



Clean Water Act Section 404: Site Visit/Case Development

For inspections authorized pursuant to Clean Water Act sections 308 and 404 (33 U.S.C. §§ 1318 and 1344)

This report includes only factual information gained by documentation, onsite observations, and/or onsite interviews.

Inspector Name(s)	Seika Robinson	Time In	11:15 AM	Start Date	June 11, 2024
		Time Out	1:00 PM	End Date	June 11, 2024
Inspector's Organization	US EPA Region 2, Water Division, Water Management Branch, Wetlands Protection Section				
Organization Requesting Inspection (if different)	N/A				
Inspection Type	Case Development	Inspection Status	Original		
Site Name	Hotel Media Luna				
Site Address*	Tax Parcel 196-000-009-39				
City*	Comerio	County*	Comerio	State*	PR
				Zip Code*	00782
Mailing Address*	KM 1.7 Barrio Sector Media Luna, PR-167				
City*	Comerio	County*	Comerio	State*	PR
				Zip Code*	00782
Latitude*	18.247537	Longitude*	-66.203618		
Estimated Size of Site (acres)	51.28	Is there a home on the site?	☐ Yes ☒ No		
Inspector Signature	SEIKA ROBINSON	Digitally signed by SEIKA ROBINSON Date: 2024.07.22 14:53:16 -04'00'	Date	July 22, 2024	
Supervisor Signature		Digitally signed by MARCO FINOCCHIARO Date: 2024.07.23 12:57:27 -04'00'	Date	7/23/24	

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Site Name	Hotel Media Luna	Start Date	June 11, 2024
		End Date	June 11, 2024
Inspection Purpose	Initial site visit		
Opening Conference			
☒ Presentation of Inspector Credentials			
Name and Title (Use N/A if owner/operator not available to join the inspection)			
Inspectors, Seika Robinson and Sofia Olivero Lora presented credentials the day of the inspection to Luis A. Burgos Sanchez, Administrator of Hotel Media Luna (hereinafter as "HML"), Irvin Rivera González of the Municipality of Comerío (hereinafter as the "Municipality"), and Rafel Reyes Baizó of Comerío Sand and Gravel Corp (hereinafter as "Comerío Sand"), the Site Operator.			
☒ Opening Conference			
Name of person authorizing access if applicable			
Luis A. Burgos Sanchez, Administrator of Hotel Media Luna authorized access to the property via email prior to the site visit and again during the time of the visit.			
Notes from Opening Conference			
EPA explained the purpose of the inspection, EPA and the U.S. Army Corps of Engineers (hereinafter as the "Corps") role with regulating wetlands under the Clean Water Act Section 404 (hereinafter as the "CWA"), and what areas would be inspected. HML informed EPA that HML leased the property from the Municipality and that there was a contractor, Comerío Sand, doing the work by the Río de la Plata. HML explained that the hotel that is operating on the property has no involvement with the activities EPA is investigating.			
☐ Access Issues if Any			
Describe			
N/A			
Inspection Observations and Sample Collection			
Site Owner/Site Operator/Responsible Party (Name, title and contact information)			
Site Owner: Municipality of Comerío, Irvin Rivera González, oacomerio@gmail.com, redessocialescomerio@gmail.com			
Site Operator: Comerío Sand and Gravel Corp, Rafel Reyes Baizó, Site Operator, [REDACTED]			
Additional Persons Present at Inspection			
N/A			
General Site Characteristics (layout of property, etc.)			
The property is approximately 51.28 acres in size. The majority of the property runs along a portion of the western bank of the Río de la Plata which drains into the Atlantic Ocean. Both the Río de la Plata and the Atlantic Ocean are waters of the United States. The site is being utilized for a Hotel Media Luna, a hotel with amenities.			
Purpose and Need for Discharge of Dredged and/or Fill Material			
According to the Municipality and Comerío Sand, the earth moving work is for a commercial rock and earthen material harvesting operation occurring below the ordinary high water mark of the Río de la Plata.			

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Site Name	Hotel Media Luna	Start Date	June 11, 2024
		End Date	June 11, 2024
Site Overview (Past inspections, site description, permits, etc.)			
There are no known Corps wetland permits for any activities on site or Jurisdictional Determinations for the Site. The surrounding area is utilized for a hotel named "Hotel Media Luna" and its amenities. The HML is not the owner of the property nor the operator of the activities being inspected by EPA.			
Scope of Inspection (Areas inspected or not inspected)			
EPA walked along the bank of the Río de la Plata where recent earth moving work occurred on the north eastern portion of the property. EPA surveyed the area where earth moving work occurred to the furthest extent possible with a GPS system. See Attachment A for a map containing details of the inspection findings.			

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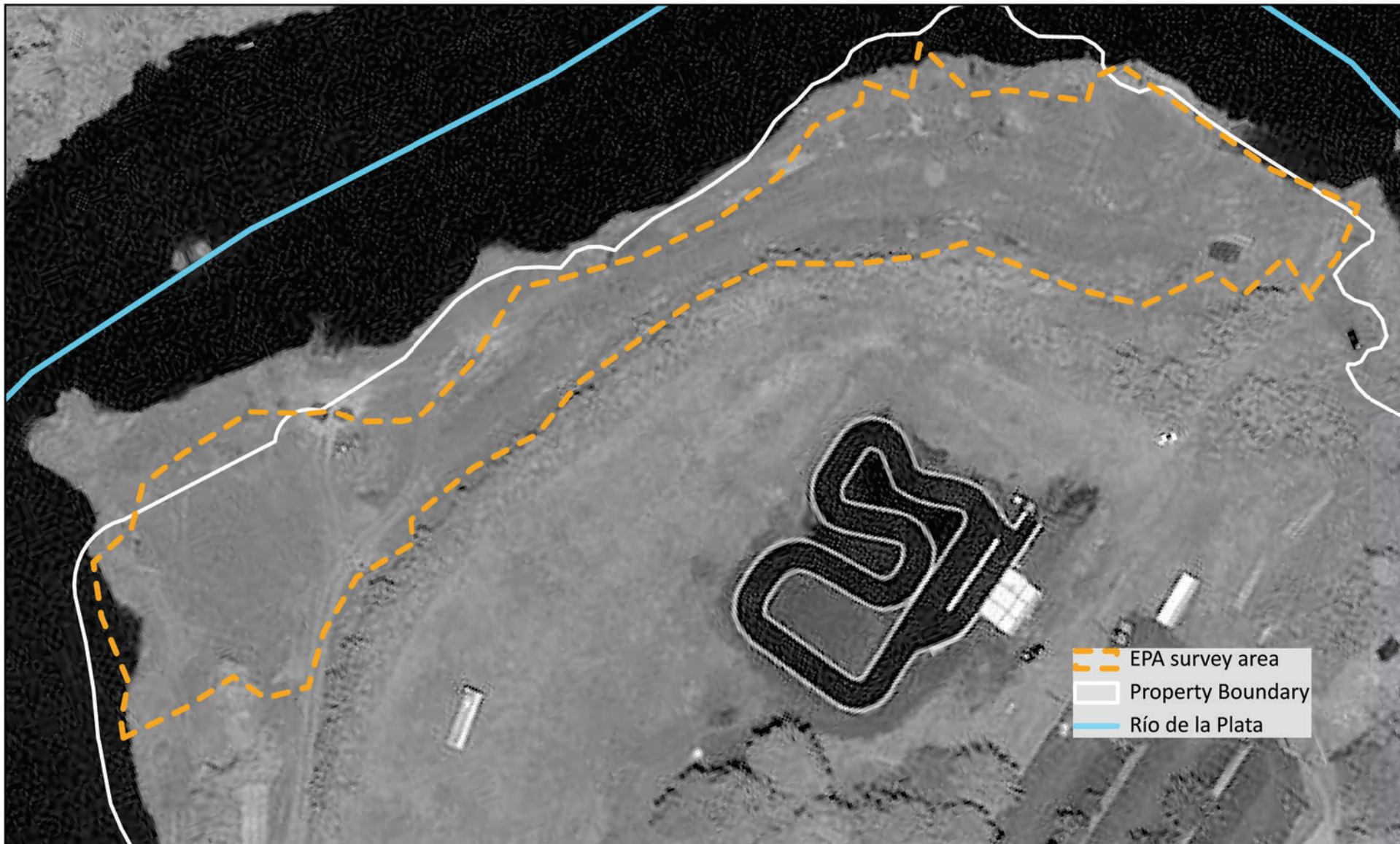
Site Name	Hotel Media Luna	Start Date	June 11, 2024
		End Date	June 11, 2024
Environmental Conditions (e.g., wind, rain, smoke, dust, temperature, snow)			
Temperatures were in the 80s (degrees in F); sunny; wet season			
Field Work Conducted			
During the inspection, EPA collected GPS data (see Attachment A) and photographs (see Attachment B). Observations were recorded with the understanding that the inspection occurred during the wet season. Upon entering the site, EPA met with Luis A. Burgos Sanchez, Administrator of HML. EPA had previously been in contact with Mr. Burgos prior to the site visit to discuss access to the property and the area. Mr. Burgos led us to an area where the hotel is constructing amenities such as a go cart track and arcade. HML explained to EPA that the construction of the hotel amenities is not related to the work being conducted in the Río de la Plata. HML also stated to EPA that HML is neither the owner of the property nor the operator of the activities occurring within and along the Río de la Plata that EPA is investigating. Mr. Burgos then lead EPA to the bank of the Río de la Plata where earth moving work had occurred. EPA took a GPS survey of the area, to the furthest extent possible, where earth moving work and vegetative clearing had occurred (see Attachment A for EPA survey area). EPA observed construction machinery along the bank of the river. No active mechanized work was occurring at the time of the visit. The Río de la Plata was observed flowing north along the eastern border of the property. After conducting the survey, EPA and Mr. Burgos met with the Irvin Rivera González, the mayor of the Municipality of Comerío at the HML arcade area to discuss the Municipality's role with the earthmoving work in the Río de la Plata. From there, EPA, Mr. Burgos and Mr. Rivera went to a nearby facility where Comerío Sand processes the extracted material from the Río de la Plata. At the facility, EPA met with Rafel Reyes Baizó of Comerío Sand and Site Manager for the Río de la Plata work EPA inspected. The Municipality and Comerío Sand confirmed that HML is neither the owner of the property nor the operator of the activities EPA is investigating.			
Closing Conference			
Documents Received and/or Requested During the Inspection			
N/A			
Compliance Assistance Provided (If any)			
EPA recommended to the Municipality and Comerío Sand to consult with the Corps on the possible need for CWA permits for the work being conducted below the ordinary high water mark of the Río de la Plata.			
Observations Relayed to Site Owner/Operator			
N/A			
Actions Taken by Owner/Operator During the Inspection (If any)			
N/A			
Potential Issues of Concern Including Regulatory Citations			
Potential areas of earth moving work conducted within jurisdictional waters may be present on the site.			

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Site Name	Hotel Media Luna	Start Date	June 11, 2024
		End Date	June 11, 2024
Attachments*			
☒ Maps and Sketches ☒ Photographs (including location) and Photo Log ☐ Other (SSIP, Wetlands Delineation Forms, etc.)			
Attachment A: Map with GPS Data; Attachment B: Photolog			
Additional Notes			
None			

Attachment A: Map with GPS Data



- EPA survey area
- Property Boundary
- Río de la Plata



Owner: Municipality of Comerío
Operator: Comerío Sand and Gravel Corporation

Tax Parcel 196-000-009-39 in the Municipality of Comerío, Puerto Rico

Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community, Maxar



2024



0 0.01 0.02 Miles
0 0.01 0.03 Kilometers

Attachment B: Photolog

CWA 404 Inspection

Hotel Media Luna

Tax Parcel 196-000-009-39 in the Municipality of
Comerio, Puerto Rico

June 11, 2024



Date: June 11, 2024

Time: 11:38

Photographer: Sofia Olivero Lora

Photo ID: P6111005

Description: Within the bank, below ordinary high water of the Río de la Plata, earth moving work and fill material was observed along with trash debris.

The red arrow shows the direction of flow of the Río de la Plata.

Tax Parcel 196-000-009-39 in the Municipality of Comerío, Puerto Rico



Date: June 11, 2024

Time: 11:38

Photographer: Sofia Olivero Lora

Photo ID: P6111007

Description: Earth moving work and fill material was observed. Construction machinery was observed parked within the area where earth moving work had occurred.

The red arrow shows the direction of flow of the Río de la Plata.

Tax Parcel 196-000-009-39 in the Municipality of Comerío, Puerto Rico



Date: June 11, 2024

Time: 11:39

Photographer: Sofía Olivero Lora

Photo ID: P6111010

Description: Within the bank of the Río de la Plata, earth moving work and fill material was observed. Construction machinery was observed parked within the area where earth moving work had occurred.

The red arrow shows the direction of flow of the Río de la Plata.

Tax Parcel 196-000-009-39 in the Municipality of Comerío, Puerto Rico



Date: June 11, 2024

Time: 11:40

Photographer: Sofia Olivero Lora

Photo ID: P6111012

Description: Within the bank of the Rio de la Plata, earth moving work and fill material was observed.

The red arrow shows the direction of flow of the Río de la Plata.

2024/06/11 11:40

Tax Parcel 196-000-009-39 in the Municipality of Comerío, Puerto Rico



Date: June 11, 2024

Time: 11:40

Photographer: Sofia Olivero Lora

Photo ID: P6111013

Description: Within the bank of the Rio de la Plata, earth moving work and fill material was observed.

The red arrow shows the direction of flow of the Río de la Plata.

2024/06/11 11:40

Tax Parcel 196-000-009-39 in the Municipality of Comerío, Puerto Rico



Date: June 11, 2024

Time: 11:42

Photographer: Sofía Olivero Lora

Photo ID: P6111016

Description: Within the bank of the Río de la Plata, earth moving work and fill material was observed.

The red arrow shows the direction of flow of the Río de la Plata.

Tax Parcel 196-000-009-39 in the Municipality of Comerío, Puerto Rico



Date: June 11, 2024

Time: 11:42

Photographer: Sofia Olivero Lora

Photo ID: P6111017

Description: Within the bank of the Río de la Plata, earth moving work and fill material was observed along with trash debris. Construction machinery was observed parked within the area where earth moving work had occurred.

The red arrow shows the direction of flow of the Río de la Plata.

Tax Parcel 196-000-009-39 in the Municipality of Comerío, Puerto Rico



Date: June 11, 2024

Time: 11:48

Photographer: Sofia Olivero Lora

Photo ID: P61110018

Description: Within the bank of the Rio de la Plata, earth moving work and fill material was observed.

The red arrow shows the direction of flow of the Río de la Plata.

2024/06/11 11:48

Tax Parcel 196-000-009-39 in the Municipality of Comerío, Puerto Rico



Date: June 11, 2024

Time: 11:48

Photographer: Sofia Olivero Lora

Photo ID: P6111019

Description: Within the bank of the Río de la Plata, earth moving work and fill material was observed. Construction machinery was observed parked within the area where earth moving work had occurred.

The red arrow shows the direction of flow of the Río de la Plata.

Tax Parcel 196-000-009-39 in the Municipality of Comerío, Puerto Rico



Date: June 11, 2024

Time: 11:49

Photographer: Sofia Olivero Lora

Photo ID: P6111020

Description: Within the bank of the Rio de la Plata, earth moving work and fill material was observed along with trash debris. Construction machinery was observed parked within the area where earth moving work had occurred.

Mud cracks were observed within the area of work.

The red arrow shows the direction of flow of the Río de la Plata.



Date: June 11, 2024

Time: 11:51

Photographer: Sofia Olivero Lora

Photo ID: P6111021

Description: Within the bank of the Rio de la Plata, earth moving work and fill material was observed. Approximately 18 inches of fill material as measured from the bottom of the bank.

The red arrow shows the direction of flow of the Río de la Plata.



Date: June 11, 2024

Time: 11:51

Photographer: Sofia Olivero Lora

Photo ID: P6111022

Description: Within the bank of the Río de la Plata, earth moving work and fill material was observed. Approximately 18 inches of fill material as measured from the bottom of the bank.

The red arrow shows the direction of flow of the Río de la Plata.

Tax Parcel 196-000-009-39 in the Municipality of Comerío, Puerto Rico



Date: June 11, 2024

Time: 11:54

Photographer: Sofia Olivero Lora

Photo ID: P6111025

Description: Within the bank of the Rio de la Plata, earth moving work and fill material was observed along with trash debris.

The red arrow shows the direction of flow of the Río de la Plata.

Tax Parcel 196-000-009-39 in the Municipality of Comerío, Puerto Rico



Date: June 11, 2024

Time: 11:54

Photographer: Sofia Olivero Lora

Photo ID: P6111026

Description: Within the bank of the Río de la Plata, earth moving work and fill material was observed along with trash debris. Construction machinery was observed parked within the area where earth moving work had occurred.

Mud cracks were observed within the area of work.

The red arrow shows the direction of flow of the Río de la Plata.

Tax Parcel 196-000-009-39 in the Municipality of Comerío, Puerto Rico



Date: June 11, 2024

Time: 11:57

Photographer: Sofia Olivero Lora

Photo ID: P6111030

Description: Within the bank of the Rio de la Plata, earth moving work and fill material was observed.

The red arrow shows the direction of flow of the Río de la Plata.

Tax Parcel 196-000-009-39 in the Municipality of Comerío, Puerto Rico