

(H.B. 180)

(No. 18)

(Approved January 23, 2006)

AN ACT

To declare the public policy of the Commonwealth of Puerto Rico regarding the agricultural development of the lands within La Carolina and Calimano farms in the Municipality of Maunabo, in order to declare them Agricultural Reserve; to direct the promulgation and adoption of a special zoning resolution to stimulate agricultural production and development; prohibit the approval of site selection consultations, the granting of permits for construction or use in contravention to said public policy and the segregation of properties in plots of less than fifty (50) *cuerdas*; to require the identification of title ownership of the farms that belong to the Government; to develop and implement a plan for the comprehensive development of La Carolina and Calimano farms; and for other purposes related thereto.

STATEMENT OF MOTIVES

La Carolina and Calimano farms are located in the southeastern part of the Island, specifically at the *Barrio* Calzada in the Municipality of Maunabo. They comprise a territorial extension of five hundred and eleven (511) *cuerdas*.

Years ago, the lands of the La Carolina and Calimano farms belonged to the former Lafayette sugar mill. At present, the Land Administration of the Commonwealth of Puerto Rico holds the title deed of La Carolina farm and the Land Authority holds that of the Calimano farm.

Among the features of these farms are an artificial lake and two wells that supply the necessary water for the development of agricultural projects.

For almost two decades, the *Asociación de Agricultores de Maunabo* has been devoted to the agricultural development of these lands. Countless farmers members of this organization are engaged in the production of plantains in the three hundred (300) *cuerdas* of La Carolina Farm.

The *Asociación de Agricultores de Maunabo* will soon establish a modern irrigation system to keep developing the agricultural production of plantains on said lands.

Due to their characteristics, the predominant soils in La Carolina and Calimano Farms are suitable for the development of different types of agricultural projects among which are the production of *ñame* (yam), vegetables, bananas and many others. The agricultural production developed in these farms offers direct and indirect employment opportunities to 150 Maunabo residents.

The agricultural capability of both farms is unquestionable and the risk of losing said lands in the future shall be a high price that would be paid by present and future generations. The lack of arable land and the excessive pressure for industrial, commercial and residential development make it absolutely necessary to act urgently to achieve such admirable objectives such as the continuance of the agricultural production that will be of economic benefit to the farmers of Maunabo.

The Legislature, in view of the essential need to take maximum advantage of the high agricultural yield of the land of the La Carolina and Calimano farms for the benefit of the people of Maunabo and therefore for Puerto Rico, hereby declares the lands comprised within the La Carolina and Calimano farms as Agricultural Reserve, and directs the Planning Board, in coordination with the Department of Agriculture to establish a special zoning for territorial ordinance.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- Statement of Public Policy

La Carolina and Calimano farms of the Municipality of Maunabo are hereby declared Agricultural Reserve, and it is hereby recognized that these farm lands are at present very valuable for agricultural use due to their location, topography, physical characteristics, and soil fertility.

Section 2.- Special Zoning Resolution Order

The Planning Board, in coordination with the Department of Agriculture, shall establish the Agricultural Reserve through geographical boundaries and the corresponding zoning shall be adopted in accordance with the zoning districts contemplated in the Puerto Rico Agricultural Reserves Special Regulations (Planning Regulations No. 28.) The lands comprised within the La Carolina and Calimano farms as well as their boundaries, which serve as a buffer zone, shall be included in the Reserve. Said demarcation and Special Zoning shall be promulgated not later than one (1) year after the approval of this Act.

Section 3.- Prohibitions to the Planning Board and the Regulations and Permits Administration and to the Municipal Government of Maunabo.

The approval of site selection consultations is hereby prohibited to the Planning Board and to the Municipal Government of Maunabo. The Regulations and Permits Administration and the Municipality of Maunabo may not grant any permits for construction or use in contravention to the public policy stated in Section 1 of this Act. In addition, said government agencies and entities may not authorize the segregation of properties in plots of less than fifty (50) *cuerdas* in the areas designated in the Special Zoning Resolution mentioned in Section 2 of this Act.

Section 4.- Title Ownership Identification of All Public Lands that Belong to Government Agencies and Public Corporations.

The Planning Board, in coordination with the Department of Agriculture and the Land Administration, shall identify the title ownership of the lands comprising the La Carolina and Calimano farms in order to expedite the territorial ordinance and the adoption of Special Zoning.

The Land Administration and the Land Authority shall enter into negotiations to provide and agree upon the terms for the preservation of these lands in the Agricultural Reserve and determine who shall be the titleholder or titleholders of the lands after the implementation of this Act.

Section 5.- Plan for the Comprehensive Development of the Agricultural Reserve

Through a process of comprehensive planning, the Planning Board and the Department of Agriculture, in coordination and collaboration with the *Asociación de Agricultores de Maunabo* and the Agricultural Sciences College of the University of Puerto Rico, Mayagüez Campus, shall prepare and implement a plan for the agricultural development of the Reserve.

This comprehensive development plan shall adopt the following criteria:

1. Establish the specific survey of boundaries of the geographic area that shall be designated for agricultural use.
2. Establish the directive and programmatic norms needed to achieve the development of the Reserve in accordance with the purposes consigned in this Act.
3. Develop initiatives, subsidies and any type of aid available to the Department of Agriculture which could be used for the agricultural development of this Reserve.

4. Provide incentives, subsidies and any type of aid available to the Department of Agriculture which could be used for the agricultural development of this Reserve.
5. Integrate the organizations of the private sector that gather the various marketing channels, such as supermarkets, food distributors, and others, with the purpose of creating guarantees for marketing agricultural products.
6. Stimulate the Reserve and area farmers so they may foster and participate in the ordinance of the agricultural sectors or enterprises in accordance with the provisions of Act No. 238 of September 18, 1996.
7. Integrate organizations of farmers and private citizens who have a special interest in the agricultural preservation of the Reserve in the process of designing the agricultural development plan, as well as to consult the Natural Resources Conservation Service of the United States Department of Agriculture about the technical aspects thereof.
8. Coordinate with the Department of the Treasury the granting of tax benefits to the agricultural projects that are to be developed in the Agricultural Reserve area, pursuant to the provisions of Act No. 225 of December 1, 1995, as amended, known as the "Puerto Rico Agricultural Tax Incentives Act."
9. Address and give priority approval to the applications for the development of agricultural irrigation and drainage infrastructure, pursuant to the criteria established in the

Agricultural Infrastructure Development Program, created by Joint Resolution No. 597 of December 1, 1995, and whose purpose is to carry out improvements and extensions to the infrastructure of the existing irrigation system.

10. Integrate the Agricultural Sciences College of the University of Puerto Rico in the development and use of advanced technology, which may serve as a model for other zones of the Island.

Section 6.- Transitory Clause for the Suspension of Any Non-agricultural activities.

Any existing non-agricultural activities within the lands for agricultural use or those that adversely affect the agricultural activity within the Reserve shall be suspended not later than one (1) year after the approval of the Special Zoning Resolution.

Section 7.- Powers of the Secretary

The Secretary of the Department of Agriculture is hereby empowered to establish the necessary regulations for the development and implementation of mechanisms which promote the agro-industrial activity imposed by this Act. Said regulations shall comply with the provisions of Act No. 170 of August 12, 1998, [sic] as amended, known as the “Uniform Administrative Procedures Act.”

Section 8.- Quarterly Reports

The Secretary of Agriculture shall submit a quarterly report to the Legislature regarding the process for promulgating and adopting the Special Zoning to be established in the La Carolina and Calimano Farms and their bordering lands. Said report shall include, among other things, information on the measures and actions taken as well as on the plans outlined to achieve

the design and implementation of the Plan for the Comprehensive Development of the Agricultural Reserve.

Section 9.- Severability Clause

If any word or phrase, sentence, or part of this Act were declared to be null or unconstitutional by a court of competent jurisdiction, said judgment or resolution rendered to such effect shall not invalidate or impair the remaining provisions of this Act.

Section 9 [sic].- This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 18 (H.B. 180) of the 3rd Session of the 15th Legislature of Puerto Rico:

AN ACT to declare the public policy of the Commonwealth of Puerto Rico regarding the agricultural development of the lands within La Carolina and Calimano farms in the Municipality of Maunabo, in order to declare them Agricultural Reserve; to direct the promulgation and adoption of a special zoning resolution to stimulate agricultural production and development; prohibit the approval of site selection consultations, the granting of permits for construction or use in contravention to said public policy and the segregation of properties in plots of less than fifty (50) *cuerdas*;

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

In San Juan, Puerto Rico, today 1st of September of 2006.

Francisco J. Domenech
Director