

“Culebra Conservation and Development Act”

Act No. 66 of June 22, 1975 as amended,

(Contains amendments incorporated by:

Act No. 52 of June 7, 1977

Act No. 41 of July 2, 1985

Act No. 6 of April 23, 1990

Act No. 76 of June 6, 2002)

To establish the public policy on the conservation, development and use of the land of Culebra, to create the Culebra conservation and Development Authority, attached to the Natural Resources Department; to establish its powers, duties, rights, obligations and to appropriate funds.

STATEMENT OF MOTIVES

The withdrawal of the United States Navy from the Island Municipality of Culebra, programmed for July 1, 1975 offers a wonderful opportunity for the commonwealth of Puerto Rico to preserve its natural beauties, resources and promote a harmonious integral development.

The small Island began its settlement at the end of the Nineteenth century—1880—and by 1899 it had a population of 704 residents who engaged in fishing and agriculture. The normal development of the community was affected by the activities that the Navy of the United States carried on in the territory and surrounding waters of Culebra.

The Island of Culebra is of an exceptional beauty and its natural attractiveness makes it a unique spot in the Caribbean area. Its coastline with its crystal waters offers a dramatic contrast with its bays, peninsulas and keys.

It has an exceptional coast, plentiful of coral reefs. It also has beautiful white sand beaches as well as mangroves and forests.

The Island of Culebra has unique characteristics of a historical and socio-economic nature as well as physical and natural.

Culebra must undergo a normal necessary growth in harmony with its natural environment; it must mend the damage inflicted to its natural conditions; make the best and most adequate use of its land, waters and other natural resources; and achieve an integral development.

At present the municipality, the Planning Board, the Environmental Quality Board, the Department of Natural Resources and other agencies of the Government are striving to reach those goals and shall continue in their strife.

It is necessary however, that because of the special characteristics of this Island Municipality, additional instruments be created which, in coordination with the municipality,

the agencies and instrumentalities of the Government, may concentrate their efforts and resources of different sorts in pursuit of the objectives already mentioned.

This is the purpose of this "Culebra Conservation and Development Act", to wit: to recognize the unique characteristics of this Island Municipality; to establish public policies within which to engineer the conservation and development of Culebra; and to provide for a corporate instrument which will constitute an additional tool to those already existing in order to achieve the purposes described herein.

Be it enacted by the Legislature of Puerto Rico :

Section 1. — Short Title. (21 L.P.R.A. § 890)

This act shall be known as the "Culebra Conservation and Development Act".

Section 2. — Public Policy Legislative Intent. (21 L.P.R.A. § 890a)

It is declared that the public policy of the Commonwealth of Puerto Rico is to preserve and maintain the ecological integrity of Culebra, including its keys, islets and surrounding waters and to insure that the continuous development of Culebra shall protect and conserve, to the maximum, its extraordinary natural environment which is part of Puerto Rico's patrimony. To this end, it is advisable to have an entity which shall be in charge of the conservation and integral development of Culebra by all the adequate means, including, but without being limited to, the establishment of administration plans, rules and regulations, the possession and management of public lands, infrastructures and structures suitable to the establishment and execution of programs which tend to gain the best knowledge, preservation and sound use of the natural resources of Culebra.

Section 3. — Definitions. (21 L.P.R.A. § 890b)

The following terms, wherever they appear used or referred to in this Act, shall have the meaning stated below, except where the context clearly indicates otherwise:

(a) Agency — Any department, bureau, committee, board, office, dependency, municipality, instrumentality, public corporation, political subdivision or any other government body of the Commonwealth of Puerto Rico.

(b) Authority — Culebra Conservation and Development Authority.

(c) Culebra — The area lying between 18 degrees 15' and 18 degrees 25' north latitude and between 65 degrees 12' and 65 degrees 25' west longitude. This area includes the Island of Culebra and its keys, islets and surrounding waters.

(d) Departments — The Department of Natural and Environmental Resources of the Commonwealth of Puerto Rico created by Act No. 23 of June 20, 1972, as amended.

(e) Board — The Board of Directors of the Culebra Conservation and Development Authority.

(f) Person — Any natural or juridical person, including any agency, as the same is defined herein.

(g) Secretary — The Secretary of the Department of Natural Resources.

(h) Homestead — Structure occupied as a main residence by one family or by one person who lives alone. There can only be one homestead for a specific family or person who lives alone. The home of bona fide residents shall be deemed as a homestead. A bona fide resident is that person or family that continuously resides in the residence owned by him/her during the entire year.

(i) Joint Report — Document which establishes the philosophy, principles and rules relating to the transfer and administration of federal land exceeding the necessities of the Navy on the Island of Culebra and adjacent keys, submitted October 29, 1973 by the Governor of Puerto Rico and the United States Secretary of the Interior, to the Interior and Insular Affairs Committee of the United States Senate in compliance with a resolution of said Committee adopted June 16, 1971.

Section 4. — Authority— Creation, Attached to; Board of Directors; Executive Director. (21 L.P.R.A. § 890c)

(a) There is hereby created a corporate and political body which shall constitute a public corporation or government instrumentality with its own juridical personality which shall be known as the Culebra Conservation and Development Authority.

(b) The Authority shall be attached to the Municipality of Culebra and shall be in charge of the drafting, adoption, and administration of plans and programs for the conservation, use, and development of Culebra, pursuant to the public policy established in this Act, the norms and regulations of the Environmental Quality Board and the Master Plan and the Zoning Map adopted by the Puerto Rico Planning Board for the Island of Culebra, including its adjacent islets and keys, as it may be amended, pursuant to the provisions of Act No. 213 of May 12, 1942, as amended.

The plans that may be adopted and administered by the Authority shall take the programs of the Municipal Government of Culebra into consideration. The Authority shall have its seat and main office in the municipality of Culebra, where the meetings of the Board as well as the public and administrative hearings that the Board may call shall be regularly held.

(c) The Authority shall be governed by a Board of Directors composed of seven (7) members, to wit: one (1) ex officio member who shall be the ma[y]or of the Municipality of Culebra, shall preside [over] it and vote, and six (6) members who shall be recommended by the ma[y]or of the Municipality of Culebra and who shall be confirmed by the municipal legislature of said municipality. Four (4) of the members shall be specialized in the environmental field, natural resources, and beaches. Two (2) of the members shall represent Culebra's private sector, and preferably be residents of Culebra. The members must be qualified to analyze and interpret all the trends, and the information regarding geography and environment of Culebra. They shall also, be aware of the financial, social, esthetic, and cultural interests and needs of Culebra. No elected official of the Commonwealth of Puerto Rico and no official or employee of any political party shall be a member of the Board, except the ma[y]or; two (2) of the members shall be appointed for a term of one (1) year, and the remaining members for a term of two (2) years. As their term as members expire, the ma[y]or of the Municipality of Culebra shall appoint their successors for the corresponding

terms. The Board shall designate the Chairman and the Vice Chairman by the vote of not less than four (4) of the seven (7) members of the Board.

Upon expiration of the term of the appointments of the Board members, other than the ex officio members, they shall remain in office until their successors are appointed and take office.

In the case of resignation, disability or death of any of the Board members, his successor or successors shall be appointed in the same manner for the former member's unexpired term.

(d) The powers of the Authority and its public policy shall be exercised and determined by the Board.

(e) Ex officio members of the Board shall receive no remuneration for their services. Members not ex officio shall be entitled to be paid per diems of fifty dollars (\$50) for each day of meeting they attend. There shall be provided, by regulation, the payment for traveling expenses incurred by the members of the Board when acting in functions of their office.

(f) The Authority shall have an Executive Director appointed by the Board, whose salary shall be fixed by the Board of Directors.

(g) The Board is authorized to delegate to the Executive Director the powers it considers necessary for the latter to exercise his functions properly. The functions of establishing the public policy of the Authority and the power to alienate property may not be delegated. The Executive Director shall perform such duties and shall have such responsibilities as the Board may assign to him and he shall help the latter in implementing the act.

Section 5. — Powers and Duties. (21 L.P.R.A. § 890d)

(1) The Authority shall exercise all the rights and powers that may be necessary or advisable for carrying out the legislative public policy and the purposes of this Act, including, but without being limited to, the following:

(a) To have perpetual existence;

(b) to adopt, alter and use a seal of which judicial notice shall be taken;

(c) to formulate, approve, amend or repeal the rules and regulations it may adopt to regulate its activities and to comply with the provisions in this Act. The Board shall likewise approve rules for its internal operation and for the exercise and performance of the powers and duties imposed in this Act.

(d) To carry out the public policy of the Commonwealth of Puerto Rico, as the same is formulated in this Act;

(e) to exercise full ownership and intervention over each and every one of its properties;

(f) to determine the nature and necessity of all its expenses and the manner in which they shall be incurred, authorized and paid;

(g) to sue and be sued, subject to the provisions of Act No. 104 of June 29, 1955 [32 L.P.R.A. §§ 3077-3092a];

(h) to receive donations of money or of any other nature from any person, as defined in this Act and from the United States Government, its agencies, departments or instrumentalities;

(i) to receive and accept technical advice and help from specialized personnel who work with the United States Government as a regular employee, consultant or under contract;

(j) to contract, sign or authorize, in the manner it deems most advisable, the execution of all the documents necessary to carry out the legislative public policy and the purposes of this Act;

(k) to negotiate and sign agreements and documents with the Department of the Interior and other agencies of the United States Government relating to:

(1) Transfer of ownership titles of lands or areas under the jurisdiction of the United States Government or its agencies and instrumentalities in Culebra in favor of the Commonwealth of Puerto Rico or of the Authority;

(2) the administration of land, property or areas under the jurisdiction of the United States Government and its instrumentalities in Culebra.

(l) To conserve, keep under its custody, administer, develop and undertake surveys of any kind of personal or real property to further the knowledge and enjoyment by the citizenry of the natural patrimony of Culebra, pursuant to the functions assigned to it in this Act and perform surveys to that effect, the results of which shall be disclosed through the different means of communication;

(m) to advise the Planning Board, the Environmental Quality Board and the Department of the drafting and approval of the regulations that may be promulgated by any of such agencies to be applied in Culebra;

(n) to approve, amend and revoke its regulations in order to carry out the public policy and purposes of this Act. These regulations may refer among other matters to:

(1) The protection of the fauna and flora;

(2) the use or enjoyment of surface waters; the extraction of underground waters and of materials of the crust of the earth; the custody and protection of the maritime zone and of navigable waters;

(3) movement of land;

(4) protection of places or things of natural, cultural or ecological value;

(5) prevention or termination of invasion of public land.

Said regulations shall be approved, adopted, amended or revoked by the Authority upon notice and hearing and upon approval of the Governor.

(o) To issue orders to do and not to do, to cease and desist so that cautionary measures or of necessary control be taken, in the discretion of the Authority, in order to achieve the purposes of this Act. The person against whom such order may be issued, may request an administrative hearing in which he shall state in writing the reasons why the order should be modified or revoked and why it should not be enforced.

At the hearings mentioned in this subdivision (o) the following procedures shall be followed:

(1) The hearings shall be held before an Examining Board consisting of the Secretary or his representative, who shall preside, the Mayor of Culebra or his representative, when the Secretary deems it necessary, an attorney and a technician in the matter before the hearing.

(2) the Authority shall set the day, time and place where the hearings shall be held and notify the parties against whom the order has been issued at least ten (10) days before the hearing. The parties may appear personally or through counsel.

(3) Any person who believes he is entitled to intervene in the hearing shall file a motion for intervention, not later than the date fixed for the hearing and the

Examining Board presiding at the hearing shall decide, on the date thereof or subsequently, whether or not it admits the intervention sought, which shall be accompanied by a writing with the allegations he may present against or in favor of the order object of the hearing. The motion for intervention as well as the allegations should be notified by registered mail on the same date of its filing to the party against whom the order may have been issued or to his attorney and they shall be governed in all other matters by the Rules of Civil Procedure regulating the intervention procedure.

(4) After the hearing is held, the Examining Board shall render its written report to the Authority, within thirty (30) days after it has terminated.

(5) The Authority shall enter its resolution, with findings of fact and conclusions of law, and shall pronounce its judgment within forty (40) days following the date on which it receives the report of the Examining Board.

(6) The resolution or judgment entered by the Authority shall be notified by mail to all the parties and it shall contain a certificate establishing said notice and its date which shall be signed by the secretary to be appointed by the Authority, if any, or by the officer in charge of the documents of the Authority.

(7) Any of the parties that may have intervened at the hearing may request the reconsideration of the resolution of the Authority within fifteen (15) days following the filing in the record of a copy of the notice of the resolution or judgment. This petition for reconsideration shall be notified to the other parties on the same date it is filed in the office of the Secretary of the Authority, and upon failure to do so, the same shall be dismissed.

(8) The Authority may deny the reconsideration without a hearing or after holding a hearing. The filing of a petition for reconsideration shall stay the term for the petition for review before the Court of First Instance, until the decision may be entered and notified, in the same manner provided in paragraph (6) of this subdivision.

(9) The Authority shall enter its decision on the petition for reconsideration not later than ten (10) days after its filing and if no action is taken at the expiration of that term, it shall be deemed denied.

(10) Any of the parties may appeal to the Court of First Instance of Puerto Rico, Humacao Part, to request a review of the original order or of the order issued on reconsideration within thirty (30) days following the filing in the record of a copy of the notice thereof and it shall serve a copy of its petition for review on the Authority and on any other party that may have intervened in the case. This notice may be served by mail but it shall bear the same date on which the petition for review is filed. In the cases that the Authority does not take any action on a motion for reconsideration, the term for filing a petition for review shall begin to run at the end of the ten (10) day term from the filing of the motion for reconsideration. The resolution that the Court of First Instance may enter shall become final and unappealable thirty (30) days after it is notified and may only be reviewed by way of certiorari in the Supreme Court of Puerto Rico which shall issue the writ at its discretion.

(11) The filing of a petition for review in the Court of First Instance of Puerto Rico, Humacao Part, shall not stay the effects of the resolution appealed from, unless it is

so ordered by the court on motion of the party, after a hearing which shall be set promptly and upon cause or reason duly proved.

(12) If the effects of the resolution are stayed, the court shall enter a written resolution based on findings of fact and conclusions of law from which the aggrieved party may appeal to the Supreme Court of Puerto Rico by certiorari, within thirty (30) days following the date on which notice of the stay resolution is served.

(13) The hearing of the petition or petition for review on the merits shall be set for not later than sixty (60) days after its filing. The hearing of the petition for review, contemplated in paragraph (10) of this subdivision shall consider, for all pertinent purposes, the record of the proceedings in the administrative forum, but the parties may present additional evidence if the court in the exercise of its discretion so permits it on motion filed for that purpose.

(14) The findings of fact made by the Authority upon entering its resolution shall be conclusive and binding if supported by the evidence presented.

(p) To acquire property in any legal manner, including, but without being limited to, the following:

By purchase, option to purchase, purchase by installments, public auction, lease, bequest, legacy, assignment or without conditions, exchange, donation, inheritance, or by condemnation in the manner provided in this Act and the laws of Puerto Rico; by inheritance, and to retain, conserve, use and avail itself of any personal or real property, including, but without it being considered a limitation of, securities and other personal or real property or real rights or any interest therein, which it may deem necessary or advisable to accomplish its purposes.

(q) To lease or alienate, gratuitously, personal or real property when the other party is an agency or the Municipal Government of Culebra;

(r) to appoint all its officers, agents and employees and to grant them such powers, incumbency and responsibilities as the Authority may deem advisable; to impose on them their duties, to set, change and pay the remuneration it may determine, subject to the policy, regulations and procedures approved by the Authority;

(s) to lend and borrow money for its purposes and guarantee payment of its obligations by pignoration, mortgage or any other lien on any of its contracts, rents, income or property.

In order to facilitate to the Authority the procurement of funds which will permit it to accomplish its corporate purposes, the obligations authorized or subscribed by the Authority as evidence of money borrowed, as well as the income accruing therefrom, shall be and remain at all times tax exempt. For this purpose §§ 581-595 of Title 7, as amended or as they may be hereafter amended, shall be applicable.

(t) To alienate and dispose of any of its property or interest therein for a valuable consideration in the manner and to the extent determined by the Authority;

(u) to accept, in its own name or in the name of the Commonwealth of Puerto Rico, financial aid including subsidies, gifts with or without conditions, advances and other similar aids, from the Commonwealth of Puerto Rico or its agencies and from the United States Government, its agencies or instrumentalities and from private persons; to execute contracts, leases, agreements or other transactions with any of said governments, including the agencies, instrumentalities and municipalities of the United States

Government and to invest the proceeds of the funds received to accomplish the purposes of this Act;

(v) to exercise all the powers and rights necessary to develop conservation, protection and rehabilitation land projects;

(w) to acquire any right, interest or easement in any property to promote the development, use and conservation of open spaces in their natural state in order to protect the waters or bodies of water; to conserve the soil and forest; to preserve the beauty of the sites for the use of the public, including green areas and public parks; and to facilitate the use and development of areas reserved for projects of public interest related to the purposes of this Act;

(x) to construct and operate and grant financial subventions, incentives and aids for the construction and operation of such works and facilities in Culebra, including commercial, agricultural and fishing enterprises, which may prove beneficial to its inhabitants and visitors, provided they do not unfavorably affect the geological, ecological and climatological attributes of Culebra and tend to improve the quality and living conditions there;

(y) to encourage and participate in the settlement of new areas, within the range of policies that warrant the best balance as to the necessities of future communities, taking into account, among other factors, the preservation of the natural values of the land, its beaches, forests and sceneries; to insure the best conditions of health, safety, comfort and recreational facilities;

(z) to perform all the necessary or convenient acts or things to carry out the powers granted by this Act or by any other law of the Legislature of Puerto Rico or of the Congress of the United States of America that may be compatible with the Puerto Rico Federal Relations Act;

(aa) to take the necessary judicial action, using the services of the attorneys of the Department or of those retained for that purpose by the Authority, in order to accomplish the purposes of this Act, including, but without being limited to, injunctions, mandamus, revendication. Exclusive jurisdiction is conferred on the Court of First Instance of Puerto Rico, Humacao Part, over any judicial proceeding that the Authority may file in connection with this Act. In the case of injunctions, the Authority shall be exempt from posting bond.

(bb) To order the destruction of existing illegal structures, or that are in process of construction, and the destruction or immobilization of the extensions of the existing illegal structures, all by order that may be issued to that effect, and of which notice shall be personally served on the owner, his agent or employees who might be on the property or occupier of the structure. In the event that it is impossible to serve the notice as required above, as to the persons that must be notified, copy of the notice mentioned herein shall be posted on the structure and copy of such notice shall likewise be posted in the City Hall of Culebra. In such case the notice posted on the structures shall constitute, for present purposes of this Act, sufficient notice. This notice shall not become invalid on the ground that the copy duly posted has become detached, deteriorated or destroyed, as the result of natural phenomena or by the action of persons not authorized to do so. The Secretary shall certify on what day the notice was posted on the structure in question. This certificate shall be sent to the Secretary of State who shall keep it as a public

document, for all legal purposes, provided that the persons who have their homestead in structures situated on public land and use them as such prior to the effectiveness of this act, shall be entitled to be compensated according to the market value of the structures, as they are assessed, pursuant to subsection (2)(b) of this section. Owners of structures located on public lands which do not constitute a homestead shall not receive any compensation therefor when the same are removed by order approved by the Authority to that effect.

In the cases in which, according to the preceding paragraph, payment of compensation is required, after the order mentioned in subsection (1)(bb) of this section is rendered and compensation of the assessed value is deposited in the Court of First Instance of Puerto Rico, Humacao Part, in favor of the owner or where the compensation is accepted by the latter in a public document executed to that effect, the Authority may appeal to that Part of the Court of First Instance of Puerto Rico, by way of a verified petition requesting that the aforesaid order of the Authority be enforced and that eviction of the persons occupying the structure be decreed. In view of said verified petition and of the order entered by the Authority, the court shall summon the parties to appear to show cause why their eviction should not be decreed. The respondent shall answer in writing, with notice to the Authority. After the evidence is heard, the court shall enter a decision not later than fifteen (15) days after the hearing.

If the resolution enforces the order of the Authority, the court shall order the eviction of the occupants within a term of not less than thirty (30) days nor more than sixty (60) days after notice of the resolution is served. The eviction decreed shall be executed by the marshal.

In case the eviction is decreed, the party against whom it is entered may appeal by certiorari to the Supreme Court of Puerto Rico, within thirty (30) days following the notice of the resolution of the lower court. The writ of certiorari shall be issued at the discretion of said court.

In the cases in which the order entered pursuant to the provisions of this subdivision a homestead in the structure does not exist once the order is personally notified, the Authority may appeal to the Court of First Instance of Puerto Rico, Humacao Part, by way of a verified petition in which it may request that the order be enforced, a copy of which shall be attached to the petition, and request the eviction of the persons who are occupying the structures. The Authority shall establish in the verified petition submitted to the court, the fact of having notified personally the owners or occupants of the structure, with a copy of the administrative order decreeing the eviction. If the resolution that the court may enter in due time, after the holding of hearings, should adopt or enforce the aforesaid order, said resolution shall provide that the owner or the occupants of the structure vacate the same within a term of not more than thirty (30) days, counted from the date of notice of the resolution.

The resolution that the court may enter shall be served by the marshal.

(2) The Authority shall:

(a) Approve and adopt a plan for the management and administration of its functions under this Act, not later than July 1, 1976 which shall be approved by the Department and the Planning Board;

(b) prepare not later than July 1, 1976 an inventory of all the structures located in the maritime zone and other land of the Federal Government to be transferred to the Authority pursuant to the Joint Report and on land of public ownership and patrimonial of the Commonwealth. The inventory shall state which are the structures that constitute homestead, the date on which the same was established and the names and addresses of all the owners and occupants of said structures. After the proper investigation the Board shall determine whatever right may assist the property owners and possessors of the structures located on public land, and shall likewise establish which of them constitute, for purposes of this Act, illegal or clandestine structures. The Board shall order an assessment of all the structures which constitute homestead. The inventory shall be a public document.

The assessors shall have free access to the property, upon identification. If the assessor requests admission to the property and the same is denied, he may request the District Court upon explaining the situation, to order the owner, or the occupant of the property, to permit admission under threat of contempt.

(c) Notify by mail, each and every one of the owners of the structures, the information appearing in the inventory about their property and the assessed value thereof;

(d) promulgate regulations to ban clandestine or illegal buildings on land of public ownership and patrimonial of the Authority or of the Commonwealth, or land transferred to the latter by the United States Government and its agencies or instrumentality and to establish vigilance to prevent said buildings from being constructed;

(e) call the residents of Culebra to public hearings no later than sixty (60) days after the close of the fiscal year to inform the community about the Authority's achievements during the fiscal year just ended, as well as to determine the feelings of the citizens regarding the development and conservation of said municipality and to establish goals for the following year.

Section 6. — Prohibitions. (21 L.P.R.A. § 890e)

No agency shall approve any private work or project related to the island of Culebra that is in conflict with the plans and policies drafted and adopted by the Authority, as provided in Section 4(b) of this act. To such effects, the petitioner shall obtain a favorable endorsement from the Authority.

No development whatsoever shall be approved that may interfere with the free access of the public to the sea and beaches in any way, nor any such developments that may involve or imply the private or exclusive use, or both, of the sea and beaches in detriment or prejudice of the people's legitimate right to the use and enjoyment thereof. As an exception, and taking into account the destruction caused by Hurricane Hugo, the reconstruction or repair of homesteads located in the maritime-land zone of the urban area of the township of Dewey affected by the path of Hurricane Hugo on September 18, 1989, for the use and residence of the petitioner, that the petitioner can show that he has occupied the same for such purposes in an uninterrupted manner from, or before June 22, 1975, up to September 18, 1989, is hereby authorized, without this provision enhancing or limiting the rights enjoyed by any person prior to the onslaught of Hurricane Hugo.

Any violation of the conditions for which the reconstruction or repair of those homesteads located in the maritime-land zone of the urban area of the township of Dewey is authorized, including the use for other purposes than a homestead, or the total or partial alienation of the same, shall entail the cancellation of the authorization granted pursuant to the provisions of this Act. Nothing that is provided herein shall limit future actions by the Commonwealth for the implementation of a public policy for the use of the maritime-land zone areas.

The regulations and standards regulating the construction of buildings in Culebra shall prohibit the erection of structures that exceed the height of twelve (12) meters or four (4) stories in the urban zone, and nine (9) meters or three (3) stories in the rural area.

Section 7. — Public Policy and Guides or Standards. (21 L.P.R.A. § 890f)

In the exercise of its powers and obligations, the Authority shall consider the policy set forth in this Act, the existing environmental legislation and the following general rules.

(a) Normal Growth — Should be encouraged for the purpose of raising the living standards of Culebra to the average level in the principal Island of Puerto Rico. Excessive growth shall be discouraged to avoid an increase in the population at a faster rate than the population growth in the principal Island of Puerto Rico.

(b) Consistent with the natural environment, every development of lands and construction projects shall respect the natural topography and the natural environment, reducing to the minimum the alterations thereof. The repair and reconstruction of homes may be carried out with durable materials that offer maximum security to their occupants.

(c) To mend the damage inflicted — To eliminate not later than January 1, 1983 the following infringement to the natural conditions of Culebra:

(1) The outflow of waste into the waters of Culebra.

(2) The illegal possession, use or enjoyment of public lands in Culebra. A lot should be furnished to those families who on October 27, 1973, date of the Joint Report, had their homesteads located illegally or clandestinely on federal land to be transferred to the Authority, as provided in said Report and on land of public ownership or patrimonial of the Commonwealth.

(3) The Board shall take the necessary steps to remove the explosive devices from the areas used for shooting practice by the United States Navy.

(d) Consistency with the best use of lands and waters The use of the lands and waters should be consistent with the purpose set forth in said Joint Report for the different areas of Culebra.

To that end, the following basic purposes of public policy should be borne in mind:

(1) The areas of public lands of exceptional importance as habitat of wild life or ecological associations should be reserved for biological preservation or the preservation of wild life.

(2) The public land remaining after wild life shelters are designated, that which is best adapted to recreation shall be designated as recreational areas for the enjoyment of the Culebra residents and visitors. All recreation facilities shall be in harmony with the purpose of preserving the quality of these resources. Great care should be taken to preserve the recreational values of these areas and of the surrounding waters.

(3) The development of Culebra should be kept in moderate densities within the town areas. Neither the quantity nor quality of the development should be allowed to impair the unique natural resources of Culebra.

(4) Those public areas which are not set aside specifically for wild life shelters, recreational or development purposes, should be designated for agricultural purposes as areas of conservation.

Section 8. — Property and Declaration of Public Utility. (21 L.P.R.A. § 890g)

The Authority is empowered to acquire real property by condemnation, as provided by General Eminent Domain Act of March 12, 1903, as amended [32 L.P.R.A. §§ 2901-2913]. All personal or real property or the rights over it that the Authority may use or need in the accomplishment of its purposes are declared of public utility.

In the event the Authority decides to lease or sell land acquired by condemnation, the former owners or adjacent owners shall have priority to acquire it by lease or sale, the manner established in Act No. 441 of May 14, 1947, as amended.

Section 9. — Transfers. (21 L.P.R.A. § 890h)

The Governor is authorized to transfer to the Authority, on recommendation of the Board, the functions, funds, property, personnel and files of the departments, divisions and dependencies of the Commonwealth Government that are conforming; that relate to or may be necessary or advisable for the exercise of the functions of the Authority described in this Act. Every transfer shall be made by the Governor by Executive Order.

The Authority and the municipality shall determine by mutual agreement the original urban nucleus which constituted the town of Dewey, agreeing on the boundaries of its urban extension and the additional urban area that may be necessary for the purposes of the best municipal evolution. The Authority shall transfer to the municipality, from the land which may be transferred to it by the United States Government, the aforesaid land. These lands transferred to the municipality shall be used for its own purposes and to guarantee to the families who have in those areas bona fide residences the uninterrupted enjoyment of the land they are occupying, in the manner most convenient to the Authority and to the municipality and with the necessary safeguards for the compliance, at all times, with the purposes of this Act.

Section 10. — Titles and Land Boundaries. (21 L.P.R.A. § 890i)

The Authority shall take steps and see to the clearance of all titles and the delimitation of the areas and boundaries of the land that may be transferred by the United States or any of its departments, agencies or instrumentalities or by the Commonwealth of Puerto Rico or any of its agencies.

Section 11. — Exemption from Fees and Taxes. (21 L.P.R.A. § 890j)

Property belonging to the Authority and any interest that the latter may have in any property shall be exempt from the payment of any kind of state or municipal fees, taxes, duties or imports or that may be imposed by law. This exemption includes the notarial fee for the execution of any kind of document, the prosecution of judicial proceedings of any sort or the issuance of registration certificates and the inscriptions in the different sections of the Registry of Property of Puerto Rico.

Section 12. — Deposit of Funds. (21 L.P.R.A. § 890k)

All the money of the Authority shall be deposited in banking institutions accepted for deposit of the Commonwealth funds, but they shall be kept in a separate account or accounts and entered in the name of the Authority. The disbursements shall be made by the Authority in accordance with its own regulations and budgets.

Section 13. — Relation to other Acts. (21 L.P.R.A. § 890k-1)

Nothing that is provided in this Act should be construed as revoking, amending or modifying the rights of the Commonwealth of Puerto Rico to the common or public dominion assets of the People of Puerto Rico found in the Civil Code, the Spanish Act for Puerto Rico, extended to Puerto Rico in 1886, nor in any other legal provision.

Section 14. — Benefits in Case of Future Phenomena (21 L.P.R.A. § 890k-2)

The benefits of this Act shall be extended to the residents already covered by it in case they are affected in a similar manner by any natural phenomena that occurs in the future, but only until the Commonwealth of Puerto Rico determines the full implementation of the provisions of Sections 5,6, and 7 of this Act.

Section 15. — Penalties. (21 L.P.R.A. § 890l)

Any person who violates any of the provisions of this Act or the regulations that may be approved in due time by the Authority, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed five hundred dollars (\$500) or imprisonment in jail for a term not to exceed ninety (90) days, or both, in the discretion of the court.

For each one of the days that the violation subsists, as provided in the preceding paragraph, it shall be deemed that a separate offense has been committed.

Section 16. — Appropriation. (21 L.P.R.A. § 890 note)

There is appropriated to the Authority the amount of one hundred fifty thousand (150,000) dollars from unencumbered funds of the Commonwealth Treasury to carry out the purposes

of this Act. The necessary funds for ensuing years shall be appropriated in the General Budget.

Section 17. — Effectiveness.

This Act shall take effect immediately after its approval.

Note. This compilation was prepared by Puerto Rico OMB staff who have striven to ensure it is complete and accurate. However, this is not an official compilation and may not be completely free of error. It contains all amendments incorporated for reading purposes only. For accuracy and exactitude please refer to the act original text. Compiled by the Office of Management and Budget Library.