

## ***“Puerto Rico National Parks System Act”***

Act No. 9 of April 8, 2001, as amended

(Contains amendments incorporated by:  
Act No. 36 of January 8, 2004)

To establish the Puerto Rico National Parks System, establish its objectives, its administration, the powers and duties of the Executive Director of the Puerto Rico National Parks Company, establish the procedure for its designation and establish the areas that shall initially be part of the System.

### **STATEMENT OF MOTIVES**

The uncontrolled urban development throughout the Island and the destruction of natural, historic and recreational resources of Puerto Rico endangers valuable and irreplaceable resources. In view of this reality, it is essential to take affirmative actions to preserve important natural, historic, recreational, cultural, scientific and archaeological resources and of other nature so that future generations may enjoy them and conserve historic sites and places with a recreational potential for the Puerto Rico of the 21st century.

One hundred and twenty countries of the world, including the United States of America, have already recognized the need to establish national parks systems as a means to preserve its important parks, forests, beaches marine reserves, natural and historic monuments for the enjoyment of the present and future generations of Puerto Ricans and visitors from abroad.

In view of the positive experience had by other places in the world, it is imperative to establish a Puerto Rico National Parks System to acquire, develop, maintain and preserve large areas of ecologic and recreational value, historic sites and recreational facilities of regional nature for the enjoyment of all Puerto Ricans. In this manner, the obligation to administer the System would be delegated on the Director of the Puerto Rico National Parks Company, previously the Recreational Development Company, created by Act No. 114 of June 23, 1961, as amended.

Through this Act, the areas and parks that shall mark the beginning of the Puerto Rico National Parks System shall be designated, and the process for the future designation of other spaces and facilities that shall ensure that the parks that are integrated to the System meet the requirements of the public policy that is to be enforced, is established.

*Be it enacted by the Legislature of Puerto Rico:*

**Section 1. — Short Title.** (15 L.P.R.A. § 841 note)

This Act shall be known as the "Puerto Rico National Parks System Act".

**Section 2. — Definitions.** (15 L.P.R.A. § 841)

The following terms shall have the meaning stated below, except when the context clearly indicates otherwise:

- (a) "Company" is the Puerto Rico National Parks Company, successor of the Recreational Development Company of Puerto Rico, created by Act No. 114 of June 23, 1961, as amended.
- (b) "Director" is the Executive Director of the Puerto Rico National Parks Company.
- (c) "Board" is the Board of Directors of the Puerto Rico National Parks Company.
- (d) "Trust" is the Trust for the Development, Operation, and Conservation of the National Parks of the Island of Puerto Rico.
- (e) "Governor" is the Governor of the commonwealth of Puerto Rico.
- (f) "Park" every space, facility, structure, beach, public beach, forest, marine reserve, historic or natural resource or monument that is used or can be used to carry out recreational activities or outdoor sports.
- (g) "National Park" every space, facility, structure, beach, public beach, forest, marine reserve, historic or natural resource or monument that due to its importance for all Puerto Ricans is declared as such by Executive Order or under the laws of the Commonwealth of Puerto Rico.
- (h) "System" is the National Parks System established in this Act.
- (i) "Government Agencies" are the agencies, departments, offices, dependencies, municipalities and public corporations of the Commonwealth of Puerto Rico.

**Section 3. — Declaration of Purposes.** (15 L.P.R.A. § 842)

The public policy of the Commonwealth of Puerto Rico for the preservation of natural, historical, recreational, cultural, scientific and archaeological resources is hereby reaffirmed as well as the responsibility of the Government and that of the people to conserve the natural wealth that surrounds us and to promote its enjoyment for the present and future generations.

The establishment and administration of the National Parks Systems created by this Act shall attain the following objectives:

- (a) Designate all the parks of the Company and of the Trust as National Parks so that, upon their integration to the System, their enjoyment and conservation is promoted.
- (b) Implement the public policy set forth in this Act in all areas that compose the National Parks System by provision of law or designation that comprises zones of significant national value in natural, historic, cultural, scientific, archaeological, recreational and sports areas to assure their preservation, conservation and maintenance in optimum conditions for the use and enjoyment of the present and future generations of Puerto Ricans and visitors from abroad.

(c) Achieve the acquisition of land and water areas whose characteristics meet the criteria to be designated National Parks and obtain appropriations of funds for the management and administration thereof, pursuant to their ends and purposes.

(d) Establish, through regulations and on the basis of the criteria contained in this Act, the requirements and procedures for the designation of National Parks with the mission to preserve, conserve and develop them for the use, enjoyment and public recreation that is reaffirmed in this Act.

**Section 4. — Constitution of the National Parks System.** (15 L.P.R.A. § 843)

The following parks that on the effective date of this Act are under the jurisdiction of the Recreational Development Company, created by Act No. 114 of June 23, 1961, as amended, and the National Parks Trust, are hereby designated and shall become part of the National Parks System:

- (a) Luis Muñoz Rivera Park
- (b) Luis Muñoz Marín Park
- (c) Cavernas del Río Camuy Park
- (d) Boquerón Public Beach and Vacation Center (Cabo Rojo)
- (e) José Celso Barbosa Third Millenium Park at EL Escambrón'
- (f) La Monserrate Public Beach (Luquillo)
- (g) Monte del Estado Vacational Center (Maricao)
- (h) Condado Lagoon Park
- (i) Julio E. Monagas Park
- (j) Mayagüez Zoo
- (k) Seven Seas Public Beach (Fajardo)
- (l) Punta Santiago Public Beach and Vacation Center
- (m) Caña Gorda Public Beach (Guánica)
- (n) Isla de Cabras Recreational Center
- (o) Punta Guilarte Public Beach and Vacation Center (Arroyo)
- (p) Tres Hermanos Public beach and Villas de Añasco Vacation Center (Añasco)
- (q) Sun Bay Public Beach (Vieques)
- (r) Cerro Gordo Public Beach (Vega Alta)
- (s) Punta Salinas Public Beach (Toa Baja)
- (t) Villas del Lago Caonillas Vacation Center (Utua)
- (u) Manuel "Nolo" Maldonado Public Beach (Dorado)

**Section 5. — Procedure for the Designation of a National Park.** (15 L.P.R.A. § 843)

From the effectiveness of this Act, and upon identification of the eligible areas to be incorporated to the National Parks System, the procedure to be followed shall be:

(a) To require, through an Executive Order of the Governor, that the Director prepare a detailed report with recommendations, pursuant to the provisions of Section 7 and 8 of this Act.

(b) Once the Director renders reports with findings and recommendations for the designation of a National Park, the Legislature shall make the determination it deems pertinent through

an Act to such effect, in which it shall incorporate the conditions and conclusions contained in the report directed to comply with the objectives of this Act, if this were the case.

(c) Once the Act is approved, the area in question shall be integrated to the System and shall be under the administration and custody of the Company.

**Section 6. — Powers of the Executive Director.** (15 L.P.R.A. § 844)

In order to comply with the objectives of this Act and with Act No. 114 of June 23, 1961, as amended, the Executive Director of the Company shall have, without it being understood as a limitation, the following duties and powers:

(a) to enter contracts and agreements with agencies of the Central Government and of the Government of the United States of America and with profit or nonprofit organizations for the transfer or management of areas of national value to be designated as National Park.

(b) to accept donations of money or in kind and aid from any other type of private person or nonprofit or profit entities.

(c) Receive legislative appropriations for the acquisition or management of areas of national value to be designated as National Park.

(d) Acquire land through purchase, donation legacy, exchange, eminent domain or other legal manner, from any natural or juridical person, central government agency and the Government of the United States of America.

(e) Borrow money for the acquisition of areas of national value to be designated as National Park, pursuant to the provisions of Act No. 114 of June 23, 1961, as amended.

(f) Recommend to the Planning Board the designation as reserve of any area identified with a natural, historic, recreational, cultural, scientific, archaeological value or other that the company proposes to evaluate for its designation as National Park.

(g) Direct the drafting of studies, reports with findings and recommendations for the designation of National Parks, by request of the Legislature or the Governor.

**Section 7. — Inventory.** (15 L.P.R.A. § 845)

To direct the acquisition and management of areas of national value, the Company shall prepare and maintain an inventory which shall include, without it being understood as a limitation, the following:

(a) The areas that have the highest potential to achieve the national value criteria for the purposes of this Act.

(b) Themes, sites and resources different from those represented in the National Parks System.

(c) The list from the Planning Board indicating those areas that should be conserved or declared a natural reserve and for its development as national Park.

The Company shall establish priorities within said inventory and shall review it periodically. It shall also establish the adequate procedures so that the members of the community are able to recommend the areas to be included in the inventory, furnish useful information for the preparation of the inventory and give access to it within a reasonable time.

**Section 8. — Studies for the Designation of National Parks.** (15 L.P.R.A. § 846)

The Executive Director shall determine if an area that is undergoing studies has significant natural, cultural, historic or recreational resources and represents a typical example of a particular type of resource of the Island that deserves to be designated as National Park, and if the area is adequate for inclusion in the Puerto Rico National Parks System.

The study shall evaluate, without it being understood as a limitation, the following factors with respect to the area under consideration:

- (a) The rarity and integrity of the of the resources and the area.
- (b) The threat of loosing or the disappearance of the resource or area.
- (c) Similar resources already under protection by the National parks or another public entity.
- (d) Costs related to its acquisition, development and operation.
- (e) The socioeconomic impact of any designation.
- (f) The level of support of the local and general public.
- (g) If the area has the proper configuration to ensure the long term protection of the resources and its use by visitors.

**Section 9. — Use of National Parks.** (15 L.P.R.A. § 847)

The National Parks that are owned by the Corporation, as well as any other park that is henceforth designated as National Park, shall be used solely and exclusively pursuant to the provisions of this Act and Act No. 114 of June 23, 1961, as amended, known as the "National Parks Company Act" for the management thereof and the implementation of the public policy for their use and enjoyment by the People and the provisions of law that create the National Parks for specific uses.

No park shall be granted the title of National Park if not by legislative designation or Executive Order that establishes the motive, the use to be given to the park and the funds for its operation.

**Section 10. — Management of National Parks.** (15 L.P.R.A. § 848)

All areas totally or partially acquired, conserved or restored with Company funds shall be managed for the purposes established in this act, and the provisions of Act No. 114 of June 23, 1961, as amended. In this same manner each National Park shall be administered in conformity with the provisions of Act specifically applicable to said park.

**Section 11. — Economic Resources.** (15 L.P.R.A. § 849)

The Program shall be nourished with legislative appropriation and other sources provided by law or regulations, as well as with any funds received as a contribution form private sources.

**Section 12. — Property Title.** (15 L.P.R.A. § 850)

The property title of the areas of national value designated as National Parks shall belong to the Company. Said title shall be held solely by the Company, which shall not be able to transfer it to any person or entity, public or private, nor to any municipality. These properties shall be exempted from property taxes.

**Section 13. — Annual Report.** (15 L.P.R.A. § 851)

The Executive Director of the Company shall render an annual report to the Governor and the Legislature on the National Parks System Designation Program. Said report shall be rendered no later than June 30 of each year, and shall include, in addition to the steps taken, a detailed explanation of the income and disbursements during the year, and an explanation of the acquisition and management plan proposed for the next year.

**Section 14. — Report to the Governor.** (15 L.P.R.A. § 852)

As of the effective date of this Act, the company shall prepare and maintain an up to date inventory of the areas of national value to be designated National Parks that are at present property of the Commonwealth or of its agencies or instrumentalities. The Executive Director of the Company shall render an annual report to the Governor regarding the areas included in the inventory with his/her recommendations on the same.

**Section 15. — Effectiveness.**

This Act shall take effect immediately after its approval.

**Note.** This compilation was prepared by the 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.