



**Ministry of Environment, Energy and Telecommunications  
National Environmental Technical Secretariat**



**SEVENTY**

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**Resolution No. 2174-2010-SETENA**

THE MINISTRY OF ENVIRONMENT, ENERGY AND TELECOMMUNICATIONS - THE NATIONAL  
**TECHNICAL SECRETARIAT OF THE ENVIRONMENT, AT 11:50 AM ON SEPTEMBER 8 , 2010.**

**MODIFICATION TO RESOLUTION 1410-2010-SETENA  
INSTITUTIONALIZATION OF TECHNICAL GUIDELINES  
OF THE INTEGRAL STUDY ON THE IMPACT OF THE  
CONSTRUCTIONS AND TOURISM DEVELOPMENT,  
URBAN PLANNING IN THE BUFFER ZONE OF THE  
LAS BAULAS NATIONAL PARK**

Meet the Plenary Commission on the modification of Resolution 1410-2010-SETENA called Institutionalization of Technical Guidelines of the Comprehensive Study on the Impact of Construction, Tourism and Urban Development in the Buffer Zone of Las Baulas National Marine Park, requested by the Constitutional Chamber through votes 2008-018529 and 2009-019451.

**RESULTING**

**FIRST:** That the Vote of the Constitutional Chamber number 2008-018529 of 12-16-2008, constitutional file number 07-005611-0007-CO, ordered SETENA, among other things, the following: To suspend the processing of applications of environmental viability of the properties located within the buffer zone (500-meter band) of the Las Baulas National Marine Park, until the comprehensive study to be carried out on the impact of construction and tourism and urban development on the The buffer zone of the Las Baulas National Marine Park would produce the environment and the necessary measures to be taken, where it would be assessed whether it was better to also expropriate the properties that are located there, and the impact that noise, lights, use of water for human consumption, sewage and sewage, human presence and others would produce the entire ecosystem of the area, especially the leatherback turtle. The term for the elaboration of said study was six months counted from the communication of said resolution.

**SECOND:** On October 1, 2009, SETENA presented the Study requested by the Constitutional Chamber in compliance with Vote number 2008-018529 of 12-16-2008, constitutional file number 07-005611-0007-CO.

**THIRD:** That by means of official letter SG-AJ-295-2010 of March 15, 2010, the MSc. Sonia Espinoza Valverde. SETENA General Secretary, requested the Ministerial Office of MINAET, issue legal criteria regarding constitutional votes numbers

2008-018529 and 2009-019451, referring to the case of Leatherbacks, in order to standardize a single concept in this regard, for its applicability.

**FOURTH:** That in the legal interpretation of constitutional votes numbers 2008-018529 and 2009-019451, referring to the case of Leatherbacks, carried out by the Legal Department of MINAET, a response was issued through official letter DAJ-701-2010 in which the Action to be carried out by SETENA.

**FIFTH:** That by means of Official Letter DM-363-2010 of March 19, 2010, signed by the Minister of MINAET Mr. Jorge Rodríguez Quirós, SETENA is instructed to apply the criteria issued by the MINAET Legal Department through official letter DAJ-701-2010 of March 6, 2010, which indicates:

1. *The "Comprehensive Study on the Impact of the Constructions and the Tourism and Urban Development of the Buffer Zone of the Las Baulas National Marine Park, Guanacaste" must serve the National Environmental Technical Secretariat, as a reference for the environmental impact assessment of according to article 17 of the Organic Law of the Environment, for the granting of environmental feasibility in the area.*
2. *The National Environmental Technical Secretariat should not continue with the suspension of the procedures submitted for evaluation in the buffer zone, but proceed with the evaluation in accordance with the Organic Law of the Environment and the Executive Decrees of SETENA, in each one of the procedures presented for the granting of environmental feasibility.*
3. *Environmental feasibility must not be granted within the Park Area.*
4. *The National Environmental Technical Secretariat must annul the environmental viabilities that are granted within the Las Baulas National Marine Park.*

**SIXTH:** On July 14, 2010, communication DAJ-V-1688-2010 was received from the MINAET Legal Department, in which the orders of Mr.

Minister to comply with the ruling in Vote 2010-08645 of file 09-016464-0007-CO, which orders the following:

*"Therefore*

*It is declared with the appeal. Wilson Orozco Gutiérrez, Jorge Woodbridge González, Jorge Rodríguez Quirós, Rodrigo Arias Sánchez and Clara Zomer are ordered; in his capacity as General Manager of the Costa Rican Tourism Institute, as Minister of Competitiveness, as Minister of the Environment, Energy and Telecommunications, as Minister of the Presidency and as Minister of Housing and Human Settlements, respectively, or those who hold these positions in their place, that IMMEDIATELY, negotiate with the National Environmental Technical Secretariat (SETENA) the environmental viability of the Urban-Territorial Plan of the Chorotega Region. The foregoing, under the warning that, based on the provisions of article 71 of the Constitutional Jurisdiction Law, imprisonment from three months to two years, or from twenty to sixty days a fine, will be imposed on whoever receives an order that must comply or enforce, dictated in an amparo appeal and does not comply or does not enforce it, provided that the crime is not more severely punished. The State is ordered to pay the costs, damages and losses caused by the facts that serve as the basis for this*

*Declaration, those that will be liquidated in execution of the contentious-administrative judgment.”*

## CONSIDERING

**FIRST:** That once the constitutional mandate issued through votes 2008-018529 and 2009-019451 has been fulfilled, it is necessary to establish the general guidelines that must be internalized in the environmental impact assessments in the buffer zones of the Las Baulas National Marine Park ; specifically in the following sectors:

1. Cerro Morro
2. Playa Grande, Playa Ventanas and Estero Tamarindo.
3. Tamarindo, and Punta San Francisco or Punta Madero.
4. Playa Langosta, Estero San Francisco and Isla Verde.

**SECOND:** The guidelines established in the first recital include the following topics: 1. Delimitation 2. Land use 3. Mitigation zone 4. Maximum construction area 5. Reserve of green areas 6. Drinking water 7. Commercial areas 8. Height of buildings 9. Swimming pools 10. Sonic pollution 11. Lighting

12. Parking and garages
13. Sewage 14. Rainwater
15. Walls or Fences 16. Restriction of entry to the National Park
17. Animal control 18. Use of motorized vehicles
19. Conflicting uses (Terrestrial and Marine)

20. Solid waste management 21. Roads 22. Promotion of Sustainable Development 23. Other regulations 24. Monitoring

**THIRD:** Considering that through Vote 2010-08645, from a legal point of view, the provisions of Decree No. 34456-MP-MIVAH-TUR-MINAE-COM called Methodology and General Guidelines for Territorial Planning of the Region are null and void Chorotega. And that part of the provisions of said Decree served as the basis for

establish the guidelines for the sector of Tamarindo and Punta San Francisco or Punta Madero of the Comprehensive Study on the Impact of Construction and Tourism, Urban Development in the Buffer Zone of the Las Baulas National Marine Park, Guanacaste.

**FOURTH:** That given what is referred to in the **THIRD PREVIOUS CONSIDERING**, it is appropriate and necessary to modify the guidelines that were based on the provisions of Decree No. 34456-MP-MIVAH-TUR-MINAE-COM, by the consulting company who carried out the Comprehensive Study on the Impact of construction and tourism, urban development in the buffer zone of the Las Baulas National Marine Park, Guanacaste.

**SIXTH:** That on August 31, 2010, in ordinary session **094-2010**, the Plenary Commission of SETENA requests the representatives of the company that carried out the Comprehensive Study on the Impact of construction and tourism, urban development in the area of damping of the Las Baulas National Marine Park, Guanacaste (GEOCAD), which once again assess the Tamarindo sector, and Punta San Francisco or Punta Madero. The purpose of the reassessment was to reapply the methodology used to recommend technical guidelines in this area in three fundamental aspects: 1- Maximum construction area, 2- Commercial areas, 3- Height of buildings.

**FIFTH:** That on September 1, 2010 they were received by the Company in charge of the preparation of the Comprehensive Study on the Impact of construction and tourism, urban development in the buffer zone of the Las Baulas National Marine Park, Guanacaste (GEOCAD), the results of the analysis for the area of Tamarindo and Punta San Francisco or Punta Madero contemplated in the reference Study.

**THEREFORE  
THE PLENARY COMMITTEE RESOLVES:**

In Ordinary Session No. **097-2010** of this Secretariat, held on **September 8**, 2010, in article No.02 agrees:

**FIRST:** Modify Resolution 1410-2010-SETENA of June 28, 2010, so that from now on the **TAMARINDO** sector has the following guidelines:

| TOPICS              | LINEAMENT  |
|---------------------|--|
| <b>Delimitation</b> | The case of Tamarindo is special to the extent that, as already indicated, the development that has been presented makes it atypical, therefore its analysis is very different.<br>It must be ensured that the portion of the public area corresponding to 50 m is respected. As well as the section that corresponds to the PNMLB that goes from Punta San Francisco to the entrance of the estuary of the same name. |

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| <i>land use</i>            | <ol style="list-style-type: none"> <li>1. Maintain the coastal area as a National Park, specifically the section that goes from Punta San Francisco to the entrance to the estuary of the same name, with more intense use restrictions.</li> <li>2. For the rest of the area, it is suggested to implement in the shortest possible time the implementation of a Regulatory Plan that regulates the future development that the area will have.</li> </ol>  |
| <i>mitigation zone</i>     | As far as possible, it is recommended to leave a withdrawal zone of at least 10 m with respect to the limits of the National Park, where no type of construction should be developed, as well as the withdrawals given with respect to bodies of water. and other aspects contemplated in national legislation.  |
| <i>maximum build area</i>  | <p><b>First Strip: The development units or lots will have a minimum of 750 m<sup>2</sup> , and only 50% of the total area may be developed (includes parking areas, gardens, walls, swimming pools and covered area). The buildings will only have one floor (level) with a maximum height of 6 m.</b></p> <p><b>Second Strip: Development units or lots of at least 1,000 m<sup>2</sup> will be allowed, and only 50% of the total area may be developed (includes all required infrastructure works). Buildings with a maximum of three floors (levels) may be built in this strip, with a maximum required height of 12 m.</b></p> |
| <i>Drinking water</i>      | <p>It will be necessary to:</p> <ol style="list-style-type: none"> <li>1. Establish strict measures regarding the consumption of water resources in the area.</li> <li>2. Use sanitary devices with low water consumption.</li> <li>3. Use low consumption water supply devices.</li> <li>4. Use pressure regulators in the main intake.</li> </ol>  |
| <i>shopping areas</i>      | <b>The construction of hotels and associated commercial infrastructure will only occupy the area that corresponds to the second strip.</b>   |
| <i>height of buildings</i> | <ol style="list-style-type: none"> <li>1. In the first strip, buildings with heights up to 6 meters.</li> <li>2. In the second strip, buildings with heights up to 12 meters. (maximum three levels)</li> </ol>  |
| <i>Swimming pools</i>      | <ol style="list-style-type: none"> <li>1. They must be built with their bottom on the surface of the land, in order not to cause soil removal, in such a way that it does not affect the existing water table.</li> <li>2. They must have a water purification system of the type that allows the use of chemicals for ionizing, will not purify the water.</li> </ol>   |

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| <b>Noise pollution</b>          | <ol style="list-style-type: none"> <li>1. First time slot: <ul style="list-style-type: none"> <li>• During the day: the noise level must be less than 65 dB-A.</li> <li>• During the night: 45 dB-A.</li> </ul> </li> <li>2. Second band: • <ul style="list-style-type: none"> <li>• During the day: the noise level must be less than 65 dB-A.</li> <li>• During the night: 55 dB-A.</li> </ul> </li> </ol>  |
| <b>Lightning</b>                | <ol style="list-style-type: none"> <li>1. In the area near the beach, direct lighting of the sea and the beach is prohibited.</li> <li>2. In the areas adjacent to the beaches, if artificial lighting is required, it will be amber to guarantee that it does not affect the arrival of the turtles in the nearby areas, and the heights and inclination of the luminaires must be restricted based on specific studies.</li> <li>3. Use low-pressure sodium lamps in both instances private as in public lighting.</li> <li>4. Use outdoor light covers or covered reflectors focused on the floor.</li> <li>5. Use screens for windows that face the ocean.</li> <li>6. Use LED technology, in the wavelength of light that does not cause the psychological contamination of females and the attraction of hatchlings of sea turtles.</li> <li>7. Installation of exterior lights at angles and heights of the luminaires that do not cause harm to sea turtles.</li> </ol> |
| <b>Parking lots and garages</b> | <p>Vehicle parking and circulation areas must be as far as possible from the beach or from the external limit of the PNMLB, which especially includes turning areas.</p>  |
| <b>Wastewater</b>               | <p>It will be necessary to:</p> <ol style="list-style-type: none"> <li>1. Design, build, operate and maintain decentralized systems for the collection, treatment and disposal of wastewater generated in both strips.</li> <li>2. Control the efficiency of the single-family treatment systems and the quality of their effluent in the nearby communities through which the tributaries of the rivers and streams pass.</li> <li>3. Promote changes in production processes (hotels, shops, restaurants, laundries, including homes, etc.) and consumption habits to prevent pollution.</li> </ol>   |
| <b>Rainwater</b>                | <p>For both strips: 1.<br/>The waters must be channeled through pipes to their discharge sites.</p> <p>2. At each discharge site, a rainwater retention system and its respective sediment trap will be used.</p>   |
| <b>Walls or Fences</b>          | <p>Live fences should be used, which will have a dual purpose function: free movement of different species of animals and vegetation screen to prevent the passage of light to the beach area.</p>  |

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| <b>solid waste management</b>               | <p>You must:</p> <ol style="list-style-type: none"> <li>1. Use biodegradable substances for human use.</li> <li>2. Separate, classify and reuse household waste.</li> <li>3. Arrange the garbage in places destined for this purpose so that the garbage is collected by the competent entity. Said sites must be kept clean and covered so that they do not generate bad odors, do not allow the proliferation of insects that can serve as vectors or that the garbage is used as food by the fauna of the place.</li> <li>4. Separate and move special waste and construction debris out of the buffer area.</li> <li>5. Ban the burning of garbage.</li> </ol> |
| <b>road</b>                                 | The Road will be regulated based on the Urban Planning Law No. 4240 of November 15, 1968 and the Regulating Law of Condominium Property No. 7933 of October 28, 1999 and their respective regulations, on road issues.   |
| <b>Promotion of Development Sustainable</b> | Sustainable development actions related to the use of natural resources will be promoted.  |
| <b>Other regulations</b>                    | All construction projects must have at least: Criterion of the conservation area, indicating that the property is located outside the Las Baulas National Marine Park.   |
| <b>Indicators Minima</b>                    | <ol style="list-style-type: none"> <li>1. Lighting</li> <li>2. Noise</li> <li>3. Sediments</li> <li>4. Solid and liquid contaminants</li> </ol> <p>The Tourist Carrying Capacity figures must be reviewed every two years due to changes in variables.</p>   |

**SECOND:** For the **CERRO MORRO** sector, the guidelines as specified in Resolution 1410-2010-SETENA of June 28, 2010 remain the same, which are:

| <b>TOPICS</b>       | <b>LINEAMENT</b>   |
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| <b>Delimitation</b> | <p>Two strips of 250 m width each are proposed:</p> <ol style="list-style-type: none"> <li>1. First strip (internal) from the external limit of the PNMLB.</li> <li>2. Second strip (outer) from the outer limit of the first Stripe.</li> </ol>   |
| <b>land use</b>     | <ol style="list-style-type: none"> <li>1. Non-extensive plantations of native tree species.</li> <li>2. Single-family homes or recreational tourist homes with a maximum of 6 units per hectare per floor.</li> <li>3. Low-impact businesses such as restaurants, sodas, hotels with a maximum of 20 rooms per hectare, eco-tourism developments.</li> </ol> |

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| <b>mitigation zone</b>        | <p>The following must be respected:</p> <ol style="list-style-type: none"> <li>1. Adjacent withdrawal zone with respect to the limits of the PNMLB, according to current legislation where no type of construction should be developed.</li> <li>2. Withdrawals given with respect to bodies of water and other aspects covered by national legislation.</li> </ol>  |
| <b>maximum build area</b>     | <ol style="list-style-type: none"> <li>1. First strip: The development units or lots will have a minimum of 1500m<sup>2</sup>, and only 40% of the total area may be developed (includes taxiways, gardens, walls, swimming pools and covered area).</li> <li>2. Second strip: Development units or lots of at least 1500m<sup>2</sup> will be allowed, and only 40% of the total area may be developed (includes all required infrastructure works).</li> </ol>   |
| <b>Reserve of green areas</b> | <ol style="list-style-type: none"> <li>1. In both strips: Minimum 60% dedicated to green areas.</li> <li>2. In the case of the first strip, it will be preferable the location of the green areas adjacent to the PNMLB.</li> </ol>  |
| <b>Drinking water</b>         | <p>In both strips it will be necessary:</p> <ol style="list-style-type: none"> <li>1. Strict measures regarding the consumption of water resources in the zone.</li> <li>2. Use sanitary devices with low water consumption.</li> <li>3. Use low consumption water supply devices. Use pressure regulators in the main intake.</li> </ol>  |
| <b>shopping areas</b>         | <p>The construction of hotels and associated commercial infrastructure can only be located in the area that corresponds to the second strip.</p>   |
| <b>height of buildings</b>    | <ol style="list-style-type: none"> <li>1. In the first strip, buildings with heights up to 6 meters are allowed.</li> <li>2. In the second strip, buildings with heights up to 9m.</li> </ol>  |
| <b>Swimming pools</b>         | <p>In both strips (first and second) the pools:</p> <ol style="list-style-type: none"> <li>1. They must be built with their bottom on the surface of the land, in order not to cause soil removal, in such a way that it does not affect the existing water table.</li> <li>2. They must have a water purification system of the type that allows the use of chemicals for ionizing, will not purify the water.</li> </ol>   |
| <b>Noise pollution</b>        | <ol style="list-style-type: none"> <li>1. First time slot: <ul style="list-style-type: none"> <li>• During the day: the noise level must be less than 65 dB-A.</li> <li>• During the night: the noise level must be less than 45 dB</li> </ul> <p style="text-align: center;">TO.</p> </li> <li>2. Second band: <ul style="list-style-type: none"> <li>• During the day: the noise level must be less than 75 dB-A.</li> <li>• During the night: the noise level must be less than 65 dB</li> </ul> <p style="text-align: center;">TO.</p> </li> </ol> |

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| <b>Lightning</b>                | <p>For both strips (first and second): 1. Direct lighting to the sea and the beach is prohibited.</p> <p>2. In the areas close to the limit of the PNMLB, if artificial lighting is required, it will be amber to guarantee the arrival of the turtles, and the heights and inclination of the luminaires must be restricted based on specific studies.</p> <p>3. Low pressure sodium lamps should be used, both in private instances and in public lighting.</p> <p>4. Exterior light covers or covered reflectors directed toward the ground must be used.</p> <p>5. Screens must be used for those windows facing the ocean.</p> <p>6. LED technology must be used, in the wavelength of light that does not cause psychological contamination of females and the attraction of hatchlings of sea turtles.</p> <p>7. It must be used in the installation of exterior lights, angles and heights of luminaires that do not cause harm to sea turtles.</p> |
| <b>Parking lots and garages</b> | <p>1. First strip: parking and vehicle circulation areas must be as far as possible from the beach or from the outer limit of the PNMLB, which especially includes turning areas.</p> <p>2. Second strip: it is necessary that the parking lots do not directly face the beach.</p>   |
| <b>sewage water</b>             | <p>It will be necessary to: 1. Design, build, operate and maintain decentralized systems for the collection, treatment and disposal of wastewater generated in both strips.</p> <p>2. Control the efficiency of the single-family treatment systems and the quality of their effluent in the nearby communities through which the tributaries of the rivers and streams pass.</p> <p>3. Promote changes in production processes (hotels, shops, restaurants, laundries, including homes, etc.) and consumption habits to prevent pollution.</p>   |
| <b>Rainwater</b>                | <p>For both strips: 1. The waters must be channeled through pipes to their discharge sites.</p> <p>2. At each discharge site, a rainwater retention system and its respective sediment trap will be used.</p>   |
| <b>Walls or Fences</b>          | <p>For both strips: Living fences with sparse foliage species should be used, which will have a dual purpose function: free movement of different species of animals and vegetation screen to prevent the passage of light to the beach area.</p>   |

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| <b>solid waste management</b>               | <p>You must:</p> <ol style="list-style-type: none"> <li>1. Use biodegradable substances for human use.</li> <li>2. Separate, classify and reuse household waste.</li> <li>3. Dispose of garbage in places designated for this purpose to that the garbage be collected by the competent entity. Said sites must be kept clean and covered so that they do not generate bad odors, do not allow the proliferation of insects that can serve as vectors or that the garbage is used as food by the fauna of the place.</li> <li>4. Separate and move special waste and construction debris out of the buffer area.</li> <li>5. Ban the burning of garbage.</li> <li>6. All visitors are responsible for removing the waste they generate from the PNMLB area, but the Park administration will ensure that an efficient collection system is maintained.</li> </ol> |
| <b>road</b>                                 | The Road will be regulated based on the Urban Planning Law No. 4240 of November 15, 1968 and the Regulating Law of Condominium Property No. 7933 of October 28, 1999 and their respective regulations, on road issues.  |
| <b>Promotion of Development Sustainable</b> | Sustainable development actions related to the use of natural resources will be promoted.   |
| <b>Other regulations</b>                    | All construction projects must have at least: Criterion of the conservation area, indicating that the property is located outside the Las Baulas National Marine Park.  |
| <b>Indicators Minima</b>                    | <ol style="list-style-type: none"> <li>1. Lighting</li> <li>2. Noise</li> <li>3. Sediments</li> <li>4. Solid and liquid contaminants</li> <li>5. The figures of the Tourist Carrying Capacity must be reviewed every two years due to the change of the variables.</li> </ol>   |

**THIRD:** The guidelines for the sector of **Playa Grande, Playa Ventanas and Estero Tamarindo**, as specified in Resolution 1410-2010-SETENA of June 28, 2010, which are:

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| TOPICS              | LINEAMENT   |
|---------------------|---|
| <b>Delimitation</b> | <p>Two strips of 250 m width each are proposed</p> <ol style="list-style-type: none"> <li>1. First strip (internal): from the external limit of the PNMLB, up to reach a width of 250 meters.</li> <li>2. Second strip (external): from the external limit of the first strip, that is, from 250 m to a width of 500 m. Within this sector, and specifically from the street that comes from the Playa Grande school and that passes in front of the PNMLB administration office until it ends at the beach, towards the southeast towards the entrance of the estuary</li> </ol> |

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|                               | Tamarindo, only what corresponds to what is indicated for the internal strip will be applied.   |
| <b>land use</b>               | <ol style="list-style-type: none"> <li>1. The coastal zone must be maintained as a National Park with restrictions on use as they exist to this day.</li> <li>2. Non-extensive plantations of native tree species.</li> <li>3. Single-family homes or recreational tourist homes with a maximum of 6 units per hectare.</li> <li>4. Low-impact businesses such as restaurants, sodas, hotels with a maximum of 20 rooms per hectare, eco-tourism developments.</li> </ol> |
| <b>Zone of mitigation</b>     | <p>The following must be respected:</p> <ol style="list-style-type: none"> <li>1. Adjacent withdrawal zone with respect to the limits of the PNMLB, according to current legislation, where no type of construction should be developed.</li> <li>2. Withdrawals given with respect to bodies of water and other aspects covered by national legislation.</li> </ol>  |
| <b>maximum build area</b>     | <ol style="list-style-type: none"> <li>1. First strip: The development units or lots will have a minimum of 1500m<sup>2</sup>, and only 40% of the total area can be developed (includes taxiways, gardens, walls, swimming pools and covered area).</li> <li>2. Second strip: Development units or lots of at least 1500m<sup>2</sup> will be allowed, and only 40% of the total area may be developed (includes all required infrastructure works).</li> </ol>          |
| <b>Reserve of green areas</b> | <p>In both strips:</p> <ol style="list-style-type: none"> <li>1. Minimum 60% dedicated to green areas.</li> <li>2. In the case of the first strip, it will preferably be the location of the green areas adjacent to the PNMLB area.</li> </ol>   |
| <b>Drinking water</b>         | <p>In both strips it is necessary:</p> <ol style="list-style-type: none"> <li>1. Strict measures regarding the consumption of water resources in the zone.</li> <li>2. Use sanitary devices with low water consumption.</li> <li>3. Use low consumption water supply devices.</li> <li>4. Use pressure regulators in the main intake.</li> </ol>  |
| <b>shopping areas</b>         | The construction of hotels and associated commercial infrastructure will only be allowed in the area that corresponds to the second strip.  |
| <b>height of buildings</b>    | <ol style="list-style-type: none"> <li>1. First strip: buildings with heights up to 6 m are allowed.</li> <li>2. Second strip, buildings with heights up to 9 m are allowed.</li> </ol>   |
| <b>Swimming pools</b>         | <p>In both strips (first and second) the pools:</p> <ol style="list-style-type: none"> <li>1. They must be built with their bottom on the surface of the land, in order not to cause soil removal, in such a way that it does not affect the existing water table.</li> <li>2. They must have an ionizing water purification system, the use of chemicals for water purification is not allowed.</li> </ol>   |
| <b>Noise pollution</b>        | <ol style="list-style-type: none"> <li>3. First time slot: <ul style="list-style-type: none"> <li>• During the day: the noise level must be less than 65 dB-A.</li> <li>• During the night: 45 dB-A.</li> </ul> </li> <li>4. Second strip:</li> </ol>   |

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|                                 | <ul style="list-style-type: none"> <li>• During the day: the noise level must be less than 65 dB-A.</li> <li>• During the night: 55 dB-A.</li> </ul>  |
| <b>Lightning</b>                | <p>For both strips (first and second):</p> <ol style="list-style-type: none"> <li>1. Direct lighting to the sea and the beach is prohibited.</li> <li>2. In the areas close to the limit of the PNMLB, if artificial lighting is required, it will be amber to guarantee the arrival of the turtles, and the heights and inclination of the luminaires must be restricted based on specific studies.</li> <li>3. Low pressure sodium lamps should be used, both in private instances and in public lighting.</li> <li>4. Exterior light covers or covered reflectors directed toward the ground must be used.</li> <li>5. Screens must be used for those windows facing the ocean.</li> <li>6. LED technology should be used, in the wavelength of light that does not cause psychological contamination of females and the attraction of hatchlings of sea turtles.</li> <li>7. It must be used in the installation of exterior lights, angles and heights of luminaires that do not cause harm to sea turtles.</li> </ol> |
| <b>Parking lots and garages</b> | <ol style="list-style-type: none"> <li>1. First strip: parking and vehicle circulation areas must be as far as possible from the beach or from the outer limit of the PNMLB, which especially includes turning areas.</li> <li>2. Second strip: it is necessary that the parking lots do not directly face the beach or the external limit of the PNMLB.</li> </ol>   |
| <b>Wastewater</b>               | <p>It will be necessary to:</p> <ol style="list-style-type: none"> <li>1. Design, build, operate and maintain decentralized systems for the collection, treatment and disposal of wastewater generated in both strips.</li> <li>2. Control the efficiency of the single-family treatment systems and the quality of their effluent in the nearby communities through which the tributaries of the rivers and streams pass.</li> <li>3. Promote changes in production processes (hotels, shops, restaurants, laundries, including homes, etc.) and consumption habits to prevent pollution.</li> </ol>   |
| <b>Rainwater</b>                | <p>For both strips:</p> <ol style="list-style-type: none"> <li>1. The waters must be channeled through pipes to their discharge sites.</li> <li>2. At each discharge site, a rainwater retention system and its respective sediment trap will be used.</li> </ol>   |
| <b>Walls or Fences</b>          | <p>For both strips:</p> <ol style="list-style-type: none"> <li>1. Live fences must be used, which will have a dual purpose function: free circulation of different species of animals and a vegetation screen to prevent the passage of light to the beach area.</li> </ol>   |

|   |   |
|---|---|
| <b>solid waste management</b>               | <p>You must:</p> <ol style="list-style-type: none"> <li>1. Use biodegradable substances for human use</li> <li>2. Separate, classify and reuse household waste.</li> <li>3. Arrange the garbage in places destined for this purpose so that the garbage is collected by the competent entity. Said sites must be kept clean and covered so that they do not generate bad odors, do not allow the proliferation of insects that can serve as vectors or that the garbage is used as food by the fauna of the place.</li> <li>4. Separate and move special waste and construction debris out of the buffer area.</li> <li>5. Ban the burning of garbage.</li> <li>6. All visitors are responsible for removing the waste they generate from the PNMLB area, but the Park administration will ensure that an efficient collection system is maintained.</li> </ol> |
| <b>road</b>                                 | The Road will be regulated based on the Urban Planning Law No. 4240 of November 15, 1968 and the Regulating Law of Condominium Property No. 7933 of October 28, 1999 and their respective regulations, on road issues.  |
| <b>Promotion of Development Sustainable</b> | Sustainable development actions related to the use of natural resources will be promoted.   |
| <b>Other regulations</b>                    | All construction projects must have at least: 1. Criterion of the conservation area, indicating that the property is located outside the Las Baulas National Marine Park.   |
| <b>Indicators Minima</b>                    | <ol style="list-style-type: none"> <li>1. Lighting</li> <li>2. Noise</li> <li>3. Sediments</li> <li>4. Solid and liquid contaminants</li> <li>5. The figures of the Tourist Carrying Capacity must be reviewed every two years due to the change of the variables.</li> </ol>   |

**FOURTH:** The guidelines for the sector of **Playa Langosta, Estero** remain the same **San Francisco and Isla Verde**, as specified in Resolution 1410-2010-SETENA of June 28, 2010, which are:

:

| SUBJECT             | LINEAMENT   |
|---------------------|---|
| <b>Delimitation</b> | <p>Two strips of 250 m width each are proposed.</p> <ol style="list-style-type: none"> <li>1. First strip (internal): from the external limit of the PNMLB, until reaching a width of 250 meters.</li> <li>2. Second strip (external): from the external limit of the first strip, that is, from 250 m up to a width of 500 m.</li> </ol> |

## Resolution No. 2174-2010-SETENA

|                               |   |
|-------------------------------|---|
| <b>land use</b>               | <ol style="list-style-type: none"> <li>1. The coastal zone must be maintained as a National Park with restrictions on use as they exist to this day.</li> <li>2. Non-extensive plantations of native tree species.</li> <li>3. Single-family homes or recreational tourist homes with a maximum of 6 units per hectare.</li> <li>4. Low-impact businesses such as restaurants, sodas, hotels with a maximum of 20 rooms per hectare, eco-tourism developments.</li> </ol> |
| <b>mitigation zone</b>        | <p>The following must be respected:</p> <ol style="list-style-type: none"> <li>1. Adjacent withdrawal zone with respect to the limits of the PNMLB, according to current legislation, where no type of construction should be developed.</li> <li>2. Withdrawals given with respect to bodies of water and other aspects contemplated by national legislation.</li> </ol>   |
| <b>maximum build area</b>     | <ol style="list-style-type: none"> <li>1. First strip: The development units or lots will have a minimum of 1500m<sup>2</sup>, and only 40% of the total area can be developed (includes taxiways, gardens, walls, swimming pools and covered area).</li> <li>2. Second strip: Development units or lots of at least 1500m<sup>2</sup> will be allowed, and only 40% of the total area may be developed (includes all required infrastructure works).</li> </ol>          |
| <b>Reserve of green areas</b> | <p>In both strips: 1. Minimum 60% dedicated to green areas.</p> <ol style="list-style-type: none"> <li>2. In the case of the first strip, it will preferably be the location of the green areas in the border with the area of the PNMLB.</li> </ol>  |
| <b>Drinking water</b>         | <p>In both strips it is necessary:</p> <ol style="list-style-type: none"> <li>1. Strict measures regarding the consumption of water resources in the zone.</li> <li>2. Use sanitary devices with low water consumption.</li> <li>3. Use low consumption water supply devices.</li> <li>4. Use pressure regulators in the main intake.</li> </ol>  |
| <b>shopping areas</b>         | The construction of hotels and associated commercial infrastructure will only be allowed in the area that corresponds to the second strip.  |
| <b>height of buildings</b>    | <ol style="list-style-type: none"> <li>1. First strip: buildings with heights up to 6m are allowed.</li> <li>2. Second strip, buildings with heights up to 9m are allowed.</li> </ol>   |
| <b>Swimming pools</b>         | <p>In both strips (first and second) the pools:</p> <ol style="list-style-type: none"> <li>1. They must be built with their bottom on the surface of the land, in order not to cause soil removal, in such a way that it does not affect the existing water table.</li> <li>2. They must have an ionizing water purification system, the use of chemicals for water purification is not allowed.</li> </ol>   |
| <b>Noise pollution</b>        | <ol style="list-style-type: none"> <li>5. First time slot: • During the day: the noise level must be less than 65 dB-A.</li> </ol>  |

|                                 |   |
|---------------------------------|---|
|                                 | <ul style="list-style-type: none"> <li>• During the night: 45 dB-A.</li> </ul> <p>6. Second band: •<br/>During the day: the noise level must be less than 65 dB-A. • During the night: 55 dB-A.</p>   |
| <b>Lightning</b>                | <p>For both strips (first and second):</p> <ol style="list-style-type: none"> <li>1. Direct lighting to the sea and the beach is prohibited.</li> <li>2. In the areas close to the limit of the PNMLB, if artificial lighting is required, it will be amber to guarantee the arrival of the turtles, and the heights and inclination of the luminaires must be restricted based on specific studies.</li> <li>3. Low pressure sodium lamps should be used, both in private instances and in public lighting.</li> <li>4. Exterior light covers or reflectors must be used cutlery facing the floor.</li> <li>5. Screens should be used for those windows that give to the ocean.</li> <li>6. LED technology must be used, in the wavelength of light that does not cause psychological contamination of females and the attraction of hatchlings of sea turtles.</li> <li>7. It must be used in the installation of exterior lights, angles and heights of luminaires that do not cause harm to sea turtles.</li> </ol> |
| <b>Parking lots and garages</b> | <ol style="list-style-type: none"> <li>1. First strip: parking and vehicle circulation areas must be as far as possible from the beach or from the outer limit of the PNMLB, which especially includes turning areas.</li> <li>2. Second strip: it is necessary that the parking lots do not directly face the beach or the external limit of the PNMLB.</li> </ol>   |
| <b>Wastewater</b>               | <p>It will be necessary to:</p> <ol style="list-style-type: none"> <li>1. Design, build, operate and maintain decentralized systems for the collection, treatment and disposal of wastewater generated in both strips.</li> <li>2. Control the efficiency of the single-family treatment systems and the quality of their effluent in the nearby communities through which the tributaries of the rivers and streams pass.</li> <li>3. Promote changes in production processes (hotels, shops, restaurants, laundries, including homes, etc.) and consumption habits to prevent pollution.</li> </ol>   |
| <b>Rainwater</b>                | <p>For both strips:</p> <ol style="list-style-type: none"> <li>1. The waters must be channeled through pipes to their discharge sites.</li> <li>2. At each discharge site, a rainwater retention system and its respective sediment trap will be used.</li> </ol>   |
| <b>Walls or Fences</b>          | <p>For both strips: Living fences must be used, which will have a dual purpose function: free movement of different species of animals and vegetation screen to prevent the passage of light to the beach area.</p>   |

## Resolution No. 2174-2010-SETENA

|   |   |
|---|---|
|   |   |
| <b>solid waste management</b>               | <p>You must:</p> <ol style="list-style-type: none"> <li>1. Use biodegradable substances for human use</li> <li>2. Separate, classify and reuse household waste.</li> <li>3. Arrange the garbage in places destined for this purpose so that the garbage is collected by the competent entity.<br/>Said sites must be kept clean and covered so that they do not generate bad odors, do not allow the proliferation of insects that can serve as vectors or that the garbage is used as food by the fauna of the place.</li> <li>4. Separate and move special waste and construction debris out of the buffer area.</li> <li>5. Ban the burning of garbage.</li> <li>6. All visitors are responsible for removing the waste they generate from the PNMLB area, but the Park administration will ensure that an efficient collection system is maintained.</li> </ol> |
| <b>road</b>                                 | The Road will be regulated based on the Urban Planning Law No. 4240 of November 15, 1968 and the Regulating Law of Condominium Property No. 7933 of October 28, 1999 and their respective regulations, on road issues.  |
| <b>Promotion of Development Sustainable</b> | Sustainable development actions related to the use of natural resources will be promoted.   |
| <b>Other regulations</b>                    | All construction projects must have at least: Criterion of the conservation area, indicating that the property is located outside the Las Baulas National Marine Park.  |
| <b>Indicators Minima</b>                    | <ol style="list-style-type: none"> <li>1. Lighting</li> <li>2. Noise</li> <li>3. Sediment</li> <li>4. Solid and liquid contaminants.</li> <li>5. The figures of the Tourist Load Capacity must be reviewed every two years due to changes in variables.</li> </ol>  |

**FIFTH:** That in order to spatially locate users for the use of the guidelines contained in the First, Second, Third and Fourth Therefore, of this Resolution, SETENA will publish on its website the maps with the delimitation for each sector located in the buffer zone.

**SIXTH:** To request the officials of the Department of Information Technology to place this resolution in the space of the SETENA WEB page dedicated to monitoring the vote of the Constitutional Chamber regarding the Las Baulas National Marine Park.

**SEVENTH:** SETENA will continue the analysis of the environmental impact assessments, in the understanding that the projects that are immersed in the buffer area analyzed must comply with the technical-environmental recommendations that were generated from the study requested by the Constitutional Chamber. to be able to opt for the Viability (License) Environmental.

**EIGHTH:** That environmental consultants must ensure that all environmental impact assessments within the buffer area of the Las Baulas Marine Park incorporate the guidelines stipulated in Considering Two, depending on the sector where the work or project activity that will be submitted to this Secretariat to be analyzed.

**FOURTH:** That within the framework of the Environmental Impact Assessment of new activities, works or projects, the following guidelines be incorporated in order to comply with the provisions of constitutional votes numbers 2008-018529 and 2009-019451, of the Chamber Constitutional.

Sincerely,

**msc. SONIA ESPINOSA VALVERDE  
GENERAL SECRETARY ON  
BEHALF OF THE PLENARY COMMITTEE**

A copy of Resolution **No. 2174-2010-SETENA** was notified at the office of the National Environmental Technical Secretariat at **11:50** a.m. on **SEPTEMBER 8 , 2010**. - \_\_\_\_\_

**BE NOTIFIED:**

Eng. Nelson Marin Mora. Director of  
ACT Licdo Mauricio Méndez V, Technical Director of  
ACT **Fax. 26864967/68/70**

Ing. Gerardo Ramírez, Costa Rican Institute of Aqueducts and  
Sewers **Fax: 2520-0027 / 2291-7281**

licdo. Alvaro Porras, MINAET Water Department,  
Fernando Watson Hernández, IMN/MINAET Water  
Department **Fax: 2283-7140**

Jorge G. Chavarría, Mayor-Municipality of Santa Cruz William  
Arauz, Municipality of Santa Cruz.  
**Fax: 2680-0629**

Signature: \_\_\_\_\_ ID number \_\_\_\_\_

At \_\_\_\_\_ hours and \_\_\_\_\_ minutes of \_\_\_\_\_ of \_\_\_\_\_ from 2010.

Notify \_\_\_\_\_

A copy of Resolution No. **2174-2010-SETENA** was notified at the office of the National Environmental Technical Secretariat at **11:50** a.m. on **SEPTEMBER 8 , 2010.**

**BE NOTIFIED:**

Luis Gerardo Rodríguez Quesada, Municipality of Nandayure  
Ronald Jiménez Rodríguez, Municipality of Nandayure  
Fax: 2657-7081 ext 105

Geovanni Carrillo Alemán, Mayor of Hojancha  
Nery Arias Contreras, President of the Municipal Council of Hojancha  
Fax: 2659-9036, ext 113

Juan Luis Aguirre, President of the Municipal Council of Nicoya Fax.  
2685-5989

Henry Abarca Morales,  
Environmental Manager of the Municipality of Carrillo

Claudio Rivas Ruiz,  
President of the Council of the Municipality of Carrillo  
**Fax: 2688-8383**

Esteban Aguero-COMEX  
Benjamin Vargas-COMEX  
**Fax: 2258-0903**

Ing. Kenner Quirós, SETENA

Signature: \_\_\_\_\_ ID number \_\_\_\_\_

At \_\_\_\_\_ hours and \_\_\_\_\_ minutes of \_\_\_\_\_ of \_\_\_\_\_ from 2010.

Notify \_\_\_\_\_