BIOLOGICAL ASSESSMENT CONTENT

Project Description

1) Provide the location of the proposed activity including state, county, and township, range and section.

2) Provide a locator map showing the project location, major roads and roads in the immediate vicinity of the project. Provide a vicinity map with the boundary of the proposed project depicted. Scale should be adequate to orient someone unfamiliar with project or project area. Provide a photograph or a blue-line aerial, scale of 1 to 400, showing boundaries and an area of at least 500 feet surrounding project area. Other site plans or design drawings may also be included.

3) Provide a detailed description of the proposed activity, including secondary project features such as access roads, power lines, etc.

4) Describe construction and operation activities and the expected timing of these activities if known.

Site Specific Information

1) Identify listed, proposed and candidate species that are known or that can be expected to occur within the project vicinity either seasonally or temporarily. Descriptions of the life history of these species are not necessary.

2) Provide a description of the habitat and/or plant communities associated with the species found onsite and within the project vicinity that would potentially be affected by the action.

3) Provide a description of survey methods and survey results of listed, proposed or candidate species or their habitat that were conducted within the vicinity of the project areas.

4) Provide information obtained from local biologists that are familiar with the project areas and species in question.

Effects of the Action

Direct and indirect effects:

1) Describe and analyze the effects of the action that would have a direct effect on the species, for example, actions that would immediately remove or destroy habitats or displace animals or plants, etc.

2) Describe and analyze the effects of the action that would indirectly affect the species, for example, effects to individuals or habitat that would occur later in time, such as actions that

would affect a species food supply, etc.

Interdependent and interrelated effects:

1) Describe and analyze the effects of interdependent actions. These are actions that have no independent utility apart from the primary action. Examples of interdependent actions for a marina might include the construction, maintenance, and use of a road required to access the marina.

2) Describe and analyze the effects of interrelated actions. These are actions that are part of the primary action and dependent upon that primary action for their justification. Examples of interrelated activities for a marina might include the operation of boat services, stores, restaurants, and other marina facilities.

Both the interdependent and interrelated activities are assessed by applying the "but for" test, which asks whether any action and its associated impacts would occur "but for" the proposed action.

Cumulative effects:

1) Describe and analyze the effects of actions that are cumulative to the primary action. Cumulative effects include the effects of unrelated future state or private activities, not Federal activities, that are reasonably certain to occur[1] within the project area. An example of an action that could be considered cumulative to the primary action would be a future housing development located adjacent to the Federal activity of building a highway. Care should be taken to assure that the development would not involve Federal authorization or funding.

Any research findings that are used in the analysis of the effects of an action should be cited. This adds to the credibility of the analysis.

Incidental Take

1) Every effort should be expended to assess whether or not take of a listed species is likely to result from a proposed activity. Numbers of individuals likely to be taken should be provided.

2) Take as defined in Section 3(18) of the Act means to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct."

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[1] A future activity is "reasonably certain" to occur if it is likely to occur considering economic, administrative, or legal hurdles; implementation of the activity need not be guaranteed.

3) Incidental take as defined in Section 10(a)(l)(B) of the Act means any taking otherwise prohibited by Section 9(a)(1)(B) if such taking is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity.

4) Incidental take may occur to individuals of a species, not to a species' habitat or to designated critical habitat. The incidentals take prohibition does not extend to proposed or candidate species.

Conservation Measures

1) Conservation measures are actions that, when implemented by the Federal agency or applicant, would reduce or eliminate the adverse impacts of the proposed activity.

2) Conservation measures may be minor alterations in the proposed activity such as timing restrictions, access road closures, or changes in project features or location. The measures should be as specific as possible.

3) Conservation measures may be developed with the assistance of the Service with the objective of reducing significant project impacts. These measures would assist in compliance under the Act through the informal section 7 process.

Determination of Effect

1) The finding or determination of effect is the conclusion of the assessment and indicates the overall effect of the proposed activity to a listed species or designated critical habitat. This finding must be supported by the documentation presented in the biological assessment.

2) The finding of effect may only be made by the Federal agency. A recommended finding may be presented to the Federal agency by the non-Federal representative.

3) The Federal agency may make only one of the following determinations of effect:

No effect

May effect, beneficial effect

May effect, not likely to adversely affect

May effect, likely to adversely affect

4) Determinations of "beneficial effect" must be presented to the Service for written concurrence and, at the discretion of the Service, possible formal consultation.

5) Determinations of "no effect" do not require written concurrence from the Service unless

it's an EIS. The Service may request copies of no effect assessments for our files. Written concurrence from the Service for no effect determinations may be provided on request.

6) Determinations of "may affect, not likely to adversely affect" may be provided for projects that may affect a listed species, but the impacts are likely to be insignificant or discountable. This conclusion is usually reached through the informal consultation process and requires written concurrence from the Service.

7) Determinations of "may affect, likely to adversely affect" would be appropriate for actions that have significant effects to listed species, and for which no conservation measures are available to significantly reduce or eliminate project impacts. This finding requires the Federal agency to initiate formal section 7 consultation under the Act. A written request for formal consultation should accompany the biological assessment.

8) Similar findings of effect are to be made for designated critical habitat(s).

9) Determinations "no jeopardy" or "jeopardy" are required by the Federal agency for project impacts related to proposed species or proposed critical habitat. The Service is available to assist the Federal agency with this determination of effect. Conferencing is required for "jeopardy" findings to proposed species or proposed critical habitat.

INFORMAL CONSULTATION

1) Informal consultation is an informal procedure that includes all contacts prior to formal consultation. Informal consultation is an optional process.

2) Regulations include the use of informal consultation as a way to obtain an exception to formal consultation if the Service concurs in writing with the Federal agency's determination that its action is "not likely to adversely affect" listed species or designated critical habitat.

3) Through this informal process, the Federal agency or non-Federal representative may consult with the Service in developing conservation measures to reduce or eliminate adverse effects of the action. This should be done during the final development stages of the biological assessment.

4) If the adverse effects of the proposed activity cannot be significantly reduced or eliminated or incidental take is likely to occur, formal consultation is required. ,

USE OF THE BEST SCIENTIFIC AND COMMERCIAL DATA AVAILABLE

1) The Endangered Species Act and accompanying regulations require the Service to use the best scientific and commercial data available in carrying out Section 7 consultations. The Service routinely advises agencies of the need for obtaining surveys or conducting site specific endangered species surveys to adequately address listed species issues in the biological assessment. While neither the Act nor the regulations require an agency to collect site specific data, it is often in the agencies best interest to do so. Biological assessments that lack site-specific surveys require the Service to consider the "worst case scenario" and to "err in favor of the species" when preparing consultations. This situation could push a proposed action nearer to the jeopardy threshold.'

2) The Service strongly recommends that surveys be conducted for species with strong relation to specific habitat types, particularly with subsequent potential for incidental take when these habitat types are modified or disturbed by proposed project activities.

3) Standard survey techniques should be followed. While the Service will not design a survey or study proposal for a biological assessment, we are willing to review and critique study design.

ADMINISTRACION DE TERRENOS
ESTADO LIBRE ASOCIADO DE PUERTO RICO

NOV 2 4 2008

CERTIFICADA CON ACUSE DE RECIBO

Sra. Adamaris Quiñones, PE
Directora Auxiliar de Planificación
Autoridad de Acueductos y Alcantarillados
PO Box 7066
San Juan, PR 00919-7065

DECLARACIÓN DE IMPACTO AMBIENTAL PRELIMINAR ENMENDADA, DESARROLLO MIXTO EXTENSO EN LA ANTIGUA CENTRAL GUÁNICA Y EN EL MONTE LAS PARDAS; BARRIOS ENSENADA Y MONTALVA DE GUÁNICA, PUERTO RICO; (CONSULTA DE UBICACIÓN 2001-59-1022-JPU)

Estimada señora Quiñones:

Hemos recibido su carta del 26 de junio de 2008 sobre el proyecto de Desarrollo Mixto Extenso en la Antigua Central Guánica y en el Monte Las Pardas (el Proyecto). En la carta indica que el endoso preliminar del 19 de febrero de 2002 incluido en la DIA-PE tenía vigencia de un año y estaba vencido, y solicita que se estime el consumo de agua potable y el volumen de aguas usadas que se generarán durante la operación de los proyectos. Indica que se deberá radicar una nueva consulta a la Oficina de Proyectos Públicos y Privados de la Región Sur.

El pasado 24 de octubre de 2008, el ingeniero Felipe Nazario radicó ante la Oficina de Proyectos Públicos y Privados de la Región Sur una nueva solicitud de evaluación del Proyecto, acompañada con una carta explicativa (véase anejo) y documentos de apoyo.

Confiamos que la información suministrada provea un cuadro claro de la acción propuesta. Si necesitan información adicional sobre el Proyecto, pueden comunicarse con el ingeniero Felipe Nazario Muñiz, al teléfono 787-773-0730, o con el ingeniero Juan García, funcionario enlace de nuestra agencia, al teléfono 787-753-9300.

Cordialmente,

Juan Vaquer Castrodad
Director Ejecutivo

Anejo: Carta explicativa de solicitud de nueva evaluación del Proyecto ante la Oficina de Proyectos Públicos y Privados de la Región Sur.

Félipe Nazario & Associates
- Engineers - Planners
-Environmental Consultants

24 de octubre de 2008

Ing. Jorge Fernández
Director Auxiliar
Proyectos Públicos y Privados
Región Sur
Autoridad de Acueductos y Alcantarillados
119 El Tuque
Industrial Park, Suite 103
Ponce, Puerto Rico 00728-2803

RE: Desarrollo Mixto Extenso (Turístico-Residencial-Comercial-Náutico-Recreativo) de la Antigua Central Guánica y el Monte Las Pardas, Barrios Ensenada y Montalva, Guánica, Puerto Rico
(Consulta de Ubicación 2001-57-1-22-JPU)

Estimado ingeniero Fernández:

En carta fechada 26 de junio de 2008 la ing. Adamaris Quiñones, Directora Auxiliar de Planificación de la AAA, nos requiere un estimado del consumo de agua potable y el volumen de aguas usadas a generarse durante la operación del proyecto de referencia. También se indica en la misma comunicación (vea copia adjunta) que se deberá radicar una consulta a la oficina de Proyectos Públicos y Privados, Región Sur para que se nos informe sobre los requisitos para poder adquirir conexión en los sistemas.

Es la intención de la presente cumplir con ambos requisitos. A tales efectos presentamos inicialmente el estimado de consumo de agua potable y el volumen de aguas usadas a generarse durante la operación del proyecto:

Sector Proyecto	Consumo de Agua Potable (gals/día)	Volumen de Aguas Usadas (gals/día)
Antigua Central Guánica Monte Las Pardas	500,000 225,000	375,000 165,000
Total	725,000	540,000

Box 3871, Guaynabo, P.R. 00970 / Tel.: (787) 773-0730 / (787) 773-0731 / Fax: (787) 763-6344
e-mail: felipenazario@compuserve.com

RE: Desarrollo Mixto Extenso (Turístico-Residencial-Comercial-Náutico-Recreativo) de la Antigua Central Guánica y el Monte Las Pardas, Barrios Ensenada y Montalva, Guánica, Puerto Rico
(Consulta de Ubicación 2001-57-1-22-JPU)

También acompañamos una: "*Solicitud de Endosos y Permiso para conectarse y usar los sistemas de Acueductos y Alcantarillados de la AAA*", plano de localización 1:2000 y coordenadas Lambert, plano de la parcela de la Antigua Central Guánica 1:2000 y croquis o mapa de localización con número de carretera, kilometraje y lugares de referencia actuales.

A continuación una breve descripción del proyecto propuesto:

La acción propuesta consiste en la construcción y operación de un proyecto de usos mixtos en terrenos de la Antigua Central Guánica en el poblado de Ensenada y en los terrenos del Monte Las Pardas en el Barrio Montalva. En la Antigua Central se propone la construcción y operación de: 350 unidades residenciales, un hotel con 100 habitaciones, 140 villas condo hotel, una marina con 250 espacios de muelle, una instalación para cruceros pequeños y barco de trasbordo mediante la reconstrucción y expansión del muelle Santo Domingo, un centro de actividades y usos comerciales y áreas de oficinas y servicios comunitarios de 120,000 p², 2,600 estacionamientos, obras de infraestructura y áreas recreativas. De otra parte, en los terrenos del Monte Las Pardas se propone la construcción y operación de: un hotel con 100 habitaciones, 150 cabañas, un club de playa de 5000 p², un lote para 1,250 espacios de estacionamientos, obras de infraestructura y área recreativa.

Confiamos que con la información aquí suministrada, tengan ustedes en esta etapa un cuadro claro de la acción propuesta para poder evaluar la misma. De necesitar información adicional, favor de comunicarse con el que suscribe al teléfono (787) 773-0730 ó (787) 773-0731.

Agradecemos de antemano su pronta atención a este asunto.

Cordialmente,

Felipe Nazario & Asociados

Felipe Nazario Muñiz, P.E.
Presidente

FN/mrg

Anejos:

A.A.A. INGENIERIA
REGION SUROESTE
2000 OCT 29 PM 1:

Box 3871, Guaynabo, P.R. 00970 / Tel.: (787) 773-0730 / (787) 773-0731 / Fax: (787) 763-6344
e-mail: felipenazario@compuserve.com

Felipe Nazario & Asociados
Engineers, Planners, Environmental Consultants
Box 3871, Guaynabo, P.R 00970
Phone: (787) 773-0730 Fax: (787) 625-3716
e-mail: www.felipenazario@yahoo.com

TRANSMITTAL LETTER

TO: Ing. Jorge Fernández
Director Auxiliar
Proyectos Públicos y Privados
Región Sur
Autoridad de Acueductos Alcantarillados
El Tuque 119-Industrial Park, Suite 103
Ponce, Puerto Rico 00732

DATE: 24 de octubre de 2008

WE TRANSMIT:

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RE: Desarrollo Mixto Extenso (Turístico-Residencial-Comercial-Náutico-Recreativo) de la Antigua Central Guánica y el Monte Las Pardas, Barrios Ensenada y Montalva, Guánica, Puerto Rico
(Consulta de Ubicación 2001-57-1-22-JPU)

Estimado ingeniero Fernández:

Acompaño los siguientes documentos relacionados con el proyecto de referencia:

-Carta de Autorización de la Administración de Terrenos
-Carta de Trámite que describe el proyecto
-Carta de la A.A.A.
-Solicitud de Endoso y Permiso
-Plano de Localización 1:20,000
-Plano 1:2,000 – Antigua Central Guánica
-Plano 1:5,000 – Monte Las Pardas
-Croquis de Antigua Central Guánica
-Croquis del Monte Las Pardas

A.A.A. INGENIERIA
REGION SUROESTE
2008 OCT 29 PM 1:

Saludos,

Felipe Nazario & Asociados

Felipe Nazario Muñiz, P.E.
Presidente

TIME: _____

REMARKS: _____

DATE: _____