

**Ministry of Environment and Energy
National Environmental Technical Secretariat
(SETENA)**

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Apartado Postal 5298-1000, San José

Resolution No. 1597-2008-SETENA

THE MINISTRY OF ENVIRONMENT AND ENERGY, THE NATIONAL ENVIRONMENTAL
TECHNICAL SECRETARIAT,
AT 9:15 A.M. ON JUNE 2, 2008.

**PROYECTO CONDOMINIO HORIZONTAL RESIDENCIAL LAS OLAS
[LAS OLAS RESIDENCIAL HORIZONTAL CONDOMINIUM PROJECT]
ADMINISTRATIVE FILE No. D1-1362-2007-SETENA**

The Plenary Commission of this Secretariat has reviewed the Environmental Assessment Document (D-1), the Environmental Management Forecast-Plan and the Environmental Commitments Affidavit for the project: **Condominio Horizontal Residencial Las Olas [Las Olas Residencial Horizontal Condominium]**, under the name of the company Inversiones Cotsco C&T S.A., represented by Mr. David Aven, **file number D1-1362-2007-SETENA**.

IN VIEW OF

ONE: On November 8, 2007, this Secretariat received the Environmental Assessment Document (D-1) and the Environmental Management Forecast-Plan for the Project: Condominio Horizontal Residencial Las Olas [Las Olas Residencial Horizontal Condominium], under the name of the company Inversiones Cotsco C&T S.A., represented by Mr. David Aven, file number D1-1362-2007-SETENA.

TWO: On January 10, 2008, Mr. Eduardo Segnini Zamora, member of the Department of Institutional Management, and company officials of the developer conducted a field inspection on the project area.

THREE: On April 3, 2008, the information was received that was requested in official letter SGP-DGI 098 – 2008 dated February 23, 2008, requesting the developer submit: updated vegetation cover map, registry certification of the property, determination from ACOPAC-MINAE, affidavit of non-initiation of works without an environmental viability permit (VLA), three georeferenced points and a photographic record of the project area (PA).

WHEREAS

ONE: Mr. David Aven is acknowledged as having the capacity to request the environmental assessment on behalf of the company Oceánico País Sociedad Anónima.

TWO: Article 19 of the Organic Law on the Environment states "The resolutions of the National Environmental Technical Secretariat must be well founded and reasoned. They will be binding on both individuals and public entities and agencies."

THREE: In accordance with the analysis of the Department of Institutional Management, the documentation contained in the administrative file and the site inspection, the following has been determined:

- 1- The activity to be carried out consists of division under the condominium regime of separate primary subdivided properties. According to the design, there will be 300 properties. Streets, a potable water system, a storm sewer and electricity and telephone lines will be built and installed. For the disposal of wastewater and sewage, an anaerobic treatment plant will be built, with the capacity and of the type approved by the Ministry of Health. Its location is specified in the site design. Collection, transport and final disposal of solid waste will be provided by private enterprise – note attached of availability of this service – for which final disposal must be at an authorized site. The electrical distribution system will be underground, three-phase and single-phase, 19.9/34.5 kV, with underground secondaries at 120/240 V, padmounted transformers, street lighting. Electrical and telephone infrastructure will be public; the ultimate owner will be the ICE (Instituto Costarricense de Electricidad [Costa Rican Electricity Institute]). The location of pipes will be under the sidewalk and green area at a depth of between 70 cm and 120 cm. Pipes will have the same location and depth as power lines, parallel to them.
- 2- The initial environmental assessment document (called D1) meets the requirements for technical, legal and supplementary information, in subsections 1.3. and 1.4.
- 3- The project submitted to the impact assessment process through this file comprises the infrastructure works necessary to provide basic project services, and the construction of the dwellings.
- 4- At the time of the visit to the project area, neither machinery nor personnel was found working on the construction phase of the project; its construction phase had not begun. The land where the project will be located is defined as flat/rolling, with slopes between 0 and 15%, mainly a DIA (direct influence area). The PA contains no permanent or intermittent streams and rivers, and vegetation cover consists of grass with scattered trees and small areas with vegetation cover in the PA [sic]. The area surrounding the project consists of properties with land use similar to that of the PA, and buildings and homes under construction. Movement of earth without it being carried outside the PA is planned.
- 5- The basic services of the project will include the following: Potable water will be supplied by ASADA (Asociación Administradora de Acueductos y Alcantarillados [Aqueduct and Sewer Management Association]) of Esterillos; electrical power will be provided by the ICE. For wastewater treatment, a treatment plant will be used; the design thereof was attached. Rainwater will be drained off through an existing stormwater collection system. Collection, transport and final disposal of solid waste will be provided by private enterprise – note attached of availability of this service – for which final disposal must be at an authorized site.
- 6- The applicant has submitted the Technical Studies specified in the Manual of Technical Instruments for the Environmental Impact Assessment Process (No. 32712-MINAE (Ministerio de Industria, Ambiente, Energía y Telecomunicaciones [Ministry of Industry, Environment, Energy and Telecommunications])). Basic engineering study of the land: Geotechnical bearing capacity study, certification regarding consideration of anthropic risk, and the basic hydrology study of the nearest course of water. The applicant has submitted the summary PA land technical archaeological study, which indicates that no further archaeological studies on the PA are required. The applicant has submitted the basic geology study of the PA land:

Basic geology study of the property, the natural threat status of the PA and the environmental hydrogeology study of the property.

- 7- **The basic studies conducted establish a series of recommendations that must be followed as indicated, as part of the environmental commitments of the project. If removal of any trees is required, the appropriate permit must be obtained from the MINAE office.**
- 8- For each environmental impact identified in the basic environmental impact identification matrix, the respective mitigation measures are presented.
- 9- Regarding the deliberation criteria, the final EIA score established a value of 429 points. According to the SETENA Environmental Impact Assessment procedure, pursuant to the decision path, the activity requires the submission of an Environmental Management Forecast-Plan, as an environmental assessment instrument.

FOUR: The appropriate review was conducted of the **Environmental Management Forecast-Plan and the Environmental Commitments Affidavit** submitted by the Developer, along with the initial environmental assessment document (D1) submitted to this Secretariat; the Developer has complied with the requirements of the **Manual on Technical Instruments for the Environmental Impact Assessment Process (EIA Manual Part II)**, and consequently it is appropriate in this case to continue with the environmental assessment procedure of the aforesaid project to obtain the determination of environmental viability. If work, activities or projects are initiated before the environmental viability determination by this Secretariat, we have the power to order the suspension of work and enforce the provisions of applicable law.

**WHEREFORE
THE PLENARY COMMISSION RESOLVES:**

At Regular Meeting No. **82-2008** of this Secretariat, commenced on **MAY 30, 2008**, the Secretariat resolves, in Article No. 11:

ONE: The initial environmental assessment document (D1), the Environmental Management Plan and the Environment Commitments Affidavit submitted to this Secretariat meet with the requirements of the **Manual on Technical Instruments for the Environmental Impact Assessment Process (EIA Manual Part II)**, and consequently it is appropriate in this case to continue with the environmental assessment procedure of the aforesaid project to obtain the environmental viability permit; for these purposes, it is necessary to request that the Developer (**David Aven - Inversiones Cotsco C&T S.A.**) fulfill the following requirements, in accordance with the Environmental Assessment Procedure of this Secretariat:

- a) Deposit the **environmental bond**, in the amount of \$8,000.00 (eight thousand dollars or the equivalent in local currency) in Securities Custody Account No. CV-7297-SETENA-MINAE at the National Bank of Costa Rica - San José (Central Offices). This amount may be adjusted depending on the outcome of the Environmental Assessment; the deposit must be for a minimum period of one year, in accordance with Article 21 of the Organic Law on the Environment.

- b) Appoint an **Environmental Supervisor**, with current registration in the SETENA Consultants Register, by sending a note signed by the owner with the acceptance of the assigned professional. The applicant must provide the appointment letter signed by the developer and the acceptance letter signed by the consultant.
- c) Frequency of submission of environmental supervision reports will be established by the Plenary Commission in the final resolution. **Environmental supervision reports must be submitted within 10 days of the end of the period they cover.**
- d) Submit, to the Legal Unit of this Secretariat, a minute book with 100 pages for use as an Environmental Log. This must remain on the project premises for the entire term of environmental supervision, which will be defined by the Plenary Commission in the final resolution.

TWO: The foregoing documentation must be submitted by the Developer (**David Aven - Inversiones Cotsco C&T S.A.**) **one month before the start of activities**; otherwise, the provisions of applicable law will be enforced. Furthermore, the Developer is reminded that it must submit, monthly, a letter stating that the project has not initiated work. Submit a letter one month before work is started, specifying the date of project commencement.

THREE: Based on the environmental characteristics of the PA and its interaction with the activities to be performed in the project, the frequency of submission of environmental supervision reports to SETENA is established as every two **months** during the construction phase, with a consolidated report to be submitted at the end of said phase. **The environmental supervision reports must be submitted within 10 days of the end of the period they cover.** The period of the first environmental supervision report starts when activities commence. For the preparation of these reports, according to the format established by this Secretariat, the environmental supervisor will be responsible for conducting the required number of visits, depending on the project characteristics. Based on these reports and the monitoring program, SETENA may adjust the bond amount and issue mandatory compliance measures to control the environmental impact of the project, work or activity. The supervisor and the owner must assist SETENA in the inspections it carries out.

FOUR: Failure to comply with the requirements of this Secretariat or any of the obligations assumed in the Environmental Commitments Affidavit and the Environmental Management Plan will be subject to the penalties established in Article 99 of the Organic Law on the Environment, as well as other applicable law.

FIVE: The interested party is notified that, in accordance with Articles 17,18 and 19 of the Organic Law on the Environment, the environmental assessment procedure has been completed for the project identified as follows:

- 1- **Project Name:** Condominio Horizontal Residencial Las Olas [Las Olas Residential Horizontal Condominium], File No. **1362-2007-SETENA**, Owner: Inversiones Cotsco C&T S A. – Representative: David Aven, Location: Province: Puntarenas, Canton: Parrita, District: Parrita, Map Sheet: Herradura, Scale: 1:50,000, Coordinates: 386.850 – 387.500 N and

407.800 – 408.600 E, Cadastral Map No. P-1244761-2007, Property Number: 142646-000. **Project Description:** The activity to be carried out consists of division under the condominium regime of separate primary subdivided properties. According to the design, there will be 300 properties. Streets, a potable water system, a storm sewer and electricity and telephone lines will be built and installed. For the disposal of wastewater and sewage, an anaerobic treatment plant will be built, with the capacity and of the type approved by the Ministry of Health. Its location is specified in the site design. Collection, transport and final disposal of solid waste will be provided by private enterprise – note attached of availability of this service – for which final disposal must be at an authorized site. The electrical distribution system will be underground, three-phase and single-phase, 19.9/34.5 kV, with underground secondaries at 120/240 V, padmounted transformers, street lighting. Electrical and telephone infrastructure will be public; the ultimate owner will be the ICE. The location of pipes will be under the sidewalk and green area at a depth of between 70 cm and 120 cm. Pipes will have the same location and depth as power lines, parallel to them.

Therefore, the **ENVIRONMENTAL VIABILITY PERMIT** is granted to the project, and the Environmental Management phase is begun, in the understanding of compliance with the fundamental Environmental Commitment Clause specified in Whereas Clause Three above.

SIX: This permit will be valid for a period of **TWO years** for the commencement of the activities. If activities are not commenced by the established time, the provisions of applicable law will be enforced.

SEVEN: Within three days from the day following the date of notification, this resolution may be contested by ordinary appeal for reconsideration filed with SETENA, or by appeal to the Minister of Environment and Energy, in accordance with Articles 342 et seq. of the General Law of Public Administration and Article 87 of the Organic Law on the Environment.

EIGHT: All documentation submitted to SETENA must clearly indicate the file number, the resolution number and the complete project name.

Sincerely,

[Signature]

[stamp:]

MINISTRY OF THE ENVIRONMENT AND ENERGY

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PLENARY COMMISSION

SONIA ESPINOZA VALVERDE, MSc
SECRETARY GENERAL
ON BEHALF OF THE PLENARY COMMISSION

At the office of the National Environmental Technical Secretariat, a copy of Resolution No. **1597-2008-SETENA** was served at **9:15 a.m.** on **JUNE 1, 2008.**

ORDERED TO BE SERVED ON: David Aven - Inversiones Cotsco C&T S.A. Fax: 2283-3497

Signature: _____ identity card No. _____

At [hw:] 12:10 a.m. on [hw:] June 3, 2008.

Served by [signature:] Sonia Phillips