

INSTITUTO DE CULTURA PUERTORRIQUEÑA

Apartado 4184
SAN JUAN DE PUERTO RICO 00902-4184

17 de octubre de 1996

Sr. Morris Demel
CONSTRUCTION TEAM, S.E.
155 Luna
San Juan PR 00901

Estimado señor Demel:

EVAL. ARQ/LCA. FASES IA-IB
SEAVIEW GARDEN, HUMACAO, PR

El Programa de Arqueología del Instituto de Cultura Puertorriqueña ha recibido el estudio arqueológico realizado por el Arql. Jesús Vega al proyecto de referencia. El mismo cumple adecuadamente con los requerimientos vigentes para este nivel de investigación de recursos culturales. A tales efectos, estamos emitiendo un endoso al proyecto en su aspecto arqueológico.

Le recordamos, sin embargo, que de acuerdo a lo establecido por la Ley 112 del 20 de julio de 1988 de encontrar algún vestigio cultural al momento del movimiento de terreno se deberá detener el proyecto y notificar al Instituto de Cultura Puertorriqueña.

Aprovechamos la oportunidad para reconocer su interés y colaboración en el estudio y la protección del patrimonio arqueológico del pueblo puertorriqueño.

Cordialmente,


Hernán Ortiz Montañez
Director Interino
Programa de Arqueología

rnd

cf: Arql. Jesús Vega
Sr. Luis Frías Taboas #CONS. JP. 96-51-0364-JPU-ISV



United States Department of the Interior



FISH & WILDLIFE SERVICE

Boqueron Field Office
Carr. 301, KM 5.1, Bo. Corozo
P.O. Box 491
Boqueron, PR 00622

OCT 14 2004

Ms. Inés O'Neill, Director
Office of Environmental Consultation
and Evaluation
Department of Housing
P.O. Box 21365
San Juan, Puerto Rico 00928

Re: Sea View II- PEIS. Antón Ruiz and Río
Abajo Wards, Humacao

Dear Ms. O'Neill:

This letter responds to your request for comments on the above referenced Preliminary Environmental Impact Statement (P-EIS) for the construction of 720 housing units on nine clusters of 80 units each, in a property of about 450 "cuerdas". Each cluster will be located on the top of nine hills and cover an area of about 7 acres, for a total of about 81 cuerdas. The approximately 369 cuerdas of remaining property would not be developed. One road would connect all nine clusters with the entrance and exit of the project. Please refer to Project Identification Number 69-098-05-0014, in future correspondence.

The following comments are provided as technical assistance pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531, 87 Stat. 884; *et seq.*), as amended. The Service commented in a previous letter of October 29, 2003 that the proposed project lies within the range of the endangered Puerto Rican plain pigeon (*Columba inornata wemorei*) and Puerto Rican boa (*Epicrates inornatus*). The information and aerial pictures provided, as well as the topography and soil composition of the area, suggest that habitat for these two species may exist within the proposed project location; particularly areas of mature secondary vegetation and forested areas on the steeper hill slopes. No surveys designed specifically to detect the Puerto Rican boa and Puerto Rican plain pigeon were conducted within the project property.

After reviewing the P-EIS we believe that, to minimize or prevent any effects of the proposed action on these species, the following conditions must be incorporated as part of the project proposal:

- A. Prior to any earth movements, the boundaries of the construction area, and any staging areas, should be clearly marked in the field. Project plans, specifications.

and construction contracts should clearly indicate the project layout, the boundaries, staging areas, buffer areas, and areas to be protected. These areas should be clearly marked in the field. The Service should be provided with copies of such plans and specifications for review, prior to the beginning of construction. The Service and the Applicant should make a visit to the site prior to construction, to review fencing, signing, or other mechanisms used to mark limits of such areas, as well as ensuring that staging areas are located away from sensitive areas. The Applicant should contact the Service at least two weeks prior of the projected date for initiation of any earth movement to coordinate the site visit. An agreement between the Service and the Applicant on the location of staging areas and construction boundaries must be reached (*in situ* or thereafter) before earth movement activities begin.

- B. A biologist with experience identifying and locating Puerto Rican boas should conduct a survey of all areas to be affected by the proposed project at the start of each extraction event, to ensure that no boas are present or impacted. Before operating or moving equipment and vehicles in staging areas or near potential boa habitats during the construction phase, these should be thoroughly inspected by the biologist to ensure that no boas are lodged in the standing equipment or vehicles. If boas are found within vehicles or equipment, the biologist must be notified immediately for proper handling and relocation. Any relocated boas should be transferred to appropriate habitat within the project site.
- C. Before activities commence each workday during the construction phase, the biologist should survey the areas to be cleared that day, to ensure that boas are not found within the construction/work area. If boas are found within the construction area, no earth movement activities should begin at the site where the boas are found until the boas move out of the area on their own. Construction and activities at other work sites, where no boas have been found after surveying the area, may continue.
- D. A complete protocol on actions to be followed when boas are encountered (including handling, notification procedures, and disposition of specimens) by construction personnel, residents, and visitors to the project site, should be submitted to the Service for review and approval.
- E. Security personnel should be instructed to be aware of poaching events within the property, and the actions to be followed if poaching is detected. A protocol should be developed concerning the actions to be followed by security personnel if illegal capture of boas within the project property is detected. This protocol should be reviewed and approved by the Service.

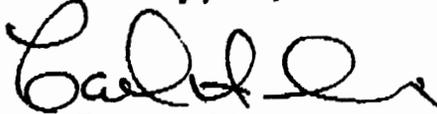
- F. Strict measures should be established to minimize boa casualties by motor vehicles, including the implementation of speed regulations and installation of "boa caution" road signs wherever a road borders potential boa habitat.
- G. Detailed surveys to detect plain pigeon nesting, roosting, or feeding activities should be conducted by a qualified biologist with experience searching and identifying Puerto Rican plain pigeons, prior to any land clearing or construction activities within or adjacent to potential habitat for this species. ^{descansando} A protocol to conduct these surveys should be reviewed and approved by the Service. If feeding or roosting is detected, construction activities should not begin until the foraging or roosting plain pigeons move out of the area on their own. If nesting is detected, land-clearing activities within a 100-meter (330 feet) radius of the nest sites should not begin until the end of the nesting activities (fledging period).
- H. A mechanism to ensure the protection and conservation in perpetuity of the 369 remaining cuerdas should be identified and formalized (e.g., conservation easements, deed restrictions, transfer of land to non-profit conservation organization or natural resource agency). The Service should be notified of the selected entity or conservation mechanism.
- I. An outreach/education plan should be implemented to inform project residents, guests, employees, and the general public about the conservation of protected species, as well as penalties for harassing or harming such species.

In the event that the proposed project is modified, or if additional information on potential impacts of the proposed action on listed species becomes available, we suggest that you consult this office again for any guidance under the Endangered Species Act.

Thank you for the opportunity to comment on this project, and please do not hesitate to contact

Dr. Jorge E. Saliva from our staff at 787/851-7297, extension 224, should you have any questions concerning our comments.

Sincerely yours,



Carlos A. Díaz
Assistant Field Supervisor

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cc: Ms. Diana E. Pérez, PRPB, San Juan
EQB, San Juan
ARPE, Cayey
DNER, San Juan
COE, San Juan
HUD, San Juan
DNER, San Juan
Municipality of Humacao
Gómez, Piñero, & Associates, Santurce