

(H. B. 3797)

(No. 227)

(Approved August 9, 2008)

## **AN ACT**

To designate Punta Cucharas natural area of the Municipality of Ponce as a Natural Reserve Area of the Commonwealth of Puerto Rico, to be administered pursuant to the provisions of Act No. 150 of August 4, 1988, as amended, known as the “Puerto Rico Natural Patrimony Program Act.”

### **STATEMENT OF MOTIVES**

In June 2004, the Integrated Planning Area of the Natural Patrimony Division of the Department of Natural and Environmental Resources presented a Report on the Natural Value of the Punta Cucharas Area in the Municipality of Ponce. The DRNA (Spanish acronym) delimited the same as the natural area located in the coastal and the subcoastal zones of the southern end of Canas Ward of the Municipality of Ponce in contact with the Caribbean Sea. According to this delimitation, the natural area is composed of a 347,898 square meter, salt water lagoon the Salinas Lagoon, forestland systems of mangroves and other coastal forests and different types of estuary and marshy wetlands. It also includes extensive areas of sand dunes covered by herbaceous vegetation part of which are gramineous plants, and it has been confirmed that it has a surface area of approximately 698 *cuerdas*.

As part of said study on natural value, there were identified 148 flora species, 56 bird species (resident or migratory), 5 mammal species, 9 reptile species, 5 amphibians, and 6 fish species. From the 56 bird species identified, five are endemic species. Of the reptile species, the “lagartijo

jardinero del sur” (*anolis poncensis*) is noteworthy, since it is protected under the classification of vulnerable by the Regulations to Rule Vulnerable and Endangered Species.

As part of the conclusions of the study conducted by the Department of Natural and Environmental Resources, it is affirmed that the diversity and complexity of the habitats of the Punta Cucharas Natural Area are attributes of greater relevance that allow the coexistence and interaction of species from different habitats such as aquatic and terrestrial birds, reptiles and amphibians that require a humid and varied temperature regimes. It also warns that due to the lack of surveillance and the easy access that several roads provide to the area, it has become a common practice to use the same as a clandestine dump where junk and motor vehicles are left. Among the findings of the study conducted, strategies for the management, cleaning, reforestation and conservation of this important natural resource were also suggested.

As the final recommendation of the Natural Patrimony Division, the designation of the area as Natural Reserve is advised, including all the land to the southeast of Road PR-2 and the marine component of Isla de Ratones and Isla Cardona. However, three years have passed since this recommendation and the area has still not been designated a Natural Reserve.

On its part, the Municipality of Ponce has recognized the ecological value of the Punta Cuchara natural area by including a Special Plan PL. E. 2, on La Matilde Area (area which includes the Punta Cuchara area in its demarcation) in its Territorial Plan (Integral Review effective on December 23, 2003), in the Ordination Regulations component. This Special Plan intends to facilitate a residential, tourist and commercial development,

contingent on the protection of natural resources such as Laguna Salinas and the wetlands to the south of the identified area and the conversion of PR-2 to an expressway and the construction of marginal roads. Among the Objectives of the Development, it also sets forth the establishment of a protection zone for wetlands and the Laguna Salinas.

In this same manner, in the Action Program of this Territorial Ordinance Plan, Ruling JAC 93-0485 (Ponce en Marcha) is included as Appendix I, which includes as a non-built project, a \$615,000 investment in La Matilde area by the Department of Natural and Environmental Resources. It was reported that it was programmed to be finished during fiscal year 1996-1997. Recognizing the great ecological value of this ecosystem, the Territorial Ordinance Plan of the Autonomous Municipality of Ponce stresses the need to guarantee the protection of this natural resource and has identified the same as a high interest ecotourism area.

It must be pointed out that a group of citizens committed to the conservation of Salinas Laguna as part of the Punta Cucharas natural area recently began a cleaning campaign for the removal of junk with the collaboration of the Municipality of Ponce. At the same time, the Department of Natural Resources is taking measures for the reforestation of the area.

Nevertheless, the conservation of this natural resource warrants the commitment of the pertinent government agencies and the protection of the law granted by the delimitation of a natural reserve under the Natural Patrimony Program created by Act No. 150 of August 4, 1988, known as the "Puerto Rico Natural Patrimony Program Act."

Therefore, in recognition of the ecological importance of Punta Cuchara of Ponce Natural Area, and in conformity with the

recommendations set forth by the Natural Patrimony Division of the Department of Natural and Environmental Resources, this Legislature deems it meritorious to declare this ecosystem a natural reserve to be protected by the provisions of the Puerto Rico Natural Patrimony Program.

**BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:**

Section 1.- The Punta Cucharas natural area of the Municipality of Ponce is hereby designated a Natural Reserve Area of the Commonwealth of Puerto Rico, to be administered pursuant to the provisions of Act No. 150 of August 4, 1988, as amended, known as the “Puerto Rico Natural Patrimony Program Act.”

Section 2.- For all purposes of this Act, the definitions contained in Section 2 of Act No. 150 of August 4, 1988, are hereby adopted.

Section 3.- This Act shall take effect immediately after its approval.

## CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 227 (H.B. 3797) of the 7<sup>th</sup> Session of the 15<sup>th</sup> Legislature of Puerto Rico:

**AN ACT** to designate Punta Cucharas natural area of the Municipality of Ponce as a Natural Reserve Area of the Commonwealth of Puerto Rico, to be administered pursuant to the provisions of Act No. 150 of August 4, 1988, as amended, known as the “Puerto Rico Natural Patrimony Program Act,”

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 14<sup>th</sup> of August of 2009.

Solange I. De Lahongrais, Esq.  
Director

