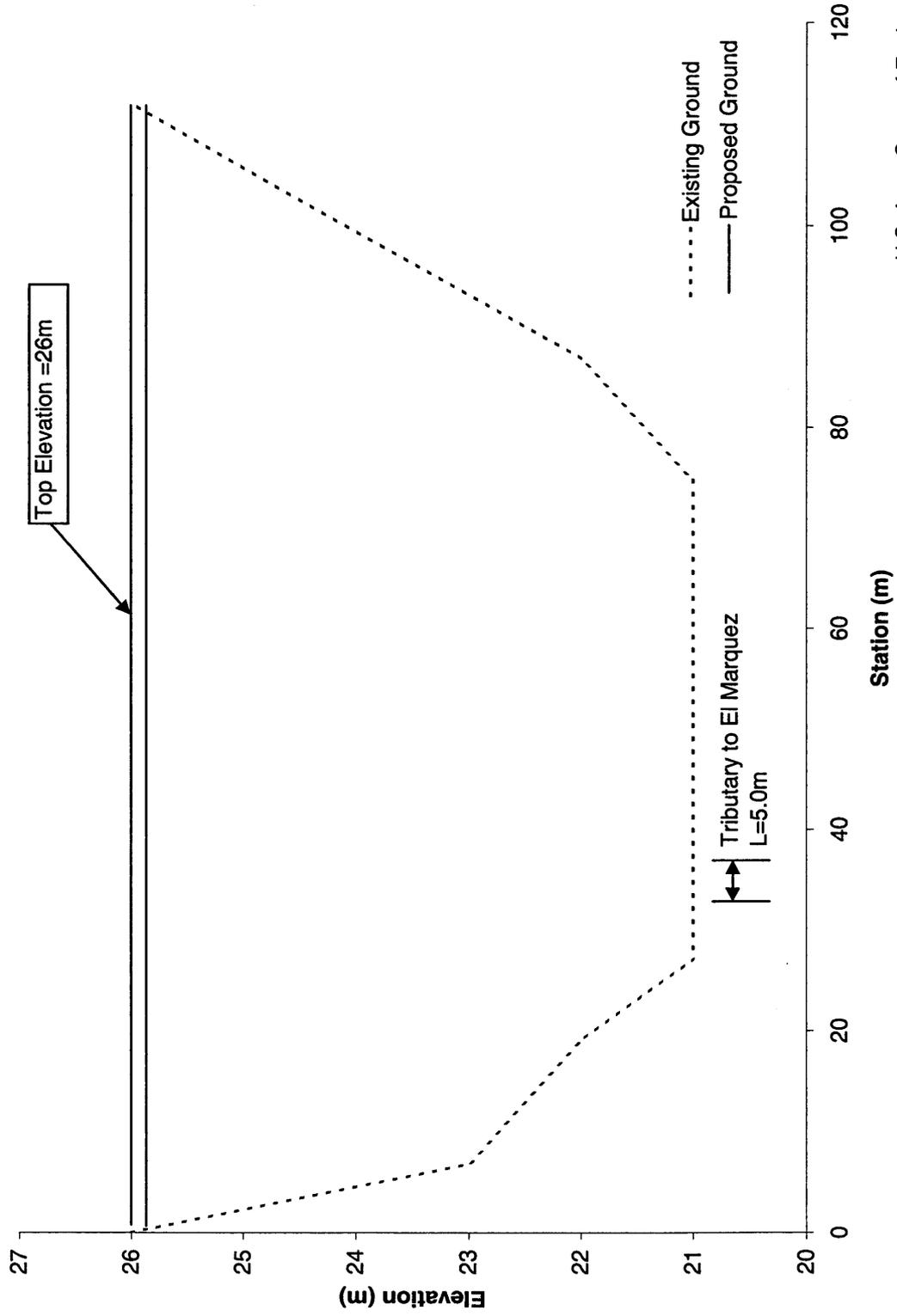
# Cross Section C Road #2



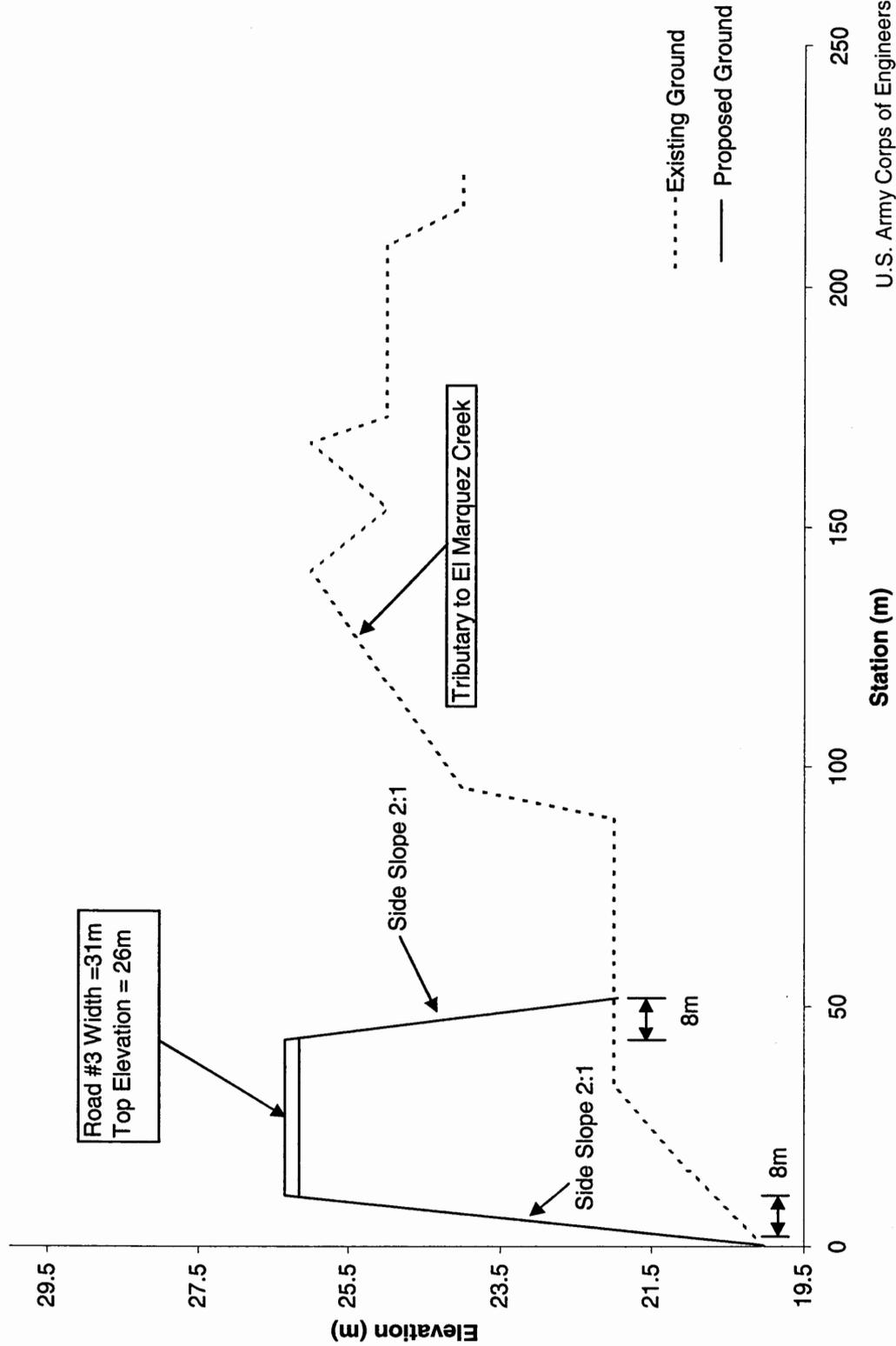
# Cross Section D Road #2



**Cross Section A  
Road #3**



# Cross Section B Road #3

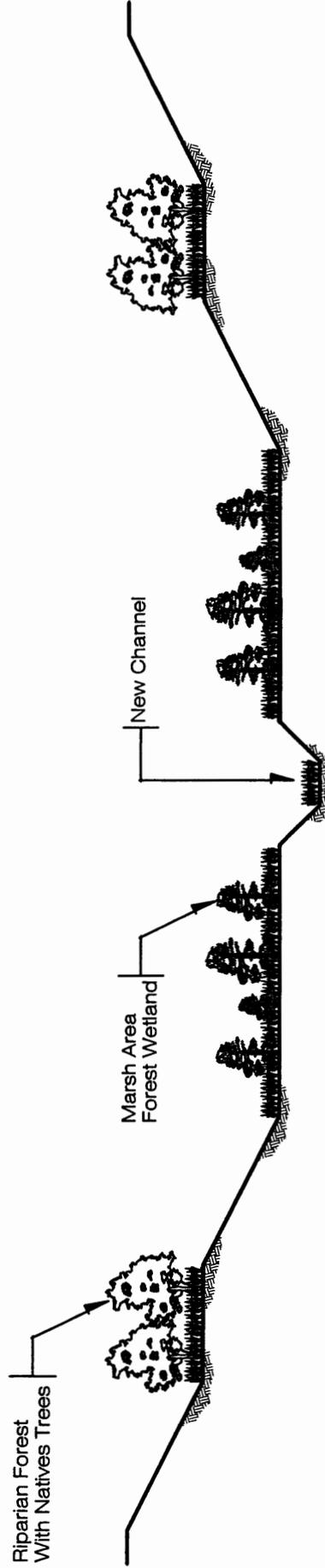
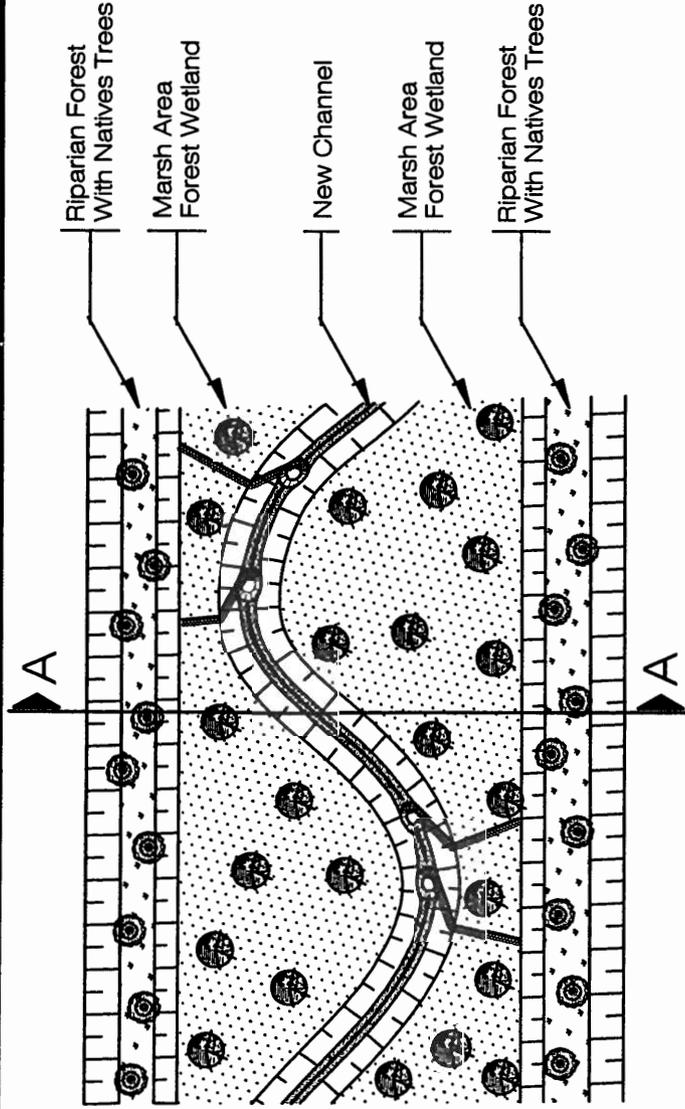


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**PROPOSED MITIGATION**

- Marsh Area = 0.94 acres
  - Forest Wetland = 2.0 acres
  - Riparian Forest = 2.19 acres
  - New Channel with Pool and Riffle Complex = 0.96 acres
  - Wetland Area to be Preserved = 4.41 acres
- TOTAL = 10.5 acres



**PROPOSED SECTION A-A (Typical Mitigation Section)**  
NOT TO SCALE

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Figure 2: Cross Section for Proposed Mitigation Plan

**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.

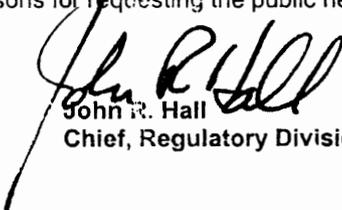
**IMPACT ON CULTURAL RESOURCES:** Review of the latest published version of the National Register of Historic Places indicates that no registered properties, or properties listed as eligible or inclusion therein, are located at the site of the proposed work. Presently, unknown archeological, scientific, 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