



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

**REPLY TO  
ATTENTION OF**

April 23, 2010

Regulatory Division  
Special Projects and Enforcement Branch  
SAJ-1990-00882 (WL-JCM)

Mr. Edison Lluch  
P.O. Box 594  
Lajas, Puerto Rico 00667

Dear Mr. Lluch:

Reference is made to the Department of the Army (DA) permit SAJ-1990-00882 (IP-JER) issued on June 12, 1998 to Mr. Fernando Alvarez Tabío. The permit authorized impacts to 9.8 acres of waters of the United States for the construction of the Western Lake Village residential project. The project impacted wetlands associated with a tributary of Caño Boquilla, adjacent to Hwy. PR-#2, and Algarrobos Avenue, Sabanetas Ward, Mayaguez, Puerto Rico. The conditions of DA permit SAJ-1990-00882 (IP-JER), specifically those related to its Mitigation Plan requirements, were modified by the U.S. Army Corps of Engineers (Corps) on July 3, 2003.

A representative of the Corps conducted site inspections on April 7 and April 21, 2010. The inspections confirmed that the work authorized by DA permit SAJ-1990-00882 (IP-JER) has been completed. However, the inspections and a review of the file for this project revealed the following:

1. During the inspections you informed us that you are the new owner of the properties where the Western Lake Village residential project and mitigation site are located. However, there is no evidence in our files to indicate the permit transfer form included in Page 9 of 10 of DA permit SAJ-1990-00882 (IP-JER) documenting the property and permit had been transferred to a new owner was submitted to our office. In compliance with the terms and conditions of DA permit SAJ-1990-00882 (IP-JER), please complete and sign the referenced permit transfer form and submit a copy to our office.

2. Special Condition 1.b of the July 3, 2003 permit modification required the enhancement and maintenance of 2.15 acres of deep open water aquatic habitat within a tributary creek of Caño Boquilla, which runs through the Western Lake Village residential project site. During the April 21, 2010 inspection, the Corps confirmed that maintenance work is being conducted along the tributary creek. However, our files do not include any submittals describing the enhancement and maintenance work to be conducted along the tributary creek and when the work would be completed. Please provide a description, including timeframes, of the work to be conducted along the creek in order to comply with the above referenced special condition.

3. Special Condition 1.b.3 of the July 3, 2003 permit modification required the submittal of yearly monitoring reports for the creation of a 15 acre wetland creation mitigation site. The reports were to be submitted for a period of five years. Our file for this permit includes a Mitigation Construction Completion Report dated October 2005, which states that the construction of the mitigation was completed on July 2005, marking the commencement of the five year monitoring and maintenance phase of the mitigation plan. However, there is no evidence in our files indicating that any monitoring reports were submitted to the Corps. Please provide a report summarizing the maintenance and monitoring activities conducted at the mitigation site since the completion of its construction phase on July 2005. In this regard, please also be aware that the five years monitoring and maintenance phase of the mitigation is scheduled to end on July 2010. It would be appropriate to contact our office to schedule an inspection of the mitigation site near that date to evaluate whether the objectives of the mitigation plan have been adequately achieved.

4. Special Condition 3 of the July 3, 2003 permit modification required the establishment a conservation easement to preserve the wetland creation mitigation site in perpetuity and submittal of the conservation easement document to the Corps. A draft of the conservation easement document draft should have been submitted to the Corps within 60 days from the date of the permit modification. However, there is no evidence in our files indicating that the conservation easement draft was submitted to the Corps. We are enclosing copy of a template conservation easement document. Please use this template to

draft the conservation easement document pertaining to this permit and submit it to our office for review.

5. In addition to the above, during the April 7 and April 21, 2010 inspections the Corps assessed some discrepancies in the documents pertaining to this permit, regarding the size and wetland composition of the parcel of land located between the north boundary of the mitigation site and Hwy. PR-102. In order to address these discrepancies, you have agreed to preserve and enhance 1.0 acre of the 5.53 acres parcel as forested wetlands. In this regard, please submit a plan depicting the location of this portion of the parcel and describing the measures that would be implemented to preserve and enhance it as forested wetlands. This 1.0 acre wetland area should be added to the 23.25 acres of wetlands to be included in the above referenced conservation easement document.

Please submit the above requested information within 15 days from the date of this letter to Mr. José A. Cedeño-Maldonado at the letterhead address.

If you have any questions or comments regarding this matter, please contact Mr. José A. Cedeño-Maldonado by regular mail at the letterhead address, via e-mail at jose.cedeno-maldonado@usace.army.mil, or by phone at 787-729-6905 ext. 3063.

Sincerely,



Deborah L. Wegmann  
Chief, Special Projects  
and Enforcement Branch

Enclosure