

Ministerio de Ambiente y Energía (MINAE)¹
Secretaría Técnica Nacional Ambiental
SETENA²

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Resolution No. 1597-2008-SETENA

The Ministry of the Environment and Energy, the National Technical Secretariat of the Environment, at 09:15 on June 02, 2008

LAS OLAS RESIDENTIAL CONDOMINIUM PROJECT
ADMINISTRATIVE FILE No. D1-1362-2007-SETENA

The Plenary Commission of this Secretariat (D-1) is presented the Environmental Management Plan & Forecast and the Environmental Commitment Affidavit for the project: Las Olas Residential Condominium, on behalf of the company Inversiones Cotsco C&T S.A., represented by Mr. David Aven, file number D1-1362-2007-SETENA.

BACKGROUND

FIRST: On November 08, 2007, this Secretariat received the Environmental Assessment Document (D-1), the Project Environmental Management Plan & Forecast of Las Olas Residential Condominium, on behalf of the company Inversiones Cotsco C&T S.A., represented by Mr. David Aven, file number D1-1362-2007-SETENA,

SECOND: On January 10, 2008, Mr. Eduardo Segnini-Zamora, member of the Institutional Management Department and officers of the developer carried out a field inspection of the project area.

THIRD: On April 03, 2008, the information requested in official document SGP-DGI 098-2008 dated February 23, 2008, was received. The developer was asked to submit an updated vegetation cover map, a property registration certificate, the decision made by ACOPAC-MINAE, an affidavit of not starting the works without the VLA [Environmental Viability Permit], three geo-referenced points, and the PA [Project Area] photographic record.

¹ MINAE: Ministry of the Environment and Energy

² SETENA: National Technical Secretariat of the Environment

WHEREAS

FIRST: Mr. David Aven authorization to ask for the environmental assessment on behalf of the company Oceánico País Sociedad Anónima [sic] has been verified.

SECOND: Article 19 of the Environment Organic Law states that: “The resolutions of the National Technical Secretariat of the Environment must be well founded and justified. They shall be mandatory both for individuals and public entities and organisms.”

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THIRD: In the opinion of the Institutional Management Department and the documentation in the administrative file, and the onsite inspection carried out, the following was determined:

1. The activity to be developed consists on subdividing the property into primary individual lots under the condominium regime. Based on the design, there will be 300 lots. Roads, potable water system works, storm sewers, electrification, and phone systems will be built. An anaerobic treatment plant will be built to treat the wastewater and sewage; its capacity and type will be authorized by the Ministry of Health; its location is included in site layout. Solid waste collection, transportation, and final disposal will be provided by a private company; a letter regarding the availability of this service is attached; an authorized site must be used for their final disposal. The 19.9/34.5Kv three-phased and single-phased electricity distribution system will be underground and will have a 120/240W underground secondary; public lightning will use pad mount transformers. The electric and phone infrastructure will be public and will belong to the ICE³. Pipelines will be placed underneath the sidewalks and green areas at a depth ranging from 70 cm to 120 cm. Pipelines [sic] will be placed at the same location and depth as the electric pipelines, parallel to them.
2. The initial environmental assessment document (designated D1) meets the technical, legal, and supplementary information [requirements] in sections 1.3 and 1.4.
3. The project subjected to this environmental assessment process includes the infrastructure works needed to provide the project's utilities and to build the dwellings.

³ ICE: Instituto Costarricense de Electricidad / Costa Rican Power Company

4. At the time the project area was visited no machinery or construction workers were at the project construction site; the construction phase has not started. The land where the project will be located is defined as flat-rugged with slopes ranging from 0% to 15% in most of the ADI [Area of Direct Influence]. There are no permanent or intermittent streams or rivers in the PA, and the vegetation cover is comprised of pastures with scattered trees and small sectors with vegetation cover in the PA [sic]. The area surrounding the project consists of parcels with a similar use as the PA, as well as buildings and houses under construction. Earthworks were noticed; the earth was not carried out of the PA.
5. The project utilities will include the following: drinking water to be provided by the Esterillos ASADA⁴; electricity to be provided by the Instituto Costarricense de Electricidad (ICE). Wastewater will be treated in a treatment plant, whose design is attached. Rainwater will be discharged into a rainwater collector system that exists in the area. The recollection, transportation, and final disposal of the solid wastes will be provided by a private company; a letter regarding the availability of this service is attached; an authorized site will be used for their final disposal.
6. He submitted the Technical Studies listed in the Technical Instrument Manual for Environmental Impact Assessment Processes (No. 32712-Minae): basic soil engineering study; load bearing capacity geotechnical study; certificate about the anthropic risks considered, and the basic hydrologic study of the closest watercourse. He submitted the rapid archeological technical study of the PA land, which states that no further archeological studies are required in the PA. He submitted the basic PA land geological study, the basic property geology study, the PA natural threat condition, and the property environmental hydro-geological study.

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7. The basic studies undertaken point out a series of recommendations that must be complied with as part of the environmental commitments of the project. If it were necessary to cut any tree, the corresponding permit must be obtained from the MINAE office.
8. For each environmental impact identified in the basic environmental impact identification matrix, a corresponding mitigation measure is presented.
9. With regard to the weighting criteria, the final EIS [Environmental Impact Significance] score came up to 429 points. According to SETENA's

⁴ ASADA: Asociación Administradora de Sistemas de Agua Potable y Saneamiento / Administrative Association of the Potable Water and Sanitation Systems

Environmental Impact Assessment procedure, [and] based on the decision map, the activity has to present an Environmental Management Plan & Forecast as its environmental assessment instrument.

FOURTH: The Environmental Management Plan & Forecast and Environmental Commitment Affidavit presented by the Developer together with the initial environmental assessment document (D1) at this Secretariat were analyzed, and they comply with the requirements in the Technical Instrument Manual for Environmental Impact Assessment Processes (Part II of the EIA Manual). Therefore, what is appropriate in this case is to continue with the environmental assessment procedure of the project in question in order to obtain the environmental viability declaration. If the works, activities, or projects were started before this Secretariat issues the environmental viability, this institution has the power to stop the works and apply the legal provisions in force.

**THEREFORE,
THE PLENARY COMMISSION HEREBY RESOLVES:**

Regular meeting No. **82-2008** of this Secretariat dated **May 30, 2008**, Article No. **11** reads that:

FIRST: The initial environmental assessment document (D1), the Environmental Management Plan, and the DJCA⁵ filed at this Secretariat meet the requirements in the Technical Instruments Manual for Environmental Impact Assessment Processes (Part II of the EIA Manual). Therefore, what is appropriate in this case is to continue with the environmental assessment procedure of the project in question in order to obtain the environmental viability. Thus, it is necessary to ask the Developer (David Aven – Inversiones Cotsco C&T S. A.) to fulfill the following requirements according to the provisions in the Environmental Assess Procedure of this Secretariat:

- a) Deposit the environmental guarantee in the amount of USD 8,000.00 (eight thousand dollars or its equivalent in the national currency). The security must be deposited in the Custodia de Valores [Security Custody] account number CV-7297-SETENA-MINAE at Banco Nacional de Costa Rica – San Jose (Headquarters). This amount may be adjusted depending on the result of the Environmental Assessment. The guarantee should be deposited for a minimum of one year according to article 21 of the Environment Organic Law.

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⁵ DJCA: Declaración Jurada de Compromisos Ambientales / Environmental Commitment Affidavit

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- b) Appoint an Environment Agent who is validly registered at the SETENA Consultants Registry and send a letter signed by the professional appointed expressing his/her consent. The letter of appointment must be signed by the developer and the acceptance letter must be signed by the consultant.
- c) The environmental reporting frequency will be defined by the Plenary Commission in its final resolution. The environmental reports must be submitted within ten days after the end of the period they cover.
- d) Present a 100-page Minutes Book at the Legal Unit of this Secretariat to be certified as an Environmental Log. It should be kept at the project facilities throughout the life of the environmental regency which will be defined by the Plenary Commission in its final resolution.

SECOND: The foregoing documents should be presented by the Developer (David Aven – Inversiones Cotsco C&T S. A.) one month before starting the activities. Otherwise, the legal provisions in force will be applied. Furthermore, the Developer is hereby reminded that every month he must submit a letter stating that the project works have not started. One month before the project works begin, he must submit a letter indicating the start date.

THIRD: Based on the PA environmental characteristics and their interaction with the activities to be undertaken by the project, the environmental agent must submit reports to SETENA every two months during the construction phase and a consolidated report once it has been completed. The environmental agent's reports must be presented within ten days after the end of the period they cover. The first report period starts as soon as the activities start. These reports should be prepared according to the format set by this Secretariat. The environmental agent will be responsible for paying the required number of visits depending on the project characteristics. Based on these reports and the monitoring program, SETENA may adjust the amount of the guarantee and order mandatory measures to keep the project, works, or activity within a controlled environmental impact margin. The responsible agent and the owner must support SETENA's work during any inspections.

FOURTH: Any noncompliance with the requirements set by this Secretariat or with any of the obligations assumed in the Environmental Commitment Affidavit and the Environmental Management Plan could be penalized according to the provisions in article 99 of the Environment Organic Law and any other regulations in force.

FIFTH: The interested party is hereby informed that, according to articles 17, 18, and 19 of the Environment Organic Law, he has complied with the environmental assessment procedure of the project that has the following characteristics:

1. **Project's name:** Condominio Horizontal Residencial Las Olas, 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; plat map: P-1244761-2007; Property number: 142646000.

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Project Description: The activity to be developed consists of subdividing the property into primary individual lots under the condominium regime. According to the design, there will be 300 lots. Roads, potable water system works, storm sewers, electrification, and phone systems will be built. An anaerobic treatment plant will be built to treat wastewater and sewage; its capacity and type will be authorized by the Ministry of Health; its location is included in site layout. Solid waste collection, transportation, and final disposal will be provided by a private company; a letter regarding the availability of this service is attached; an authorized site will be used for their final disposal. The 19.9/34.5 kV three-phased and single-phased electricity distribution system will be underground and will have a 120/240W underground secondary. Public lightning will use pad mount transformers. The electric and phone infrastructure will be public and will belong to the ICE. Pipelines will be placed underneath the sidewalks and green areas at a depth ranging from 70 cm to 120 cm. Pipelines [sic] will be placed in the same location and depth as the electric pipelines, parallel to them

Therefore, the **ENVIRONMENTAL VIABILITY** is hereby granted to the project; the Environmental Management phase is open in the understanding that it must comply with the fundamental Environmental Commitment Clause mentioned in the Third Whereas statement above.

SIXTH: This viability is granted for a period of **TWO Years** to start the activities. If the activities were not started within this timeframe, the provisions in the legislation in force will be applied.

SEVENTH: Within three days as of the notice reception date, an ordinary appeal for revocation may be lodged against this resolution at SETENA and an appeal may be lodged at the Ministry of the Environment and Energy, according to articles 342 and following of the Public Administration General Act and 87 of the Environment Organic Law.

EIGHTH: Every document that is presented at SETENA should clearly state the file number, the resolution number, and the project's full name.

Sincerely

[Signature]

M. Sc. Sonia Espinoza-Valverde
Secretary General

In representation of the Plenary Commission

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