



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

October 13, 2020

Regulatory Division
South Branch
Antilles Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-1992-50067 (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 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: Hon. Carlos López-Bonilla, Mayor
Municipality of Rincón
P.O. Box 97
Rincón, Puerto Rico 00677

WATERWAY AND LOCATION: The project would affect waters of the United States associated with the Mona Passage. The project site would be located at Punta Ensenada, Black Eagle Road (which intersects Road PR-413 at Km 0.9), Ensenada Ward, Municipality of Rincón, Puerto Rico.

Directions to the site are as follows: From the Rincón town square (Muñoz Rivera Street), take Road PR-115; when you come to a fork on the road, go left onto PR-413 and continue driving until you reach the intersection with Black Eagle Road; turn left onto Black Eagle Road. The project site would be located at the end of this road.

APPROXIMATE CENTRAL COORDINATES: Latitude: 18.344249°
Longitude: - 67.259914°

BACKGROUND: On August 20, 2019, the Corps, Jacksonville District, Antilles Permits Section, issued a public notice regarding a permit application submitted by the Municipality of Rincón to re-open the former Marina de Rincón facility. All the comments and concerns received from the federal agencies (U.S. Fish and Wildlife Service, National Marine Fisheries Service – Protected Resources Division, and U.S. Environmental Protection Agency) and the general public in response to said public notice, as well as the Corps particular concerns related to this proposal were coordinated with the applicant via letter dated December 20, 2019. Upon considering all these comments and concerns, the applicant has decided to change the scope of the proposed work and is now proposing to improve the existing public boat ramp located immediately adjacent to the former Marina de Rincón, rather than re-opening the

marina. Therefore, in order to inform and grant the public the opportunity to provide comments on this new proposal, we are hereby issuing this new public notice.

PROJECT PURPOSE:

Basic: Boat launching facility

Overall: Improve and expand the only existing public boat launching ramp in Rincón to provide safe marine access for fishermen and boaters in the area.

EXISTING CONDITIONS: As previously mentioned, the proposed project site is located in the vicinity of Punta Ensenada, on the western coast of Puerto Rico. Punta Ensenada lies between the Tres Palmas Marine Reserve (which includes an extensive coral reef area parallel to the shoreline that features one of the healthiest and best-developed communities of the federally protected Elkhorn (*Acropora palmata*) coral in Puerto Rico) and the Rincón Public Beach. The existing boat launching ramp proposed to be improved adjoins the former Marina de Rincón facility (which has remained closed since 2004) and is specifically situated in a small cove where the entrance channel to the marina was located. The remnants of two breakwaters that flanked the marina entrance channel exist immediately west-southwest of the boat ramp. The former marina entrance channel is currently shoaled with sand, forming a small protected beach area. An extensive sandy beach adjoins the boat ramp to the east and continues southeast of the project area. The existing concrete boat ramp is in poor condition and currently serves as the only boat launching facility in Rincón. According to the information provided by the applicant, the exposure of the boat ramp to high wave energy often results in dangerous conditions for the launching of vessels. In addition, the inadequate design and limited dimensions of the boat ramp structure combined with the sand accumulation issues prevailing in the area, further limit its use, particularly for larger vessels and trailers.

The NOAA's Benthic Habitat Maps depict the immediate vicinity of the project area as consisting of reef/colonized bedrock and reef/scattered coral-rock. A report (dated July 2016) with the results of a qualitative assessment of the marine benthic communities in the general vicinity of the project area, which was submitted in support of the original proposed project, as well as a report of a recent qualitative benthic survey conducted in the vicinity of the existing boat ramp area describe that the footprint of the proposed boat ramp extension would occupy a sandy beach area with a submerged bedrock completely colonized by turf and fleshy algae (predominantly, the brown algae *Padina jamaicensis*), and with some sparsely distributed small encrusting colonies of *Siderastrea radians*. The reports do not indicate the presence of other coral species, including federally protected species, within or in the immediate vicinity of the boat ramp area.

With regards to federally protected sea turtles, fishes and mammals, the proposed project area lies within the distributional range of the Hawksbill (*Eretmochelys imbricata*), Green (*Chelonia mydas*), Loggerhead (*Caretta caretta*), and Leatherback

(*Dermochelys coriacea*) sea turtles, the Nassau grouper (*Epinephelus striatus*), the Scalloped hammerhead shark (*Sphyrna lewini*), and the Antillean manatee (*Trichechus manatus manatus*). In addition, adjacent sandy beach areas to the southeast of the boat ramp are reported nesting sites for the federally protected Hawksbill (*E. imbricata*) sea turtles.

PROPOSED WORK: The applicant seeks authorization to rehabilitate and expand the existing public boat launching ramp in Rincón. The existing concrete ramp structure measures about 85.3 ft (26 m) long x 13.1 ft (4 m) wide, and it would be expanded (widened) through the placement of pre-cast concrete slab units on fill made of clean coarse base material over a geotextile. The total dimensions of the proposed expanded boat ramp structure would be approximately 85.3 ft (26 m) long x 26.2 ft (8 m) wide on its landward side and 32.8 ft (10 m) wide on its seaward side. A concrete curb (8 inches tall x 8 inches wide) would be built along the eastern margin of the uplands portion of the expanded ramp. A stone revetment over geotextile would also be installed along the entire eastern margin of the expanded ramp to protect it from wave action. An articulated concrete block mat (ARMORFLEX) measuring 12 ft (3 m) long x 23 ft (7 m) wide would be installed at the toe of the boat ramp expansion area, which would require prior excavation/dredging of the area to achieve the toe elevation requirements. The top surface (2-4 inches) of the uplands portion of the existing boat ramp would be removed and replaced with a cast-in-place concrete topping. The proposed activities associated with the expansion of the boat ramp would require the discharge of fill material into approximately 0.036 acres of waters of the United States.

The proposed work would also include the excavation/removal of large rocks associated with the small breakwater located immediately west of the boat ramp for relocation to an adjacent uplands area. The rocks would be excavated/removed from an approximately 0.008 acres area of waters of the U.S. to ensure safe boat operations in the boat ramp area. All the proposed construction activities would be conducted from uplands and would require the use of heavy equipment, including a small crane, an excavator, a front loader and a backhoe. The applicant has explained that a physical barrier (such as sand-filled geotubes or similar structures) would be temporarily installed to isolate the in-water work area during project construction.

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:

With this new proposal, the applicant has significantly reduced the scope of the originally proposed work and the associated potential project impacts to sensitive aquatic resources and to the waters of the U.S. In addition, the applicant has avoided and/or minimized potential impacts to the aquatic environment by using pre-cast concrete units for the section of the boat ramp that would be expanded below the mean high tide line, rather than using cast-in place concrete. Also, the footprint of the proposed boat ramp expansion area would avoid seagrass beds and other sensitive benthic resources, and would be limited to colonized bedrock dominated by turf and

macroalgae, which is frequently covered by sand. Further avoidance and/or minimization of impacts to sensitive aquatic resources and the aquatic environment would be achieved through the implementation of water quality and sedimentation/turbidity control measures around the work areas during project construction (including the installation of sand-filled geotubes or similar structures around the in-water work areas) and conducting all proposed construction activities from uplands.

COMPENSATORY MITIGATION – The applicant has offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment:

No compensatory mitigation plan was offered for this proposal.

CULTURAL RESOURCES:

The Corps is not aware of any known historic properties within the permit area. By copy of this public notice, the Corps is providing information for review. Our final determination relative to historic resource impacts is subject to review by and coordination with the P.R. State Historic Preservation Officer.

ENDANGERED SPECIES:

The Corps has determined the proposed project may affect, but is not likely to adversely affect the federally protected Green (*C. mydas*), Loggerhead (*C. caretta*), Hawksbill (*E. imbricata*) and Leatherback (*D. coriacea*) sea turtles, the federally protected Antillean manatee (*T. manatus manatus*), and the federally protected Nassau grouper (*E. striatus*) and Scalloped hammerhead shark (*S. lewini*). Via separate letter the Corps will request U.S. Fish and Wildlife and National Marine Fisheries Service 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. The proposal would impact approximately 0.044 acres of marine bottom, which may be utilized by various life stages of some of the federally managed species within the U.S. Caribbean. Our 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.

SECTION 408: The applicant will not require permission under Section 14 of the Rivers and Harbors Act (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

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 Coastal Zone Management (CZM) consistency certification from the P.R. Planning Board would be required for this project. A Water Quality Certification from the P.R. Environmental Quality Board would also be 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. Ángel Ramos Annex Bldg., Suite 202, 383 F.D. Roosevelt Ave., San Juan, Puerto Rico 00918, within 15 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; 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 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 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.



