

**(H.B. 1277)**

**(No. 14)**

(Approved January 9, 1999)

## **AN ACT**

To establish the “Act for the Unification of the Maricao, Susúa, Guánica, Toro Negro, Guilarte, and Pueblo de Adjuntas State Forests”, which directs the Secretary of the Department of Natural and Environmental Resources to identify the lands located between these state forests; make a demarcation of the land to be used to trace two (2) biological corridors to join them; delineate the needed buffer zones; determine the means to acquire said lands on behalf, and in representation of the Government of Puerto Rico, as well as any claim thereon, that are comprised between the biological corridors and the buffer zones; and for other purposes.

### **STATEMENT OF MOTIVES**

Puerto Rico is recognized as one of the places with greatest population density in the world. As a result of this, the urban threat to its forested areas becomes greater each day. This situation affects the capacity of the forest systems to provide resources that are essential to the health and welfare of the Puerto Rican people.

In 1985, thirty-two percent (32%) of the territory of Puerto Rico was composed of forests, but this percentage has shown a descending trend. Of this area, eighty five percent (85%) is made up of private properties. Therefore, it is extremely important for the Secretary of the Department of Natural and Environmental Resources to establish an effective communication with these proprietors, in order to make them aware of the

worth of these forested lands, seek options that will benefit these owners, our community and the State, and establish technological assistance programs to make the forests profitable.

At present, Puerto Rico has sixteen state forests dispersed throughout the Island. The isolation of each forest causes a limitation of the biodiversity of the species due to inbreeding; competition for food and space; alteration of the lifestyles of these species; and their vulnerability to predation.

The laws of nature indicate that the different species depend on an interactive network that occurs in their natural habitat. Therefore, every wildlife population is subject to the habitat in which they breed or feed, as well as needing an adequate space for their development and multiplication. It is evident that the relationship between the forest and the species is essential for the increase of the biodiversity of the species and the maintenance of an ecological balance. This rule of interaction demonstrates that the isolation of the forests endangers the very existence of the species.

The forests, which are natural resources capable of restoring the ecological balance of the environment, produce a series of benefits that help us to maintain a better quality of life, such as: soundproofing, conservation of the soil and bodies of water, the evolution and habitat for the conservation of flora and fauna, the reduction of temperature, and the economic stability of the sector in which there are properties close-by; and a wholesome environment for outdoor recreation and for inspiration.

This measure is consonant with the provisions of Act No. 133 of July 1, 1975, as amended, known as the “Puerto Rico Forest Act”, particularly with the public forestry policy of the Commonwealth of Puerto Rico, in Article 2; and in Section 19 of Article VI of the Constitution of the Commonwealth of

Puerto Rico, which establishes the public policy for the most effective conservation of the natural resources of our Island, as well as their utmost development and improvement for the general benefit of the community.

This Legislature proposes to stimulate those actions that are addressed to the conservation of our environment; ensure the ecological balance of our Island; and protect its wildlife. This bill is an effective conservation measure that integrates the forests of the western central region of the Island. To achieve this objective, the establishing of two corridors is being considered: one, from the Maricao Forest, which extends to the Susúa Forest and ends at the Guánica Forest. This corridor will integrate an ecological system that flows from a geological base of serpentine rock to limestone strata. The other biological corridor shall unite the Toro Negro, Guilarte and Pueblo de Adjuntas Forests. Uniting the land of the Central Ridge with that of the coast will protect a greater diversity of species and ecosystems. The buffer zones around these forests are an important element, since they protect their integrity by fixing transitional areas between urban life and the forested or rural areas.

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

Section 1.—Title.—

This Act shall be known as the “Act for the Unification of the Maricao, Susúa, Guánica, Guilarte, Pueblo de Adjuntas and Toro Negro State Forests”.

Section 2.—Statement of Public Policy.—

The acquisition and protection of forest lands located between the forests mentioned in Section 1 of this Act, to create two (2) biological corridors to expand its forested land and unify said forests, is the public policy of the Government of Puerto Rico. The importance of creating a

forest or wooded zone is to provide the species with a natural, safe, healthy, and spacious habitat to guarantee their development and proliferation.

The natural systems constitute a valued resource to establish the ecological balance of the environment, protect the soil from erosion; regulate climate; produce oxygen to mitigate global warming; protect the hydrographic basins or streams and fresh water reserves; and be a source of a great amount of biological activity, which provide shelter to animal and plant life, among others.

The Government of Puerto Rico recognizes that we should act to generate cultural and individual change based on the intrinsic value of all natural resources. Said changes imply new practices on the basis of which we will strengthen our relationship with the natural systems that surround us, and we learn more about the processes of nature and our place in it.

Section 3.—Definitions.—

For the purposes of this Act, the following terms and phrases shall have the meaning stated below:

- (a) “Biological Corridor” means the natural space that has two or more forest systems, with the purpose of expanding the habitat of the species thus facilitating their free reproduction and migration.
- (b) “Buffer Zone” means the natural band that borders the forestry systems, whose function is to protect their integrity, serving as a transitional area between wild life and the anthropological effect.
- (c) “Forests” means biological communities dominated by trees or woody bushes, and including other associated types of flora and fauna that is found in public or private urban or rural land.

- (ch) “Auxiliary Forests” means the classification of land made by the Secretary of the Department of Natural and Environmental Resources pursuant to Section 10 of Act No. 133 of July 1, 1975, as amended, known as the “Puerto Rico Forest Act”.
- (d) “Natural Preserve” means those areas thus designated by the Planning Board through a Resolution, that due to their physical, ecological, geographical characteristics and the social value of their existing natural resources merit their conservation, preservation, or restoration to their natural condition in harmony with the Public Objectives and Policies of the Puerto Rico Land Use Plan, adopted by the Board on June 8, 1977, and by the Governor on June 22, 1977.
- (e) “Secretary” means the Secretary of the Department of Natural and Environmental Resources.
- (f) “Board” means the Puerto Rico Planning Board.

Section 4.—Clearing of the Biological Corridors and Delimiting of Buffer Zones; Powers and Duties of the Secretary.—

Within the framework of his/her respective powers, the Secretary is directed to perform the following actions, as well as any others that are convenient and necessary for the purposes of this Act:

- (1) Identify the lands located between the state forests of Maricao, Susúa and Guánica; and those of Guilarte, Pueblo de Adjuntas, and Toro Negro. Any area of soil formed by wooded lands comprised by the formation of two biological corridors shall be deemed as lands between the state forests; one between the forests of Maricao, Susúa and Guánica, and the other between

the forests of Guilarte, Pueblo de Adjuntas and Toro Negro, and the buffer zones to be established for them.

- (2) Perform a study and evaluation in order to demarcate or clear the land to be used to determine the biological corridors that join these forests;
- (3) Delimit the needed buffer zones;
- (4) Prepare plans to acquire, on behalf of and in representation of the Government of Puerto Rico, the lands as well as any right thereon, that comprise the biological corridors indicated and the buffer zones, provided said lands are not classified as auxiliary forests nor designated as state forests; and that their title is not an obstacle to the establishment of the biological corridors nor the buffer zones.
- (5) Promulgate regulations under this Act to meet the purposes stated therein.

It is further provided that the Secretary shall establish an effective communication with the Secretary of Agriculture to harmonize agricultural practices with the maintenance of the forest land, and the proprietors of forest land that could be comprised by the biological corridors and the buffer zones, in order to orient them on the possibility that they could thus be classified as auxiliary forests, in which case they would not be acquired in the name of the Government of Puerto Rico under this Act, unless their title would be an impediment to the installation of the biological corridors proposed, or the buffer zones.

Section 5.—Regulations.—

The drafting of the Regulations shall require the holding of public hearings in the areas concerned, in such a way that the community can have the opportunity to express itself with regard to this Act, and the contents of said regulations.

Among other things, said regulations shall include the following:

- (1) Once the required public hearings are held, in which the initially proposed tracings to establish the biological corridors and buffer zones to unify the state forests of Maricao, Susúa, Guánica, Guilarte, Pueblo de Adjuntas and Toro Negro, have been submitted, and what has been stated therein has been taken into consideration in order to unify the state forests, these shall be included and clearly indicated in the regulations.
- (2) The regulations shall include the standards that must be observed in the biological corridors and buffer zones. It shall also provide the guidelines and requirements that apply to the cleared or partitioned land, related to the permitted use, restrictions, incentives and other specific conditions pertinent to the biological corridors and buffer zones.
- (3) These regulations shall forbid the construction of dwellings, the development of urbanizations, shopping centers, industries or any other type of urban or commercial development that could threaten the integrity of the forests and the conservation of the corridors, the buffer zones and wild life. The construction of dwellings and highways shall be restricted.
- (4) These regulations shall establish the standards that will be followed to improve or extend the roads when needed.

After having drafted the regulations as provided in this Section, the Secretary and the President of the Board shall submit it for the approval of the Legislature at the beginning of the Sixth Regular Session of 1999. Together with the regulations, they shall present a report on the costs and expenses needed to implement this Act, including the use of the available funds collected through the authorization provided herein.

Section 6.—Access Routes.—

The Highways and Transportation Authority is hereby directed to study the access routes existing in the area of the proposed biological corridors and buffer zones. It is further provided that they shall evaluate and submit to the Secretary, alternate detours, routes or any other solution addressed to protect the integrity of said area, predicated on a conviction that to bisect the natural areas is counterproductive to these systems. These options shall be presented to the communities concerned at the public hearings to be held prior to the preparation of the regulations referred to in Section 5 of this Act.

After having received the input of the persons concerned in the public hearings, the Highways Authority and the Department of Transportation and Public Works shall determine, as pertains to their respective powers, the routes, detours, or any other solution that shall be implemented to protect the designated area that comprises the biological corridors and buffer zones.

Section 7.—Advisory Committee.—

An Advisory Committee is hereby created that shall be chaired by the Secretary and shall be composed of the following permanent members or a representative designated by them: the Secretary of the Department of Agriculture, the Secretary of the Department of Transportation and Public Works, the Chairperson of the Planning Board, the Director of Land Administration, the Director of the Municipal Revenues Collection Center,

the Mayors of the municipalities of Jayuya, Ciales, Orocovis, Peñuelas, Adjuntas, Yauco, Sabana Grande, San Germán, Maricao, Guánica, Guayanilla, Arecibo and Utuado; one or two members of the scientific or academic community, and any other member that the Secretary deems is needed, whose function is related to the purposes of this Act, and is empowered to render the technical and professional advice needed to implement the same, voluntarily; and by two persons from the private sector and nonprofit entities that are selected by the Secretary.

The main function of this Committee shall be to draft a master plan that shall include the following:

- (a) the identification of lands between the state forests of Maricao, Susúa, and Guánica; and between the Guilarte, Pueblo de Adjuntas, and Toro Negro forests that comprise the tracing of two biological corridors and the buffer zones to be established;
- (b) the demarcation of needed borders in the buffer zones;
- (c) a clearing plan for the biological corridors and buffer zones;
- (d) an inventory of the existing flora and fauna; tracings for the biological corridors and buffer zones;
- (e) proposed trails for the area; the creation of incentives for the owners of the identified lands to be comprised by the biological corridors or buffer zones;
- (f) the design of an educational and promotional campaign for the protection and knowledge of the forest system of the Central Mountain Ridge and the coast;
- (g) a design for the identification of possible recreational areas in the forest system;

- (h) the rezoning of the areas that comprise the forest system and buffer zones;
- (i) a diversified plan to stimulate the economic activity of forest products for the neighboring communities of the system;
- (j) identify the sources of income for the execution of this Act; and
- (k) an itinerary of acquisitions or agreements with the landowners for the conversion of these private lands to a biological corridor or buffer zones.

The master plan drafted by the Advisory Committee shall be submitted to the Secretary, who shall use it as a guide, preserving, in the last instance, the power to modify it, if he/she deems it is necessary for the proper exercise of his/her powers and duties under this Act.

Section 8.—Incentives.—

The Secretary is hereby empowered to design attractive incentives for the owners of the lands that are included in the biological corridors or buffer zones, so that they will collaborate in the achievement of the objectives of this Act; stimulate economic activity in the forests through technical assistance, planting of timber-yielding trees, replanting of barren and agricultural lands; establishing of aviaries for the reproduction of captive species in danger of extinction; and any other uses consonant to the purposes and objectives of this Act.

Section 9.—Funds.—

The funds required for the implementation of this Act shall be obtained from contributions by private enterprises, nonprofit entities, and the Special Forestry Development Fund, as established in Section 7 of Act No. 133 of July 1, 1975, as amended, known as the “Puerto Rico Forests Act”.

This Section also authorizes the accepting of Federal funds by the Secretary for the execution of this Act.

Section 10.—Effectiveness.—

This Act shall take effect immediately after its approval.

June 29, 2001

Dynorah R. Requena-Gallego, Esq., Acting Director of the Office of Legislative Services of the Legislature of Puerto Rico, hereby certifies to the Secretary of State that she has duly compared the English and Spanish texts of Act No. 14 (H.B. 1277) of the 4<sup>th</sup> Session of the 13<sup>th</sup> Legislature of Puerto Rico, entitled:

**AN ACT** to establish the “Act for the Unification of the Maricao, Susúa, Guánica, Toro Negro, Guilarte, and Pueblo de Adjuntas State Forests”, which directs the Secretary of the Department of Natural and Environmental Resources to identify the lands located between these state forests; make a demarcation of the land to be used to trace two (2) biological corridors to join them; delineate the needed buffer zones; determine the means to acquire said lands on behalf, and in representation of the Government of Puerto Rico, etc.,

and finds the same are complete, true and correct versions of each other.

Dynorah R. Requena-Gallego