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Iniciales



Oficina del Presidente

Katherine Erazo
CHIEF OF STAFF

Madeline

16007

Junta de Planificación



Secretaría

Fecha 21 de junio de 2012
Referido a Madeline Rivera

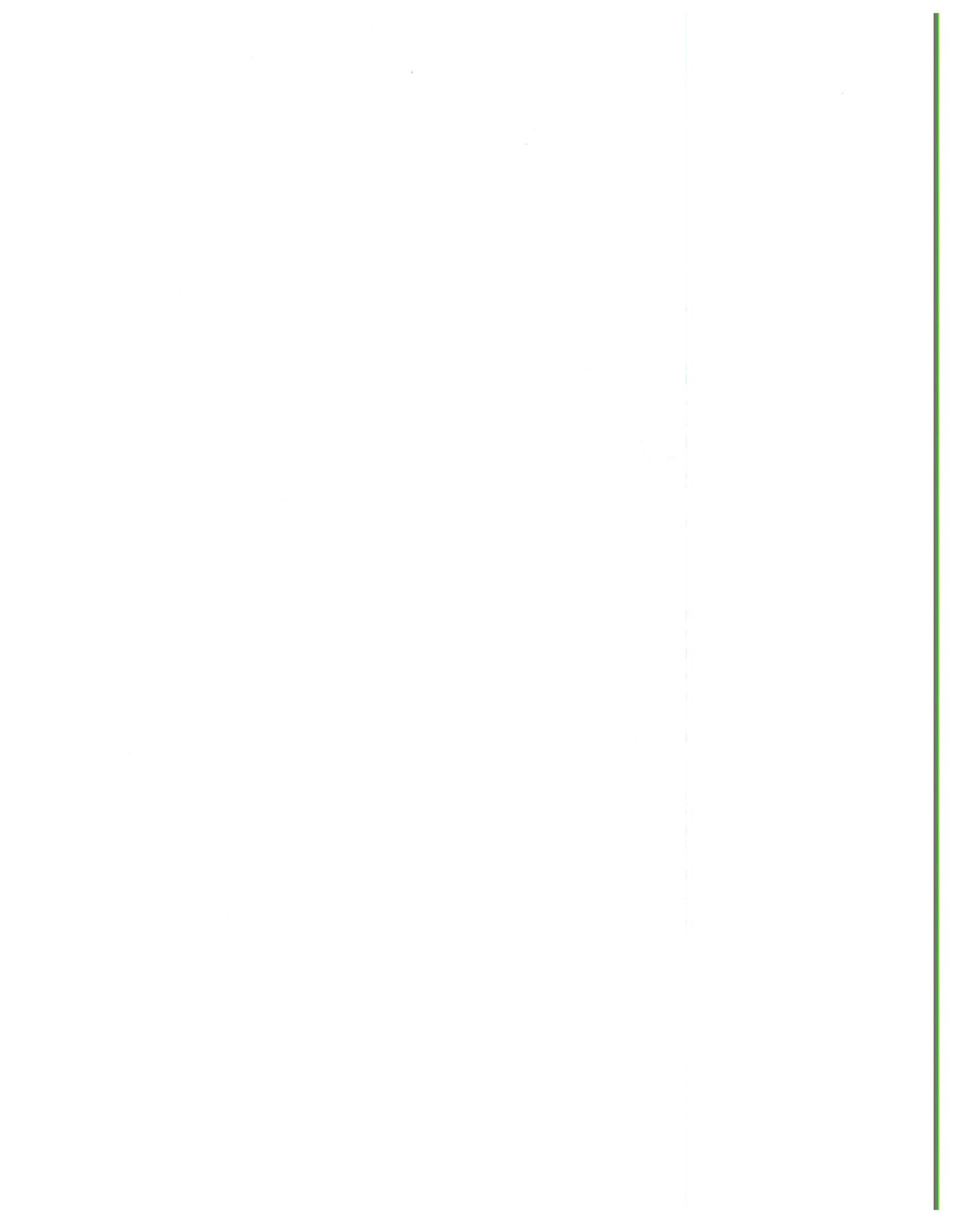
- Para su información
- Evaluar y recomendar
- Para trabajar y contestar directamente
- Dar cuenta al cuerpo
- Para otorgar contrato
- Para nombramiento
- Autorizado

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

Senado
DE PUERTO RICO

EL CAPITOLIO
PO Box 9023431
San Juan, Puerto Rico
00902-3431

T: 787.722.3460
787.722.4012
F: 787.723.5413
W: www.senadopr.us





OFICINA DEL PRESIDENTE
HON. THOMAS RIVERA SCHATZ

HOJA DE TRÁMITE

Fecha referido 24 DE JUNIO DE 2012

Referido a SRA. MADELINE RIVERA
SUB-SECRETARIA

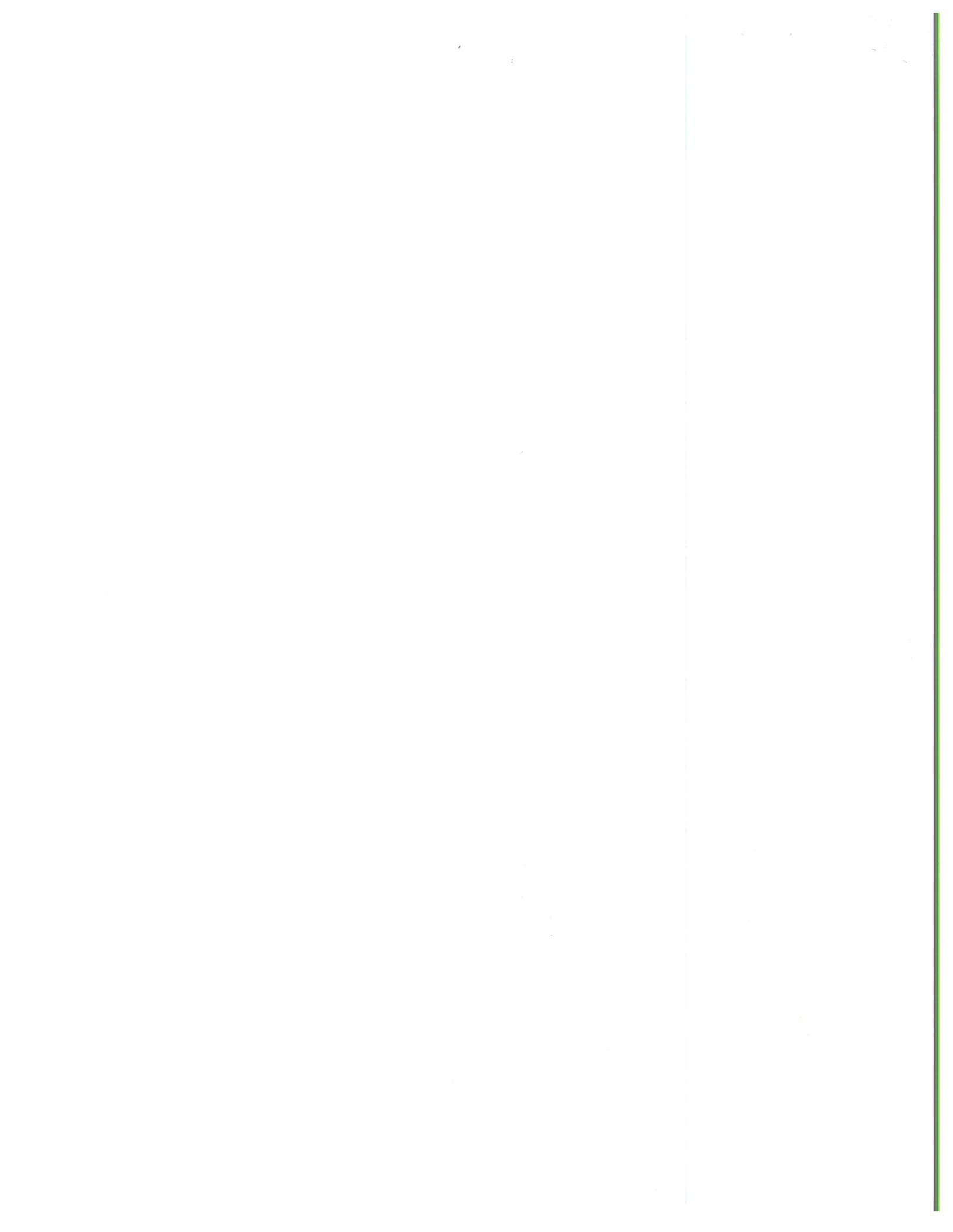
De 
SRA. MARGIE HUERTAS
SECRETARIA

Asunto **COPIA CERTIFICADA DE LA RESOLUCIÓN DEL CASO CZ-2011-0325-057 Y COPIA CERTIFICADA DEL ACUERDO ADOPTADO POR LA JUNTA DE PLANIFICACIÓN DE PR CON RELACIÓN AL CASO JP-RP-31**

- Para su conocimiento
 Para acción correspondiente
 Para trabajar y contestar directamente
 Autorizado

OBSERVACIONES

Recibido por _____ Fecha _____ Hora _____





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

16007

20 de junio de 2012

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

RECIBIDO
OFIC. PRESIDENTE SENADO PR
THOMAS RIVERA SCHATZ
2012 JUN 21 PM 3:26

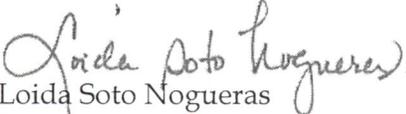
Caso Número: CZ-2011-0325-057

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 Noguera
Secretaria

Anejo

20-18818



PUERTO RICO GOVERNMENT
OFFICE OF THE GOVERNOR
PUERTO RICO PLANNING BOARD

June 13, 2012

Federal Consistency Certificate with the PRCZMP
CZ-2011-0325-057
Nationwide Permits 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

Section 404(e) of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899 provides the statutory authority for the Secretary of the Army, to issue general permits on a nationwide basis for any category of activities involving discharges of dredged or fill material into waters of the United States. The U.S. Army Corps of Engineers (USACE) reissued 48 existing Nationwide Permits (NWP's) that were established and in force from March 12, 2007 to March 18, 2012. The new reissued NWP's include only minimal modifications and two new NWP's, were established to authorize activities related to construction or installation of Renewable Energy Generation Facilities. The NWP's program is designed to provide timely authorizations for the regulated public while protecting the Nation's aquatic resources.

According to the Coastal Zone Management Act of 1972 and applicable Federal Consistency Regulations at 15 CFR Part 930, Federal Activities must be consistent at maximum extent practicable to state Coastal Zone Management Programs. The Puerto Rico Planning Board (PRPB) is the designated state agency to evaluate and determine the Consistency of Federal Activities with the Puerto Rico Coastal Zone Management Program.

The authorization of individual projects within the Puerto Rico Coastal Zone using the issued Nationwide Permit Program will require individual Federal Consistency reviews that consume time and efforts. In order to speed up and facilitate the USACE authorizations through the Nationwide Permits Program, the PRPB performed an evaluation to emit a General Federal Consistency Certificate applicable to authorizations of projects or activities through the Nationwide Permit Program. As part of the completed evaluation, the PRPB disclosed a public notice among the 78 Municipal Governments, State Agencies, Federal Agencies and Non-Governmental Organizations. The following comments were received from consulted agencies:

- ❖ **PR Environmental Quality Board (EQB):** according to a resolution emitted on april 13, 2012, this agency made the following determination regarding the issued - NWP's and the Water Quality Certification requirement:
 - 1- Considering that activities to be authorized through the NWP's Number 4, 5, 6, 20, 37 and 38 have no significant environmental impacts, or constitute emergency situations in which the requirement of a Water Quality Certificate (WQC) will not have any environmental benefit, the EQB grants an exemption of the WQC requirement for the activities or projects to be authorized through these NWP's.
 - 2- EQB reiterates in the WQC emitted on April 15, 1998 for NWP's number 3, 12, 13, 14, 18, 19, 22, 23, 27, 30, 40 and 45 and extends the applicability of this WQC for the NWP's number 51 and 52. The EQB understands that environmental impacts of activities to be authorized by NWP's number 51 and 52 will be minimized and controlled by complying with the conditions established under this general WQC.

- 3- Considering that NWP's number 7, 15, 16, 17, 25, 29, 31, 33, 39, 41, 42, 43, 44, 46 and 48 would have significant environmental impacts in water quality, activities or projects to be authorized under these NWP's must be evaluated by EQB in a case by case basis. Applicants must submit individual applications at EQB to obtain the required WQC before beginning the proposed projects or activities.
 - 4- Regarding the Nationwide Permit Number 32, (Completed Enforcement Actions) the EQB reiterates in their position of not emitting a WQC for activities to be authorized under this Nationwide Permit because the EQB must not certify that there were no water quality impact for activities or projects that were already performed. Notwithstanding, any activity or project that has not been performed and will require a WQC must be individually evaluated, considering that it would have a significant environmental impact. The EQB is in the disposition to grant positive determinations for projects or activities to be authorized under NWP 32 if applicants submit the required studies to evidence that the performed activity did not have an adverse impact in water quality.
- ❖ **Department of Natural and Environmental Resources (DNER):** The Secretary of this agency expressed that DNER has no objection to the emission of a Federal Consistency Certificate for the review and implementation of the Nationwide Permits Program. This agency concluded that the reissued NWP's are consistent with the objectives and policies of the Puerto Rico Coastal Zone Management Program. Notwithstanding, projects to be authorized under the NWP's Program involve activities that impact water bodies. Therefore, applicants must obtain and comply with the state agencies requirements (including DNER requirements) that will be applicable according to the type of project or activity. Requirements would include hydrologic – hydraulic studies, Maritime Zone Delimitation and benthic studies among others.

After reviewing the Nationwide Permits reissued and in force since March 19, 2012, the Puerto Rico Planning Board in its meeting of **June 13, 2012** made the following determination:

- A. **All the NWP's, excluding number 29, 36, 39, 42, 44 and 46, are Consistent with objectives and policies of the Puerto Rico Coastal Zone Management Program.** This Federal Consistency Certification applies to any activity or project authorized by the US Army Corps of Engineers under the Nationwide Permits Program with exception of activities or projects covered by the above mentioned excluded NWP's. Notwithstanding, activities to be authorized under the new issued NWP's number 51 and 52 land uses within the Puerto Rico state jurisdiction. Therefore, applicants submitting projects or activities to be authorized under the NWP 51 must include copy of the required permit from the PR Permit Management Office, as part of the Pre Construction Notification (PCN). Applicants submitting projects or activities to be covered under the NWP 52 must include evidence of coordination with the DNER or endorsement from the Secretary of this agency as part of the PCN.
- B. Considering the singular characteristics and territorial scale of the Puerto Rico Island and after the corresponding evaluation, the PRPB concluded that NWP's number **29, 36, 39, 42, 44 and 46** will have potential negative individual and cumulative impacts on natural resources of the Puerto Rico Coastal Zone. Activities covered under these NWP's **must comply with the required Federal Consistency review process and must be evaluated by the Coastal Zone Unit of the PRPB in a case by case basis.**
- C. Considering that EQB denied the WQC for the Nationwide Permits number **7, 15, 16, 17, 25, 29, 31, 33, 39, 41, 42, 43, 44, 46 and 48**, the Puerto Rico Planning Board recommends that applicants include a copy of the WQC or evidence of the WQC processing status, as part of the Pre Construction Notification for activities that require it. **Activities or projects authorized through these NWP's must comply with the EQB Water Quality Certification requisite before beginning any construction activities.**

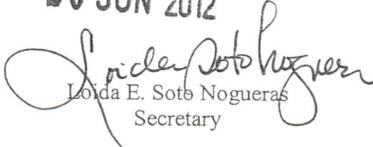
Activities and projects authorized under the Nationwide Permits Program and this Federal Consistency Certification **are not exempt** from complying with other federal or state permit requirement or endorsements.

The following parties shall be notified: **Mr. Stuart L. Santos**, Regulatory Division, Jacksonville District, U.S. Army Corps of Engineers; **Mr. Sindulfo Castillo**, Chief, Antilles Regulatory Division, U.S. Army Corps of Engineers; **Hon. Daniel Galán Kerkadó**, Secretary, Department of Natural and Environmental Resources; **Ernesto Díaz**, Director, PR Coastal Zone Management Program, Department of Natural and Environmental Resources; **Ing. José F. Ortiz Vázquez**, Executive Director of the P.R. Sewer and Aqueducts Authority; **Hon. Rubén Hernández Gregorat**, Executive Director of the PR Highway and Transportation Authority; **Otoniel Cruz Carrillo**, Executive Director of the PR Electric Power Authority; **Anette Felyberty**, Director of the Water Quality Division, PR Environmental Quality Board; All Municipal Government Offices of Puerto Rico.


Ruben Flores Marzan
Chairman

Certify: That this Resolution is copy of the agreement adopted by Puerto Rico Planning Board (PRPB) in its meeting of June 13, 2012. I expedite and notify this copy to the parties under my sign and official Puerto Rico Planning Board stamp, for general use and knowledge.

-In San Juan, Puerto Rico, today **20 JUN 2012**


Loida E. Soto Noguera
Secretary

