

Madeline



## *Secretaría*

- Ver al dorso
- Para su información
- Notas
- Para mantenerle al día
- Expediente
- Dar Cuenta
- Registrar y Procesar

*Senado*  
DE PUERTO RICO

EL CAPITOLIO  
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## REFERIDO A:

### COMISIONES PERMANENTES

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- Hacienda
- Gobierno
- Seguridad Pública y Judicatura
- Salud
- Educación y Asuntos de la Familia
- Desarrollo Económico y Planificación
- Urbanismo e Infraestructura
- Jurídico Penal
- Jurídico Civil
- Agricultura
- Recursos Naturales y Ambientales
- Comercio y Cooperativismo
- Turismo y Cultura
- Trabajo, Asuntos del Veterano y Recursos Humanos
- Bienestar Social
- Asuntos Municipales
- Recreación y Deportes
- Banca, Asuntos del Consumidor y Corporaciones Públicas
- Desarrollo de la Región del Oeste
- Asuntos de la Mujer
- Asuntos Internos
- Reglas y Calendario
- Asuntos Federales
- De la Montaña
- Ética

### COMISIONES ESPECIALES

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- Puerto de las Américas
- Derecho de Autodeterminación del Pueblo de Puerto Rico
- Sobre Reforma Gubernamental

### COMISIONES CONJUNTAS

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- Informes Especiales del Contralor
- Donativos Legislativos de Puerto Rico
- Internado Córdova-Fernós
- Internado Pilar Barbosa
- Internado Ramos Comas
- Código Penal
- Revisión y Reforma del Código Civil
- Alianzas Público Privadas
- Auditoría Fiscal y Manejo Fondos Públicos
- Revisión Continua Código Penal y Reforma de las Leves



*ME*

Iniciales

*Oficina del Presidente*

Katherine Erazo  
CHIEF OF STAFF

Fecha 23 de abril de 2012

Referido a Katherine Erazo

- Para su información
- Evaluar y recomendar
- Para trabajar y contestar directamente
- Dar cuenta al cuerpo
- Para otorgar contrato
- Para nombramiento
- Autorizado



Gobierno de Puerto Rico  
Oficina del Gobernador  
Junta de Planificación

Centro Gubernamental Roberto Sánchez Vilella  
Ave. De Diego, Pda. 22, Santurce  
PO Box 41119, San Juan, PR 00940-1119

2012 MAR 28 4 PM 12:26 07

19 de abril de 2012

HON. THOMAS RIVERA SCHATZ  
PRESIDENTE  
SENADO DE PUERTO RICO  
PO BOX 9023431  
SAN JUAN PR 00902-3431

Caso Número: CZ-2008-0808-011

Estimado(a) señor(a):

Cumpliendo con las disposiciones de las Leyes Número 75 del 24 de junio de 1975 y 170 del 12 de agosto de 1988, según enmendadas, y para vuestra notificación oficial, le envío copia certificada de la notificación pública emitida por la Junta de Planificación de Puerto Rico en relación con el asunto de epígrafe.

Le agradeceré acuse de recibo de esta notificación.

Cordialmente,

*Loida Soto Nogueras*  
Loida Soto Nogueras  
Secretaria

Anejo



**GOVERNMENT OF PUERTO RICO  
OFFICE OF THE GOVERNOR  
PUERTO RICO PLANNING BOARD**

March 15, 2012

**CZ-2008-0808-011  
Joint Permit Application Number 868  
Federal Consistency Certificate with the  
Puerto Rico Coastal Zone Management Program**

**RESOLUTION**

TO NOTIFY PARTIES ABOUT THE EMISSION OF THE FEDERAL CONSISTENCY  
CERTIFICATE ACCORDING TO COASTAL ZONE MANAGEMENT ACT FEDERAL  
CONSISTENCY REGULATIONS AT 15 CFR Part 930

Mr. Luis F. Rodríguez submitted the Joint Permit Application at reference in order to obtain a Federal Consistency Certificate for a U.S. Army Corps of Engineers Permit. The proposed project consists in the construction of a marina of 96 boat slips as part of "Posada de la Bahía" nautical hotel. The proposed marina facilities will consist in a "U" shaped pier that will be connected to the proposed hotel building. The piers will have dimensions of 232 feet long by 8 feet wide and would include 46 finger piers. The pier located in the northwestern side would end in a 60 feet long by 60 feet wide deck that would serve as a helicopter pad.

The evaluation period of this application began in September 8, 2011. During the evaluation period, copy of the application and submitted documents were sent to the Fish & Wildlife Service (FWS), the National Marine Fisheries Service (NMFS), the Environmental Quality Board (EQB), the State Historic Preservation Office (SHPO), and the Puerto Rican Culture Institute (PRCI). Public notices were also issued. A summary of comments received from consulted agencies follows:

- **NMFS:** informed that a section 7 consultation pursuant the Endangered Species Act is required for this project as part of the USACE permit process, considering the potential impacts of the proposed facilities on listed species and their habitat. This agency requested additional information to complete the required consultation.
- **FWS:** expressed concern about the impacts of this project on the sea grass beds, the Antillean manatee and its habitat. This agency recommended not issue the CZM Certificate until these concerns are appropriately addressed.
- **SHPO:** informed that according to their records they believe that no historic properties are located within the project's area of potential effects.
- **DNER:** informed that they are evaluating the application for Land Use Concession for the proposed facilities. This agency concluded that after the corresponding evaluation, the proposed marina complies with the PRCZMP policies. Notwithstanding, the applicant must comply with the mitigation agreement established by this agency in which the amount of \$26,000 must be paid and deposited in the special fund established by the P.R. Wildlife Law (State Law Number 241 of August 15, 1999 as amended)
- **EQB:** according to their letter dated November 3, 2011 this agency concluded that the DNER, as proponent agency complied with the required environmental impact evaluation for the proposed marina and tourist project according requirements of the P.R. Environmental Policy Law.

Copy of the comment letters submitted by consulted agencies was sent to the applicant and 15 days were granted in order to address the received concerns and comments. The applicant submitted a rebuttal letter dated February 28, 2012 addressing concerns related to:

- A) Conservation of marine resources present at the project area
- B) Availability of infrastructure
- C) Navigation safety and public space use.

After reviewing the submitted application, received comments and applicant's rebuttal letter, The Puerto Rico Planning Board in its meeting of March 15, 2012 determined that the proposed project is **Consistent with the Puerto Rico Coastal Zone Management Program**. Notwithstanding the following recommendations are provided:

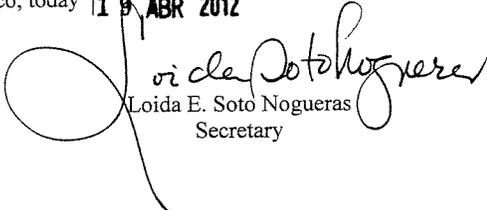
- 1- This Federal Consistency Certificate does not constitute a permit or authorization for the construction of the marina as proposed. The applicant must adjust the proposed marina design according to the final conditions and recommendations established by the U.S. Army Corps of Engineers Permit and the DNER Land Use Concession. The DNER and USACE will coordinate to establish the final mitigation agreement and design recommendations for this project.
- 2- This Federal Consistency Certificate does not constitute a construction permit or endorsement for the proposed hotel facilities. The applicant must obtain the required construction permits from the P.R. Permit Management Office (OGPe) or Cabo Rojo Municipal Government.
- 3- Comply with the conditions established by the Environmental Quality Board in their November 3, 2011 letter in order to minimize possible impacts associated to the demolition and construction activities.

**The following parties shall be notified:** Luis F. Rodríguez Amador, Applicant; Daniel J. Galán Kerkadó, Secretary, Department of Natural and Environmental Resources; Sindulfo Castillo, U.S. Army Corps Of Engineers; Ernesto Díaz, Director, Puerto Rico Coastal Zone Management Program, Department of Natural and Environmental Resources.

  
Ruben Flores Marzan  
Chairman

**Certify:** That this Resolution is copy of the agreement adopted by Puerto Rico Planning Board (PRPB) in its meeting of March 15, 2012. I expedite and notify this copy to the parties under my sign and official stamp of the Puerto Rico Planning Board stamp, for general use and knowledge.

In San Juan, Puerto Rico, today **19 ABR 2012**

  
Loida E. Soto Nogueras  
Secretary