

Flores-Jatib, Christian - RD, San Juan, PR

From: Morales, Clery - RD, San Juan, PR
Sent: Friday, February 02, 2018 8:59 AM
To: Flores-Jatib, Christian - RD, San Juan, PR
Subject: FW: [CAUTION: Suspicious Link]Fwd: USDA/RD Section 7 consultation
Attachments: Manatee Conservation Measures January 2012.pdf; CONSERVATION MEASURES FOR THE PUERTO RICAN BOA.doc

FYI

Clery Morales / State Engineer / SEC
Rural Development
U.S. Department of Agriculture
654 Muñoz Rivera Ave., Suite 601 Hato Rey, PR 00918
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From: Dwight Rodriguez [mailto:drodriguez@integrapr.com]
Sent: Thursday, February 01, 2018 3:13 PM
To: Morales, Clery - RD, San Juan, PR <Clery.Morales@pr.usda.gov>
Cc: carlos baez <cbaez@integrapr.com>
Subject: [CAUTION: Suspicious Link]Fwd: USDA/RD Section 7 consultation

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Questions: Spam.Abuse@wdc.usda.gov

Saludos,

Adjunto comunicacion de Felix Lopez de FWS, donde indica que no sera necesario la consulta de Seccion 7, para los proyectos de agua y sanitario en RR.

Dwight Rodríguez, P.E., LEED-AP

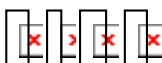
Integra Design Group, Architects & Engineers, PSC

San Juan, PR

787.767.2111 ext. 5523 or (787) 641-5523 (Direct extension)



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----- Forwarded message -----

From: **Lopez, Felix** <felix_lopez@fws.gov>

Date: Thu, Feb 1, 2018 at 3:01 PM

Subject: USDA/RD Section 7 consultation

To: Nereida.Rodriguez@pr.usda.gov, Dwight Rodriguez <drodriguez@integrapr.com>

Cc: Angel Colon-Santiago <angel_colon-santiago@fws.gov>

This is with regards to the Section 7 consultation for the proposed projects of improvements to the existing Drinking Water and Sewer Systems in the former base Roosevelt Roads in Ceiba.

We had provided comment to the consultant, Integra Design for both projects with some recommendations.

Since the project design has not changed enclosed are our comments:

Potable Water Infrastructure Improvements:

The majority of the work will be carried out either on existing facilities or in the case of water mains, along existing roads. In addition the contractor will have qualified personnel to assist with any wildlife related matters and follow the FWS parcel recommendations (US Navy 2005) and conservation measures.

Based on the project description we have the following comments and recommendations:

Standard boa conservation measures for construction activities should be implemented (see attachment).

Work should be constructed along existing right of ways, no additional vegetation clearance or ground disturbance should be allowed.

Based on the information provided, we believe that the proposed project may affect but is not likely to adversely affect the listed species in the area.

Therefore, no further consultation is required. Nevertheless, if the project is modified or if information on impacts to listed species becomes available this office should be contacted concerning the need for the initiation of consultation under section 7 of the Act.

For the Waste Water Infrastructure Improvements:

The listed plant cóbana negra (*Stahlia monosperma*) could be found along the margins of wetlands, salt flats, or coastal areas. Manatees (*Trichechus manatus manatus*) are found throughout Ensenada Honda Bay and the RRNS coastal waters.

Maintaining the former level of tertiary waste water treatment including a level of de-chlorination is important in protecting the near shore marine ecosystems of the area and in particular the manatee. The freshwater discharged from the outfall could be used by manatees as a drinking water source. This as previously been observed in RRNS at the Cape Hart WWTP.

Based on the project description we have the following comments and recommendations:

Standard boa conservation measures for construction activities should be implemented (see attachment).

Work should be constructed along existing right of ways, no additional vegetation clearance or ground disturbance should be allowed.

Since the outfall may attract manatees, manatee conservation measures should be developed and incorporated into the operation of the facility and outfall.

**T
he water quality at the outfall**

**should be
maintained to previous levels**

**to minimize
impacts to listed species or their habitats.**

Given the site and the scope of the project, we believe that the proposed activities are not likely to adversely affect these species.

Therefore, no further consultation is required. Nevertheless, if the project is modified or if information on impacts to listed species becomes available this office should be contacted concerning the need for the initiation of consultation under section 7 of the Act.

--

Felix Lopez
USFWS Caribbean Field Office
cel. [787 510-5208](tel:7875105208)

No one seems to know what it is we do, but we are the only ones that can do it, and we do it well.

"People will generally accept facts as truth only if the facts agree with what they already believe."- Andy Rooney



U.S. FISH & WILDLIFE SERVICE
CARIBBEAN ECOLOGICAL SERVICES FIELD OFFICE
JANUARY 2012

TECHNICAL ASSISTANCE TO EVALUATE EFFECTS ON ANTILLEAN MANATEES

The Service considers shallow coastal areas, bays, estuaries, river mouths and mangrove lagoon ecosystems as important for the conservation of the Antillean manatee because these areas contain all the natural elements preferred by manatees: abundant sea grass relatively calm waters, sheltered spots, and freshwater sources, as well as a relatively low number of boats within the bay. Actions proposed for these areas should be carefully examined, to ensure that elements required by this species are not compromised.

To evaluate the potential effect of proposed action on manatees, we need the applicants to address the following issues:

1. Type and amount of watercraft associated to the project
2. Amount of boat facilities (e.g. ramps, piers, dry-stacks, buoys, among others)
3. Amount of habitat to be affected (e.g. acres of sea grasses and/or mangroves)
4. Provisions / restrictions to be taken to prevent collisions with manatees (e.g. delineation of an entrance channel, marking buoys, navigation aids, among others).
5. Outreach efforts to be implemented concerning boat operation. One of the main components of a successful operation of facilities that implement mechanisms to safeguard threatened and endangered species is a comprehensive outreach program that clearly indicates to the public 1) the actions that the facility is undertaking to protect such species (including assurances on the implementation of protection measures), and 2) the activities that the public should take to minimize or prevent impacts to sensitive species and their habitats. Guidelines for safe operation of watercrafts should be included as part of the outreach/education component of the proposed project (example attached below).
6. Any other site-specific conservation measure applicable for the project.

EXAMPLE OF CONSERVATION MEASURES FOR IN-WATER PROJECTS (INCLUDING DREDGING ACTIVITIES)

The following manatee conservation measures are recommended:

1. The contractor instructs all personnel associated with construction of the facility of the presence of manatees and the need to avoid collisions with manatees.
2. All construction personnel will be advised that there are civil and criminal penalties for harming, harassing, or killing manatees, which are protected under the Endangered Species Act of 1973 and the Marine Mammal Protection Act of 1972. The permit holder and/or contractor will be held responsible for any manatee harmed, harassed, or killed as a result of construction of the project.

3. The project work area shall be surveyed for the presence of manatees at least one hour before any dredging starts and prior to the installation of the silt fence. If manatees are found before any in-water project activity starts, the contractor shall wait for the manatee to leave the area by itself and be at least 100 feet from the project in-water area. Manatees must not be herded or harassed into leaving the area.
4. Siltation barriers will be made of material in which manatee cannot become entangled, are properly secured, and are regularly monitored to avoid manatee entrapment. Barriers must not block manatee entry to or exit from essential habitat.
5. All vessels associated with the project construction will operate at “no-wake/idle” speed at all times while in water within manatee areas and vessels will follow routes of deep water whenever possible.
6. If manatees are seen within 100 yards (300 feet) of the in-water work area, all appropriate precautions shall be implemented to ensure protection of the manatees. These precautions shall include operating all equipment in such a manner that moving equipment does not come any closer than 50 to 100 feet of any manatee. If a manatee is within 50 feet of in-water work, all in-water activities must shut down, until manatee moves on its own at least 100 feet away from the in-water work area. Manatees must not be herded or harassed into leaving the area.
7. Any collision with and/or injury to a manatee shall be reported immediately to the Department of Natural and Environmental Resources Law Enforcement (787-724-5700) and the USFWS Caribbean Ecological Services Field Office (787-851-7297).
8. The contractor shall keep a log detailing sightings, collisions, or injury to manatees, which have occurred during the contract period. Following project completion, a report summarizing the above incidents and sightings will be submitted to the U.S. Fish and Wildlife Service, Caribbean Ecological Services Field Office, P.O. Box 491, Boquerón, Puerto Rico 00622.
9. The permit holder and/or contractor shall install and maintain temporary and permanent manatee signs as recommended by the following guidelines:
 - a. Signs must be placed in a prominent location for maximum visibility. Areas that are recommended include: dock walkways, dock master offices, near restrooms or other high patron foot traffic areas.
 - b. Signs must be replaced when faded, damaged or outdated.
 - c. If the facility is large or has multiple docks with separate walkways that are a considerable distance apart, multiple signs should be installed.
 - d. These signs must not face the water, must never be attached to pilings or navigational markers in the water. Some exceptions to signs facing the water exist for temporary signs during in-water work.
 - e. For durability, all signs should be fiberglass, PVC or metal with rounded corners (hand-sanded to remove all sharp edges and burrs), constructed of 0.08 Gauge 5052-H38 Aluminum with an Alodine 1200 conversion coating and Engineer Grade Type I reflective sheeting. Signs constructed to other specifications may not provide durability acceptable to the consumer.
 - f. Signs other than depicted may be considered, but should be approved by USFWS.

PRECAUCIÓN: HÁBITAT DE MANATÍ
CAUTION: MANATEE HABITAT

Toda embarcación
VELOCIDAD MÁXIMA 5MPH
All project vessels **IDLE SPEED/NO WAKE**

Si observa un manatí a 50 pies o menos del área de trabajo,
toda actividad en el agua debe

DETENERSE

When a manatee is within 50 feet of work all in-water activities must **SHUT DOWN**

Informe cualquier accidente con un manatí.
Report any collision with or injury to a manatee.

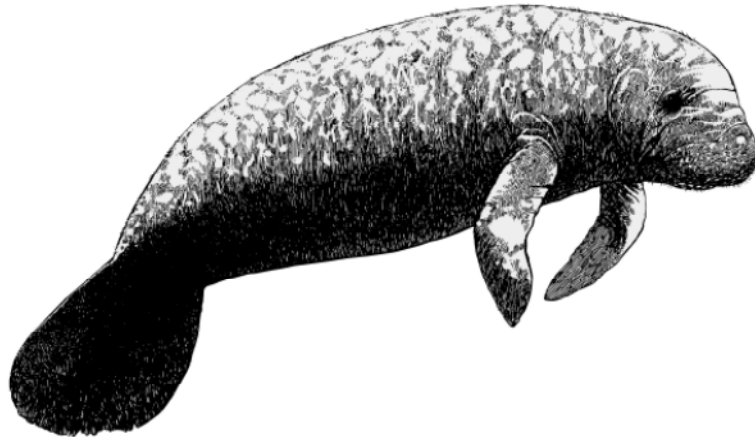


Vigilantes DRNA
(787)724-5700

This **temporary** bilingual sign is required as part of the standard manatee construction conditions and is intended to be placed near dredge, tugboat and work boat operators. Minimum size should be at least 8½" inches tall by 11" inches wide, and besides the above recommendation, the sign may be in laminated paper. This sign shall be installed or distributed prior to the initiation of construction. Temporary signs will be removed by the permit holder upon completion of construction.

To obtain a ready to print copy of this sign, please contact the USFWS Caribbean Ecological Services Field Office at 787-851-7297 ext. 220 or by email at jan_zegarra@fws.gov

PRECAUCIÓN
Manatíes en el Área
Caution: Watch for Manatees



VELOCIDAD MÁXIMA 5MPH
IDLE SPEED/NO WAKE

Informe cualquier accidente con un manatí.

Vigilantes DRNA
(787) 724-5700

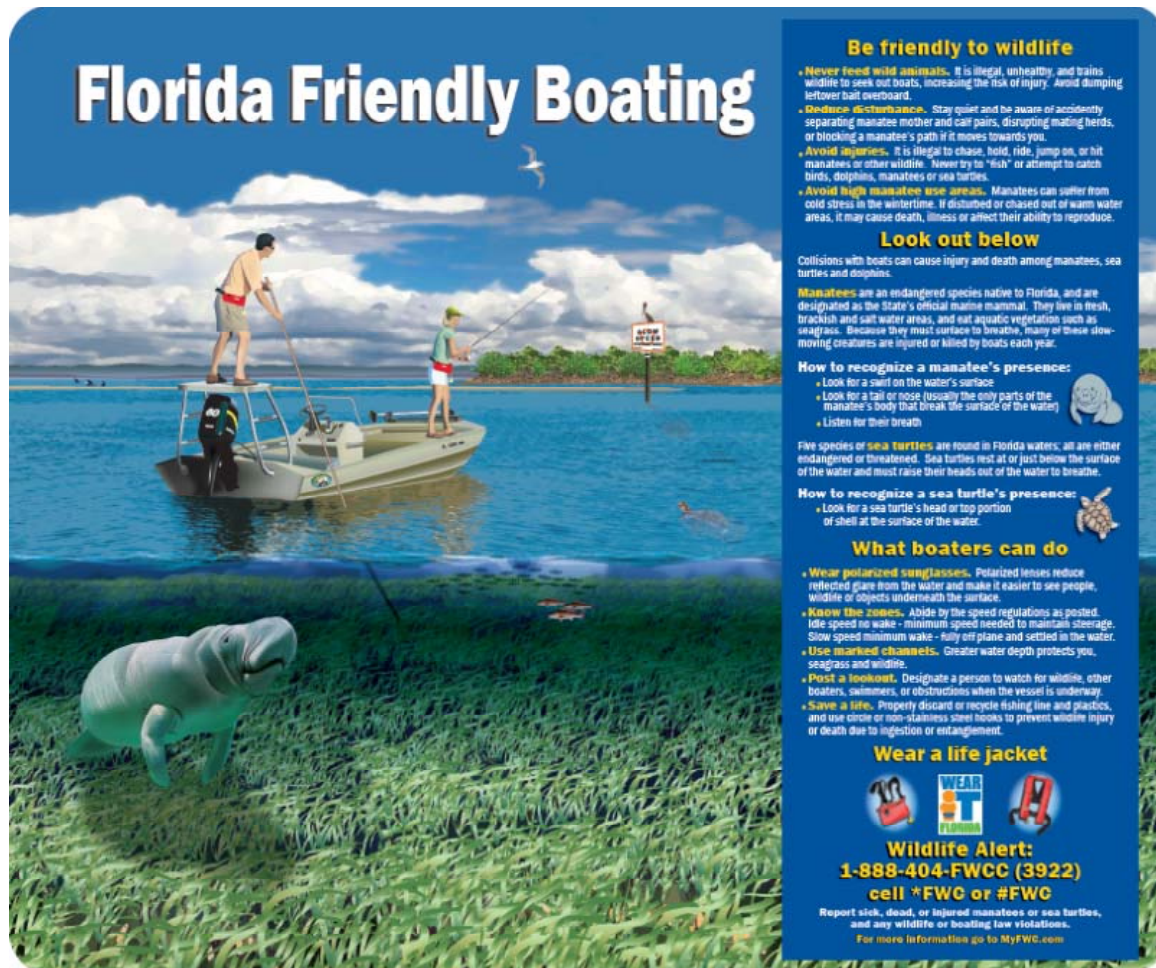
Report collisions, sick, dead or injured manatees.

This **permanent** bilingual sign is required as part of the standard manatee construction conditions and is intended to be placed within docking and launching facilities. Minimum size should be at least 30" inches tall by 24" inches wide with rounded corners. This sign shall be installed prior, during or after project construction. This permanent sign may not be required for coastal projects that **do not** have docking and/or launching facilities.

To obtain a ready to print copy of this sign, please contact the USFWS Caribbean Ecological Services Field Office at 787-851-7297 ext. 220 or by email at jan_zegarra@fws.gov

10. A permanent bilingual manatee educational sign should be installed and maintained prior to mooring occupancy at a prominent location to increase the awareness of boaters using the facility of boats to these animals. The numbers of educational signs that may be installed will depend on the docking facility design. One manatee educational sign is recommended at each boat ramp or travel lift (if applicable). Manatee educational signs remain the responsibility of the owner(s) and the Service recommends the signs be maintained for the life of the docking facility in a manner acceptable to the Corps of Engineers.

EXAMPLE MANATEE EDUCATIONAL SIGN



This **permanent** educational sign should have a minimum size of at least 30" inches tall by 36" inches wide with rounded corners.

11. A notarized verification letter stating that permanent signs have been installed at designated locations shall be forwarded to the Corps of Engineers, Antilles Regulatory Section, as soon as they are installed. Signs and pilings remain the responsibility of the owner(s) and are to be maintained for the life of the docking and launching facility in a manner acceptable to the Corps of Engineers.
12. Signs other than depicted above may be considered, but should be approved by USFWS. Signs shall have at least the following minimal recommend information:
 - a. Temporary bilingual signs:

PRECAUCIÓN
MANATÍES EN EL ÁREA
Mantenga velocidad de 5 mph dentro del área de construcción
Informe cualquier incidente con un manatí
Vigilantes DRNA 787-724-5700

CAUTION
MANATEES IN THE AREA
Maintain idle speed/no wake (5 mph) within construction site
Report any collisions with or injury to a manatee

- b. Permanent bilingual signs:

PRECAUCIÓN
MANATÍES EN EL ÁREA
Velocidad máxima 5 mph
Informe cualquier incidente con un manatí
Vigilantes DRNA 787-724-5700

CAUTION
MANATEES IN THE AREA
Idle speed/No wake (5 mph) zone
Report collisions, sick, dead or injured manatees

- c. Permanent bilingual educational sign and some of the of the recommended information it should include:

GUÍA PARA LA PROTECCIÓN Y CONSERVACIÓN DEL MANATÍ
(MANATEE PROTECTION AND CONSERVATION GUIDELINES)

1. Utilice gafas polarizadas mientras navega. Éstas ayudan a detectar mejor al manatí, las áreas llanas y cualquier obstáculo en el mar. (*Use polarized sunglasses while navigating. These help to detect any manatee, shallow waters and any other obstacle in the wáter.*)
2. Si usted ve un manatí en la trayectoria de su embarcación, reduzca la velocidad a 5 mph y conduzca la embarcación fuera del paso del manatí o espere a que el manatí salga del área poniendo su embarcación en neutro. (*If you see a manatee within the*

path of your vessel, reduce the velocity to 5 mph and turn your vessel away from the manatee's path or wait until the manatee has moved from the area by putting your vessel in neutral.)

3. Luego de asegurarse de que el manatí esté fuera de la trayectoria de su embarcación, continúe navegando despacio (no más de 5 mph) hasta que su embarcación se encuentre a no menos de 50 pies (15 metros) del manatí. *(After you are certain that the manatee is well outside of the path of your vessel, resume navigation slowly (not more than 5 mph) until your vessel is not less than 50 feet (15 meters) away from the manatee.)*
4. Obedezca las zonas con límites de velocidad y reduzca la velocidad en aguas llanas menores a 10 pies de profundidad en particular cerca de la costa, en las desembocaduras de ríos, en praderas de hierbas marinas y manglares. *(Obey regulatory speed zones and reduce velocity in shallow waters less than 10 feet, particularly close to the coast, in river mouths, in sea grass beds and mangroves.)*
5. Si observa un manatí mientras usted está en el agua, obsérvelo pasivamente, no lo persiga, acose o lo toque. *(If you observe a manatee while in the water, passively observe it, do not follow it, nor harass or touch.)*
6. No tire basura al agua. El manatí puede ingerirla o enredarse en ella, lo cual podría causarle heridas o la muerte. *(Do not throw trash in the water. Manatees may ingest or entangle on trash, which may injure or kill it.)*
7. Nunca alimente o le ofrezca agua a un manatí. Es ilegal y los malacostumbra a acercarse a lugares donde pueden ser lastimados. *(Never feed or give water to a manatee. It is illegal and will wrongly habituate them to approach areas where they can be injured.)*

Informe accidentes con un manatí inmediatamente. Si encuentra un bebé manatí solo, en peligro, herido o muerto, llame al Cuerpo de Vigilantes del Departamento de Recursos Naturales y Ambientales al 787-724-5700 o al Programa de Rescate de Mamíferos Marinos al 787-833-2025, 787-538-4684 ó 787-645-5593. *(Inform any accident with a manatee immediately. If you find a baby manatee alone, in danger, injured or dead, call the Department of Natural and Environmental Resources Law Enforcement at 787-724-5700 or the Marine Mammal Rescue Program at 787-833-2025, 787-538-4684 or 787-645-5593.)*

Herir o matar un manatí puede conllevar multas de más de \$50,000 y/o no menos de dos años de cárcel. ¡EVÍTESE ESE RIESGO!
(Harming or killing a manatee could carry fines of more than \$50,000 and/or not less than two years in prison. AVOID THIS RISK!)

GRACIAS POR AYUDAR A SALVAR LOS MANATÍES
THANKS FOR HELPING SAVE THE MANATEES

CONSERVATION MEASURES FOR THE PUERTO RICAN BOA - USFWS

General Information:

The Endangered Puerto Rican boa (*Epicrates inornatus*) is an endemic species and it is the largest snake that inhabits the Puerto Rico Island Shelf. The color and pattern of the Puerto Rican boa is highly variable. The species color can range from tan to dark brown with irregular diffuse marking on the dorsum but some individuals lack marking and are uniformly dark. Juveniles have reddish brown ground color with numerous pronounced markings. The Puerto Rican boa can be found in the habitat range from the sea level to about 400 m of elevation. The boa tolerates a wide variety of habitat types ranging from wet montane to subtropical dry forest and can be found from virgin forest to areas that exhibit various degrees of human disturbance like roadside or out buildings. Boas are more active at night, remaining less active concealed or basking in the sun during the day. The U.S. Fish and Wildlife Service (Federal Register October 13, 1970) listed the Puerto Rican boa (*Epicrates inornatus*) as endangered in 1970 and it is protected by the Endangered Species Act of 1973, as amended. Any person that injures, captures, or kills a Puerto Rican boa is subject to penalties under federal law of up to \$100,000, one year in prison or a combination of both.



Recommendations:

The U.S. Fish and Wildlife Service (hereafter the Service) has developed recommendations to avoid or minimize impacts on the boa during a project development in an area where the boa may occur. The recommendations are the following:

1. Prior to any earth movements or vegetation clearing, the boundaries of the project area, the buffer areas and areas to be protected should be clearly marked in the project plan and in the field.
2. A pre-construction meeting should be conducted to inform supervisors and employees about the conservation of protected species, as well as penalties for harassing or harming such species.
3. Prior to any use of machinery on areas where the boa may occur, the vegetation should be cleared by hand to provide time to the boa, if present, to be detected or move away from the area. All personnel involved in site clearing must be informed of the potential presence of the snake, and the importance of protecting the snakes.
4. Site personnel should be conscious of the possibility of boas sunning in open areas.
5. Before activities commence each workday during the vegetation clearing phase, the experienced personnel in identifying and searching for boas should survey the areas to be cleared that day, to ensure that boas are not present or affected within the work area. If boas are found within the working area, activities should stop at the area where the boas are found until the boas move out of the area on their own. Activities at other work sites, where no boas have been found after surveying the area, may continue. If relocation of the species is necessary, any relocated boas should be transferred by authorized personnel of the Department of Natural and Environmental Resources (DNER) to appropriate habitat close to the project site. Any findings should be reported to the Service and to the DNER Ranger office so they can further assist you in developing sound conservation measures and specific recommendations to avoid, minimize and/or compensate for any impacts to this species.
6. Strict measures should be established to minimize boa casualties by motor vehicles or other equipment. Before operating or moving equipment and vehicles in staging areas near potential boa habitats (within 25 meters of potential boa habitat), these should be thoroughly inspected to ensure that no boas are lodged in the standing equipment or vehicles. If boas are found within vehicles or equipment, authorized personnel of DNER must be notified immediately for proper handling and relocation. Any relocated boas should be transferred to appropriate habitat close to the project site.