



Clean Water Act Section 404: Site Visit/Case Development

For inspections authorized pursuant to Clean Water Act sections 308 and 404 (33 U.S.C. §§ 1318 and 1344)

This report includes only factual information gained by documentation, onsite observations, and/or onsite interviews.

Inspector Name(s)	Seika Robinson	Time In	2:44 PM	Start Date	January 25, 2023
		Time Out	4:00 PM	End Date	January 25, 2023
Inspector's Organization	US EPA Region 2, Water Division, Water Management Branch, Wetlands Protection Section				
Organization Requesting Inspection (if different)	N/A				
Inspection Type	Case Development	Inspection Status	Original		
Site Name	Salinas Waterfront Investment, Corp. (hereinafter as "SWI")				
Site Address*	Tax Parcel 417-000-006-04-998 (hereinafter as "the Property")				
City*	Salinas	County*	Salinas	State*	PR Zip Code* 00751
Mailing Address*	P.O. Box 16072				
City*	San Juan	County*	San Juan	State*	PR Zip Code* 00908
Latitude*	17.970392	Longitude*	-66.310605		
Estimated Size of Site (acres)	22.3	Is there a home on the site?	☐ Yes ☒ No		
Inspector Signature	SEIKA ROBINSON			Digitally signed by SEIKA ROBINSON Date: 2023.03.20 13:35:45 -04'00'	Date 3/20/23
Supervisor Signature	MARCO FINOCCHIARO			Digitally signed by MARCO FINOCCHIARO Date: 2023.03.20 13:44:44 -04'00'	Date 3/20/23

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Site Name	Salinas Waterfront Investment, Corp. (hereinafter as "SWI")	Start Date	January 25, 2023
		End Date	January 25, 2023
Inspection Purpose	Initial site visit		
Opening Conference			
☐ Presentation of Inspector Credentials Name and Title (Use N/A if owner/operator not available to join the inspection) N/A - Owner not available to join at the time of inspection			
☐ Opening Conference Name of person authorizing access if applicable Orlando Ortíz Sr., owner/operator granted access to the Site via phone at [REDACTED] on January 4, 2023. EPA again received permission from Orlando Ortíz Jr., site owner, via phone at [REDACTED] on the day of inspection.			
Notes from Opening Conference N/A - Owner not available to join at the time of inspection			
☒ Access Issues if Any Describe The Site does not have vehicular access. Access to the Site also begins at the adjacent property, tax parcel 417-000-006-04-998 in which EPA was verbally granted site access to by the property owner, Mr. George Phillip Rivera González of Service Unlimiteds; [REDACTED]			
Inspection Observations and Sample Collection			
Site Owner/Site Operator/Responsible Party (Name, title and contact information) Site Owners: Orlando Ortíz Sr. can also be contacted via email at [REDACTED] Orlando Ortíz Jr.			
Additional Persons Present at Inspection EPA: Sofia Olivero Lora, PhD; R02-WD-WMB-WPS and Yolianne Maclay, CEPD-MPCB-CWAT			
General Site Characteristics (layout of property, etc.) The Property is approximately 22.4 acres in size and located within the Municipality of Salinas, an identified environmental justice community. SWI however, expanded their work past their property boundary, into adjacent properties: Mr. González's property, tax parcel 416-000-010-11-000 to the west and tax parcel 417-000-006-02-998 to the east owned by Mr. Felipe Alvarado Lorenzi. The entirety of the inspected area comprised of the Property and the areas surrounding the permanent bridge structure and the ponds. The inspected areas will be hereinafter referred to as "the Site" (see Attachment A for a map of the Site). The Site is predominantly located on the eastern side of Rio Nigua which drains into Bahía de Rincón to the south, both navigable waters under the CWA. The Site must be entered off of PR-1, onto Mr. González's property. The bridge has a ditch in front of it on the González's property, cutting off vehicular access to the site. EPA had to explore the Site by foot. There are no commercial or residential buildings located on the site. No active work or construction machinery was also observed on the site at the time of the inspection.			

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Site Name	Salinas Waterfront Investment, Corp. (hereinafter as "SWI")	Start Date	January 25, 2023
		End Date	January 25, 2023
Purpose and Need for Discharge of Dredged and/or Fill Material			
The purpose of the fill material, according to SWI, is for the construction of a permanent bridge, restaurant, fish and shrimp farming ponds, a local fish/seafood retail area, an area for local herbs and spices cultivation; and a public beach.			
Site Overview (Past inspections, site description, permits, etc.)			
The Corps issued preliminary jurisdictional determination (PJD) SAJ-2015-03878(JD-JJR) on April 1, 2016. The PJD identified 2 wetlands, a total of 0.56 acres, on the site and indicated to SWI that a "permit will be required for regulated work in all areas which may be waters of the United States, as indicated in this preliminary JD. Wetland 1 was identified as 0.47 acres in size and Wetland 2 is 0.09 acres in size. 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 would 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. The Corps issued Nationwide Permit no. 14 (Linear Transportation Project), permit no. SAJ-015-03878(NW - CGR) to SWI on January 24, 2020. The permit authorized the "[temporary] discharge of approximately 616 cubic yards of fill material on approximately 0.083 acres of Nigua River for the construction of a temporary bridge of 92.1 feet long by 39.4 feet wide with 10 reinforced 60" concrete pipes beneath it to allow the river flow". The permit letter also noted that the permanent bridge structure on the site does not require a Corps permit "because it will not impact [WOTUS]". The last coordination with the Corps on the permit compliance of the permanent bridge structure, the Corps relayed to EPA via email on August 16, 2022 that the "project appeared to be in compliance". In January 2022, EPA received a public complaint about a bridge being built on the Site. From aerial imagery, EPA noted earth work being performed within the permitted bridge area, within the area where there were identified wetlands according to the PJD.			
Scope of Inspection (Areas inspected or not inspected)			
EPA drove to the permanent bridge structure and then walked over it to get to the southeastern most part of the Site. EPA focused the inspection around the bridge structure and along the southern and western portions of the Site.			

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		End Date	January 25, 2023
Environmental Conditions (e.g., wind, rain, smoke, dust, temperature, snow)			
Temperatures were in the 80s (degrees in F); sunny; dry season			
Field Work Conducted			
During the inspection, EPA collected GPS data (see Attachment A), photographs (see Attachment B), and handwritten notes. Observations were recorded with the understanding that the inspection occurred during the dry season. No soil pits were dug during this inspection. EPA began the inspection by the permanent bridge structure off PR-1 onto Mr. González's property, tax parcel 416-000-010-11-000 to the west. EPA observed a ditch in front of the bridge preventing vehicular access to the Site. EPA walked the remainder of the inspection. EPA walked southeast towards two ponds that were found on the Site, Pond A and Pond B. Both ponds are operated by SWI but is located either fully or partially on tax parcel 417-000-006-02-998, to the east of the SWI property, owned by Mr. Felipe Alvarado Lorenzi. See Attachment A for a map of the Site containing details of the inspection findings including GPS data points. Pond A contained cattail vegetation and open water; however, no surface connection to Pond B or any WOTUS was observed. Pond B had two man made channels running south, through forested vegetation, to Bahía de Rincón. There was no active flow of water through the channels at the time of the inspection. However, publicly available aerial imagery available of the site confirmed hydrology of Pond B to be connected to Bahía de Rincón. From the ponds, EPA walked west towards Rio Nigua. EPA walked around where the PJD identified wetlands were identified. No disturbances to soils, hydrology, or vegetation were observed in the area of Wetland 2. Wetland 1 appears to have earthmoving activity through and around the area.			
Closing Conference			
Documents Received and/or Requested During the Inspection			
N/A			
Compliance Assistance Provided (If any)			
N/A			
Observations Relayed to Site Owner/Operator			
N/A			
Actions Taken by Owner/Operator During the Inspection (If any)			
N/A			
Potential Issues of Concern Including Regulatory Citations			
The wetlands identified in the Corps PJD appear to have been impacted by earth moving activities on the site. There also appears to be an unauthorized aquaculture pond with two man-made channels hydrologically connecting the pond to Bahía de Rincón.			
Attachments*			
☒ Maps and Sketches ☒ Photographs (including location) and Photo Log			

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☐ Other (SSIP, Wetlands Delineation Forms, etc.)			
Attachment A: Map with GPS Points; Attachment B: Photolog			
Additional Notes			
EPA conducted an inspection with a neighboring landowner, Mr. González, on his property prior to the SWI inspection. Concerning the permanent bridge structure connecting the two properties over Rio Nigua, Mr. González claimed on the day of the inspection that the bridge structure was built by SWI for Mr. González and that Mr. González is the joint owner of the bridge structure. Mr. González nor his company, Service Unlimiteds were mentioned in the Corps Permit.			

Attachment A: Map with GPS Points



Attachment B - Photolog

CWA 404 Inspection

Salinas Waterfront Investment, Corp.

Tax Parcel 417-000-006-04-998, Salinas, Puerto Rico,
00751

January 25, 2023



Date: January 25, 2023

Time: 2:40 PM

Photographer: Yolianne Maclay

Photo ID: P1250559

Description: Upon entering the adjacent property, tax parcel number 416-000-010-11-000 in the Municipality of Salinas, Puerto Rico, on the way to enter the Site, a permanent bridge structure can be seen . A ditch was observed in front of the bridge structure, preventing vehicular access.

Tax Parcel 417-000-006-04-998, Salinas, Puerto Rico, 00751



Date: January 25, 2023

Time: 2:41 PM

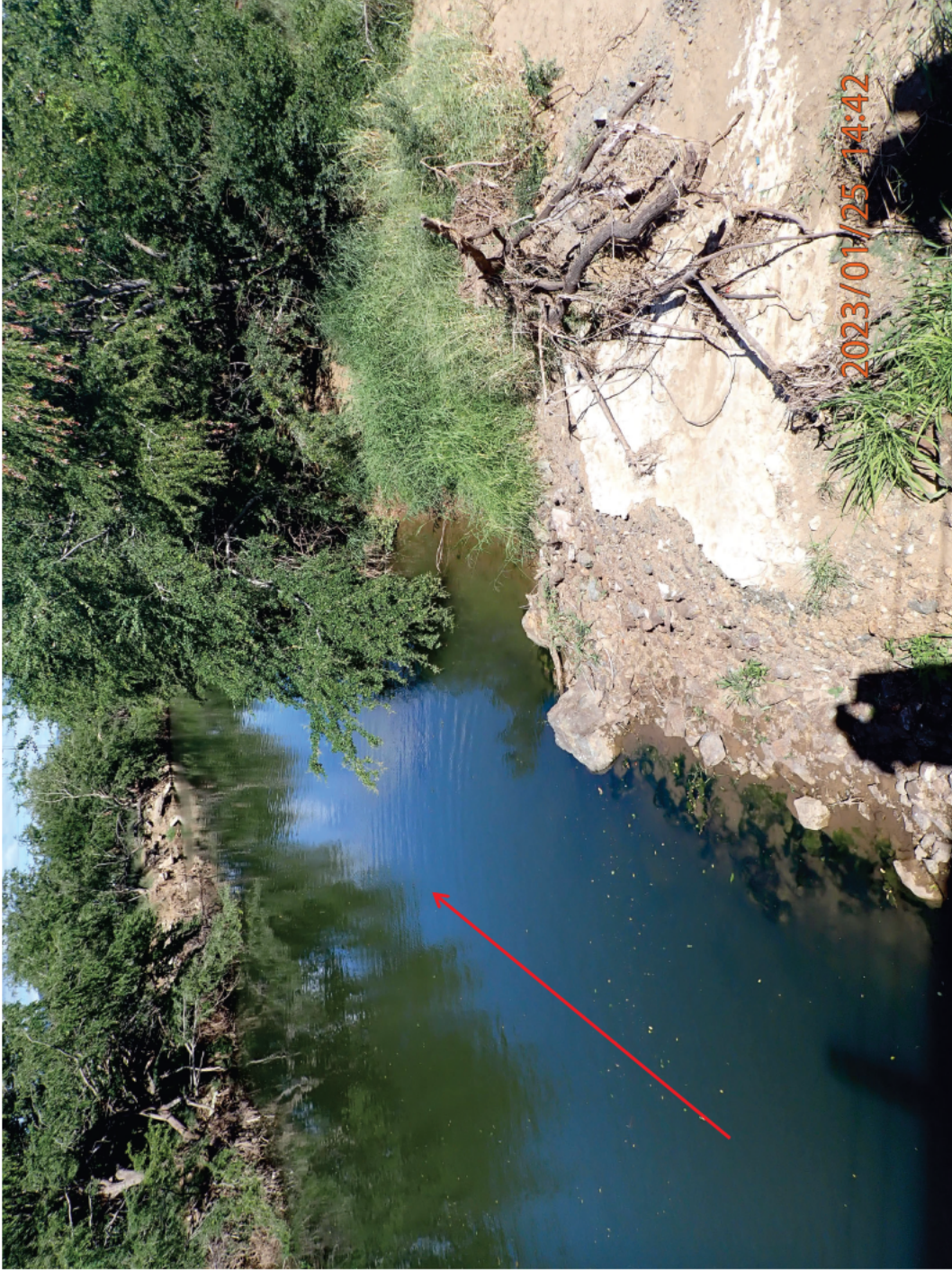
Photographer: Yolianne Maclay

Photo ID: P1250560

Description: View of the Site from the top of the permanent bridge structure over Rio Nigua.

*Red arrows marks the direction of the flow.

Tax Parcel 417-000-006-04-998, Salinas, Puerto Rico, 00751



Date: January 25, 2023

Time: 2:42 PM

Photographer: Yolianne Maclay

Photo ID: P1250563

Description: View of the Rio Nigua from the permanent bridge structure. Left over concrete material (bottom right corner) from the temporary bridge structure can be seen left on the Site.

*Red arrows marks the direction of the flow.



Date: January 25, 2023

Time: 2:43 PM

Photographer: Yolianne Maclay

Photo ID: P1250564

Description: View from the Site: The permanent bridge (to the left) and the empty space (to the right) previously occupied by a Corps permit SAJ-2015-03878(JD-JJR) authorized temporary bridge structure (no longer present at the time of the inspection).



Date: January 25, 2023

Time: 2:44 PM

Photographer: Yolianne Maclay

Photo ID: P1250565

Description: Upon entering the Site, a long dirt can be seen. EPA was able to utilize this road to reach the rest of the Site to the south.

Tax Parcel 417-000-006-04-998, Salinas, Puerto Rico, 00751



Date: January 25, 2023

Time: 3:08 PM

Photographer: Yolianne Maclay

Photo ID: DSCN1914

Description: Pond A with cattail vegetation found at the Site.

Date: January 25, 2023

Time: 3:10 PM

Photographer: Yolianne Maclay

Photo ID: DSCN1917

Description: Fill pile found adjacent to pond with cattail A (on the left) on the southeast portion of the Site.

Pond B (circled) can be seen ahead.



Tax Parcel 417-000-006-04-998, Salinas, Puerto Rico, 00751



Date: January 25, 2023

Time: 3:15 PM

Photographer: Yolianne Maclay

Photo ID: DSCN1918

Description: Pond B with two channels, hydraulically connecting the pond to Bahía de Rincón through the trees to the left.

*Red arrows marks the direction of the flow.



Date: January 25, 2023

Time: 3:20 PM

Photographer: Yolianne Maclay

Photo ID: DSCN1920

Description: Pond B with two channels, hydraulically connecting the pond to Bahía de Rincón through the trees to the right.

*Red arrows marks the direction of the flow.



Date: January 25, 2023

Time: 3:17 PM

Photographer: Yolianne Maclay

Photo ID: DSCN1919

Description: View of the southern coast of Bahía de Rincón from the Site.



Date: January 25, 2023

Time: 3:39 PM

Photographer: Yolianne Maclay

Photo ID: DSCN1941

Description: View of the southern coast of Bahía de Rincón from the Site.



Date: January 25, 2023

Time: 3:38 PM

Photographer: Yolianne Maclay

Photo ID: DSCN1940

Description: View of the southern coast of the Site where Bahía de Rincón and Río Nigua meet.

*Red arrows marks the direction of the flow.



Date: January 25, 2023

Time: 3:29 PM

Photographer: Yolianne Maclay

Photo ID: DSCN1934

Description: View of vegetation marked as Wetland 1 in the preliminary jurisdictional determination associated with USACE permit SAJ-2015-03878.



Date: January 25, 2023

Time: 3:30 PM

Photographer: Yolianne Maclay

Photo ID: DSCN1935

Description: Panorama of the center of the site.

Tax Parcel 417-000-006-04-998, Salinas, Puerto Rico, 00751