United States Department of the Interior

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

SEP 19 2013

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

Fernando L. Páges Rangel, P.E.
Director
Tetra Tech Inc.
PO Box 79192
Carolina, PR 00984

Re: Aguirre Offshore GasPort Draft Biological Assessment, Salinas, Puerto Rico

Dear Mr. Páges:

Thank you for sending the Aguirre Offshore GasPort (AOGP) Draft Biological Assessment (BA) for our review. 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 US Fish and Wildlife Service (the Service) has already provided comments on the above referenced project via letters dated March 23, 2012, October 3, 2012, and May 24, 2013. After reviewing the submitted BA, we offer the following comments and recommendations for the Antillean manatee:

1. Direct effects on the manatee may not only include impeding normal foraging activities as described (Section 5.1.3, page 5-2), but also traveling, resting, mating, and nursing activities of these animals. Since construction is anticipated to require approximately 12 months, and the Jobos Bay is one of the most important manatee areas in Puerto Rico, we believe the proposed construction activities and watercraft traffic during construction may result in harassment of individuals by affecting the normal behaviors described above. In addition, and besides vessel strikes, the Applicant should consider direct impacts from the equipment used for construction (e.g., dredging, pipeline placement), which may strike a manatee if appropriate protection measures are not implemented. The conservation measures proposed in the BA are too general. Those measures should be described as specific as possible in order for us to evaluate if such measures are appropriate to avoid/minimize adverse effects on the manatee.

2. We do not concur with the statement on Section 5.6.2 (page 5-7) that AOGP construction and operation are not likely to directly impact the manatee or permanently impact the manatee's habitat (i.e., seagrass). No specific justification was made regarding this statement and seems contradictory from your initial may affect, likely to adversely affect determination for the

manatee. In addition, permanent impacts to seagrass communities are unavoidable and have been calculated. Please provide this information in the BA. As expressed on our May 24, 2013 letter, total area of direct and indirect permanent impacts to seagrass should be carefully evaluated in order to appropriately calculate total impacts and compensation. Since direct and permanent impacts to seagrass are expected, the BA should include specific information that addresses this impact in relation to the manatee and sea turtles.

3. There also seems to be a contradiction between your initial effects determination for the manatee and the effect of entanglement. Table 6-1 (page 6-1) concludes a may affect, likely to adversely affect determination, but Section 5.1.3 (page 5-2) clearly states that due to the nature of the equipment used during construction and operation, entanglement is not a potential stressor. In addition, we believe that the use of any type of siltation fencing may potentially result in entanglement of manatees and sea turtles. If any type of silt fencing is to be used, we recommend that you include in the BA possible effects of silt fencing with specific avoidance and minimization measures.

4. All information regarding proposed manatee observer protocols during and after construction should be as detailed as possible. Although the BA describes that certified marine mammal observers will be utilized on vessels, no further details were provided as to how many and what will the observer do in case a manatee is observed within certain distances of the construction activities. In addition, the BA also describes that during the operation of the Offshore GasPort, vessels within the area will need to be managed in order to minimize potential effects on manatees (Section 5.1.3, page 5-2). These specific management strategies should also be included in the BA in order for the Service to assess if measures are appropriate to avoid/minimize adverse effects on the manatee during the operation of the GasPort.

5. Avoidance and minimization measures included in the project's Resource Report 3- Fish, Wildlife, and Vegetation (April 2013) should also be included in the BA. For example, measures that will be implemented during ongoing pile driving activities and when manatees are spotted during the construction and operation of the project.

6. The following report was recently completed through a Service contract: *Science Summary in Support of Manatee Protection Area (MPA) Design in Puerto Rico*. Please use this reference to update Sections 3.1.4 and 4.1.4 on page 3-3 and 4-2 respectively. The referenced report compiles the latest and best Antillean manatee information for Puerto Rico. You may access the report by copying and pasting the following link in your browser: http://www.basic.ncsu.edu/eda/projects.html#ManateeMPA

7. Figure 4-1 on page 4-3 does not include manatee or sea turtle sightings or foraging habitat within the project area.

8. We recommend the Applicant to consider the establishment of a manatee radio-tracking project within the Jobos Bay. This measure would be the most suitable to obtain the

necessary long-term information to further assess the proposed projects effects on the Antillean manatee.

9. There are no known nesting beaches within the Project Area for neither of the listed sea turtles. Please also include this information in the BA accordingly, as it was not included for the leatherback and hawksbill sea turtles.

10. Laboy et al. 2008 is missing in the References section.

Table 6-1 (page 6-1) of the BA summarizes your effects determination on the federally listed species reported to occur in the project area. Only the Antillean manatee and the Yellow-shouldered blackbird fall exclusively under the Service's jurisdiction. Sea turtles have shared jurisdiction between the Service, when nesting on the beach, and the NOAA National Marine Fisheries Service (Protected Resources Division), when in the water. Possible effects to sea turtles in the water should be consulted with the National Marine Fisheries Service office.

We recommend that the Applicant incorporates all of the above recommendations into the final BA. 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,

for Edwin E. Muñiz
Field Supervisor

jpz
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