United States Department of the Interior

FISH AND WILDLIFE SERVICE
Caribbean Ecological Services
Field Office
P.O. Box 491
Boqueron, PR 00622

CESFO COPY FILED by MC

MAY 24 2013

In Reply Refer to:
FWS/R4/CESFO/72123-035

Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, DC 20426

Re: Application for the Aguirre Offshore GasPort LNG Import Terminal Facilities, Jobos Bay, Salinas, Puerto Rico, ER 13/0278, FERC Docket No. CP13-193-000, PF 12-4-000

Dear Ms. Bose:

Thank you for your notice of application of the Aguirre Offshore GasPort, LLC authorization to construct and operate certain liquefied natural gas (LNG) import facilities. Our comments are provided as technical assistance under the Endangered Species Act (87 Stat. 884, as amended; 16 United States Code 1531 et seq.), the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), and the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.).

The Service has already provided comments on the above referenced project via letters dated March 23, 2012 and October 3, 2012. Our main recommendation was for the proponent to develop a Biological Assessment (BA) to evaluate the effects of the project on the Antillean manatee and its habitat (i.e. seagrass). The information submitted indicates that the BA for threatened and endangered species is pending.

The Service acknowledges that some of the information submitted is appropriate for the BA and should be included accordingly. For example, the information pertaining to the LNG Carriers deliveries and effects on boat traffic and manatees. In addition, all information regarding marine mammal observer protocols during and after construction should be as specific as possible. Since the most common marine mammal for that area seems to be the manatee, observer protocols could be manatee oriented, as long as it does not affect the potential for observing other marine mammals and sea turtles. However, since other marine mammals and sea turtles in the water are under the jurisdiction of the NOAA, you need to consult with them regarding these species.

Another comment related to the manatee is that we believe the following statement does not apply to the occurrence of Antillean manatees in Jobos Bay: *It is reasonable to conclude that marine turtles and mammals are truly uncommon rather than to ascribe the lack of sightings to poor conditions or vigilance* (Appendix 3B p. 4-8 and Appendix 3E p. 5). Also Figure 8-6 from Resource Report 8, does not accurately reflect manatee occurrence within the depicted area. The Service recommends the proponent to appropriately address manatee occurrence within the Jobos Bay in its BA.

During several years of manatee airplane surveys, the Jobos Bay area has consistently produced the highest counts of manatees for Puerto Rico. Please refer to the attached a map of manatee aerial survey data points from 1984-2002 and 2009-2011 (Figures 14 and 15, Drew, C. A., et al. 2012). More detailed helicopter surveys have also been completed within the Jobos Bay by the Carribean Stranding Network, with similar results. In addition, the Jobos Bay and contiguous areas have been recommended for future designation of federal Manatee Protection Areas (MPA), due to the availability of key ecological attributes for manatees in that area (Figure 21, Drew, C. A., et al. 2012).

Both temporary and permanent impacts will occur along the pipeline route and offshore terminal, including direct mortality of seagrass and reef areas. The information provided explains that impacts to seagrass and other submerged aquatic vegetation will and may occur along the 20 foot pipeline right of way (ROW) and the lay barge construction areas associated with points of infliction. The proponent further explains that construction will result in direct permanent impacts along the footprint of the pipeline (2 ft. wide) while indirect permanent impacts are anticipated in the areas (2 ft. per side) immediately adjacent to the pipeline. Total area of direct and indirect permanent impacts to seagrass should be carefully evaluated and scientifically justified in order to appropriately calculate total impacts and compensation. We recommend implementation of a long-term post-construction seagrass monitoring plan.

The Service further recommends that the establishment of a manatee radio-tracking project within the Jobos Bay will help obtain the necessary long-term information to further avoid/minimize the proposed projects effects on the Antillean manatee and its habitat.

The Service will provide additional technical assistance with the completion and evaluation of the pending BA for threatened and endangered species.

Thank you for the opportunity to comment on this project. If you have any questions or require additional information, please contact Jan P. Zegarra at 787-851-7297 extension 220. You may also visit our website http://www.fws.gov/caribbean/ES for additional information on threatened and endangered species under jurisdiction and Section 7 consultation process.

Sincerely yours,

Edwin E. Muñiz
Field Supervisor

jpz

Enclosure: Figures 14, 15 and 21 from Drew, C. A., et al. 2012. Science Summary in Support of Manatee Protection Area Design in Puerto Rico. Technical Bulletin 330, North Carolina Agricultural Research Service, College of Agriculture and Life Sciences, North Carolina State University. 63 pp.+Appendices.

cc:
USFWS, RO, Jerry Ziewitz
DNER, San Juan
COE, San Juan
NOAA Fisheries, Cabo Rojo
EPA, Guaynabo
USCG, San Juan
PRPB, San Juan
EQB, San Juan

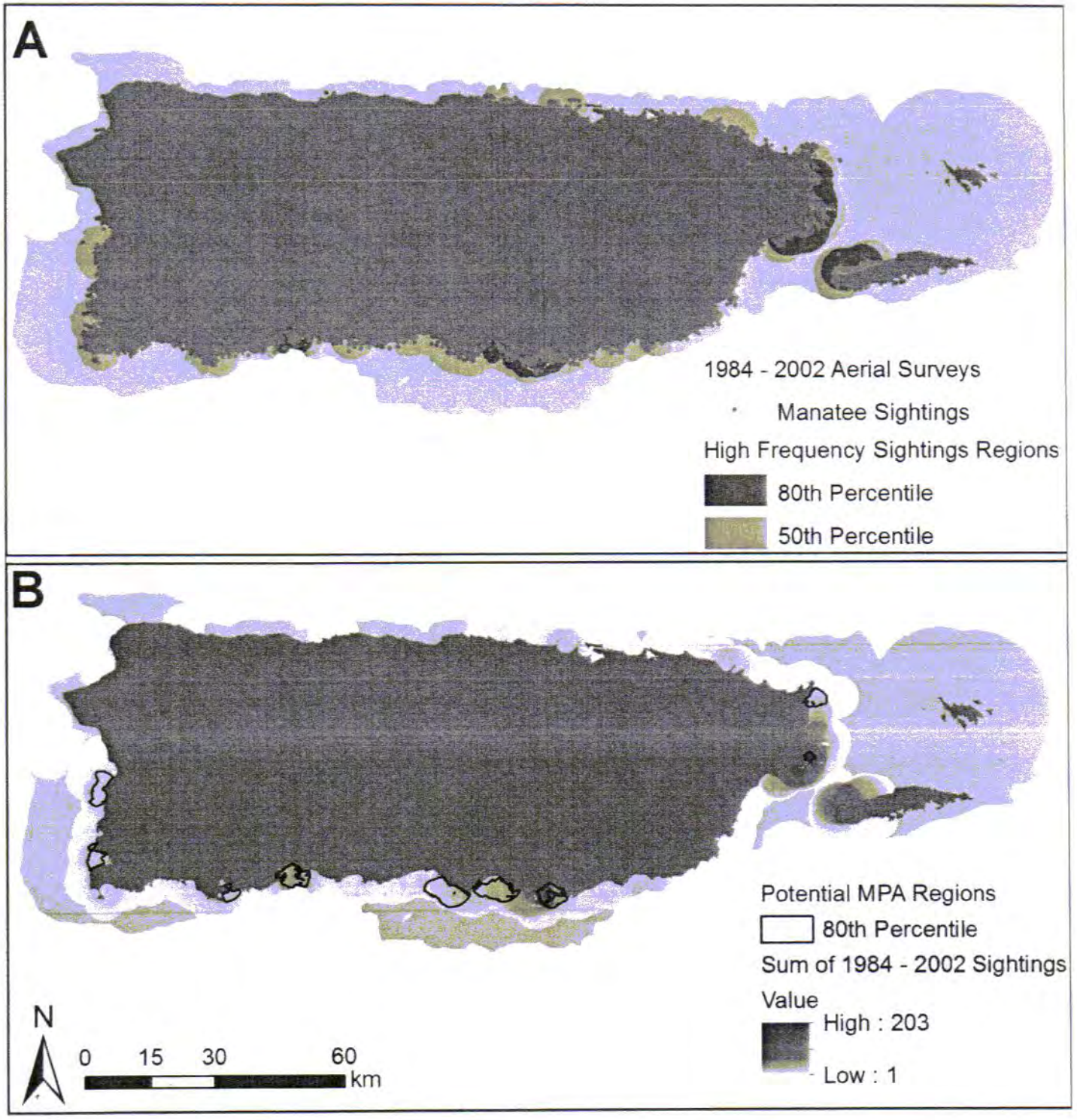

Figure 14. Comparison of 1984 – 2002 manatee 50th and 80th percentile "hotspots" (e.g. regions with a high density of manatee observations) during aerial surveys (A), and the modeled potential MPA regions (B). Light gray regions have zero manatee observations.

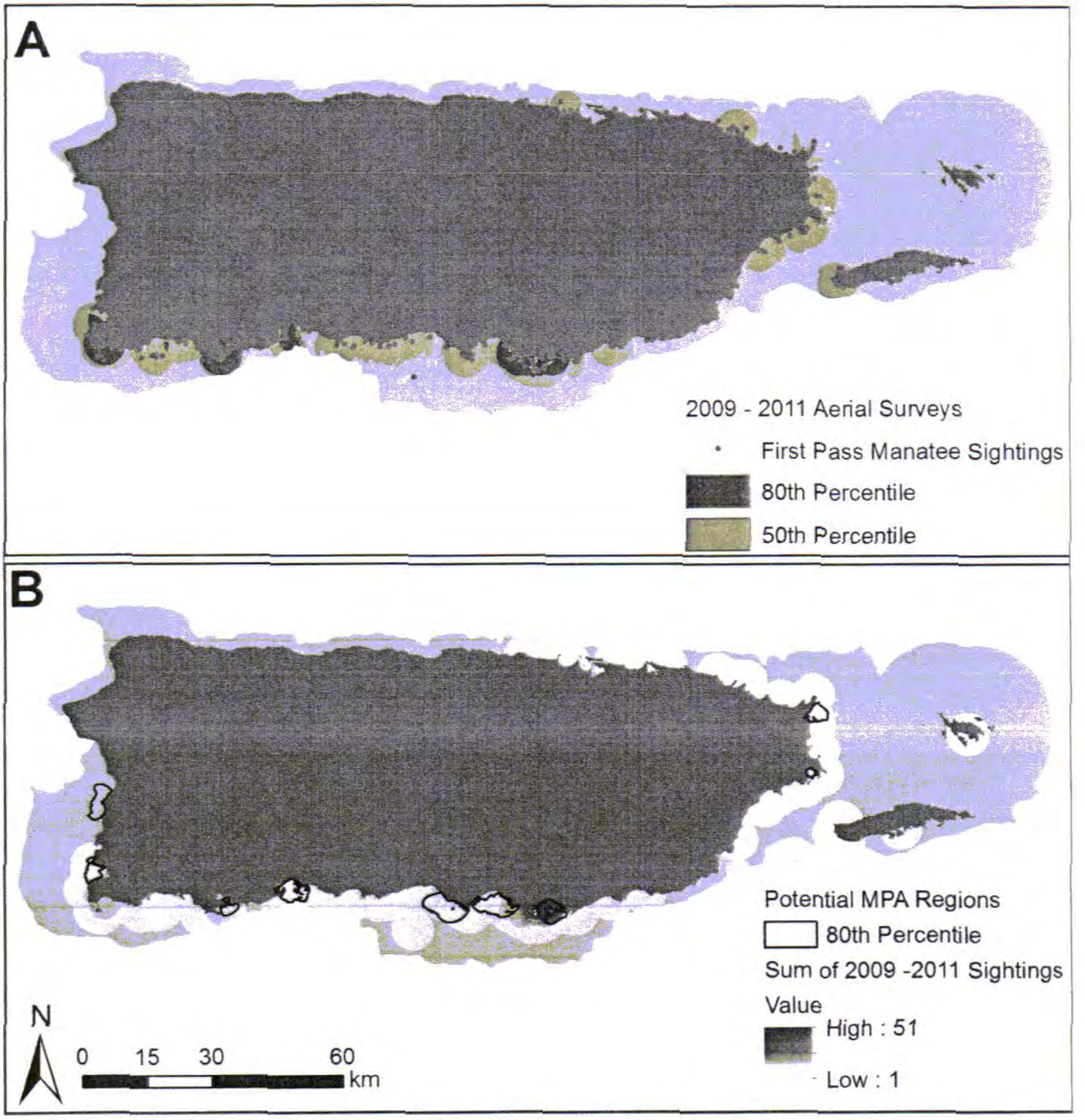

Figure 15. Comparison of 2009 – 2011 manatee 50th and 80th percentile "hotspots" (e.g. regions with a high density of manatee observations) during aerial surveys (A), and the modeled potential MPA regions (B). These data only include observations made in the first pass to ensure the data reflect equal sampling effort throughout the region. Light gray areas have zero manatee observations.

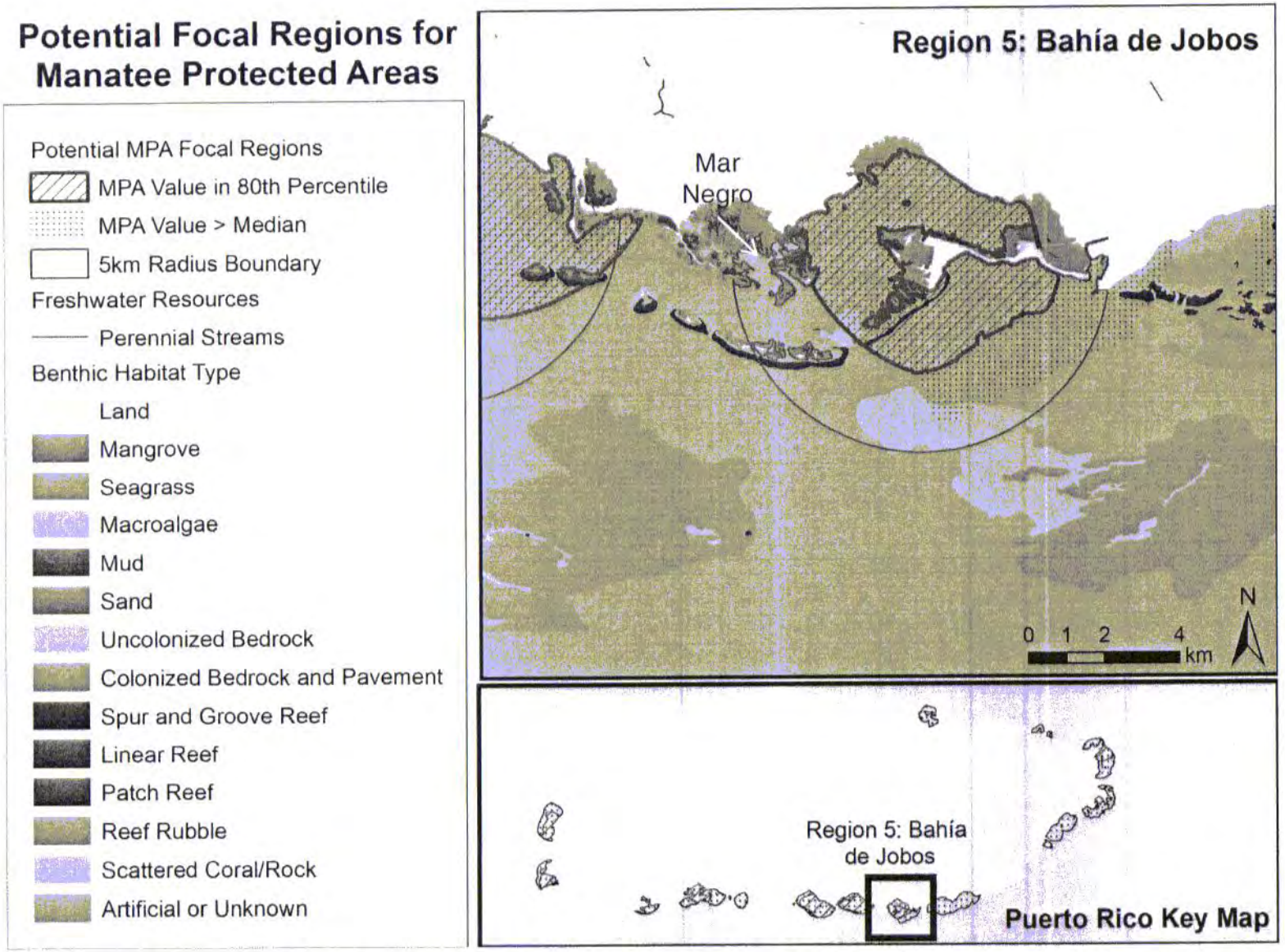

Figure 21: Potential MPA region encompassing coastal waters west of Bahía de Jobos. Landmarks named on map are features associated with published manatee observations.