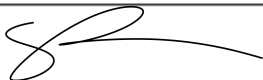




Clean Water Act Section 404: Site Visit/Case Development

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 and Sofia Olivero Lora	Time In	10:00 AM	Start Date	June 13, 2024
		Time Out	12:00 PM	End Date	June 13, 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	DBR Dorado Owner, LLC				
Site Address*	Tax parcel 037-000-001-07-000				
City*	Dorado	County*	Dorado	State*	PR
				Zip Code*	00646
Mailing Address*	100 Dorado Beach Drive, Suite 1				
City*	Dorado	County*	Dorado	State*	PR
				Zip Code*	00646
Latitude*	18.457122	Longitude*	-66.302936		
Estimated Size of Site (acres)	499.19	Is there a home on the site?	☐ Yes ☒ No		
Inspector Signature		Digitally signed by SEIKA ROBINSON Date: 2024.08.23 09:45:22 -04'00'	Date	8/23/24	
Supervisor Signature		Digitally signed by MARCO FINOCCHIARO Date: 2024.08.23 10:19:10 -04'00'	Date	8/23/24	

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)

Site Name	DBR Dorado Owner, LLC	Start Date	June 13, 2024
		End Date	June 13, 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 Hans Moll, Representative for Dorado Owner, LLC. (hereinafter referred to as "DBR"); Melissa Salicrup, Consultant for DBR; and Roberto Sanchez and Nicolas Iturregui, Representatives for Dorado Beach Resort (hereinafter as the "Resort"), a resort that is operating on the property.			
☐ Opening Conference Name of person authorizing access if applicable Roberto Sanchez authorized access to the property the day 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 ("CWA"), and what areas would be inspected. EPA explained that the enforcement case that the Corps had with DBR Farm Owner LLC has been officially referred to the EPA in accordance to the Memorandum of Agreement the EPA and Corps established for CWA enforcement actions. Meaning, the EPA is now the lead enforcement agency investigating the alleged unauthorized discharge of fill material into waters of the United States ("WOTUS"). EPA also explained that the Corps currently has an Approved Jurisdictional Determination ("AJD") Request with the Corps and that request is still being handled by the Corps and not the EPA.			
☐ 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: DBR Farm Owner LLC (DBR Farm) Orlando R. Méndez omendez@doradobeach.com 787-485-8801 Dorado Beach Resort #120 State Road PR-693 Dorado, Puerto Rico 00646			
Additional Persons Present at Inspection Roberto Sanchez, rsanchez@doradobeach.com, 787-240-8101; Hans Moll, hmoll@prisagroup.com; 787-644-8801 Melissa Salicrup, msalicrup@gmail.com, 787-579-3197 Nicolas Iturregui, Representative for Dorado Beach Resort, niturregui@doradobeach.com, 787-399-0009			
General Site Characteristics (layout of property, etc.) The property is approximately 499.19 acres in size and is mostly undeveloped land. The EPA National Hydrology Dataset identified			

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)

Site Name	DBR Dorado Owner, LLC	Start Date	June 13, 2024
		End Date	June 13, 2024
several blue line canals on the property. Each canal drains to the south towards Canal Matambas. Flowing west-northwest along the southern property boundary, Canal Matambas drains into Río Cibuco which discharges into the Atlantic Ocean. Canal Matambas also flows through a large wetland system, the Ciénaga Prieta.			
Purpose and Need for Discharge of Dredged and/or Fill Material			
DBR stated during the inspection that the purpose of the fill material is for farming and horse stables for the Dorado Beach Resort.			
Site Overview (Past inspections, site description, permits, etc.)			
In 2019, DBR submitted an application for a Approved Jurisdictional Determination ("AJD") to the Corps under application #SAJ-2019-03898. On December 11, 2019, the EPA accompanied the Corps during a Corps-lead site inspection at the property and on January 29, 2020, the Corps issued a Notice of Violation to DBR alleging the presence of unauthorized fill material within WOTUS on the property. On July 31, 2020, The Corps rescinded the aforementioned Notice of Violation and ceased enforcement actions involving DBR and the property. In April 2024, the Corp conducted site inspections in relation to the AJD application. An enforcement action as opened again with the Corps as possible unauthorized fill material within wetlands was observed during the April site inspections. On June 12, 2024, in accordance with the 1989 Field Level Agreement between the EPA and the Corps, Jacksonville District, the EPA requested the Corps enforcement case involving DBR. The EPA is now the lead CWA enforcement agency investigating the alleged unauthorized fill material discharged within WOTUS on the property.			
Scope of Inspection (Areas inspected or not inspected)			
EPA walked around the center of the property where the plantain and avocado trees and the large greenhouses were located. EPA then walked the furthest south possible to observe the area of earth moving work conducted by DBR. See Attachment A for a map of the area EPA inspected.			

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)

Site Name	DBR Dorado Owner, LLC	Start Date	June 13, 2024
		End Date	June 13, 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), photographs (see Attachment B), and handwritten notes. EPA entered the property through the Resort entrance located on the parcel North of the site. Representatives of DBR and the Resort met with EPA at the northern border of the property being inspected. EPA then walked south along the dirt roads on the property, around the constructed greenhouses and rows of plantain and avocado plants, to the southern most extent possible. Throughout the property, canals were observed as well as pooling surface water. DBR stated that canals were recently excavated and relocated on the property. EPA observed a fence, running east to west, along the southern portion of the property. Representatives of DBR stated that DBR conducted their own wetland delineation on the property prior to the site visit. DBR stated that the fence is to indicate the DBR identified "buffer area" between the DBR identified uplands and wetland portions of the property and the large, white PVC pipes further south of the fence are the DBR marked wetland boundaries. See Attachment B for photographs of the fence and PVC pipes. North of the fence, EPA observed evidence of earth moving activities, including vegetative clearing and the discharge of fill material. One soil pit was dug along the northern side of the fence to test for wetland indicators. The soil sample was dug in an area impacted by vegetative clearing activities. The soil sample location showed positive wetland indicators for hydric soils, hydrology, and wetland vegetation (see Attachment C for wetland data forms).			
Closing Conference			
Documents Received and/or Requested During the Inspection			
N/A			
Compliance Assistance Provided (If any)			
N/A			
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 jurisdictional wetlands and streams may have been subject to unauthorized filling activities on the Site. An AJD from the Corps should be issued for the site prior to conducting additional work. Earthmoving activities and discharges of fill material may result in violations of the CWA if performed without authorization under a Corps CWA permit.			
Attachments*			
☒ Maps and Sketches ☒ Photographs (including location) and Photo Log			



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)

Site Name	DBR Dorado Owner, LLC	Start Date	June 13, 2024
		End Date	June 13, 2024
☒ Other (SSIP, Wetlands Delineation Forms, etc.)			
Attachment A: Map with GPS Data; Attachment B: Photolog; Attachment C: Wetland Determination Data Sheet			
Additional Notes			
None			



- Property Boundary
- Area EPA Inspected
- Channelized canal
- Canal Matambas
- soil pit location



Property Owner: DBR Dorado Owner, LLC

Tax parcel 037-000-001-07-000, in the Municipality of Dorado, Puerto Rico

Maxar



2024



0 0.06 0.12 Miles
0 0.07 0.14 Kilometers

Attachment A: Map with GPS Points

Attachment B: Photolog

CWA 404 Inspection

DBR Dorado Owner, LLC

Tax parcel 037-000-001-07-000, in the Municipality of
Dorado, Puerto Rico

June 13, 2024



Date: June 13, 2024

Time: 10:40 AM

Photographer: Sofía Olivero Lora

Photo ID: P6131044

Description: Panorama of the vegetation that can be seen on the property.

2024/06/13 10:40



Date: June 13, 2024

Time: 10:44 AM

Photographer: Sofía Olivero Lora

Photo ID: P6131053

Description: Panorama of the dirt paths on the property.



Date: June 13, 2024
Time: 10:43 AM
Photographer: Sofía Olivero Lora
Photo ID: P6131052

Description: Panorama of the site. Piles of fill material and plastic tree planters can be seen throughout the property.



Date: June 13, 2024

Time: 11:12 AM

Photographer: Sofía Olivero Lora

Photo ID: P6131069

Description: Panorama of the dirt paths on the property. Large planters were observed with avocado trees growing in them.



Date: June 13, 2024

Time: 10:38 AM

Photographer: Sofía Olivero Lora

Photo ID: P6131043

Description: Plantain trees were observed growing on the property.



Date: June 13, 2024

Time: 10:41 AM

Photographer: Sofía Olivero Lora

Photo ID: P6131047

Description: Avocado trees were observed growing on the property.



Date: June 13, 2024

Time: 10:41 AM

Photographer: Sofía Olivero Lora

Photo ID: P6131049

Description: Along the dirt road that EPA walked, channelized ditching was observed.



Date: June 13, 2024

Time: 11:14 AM

Photographer: Sofía Olivero Lora

Photo ID: P6131072

Description: Along the dirt road that EPA walked, channelized ditching was observed. Avocado trees were also observed being grown in large plastic planters.



Date: June 13, 2024

Time: 11:12 AM

Photographer: Sofía Olivero Lora

Photo ID: P6131070

Description: Along the dirt road that EPA walked, channelized ditching was observed.



Date: June 13, 2024
Time: 11:08 AM
Photographer: Sofía Olivero Lora
Photo ID: P6131068

Description: Along the dirt road that EPA walked, channelized ditching was observed.



Date: June 13, 2024
Time: 11:12 AM
Photographer: Sofía Olivero Lora
Photo ID: P6131069

Description: Along the dirt road that EPA walked, channelized ditching was observed.



Date: June 13, 2024

Time: 10:43 AM

Photographer: Sofía Olivero Lora

Photo ID: P6131051

Description: One of the large greenhouses built on the property.



Date: June 13, 2024

Time: 10:44 AM

Photographer: Sofía Olivero Lora

Photo ID: P6131054

Description: Surface soil cracks can be found throughout the property.



Date: June 13, 2024

Time: 11:15 AM

Photographer: Sofía Olivero Lora

Photo ID: P6131073

Description: Surface soil cracks can be found throughout the property. Tire tracks were also observed in the mud in areas cleared of vegetation.



Date: June 13, 2024
Time: 11:08 AM
Photographer: Sofía Olivero Lora
Photo ID: P6131074

Description: Surface soil cracks can be found throughout the property. Tire tracks were also observed in the mud in areas cleared of vegetation.

2024/06/13 11:15



Date: June 13, 2024

Time: 10:41 AM

Photographer: Sofía Olivero Lora

Photo ID: P6131046

Description: One of the pools of surface water observed on the property. Vegetative clearing and fill material observed along side the dirt path EPA walked during the visit.



Date: June 13, 2024

Time: 10:41 AM

Photographer: Sofía Olivero Lora

Photo ID: P6131048

Description: Panorama of the vegetation and hydrology on the property. Pools of surface water were observed on the property.



Date: June 13, 2024

Time: 10:53 AM

Photographer: Sofía Olivero Lora

Photo ID: P6131060

Description: Soil sample that EPA dug up to evaluate for wetland indicators.



Date: June 13, 2024

Time: 10:55 AM

Photographer: Sofía Olivero Lora

Photo ID: P6131061

Description: Soil sample that EPA dug up to evaluate for wetland indicators.



Date: June 13, 2024

Time: 10:56 AM

Photographer: Sofía Olivero Lora

Photo ID: P6131062

Description: Soil sample that EPA dug up to evaluate for wetland indicators.



Date: June 13, 2024

Time: 10:48 AM

Photographer: Sofía Olivero Lora

Photo ID: P6131057

Description: Vegetative clearing and fill material observed surrounding the area where EPA dug a soil pit.



Date: June 13, 2024
Time: 10:41 AM
Photographer: Sofía Olivero Lora
Photo ID: P6131045

Description: Vegetative clearing and standing surface water observed surrounding the area where EPA dug a soil pit.



Date: June 13, 2024

Time: 10:41 AM

Photographer: Sofía Olivero Lora

Photo ID: P6131050

Description: Vegetative clearing and standing surface water observed surrounding the area where EPA dug a soil pit.



Date: June 13, 2024

Time: 10:48 AM

Photographer: Sofía Olivero Lora

Photo ID: P6131058

Description: Vegetation and fill material observed surrounding the area where EPA dug a soil pit.



Date: June 13, 2024

Time: 11:08 AM

Photographer: Sofía Olivero Lora

Photo ID: P6131063

Description: Vegetation present within 30 feet of the soil sample location.



Date: June 13, 2024

Time: 11:08 AM

Photographer: Sofía Olivero Lora

Photo ID: P6131066

Description: Vegetation present within 30 feet of the soil sample location.



Date: June 13, 2024

Time: 10:48 AM

Photographer: Sofía Olivero Lora

Photo ID: P6131059

Description: Vegetative clearing and fill material observed surrounding the area where EPA dug a soil pit. Large, white PVC pipes (circled) were observed south of where EPA dug a soil pit.



Date: June 13, 2024
Time: 10:47 AM
Photographer: Sofía Olivero Lora
Photo ID: P6131056

Description: Large, white PVC pipes (circled) were observed south of where EPA dug a soil pit.



Date: June 13, 2024

Time: 11:08 AM

Photographer: Sofía Olivero Lora

Photo ID: P6131064

Description: Large, white PVC pipes (circled) were observed south of where EPA dug a soil pit.



Date: June 13, 2024

Time: 11:08 AM

Photographer: Sofía Olivero Lora

Photo ID: P6131065

Description: Vegetation present within 30 feet of the soil sample location.



Date: June 13, 2024

Time: 10:47 AM

Photographer: Sofía Olivero Lora

Photo ID: P6131055

Description: Vegetation observed south of the soil sample location.



Date: June 13, 2024

Time: 11:08 AM

Photographer: Sofía Olivero Lora

Photo ID: P6131064

Description: Vegetation observed south of the soil sample location.

Attachment C:
Wetland Determination Data Sheet

SOIL

Sampling Point: 1**Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)**

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-8.5	10YR 2/1	98	10YR 6/6	2	D	M	Mucky Loam/Clay	
8.5-14	10Y 7/1	20	7.5YR 5/6	70	C	PL/M	Loamy/Clayey	Prominent redox concentrations

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.²Location: PL=Pore Lining, M=Matrix.**Hydric Soil Indicators:**

- ☐ Histosol (A1) ☐ Sandy Gleyed Matrix (S4)
☐ Histic Epipedon (A2) ☐ Sandy Redox (S5)
☐ Black Histic (A3) ☐ Stripped Matrix (S6)
☐ Hydrogen Sulfide (A4) ☐ Dark Surface (S7)
☐ Organic Bodies (A6) ☐ Loamy Gleyed Matrix (F2)
☒ 5 cm Mucky Mineral (A7) ☐ Depleted Matrix (F3)
☐ Muck Presence (A8) ☐ Redox Dark Surface (F6)
☐ Depleted Below Dark Surface (A11) ☐ Depleted Dark Surface (F7)
☐ Thick Dark Surface (A12) ☐ Redox Depressions (F8)

Indicators for Problematic Hydric Soils³:

- ☐ Stratified Layers (A5)
☐ Red Parent Material (F21)
☐ Very Shallow Dark Surface (F22)
☐ Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____

Depth (Inches): _____

Hydric Soil Present?Yes ☒ No ☐**Remarks:**

Soils in the surrounding area has been impacted from earth moving activities. There is no evidence of fill material over native soils in the location of the soil pit sample.

HYDROLOGY

Wetland Hydrology Indicators:Primary Indicators (minimum of one is required; check all that apply)

- ☐ Surface Water (A1) ☐ Water-Stained Leaves (B9)
☐ High Water Table (A2) ☐ Aquatic Fauna (B13)
☐ Saturation (A3) ☐ Hydrogen Sulfide Odor (C1)
☐ Water Marks (B1) ☒ Oxidized Rhizospheres on Living Roots (C3)
☐ Sediment Deposits (B2) ☐ Presence of Reduced Iron (C4)
☐ Drift Deposits (B3) ☐ Recent Iron Reduction in Tilled Soils (C6)
☐ Algal Mat or Crust (B4) ☐ Thin Muck Surface (C7)
☐ Iron Deposits (B5) ☐ Fiddler Crab Burrows (C10)
☐ Inundation Visible on Aerial Imagery (B7) ☐ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ☒ Surface Soil Cracks (B6)
☐ Sparsely Vegetated Concave Surface (B8)
☐ Drainage Patterns (B10)
☐ Dry-Season Water Table (C2)
☐ Saturation Visible on Aerial Imagery (C9)
☐ Geomorphic Position (D2)
☐ Shallow Aquitard (D3)
☒ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes ☐ No ☒ Depth (inches): _____
 Water Table Present? Yes ☐ No ☒ Depth (inches): _____
 Saturation Present? Yes ☒ No ☐ Depth (inches): _____
 (includes capillary fringe)

Wetland Hydrology Present? Yes ☒ No ☐

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: