

# Environmental licenses

## *Licencias ambientales*

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This article is intended to provide an information tool for obtaining an environmental license, which is based on Decree 2041 of 2014 on environmental licenses, which provides the instructions, entities, and information necessary to carry out the procedures of the licenses. Likewise, the information provided by the environmental authority ANLA (National Authority of Environmental Licenses) is used, since it is fundamental for the drafting of this article. This document is informative and does not pretend to give legal advice, therefore, the people who make use of it will not have any claim for expenses or commitments acquired with the information provided.

**Keywords:** ANLA, environmental impact, environmental license, management plan, UPME

En este artículo se pretende brindar una herramienta informativa para la obtención de una licencia ambiental, la cual se basa en el decreto 2041 de 2014 sobre licencias ambientales, el cual brinda las instrucciones, entidades e información necesaria para realizar los trámites de las licencias. Igualmente, se hace uso de la información que brinda la autoridad ambiental ANLA (Autoridad Nacional de Licencias Ambientales), ya que es fundamental para la redacción del presente artículo. Este documento es de carácter informativo y no pretende otorgar asesoría legal, por lo cual, las personas que hagan uso de este no tendrán reclamo por gastos o compromisos que se adquiera con la información que se brinda.

**Palabras clave:** ANLA, impacto ambiental, licencia ambiental, plan de manejo, UPME

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## Introduction

This document provides a guide to the process of obtaining an environmental license, covering the fundamental issues that a person or entity interested in the license needs to know, such as the Environmental Authorities, the problems that can arise in the process, the steps to follow, relevant information and the documents required by the Environmental Authority (Balaguera et al., 2017; Pagiola, Honey, & Freire, 2016; Zarate & Maldonado, 2015).

At first, we will talk about the definition of a license, as the need arises to control the environmental impact of works that exert some change in nature, in addition to this, it will show the changes that have had this rule given the factors that affect compliance with it, mention the functions of ANLA, CAR (Regional Autonomous Corporations), UPME (Mining and Energy Planning Unit) which are entities responsible for carrying out the entire process for obtaining these licenses and also make the appropriate sanctions for those who comply with the licenses (Boron et al., 2016; De Pourcq et al., 2015; Delgado et al., 2015).

There are three types of licenses, the only one, the ordinal and the global, each one has some parameters that establish up to what point the use, movement or exploitation of the natural resources can be done, on the other hand, it shows the problems that are presented at the time of obtaining a license or are generated after being issued, finally, it gives the information of how to obtain a license since there is a variety of licenses and it shows some parameters that are frequently presented at the time of requesting a license (Ezzine-De-Blas, Wunder, Ruiz, & Del Pilar, 2016).

## Definition and history

The environmental licenses are instruments that allow to make an environmental planning to regulate the damage that can make a project in the environmental surroundings, for this reason, the licenses grant authorization through an administrative act for the controlled management of the damage of the works in the environment.

The environmental licenses arise from the seventies in Colombia, when the Code of Renewable Natural Resources and Environmental Protection appeared, and its implementation is given from the expedition of Law 99 of 1993. This code modifies the relationship of man with nature, it showed that nature is important as a common patrimony and they must mitigate the damage that has been caused by the construction of civil works, also, the responsibility that engineers have when they build on land that is not appropriate since it can be located in a wetland or have other important aspects that can affect nature, before this rule, no regulation required them to study the environmental impact of the work they are executing and

that there would be greater degradation of the environment (G. Rodríguez, 2017).

It can be seen that over the years different standards have been issued by which environmental licenses have been regulated such as Decree 330 of 2007 by which environmental public hearings are regulated and Decree 2762 of 2005 is repealed, Decree 500 of 2006, by which Decree 1220 of April 21, 2005 is modified, regulating Title VIII of Law 99 of 1993 on environmental licenses, Decree 1220 of 2005 by which Title VIII of Law 99 of 1993 on environmental licenses is regulated, Decree 1753 of 1994 by which Titles VIII and XII of Law 99 of 1993 on environmental licenses are partially regulated, resolution 655 of 1996 by which the requirements and conditions for the application and obtaining of the Environmental License established by article 132 of the decree Law 2150 of 1995 are established (G. Rodríguez, 2017), in these changes different problems have arisen such as the flexibility of the norm during the different changes it has had and thus making the process for obtaining an environmental license in Colombia easier, neglecting the main function of the license which is to respond to the need for prevention, to mitigate, correct, compensate, manage and control the impacts to the environment generated by human activity, in order to establish the way in which they can be managed in a responsible way with the protection of the environment, The aim is that nature is affected as little as possible in the different processes of civil construction, making different studies of the land and the environment surrounding the work, and also making people aware of the sanction involved in not executing the stipulations of the environmental license, which can be sanctions or even taking away the project's license, but This rule is not completely fulfilled because they allow themselves to be affected by economic benefit or so-called *blackmail* in exchange for giving the licenses in a shorter period of time and to industries such as the oil industry that cause a great environmental impact on the rivers and even so it is the one that has the highest percentage of licenses issued and there is no constant monitoring in this type of work.

To know about environmental licenses it is important to know about Decree 2041 of 2014, which was generated by the president of the republic and regulates Title VIII of Law 99 of 1993, a title referring to environmental licenses (Villalobos, 2016). This is generated by the need for environmental licenses in projects that affect the environment and to strengthen licensing in the search for environmental protection.

To obtain an environmental license there are several competent environmental authorities in charge of issuing this authorization and which vary according to the location of a person, company or corporation interested in a license, some



- Those projects that require seismic exploration of hydrocarbons and which have the need to build roads for vehicle traffic.

- The transportation of non-renewable resources such as liquid or gaseous hydrocarbons that require the construction of infrastructure of conduction lines equal to or greater than 15.24 cm in diameter, unless the construction of these lines is carried out on formerly established conduction lines and follows their path.

- Hydrocarbon storage infrastructure is associated with pipeline transportation.

- Construction of structures for the reservoir of water for its supply as dams or reservoirs.

- Installation and operation of power generation plants.

- Exploration projects and the use of energy that does not involve the burning of fossil fuels with a capacity greater than 10 kW.

- Transmission of energy in the National Transmission System.

- Management of nuclear energy.

- Construction of facilities dedicated to the transport of goods, people or information, and their safety.

- Installation of airports.

- Construction of roads and associated infrastructure such as tunnels, bridges, etc.

- Construction of roadways.

- Works located in fluvial networks such as rivers, streams, lakes.

- Implementation of railroads and associated with these.

- Works that aim to increase the availability of water for a population by adding the flow of water from nearby basins.

- An Environmental Diagnosis of alternatives must be prepared according to Article 14 of Decree 2041 and must contain

- Objectives and description of the project to be carried out

- Alternatives for the location of the project to be worked on, as well as the alternatives for the effect it has on the social and economic environment.

The implementation of industrial platforms to refine petroleum and plants that make use of petroleum or natural gas in order to develop products derived from them.

- A project's compliance with the use and manner in which the land will be affected will be regulated by the Territorial Management Plan.

- The general analysis of the negative and positive aspects that a project generates in the environment, as well as the risks that it may generate, with their respective alternatives for the management of the affected natural resources.

- Explain the methods for informing the surrounding communities about the project.

- The analysis of the costs and benefits that are exposed to the project.

- The justification for the choice of one of the alternatives that were exposed to carry out the project.

The environmental authority in charge of reviewing this information shall be based on the Manual of Project Studies of Article 16 of Decree 2041 and that the requirements set forth above have been complied with, especially that the corresponding comparisons of environmental impacts have been made according to each alternative presented.

The information from the assessment should be reviewed and evaluated to ensure that it is relevant and sufficient for the selection of the best project alternative and that it presents informed responses to community concerns and observations (Vallejo, 2017).

### **Environmental impact study**

It is the basic instrument for making decisions on projects, works, or activities that require an environmental license and will be required in all cases where an environmental license is required by law. Its objective is to study and evaluate the resources that can be affected by the development of a civil construction project. This must contain the following:

- Inform about the project to be carried out, as well as aspects related to location, infrastructure and present the activities to be implemented.

- Determination of the area that will be affected by the project, as well as, the effects that it will cause in the abiotic, biotic, and socioeconomic means.

- Monitoring plan for the biotic, abiotic, and socioeconomic environments affected by the project.

- The demand for natural resources by the project. The information required for the application of permits related to the capture of surface water, discharges, occupation of watercourses, use of construction materials, forestry, collection of biological diversity specimens for non-commercial purposes, air emissions, solid waste management, exploration and exploitation of groundwater is presented (Vallejo, 2017).

- The report about the estimation of impacts, risks, and details that may generate environmental damage.

- Zoning defined for the project, in which the area to be worked on must be identified, as well as the areas that have restrictions and areas with exclusions.

- The economic valuation of the impacts generated by the work, whether negative or positive,

- The environmental management plan of the project, in which the management program must be informed with its costs to generate the operation and differentiated in projects.

- A contingency program for the preparation and development of the project, which must include risks from spills, fires, leaks, and contamination outside the limits of the permitted area.

- A dismantling and abandonment plan that defines the final use of the land, management measures, restoration, and reconfiguration of its characteristics.

- 1% investment plan, which includes the elements and costs to estimate the investment, and the proposal of investment projects, this allows evaluating the financial viability and the impact of the project on the development, being developed as treated in the Decree 1900 of 2006 or the norm that renews it.

- Plan to repair damage caused to biodiversity, this must comply with Resolution 1517 of August 31, 2012, or the one that updates it.

It is important to carry out an anticipated Environmental Impact Study on the areas of interest in the case of hydrocarbon drilling and extraction. An analysis of the environmental sensitivity of the area to be extracted, the corridors of the access roads, production tests, and the transportation of the fluids generated in tank cars and/or pipelines is necessary (Vallejo, 2017).

The Manual for the Evaluation of Environmental Studies of Projects is used to evaluate the Environmental Impact Study, this is responsible for observing that the criteria set out in Articles 14 and 21 of Decree 2041 are met. This verifies that the information in the studies is relevant to know the environmental impacts generated in the work and which of these impacts are not avoidable, with their corresponding environmental management measures.

### **Control and monitoring**

Projects, works, or activities subject to an environmental license or Environmental Management Plan, during their construction, operation, dismantling or abandonment, are controlled and monitored by the environmental authorities (Vallejo, 2017). Control and monitoring seek to corroborate, verify and demand compliance with the obligations outlined in the environmental license, in addition to generating additional measures not provided for in the project's environmental studies for the protection of the environment.

### **Importance**

The importance of an environmental license to develop a civil construction project is fundamental because when developing a construction project, the environment and the community located in nearby or adjacent areas are directly affected (Ferri, da Silva, & da Rocha, 2017).

The scope of the environmental licensing system in Colombia can be considered from different perspectives since it can be: an instrument that imposes limits to the exploitation of natural resources to prevent their disappearance or superficial or permanent contamination, a tool that contributes to reduce the negative effects of the projects, an instrument of environmental planning that contributes to the fulfillment of the purposes of

protection and conservation of the environment in general or authorization for unlimited use (that is, until there is no more resource) and therefore a measure of appropriation of the ecosystems (Rojas, 2013).

The impact that can be generated when developing a project on the flora can be permanent or temporary according to the project and the need for the project; when removing this resource space is visually affected, besides removing plants that could be at risk of extinction. The impact on fauna is negative because the natural habitat of animal species found in the defined area of the project is removed. It is important to implement an EDA (Environmental Diagnosis of Alternatives), an EIA (Environmental Impact Assessment), and an EMP (Environmental Management Plan) in which the solution or plan is sought to prevent or mitigate the environmental pollution problems that the project will generate (before, during, and after) during its life span. This process is necessary to obtain the license and during this process, awareness can be generated about the negative impact that a project generates on the environment and the options to minimize it.

### **License types**

When seeking to issue an environmental license it is relevant to have knowledge of the types of license that can be obtained and which of these is relevant according to the type of project that will have an impact on the environment.

#### **Ordinary license**

An ordinary type of environmental license is that granted by an environmental authority to the benefactor, in which certain requirements and obligations are set forth for the mitigation of the greatest possible damage and compensation of those effects caused by a project on the environment for an authorized activity; however, the permit is not given to take advantage of or mobilize renewable natural resources, some of which are water, air, minerals or light. This type of license is the one needed in building construction.

#### **Single license**

In this license, the authorization is based on the prevention and control of air pollution generated in the hydrocarbon sector. This type gives the legal authority to develop a project or activity and its validity is governed by its nature. This type of license requires the free writing (Original and Copy) and the application for a single environmental license for industrial establishments under federal jurisdiction with an autograph signature (ANLA, 2017b).

#### **Global license**

The Global Environmental License is administered only by the Ministry of the Environment, which grants the licenses

that authorize mining and hydrocarbon exploitation, a type of license that gives the legal permission to exploit an area governed under some territorial limits. In this type of license, it is relevant to present an environmental management plan for the project that will affect the environment.

These are environmental licenses specifically designed for mining and hydrocarbon exploitation projects, which cover the entire area of exploitation required by such projects. In this type of license, a specific Environmental Management Plan must be presented for each of the activities and works defined, as long as it respects the environmental zoning and environmental restrictions defined in the license. This Environmental Management Plan is not previously evaluated by the authority. Some activities and works require permits, licenses, and contracts granted by other state entities, such as port or mining projects. In these cases, it is necessary to obtain the environmental license to exercise the rights which must generally be requested before the regional environmental authorities. Regional environmental authorities may not grant permits, concessions or authorizations when these are part of a project whose environmental license is under the jurisdiction of the ANLA. Environmental, so that the company can begin work and activities once the management plan has been submitted. Works and activities are subject to control and monitoring by the environmental authority. The Global Environmental License for mining operations includes the construction, assembly, exploitation, benefit, and internal transportation of the corresponding minerals or materials.

### Environmental authorities

#### ANLA

It is the national authority of environmental licenses that was born under the need to regulate, expedite and grant environmental licenses for civil construction projects in the country, the low technical capacity with which the government had to make a detailed study and monitoring of projects, works or activities that affect the environment in which they are developed and With the arrival of the development locomotives were generated the need to expedite the process of environmental licensing and monitoring for detailed compliance with the regulations that must be followed to eliminate or mitigate environmental damage generated by a construction project in the licenses (Fig. 4).

On the ANLA website, you will find the current regulations governing environmental licenses, according to the process or medium for which it applies.

Which terms of reference are adopted for the preparation of the Environmental Impact Assessment (EIA), and the Environmental Management Plan (EMP) required for the processing of the environmental license of each civil



### Condiciones que motivaron la creación de la ANLA

- Se incrementaron en un 65% las solicitudes de gestión asociadas al proceso de licenciamiento, permisos y trámites ambientales entre 2007 y 2011, pasando de 34.912 a 54.045.
- En el mismo período se generaron 1.072 proyectos activos para un total de 2.581 proyectos a los cuales se les debe hacer seguimiento.

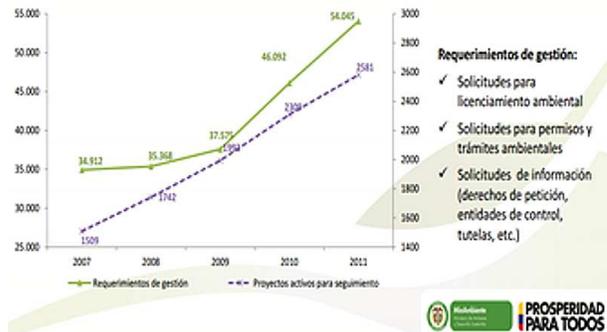


Figure 4. Reasons for the creation of ANLA (ANLA, 2017a).

construction project. In which it is shown and consolidated the model or the general methodology for the presentation of environmental studies and if the license is approved the manual of the environmental pursuit of the project.

### Environmental Management Plan (EMP)

- The measures to prevent, mitigate, correct and compensate for the negative environmental impacts that the project, work or activity may cause in the environment and/or to the communities during the construction, operation, maintenance, dismantling, abandonment and/or completion phases of the project work or activity.

- The monitoring program of the project, work or activity to verify compliance with environmental commitments and obligations during the implementation of the Environmental Management Plan, and to verify compliance with environmental quality standards established in current regulations. Also, to evaluate through indicators the expected environmental performance of the project, work or activity, the efficiency and effectiveness of the environmental management measures adopted, and the relevance of the necessary and applicable corrective measures in each particular case.

- The contingency plan will contain the measures of prevention and attention of the emergencies that can be caused during the life of the project, work, or activity.

- The projected costs of the Management Plan concerning the total cost of the project work or activity and the schedule for execution of the Management Plan (ANLA, 2017a).

It also sets out fees for the collection of license evaluation and monitoring services. In case of not complying with the current regulations or established environmental management plans, the corresponding sanctions will be applied with the fault.

The official website also establishes the Forest Reserve areas and they are protected by the environmental authorities, it establishes terms of reference for the different environmental management plans of the corresponding projects, adopting the requirements and evidence of contribution to the sustainable development of the country. The norms and standards of admissible emission of pollutants to the atmosphere by fixed sources are established, they indicate the criteria to delimit the fields of production of existing hydrocarbons, for effects of the application of the environmental instruments, the permissible levels of emission of pollutants are regulated that will have to fulfill the terrestrial, aerial, and marine mobile sources.

On the official website of ANLA is the regulation that prohibits the manufacture and import of equipment and products that contain or require for their production or operation the substances that deplete the ozone layer. The national standard for noise emission and environmental noise is established. Some measures are established about the handling of the tanneries and commercialization of products of the wild fauna. And the loading, unloading, transport, storage, and final disposal of rubble, materials, elements, construction, and demolition concrete and an organic layer, soil, and excavation subsoil are regulated.

## VITAL

It is the Integral Window of Environmental Procedures of Colombia, which was created thanks to the Ministry of Environment, Housing and Territorial Development (MAVDT), and the CARs of the Center of Antioquia, Quindío, Northeastern Border, Nariño and Atlantic to have an online access point for the management of environmental permits and licenses. In 2010, the window for national coverage was created under the direction of the MAVDT. In 2011 the MAVDT disappears and is replaced by the Ministry of Environment and Sustainable Development, which creates ANLA and is assigned the administration of VITAL (Min Ambiente, 2017a).

ANLA is assigned the virtual tool for:

- To implement the use of this by the environmental authorities, generating training and support to integrate them into the web service.
- To carry out the control and monitoring of the use that is applied to it, using the accompaniment in the manipulation, operation, assistance, and support.
- To implement the respective adjustments that the page will demand, making activities, creating new modules, and configuring its correct operation.

The importance of this platform is to facilitate and unify the process to obtain an environmental license, this is because there are several environmental authorities and each one of them, involves different processes that can make the process difficult. Another benefit is its accessibility since it is not necessary to assume costs and long periods to be informed and know the status of the procedure.

The person or entity that is interested in applying for an environmental license through VITAL must take into account the following:

- Be registered on the platform.
- Validate your registration with the appropriate environmental authority.
- Have a bank account for online payments.
- Have access to the internet.
- Have a personal email address.
- Enable the downloading of files to the computer.

Eight environmental procedures are handled at the window (MAVDT, 2011).

- Environmental licensing.
- Prospecting and exploration of groundwater.
- Groundwater concessions.
- Surface water concessions.
- Discharge permits.
- Forest exploitation of natural forests.
- Emission permits.
- Mobilization passes.

This window will benefit the industry sector, companies, and citizens who require the license for the intervention in the environment. Also, it allows transparency, since it contains the Single Registry of Offenders which allows knowing which infractions have been committed towards the environment by companies and individuals.

It allows to corroborate the environmental licenses issued by sectors, this allows the environmental authorities to register and use the information on the environmental licenses to fight against the illegal ones that affect the environment, a case like the illegal mining that pollutes the rivers with mercury and puts at risk the life of the people who consume of its waters.

To access the benefits of this platform, registration is required. The registration is carried out by the platform and it is necessary to present itself in a regional corporation or to go to ANLA to claim user and password, this way it is had veracity of the security of each user.

As of 2013, there were 4,413 registered users at VITAL, 2,783 registered mining licenses, and 9,536 applications for environmental procedures online (Min Ambiente, 2017a).

As the platform is constantly being updated, we want to implement missing procedures, to be able to add all the environmental authorities, which total 42, and we hope to expand the online payment method because the platform has low-cost online payments. Also, it is intended that, in some



because these sectors were created in the previous decree and the access to them was not easy.

In 1991, 43 articles were defined, some of which dealt with the conservation of national wealth, since the mission of the state in society was renewed. The new constitution calls on the territorial authorities to regulate the use of the land and to dictate the necessary rules for the control, preservation, and defense of the ecological and cultural heritage of the municipality. The regional autonomous corporations are the maximum environmental authority in the regions and are granted financial and administrative autonomy. Before Law 99 there were 18 regional autonomous corporations but in the new law they wanted to attend to the particularities of each region, with Law 86 of 1987, the corporations had to assume the challenge of promoting regional development through the rational use of natural resources.

The regional autonomous corporations before Law 99 of 1993 acted autonomously since they were attached to the National Planning Department (DNP). This condition generated several situations and experiences that, in one way or another, were definitive when it came to redesigning their role in Law 99 of 1993. With a few exceptions, the corporations managed to maintain a certain distance from regional realities and political pressures, which translated into institutional stability thanks to which they could manage their resources directly, without the intermediation of any ministry; but, on the other hand, this situation generated regional pressures to assume greater responsibilities, causing a serious dispersion of the budgets and objectives of the Regional Autonomous Corporations.

Later, the SINA (National Environmental System) was created, and the issuance of Law 99 of December 22, 1993, marked the beginning of management characterized by the need to adapt the entity to the new responsibilities established in the mentioned law. The situation of natural resources advised that some entities, which the legislator considered should be the corporations, should dedicate themselves to their protection and recovery in an almost exclusive way. In effect, this law, which reorganized the National Environmental System SINA.

With this new juridical-institutional order, the initial task of the entity was oriented to promote a process of institutional transition which was materialized in the fact that it should be applied more to its condition of an environmental authority. However, for the full exercise of this function, institutional autonomy was indispensable as a basic principle, which allowed it to carry out its activities independently from its responsibilities and challenges.

Since the issuance of Law 99 of 1993, the jurisdiction of the CAR was extended to seven watersheds, which include the entire rural area of the Capital District and 104 municipalities, of which 98 are in Cundinamarca and six in Boyacá, covering an area of approximately 1,800,000

hectares, with a population of approximately 7,300,000 inhabitants (Fig. 6) (CAR, 2017).

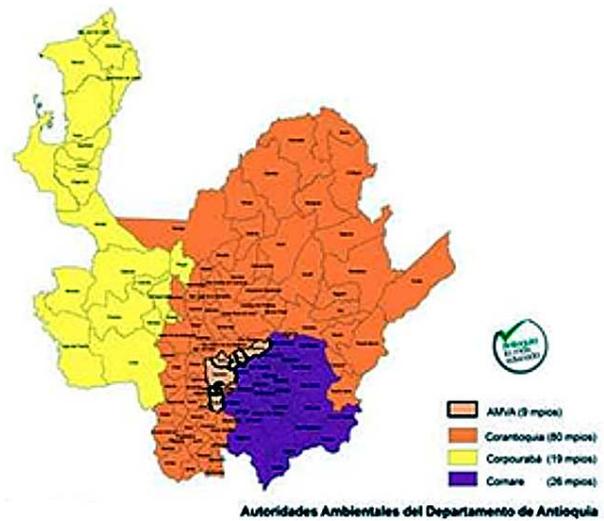


Figure 6. Map of environmental authorities in Antioquia.

### Problems with obtaining an environmental license

#### At regional level

Having the intention of obtaining an environmental license can generate inconveniences. This can be due to the number of environmental corporations that exist in Colombia (around 42) and not knowing which corporation is in charge of carrying out the environmental procedures in the correct jurisdiction can lead to mistakes. Each corporation attends to their respective places and this must be taken into account when going to carry out a procedure. Below are the CARs with their respective jurisdiction.

**CAM.** It is the corporation of the Alto Magdalena that under Law 99 of December 22, 1993, was born with the jurisdiction of the department of Huila and has four headquarters, the main headquarters (Neiva), Headquarters Garzón, Headquarters La Plata and Headquarters Pitalito.

**CAR.** The regional autonomous corporation of Cundinamarca has created on January 31st thanks to the third law of 1961 with the responsibility of taking care of the environment in 104 municipalities, in these 98 of Cundinamarca and 6 of the department of Boyacá (Saboyá, Chiquinquirá, San Miguel de Sema, Caldas, Buenavista, and Ráquira).

This authority has diverse seats and each one has in charge certain municipalities that are presented on the page of the CAR of Cundinamarca.

- Headquarters (Bogotá D.C.).
- Bogotá D.C. Regional Office (Bogotá and La Calera).
- Regional Direction Almeidas and Municipality of Guatavita (Chocontá, Guatavita, Machetá, Manta, Sesquilé, Suesca, Tibirita, and Villapinzón).

- Alto Magdalena Regional Office (Agua de Dios, Nile, Jerusalem, Tocaima, Ricaurte, Girardot, Guataquí and Nariño.
- Lower Magdalena Regional Office (Caparrapí, Guaduas and Puerto Salgar).
- Regional Direction Chiquinquirá (Buenavista, Caldas, Chiquinquirá, Ráquira, Saboyá and San Miguel de Sema.
- Regional Direction Gualivá (Albán, La Peña, La vega, Nimaima, Nocaima, Quebrada Negra, San Francisco, Sasaima, Supatá, Útica, Vergara and Villeta.
- Magdalena Centro Regional Office (Beltrán, Bituima, Chaguaní, Guayabal de Síquimi, Pulí, San Juan de Río Seco and Vianí.
- Regional Directorate Rionegro (El peñón, La Palma, Pocho, Paime, San Cayetano, Topaipí, Villagómez and Yacopí.
- Regional Direction Sabana Centro (Cajicá, Chía, Cogua, Cota, Gachancipá, Nemocón, Sopó, Tabio, Tenjo, Tocancipá and Zipaquirá).
- Sabana Occidente Regional Office (Bojacá, El Rosal, Facatativá, Funza, Madrid, Mosquera, Subachoque and Zipacón.
- Regional Direction Soacha (Sibaté and Soacha).
- Regional Direction Sumapaz (Arbeláez, Cabrera, Fusagasugá, Granada, Pasca, Pandi, San Bernardo, Silvania, Tibacuy and Venecia).
- Regional Direction Tequendama (Anapoima, Anolaima, Apulo, Cachipay, El Colegio, La Mesa, Quipile, San Antonio del Tequendama, Tena and Viotá).
- Regional Direction Ubaté (Carmen de Carupa, Cucunubá, Guachetá, Lenguazaque, Simijaca, Susa, Sutatausa, Tausa and Ubaté).

**AMVA.** The Aburrá Valley Metropolitan Area was created by Departmental Ordinance No. 34 of November 27, 1980, which brought together Barbosa, Girardota, Copacabana, Bello, Envigado, Itagüí, La Estrella, Sabaneta, Caldas and Medellín. Its headquarters are in Medellín.

**CARDER.** It is the Risaralda Regional Autonomous Corporation, which has jurisdiction in this department, in an area of about 3600 km<sup>2</sup> and in which are the departments of Mistrato, Quinchia, Guatica, Puerto Rico, Belen de Umbria, Apia, Sanctuary, La Celia, Balboa, La Virginia, Marseille, Dosquebradas, Pereira and Santa Rosa de Cali. Its headquarters are located in the city of Pereira.

**CARDIQUE.** It is the Regional Autonomous Corporation of the Dike Channel, which in its jurisdiction is Cartagena, Turbaco, Turban Arjona, Mahates, San Estanislao de Koztka, Villanueva, Santa Rosa, Santa Catalina, Soplaviento, Calamar, Guamo, Carmen de Bolívar, San Juan, San Jacinto, Zambrano and Córdoba. Its headquarters are located in Cartagena.

Table 1 outlines the information from other CARs with details of their coverage.

## On a personal level

A problem that frequently arises is the lack of information that reaches the general public or information that is false, given this, there is confusion in people when applying for an environmental license, or by falsifying, which is a serious crime and can end up in jail because they did not find out from a good source the proper information, there are training centers in the case of VITAL For people who do not know the virtual platforms that are very helpful when a concern arises.

There are inconsistencies in the State entities among the officials who evaluate the projects. For example, those who review the DAA of a project are not the same ones who analyze the EIA. This creates problems because some questions asked at this late stage have already been resolved. It is not the fault of the officials; they act in good faith because they do not know the background of a particular project. It is therefore necessary to generate a consistent evaluation between the DAA and the EIA. One of the biggest drawbacks of transmission line projects is the uncertainties with the ethnic communities, there are no set times and you cannot start working until you agree.

On the other hand, it is worth noting that the ANLA has a lot of goodwill but lacks technicians for evaluation in the area of construction and design process in general. There is a need for more trained personnel who can assist in the environmental licensing processes. This would avoid some of the delays that occur in projects. Also, the issue of deadlines is key (SCIELO, 2015).

The UPME (The Mining and Energy Planning Unit) establishes exact dates for the execution of projects, based on the country's needs. If these deadlines are not met or there is no certainty of the times employed, the problems begin. The ANLA and the competent entities have to work on setting times according to the magnitude of each of the processes. In this way, the executors can make better programming of their works. It must be remembered that the extra costs generated by these situations.

Another important problem of which we spoke previously is the time that the different entities take in the diligence of the licenses since to the being very extensive people are unwilling to continue with these procedures arriving to falsify them, on the other hand, is the breach of this licenses since if the parameters established within this one are not fulfilled it is exposed to that they take away the license, has a fine or in an extreme case they will take it to penal processes.

In other cases, constructions are made that affect the environment without any type of license or permit, other times the entities are not sufficiently aware of the licenses that they are giving and let themselves be carried away by the individual benefit, allowing them to overlook high-risk works for the conservation of natural resources.

The different entities are often not aware that the parameters established in the license are met and because of

Table 1  
*Other CARs and their coverage.*

CORPORACIÓN	JURISDICCIÓN	SEDE PRINCIPAL			
Corporación Autónoma Regional de Sucre. (CARSUCRE)	Departamento de Sucre, salvo los municipios que forman parte de la Corpomojana.	Sincelejo	Corporación Autónoma Regional del Guavio. (CORPOGUAVIO)	Municipios de Gachalá, Medina, Ubalá, Gama, Junín, Gachetá, Fômeque y Guasca en el departamento de Cundinamarca.	Gachalá
Corporación Autónoma Regional de Santander. (CAS)	Departamento de Santander, salvo los municipios que forman parte de la CDMB	San Gil	Corporación Autónoma Regional del Magdalena. (CORPAMAG)	Departamento del Magdalena	Santa Marta, Ciénaga, Pivijay, Plato y Santa Ana
Corporación para el Desarrollo Sostenible del Norte y Oriente Amazónico. (CDA)	Departamentos del Vaupés, Guainía y Guaviare.	Puerto Inírida	Corporación para el desarrollo sostenible de la Mojana y el San Jorge (CORPOMOJANA)	Municipios de Majagual, Sucre, Guaranda, San Marcos, San Benito, La Unión y Caimito en el departamento de Sucre.	San Marcos
Corporación Autónoma Regional de Defensa de la meseta de Bucaramanga. (CDMB)	Municipios de Bucaramanga, California, Charta, Floridablanca, Girón, Lebríja, Matanza, Piedecuesta, Playón, Rionegro, Suratá, Tona y Vetás	Bucaramanga	Corporación Autónoma Regional de Nariño. (CORPONARIÑO)	Departamento de Nariño	Pasto
Corporación para el desarrollo sostenible del Chocó (CODECHOCÓ)	Departamento de Chocó	Quibdó	Corporación Autónoma Regional de Norte de Santander (CORPONOR)	Departamento de Norte de Santander	Cúcuta
Corporación Autónoma Regional del Centro de Antioquia (CORANTIOQUIA)	Departamento de Antioquia, salvo los municipios que forman parte de Corpouraba, Cornare y el AMVA.	Medellín	Corporación Autónoma Regional de la Orinoquia (CORPORINOQUIA)	Comprende los departamentos de Arauca, Vichada, Casanare, los municipios de Guayabetal, Quetame, Une, Paratebuena, Chipaque, Cáqueza, Fosca, Gutiérrez, Choachi y Ubaque en el departamento de Cundinamarca y Pajarito, Paya, Pisba Labranzagrande y Cubará en el departamento de Boyacá, con la excepción del territorio de la jurisdicción de Cormacarena.	Yopal
Corporación para el desarrollo sostenible de la Macarena (CORMACARENA)	Territorio del Área de Manejo Especial La Macarena con excepción de las incluidas en la jurisdicción de la CDA y de Corpoinoquia.	Villavicencio	Corporación para el desarrollo sostenible del Urabá (CORPOURABA)	Municipios de San Pedro de Urabá, San Juan de Urabá, Arboletes, Necolí, Turbo, Vigía el Fuerte, Murindó, Apartadó, Carepa, Chigorodó, Mutatá, Uramita, Dabeiba, Frontino, Peque, Cañasgordas, Abriaquí, Giraldo y Urrao en el departamento de Antioquia.	Apartadó
Corporación Autónoma Regional del Río Grande de la Magdalena (CORMAGDALENA)	129 municipios a lo largo del Río Magdalena - 14 Departamentos	Río Magdalena	Corporación Autónoma Regional del Tolima. (CORTOLIMA)	Departamento del Tolima (47 Municipios)	Ibagué, Llérida, Chaparral, Melgar, Purificación.
Corporación Autónoma Regional de las cuencas de los ríos Negro y Nare. (CORNARE)	Rionegro, Alejandría, Guatapé, Sonsón y San Luis en el departamento de Antioquia.	El Santuario	Corporación Autónoma Regional del Atlántico (CRA)	Departamento del Atlántico	Barranquilla
Corporación para el desarrollo sostenible del sur de la Amazonía. (CORPOAMAZONÍA)	Departamentos del Amazonas, Putumayo y Caquetá.	Mocoa	Corporación Autónoma Regional del Cauca. (CRC)	Departamento del Cauca	Popayán
Corporación Autónoma Regional de Boyacá. (CORPOBOYACA)	Departamento de Boyacá, salvo los municipios que forman parte de la Car, Corpoinoquia y Corpochivor.	Tunja	Corporación Autónoma Regional del Quindío. (CRQ)	Departamento del Quindío	Armenia
Corporación Autónoma Regional de Caldas. (CORPOCALDAS)	Departamento de Caldas	Manizales	Corporación Autónoma Regional del Sur de Bolívar. (CSB)	Departamento de Bolívar, salvo los municipios que forman parte de Cardique.	Magangué
Corporación Autónoma Regional del Cesar. (CORPOCESAR)	Departamento del Cesar	Valledupar	Corporación Autónoma Regional del Valle del Cauca. (CVC)	Departamento del Valle del Cauca	Santiago de Cali
Corporación Autónoma Regional de Chivor. (CORPOCHIVOR)	Municipios de Ventaquemada, Boyacá, Turmequé, Nuevo Colón, Viracachá, Ciénaga, Ramiriquí, Jenesano, Tibaná, Umbita, Chinavita, Pachavita, Garagoa, La Capilla, Tenza, Sutatenza, Guateque, Guayatá, Somondoco, Almeida, Chivor, Macanal, Santa María, San Luis de Gaceno, y Campohermoso.	Garagoa	Corporación Autónoma Regional de los valles del Sinú y San Jorge. (CVS)	Departamento de Córdoba	Montería
Corporación Autónoma Regional de La Guajira. (CORPOGUAJIRA)	Departamento de la Guajira	Riohacha	Corporación para el Desarrollo Sostenible del Archipiélago de San Andrés, Providencia y Santa Catalina (CORALINA)	Departamento de San Andrés y Providencia	San Andrés isla

this many works are poorly done and soon end up causing great damage to both nature and society.

**At the information level**

One of the main problems in obtaining an environmental license for a civil construction project is the lack of information.

Lack of information creates doubts, or perhaps not knowing how to look for it. Throughout history, different entities or environmental authorities have been created which are in charge of processing the process of obtaining environmental licenses in Colombia. The current authority in force is ANLA (National Authority for Environmental Licenses).

It was created to expedite, process the environmental licensing processes and monitoring after the granting of the license that the laws, rules, decrees established by law are complied with, and if they are not complied with, the license must be sanctioned according to the fault and established fees or revoked if necessary.

In the official ANLA website in section *NORMATIVA*, you will find the current regulations. According to the classification of the project is established a type of license and the regulations to be met, the established parameters, and the required documentation.

In the official page of ANLA in the section *TRÁMITES Y SERVICIOS* is the documentation required to apply, according to the classification of the project is established the DAA according to the location of the project and the POT (land management plan) the latter indicates the location and use established for the land; PMA and EIA.

It is a system created to manage environmental procedures, which directs the information of the users who participate in the application for environmental licenses and permits and involves the authorities that grant them, the applicant users.

In addition to the above, the Window has other user information applications such as electronic notification and application forms for the procedures.

**Steps to obtain an environmental license**

**Documents**

For an environmental license to be accepted, all the necessary documents must be presented and properly filled out. Decree 2041 of 2014 on environmental licenses sets out the documents that are required to issue a license.

The first step that the person interested in an environmental license must follow is to know whether or not to present the Environmental Diagnosis of Alternatives, this is known by presenting the written petition to the environmental authority in charge of the jurisdiction to which it belongs. In the petition, it is necessary to annex

what is the objective of the project, the tasks, requirements, and actions that must be carried out to complete the project (scope of the project) and its location using coordinates and plans.

The authority will make a decision and if the DAA is required, it will be attached along with a copy of the identification document if you are a natural person or the certificate of Existence and Legal Representation, also known as the chamber of commerce certificate, if you are a legal person (an organization with rights and obligations that exists as an institution, Fig. 7).

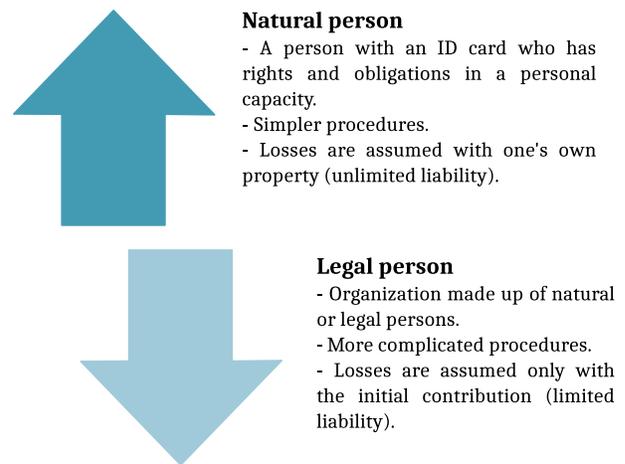


Figure 7. Difference between legal and natural persons.

Hydroelectric projects are required to submit a copy of the register issued by the Mining and Energy Planning Unit.

Once the corresponding environmental authority assesses the DAA, it will proceed to choose one of the alternatives set out in this document to prepare the Environmental Impact Study and determine the requirements.

After this process we continue with the Environmental Impact Study and with which it is necessary to add the following documents:

- Certificate from the Ministry of the Interior to notify the presence of ethnic or non-ethnic communities, as well as territories titled in the name of a community.
- Copy of the document from the Colombian Institute of Anthropology and History.
- The unique form of Environmental License
- Support plans for the Environmental Impact Study.
- Cost estimated to be spent in the investment and execution of the project.
- Evidence of payment of the service for the evaluation of the environmental license.
- Present the Format approved by the environmental authority.

For each type of project, there are different requirements when preparing the Environmental Impact Study. The CORNARE website provides the guide formats for each type

of project, with 33 formats available for the preparation of the EIA.

People interested in carrying out projects related to mining need to attach a copy of the mining title or mining concession contract (it is an instrument that provides the right to exercise an economic activity, through the exploitation of a product and take profit from it). Projects related to hydrocarbons need to attach their concession contract. A concept from the National Agency of Hydrocarbons must be added, specifying whether the hydraulic stimulation activity will be carried out in a conventional or non-conventional deposit (which must use different extraction methods to the conventional ones). When the documents are presented, the environmental authority will evaluate the information that was presented and a decision will be made if it is necessary to hold a public environmental hearing, which is essential to attend and through which the process will be closed. When the application for the license is accepted at the time it is submitted, it must contain:

- The identification of the person or public or private institution to which the project was authorized and which indicates the reason for execution, activity, name, identity document, and address.
- The purpose of the project and its location.
- The summary of the considerations and reasons that were taken into account to grant the environmental license.
- The list of activities, works, and actions authorized by the corresponding environmental authority in the environmental license.
- The renewable natural resources that are approved for their use, specifying the restrictions for their use and established requirements.
- Additional requirements in the Environmental Management Plan to be fulfilled during construction, execution, and completion of the project.
- Relevant observations by the environmental authority.

Through the Integral window of Environmental Procedures of Colombia, you can carry out the procedure of the environmental license in a fast way and with help online in case of doubts that can be generated in the process.

An environmental license can be assigned to any beneficiary, which is to hand over the rights it provides and also the obligations it generates. To carry out this process the following procedure must be complied with:

- Interested parties must request in writing the authorization from the environmental authority.
- A copy certifying the assignment of the license is added to such a request.
- If they are legal persons, the certificate of existence and legal representation shall be attached.
- If they are natural persons, the photocopies of the citizenship certificates are enough.

If you intend to update information such as plans, location, cost of modification, and justification, you must enter into an Environmental License Modification process in which the following is required:

- Request by the licensee, if a legal entity the request will be made by the legal representative of the institution.
- The updated Environmental Impact Study, that is, those new processes that have an impact on the environment (if any) and the respective adjustment to the project's Environmental Management Plan.
- Proof of payment of fees for the evaluation of the project's environmental studies.

### Type of license

All types of licenses must follow the following steps.

#### Register at the Window for Online Procedures

- **VITAL.** The user interested in initiating a procedure must register in the application <http://vital.anla.gov.co/ventanillasilpa/>, filling out the identification form with the basic data of the natural person, private or public legal entity as appropriate and select the environmental authority to which you want to send the registration for subsequent validation and approval. The validation process requires express management of the applicant, its legal representative or proxy and can be done before the request of a procedure. See annex: Procedure for registration, validation, and approval of applicant users in VITAL).

#### Request a pronouncement on the need for an

**Environmental Diagnosis of Alternatives - DAA.** Those interested in the projects, works, or activities described in Article 2.2.2.3.4.2 of Decree 1076 of May 26, 2015, must request a pronouncement on the need to present the Environmental Diagnosis of Alternatives (DAA), using a request addressed to the National Environmental Licensing Authority - ANLA.

The application must be accompanied by an executive summary with a description of the project and information related to the geographical location of the project, as established in the terms of reference for the presentation of the Environmental Diagnosis of Alternatives.

To apply through the VITAL - Window for Online Procedures, you must follow the steps below:

- Enter VITAL (<http://vital.anla.gov.co/ventanillasilpa/>).
- In the option "requests" type username and password.
- In the main menu, display the list *Iniciar trámite*.
- Select the option Environmental Diagnosis of Alternatives.
- Fill in the electronic form.

#### Elaboration of the required environmental study.

According to Decree 1076 of 2015, the General Methodology for the Presentation of Environmental Studies, the terms of reference and the environmental regulations

in force, the user must prepare the required environmental study, which must be submitted to this Authority together with the requirements established in the mentioned Decree, to start the corresponding procedure.

**Request the settlement by the service of evaluation of the required procedure.** To request a settlement from the processing evaluation service, please refer to the instructions for settlement from the evaluation service.

**Complete the application forms for Preliminary Verification of Documentation and Submission of AAD or, Application for or Modification of Environmental License.** To apply for the procedure (DAA, Environmental License or modification) through the Window of Procedures Online - VITAL you must follow the following steps:

- Go to the online window of procedures - VITAL (<http://vital.anla.gov.co/ventanillasilpa/>).
- In the option *Solicitudes* type in your user name and password.
- In the main menu, display the *Iniciar trámite* list.
- Select the *Licencia Ambiental* option.
- Complete the electronic Preliminary Documentation Verification and Environmental License Application or Modification form.

When filling out the electronic Preliminary Documentation Verification form, you must attach all the supports for each of the documents required for the application, for which you must take into account the indications for the presentation of documents and the guide provides Geographic Information.

**Attend the Preliminary Documentation Verification - VPD results presentation meeting.** Once the information has been entered through the Online Comprehensive Procedures Window - VITAL (<http://vital.anla.gov.co/ventanillasilpa/>), the meeting for the presentation of the results of the Preliminary Document Verification is convened via e-mail registered at VITAL. This meeting will be held taking into account the following time distribution, in working days:

- **Day 1:** filing of the application for Preliminary Verification of Documents - VPD.
- **Days 2, 3 and 4:** preliminary verification of documentation.
- **Day 5:** meeting to present the results of the Preliminary Document Verification - VPD.

The results presentation meeting requires the attendance of the legal representative or proxy to receive the Preliminary Documentation Verification Form and, if approved, to be notified of the Initiation Order.

If the information is not approved, it will be returned through the Preliminary Document Review Form and the user will have to start the procedure again.

**Notify yourself of the Order initiating the process of evaluation of the application.** In the meeting of

socialization of the results of the preliminary verification of the documentation that make up the application for the procedure, which will be cited by the ANLA, you will be informed if the attached documents meet the requirements established to initiate the process of Environmental License; in case of compliance, in the course of that meeting, the ANLA will immediately proceed to issue the administrative act of initiation of the required procedure.

**Start of the evaluation of the environmental viability of the project.** The ANLA, through specialized professionals, begins to carry out the environmental evaluation to determine the viability or not of the project, work, or activity. The evaluation is carried out both in documentary form and through a technical visit to the field. Similarly, other entities may be asked to make a statement to obtain sufficient elements of judgment for their decision.

**Attend the meeting to request additional information, if required.** The applicant, his legal representative, or agent must attend the above-mentioned meeting utilizing an official letter, in which the additional information required to carry out the complete analysis of the required procedure will be established.

Any decision taken at this meeting shall be notified orally and minutes shall be kept of the decisions taken and the circumstances in which such decisions were notified. Likewise, against the decisions adopted in this meeting by the environmental authority, the pertinent appeal for reversal shall proceed, which shall be resolved at the same meeting, and recorded in the minutes.

In order to submit the Additional Information through the VITAL - Online Processing Window, you must follow the following steps:

- Go to the online window of procedures - VITAL (<http://vital.anla.gov.co/ventanillasilpa/>).
- In the option *Solicitudes* type in your user name and password.
- In the main menu, display the *Otras actividades* list.
- Select the option *Enviar Información a la Autoridad Ambiental*.
- Fill out the electronic form by selecting the file of the procedure.

**Adjust the Environmental Study according to the request for additional information and submit it again.** In case additional information has been required, the user must adjust the environmental study and deliver it again (through VITAL).

Once the additional information is submitted, under the terms established by the Authority, it will be verified following the provisions of the General Methodology for the Presentation of Environmental Studies, the terms of reference, the Geographic Information Delivery Guide, the minutes of the request for additional information, the environmental regulations in force, among others, to

determine the environmental feasibility of the project, work or activity, under the provisions of Article 2.2.2.3.6.2. of Decree 1076 of 2015.

**Notify yourself of the administrative act communicating the Authority's decision.** Once the evaluation process has been completed by the Environmental Authority, a technical concept is used to determine the viability or otherwise of the environmental license. This technical concept is accepted through an administrative act, which is later notified to the applicant, in the terms of Law 1437 of 2011, by which the Code of Administrative Procedure and Administrative Litigation is issued. If you wish to know the types of notification, please refer to the document.

### Conclusions

To apply for a license before an environmental entity, parameters and laws established by the state must be taken into account, which seeks to mitigate or eliminate the damage that a civil construction project generates in the environment and that affects the community in general. By processing the required documents, actions are implemented that seek to generate awareness of the damage generated in the flora, fauna, and community in general.

The previous sections mention the environmental entities in charge of processing the environmental licenses and/or permits, according to their classification by type of project and location. parameters established in ANLA. problems for obtaining or revoking the environmental license and/or permit. And the necessary documentation according to the type of project and license.

With this document, we seek to create a guide for the community that wishes to orient itself at the moment of applying for an environmental license, but it is not a norm that should be followed legally since the laws change constantly and with them the formats and/or documentation that should be delivered to the entity in charge of processing the license. Basic information is provided about the formats and processes to be followed, classification, and types of licenses. If better guidance is desired, the applicant should approach directly the nearest environmental authority and request detailed advice.

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