US Army Corps
of Engineers

FEDERAL AND COMMONWEALTH JOINT PERMIT APPLICATION FOR WATER RESOURCE ALTERATIONS IN WATERS, INCLUDING WETLANDS, OF PUERTO RICO

Effective Date of Implementation: October 1, 1999

GOVERNMENT OF PUERTO RICO
OFFICE OF THE GOVERNOR
PLANNING BOARD

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I. Introduction

The U.S. Army Corps of Engineers (USACE), the Department of Natural and Environmental Resources (DNER), the Puerto Rico Planning Board (PRPB) and the Environmental Quality Board (EQB), as mandated by Federal and Commonwealth laws as applicable, regulate many activities that affect water resources, including wetlands, located in Puerto Rico. These activities before they are performed must be authorized by the different agencies. The agencies have developed this joint application process to assist those individuals apply for the applicable permits for activities that will affect water resources, including wetlands, within the Commonwealth of Puerto Rico. The joint application process used by these regulatory agencies has been designed to minimize the delays and effort associated with applying for a permit. By following the instructions provided in this application booklet, you will provide the regulatory agencies with the information needed to process a permit application as quickly as possible.

A single application form, with one enclosure, has been developed for use by all agencies involved in the joint application process. By utilizing this joint permit application form you can apply for the following permits that would be needed for projects that affect water resources:

- Department of the Army permits, administered by the USACE, to place fill in waters of the U.S. (Section 404 of the Clean Water Act), work in navigable waters of the U.S. (Section 10 of the Rivers and Harbors Act) and/or the of transport dredged material for Ocean Disposal (Section 103 of the Marine Protection, Research and Sanctuaries Act).
- Certificate of Consistency with the Puerto Rico Coastal Zone Management Plan from the Puerto Rico Planning Board.
- Section 401 Water Quality Certificate from the Environmental Quality Board.
- Submerged Land Use Concession from the Department of Natural and Environmental Resources.
- Water Franchises.
- Well Construction and Water Intakes.
- Earth Crust Extraction Formal Permit.

This booklet also contains background information on the regulatory agencies permit program and specific requirements for the different permitting activities. The information provided in this booklet is general in nature for the purpose of assisting applicants in the preparation of a permit application. It is not intended to replace any Federal and/or Commonwealth regulations and guidelines. In the event of a conflict or discrepancy, the applicant must consult with the appropriate agency.

II. Instructions for the Submittal of a Joint Permit Application

The joint application process begins by submitting an application to a central receiving agency. The DNER will serve a the central receiving agency for the **FEDERAL AND COMMONWEALTH JOINT PERMIT APPLICATION FORM FOR WATER RESOURCE ALTERATIONS, INCLUDING WETLANDS, OF PUERTO RICO**. The DNER will receive the applications and will distribute the copies of applications to the agencies involved.

The Joint Permit Application and 13 complete copies must be submitted to the Secretariat Office (Oficina de Secretaría) of the DNER located on the 1st floor, Stop 3 1/2, Puerta de Tierra, San Juan. If the applicant wishes to have a receipt of the application submittal, he or she must bring an additional copy, which will be stamped by the DNER personnel. Within2 days or receipt the DNER will provide each agency with copies of the application. Within 20 days of submitting an application, the applicant should receive notification from each applicable agency. The notification could be in the form of a completeness/incompleteness letter.

The following permits will require the presentation of a fee when filing the application:

Earth Crust Extraction Formal Permit - $250.00
Water Franchises -$100.00
Submerged Land Use Concessions -.$500.00
Well Construction and Water intakes - $200.00

Payment must be made by certified check or money order made payable to the Secretary of Treasury. Payments must be made at the Cashiers Office (Oficina del Recaudador) at DNER.

III. Agency Description and Permit Types

III.1. U.S. Army Corps of Engineers (USACE)

III.1.A. Why Would You Need a Permit from the U.S. Army Corps of Engineers?

The USACE's Regulatory Program is one of the oldest environmental regulatory programs in the Federal Government. The main goals of the USACE's regulatory program are 1) To provide strong protection of the Nation's aquatic environment, including wetlands and; 2) Protect and maintain the navigable capacity of the nation's waters. The USACE regulates activities in waterways and wetlands under the authority of several Federal laws. These are:

III.1.A(1) Structures or Work in or Affecting Navigable Waters of the United States

Section 10 of the Rivers and Harbors Act of 1899 authorizes the USACE to regulate structures and work in navigable waters of the United States. Navigable waters of the United States are defined in paragraph II below.

Some of the structures and work that are regulated by the USACE include, without limitation, the following:

- any wharf, dolphin, weir, boom, breakwater, jetty, or groin;
- bank protection or stabilization activity (e.g. riprap, revetment, or bulkhead);
- permanent mooring structures such as pilings;
- aerial or subaqueous power transmission lines;
- intake or outfall pipes;
- permanently moored floating vessels;
- tunnels, artificial canals;
- boat ramps;
- aids to navigation;
- any permanent or semi-permanent obstacle or obstruction;
- dredging or disposal of dredged material, excavation, and filling; or
- other modifications affecting the course, location, condition, or capacity of navigable waters of the United States.

III.1.A(2). Transportation of Dredged Material for Ocean Disposal

Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972, as amended, authorizes the USACE to regulate the transportation of dredged material for the purpose of disposal in the ocean. Discharges of dredged or fill materials into territorial seas also require authorization under Section 404 of the Clean Water Act.

III.1.A(3). Discharge of Dredged or Fill Material into All Waters of the United States Including Wetlands

Section 404 of the Clean Water Act authorizes the USACE to regulate the discharge of dredged or fill material into all waters of the United States. The definition of waters of the United States includes wetlands. The definitions of waters of the United States is presented in paragraph II below.

You would need a USACE permit for the discharge of fill material that includes, without limitation, the following activities:

- placement of fill that is necessary for the construction of any structure or impoundment requiring rock, sand, dirt, or other material for its construction;
- site-development fills for recreational, industrial, commercial, residential, and other uses;
- causeways or road fills, dams and dikes;
- artificial islands;
- property protection and/or reclamation devices such as riprap, groins, seawalls, breakwaters, and revetments;
- beach nourishment;
- levees;
- fill for structures such as sewage treatment facilities, intake and outfall pipes associated with power plants and subaqueous utility lines; and
- artificial reefs.

USACE's regulations apply to both permanent and temporary work. Examples of temporary discharge include dewatering of dredged material before final disposal or temporary fills for access roadways, cofferdams, storage and work areas.

III.1.B. Jurisdiction of the USACE

The USACE's regulations broadly define two important terms, *"waters of the United States"* for the purpose of Section 404 of the Clean Water Act; and *"navigable waters of the United States"* for Section 10 of the Rivers and Harbors Act.

III.1.B(1) Waters of the United States

The definition of waters of the United States includes the following:

a. Navigable waters of the United States.
b. Wetlands.
c. Tributaries to navigable waters of the United States, including adjacent wetlands and lakes and ponds.
d. Interstate waters and their tributaries, including adjacent wetlands.
e. All other waters of the United States not identified above, such as isolated wetlands, intermittent streams, and other waters that are not part of a tributary system to interstate waters or to navigable waters of the United States, where the use, degradation or destruction of these waters could affect interstate or foreign commerce.

Under Section 404 of the Clean Water Act, the limits of the USACE' jurisdiction are defined by the landward limit of jurisdiction as the high tide line in tidal waters, and the ordinary high water mark as the limit in non-tidal waters. When adjacent wetlands are present, the limit of jurisdiction extends to the limit of the wetlands.
See **Figure 1**.

III.1.B(2). Navigable Waters of the United States

The USACE's general definition of navigable waters of the United States is those waters subject to the ebb and flow of the tide shoreward to the mean high water mark and/or presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. A determination of navigability, once made, applies laterally over the entire surface of the waterbody, and is not extinguished by later actions or events which impede or destroy navigable capacity. See **Figure 2**.

This term includes the oceans and navigable coastal and inland waters, lakes, rivers, and streams. The USACE's jurisdiction extends from 3 Nautical miles shoreward to the mean high water line.

Any person, firm, or agency (including Federal, state, and local government agencies) planning to work in navigable waters of the United States, or dump or place dredged or fill material in waters of the United States, must first obtain a permit from the USACE. Permits, licenses, variances, or similar authorization may also be required by other Federal, state and local statutes.

III.1.C Permit Application Process

III.1.C(1) General

The application form used to apply for a Department of the Army permit is the Joint Application included in this booklet. It is important that you provide the information in the requested format. This information will be used to determine the appropriate form of authorization, and to evaluate your proposal.

Some categories of activities have been previously authorized by nationwide permits and no further USACE approvals are required. Others may qualify for abbreviated permit processing, with authorizations in the form of general permits or letters of permission, in which a permit decision can usually be reached in 30 to 60 days. For other activities, a Public Notice may be required to notify Federal and Commonwealth agencies, adjacent property owners, and the general public of the proposal, to allow an opportunity for review and comment or to request a public hearing.

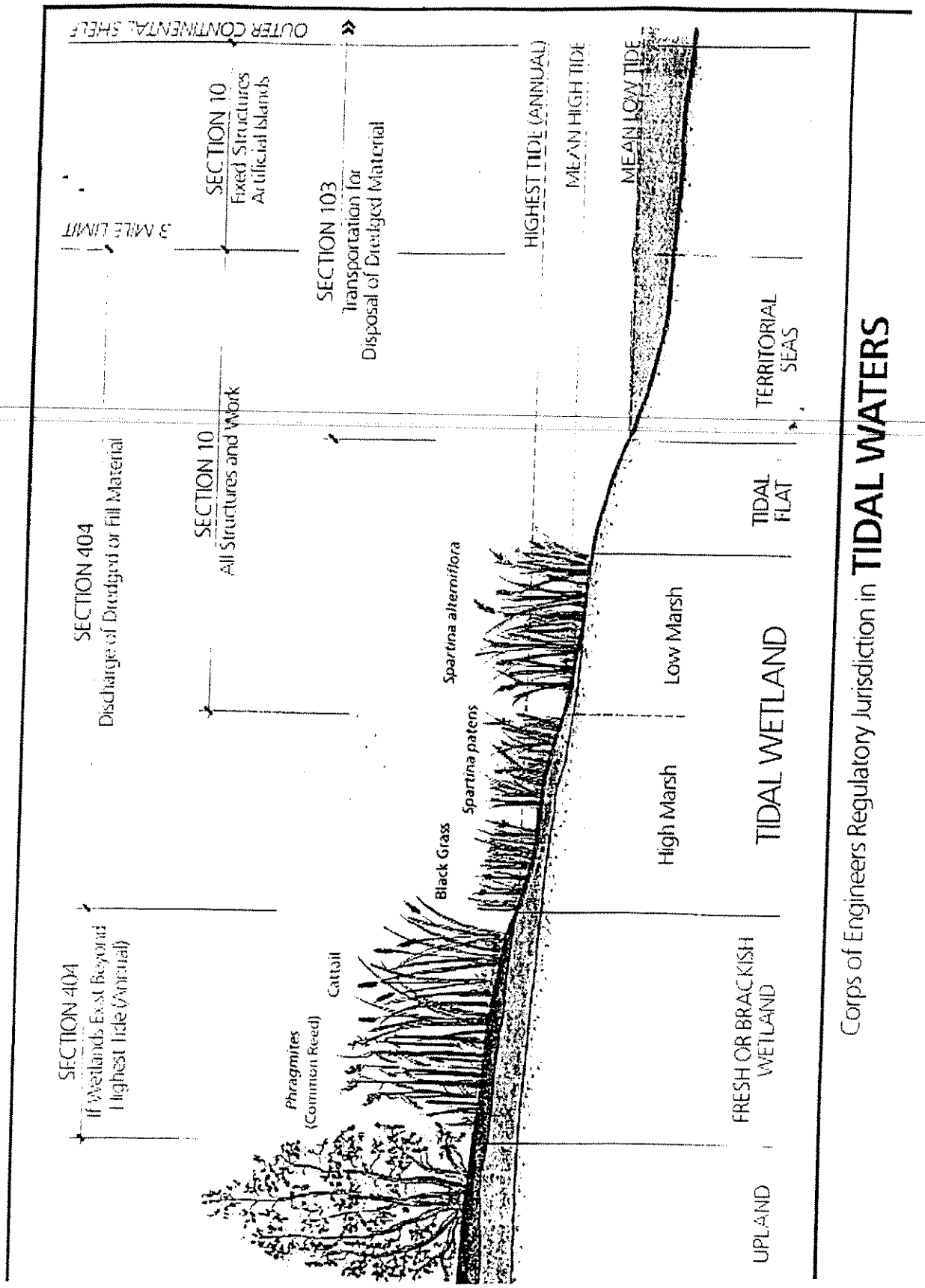

Figure 2. Navigable Waters of the United States

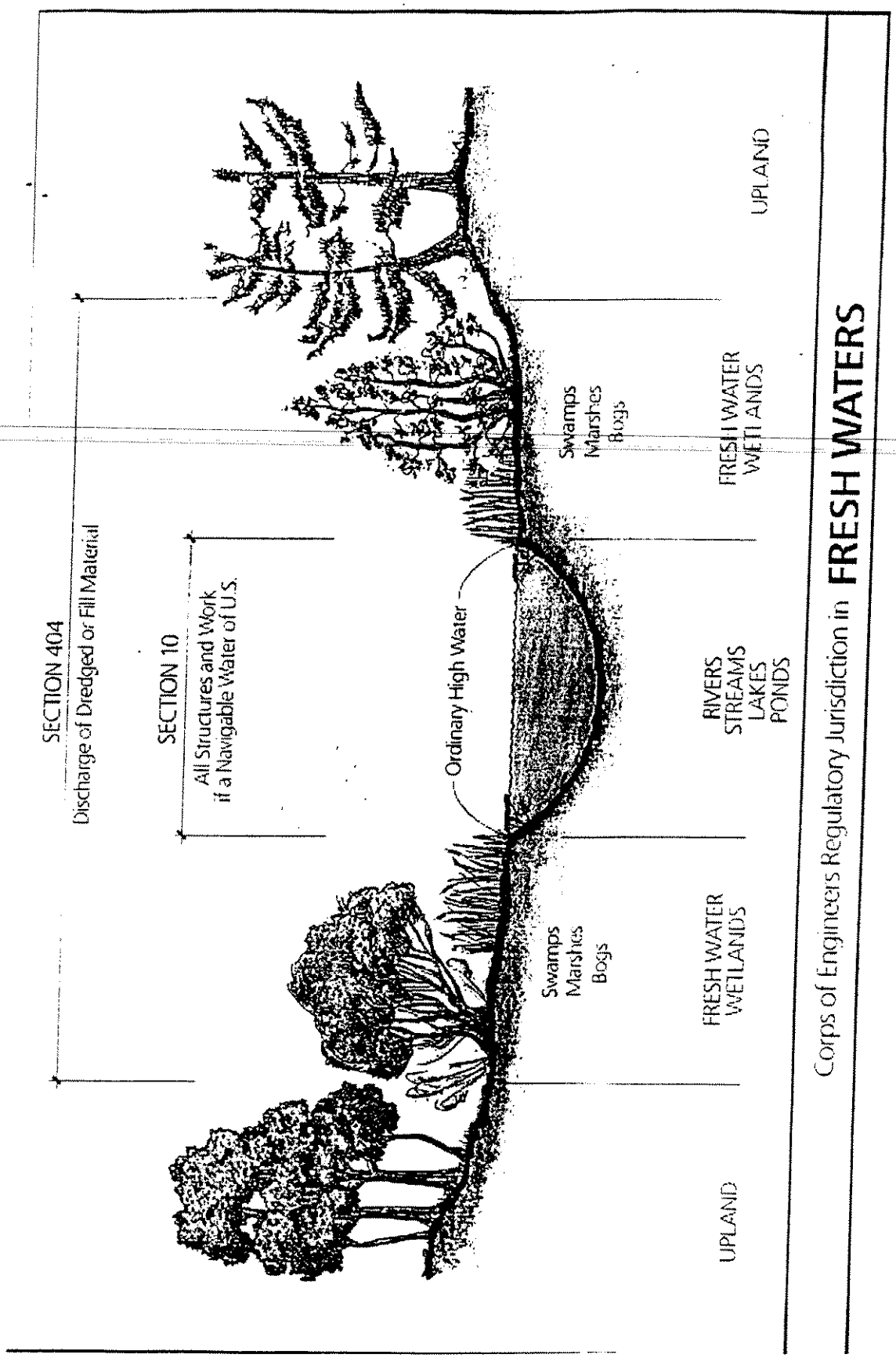

Figure 1. Waters of the United States

The USACE will begin to review your application immediately upon receipt of all required information. You will be sent an acknowledgment of its receipt and the application number assigned to your file. You should refer to this number when inquiring about your application. Your proposal will be evaluated in accordance with National Environmental Policy Act (NEPA) procedures and will involve balancing the need and expected benefits of the proposed project against the probable impacts of the work, taking into consideration all comments received and other relevant factors as well as complying with established guidelines.

For any specific information on the evaluation process, filling out the application forms, or the status or your application, you should contact the Antilles Regulatory Section at the following address:

U.S. Army Corps of Engineers
Antilles Regulatory Section
400 Fernandez Juncos Avenue
San Juan, PR 00901-3299

or by telephone at (787) 729-6905 or 729-6944.

III.1.C(2) Typical Processing Procedure for a Standard Individual Permit

1. Pre-application consultation (optional)
2. Applicant submits application form
3. Application received and assigned identification number
4. Public Notice (PN) issued (within 15 days of having a complete application all information). For Letter of Permission a PN will not be published. Instead a coordination letter is sent to the agencies.
5. 15 to 30 day comment period depending upon nature of activity
6. Proposal is reviewed* by USACE and:
   Public
   Special interest groups
   Commonwealth agencies
   Federal agencies
7. USACE considers all comments
8. Other Federal agencies consulted, if appropriate
9. USACE may ask the applicant to provide additional information
10. Public hearing held, if needed
11. USACE makes decision
12. Permit issued or Permit denied and applicant advised of reason

* The length of the review period will depend on the extent of the comments received from the general public and resources agencies, the applicant's ability to submit information and answer concerns and requirements of certain laws.

III.1.C(3) Evaluation Factors

The decision whether to grant or deny a permit is based on a public interest review of the probable impact of the proposed activity and its intended use. Benefits and detriments are balanced by considering effects on items such as:

- conservation
- economics
- aesthetics
- general environmental concerns
- wetlands
- cultural values
- flood hazards
- floodplain values
- food and fiber production
- navigation
- shore erosion and accretion
- recreation
- water supply and conservation,
- water quality
- energy needs
- safety
- needs and welfare of the people
- considerations of private ownership

The following general criteria will be considered in the evaluation of every application:

- the relative extent of the public and private need for the proposed activity;
- the practicability of using reasonable alternative locations and methods to accomplish the objective of the proposed activity;
- the extent and permanence of the beneficial and/or detrimental effects which the proposed activity is likely to have on the public and private uses to which the area is suited.

III.1.C(4) Section 404(b)(1) of the Clean Water Act

If your project involves the discharge of dredged or fill material, it will be necessary for the USACE to evaluate your proposed activity under the Section 404(b)(1) guidelines prepared by the Environmental Protection Agency. The guidelines restrict discharges into aquatic areas where less environmentally damaging, practicable alternatives exist.

III.1.D Types of Authorizations

III.1.D(1) General Permits

There are two types of General Permits; the Regional General Permits and the Nationwide Permits (NWP). They normally cover activities the USACE has identified as substantially similar in nature and causing only minimal individual and cumulative environmental impacts. The processing of general permits closely parallels that for individual permits, with public notice, opportunity for hearing and detailed decision documentation. Once a general permit is issued, the USACE evaluation time is substantially reduced for individual actions authorized by the general permit. All general permits and certain NWPs still require submittal of a permit application and verification by the USACE.

III.1.D(2) Regional General Permits

This general permits may cover activities in a limited geographic area (e.g., area or state), a particular region of the country (e.g., group of contiguous states). The USACE has developed Regional General Permits that apply to Puerto Rico. They are:

- SAJ-21 Single Family Pier
- SAJ-22 Boat Ramps
- SAJ-23 Boat Slip (50 feet)
- SAJ-26 Small Structures
- SAJ-28 Transmission Lines
- SAJ-50 Artificial Reefs
- SAJ-63 Mooring Buoys in Culebra
- SAJ-79 Maintenance Dredging, Excavation of Streams by Federal, State and local Agencies

III.1.D(3) Nationwide Permits

Nationwide Permits (NWP) are similar to regional permits but are issued at the national level by the Chief of Engineers. At the present time there are 39 approved nationwide permits, of which only 38 apply to Puerto Rico. The use of NWP Number 29 is not authorized in Puerto Rico. Regional special conditions have been developed for Nationwide permits in Puerto Rico. Also, the Puerto Rico Environmental Quality Board (EQB) has denied the 401 Water Quality Certificate (WQC) for some of the Nationwide permits in Puerto Rico. Therefore for those, the applicant must first obtain a WQC from the EQB prior to obtaining a verification from the USACE. The current Nationwide Permits were published in the December 13, 1996 Federal Register (61FR65874). A copy can be obtained from the Antilles Regulatory Section.

III.1.D(4) Individual Permit

The basic form of individual authorization used by USACE is the standard individual permit. The processing of applications for standard individual permits involves evaluation of individual, project specific information in what can be considered three steps: pre-application consultation (for major projects), formal project evaluation, and decision making. The formal project evaluation includes a public notice, and comment period, preparation of permit decision documents including a discussion of the environmental impacts of the project, the findings of the public interest review process, and any special evaluation required by the type of activity such as compliance determinations with the Section 404(b)(1) Guidelines or the ocean dumping criteria. Of great importance to the project evaluation is the USACE public interest balancing process.

III.1.D(6) Letter of Permission

Letters of permission may be used where, in the opinion of the District Engineer, the proposed work would be minor, not have significant individual or cumulative impact on environmental values, and should encounter no appreciable opposition. In such situations, the proposal is coordinated with all concerned resource agencies, and adjoining property owners who might be affected by the proposal, but the public at large is not notified. At the present time this process applies to certain Section 10 activities. The public interest balancing process is also central to the decision making process on letters of permission.

III.1.E Fees

Fees are required for most permits. $10.00 will be charged for a permit for a non-commercial activity; $100.00 will be charged for a permit for a commercial or industrial activity. The USACE will make the final decision as to the amount of the fee. **Do not send a fee to the USACE when you submit an application**. When the USACE issues a permit, you will be notified and asked to submit the required fee payable to the Treasurer of the United States. No fees are charged for transferring a permit from one property owner to another, for Letters of Permission, for any activities authorized by a general permit, or for permits issued to governmental agencies.

III.2. Department of Natural and Environmental Resources

III.2.A Submerged Land Use Concession

III.2.A.1 Background

The Department of Natural and Environmental Resources (DNER) established on October 2, 1992, the Regulation for the Use, Surveillance, Conservation and Management of the Territorial Waters, Submerged Lands Thereunder and the Maritime Zone. The Constitution of the Commonwealth of Puerto Rico, in Article VI, Section 19, establishes that "it shall be the public policy of the Commonwealth to conserve, develop and use its natural resources in the most effective manner possible for the general welfare of the community; to conserve and maintain buildings and places declared by the Legislative Assembly to be of historic or artistic value..." Through Act Number 23 of June 20, 1972, as amended, known as the "Organic Act of the Department of Natural Resources" (Act No. 23), the Legislative Assembly conferred on the Department of Natural Resources (Department) the responsibility to implement, with respect to the operational phase, the above-mentioned public policy. To that effect the Department, acting through the Secretary, has powers and faculties, specifically vested in it by Article 5 (h) of Act No. 23, which include the duty to "exercise surveillance and see to the conservation of territorial waters, submerged lands thereunder, and the maritime-terrestrial zone; to grant franchises, permits and licenses of public character for its use and exploitation, and to establish through regulations the fees to be paid by same".

Puerto Rico is an island with a relatively limited land area. With a central mountain region and narrow coastal plains, about half of its surface consists of mountains and hills with slopes of 45 degrees or more. The relatively flat coastal plains comprise one third of the surface area and about 80 per cent of all the flat surface. As expected, most of the Island's development has occurred precisely within the coastal plains and their surrounding areas. The coastal zone problems of Puerto Rico are shared by the coastal states of the United States of America. In 1972 Congress passed the Coastal Zone Management Act, 16 USC §§1471 **et seq.** (CZMA). Among other findings, Congress determined that important ecological, cultural, historic, and aesthetic values [in the coastal zone], which are essential to the well-being of all citizens, are being irretrievably damaged or lost. **id.**, Section 1451(c). Thus, Congress concluded that the key to more effective protection and use of the resources of the coastal zone is to encourage the states to exercise their full authority over lands and waters in their jurisdiction. To that effect the CZMA, through NOAA, provides assistance for the development of programs directed to a reasonable use of the lands and waters in the coastal zone. **id.**, Section 1451(i). The programs shall include unified processes, methods, standards, criteria, and policies for dealing with the land and water use decisions of more than local significance, in our case, municipal significance.

In 1978 Puerto Rico, through the Governor and the Planning Board, approved its Coastal Zone Management Program and submitted it to NOAA. The DNER was designated the government agency responsible for implementing the Management Program, and for receiving and administering the grants provided by NOAA.

On March 31, 1983, the Puerto Rico Planning Board approved the "Zoning Regulation for the Coastal Zones and the Access to Beaches and Coasts of Puerto Rico", Planning Regulation Number 17. The main objectives include "to provide new access to the coast and beaches by making it a mandatory requirement for all new developments abutting the maritime-terrestrial zone; to protect all natural reserve areas and the natural resources by not authorizing new subdivisions and/or development that could destroy and deteriorate them." As a result of the taking effect of Regulation No. 17, the Program, together with personnel assigned to the Assistant Secretariat for Planning of the Department, evaluates and reviews projects to be developed in the coastal zone that are submitted to the Planning Board. On February 1, 1984, the Regulations and Permits Administration (RPA) and the Department entered into an Interagency Agreement (Agreement). The Agreement acknowledged "the problem posed by the proliferation of illegal structures and works in the coastal littoral of Puerto Rico and the impact that these activities have on the right of the people to the free use and enjoyment of the beaches."

For such purposes RPA and the Department, among other matters, agreed to establish procedures "with the purpose of discouraging and stopping illegal works in the maritime zone, territorial waters and submerged lands...as well as for surveillance and monitoring for the purpose of more efficiently controlling the carrying out of illegal works in the areas under...the Agreement."

The private use of property in the public domain, reflected by the privatization *de facto* of the maritime zone through construction activity which partially or totally limits access to beaches; the degradation of the distinctive coastal natural resources, reflected by authorized and non-authorized discharges of used waters into coastal waters, or by people's access to them over their carrying capacity; the increase of hazards to public safety and property, resulting from construction activity and development within the maritime zone, which causes erosion and degradation of the littoral; continues.

Existing legislation defines the maritime zone in the public domain. That legislation, a legacy from Roman and Medieval Law transferred to Puerto Rico by the Spaniards as part of their laws on ports, serves to regulate the building and exploitation of port infrastructure, not to protect the natural environment, the ecology nor the natural resources. Although the definition of the maritime zone does not satisfy natural reality nor contemporary demands for conservation, preservation, and sanitation, the transfer to the Department of functions formerly under the Prevention Area, is an implicit acknowledgement of the importance of such needs.

III.2.A.2 Purpose

The regulation aims, first, to establish criteria and mechanisms for the delimitation, surveillance, conservation and sanitation of the maritime zone as well as for the surveillance, conservation and sanitation of the territorial waters and the submerged lands thereunder; second, to establish criteria and mechanisms for granting authorizations and concessions for the use and utilization of the above-mentioned area.

Administrative actions of the Department related to property in the maritime public domain shall pursue the following purposes:

- To delimit the maritime zone and to assure its integrity and adequate conservation, adopting the measures necessary for its protection and restoration.
- To guarantee the public use of the sea, the shoreline and the rest of the maritime public domain, exempting only uses deriving from duly justified reasons of public interest.
- To regulate the reasonable use of this property in terms that are in harmony with its nature, its purposes, and with respect for the scenery, environment, and natural heritage.
- To obtain and maintain, in harmony with the norms adopted by the Environmental Quality Board, an appropriate level of quality of the waters and shoreline.
- To implement uniform and efficient procedures to delimit the maritime zone and to grant authorizations and concessions for the use thereof, as well as for the use of the territorial waters and submerged lands thereunder.
- To impede or significantly reduce hazards to life, property, and public safety by eliminating existing developments, or banning new developments in high hazard areas and adequately controlling development in other high hazard areas.

To impede or significantly reduce damage to natural systems, particularly in Natural Reserve areas, as well as to promote conservation and preservation.

III.2.A.3 Applicability

III.2.A.3(1) Guiding Principles

(1) The use of the maritime public domain shall be open, public and free of charge for all common uses and for those in harmony with the nature thereof such as strolling, just visiting, swimming and other similar activities which do not require works or installations of any type and

which are carried out pursuant to the effective laws and regulations of the Commonwealth of Puerto Rico.

(2) Any use which is intensive, hazardous, or has an income-yielding capacity, as well as those requiring works and installations, shall be subject to the issuance of an authorization or concession in conformance with the provisions of this Regulation and with any applicable general or particular rule, and, notwithstanding any right by virtue of *usucaptio*, no matter how much time has passed.

(3) Only those specified water-dependent activities or installations that, because of their nature may not be located elsewhere, except as provided in Article 7, shall be allowed to occupy the maritime public domain.

(4) Prior to granting any enabling authorization or concession for the use of the maritime public domain, it must be guaranteed that an appropriate system shall be provided for disposing of used waters and solid wastes, pursuant to effective laws and regulations. Subsequent lack of compliance with this obligation will result in the administrative authorization or concession being declared to have expired, and the structure shall be removed, subject to any corresponding sanction therefor.

(5) The beaches shall not be for private use, except as provided in the Regulation.

(6) Any use and structure therein permitted, in addition to compliance with the provisions of the previous paragraph, shall provide free public access, except when duly justified reasons of safety, economic, or the public interest require otherwise.

(7) Structures for beach services shall be located, preferably, outside the beach area, in compliance with the dimension and distance established by regulation.

(8) The parking and unauthorized circulation of traffic of boats, vessels, or motor vehicles shall be prohibited on property in the maritime public domain.

III.2.A.3(2) The Geographical Extent of the Regulated Area

The following are hereby considered property in the public domain:

(a) The shore of the sea and of the rivers, including the maritime zone determined by surveys or maps certified by the Department, according to the criteria established in Article 3 or 15. Salt marshes, mangroves, swamps, and low lands, in general, flooded by the ebb and flow of tides, shall also be included.

(b) Accessions to the shore resulting from the depositing of materials, or from withdrawing of the sea, for whatever reasons.

(c) Lands gained from the sea as the direct or indirect result of works, and of the drainage of the seashore.

(d) Lands invaded by the sea which, for whatever reason, become part of its basin.

(e) Banks touching the sea or areas of the maritime zone up to the point reached by the highest waves in times of storms.

(f) The territorial sea.

(g) For administrative purposes, the lands incorporated to an area, as to continue its surface, by the holder of a concession, provided that such act is explicitly permitted by the concession granted by the Department.

(h) Lands contiguous to the seashore, acquired to be incorporated into the maritime zone.

(i) Works and installations built by the Government in said domain.

(j) Works and light installations in the coast, and navigation signs, built by the Commonwealth of Puerto Rico, wherever located, as well as the lands affected by the service thereto, except as provided in Article 1, Section 1.5 of the Regulation.

(k) Port zones and installations owned by the Government which shall be regulated by particular legislation.

(l) The islands which are or may be formed by natural causes in the territorial sea, or in inland waters, or in rivers, up to the point where tides are sensible, except those which are the private property of any person or public entity, or separated therefrom in which cases, the maritime zone, beaches and other such property would be in the public domain.

III.2.A.3(3) Activities Requiring Authorization

Unless otherwise stated in the Regulation, any activity which, even without requiring works, structures or installations of any kind, generates profit, or is hazardous to human health, property or the environment, shall be subject to previous authorization from the Department, as well as activities which involve occupying the maritime public domain with removable installations or movable property. The activities which shall be previously authorized by the Department, include:

(a) Any construction, repair, replacement, reconstruction, demolition, or removal of any landfill or work which had not been previously approved, or for which an authorization, permit, franchise, license or concession, which is not valid at present time, had been granted;

(b) Any existing or proposed use for any landfill or work which had not been previously approved, or for which an approval, permit, license, or concession had been granted which is not valid at present time;

(c) Any dumping, liquid as well as solid, in or on property in the maritime public domain;

(d) Any dredging or extraction of aggregates, or dredging within property in the maritime public domain;

III.2.A.3(4) Activities Allowed by Concessions

Any use of the geographic hereby described above (Article 1, Section 1.4 (B) of the Regulation), by means of permanent or non removable works or structures, shall be subject to previous concession granted by the Department.

III.2.A.3(5) Exemptions

The provisions of this Regulation shall not apply to:

(1) The ports and their waters, piers that are public property, the submerged lands thereunder, the maritime zone comprehended in all the port zone, duly delimited by regulation, and all buildings situated therein, under the jurisdiction of the Ports Authority, as provided in Articles 2 and 6 of Act Number 151 of June 28, 1968, as amended, known as the Dock and Harbor Act of Puerto Rico of 1968, 23 LPRA §§2101-2801, §§2202-2601 (1987); or, under the jurisdiction of any municipal instrumentality, as provided in Act Number 81 of August 30, 1991, as amended, known as the Municipal Reform Act of the Commonwealth of Puerto Rico of 1991, 21 LPRA §§4001-4901 (suppl 1992);

(2) The lands in private ownership located in the maritime zone, except as hereby provided in relation to the delimitation of the maritime zone;

(3) The lands reserved by the United States Government, for public use.

III.2.A.4 Evaluation Criteria

The evaluation of every application for authorization or concession shall be made taking into account the guiding principles identified in Section 1.4 A of the Regulation, and the additional considerations stated as follows.

Public Interest Affected

(1) The decision of whether to grant or not an authorization or concession shall be based on an assessment of the probable impact, including cumulative impacts, of the proposed activity

on the public interest. An assessment of the probable impact that the activity may have on the public interest requires that all relevant factors be weighed and balanced in each case. The reasonably anticipated benefits that may be derived from the proposal must be balanced against the damaging factors that also may be reasonably anticipated. The decision whether to grant or not to grant an authorization or concession, and, if in the affirmative, under what conditions, must be the result of the general assessment process indicated above. The decision must reflect the interest of the Commonwealth of Puerto Rico, both as to the protection and as to the use of the important resources within the maritime public domain. All factors which may be relevant to the proposal shall be considered, including their cumulative impacts. Among such factors are those related to conservation, the economy, aesthetics, general environmental considerations, wetlands or swampy lands, historic property, fish and wildlife, flood hazards, floodable areas, land use, navigation, coastal erosion and accretion, recreation, energy needs, safety, food production, need for minerals, ownership of real property, and, in general, the needs and well being of the people.

(2) The following general factors shall be considered in the evaluation of each application:

- The degree of public and private need for the works or work proposed.
- If unsolved conflicts still exist in relation to the use of the resources, the possible use of reasonable alternative sites and methods which will permit the attainment of the objectives of the proposed works or work.
- The magnitude and duration of the beneficial and adverse impacts which the proposed works or work will probably have on the public and private uses that are appropriate for the sector.

(3) The specific weight of each factor will be determined, based on its importance of and relevance to the specific proposal. Hence, the importance of a factor and the degree of assessment or weight it merits will vary for each proposal. A particular factor may be of great weight or importance in one case, and a much more reduced or insignificant weight in another case. However, all comments shall be considered and weighed appropriately, including those comments from Federal, local or municipal agencies, or agencies, as well as comments received from experts or specialists in their field of specialization.

Impact on Wetlands or Swampy Lands

1. Most wetlands or swampy lands are a productive and valuable resource, whose alteration or destruction shall not be promoted unnecessarily, since it is contrary to public interest.

2. The wetlands or swampy lands which are considered to satisfy important needs of public interest include those which:

- perform significant natural biological functions, such as food production in the food chain or as habitats for the nesting, breeding, migration or spawning of aquatic or terrestrial species;

- If destroyed or altered, would adversely affect natural characteristics of drainage, sedimentation patterns, salinity distribution, current patterns, or other environmental characteristics;
- are significant for the protection of other areas against wave action, erosion, or damage from storms;
- serve for studying aquatic environments, or as sanctuaries or refuges;
- serve as valuable areas for retention of waters in case of storms or floods;
- serve as natural recharge areas, or contribute to the conservation of underground water resources; and,
- are unique or scarce, due to their biotic or aquatic features, within a region or place.

3. Even if alterations of a particular wetland may be considered as a minor modification, the cumulative impact of numerous isolated changes could significantly deteriorate the wetland. Therefore, if an application or authorization is granted for a particular wetland, it shall be assessed the recognition that it may be part of an area of interrelated wetlands.

4. The Department shall not grant any concession or authorization in cases where changes can occur in wetlands identified as important, in accordance with Sections B2 or B3, or included in the National Wetland Inventory Maps, unless the Secretary, based on the kind of analysis required on paragraph A of this section, concludes that the benefits to be derived from the proposal exceed the damage that the area under consideration would suffer.

Fish and Wildlife

The Department shall take into account the loss or damage, direct or indirect, that the activities proposed could have on areas identified by the Fish and Wildlife Service of the Department of the Interior as critical habitats of endangered species, pursuant to the Endangered Species Act of 1973, as amended (16 U.S.C. §§1531-1544), or as established in duly promulgated regulations of the Department.

Water Quality

Applications to undertake activities which could adversely affect the quality of the coastal or surface waters of the Commonwealth of Puerto Rico shall be evaluated, both during the construction phase and during subsequent operation stages, in terms of compliance with applicable water quality standards. The evaluation shall include the consideration of both point sources and non-point sources of pollution.

Historic, Cultural, Scenic, and Recreational Values

Full assessment of the general public interest requires the appropriate consideration of the impact that any proposed work or activity could have on values such as those associated with historic property, with areas of high natural value with priority for conservation, with marine and estuarine sanctuaries, and with archaeological resources. Recognition of these values is reflected in zoning regulations or land use plans, adopted by the corresponding agencies of the

Commonwealth. Judgement of applications for authorizations or concessions must be consistent with, and must prevent significant adverse impacts on the values or purposes for which such regulations or plans were established.

Consideration of Real Property Ownership

The granting of an authorization or concession does not confer ownership to real property, nor authorize that the property rights of third parties be damaged or impaired.

(1) An aspect inherent to the status of ownership is the right to make reasonable private use of the property. However, such right is subject to the public's rights to and interests in the surface and coastal waters, including the surveillance and salvage easements, and the laws and regulations for the protection of the natural environment.

(2) Although an owner has the general right to protect his property against erosion, applications for such ends shall be favorably considered, only insofar as the following indicated damages do not occur. If the protective structure would damage third parties or adversely affect public health and safety, or cause adverse impacts on wetlands or floodable lands, or in any other way be contrary to public interest, the Secretary, at his discretion, may so indicate to the applicant and inform him of possible alternative methods to protect his property. Such advice shall be offered by way of general consultation so as to avoid competing with private engineering companies or encouraging improper use of the government resources.

(3) Proposals that interfere or limit free access to the beaches, shall generally be denied.

(4) The granting of an authorization or concession does not confer property rights in either personal or real property. Nor does it authorize damage to be caused to property, infringement upon third party rights, or lack of compliance with laws, regulations, ordinance of the Commonwealth of Puerto Rico, or the Federal government.

Activities Affecting the Coastal Zone

All applications shall be evaluated for its consistency with the Puerto Rico Coastal Zone Management Program. No concession or authorization which is not consistent with the Management Program shall be granted.

Economic Factors

When a private enterprise applies for an authorization or concession, it shall generally be presumed that the corresponding economic assessments have been made, and that what has been proposed is economically feasible and necessary in the market. However, the Secretary, in cases he may deem appropriate, may conduct an independent investigation of the need for the project within the greater context of the public interest. The economic benefits derived from many projects are important for the municipalities and significantly contribute to their

economic basis, affecting important categories such as employment levels, income from patents and property tax, community integration, public services, and real property value.

Mitigation

(1) Mitigation is an important element in the evaluation process of applications. Mitigation considerations involve the entire process of the review of applications, and include the need to prevent, minimize, rectify, reduce, or compensate for the loss of resources. Insofar as possible, the loss of resources shall be prevented. Compensation can occur at the same site of the project or proposal, or outside its immediate area. Generally, mitigation needs shall arise within the following context.

(2) Project modifications to minimize adverse impacts shall be discussed with the applicant in the preliminary consultation provided under Section 5.3, or during the review process of the application. As a result of these exchanges, the Secretary may require minor modifications. Such modifications are those considered feasible (cost, engineering, etc.) to the applicant and which, if adopted, will result in a project which, in general terms, complies with its needs and purposes. Such modifications may include reductions in magnitude and size; change of materials, method or sequence of construction, and operation and maintenance standards, or other similar modifications which reflect sensitivity to the natural environment within the context of the proposed work or activity. Such modifications may be required even if, in the absence of these modifications, the works or activities satisfy all legal requirements established by this Regulation.

(3) Any compensatory mitigation shall be for significant loss of resources which are specifically identifiable, which may reasonably be expected to occur, and which are important for the property within the maritime public domain. Any mitigation measure also shall be directly related to the impacts of the proposal, should have a correlation to the magnitude and extend of such impacts, and shall be executable. Any mitigation measure shall strictly be adjusted in accordance with the provisions of this Section and of Section 1.6 of the Regulation.

III.2.B Earth Crust Extraction

In accordance with Act 144 of June 3, 1976, as amended, the Secretary of the DNER is authorized to grant permits for the extraction, excavation, removal and/or dredging of the earth crust component, known as sand, gravel stone, earth, silica, calcite, clay, and other similar components of the earth crust in public and private domain which are not classified as economic mineral.

Permits are evaluated to determine the extent of the works authorized and any possible impacts to natural resources, in the public domain the environment and would not impair the comfort, convenience or security of the public. DNER requires the applicant to provide guarantees that the extraction authorized will be safe and will not have any impact on the resource from where the extraction is made or resources nearby. The DNER will impose requirements, conditions or

limitations which it may deem necessary to affirm the health, security, public order or interest if a permit is granted.

III.2.C Water Franchises, Well Construction and Water Intake Construction

In accordance with the Law for the Conservation, Development and Use of Water Resources, Act 136 of June 3, 1976, as amended, and the Organic Law of the DNER, Act 23 of June 20, 1972, as amended, the secretary of the DNER is vested authority to grants permits and establish the canon to be paid for the construction of wells within the river legal basin, the construction of water intakes in rivers or streams, and franchises for the use of water.

All bodies of waters in Puerto Rico are of public domain, owned by the people of Puerto Rico. The use of these waters and any development of this resource are subject to the law requirements and restrictions of DNER, in order to balance the use and the conservation with the use demand and the integrity of the ecosystem.

III.3 Puerto Rico Planning Board - Federal Consistency Certification

III.3.A Coastal Zone Management Act

The Coastal Zone Management Act (CZMA) of 1972 was enacted to develop a national coastal management program that comprehensively manages and balances competing uses of and impacts to any coastal use or resource. The Puerto Rico Coastal Management Program (PRCMP) is the result of a joint effort of the Puerto Rico Department of Natural and Environmental Resources and the Puerto Rico Planning Board. It was adopted by the Planning Board in a resolution dated June 22, 1978. The PRCMP received approval of the U.S. Department of Commerce on September 18, 1978.

III.3.B Federal Consistency Regulations

The CZMA Federal Consistency Program, 16 USC Section 1456, require that federal activities be consistent to the maximum extent practicable with the enforceable policies of a state's coastal management program. The Federal Consistency requirement also requires that indirect federal activities (i.e., activities requiring federal permits, licenses or financial assistance activities) be fully consistent with a state's approved coastal management program. The Federal Consistency requirement is an important mechanism to address coastal effects, to ensure adequate Federal considerations of state coastal management programs, and to avoid conflicts between states and federal agencies by fostering early consultation and coordination as stated by the Federal Consistency Regulations. The Puerto Rico Planning Board has been designated as the "State Agency" for administering the Federal Consistency procedures in Puerto Rico.

III.3.C Types of Federal Actions

There are three types of federal actions that must comply with the Federal Consistency requirements in Puerto Rico:

- Any Federal Agency conducting, supporting an activity, or undertaking any development project in, or reasonably likely to affect the coastal zone.

- Any person, government agency or corporation proposing to conduct an activity which requires a Federal permit or license, and which affects land and water uses within the coastal zone.

- Any agency of the Commonwealth of Puerto Rico or any Municipality submitting an application for Federal assistance under a Federal Program to carry out an activity which is reasonably likely to affect the coastal zone.

The actions described above are subject to consistency requirements if they take place in the coastal zone of Puerto Rico or are reasonably likely to affect the coastal zone. In addition, mining operations in the outer Continental Shelf are subject to the consistency requirements

For an activity which requires a Federal Permit from the U.S. Army Corps of Engineers and which affects land and/or water uses within the coastal zone, the joint application shall be filled. For other activities which require a Federal Permit or license from other Federal agencies, for activities submitted directly by Federal Agencies and for activities which require Federal assistance, the application form JP-833 shall be filed directly to the Puerto Rico Planning Board.

III.3.D Standards for Determining Consistency

In determining whether Federal licenses and permits are consistent with the Puerto Rico Coastal Management Program the following shall be applied:

1. The objectives and policies element of the Islandwide Land Use Plan adopted by the Puerto Rico Planning Board on June 8, 1977, as amended.
2. The following additional policies and criteria as established in the Puerto Rico Coastal Management Program:

- Policy on special protection for mangrove wetlands.
- Policy on appropriate access to Federal beaches hereafter declared surplus.
- Policy on public access to beaches.
- Criteria for diking, filling, dredging, and deposit of dredged sediments.
- Policy on sites for coastal-dependent development.

3. The water quality standards adopted by the Puerto Rico Environmental Quality Board.

4. Any additional policies, regulations, and plans, including plans for Special Planning Areas and Natural Reserves, that are incorporated into the Puerto Rico Coastal Management Program.

5. Information provided by consulted agencies.

III.3.E Requirements for Applicants that Apply for a Department of the Army Permit that Need a Certificate of Consistency

(1) Complete the Joint Permit Application, including drawings, and any other information accompanying the joint permit application request. The Puerto Rico Planning Board requires that seven copies of these be provided.

(2) The applicant must sign the consistency certification in the Joint Permit Application, pursuant to 15 CFR Part 930, Section 930.57(b).

For any specific information regarding the Federal Consistency Procedures, determining if Federal Consistency is necessary, or the status of your application, you may contact the Puerto Rico Planning Board at the following address:

Puerto Rico Planning Board
Federal Consistency Procedures
Land Use Planning Bureau
P.O. Box 41119
San Juan, Puerto Rico 00940-1119

Or, you may contact the PRPB by telephone at (787) 726-0289 or (787) 723-6200, extension 2020 or 2011.

III.4 Environmental Quality Board

Pursuant to Section 401 of the Clean Water Act, as amended, every applicant requesting a Federal Permit or license for an activity which may result in a discharge into a water body must request from must request from the state agency having jurisdiction over water pollution control, a certification that the proposed activity will not violate the applicable provisions of Section 301, 302, 303, 306 and 307 of the Clean Water Act, which are related to water quality standards. In Puerto Rico, the state agency with jurisdiction over water pollution control is the Environmental Quality Board (EQB).

III.4.A Water Quality Standards

According to CWA regulations (40 CFR Part 131), water quality standards include:

- BENEFICIAL USES OF WATER (e.g., uses of water for drinking, agriculture, navigation, recreation, and fish and wildlife habitat);

- WATER QUALITY OBJECTIVES (i.e., numeric and narrative limits or bans on substances, water characteristics, and activities which impact water quality including discharges of waste material, sediment, and pesticides; procedures which alter concentrations of dissolved oxygen, temperature, and turbidity; and any actions which generally increase in-stream toxicity and pollution); and

- Each state's ANTIDEGRADATION POLICY, which requires that existing high-quality waters be protected and maintained.

The water quality standards applicable to waters of Puerto Rico are established in the Puerto Rico Water Quality Standards Regulation (PRWQS).

III.4.B Types of Projects Requiring Commonwealth Certification and Requirements

Those seeking a Federal permit to allow discharges of dredged or fill material (e.g., as a result of navigational dredging; flood control channelization; levee construction; channel clearing; or fill of wetlands for land development) to all waters of the United States, including oceans, lakes, streams, wetlands, and other water bodies. These permits are issued by the USACE under CWA Section 404. This is the category of activities for which this information booklet is intended.

III.4.C Water Quality Certificate for Nationwide (NW) Permits

The EQB has established certain requirements for the NW permits that require a 401 Water Quality Certificate. If the activity is a Section 10 only activity then the WQC may not required.

- NWs 4, 5, 6, 20, 37 and 38: The WQC requirement has been waived.

- NWs 3, 12, 13, 14, 18, 19, 22, 23, 27, 30, 24 and 40: For these NWs , the EQB has issued a General Water Quality Certificate (GWQC). To be covered by the GWQC, the applicant shall fill a "Notice of Intent To Be Covered By The General Water Quality Certificate For Applicable Cases of the U.S. Army Corps of Engineers Nationwide Permits (Form GWQC-01)".

- NW's 7, 15, 16, 17, 21, 25, 26, 31, 32, 33, and 36: For these NWs the WQC has been denied. The applicant must apply for an individual WQC from the EQB in order to obtain certification.

III.4.D Options Open to the EQB after Reviewing an Application for Water Quality Certification for a Section 404 Project

The EQB may respond to this type of application in several ways:

- Certification - The EQB may issue a WQC pursuant to the PRWQSR. This certifies that there is a reasonable assurance that the proposed activity will not result in violation of applicable water quality standards, if the conditions established in the WQC are met. These conditions will be included in the Department of the Army permit.

  Article 6.11.2 of the PRWQSR requires that the EQB publish a public notice in a newspaper of major circulation in Puerto Rico informing the Board's intention to grant or deny a WQC requested pursuant to the CWA. The applicant shall bear the cost of the publication of such notice.

- Denial - The State has the option to deny certification if it is unable to find that the project will comply with water quality standards or other applicable requirements. If a project is denied certification, a Section 404 permit cannot be issued by the U.S. Army Corps of Engineers. In some instances denial is necessary due to failure by the applicant to meet a procedural requirement within the reasonable time allowed by the EQB to issue certification under USACE regulations. Once the deficiency is addressed, the application for water quality certification may be reconsidered.

- Waiver – In certain occasions the EQB may issue a waiver of the WQC requirement, after evaluation of the impacts of the proposed project on the environment. In such cases, the EQB issues a written notification which outlines the reasons and/or conditions under which the waiver is granted. In addition, under Federal law the EQB (passively) waives its certification authority if it takes no action on an application within a "reasonable time" not to exceed a year. For Section 404 permit projects, the USACE has defined "reasonable time" to be 60 calendar days, starting with receipt of a complete application by the State, but may extend this period up to one year on a case-by-case basis.

Note that an applicant must comply with Section 4-C of Law Number 9 of June 18, 1970, as amended, regarding the Environmental Impact Statement or Environmental Assessment, before the EQB determines the application for Water Quality Certification to be complete.

For additional information regarding the EQB's Water Quality Certification program please contact:

Environmental Quality Board
Water Quality Area
Non-Industrial Permits Section
431 Ponce de Leon Avenue
Hato Rey, Puerto Rico 00917

Or by telephone at number (787) 767-8181, extensions 2523 or 3523.

IV. Application Form Instructions

Before submitting the joint application form, it is suggested that you first determine whether or not you need to apply for a permit. You should be able to determine what permits you need to apply for, and in some cases determine if you qualify for certain exemptions or General Permits. Specific criteria must be met to qualify for these exemptions and/or General Permits. Therefore, you should contact the DNER, EQB, PRPB and USACE offices for more specific information to determine if your project can meet those specific requirements.

Depending on the proposed activity, in addition to filling the Joint Permit Application, you may need to fill out one or more of the attached forms. You may also need to consult the applicable agency.

IV.1 Instructions for Preparing a Joint Permit Application

Shaded Area: Do not write in this area. This information will be completed by the Agencies.

Block 1: Indicate the types of permits that you are applying for. If you are unsure please contact the responsible agency for a consultation. Please identify all those that may apply.

Block 2: Indicate the type of activity that you are applying for. Please identify all those that may apply.

Block 3: Applicant's Name. Enter the name of the responsible party or parties. If the responsible party is an agency, company, corporation or other organization, indicate the responsible officer and title. If more than one party is associated with the application, please attach a sheet with the necessary information marked Block 3. For water extraction systems, the applicant is a person or a corporation who will be using the water. Corporations should submit a Certificate of Incorporation, a copy of the Corporate Goodstanding Certificate and the name and position of the person signing the application. If the applicant is not the water user, a written authorization by the user should be provided. If the applicant is not the owner of the land, an authorization by the owner should be submitted. In cases if inheritance estates, the

applicant should submit an authorization by all the owners. If the applicant is not the owner of the property, please explain relationship with the owner.

Block 4: Address of the Agent (if one has been designated). Please provide the full address and telephone (including FAX number) on the application. If more space is needed, attach an extra sheet of paper marked Block 4.

Block 5: Indicate the name of waterbody. Please provide the name of any stream, lake, marsh, or other waterway to be directly impacted by the activity. If it is a minor (no name) stream, identify the waterbody the minor stream enters.

Block 6: Please provide the project name of title identifying the proposed project (i.e., Urb. Mansiones Reales, Marina del Sur, or Jardines Commercial Center). Location of Proposed Project. Enter the Municipality, ward, finca, community, sector, etc., where the proposed project is located. If more than one Municipality, ward, etc is involved, please identify all. Indicate the location and directions to locate the project site. Provide latitude and longitude. Provide other location descriptions as required such as referring to a known point (such as the right descending bank of Mameyes River, one mile down from the Highway 3 bridge). If a large river or stream, include the river mile of the proposed project site, if known. If more space is required, please attach a sheet with the necessary information marked Block 6.

Block 7: Indicate if there has been any pre-application meeting or presentations of the proposed project to any of the Regulatory agencies involved in this joint permit application. If more space is needed, attach an extra sheet of paper marked Block 7.

Block 8: Information about Approvals or Denials by Other Agencies. You may need the approval of other Federal, state, or local agencies for your project. Identify any applications you have submitted and the status, if any (approved or denied) of each application. Also notify of any related enforcement actions. You need not have obtained all other permits before applying for a USACE permit. If more space is needed, attach an extra sheet of paper marked Block 8.

Block 9: Names and Addresses of Adjoining Property Owners, Lessees, etc., Whose Property Adjoins the Project Site. List complete names and full mailing addresses of the adjacent property owners (public and private) lessees, etc., whose property adjoins the waterbody or aquatic site where the work is being proposed so that they may be notified of the proposed activity (usually by public notice). Also include the mailing address of the nearest (to the project) Public Library, U.S. Post Office and City Hall (Alcaldia). If more space is needed, attach an extra sheet of paper marked Block 9.

Block 10: Indicate the use of the proposed project.

Blocks 11 and 12: Describe the proposed activity or project in detail. Give appropriate dimensions of structures such as wingwalls, dikes (identify the materials to be used in construction, as well as the methods by which the work is to be done), or excavations (length, width, and height). Indicate whether discharge of dredged or fill material is involved. Also,

identify any structure to be constructed on a fill, piles, or float supported platforms. Describe the purpose and need for the proposed project. What will it be used for and why? Also include a brief description of any related activities to be developed as the result of the proposed project. Give the approximate dates you plan to both begin and complete all work. The written descriptions and illustrations are an important part of the application. Please describe, in detail, what you wish to do. If the activity involves the discharge of dredged and/or fill material into a wetland or other waterbody, including the temporary placement of material, explain the specific purpose of the placement of the material (such as erosion control). Describe the area to be filled at each location. Specifically identify the surface areas, or part thereof, to be filled. Also include the means by which the discharge is to be done (backhoe, dragline, etc.). If dredged material is to be discharged on an upland site, identify the site and the steps to be taken (if necessary) to prevent runoff from the dredged material back into a waterbody. Is Any Portion of the Work Already Complete? Provide any background on any part of the proposed project already completed. Describe the area already developed, structures completed, any dredged or fill material already discharged, the type of material, volume in cubic yards, acres filled, if a wetland or other waterbody (in acres or square feet). If the work was done under an existing USACE permit, identify the authorization if possible. Describe the total extent of work to be done within the USACE jurisdictional areas. Describe type(s) of material being discharged and the amount of each type. Describe the material to be discharged and amount of each material to be discharged within USACE jurisdiction. Please be sure this description will agree with your illustrations. Discharge material includes: rock, sand, clay, concrete, etc. If more space is needed, attach an extra sheet of paper marked Block 11 and/or 12, as appropriate.

Block 13: Indicate the extent of the submerged land use.

Block 14: Indicate the type of mining and the extent of the proposed project.

Block 15: Indicate the extent of the water extraction. Indicate the source, describe if there are other extractions in the area as well as outfalls, the proposed use of the water, the dimensions and type of intake. Please note that for an intake structures, dam or gallery, etc, which alters the natural water level, the applicant should submit an Hydraulic - Hydrology Study (H&H) describing the actual water level and the projected change in water levels after the work is completed. If more space is needed, attach an extra sheet of paper marked Block 15.

Block 16: Indicate the zoning of the project site, the current land use of the project site and the current floodzone classification of the project site. Indicate if the proposed project is in compliance with the Puerto Rico Planning Board Regulation Number 13. If more space is needed, attach an extra sheet of paper marked Block 16.

Block 17: Indicate the proponent Agency with respect to compliance with Article 4(c) of Law #9 of June 18, 1970. To expedite the process, please provide evidence of compliance with Article 4(c).

Block 18: Indicate if any of the following natural or artificial systems are located within the proposed project site or in the sites adjacent to the project. Describe those systems that are located within the proposed project site or in sites adjacent to the proposed project. If more space is needed, attach an extra sheet of paper marked Block 18.

IV.2 Signature of Applicant or Agent

The application must be signed by the owner or other authorized party (agent). This signature shall be an affirmation that the party applying for the permit possesses the requisite property rights to undertake the activity applied for (including compliance with special conditions, mitigation, etc.).

For those projects needing a certificate of Consistency with Coastal Zone Management Plan from the PRPB, the applicant must sign the certification. The authorization to access the property must be completed by a person that has legal authority to authorized such access.

V. General Requirements for Application Drawings

V.1 General Information

Three types of drawings - Vicinity, Plan, and Elevation - are required to accurately depict activities.

Submit one original, or good quality copy, of all drawings on 8½ X 11 inch white paper (tracing cloth or film may be used). Submit the fewest number of sheets necessary to adequately show the proposed activity. Drawings should be prepared in accordance with the general format of the samples, using block style lettering. Each page should have a title block. See check list below. Drawings do not have to be prepared by an engineer, but professional assistance may become necessary if the project is large or complex.

Leave a 1-inch margin at the top edge of each sheet for purposes of reproduction and binding.

In the title block of each sheet of drawings identify the proposed activity and include the name of the body of water; river mile (if applicable); name of county and state; name of applicant; number of the sheet and total number of sheets in set; and date the drawing was prepared.

Since drawings must be reproduced, use heavy dark lines. Color shading cannot be used; however, dot shading, hatching, or similar graphic symbols may be used to clarify line drawings.

For proposed extractions of earth crust material adjacent to coastal waters, a demarcation plan of the maritime zone should be submitted. Also, the applicant should include a copy of the marine chart for the area indicating the delimitation of the terrestrial maritime zone, the height of

the submerged lands, configuration of adjacent coastal areas, location of reefs, direction of the marine currents, adjacent coastal structures such as port facilities, etc.

V.2 Vicinity Map

The vicinity map you provide will be printed in any public notice that is issued and used by the USACE and other reviewing agencies to locate the site of the proposed activity. You may use an existing road map or U.S. Geological Survey topographic (map scale 1:24,000) as the vicinity map. Please include sufficient details to simplify locating the site from both the waterbody and from land. Identify the source of the map or chart from which the vicinity map was taken and, if not already shown, add the following:

- ~~location of activity site (draw an arrow showing the exact location of the site on the map).~~ Provide latitude, longitude, highway or road number, road kilometer and/or other information.
- name of waterbody and the name of the larger creek, river, bay, etc., that the waterbody is immediately tributary to.
- names, descriptions and location of landmarks.
- name of all applicable municipality, ward and/or community jurisdictions
- name of and distance to nearest town, community, or other identifying locations
- names or numbers of all roads in the vicinity of the site.
- north arrow.
- scale.

V.3 Plan View

The plan view shows the proposed activity as if you were looking straight down on it from above. Your plan view should clearly show the following:

- Name of waterbody (river, creek, lake, wetland, etc.) and river mile (if known) at location of activity.
- Existing shorelines.
- Location of any special aquatic sites (wetlands, mudflats, saltflats, seagrasses, etc)
- Mean high and mean low water lines and maximum (spring) high tide line in tidal areas.
- Ordinary high water line and ordinary low water line if the proposed activity is located on a non-tidal waterbody.
- Average water depths around the activity.
- Dimensions of the activity and distance it extends from the high water line into the water.
- Distances to nearby Federal projects, if applicable.
- Distance between proposed activity and navigation channel, where applicable.
- Location of structures, if any, in navigable waters immediately adjacent to the proposed activity.
- Location of wetlands by type (marshes, swamps, mangroves, forested, herbaceous, etc)

- North arrow.
- Scale.
- If dredged material is involved, you must describe the type of material, number of cubic yards, method of handling, and the location of fill and spoil disposal area. The drawing should show proposed retention levees, weirs, and/or other means for retaining hydraulically placed materials.
- Mark the drawing to indicate previously completed portions of the activity.

V.4 Elevation and/or Cross Section View

The elevation and/or cross section view is a scale drawing that shows the side, front, or rear of the proposed activity. If a section view is shown, it represents the proposed structure as it would appear if cut internally for display. Your elevation should clearly show the following:

- Water elevations as shown in the plan view.
- Water depth at waterward face of proposed activity or, if dredging is proposed, dredging and estimated disposal grades.
- Dimensions from mean high water line (in tidal waters) of proposed fill or float, or high tide line for pile supported platform. Describe any structures to be built on the platform.
- Cross section of excavation or fill, including approximate side slopes.
- Graphic or numerical scale.
- Principal dimensions of the activity.

V.5 Notes on Drawings*

- Names of adjacent property owners who may be affected. Complete names and addresses should be shown in the application form.
- Legal property description: Number, name of subdivision, block, and lot number. Section,
- Municipality, Ward, (if applicable) from plot, deed, or tax assessment.
- Photographs of the site of the proposed activity are not required; however, pictures are helpful and may be submitted as part of any application.
- While illustrations need not be professional (many small, private project illustrations are prepared by hand), they should be clear, accurate, and contain all necessary information.

* Drawings should be as clear and simple as possible (i.e., not too "busy")