

[Not an official translation]

(House of Representatives Bill 1466) – Law 147 of 15 July 1999.

## ACT

To establish the “Law for the Protection, Conservation and Management of Puerto Rico Coral Reefs”; to establish the purpose of this law; to authorize the Secretary of the Department of Natural and Environmental Resources to implement this law; to provide for his duties and authority; to establish a Special Fund, to establish offenses and penalties, and to other ends.

### Statement of Motives

Coral reefs constitute a very significant, unique, and special ecosystem for all human beings and marine life. Unfortunately, coral reefs are being increasingly exposed to countless factors which affect their existence. The fragility of coral reefs places them at a disadvantage regarding the effects of nature, and above all, human imprudence and ignorance.

The Legislative Assembly, conscious of the constitutional mandate that proclaims as a public policy the conservation of the natural resources, believes that the approval of this law is meritorious. We must avoid that our lack of action permits the total destruction of such valuable natural resources. By authorizing the Secretary of the Department of Natural and Environmental Resources to develop a program that permits the conservation, management, and protection of coral reefs as well as to penalize certain actions detrimental to this resource, we offer a feasible alternative so that future generations enjoy these natural havens. Special emphasis is put on the need to educate the general public on the importance of coral reefs, their maintenance, and the way people can cooperate in protecting them.

### THE GENERAL ASSEMBLY OF PUERTO RICO HEREBY DECREES:

Article 1.- This law shall be known as the “Law for the Protection, Conservation, and Management of Puerto Rico Coral Reefs.”

#### Article 2.- Public Policy Declaration

It is hereby declared and reiterated that it is the public policy of the Commonwealth of Puerto Rico the protection, preservation, and conservation of coral reefs in Puerto Rico’s territorial waters for the benefit and enjoyment of this generation and future ones. It is also declared that based on public interest the continuous and irreparable damage to coral reefs and related marine life must urgently be avoided and prevented. The Department of Natural and Environmental Resources shall promote the development of sustainable management plans for Puerto Rico’s coral reefs.

#### Article 3.- Definitions

For the purposes of this law, the following terms shall have the meaning and extent expressed for each one of them, except when it is clearly indicated otherwise in the text.

“*Coral reef*” means the ecosystem composed of coral, its skeleton and other related marine species, such as seagrass meadows.

“*Coral*” means all living or dead organisms classified as:

- (i) “Stony coral” - organism of the Cnidaria phylum pertaining to the Scleractinea order (including, among others, brain coral, staghorn coral, elkhorn coral).
- (ii) “Stony coral” - organism of the Cnidaria phylum pertaining to the Octocolaria subclass (including sea fans and other organisms without a common name).
- (iii) “Black coral” - organism of the Cnidaria phylum pertaining to the Antipatharia order.
- (iv) “Hydrocoral” - organism of the Cnidaria phylum pertaining to the Hydrozoa class which produces a calcium carbonate skeleton.

“*Department*” means the Department of Natural and Environmental Resources.

“*Waste*” means any garbage, debris, useless articles, ashes, silt or any other rubbish, whether dangerous or not, or whether solid, liquid, semi solid, or of gaseous contents, which results from domestic, industrial, commercial, agricultural or governmental operations.

“*Vessel*” means a floating structure, designed and built by an authorized manufacturer with displacement capability over water and which is used or can be used as a transportation means, and which is propelled by a motor as its main source of power or by alternate ways, such as boats, launches, sailboats, watercycles or jet skis or any other structure similar or analogous to those mentioned above. The term also includes those home made structures which comply with design and construction requirements similar to those required to authorized manufacturers.

“*Sustainable management*” means the plan of biological, commercial, social, administrative actions, among others, that guarantee the permanence or survival of the resource and its habitat in healthy conditions.

“*Person*” means any natural or artificial person.

“*Program*” means the Program for the protection, conservation, and management of coral reefs pursuant to Article 5 of this law.

“*Secretary*” means the Secretary of the Department of Natural and Environmental Resources.

“*Reef Recovery Area Systems*” means the group of several reef recovery areas geographically separated, but biologically connected by reproduction and dispersion patterns and migratory behavior of coral reef organisms.

#### Article 4.- Coral Reef Protection

The Secretary shall establish a Program for the Protection, Conservation, and Management of Coral Reefs. The Program should contemplate the best use of existing resources and implement the appropriate mechanisms that permit the management, conservation, and protection of coral reefs for the enjoyment and benefit of the people of Puerto Rico.

The Program must establish effective communication with state and federal agencies and instrumentalities, and educational or scientific entities with interest or jurisdiction on any aspect of this law. An advisory committee, headed by the Director of the Fishing and Wildlife Bureau, will be created and it will be composed of the following permanent members, or a representative designated by them: the President of the Planning Board, the President of the Environmental Quality Board, the Director of the Tourism Company, the Secretary of the Department of Agriculture, the Director of the United States Fish and Wildlife Service, the Director of the Caribbean Council of Fisheries Administration, the Director of National Marine Fisheries Service, two or more members of the scientific or university community, or any other member the Secretary deems necessary, whose functions are related to the purposes of this law and is qualified to technically and professionally give the necessary advice to the Secretary in the implementation of this law. The non ex-officio members of the advisory committee will be selected by the Secretary.

The Program shall provide the scientific criteria to identify the reef recovery areas and the ecologically sensitive areas and the activities which should be restricted or prohibited in such areas. It will also prepare a methodology to evaluate the socioeconomic impacts of any prohibition or restriction of human activities in such areas.

The reef recovery areas will be established for the development of the following objectives: to maintain a high diversity of marine species, a high genetic and behavioral diversity; to maintain populations in reproductive sizes to increase the populations and the productivity of adjacent reef areas; to maintain a variable genetic pool in populations of the recovery area as an insurance against the failure of management plans of the areas where fishing, recreational, and tourist activities are permitted; to maintain control areas to study the impact of fishing and to permit a diversification of the economic uses of the marine resources.

The Environmental Quality Board shall assist and provide the Secretary with all the necessary help and information related to environmental and polluting factors with a direct or indirect impact on coral reefs and coraline communities, specifically problems related to sedimentation, any pollutant waste or substance discharge and any environmental emergency.

The Program shall identify any environmental pollution source that impairs the coral reef and coraline communities and shall recommend necessary control measures to prevent such pollution and any negative impact on these resources.

Also, the program shall examine and recommend on the placing of artificial reefs in the territorial waters of Puerto Rico, which permit the increase in number and availability of habitat and resource for reef organism species.

#### Article 6.- Additional Authority.-

In addition to the powers and duties herein established, the Secretary shall have the

- (4) To participate in programs related to the purposes of this law with the federal government, other states, public and private agencies, or any national or international organization.
- (5) To develop an intensive public educational program on the benefits of coral reefs and coralline communities, the hazards affecting them, and the protection and conservation measures which have been established by the Department as well as those in which the public can cooperate.
- (6) To carry out all relevant measures against the owners or captains of vessels grounded on coral reefs so that they restore such system.

#### Article 7.- Management Plan.-

The Secretary is hereby ordered to adopt a special management plan for coral reefs and coralline communities.

An Environmental Impact Assessment shall be required for any project which may have a negative impact on coral reefs, coralline communities, and related natural systems. The Planning Board and the Department of Natural and Environmental Resources shall prepare a zoning regulation to permit residential, recreational and tourism development in areas where no adverse or detrimental impact occurs on coral reefs, coralline communities and related marine life.

The Planning Board, the Regulations and Permits Administration, and the other government agencies of Puerto Rico must consult the Department regarding any proposed construction or development which may have a foreseeable effect on coral reefs, coralline communities and related ecosystems.

#### Article 8.- Special Fund.-

“The Fund for the Protection, Conservation, and Management of Puerto Rico Coral Reefs”, from now on “Fund”, is created in the books of the Treasury Department as a Special Fund, not subject to a specific fiscal year, different and separated from any other money or funds of the Commonwealth of Puerto Rico.

This Fund shall be administered according to the rules and regulations adopted by the Department of Natural and Environmental Resources, pursuant to existing provisions for the administration of similar funds.

The Secretary shall use the Fund exclusively for the conservation and protection of Puerto Rico coral reefs established in this law. The Fund shall receive income from:

- (1) Any monies donated, transferred or ceded by any person; or private or governmental, federal, state or municipal entity.
- (2) The monies received by way of administrative fines imposed by the Secretary, pursuant to Article 11 of this law.

- (2) To offer in sale, exchange, donation, or to in any other way traffic or dispose of a live or dead coral reef, or part of this, whether live or dead, and organisms considered attractive for aquariums and fishbowls.
- (3) To pollute, deposit solid or liquid waste, or to use any chemical substance in a coral reef and in coralline communities, or part of it, or in a related ecosystem such as seagrass meadows.
- (4) To anchor, fix, install, or in any other way stop a vessel outside the anchoring buoys in areas identified by anchoring buoys or any other floating signal, or within duly identified special designation areas, or reef recovery areas and ecologically sensitive areas, without previous authorization from the Secretary.
- (5) To remove, eliminate, or damage anchoring buoys and signal buoys established by the Secretary to delimit the coral reef zones.
- (6) To fish, or dive in reef recovery areas, marine reserves, and the other areas duly identified, without the previous authorization of the Secretary.
- (7) To refuse to comply with any order or resolution issued by the Secretary, pursuant to the powers and duties provided by this law.
- (8) To violate any of the provisions of this law or of the regulations adopted under this law.

The administrative fines shall not exceed the amount of ten thousand (10,000) dollars per infringement nor shall be less than five hundred (500) dollars. The Secretary may also impose an administrative fine, the payment of a reasonable sum to satisfy the costs incurred for repairing any type of damage any person may have caused due to violations to the provisions of this law or the regulations approved under it.

The Secretary shall file an injunction or any other available legal resource to prevent the violation of any provision of this law, or any other order, or regulation approved under it.

#### Article 10.- Exceptions.-

Notwithstanding the provisions in Article 9 of this law, any person, with the previous authorization of the Secretary, and provided that this person complies with any other applicable legal provisions, may:

- (1) Conduct scientific research or any other type of research, take samples of live or dead coral, or part of this or related organisms, provided that such research promote the purposes of this law, specifically the preservation, protection, and maintenance of coral reefs, and provided that no damage is caused to coral reefs.
- (2) Remove or protect any species of marine life due to sickness or pollution to in this way prevent the spreading of diseases.

This law will enter into effect immediately after its approval.

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President of the House

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President of the Senate