



**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**

Regulatory Division  
South Branch  
Antilles Permits Section

October 1, 2019

## ***PUBLIC NOTICE***

Permit Application No. SAJ-2004-05786 (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. Jonathan B. Smith  
nFusion Consultancy  
200 Coco Beach Blvd.  
Rio Grande, P.R. 00623

**WATERWAY AND LOCATION:** The project would affect waters of the United States associated with the Atlantic Sea. The project site is located at the west side of the existing Hyatt Regency Hotel (previously Hotel Meliá) at Coco Beach, Municipality of Rio Grande, Puerto Rico.

Directions to the site are as follows: Take State Road PR-3 from San Juan to Rio Grande, at the traffic light in Km. 26.6 turn to the left and keep on the Municipal Road until reach the main gate of Coco Beach Development. Once you pass the main gate keep straight toward the end of Avenue A and turn left at the hotel.

**APPROXIMATE CENTRAL COORDINATES:** Latitude 18.419892°  
Longitude -65.794043°

### **PROJECT PURPOSE:**

Basic: A swimming hole beach and shore stabilization structure.

Overall: To provide a sandy swimming beach hole near the existing hotel facilities to isolate points of entry and protect adjacent seagrasses, and to improve the beach area by removing large rocks from navigable waters of the U.S. and along the shoreline located west of Punta Miquillo, and re-using these rocks/excavated material to provide protection for nearshore and existing infrastructure.

**EXISTING CONDITIONS:** Punta Miquillo is a peninsula developed with a hotel (the former Paradisus Sol Meliá Hotel and Beach Resort) and its associated facilities on the west side of this peninsula. A failed rock revetment (armor stones) is along a section of

the shoreline located to the northwest of the existing main pool of the hotel and existing infrastructure. Several of these rocks are within navigable waters of the U.S. and others scattered rocks are located landward the hotel's facilities (Figure 4 and 11). Based on information submitted by the applicant, the existing rock revetment did not meet typical US standards and specifications. Eroded conditions are present along the shoreline near the hotel's pool. Approximately, 10 feet of upland erosion occurred behind the existing failed rock revetment. The proposed site is located in the vicinity of the Espíritu Santo River Natural Reserve. This reserve comprises the following areas: the Espíritu Santo River to the southwest of the proposed site; Punta Picúas located to the east side of Ensenada Comezón inlet (east of Punta Miquillo and the project site); and the Coastal-Marine Zone at Ensenada Comezón inlet in accordance to the Department of Natural and Environmental Resources – Puerto Rico Critical Wildlife Areas January 2005. The project location is characterized by a relatively shallow nearshore, and sandy bed. Seagrasses and corals reefs are near the proposed site. In accordance to the applicant, currently, the guests of the hotel enter the water near or on seagrass areas. The existing depths range from -1 to -4 feet.

**PROPOSED WORK:** The applicant seeks authorization to excavate approximately 31,400 square feet of sand in navigable waters of the United States and adjacent uplands to the northeast of the existing pool, and to re-discharge screened sand in waters of the United States on same site to construct a swimming hole of approximately 280 feet long by 147 feet wide. From this total, approximately 200 feet long by 48.38 feet wide of the proposed swimming hole is within navigable waters of the United States. The proposed depth within navigable waters of the U.S. is -4 feet. The screened sand will be placed to form the top 1 feet layer of the swimming hole. The proposed re-discharge of screened sand will impact approximately 9,020 square feet (0.20 acres) of waters of the U.S. The applicant proposes to use land-based equipment such as hydraulic excavators and front-end loaders/bulldozers (Figures 2-4) to perform proposed works.

The excavated material will be temporarily discharged and contained in uplands for de-watering (Figure 5). The excavated material will be screened to separate rocks and debris from the sand in the storage area. Once the excavated material is screened and inspected, the sand will then be transported back to the project location for its re-discharge into the proposed swimming hole. The excavated sand that does not meet beach fill specifications and excavated small rocks will be removed and stockpiled on site and would be used to provide core material for new rock revetment structure (groin). No run-off waters from the excavated material contained in uplands will return to waters of the U.S. while the material is sitting to be transported to the proposed swimming hole.

Also, the applicant proposes the removal of scattered large rocks existing along the west shoreline of Punta Miquillo (Figures 1, 2 and 4) and the removal of large rocks (armor stones) of the failed rock revetment (Figure 11) from navigable waters of the U.S. These rocks (approximately 1,160 cubic yards of armor stone) will be used to construct a new rock revetment of approximately 427 feet long by 6 feet wide on its top

and 16 feet wide on its base in uplands (landward of the high tide line). In accordance to the applicant the rocks will be lifted and placed at the new structure slope using a grapple, sling or thumb bucket attached to a crane or excavator, or other methods as deemed appropriate by the contractor (Figures 5 and 6).

All proposed works will be performed from adjacent uplands. No barges or water-based equipment will be used to perform the proposed works.

**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 project was designed to minimize the impacts on waters of the United States by using areas to create better access to swimming areas. The majority of the existing rocks will be moved inwards minimizing areas below the high tide line. The proposed new rock revetment structure will be built in uplands, outside waters of the U.S. (landward the high tide line). Also, scattered rocks that Hurricane María displaced landward along the beach at the west side of Punta Miquillo will be removed and re-used for the new rock revetment structure.

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

The referenced project does not consider permanent impacts to waters of the US. All coastal protection work will be conducted above the high tide line. The approximate swimming hole works footprint, in waters of the U.S., is 9,020 square feet or 0.20 acres. The sand removed from this area will be cleaned and re-deposited within the same footprint to provide a clean layer of sandy bottom. The applicant also stated the final product of this project will result in a net gain of waters of the U.S.

#### **CULTURAL RESOURCES:**

The Corps is aware of historic property/properties in close proximity of the permit area. The Corps determines the proposed project would have no effect on the historic resources. The Corps will initiate consultation with the State Historic Preservation Office as applicable pursuant to 33 CFR 325, Appendix C and Section 106 of the National Historic Preservation Act.

#### **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 hawksbill sea turtle (*Eretmochelys imbricate*) and the leatherback sea turtle (*Dermochelys coriacea*). No effect on listed corals 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. The proposal would impact approximately 0.20 acres of maritime bottom utilized by various life stages of snook and tarpon as well as federally managed species such as Caribbean spiny lobster, queen conch and schoolmaster and mutton snapper. 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. A Coastal Zone Management Consistency Certificate is required from the Puerto Rico Planning Board.

**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); 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 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 the 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.

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INDEX OF DRAW NGS		
SHEET INDEX	SHEET NO.	DRAWING TITLE
1	G-001	COVER SHEET
2	G-002	NOTES AND ABBREVIATIONS
3	G-003	NOTES AND SPECIFICATIONS
4	V-001	EXISTING SITE PLAN
5	C-101	PROPOSED GRADING PLAN - AERIAL
6	C-102	CONCEPT PROPOSED GRADING PLAN
7	C-301	TYPICAL SECTIONS



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DRAWING NO. SCALES SHOWN BASED ON 22 x 3. DRAWING

HYATT REGENCY SHORELINE PROTECTION & COASTAL IMPROVEMENTS	COVER SHEET
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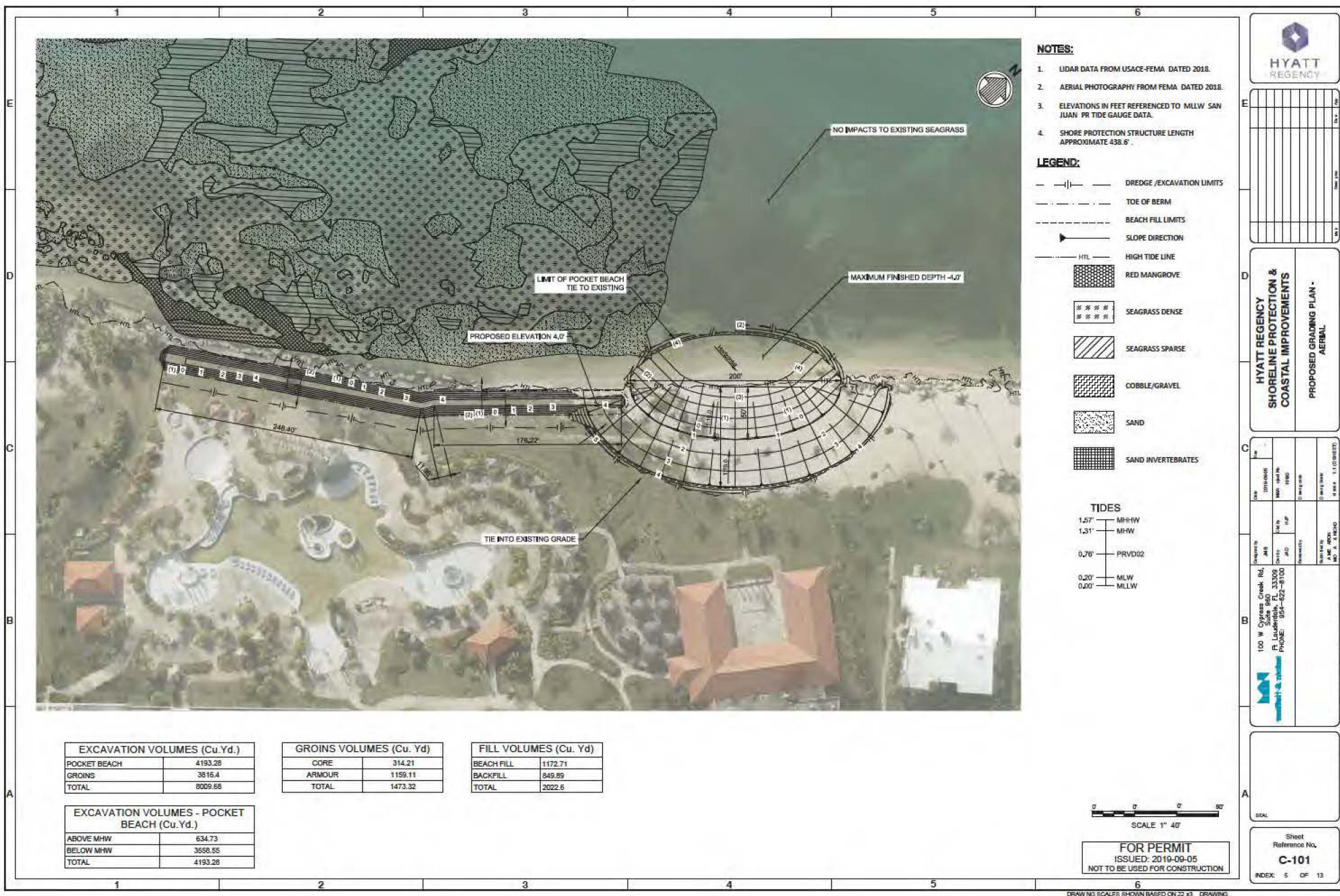
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**G-001**  
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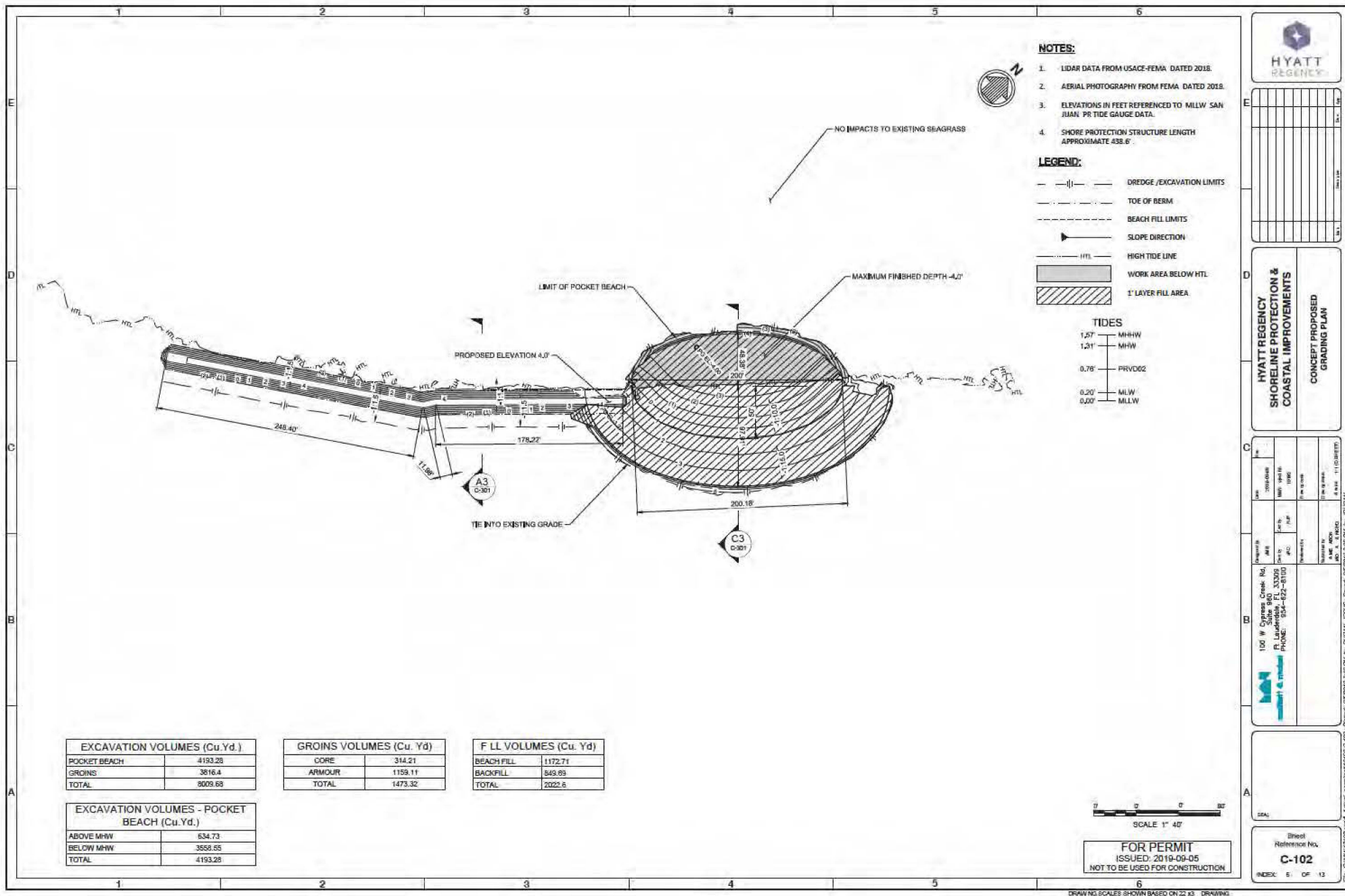












DRAWING SCALES SHOWN BASED ON 22 X3 DRAWING







**Figure 1 – Scattered Armor Stone**



**Figure 2 - Scattered Armor Stone, Rock and Debris**

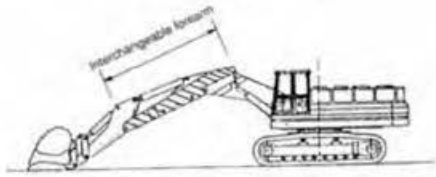


Figure 2 – Hydraulic Excavator Example

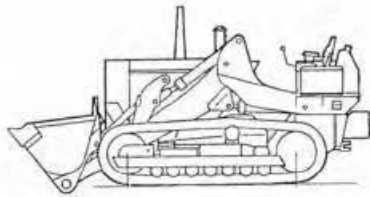
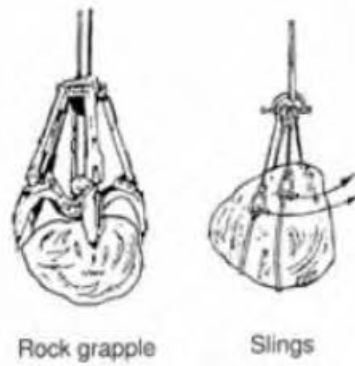


Figure 3 – Front End Loader Example



Figure 4 – Land-Based Beach & Marine Works





**Figure 5 – Typical Equipment Attachments for Rock Construction**



**Figure 6 – Land-Based Rock Relocation Example**



Figure 4 - Shoreline extent from which rock will be recovered

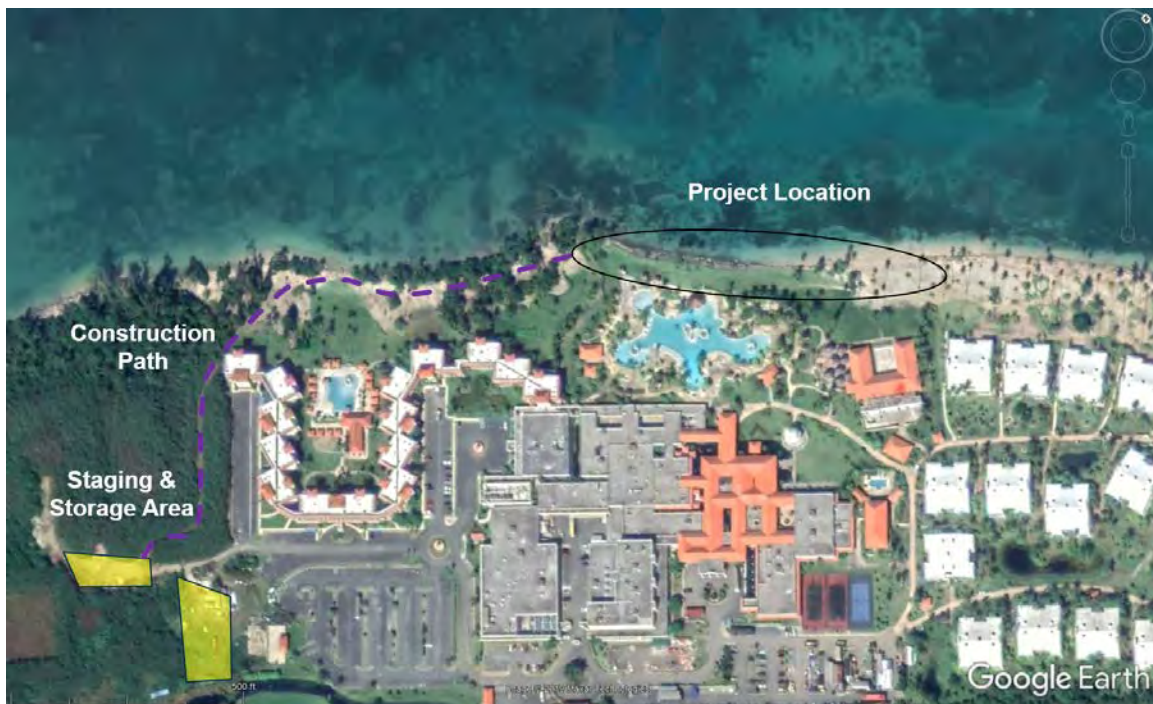


Figure 5 – Staging, Storage, and Construction Path



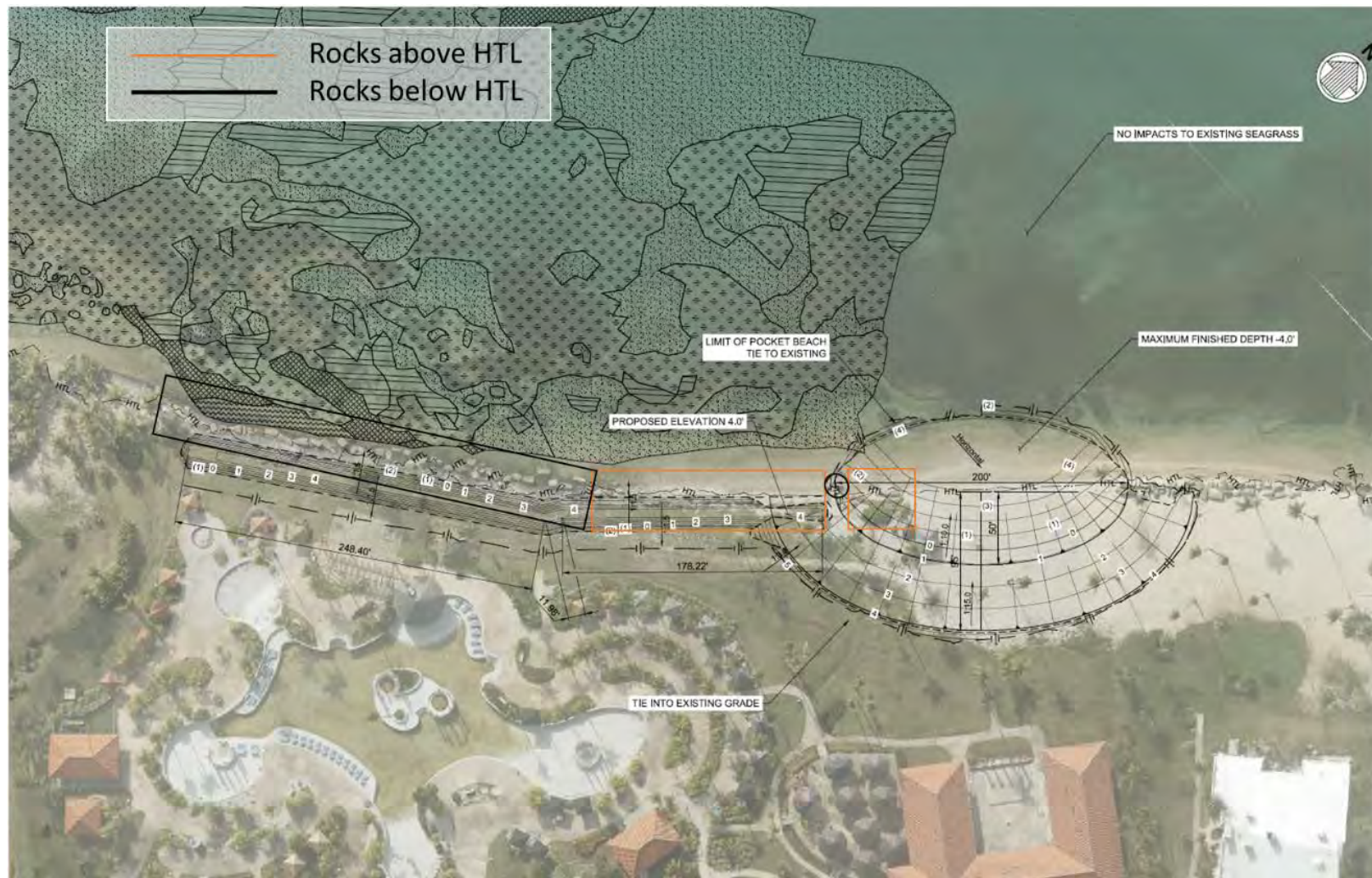


Figure 11 – Armor Stone Locations (Existing)



Figure 12 – Cross-Section Coastal Structure