

Ministry of Environment and Energy
National Environmental Technical Secretariat
SETENA
Telephone: 2234-3367-22346368 Fax: 22258862
Post-office box 5298-1000 San José

Resolution N° 2164-2004-SETENA

THE MINISTRY OF ENVIRONMENT AND ENERGY, THE NATIONAL TECHNICAL SECRETARIAT OF ENVIRONMENT, AT 09 HOURS 25 MINUTES ON NOVEMBER 23, 2004

FILE NUMBER 551-2002-SETENA
PROJECT VILLAS DE CANICULA

The Plenary Commission of this Secretariat acknowledges the Environmental Impact Evaluation procedure of the VILLAS DE CANÍCULA project. On behalf of Inversiones Aven, general proxy of the corporation COTSCO C & T S.A. administrative file number 551-2002-SETENA and Resolution No, 1121-2002-SETENA. by which additional information is requested.

WHEREAS

FIRST: On September 30, 2002, the Preliminary Environmental Evaluation Form (FEAP) was received at this Secretariat from the VILLAS DE CANÍCULA Project on behalf of Inversiones COTSCO C & T S. A. represented by David Aven. The administrative file number assigned is 551-2002-SETENA.

SECOND: That through resolution No. 1121-2002-SETENA, of November 22, 2004, notified on the 27th of the same month and year; the submittal of an Environmental Impact Study, Sworn Declaration of Environmental Commitments, the appointment of an Environmental Manager and the establishment of an Environmental Guarantee Amount in the amount of \$7,500 (seven thousand five hundred dollars or its equivalent in colones) was requested.

THIRD: On January 30 and February 24, 2003, this Secretariat received the Environmental Management Plan (EMP) of the VILLAS DE CANÍCULA Project, on behalf of the company Inversiones COTSCO C & T S.A. represented by David Aven;

FOURTH: That by means of Letter SG-167-2003, dated May 27, 2003, the developer is informed that the information provided does not meet the requirements of this Secretariat, so it must send a letter of availability of drinking water, an alternative to the rainwater drainage system, comply with current regulations regarding the wastewater treatment plant, submit a Sworn Statement of Environmental Commitments, the appointment of the Environmental Manager, an Environmental Guarantee, certification of legal status, power of attorney to Carlos Dengo, certified copy, cadastral plan, certification of ownership.

FIFTH: On June 9, 2004, this Secretariat received the documents requested by Letter SG-187-2003

SIXTH: That by Letter SG-246-2003, dated September 22, 2003, the developer is informed that in order to finalize the preliminary environmental evaluation, the following information is required: Power of attorney to Carlos Dengo, Clarify the situation of the certification and the cadastral plan which does not agree with what was submitted.

SEVENTH: On March 16th, 2004, this Secretariat received the information requested in Letter SG-246-2003.

EIGHTH: That based on Letter OCI-1074-04, which contains the technical analysis of the Environmental Management Plan presented by the developer, it is determined that it complies with the terms of reference established by this Secretariat

NINTH: That through Letter SG-1048-2004 (PEAP SETENA), dated May 14, 2004, the developer is informed that he must provide the environmental guarantee deposit.

TENTH: On June 4, 2004, a request for an extension was received by Mr. Juan Manuel Millán, in his capacity as project engineer for CADEHC, indicating that the amount of money is being obtained in the United States by the developer.

ELEVENTH: That by Resolution No. 1040-2004-SETENA, dated July 7, 2004, approves the application initiated by Juan Manuel Millán, in his capacity as CADEHC project engineer, and that the environmental guarantee be deposited ONE MONTH before the start of construction of the project.

TWELFTH: On June 21, 2004, the environmental guarantee deposit for the VILLAS DE CANÍCULA project was received at the Secretariat.

WHEREAS

FIRST: That Mr. David Aven is legitimized to request the environmental evaluation on behalf of the company he represents Inversiones COTSCO C & T S.A.

SECOND: Article 19 of the Organic Law on the Environment states that: "The resolutions of the National Environmental Technical Secretariat must be founded and reasoned. They shall be obligatory both for individuals and for public entities and bodies".

THIRD: That Article 17 of the Organic Law on the Environment states that: "Human activities which alter or destroy elements of the environment or generate waste, toxic or dangerous materials, will require an environmental impact evaluation by the National Environmental Technical Secretariat created by this law. Its previous approval, on behalf of this organism, will be a prerequisite for starting the activities, works or projects. The laws and regulations will indicate which activities, works or projects will require an environmental impact evaluation. In the present administrative procedure, it was determined that the suitable environmental evaluation instrument to be requested to the developer was an ENVIRONMENTAL MANAGEMENT PLAN, which was presented in time and after analysis of the Reference Process issued by this Secretariat. By virtue of the foregoing and in accordance with the powers of control and monitoring established in Article 20 of the Organic Law on the Environment, which states "The National Environmental Technical Secretariat shall establish instruments and means to follow up on compliance with the resolutions of the environmental impact evaluation. In cases of breach of its content, it may order the cessation of the works. The interested party is the author of the study and those who approve it will be directly and jointly liable for the damages caused"; By means of Resolution No. 1121-2002-SETENA and SG 167-2003 the stated documents were requested, in the foregoing second and fourth clauses, which have been analyzed and it has been determined

that they comply, so the appropriate thing in the present case is to approve the instrument of environmental impact evaluation, as well as the additional documents submitted and to grant the environmental viability.

In this same act, based on the environmental characteristics of the project, it is agreed to define the periodicity of the regency reports, which must be submitted by the developer every two months during the construction stage, for the presentation of the regency reports before SETENA.

THEREFORE THE PLENARY COMMISSION RESOLVES:

In Ordinary Session No. 043-2004 of this Secretariat, held on November 15, 2004, in Article No. 29 it was agreed: FIRST: The documents of the Environmental Impact Study, submitted for evaluation by the project executor, are approved.

SECOND The Sworn Declaration of Environmental Commitments is approved, the appointment of the Environmental Manager of the Deposit, through which Consultores Ambientales S.A (CADEHC) is appointed, corporate registration: 3-101-359299, consulting company No. EC-007-04, whose legal representative is Carlos Dengo Garrón, amount of environmental guarantee for the sum of \$7,500 (seven thousand five hundred dollars), Environmental Logbook, submitted by the developer on June 9 and July 21, 2004

THIRD: The interested party is informed that, in accordance with articles 17, 18 and 19 of the Organic Law on the Environment, the environmental evaluation procedure of the project has been complied with, which has the following characteristics:

Name of the Project: VILLAS DE CANÍCULA

Owner: Inversiones COTSCO C & T S.A.

File No. 551-2002-SETENA,

Location: Province: Puntarenas,

Canton Parrita,

District: Parrita,

Cartographic Sheet: Herradura, Esc. 1: 50.000,

Coordinates: 387 Norte / 408 Este,

Cadastral Plan No.: P-741685-01,

Property number: 124628-000.

Area of the project 7.5 Ha

Project description: the project consists of the construction of 48 condominium style villas on a 29 hectar lot with a construction area of 7.5 hectares. Given the characteristics of the land, no earthwork will be required, also since the property is in front of the public road, no access roads will be built. A treatment plant will be built to provide service to the sewage that will be generated during the operation.

Therefore ENVIRONMENTAL FEASIBILITY is granted, leaving the stage of Environmental Management open.

FOURTH: The developer is ordered to submit a letter each month, indicating that it has not initiated activities, duly signed by Mr. David Aven. At the time of initiating activities, submit environmental regency reports every two months during the construction stage. For the preparation of these reports, according to the format established by this Secretariat, it will be the responsibility of the environmental regent to make the necessary number of visits, depending on the characteristics of the project. Failure to comply with this requirement, as well as with any of the obligations contracted in the Sworn Declaration of Environmental Commitments, may be sanctioned in accordance with the provisions of Article 99 of the Organic Law on the Environment, as well as other legislation in force.

FIFTH: The validity of this viability will be for a period of ONE year for the beginning of the works. In case the works do not start in the established time, the file will be ordered to be filed.

SIXTH: Ordinary appeals for revocation may be filed against this resolution with SETENA within three days from the day following notification, and appeals with the Minister of the Environment and Energy, in accordance with Articles 342 and following of the General Law on Public Administration and 87 of the Organic Law on the Environment.

SEVENTH: All documentation to be submitted to SETENA must clearly indicate the file number, the resolution number and the full name of the project

Let it be notified

Patricia Campos Mesén

A copy of Resolution No. 543-2006-SETENA was notified at the office of the National Environmental Technical Secretariat at 09 hours 25 minutes on November 23, 2004.

Received by/Name

Carlos Dengo Garrón Fax 258 5712

ID Card

At 12 hours 20 minutes of 29, nov 2004

Notified by Grethel Valverde