



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT  
ANTILLES OFFICE  
FUND. ANGEL RAMOS ANNEX BLDG., SUITE 202  
383 F. D. ROOSEVELT AVE.  
SAN JUAN, PUERTO RICO 00918

April 17, 2019

Regulatory Division  
South Branch  
Antilles Permits Section

## ***PUBLIC NOTICE***

Permit Application No. SAJ-2019-00816 (SP-CGR)

TO WHOM IT MAY CONCERN: The Jacksonville District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403) as described below:

APPLICANT: Mr. Raj Mundkur  
Asociación Condómines Azure Beach  
1 Almendro Street  
San Juan, Puerto Rico 00913

WATERWAY AND LOCATION: The project would affect waters of the United States associated with the Atlantic Ocean. The project site is located at Almendro Street # 1, Azure Condominium, Punta Las Marías, San Juan, Puerto Rico.

Directions to the site are as follows: From San Juan follow Román Baldorioty de Castro Ave./PR-26 toward Carolina, take the exit 37 - Isla Verde Villamar frontage road, turn left at the stop light, turn left at the next stop light toward PR-37 West, and turn right at Almendro Street and continue to the end of the street.

APPROXIMATE CENTRAL COORDINATES: Latitude 18.4536°  
Longitude -66.0417°

### **PROJECT PURPOSE:**

Basic: Shoreline stabilization.

Overall: To dissipate wave energy and reduce wave reflection in order to halt the erosion of the existing wall foundation and to provide a long-term scour protection along the seaward side of the existing concrete wall.

EXISTING CONDITIONS: A concrete wall is present along the Azure Condominium. Behind this wall (toward applicant property – the south side of existing wall), voids and sinkholes have been created, and backfill soil collapsed at several sections of applicant's property. In addition, this eroded condition exposed the condominium foundation and is threatening the building. In accordance to the applicant, when the

concrete wall was built, a pocket or funnel was created due to its location with the adjacent seawalls where wave energy concentrates and increases hydrodynamic forces that accelerates erosion. The applicant stated that at the time of the construction (prior to 2011) of the existing concrete seawall, sand levels may have been sufficiently high to maintain the bottom of the wall covered and protected. However, this pocket along the seawall where the rock revetment is proposed has been eroded through the years, and exposed the bottom of the existing seawall. Also, the seawall, as originally designed, did not contain a filtering free-draining foundation which would reduce pore pressure and contain the soils behind it. Water depth range from 1 feet to 7 feet. The proposed site lacks of sea grasses and coral reefs. The maritime bottom where the revetment is proposed consists of sand, stones, concrete debris, which are colonized by encrusting brown algae. The maritime bottom has a relative flat bottom with gentle slopes, with medium grain sand near the existing seawall, and fine silt/mud (unconsolidated sediments) north of the line of armor stone (remnants from the former wall that existed long time ago at approximately 7 meters to the north of the existing concrete seawall).

**PROPOSED WORK:** The applicant seeks authorization to discharge approximately 200 cubic yards of fill material on approximately 0.044 acres of navigable waters of the United States to build a 142-foot long rock revetment. This revetment would be placed on the seaward side along the face of existing wall at a crest elevation of +5 feet. From this elevation, using a 2:1 slope, the base of the revetment varies from 12 feet to 15 feet wide. The revetment will be laid over a continuous non-woven filter fabric along the base, followed by crushed rock aggregate, and an outer layer of 0.75 to 2.5 ton armor rock. The construction will be conducted from land within the Azure Condominium property, and is anticipated to occur over approximately two to three weeks.

**AVOIDANCE AND MINIMIZATION INFORMATION** – The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment:

The applicant stated that the project was designed taking into consideration the least environmentally impacting cross-section while maintaining an appropriate armor stone size of 2.5 tons to withstand the design significant wave height. The distance of the proposed revetment at its base, which is 12 ft. to 15 ft., coincides with an existing sandstone slab which provides an appropriate scour protection along the toe of the proposed revetment within the need to excavate further below -2 feet mean low low water, and it allows a slope 2:1 to ensure the stability of the structure. A reduction of the width of the base of revetment such as 10 feet will require a steeper slope more than 2:1 which would compromise the stability of the revetment. Therefore, minimizing the impacts through reducing the width at the base of the revetment is not practicable.

**COMPENSATORY MITIGATION** – The applicant has provided the following explanation why compensatory mitigation should not be required:

The applicant stated that in accordance to the Biological Evaluation Study performed for this project site, the total mean biotic cover within this area is 0%, which represents a

low presence of biological diversity in the project's footprint, and no sea grasses, neither listed coral species nor hardbottom are present at the project area. Therefore, applicant considers that no mitigation shall be required.

#### CULTURAL RESOURCES:

The Corps has determined the permit area has been extensively modified by previous work and there is little likelihood a historic property may be affected.

#### ENDANGERED SPECIES:

The Corps has determined the proposed project may affect, but is not likely to adversely affect the Antillean Manatee (*Trichechus manatus manatus*), the Green sea turtle (*Chelonia mydas*), the Hawksbill sea turtle (*Eretmochelys imbricata*), the Leatherback sea turtle (*Dermochelys coriacea*), and Nassau Grouper (*Epinephelus striatus*). Also, the Corps has determined the proposed project would not cause effects on listed corals: elkhorn corals (*Acropora palmata*), staghorn coral (*Acropora cervicornis*), boulder star coral (*Orbicella franksi*), mountainous star coral (*Orbicella faveolata*), lobed star coral (*Orbicella annularis*), rough cactus coral (*Mycelophyllia ferox*), and pillar collar (*Dendrogyria cylindrus*); Blue Whale (*Balaenoptera musculus*), Fin Whale (*Balaenoptera physalus*), Sei Whale (*Balaenoptera borealis*), Sperm Whale (*Physeter macrocephalus*), and scalloped hammerhead shark, and designated critical habitat for listed sea turtles and acropora corals. The Corps will request U.S. Fish and Wildlife/National Marine Fisheries Service concurrence with this determination pursuant to Section 7 of the Endangered Species Act.

**ESSENTIAL FISH HABITAT (EFH):** This notice initiates consultation with the National Marine Fisheries Service on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act 1996. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries in the Caribbean. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

**NOTE:** This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The jurisdictional line has not been verified by Corps personnel.

**AUTHORIZATION FROM OTHER AGENCIES:** A Water Quality Certification is required from the Department of Natural and Environmental Resources and a Coastal Zone Consistency Certification from the Puerto Rico Planning Board is required.

**COMMENTS** regarding the potential authorization of the work proposed should be submitted in writing to the attention of the District Engineer through the Antilles Permits

Section, Fund. Angel Ramos, Annex Bldg., Suite 202, 383 F.D. Roosevelt Ave., San Juan, Puerto Rico 00918 within 30 days from the date of this notice.

The decision whether to issue or deny this permit application will be based on the information received from this public notice and the evaluation of the probable impact to the associated wetlands. This is based on an analysis of the applicant's avoidance and minimization efforts for the project, as well as the compensatory mitigation proposed.

QUESTIONS concerning this application should be directed to the project manager, Ms. Carmen G. Román, in writing at the Antilles Permits Section, Fund. Angel Ramos, Annex Bldg., Suite 202, 383 F.D. Roosevelt Ave., San Juan, Puerto Rico 00918; by electronic mail at [carmen.g.roman@usace.army.mil](mailto:carmen.g.roman@usace.army.mil); or, by telephone at (787) 729-6637.

**IMPACT ON NATURAL RESOURCES:** 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.

**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, historical 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 or 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 US 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 to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above.

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 Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board.

**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.

ASOCIACIÓN CONDÓMINES AZURE BEACH  
CALLE ALMENDRO, PUNTA LAS MARÍAS, SAN JUAN, PR



NO. 1 CALLE ALMENDRO  
PUNTA LAS MARIAS  
SAN JUAN, PUERTO RICO 00913

INDEX OF SHEETS			
SHEET #	TITLE	ISSUE PURPOSE	REV.
COVER	PROJECT LOCATION & INDEX OF SHEETS	PERMIT	0
1	GENERAL NOTES	PERMIT	0
2	PLAN VIEW - PROPOSED EMERGENCY MITIGATION MEASURE	PERMIT	0
3	EXISTING EMERGENCY SITE CONDITIONS ELEVATION	PERMIT	0
4	EXISTING EMERGENCY SITE CONDITIONS	PERMIT	0
5	PROPOSED EMERGENCY MITIGATION MEASURE	PERMIT	0

**TETRA TECH**  
251 RECINTO SUR ST  
SUITE 200  
SAN JUAN, PR 00901  
TEL: (787) 722-7929  
FAX: (787) 722-4561

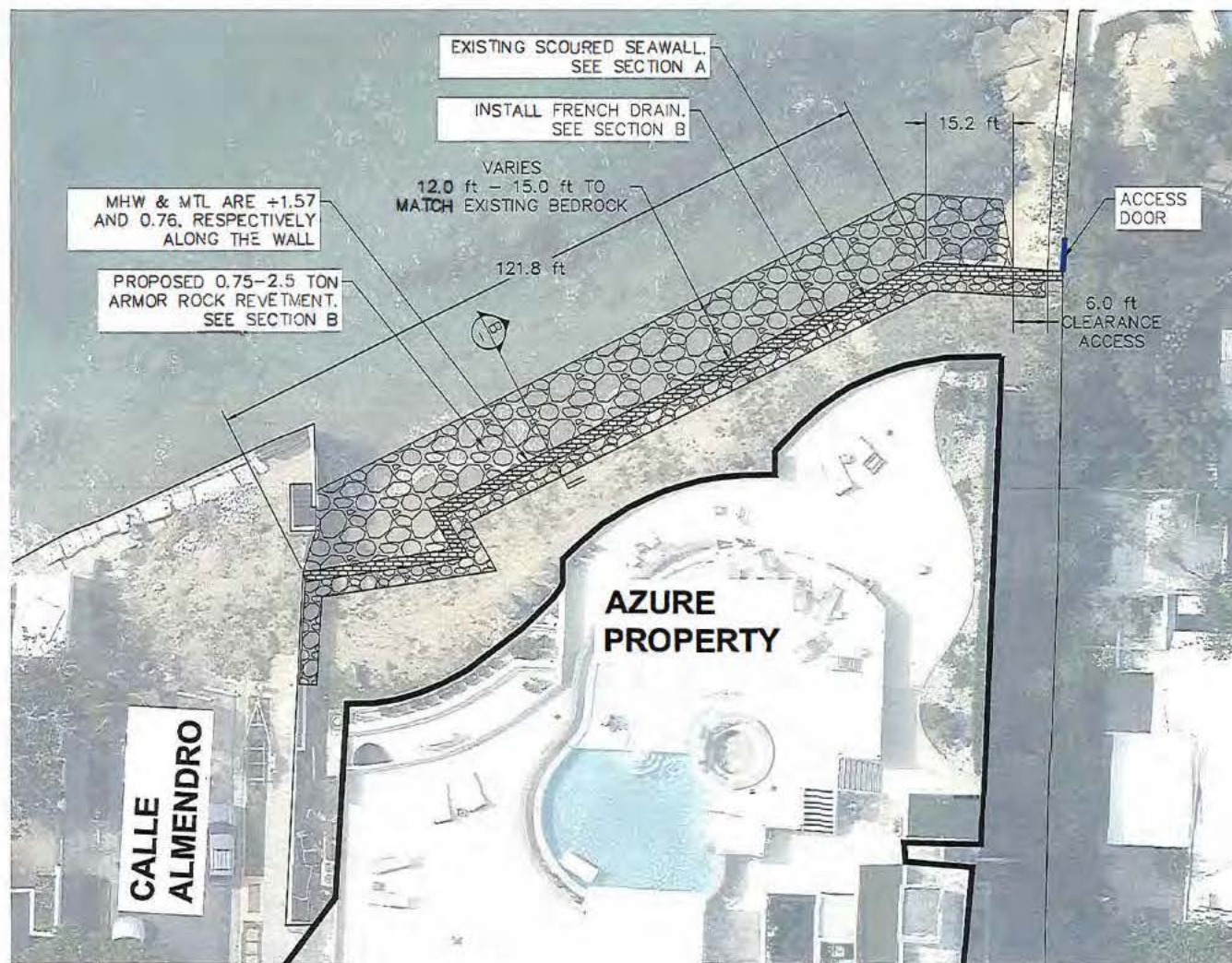
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JOINT PERMIT APPLICATION FOR EMERGENCY  
SHORELINE STABILIZATION MEASURES  
ASOCIACIÓN CONDOMINIOS AZURE BEACH  
CALLE ALMERINO, PUNTA LAS MARIAS, SAN JUAN,  
PR  
PROJECT LOCATION & INDEX OF SHEETS

**SHEET REFERENCE:**

COVER SHEET





**TETRA TECH**  
251 RECIND SUR ST  
SUITE 200 PR 00901  
SAN JUAN, PUERTO RICO  
TEL: (787) 722-2929  
FAX: (787) 722-4561



REV	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	03-07-2013
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JOINT PERMIT APPLICATION FOR EMERGENCY  
SHORELINE STABILIZATION MEASURES  
AZURE PROPERTY CONFORMS AZURE BEACH  
CALLE ALMENDRO, PUNTA LAS BANDAS, SAN JUAN,  
PR  
PLAN VIEW - PROPOSED EMERGENCY  
MITIGATION MEASURE

SHEET REFERENCE:

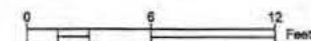
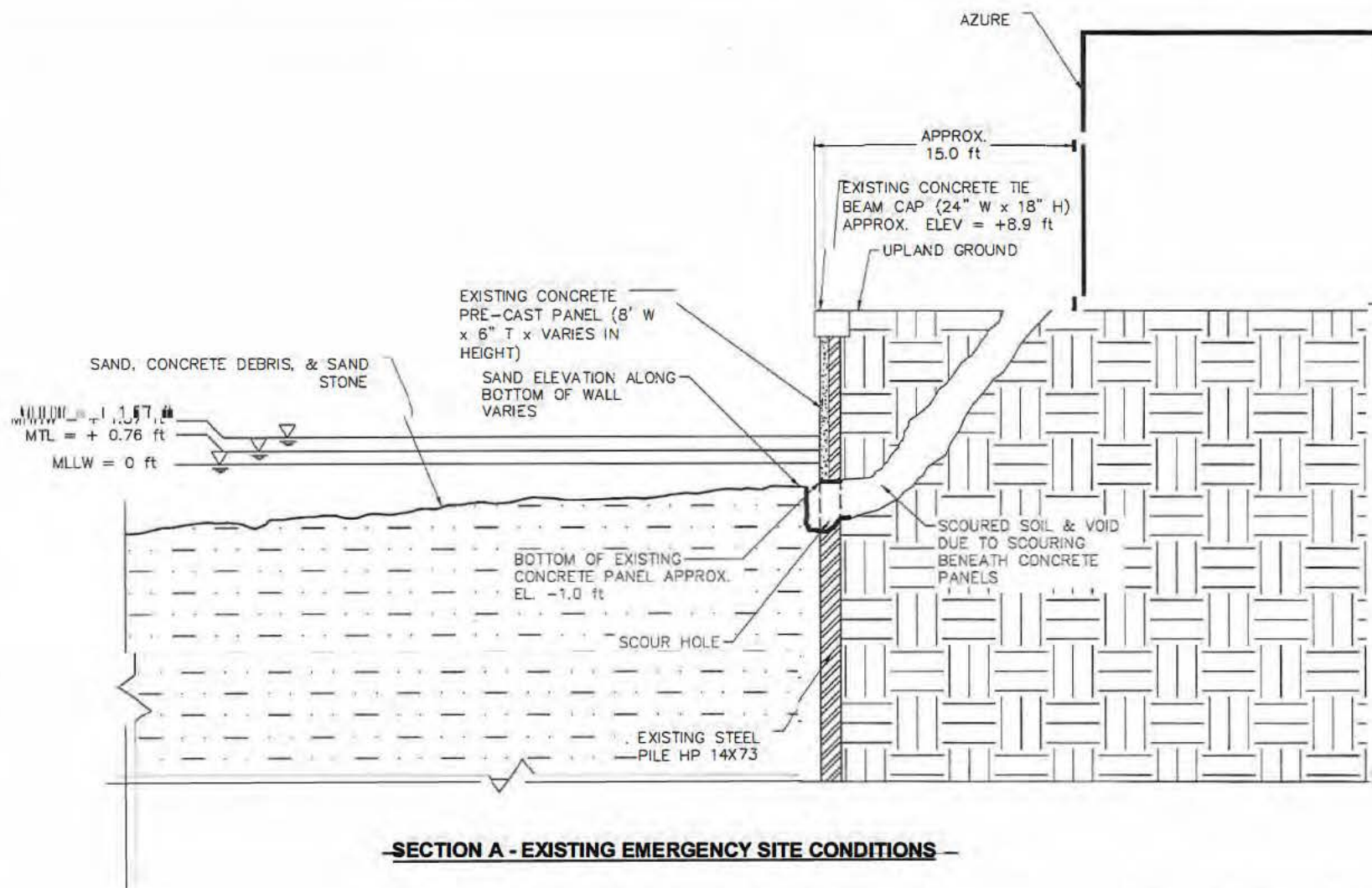
SHEET 2 OF 5

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**SHEET REFERENCE**

SHEET 3 OF 5



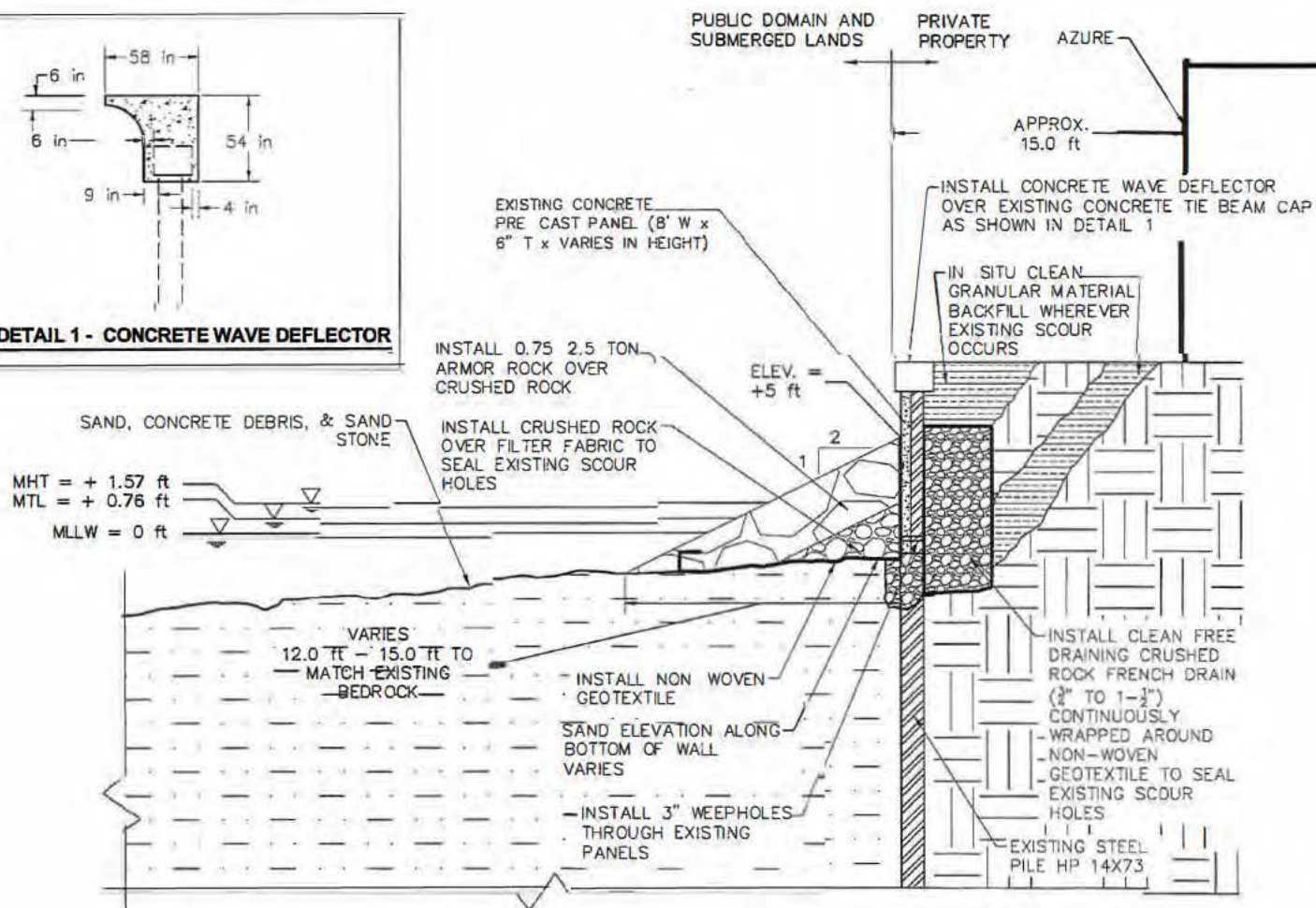
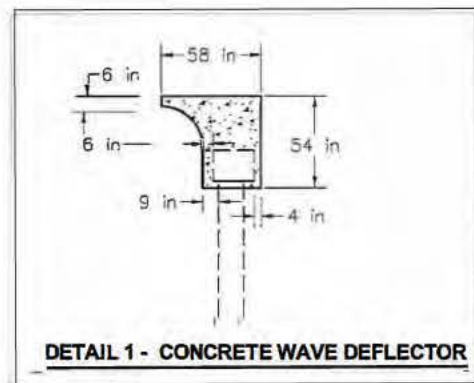


**TETRA TECH**  
 251 RECANTO SUR ST  
 SUITE 200 PR 00901  
 SAN JUAN  
 TEL: (787) 722-7929  
 FAX: (787) 722-4581



REV	DESCRIPTION	DATE	BY	CHK	APP
0	ISSUED FOR TENDER	03-07-2018			

SHEET REFERENCE:  
 SHEET 4 OF 5



**TETRA TECH**  
251 RECINTO SUR ST  
SUITE 200  
SAN JUAN, PR 00901  
TEL: (787) 722-7929  
FAX: (787) 722-4561



REV	DESCRIPTION	DATE	BY	CHK
0	BALANCE FOR DEBIT	10-01-80	TP	103-07-8010

SHEET 5 OF 5





Figure #7: Expansion of sinkhole towards Condominiums Azure on March 1, 2019 exposing the building foundation.