



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, LATIN AMERICA & CARIBBEAN DISTRICT
FUNDACIÓN A. RAMOS ANNEX BLDG.
383 FRANKLIN D. ROOSEVELT AVE.
SAN JUAN, PUERTO RICO 00918

July 8, 2026

Regulatory Branch
SAA-2026-00012 (CD-VG)

CEASE AND DESIST ORDER

Waldemar Quiles
Secretary
Department of Natural and
Environmental Resources
San Juan Industrial Park
1375 Ponce de León Avenue
San Juan, Puerto Rico 00926
Sent via email: waldemar.quiles@drna.pr.gov

Dear Secretary Quiles:

The purpose of this letter is to notify that the U.S. Army Corps of Engineers (Corps) has reason to believe, and does allege, that the Department of Natural and Environmental Resources (DNER) is responsible for discharging fill material and conducting dredging activities without the required Department of the Army (DA) permit authorization. The activity is located within navigable waters of Río Grande de Loíza (river mouth), Loíza Aldea Ward, Municipality of Loíza, Puerto Rico. The Corps advises you to cease and desist from conducting such activity in navigable waters of the United States until this matter is conclusively resolved. Additionally, this letter informs you about the potential consequences for engaging in unauthorized activity. This project has been assigned file number SAA-2026-00012 (CD-VG), which should be referenced in all correspondence with this office.

The Corps has obtained information indicating that DNER is responsible for discharging fill material and conducting dredging activities in the Río Grande de Loíza. The Corps is concerned that these unauthorized activities are being conducted despite multiple recent discussions between the Corps personnel and you and members of your staff regarding the requirement to obtain a DA permit before initiating work of this nature. The Río Grande de Loíza constitutes waters of the United States under the Clean Water Act and navigable waters of the United States under the Rivers and Harbors Act. You were previously advised by members of my staff that no dredging, excavation, or discharge of fill material into these waters could occur until the appropriate federal authorization had been obtained.

In addition to these direct discussions, the Corps has conducted multiple regulatory training sessions for your staff specifically addressing the DA permit program,

jurisdiction, and permit requirements, and the regulatory review process. The Corps has also recently provided training materials, guidance documents, and other informational resources to ensure that your Agency fully understands the federal permitting requirements applicable to these types of activities. Accordingly, the Corps finds that DNER had ample notice of the applicable regulatory requirements and was afforded multiple opportunities to seek guidance on the Corps permit process. This history of prior notice, in-person discussions with you, training, and outreach will be considered by the Corps when evaluating the appropriate enforcement response and resolution.

Section 10 of the Rivers and Harbors Act of 1899, 33 U.S.C. § 403, prohibits, among other things, the placing of any structure or obstruction in navigable waters of the United States, the excavation or deposition of dredged or fill material into navigable waters, and the performance of work in, over and under navigable waters that alters or modify the course, location, condition, or capacity of navigable waters unless the work has been properly authorized by a DA permit. In addition, Section 404 of the Clean Water Act, 33 U.S.C. § 1344, prohibits discharges of dredged or fill material into waters of the United States, unless the work has been authorized by DA permit. Thus, any discharges of dredged or fill material into waters of the U.S., including wetlands, associated with this activity are regulated under Section 404 of the Clean Water Act.

In accordance with 33 CFR § 326.3(c)(3), I am notifying you of the potential civil and/or criminal consequences for violating the Clean Water Act and the Rivers and Harbors Act. Pursuant to 33 CFR 326.6, your Agency may incur civil penalties up to \$68,446 per day of violation. Criminal penalties under the Clean Water Act include fines of up to \$50,000 per day of violation, or imprisonment, or both. Violation of the Rivers and Harbors Act could result in criminal penalties (up to \$100,000 for individuals and up to \$200,000 in fines for corporations) and up to 1-year imprisonment, or both. However, injunctive relief, such as restoration of the area impacted by your activity may also be granted for violations of either the Clean Water Act or the Rivers and Harbors Act. Prompt resolution may preclude some or all of these actions.

In order to help expedite resolution of this matter please provide, within **15 days** of receipt of this notification, information concerning your activity in light of the requirements of the Clean Water Act and the Rivers and Harbors Act. It will assist our investigation if you could provide information concerning the beneficial and detrimental effects it will have on the surrounding environment and any information you may wish to provide concerning the history of the activity. Based upon your responses to this notification, comments received from the agencies, and any available information, the Corps will determine the appropriate course of action to resolve this matter. Potential resolutions include restoration of the affected area, issuance of an after-the-fact permit in accordance with 33 CFR § 326.3(e), and/or legal action. Since the information provided will become a part of the public record, it may be presented in any court action that could result from this investigation.

The Corps may notify the Environmental Protection Agency of violations involving the Clean Water Act. Furthermore, the Corps may solicit comments from appropriate Federal and Commonwealth agencies as part of the investigation of this activity.

If you have any questions concerning this matter, please contact Nelson Colón, Regulatory and Operations Division Chief at 904-699-1567 or by email at nelson.r.colon@usace.army.mil.

Sincerely,

FOR THE DISTRICT COMMANDER
BRANDON L. BOWMAN
Colonel, EN
Commanding

cc:

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