



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

January 10, 2020

Regulatory Division  
South Branch  
Antilles Permits Section

## ***PUBLIC NOTICE***

Permit Application No. SAJ-2019-03649 (SP-DCM)

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 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403) as described below:

APPLICANT: Glenn Méndez  
P.O. Box 1810  
Isabela, Puerto Rico 00662

WATERWAY AND LOCATION: The project would affect navigable waters of the United States associated with Boquerón Bay, Cabo Rojo, Puerto Rico. The project site is located within the premises of the Boquerón Public Beach facilities, State Road PR-101, Km 18.1, Boquerón Ward, Cabo Rojo, Puerto Rico.

Directions to the site are as follows: From Cabo Rojo's downtown, take State Road PR-100 to the south. At the end of PR-100, turn right onto PR-101. Follow the road until you reach Km 18.1; then, turn left onto the access road to the Boquerón Public Beach.

APPROXIMATE CENTRAL COORDINATES: Latitude: 18.01976°  
Longitude: -67.17261°

### **PROJECT PURPOSE:**

Basic: Aquatic recreation

Overall: Establish an inflatable water park to expand the aquatic recreational activities and attractions available for tourists and locals at Boquerón Public Beach.

EXISTING CONDITIONS: Boquerón Bay lies on the southwest coast of Puerto Rico. The bay opens westward to the Guanajibo Channel, and is bordered by Boquerón Public Beach to the east, Boquerón State Forest and Punta Guaniquilla to the north, and Laguna Rincón, Los Pozos Beach and Punta Melones to the south. The bay hosts a highly touristic small village (Poblado de Boquerón), which has several hotels and guesthouses. There are also two marinas (Club Náutico de Boquerón and Boquerón

Marina) and several docks and boat ramps in the area. Because the bay is scenic and calm, it is heavily used for boating and other recreational activities, such as kayaking, jet skiing, and swimming. The proposed project site is located immediately off the shoreline of the Boquerón Public Beach, approximately 350 m south of the existing concrete dock within the public beach facilities.

The NOAA's Biogeography Program Benthic Habitat Maps depict that benthic habitats along the eastern margin of Boquerón Bay, where the proposed project would be located, are dominated by sandy sea bottom. Similarly, the information provided by the applicant indicates that the footprint of the proposed project would be located over sandy sea bottom with very limited rocks and sparse colonization by seagrass and macroalgae.

**PROPOSED WORK:** The applicant seeks authorization to install a seasonal, floating, recreational water park (Rock Bottom Water Park) consisting of several interconnected inflatable structures (including trampolines, slides, climbing pyramid, runways, ladders, and other obstacles), which would be enclosed within a safety barrier made with floating lines and buoys. The water park would be installed in waters ranging from 4 to 14.5 ft deep, and would extend approximately 246 ft seaward from the shoreline. The actual recreational floating structures of the park would cover a water surface area of approximately 230 ft long x 197 ft wide, equivalent to 1.04 acres (45,310 square feet). However, the safety barrier delimiting the water park would measure approximately 246 ft long x 213 ft wide, enclosing an area of about 1.2 acres. The proposed floating structures would be affixed to the marine bottom using 51 anchoring lines made of 3/8 inch in diameter polyester rope. The anchoring lines would connect to 36 helix round shaft anchors, which would be installed in sandy sea bottom. The floating safety barrier enclosing the water park would also be attached to the sea bottom with two additional helix round shaft anchors. The anchors would be installed manually by divers. Once the anchors are in place, the inflated floating structures would be towed into the water using kayaks and affixed to the anchors. The proposed floating structures would be installed once a year and would remain in place for approximately six months (April to September), unless inclement weather and/or rough sea conditions require earlier or temporary removal. Only the anchors would stay in place permanently.

#### CULTURAL RESOURCES:

The Corps has determined the proposed activity within the permit area is of such limited scope there is little likelihood of impact upon a historic property; therefore, the proposed project would have "No Potential to Cause Effect".

#### ENDANGERED SPECIES:

The Corps has determined the proposed project may affect, but is not likely to adversely affect the federally protected Hawksbill (*Eretmochelys imbricata*), Leatherback (*Dermochelys coriacea*), Loggerhead (*Caretta caretta*), and Green (*Chelonia mydas*) sea turtles; the federally protected Nassau grouper (*Epinephelus striatus*) and Giant manta ray

(*Manta birostris*); and the federally protected Antillean manatee (*Trichechus manatus manatus*), or their habitat. Via separate letter the Corps will request U.S. Fish and Wildlife and National Marine Fisheries Services concurrence with these determinations, as appropriate, 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. According to information provided by the applicant, the proposed project would impact approximately 1.2 acres of marine bottom, which may be utilized by various life stages of federally managed species within the U.S. Caribbean. Based on the available information, the Corps initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries in the Caribbean Sea. 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, Habitat Conservation Division.

**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.

**AUTHORIZATION FROM OTHER AGENCIES:** A Coastal Zone Management (CZM) consistency certification from the P.R. Planning Board would be required for this project.

**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. Ángel 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 waters of the United States. 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, Mrs. Deborah J. Cedeño-Maldonado, in writing at the Antilles Permits Section, Fund. Ángel Ramos Annex Bldg., Suite 202, 383 F.D. Roosevelt Ave., San Juan, Puerto Rico 00918; by electronic mail at [Deborah.J.Cedeno-Maldonado@usace.army.mil](mailto:Deborah.J.Cedeno-Maldonado@usace.army.mil); or, by telephone at (787) 289-7036.

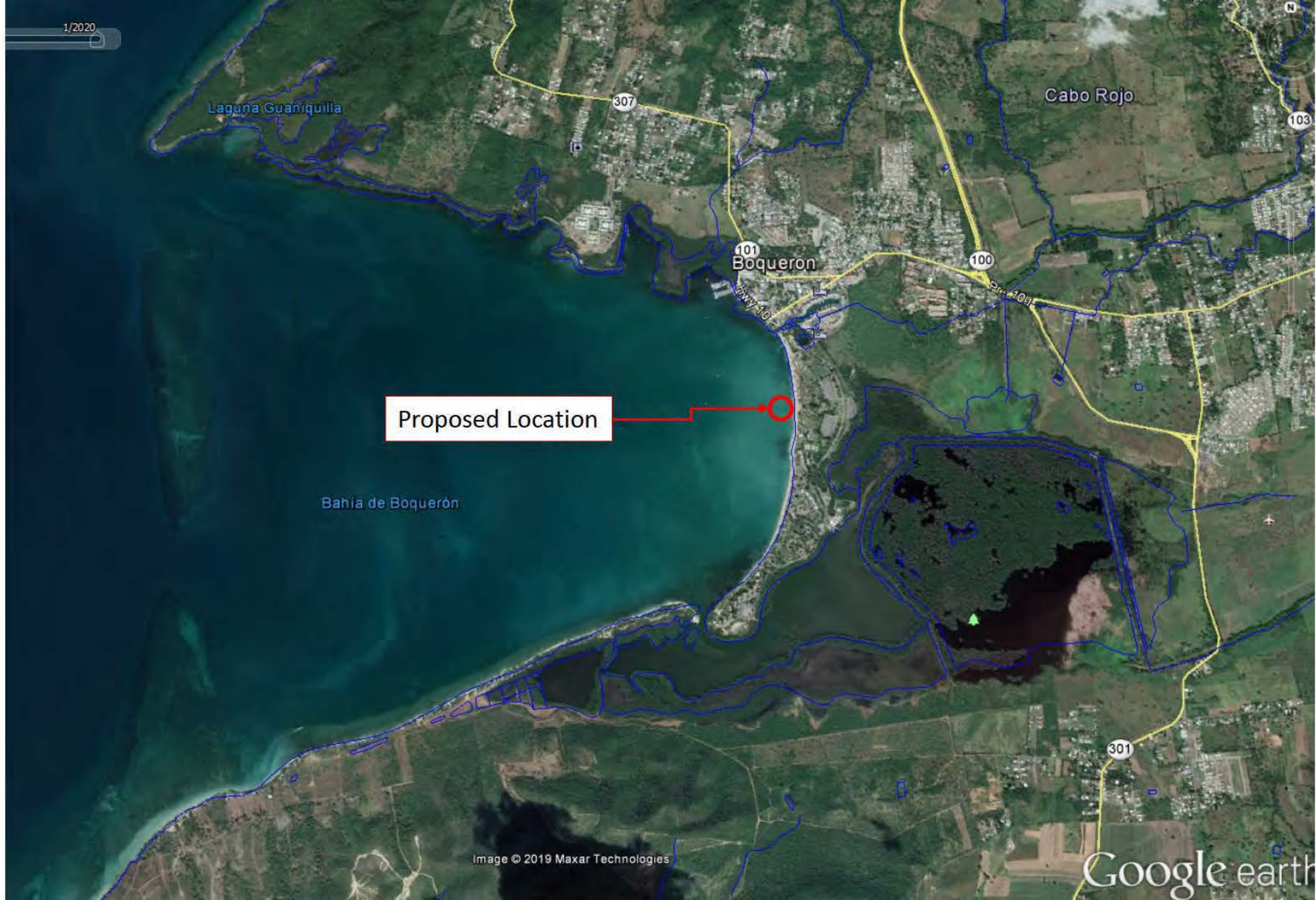
**IMPACT ON NATURAL RESOURCES:** Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information 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.







## Rock Bottom Water Park Project Components

