

(S. B. 254)

(No. 60)

(Approved August 20, 2005)

AN ACT

To repeal Joint Resolution No. 7 of May 13, 1927, as amended, which authorizes the Government to sell mangrove swamps property of the People of Puerto Rico provided that they be drained, for this being an anachronism to our present code of laws on the environmental subject.

STATEMENT OF MOTIVES

The World Wetlands Day is internationally observed on February 2, to commemorate the adoption of the Convention on Wetlands held in the city of Ramsar, Iran, in 1971. The Convention uses this date to remind citizens and governments of the important role played by these ecosystems in the sustainability of the world in which we live.

The extraordinary productivity and beauty of these natural systems that we commonly know as wetlands is represented, as defined by the Convention by shallow marine water systems, coral reefs, salt water, brackish and freshwater coastal lagoons, salt marshes, intertidal forested wetlands, mangrove swamps, deltas, swamps, tide lands, saltpeter beds, rivers, creeks, mountain wetlands, subterranean hydrological systems and reservoirs, among others.

Puerto Rico has all the abovementioned systems. Thanks to them, we are able to consume many varieties of fish, since at least sixty-five fish species, such as the grouper, trunkfish, mutton snapper, great barracuda, yellow-tail snapper, hogfish, and others that comprise commercial fishery,

spend part of their lives in wetlands. Other species such as lobsters, queen conchs, octopi, oysters, and clams, among others, also depend on wetlands during some phase of their life cycle.

Wetlands act as sponges, that is, they are fundamental water retention areas, which helps to prevent floods and at the same time to refill aquifers. As an example, our northern area aquifer supplies more than forty-five million gallons of water every day to satisfy domestic needs of the municipalities of said region, in addition to providing more than fifteen million gallons of pure water for the pharmaceutical industry located therein. A large part of this contribution is due to the interaction of wetlands and limestone, which characterizes this part of our Island. The State of Florida realized too late the connection between the wetlands known as the Everglades and the aquifer that supplies drinking water to the city of Miami. After draining and canalizing these wetlands for decades, the United States Federal Government is now investing tens of millions of dollars to partially reverse the damages caused and thus ensure water supplies of the zone.

Wetlands also work as filters for chemical substances and metals that are harmful to life, at a very low cost. When runoff waters reach the wetlands carrying heavy metals originating from industrial and commercial activities, or charged with nitrogen, phosphorus from agricultural activity chemical chains of hazardous substances that would otherwise end up in the ocean or other bodies of water, are broken down by plants, aquatic organisms and microorganisms of the wetlands, making them harmless. Wetlands also filter and retain sediment from runoff waters, thus helping to prevent the clogging of pipes and sluices in rivers and reservoirs that supply the water we use in our homes on a daily basis.

Hundreds of bird, crustacean, and plant species depend on wetlands for their reproduction, food, and living. This large biodiversity has a great tourist and recreational value. Fifty percent of bird families recognized in Puerto Rico live in the coastal zone comprised by wetlands. It is because of this, in great measure, that all throughout the year thousands of people visit and walk along mangrove forests at La Parguera, Boquerón, Salinas, and Piñones, that are also Commonwealth Forests or Natural Reserves.

It is not by chance that wetland zones have served as the cradle of livestock revolutions that announced the beginnings of the progress of our species. Almost all ancient states were founded by the peoples of the wetlands. The valleys that nourished Mesopotamian and Egyptian civilizations, as well as the valleys of the Niger, Indus and Mekong Rivers are proof of this. It is not by chance, that today, seven of the largest urban zones of the world are located within or adjacent to estuarine wetlands: Buenos Aires, London, Los Angeles, New York, Osaka, Shanghai, and Tokyo. Our San Juan is located within a large wetland, known as the estuarine system of the San Juan Bay. This marvelous estuarine system is constituted by, among others, the Piñones, Torrecillas and San Jose lagoons, the Martín Peña Canal, and the Piedras River and a series of channels and other waterways that are integrated in a large drainage network surrounding the Metropolitan Area of San Juan. The situation of this enormous wetland, altered and polluted, has merited a multi-million dollar investment from the United States and the Puerto Rican governments so as to try to recover its function as a wetland, as a means of flood control and as space of scenic beauty.

The Department of Natural and Environmental Resources published on April 1997, the Management Plan for the Puerto Rico Mangrove Special

Planning Area whose purpose is to harmonize mangrove preservation and conservation with the economic and social activities of the Island. This plan is in accordance with the general objectives of the document entitled “Objetivos y Políticas Públicas del Plan de Uso de Terreno de Puerto Rico” [Objectives and Public Policies of the Puerto Rico Land Use Plan] adopted in 1995 and the “Plan de Desarrollo Intergral” [Integrated Development Plan,] adopted in 1979, both by the Planning Board.

This Legislature believes it is of great importance to take the lead in the wetland protection issue. Therefore, we hereby propose to repeal Joint Resolution No. 7 of May 13, 1927, as amended. This Resolution was approved when there was no thorough scientific knowledge of the importance of wetlands, and the same were considered “highly prejudicial to health, as they are breeding places for mosquitoes and consequently foci of malaria and other diseases.” This resolution also considered that the said “lands are unproductive,” referring to wetlands. Malaria has been eradicated in Puerto Rico for many decades, and the productivity of wetlands has been extensively and scientifically documented. Both, the United States and the Puerto Rico Governments have declared wetlands as natural resources that require to be protected and preserved.

The Joint Resolution to be repealed by this legislation is actually in the nature of a law, since it does not establish a norm whose purpose is complied with its execution, but rather its provisions compel the government to comply with the same indefinitely. Its nature as a law was made manifest when Sections 9 and 10 of the text in effect refer to the provisions of the resolution as a whole as “Act.” It is a principle of legal hermeneutic that the text of a legal document is defined by its contents rather than by its title, by

virtue whereof this legal mechanism is in order to repeal the aforementioned Joint Resolution Number 7.

In order to observe World Wetlands Day, it is necessary to repeal in the letter and the spirit of the law those negative aspects that our legislation in effect assigns to these exceptionally important systems.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- Joint Resolution No. 7, of May 13, 1927, as amended, which authorizes the Government to sell mangrove swamps property of the People of Puerto Rico provided that they be drained, is hereby repealed.

Section 2.- This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 60 (S.B. 254) of the 1st Session of the 15th Legislature of Puerto Rico:

AN ACT to repeal Joint Resolution No. 7 of May 13, 1927, as amended, which authorizes the Government to sell mangrove swamps property of the People of Puerto Rico provided that they be drained, for this being an anachronism to our present code of laws on the environmental subject,

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

In San Juan, Puerto Rico, today 11th of May of 2007.

Francisco J. Domenech
Director