

Appendix 8. Public participation opportunities & public meeting comments and responses

The revision process of the Jobos Bay NERR management plan occurred over two years (from 2015-2017) and included direct input from all Reserve staff members, the Puerto Rico Department of Natural and Environmental Resources, the community, four advisory committees and the National Oceanic and Atmospheric Administration's Stewardship Division staff and the Legal Counsel.

During that time, various public participation opportunities were provided for input on the plan that included:

- | **Design of a project's web page** which provided information on the project, the process, and alternatives for participation and to provide comments.
- | **First community meeting**- November 7, 2015 at Ángel "Cholo" Espada basketball court in Salinas.
 - Purpose: To publicize the Management Plan revision process, the work team involved, available participatory methods and gather participant's opinion, expectations and concerns. The power point presentation used for the meeting is included in Appendix 8-A.
 - There were 18 participants that included hunters, community leaders, and researchers.
- | **Visitor survey**
 - Purpose: Participant's relation with the Reserve, activities carried out in the area, Factors that they like or dislike the most and problems or needs.
 - Method: A non- probabilistic survey that was available through various methods including web based, and printed copies were available at the Reserve, where it was administered with the help of community volunteers.
 - There were 198 respondents. Results are included in Appendix 8-B.
- | **Meetings with advisory committees**
 - There were four meetings with the advisory committees, composed of Commonwealth, Federal and Municipal representatives, scientists and community leaders. The purpose of these meetings was to assess issues identified in the previous plan, as well as goals objectives and actions. In addition new issues and required actions were identified and discussed. Meetings were held in the Reserve's Visitor Center:

- Stewardship Advisory Committee- January 18, 2016. There were seven representatives of the following entities: USDA: International Institute of Tropical Forestry (IITF), Natural Resources Conservation Service (NRCS), NOAA- National Marine Fisheries Service (NMFS) and the community based organization, IDEBAJO.
 - Education Program- March 4, 2016 – There were representatives from: Woodrow Wilson School-Salinas, San Conrado Private School-Ponce, a retired teacher from Guayama, the Sea Grant Program, DNER Education and Community Relations Office, and a consulting expert from Consultores Educativos.
 - Coastal Training Program- March 29, 2017- There were representatives from nine entities: DNER- Coastal Management Program, Sea Grant Program, Puerto Rico Permits Management Office (OGPe by its Spanish acronym), Environmental Quality Board, Puerto Rico Electric Power Authority (PREPA), University of Puerto Rico Mayagüez Campus-Agricultural Extension Service- Guayama Region, Municipality of Guayama., US Coast Guard and USDA-NRCS.
 - Research Advisory Committee- April 6, 2016 – There were representatives from CariCOOS, the US Geological Survey, DNER Northeast Reserve's Manager and collaborator in the Sentinel Site project; Public Health School researchers and a USGS retired employee.
- Presentations and minutes are included in Appendix 8-C.

I **Draft revisions**

- A first draft of the document was submitted to the PRDNER staff, the NOAA's Stewardship Division, and the four Advisory Committees in June 30, 2016. Subsequent revisions took place in September and December 2016 and February, June and August 2017 by the Reserve's staff and the NOAA's Stewardship Division, previous to the public comment period.

Public comment period

Inviting comments

NOAA's Estuarine Reserves Division reviews and approves the plan after ensuring sufficient opportunity for comment by the public, per 15 Code of Federal Regulations 921.33. Once the management plan was approved by NOAA's ERD, a Federal Register Notice announcing a 30 day public comment period was published. The public comment period for this plan was published in the Federal Register on Monday, August 21, 2017 and the comment period ended on September 22, 2017. The draft of the plan

was available online [<http://drna.pr.gov/jbnerr/>] and comments could be provided by email to the Reserve's Manager, Aitza Pabón [apabon@drna.pr.gov].

In addition, a public notice was published in the local newspaper, El Nuevo Día on August 21, 2017, announcing the beginning of the public comment period and the information for a public meeting. The public comment period extended until September 22, 2017. The notice indicated that the plan was available online and a written copy was also available at the Reserve's Visitor Center. In addition to the email address, a postal address was provided and the public could also provide comments at the public meeting.

A total of three (3) people provided comments during the public comment period. Two provided verbal comments during the public meeting and the other were written comments sent by email to the Reserve's Director.

Public meeting comments and responses

The public meeting was held at the Jobos Bay NERR Visitor Center on August 29, 2017 at 5:00pm. There were seven participants in the meeting, in addition to the Reserve's staff, a representative of the Ranger Corps and the consultants. The meeting was audio recorded and minutes were taken. The attendance list is included in Appendix 8-D.

The Reserve Director gave a presentation using power point and encouraged participants to intervene and make questions and comments during her presentation. This promoted audience participation in a more informal and community oriented approach.

Two attendees provided oral comments:

- Mr. Jorge Ortiz Colón, Institute of Puerto Rican Culture
- Mr. Ray Rodriguez Colón, Puerto Rico al Sur, Inc.

Specific comments received on the plan are noted below in bold and are followed by a description of how the Jobos Bay NERR addressed the comment.

Comments provided by Mr. Jorge Ortiz Colón, Institute of Puerto Rican Culture

Comment 1: Commentator indicated that under the Social Sciences, Historical Sciences should also be included, being a little explored subject.

Reserve response: The comment corresponds to action 2 under Objective 1, "Convene social science researchers to discuss research needs and opportunities". The action was modified as follows to address the comment:

“2. Convene social science researchers and historians to discuss research needs and opportunities”.

The Reserve will convene social scientists and historians that are knowledgeable in the Reserve to identify: future research needs and topics, infrastructure, equipment and materials as well as the potential for collaboration.

Comment 2: Indicated that there are multiple historic resources in the area and a little research has been done. There are archeological and subaquatic elements, and historic rails. The Institute of Puerto Rican Culture has an Underwater Research Council and there is a probability of underwater elements in the Jobos Bay and the Caribbean. He indicated that the agency will submit written comments.

Reserve Response: No change made to the Plan. The concern expressed verbally was addressed in the previous comment, by acknowledging the need for additional research in the social science as part of the Research program during the next planning period.

Comments provided by Mr. Ray Rodriguez Colón, Puerto Rico al Sur, Inc.

Comment 3: The participant asked if the Reserve has considered establishing a citizen Science Program. Indicated that the National Science Foundation funds this type of initiative. He also offered to help with this voluntary effort.

Reserve response: The following action was added under Objective 2 in the Education Program: (Develop a Conservation Action Education Program to increase knowledge and engagement among community members as well as to increase the volunteer base).

“5. Develop a Citizen Science Program at the Reserve”

The Reserve will be more successful in protecting its natural resources if the local community is educated, begin to develop a sense of ownership, and becomes actively engaged. The Education program Coordinator will lead, the development of a citizen science monitoring program that can involve community members, visitors, and local schools in the long-term monitoring of water-quality and specific species populations. To reach this end, all program coordinators must be involved, but ultimately a Volunteer Coordinator is needed to organize logistics.

Comment 4. Indicated that he is interested in helping strengthening volunteers in the areas of: birds, sea turtles and citizen science.

Reserve response: No change made to the Plan. The Reserve will continue working with collaborators to strengthen the volunteer base.

Comment 5: Participant asked if the buffer zone for the nurse shark mating grounds includes the maritime terrestrial zone.

Reserve response: No change made to the Plan. An oral response was provided by the Reserve staff during the meeting. They indicated that the buffer zone closest to land is part of the Reserve and these are mangroves and wetlands whose access is very limited.

Comment 5: Commentator indicated that the nurse shark is a protected species by the International Union for Conservation of Nature (IUCN) -Red List.

Reserve response: No change made to the Plan. The Plan describes the species in the Biological resources section, and states that Regulation No. 7949, Puerto Rico Fishing Regulation Num. 7949 of 2010 protects the species by prohibiting its harvesting in the Commonwealth's territorial waters (Section of Allowable and Unallowable Uses).

Additional comments received during the public comment period

Comments from Comité Diálogo Ambiental, Inc.-Iniciativa de Eco Desarrollo de Bahía de Jobos (IDEBAJO) were received via email on Monday, September 18, 2017. Comments are summarized below and the written communication is included in Appendix 8-E.

Comment 1. Refers to enforcement and security issues, such as: illegal cutting of mangroves, filling of wetlands, construction of structures and blocking public access. Indicates that Reserve's Natural Interpreter Guide Program participants have been intimidated and threatened and fear for their safety. The need for enforcement in this case cannot be emphasized enough and should be emphasized in the Draft Management Plan.

Reserve response: These issues have been identified in "Section 3.3 Summary of threats and stressors, Illegal and conflictive uses and activities". In Section 4.3 Jobos Bay NERR Priority Issues, the text explaining the issue referring to Habitat loss and degradation was modified to include the illegal cutting of mangroves, filling of wetlands and development in the maritime terrestrial zone as some of its causes.

The Reserve's Resources Protection Plan addresses these concerns in Objective 1. Improve law enforcement in the Reserve and its watershed. Actions include: continue implementing the Surveillance and Prevention Enforcement Strategic Plan of the PRDNER at JBNERR; request at least two additional Rangers for the Reserve; continue coordinating efforts to implement the legal strategic plan for the removal of illegal structures; and provide technical and scientific opinion on authorizations or permits that have the potential to impact the Reserve and its watershed.

Comment 2. Refers to current and potential collaboration between IDEBAJO and the Reserve in research, education and outreach areas. Indicates that IDEBAJO has

previously suggested certain issues as possible research topics at the Reserve and the willingness to collaborate in that area. In addition that Dialogo youth group and other members do water monitoring and participate in coastal training program workshops. Diálogo Ambiental and IDEBAJO have organized multiple environmental awareness activities. The Committee would hope to continue collaborating with the Reserve by enabling local youth access to the Reserve. Indicates that Dialogo has a workshop program known as "Convivencia Ambiental", and an education commission was formed to plan the promotional, financial and logistical aspects of each of the one week long intensive workshops which are conducted in different Reserve facilities, including the offshore cays.

Reserve response: During the next management period, the Reserve will strengthen and improve initiatives to increase the participation of communities in research and education. The Conservation Action Education Program will serve to increase knowledge and engage community members as well as to increase the volunteer base. An action under this program is the Development of a Citizen Science Program at the Reserve, which is well aligned with IDEBAJO and Diálogo initiatives. The Reserve also plans to recruit a Volunteer Coordinator to support volunteers and community NGO, such as IDEBAJO in a number of projects and initiatives pertinent to Reserve themes and needs, in order to truly maximize the potential of a solid Volunteer Program.

Comment 3. Details Dialogo efforts to improve air and water quality in the Reserve, its surrounding communities and the watershed. It is currently working on issues related to the AES coal combustion plant located in the Jobos Bay watershed. In particular, a Coal Ash Campaign which is a collaborative effort with local and U.S. groups on issues related to "the indiscriminate use and accumulation of coal ash in flood prone areas, over sole source aquifers and in proximity to marginalized communities and sensitive environmental areas such as the Jobos Bay NERR". Details instances in which the company AES has been fined by the USEPA and the PREQB. Another projects include the protection of the South Coast Aquifer from garbage dump contamination, sprawling construction over Aquifer recharge areas and a large tire fire that contaminated Jobos Bay with PAHs, and most recently with the proposed Aguirre Offshore GasPort project.

Reserve response: Section 3.3 "Summary of threats and stressors- Degraded water quality" discusses impacts and concerns of industrial contamination on Reserve's habitats and proposed projects in the Reserve and its watershed. Jobos Bay NERR Priority Issues also addresses these concerns under the "Habitat loss and degradation" section.

The Reserve staff will continue working with other DNER units (Legal Office, Permits, Ranger Corps among other) to address issues affecting the Reserve. For the next management period, the Reserve Research Program will continue monitoring water quality and will seek resources and collaboration to establish a ground-water quality

monitoring program. In addition the Coastal Training Program will work with industries to address coastal management issues identified in this Plan.

Comment 4. Proposes to include additional results of the document “A Baseline Assessment of the Ecological Resources of Jobos Bay, Puerto Rico” from Whitall, D.R., B.M. Costa, L.J. Bauer, A. Dieppa, and S.D. Hile (eds.). 2011.

Reserve response: Information was added to the following sections of the Management Plan: Biological Resources-habitats-Coral Reefs and also in the Social Attributes section.

Comment 5. Refers to the ESA and ESA proposed species section of the Revised Alternative Pass Benthic Baseline Characterization Report for the Aguirre Offshore Gas Port project.

“ESA and ESA proposed stony corals were regularly observed throughout the mapped hardbottom (reef) communities. *Acropora* (ESA-threatened and proposed for ESA-endangered) along with all seven ESA-proposed stony corals were observed during the survey. We must emphasize that frequency of observations during towed-diver surveys is a defensible indication of abundance; but these observations are not equivalent to abundance or density. *Acropora cervicornis* was only observed in the consolidated reef habitat (ESA reef #6) associated pipeline corridor segment 2 (see Figure 3-2). The seven ESA-proposed species were common throughout and often observed on multiple reef sites. The most frequent of the ESA-proposed species is *Montastraea faveolata* and the least frequent is *Mycetophyllia ferox*. Figure 3-2 delineates and enumerates (for cross-reference with Table 3-6) the reef sites where ESA and/or ESA proposed species were observed. Table 3-6 provides a summary of the listed and proposed coral species observations by rank order of frequency and by the corresponding reef site number presented in Figure 3-2.

Reserve response: The following paragraph was included in the description of coral habitats.

The baseline benthic characterization for the Aguirre Offshore GasPort identified all seven ESA threaten listed species south of the cays, at the entrance of Boca del Infierno. These are elkhorn coral, staghorn coral, boulder star coral, mountainous star coral (*Orbicella faveolata*), knobby star coral (*Orbicella franksi*), rough cactus coral (*Mycetophyllia ferox*) and pillar coral (*Dendrogyra cylindrus*).

Comment 6. Expresses concerns related to the Aguirre Offshore Gasport and resulting impacts on ESA coral listed species and benthic habitats. Indicates that the discussion in

the Management Plan requires greater detail on additional imminent threats to JBNERR. Discusses the findings of the Laney Horizontal Directional Drill Preliminary Feasibility Study and its potential impacts on the Reserve's resources.

Reserve response: A more detailed discussion has been included in Section 3.3 Summary of threats and stressors.

Comment 7. Repeated references in the JBNERR Draft Management Plan to illegal fishing practices and over fishing are controverted. Comments make reference to the Tetra Tech, Inc., Jan. 2014, Aguirre GasPort Project ESA Coral Mapping and Demography, (p.4-3) study which indicates that the lack of habitat is the reason why few spiny lobsters were observed, and it does not mention overfishing.

Reserve response: The document does not mention overfishing or illegal fishing practices of spiny lobster. Overfishing and illegal fishing practices do occur and have been documented by the Reserve staff. Illegal fishing practices refer to the capture of land crabs and the use of nets in the Mar Negro area, among other. Recently a commercial fisher was intercepted with 412 sea cucumbers (*Holothuria Spp.*) in the Mar Negro Area. As a result, the DNER issued an Administrative Order (AO 2016-08) to prohibit the capture and possession of sea cucumbers (*Holothuria Spp.*) and sea urchins (*Class Echinoidea*) in territorial waters.

Comment 8. IDEBAJO and Dialogo contend that livelihood opportunities for local coastal communities seem more likely in ecotourism and value added activities such as seafood processing and/or restaurants as all local fishing groups have started to implement. To that end, IDEBAJO and Dialogo have collaborated extensively with Reserve management and staff on community outreach, capacity building and socio-productive alternatives including promotion of ecotourism and other sustainable activities. IDEBAJO and Dialogo have proposed the restoration and development of fish hatcheries according to traditional custom as described by Don Celedonio in "Los Placeres". This practice included selective trimming of mangrove roots, creating canals with access to the Bay. This allows small fish access to the Bay during low tide avoiding fish kills due to high heat and low oxygen levels of trapped water in congested mangrove canals. Host communities can be involved in managing these mangrove canals. A new

Reserve response: The Reserve will continue working with IDEBAJO and with local communities and partners to promote ecotourism and sustainable fishing practices, while balancing the need for resources protection.

Comment 9. New research area previously suggested by IDEBAJO and Diálogo is the carbon storage capacity of the Reserve. Wetland areas are generally able to sequester carbon at higher rates than other land-based systems. Research could be conducted on the current Reserve baseline and the potential for additional carbon

storage. Wetlands such as those in the Jobos Bay NERR can be a tool in combating climate change. Biomass baselines should be determined for the Reserve. Performance goals for additional carbon storage can be established in collaboration with community NGO's who can provide surveillance and maintenance to ensure permanence and protection against carbon leakage. Perpetual conservation easements, land trusts or payment for ecosystem services can be used to create buffer zones for the Reserve.

Reserve response: Research on the Jobos Bay NERR blue carbon processes has been included in the Research component, Objective 1, Action 7 of the Management Plan.

Comment 10. Ongoing massive mangrove cutting and destruction, filling of wetlands and construction of structures in Camino del Indio in Las Mareas reflects the urgent need for Federal and Commonwealth agency enforcement action against the alleged owners of the summer homes and properties which requires further emphasis in the Draft Management Plan. Similarly, although the Draft Management Plan indicates that the use of jet skis is prohibited in all Reserve waters, jet skis operating at high speeds are commonly seen in Jobos Bay.

Reserve response: The Reserve's Director is requesting that additional enforcement staff is assigned to the Reserve. She will continue coordinating with the DNER legal and enforcement units as well as with other federal agencies to implement the Surveillance and Prevention Enforcement Strategic Plan of the PRDNER at JBNERR, and the legal strategic plan for the removal of illegal structures.

Comment 11. As noted in comments to a previous draft of the Management Plan, the community of San Felipe was omitted from the list of neighboring communities and the spelling of La Margarita should be corrected.

Reserve response: Corrections and additions made to Figure 4.

Comment 11. The unemployment rate in the Municipality of Salinas cited in the Draft Management Plan seems to be substantially understated.

Reserve response: **The draft management plan does not include the** unemployment rate for the Municipality of Salinas. It does include the rate for the watershed. However, this data was substituted with the population in the labor force, which is more representative of the employment situation in the watershed, where 61% of the population is not in the labor force (is not working and not actively looking for a job), according to the 2014 ACS. Unemployment rate for Salinas was included in the Jobs and employment trends section in Appendix 7. To be consistent with the data presented in

the Management Plan, the 2014 ACS was used: unemployment rate in Salinas is 16.1% and Guayama is 20%. Recent data from the Puerto Rico Department of Labor and Human Resources reported that, as of July 2017, unemployment rate in Salinas is 19.3% and Guayama is 17.1%.

Comment 11. The JBNERR Management Plan should include information on air emissions and impacts in the Jobos Bay airshed. Discusses the emissions from Aguirre complex and AES Puerto Rico LLC and potential contaminants resulting from the construction and operations of Aguirre Offshore Gasport.

Reserve response: A section on the air quality was included in Section 3.3, Summary of threats and stressors. USEPA's Toxic Release Inventory: Facility Report was used as well as the information from the Reserve's profile that was updated in 2008. As indicated in the description, there's a need for additional studies and monitoring. This need was addressed in the Research Program section. Objective 3, action 7, which relates to monitoring of key species, includes the following:

“The Reserve will also play an important role in closing the knowledge gaps and research needs related to: (1) the relation between airborne toxic compounds and their effects on the Reserve's species and habitats, and (2) the effects of climate change in marine mammals.”