

**Congress of the United States**  
**Washington, DC 20515**

February 14, 2023

Leopoldo Miranda  
Regional Director, Southeast Region  
U.S. Fish and Wildlife Service  
1875 Century Boulevard  
Atlanta, GA 30345

Dear Director Miranda:

Thank you for your efforts to preserve and restore fish and wildlife resources across Puerto Rico. The wide range of conservation activities has become increasingly important in a context where poorly regulated commercial and residential developments are rapidly expanding.

We write to you with serious concerns about the ongoing environmental crisis in Aguadilla, Puerto Rico. As you may know, since April 2022, media accounts have reported the damages caused by construction activities above the Karst features at Cueva de las Golondrinas, which is habitat to the federally endangered<sup>1</sup> and protected migratory brown pelican (*Pelecanus occidentalis*).<sup>2,3</sup> Allegedly, workers with a relationship to the corporations Aguadilla Pier Corp., RL Partners LLC, The Cliff Corp., and Grupo Caribe LLC, have deforested the habitat of the brown pelican by knowingly cutting down trees containing the bird nests, in violation of the *Endangered Species Act* (ESA) and the *Migratory Bird Treaty Act* (MBTA).<sup>4,5,6</sup> Today, we call for the enforcement of these statutes and for the protection of the brown pelican and other species that may be affected by the negligence of the developers involved.

As of August 2020, the U.S. Fish and Wildlife Service (FWS) has identified and listed at least 26 threatened or endangered species whose habitat lies in Puerto Rico, including the brown pelican.<sup>7</sup> Pursuant to the ESA,<sup>8</sup> all listed species shall be protected and recovered by FWS. Some activities to support these purposes include developing and implementing recovery plans, identifying critical habitats, and conducting federal consultations on projects that may impact listed species. In addition, ESA prohibits the unpermitted take (i.e., killing, capturing, or harming) of endangered and threatened species. The MBTA assigns additional responsibilities to FWS in

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<sup>1</sup> Oficina de Campo de Servicios Ecológicos del Caribe, *Especies amenazadas o en peligro de extinción y hábitats críticos bajo la jurisdicción del Servicio de Pesca y Vida Silvestre de los Estados Unidos, Puerto Rico e Islas Vírgenes Americanas*, U.S. FISH AND WILDLIFE SERV. (Aug. 2020), <https://www.fws.gov/media/especies-amenazadas-o-en-peligro-de-extincion-y-habitats-criticos-bajo-la-jurisdiccion-del>.

<sup>2</sup> *Preocupa nueva construcción en cueva Las Golondrinas en Aguadilla*, METRO PUERTO RICO (Apr. 29, 2022), <https://www.metro.pr/noticias/2022/04/29/preocupa-nueva-construccion-en-cueva-las-golondrinas-en-aguadilla>

<sup>3</sup> List of Migratory Birds, 50 C.F.R. § 10.13 (2020)

<sup>4</sup> *Supra* note 2.

<sup>5</sup> Letter from P.R. Rep. Mariana Nogales Molinelli to Leopoldo Miranda (Jan. 12, 2023).

<sup>6</sup> Carlos Edill Berríos Polanco, *Puerto Ricans Set Up Encampments to Protest Environmental Destruction*, LATINO REBELS (Jan. 6, 2023), <https://www.latinorebels.com/2023/01/06/puertoricobeacheenvironment>.

<sup>7</sup> *Supra* note 1.

<sup>8</sup> 16 U.S.C. §1531 et seq.

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regard to the protection of migratory birds, including the monitoring of bird populations, habitat conservation, and consultation. To carry out these provisions, FWS has national, regional, and local offices of law enforcement. At the local level, special agents and wildlife inspectors have the power to conduct on-the-ground law enforcement investigations and wildlife inspections, which can lead to civil or criminal penalties, in accordance with the ESA, MBTA, and other statutes.<sup>9</sup>

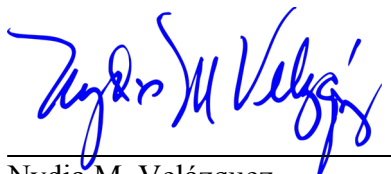
According to these authorities, we respectfully ask you to provide us with an update on this case, including details on:

- 1) Any recent actions taken to enforce the brown pelican's recovery plan;
- 2) The identified critical habitats of the species and their status;
- 3) The most recent estimates of juvenile and adult brown pelican's population size, and their distribution in Aguadilla or surrounding areas;
- 4) Any consultation carried out by your agency to ascertain the projects' harmful impacts on the species;
- 5) The results of an on-site inspection to enforce compliance with the ESA and MBTA; and
- 6) Whether your agency is considering additional enforcement actions under the ESA, MBTA, and 16 U.S. Code § 7421.

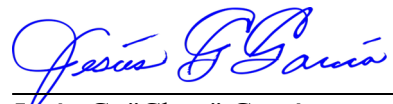
The situation on the ground is spiraling out of control due to a lack of any enforcement during the last eight months. The unlicensed development on top of Cueva de las Golondrinas continues to threaten the very wildlife that our laws and agencies must protect. As government officials, it is our duty to represent the public interest and prevent another environmental catastrophe in the territory. The residents of Aguadilla are waiting for the federal government to act.

Please contact Rachel A. Román from my office at Rachel.Roman@mail.house.gov for any questions you may have. I look forward to reviewing your responses no later than February 28, 2023. Thank you for your attention to this time-sensitive matter.

Sincerely,



Nydia M. Velázquez  
Member of Congress



Jesús G. "Chuy" García  
Member of Congress

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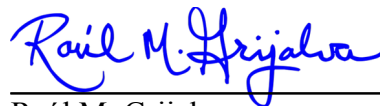
<sup>9</sup> *U.S. Fish and Wildlife Service: An Overview*, CONGRESSIONAL RESEARCH SERVICE (Jul. 20, 2018), [https://www.everycrsreport.com/files/20180720\\_R45265\\_64ff0d0ba2d1887c8de4af535e3b820b8c6645a3.pdf](https://www.everycrsreport.com/files/20180720_R45265_64ff0d0ba2d1887c8de4af535e3b820b8c6645a3.pdf).

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Alexandria Ocasio-Cortez  
Member of Congress



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Raúl M. Grijalva  
Member of Congress



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Adriano Espaillat  
Member of Congress



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Ritchie Torres  
Member of Congress



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Darren Soto  
Member of Congress