



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
ANTILLES OFFICE
400 FERNANDEZ JUNCOS AVENUE
SAN JUAN, PUERTO RICO 00901-3299

September 6, 2011

Antilles Regulatory Section
SAJ-2011-02517 (NP-CGR)

Mr. Juan Ayguabibas
Juan Ayguabibas, PSC
352 San Claudio Avenue PMB 294
San Juan, Puerto Rico 00926-4136

Dear Mr. Ayguabibas:

Reference is made to your request for a preliminary jurisdictional determination (preliminary JD) dated August 24, 2008. Based on information submitted to the U.S. Army Corps of Engineers (Corps) we have indicated the approximate location(s) of waters of the United States or wetlands on your parcel at State Road PR-14, San Idelfonso Ward, Municipality of Coamo. Two copies of the preliminary JD form in support of our preliminary JD are enclosed. Please carefully read the preliminary JD form, then sign and return one of the copies to us at the letterhead address within 30 days from the date of this letter.

A Department of the Army permit will be required for regulated work in all areas which may be waters of the United States, as indicated in this preliminary JD. For purposes of computation of impacts, compensatory mitigation requirements, and other resource protection measures, a permit decision made on the basis of a preliminary JD will treat all waters and wetlands, which would be affected in any way by the permitted activity on the site, as if they are jurisdictional waters of the United States. However, from the information provided in your letter, the proposed design of Monte Elvira Residential and Commercial Project will not impact the existing unnamed creek as it will be conserved on its natural conditions and a buffer zone along this creek will be established to protect the same. Therefore, a Department of the Army permit is not required provided that no discharge of fill and/or dredged material is proposed within the unnamed creek.

Should you desire an official Corps determination that jurisdictional "waters of the United States," or "navigable waters of the United States," or both, are either present or absent on a particular site, the Corps will issue an approved JD when requested.

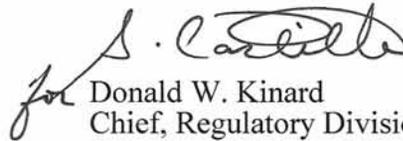
You are cautioned that work performed in areas which may be waters of the United States, as indicated in the preliminary JD, without a Department of the Army permit could be subject to enforcement action. Receipt of a permit from the Commonwealth of Puerto Rico does not obviate the requirement for obtaining a Department of the Army permit for such work prior to commencing work.

This preliminary JD has been conducted to identify the potential for Clean Water Act and/or Rivers and Harbors Act jurisdiction for the particular site identified in this request. This preliminary JD may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are U.S. Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work.

The Corps' Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to take a few minutes to visit <http://per2.nwp.usace.army.mil/survey.html> and complete our automated Customer Service Survey. Your input is appreciated – favorable or otherwise. Please be aware this web address is case sensitive and should be entered as it appears above.

Thank you for your cooperation with our permit program. If you have any questions concerning this matter please contact Ms. Carmen G. Román by mail at the letterhead address, by electronic mail at carmen.g.roman@usace.army.mil, or by telephone at 787-729-6905.

Sincerely,


for Donald W. Kinard
Chief, Regulatory Division

Enclosures

Appendix 1. Topographic Map



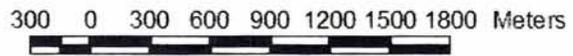
Golden Environmental Corp.

Consulting Division

144 Calle Zircovia Urb. Los Prados San Dorado PR 00646



Monte Elvira, Coamo
Location and Roads



Appendix 10. Site Plan

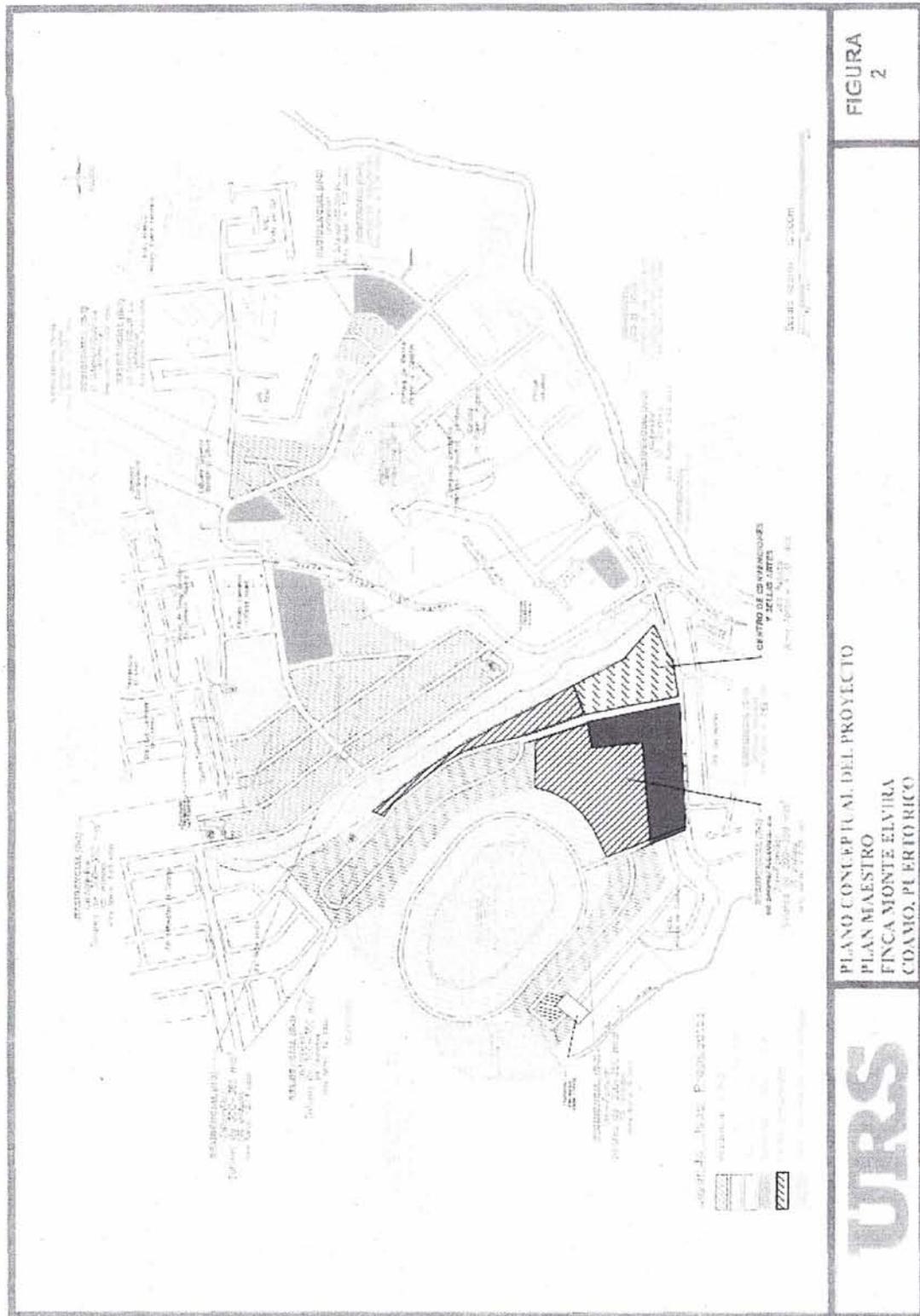


FIGURA 2

PLANO CONCEPTUAL DEL PROYECTO
PLAN MAESTRO
FINCA MONTE ELVIRA
COAMO, PUERTO RICO



ATTACHMENT

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD): September 6, 2011

B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD:
Mr. Juan Ayguabibas, 352 San Claudio Avenue, PMB 294, San Juan, PR 00926

C. DISTRICT OFFICE, FILE NAME, AND NUMBER: Antilles, Monte Elvira Residential and Commercial Project SAJ-2011-02517(PJD-CGR)

**D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION: State Road PR-14, Km. 30
(USE THE ATTACHED TABLE TO DOCUMENT MULTIPLE WATERBODIES AT DIFFERENT SITES)**

State: PR County/parish/borough: San Idelfonso Ward City: Coamo
Center coordinates of site (lat/long in degree decimal format): Lat. 18°04'10.31" ° N, Long. 65°22'14.19" ° W.

Universal Transverse Mercator:

Name of nearest waterbody: Unnamed Creek

Identify (estimate) amount of waters in the review area:

Non-wetland waters: approx. 3,700 linear feet: width (ft) and/or acres.

Cowardin Class:

Stream Flow:

Wetlands: acres.

Cowardin Class:

Name of any water bodies on the site that have been identified as Section 10 waters:

Tidal:

Non-Tidal:

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

Office (Desk) Determination. Date: September 2, 2011

Field Determination. Date(s):

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable. This preliminary JD finds that there "*may be*" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for preliminary JD (check all that apply

- checked items should be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Appendix 10 Site plan.
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps:
- Corps navigable waters' study:
- U.S. Geological Survey Hydrologic Atlas:
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: 1:20,000, Coamo, PR.
- USDA Natural Resources Conservation Service Soil Survey. Citation: Ponce.
- National wetlands inventory map(s). Cite name:, PR.
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): Google Earth Nov. 1, 2006. or Other (Name & Date):
- Previous determination(s). File no. and date of response letter:
- Other information (please specify):

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

Samuel H. Roman September 6, 2011

Signature and date of
Regulatory Project Manager
(REQUIRED)

Signature and date of
person requesting preliminary JD
(REQUIRED, unless obtaining
the signature is impracticable)

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