

COMMONWEALTH OF PUERTO RICO
DEPARTMENT OF NATURAL RESOURCES



DEPARTAMENTO DE RECURSOS NATURALES
Y AMBIENTALES
DIVISION DE ZONA COSTANERA
BIBLIOTECA

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THE CULEBRA SEGMENT
OF THE PUERTO RICO COASTAL ZONE MANAGEMENT PROGRAM

COMMONWEALTH OF PUERTO RICO
OFFICE OF THE GOVERNOR
LA FORTALEZA, SAN JUAN



August 23, 1976

Dr. Robert M. White, Administrator
National Oceanic and Atmospheric
Administration
U. S. Department of Commerce
Washington, D. C. 20240

Dear Mr. White:

I am pleased to transmit the Culebra Segment Program, a portion of Puerto Rico's coastal zone management program. This document reflects the current status of coastal zone management in Culebra and projects future endeavors in this field.

We believe that this document represents a process which meets the programmatic requirements of the Coastal Zone Management Act of 1972. I, therefore, request that you examine this document and grant approval under the terms of section 306 of the Coastal Zone Management Act.

I have reviewed the Culebra Segment Program, and, as Governor, approve the program and certify to the following:

1. The Commonwealth has the required authorities and is presently in the process of implementing the coastal zone management program for Culebra.
2. The Commonwealth has established, and is operating, the necessary organizational structure to implement the coastal zone management program for Culebra.
3. The Department of Natural Resources is the single designated agency to receive and administer grants for implementing the coastal zone management program, and further the Department of Natural Resources is hereby designated as the lead agency for the implementation of the coastal zone management program.

4. The Commonwealth has the authority to control land and water uses, control development, and resolve conflicts among competing uses.
5. The Commonwealth uses the method listed in Section 306(e)(1)(B) of the Coastal Zone Management Act for controlling land and water uses in the coastal zone: direct Commonwealth land and water use planning and control.
6. The Commonwealth has sufficient powers to acquire lands or interests therein, through condemnation or other means, should that become desirable or necessary to achieve conformance with the coastal zone management program.
7. The Commonwealth laws cited in the program have been passed by the Legislature and enacted into law. Administrative regulations required to implement the laws have been formally adopted.
8. The Commonwealth's air and water pollution control programs, established pursuant to the Federal Water Pollution Control Act Amendments of 1972 and the Federal Clean Air Act, insofar as those programs pertain to the Culebra Segment of the coastal zone, are hereby made a part of the Culebra Segment Program. The regulations appurtenant to the air and water programs are incorporated into this program and shall become the water pollution control requirements and air pollution control requirements applicable to the Culebra Segment Program. Further, any additional requirements and amendments to air and water pollution programs shall also become part of the Culebra Segment Program.
9. I further certify that the Culebra Segment Program is now an official program of the Commonwealth of Puerto Rico and the Commonwealth, acting by and through its several instrumentalities, will strive to meet the intent of the Coastal Zone Management Act of 1972, and to do so in a uniform, cooperative, and aggressive spirit.

We trust you will approve our program in an expeditious manner, and we will gladly assist in whatever way we can during your review procedure.

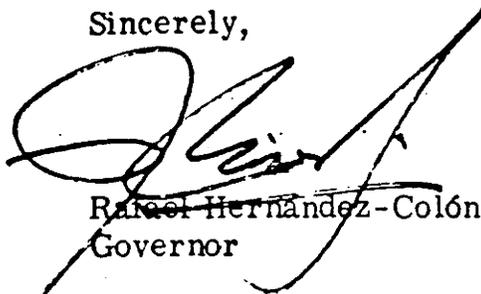
Dr. Robert M. White

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August 23, 1976

Please contact Mr. Pedro Negrón Ramos, Secretary of Natural Resources,
if you have any questions or need any assistance.

Sincerely,



Rafael Hernández-Colón
Governor

THE CULEBRA SEGMENT
OF THE
PUERTO RICO COASTAL ZONE MANAGEMENT PROGRAM

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I . INTRODUCTION

The tiny island of Culebra, about 7 miles long and 3 1/2 miles wide, lies east of Puerto Rico, west of St. Thomas. Although discovered probably by Columbus in 1493, Culebra was not settled until the 1880's. By 1889, a town with around 40 houses had been built, and by 1899, Culebra had 704 residents.

Following the Spanish-American War, Culebra and its adjacent small islands, like the rest of Puerto Rico, were ceded to the United States under the terms of the Treaty of Paris, signed on December 10, 1898. The Treaty also transferred title to Spanish Crown lands (roughly one-third of the land of Culebra) to the United States Government.

On December 17, 1901, an order of President Theodore Roosevelt placed the federal land on Culebra under the jurisdiction of the Navy. The Navy maintained a large facility there from 1902 until 1911, returned briefly in 1914 and again in 1924. In 1936, the Navy returned to Culebra to establish target ranges for Naval ship and aircraft gunnery and bombing practices. These facilities remained in active use until 1975.

Since 1970, however, the longstanding Navy influence on Culebra has declined:

- In 1971, the Navy agreed to give up its targets off the east coast of the Island, and to abandon its plans to acquire certain additional property.

- In 1972, a Presidential order largely repealed the regulation which, since 1941, had required the consent of the Secretary of the Navy before any vessel could approach within 3 miles of Culebra or any aircraft could fly over it.

- Also in 1972, the Navy "excessed" a substantial portion of its Culebra land holdings, turning them over to the U.S. General Services Administration.

- In 1973, the Secretary of Defense announced that all Navy operations in Culebra would cease by July 1, 1975.

- In 1975, all active Navy operations (other than an "electronic warfare monitoring station") ended.

The 1970's have also been a time of unprecedented attention to Culebra by other elements of the federal government. On June 16, 1971, the U.S. Senate Committee on Interior and Insular Affairs adopted a resolution requesting a study of Culebra and vicinity to determine the best uses of the island's natural resources and the most feasible means of conserving, protecting, and developing the natural, scenic, recreational, and wildlife and fish values of the island. The requested study was to "identify those areas that should be established as fish and wildlife refuges, scenic and recreation units, and development areas compatible with the natural environment of the island".

On October 29, 1973, in response to this resolution, the U.S. Secretary of the Interior and the Governor of Puerto Rico submitted to the Committee their Joint Report: "Culebra: A Plan for Conservation and Development".

The Joint Report concludes that the departure of the Navy, and the anticipated transfer of extensive federal property holdings to Puerto Rico, create "both a unique opportunity and a new responsibility, not only for Culebra's residents, but also for the enhancement and preservation of Culebra's remarkable natural and wildlife resources". This Culebra Segment of the Puerto Rico Coastal Zone Management Program is one of a series of documents and other measures intended to equip Puerto Rico to respond to that opportunity and bear that responsibility.

Established programs of the Commonwealth government will contribute substantially to the fulfillment of Culebra's needs. For example:

- The Puerto Rico Planning Board has an extensive program to guide development and control land use. Future development of Culebra will be guided by the Board's Culebra Master Plan* and by its land use regulations, including special zoning regulations adopted for Culebra by the Board.

- The Commonwealth's Environmental Quality Board operates programs to control air and water pollution, including the establishment of standards and regulations and the granting of "certifications" prior to the granting of NPDES or other permits that affect water quality.

- The Commonwealth's Department of Natural Resources grants the "state" endorsements that must precede the granting of dredging and maritime construction permits by the Army Corps of Engineers.

The Commonwealth has recognized, however, that these programs are not sufficient for the unique situation that Culebra faces as a result of the Navy departure. That situation requires legal protection and -- even more important -- special management capability in addition to that provided in the rest of the Commonwealth. Only with these special measures can Puerto Rico handle the abrupt changes that face Culebra. Only thus can it assure that the resources of Culebra -- marine as well as terrestrial, private as well as public -- will be managed in a coordinated manner consistent with the public interest.

In response to these needs, recent Commonwealth legislation (the Law for the Conservation and Development of Culebra, Act. No. 66 of June 22, 1975) establishes a number of policies and protective measures for Culebra. In addition, to provide the needed management capability, it establishes the Culebra Conservation and Development Authority (CCDA). Administratively, the CCDA is attached to the Commonwealth's Department of Natural Resources, which is also responsible for coastal zone management throughout Puerto Rico.

As the federal government prepares to relinquish most of its coastal lands in Culebra, and as the fledgling CCDA begins to develop the management capability for which it was formed, coastal zone management on the little island is at a critical juncture. The success of the CCDA is essential for

*When originally adopted, the Plan was entitled the "Culebra Master Plan". The present title, "Land Use Plan for the Municipality of Culebra", established by a 1975 amendment, is consistent with the new Planning Board Act.

Culebra's future. It is also of great potential importance for the rest of Puerto Rico, as a demonstration that sound techniques of coastal zone management can produce satisfying and publicly appreciated results.

It is principally to help the CCDA — to increase its chances for early success — that this Culebra Segment Program has been prepared prior to the remainder of the Puerto Rico Coastal Zone Management Program. The Authority needs funds to supplement the limited sums* that the Commonwealth has been able to provide in this time of exceptional budgetary austerity in Puerto Rico. Given the critical importance of the Authority for coastal zone management, not only in Culebra but in all of Puerto Rico, its programs seem highly appropriate ones for the use of some of the "306" grant funds available to Puerto Rico under the U.S. Coastal Zone Management Act of 1972**. It is in hopes of obtaining those funds now, when they are needed most, that this document is submitted.

* * *

Chapter II provides a brief look at Culebra's resources and environment as necessary background for subsequent discussions of coastal zone management.

Chapter III explains the overall objectives and policies established for Culebra; the principal problems, with generalized responses; the principal Commonwealth agencies responsible for guiding land and water use in Culebra, as well as the most important measures they have established to guide land and water use in accordance with established policies.

Chapter IV provides an introductory look at federal entities that have major impact on Culebra. The point is primarily role identification as a base for subsequent coordination.

Chapter V is more technical. The responsibility for administration of the federal Coastal Zone Management Act was given to the Secretary of Commerce. Within the Department of Commerce, the responsibility was lodged with the Office of Coastal Zone Management (OCZM) located in the National Oceanic and Atmospheric Administration (NOAA). OCZM has adopted regulations amplifying the requirements of the Act relating to coastal zone management program construction. Chapter V relates the material in Chapters II, III and IV, together with necessary additional material, to the requirements of the Act and the OCZM regulations.

*\$150,000 for the period July 1, 1975 to June 30, 1976. For the period July 1, 1976 to June 30, 1977, the sum of \$133,704 has been budgeted.

**These funds, if granted, would come to the Department of Natural Resources as the agency designated by the Governor of Puerto Rico to receive and administer grants for implementing the coastal zone management program. In its role as lead agency, however, the Department would then make substantial funds available to the Authority.

II. THE ISLAND OF CULEBRA

The island of Culebra lies approximately 17 miles east of Puerto Rico, 12 miles west of St. Thomas, and 9 miles north of the island of Vieques. Its total area, including surrounding keys, is 7,700 acres. It is characterized by irregular topography with hills of low elevation, the tallest being Monte Resaca, with an elevation of 650 feet.

Due to Culebra's small size and low elevation, the trade winds are not exposed to corrective orographic forces of great magnitude. This accounts for the island's limited rainfall. As a result, the climate of Culebra is slightly xeric, and there are no permanent fresh water streams. Such conditions are favorable for a profuse coral growth in the surrounding clear littoral waters where sedimentation is reduced to a minimum.

Due to its long and intricate shoreline, Culebra presents a series of bays, peninsulas, and bars, some of which die in abrupt cliffs, sandy shores, or mangrove forests. The principal harbor is Ensenada Honda, which is considered one of the most secure hurricane harbors in the Leeward Islands.

PHYSICAL CHARACTERISTICS

Climate

The single factor which most determines the character of life in Culebra, whether plant, animal, or human, is the excessive dryness. Mean annual rainfall is only 36 inches, varying from 16 inches in the drought year of 1967, to as high as 59 inches in 1942.

Data on air temperature and humidity ranges on the island are not available. They are undoubtedly similar, however, to those on the east coast of Puerto Rico. There, temperatures range from 74.4°F mean annual minimum to 85.7°F mean maximum; the recorded extremes are 62°F and 93°F. Mean annual daytime humidity on the east coast of Puerto Rico is 67%, rising to 82% at night. Mean annual cloud cover is only 0.5%.

Hurricane season, as on Puerto Rico, lasts from June through November, with most storms occurring in July, August, and September. Culebra also experiences another type of storm damage which is absent from the main island: that caused by water spouts. This phenomenon is not unusual in the bays surrounding Culebra, and such storms occasionally move inland a short distance before dying out.

Soils

Because of its small size, its rugged topography, and its uniform conditions of climate and temperature, Culebra has a limited number of soil series. Seventy-five to eighty per cent of its total area is covered by soils of the Descalabrado and Volcanic Rock series. This class of terrain has such severe limitations and danger of erosion that it may only be used for pasture, forest, or wildlife. Of the rest of the area, only about 2.2 per cent can be dedicated to agricultural uses other than pasture; even in areas suitable for cultivation, steps must be taken to avoid severe erosion

and related problems.

In summary, the soils of Culebra are mostly shallow and lack adequate nutrition to support plant life. Erosion is a major problem. Two thirds of the total area of the island possesses such severe limitations that it cannot be cultivated. Those areas which can be cultivated urgently need the implementation of complex techniques of soil and water conservation.

Geology

The rocks underlying Culebra and adjacent islands are volcanic and intrusive, probably of Upper Cretaceous age. Andesite Lava underlies most of the island and on many seacliff exposures exhibits pillow structure characteristic of lavas erupted under the sea. This structure is remarkably well preserved at Punta Seria on Cayo Norte. The Andesite Lava contains many veins and interpillow filling of quartz. The Andesite Lava Breccia lies along the straight southwest coast of the island and on Cayo Luis Peña.

Andesite tuff overlies the lava along the north coast of Culebra. It is characterized by a prominent layering with beds ranging from a few inches to many feet in thickness. This layering may be seen along the seacliffs between Playa Brava and Playa Larga.

The tuff and underlying lava have been intruded by diorite weathers to rounded boulders several feet in diameter which cover much of the steep north central slope of Culebra. The sandy soil washed down the slope from between these boulders has accumulated to form the small sand deposit behind Playa Brava.

The following points of geological interest are believed to have considerable value.

<u>LOCALITY</u>	<u>GEOLOGICAL FEATURE</u>
1. Road cut on road to U.S. Navy Observation Post	layered tuff deposited on pillow lava
2. Sea cliff immediately east of Playa Brava	thick beds of tuff showing spheroidal weathering
3. Punta Seria, Cayo Norte	large, well-preserved exposure of pillow lava

Culebra is not known to have any mineral resources except sand and gravel used locally for roads and fills.

Fresh Water

Hydrologically, Culebra is somewhat drier than the Virgin Islands and Puerto Rico. The average annual precipitation measured since 1938 is about 36 inches. The island frequently suffers from severe drought, for about half of the annual precipitation falls in the four-month period from August through November, and over 90 per cent of the total rainfall is returned to the atmosphere through evapotranspiration.

The supply of fresh water on Culebra is very limited. Most is provided

by drilled wells; a rain catchment system, which includes both large basins and household cisterns; and a desalinization plant with a capacity of 30,000 gallons daily. It is estimated that only about one inch per year of rainfall actually infiltrates through to replenish the water table. There are no permanent fresh water streams.

BIOTIC ECOSYSTEMS

Culebra and its surrounding waters and keys contain an exceptionally large variety of ecosystems for such a small area. Most of these have been affected by the presence of man. Only remnants are left of many of the original communities of interacting plants and animals. Other features are the direct result of human intervention (wide savannahs, a channel separating Playa Sardinias II from the rest of the island, the cleared peninsula where the terns nest, coconut groves and the towns.) Some of the most obvious ecosystems existing at present and meriting consideration in future plans for the island are:

1. Towns
2. Hilly savannah, from grassland through pasture to sparse forest
3. Beach forest (lower east edge of Flamenco Peninsula)
4. Hilly forests, from dry to moist (ridge of hills above north coast, small area on Flamenco Peninsula, Cabeza de Perro, Cayo Luis Peña, and others)
5. Lagoons (at least seven, most behind beaches)
6. Mangrove swamps (around Ensenada Honda, Puerto del Manglar, and lagoons; also behind beach forests)
7. Beaches (Flamenco, Resaca, Brava, Larga, Cayo Norte, Culebrita, Tamarindo, north of Cabeza de Perro)
8. Main valley
9. Reefs
10. Harbors
11. Fishing grounds

Because of its small size and its excessive dryness, Culebra probably cannot exist as a self-contained system, even with the small population it now contains. It is too dry for much agriculture. Cattle die in years of less than average rainfall. The fishing grounds are not sufficiently extensive.

Flora and fauna

The flora, in general, consists of an arid to dry type, but the valleys and upper slopes support an interesting semi-moist forest of trees as much as 50 feet tall and 3 feet in diameter. The average trees, however, are much smaller.

There is a known flora of 372 species of indigeneous plants and many introduced species. Thirty-three species are rare or unique, being found only in Culebra or a few of the other small islands. Of these rare species, three are endemic (found only in Culebra).

Several features of the flora make it different from the vegetation of Puerto Rico. The large boulders of Monte Resaca produce an unusual park-like open forest of Cupey and Jaquey displaying their numerous roots. The boulders themselves are hosts to beautiful orchids, bromeliads, and the endemic *Peperomia* (*P. Wheeleri*). This association has been seen only on Culebra and on Virgen Gorda.

Another association is unique in that the tallest trees are represented by the fan-leaved palm. This association is in Monte Resaca and also on the slopes northwest of Playa Flamenco, north of Punta Tamarindo Grande, north of Laguna de Cornelio, and in the Cabeza de Perro area. This type of forest is fast disappearing due to man.

Birds are another striking life form on Culebra. Several species of oceanic birds build up great nesting colonies on the offshore keys on the northwest tip of the Flamenco Peninsula (Punta Molinos). Sooty terns are abundant on four keys: their largest colony, located on Culebra itself, covers more than 800 acres of the Flamenco Peninsula. Brown boobies, laughing gulls, sooty terns, bridled terns, and noddy terns are known to breed on Cayo Lobito, Cayo Yerba, Cayo Ratón, Los Gemelos, Punta Molinos islets, Cayo Sombrerito, Cayo Geniqui and Peninsula Flamenco.

The brown pelican, an endangered species protected by federal law, has been sighted in mangrove areas and adjacent waters. In the marsh ponds and mangrove swamps, the Bahama pintail, the masked duck, and the ruddy duck nest and thrive. The lagoons constitute the most important wintering grounds for migratory water fowl on the island.

Two endangered species of turtles, the hawksbill and the leathers-back, are found in Culebra. So are two turtle species that have been proposed for "Threatened" status: the logger-head and green sea turtles. According to Tom Carr's 1974 report, "Marine Turtles of Culebra Island", all four of these species use the Culebra area, and most beaches in the area provide nesting sites for one or more of these turtles.

COASTAL AND MARINE RESOURCES

Beaches

The beaches of Culebra and adjacent keys consist of narrow strips of sand extending along the coasts between the sea and the steep slopes of the coastal hills. The majority of these beaches extend back only 10 to 20 feet from the water but those along the east and north coasts are somewhat more extensive, extending back 50 feet in some places. The best-formed beaches are Flamenco, Resaca, Brava, Larga, Cabeza de Perro, and Culebrita. There are no public bathing beaches in Culebra; all beaches remain in federal ownership. As just noted, most beaches in the area are believed to be used each year as nesting sites for endangered or other species of turtles. Playas Resaca, Brava and Larga are believed to be particularly important nesting sites.

Reefs

As a result of the low rainfall on Culebra, the island has no permanent fresh water streams. Because of this condition, sedimentation is reduced to a minimum and the marine littoral zone of Culebra contains large colonies of corals forming valuable reefs around the islands. Eighty per cent of Culebra's coasts are bordered by coral reefs. An abundance of small reef fishes of many species is associated with reefs near Culebrita, Punta Melones, Punta Tamarindo Chico and Luis Peña.

It is virtually impossible to overestimate the importance of the coral reef community in tropical waters. Tropical oceans are among the least productive marine communities. However, littoral communities, when fringed by corals, are among the most complex and productive of ecosystems. They support many commercially important fish, lobsters, and molluscs. They also provide the widest variety of species and the largest number of organisms per unit area of any marine environment.

In addition to being highly productive, reefs form effective barriers which protect the coast from erosion and provide many protected beaches and lagoons. When coral growth is abundant, it stabilizes the substrate and thus increases visibility in waters around it.

Turtle grass beds

Turtle grass beds are found around most of the islands, in water shallower than 30 feet, usually interspersed with stretches of sandy bottom or coral reefs. The north and northwest sides of the islands are the exceptions because of heavy surf action caused by swells from the Atlantic Ocean.

Mangrove shores

Mangrove forests cover much of the shoreline in Ensenada Honda, and to varying degrees, the southeastern coasts of the islands. Most of the animals encrusted on mangrove roots are flat tree oysters and, to a lesser extent edible mangrove oysters. Important mangroves are also present behind the following beaches: Flamenco, Resaca, Brava, Larga.

The littoral communities which surround the islands turtle grass beds, coral reefs, rocky shores, and sand bottom communities — are free of human abuse and exploitation at present. The areas adjacent to the town of Dewey are exceptions. Compared to the same ecosystems in Puerto Rico (especially at La Parguera, on the southwest coast, and at Negro Reef, on the west coast), the individuals in a given species are far more numerous in Culebra.

Without doubt, the marine environment of Culebra constitutes one of the few areas in the Commonwealth where human activity has not yet altered natural conditions to a significant extent. Earnest effort is needed to maintain these diverse ecosystems.

SOCIO ECONOMIC CONDITIONS

Population

According to official data of the Puerto Rico Planning Board, the population of Culebra in 1970 was 866. Population density for the island as a whole was 0.11 persons per acre. As of 1970, however, 2,700 acres (35 per cent of the land) belonged to the Navy, and other large acreages were owned by non-residents. The effective density per inhabited acre was 4.48 persons. Recent estimates show a population close to 1,000.

Almost all the people on Culebra live in the towns of Dewey and Clark.

The Culebra Master plan projects future population as follows:

1980	1,057
1985	1,144
1990	1,221

As described more fully in Chapter III, the Law for the Conservation and Development of Culebra calls for stimulation of "normal growth", to raise the Culebrans' living standards to the average levels in Puerto Rico, but for discouragement of "excessive growth,... which might result in a population increase that would be more rapid than the population growth rate for the main island of Puerto Rico". (Art. 7 (a)).

Moreover, both the law and the Master Plan call for future population growth to be confined to two (or if necessary three) towns. Consequently, future population growth is not now expected to radically increase stresses on the coastal zone of Culebra.

Housing

Generally speaking, houses on Culebra are similar to those of Puerto Rico. In 1970, there were 272 houses and other structures in Culebra. Thirty five per cent of the total housing stock was considered inadequate. Sixty seven per cent of the wooden structures (38 per cent of total stock) were in poor condition.

The housing problem is compounded by the absence of adequate sewer service.

In recent years, there has been a great increase in illegal squatters, especially vacation or weekend houses for non residents of Culebra. Many of the houses occupy federal lands and beaches, principally along the shores of Ensenada Honda.

To attack this problem the Culebra Master Plan calls for:

1. Stimulation of proposals by CRUV (Urban Renewal and Housing Corp) for the construction of homes south of Laguna Lobina.
2. Provision of sewer and water to all structures within the urban centers of Dewey and Clark; and

3. Removal by 1983 of squatters who have established residences on public land, with the provision that alternative housing nearby be made available at public expense for those squatters who are bonafide residents of Culebra.

Recreation

At present, there is no public bathing beach in Culebra and very limited public docking space for boats. There is one baseball park as well as two basketball courts for public use. Recognizing the limitations of the existing facilities, the Master Plan calls for the following project within the next 15 years:

1. Expand the recreation facilities next to the athletic field, with three courts and a spectator area.
2. Build three plazas or urban parks, one in the northern section of Clark, and two in Dewey.
3. Make a public bathing beach.
4. Construct two camping grounds, one on Culebrita, and one on Playa Flamenco.
5. Construct a marina at Laguna Lobina.
6. Build two children's playgrounds, one next to Dewey's elementary school.
7. Construct a recreational complex on Cayo Pirata, to include a museum, open air theater and aquarium.

Land ownership

Title and boundary disputes render any quantification of land ownership in Culebra uncertain. Most federal lands in Culebra were originally Spanish crown lands, and the exact extent of those lands has never been definitively determined. Some lands long regarded as federal are also claimed by others. Also, some lands not included in federal inventories are believed by some observers to be crown lands that became federal lands in 1898.

The Joint Report includes the following estimates:

LAND AREA AND OWNERSHIP

	<u>Total area</u> <u>(acres)</u>	<u>Federal</u> <u>acres</u>	<u>%</u>	<u>Non Federal</u> <u>Acres</u>	<u>%</u>
Culebra	6,747	2,093	31	4,654	69
Cayo Luis Peña	315	315	100	0	0
Culebrita and Cayo Ladrones	266	266	0	0	0
Cayo Norte	303	0	0	303	100
Miscellaneous Small Keys	.69	0	0	69	100
TOTALS	7,700	2,674	34.77%	5,026	65.23%

The federal holdings in Culebra, except those on the main island of Culebra, are included in the Culebra National Wildlife Refuge. The Refuge, originally styled "Culebra Reservation", was established by Executive Order 1042, signed by President Theodore Roosevelt on February 27, 1909: It is hereby ordered that the islands of the Culebra group..., excepting Culebra Island, be and the same are hereby reserved subject to their use for naval and light house purposes..., and set apart for the use of the Department of Agriculture as a preserve and breeding ground for native birds..."

As a result of Navy disposal notices in 1970 and 1972, a total of 1,346 acres of former Navy holdings in Culebra have been "excessed". These include 268 acres around the airport; 177 acres on the southern end of Fumladosa Peninsula; the coastal strip around the northeastern, eastern and southern coasts of Culebra; and the island of Culebrita. The excessed lands are now in the custody of the U.S. General Services Administration.

Map 1 shows the present status of federal lands in Culebra. As already noted, the title and boundaries of some federal lands in Culebra are the subjects of longstanding disputes, so federal holdings may in fact be greater or smaller than those shown.

Energy

Until 1972, electricity for Culebra was supplied by three diesel-powered generators, with a total output of 1,100 kilowatts. This supply, though sometimes erratic, was generally sufficient to meet Culebra's needs at the time.

In 1975, the Puerto Rico Water Resources Authority installed a 38 kilovolt submarine cable to Culebra. The Master Plan anticipates that this capacity will be sufficient to meet demands for electricity in Culebra through 1990. Transmission over the cable has since been interrupted. Repairs are under way.

ECONOMIC ACTIVITY

The economy of Culebra is based upon importation, due to its low productive capacity and the scarcity of its resources. The government sector generates 50% of the adjusted internal income; unclassified activities the other 50%. The total internal income was only \$400,000 in 1969, the lowest of all municipalities in Puerto Rico. The income per capita for that year was \$551.

Agriculture. As of 1969, the area under cultivation in the 19 farms on Culebra covered a total of 2,190 cuerdas. Of this, 2,000 (more than 91 per cent) were improved and unimproved pasture. Average income per farm had declined from around \$4,098 in 1964 to only \$2,143 in 1969.

Commercial fishing. Records in the Department of Agriculture show a total of 38 fishermen in Culebra, as of 1974. A total of 25 boats are registered ranging from 14 to 18 feet in size.

Statistical data published by the Department of Agriculture show that the most important catch is lobster, which produced around \$15,000 in 1973,

while the other varieties of fish and mollusks brought \$8,340. The total lobster harvest has declined from 109,605 pounds in 1949-50 to a low of 12,288 pounds in 1973. There is no evidence as to the cause of this reduction, but it is widely believed that it is due to lack of interests from the fishermen. Recent statistics by Accion Comunal, a government agency, indicate a sharp increase in fish catch. For the first four months of 1976 a total of 23,500 pounds of fish and other mollusks have been caught.

The sportfishing resources in the water around Culebra and its adjoining islands have great potential for development. So far, however, they have not been fully utilized.

Manufacturing. The only manufacturing plant on Culebra, operated by Travenol Laboratories, manufactures disposable hypodermic syringes, tubes for blood analysis, and similar articles. As of February 1975, the plant employed 140 people of whom 93 were women. Maximum anticipated employment is 195.

For the future, the master plan states, "...the type of employment and land use to be encouraged must be oriented towards a combination of the tourist industry, which appears to be the mainstay, and a certain type of light manufacturing which is non-polluting, and which can be related to, or at least be made compatible with tourism".

Commercial. In 1970 there were 34 commercial establishments on Culebra, most of them operated by their owners. There were no drug stores, bakeries, or resident dentists or doctors. Annual sales for the year totalled \$162,861. Depending on this income was a total of 95 individuals.

Tourism. The potential for development of a tourist industry is excellent once access to beaches, good fishing areas, and reefs is assured. At present there are two hotels and four guest houses. All are of the commercial family type and provide minimum facilities. Lack of good water supply limits better hotel facilities at present. No regular employment is offered by the hotels.

Transportation and navigation. Passengers come to Culebra principally by air. There are eight flights daily to San Juan in addition to mail flights and, sometimes, flights to Humacao and Vieques. The air service appears flexible enough to adapt to changing demands.

Sea transportation of passengers is limited, inconvenient, and has little flexibility. There is a daily sailing Monday through Friday, which links Fajardo with Culebra by way of Vieques, which lasts three hours. On week-ends, there is a direct trip from Fajardo to Culebra, which takes two hours.

The Master Plan recommends a feasibility study for boat service to Fajardo, leaving Culebra early in the morning and coming back the same evening.

Most freight, for personal consumption and industrial use, comes to Culebra by weekly ferry from Fajardo. Because of insufficient warehouse facilities, a considerable increase in per capita consumption, and the increase of Culebra's population in recent years, this weekly sailing is insufficient. The Master Plan recommends that there be two sailing per week.

Pollution.

Air pollution is virtually non-existent in Culebra, although the number of motor vehicles on the island has increased sharply in recent years.

Water pollution, already a problem, can become a serious threat to the resources described above, to future touristic development of the island, and also a health threat. At present Culebra does not have any sewer system or treatment plant; it is the only municipality in Puerto Rico without this service. In the absence of a sewer system, water quality has deteriorated in Laguna Lobina, Playa Sardinias, and Ensenada Honda. The increase in population in the last few years increases the need for a sewer systems to serve both Dewey and Clark.

An uncommon form of pollution along the coasts of Culebra is the unexploded ordnance left behind by the Navy. As shown on Map 2, this is mainly concentrated in and around the Flamenco Peninsula, Culebrita, and several keys. Immediate efforts to eliminate this problem are needed.

III - COASTAL ZONE MANAGEMENT FOR CULEBRA

OVERALL OBJECTIVES AND POLICIES

Commonwealth policy governing Culebra is established principally by two enactments:

- (1) the Law for the Conservation and Development of Culebra (LCDC) (Act No. 66 of June 22, 1975);
- (2) the Culebra Master Plan, originally adopted by the Puerto Rico Planning Board in 1971, substantially revised in 1975 and signed by the Governor in 1976.

Both the LCDC and the recent revisions of the Master Plan respond to policy recommendations set forth in the Joint Report which, as stated in the Introduction, was issued in 1973 by the U. S. Secretary of the Interior and the Governor of Puerto Rico. This authoritative report which, by its terms, "has the full support of both the Department of Interior and the Commonwealth Government," is a convenient starting point for understanding the goals and policies established for Culebra.

The Joint ReportOverall objectives: conservation and economic development

The Report assigns high priority to the preservation of natural and wildlife resources. Its covering letter, signed by the Secretary and the Governor, states:

".../T/he impending departure of the Navy from Culebra... presents both a unique opportunity and a new responsibility, not only for Culebra's residents, but also for the full enhancement and preservation of Culebra's remarkable natural and wildlife resources.

"It is consequently the firm resolve of the undersigned, the Secretary and the Governor, that the highest priority shall be given to the protection of Culebra's natural and human environment...

.../T/he Governor has fully assured the Secretary that the Commonwealth's concern for the ecological integrity of Culebra will be manifested by strong legislative and executive action to safeguard the environment in the interim."

The departure of the Navy, the Report notes, will create two principal opportunities. These two opportunities represent the overall goals that Puerto Rico expects to achieve through the implementation of a management program in Culebra:

"First, conservation. Slow economic development and low population have largely spared Culebra's reefs, mangroves, and other remarkable natural assets from the destruction that has so often been a consequence of development elsewhere. Widespread appreciation of Culebra's assets, heightened by growing popular awareness of past mistakes of the development process, creates a special opportunity to preserve the unique attributes and resources of Culebra and its surrounding waters, reefs and keys.

"Second, economic development. Partly as a result of the Navy presence, the economic development of Culebra has been stunted. The departure of the Navy will create an opportunity to replace that stunted growth with normal growth -- growth sufficient to provide for the residents of Culebra a standard of living comparable to the average standard enjoyed on Puerto Rico's main island."

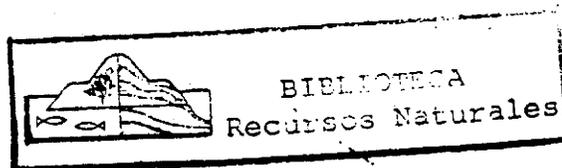
Policies. To achieve the overall goals of conservation and development, the Joint Report recommends policy for each of four major categories of land and water use: wildlife or biological preserves, recreation, development, and conservation areas. The location proposed by the Report for each of these four categories are as shown on Map 9. The policies recommended for each are as follows:

"A. Wildlife or Biological Refuge

"Many areas in Culebra are natural habitats for native species of birds, fish, and reptiles. For example, ...Culebra's offshore keys and the northwest tip of Peninsula Flamenco (Punta Molinos) comprise one of the most prolific nesting areas for oceanic birds found anywhere in the world. The mangrove forests are rich breeding grounds for many species of fish and other marine animals. Other sites on Culebra are habitats for rare and endangered species of waterfowl and reptiles.*/"

"It is essential in these areas that the natural conditions which have made such areas natural habitats be preserved, that people be prevented from adversely interfering with the wildlife found there, and that harmful development be prohibited in these and adjacent areas. Therefore, these areas in Culebra should be set aside and protected, and should be managed so as to maintain and improve their natural characteristics.

*/As described in Chapter II, Culebra's beaches also have important value as nesting sites for turtles, including two endangered species.



"The recommended policy of this Joint Report is that publicly owned areas of outstanding importance as wildlife habitats or ecological associations shall be set aside as wildlife or biological preserves.

"B. Recreation

"...Culebra and its surrounding keys offer opportunities for a tremendous variety of outdoor active and passive recreational activities.

"Included are the entire littoral zone, especially the beaches, the surrounding coral reefs, the bioluminescent bays, areas which have concentrations of flora with special natural significance, and open areas which are ideal for relaxed, passive recreation. These natural resources are among the most important ones in Culebra. Their virtually unspoiled state makes them an asset for both the residents of Culebra and visitors; every attempt should be made to keep them so.

"For this reason, at most recreational sites, only minimum facilities — such as sanitary and locker facilities — would be provided. The exceptions, that is, those sites where facilities for overnight visitors would be provided, are discussed in the next section. No new or improved roads would be added.

"The recommended policy of this Joint Report is that, of the publicly owned areas remaining after designation of wildlife refuge, those which are best suited for recreation, shall be designated as public recreation areas for the enjoyment of Culebrans and visitors. Any public recreational facilities shall be in keeping with the goal of preserving the quality of these resources. Great care shall be taken to preserve the recreational values of these areas and of the surrounding waters.

"C. Development

"Future development of Culebra is impeded by obstacles not encountered on Puerto Rico's main island. The continuing presence of the Navy is the most obvious of these */, but natural obstacles will survive the Navy's departure. Thus even without the strict controls this Joint Report contemplates, the transfer of naval training activities away from Culebra can not lead to large scale development. Scarcity of water is the most important of the natural limits to growth. It is

* This statement was, of course, made in 1973. Today, the only Navy facility is a small monitoring station at Punta Flamenco. This is not expected to interfere with future development of Culebra.

true that some increased water needs could be satisfied by larger desalinization plants, but only at unit costs far higher than those encountered in Puerto Rico, where natural water supply is abundant. Advanced waste treatment, needed to safeguard island marine assets against the pollution associated with development and growth, would impose additional special costs on Culebra development. The costs of transportation, by air or sea, will continue to inhibit the bringing of people and goods to the island. The cost of providing electric power also far exceeds those on the main island.

"Despite these obstacles, opportunities must be provided to satisfy the social and economic aspirations of Culebra's residents. Income and employment levels should be stimulated to approach the levels found in the main island of Puerto Rico. Essential public services must be provided. Development policy must thus draw a fine line, providing opportunity for the people already resident of the island, and those who may wish to return to Culebra, but seeking to discourage others who could overwhelm them and their fragile surroundings. Accordingly, this suggests a policy to accommodate population growth in these limited portions of Culebra where development will be most compatible with the preservation of Culebra's natural systems.

"The two residential centers of Dewey and Clark have a combined total area of 50 acres with an average density of 6 families per acre (15 per acre in Dewey and 3 per acre in Clark). Insofar as possible, any increase in island population should be accommodated by intensified urbanization of these two centers, up to a maximum of 25 families per acre in Dewey and 6 per acre in Clark. Because these two sites have already been developed to some extent, infrastructure costs of future development would be lowered, with minimal further impact on the environment, and the moderate density is in keeping with the characteristics of the present residential areas. Except for waste water treatment facilities, the backbone of the infrastructure necessary to support the population is already present, although it must be expanded.

"Nevertheless, the two communities should not be permitted to expand toward each other; rather, the open space between the two should be maintained, so that both retain their sense of community. If and when the population increase necessitates further residential development, a third population center should be located at San Idelfonso. This area was previously the site of the first community in Culebra, until the Navy relocated the population and took over the site, and it is still residential in character in that electricity, road access, buildings, and semi-developed land are provided. The desalinization plant is also located there.

"It is expected that these three sites will accommodate the projected population for 1990.

"With the increase in population will come an increase in demand for employment opportunities. It is also expected that the number of people who wish to vacation in Culebra will continue to grow and will generate a demand for an increase in facilities and services. Such expansion of this sector would fulfill part of the demand for jobs, but again, must be limited so that it does not destroy the very factors that make Culebra attractive to visitors.

"For this reason, the type of visitor facilities and services projected for Culebra is of modest scale, and would be designed to take advantage of, but not adversely affect, the natural beauty and recreational resources of the island. Modest hotels (40-60 rooms) could be built in Dewey, and three locations on Fulladosa Peninsula could be developed as vacation home sites. These sites are appropriate for such use, because they are close to the sea and to the town of Dewey, and therefore offer both recreational opportunities to the visitors and a source of income for residents and commercial establishments in Dewey. Yet, they are not located in any of the areas in Culebra where natural features should preclude development. Rather, strict controls and standards regulating their development would insure that the sites would be harmonious with their environment and that the natural beauty of the areas would be maintained.

"A second area suitable for visitor facilities is located on the northeast side of Culebra; here three vacation home sites and a small hotel could be developed. Visitors would have easy access to Playa Larga, and to Culebrita. Once again, the sites would be located in an area where strictly controlled development would not destroy the natural surroundings and would offer visitors a combination of recreational activities that would be appealing.

"Essentially, development in Culebra will be limited to the sites described above. This development will provide opportunities for resident employment, but within the capabilities of the island and without endangering the unique natural beauty that is the essence of Culebra.

"The recommended policy of this Joint Report is that development in Culebra be accommodated at moderate densities within the limited areas described above. Neither the quantity nor the quality of development shall be allowed to impair the unique natural resources of Culebra.

"D. Conservation Areas

"To protect the natural qualities of Culebra against pressures for haphazard and insensitive development, it is not enough to designate and protect the limited areas set aside for wildlife refuge, recreation, and development. The recommended policy of this Joint Report is that those areas which are not specifically set aside for wildlife refuge, recreational use, or development, be designated as conservation areas, that is, as open space, for agricultural and other low intensity uses consistent with the natural character of the land.

"This policy is compatible with current land use practices in Culebra; most of the land that does not fall within the other three categories of land use is now in pastureland or under cultivation, a practice which should be encouraged to continue. Development in conservation areas would be permitted only at low enough densities -- five acres or more per dwelling unit -- so that no urban public facilities -- public water, sewers, paved roads -- would be needed, or provided.

"In addition, certain other restrictions should be placed on land within the conservation areas. Any development on land adjacent to areas set aside for wildlife refuge or recreation must not interfere with such uses. Other appropriate restrictions -- on grading, for example -- will be added as necessary to preserve the essential nature of the conservation areas. It is also contemplated that technical incentives will be offered to private land holders to encourage their cooperation."

The Law for the Conservation and Development of Culebra

To achieve its recommended goals and policies, the Joint-Report stresses the need for a unified management program, applicable to private as well as public land:

"Sound management is essential if full advantage is to be taken of both these opportunities. Management efforts cannot succeed if they focus only on the areas that are currently in Federal ownership. These areas, though of course critical to the future of the island, are intimately related to the remaining areas, most of which are privately owned. Success in management therefore requires a unified program for all areas, private as well as public in all parts of Culebra (including adjacent keys and seas)."

To provide this unified management, the Report recommends creation of an Authority for the Conservation and Development of Culebra. The Authority has now been created by statute (Law for the Conservation and Development of Culebra, Act No. 66 of June 22, 1975; an unofficial English translation of the Spanish text appears in Appendix 3).

As a result of this legislation, a number of policies identical or virtually identical to those recommended in the Joint Report have received the status of legislative policy. In its opening statement of public policy and legislative intent, the act states:

"It is the declared public policy of the Commonwealth of Puerto Rico to preserve and conserve the ecological integrity of Culebra, including its keys, islands, and surrounding waters, and to assure that the continuing development of Culebra protects and conserves, to the greatest possible extent, its extraordinary natural environment, which is part of the patrimony of Puerto Rico..... (Art. 2) */

Among the general standards established to guide the Authority is one encouraging "normal" but not "excessive" growth:

"Normal growth -- normal growth shall be stimulated for the purpose of raising the standard of living on Culebra to the average levels on the main island of Puerto Rico. Excessive growth will be discouraged which might result in a population increase that would be more rapid than the population growth rate for the main island of Puerto Rico." (Art. 7(a)).

The general standards go on to provide that "the use of lands and water must be consistent with that outlined in the...Joint Report for the various areas in Culebra. To this effect, the following basic purposes

*/ All quotations from the Act are unofficial translations of the Spanish text. The official translation has not yet been made available.

of public policy must be kept in mind:

"(1) The expanses of public lands with extraordinary importance as a habitat for wildlife or ecological associations must be reserved for biological or wildlife preservation;

"(2) From the remaining public lands, after the wildlife preserves have been designated, those which are best adapted for recreation will be designated as recreation areas for the enjoyment of Culebrans and visitors. All recreation facilities must be in harmony with the goal of preserving the quality of those resources. Great care must be exercised to preserve the recreational value of these areas and of the surrounding waters;

"(3) The development of Culebra must be limited to moderate densities in the areas included in population centers. Neither the quantity nor the quality of the development to be undertaken can be permitted to spoil the unique natural resources of Culebra.

"(4) Those public areas which are not specifically set aside for wildlife preserves, recreational use or development, should be designated for agricultural use as areas of conservation." (Art.7(d))

Superficially the statutory policies just quoted may appear to diverge slightly from those in the Joint Report on which they are based. The statutory policy on development refers to "population centers", without specifically referring to possible development sites other than Dewey and Clark, as the Joint Report does. Also, the statutory policy of designating remaining land "for agricultural use as areas of conservation," refers only to public land, while the comparable policy statement in the Joint Report was stated more generally, thereby including private land as well.

Neither of these differences appears significant, since the statutory policies are preceded by an explicit legislative directive that uses of land and water must be consistent with those outlined in the Report. Moreover, since statutory policy clearly does call for the development of only limited "population centers", it implicitly calls for exclusion of development from remaining areas -- private as well as public.

The Culebra Master Plan

The Master Plan for Culebra, as revised by the Puerto Rico Planning Board in 1975 provides a more detailed statement of development policy, and nothing in the Act appears to require an interpretation inconsistent with that of the Plan:

"Proposed urban development must concentrate on two points: the town of Dewey and the "Parcelas Clark", which can absorb improvements without altering their character.

"With very little government investment, Dewey could become a major tourist attraction...The proposed land use for Dewey is oriented in the direction of moderate density in the small nucleus by modifying existing structures. To parcel out the land around Dewey, permitting its expansion to the point of linking up with Clark, would destroy the character of the town, which is precisely what must be preserved.

.....

"Culebra's expansion must be limited to these two towns, and if necessary, to original settlement of San Ildefonso....
(pp 77-78)

.....

"To this nucleus must be added a floating population consisting of residents visiting the island for short stays. This second residential classification pertains to the residential centers for tourists divided into about 5 sectors across the entire island. Its density would be approximately 1 unit per cuerda, but constructed in groups or clusters, leaving free the greatest amount of space possible. This is a special concept of development in which there would be no subdividing of lots, but there would be construction of units in concentrations within the properties themselves, allowing just use of the entire property by all its inhabitants." (page 83).

Some more specific elements of the Culebra Master Plan have been described in Chapter II.

MAJOR PROBLEMS -- AND SOME NEEDED RESPONSES

A number of problems must be solved to achieve the objectives established by law for Culebra. Most needed policies -- and, often, action measures as well -- have already been prescribed or established by the LCDC or by the Master Plan.

The coastal zone management problems of Culebra, and responsive needs, fall into four main categories: (1) restoration of disrupted natural conditions; (2) creation of an overall management capability; (3) management of public lands and waters; and (4) guidance of development on public and private property. This section discusses these four categories of problems and needs.

1. Restoration of disrupted natural conditions

Squatters, waste water discharges, and unexploded ordnance in former Navy target areas, represent unacceptable disruption of natural conditions in Culebra. Commonwealth policy calls for termination of all three, so that natural conditions may be partly or wholly restored.

a. Squatters

A longstanding problem in Culebra is the presence of squatters on shorefront lands belonging to the federal government. As of June 1975, the number of squatter homes was estimated at 137. Some of the squatters are Culebra residents who have no other homes. Others are well-to-do outsiders who have established second homes on public land.

For the future, the squatter problem has two elements. The first is to prevent land invasions by still more squatters. The second is to remove the squatters already there. The first of these is, in a sense a problem of preservation, the second of restoration.

On the first element, the exclusion of additional squatters, there is no explicit policy on the LCDC, since none is believed necessary. Commonwealth law prohibits squatting on public land*, and these laws apply to public lands in Culebra as elsewhere. Moreover, the LCDC specifically empowers the CCDA to "order the destruction of existing illegal structures or those in the process of construction, and the destruction or paralyzation of the expansion of existing illegal structures..." (Art. 5(bb))

On the second element, the removal of existing illegal structures, the LCDC does contain explicit policy -- including a deadline for compliance with the policy:

"In the exercise of its powers and obligations, the Authority shall consider the public policy expressed in this law, the environmental law in effect, and the following general standards:

.....

(c) To Remedy Violations -- to eliminate, no later than the first of January 1983, the following violations of the natural conditions of Culebra

.....

(2) The possession, use or illegal enjoyment of public lands in Culebra...." (Art. 7 (b) (2))

The Law goes on, however, to provide financial protection for those squatters who have no other homes:

"A home must be provided for the families who on October 27, 1973, the date of the Joint Report, had their definite home located in an illegal or clandestine manner on federal lands to be transferred

* Art. 177. P. R. Penal Code, 1974. Title 33 - P. R. Annotated Laws, Section 42.83.

to the Authority, according to what is provided in said Report, and on lands in the public domain or part of the State patrimony". (7(b)(2))

In a similar vein, another section of the law gives to

"...persons who have established a definite home in structures located on public lands and who use them as such prior to the entrance into effect of this law, ...the right to be compensated for the market value of the structures ... The owners of structures situated on public lands which do not constitute a definite home will not receive any compensation whatever for same when these structures are removed by means of an Order approved by the Authority..." (5(bb))

Within the policy framework thus established, the LCDC gives the CCDA ample authority to carry out its obligations to remove existing squatters by 1983. Article 7 of the Law includes extensive, detailed procedural provisions for the removal.

Needed program elements to respond to the squatter problem are as follows:

First, enforcement to prevent and remedy violations. Given the decades-long failure to exclude squatters from federal land in Culebra, and the presence of squatters on Commonwealth shore-front lands in various parts of Puerto Rico, the existence of adequate legal authorities is far from sufficient to assure that squatters will actually be removed. A concerted program, including public information elements and assistance to home owners, will need to accompany the application of the policies and legal powers established by the LCDC.

Second, resolution of boundary and ownership disputes. If the enforcement campaign against squatters is to be effective, a number of disputes over the boundaries and ownership of federal property will need to be resolved. The LCDC provides that the CCDA will "take steps and will supervise efforts to clarify titles and boundaries of lands transferred to it" by the federal or Commonwealth governments (Art. 10).

Third, provision of alternative homes for resident squatters.

In the cases of the squatters whose "definite homes" are on public lands, removal from public lands must be accompanied by provision of alternate homes. Until completion of the required inventory of squatters and the determination of which of them have "definite homes", the full cost of this requirement remains unclear. In any event, substantial funds

will be needed, and it is difficult to predict how soon they will be forthcoming. As noted, the LCDC calls for complete removal of squatters by 1983.

b. Waste water discharges

The discharge of untreated sewage, notably from Dewey and Clark and from the shorefront squatter settlements into Ensenada Honda, causes another unacceptable disruption of natural conditions in Culebra.

Water quality standards established by the Environmental Quality Board as part of its water quality program for all of Puerto Rico, require most Culebran waters to be maintained at level SB: Coastal waters intended for uses where the human body may come in direct contact with the water (such as swimming, skiing, etc.) and for use in propagation and maintenance of desirable species. The only exception is waters in the Port of Dewey, which are to be maintained at level SC: Coastal waters intended for uses where the human body may come in indirect contact with water (such as fishing, boating, etc.) and for use in propagation and maintenance of desirable species.

The LCDC establishes an even stricter standard. It directs the CCDA to "consider" a number of "general standards", one of which calls for the elimination of a number of "violations of the natural conditions of Culebra" by 1983. One of the "violations" listed is "the discharge of wastes into the waters of Culebra".

Needed program elements to respond to the waste water discharge problem are as follows:

First, removal of squatters. Discharges from many of the squatters homes cannot be ended until the squatters are removed. Their homes being virtually at sea level, the provision of sewerage appears impractical at reasonable cost. Thus, the problem of removing squatters, described in the last section, are also problems of ending waste discharges.

Second, construction of sewers for unsewered parts of Dewey and Clark. The cost of sewerage, though apparently substantial, has not yet been determined.

Third, installation of individual septic tanks for lawful structures outside Dewey and Clark. This is physically practical, but will represent an economic burden on some of the very poor people who will need to install them. Public aid may be essential, so there is once more a problem of obtaining public funds.

Fourth, construction of a sewage plant to treat wastes from Dewey and Clark. From the perspective of the Commonwealth as a whole, as determined by the Environmental Quality Board and approved by the U. S. Environmental Protection Agency, the water quality problems of Culebra are far less serious than those in many parts of the main island of Puerto Rico. As a result, the EQB

has assigned very low priority to the Culebra treatment plant. The plant, which is to provide secondary treatment, is not likely to be built until 1985. To meet the deadline established by the LCDC, this plant would need to be an advanced type and would need to be operating by 1983.

C. Unexploded ordnance in former Navy target areas

In the several areas formerly used as Navy targets, "it should be reasonably assumed that there is unexploded ordnance on land and in the surrounding waters. Detailed information concerning the magnitude and location is not available."* Approximate locations are shown in Map 2.

The LCDC (Art 7. (c) (3)) includes among its "general standards" a directive that the Authority will "take the necessary steps to have explosive artifacts removed from the areas used for target practice...." To minimize dangers to recreational users of these areas, these needed program elements must be given high priority for early action.

First, a survey and analysis of the extent of the problem and the steps practically available to reduce or eliminate it.

Second, ordnance removal or other action in accordance with the survey. Assistance from armed forces demolition experts will presumably be needed. The cost of removal, however, is specified as a commonwealth responsibility by federal law. **

Third, the posting of signs warning of dangers from unexploded ordnance.

2. Creation of an overall management capability

As already indicated, effective Commonwealth response to Culebra's problems requires creation of a management capability that has not existed in the past. Only with such a capability can the resources of the island be managed in a coordinated manner consistent with the public good.

Although the needed program elements to create management capability do not warrant lengthy discussion here, they are noteworthy because they will account for an important share of the funds spent by the CCDA. The elements include the hiring and training of agency personnel; the provision of special technical assistance; and the purchase and maintenance of equipment, such as boats, vehicles, and uniforms.

3. Management of public lands and waters

Management of public lands and waters relinquished by the federal government is, as repeatedly stated, a principal need of Culebra and a

*Letter of February 20, 1976, from Adm. W. R. Flanagan, Commander, U. S. Naval Forces, Caribbean, to Mr. Arsenio Rodríguez, Task Force Director, Coastal Zone Management Project. See Appendix 1

**P.L. 93-166 Reserve Forces Facilities Authorization Act. 1974
87 Statutes § 661

principal mission of the CCDA in conjunction with other Commonwealth and federal agencies. In keeping with the overall goals established for Culebra, this management mission has two main thrusts; preservation and development.

Preservation includes protection of endangered species, reefs, sand deposits, mangroves, waters and other resources from degradation. It thus includes removal of the three major disruptions of natural conditions already discussed as well as measures to prevent the taking of migratory birds, endangered marine turtles and their eggs. It also includes smaller scale problems like litter on beaches, waste discharges from boats, the taking of coral, and other vandalism.

Development includes public construction to encourage tourism or for other economic objectives. It also includes the provision of facilities to enhance enjoyment of beaches and other resources.

Needed program elements for the management of public lands and waters are numerous, and some are potentially expensive. They include:

First, a comprehensive program of enforcement. This must include extensive public education; public information, by signs and other means; surveillance; and the institution of proceedings against violators.

Second, routine maintenance and cleaning of public areas.

Third, facilities construction. The Master Plan call for extensive development of Lobina Lagoon. Other identified needs include construction of camping sites, underwater trails, and convenience facilities at beaches.

Fourth, adoption of additional regulations. There is need for effective prohibition against the taking of coral, for example.

Finally, although no land acquisitions are currently contemplated, it is recognized that acquisitions could prove appropriate either (1) as a means to settle title and boundary disputes, or (2) in the event that regulatory actions prove insufficient as applied to geographical areas of particular concern.

4. Guidance of development on public and private property

Conservation and development, the two overriding objectives established for Culebra, will sometimes conflict with each other. Established policies, already described, provide important directions for resolution of these conflicts in Culebra. Moreover, implementation measures for many of these policies are in place. These measures include (a) requirements and prohibitions contained in the LCDC; (b) zoning provisions adopted by the Planning Board and (c) requirements, such as those for environmental impact statements, that apply everywhere in Puerto Rico.

Needed program elements to guide development are as follows:

First, and of principal importance, is the application and enforcement of statutory and regulatory requirements already adopted. Public education must play a major part in these efforts, as well as public information, surveillance, permitting and institution of proceeding against violators.

Second, is the adoption of additional requirements. Internal rules for operation of the CCDA will clearly be needed. It is not yet clear whether there is also need for additional substantive controls over development.

RESPONSIBLE COMMONWEALTH AGENCIES AND SOME MEASURES ALREADY ADOPTED.

Five agencies bear principal responsibility, within the Commonwealth government, for solving the problems of Culebra:

The Puerto Rico Planning Board, which, for more than a generation has played a uniquely powerful role in guiding land use and in integrating the programs of Commonwealth agencies.

The Regulations and Permits Administration, established in 1975 to handle permitting and some other operational matters previously handled by the Planning Board.

The Environmental Quality Board, established in 1970, and best known as the agency responsible for pollution control and for administration of the environmental impact statement program.

The Department of Natural Resources, operating since 1973, which consolidates a number of operational functions, pertaining to conservation and natural resources, that were formerly scattered among several agencies.

The Culebra Conservation and Development Authority, established in 1975, principally to manage the extensive public land and waters that are now being relinquished by the U. S. Navy after nearly three-quarters of a century. The CCDA has additional powers as well, including regulatory powers supplementing those of the Planning Board, the Department of Natural Resources, and the Environmental Quality Board.

The future of Culebra will be shaped, not just by these five agencies, but by Commonwealth agencies responsible for such diverse concerns as economic development, transportation and public works, water, power, education, social services. For two reasons, however, their responsibilities are not elaborated here. First, the pace of change is slow in Culebra: as suggested by the Master Plan projections in Chapter II, there is little likelihood of drastic change. Second,

Needed program elements to guide development are as follows:

First, and of principal importance, is the application and enforcement of statutory and regulatory requirements already adopted. Public education must play a major part in these efforts, as well as public information, surveillance, permitting and institution of proceeding against violators.

Second, is the adoption of additional requirements. Internal rules for operation of the CCDA will clearly be needed. It is not yet clear whether there is also need for additional substantive controls over development.

RESPONSIBLE COMMONWEALTH AGENCIES AND SOME MEASURES ALREADY ADOPTED.

Five agencies bear principal responsibility, within the Commonwealth government, for solving the problems of Culebra:

The Puerto Rico Planning Board, which, for more than a generation has played a uniquely powerful role in guiding land use and in integrating the programs of Commonwealth agencies.

The Regulations and Permits Administration, established in 1975 to handle permitting and some other operational matters previously handled by the Planning Board.

The Environmental Quality Board, established in 1970, and best known as the agency responsible for pollution control and for administration of the environmental impact statement program.

The Department of Natural Resources, operating since 1973, which consolidates a number of operational functions, pertaining to conservation and natural resources, that were formerly scattered among several agencies.

The Culebra Conservation and Development Authority, established in 1975, principally to manage the extensive public land and waters that are now being relinquished by the U. S. Navy after nearly three-quarters of a century. The CCA has additional powers as well, including regulatory powers supplementing those of the Planning Board, the Department of Natural Resources, and the Environmental Quality Board.

The future of Culebra will be shaped, not just by these five agencies, but by Commonwealth agencies responsible for such diverse concerns as economic development, transportation and public works, water, power, education, social services. For two reasons, however, their responsibilities are not elaborated here. First, the pace of change is slow in Culebra: as suggested by the Master Plan projections in Chapter II, there is little likelihood of drastic change. Second,

the coordinative power of the Planning Board provides reliable assurance that all agencies will act only in ways consistent with the policies and plans established by the Board and the CCDA.

THE PUERTO RICO PLANNING BOARD

The Puerto Rico Planning Board, originally created in 1942, now derives its principal powers from the new Puerto Rico Planning Board Organic Act, Law No. 75 of June 24, 1975. The Board seeks to coordinate the activities of all governmental sectors so as to accomplish an integral, balanced development of the Puerto Rican society.

The Board, which is administratively located in the Office of the Governor, has 3 associate members (and one alternate member). The Governor appoints all the members and names one as Chairman. The Chairman may designate one of the other associate members as Vice-Chairman. In addition to his other duties, the Chairman serves as executive director of the agency.

Three planning documents promise to be of overriding importance under the new Organic Act:

1. The Integral Development Plan of Puerto Rico. This is to set forth overall strategies for integral development. The plan (and its future amendments) become effective when adopted by the Board and approved by the Governor. (Art. 13)
2. Land Use Plans,^{*} which are to be consistent with the Integral Development Plan. After any land use plan is adopted by the Board and approved by the Governor, compliance with the plan is mandatory: "Every work or project undertaken by any person or entity must be in accordance with the recommendations of approved land use plans..."** (Art. 14). Land use plans also provide a basis for zoning maps. As already indicated, a Master Plan for Culebra has been adopted by the Board.
3. The Four-Year Investment Program. This assures Planning Board control over the plans and programs of the other agencies. The Act specifies (in Art.15) that "All governmental organisms shall submit to the Planning Board their respective functional and/or operational four-year programs, which the Board will integrate in the preparation and adoption of the Four-Year Investment Program.... No governmental organism shall develop any work, project, or investment that is not contemplated within the Program adopted by the Board, unless that work, project, or investment be authorized by the Governor."

To cause implementation of the Board's plans and policies, the Law (Art. 21) bars any improvement, purchase, sale or change in the use of public property unless the proposed location, nature and

*Significantly for coastal zone management, land use plans may apply to use of water. The term "land" is defined by the Planning Board Organic Act (Art. 3) to include water as well as land.

**All quotations from the Planning Board Organic Act are unofficial translations of the Spanish text. The official translation has not yet been made available.

extent are free from conflict with the integral development plan, the land use plans, and the four year investment program. Moreover, the Board is given broad regulatory powers (Art. 16). The Board is directed to adopt a:

1. Zoning Regulation, which may be applied anywhere in Puerto Rico. (Former Law restricted zoning to urban and certain other areas.) One of the several elements that may be included in the Regulation is designation of areas to be preserved for agriculture and natural areas. (Art. 16 (1)).
(Art. 15 (2)).
2. Regulation to Control the Use of Beaches/. (No such regulation has yet been adopted).
3. Subdivision Regulation. The Law directs the Board to take into account, among other matters, the desirability of avoiding subdivision in areas not ready for development because of inadequate public facilities; distance from other built-up areas; the agricultural importance or natural beauty of the land; or comparable social, economic, physical, or environmental deficiencies. (Art. 16 (3)).

The Law also provides (Art. 25) for coordination between the Planning Board and the Environmental Quality Board. Plans and policies formulated by the Environmental Quality Board must, immediately after their preliminary approval, be submitted to the Planning Board so that it may determine their conformity with integral development policies and strategies of the Planning Board. If an impasse develops between the agencies, the Governor is empowered to resolve it.

Plans and regulations adopted by the Board

Among the plans adopted by the Board, the one of principal importance for Culebra is the Culebra Master Plan, first adopted in 1971, revised in 1975, and signed by the Governor in 1976.

A number of regulations, adopted by the Board pursuant to prior law, remain in effect. Some of these apply throughout the Commonwealth, including Culebra, while others apply only in limited areas. The more important of these regulations are the following:

Reg. No. 3, The Subdivision Regulation, controls land subdivision everywhere in Puerto Rico, including Culebra. Until recently, the regulation exempted subdivisions in which all lots were larger than 5 cuerdas (roughly 5 acres) and were to be used for agriculture. As a result of a 1974 amendment, however, the only exempted subdivisions are those in rural areas creating lots of at least 25 cuerdas each, for agricultural use.

Reg. No. 4, The Zoning Regulation, now applies in Culebra. The zoning map for Culebra has been adopted by the Planning Board and signed by the Governor (See Map 7).

In addition, the Board has adopted "norms"* applicable to low-density residential zones in Culebra (those designated on Map 7 as R-O-25C and R-O-1C). The effect of the norms is to require higher standards (notably by greatly reducing the permitted development density) than would otherwise be required by Reg. No. 4. This norms, which have also been approved by the Governor, are included in Appendix 3.

Reg. No. 7, the Building Regulation, establishes a building code applicable everywhere in Puerto Rico, including Culebra.

Reg. No. 9, The Neighborhood Facilities Regulation, prescribes the improvements that subdividers must provide in new developments. The regulation applies everywhere in Puerto Rico, including Culebra.

Reg. No. 11, The Simple Subdivision Regulation, provides standards, which are often less strict than those otherwise applicable under Regs. Nos. 3 and 4, for "simple" subdivisions (those containing no more than 10 lots and requiring only "simple" public facilities). The Board recently adopted a norm**, however, which assures that Reg. No. 11 does not undercut the requirements established by Reg. No. 4 and its norms for Culebra.

Reg. No.13, The Floodable Areas Regulation, restricts construction in areas subject to flooding. It applies everywhere in Puerto Rico, including Culebra.

THE REGULATIONS AND PERMITS ADMINISTRATION

The Regulations and Permits Administration (RPA) derives its powers from its Organic Law, Law. No. 76 of June 24, 1975. The newly created agency has been established to handle permitting and other operational functions previously handled by the Planning Board. To

*"Establishing As Special Cases Those That Arise in the Special Areas Established in the Low Density (R-O) Residential Districts in the Municipality of Culebra and Adopting the Norms To Be Applied to Them", Resolution JP-215 (First Extension), August 13, 1975; "Norms To Govern the Special Cases That Arise In The Special Areas Established in the Low Density (R-O) Residential Districts in the Municipality of Culebra", Resolution JP-215-A, August 13, 1975. See Appendix 3

**"Establishing As Special Cases Those Simple Subdivisions That Arise in the Special Areas in Low Density Residential Districts (R-O) in the Municipality of Culebra," Resolution JP-216, August 13, 1975. See Appendix 3.

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this end, the Planning Board is empowered by its Organic Act to delegate a number of its functions to RPA. At this time, the full extent of likely delegation is not yet clear.

RPA is headed by an Administrator, who is appointed by the Governor.

Under the RPA Organic Law (Art. 17), no building may be built or altered or moved, nor may any facilities be installed, nor may any land be subdivided or developed or urbanized, without authorization of RPA. The Administrator may dispense with permit requirements in specified cases. (e.g., Art. 20)

RPA is empowered to adopt some regulations (e. g., those governing simple subdivisions (Art. 9)). All, however, must be approved by the Planning Board (Art. 7), except emergency regulations, which must be approved by the Governor (Art. 15).

A 5-member Board of Appeals, whose members are appointed by the Governor, is established to hear appeals from permit decisions of RPA.

THE ENVIRONMENTAL QUALITY BOARD

The Environmental Quality Board (EQB) derives its powers from Law No. 9 of June 18, 1970, as amended. The Act establishes a Commonwealth environmental policy virtually identical to that established for the United States by the National Environmental Policy Act of 1969 (NEPA).

The Board, which is administratively located in the Office of the Governor, has 8 members. Of those, 5 are ex-officio: the Secretaries of Agriculture, Health, Natural Resources, and Transportation and Public Works; and the Chairman of the Planning Board. The three remaining members are appointed by the Governor. The staff of the Board is headed by an executive director, who is also appointed by the Governor.

Although the EQB has broad responsibilities, two are of particular interest to the coastal zone management program:

Environmental impact statements. Law No. 9 requires the preparation of environmental impact statements in connection with governmental actions significantly affecting the environment. Responsibility for administering the requirement falls to the EQB. The requirement in Law No. 9 is substantially identical to the one contained in NEPA, and the administrative responsibilities of EQB for impact statements are comparable to those of the U. S. Council on Environmental Quality.

Pollution Control. The EQB is the Commonwealth agency responsible for air and water pollution control. It adopts and administers pollution-control standards and regulations, and it receives federal aid under the Clean Air Act and the Water Pollution Control Act Amendments of 1972. (The EQB does not build or operate wastewater treatment facilities, which are the responsibility of the Puerto Rico Aqueducts and Sewers Authority.)

The EQB is also the Commonwealth agency responsible for control of solid waste. Actual collection and disposal of solid waste, however, is carried out by municipalities.

Law No. 9 gives the EQB broad regulatory powers. It also gives the Board broad powers to obtain compliance with its regulations, including the power to issue cease and desist orders, and to request execution of such orders in the event of noncompliance .

THE DEPARTMENT OF NATURAL RESOURCES

The Department of Natural Resources (DNR) derives its powers from its Organic Law, Law No. 23 of June 20, 1972, and from earlier laws establishing programs that were transferred to DNR by its Organic Law. The Law directs that the Department discharge its operational responsibilities consistently with public policies established by the Environmental Quality Board.

The Department of Natural Resources is a cabinet level agency, headed by the Secretary of Natural Resources.

Among the statutory responsibilities of the Department are those relating to:

1. "Economic minerals", including the granting of mining concessions.
2. Water, including the granting of franchises for the use of public waters.
3. Sand and other "materials from the earth's crust," including the regulation of sand extraction.
4. Wildlife and sportfish, including the regulation of hunting and fishing.
5. Forests, including the custody and operation of Commonwealth forests.
6. Territorial waters, submerged lands, and the maritime-terrestrial zone; including the granting of permits and franchises for the use thereof.

Of particular importance to the coastal zone program is DNR's power to grant or deny permits required for dredging or for construction of piers or other structures in navigable waters. This is an area of concurrent jurisdiction between the federal and Commonwealth governments. When federal permits are required, the Corps of Engineers does not grant them without endorsement of the Department.

DNR is the "305" agency responsible for preparation of Puerto Rico's coastal zone management program. It is also the "306" agency designated by the Governor for the Culebra Segment Program.

CULEBRA CONSERVATION AND DEVELOPMENT AUTHORITY (CCDA)

The Culebra Conservation and Development Authority (CCDA) derives its powers from Law No. 66 of June 22, 1975. (See Appendix 3). The public objectives and policies established by this law have already been described.

The CCDA is governed by a 5-person board of Directors. Two of the directors serve ex-officio: the Secretary of Natural Resources, who serves as chairman, and the Mayor of Culebra. The remaining three members are appointed by the Governor; two must be residents of Culebra, and the third is appointed on recommendation of the U. S. Secretary of the Interior. The Board selects the agency's executive director. For administrative purposes, the CCDA is attached to the Department of Natural Resources.

The CCDA is "in charge of formulating, adopting, and administering plans and programs for the conservation, use and development of Culebra, in accordance with public policy established in this Law (the LCDC), the standards and regulations of the Environmental Quality Board and with the Master Plan and the zoning map adopted by the Planning Board..." (Art. 4(b)). No agency may approve any work or private project on Culebra without endorsement from the Authority certifying that it does not conflict with approved plans and policies. (Art. 6).

The powers of the CCDA include those of:

1. Property management. The CCDA may acquire property in any legal manner, including expropriation (art. 5 (p)); conserve and administer all kinds of property (Art. 5 (1)); and enter into agreements with federal agencies pertaining to property transfer (Art. 5 (k)). Moreover, the Governor is authorized to transfer property to the Authority, although the Law further provides that public property, in present and planned urban areas will in turn be transferred to the Municipality of Culebra (Art. 7).

2. Regulation. The CCDA may adopt, with prior approval of the Governor, regulations to carry out the public policy and goals of the Law. These regulations may deal, among other matters, with "(1) the protection of flora and fauna; (2) the use of rights to surface waters; the extraction of underground waters and of materials from the earth's crust; the custody and protection of the maritime terrestrial zone and navigable waters; (3) earth removal; (4) the protection of sites or things of natural, cultural or ecological value; and (5) the avoidance or termination of occupation of public lands." (Art. 5 (n)).

3. Enforcement. The CCDA may issue cease and desist orders (Art. 5(o); take necessary judicial actions (Art. 5 (aa); order the destruction of any illegal structure that already exists or is in the process of construction, in accordance with specified procedures (Art. 5 (bb)). Some additional provisions relating to illegal structures have been described earlier in this chapter.

4. Facilities. The CCDA may build, operate, or subsidize the construction of beneficial facilities, including commercial firms (Art. 5 (x)).

The Law also establishes some substantive standards for development (Art. 6):

No development shall be approved which "may interfere in any way with the free access of the public to the sea and beaches..."

No building may exceed three (3) stories (or 9 meters) in the rural area, or 4 stories (or 12 meters) in the urban area.

The first meeting of the Board of the CCDA was held on September 15, 1975, and meetings have been held regularly since then. An interim Executive Director was appointed in November 1975, and appointment of a permanent Executive Director is expected shortly. Several staff members have been hired. Temporary administrative procedures have been adopted, and a draft of final administrative regulations has been prepared. Regulations for permit reviews are being drafted. Adoption of final administrative and permit regulations is expected shortly.

IV. SYNOPSIS OF FEDERAL AGENCY INVOLVEMENT IN CULEBRA

The Coastal Zone Management Act of 1972 creates a new opportunity to mold the activities of all major contributors to the management of coastal resources into a comprehensive management program exhibiting internal consistency. Coordination is a complex task, encompassing federal as well as Commonwealth agencies.

A prerequisite to the establishment of a comprehensive coastal zone management program is identification of the roles played by federal agencies in the coastal zone. This identification has aided the Commonwealth to provide opportunity for agencies to participate, to acknowledge their views and consider the national interest, and to provide a means for continuing coordination and consultation.

The small size and population of Culebra, as well as severe natural constraints, combine to limit, not only the island's development opportunities but also the number of federal agencies that significantly affect it. Even so, a number of federal agencies have been identified as contributing significantly to the management of its coastal resources.

AGENCIES OF THE EXECUTIVE BRANCH

Two agencies representing the executive branch of the federal government contribute significantly to coastal zone management in Culebra:

The Office of Management and Budget (OMB): One of the primary tools of OMB is Circular A-95, which provides for a review and comment process among agencies affected by federal proposals.

The Council on Environmental Quality (CEQ): The CEQ was created by the National Environmental Policy Act of 1969 and among other duties, provides guidelines for preparation of the environmental impact statements required by that Act.

DEPARTMENTS OF THE FEDERAL GOVERNMENT

Seven of the eleven departments of the federal government have important responsibilities for the management of Culebra. Some have land holdings. Others assist the private sector in performing land use functions or contribute in other ways to management of coastal resources.

DEPARTMENT OF AGRICULTURE

Two of the Department's program areas have noteworthy significance to Culebra:

The Farmers Home Administration (FHA) administers several kinds of loans that encourage development in the coastal zone. In Culebra, the FHA is providing funds for an improved sanitary landfill operation.

The Soil Conservation Service (SCS) has five major programs for cooperation with the private sector: conservation operations, basin surveys, watershed and flood prevention, resource development, and planning. Of these, the conservation operations, resource development and planning may affect Culebra.

DEPARTMENT OF COMMERCE

Of this Department's heterogeneous functions, two have noteworthy importance to Culebra:

The Economic Development Administration (EDA) aids in the development of public facilities and private enterprises that create jobs in areas having severe unemployment and low income problems. Culebra, like all of Puerto Rico, is eligible for EDA assistance. The Overall Economic Development Program for 1975-76, as prepared by the Puerto Rico Planning Board and submitted to EDA, does not contain any projects in Culebra, however.

The National Oceanic and Atmospheric Administration (NOAA). Among NOAA's constituent elements, two promise to have the greatest impact upon Culebra. The first is OCZM, which administers the Coastal Zone Management Act. The second is the National Marine Fisheries Service (NMFS). NMFS has broad responsibilities for marine resources and their habitats, including protection of endangered species and marine mammals. In Culebra, NMFS will continue to be involved in permit review pursuant to the Fish and Wildlife Coordination Act. Pursuant to the recently passed Fishery Conservation and Management Act, NMFS will lay heavy stress on management of critical fisheries habitat.

DEPARTMENT OF DEFENSE

The Department of Defense impacts Culebra both by its permitting activities and by its land holdings:

The U. S. Army Corps of Engineers. Among the activities of the Corps of Engineers, those of particular impact on Culebra are its regulatory functions. The Corps issues permits to private parties and public agencies to fill, dredge, or build in, on, over or beneath navigable waters. The Corps is a focal point of long standing for significant coastal zone regulatory control.

The U. S. Navy. Although the Navy no longer engages in target practice in Culebra and environs, its presence on the island continues. During most of this century, the Navy has had extensive landholdings on the island, including virtually all the shoreline. Of those holdings:

- (a) sizeable portions have been declared excess and transferred by the Navy to the General Services Administration (GSA);
- (b) the transfer of additional portions to GSA is anticipated shortly;
- (c) the Navy plans to retain lands at Punta Flamenco as well as three associated easements, and interests in a pier and ramp located in Lot 87 ("Lower Camp").

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE (HEW)

Social services programs of HEW assist many Culebrans.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

HUD's impact on Culebra takes the form of grants, loans, and insurance measures. A HUD 701 grant, for example, assisted preparation of the Planning Board's Master Plan for Culebra. And Culebra presently receives funds under the Community Development Program for improvement of roadways necessary for its economic development. HUD's Federal Insurance Administration has a continuing responsibility to assess the risk of flooding on Culebra and to monitor development in its floods-prone areas in order to ensure compliance with the requirements of the National Flood Insurance Program.

DEPARTMENT OF INTERIOR (DOI)

The impact of DOI on Culebra has become especially prominent in recent years, and that prominence continues. Three elements are noteworthy:

The "Joint Report". It was the Secretary of the Interior who joined with the Governor of Puerto Rico in the "Joint Report", already repeatedly cited in this document. Many of the policies and other provisions of the Culebra Conservation and Development Act originated in that report.

Role in the CCDA. Under the Law for the Conservation and Development of Culebra, one member of the Board of Directors of the CCDA is appointed by the Governor of Puerto Rico on recommendation of the U.S. Secretary of the Interior.

Power to convey land. The Secretary of the Interior plays a key role in the conveyance of unneeded federal lands to Puerto Rico. The Puerto Rican Organic Act of 1917 (pertinent provisions carried forward in the Puerto Rican Federal Relations Act of 1952) provides in Section 7 (48 U.S.C. 748) that: "The President may... convey to the people of Puerto Rico, such lands... now owned by the United States, and within the territorial limits of Puerto Rico as in his opinion are no longer needed for purposes of the United States..." By Executive Order 10250, June 5, 1951, the President delegated the authority vested in him by this section to the Secretary of the Interior.

Two federal statutes restrict the Department's general powers to convey some present federal land in Culebra:

The National Wildlife Refuge System Administration Act of 1966 (Public Law 94-223) provides that all areas which are included in the National Wildlife Refuge System, as of January 1, 1975, shall thereafter continue to be a part of the system and, in general, cannot be transferred or otherwise disposed of except pursuant to an act of Congress. Consequently, those of Culebra's offshore keys that are included in the Refuge System presumably cannot be transferred to Puerto Rico without Congressional permission.

The Reserve Forces Facilities Authorization Act of 1974 (Public Law 93-166) provides in section 204(c) that "notwithstanding any other provision of law the present bombardment area on the island of Culebra shall not be utilized for any purpose that would require decontamination at the expense of the United States. Any lands sold, transferred, or otherwise disposed of by the United States as a result of the relocation of the operation referred to in subsection (a) may be sold, transferred, or otherwise disposed of only for public parks or public recreation purposes." (The operation referred to in subsection (a) is apparently the Navy's target practice.) Thus, any Navy lands transferred "as a result"

of the relocation of Navy target practice must presumably be restricted to park or recreational use. Any land whose transfer does not "result" from this relocation, however, is presumably free of the statutory restriction.

In addition, three subagencies of DOI have impact on Culebra:

The Bureau of Outdoor Recreation (BOR). Among many measures serving the recreational needs of the nation, BOR administers a grant program under the Land and Water Conservation Act of 1965 and review land acquisition proposals of federal agencies that receive assistance from the Land and Water Conservation Fund. In addition, has responsibility for formulating and implementing a comprehensive Nationwide Outdoor Recreation Plan. In Culebra, various small public recreation projects are presently under consideration for inclusion in the island-wide BOR program. BOR also administers the Legacy of Parks Surplus Property Program, which facilitates transfer of surplus property to state and local governments for recreation or historic uses. BOR will be involved in the transfer of surplus Navy property remaining after details of the Culebra National Wildlife Refuge have been worked out.

The Fish and Wildlife Service (FWS). FWS guides the conservation, development, and management of the nation's fish and wildlife resources, including responsibilities under the 1973 Endangered Species Act. In Culebra, FWS will play key roles. It will manage those lands that are to be transferred to and retained by DOI. It will reactivate the Culebra National Wildlife Refuge, which was established by Presidential Order in 1909. And its regional director has been named by the Governor of Puerto Rico as a director of the CCDA. FWS will also continue to be involved in permit reviews for Culebra pursuant to the Fish and Wildlife Coordination Act.

The U.S. Geological Survey (USGS). The significant contributions of USGS to Culebra consist principally of water-resource studies and hydrologic data collection and the dissemination of the studies and data-collecting results. For example a report by Jordan, D.G., and Gilbert, B.K., "Water Supply and Waste Disposal, Culebra, Puerto Rico", is scheduled for publication in a few months. Also planned is the mapping of the offshore geology around Culebra.

DEPARTMENT OF TRANSPORTATION (DOT)

Three subagencies of DOT have principal impact on the coastal zone:

The U.S. Coast Guard (CG). The Coast Guard affects Culebra principally by promoting water safety; assisting in the enforcement of water pollution and oil spill regulations; and operating aids to navigation and rescue services. The CG operates various navigational markers in Culebra, including a lighthouse on Culebrita to which it requires unlimited ingress and egress.

The Federal Aviation Administration (FAA). The purpose is to foster air commerce, safety, and a national system of airports. The Culebra airstrip is included in the National Airport System Plan as a link in the national aviation transportation system.

The Federal Highway Administration (FHWA). FHWA programs include financial incentives for highway construction. In Culebra, two highways (Nos. 250 and 251) are included in the federal-aid system; no improvements are presently planned. The FHWA has, however, recently authorized a project for the construction of two cargo passenger ferries to serve Culebra. These will be operated by the Puerto Rico Ports Authority. FHWA regulates the haulage of hazardous materials under the Hazardous Materials Transportation Act of 1974.

V. CULEBRA AND THE COASTAL ZONE MANAGEMENT ACTINTRODUCTION

The first four chapters have described Culebra's coastal resources and the programs for managing its land and water uses. The purpose of the present chapter is to relate the Culebra program to the requirements of the Coastal Zone Management Act, amplifying the previous discussions as necessary. The chapter is structured to emphasize the relations of the Culebra program to the key policies and requirements of Section 306 of the Act and of applicable regulations (CFR. 923.11 - 923.44, January 9, 1975).

BOUNDARIES (923.11)Location of the Culebra Segment

To achieve the objectives described in Chapter III, the Culebra Segment must include the island of Culebra and its adjacent keys, islets, and waters. Accordingly, the segment is defined to include the following:

(1) Land

All land areas within "Culebra" as defined by article 3, paragraph C of the Law for the Culebra Conservation and Development of Culebra, Act. No. 66 of June 22, 1975: "The area between 18 degrees 15 minutes and 18 degrees 25 minutes north latitude and between 65 degrees 12 minutes and 65 degrees 25 minutes west longitude." For convenience this area will sometimes be referred to hereafter as the "Culebra rectangle". It encompasses the island of Culebra and its adjacent keys and islets, including Culebrita, Luis Peña, Cayo Norte, and others.

(2) Waters

All waters within three nautical miles of any of the above land areas. Map 4 shows the outer boundary of the segment.

Inland boundary (923.11 (a) (1))

The Coastal Zone Management Act specifies that the coastal zone "extends inland from the shorelines only to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters." (304(a)). OCZ's regulatory comments (923.11 (b)(1)) make clear that the coastal zone "must" include those lands "which have any existing, projected or potential uses which have a direct and significant impact upon the coastal waters and over which the terms of the management program will be exercised."

For Culebra and its adjacent keys and islets, the selection of an inland coastal zone boundary in accordance with these standards has provoked no apparent disagreement. Most of Culebra is within one kilometer of coastal waters, and no part of it is more than 2 kilometers from them. The keys and islets are much smaller, and distances from the sea are even shorter.

Despite a search for realistic alternatives, there appears to have been consensus from the outset that all of Culebra (and its adjacent islets and keys) should be considered "shoreland" and, as such, included in the coastal zone.

Problems of sedimentation alone would appear to justify the conclusion that the entire area of Culebra is "shorelands". There are no perennial streams on Culebra (or on the adjacent islands and keys). Surface runoff from occasional heavy rains and storms flows into coastal waters directly or via ephemeral streams. Sedimentation resulting from storm runoff represents a potential threat to the mangroves and reefs that are among Culebra's principal natural resources, as well as to the waters themselves. Since virtually any uses of the uplands — including grazing or construction of even modest homes — can cause sedimentation in the dry, fragile environment of Culebra, it seems essential to consider all of Culebra as being "shorelands", the uses of which have a direct and significant impact on the coastal waters.

The territorial sea (923.11(a)(2))

The CZMA defines the coastal zone as extending seaward to the outer limits of the United States territorial sea (304 (a)). OCZM regulatory comments specify that states "will be required to use the statutory boundary... At present, this limit is three nautical miles from the appropriate baselines recommended by international law and defined precisely by the United States." (923.11(b)(2)).

As already stated, the land areas included within the Culebra segment are the island of Culebra and its adjacent keys and islets. All of these are included within the "Culebra rectangle", established by the LCDC as the jurisdictional area of the CCDA. The coastal zone, as already stated, extends outward three nautical miles from these land areas. Map 4 shows the resulting outer boundary, which is intended to comply with the CZMA and OCZM commentary.

Because the Culebra segment extends to the specified three-mile limit, some small outlying portions of the segment lie outside the "Culebra rectangle" and thus outside the statutory jurisdiction of the CCDA, (See Map 4). This discrepancy makes no practical difference, however, since all significant reefs and other natural features to be protected in and around Culebra are inside the rectangle as well as inside the three-mile limit.

With respect to areas lying outside the three-mile limit specified by the CZMA, it should be made clear that the Commonwealth has not relinquished any existing authority it may have over such areas by not including them within the boundaries of its coastal zone management program.

Transitional and intertidal areas, salt marshes, wetlands, beaches (923.11(a)(3))

The CZMA specifies that the coastal zone include transitional and intertidal areas, salt marshes, wetlands, and beaches. To assure compliance, OCZM regulations require that these features be identified.

Culebra, being a subtropical dry island, has no salt marshes as such, although some types of mangroves could be considered an equivalent ecosystem. Mangroves, lagoons, and beaches are included in the inventory of significant coastal natural resources shown on Map 5.

Since the Culebra Segment includes all of Culebra and surrounding waters, it clearly includes all transitional and intertidal areas, wetlands, and beaches.

Excluded federal lands (923.11(a)(A))

The definition of the coastal zone in the CZMA excludes "lands the use of which is by law subject solely to the discretion of or which is held in trust by the federal government, its officers, or agents". OCZM guidelines require coastal zone management plans to identify federal lands over which states do not exercise jurisdiction as to use.

The Culebra Segment Program is intended to exclude from the coastal zone all those lands, but only those lands, whose exclusion is required by CZMA. Application of this principle is rendered difficult by several uncertainties. The first, and by far the most important of these uncertainties arises out of pending land transfers from the federal government to the Commonwealth. The second, arises out of longstanding boundary and title disputes. The third, and least likely to present serious difficulty in Culebra, relates both to the interpretation of the CZMA and to the precise status of federal holdings in Culebra.

Map 6, Excluded Federal Lands, identifies those lands on Culebra whose exclusion from the coastal zone is believed to be required by the CZMA. Nevertheless, because of the uncertainties mentioned above and discussed below, it is appropriate to make clear that the Commonwealth's failure to identify particular lands as being included in its coastal zone must not be interpreted as relinquishment of any authority that the Commonwealth may have over those lands.

Uncertainties arising out of pending land transfers -- and a response: The pendency of land transfers complicates the treatment of federal lands in the Culebra Segment Program. Present federal land holdings in Culebra are extensive and important: they include all the beaches, nearly all the shoreline, nearly all the areas of outstanding environmental value. It is anticipated, however, that the federal government will soon relinquish most of its holdings in Culebra. Many have already been declared excess by the Navy and transferred to the General Services Administration.

It was in anticipation of substantial land transfers from the federal government to Puerto Rico that the Joint Report originally recommended creation of the CCDA. The CCDA is intended to provide a management capability that those transfers will make essential. To establish that capability, however, the CCDA needs early financial assistance to supplement its limited Commonwealth funds. It is to obtain that early aid, in the form of "306" grant funds, that the Puerto Rico Coastal Zone Management Program has established a separate Culebra Segment.

Because of these unique circumstances, a number of possible ways to comply with the excluded-federal-lands provisions have been rejected as

inappropriate:

(1) Permanent exclusion of all present federal holdings, regardless of possible future transfer to Puerto Rico. Although this approach might comply with the letter of the Coastal Zone Management Act, it surely would not comply with its spirit, since the management program would be inapplicable to virtually the whole shoreline and to most areas of outstanding environmental value.

(2) Delay of the Culebra program, in hopes that the transfers would have occurred by the time a CZM program was submitted for all of Puerto Rico. This is rejected because (a) the CCDA needs substantial start-up funds to begin developing its management capability even before transfers occur, and (b) there is no way of knowing when all transfers will be completed.

(3) Inclusion of the federal lands, as though transfers had already occurred. This is rejected because (a) the federal government is expected to retain a few areas; and (b) until completion of ongoing federal-Commonwealth negotiations, there is no way to specify the areas to be transferred and those to be retained.

Instead of these rejected approaches, the Culebra Segment Program has selected a fourth alternative that is intended to respond to the unique circumstances of Culebra. The selected approach has two elements:

First, it excludes all present federal lands, in compliance with CZMA (See Map 6)

Second, it establishes use designations for all of Culebra, including the excluded federal lands. (See the Master Plan for the Island of Culebra map of future land use, map 10, which is an integral part of the Culebra Segment Program.) Any land that is hereafter relinquished by the federal government, and that thereby becomes part of the Commonwealth's coastal zone, must comply fully with the Culebra Segment Program.

Uncertainties arising out of boundary and title disputes. Although the Commonwealth has completed an inventory of excluded federal lands (map 6), the transitional status of many of these lands makes necessary some additional steps as part of the management program.

In particular, there is need for resolution of longstanding boundary and ownership disputes between the federal government and private citizens. Some such disputes have recently been settled (e.g. Lasky v. U.S., U.S. District Court, Puerto Rico, 1975, concerning Punta Tampico). Many others, however, remain unresolved. As noted in Chapter III, the Law for the Conservation and Development of Culebra requires the CCDA to clarify the titles and boundaries of lands transferred to it by the U.S. or by Puerto Rico. Moreover the Joint Report commits the U.S. Department of the Interior to assist in clarifying titles and boundaries.

Uncertainty relating to interpretation of the CZMA and precise jurisdictional status of federal lands in Culebra. In Culebra, most (though not

all*) federal holdings are former Spanish crown lands transferred to the U.S. by the Treaty of Paris of 1898 and reserved to it pursuant to subsequent federal statutes and executive orders. Although the precise jurisdictional status of these lands does not appear to have been definitively resolved, they are believed to be under exclusive U.S. legislative jurisdiction and thus to be clearly excluded from the coastal zone by CZMA.

It will be recalled, however, that the Culebra Segment Program excludes only those federal lands whose exclusion is required by the CZMA. There are some uncertainties about the interpretation of that act. In particular, the U.S. Attorney General has been asked by OCZM to rule whether the exclusionary provisions apply to all federal lands or just those over which the federal government exercises sole jurisdiction. If he should rule that only "sole jurisdiction" lands are excluded, and if the federal lands in Culebra should turn out not to be "sole jurisdiction" lands after all, then those lands would not be excluded. Because this combination of rulings is not anticipated, the federal lands are shown as excluded on Map 6.

PERMISSIBLE USES (923.12, 923.14)

Permissible uses (923.12)

The CZMA requires management programs to define "permissible land and water uses within the coastal zone which have a direct and significant impact upon the coastal waters." OCZM regulations add other requirements, and OCZM comments state that "completion of this requirement should be divided into two distinct elements: a determination of those land and water uses having a direct and significant impact upon coastal waters, and an identification of such uses which the State deems permissible."

Uses having impact on coastal waters (923.12 (a) (1))

As discussed above in the section on boundaries, sedimentation problems alone are sufficient to require the conclusion that all development in Culebra has "direct and significant impact" upon coastal waters. Accordingly, the Commonwealth management program applies to all uses and development on Culebra.

Uses the Commonwealth deems permissible (923.12 (a) (4))

The LCDC and the Culebra Master Plan, establish the principal policies of the Commonwealth with respect to uses permissible in Culebra. These policies were described in Chapter III. Measures established to implement the policies will determine permissible uses in more detail.

Implementation measures include, in the case of land uses, (1) a few provisions in the LCDC itself, (2) the master plan and special zoning provisions adopted by the Puerto Rico Planning Board, (3) any additional plans and

*Some federal holdings were purchased from private owners. The registry of property shows, for example, the purchase of a few small parcels for gun mounts.

regulations that may be adopted by the CCDA.

Permissible uses of water will be determined in each instance by review of development proposals in light of the policies set forth in the LCDC, the Culebra Master Plan, the policies and standards of the Environmental Quality Board, and any plan and policies adopted by the CCDA. Most development of water areas requires a permit from the Army Corps of Engineers; the Corps requires an endorsement of the Department of Natural Resources, which in turn is barred by the LCDC from approving any work that fails to comply with plans and policies adopted by the CCDA. Moreover, since virtually the entire shoreline of Culebra is publicly owned (now federal, expected soon to be transferred to Puerto Rico and then to the CCDA*), virtually all shorefront development will also require the permission of the CCDA in its role as property owner.

In addition, both Commonwealth and federal law require the preparation of environmental impact statements before taking any action that would significantly affect the environment.

OCZM regulations require that the procedure used to determine permissible uses include at least three elements:

The first (923.12(a)(2) is an inventory of natural and man-made coastal resources.

An inventory of natural and man-made resources appears in Maps 2 and 5.

The second (923.12(a)(3)) is an analysis of the capability of various resource areas.

Studies relied upon to provide the required analysis include: "Culebra - Island in Transition", published by the Environmental Quality Board of Puerto Rico in 1970; a study of Culebra by the Natural History Society of Puerto Rico, also published in 1970; and "Isla de Culebra," a study by the Bureau of Sports Fisheries and Wildlife, published in 1972. The information in these studies, plus further staff analysis, are reflected in the area designations recommended in the Joint Report and established by the LCDC as well as in the Master Plan for Culebra.

The third required element (923.12(a)(4) is an analysis (or method for analysis) of the impact of various resource uses on the environment.

The studies just cited include environmental as well as resource-oriented analyses. These analyses — particularly by identifying threats to Culebra's magnificent wildlife, reef, and mangrove resources — have provided important bases for the stringent use limitations imposed on nearly all of Culebra by the LCDC and by the Master Plan. In addition, the impact of future uses on Culebra will be determined by the environmental impact review process of the EDB and individual permit evaluations by the Planning Board, PPA and the CCDA.

*It is the policy of the Commonwealth that urban portions of the shoreline be transferred by the CCDA to the municipality. (LCDC, Art. 9). Such transfers will be made unless barred by federal actions.

Priority of uses (923.14)

OCZM regulations require the management program to include "broad policies or guidelines governing the relative priorities which will be accorded in particular areas to at least those permissible land and water uses identified pursuant to section 923.12... Uses of lowest priority will be specifically stated for each type of area."

As described in Chapter III, statutory policies have in effect established the following rank order which has been applied in designating priority uses for the various parts of Culebra: (1) wildlife and biological reserve, (2) recreation, (3) development, and (4) agriculture/conservation.

As further indicated in Chapter III, specific geographic areas have been designated for each use category, and protective measures are in place to prevent inconsistent use and development.

In all four areas, uses of lowest priority are those (e.g., heavy industry) that are not permitted in any of the areas because they (a) are not necessary to accomplish the overall objectives set forth for Culebra in Chapter III, and (b) have impacts that are incompatible with the island's fragile environment. In the areas designated for wildlife and biological reserve, recreation, and agriculture/conservation,, the next-lowest priority is assigned to urban development.

OCZM guidelines recommend that this section indicate, without details, the legal authorities and organizational mechanisms that will be relied upon to meet the requirements of 923.12 and 923.14 during the implementation phase.

The principal measures relied upon will be the same ones described above in the section on permissible uses. The principal organizations involved, and the principal authorities relied upon by them, are explained in Chapter III.

GEOGRAPHIC AREAS OF PARTICULAR CONCERN (923.13, 923.16)Geographic areas of particular concern (923.13)

OCZM regulations require the management program to show evidence that the Commonwealth "has made an inventory of and designation of areas of particular concern within the coastal zone. Such designations shall be based upon:

- (1) "A review of natural and man-made coastal zone resources...."
- (2) "...Upon consideration of State-established criteria which contain at a minimum those factors in 15 CRF 920.13..."

An inventory of natural and man-made coastal zone resources appears in Maps 2 and 5.

After careful consideration of the eight factors contained in 15 CFR 920.13, the following have been found to be of principal significance in Culebra:

- "(1) Areas of unique, scarce, fragile or vulnerable habitat, physical feature,...
- "(2) Areas of high natural productivity or essential habitat for living resources...
- "(3) Areas of substantial recreational value;.....
- "(8) Areas needed to protect, maintain, or replenish coastal lands or resources, including... coral and other reefs, beaches,.. and mangrove stands."

Of the areas deemed significant pursuant to these criteria, several are designated by the Joint Report and the Master Plan as areas for preservation or restoration (APR's). These are considered in the next section. All APR's are considered geographical areas of particular concern (GAPC'S).

Apart from the APR's, GAPC's in Culebra all contain a resource feature that both (1) has outstanding value when judged by the criteria quoted above, and (2) has potential for more than one use or may be sought by potentially incompatible users.

Thus, these GAPC's represent areas of significant conflict, present or potential, over future use. Although all of Culebra is subject to direct regulation by the Commonwealth and is of concern to it, the presence of significant conflicts makes these areas of particular concern to the Commonwealth.

These criteria lead to the identification of the following as areas of particular concern: (1) all significant offshore reef systems, (2) all significant mangroves, (3) all beaches. Geographical areas of particular concern are shown on Map 3.

All the conflicts giving rise to these GAPC designations involve needs to protect natural systems, on one hand, and anticipated human activities, on the other. Reefs and mangroves need constant protection against abuses by recreational users (e.g. against littering and disposal of other wastes) as well as against more serious deprecations (e.g. the taking of coral for sale, the cutting of mangrove roots by oyster harvesters). Planned recreational use of beaches must be adapted to the needs of wildlife, specifically to the life patterns of turtles and birds. The conflict is especially important at beaches that are used as nesting grounds by endangered species of turtles.

Since all of Culebra is subject to direct Commonwealth planning and control, the principal value of GAPC designation is to cause particular attention to be paid to these areas. Governmental resources are always inadequate to do a perfect management job, so the GAPC designation is useful to establish these as priority areas entitled to special attention in the allocation of scarce public resources for enforcement, planning, and regulatory efforts. Accordingly, GAPC's are to receive particular attention from officials charged with surveillance of public resources in Culebra. Moreover, the designation is intended to indicate that these areas

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are important enough to warrant the fashioning of fine-grained plans to resolve the conflicts identified (e.g. to permit recreational use without harming endangered species or reefs or mangroves.). These areas also warrant top-priority attention in the educational campaigns needed to create public concern about the resources in question, as well as in fashioning additional regulations that may prove desirable.

Areas for preservation and restoration (923.16)

The policies underlying the selection of wildlife and biological preserves — as recommended by the Joint Report and established by the LCDC — are set forth in Chapter III. In accordance with those policies, the following areas have been designated for preservation by the Joint Report and the Culebra Master Plan:

- 1) The end of the Flamenco Peninsula
- 2) Flamenco Lagoon
- 3) Mangroves and uplands around Bahía del Manglar
- 4) Mangroves in Ensenada Honda
- 5) Cayo Luis Peña
- 6) Monte Resaca (above an elevation of 150m)

In all cases, the objective of designation is to preserve important natural features and values.

For those designated areas that are publicly owned, the principal protection needed is public education and surveillance against incompatible human use. The principal program responses will be to begin public education programs as rapidly as possible and to provide surveillance as soon as federal ownership of the areas ends and they thus become subject to the Culebra Segment Program.

For designated areas in private ownership (some uplands around Bahía del Manglar are privately owned, and the public title to Flamenco Lagoon is disputed by a private claimant), the problems of protection are more difficult. The Master Plan, or the Zoning Regulation, or both, prohibit development of the designated areas. Moreover, the cluster principle endorsed by the Master Plan, as explained in Chapter III, may well provide an opportunity for reasonable use of some affected private property without disruption of those portions designated for preservation. Denial of dredge and fill permits (and of Commonwealth endorsements necessary to obtain them) appears to present an additional opportunity to prevent disruptions of some type of designated areas in private ownership.

Areas for restoration are those that will be affected by the removal of unacceptable disruptions of natural conditions. These disruptions, and statutory policies calling for their termination, are described in Chapter III. Those areas are:

- 1) Squatter areas, principally along the shore of Ensenada Honda
- 2) Former Navy target areas (lands and surrounding waters).

Areas for preservation and restoration are shown on Map 8.

FEDERAL CONSULTATION (923.31 (a) (2) - (3), 923.32, 923.15, 923.44)

Opportunity for full participation (923.31 (a) (2))

OCZM regulations require evidence that the "State has notified and provided an opportunity for full participation in the development of its management program to all public and private agencies which are liable to be affected by, or may have a direct interest in the management program". A list is to be submitted, identifying such agencies and organizations, the nature of their interests, and the opportunities afforded them to participate in the development of the management program.

OCZM has recommended that this part of the Program deal with these requirements as they affect federal agencies. (A later section deals with them as they affect other agencies).

For an island that is so small, both in area and population, Culebra has a remarkable recent history of federal involvement. Many of the issues discussed in this document were under active discussion well before the coastal zone management program began. The most notable example of this was the Joint Report which, as noted in the Introduction, was prepared at the request of a U.S. Senate Committee and was submitted jointly by the U.S. Secretary of the Interior and the Governor of Puerto Rico.

In addition, a major effort to involve federal agencies specifically in the coastal zone management program for Culebra began in the fall of 1975. An effort was made to identify the federal agencies having a longstanding interest in Culebra. Three such agencies have been identified: the U.S. Navy (Dept. of Defense), the Department of the Interior, and the U.S. Coast Guard (Dept. of Transportation). In addition, the General Services Administration has a significant temporary role until excess Navy lands are transferred to the Interior. The roles of all four agencies are discussed in Chapter IV.

Principal interests expressed by the Navy and G.S.A. have been to assure that their lands are excluded from the Program; the Program does exclude them. The Coast Guard has emphasized its need for unlimited access to its lighthouse on Culebrita; nothing in the Program is believed to interfere with that access. The Department of the Interior has expressed, in helpful detail, its concern to assure establishment of effective measures to protect wildlife resources, especially endangered species. The policies established by ICDC give high priority to wildlife protection, as does this Program.

Additional federal agencies concerned about the Program were given an opportunity to participate via the New York Federal Regional Council.

Late in 1975, representatives of 10 federal agencies met at the Federal Regional Council offices in New York to discuss the Culebra Segment Program and to identify areas which would be of particular concern. Several of the agencies participated in discussions at the meeting about their coastal zone management concerns, activities, programs, problems, and expectations. Some agencies responded later in writing. All expressed agency views have been considered in the preparation of the Culebra program. A list of these agencies and their concerns is included in Appendix 1.

National policies in section 303 of CZMA (923.31(a)(3))

The program document must show evidence that the program will carry out the policies enumerated in section 303 of the CZMA.

"...It is the national policy (a) to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone for this and succeeding generations,..."

As described in Chapter III, the Culebra Segment Program is intended to carry out this policy. The overall conservation and development goals, established by law for Culebra, are consistent with the policy. The policies established to achieve the overall goals, and the measures established to carry out the policies, are described in Chapter III and elsewhere in this chapter (e.g. the section on GAPC's).

...(b) to encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone giving full consideration to ecological, cultural, historic, and esthetic values as well as to needs for economic development,..."

As explained in the Introduction, the Culebra Segment Program represents, above all, an attempt to develop a special management capability for Culebra that will permit effective exercise of Commonwealth responsibility for its conservation and development. The program does consider a broad range of values, particularly natural values, as well as needs for development. As described in Chapter III, the goals established by law seek to achieve conservation as well as development values and, indeed, gives emphasis to conservation goals in designating future land use. Most of the implementing measures focus especially on conservation values. See, for example, the discussions of sections 923.12, 923.13, 923.14, 923.15.

"...(c) for all Federal agencies... to cooperate and participate with state and local governments and regional agencies in effectuating the purposes of this title, and (d) to encourage the participation of the public, of Federal, state, and local government and of regional agencies in the development of coastal zone management programs. With respect to implementation of such management programs, it is the national policy to encourage cooperation among the various state and regional agencies including establishment of interstate and regional agreements, cooperative procedures, and joint action particularly regarding environmental problems."

Efforts have been made to enlist the public, as well as all affected governments, in the preparation of the Culebra Segment Program. This chapter in its section on Public Participation/Intergovernmental Involvement and in the remainder of this section on Federal Consultation, describes the cooperation and participation that have resulted. With respect to implementation, the chief need to carry out the policy, under the circumstances of Culebra, is to achieve cooperation among the affected Commonwealth agencies. This chapter, in its section on Organizational Networks, describes linkages intended to assure cooperative and coordinated action.

Consultation and coordination (923.32)

Section 923.32 concerns coordination of coastal zone programs with plans developed by local governments and by areawide, regional, and interstate agencies. OCZM has recommended that this part of the Program deal with the requirements of section 923.32 insofar as they deal with federal agencies.

In the context of Culebra, none of the requirements of section 923.32 appears to affect federal agencies, so the requirements are not discussed further here. Their effect on other agencies is considered later.

National interest in facility siting (923.15)

The CZMA requires management programs to consider adequately the "national interest in the siting of facilities necessary to meet requirements which are other than local in nature". OCZM regulatory comments identify eight types of requirements which are both (1) "other than local in nature" (i.e. result in facilities "designed clearly to serve more than one locality"), and (2) possess characteristics in which, in the judgment of the Secretary, there may be a clear national interest. For each such need, there is a listing of associated facilities and of affected federal agencies to be consulted.

Culebra is not suitable for most types of facilities serving more than one locality. The size and location of the island, together with the severe natural constraints on its development, cause this unsuitability. Specifically, Culebra is believed unsuitable for facilities that would both (1) be designed to serve another locality in addition to Culebra, and (2) meet any of the following "requirements" listed by OCZM: energy production and transmission, interstate transportation, production of food and fiber, mineral resources.

Culebra is suitable for one or more types of more-than-local facilities serving the remaining requirements identified by OCZM. Commentary by OCZM makes clear that these facilities must not be "arbitrarily excluded or unreasonably restricted". The requirements are as follows:

Preservation of life and property. The Coast Guard maintains a lighthouse at Culebrita as well as other warning lights and buoys. Culebra is subject to the Floodable Areas Regulation (Regulation No. 13) of the Puerto

Rico Planning Board which restricts development in floodable areas. Nothing in the Program is believed to interfere with the National interest in preservation of life and property.

National defense and aerospace. As already indicated, the Navy maintains an "electronic warfare monitoring station" on Culebra at its old "Observation Post". Nothing in the Program is believed to interfere with the national interest in defense and aerospace.

Recreation (of an interstate nature); historic, cultural, esthetic, and conservation values. Culebra's resources clearly generate demands for more-than-local facilities to serve these needs. This is evidenced by:

- (a) The establishment of a national wildlife refuge in the area in 1909;
- (b) The presence, on Culebra island itself as well as in the wildlife refuge, of nesting sites of endangered species;
- (c) Widespread recognition of Culebra's reefs as superb sites for snorkeling and scuba diving.

Far from interfering with the national interest in recreation and conservation values, the Program is intended to promote those values, in accordance with Commonwealth policy as articulated in the LCDC and the Culebra Master Plan.

Perhaps the most essential ingredient in meeting future unknown national needs is the commitment to a coastal zone management program acknowledging national values and needs in Culebra; establishing a responsive system of consultation and coordination; and committing the Commonwealth to a continuing process of interaction with these interests. Experience to date suggests the need for particularly close and detailed coordination with the Department of the Interior, both in connection with wildlife habitat protection and in connection with land transfers to Puerto Rico. The designation of one CCDA Board member on recommendation of the U.S. Secretary of the Interior, as required by the LCDC, should thus be particularly useful in assuring this essential coordination.

Incorporation of pollution requirements (923.44)

The CZMA requires that management programs "incorporate" requirements established by, or pursuant to, the Federal Water Pollution Control Act, as amended, and the Clean Air Act, as amended.

OCZM regulations require that documentation substantiating the incorporation be submitted along with the management program.

The Governor has certified in his covering letter that the Commonwealth coastal zone management program incorporates both federal water quality and federal air quality standards. Furthermore, any action or proposal which would violate air or water quality standards or regulations is considered to be inconsistent with the coastal zone program for Culebra.

The management program has been developed in consultation with the Environmental Quality Board, which is the Commonwealth agency responsible for pollution control. Continuing close cooperation with the EQB is planned and anticipated.

The Commonwealth position on federal consistency

OCZM has recommended that this part of the Program outline the forms that required federal consistency is expected to take.

It is the expectation of the Commonwealth that federal actions in Culebra will be carried out within the context of the Culebra Segment Program, which includes the Joint Report, the LCDC, and the Master Plan for the island of Culebra. To this end, it is the expectation of the Commonwealth that federal agencies will follow the directives of the Coastal Zone Management Act which provide that:

- (a) each federal agency conducting or supporting activities directly affecting the coastal zone will conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with the Culebra Segment Program;
- (b) any federal agency undertaking any development project in the coastal zone will insure that the project is, to the maximum extent practicable, consistent with the Program;
- (c) no federal license or permit for an activity affecting land or water uses in the coastal zone will be granted by any federal agency until the Commonwealth, or its designated agency, has concurred with the applicant's certification of consistency (unless the Secretary of Commerce finds on appeal that the activity is consistent with the objectives of the Act or is otherwise necessary in the interest of national security); and
- (d) no federal agency will approve any governmental application for federal assistance for a program affecting the coastal zone until the Commonwealth, or its designated agency, determines that the proposed activity is consistent with the Program (unless the Secretary of Commerce finds that the proposed activity is consistent with the objectives of the Act or is otherwise necessary in the interest of national security).

The Commonwealth recognizes that federal consistency obligations under the Act are qualified with respect to excluded federal lands, which are lands the use of which is by law subject solely to the discretion of, or which is held in trust by the federal government, its officers, or agents.

With respect to federal activities and projects on excluded federal lands, it is the expectation of the Commonwealth that:

- (a) Federal activities and projects on excluded federal lands will, as a matter of federal agency policy, be conducted in a manner consistent with the approved Commonwealth program to the maximum extent practicable.

The Commonwealth intends to work in close cooperation and consultation with federal agencies having holdings on Culebra so that the agencies are aware of the policies and standards of the coastal zone management program. In this spirit, the Commonwealth will work with federal land managers in an effort to achieve federal management that is consistent, to the maximum extent practicable, with the substance of the Commonwealth's coastal zone management program.

Procedures. Procedures established to assure consistency with the program, will, insofar as possible, be combined with existing review procedures so as to provide effectiveness yet minimize delay and duplication of work. Accordingly, the following procedures will be used:

(a) Federal actions subject to A-95 clearance.

Through continuing mechanism of Federal consultation and coordination, the Commonwealth expects federal agencies to notify the Puerto Rico Planning Board of actual or planned federally conducted or supported activities directly affecting the coastal zone and of planned federal development projects within the coastal zone. The primary mechanism for notification and determination of consistency will be the procedures of Title IV of the Intergovernmental Cooperation Act of 1968 (the A-95 process). For any federal activity or development project in Culebra subject to A-95 clearance:

- (1) The Puerto Rico Planning Board will require that the application for A-95 clearance be accompanied by a request for certification that the activity or project development is consistent with the approved coastal zone management program;
- (2) The Puerto Rico Planning Board will not grant A-95 clearance unless the Board finds the proposed activity or development project to be consistent with the approved coastal zone management program;
- (3) Unless the application is accompanied by documentation indicating approval of the activity or development project by the CCDA, the Board will transmit a copy of the A-95 clearance application to the CCDA for review and comment under appropriate A-95 regulations.

A special demonstration project, jointly funded by the Commonwealth, OCZM, and HUD, will be undertaken as part of the overall Puerto Rico coastal zone program in the coming year to develop further the use of the A-95 process as a mechanism for insuring coordination and consistency with the coastal zone program. Attention will be given to increasing the effectiveness and speed of the coordination process. Attention will also be given to possible extension of the A-95 review process, to include review of additional actions not subject to it, as a means to facilitate coastal zone management compliance

- (b) NPDES Permits. For NPDES permits concerning discharges in Culebra: The Environmental Quality Board of Puerto Rico will not grant Commonwealth certification of any NPDES permit application unless EQB finds the proposed discharge to be consistent with the approved coastal zone program.
- (c) All other federal actions. For all federal actions in Culebra that (1) are not subject to A-95 clearance, and that (2) are not NPDES permits: As an interim measure, pending completion of the A-95 demonstration project mentioned above, all requests by federal agencies for certification that such proposed federal actions are consistent with the coastal zone management program should be submitted to the Secretary of Natural Resources. He will arrange for consultation with the CYDA and with the Planning Board before granting certification. In the event the Commonwealth and a federal agency develop a disagreement regarding the consistency of federal activity or development project with the approved program, Commonwealth's intent to make every effort to settle the matter by informal means. Should, however, the dispute reach the stage of serious disagreement, the matter may be submitted to the Secretary of Commerce for mediation as provided by the Act.

PUBLIC PARTICIPATION/INTERGOVERNMENTAL INVOLVEMENT (923.31, 923.32, 923,41)

Full participation (923.31 (a) (2))

OCZM regulations require evidence that the "State has notified and provided an opportunity for full participation in the development of its management program to all public and private agencies and organizations which are liable to be affected by, or may have a direct interest in the management program". A list is to be submitted, identifying such agencies and organization, including"State agencies, local governments, regional organizations, port authorities and public and private organizations." The nature of their interest is to be stated as well as the opportunities afforded them to participate in the development of the management program.

In accordance with OCZM recommendations, this part of the program deals with these requirements as they apply to non-federal agencies.

The nature of public participation in the Culebra Segment Program has been affected, not only by the small population of the island, but by the fact that the process of establishing policies and policy-implementation measures was well under way when the coastal zone management program began. As repeatedly indicated, the significant policies were recommend in the Joint Report (1973), enacted into Law by the LCDC (1975), and supplemented by the Culebra Master Plan (initially adopted in 1971 and significantly revised in 1975). To an important extent, this program document has the effect less of establishing new Commonwealth policies and measures than of documenting that established policy satisfies requirements for 306 funding under the CZMA. In these circumstances, it is essential to consider not only the public participation in the Segment Program itself but also the participation that preceded policy formulation: the enactment of the LCDC and the adoption of the Master Plan. A summary of the public hearings preceding both of these is included in Appendix 2.

In addition, the Culebra Segment Program has benefitted from a report that represents a major expression of informed citizen views: "Puerto Rico and the Sea/A Report to the Governor", which was completed and circulated in 1972 and published in final form in 1973. As stated in the Governor's note that accompanied the report, "Nearly one hundred citizens of Puerto Rico worked closely together on a voluntary basis" to create the report. In its section on coastal zone management, the report notes that a "special opportunity for citizen involvement may exist in Culebra." Accordingly, the report recommends that the legislature consider the feasibility and desirability of establishing a "Culebra Park District" (i.e. an entity much like the later-established CCDA) "which would have special powers to protect the environment of the Island, and which would include representatives of the residents."

Of the various types of non-federal agencies and organizations listed in OCZM comments, the number of potentially concerned with Culebra is very limited. There is one local government: the Municipality of Culebra. There are no regional organizations. There is one port authority: the Puerto Rico Ports Authority, which is a Commonwealth agency, a division of the Dept. of Transportation and Public Works. As for private organizations, the small population of the island supports almost none. There are, of course, private organizations in Puerto Rico, but consultation with those groups in the course of preparing the overall coastal zone program for Puerto Rico has revealed little expressed concern about Culebra.

As a practical matter, the entities available for consultation are the Municipal Government, which represents the Culebrans, and various Commonwealth agencies. The summary of public hearings in Appendix 2 indicates their participation, as well as some private participation, and indicates the concerns expressed. As for additional consultations, those with the Mayor have been by far the most important -- and have been so frequent that detailed listing is impractical.

Consultation and coordination with other planning (923.32)

The CZMA requires coordination of management programs with "local, areawide and interstate plans applicable to areas within the coastal zone..., which plans have been developed by a local government, an areawide agency..., a regional agency; or an interstate agency". The act also requires an effective mechanism for continuing consultation with such governments.

No areawide, regional, or interstate agencies have jurisdiction in Culebra. There is one local government, the Municipality of Culebra, which has not adopted plans.

The CCDA is believed to represent an effective mechanism for consultation and coordination between the Department of Natural Resources, as the designated coastal zone management agency, and the Municipality of Culebra. The mayor of Culebra as well as the Secretary of Natural Resources are ex-officio members of its board of Directors.

Public hearings (923.41)

OCZM regulations require the management program to show evidence that "the State has held public hearings during the development of the management program following not less than 30 days notification, that all documents associated with the hearings are

conveniently available to the public for review at least 30 days prior to the hearing..."

After the CODA board of directors had been appointed and a draft of this program document had been prepared to serve as a basis for hearings, the required hearings were held in Culebra. Public notice was given in May and a public hearing was held on Culebra in June. Copies of a draft of this document, plus a summary in Spanish, were made available through the Mayor's office. Summaries of the hearing have been prepared and are included in Appendix 2.

LEGAL AUTHORITIES (923.31(a)(1), 923.21, 923.24, 923.25, 923.26, 923.17)

Formal adoption (923.31(a)(1))

OCZM regulations require the management program to show evidence that it has been "formally adopted in accordance with State law or, in its absence, administrative regulations". The comments state that the program "must demonstrate that it represents the official policy and objectives of the state" and that formal adoption by the management agency will "in general" be needed to establish this.

To satisfy this requirement with respect to Culebra, Puerto Rico relies on:

- (1) Enactment of the Law for the Conservation and Development of Culebra.
- (2) Adoption by the Puerto Rico Planning Board of (a) the Culebra Master Plan and (b) Culebra zoning provisions described in Chapter III.
- (3) The certification of the Governor, contained in the covering letter that accompanies this program document.

Means of exerting Commonwealth control over land and water uses (923.21)

To satisfy OCZM regulations, Puerto Rico must have "identified a means for controlling each permissible land and water use" and for precluding uses which are not permissible. There is to be a list of elements establishing the legal basis for such controls as well as documentation by the Governor (or his chief legal officer) that the Commonwealth "actually has and is prepared to implement" the authorities required to implement the program.

The Puerto Rico Planning Board Organic Act, described in Chapter III, provides a statutory basis for controlling all permitted uses, and prohibiting

all other uses, in Culebra. As noted, that Law requires governmental organisms (broadly defined to include public corporations and municipalities as well as Commonwealth agencies) to act consistently with Planning Board plans and policies. Moreover, the Law gives the Board broad regulatory powers, which the Board has exercised.

The following plan and regulations are believed to provide the requisite control over uses in Culebra. All are described in Chapter III:

1. The Culebra Master Plan.
2. Reg. No. 3, The Subdivision Regulation.
3. Reg. No. 4, The Zoning Regulation, with norms.
4. Reg. No. 11, The Simple Subdivision Regulation, with norms.

In addition to Planning Board regulations, the following laws, also described in Chapter III, provide additional controls over uses in Culebra:

1. The Environmental Public Policy Act. Law No. 9 of June 18, 1970 (environmental impact statements, air and water pollution control)
2. The Law for the Conservation and Development of Culebra (Law No. -6 of June 22, 1975) (establishes CCDA; plans and policies, regulations)
3. The Organic Law of the Department of Natural Resources (Law No. 23 of June 20, 1972) (dredging, construction in navigable waters; management of natural resources).

The certification of the Governor is contained in the covering letter that accompanies this program document.

Authorities to administer land and water uses, control development, and resolve conflicts (923.24)

The management program must contain documentation by the Governor or his designated legal officer that the agency and governments chosen by the State to administer the program have the authority to administer land and water regulations, control development in accordance with the management program, and to resolve use conflicts.

The requisite certification is contained in the Governor's covering letter.

Authorities for property acquisition (923.25)

The management program must contain documentation by the Governor or his designated legal officer that the agency or agencies responsible for implementation

of the management program have available the power to acquire "fee simple and less than fee simple interests in... property, through condemnation or other means where necessary to achieve conformance with the management program. Where the power includes condemnation, the State shall so indicate..."

The CCDA is empowered to acquire real estate, or interests therein, by any legal means including force expropriation, as provided in the General Law of Force Expropriation of March 12, 1903, as amended. (LCDC, Art. 8, Sec. (a), and 32LPRA, secs. 290-13). In addition, the Puerto Rico Land Administration, which often acquires land needed by other public agencies, has broad power to acquire land or interests therein, by expropriation or otherwise. (Puerto Rico Land Administration Act, 23LPRA, secs. 311-330).

The requisite certification by the Governor appears in his covering letter.

Techniques for control of land and water use (923.26)

The program must contain "documentation by the Governor or his designated legal officer that all existing, projected and potential land and water uses within the coastal zone may be controlled by any one or a combination of the techniques specified by Section 306 (e) (2)" of the CZMA.

Puerto Rico uses the technique listed in section 306 (e) (1) (B): "Direct State land and water use planning and regulations." The requisite certification by the Governor appears in his covering letter.

Local regulations and uses of regional benefit (923.17)

The CZMA requires that the program provide for a method of assuring that local land and water use regulations within the coastal zone do not unreasonably restrict or exclude land and water uses of regional benefit.

There are no municipal regulations of land or water uses in Culebra (or elsewhere in Puerto Rico), nor is there statutory authority for adoption of such regulations. Accordingly, there can be no arbitrary restriction or exclusion by local regulations.

Although 3 of the 5 directors of the Culebra Conservation and Development Authority will be Culebra residents, there is negligible risk of arbitrary restriction or exclusion, in view of the following:

1. The CCDA is a creature of the Commonwealth government, administratively attached to the Department of Natural Resources.
2. The Commonwealth Secretary of Natural Resources is

ex-officio chairman of the CCTA's board of directors.

3. The Governor appoints three of the remaining Board members and must approve any regulation adopted by the CCDA before it may become effective.
4. The LCDC (Art. 4(b)) requires that actions of the CCDA be consistent with the policies and regulations of the Commonwealth Environmental Quality Board and the Master Plan and zoning map adopted by the Puerto Rico Planning Board.

ORGANIZATIONAL NETWORKS (923.22)

Organizational structure to implement the management program (923.22)

The program must describe how the Commonwealth is organized to implement the authorities identified in section 923.22. In addition, there must be certification by the Governor or his designated legal officer that the Commonwealth has established its organizational structure to implement the program.

Five agencies bear principal responsibility, within the Commonwealth government, for solving the problems of Culebra. The five are (1) the Puerto Rico Planning Board (PRPB), (2) the Regulations and Permit Administration (RPA), (3) the Environmental Quality Board (EQB), (4) the Department of Natural Resources (DNR), and (5) the Culebra Conservation and Development Authority. The governance, powers, and responsibilities of these agencies, as well as their plans and regulations that are of particular importance to Culebra, are described in Chapter III. Familiarity with that chapter, and particularly its section titled "Responsible Commonwealth agencies and some measures already adopted", is assumed in the material that follows.

Functions included in the management program: priorities: The management program, which has also been described in Chapter III, contains two broad kinds of functions:

1. Management of public lands and waters. These functions include public education, enforcement, maintenance, facilities construction, and so on. They are major elements of the Culebra Segment Program. Although DNR performs many of these functions in most of Puerto Rico, the CCDA will be responsible for them in Culebra.
2. Guidance of development on public and private property. These are mainly planning and regulatory functions and are the principal concern of section 923.21. Responsibility for this type of function is concentrated in the Puerto Rico Planning Board, supplemented in Culebra by the CCDA. Additional regulations guiding development have been adopted by the EQB and DNR.

Although the success of the management program requires satisfactory performance of both kinds of functions, the needs of Culebra dictate that particular emphasis be placed on the first kind, that is, on the management of public land and waters. The anticipated transfer of public areas from federal to Commonwealth ownership will require the Commonwealth to undertake an unprecedented management program for those areas. By contrast, the second group of functions — guiding development on an island where change comes slowly and where extensive development regulations are in place — will require less initiative and far less staff effort. The great importance attached to the management of public lands and waters largely accounts for the designation of DNR as the 306 lead agency: As noted above, DNR is responsible for these functions in most of Puerto Rico, and the CCDA, which is responsible for the functions in Culebra, is administratively attached to DNR.

Organization to perform these functions. Commonwealth agencies are organized to perform these functions, and linkages among the agencies assure that they will act consistently with the policies that underlie the Culebra Segment Program.

Organization to perform the first group of functions (management of public lands and waters). With respect to the first group of functions, the principal organizational need is to assure that the CCDA, which will be principally responsible for these functions in Culebra, is closely tied to DNR, the designated "306" agency. Established linkages appear more than sufficient to assure this: (1) CCDA is administratively attached to DNR by law; (2) the Secretary of Natural Resources is chairman of the CCDA board of directors; (3) a significant share of CCDA's funds are likely to be "306" funds made available to it by DNR.

If CCDA undertakes developmental activities, it will be subject to the same types of development controls (described below) that apply to other public agencies, including Planning Board compliance, A-95 reviews, environmental impact statements.

Organization to perform the second group of functions (guidance of development on public and private property). With respect to the second group of functions, the planning and guidance of development, linkages assure consistent action not only by the agencies principally responsible for implementation of the Culebra Segment Program (the Planning Board, RPA, FOP, DNR, CCDA) but also by the other Commonwealth agencies and corporations. The linkages in question are numerous. In an effort to simplify their description, the material that follows groups them into three categories: (1) linkages at the level of policies and plans, (2) linkages at the level of regulatory adoption and amendment, and (3) linkages at the level of permitting and project review.

(1) Linkages at the level of policies and plans.

At the level of policies and plans, Commonwealth policy for Culebra is, as repeatedly noted, established by the LCDC and the Culebra Master Plan. Any change in these policies and plans can be made only by legislative action or, in the case of the Master Plan, by the Planning Board with the approval of the Governor. The CCDA is empowered to advise the Planning Board on any such changes and would unquestionably do so. As

noted repeatedly, the Secretary of Natural Resources is chairman of the CCDA board of Directors, so DNR would also be involved in any policy changes.

The CCDA is empowered to make plans, but they must by law be consistent with the Master Plan and zoning regulations adopted by the Planning Board, as well as with standards and regulations established by the EQB.

The EQB has power to establish environmental policies, but the Planning Board Organic Act now provides that they, too, must be submitted to the Planning Board, as explained in Chapter III.

(2) Linkages at the regulatory level.

At the regulatory level, all five agencies principally responsible for implementation of the Culebra Segment Program may adopt or amend regulations relevant to the program. There, too, linkages are numerous, and the existence of the CCDA provides a focus for consultation on regulations having principal impact on Culebra. Informal consultation among the agencies is important, as is that resulting from required public hearings. Among the other formal links that exist at the regulatory level are these:

Planning Board: The Board's Land Use Plans are to serve as a basis for zoning regulations. All Board regulations and amendments thereto become formally effective only when signed by the Governor.

RPA. Regulations adopted by RPA do not become effective until approved by the Planning Board (except emergency regulations, which require approval of the Governor).

EQB. EQB regulations and amendments must be approved by an 8-member Board whose membership include the Chairman of the Planning Board, the Secretary of Natural Resources, and three other cabinet members.

DNR. Most relevant DNR regulations (e.g. those governing extraction of materials from the earth's crust) do not require approval by other agencies, but referral and consultation would occur as a matter of course with the Planning Board; EQB; and if, the regulation pertained especially to Culebra, the CCDA.

CCDA. CCDA regulations, after adoption by a board headed by the Secretary of Natural Resources, require approval by the Governor before they become effective. Both the Planning Board and the EQB, which are administratively located in the Office of the Governor, would be likely to review CCDA regulations before the Governor's approval.

(3) Linkages at the level of permitting and project review.

At the level of permitting and project review, informal and formal linkages are also extensive.

As described in Chapter III, several statutory provisions require public projects to be in compliance with Planning Board plans and programs. In the case of Culebra, this will require compliance with the Culebra Master Plan. In accordance with longstanding practice, many public projects in Puerto

Rico are individually reviewed by the Board to assure compliance, although the Board is empowered to exempt some classes of projects (e.g. those of low cost and small impact) from review requirements.

- Private projects subject to Planning Board regulations are reviewed individually by the Board or RPA, as described in Chapter III.
- In addition, many federally funded projects require A-95 clearance. The Planning Board is the A-95 agency.
- The Planning Board often refers projects to DNR, EQB, or other agencies for comment or consultation.
- Projects having significant environmental impact are subject to Environmental Impact Statement requirements of Commonwealth law, administered by the EQB. The EQB routinely refers FIS's to other agencies for comment and coordinates its review with the Planning Board. The EQB and DNR operate permit programs to administer their regulations.
- DNR grants the Commonwealth endorsements needed for Corps of Engineers permits.
- In Culebra, no "work or private project" can be approved by any agency without a prior endorsement from the CCDA certifying that the work does not conflict with CCDA plans and policies. This required endorsement is expected to assure coordinated attention to problems of Culebra by all agencies.

OCZM has suggested that this section include a discussion of how the public will be involved during the implementation phase, as well as a description of mechanisms to be used to update the program after its approval by the Secretary of Commerce.

Formal mechanisms for public involvement include: (1) public information programs of the Commonwealth agencies; (2) public hearings required by Commonwealth law before adoption of plans and regulations; (3) the presence of private citizen members of the CCDA and EQB. The most important mechanism, of course, is the political process, which enables private citizens to influence agency actions by making their interests and concerns known to the Governor and their legislators.

No formal new mechanisms for updating are believed to be necessary, since all Commonwealth programs must be updated in response to changing conditions. Accordingly program updates/revisions (as necessary), will be a regular part of CCDA, Planning Board and DNR activities.

The Governor's certification required by section 923.22 is included in his covering letter.

SEGMENTATION (923.43)

If a program is to be presented in segments, the State is to "advise the Secretary of Commerce as early as practicable, stating the reasons why segmentation is appropriate and requesting his approval".

Puerto Rico's intention to prepare a separate Culebra segment was communicated to OCZM staff as early as April 11, 1975. The reasons for segmentation are explained in the Introduction to this program document.

Each segment must show evidence that "the State will exercise policy control over each of the segmented management programs prior to, and following their integration into a complete State management program".

The Culebra Segment Program is an integral part of the Puerto Rico Coastal Zone Management Program. Successful integration of the Culebra Segment into the overall program is assured by the fact that DNR is (1) the "305" agency responsible for formulating the overall program; (2) the "306" agency designated for the Culebra Segment; and (3) the agency to which the CCDA, which will have a major management role, is administratively attached. DNR will use its position to assure that management activities in Culebra are integrated into the program being formulated for Puerto Rico as a whole.

Following completion of the overall program, the coastal problems of Culebra will continue to be resolved within a policy context created by Commonwealth agencies for all of Puerto Rico. The LCDC, and particularly the factors cited in the discussion of section 923.17 of OCZM guidelines, assure this. Indeed, the Commonwealth will continue to assert control, not only at the policy level but also in key matters of implementation (notably regulations and permitting), in Culebra as well as in the rest of Puerto Rico.

OCZM regulations require each segment to include "a geographic area on both sides of the coastal land-water interface."

This is clearly the case in Culebra.

There must also be a showing that a "timetable and budget have been established for the timely completion of the remaining... segment."

The Commonwealth is in the process of developing its overall management program and intends to submit that program for federal review and approval no later than June 1977. An application for continuation of 305 funding has been prepared and discussed with OCZM, and was approved June 8, 1976 to cover the final year costs in preparing this program. The final year 305 application contains a work element specifically focusing on the integration of the Culebra Segment with the overall management program. The

total coastal management program will incorporate the Culebra Segment, as approved.

MISCELLANEOUS (923.23, 923.42)

Gubernatorial designation of a single agency (923.23)

The CZMA authorizes grants only when "the Governor... has designated a single agency to be responsible to receive and administer the grants" under section 306.

The Governor's designation appears in his covering letter. The DNR is the designated agency for "306" purposes. It is anticipated that a major portion of 306 funds and responsibilities will be subcontracted to the CCDA, which is administratively attached to DNR.

Gubernatorial review and approval (923.42)

The CZMA authorizes grants only if the management program, and any changes thereto, have been approved by the Governor.

The Governor's approval is contained in his covering letter.

VI. APPENDICES

APPENDIX 1 - FEDERAL AND COMMONWEALTH AGENCY CONSULTATION

- ITEM A - MEETING OF NEW YORK FEDERAL REGIONAL COUNCIL, JULY 6, 1976
- ITEM B - MEETING OF NEW YORK FEDERAL REGIONAL COUNCIL, DEC. 9, 1975
- ITEM C - SELECTED RECENT FEDERAL CORRESPONDENCE PERTAINING TO CULEBRA
- ITEM D - PUERTO RICO COMMONWEALTH AGENCY REVIEW

APPENDIX 2 - PUBLIC HEARINGS

- ITEM A - PUBLIC HEARINGS ON CULEBRA SEGMENT PROGRAM, JUNE 4, 1976
- ITEM B - PUBLIC HEARING ON ZONING MAP, AUGUST 1, 1975
- ITEM C - PUBLIC HEARING ON BILL TO CREATE CCDA, APRIL 27-29, 1975
- ITEM D - PUBLIC HEARING ON MASTER PLAN, AUGUST 10, 1971

APPENDIX 3 - LEGAL AUTHORITIES

INTRODUCTION TO APPENDIX 3

- ITEM A - LAW FOR THE CONSERVATION AND DEVELOPMENT OF CULEBRA
- ITEM B - SECTION 6.18 OF PLANNING REG. NO. 4, THE ZONING REGULATION
- ITEM C - PLANNING BOARD RESOLUTION JP-215-A (FIRST EXTENSION)
- ITEM D - PLANNING BOARD RESOLUTION JP-215-A
- ITEM E - TITLE 1, ARTICLE 8, OF PLANNING REG. NO. 11, THE SIMPLE
SUBDIVISION REGULATION
- ITEM F - PLANNING BOARD RESOLUTION JP-216

APPENDIX 4 - ENVIRONMENTAL IMPACT ASSESSMENT

APPENDIX I : FEDERAL AND COMMONWEALTH AGENCY CONSULTATION

ITEM A: MEETING OF NEW YORK FEDERAL REGIONAL COUNCIL, JULY 6, 1976

DISCUSSION OF CULEBRA SEGMENT : REPORT OF MEETING

On Tuesday, July 6, 1976, the New York Federal Regional Council (N.Y. FRC) met to provide federal agencies an opportunity to review and discuss the Culebra Segment of the Puerto Rico Coastal Zone Management Program.

In attendance were representatives from the following federal agencies:

Dept. of Commerce
Dept. of Agriculture
Dept. of Health, Education & Welfare
Dept. of the Interior
Dept. of Labor
Dept. of Transportation
Federal Energy Administration
Environmental Protection Agency
Law Enforcement and Administration Agency
General Services Administration
Federal Power Commission

Staff members of OCZM opened the discussion of the Culebra Segment, stressing the importance of federal agency input and explaining the principal changes (relating to excluded federal lands, federal consistency and networking) made, in response to OCZM comments, after circulation of the Draft Management Program document to federal agencies.

Mr. Octavio Wys, Puerto Rico's Undersecretary of Natural Resources, explained the main emphasis of the Culebra Segment Program, and DNR staff and consultants provided additional information.

Written comments were received from several federal agencies. Comments from the Corps of Engineers were promised within three weeks.

During the discussion period, several federal agencies commented, as follows:

DOT

- More formal comments will be completed by June 14.
- Noted need for a mechanism to resolve conflicts between federal and Commonwealth agencies. OCZM representative replied that forthcoming regulations pursuant to section 307 of CZMA will provide such a mechanism.
- Noted need for a detailed listing of each place where DOT has buoys etc. This will be indicated in formal comments.
- It would be helpful to designate certain types of development that are too unimportant to warrant individual clearances as being consistent with Act. This will also be spelled out in formal comments.

-DOT would like to see time limits established for review action by Puerto Rico, especially for those not proceeding through the A-95 process. OCZM representatives said these will be established by forthcoming 307 regulations.

FEA

Noted concern that energy facilities not be arbitrarily excluded. OCZM representative replied that Culebra was, as noted in Program document, unsuitable for energy facilities of more than local concern, so problem of arbitrary exclusion did not arise.

DOC

National Marine Fisheries Service noted major concern with sea turtles. Also need to assure consistency with action of fisheries management council established pursuant to Fisheries Management Conservation Act of 1976.

DOI

Stressed need for coordination with Parks and Public Recreation Administration of Puerto Rico, as indicated in formal comments.

ITEM B : MEETING OF FEDERAL REGIONAL COUNCIL

DECEMBER 9, 1975 : EXPLANATORY LETTER

November 3, 1975

Mr. William Green
Chairman, Federal Regional Council
Region II
26 Federal Plaza
New York, New York 10007

Dear Mr. Green:

As you probably know, the Coastal Zone Management Act of 1972 (P.L. 92-533) mandates Federal cooperation and participation in the development of state coastal zone management programs. Additionally, the Act requires that Federal agencies be provided an opportunity to review any management programs submitted for approval to the Secretary of Commerce.

The Office of Coastal Zone Management (OCZM), in its efforts to assist states in fulfilling the coordination/review requirements of the Act, has utilized several existing coordinative mechanisms with varying degrees of success. The Federal Regional Council structure is one of those mechanisms. The purpose of this letter is to request your assistance in working with OCZM and the Commonwealth of Puerto Rico regarding their plan to submit a segmented coastal zone management program. Michael Payne of my Office has discussed this possibility with Ms. Estelle Guzik of your staff. Ms. Guzik expressed her view that such a request was in accordance with the New York FRC work plan and felt that you would be receptive to such a proposal. Furthermore, such an activity appears to meet certain work elements regarding Federal Regional Councils as suggested in Executive Orders 11647 and 11731.

Briefly, our plan of action, which clearly depends on your schedule and interest, consists of the following. The CZM Act allows a state (territory) to submit a (geographic) segment of its coastal zone for program approval. Although the vast majority of states will elect to submit their programs on a whole state basis, a few have indicated their interest in the segmented approach. The Commonwealth has in existence a special law regarding the conservation, development and use of the Island of Culebra and its surrounding keys and islands. This special legislation established the authority for the conservation and development of Culebra within the Department of Natural Resources with all necessary legal controls and mechanisms to govern the development of Culebra. It is our intent to support the Commonwealth in their efforts to obtain approval for this environmentally unique and biologically sensitive, yet developable, part of their coastal zone in accordance with our rules and regulations.

The Commonwealth has worked extensively with the Department of the Navy, the Department of the Interior and several other agencies that would be impacted directly by activities on Culebra; but, as indicated; the participation of all relevant agencies is desirable and needed. We would like to convene a meeting of the appropriate Federal representatives in New York during the first week or so of December. (Suggested dates include December 5, 8, 9, or 10.) This meeting would give the Commonwealth an opportunity to present formally their Culebra program to Federal agencies and lay out the timing of the submission. It probably will be necessary to have one additional meeting of the group sometime in late January or early February to distribute the final plan and address any issues that may have surfaced subsequent to the first meeting. We anticipate no more than two such meetings. Your assistance and participation (through the auspices of the FRC) in these meetings will help to insure the success of this effort.

Most Federal agencies affected by state coastal zone management program development have designated appropriate regional representatives to serve as either an initial contact point and/or the spokesman for agency CZM positions. A listing of these contact points is attached and they should be extended the invitation to participate in the December meeting. However, those officials may in turn wish to delegate this authority to someone else which is perfectly acceptable. As you will notice, many of these officials are the agency representatives that serve on the Council while others are not FRC members. Therefore, we would like to convene a special ad hoc committee or task force consisting of yourself, the attached Federal contact points (or their representatives), select personnel from this Office and officials from the Commonwealth to deal with the Culebra submission. We would appreciate a response at your earliest convenience in order to firm up the date and initiate other necessary actions.

Additionally, OCZM is planning to convene a meeting of our Washington level agency contacts on November 19, 1975, at 10:00 a.m. in our Washington Office. You are cordially invited to attend this session. Initial discussions of the Culebra submission are scheduled for that meeting, as well as other matters that could be of interest to you or your representative.

Your assistance in this matter is greatly appreciated.

Sincerely,

Robert W. Knecht
Assistant Administrator for
Coastal Zone Management

Attachment

cc: RHK, TIA; Chron MPAYNE/ab

MEETING OF NEW YORK FEDERAL REGIONAL COUNCIL, DECEMBER 9, 1975, TO
DISCUSS CULEBRA SEGMENT: REPORT OF MEETING

On Tuesday, December 9, 1975, the New York Federal Regional Council (NY FRC) met to provide federal agencies an opportunity to review and discuss the Culebra Segment of the Puerto Rico Coastal Zone Management Program.

In attendance were representatives from the following federal agencies:

- | | |
|-------------------|--------|
| . OCZM | . GSA |
| . HUD | . FEA |
| . DOT-Coast Guard | . EPA |
| . DOI | . NMFS |
| . Navy | . FPC |
| . ERDA | . FEB |

The meeting was opened by William Green, Chairman of the NY FRC, and was followed with a discussion by Robert Knecht, OCZM Administrator, of the relationship of the submission of the Culebra Segment to coastal zone activities in general. OCZM staff members provided perspective on the role of federal agencies in reviewing the segment.

Joel Gordon of PR DNR described program development efforts to date, history behind and content of Commonwealth - DOI Joint Report on Culebra, and the Law for the Conservation and Development of Culebra. Slides of Culebra were shown, and maps graphically depicting management implications were displayed.

During the discussion period, a number of federal agency interests and concerns were expressed:

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HUD

- a) Compatibility of Culebra management plans with HUD LU Requirements.
- b) Compatibility of Community Development Block Grant requests with Culebra CZMP.

Navy

- a) Question regarding consultation process and federal involvement between meeting and March submission of program document. (PR DNR will deal bilaterally with Navy. Another FRC meeting will be held to review the draft 306 submission.)
- b) If Navy were to continue offshore operational range, there would be concern what Culebra CZMP might say in that regard. However, at present it is questionable whether Navy will continue this range.
- c) Navy advised CZMP to take into account areas with as yet undetonated ordnance. Gordon advised that has been taken into account.

EPA

- a) Questions raised regarding solid waste and waste water disposal.

NMFS

- a) Interest in preservation of sea turtles (endangered species) noted.

GSA

- a) In response to GSA question as to when Culebra Conservation and Development Authority would be in a position to apply for and receive surplus (Navy) lands, Gordon indicated Authority sufficiently established and staffed to make immediate application for lands.

DOI

- a) DOI representative from Boston provided Gordon with list of working contacts; advised Gordon to continue close working relationship with Atlanta DOI personnel.

CG

- a) Concerns expressed with regard to following:

- Maintenance of navigation aids

- Airport improvements
 - Ferry boat service, related piers and roads
 - Enforcement of marine pollution laws
- b) CG would also have concerns if Culebra CZMP were to propose any management techniques that prohibited or restricted navigation.
- c) Question regarding integration of Commonwealth Highway Plan with Culebra CZMP.

None of the federal concerns expressed during the meeting appeared to PR DNR to present insurmountable obstacles to federal approval of the segment. In a number of instances, however, it appeared necessary to address the federal concerns explicitly in the program document.* Moreover, with respect to the Navy and CG concerns, further bilateral discussions were arranged: Gordon arranged to meet with representatives of both agencies in Puerto Rico in January to discuss their concerns in depth.

*Addendum (May 1976): It is believed by PR DNR that the program document responds to all concerns expressed at the meeting.



Appendix 1, Item C,

**U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE**

Duval Building
9450 Gandy Boulevard
St. Petersburg, FL 33702

July 16, 1976

Mr. Octavio Wys
Undersecretary
Department of Natural Resources
Commonwealth of Puerto Rico
P.O. Box 5887
Puerta de Tierra
San Juan, Puerto Rico 09906

Dear Mr. Wys:

I sincerely appreciated the opportunity to meet with you and your colleagues at the New York Federal Regional Council meeting, July 6. I understand that the Office of Coastal Zone Management has made available to you the general comments of the National Marine Fisheries Service relative to the draft Coastal Zone Management Plan for Culebra. This is to document my comments at the July 6 meeting.

With respect to management of endangered and threatened species of marine turtles, we are most pleased that it is the intent of your agency to adopt as part of the coastal zone management plan, regulations stemming from the Endangered Species Act which are designed to protect marine turtles and their habitat. To assist the development of meaningful management regulations for marine turtles, we recently contracted with Dr. Archie Carr of the Caribbean Conservation Corporation, University of Florida, for survey and reconnaissance of nesting shores and coastal habitats of marine turtles in the Southeastern United States, Puerto Rico and the Virgin Islands. A copy of the contract is enclosed for your information.

As noted at the Council meeting, the passage of the Fishery Conservation and Management Act (Public Law 94-265) earlier this year has added a new dimension to fisheries management. It calls for management of this Nation's fisheries on an optimum sustainable yield basis, taking into account ecological, as well as biological, economic and social factors. Specifically, the Act defines fishery resources to include "...any habitat of fish", and enjoins the Secretary of Commerce to carry out a research program which must include "...the impact of pollution on fish, the impact of wetland and estuarine degradation, and other matters..." I have enclosed for your information a copy of the Act, along with a report of the Committee of Conference.

In the Southeast Region, it is expected that the fisheries management plans developed by the Regional Fisheries Management Councils established under



80-

the Fishery Conservation and Management Act will lay heavy stress on management of critical fisheries habitat. This being the case, there is critical need for a cooperative working arrangement between the state entity involved in fisheries management and the state entity involved in coastal zone management. In the case of Puerto Rico, the cognizant fisheries management agency under P.L. 94-265 is the Department of Agriculture and Agriculture Secretary Gonzalez Chapel has been designated by the Commonwealth as the principal official with marine fishery management responsibility and expertise. The Culebra Coastal Zone Management Plan does not list the Department of Agriculture as one of the responsible Commonwealth agencies with respect to coastal zone management, nor is there provision for that Department's direct involvement in the Culebra Conservation and Development Authority (CCDA). At a minimum, we would recommend that the Plan provide for a formal working relationship between the Departments of Natural Resources and Agriculture with a view to providing for development of a Coastal Zone Management Plan which gives full consideration to the fisheries habitat related recommendations of the Caribbean Fisheries Management Council. //

During the course of our discussions in New York, it became apparent that there was some confusion as to the responsibility of the National Marine Fisheries Service as it relates to living marine resources and their habitat. The Service operates under more than 50 specific legislative authorities, some of which impose upon it a direct authority for management of resources of the coastal zone and for the overview and critique of proposed activities that would affect living marine resources and their habitats. Of these authorities, the following eight deal most directly with NMFS' responsibilities in the coastal zone: //

- o Fish and Wildlife Act of 1956, 16 U.S.C. 742a-742k

Established a comprehensive national policy on fish and wildlife resources; authorized programs and investigations that may be required for the development, advancement, management, conservation, and protection of the fisheries resources of the United States.

- o Fish and Wildlife Coordination Act of 1934, as amended, 16 U.S.C. 661-666c

This is the basic legislation stating that fish and wildlife conservation shall receive equal consideration and be coordinated with other features of water resources development through consultation with the Fish and Wildlife Service, the NMFS (Re-organization Plan No. 4 of 1970), and State Fish and Game Directors.

- o Commercial Fisheries Research and Development Act of 1964, 16 U.S.C. 669-779f

Authorizes the Secretary of the Interior (now Commerce) to cooperate with the States through their respective State agencies which regulate commercial fisheries in carrying out projects designed for research on the development of the commercial fisheries resources of the Nation. These studies, conducted through Federal grants, often provide important data for analyzing the living marine resources aspects of environmental planning and coastal development projects.

- o Marine Mammal Protection Act of 1972, 16 U.S.C. 1361-1407

Establishes a moratorium on the taking of marine mammals and a ban on the importation of marine mammals and marine mammal products with certain exceptions. The Act directs the Secretary of Commerce to cooperate with the States in the protection of marine mammals. The Department of Commerce has responsibility for whales, porpoises, seals and sea lions.

- o Endangered Species Act of 1973, 16 U.S.C. 1531-1542

Provides for the conservation of endangered and threatened species of fish, wildlife, and plants. The program is to be administered jointly by the Secretaries of the Interior and Commerce. Among other things, the Act enjoins responsible agencies to identify and protect the critical habitat of such species.

- o Anadromous Fish Conservation Act of 1965, 16 U.S.C. 757a-757f

Authorizes the Secretary of the Interior (and Commerce pursuant to Reorganization Plan No. 4) to enter into cooperative agreements with the States, jointly or severally, to conserve, develop, and enhance the anadromous fishery resources of the Nation that are subject to depletion from water developments.

- o Marine Migratory Sport Fish Act of 1959, 16 U.S.C. 7602-760g

Directs the Secretary of Commerce to undertake a comprehensive continuing study of migratory marine fish of interest to recreational fishermen, including species which migrate through inshore waters. Included in such studies shall be research on migration, identity of stocks, growth rates, mortality, survival environmental influences including pollution, to develop wise conservation policies and constructive management.

o Fishery Conservation and Management Act of 1976, 16 U.S.C.
180-

Establishes a fishery conservation and management regime to be implemented by the Secretary of Commerce. Establishes a fishery conservation zone extending from the limits of the territorial sea to 200 nautical miles from the baselines from which the territorial sea is measured. The act defines fishery resource to include "...any habitat of fish," and enjoins the Secretary to carry out a research program which must include "...the impact of pollution on fish, the impact of wetland and estuarine degradation, and other matters..."

I trust that our comments will be helpful to you in the development of the Culebra Coastal Zone Management Plan. If we can be of any additional assistance, please feel free to call on us.

Sincerely,



Ernest D. Premetz
Special Assistant to the Regional Director

Enclosures

August 17, 1976

Mr. Ernest D. Premetz
Special Assistant to the Regional Director
National Marine Fisheries Service
N.O.A.A.
U.S. Dept. of Commerce
Duval Building
9450 Gandy Boulevard
St. Petersburg, Florida 33702

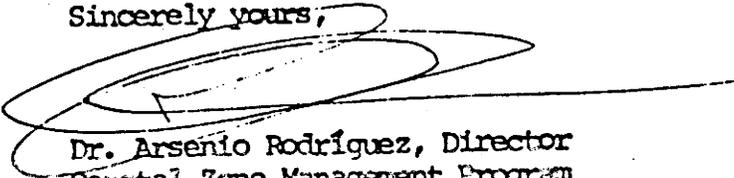
Dear Mr. Premetz:

Thank you for your letter of July 16, addressed to Undersecretary Octavio Wys, which followed up on your comments at the July 6 meeting held to review the Culebra Segment of the P.R. Coastal Zone Management Program.

We have expanded the description of NMFS in Chapter IV to include mention of NMFS responsibilities under the Fishery Conservation and Management Act. (FCMA).

The Commonwealth Department of Agriculture was invited to review a draft of the Culebra Segment Program, and we anticipate a close working relationship with them in the future as well. This relationship will, of course, include consideration of fisheries habitat recommendations pursuant to the FCMA.

Sincerely yours,



Dr. Arsenio Rodríguez, Director
Coastal Zone Management Program

AR/inc



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Rockville, Md. 20852

Reply to Attn. of:

Date :

To : David H. Wallace
Associate Administrator for Marine Resources

From : Robert W. Knecht
Assistant Administrator for Coastal Zone Management

Subject: Response to NOAA Review of Culebra Segment

We wish to thank you for your June 7 memorandum providing comments on the draft Culebra segment program and for the attachments from various NOAA elements (including NMFS, EM&P and Mapping, Charting and Geodesy). These comments will be relayed to the Commonwealth Department of Natural Resources which is responsible for the preparation of the final document. I am sure the comments provided through you will be of great assistance to the Commonwealth in revising the Culebra segment program prior to its being distributed for formal Federal review.

In addition to assuring you and other NOAA elements that your comments will be transmitted to the Commonwealth, we want to take this opportunity to respond to and clarify some of the items raised by the various reviewers, in particular the comments contained in the NMFS 5/28 attachment to your memorandum.

Before proceeding to specifics, a few general comments might be helpful:

1) There appears to be some confusion as to how NOAA comments might be accommodated. Irrespective of whether or not a DEIS on this program is issued, * the comments you supplied us can and will be used by the Commonwealth in revising their basic program document which will be subject at a minimum to formal Federal review if not to the DEIS review process.

2) It is our interpretation that under the Coastal Zone Management Act, which speaks to a comprehensive program addressing institutional as well as resource issues, a state is not required to articulate specific resource management programs for each and every element addressed in the overall program. Rather a framework for decision-making and a process for developing reasonable criteria that takes into account natural resource considerations (as well as social and economic factors) is what the programs should contain.

*Given that the impact of the Federal action of approving this program will be minimal (since the Culebra program will proceed irrespective of approval) and that Culebra is a segment which must be integrated into the overall Commonwealth program for which an EIS will be prepared, consideration is being given to issuing a negative declaration.

Some of the comments we received are critical of the draft because it does not contain specific management programs for all the natural resources coming within the purview of the various Commonwealth agencies. As stated above, we would not expect or require such detail. We are satisfied that the processes described in the Culebra document should be adequate to develop such specifics as needed.

With regard to the specific comments in your memo:

1) We believe the reference to Section 306(c)(1)(B) is a typo and should read instead (e)(1)(B).

2) We would appreciate your advising us as to the nature of DOC's (especially NMFS') direct interest in Culebra. What is the nature of DOC/NMFS past involvement in Culebra? What does DOC/NMFS see as their future involvement, and in what manner?

DOC interests are mentioned in Section IV of the draft. By "direct interest," we believe the Commonwealth is referring to those Federal agencies with whom Puerto Rico has had substantial and substantive involvement over Culebra in the past and would expect to have a comparable level of interaction in the near future.

With regard to the NMFS, F3 5/28 comments:

1) Regarding the general comments about NMFS/Commonwealth interaction prior to submission of this document, it should be noted that NMFS participated (through the attendance of Harold Allen) at the December 9, 1975, briefing of the New York Federal Regional Council by the Commonwealth on the Culebra program. According to our records of that meeting, NMFS' interest in the preservation of sea turtles (as a threatened/endangered species) was noted. A similar interest on the part of FWS also was expressed. In this regard, the Commonwealth has had extensive dealings with FWS and further communications from them on the specific subject of sea turtles. It is our understanding that the draft 306 document already is undergoing revision to provide further treatment on the subject of the sea turtles. Hopefully, this further discussion will address adequately NMFS' concerns as well.

In any case, Mr. Allen will be among those Federal representatives invited to attend a July 6 meeting of the New York Federal Regional Council. The purpose of this meeting is to provide further opportunity for informal Federal review and input to this program prior to its submission for formal Federal review. We certainly encourage NMFS' attendance at this meeting.

2) By copy of this memo, we will advise the Commonwealth to expand their discussion of NMFS' authorities and responsibilities to reflect these adequately.

3) With regard to the general comment that the draft seems to lack substance on managing living marine resources, we might note that one of the primary reasons the Commonwealth is seeking early approval for the Culebra segment (and the primary impetus behind the establishment of the CCDA) is to receive funding to permit the CCDA to staff up adequately for purposes of promulgating resource protection rules and regulations, and for hiring sufficient enforcement personnel to insure protection of living marine resources. We might also note that the whole thrust of the Joint Report and the LCDC and the Master Plan (both of which are based on the Joint Report) is resource preservation and the maintenance of Culebra in its present, basically natural state.

4) Boundaries: The landward boundary is clearly delineated (it includes the island of Culebra and surrounding cays in toto) and a reasonable rationale for this delineation is provided (see pages V-1 - V-3).

Further, in the Coastal Zone Management Act (Sec. 306(h)), the only requirement the Commonwealth must address, for purposes of segment approval, is provision for the ultimate coordination of the segment into the total program, for which this document does provide. Nothing in the choice of the landward boundary for the Culebra segment should serve as an obstacle to ultimate integration.

5) Permissible Uses: We do find that the subject of permissible uses is adequately addressed. In addition to the discussion on pages V-5-7 and III 1-7, we call your attention to the master plan map and the zoning map in the appendices. A copy of the full text of the master plan and the Joint Report is available for review in our Office if further background is desired.

6) Geographic Areas of Particular Concern: Existing sea turtle habitats are located on those lands presently in Federal ownership. Unless and until the Commonwealth has some definite indications that these lands will come into their possession, it is something of a futile effort on their part to develop the suggested performance standards. However, we are sure the Commonwealth would be most appreciative of any suggestions NMFS might have as to appropriate criteria.

7) Public/Governmental Involvement: The Culebra program (as well as the total Commonwealth program) has been developed in cooperation with other Commonwealth agencies, particularly in the development of inventory and other background information. Representatives from the DNR, the Planning Board and the Environmental Quality Board comprise a steering committee for purposes of program development.

There appears to be a fairly long history of public dialogue on Culebra. In addition to the public hearings noted in the appendix, extensive informal discussions regarding the Joint Report, the Master Plan and the LCDC have been held in a manner common to such a small island where informal meetings are an integral part of the lifestyle.

8) Organization: For the reasons noted in our general comments, we are satisfied that the organizational structure (especially in terms of the responsibilities the CCDA is mandated to fulfill) is satisfactory.

9) Authorities: Again, for the reasons noted in our general comments, we are satisfied that the legal authorities are more than adequate to meet the CZMA requirements. It should be noted that the master plan and zoning regulations already are in force and effect. In addition, the CCDA is in the process of developing administrative rules and regulations as well as permit review criteria, both of which should be finalized prior to distribution of this document for formal Federal review.

With regard to the specific EM&P 5/25 comments:

1) It should be noted that water quality control on Culebra as elsewhere in the Commonwealth is primarily the responsibility of the Environmental Quality Board and that further, the priorities for addressing water quality problems have been developed by the EQB and approved by the U.S. Environmental Protection Agency.

2) Nonetheless, the suggestion that a water quality monitoring program at certain locations on Culebra is most constructive and may be appropriate for inclusion in the Culebra 306 work program. Accordingly, we will recommend to the Commonwealth that, if and when the segment program is approved, they give consideration to including a monitoring program as part of their 306 work program.

cc:
A, Dr. White
Ax1, Dr. Townsend
EM&P, E. Epstein
EE
F
EDS
NOS
MR2
MR3
MR4
MR5



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Rockville, Maryland 20852

CZM
REC'D.

DATE : JUN 7 1976

TO : Robert W. Knecht, Assistant Administrator for Coastal Zone Management

FROM : David H. Wallace *David H. Wallace*
Associate Administrator for Marine Resources

SUBJECT: Review and Comments on the Commonwealth of Puerto Rico Culebra Segment Draft Management Program

Pursuant to the Administrator's memorandum (Procedures for Internal Review of State Coastal Zone Management Programs submitted for approval) dated March 24, 1976, and your memorandum of May 14, 1976 (Review of Draft 306 Program for Culebra), we have reviewed subject draft management program.

It is obvious that the Culebra Segment of the Puerto Rico Coastal Zone Program provides the necessary first step towards achieving an interrelated set of land and water use policies, regulations and ordinances designed to plan for and control future growth and development in Culebra. It should strengthen planning as an active tool in making land and water use decisions.

Several major areas of concern with subject program are identified in the attached memorandums from the Associate Administrator for EM&P and from the National Marine Fisheries Service. I recommend that you consider the points raised prior to issuance of the DEIS.

Likewise, I recommend that the following points be considered prior to issuing the DEIS:

1. Since the Coastal Zone Management Act does not include Section 306(c)(1)(B), the covering letter from Governor Rafael Hernandez Colon to Dr. Robert M. White should be corrected to clarify certification point number 5.
2. The Department of Commerce (in particular the National Marine Fisheries Service and Office of Coastal Zone Management) should be included as one of the Federal agencies having a "direct interest" in the Culebra Segment Program (see page V-10 and appendix I).



3. Lobina Lagoon (mentioned at numerous places in the Draft Management Program) should be identified on at least one of the attached maps.

In view of the fact that our people have had little time to review the Draft Management Program, it is entirely possible that additional concerns will surface during the EIS review process. Thus, during this review process, I trust that we will be able to propose positive recommendations for improving the Culebra Segment Management Program.

Attachments

cc: A - Robert M. White
Axl - John W. Townsend, Jr.
MR - David H. Wallace
EM&P - Edward S. Epstein
EE
F
EDS
NOS
EPL
MR2
MR3
MR4
MR5



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Rockville, Md. 20852

RECEIVED

MAY 25 4 18 PM '76

DOC-NOAA
MARINE RESOURCES
MEX 4

Reply to Attn. of: EM3

Date : May 25, 1976

To : David H. Wallace
Associate Administrator for Marine Resources

From : Edward S. Epstein *[Signature]*
Associate Administrator for EM&P

Subject: Culebra CZM Plan

After reviewing the subject CZM Plan, my staff reports that although it appears adequate in areas of EM policy, the Plan is very weak in its consideration of water quality controls for protection of human health.

At present, Culebra has no sewer system or sewage treatment facilities and none are planned before 1985. Therefore, sewage empties directly into bays such as Ensenda Honda from the two main population centers on the island.

The Law for Conservation and Development of Culebra (LCDC) calls for the development of beaches for public usage in the Ensenda Honda area. However, LCDC does not identify the need for a water quality monitoring program to be initiated to assess trends in pollutant levels due to sewage and land runoff problems.

The Culebra CZM Plan should identify this problem and propose the initiation of steps to monitor water quality in certain stressed areas.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Washington, D.C. 20235

DATE: MAY 28 1978

F34/KWO

TO: Robert F. Hutton
Special Assistant for State Affairs, MRx4

FROM: *for* Harvey M. Hutchings *Marie M. Paluzzi*
Acting Associate Director for Resource Management, F3

SUBJECT: Draft CZM Management Program: Culebra Segment,
Commonwealth of Puerto Rico

Per Bob Knecht's May 14 memorandum (received May 19), we have reviewed subject document in accordance with the procedures for internal review of State CZM programs contained in Dr. White's March 24 memorandum (particularly procedure #4).

Our comments follow:

In spite of the optimism for effective State-Federal consultation expressed in procedure #1 of Dr. White's March 24 memorandum, the draft received May 19 directly from CZ was the first opportunity we had to review any part of the program. Coordination/consultation between NMFS and the Commonwealth of Puerto Rico (as required by the CZM Act) in the development of subject draft has been extremely limited. Some important NMFS authorities and responsibilities relative to living marine resources are not recognized in subject draft (e.g., endangered species and marine mammals). Regarding endangered species, the present threatened/endangered status of sea turtles is not treated adequately in subject draft. NMFS's recent DEIS on a proposal to list sea turtles as threatened species should be useful in improving that portion of the subject draft.

Overall, subject draft seems disjointed and lacking in substance as to how the Commonwealth will satisfy the seven management (threshold) requirements of the CZM Act with respect to living marine resources, even though procedurally the draft touches on each of these requirements. Our specific comments on the treatment of the seven requirements in subject draft are as follows:

1. Boundaries - The consideration/designation of the landward boundary appears to have been done very casually with the result that it has not been clearly delineated. No rational criteria appear to have been developed to provide a basis for this determination. Therefore, standardization between the landward boundary for Culebra and the remainder of the Commonwealth is in doubt.

1-C(6)-1



92

2. Permissible Uses - This requirement is treated by a categorization of lands into three classifications - 1) preservation, 2) conservation, and 3) development - with a very superficial distinction between the three. The subject of permissible uses, per se, is not adequately addressed.

3) Geographical Areas of Particular Concern - The treatment of this requirement in subject draft is deficient in that habitat designations for preservation of living marine resources (in particular sea turtles) have not been identified. Also criteria necessary for developing performance standards are not included in subject draft.

4) Public and Government Involvement - It would appear that intragovernmental coordination with agencies in the Commonwealth and with the general public is lacking. For example, in the case of living marine resources, the Department of Natural Resources is designated as the official agency to handle fisheries matters, whereas the Department of Agriculture possesses most of the technical information relating to fishery resources (e.g., sea turtles). Dialog with the general public appears to be very limited.

5) State-Federal Interaction and National Interest - As mentioned above in our general comments, this requirement in respect to interaction with NMFS has not been met. The only responsibility of NMFS recognized in the draft is the permit review portion of our habitat protection program under the Fish and Wildlife Coordination Act. We recommend that the Commonwealth open up meaningful dialog and channels of communication with NMFS to correct this deficiency prior to development of the Discussion Paper for subject program segment.

6) Organization - We are doubtful that the organizational structure described can satisfactorily meet this requirement in regard to living marine resources without significant strengthening.

7) Authorities - The treatment of this requirement appears quite superficial. Subject draft is overly optimistic about the requirement having been satisfied. To satisfy this requirement, we believe the Commonwealth needs to develop criteria, performance standards and zoning plans.

We hope the above comments will be helpful in avoiding potential problems and in refining subject draft prior to release of the Discussion Paper for the DEIS.

Subject draft was reviewed within a totally inadequate time frame for such an important document and therefore our comments may very well be deficient. We feel this to be especially true in respect to making positive recommendations for correcting deficiencies identified in the

draft. Our comments largely concentrate on the deficiencies and potential problem areas as per procedure #4 of Dr. White's March 24 memorandum. With more time for review, tied to better opportunity for participation with the Commonwealth in program development we could have devoted more effort to developing positive recommendations for improving subject draft and the program.

Attachment

cc: F F3 FSE CZ F33 EE

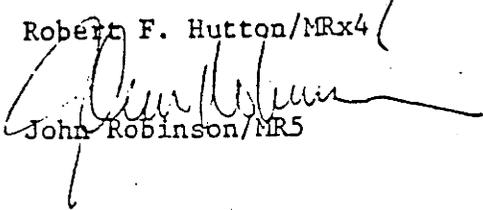


U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Rockville, Md. 20852

Date : May 25, 1976

Reply to Attn. of: MR5

To : Robert F. Hutton/MRx4

From :  John Robinson/MR5

Subject: Commonwealth of Puerto Rico Draft Coastal Zone Management Program -
The Culebra Segment

1. As requested we have reviewed the subject program. The scope of our review has been limited to a determination as to whether there is any conflict between the subject program and NOAA policy under MR5 cognizance.
2. We find no areas of policy conflict. It is presumed that NOAA OCZM will be responsible for determining if the program meets the provisions of the CZM Act of 1972 and subsequent rules and guidelines.



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Rockville, Md. 20852

Date : May 27, 1976

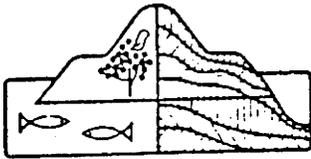
Reply to Attn. of: MR4

To : Robert F. Hutton
State Coordinator for Marine Resources

From : C. William Hayes *C. William Hayes*
Chief, Mapping, Charting and Geodesy

Subject: Review of Coastal Zone Management Program for San Francisco Bay and
Draft Management Program for Culebra.

We have reviewed the subject documents and have no comments.



**DEPARTMENT
OF NATURAL
RESOURCES**

July 30, 1976

Mr. C.D. Moore, Jr., Director
Installations Planning Division
Naval Facilities Engineering Command
Department of the Navy
Norfolk V.A. 23511

Dear Mr. Moore:

Thank you for your memorandum dated June 23, 1976, addressed to S. William Green, commenting on the Culebra Segment of the Puerto Rico Coastal Zone Management Program.

We understand that the precise extend of future federal holdings on Culebra is the subject of continuing study and discussion by officials of the Commonwealth and of several agencies. Our intent is that the Culebra Segment Program stand clear of issues that may arise in those discussions, which will be continuing after approval of the Program document will not contain any reference to the precise boundaries of future Navy holdings at Punta Flamenco. Thus, a decision to retain either all of Punta Flamenco, or only part of it, will be consistent with the Program.

Specifically:

Page III-3. The footnote will be changed all reference to Navy holdings: "Today, the only Navy facility is a small monitoring station at Punta Flamenco. This is not expected to interfere with future development of Culebra".

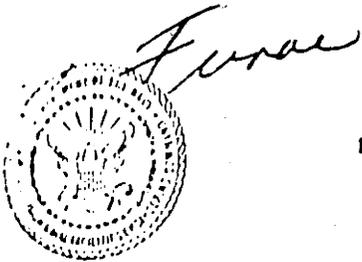
Page IV-2. Paragraph (c) will read: "The Navy plans to retain lands at Punta Flamenco, as well as three associated easements and interests in a pier and ramp located in Lot 87 ("Lower Camp").

Map 1 will be redrafted to show all present Navy lands as a single class. This will include lands presently rented to Puerto Rico as well as lands to be retained or declared excess by the Navy. This change eliminates the need to show boundary of future Navy holdings at Punta Flamenco.

Sincerely,



Dr. Arsenio Rodriguez, Director
Coastal Zone Management Program



DEPARTMENT OF THE NAVY
ATLANTIC DIVISION
NAVAL FACILITIES ENGINEERING COMMAND
NORFOLK, VIRGINIA 23511

TELEPHONE NO.
(804) 444-7611
IN REPLY REFER TO:
23 JUN 1976

Mr. S. William Green
Region II Federal Regional Council
26 Federal Plaza
Suite 3541
New York, New York 10007

Dear Mr. Green:

The Draft Management Program, Culebra Segment, distributed by the Federal Regional Council was received June 21, 1976. The draft has been reviewed and the following corrections are necessary:

1. Page III-3. The footnote is incorrect and should read as follows: "The Navy plans to retain Punta Flamenco, together with three associated easements. This action is not expected to interfere with future development of Culebra."

2. Page IV-2. Paragraph (c) is incorrect and should read as follows: "the Navy plans to retain Punta Flamenco as well as three associated easements, and interests in a pier and ramp located in Lot 87 ('Lower Camp')." ,

3. Map 1. This should be amended to show that the Government will retain the entire Punta Flamenco area rather than the 22.6 acres excluded from License NF(R)-34400.

We are grateful for the opportunity to work with you on this important matter and look forward to continued fine relationships throughout the remainder of the Puerto Rico Plan.

Sincerely,

C. D. MOORE, JR., P. E.
Director, Installations Planning Division
By direction of the Commander

Copy to:
Dr. Arsenio Rodriguez
Director, Coastal Zone Management Program
Department of Natural Resources
Post Office Box 5887
Puerta de Tierra, P.R. 00906



Memorandum

U.S. DEPARTMENT OF
HOUSING AND URBAN DEVELOPMENTTO : Ann Loeb
Special Assistant

DATE: June 17, 1976

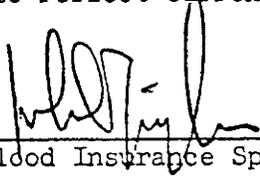
IN REPLY REFER TO:
2FM

FROM : John Ziegler, Senior Flood Insurance Specialist

SUBJECT: CZM Report: Culebra, Puerto Rico

I have reviewed the subject report. My only comment is that the Federal Insurance Administration should be included in the list of federal agencies having an interest in the development of the area. FIA has a continuing responsibility to monitor development in the flood prone areas of the Island in order to insure compliance with the requirements of the National Flood Insurance Program.

FIA is also responsible for assessing the risk of flooding on the Island, and we should be aware of ongoing development so that our studies may be updated to reflect current flooding risks.



Senior Flood Insurance Specialist

June 15, 1976

Mr. S. William Green
Regional Administrator
Department of Housing and
Urban Development
Suite 3541
26 Federal Plaza
New York, N.Y. 10007

Dear Mr. Green:

Reference is made to your memorandum dated June 9, 1976, subject as above.

A review of the draft "Coastal Zone Management Program for Culebra (P.R.)" indicates no involvement of the Maritime Administration in the foreseeable future. We do however have a definite interest in the Coastal Zone Management Program for Puerto Rico.

Sincerely,

(S)

THOMAS A. KING
Eastern Region Director

cc: RF-2100, RF-2500, SF, R

JEMcSHANE:md 6/15/76



U. S. DEPARTMENT OF COMMERCE
ECONOMIC DEVELOPMENT ADMINISTRATION
ATLANTIC REGIONAL OFFICE
10424 FOB - 600 ARCH STREET
PHILADELPHIA, PENNSYLVANIA 19106

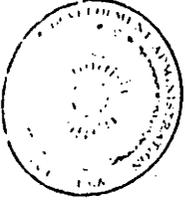
June 21, 1976

MEMORANDUM FOR MICHAEL MC MANUS
Secretarial Representative

SUBJECT: Draft Management Report for the Culebre
Segment

EDA has had no project activity at Culebre and plans none
in the near future. We have no comments on the draft
report.

JOHN E. CORRIGAN
Regional Director



UNITED STATES
ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION
WASHINGTON, D.C. 20545

June 16, 1976

Mr. S. William Green
Regional Administrator
Department of Housing and
Urban Development
26 Federal Plaza, Suite 3541
New York, New York 10007

Dear Mr. Green:

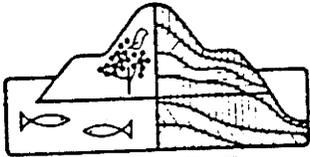
We have reviewed the document on the Culebra Segment from the Department of Natural Resources of the Commonwealth of Puerto Rico. We have no substantial problem or comments to make, although we would prefer a more extensive quantitative description of the flora and fauna of the island. Perhaps such will be in the Environmental Impact Statement.

Thank you for sending us the document for review.

Sincerely,

Jeff Swinebroad
Deputy Associate Director for
Research & Development Programs
Division of Biomedical and
Environmental Research





**DEPARTMENT
OF NATURAL
RESOURCES**

July 30, 1976

Mr. Jeffe Swinebroad
Deputy Associate Director for Research and
Development Programs
Division of Biomedical and Environmental Research
Energy Research and Development Administration
Washington, D.C. 20545

Dear Mr. Swinebroad:

Thank you for your letter of June 16, addressed to S. William Green, commenting on the Culebra Segment of the Puerto Rico Coastal Zone Management Program. We appreciate your reviewing the program document.

The abbreviated description of the flora and fauna on the island is based on more extensive descriptions in the following documents:

An island in transition-Culebra, 1970, Environmental Quality Board of Puerto Rico, 1970.

Isla de Culebra, Bureau of Sports, Fisheries and Wildlife, 1972.

Sincerely yours,

Dr. Arsenio Rodriguez, Director
Coastal Zone Management Program

AR/imc

UNITED STATES OF AMERICA
FEDERAL ENERGY ADMINISTRATION

Region 2
26 Federal Plaza
New York, NY 10007



DATE: June 24, 1976

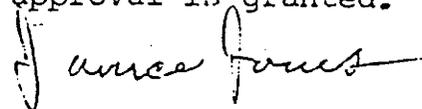
SUBJECT: Culebra Section of Puerto Rico's Coastal
Zone Management Program

FROM: Program Manager
Coastal Zone Management

TO: Lenore Ledman
Liaison Federal Regional Council

We have not identified any conflict or difficulty with the draft Culebra Section of Puerto Rico's Coastal Zone Management provided that the final submission for this segment indicates its relationship to Puerto Rico's comprehensive program. Pursuant to Section 924.45 of the regulations for implementation of the Coastal Zone Management Act a segmented program should give assurance that the national interest in facility siting has been considered for the entire State.

FEA is particularly interested in consideration of energy facility siting. The program segment states that Culebra is not suitable for location of energy facilities. Plans to determine need for energy facilities in Puerto Rico and certification that such facilities will not be arbitrarily excluded or unreasonably restricted from the coastal zone should be given before approval is granted.



JANICE JONES

1-C(16)-1

104-

Furner

U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HUD-28
Rev. 2-67

ROUTING SLIP

TO	CO	CS	ADM	DIR	FHA	FNMA	MD	RHA	R1	R2	R3	R4	R5	R6	R7
Name and/or Symbol										Room		Building			
1.	Jum-loeb														
2.															
3.	Re: Culebra, Puerto Rico														
4.	DRAFT: Coastal Zone Management Program														
5.															
6.															

<input type="checkbox"/> Action	<input type="checkbox"/> Filing	<input type="checkbox"/> Per Conversation
<input type="checkbox"/> Approval	<input type="checkbox"/> Full Report	<input type="checkbox"/> Recommendations
<input type="checkbox"/> As Requested	<input type="checkbox"/> Handle Direct	<input type="checkbox"/> See Me
<input type="checkbox"/> Concurrence	<input type="checkbox"/> Initials	<input type="checkbox"/> Signature
<input type="checkbox"/> Correction	<input type="checkbox"/> Note and Return	<input type="checkbox"/> Your Comment
<input type="checkbox"/> Answer or Acknowledge On or Before _____		
<input type="checkbox"/> Prepare Reply for Signature of _____		

Remarks:

Ann,
 This office has reviewed the draft CZM Program for Culebra and finds it acceptable. As the report states, the policies of the CZM Program will be to foster "moderate development" for this small island and its adjacent islets with a present population of about 1000 persons (1990 population is estimated at 1221 persons).

The CZM Program policies are to coordinate its objectives and proposals with the Master Plan of 1975 prepared by the Puerto Rico Planning Board, the Master

FROM	CO	CS	ADM	DIR	FHA	FNMA	MD	RHA	R1	R2	R3	R4	R5	R6	R7
Name and/or Symbol										Room		Building			
Douglas R. Manley										Telephone		Date 6/28/76			

U.S.G.P.O.: 1973-719-085/42873

106-

Plan, it is reported, is awaiting the Governor's signature for final approval) and will further be guided by the Zoning Ordinance, Subdivision Regulations, Building Codes, and the control and procedures of the following agencies:

1. The Regulations and Permits Administration
2. The Environmental Quality Board
3. The Department of Natural Resources
4. The Culebra Conservation & Development Authority

The Future Land Use Policies as expressed in the Program and as indicated on Map 9 and the proposals to concentrate development at Dewey and Clark population centers (with the possibility of a third development center at San Ildefonso) appear reasonable and appropriate. The powers and coordinating capabilities of the Culebra Conservation & Development Authority (CCDA) appear adequate to insure the development policies as expressed in the CZM Program when fully coordinated with other island-wide policies and regulations.



Commander
U. S. NAVAL FORCES, CARIBBEAN
Roosevelt Roads, Puerto Rico

Ser N42/ 302
18 AUG 1976

Dr. Arsenio Rodriguez, Director
Coastal Zone Management Program
P. O. Box 5887
Puerta de Tierra, PR 00906

Dear Dr. Rodriguez:

This is in reply to your letter of 31 July 1976 in which you propose changes to the Culebra Segment of the Puerto Rico Coastal Zone Management Program.

I concur with your intention to develop the Culebra Segment in such a way that it will stand clear of the issue of landholdings to be retained by the U. S. Government. I understand the Plan will specifically state that the Navy plans to retain lands in Punta Flamenco plus three associated easements and interests in a pier and ramp located in Lot 87. However, the precise boundaries of Government property to be kept under Navy custody will not be further described, nor mapped within present Government landholdings.

The proposed wording for pages III-3 and IV-2 and the change to Map 1 are acceptable.

Sincerely,

A handwritten signature in cursive script, appearing to read "W. R. Flanagan".

W. R. FLANAGAN
Rear Admiral, USN
Commander



Commander
U. S. NAVAL FORCES, CARIBBEAN
Roosevelt Roads, Puerto Rico

Ser N42/ S44

02 JUL 1976

Dr. Arsenio Rodriguez
Coastal Zone Management Program
Department of Natural Resources
P. O. Box 5887
Puerta de Tierra, PR 00906

Dear Dr. Rodriguez:

My letter of 26 May 1976 regarding the Draft Management Program, Culebra Segment, requested that Map 1 be amended to show that the Government will retain the entire Punta Flamenco Area.

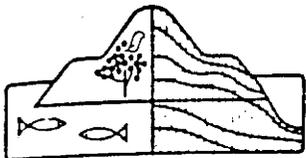
In order to minimize the present confusion, the following additional corrections should be incorporated into the text:

a. Page III-3. Footnote should be reworded to read "The Navy plans to retain Punta Flamenco, together with three associated easements. This action is not expected to interfere with future development of Culebra."

b. Page IV-2, paragraph (c) should read "The Navy plans to retain Punta Flamenco, as well as three associated easements, and interests in a pier and ramp located in Lot 87 ("Lower Camp")."

Sincerely,

J. R. FLANAGAN
Rear Admiral, USN
Commander



DEPARTMENT
OF NATURAL
RESOURCES

July 31, 1976

Admiral W.R. Flanagan, Commander
U.S. Naval Forces Caribbean
Roosevelt Roads, Puerto Rico

RE: Ser N42/644

Dear Admiral Flanagan:

Thank you for your letter of July 2. We appreciate your continuing cooperation in reviewing the Culebra Segment of the Puerto Rico Coastal Zone Management Program.

We understand that the precise extent of future federal holdings on Culebra is the subject of continuing study and discussion by officials of the Commonwealth and of several agencies. Our intention is that the Culebra Segment Program stand clear of issues that may arise in those discussions, which will be continuing after approval of the Program. Consistent with that intent, the formal review draft of the Program document will not contain any reference to the precise boundaries of future Navy holdings at Punta Flamenco. Thus, a decision to retain either all of Punta Flamenco, or only part of it, will be consistent with the Program.

Specifically:

Page III-3. The footnote will be changed to remove all reference to Navy holdings: "Today, the only Navy facility is a small monitoring station at Punta Flamenco. This is not expected to interfere with future development of Culebra".

Page IV-2. Paragraph (c) will read: "The Navy plans to retain lands at Punta Flamenco, as well as three associated easements and interests in a pier and ramp located in Lot 87 ("Lower Camp").

Map 1 will be redrafted to show all present Navy lands as a single class. This will include lands presently rented to Puerto Rico as well as lands to be retained or declared excess by the Navy. This change eliminates the need to show boundary of future Navy holdings at Punta Flamenco.

Sincerely yours,

Dr. Arsenio Rodriguez, Director-

110-



Commander
U. S. NAVAL FORCES, CARIBBEAN
Roosevelt Roads, Puerto Rico

FAU
A
Ser #42/ 510

26 MAY 1976

Dr. Arsenio Rodriguez, Director
Coastal Zone Management Program
Department of Natural Resources
P. O. Box 5887
Puerta de Tierra, PR C0906

Dear Dr. Rodriguez:

Your letter of 10 May 1976, which provided comments on my letter of 19 April 1976 and forwarded a copy of the Draft Management Program, Culebra Segment, is greatly appreciated. This Draft has been reviewed and the only small correction needed is that Map 1 should be amended to show that the Government will retain the entire Punta Flamenco Area, rather than the 22.6 acres excluded from License NF(R)-34400. Detailed information is shown on the Culebra map attached to my letter of 25 November 1975.

The fine working relationship established between our Staffs during the development of the Culebra Segment is noted with pleasure. I am looking forward toward this continued relationship throughout the development of the remainder of the Puerto Rico Plan.

Sincerely,

A handwritten signature in cursive script, appearing to read "W. R. Flanagan".

W. R. FLANAGAN
Rear Admiral
U. S. Navy
Commander

June 16, 1976

W. R. Flanagan
Rear Admiral
U. S. Navy
Commander
U. S. Naval Forces,
Caribbean
Roosevelt Roads, P.R.

Dear Admiral Flanagan:

Thank you for your letter of May 26. We, too, have found the consultation process fruitful. We will check out the discrepancy you noted on Map 1.

We are receiving comments from a number of sources, including Commonwealth agencies as well as federal ones. As a result, the document will continue to evolve for at least several more weeks. I am sure that you will want to go over some of the future changes, just as you have gone over past drafts, so we shall keep you informed.

Sincerely,



Arsenio Rodriguez
Director
Coastal Zone Management Program

May 10, 1976

Admiral W.R. Flanagan
U.S. Navy, Rear Admiral
Commander
U.S. Naval Forces, Caribbean
Roosevelt Roads, Puerto Rico

Dear Admiral Flanagan:

Thank you for your letter of April 19, which contained comments on a preliminary version of the Culebra Segment of the Puerto Rico Coastal Zone Management Program. With this letter, I am enclosing a copy of a revised version (entitled "Draft Management Program"), of the Culebra Segment Program, which is being submitted to NOAA for "threshold review".

Let me discuss some of your specific comments:

- a., b. Both of these passages are direct quotations from the 1973 Joint Report, submitted to a committee of the U.S. Senate by the U.S. Secretary of the Interior and the Governor of Puerto Rico. The quoted material does, we believe, make clear that natural resources impede the development of Culebra. (See, e.g., page III-3 of revised draft.) In response to your comment, we have added a clarifying footnote to the second passage (page III-3 of revised draft).
- c. We do not yet know where funds will be found to provide alternate homes for the squatters. No inferences with respect to Federal liability should be drawn from the passage in question.
- d. A footnote now refers to the Public Law you mention. (Page III-13 of revised draft.)
- e. See responsive changes in revised draft (page IV-2).
- f. Right. This point was, and is, made in the discussion of the Coast Guard (page IV-4 of revised draft).
- g. The revised draft explains in greater detail (page V-5) the unresolved issues that have been submitted to the

(continues)

Admiral Flanagan
May 10, 1976
Page 2.

U.S. Attorney General. The draft also makes clear, however (also on page V-5) that the Commonwealth intends to exclude federal land, regardless of its precise status, from the Culobra Segment Program.

Sincerely,



Dr. Arsenio Rodriguez
Director
Coastal Zone Management Program

AR/lms
Enclosures

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Commander
U. S. NAVAL FORCES, CARIBBEAN
Roosevelt Roads, Puerto Rico

Ser N42/ 365

19 APR 1976

Mr. Arsenio Rodriguez
Task Force Director
Coastal Zone Management Plan
Department of Natural Resources
P. O. Box 5887
Puerta de Tierra, PR 00906

Dear Mr. Rodriguez:

Your letter of 31 March 1976 requested comments and suggestions on the preliminary version of the "Culebra Segment" of the Puerto Rico's Coastal Zone Management Program. The short time frame precluded meeting the 9 April date; however, per your telephone call Monday, our comments are provided herewith for your review and by NOAA representatives.

a. Page 22, 3rd paragraph, 1st sentence, "Partly as a result of the Navy's presence, the economic development of Culebra has been stunted" is a bit harsh. Either eliminate completely or include other indigenous Puerto Rican "factors" partly responsible for stunted economic growth.

b. Page 25, 1st paragraph, second sentence. "The continuing presence of the Navy is the most obvious of these (obstacles)..." We feel that Navy presence in Culebra would not be an obstacle in the future development of the island. Land retained by the Navy on Flamingo Point will be used for a radar/communications installation which should not interfere with the Culebra plans.

c. Page 38, Alternate Homes for squatters. The expenditure of federal funds for relocation of squatters appears implied in this paragraph. Responsibilities for this action should be addressed by the appropriate agency(ies).

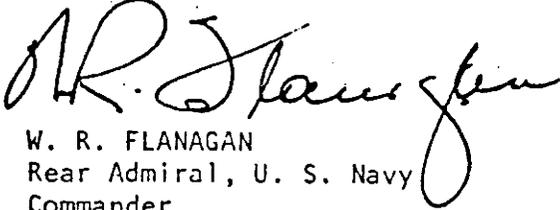
d. Page 41, 1st paragraph. The "sanitizing" of Culebra by removal of ordnance is not the responsibility of the Federal Government, as stated in Public Law.

e. Page 77, section entitled "U. S. Navy." Add item (d), "Additionally, the Federal Government will retain interest in a pier and ramp located in Lot 87, previously described as the Camp Area."

f. The Government will also retain the Culebrita Lighthouse, which will be under the custody of the U. S. Coast Guard.

g. Page 89, 4th paragraph, item (2), Resolution of remaining uncertainties about the jurisdictional status of federal holdings in Culebra. This paragraph should be reworded to agree with the Coastal Zone Management Act which excludes from the coastal zone, lands the use of which is by law subject solely to the discretion of, or held in trust by the Federal Government. The following wording is proposed: "Lands under the exclusive, concurrent, partial, or proprietary legislative jurisdiction of the U. S. Government are excluded from the Puerto Rico/Culebra coastal zone." In this regard, the last sentence of this page which reads as follows, should be deleted: "The matter has not, however, been definitely resolved."

Sincerely,


W. R. FLANAGAN
Rear Admiral, U. S. Navy
Commander



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Commander
U. S. NAVAL FORCES, CARIBBEAN
Roosevelt Roads, Puerto Rico

Ser N42/ 278

23 MAR 1976

Mr. Arsenio Rodriguez
Task Force Director
Coastal Zone Management Plan
Department of Natural Resources
P. O. Box 5887
Puerta de Tierra, PR 00906

Dear Mr. Rodriguez:

This refers to our letter Ser N42/184 of 20 Feb 1976 and subsequent telephone call of your Mr. Joel Gordon inquiring into the type of ordnance used for target practice in Culebra.

Although specific information is not available, target practice in the area involved all types of conventional ammunition 16 inches and smaller.

Sincerely,

A handwritten signature in black ink, appearing to be "E. P. QUINN", is written over a horizontal line.

E. P. QUINN
By direction



Commander
U. S. NAVAL FORCES, CARIBBEAN
Roosevelt Roads, Puerto Rico

Ser N42/ 184

20 FEB 1976

Mr. Arsenio Rodriguez
Task Force Director
Coastal Zone Management Plan
Department of Natural Resources
P. O. Box 5887
Puerta de Tierra, PR 00906

Dear Mr. Rodriguez:

In response to your Mr. Joel Gordon's telephone request, please find a map indicating land areas that were subject to target practice at various times in the past.

It should be reasonably assumed that there is unexploded ordnance on land and in the surrounding waters. Detailed information concerning the magnitude and location is not available.

Sincerely,

A handwritten signature in cursive script, appearing to read "W. R. Flanagan".

W. R. FLANAGAN

Enclosure: (1) Map of Culebra

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Commander
U. S. NAVAL FORCES, CARIBBEAN
Roosevelt Roads, Puerto Rico

Señ N42/ 322
25 NOV 1975

Mr. Arsenio Rodriguez
Task Force Director
Coastal Zone Management Plan
Department of Natural Resources
P. O. Box 5887
Puerta de Tierra, Puerto Rico 00906

Dear Mr. Rodriguez:

Our letter of 12 September 1975 forwarded the initial Navy input for the Commonwealth of Puerto Rico Coastal Zone Management Plan. The enclosed drawings constitute a more detailed submission showing U. S. Government property in Puerto Rico under Navy control, including lands declared excess to Navy requirements but which have not been officially transferred. The drawings are color coded for your convenience.

These drawings do not show restricted, warning, and explosive areas, nor do they show the submarine cable and the raw water line at Roosevelt Roads. For this information please refer to the following drawings of the original submission:

- a. AFWR Sketch No. 66. Restricted, warning, and explosive areas around Naval Station Roosevelt Roads and Vieques.
- b. Y&D Drawing No. 888579. Communications cable and water line easement.
- c. NAVFAC Drawing No. 4007377. Restrictions at Naval Security Group Activity Sabana Seca.

In addition to the properties described in this submission, the Navy exerts jurisdiction over Fort Allen and its Salinas component, and the Radar Facility at Pico del Este, at the Luquillo Rain Forest. These properties are believed to be outside the limits of the Coastal Zone; nevertheless, appropriate information can be provided at your request.

Attached please find mission descriptions of the various Naval activities in Puerto Rico.

During telephone conversation of 3 November 1975, Mr. Joel Gordon inquired as to the latest information on lands to remain under Navy custody in Culebra. This information is depicted on the Culebra drawing.

Should you desire additional information, please do not hesitate to call us.

Sincerely,



W. R. FLANAGAN
U. S. Navy, Rear Admiral
Commander

Encl: (1) Navy Activity Identification Maps *
(2) Mission Descriptions *

* NOTE TO APPENDIX 1 - ITEM D: Numerous enclosures and attachments to this and other elements in ITEM D have been omitted: They are available in the Offices of the Puerto Rico Department of Natural Resources.

LA - Puerto Rico
Culebra

Mr. Donald E. Notarmuzi
Director, Real Property Division
General Services Administration
26 Federal Plaza
New York, New York 10007

Dear Mr. Notarmuzi:

In accordance with discussions with Mr. David Leonard and your letter of 3 February 1975, I am forwarding on to you the information requested:

1. Revised notes and bounds descriptions for the 120.95 ± acres being requested at Culebra for incorporation into our request for transfer. You will note that we used public works drawing 325 dated 2/45 as a base as previously agreed.
2. Certified statement as to nonavailability of funds dated 6 February 1975, covering Culebra Island and the three other parcels covered under Executive Order 1042 dated February 27, 1907, namely Water Cay, Ladrones Cay, and Culobrita Island.
3. The appropriation which will support the use of this property is: Fish and Wildlife Resource Management Appropriation Number 1451611.

Sincerely yours,

/s/ Ray A. Vanden

Regional Director

Attachments -
Map - 2
Pauper's Oath - 2

cc:

Realty, (C.O.) w/incoming GSA letter, map, Pauper's Oath
Solicitor's Office, (C.O.)

Mr. C. Brewster Chapman, Asst. Solicitor for Territories
w/incoming GSA letter, map, Pauper's Oath

Refuges, (C.O.) w/map

Mr. Luis R. Vaya Lopez, w/map

Regional Solicitor, Atlanta, w/incoming GSA letter, map, Pauper's Oath

✓ Joel Cordon, w/map

FEB 12 1975

Mr. Donald E. Notarnuzi
Director, Real Property Division
General Services Administration
26 Federal Plaza
New York, New York 10007

LA - Puerto Rico
Culebra

Dear Mr. Notarnuzi:

Attached are descriptions of lands covering 700.58 acres which are expected to be reported excess by the U. S. Navy on Culebra Island, Commonwealth of Puerto Rico, in the near future. In accordance with the Joint Study Report of the Department of the Interior and Commonwealth of Puerto Rico, dated October 29, 1973, the Service will apply for transfer of these lands upon notification of their availability from General Services Administration.

Sincerely yours,

ACTING Regional Director

Attachment

cc:

Joel Gordon - map

Mr. Luis R. Vega Lopez - map
Regional Solicitor, Atlanta - map
Solicitor's Office, (C.O.)

Mr. C. Brewster Chapman - map
Refuges, (R.O.) - map
Realty, (C.O.) - map

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MAR 17 1975

LA - Puerto Rico
Culebra

Mr. Donald E. Notarmuzi
Director, Real Property Division
General Services Administration
26 Federal Plaza
New York, New York 10007

Dear Mr. Notarmuzi:

As discussed with Mr. David Leonard on March 13, we are submitting the attached description and map of Pta Almodovar Tract as a supplement to our transfer request dated January 14, 1975, which covered 120.95 acres of land on Culebra Island in Excess Notice N-PR-472.

This tract is described in the Navy's Legal Description of Excess Property as Tract 6, containing 2.25 acres. It is bounded on three sides by the tract styled Puerto del Manglar Tract (1c) in our transfer request, making the new total of our request 123.20 acres.

These lands should be added to our request of January 14, 1975.

Sincerely yours,

/s/ Philip S. Morgan

Acting Regional Director

Attachment

cc:

✓ Joel Gordon
Mr. Luis R. Vega Lopez
Regional Solicitor, Atlanta
Solicitor's Office, CO
Mr. C. Brewster Chapman
Refuges, RO
Realty, CO

12 MAR 31 1975



MEMORANDUM

July 3, 1975

TO : The Record

FROM : Irwin H. Flashman

SUBJECT: Meeting on Culebra Lands
Saturday, June 28, 1975

Persons present:

Federal Representatives

Mr. Dennis Drabelle
Counsel to the Assistant Secretary
for Fish and Wildlife
Department of the Interior

Mr. Alan Bonsck
Division of Realty Services
Bureau of Sport, Fisheries, and
Wildlife
Atlanta Region
Department of the Interior

Commonwealth Representatives

Mr. Richard Copaken
Covington & Burling

Mr. Octavio Wys
Undersecretary
Department of Natural Resources

Mr. Luis Biaggi
Permits Officer
Puerto Rico Planning Board

Mr. Carlos Pesquera
Real Estate Consultant
Lands Administration

Mr. Joel Gordon
Department of Natural Resources

Mr. Irwin H. Flashman
Acting Director
Office of Federal Affairs
La Fortaleza

The items discussed and the decisions or positions taken with respect to the land situation in Culebra were as follows:

July 3, 1975

1. Culebrita - The Joint Report provides that Culebrita is to be passed to the Commonwealth. Although held by the Navy, it was already in the Wildlife Refuge System of the Department of the Interior before the Navy acquired it, and upon its release by the Navy it automatically returns to the System. The problem is: what mechanisms are available to permit compliance with the intent of the Joint Report--transfer of Culebrita to the Commonwealth. It is our understanding that there is presently legislation pending concerning the Wildlife Refuge System, which would require specific congressional action to remove a given area from the System and transfer it to state control. This legislation would cover all lands in the System as of January 1, 1975. It may be necessary to attempt to obtain a technical amendment to the bill to permit an exception for Culebra and the surrounding cays. Mr. Drabelle will investigate this matter further and keep both Mr. Flashman and Mr. Copaken abreast of the situation.

2. Playa Brava and Playa Larga - In accordance with the Joint Report, these beaches are to be dedicated to public recreation and would logically be passed to the Culebra Conservation and Development Authority. The Department of the Interior, in its letter to GSA of January 14, 1975, requested the transference of these areas to its Wildlife Refuge System. There are indications that these beaches serve as nesting grounds for turtles protected under the Endangered Species Act. It is the Commonwealth's feeling that the turtles may be adequately protected without the necessity of having the land transferred to the Commonwealth with the possibility that the conveyance contain certain protective covenants regarding the turtles. Mr. Drabelle's position on this was that he would have to undertake further study of the matter to assure that such transference could be accomplished in a manner consistent with the Endangered Species Act.

We indicated our concern that, since the Department of the Interior's request had been initiated in January, these and other lands so affected might very soon pass into the Wildlife Refuge System without the requirement of any additional action by the Department of the Interior and that resulting situation might be very difficult to resolve. Based on this concern, we requested that Mr. Drabelle seek a freeze on any action by GSA with respect to these lands until such time as a definitive agreement between the Commonwealth and the Department of the Interior could be arrived at. Subsequently, on June 30th, after consultation with the Assistant Secretary, Mr. Drabelle requested such a freeze from Mr. Donald Notarmuzi, Director, Real Property Division, GSA, Region II. Mr. Notarmuzi was agreeable to the request and Mr. Drabelle will confirm in writing, as will the Commonwealth, which also requested the freeze from Mr. Notarmuzi.

3. Playa Flamenco - This particular property has not yet been excessed. Although there seems to be no evidence, at present, of the existence of any turtles protected by the Endangered Species Act, Mr. Drabelle indicated

July 3, 1975

that he would like to have a further study made to confirm this. It was agreed that Playa Flamenco would eventually, upon its being excessed, be passed to the Commonwealth. The possibility of protective covenants being applied to the coveyance is a matter for further discussion.

4. Resaca Area - In accordance with the Joint Report, it is clear that the beach area is to be reserved for recreation purposes and would be passed to the Commonwealth. The intention of the Joint Report with respect to portions of the Resaca Area was to include them as a biological preserve because of the unique value of the vegetation contained therein and its topography. However, because of the imprecision of the demarcation of the areas considered to be of value for these purposes, it will be necessary to undertake further field studies before a final determination can be made of which portions of the Resaca Area will go to the Department of the Interior, and which, other than the beach areas, will go to the Commonwealth.

It is well to note that all of these areas are protected from undesirable development by P. L. 93-166, Section 204(a) and (b).

5. Flamenco Peninsula - The upper half of Flamenco Peninsula will be transferred to the Department of the Interior for its Wildlife Refuge System. P. L. 93-166 provided in Section 204(c) the following: "Notwithstanding any other provision of law, the present bombardment area on the island of Culebra should not be utilized for any purposes that would require decontamination at the expense of the United States." The date of Enactment of this act was November 29, 1973. This bill was last considered by Congress on November 15. The Endangered Species Act became law on December 28, 1973, and was last considered by Congress on December 20 of the same year. Section 7 of this Act provides in its pertinent part:

"The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal departments and agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to Section 4 of this Act and by taking such action necessary to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of such endangered species and threatened species or result in the destruction or modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical."

July 3, 1975

Flamenco Peninsula is inhabited by endangered species and consistent with the provisions of Section 7 of the Endangered Species Act it appears possible that the Department of the Interior may be able to provide the necessary funds for the decontamination of the area for the protection of the endangered species therein. Mr. Drabelle will investigate the matter further and will keep both Mr. Copaken and Mr. Flashman abreast of his efforts.

6. The mangrove area in Ensenada Honda - We raised the possibility that the Culebra Conservation and Development Authority might be charged with responsibility for the conservation of this area and, therefore, receive title to it rather than have it transferred into the Department of the Interior's Wildlife Refuge System. Mr. Drabelle's response to this was that he had serious doubts as to Interior's doing this, but that the situation could be looked at more closely.

7. Relocation Assistance - At the present time we have parcels of land to be transferred to the Commonwealth that have been occupied by squatters. The Joint Report provides the following:

"Squatters on public land; in the case of squatters who have established residences on public land in Culebra as of the date of this report (October 29, 1973) and who have no other home on this date, removal would be accompanied by the provision of alternative housing nearby at public expense. Federal Relocation Assistance might be available as applicable." (VI-5)

It was agreed that Mr. Drabelle would see what could be done to obtain relocation assistance and this effort would include having the Secretary of the Interior write to the Secretary of HUD to determine what the possibilities might be. It was further suggested that Mr. Drabelle obtain a copy of the report produced by Mr. Fred Rosenberg, a member of the Regional Solicitor's Office in Atlanta, who did a survey of the extent and scope of the problem in March 1975.

8. Clearance of title - The Joint Report provides the following: "The Department of the Interior will take all necessary steps to remove any clouds on federal titled lands under its jurisdiction." (VI-8) The Department of the Interior has apparently acknowledged its responsibility to clear title on lands exceded by the Navy and over which the Federal Government has jurisdiction. Any efforts in this direction clearly should be coordinated very closely with the Commonwealth in order to avoid undue dislocations and to allow for provision of adequate opportunity to the persons so affected to obtain housing on other parcels of land. With respect to the lands made available by GSA to the Commonwealth on April 1, Interior will make its best efforts to have GSA comply, insofar as is necessary, with the intent of the Joint Report.

July 3, 1975

9. Weapons training on the cays - The Department of the Interior will, in compliance with its mandate under the Endangered Species Act, do everything in its power to obtain the cessation of the weapons training activities on the cays. Turtles protected under the Endangered Species Act have been sighted in the line of fire off the cays which are presently used by the Navy for weapons training. The Efforts of Interior to obtain this would include a letter from the Secretary of the Interior to the Secretary of the Defense or the Secretary of the Navy or both.

10. As noted above, GSA will take no further action on the transference of land to the Department of the Interior in Culebra or its cays until such time as a final agreement between the Department of the Interior and the Commonwealth is reached.

LICENSE AGREEMENT

between

THE UNITED STATES OF AMERICA

and

THE COMMONWEALTH OF PUERTO RICO

This Agreement, made and entered into as of the date hereinafter set forth by and between the UNITED STATES OF AMERICA (herein called the "Government"), acting by and through the Department of the Navy, and the COMMONWEALTH OF PUERTO RICO (herein called the "Commonwealth")

WITNESSETH:

WHEREAS, section 204 of Public Law 93-166 authorized relocation of ship-to-shore and other gun firing and bombing operations of the United States Navy from the island of Culebra in the Commonwealth but expressly conditioned such relocation upon conclusion of a satisfactory agreement to be negotiated by the Secretary of the Navy with the Commonwealth to provide the assurances therein described and imposed certain limits on the future use of any Government lands disposed of by the Government as a result of such relocation of operations;

WHEREAS, although the agreement on which such relocation of operations is still in the process of negotiation, the Navy has already permanently terminated all ship-to-shore and other gun firing training operations and all air-to-ground weapons training operations on Culebra and all its cays, and the Government lands previously used for such operations, and certain other Government lands on Culebra hereinafter described and on the Culebra cays, together with all improvements thereon, have been determined to be in excess of military requirements;

WHEREAS, pending execution of the agreement between the Secretary of the Navy and the Commonwealth prescribed by subsection 204(b) of Public Law 93-166 and final disposal of such properties, the Commonwealth has agreed to

accept all responsibilities and obligations for the maintenance and protection of the properties and has requested that it be granted a license to use such properties subject to the same limitations on use as to all of the excess properties which subsection 204(c) of Public Law 93-166 imposed on disposition of lands from which operations are relocated;

WHEREAS, the Mayor of the Municipality of Culebra has indicated that the National Aeronautics and Space Administration, in cooperation with the Energy Research Development Administration, has expressed an interest in placing a wind-powered electrical generator on Flamingo Point, the Navy will cooperate to the fullest extent possible to provide an appropriate site for such wind-powered electrical generator;

WHEREAS, the Secretary of the Navy has determined that the licensing of such properties as so requested will be of benefit to the Navy and in the public interest.

NOW, THEREFORE, in consideration of the premises, the UNITED STATES OF AMERICA hereby grants to the COMMONWEALTH OF PUERTO RICO, subject to all the terms and conditions hereinafter set forth, an exclusive license to use the properties described below in Article I of this Agreement.

ARTICLE I. LICENSED PROPERTIES

The properties licensed hereby are the following: Those four (4) parcels of Government-owned land on the island of Culebra, and all of Luis Pena Cay, in the Commonwealth of Puerto Rico, which are delineated in orange on copy of Y&D DWG. NO. 964284, "General Development Map, Off-Base Facilities at Culebra Is. Vic.", attached hereto and made part hereof as "Exhibit A", identified thereon as Parcels 1, 2, 3, 4 and 5, more particularly described as follows:

Parcel 1. Impact Area, comprising all the Government-owned land forming the peninsula at the northwest end of Culebra Island, formerly known as Lot 91, and comprising 572 acres, more or less.

Parcel 2. Coastal Strip, comprising all that Government-owned land lying along the west coast of Culebra Island, immediately south of Parcel 1, comprising 9 acres, more or less.

Parcel 3. Operations Area, comprising all the Government-owned land situate on the north central portion of Culebra Island, formerly known as Lot 90, comprising 635 acres, more or less; Excepting, however, the area south of Flamingo Point, delineated in red on Exhibit A, and more particularly delineated thereon as "INSET B - OPERATIONS AREA", and described in Exhibit B, comprising 22.6 acres, more or less.

Parcel 4. Camp Area, comprising that 30.5 acres, more or less, of Government-owned land situate along the south central shore of Culebra Island and the north side of Great Harbor, more closely delineated on Exhibit A or "INSET A, FORMER CAMPSITE"

Parcel 5. All of Luis Pena Cay, comprising 342.5 acres, more or less.

Together with all improvements thereon and appurtenances thereunto belonging; Subject, however, to all existing rights of use vested in any other Government agency or any third party by any lease, license or permit heretofore granted or issued by the Department of the Navy, including, but not limited, to Lease NF(R)16510 to the Puerto Rico Aqueduct and Sewer Authority and Lease NF(R)18890 to Carlos Juan Colon-Ventura; Subject, further, to such continuing Government rights of access in, over, across or upon the licensed properties and other property owned by the Commonwealth as may be necessary for Government purposes; Subject, further, to the right of the Government to enter upon the licensed properties at any time to remove from such property any improvements or equipment as the Government may desire.

ARTICLE II. TERM

This license is issued for a term of one (1) year from the effective date hereof, but shall be revocable by the Government, in whole or in part, at any time at the option and discretion of the Secretary of the Navy.

ARTICLE III. USE

The Commonwealth shall use the licensed properties solely for public park and recreational purposes, and for purposes incidental thereto; Provided, however, that the use of Parcel 1. which has been contaminated by the pres-

ence of live ammunition thereon, shall not be permitted until such time as the Secretary of the Interior shall determine Parcel 1 safe for such public park and recreational purposes. This license conveys no rights, title or interest to any of the lands, improvements or equipment except as may be specifically provided herein.

ARTICLE IV. SPECIAL SECURITY FOR PARCEL 1, IMPACT AREA

The Commonwealth acknowledges that it has been fully apprised by the Government of the extremely hazardous conditions existing on Parcel 1 because of the contamination of live ammunition thereon. Fully cognizant of such hazards, the Commonwealth expressly agrees, at its own cost and expense, to take all action and precautions necessary to secure such parcel from unauthorized entry by any persons and expressly agrees to assume all responsibility for death or injury to all persons, or loss or damage to the property of all persons which may result from any unauthorized entry on such parcel.

ARTICLE V. RISK OF LOSS

The Commonwealth shall indemnify and save harmless the Government, its officers, agents, servants and employees from all liability under the Federal Tort Claims Act (62 Stat. 869, 982; 28 USC Sec. 2671, 2680) or otherwise for death or injury to all persons, or loss or damage to the property of all persons, resulting from any unauthorized entry on Parcel 1 or any other use of the licensed properties.

ARTICLE VI. GENERAL MAINTENANCE

The Commonwealth, at its own cost and expense, shall protect, maintain, and keep in good order and repair, all of the licensed properties.

ARTICLE VII. GENERAL PROVISIONS

a. This license shall be neither assigned nor transferred by the Commonwealth.

b. No additions to, or alteration of, the licensed properties shall be made without the prior written consent of the Government.

c. No member of or Delegate to Congress, or Resident Commissioner shall be admitted to any share or part of this grant or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this grant if made with a corporation for its general benefit.

d. The Commonwealth warrants that it has not employed any person to solicit or secure this License upon any agreement for a commission, percentage, brokerage or contingent fee. Breach of this warranty shall give the Government the right to annul this License or in its discretion to recover from the Commonwealth the amount of such commission, percentage, brokerage or contingent fee in addition to the consideration herein set forth. This warranty shall not apply to commissions payable by the Commonwealth upon contracts or sales secured or made through bona fide established commercial or selling agencies maintained by the Commonwealth for the purpose of securing business.

e. In connection with the performance of work under this License, the Commonwealth agrees not to discriminate against any employee or applicant for employment because of race, religion, color, or national origin. The aforesaid provision shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; lay-off or termination; rates of pay or other forms of compensation; and selection of training, including apprenticeship. The Commonwealth agrees to post hereafter in conspicuous places available for employees and applicants for employment, notices to be provided by the Government setting forth the provisions of the non-discrimination clause. The Commonwealth further agrees to insert the foregoing provision in all subcontracts hereunder, except subcontracts for standard commercial supplies or raw materials.

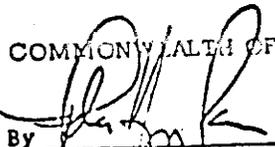
f. All activities authorized hereunder shall be subject to such rules and regulations as regards supervision or otherwise, as may, from time to time, be prescribed by the Commanding Officer, U. S. Naval Station, Roosevelt Roads, Puerto Rico.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement of License effective as of the _____ day of _____, 1975.

UNITED STATES OF AMERICA

By _____

COMMONWEALTH OF PUERTO RICO

By 
Secretary of Natural Resources.
Pedro Negrón Ramos

COMMONWEALTH OF PUERTO RICO

By 
Acting Executive Director
Puerto Rico Land Administration
Rafael F. Arrillaga

seen
10/14/75

EXHIBIT B

Beginning at a point 780 feet, more or less due East of the intersection of the East-West property line, South of Flamingo Point, and Flamingo Bay, thence in a Northerly direction following the 250 foot contour line, as measured from mean sea level, around Flamingo Point area, thence in a Southerly direction until the 250 foot contour line intersects the above-described East-West line, thence due West for 1,150 feet, more or less, to the point of beginning, containing 22.6 acres, more or less.

*PK
R*



United States Department of the Interior

FISH AND WILDLIFE SERVICE

17 EXECUTIVE PARK DRIVE, N. E.
ATLANTA, GEORGIA 30329

JUN 29 1976

JUN 28 1976

Memorandum

To : Special Assistant to the Secretary, Southeast Region,
USDI, Atlanta, Georgia

From : ^{Acting} Regional Director, FWS, Atlanta, Georgia

Subject: Puerto Rico Coastal Zone Management Plan (CZMP) - Culebra
Segment

This is in response to your June 10, 1976, memorandum regarding Service comments on the subject plan.

Mr. Rodriguez's letter of May 7, 1976, and changes in the draft Culebra plan are generally responsive to the comments in our letter of April 9, 1976. There are some exceptions that should be noted as follows:

Page II-4, paragraph 6, second sentence

- Delete the word "status" and add, that have been proposed for "threatened" status.

Page II-7

- The Fish and Wildlife Service maintains the position that the smaller keys in the Culebra group are in Federal ownership; however, we recognize that there are other conflicting claims to some of these islands. The revised wording on pages II-7 and II-8 and maps 1 and 6 satisfactorily acknowledges these conflicts.

Page III-9

As pointed out in our previous comments, the discussion of "unacceptable descriptions of natural conditions" should include the illegal taking of migratory birds, endangered marine turtles, and their eggs, even though the draft briefly mentions this problem on page III-14 under "Management of Public Lands and Waters."

RECEIVED
DEPT. OF THE INTERIOR

JUL 2 1976

SPECIAL ASST. TO THE
SECRETARY, NORTHEAST REGION



Page IV-3. "Power to Convey Land"

Our previous comments on this paragraph are still applicable. We understand that this paragraph in the Culebra segment plan will be appropriately revised as soon as Public Laws 93-166(204c) and 94-223 are revised.

Page V-6 footnote

There is some question that Culebra Conservation and Development Authority (CCDA) will be in a position to transfer lands acquired from the Federal Government to the municipality. Such action will depend upon the conditions under which Puerto Rico and CCDA obtain the lands from the Federal Government.

Page V-8 Paragraph

The potential conflict between recreational use and endangered marine turtle use applies to practically all beaches, not just Playa Brava and Playa Resaca. Additional studies of marine turtle use on Culebra are scheduled that will provide needed information to minimize these conflicts.

✕ Page V-9. "Areas for Preservation and Restoration"

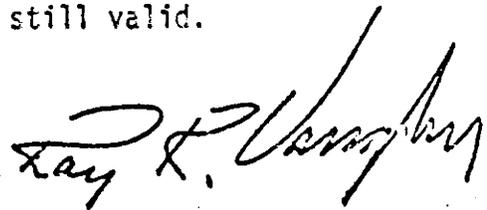
We consider it very important that the beaches be included in this category as well as the GAPC category. Even though the Joint Report and the Culebra Master Plan do not identify the beaches as "Areas for Preservation and Restoration," the 1973 Endangered Species Act places enough emphasis on threatened habitat that the Culebra Segment of the CZMP should identify the beaches in this category.

✕ Plate 5

Our original comment still valid.

✕ Plate 8

See comment above for V-9, our original comments still valid.



July 2 3:15 PM

Bur. Mines comments on Culebra
- Telephoned in by John Sweeney

15 CFR 923.4(c)11 requires that all CEM^o
plans have a mineral resources section.

Culebra shows no such topic heading
nor treatment elsewhere of the subject.

However, the island is not known for
mineral resources except as used for
local purposes, i.e. roads, fills, etc. The
plan should have a designated mineral
resources section even if it says nothing
more than the preceding sentence.

WJ



IN REPLY REFER TO:
7100

United States Department of the Interior

BUREAU OF OUTDOOR RECREATION
SOUTHEAST REGIONAL OFFICE

148 Cain Street
Atlanta, Georgia 30303

JUN 25 1976

Memorandum

To: Special Assistant to the Secretary, Southeast Region,
U.S. Department of the Interior, Atlanta, Georgia,

From: Regional Director, Southeast Region,
Bureau of Outdoor Recreation, Atlanta, Georgia,

Subject: Puerto Rico Coastal Zone Management - Culebra Segment;
Review and Comment on the Draft Program

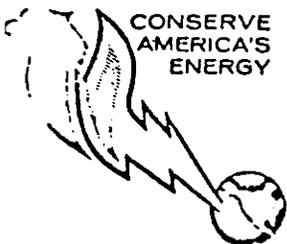
This responds to your June 10 memorandum. We offer comments on the adequacy of planned provision for recreation in the draft Coastal Zone Management program and on the adequacy of awareness of Bureau programs affecting Culebra.

1. Adequacy of Planned Provision for Recreation

Map 9, "Future Land Use As Proposed By The Joint Report (Interior-Puerto Rico), October 1973," shows, in a general way, great sensitivity to the high priority that recreation goals should have in future development of Culebra and the surrounding keys. The Bureau prepared the 1973 Joint Report with the Fish and Wildlife Service and the Puerto Rican Government. We believe that the public recreation policy and land use recommendation contained in that report are still valid and sound and should be implemented through the Culebra segment of Puerto Rico's Coastal Zone Management program.

2. Adequacy of Awareness of Bureau Programs Affecting Culebra

We suggest that the Bureau of Outdoor Recreation program description contained on page IV-3 should be expanded to reflect other responsibilities important to Culebra. The addition of a full discussion of Bureau interest in this CZM program element in appendix 1, "Federal Agency Coordination,"



Save Energy and You Serve America!

1-C(37)-1

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is also desired. In particular, the Bureau's Legacy of Parks Surplus Property program should be noted. The Bureau administers this program in close cooperation with the General Services Administration. "Notices of Availability" of surplus Federal lands and waters are sent to appropriate State and local governments by the Bureau of Outdoor Recreation and the General Services Administration. Any State, county, city, municipality, or instrumentality may apply to the Bureau for surplus property. Upon receipt of an acceptable application, the Bureau requests assignment of the property from the General Services Administration and conveys the property to the applicant in appropriate ceremonies. Properties are conveyed for recreation or historic uses in perpetuity. They revert to Federal ownership if not so used. The Bureau will be directly involved in the transfer of surplus Navy property remaining after the details of the Culebra National Wildlife Refuge have been worked out and implemented.

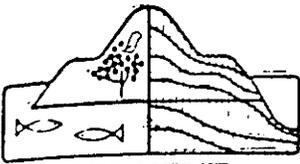
The Bureau is also responsible for coordinating, developing and reviewing land acquisition proposals of the Federal agencies, including the Fish and Wildlife Service, that receive assistance from the Land and Water Conservation Fund. These funds may be used to preserve endangered species through acquiring valuable wildlife habitat.

With respect to recreation planning in Puerto Rico, the Bureau supports comprehensive outdoor recreation planning conducted by the Puerto Rico Public Recreation and Parks Administration, the Commonwealth agency designated by the Governor to administer the recreation planning, acquisition and development components of the Land and Water Conservation Fund program in Puerto Rico. The draft program does not indicate to us that there has yet been close coordination between the Department of Natural Resources and the Culebra Conservation and Development Authority and the Public Recreation and Parks Administration with respect to planning for future recreation development in Culebra. In our letter of February 18, 1976, copy attached, we strongly urged that such coordination take place. However, we have not received any acknowledgment to our letter and find no reference to it in appendix 1, "Federal Agency Coordination." We would appreciate your including a copy of that letter along with our comments on the draft CZM program in any submission you may make to the Region II Federal Regional Council.

Robert M. Baker

for Robert M. Baker

Attachment



DEPARTMENT
OF NATURAL
RESOURCES

July 30, 1976

Miss June Whelan
Special Assistant to the Secretary/Southeast Region
United States Department of the Interior
148 Cain St., N.E.
Atlanta, Georgia 30303

Dear Miss Whelan:

Thank you for making available a copy of your memorandum of June 22, 1976, which forwarded comments of D.O.I. constituent agencies on the Culebra Segment of the Puerto Rico Coastal Zone Management Program.

With respect to comments of U.S.G.S.: The formal review draft of the Program document will be revised in response to comments 2, 3, 5 and 7. The report described in comment 6 will be noted in the U.S.G.S. section in Chapter IV. With respect to comment 4: the town of Dewey is a physical entity but not a political one; all of Culebra, including Dewey, is in the Municipality of Culebra.

With respect to the comments of F.W.S.:

Page III-9. Language on this page will be redrafted to make clear a distinction that present language apparently obscures: that between restoration and preservation. Program element 1, which has until now been titled "Elimination of unacceptable disruptions of natural systems", deals with three disruptions -- squatters, waste discharges, unexploded ordnance -- that require action to restore (wholly or partially) conditions that once existed naturally. The preservation elements of the program are dealt with elsewhere: in Program element 3 (page III-14). The separate treatment not, of course, imply, that one element is more or less important than another. In an attempt to clarify the matter, program element 1 will be retitled "Restoration of disrupted natural conditions" in the formal review draft.

Page IV-3. The formal review draft will contain an additional paragraph describing the two federal acts in question.

Page V-6. The footnote will be revised in the formal review draft to note that federal action could prevent transfer to the municipality.

Miss June Whelan
July 30, 1976
Page 2.

Page V-8. The problem here is one of facts. It is the impression of Department of Natural Resources staff that there is more turtle nesting at Playa Brava and Playa Resaca than at the other beaches -- and that the conflict with planned recreational use is therefore more serious at those two beaches than at the others. However, information is still sketchy. Accordingly, the formal review draft will delete the reference to the two specific beaches and will state instead: The conflict is especially important at beaches that are used as nesting grounds by endangered species of turtles".

Page V-9. Even though beaches in Culebra will be left almost entirely in their natural condition, we do not believe it appropriate to designate them as Areas for Preservation and Restoration (APR's). They are, of course, designated Geographical Areas of Particular Concern (GAPC's).

The Joint Report, signed by the U.S. Secretary of the Interior and the Governor of Puerto Rico, designates the beaches of Culebra for recreational use. We are please to note that B.O.R. (in its memorandum to you, dated June 25) concludes that the "public recreation policy and land use recommendations contained in that report are still valid and sound and should be implemented:.." The Culebra Segment Program, as repeatedly noted in the Program document, is intended to help implement those recommendations.

The main thrust of recreational designation in Culebra is preservation. The recreation section of the Joint Report notes the "virtually unspoiled" state of Culebra's beaches and other natural resources and states that "every attempt should be made to keep them that way." Accordingly, at most recreational sites, "only minimum facilities -- such as sanitary and locker facilities -- would be provided." Only at a few exceptional sites would facilities be provided for overnight visitors. "No new or improved roads would be added."

The Program document goes still further in the direction of preservation, noting (on Page V-8) that "recreational use of beaches must be adapted to the life patterns of turtles and birds". In the formal review draft, the document will go on to note that "the conflict between natural systems and human activities is especially important at beaches that are used as nesting grounds by endangered species of turtles."

It is in this context, then, that F.W.S. asks that all of Culebra's beaches also be designated as Areas for Preservation and Restoration. We have decided against this additional step. As recognized in the F.W.S. comments, the Joint Report and the Culebra Master Plan include beaches as areas where recreation is to be the dominant use. We deem it essential that the recreational needs of Culebrans and visitors be satisfied, and those needs include beach use. We are concerned that an APR designation

Miss June Whelan
July 30, 1976
Page 3.

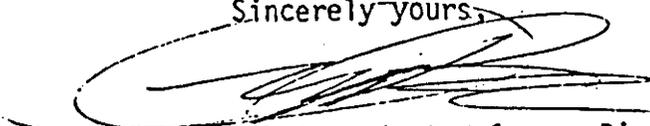
We have considered the possibility of seeking an amendment to the Master Plan and the Joint Report to designate some of the beaches as APR's --perhaps Playa Brava and Playa Resaca, where DNR staff believe turtle nesting is most extensive and which are not readily accessible by road. The problem is, as indicated by FWS comments, that available information seems too sketchy to provide firm evidence to support selection of particular beaches for this designation. (We note that FWS has scheduled efforts to obtain additional information.) Even more important as a practical matter is the fact that no development activities of any kind are currently planned for any of the beaches except Flamenco. Under these circumstances, we see little to be gained at this time by initiating the time-consuming process that would be necessary to consider formal APR designations of some Culebra beaches.

Map 5: Is to be amended to show turtles nesting grounds at Playa Larga and at the beach south of Cayo Norte.

With respect to comments of B.O.R.: The formal review draft will contain, in Chapter IV, a substantially expanded description of B.O.R. programs affecting Culebra. The February 18 letter, sent by B.O.R. to the Secretary of Natural Resources, will be included in Appendix 1, together with documentation of coordination with the Parks and Public Recreation Administration of the Commonwealth government.

With respect to comments of Bureau of Mines: A comment along the lines requested will be added to Chapter II of the formal review draft.

Sincerely yours,



Dr. Arsenio Rodriguez, Director
Coastal Zone Management Program

AR/imc

cc: Mr. Roger Babb
Mr. Kenneth Black



United States Department of the Interior

GEOLOGICAL SURVEY
P.O. Box 34168
Ft. Buchanan, Puerto Rico 00934

June 22, 1976

Miss June Whelan
Special Assistant to the Secretary,
Southeast Region
Dept. of the Interior
148 Cain Street, N.E.
Atlanta, Ga. 30303

Dear Miss Whelan:

Attached, as requested, are my comments on the Puerto Rico
Coastal Zone Management Plan--Culebra Segment.

Sincerely,

Ernest D. Cobb
Chief, Caribbean District, WRD

Enclosure

EDC/jwm

THE CULEBRA SEGMENT
COASTAL ZONE MANAGEMENT PROGRAM

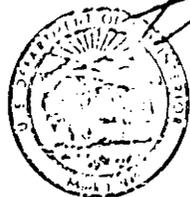
COMMENTS

by

Ernest D. Cobb
U.S. Geological Survey, WRD

1. There was no appendix with the copy received. Therefore no comments on this.
2. Page II-1.--The fact that the trade winds are not exposed to corrective or orographic forces of great magnitude does not cause a "reduced rainfall pattern." The conditions simply do not encourage an increased precipitation over the island.
3. Many sites are mentioned in the text but are not shown on the maps. The showing of all mentioned place names on at least one map would be helpful.
4. There is confusion concerning the name of one of the communities of Culebra. For example, on page II-6, reference is made to the town of "Dewey" and on page V-16, reference is made to the Municipality of "Culebra." Are these not one and the same community?
5. Page V-2.--In the second paragraph, the statement is made that there are no streams on Culebra. This is erroneous. There are no perennial streams but there are ephemeral and intermittent streams on Culebra. Much of the surface runoff flows into these streams prior to flowing to the sea.
6. Page V-6, Article 923.12 (a)(2).--Fresh water would seem to be a most important natural resource for Culebra but little is said about it especially in this section. The report by Jordan, D.G. and Gilbert, B.K., "Water supply and waste disposal, Culebra, Puerto Rico" is a good reference on the freshwater resources of Culebra. This report can be examined at the USGS, WRD office in San Juan, Puerto Rico. It should be published within the next few months.
7. Page IV-3.--The statement concerning the U.S. Geological Survey seems a little vague and brief. I suggest the following:

The U.S. Geological Survey (USGS). The significant contributions of the USGS to Culebra consist principally of water-resource studies and hydrologic data-collection and the dissemination of the study and data-collection results. Also planned are the mapping of the offshore geology around Culebra.



Fernal
United States Department of the Interior

1780(300)

BUREAU OF LAND MANAGEMENT

NEW ORLEANS OUTER CONTINENTAL SHELF OFFICE

HALE BOGGS FEDERAL BUILDING

500 CAMP STREET-SUITE 841

NEW ORLEANS, LA. 70130

June 18, 1976

S. William Green
Region II Federal Regional Council
26 Federal Plaza
Suite 3541
New York, New York 10007

Dear Mr. Green:

We appreciate the opportunity to review the draft of the Culebra Segment of the Coastal Management Program for the Commonwealth of Puerto Rico. We will be very interested in seeing how this small segment fits into the total Commonwealth Plan. We note that Culebra was found to be unsuited for most facilities designed for more than local needs. Thus, we are concerned that the overall plan provides for the identification of areas to accommodate facilities which may be needed in the development and protection of OCS resources.

Sincerely,

John L. Rankin
Manager

cc: J. Whelan



United States Department of the Interior

OFFICE OF THE SECRETARY

Southeast Region / 148 Cain St., N.E. / Atlanta, Ga. 30303

June 10, 1976

Memorandum

To: Regional Hydrologist, GS, Atlanta
Liaison Officer, BM, Tallahassee
Regional Director, NPS, Atlanta
Regional Director, FWS, Atlanta
Director, ESO, BLM, Silver Spring
Manager, OCS, BLM, New Orleans
Regional Director, BOR, Atlanta

From: Special Assistant to the Secretary, Southeast Region

Subject: Puerto Rico Coastal Zone Management Plan - Culebra Segment

The Department has been requested to review the Draft Management Program for the Culebra Segment of Puerto Rico's Coastal Zone Management Plan. The program has been prepared by the Commonwealth's Department of Natural Resources.

In order to help expedite its review, the Department of Natural Resources is providing a copy directly to the person who you designated as your Coastal Zone contact for Puerto Rico.

Please provide any comments your bureau wishes to make on the draft program to this office by June 25, 1976.

Should you have any questions, please call Paul Gates or me at FTS 285-4524 or commercial 404/526-4524.

(Miss) June Whelan

cc:
Gordon Leaf, BM, Pittsburgh
Coastal Zone Management Contacts
Puerto Rico
Ernest D. Cobb, GS, Puerto Rico
Lloyd K. Whitt, NPS, Puerto Rico
Russell Watson, FWS, Puerto Rico
Claude Martin, BLM, Silver Spring
Harold P. Sieverding, BLM, New Orleans
Charles Schuler, BOR, Atlanta

1-C(41)-1

146-

APPENDIX 1 - ITEM D

May 7, 1976

Mr. Kenneth Black
U. S. Department of the Interior
Fish and Wildlife Service
17 Executive Park Drive, N. W.
Atlanta, Georgia 30329

Dear Mr. Black:

Thank you for your letter of April 9, which contained comments on a preliminary version of the Culebra Segment of the Puerto Rico Coastal Zone Management Program. With this letter, I am enclosing a copy of a revised version (titled "Draft Management Program"), of the Culebra Segment Program, which is being submitted to NOAA for review. Please note also the accompanying "Errata" sheet.

We found your comments particularly helpful. We have tried to respond to some of them already; other responses should be possible in the next draft.

Let me discuss some of your specific comments. (Page numbers refer to the preliminary version, although is of course different in the revised draft).

- 2 Right. We have used the 1972 date, when the bulk of the lands were excensed.
- 8,11,12 See responsive changes in revised draft (pages II-3; II-4 (as corrected by "errata sheet"); II-5
- 16 Uncertainties and disputes about land ownership in Culebra, which have been a problem for at least half a century, are proving troublesome to the coastal zone management project staff. The revised version of the Culebra Segment deletes (page II-8) the 650-acre figure, to avoid the inconsistency between it and the table that precedes it. We find it difficult, however, to make more fundamental corrections. We have been told, that the Navy paid nominal rent to the Commonwealth for use of several of the keys and that Commonwealth officials accordingly believe that those keys are not federal property. The Coastal Zone Management Project cannot

obviously, resolve title disputes. We can, however, note that disputes exist. We have done this by a fuller explanation on page II-7 and by placing notes on Maps 1 and 6. It remains true that we do not know how the keys got out of the refuge as originally established by the executive order (if they did); but neither, for that matter, do we know how Cayo Norte got out of the refuge, since the original order seems to have included it as well.

- 17 See responsive changes to first sentences (page II-8). Your statement about the remaining Navy land being in disposal status is contrary to our impression. In fact, the Navy has asked us to clarify their intentions to retain some property interests in Culebra. We have told informally that necessary Congressional committee approval has not yet been obtained for disposal of remaining unwanted Navy land.
- 23 See responsive footnote in revised draft (page III-2).
- 32 As the revised draft makes clearer (page III-8), we do not believe the differences mentioned are significant.
- 33 The Master Plan is very bulky. We believe that the most significant elements of the Plan are noted in Chapters II and III of the Culebra Segment document. The future land use map included in the Plan is included in Appendix 3 of the Draft Management Program.
- 34, 42 See responsive changes in the revised draft (page III-14).
- 52-63, 61-63 In the revised draft, this material is in English
- 69-71 See revised draft (page III-18)
- 76 This section has been partially revised (page IV-3). Further revisions should be possible after our lawyers look up the two laws you cite and determine their consequences
- 79 See responsive changes in revised draft (page IV-3).
- 92-3 Areas for preservation and restoration are those designated by the Culebra Master Plan, which in turn follows recommendations of the Joint Report issued by the U. S. Secretary of the Interior and the Governor of Puerto Rico.

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Omission of Mount Rasaca from the List of APR's was an oversight. This has been corrected. No other changes have been made.

94 In response to your letter, the Draft Management Program designates all beaches as GARC's.

Plates 1,6 Flamenco Beach should have been shown as federal property and is now so shown. With respect to the outlying keys, see comments at page 16 above.

Plate 3 See responsive changes on plate 3.

Plate 5

Plate 8 As explained above (at pages 92, 94) we have included all beaches as GARC's but not as APR's, which remain as determined by the Joint Report. Therefore, the beaches do not show on this plate.

Again, our thanks for your comments. With apologies for asking you to spend still more time reviewing the Culobra Segment, we would really appreciate any additional comments you may have on the revised draft now being sent to you.

Sincerely,

Angel O. Rodriguez

Director

Coastal Zone Management Program

Enclosure: Draft Management Program
Errata sheet



United States Department of the Interior

FISH AND WILDLIFE SERVICE

17 EXECUTIVE PARK DRIVE, N. E.
ATLANTA, GEORGIA 30329

APR 9 1976

Mr. Armando Gonzalez Caban
Deputy Director
Coastal Zone Management Program
Department of Natural Resources
Box 5987
Puerta de Tierra, Puerto Rico 00906

Dear Mr. Gonzalez:

As promised in my teletype to you dated April 8, 1976, we are providing the following detailed comments based on our review of the Culebra Segment of Puerto Rico's Coastal Zone Management Plan. Mr. Fallon of the Department of the Interior Regional Solicitor's office will hand-deliver this letter to you on April 12.

The limited review time dictated by your desired schedule has prevented a review as thorough as we would have liked. Nevertheless, we have listed in some detail the deficiencies noted. We believe most of these comments are self-explanatory; however, please call us if you have any questions.

- Page 2 The date of the Navy's action to "excess" lands is inaccurate. See comments under page 17.
- Page 8 In the last paragraph, there is no mention of the desalinization plant that presently provides a substantial part of Culebra's domestic water supply.
- Page 11 The discussion of fauna is inadequate in its treatment of endangered species. The hawksbill and loggerhead marine turtles are listed as endangered species that nest on some beaches. In fact, the hawksbill and leatherback sea turtles are endangered species and the loggerhead and green sea turtles are currently proposed for "threatened status." According to Tom Carr's 1974 report "Marine Turtles at Culebra Island" all four of these species use the Culebra area and most of the beaches on the mainland and nearby smaller islands provide



*Not sure
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Page 23 While this portion of the report consists of material quoted from the 1973 Joint Report, we believe it would be desirable under the paragraph on "Wildlife or Biological Refuge" to include specific mention of Culebra's value to endangered sea turtles. The Endangered Species Act of 1973 should be an important consideration in the identification and selection of areas to be designated for refuge status.

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- Page 33 The Master Plan for Culebra, referred to on this page and in many sections of this report, obviously comprises an important part of the coastal zone management plan for Culebra. We have not had an opportunity to review or comment on the Master Plan and, therefore, find it difficult to comment on those portions of this plan that make reference to the Master Plan.
- Page 34 The discussion of unacceptable disruptions of natural conditions does not include the illegal taking of migratory birds, endangered marine turtles and their eggs for human consumption. These are violations of Federal law and detrimental to the wildlife resources of Culebra; this problem and remedial measures should be addressed.
- Page 42 The first paragraph dealing with preservation should include protection of the wildlife resources on the islands and the adjacent marine habitat. These resources, particularly those that are threatened or endangered, are extremely vulnerable and need priority attention in any enforcement effort.
- Pages 52-63 It is not possible for us to comment on this section of the plan, dealing primarily with the Planning Board of Puerto Rico, since most of the pertinent material is in Spanish. Obviously the laws, policies and procedures relating to the Planning Board will have a significant influence on what happens at Culebra; however, how they specifically relate to the plan under review is obscured by the absence of an English translation.
- Pages 61-63 Review of the section on the Department of Natural Resources is also made difficult by the several quotes in Spanish which are not translated. It would be desirable to include in this section a discussion of the Department of Natural Resources' responsibilities for threatened and endangered species management.

Pages 68-71 The discussion of the "lotification regulation" on these pages is very general. Its application to the Culebra situation should be addressed more specifically.

Page 78 The paragraph entitled "Power to Convey Land" is incomplete and misleading. Public Law 93-166 (204 c) is overriding in that it restricts transfers of Federal land on Culebra to the Commonwealth for parks and recreation purposes only. More recent Federal legislation (Public Law 94-223) requires that lands within the National Wildlife Refuge System as of January 1, 1975 cannot be deleted from the System unless specified by an Act of Congress.

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Page 88 We concur in the decision to use alternative #4 as an approach to considering the excluded Federal lands on Culebra in this plan. This "contingency plan" takes into consideration the Federal land transfer proposals to the Commonwealth as contained in the Joint Report but also recognizes the unresolved status of these transfers.

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Plate 1 Land status information shown on this map is somewhat different from that in Fish and Wildlife Service records. Our records show that Flamenco Beach and all the outlying islands except Cayo Norte should be shown as Federal lands.

Handwritten notes:
- (1) forested north slopes
- beach areas
- mangrove areas
- sea turtle nesting habitat

Mr. Armando Gonzalez Caban
Page 5

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Sincerely yours,

Kenneth E. Blech

Regional Director

*How
well
for
Sep 1964*

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United States Department of the Interior

FISH AND WILDLIFE SERVICE

17 EXECUTIVE PARK DRIVE, N. E.
ATLANTA, GEORGIA 30329

APR 9 1976

Mr. Armando Gonzalez Caban
Deputy Director
Coastal Zone Management Program
Department of Natural Resources
Box 5887
Puerta de Tierra, Puerto Rico 00906

Dear Mr. Gonzalez:

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156-

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Mr. Armando Gonzalez Caban

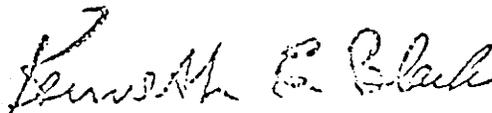
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Mr. Armando Gonzalez Caban
Page 5

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Sincerely yours,



Regional Director

FEB 18 1976

Mr. Pedro Negrón Ramos
Secretary
Department of Natural Resources
Post Office Box 5887
Puerto de Tierra, Puerto Rico 00906

Dear Mr. Ramos:

As the designated staff contact for the Bureau of Outdoor Recreation's participation in Coastal Zone Management Program in Puerto Rico, I would like to take this opportunity to generally acquaint you with this agency's interests in this planning process. We see two basic purposes to our participation.

First, we hope to increase awareness at the Commonwealth level that outdoor recreation in the coastal zone is an issue of national importance. The following tentative and general articulation of this national interest will suffice until the Interior Department and the Bureau's Washington office can prepare a more precise policy declaration:

"Recreation should be recognized as having importance equal to all other coastal zone uses and deserving of equal consideration in planning and development. Such planning should consider the importance of retaining and improving the quality of the Nation's coastal zones to assure compatibility with present and future outdoor recreation needs."

Secondly, this Bureau hopes each coastal zone management program is coordinated with the Bureau-supported Land and Water Conservation Fund program and the land-use element of the 701 Comprehensive Planning Assistance Program of the Department of Housing and Urban Development. We hope that in the development of the Coastal Zone Management program, your agency will work closely with the Public Parks and Recreation Administration. Mr. Emilio A. Casellas is the Administrator of that agency whose duties include preparation and maintenance of the Puerto Rico comprehensive outdoor recreation plan. We also hope that coastal

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zone management program policies for outdoor recreation will be consistent with those developed by this ongoing outdoor recreation planning process.

In keeping with the interest of the Federal-State coordination provisions of the Coastal Zone Management Act of 1972, the Bureau of Outdoor Recreation desires to participate directly in the coastal zone management programs in each coastal State to the extent possible. Our people and fiscal resources for this purpose are quite limited, however, and we undoubtedly will be unable to contribute as much to this important program as is desirable. Most of our future input into the coastal zone management program would necessarily be made through the vehicle of the Puerto Rico comprehensive outdoor recreation continuing planning program. Where possible, we will contribute to coastal zone planning by:

1. Identifying existing marine resources and suggesting sites for future acquisition, public access, and so on;
2. Developing guidelines for multiple use of coastal lands;
3. Participating in task groups to develop recommended policies and practices to resolve management problems and conflicts of interest related to coastal zone management;
4. Encouraging Commonwealth and local governments to accept more responsibility for recreation resource preservation, conservation, and appropriate use of the coastal zone;
5. Defining the role and responsibility of the private sector for coastal zone use, management, and development;
6. Emphasizing objectives for preservation of coastal ecology, natural areas, marine sanctuaries, cultural and historical values, and public access, and managing use limitations in implementing the Bureau's National Outdoor Recreation plan actions;
7. Developing public awareness of resource conservation needs and appropriate uses of marine resources, through existing education systems and research programs;
8. Other activities of mutual agreement.

I have attached some Bureau publications to acquaint you with the mission and activities of this agency. We would welcome any feedback which will further our understanding of your program.

i hope that this information has adequately provided a basic understanding of the Bureau's interest in Puerto Rico's coastal zone management program. We look forward to establishing a continuing relationship which will serve to develop well defined options for the future of the coastal zone in Puerto Rico for the consideration of the policymakers in our governmental and economic systems.

Sincerely yours,

15/ Bob Fiore

Robert B. Fiore
Outdoor Recreation Planner

Attachments

cc: Emilio Casellas
Sixto Perez
(Miss) June Whelan

RBFiore:gjf 2/17/76



United States Department of the Interior

FISH AND WILDLIFE SERVICE

17 EXECUTIVE PARK DRIVE, N. E.
ATLANTA, GEORGIA 30329

February 13, 1975

LA - Puerto Rico
Culebra

Mr. Joel Gordon
Department of Natural Resources
Commonwealth of Puerto Rico
P. O. Box 5887
Puerta De Tierra
San Juan, Puerto Rico 09906

Dear Mr. Gordon:

As discussed in your conversation with Al Bonsack on February 7, we are enclosing a map on which are shown Culebra excess lands and those parts we have requested by transfer.

Also enclosed are copies of the Navy descriptions of the excess property.

Sincerely yours,

William C. Goodale
Acting Regional Supervisor
Division of Realty Services

Enclosures



1-C(46)-1

Save Energy and You Serve America!



United States Department of the Interior

FISH AND WILDLIFE SERVICE

17 EXECUTIVE PARK DRIVE, N. E.
ATLANTA, GEORGIA 30329

JAN 28 1975

LA - Puerto Rico
Culebra

Mr. Joel Gordon
Department of Natural Resources
Commonwealth of Puerto Rico
P. O. Box 5887
Puert De Tierra
San Juan, Puerto Rico 09906

Dear Mr. Gordon:

This is in further reply to your inquiry to Mr. George Gardner and our letter to you of January 3, 1975.

Since writing to you, we have visited with the General Services Administration personnel in New York, Messrs. John Halloran and Dave Leonard. I delivered our application to them for those lands which are to come to the Fish and Wildlife Service in accordance with the October 1973 Joint Report. I am attaching a copy of our application letter and maps for your information. You will note that we are asking for the transfer of 121.04 acres on Culebra Island and 272.57 acres less 4.5 acres which is being returned by the Navy or 268.07+ acres on Water Cay, Ladrone Cay, and Culebrita Island. The 268.07 acres of course are already included in the refuge system in accordance with Executive Order 1042 dated February 27, 1907. The action taken by GSA on these three islands will clarify the Service's future control over these lands. Specific descriptions and additional maps are being prepared for GSA's use now to effect the transfer to the U. S. Fish and Wildlife Service.

It appears to us that the balance of the lands remaining in excess notice N-PR-472 will be processed for further screening by GSA. Mr. C. Brewster Chapman, Assistant Solicitor for Territories, Department of Interior, Washington, Office, Office of the Solicitor, will be apprised that these other lands are now available for transfer. It may well be that his office will request these lands and hold them in the Department until the Culebra Conservation and Development Authority has been established by the Commonwealth Government. Application could then be made to the Department for the remaining lands when they are ready to manage them.

In our discussions with GSA, they advised that they would be working with Mr. Luis R. Vega Lopez and Mr. Carlos Pesquare concerning the transfer of these remaining lands to the Commonwealth. You may wish to discuss this with them. Mr. Lopez's address and title is as follows:



Save Energy and You Serve America!

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Mr. Luis R. Vega Lopez
Administracion De Terrenos
Centro Gubernamental De Minillas
Edificio Norte-Ave De Diego, Pda. 22
Apartado 11158 Fernandez Juncos Sta.
Santurce, Puerto Rico 00910

In the event you wish to call, Mr. Carlos Pesquare's telephone number is 809-726-7676, extension 3416.

I also understand that GSA from New York will soon visit Puerto Rico to discuss the action still required on your part for the remaining lands now that the Fish and Wildlife Service needs have been identified.

Concerning the transfer of the airport property on Culebra, again now that U. S. Fish and Wildlife interests have been identified, the 268 + acres airport land will more than likely be available to the Commonwealth. Your application for the specific property will be required. FAA should probably assist you in this procedure.

If you wish to talk with anyone from the General Services Administration on the transfer steps, call Mr. John Halloran or Mr. Dan D. Leonard, 26 Federal Plaza, New York, New York 10007, telephone 212-264-2614. They have suggested that you talk with Mr. Lopez or Mr. Pesquare first.

The Regional Solicitor's Office will be assisting us directly on clearing title problems, handling illegal uses by squatters and other issues as they relate directly to the lands transferred directly to the Fish and Wildlife Service. His role as it relates to the remaining lands is still not clear; however, if the Office of Territories does make application for the balance of these lands which have been declared excess to hold until the Commonwealth gets them through the transfer process, it would appear that he would act in the same capacity for these lands as the ones now identified for administration by us. Once the lands are finally transferred to the Commonwealth, however, these problems if not resolved will then become one of your government.

It's difficult for us to address your question of awarding a planning grant. We have Culebra in our planning budget and hope to make money available for staff sometime in the future. Fiscal problems are very apparent at this time. Only a slight chance exists whereby funds could be made available in FY 1976 and for that matter, we are not even sure about FY 1977. We will do our best to get the money as soon as possible.

Hopefully, I have answered the question raised by you.

It appears that the Fish and Wildlife Service portion of the transfer will now move smoothly, followed by a rather prompt transfer of the airport property on Culebra.

Let us know if we can be of further assistance.

Sincerely yours,

Kenneth E. Black

Regional Director

Attachments



United States Department of the Interior

OFFICE OF THE SECRETARY

Southeast Region / 148 Cain St., N.E. / Atlanta, Ga. 30303

JUN 23 1976

Memorandum

To: Special Assistant to the Secretary, Northeast Region

From: Special Assistant to the Secretary, Southeast Region

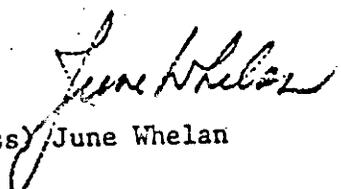
Subject: Review of Puerto Rico Coastal Zone Management Plan
Culebra Segment

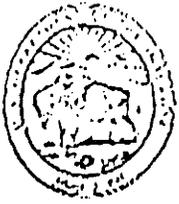
Enclosed are Interior bureau comments received on the subject plan in response to my memorandum of June 10, 1976. A copy of this memo is also enclosed.

The Bureau of Land Management, Eastern States Office has confirmed by telephone a no comment response at this time. The Bureau of Mines has not responded as of this date. If other comments are received, they will be forwarded to you.

These responses were requested by the Secretarial Representative for the Department of Commerce to be presented at the New York Federal Regional Council. Would you please make these comments available at the next New York Federal Regional Council's meeting scheduled for July 6, 1976.

If you have any questions, or comments, please call.


(Miss) June Whelan



United States Department of the Interior

NATIONAL PARK SERVICE
SOUTHEAST REGIONAL OFFICE

1695 Pizena Boulevard
Atlanta, Georgia 30337

INTERNAL USE ONLY
17015-SES-PC

JAN 21 1976

Memorandum

To: Special Assistant to the Secretary, Southeast Region,
U.S. Department of Interior

From: Associate Regional Director, Planning and Assistance,
Southeast Region

Subject: Puerto Rico Coastal Zone Management Plan-Culebra Segment

Our State Coordinator for Puerto Rico has reviewed the subject document and reported that he has no comments except that he believes the Commonwealth has sufficient legislation to give it the authority to develop and manage Culebra effectively.

Raymond F. Smith



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DEPARTMENT OF TRANSPORTATION
REGIONAL REPRESENTATIVE OF THE SECRETARY

26 FEDERAL PLAZA
ROOM 1811
NEW YORK, NEW YORK 10007

July 27, 1976

Mr. Pedro Negrón Ramos
Secretary, Puerto Rico Department of
Natural Resources
P. O. Box 5887
Puerto de Tierra, Puerto Rico 00906

Dear Mr. Ramos:

We have reviewed the Culebra Segment - Draft Management Program.
Comments received from Region II Department of Transportation
agencies are enclosed.

Sincerely,

A handwritten signature in cursive script, reading 'Bayard S. Forster', written over a horizontal line.

Bayard S. Forster
Regional Representative of the
Secretary of Transportation

Enclosures

cc: TES-70 w/copies of encls.

UNITED STATES GOVERNMENT

*Memorandum*DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION*BP/NAH*

DATE: July 15, 1976

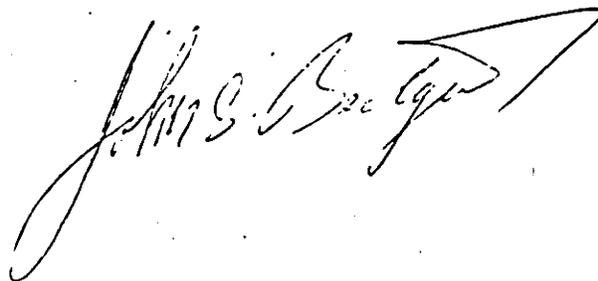
SUBJECT: The Culebra Segment - Draft Coastal Zone
Management ProgramIn reply
refer to: 01-00.4FROM : Robert E. Kirby, Regional
Federal Highway Administrator
Albany, New YorkTO : Mr. Bayard S. Forster
Secretarial Representative, Region II
New York, New York

In response to your memorandum of June 17, 1976, which requested our review of the Draft Coastal Zone Management Program for the Culebra Segment, we offer the following:

On page IV-4, the draft indicates that no improvements are presently planned for the two highways (NOS. 251 and 250), which are included in the Federal-aid highway system. As the draft states, however, we have authorized a project for the construction of two cargo/passenger ferries to be operated by the Puerto Rico Port Authority. This service is considered an extension of the highway system. Consequently, our most likely involvement in the Coastal Zone Management Program will be regulations that pertain to the transportation of hazardous materials.

Perhaps the draft should discuss this aspect in reference to the Hazardous Materials Transportation Act of 1974. Based upon the wording of the text on page V-17, the Culebra Planning Board may not be aware of the ramifications of this legislation. Under the authority of the Act, the Department of Transportation regulates the haulage of hazardous materials. According to the supremacy clause in the Act, Federal regulations of transport of hazardous material cargoes by all modes of transportation pre-empt any State regulation.

In the event that unforeseen contingencies arise, we feel that the Puerto Rico Action Plan should provide an adequate mechanism for interagency coordination on environmentally sensitive issues in the coastal area.



170-

DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

~~BFINAH~~

SOUTHERN REGION
P. O. BOX 20636
ATLANTA, GEORGIA 30320



DATE: July 15, 1976

IN REPLY
REFER TO: ASO-4.

SUBJECT: The Culebra Segment - Draft Management Program

FROM: Chief, Planning and Appraisal Staff, ASO-4
Bayard S. Forster
TO: Secretarial Representative, Region II

We have coordinated with our Miami Airports District Office and the regional Airports Division in review of subject draft and submit the following comments for consideration.

Page IV-4.

The Federal Aviation Administration (FAA). The last sentence is confusing as to meaning. As we understand the Culebra airport property has been declared excess by the Navy and is in the process of being transferred to the General Services Administration. Until an updated Master Airport and Airport Layout Plan is submitted for approval, funding action for future improvements cannot be initiated by FAA.

Appendix I, Item (c), Unlisted Correspondence. We have no information here in the Regional Office or the Miami Airports District Office regarding a planned new east/west runway and related development referenced in your letter dated January 29, 1976, to Mr. Pedro Negrón Ramos, Secretary of the Department of Natural Resources.

Benny C. Frazier
BENNY C. FRAZIER



DEPARTMENT OF TRANSPORTATION
REGIONAL REPRESENTATIVE OF THE SECRETARY
26 FEDERAL PLAZA
ROOM 1811
NEW YORK, NEW YORK 10007

January 29, 1976

Mr. Pedro Negrón Ramos
Secretary
Department of Natural Resources
P. O. Box 5887
Puerta de Tierra, Puerto Rico 00906

Dear Mr. Negrón Ramos:

The following information is provided to assist you in the development of your segmented Coastal Zone Management Plan for Culebra, Puerto Rico and the adjoining cays.

1. Aviation.

The Culebra airstrip, located on the southeasterly side of the Island approximately one mile north of the town of Dewey is used primarily by small general aviation propeller driven aircraft. The airport is included in the National Airport System Plan as a link in the national aviation transportation system.

The airport is owned by the U. S. Navy, but operated by the Puerto Rican Government under an agreement with the Navy. The airport provides air transportation capability between Isla de Culebra and nearby islands. Air transportation is used by some residents to commute to the mainland of Puerto Rico and the Virgin Islands where they work. One aircraft and a pilot remain on the Island at all times for emergency medical flights. Approximately 40 percent of total operations at the airport are now performed by military aircraft.

A new east/west runway and related development are planned for construction during the five-year planning range. The total cost of this work is estimated at just under \$900,000. The Federal Government will participate in the funding of these developments under the Department of Transportation - Federal Aviation Administration Airport Development Aid Program.

We feel that the Culebra airport is a necessary element in the life of the Island. Provisions for the continued use of the airport should be included in the development of the Coastal Zone Management Plan.

2. Highways.

There are only two highways in Culebra that are in the federal-aid system. These are Routes 250 and 251 with a total length of 3.65 miles.

172-

These highways, added to the federal-aid system just over a year ago, are under the jurisdiction of the Puerto Rico Department of Transportation and Public Works. We know of no highway improvements planned or proposed with federal aid funds in Puerto Rico.

3. Marine.

*1. Copy of...
2. Copy of...
3. Copy of...
4. Copy of...
5. Copy of...
6. Copy of...
7. Copy of...
8. Copy of...
9. Copy of...
10. Copy of...*

Enclosure (1) is a set of copies of pages from the U. S. Coast Guard Light List, Volume II, Atlantic and Gulf Coasts 1975 describing DOT/ U. S. Coast Guard maintained marine aids to navigation on Culebra, Culebrita and adjoining cays and waters. We wish to reserve rights for free ingress and egress at our discretion to maintain these various facilities. For example, with the existing lighthouse on Culebrita (approximately 4.5 acres), we would like to reserve access via the existing approximately 2000 feet by 15 feet wide right-of-way, or a similar alternative. In addition, we would like to reserve the continued use of the existing adjacent dock and storehouse and the helopad associated with the light. Likewise for all existing and future Coast Guard operations, navigation aids, and communications, we would like to reserve the same rights to uncontrolled, non-monitored ingress and egress, by whatever means we deem practicable.

OK

The Department of Transportation/Federal Highway Administration has recently authorized a project for the construction of two cargo/passenger ferries to be operated by the Puerto Rico Ports Authority in their Fajardo-to Culebra to Vieques operation. Because of restrictions contained in 23 USC 129(g), these ferries may not operate between Culebra and Vieques. Bills have been introduced in the Congress to exempt Puerto Rico from these provisions of the law, thereby permitting the use of these ferries between Culebra and Vieques. These ferry operations are considered to be an extension of the Federal Aid Highway System in Puerto Rico.

11/1

The Coastal Zone Management Plan for Culebra, etc., should take into account the ferry operations mentioned above as well as other commercial and recreational marine activity. The management plan should not attempt to regulate the legitimate exercise of interstate or international maritime activity, an authority specifically reserved for the national government.

It should be noted that increased vessel traffic in the area, commercial or recreational, may in the future necessitate additional aids to navigation, or increase in Coast Guard operational activity, and/or increased communications requirements. Due to this potential, we request that the Culebra CZM plan include provisions to insure at the appropriate time, authority for DOT/U. S. Coast Guard to:

a. Place and maintain whatever navigation aids deemed required for the assurance of safe maritime navigation.

b. Implement whatever increased operations and addition of facilities considered necessary to enable the national government to fulfill essential operational and statutory obligations such as search and rescue, pollution control measures, port safety, vessel safety, security exercises, and law enforcement duties.

6/1

Enclosure (2) provides information concerning DOT/USCG activities in Puerto Rico and the U. S. Virgin Islands that impact on Culebra. We would also suggest that you consult the 1976 edition of the Light List for the area when it becomes available.

4. General Comments.

We request that the Culebra CZM plan make specific provision for the resolution of differences concerning the use of lands and included waters. Such provisions should provide for resolution/mitigation between/among local government, Commonwealth government, national government, and the private sector.

We have previously provided you with our statement "transportation national concerns". If you have any questions or problems with that document or with this letter, please call upon us. We look forward to commenting on your draft CZM plan for Culebra and the adjoining cays.

Sincerely,



Bayard S. Forster
Regional Representative of the
Secretary of Transportation

Enclosures

cc: TES-70
GW/73
CCGD7 (mep)
FHWA, Reg. I
FAA, SR (ASO-4)
UMTA, Reg. II

17 de agosto de 1976

Mr. Bayard S. Forster
Regional Representative of the
Secretary of Transportation
Department of Transportation
Room 1811
26 Federal Plaza
New York, New York 10007

Dear Mr. Forster:

Thank you for your letter of July 27, addressed to Secretary Pedro Negrón Ramos, transmitting copies of DOT comments on the Culebra Segment of the Puerto Rico Coastal Zone Management Program.

Responding to the comment of FHWA, we have added, on page IV-4, mention of its hazardous materials regulatory responsibility.

With respect to the comments of FAA, we have deleted the sentence (on page IV-4) that FAA found confusing.

Sincerely yours,



Mr. Arsenio Rodríguez, Director
Coastal Zone Management Program

ARZ:mc

APPENDIX 1 - ITEM D

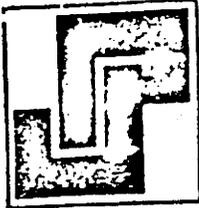
ITEM D: PUERTO RICO COMMONWEALTH AGENCY REVIEW

The Culebra Segment Program was developed in close coordination with the CCDA, and the Puerto Rico Planning Board. Other state agencies were consulted during program preparation in their specific areas of expertise. On May 4, 1976, the draft copy of the Culebra Segment Program was sent to the following state agencies for their formal review and comments:

- Department of Agriculture
- Department of Commerce
- Planning Board
- Department of Transportation and Public Works
- Aqueducts and Sewer Authority
- Water Resources Authority
- Department of Housing
- Department of Justice
- Environmental Quality Board
- Economic Development Administration
- Tourism Development Administration
- Parks and Recreation Administration
- Culebra Conservation and Development Authority

On May 28, 1976, a meeting was held with these agencies to hear their comments, react directly to recommended changes and agree on any revisions. A summary of this meeting is included as part of this appendix item.

Enclosed are various copies of correspondence from Commonwealth agencies during the preparation of the program. Additionally there is a copy of a letter from the CCDA commenting on the program.



Estado Libre Asociado de Puerto Rico
OFICINA DEL GOBERNADOR
JUNTA DE PLANIFICACION

CENTRO GUBERNAMENTAL MINILLA
EDIF. NORTE AVE. DE DIEGO PDA.
APTDO. 9447 SANTURCE, P. R. 00911

August 23, 1976

Honorable Pedro Negron Ramos
Secretary of Natural Resources
P.O. Box 5887, Puerta de Tierra
San Juan, Puerto Rico 00906

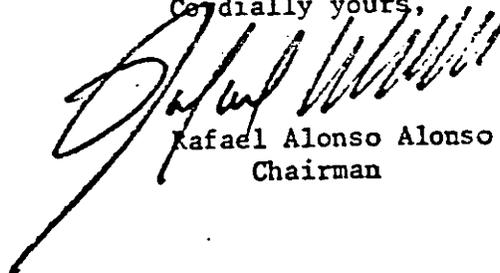
Dear Mr. Secretary:

The Planning Board has received and reviewed the final draft of the Culebra Segment of the Puerto Rico Coastal Zone Management Program, prepared by the Department of Natural Resources under the provisions of Section 305 of the Coastal Zone Management Act (PL 92-305). The Board finds that:

1. The Culebra Segment conforms to the general policies for land use and development, as presented by the Board at public hearings;
2. The Culebra Segment conforms to the Master Plan of the Municipality of Culebra, adopted by the Board in 1971 and last amended as of 1975;
3. The provisions for Federal consistency with the Puerto Rico Coastal Zone Management Program are acceptable and can be implemented by the Board through the coordination and review procedures mandated by OMB Circular A-95.

In view of the above, I endorse the Culebra Segment of the Puerto Rico Coastal Zone Management Program for submission by the Governor to the Administrator of the National Oceanic and Atmospheric Administration for action under Section 306 of the Coastal Zone Management Act.

Cordially yours,



Rafael Alonso Alonso
Chairman



COMMONWEALTH OF PUERTO RICO
PUBLIC RECREATION AND PARKS ADMINISTRATION

Office of the Administrator

August 11, 1976

Dr. Armando González Cabán
Deputy Director
Coastal Zone Management Program
Department of Natural Resources
Puerta de Tierra, Puerto Rico 00903

Dear Mr. González :

We have reviewed the document "The Culebra Segment" received by us last week and although all recreational potential areas are not included, except in a general basis, we agree with the plan in principle and will deal directly with the Culebra Conservation and Development Authority in connection with the development of such areas.

Please feel free to contact me should any doubts arise on the above.

Sincerely,


Emilio A. Casellas
Administrator



Junta
de Calidad
Ambiental

21 de julio de 1976

Hon. Pedro Negrón Ramos
Secretario de Recursos Naturales
Apartado 5887
San Juan, Puerto Rico 00906

Estimado señor Negrón Ramos:

Recientemente el Dr. Armando González Cabán se entrevistó con nosotros acerca de la política pública elaborada por el Departamento de Recursos Naturales para el desarrollo de la Isla Municipio de Culebra, según se esboza en el Plan de Manejo de la Zona Costanera de Culebra. El Dr. González Cabán indicó que había concertado la reunión con el propósito primordial de establecer una estrecha coordinación con esta Junta respecto a la implementación del referido plan.

Entendemos que tal coordinación ya está establecida de forma idónea puesto que el aludido plan incorpora la política pública ambiental y las normas de calidad de agua desarrolladas por esta Junta. Consideramos por ende, que la coordinación solicitada está implícita en el documento preparado por ustedes. Deseamos indicarle que estamos en la mejor disposición de cooperar con las decisiones de su Departamento al respecto.

Cordialmente,

Carlos M. Jiménez Barber
Director Ejecutivo

cc: Ing. Lorenzo R. Iglesias
Ing. Raquel Coello Colón
Sr. Tomás Rivera
Dr. Armando González Cabán

20 de Julio de 1976

Lcdo. Rafael Alonso Alonso
Presidente
Junta de Planificación
Apartado 9447
Santurce, Puerto Rico 00908

Estimado licenciado Alonso:

En su carta del 17 de junio de 1976 señaló la existencia de nidos de tortugas en Playa Larga-Culebra, según estudio realizado por el Dr. Tom Carr - 70
en 1973.

El problema de la protección de diferentes especies en peligro de extinción ha sido llevado a la consideración de la Junta de Directores de la Autoridad de Conservación y Desarrollo de Culebra. Con tal motivo, el Sr. Kenneth Black, Director Regional en Atlanta del Servicio de Pesca y Vida Silvestre-Departamento de lo Interior, a la cual está adscrito Puerto Rico, y miembro de la Junta de Directores de la ACDEC, ha señalado que su Oficina realizará un estudio completo de todos los sectores en Culebra, incluyendo Playa Larga, en los que tenga interés dicho Servicio Federal, para fines de preservación o de protección de especies en peligro de extinción. Es el propósito del Servicio de Pesca y Vida Silvestre Federal establecer ciertas condiciones que deben formar parte de la transferencia de los terrenos directamente a algunas Agencias del Gobierno del E.L.A. o a la ACDEC, proplamente. Este estudio puede durar alrededor de un año. Mientras esto ocurre, lo aconsejable es no autorizar desarrollos en esa zona de playa o hacerlo condicionado a los resultados del estudio.

Por otro lado, este Departamento está próximo a formular una solicitud oficial para hacerse cargo de la administración de los programas de protección de especies en peligro de extinción para Puerto Rico, incluyendo las islas adyacentes, como Culebra. Esto conlleva, naturalmente, la implementación de un plan que disponga las medidas necesarias para asegurar, en este caso específico, la reproducción y supervivencia de las tortugas en Playa Larga.

Esperamos poder coordinar este plan, de forma que no se afecte sustancialmente el desarrollo turístico que hay programado para dicha área en particular, de ello ser factible. En la medida en que vayamos teniendo más información sobre el plan que adoptaremos a estos efectos, se la haremos llegar.

OW/PNR:mo

cc: Oficina del Secretario

Oficina del Subsecretario

Arq. Luis M. Juarbe (proceder de acuerdo-
estar atento)

Lcdo. Augusto A. Cirino

"Reading File"

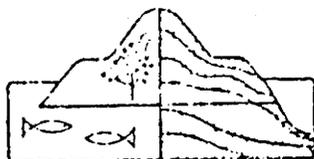
A. D. (con exp. "4745 - 45867

Cordialmente,

Pedro Negron Ramos
Secretario

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180



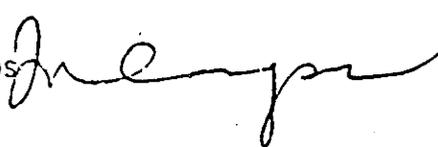
DEPARTMENT
OF NATURAL
RESOURCES

MEETING OF COMMONWEALTH AGENCIES
TO DISCUSS CULEBRA SEGMENT, MAY 28, 1976

MEMORANDUM

TO : Dr. Arsenio Rodríguez
Director
Coastal Zone Management Program

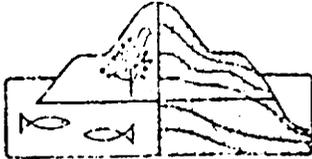
Dr. Armando González Cabán
Deputy Director
Coastal Zone Management Program

FROM : Iris M. Camps 
Secretary

SUBJECT : Summary of the meeting held May 28, 1976 with
officials from different Commonwealth agencies
to discuss the Culebra Segment Draft Management
Plan

Present:

- 1- Dr. Armando González Cabán
Department of Natural Resources
Coastal Zone Management Program
- 2- Dr. Arsenio Rodríguez
Department of Natural Resources
Coastal Zone Management Program
- 3- Mr. John A. Falcón
Ports Authority
- 4- Mr. Rafael A. García
Environmental Quality Board
- 5- Mr. Francisco A. Sánchez Ruiz
Economic Development Administration
- 6- Hon. Ramón Feliciano
Mayor of Culebra
- 7- Mr. Luis M. Juarbe
Culebra Conservation and Development Authority



DEPARTMENT
OF NATURAL
RESOURCES

MEETING OF COMMONWEALTH AGENCIES
TO DISCUSS CULEBRA SEGMENT, MAY 28, 1976

MEMORANDUM

TO : Dr. Arsenio Rodríguez
Director
Coastal Zone Management Program

Dr. Armando González Cabán
Deputy Director
Coastal Zone Management Program

FROM : Iris M. Camps *Iris Camps*
Secretary

SUBJECT : Summary of the meeting held May 28, 1976 with
officials from different Commonwealth agencies
to discuss the Culebra Segment Draft Management
Plan

Present:

- 1- Dr. Armando González Cabán
Department of Natural Resources
Coastal Zone Management Program
- 2- Dr. Arsenio Rodríguez
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Coastal Zone Management Program
- 3- Mr. John A. Falcón
Ports Authority
- 4- Mr. Rafael A. García
Environmental Quality Board
- 5- Mr. Francisco A. Sánchez Ruiz
Economic Development Administration
- 6- Hon. Ramón Feliciano
Mayor of Culebra
- 7- Mr. Luis M. Juarbe
Culebra Conservation and Development Authority

- 8- Miss Lillian Vega
Army Corps of Engineers
- 9- Mr. César de Jesús
Tourism Development Administration
- 10- Mr. José Joaquín Rivera
Housing Department
- 11- Mr. Ernesto Abruña
Housing Department
- 12- Mr. Atanasio Berrios
Housing Department

Dr. Arsenio Rodríguez, Director of the CZM Program, began the meeting stating the reasons for the meeting and the origins of the document. He explained that the Segment Program envisioned to get federal funds to implement it and that the Program requires Commonwealth Agencies coordination and possible changes and suggestions, if any.

The principal elements of the Segment Plan were explained by Dr. Armando González Cabán, Deputy Director of CZM program, according to Chapter III of the aforesaid document. The main purpose of the meeting, he stated, was to receive comments from the interested agencies upon the draft document. The Culebra Segment circulated three weeks beforehand to Commonwealth agencies.

"The Culebra Segment Plan is a recollection of the ideas and policies established in the Culebra Master Plan, already signed by the Governor, and the Joint Agreement signed the Secretary of the Department of the Interior and the Governor of Puerto Rico. They are rearranged in order to meet the requirements of the Coastal Zone Management Act of 1972."

"As in the aforementioned documents the overriding factor in the Culebra Segment is the preservation of natural areas in Culebra. Then a controlled economic growth in order to avert the destruction of natural resources and increase the standard of living of the Culebrans to a level similar to that of the main island of Puerto Rico".

"...in summary it can be said that the main drive behind this document is to get funds to have the Culebra Conservation and Development Authority implement their plans to preserve the unique characteristics of this island".

Mr. Francisco A. Sánchez Ruiz wanted to know if everything will now have to be dealt through the CCDA and how the squatter problem will be handled. Dr. González Cabán explained to him that since the creation of the CCDA in 1975 this agency is the one responsible for all the dealings in Culebra and that the squatter problem will be solved according to the plan established in the Culebra Segment and in compliance with the law that created CCDA.

Mr. Francisco A. Sánchez Ruiz wanted to know why in the section on "Overall Objectives" does not mention the San Antón factory, promoted by the Company for Industrial Development, which employs 165 persons. He was informed that the subject is discussed in Chapter II.

Mr. Rafael García, EQB, raised the issue that the airport landing field is to be extended toward Ensenada Honda Bay. Mr. John A. Falcoń from Port Authority, explained to him that these are preliminary plans and that the squatter problem must be resolved first.

Everybody is informed of the Public Hearings to be held in Culebra the fourth of June.

Miss Lilian Vega says that the role of federal agencies should also be discussed in page III-17, not only local agencies. It is explained to her that in Chapter IV the role of federal agencies is discussed.

Mr. John A. Falcoń feels the document should be more specific in terms of projects or actions to be taken. They must be quantified in monetary terms. Dr. Armando González Cabán explained to him that this will come in the budgetary item of the 306 submission.

Mr. Luis Juarbe goes into an extensive explanation of why the CCDA feels the Laguna Lobina project should be carried on.

Mr. Rafael García believes the document is too general and idealistic. It is a money seeking document with no plan for action. It is clear by now that if the document is accepted by both local and federal government, a budget has to be submitted detailing the uses to which the money will be dedicated.

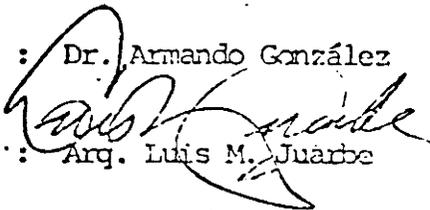
Mr. José Joaquín Rivera wanted to know why no reference is made to the activities of the Housing Department in Culebra. Makes reference to page III-15 in which the responsible Commonwealth agencies are mentioned and no reference is made to the Housing Department.

Mr. Ernesto Abruña explained that the Housing Department is trying to find some land to develop public housing projects but since the transfer of lands has not taken place yet, they can not do anything.

Estado Libre Asociado de Puerto Rico
Autoridad de Conservación y Desarrollo de Culebra
Apartado 217
Culebra, Puerto Rico

7 de abril de 1976

MEMORANDO

A : Dr. Armando González
De :  Arq. Luis M. Juarbe
ASUNTO : Plan de Manejo Culebra (The Culebra Segment)

He revisado el documento del CZMP en su parte dedicada a Culebra y someto para su consideración los siguientes comentarios:

I- Correcciones al texto

- 1- pág. 8, "Fresh Water" - no se menciona la existente Planta de Desalinización en operación.
- 2- pág. 14 - línea 3, debe decir 2,743 acres.
línea 6, debe decir "close to 1,100"
- 3- pág. 16 - "Make a public bathing beach at Playa Flamenco
- 4- pág. 16 - "Open air theater" en vez de opera
- 5- pág. 19 - "navigation" en tercer párrafo.
- 6- pág. 20 - el "statement", "the number of motor vehicles is very small, no es muy correcto ya que entendemos que en los últimos años se han multiplicado el extremo de crear problemas con el abasto de gasolina. Me parece que existen cerca de 400 y esto es mucho para Culebra.
- 7- Pág. 26 - última línea - "San Ildefonso" en vez de "Idelfonso"
- 8- pág. 29 - Importante! en vez de "five acres or more..." debe decir 25 acres.

9- pág. 93 - Aquí hay un error de áreas. Son 5 áreas en la isla principal en adición a Cayo Luis Peña. Estas áreas son:

1. Flamenco Península
2. Flamenco Lagoon
3. Puerto del Manglar
4. Mangles de Ensenada Honda en la parte al Este de San Ildefonso.

- OJO →
5. Monte Resaca - Ver Plan de Usos
 6. Cayo Luis Peña

Esto quiere decir que también el Mapa #8 está malo en este sentido.

II- Recomendaciones de sectores en las cuales se pueden solicitar fondos para implementar el Plan de la Zona Costanera.

Dentro del presupuesto de la Autoridad de Conservación y Desarrollo de Culebra para este año, no hay cabida para este programa por las situaciones de uso de fondos ya en proceso. Sin embargo para el próximo año, de los fondos de la Autoridad se pueden señalar áreas en donde es posible ajustar en el plan de 50% -50% fondos para aprovechar la asignación del Plan Segmentado de CZP para Culebra:

Areas de posible participación en el próximo año.

A- Servicios Profesionales

1. Estudios para el Desarrollo de Areas para parques, plazas marítimas, paseos y otros proyectos de recreación y conservación.
2. Investigaciones y delimitación de límites de propiedad en disputa.

B- Programas de Educación

1. Avisos y Rótulos informativos
2. Entrenamiento en el manejo de las áreas por medio de audio-visuales y folletos.
3. Visitas de conferenciantes de Sistemas de Parques como asesores para proyecto de conservación de áreas.

C- Uniformes y equipo para guardaparques.

D- Proyectos de construcción de áreas para recreación en el parque. Ejemplos: Plazas, Muelles, Caminos escénicos, etc.

- E- Desarrollo de Laguna Lobina en su parte de equipo de servicio para botes como equipo para la navegación en la laguna y luces o señales marinas. Marina para peatones en el frente portuario.

- F- Asistencia en los casos pertenecientes al problema de los invasores del frente marítimo ayudando a proveer servicios a las nuevas áreas residenciales y restaurando el área ocupada previamente.

Commonwealth of Puerto Rico
CULEBRA CONSERVATION AND DEVELOPMENT AUTHORITY
c/o Box 5887-Puerta de Tierra, Puerto Rico 00906

MEMORANDUM

TO : Mr. Joel Gordon
Consultant

THRU : Eng. Octavio Eys.
Acting Executive Director

FROM : Luis H. Juarbe, Architect
Architect Consultant

RE : Possible CZM Program for Culebra

DATE : February 26, 1976

In reply to your Memorandum of January 30, 1975, I am including a list of possible activities for Culebra as discussed in our meeting. The list is prepared in the form of a table to help you in the identification of those activities which are being planned by other Commonwealth Agencies. Also a column describing the estimated status of each project is included so that you may decide if inclusion in the CZM Program is still possible in the hope that financial help be obtained to accelerate the project.

The list of projects is prepared in order of priority and in relation to the dependance to other programs to which they may be related directly for operation.

Priority: 1

Project : Development of Lobina Lagoon, Fishing, Tourist and Commercial Center.

Estimated Cost: \$1,500,000.00

Agencies related by activities:

a) P.R. Ports Authority; Dredging of the Lagoon and access channel, construction of cargo piers and bulkhead, Construction of Ports Authority office and operations buildings.

b) Tourism Development Company; Development of local tourist port-front projects, technical aid to residents for the construction of restaurants, shops and small hotels or guest houses, design and construction of access alleys and development of divulgation and tourist propoganda programs.

- c) Department of Commerce; Technical and economical aid for commercial projects in the port front.
- d) Department of Public Works; Construction of an elevated opening bridge on the channel exit to Ensenada Honda.
- e) P.R. Acueducts and Sewer Authority; Construction of the necessary sewer infra-structure in the project to prevent Lagoon waters contamination; construction of a Treatment Plant.
- f) Department of Agriculture; construction of boat ramps and service yards, storage lockers and other services to fishermans, purchase of equipment, organization and training for fishermans.

Status of Project:

In 1968, primary facilities were built by the Department of Agriculture with the technical aid of the Department of Tourism. Three structures were built where today a freezer is maintained and some storage is provided for the fishermans. An access road was built by the Municipal Government but no boat ramps or service yards are available. In 1975, three agencies, the P.R. Ports Authority, the Department of Agriculture and the Tourism Development Company, met in coordination with the P.R. Planning Board to activate the Lobina Project. Mr. Jorge Andrades, of the Tourism Development Company was named coordinator in charge of the project. Mr. Félix Iñigo of the Department of Agriculture stated that his Department was in the planning stage for their project of Lobina and funds were available for development. Mr. Julio Maynı, Executive Director of the Ports Authority stated that the amount of \$35,000.00 was available in this office for payment of the necessary studies for the project. Mr. Roberto Bouret of the Tourism Development Company had stated previously that he was including in his 1976 program a fund requisition for the Tourism part in the project.

Recommendation:

It is recommended that a meeting to discuss the final aspects of direct participation by agencies be held in the office of Mr. Jorge Andrades in Tourism. Direct responsibilities should be established for each agencies with a date line for completion of each program.

Priority:

2

Project : Management and Enforcement

Estimated cost: \$125,000.00 per year

Agencies related
by activities :

a) Culebra Conservation and Development Authority;
Purchase of equipment and employment of personnel to
enforce regulations controlling the use of government
land as parks, beaches, camp areas, etc. three jeeps;
one boat, maintenance of equipment; employment of six
guards and park staff for information programs, trail
tours and general park activities.

Status of project: N/A

Recommendation : The plans for this section should start as soon as possible
to help the Culebra Authority in the first stage of adminis-
tration of excess land that will come into the custody of
the Authority.

Priority :

3

Project : Land Purchase

Estimated cost: \$5,000,000.00

Agencies related
by activity :

a) Culebra Conservation and Development Authority;
Purchase of private land designated in the Land Use Plan
for conservation and protection of areas of natural values.

Status of project: N/A

Recommendation : The acquisition of about 1,000 acres of land in the
vicinity of Puerto del Manglar for the protection of the
watershed area and in the south-east part of Monte Pasaca
for the protection of the forest is an action recommended
for as soon as possible. This will add land area to the
government property for negotiations with the Federal
Government for lands in other areas needed for urban or
public development.

Priority :

4

Project : Rehabilitation of coastal zone areas.

Estimated Cost: \$400,000.00

Agencies related by activity :

a) Culebra Conservation and Development Authority;
Development of road sides and water area sides into small parks and observation platforms in areas actually in deterioration. This project should include the construction of interior trails and gardens in all areas with proposed public access in the rural area.

b) Municipality of Culebra
Development of small plazas and boat ramps in the water front of the urban areas.

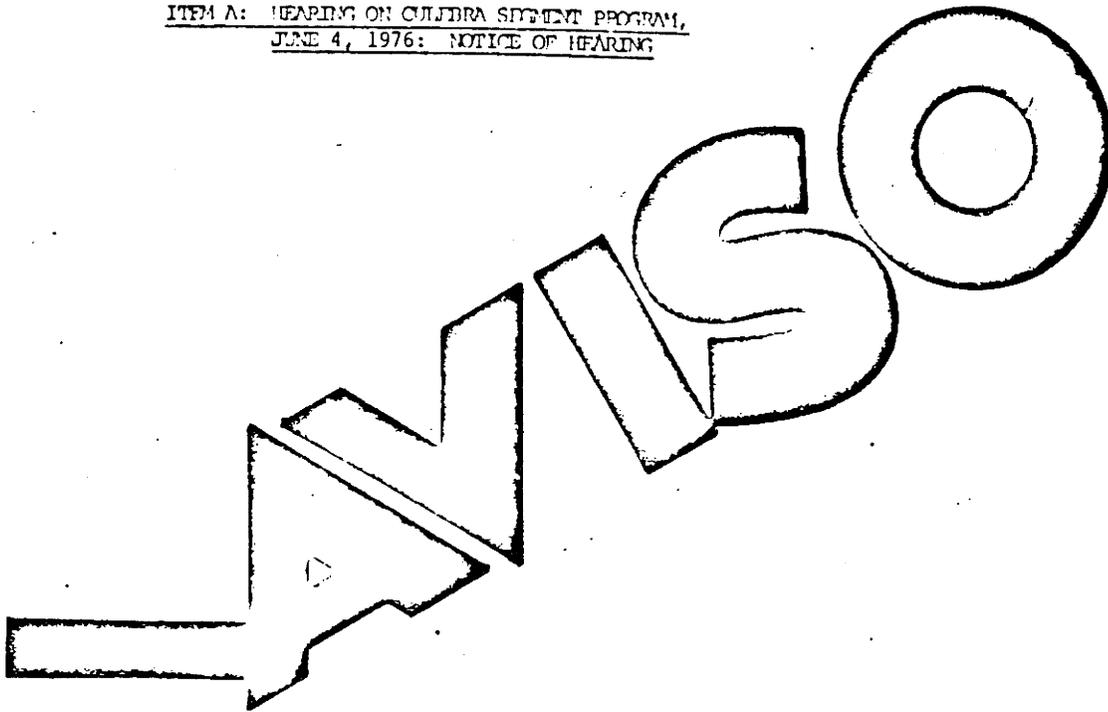
Status of project:

N/A

Recommendation :

It is important that this project be started at the same time of the removal of squatters structures in the areas close to Clark and Dewey as part of a Municipal Program to help in the creation of park-like water front areas with ramps and pier facilities for boats.

A copy of my memorandum to Dr. Emilio Colón and a copy of my proposed Management Program is included with the intention of helping in your planning of projects or activities that could be funded in part by the CZM Program.



El Programa de la Zona Costanera del Depto. de Recursos Naturales conjuntamente con la Autoridad de Conservación y Desarrollo de Culebra, celebrará vistas públicas el viernes 4 de junio de 1976 a las 9:00 A.M. en la casa alcaldía de Culebra en torno al Plan de Manejo de la Zona Costanera para la isla de Culebra. Copias de dicho documento pueden ser obtenidas en la alcaldía de Culebra o en el Depto. de Recursos Naturales.

Exhortamos a los culebrenses a participar en el proceso de aprobación de este instrumento de trabajo, el cual constituirá parte del plan para implementar las funciones de la Autoridad en lo concerniente a la Zona Costanera.

29 de abril de 1976.

ESTADO LIBRE ASOCIADO DE PUERTO RICO
AVISO DE
VISTAS PUBLICAS
EN CULEBRA

El Programa de la Zona Costanera del Departamento de Recursos Naturales, conjuntamente con la Autoridad de Conservación y Desarrollo de Culebra, celebrará vistas públicas el viernes 4 de junio de 1976, a las 9:00 a.m., en la Casa Alcaldía de Culebra, en torno al Plan de Manejo de la Zona Costanera para la isla de Culebra. Copias de dicho documento pueden ser obtenidas en la Alcaldía de Culebra o en las oficinas del Programa de la Zona Costanera del Departamento de Recursos Naturales.

Exhortamos a los culebrenses a participar en el proceso de aprobación de este instrumento de trabajo, el cual constituirá parte del plan para implementar las funciones de la Autoridad en lo concerniente a la zona costanera.

Ing. Octavio Wys
Director Ejecutivo Interino
Autoridad de Conservación
y Desarrollo de Culebra

Hon. Pedro Negrón Ramos
Secretario
Departamento de Recursos
Naturales

5 de mayo de 1976

Hon. Ramón R. Feliciano
Alcalde
Municipio de Culebra
Culebra, Puerto Rico

Hon. Sr. Feliciano:

Adjunto le enviamos 5 copias en inglés y 25 copias en español del documento El Segmento de Culebra preparado por el Programa de la Zona Costanera del Departamento de Recursos Naturales.

En adición le enviamos 5 copias del anuncio indicando la fecha de las vistas públicas a celebrarse en Culebra el día 4 de junio a las 9:00 A.M. Estos deberán ponerse en lugares adecuados para darle la mayor accesibilidad posible.

Para cumplir con los requisitos establecidos en la ley federal necesitamos nos envíe, con la persona que le entregará estos documentos, un memorando confirmando que recibió todos estos documentos hoy día 5 de mayo. Además nos indique en el memorando los sitios específicos donde se pone el anuncio de las vistas públicas.

Si necesitara copias adicionales en español favor de comunicarse con nosotros inmediatamente.

Gracias por su cooperación.

Cordialmente,


Arsenio Rodríguez
Director
Programa Zona Costanera

Anexo

File: Culebra

ESTADO LIBRE ASOCIADO DE PUERTO RICO
GOBIERNO MUNICIPAL DE CULEBRA
OFICINA DEL ALCALDE
CULEBRA, PUERTO RICO

5 de mayo de 1976

M E M O R A N D O

A : SEÑOR ARSENIO RODRIGUEZ
DIRECTOR
PROGRAMA ZONA COSTANERA
RECURSOS NATURALES
DE : RAMÓN FELICIANO
ALCALDE DE CULEBRA

ASUNTO : RECIBO DOCUMENTOS

En el día de hoy, 5 de mayo de 1976, recibí 5 copias en inglés y 25 en español del documento El Segmento de Culebra y 5 copias del anuncio indicando la fecha de las vistas públicas a celebrarse en Culebra el día 4 de junio a las 9:00 A. M.

Las sitios donde se va a colocar el anuncio de las vistas públicas son los siguientes:

Casa Alcaldía

Cuartel de la Policía

Oficina de Correo

Los Comercios

PUBLIC HEARING ON CULEBRA SEGMENT PROGRAM, JUNE 4, 1976, REPORT OF HEARING

Atty. Augusto Cirino Gerena

Introduces himself as the Director of the Office of Legal Services of the Department of Natural Resources, introduces the members of the panel seated at the presidential table, and explains the rules to be observed during the hearings.

Atty. William Luyando Charneco

Protests the limited time given to deponents, only five minutes, and also the time given for the written comments. He protests also the selection of a working day for the celebration of the public hearings which accounts for the small audience present at the hearings.

Atty. Augusto Cirino Gerena

Explains that the five minute period is for the basic comments on the Segment document and that the comments or allegations against the norms and rules adopted for the hearings will be heard and given consideration. He then introduces Dr. Arsenio Rodríguez, Director of the DNR Coastal Zone Management Program.

Dr. Arsenio Rodríguez

Explains what the Culebra Segment is and how it is being developed as part of the Puerto Rico Coastal Zone Management Program of the Dept. of Natural Resources based on the federal coastal zone management Act of 1972. Also makes a clear distinction between the Culebra Segment to be discussed at the hearings and the Master Plan for Culebra and the Culebra Conservation and Development Authority already approved. He finally explains that the purpose of the Segment document is to obtain federal funds to implement in Culebra the Coastal Zone Management Program. The program to be adopted has to be in agreement with the previously approved Master Plan for Culebra and the Culebra Conservation and Development Law. He then introduces Dr. Armando González Cabán, Sub-director of the DNR Coastal Zone Management Program.

Dr. Armando González Cabán

Briefly explains the relationship between the Culebra Segment and the Master Plan for Culebra and the Culebra Conservation and Development Law, and also the relationship with the Joint Report signed by the Governor of Puerto Rico and the Secretary of the U.S. Department of Interior in 1973. Gives an explanation of the program elements that will have a direct or indirect impact on Culebra and which forms part of the document being discussed. Also discusses briefly the important natural resources of Culebra, and ways to get technical aid for their preservation, conservation, and utilization in order to guide the development of Culebra.

Major Ramón Feliciano of Culebra

Endorses the Culebra Segment Draft Management Program. However, proposes an amendment to clarify that the Culebra Municipal Government has already a development plan consistent with the Master Plan for the development of the island. He suggests that upon approval of the Segment Plan, a greater emphasis be given to the specific uses of certain coastal areas in Culebra, something he considers is not clearly defined at present.

Atty. Ramón Cancel Negrón

Represents the Marquez-Laureano Estate, specifically the three coheir-esses María, Petra and Coral Marquez-Laureano. First, he establishes a "finding of law" in relation to the hearings. He considers the Culebra Segment Plan a Special Report, according to the Federal Act 92583. Thus, he claims that in Administrative Law when a special report is subjected to public hearings the technical staff who dealt with the report must be present at the hearings. He points then to the absence in the presiding panel of the Soils Specialist who participated in the preparation of the Culebra Segment Plan and to whom he intended to ask specific technical questions.

Secondly, citing American jurisprudence - Davis & Jaffe - discussed the difference between a legislative and an adjudicatory hearing. He argued that this being a special report which might result in an adjudicatory procedure to individual cases, it is necessary not only that the technical staff who worked on it be present, but also that an opportunity be given for a detailed and through analysis of the document; something that can not be done in a period of five minutes. Atty. Cancel also questions who is going to be judicially responsible for the final plan - the Coastal Zone Management Plan?, the plan signed by the Governor of Puerto Rico and the Secretary of the Navy, or the law that created the Culebra Authority?

Atty. Cancel complained that his clients had never before been given an opportunity to express themselves in relation to this plan at an administrative level.

In his formal presentation on the document he complained that the Culebra Segment lacks flexibility and reasonability. He claimed that the Plan recommends for agricultural uses the lands belonging to his clients, whereas previous approved plans by the Planning Board authorized the construction of a hotel on these lands. He recognized the importance of ecological preservation and conservation but at the same time he stressed that public development policy must be tempered by flexibility and the Culebra Management Program document lacks such flexibility. He claimed the due process of law had been violated by preventing his clients from going on with an already signed contract for the sale of those lands to Mr. William Bryce Thompson, present at the hearings.

Mr. William Bryce Thompson

Infirms he has had options on lands in Culebra for many years, specifically for the Marquez-Laureano family land in Flamingo. Agrees with the idea of conservation but in balance with development. He argued that by making most of the land public the remainder of the properties, making them semipublic without purchasing it. He has visited Culebra about twenty times and no one has interviewed him or been interested in what he plans to do, including the government agencies.

Also alleged that he did not have the 30 days notice prescribed by law, and that although the documents had to be ready 30 days in advance, they were not ready on time. Finally explains that the plan does not provide for the necessary jobs to bring up the level of income and socio-economic status of the Culebrans to that of the main island in Puerto Rico by a combination of development and conservation.

Dr. Armando González Cabán

Said that the documents had been in the Mayor's Office 30 days in advance, as required by law.

Atty. William Luyando Charneco

Represents his own interests and those of 17 other property owners in Culebra. Alleges that both public Law 66 and the Culebra Segment Management Program document are unconstitutional because both give power to the Authority to emit orders to cease and desist. He considers that such power is a judicial function that, according to the Constitutions of Puerto Rico and the United States, should reside in the judicial branch and not in the legislative. In addition, he alleges the unconstitutionality of the regulation for the notification or orders of destruction.

Another reason for his opinion of unconstitutionality of both the law and the Segment is that it empowers the Authority to destroy properties of non-residents of Culebra without adequate compensation, whereas the property owners resident of Culebra not only are adequately compensated, but also according to the law and the Segment, they will be given lands from those returned by the Navy to the government of Puerto Rico. He finally protests that the hearings are pro-forma in the sense that adequate time is not given for a full discussion of the important issues affecting the rights of property owners.

John K. Vincent

A property owner, and resident of Culebra. Alleges that the information in the Culebra Segment Draft Management Program is outdated and misleading. As an example, he cites the inaccuracy of the information regarding squatters, which he claims are the ones using lands illegally. He states that less than 5% of the illegal land users are non-residents. This differs dramatically from the information in the report which claims that in recent years there has been a great increase in the illegal use of land, especially vacation and week-end houses, by non-residents of Culebra. He also cites as incorrect the information on the unexploded ordnance given to the Department by the U.S. Navy.

Mr. Vincent says public opinion was not taken into consideration and also criticizes the insufficient time given to the deponents to express their opinions.

Gaspar Feliciano

A farmer, resident of Culebra. His only comment is in relation to the accessibility to the beaches in Culebra. He states that the only accessible beach is Flamenco Beach. The others are practically inaccessible due to the absence of roads or to the fenced properties with signs of "No Trespassing".

Gail Ellen Judy

Raised a question in relation to acquisition of lands. She is further informed as to the purpose of the hearings and is told where to look for the requested information.

Druso Daubón

A resident of Culebra. Was only interested in the waste water treatment facilities programed for 1983. He suggested that if the funds are available at an earlier date, top priority be given to the sanitary system.

Atty. Jaime Otero

Represents Mr. Miguel González and some other Culebra residents. His first objection was to the five minutes period for presentation, which does not provide sufficient time for counter-questioning. Also complained that he was not given the opportunity to examine the original document of the Culebra Segment in English. He would have to go either to the DNR or Culebra City Hall to read the document there, something he claimed was impossible for him due to his profession and time limitation. He said that the Spanish summary of the document does not include even one fourth of what was being discussed at the hearings.

He criticizes the fact that the hearings are held during regular working days, thus making it impossible for most Culebrans who are workers to attend. To corroborate his argument he pointed to the fact that only about 20 persons are present at the hearings, when Culebra has a population of approximately 1,500 persons. He feels that the insistence on holding these public hearings during working hours stems from a desire to hold them inadvertently.

Atty. Otero considers the Culebra Segment document illegal, because it is based on the Culebra Master Plan which he terms as unconstitutional because it goes against the desires of the people of Culebra. He adds that the Culebra Master Plan was objected during the public hearings, but since those hearings were a "rubber stamp", the objections of the people were ignored and the Plan was nevertheless approved.

Atty. Otero goes then to describe many errors in the document. He cites the case of some private properties, subjected to taxes and registered in the Property Registry, that are shown as Navy property in the Culebra Segment document. He claims the ownership of those lands is common knowledge in the DNR, since he has presented them the property register documents. Yet, those properties are still shown as Navy property. Atty. Otero says the Culebra Master Plan tries to control the size of the town.

Also says the Culebra Segment document is illegal since it is based on the work of a corporation which is pending an investigation of the Senate because it has failed to comply with its functions. He goes on to say that the document is also illegal because of an error in the definition of the maritime-terrestrial zone as prescribed in the Ports Law of the maritime-terrestrial zone - May 7, 1880 (Spanish Law) and which can be verified in the case Rupert v. Armstrong, 97PR1969. Another reason for the illegality of the document according to Atty. Otero is that the segment considers the mangroves as public property, whereas in a case in 1966 - González v. Superior Court of P.R., the Supreme Court of Puerto Rico determined that the mangroves are subject to private property. Atty. Otero also says the segment plan does not detail the amount of funds to be solicited and how these monies are going to be used. Furthermore, he indicates the incorrect use of funds in Culebra for a museum in Cayo Pirata when there are basic needs of water, sewer, and electricity which are not being satisfied at present.

Finally Atty. Otero accused the Culebra Segment Document of disagreeing with the last speech of the Governor of Puerto Rico inviting private investors to Puerto Rico. The segment document, he says, does the contrary.

Paulino Espinosa

Captain of the fishing boat Culebrita and a resident of Culebra. He complains that the public hearings are a violation of the rights of the citizens of Culebra because Culebrans did not have the opportunity to investigate the laws which created the CCDA nor the Culebra program. Also complains that the hearings are held during working hours, thus making impossible the participation of residents.

He predicts that the Master Plan and the Culebra Segment will cause more trouble and difficulties to the citizens of Culebra than those caused by the Navy during their stay in the island. He says that these plans, instead of helping the Culebrans are harming them. He also complains about the regulations controlling the cut and destruction of mangroves. Instead of helping the fishing industry, these controlling regulations are hurting them, since the mangrove poles are basic to the fishermen for the construction of their fishing nets.

Dr. Arsenio Rodríguez

Says that the presentation of Mr. Espinosa is the type of public participation which is important to the development of the Segment Plan. He

also clarifies that some of the complaints brought are really applicable to some laws and the Master Plan already approved long before the Segment Plan was developed. The Coastal Zone Management Program of the Department of Natural Resources had nothing to do with the preparation and approval of such Master Plan for Culebra, nor with the hearings held for the Master Plan. Dr. Rodríguez then indicates that Mr. Espinosa comments on the destruction of mangroves are quite interesting. He then explains the importance of the conservation of mangroves as a basic element in the promotion of a fishing industry.

Paulino Espinosa

Mr. Espinosa replies to Dr. Rodríguez, indicating that cutting the mangroves is beneficial to the mangroves, helping to avoid their self-destruction by overgrowth. He says that the fishermen should be allowed to cut mangroves under vigilance so as to promote their growth.

Dr. Arsenio Rodríguez

Indicates that Mr. Espinosa suggestion is reasonable and will be taken into consideration to avoid extremes in conservation procedures, but only when there is possibility of the survival of the mangrove.

Mrs. Georgina González

Mrs. González is a native and resident of Culebra. She is manager of a family farm of approximately 500 acres. Her first comment is a direct attack on Architect Luis M. Juarbe whom she alleges does not know a bit of Culebra nor of Culebra's coastal zone and natural resources. She is advised by the moderator to avoid personal attacks on individuals and stop deviating from the purpose of the hearing by the discussion of individual problems.

Mrs. González then criticizes the intention of asking for federal funds without a detailed account of how these funds are going to be used. She says she is not against conservation of the coastal zone and wildlife. What she fights is the approval of plans and regulations that will affect adversely the Culebrans and their basic needs. She mentions the great need for better housing facilities, need for electricity, etc. She also mentions the fact that the land in dispute is not yet in the hands of the government of Puerto Rico and there is no assurance that it will eventually be. She criticizes the projected plan for recruiting personnel for vigilance and maintenance functions. She is in favor of a program to create public awareness in the citizens of Culebra and the use of the money for housing, electricity, etc.

Dr. Armando González Cabán

Says Mrs. González is correct in the transfer of lands problem. They have not yet been transferred to the government of Puerto Rico, however the DNR is planning the petition of funds for the development of the Culebra Segment, so when the lands are transferred to the Commonwealth and the Segment document is approved by the Governor of P.P. with the comments of the federal agencies concerned the money will be available for implementing the program.

Dr. Arsenio Rodríguez

Makes clear that the Coastal Zone law has some requirements which must be complied with. He says that he personally agrees with Mrs. González in her position that it is better to invest funds to cover such needs as housing and electricity, but the federal law under discussion assigns funds exclusively for coastal zone management purposes and not for the provision of facilities or services to Culebra.

Mrs. Georgina González

Says she understands, but, opposes the regulation to control land uses in Culebra.

Dr. Arsenio Rodríguez

Explains that the proposal is based on the eventual transference of the lands for which there is already a commitment; what is really needed is the formal transference. He also explains that this public hearing is a prerequisite of the federal government for the granting of funds. He continues explaining that among the elements that can be included in the program are land squatters, the conservation of natural resources, maintenance of recreation areas, etc. The purpose of this hearing is to receive their suggestions in relation to the elements of this plan which they think are being wrongly overemphasized and other elements which have been neglected and should be emphasized.

Atty. Augusto Cirino Gerena

Explains that since all the deponents cited for the morning have testified, and there is some additional time available they are going to give the opportunity to receive comments from those persons who have raised their hands. He asks them to be very brief in their comments.

Mr. Espinosa

Questions why the lands have not yet been transferred to the government of Puerto Rico.

Atty. Augusto Cirino Gerena

Explains the procedure for the transference of lands from the U.S. Navy to the General Services Administration, and then from G.S.A. to other federal agencies, and the Commonwealth of Puerto Rico.

Mr. Espinosa

Complains that he is being treated as a squatter while he pays \$100.00 rent. He considers the regulation illegal since the lands are not state property yet.

Atty. Cirino Gerena

Explains that the lands although are not yet transferred are under the vigilance and protection of the Culebra Development Authority.

Mr. Espinosa

Is afraid they will have to wait a long time for the solution of their problems. Complains again of the high rent they have to pay to speculators and to the false promises they have received. Also comment that they have heard there has been some planning to distribute the land among the squatters, and then asks when this is going to happen.

Mr. Vincent

Protests the fact that Culebra as a whole is considered a coastal zone and that the actual and proposed land uses in Culebra are abusive. He says the U.S. Congress is aware of this and is willing to help the Culebrans in their pleas.

Dennis Hutch

A resident of Culebra. He complains that the Master Plan has been approved without input from the citizens of Culebra, so the Culebrans have not been heard. Accuses the Planning Board for adopting a Master Plan without the input of the Culebrans, and said that to impose such plan without the voice of the people will be very hard.

Atty. Augusto Cirino Gerena

He announces a recess until 1:30P.M. to give opportunity to deponents who have been absent during the morning. He explains one hour will be dedicated to broaden any deposition or to answer question in relation to the Segment.

Friday, June 4, 1976, P.M.

Dr. Arsenio Rodríguez

Acting as Moderator in absence of Att. Cirino opens the afternoon hearing, offering a period of questions from the audience.

Atty. Luyando Chameco

He wants to know if the English version of the Segment defines what is the maritime-terrestrial zone, and if the definition is the same used in the Ports Law.

Dr. Arsenio Rodríguez

Explains that in the Segment document where the concept of maritime-terrestrial zone is mentioned, especially in the maps, the information used comes from the Planning Board, so he can not answer the question.

Atty. Luyando Charneco

He insists on a definition in terms of meters of the maritime-terrestrial zone and asks how the DNR determines the concept.

Dr. Arsenio Rodríguez

Explains that the DNR is evaluating the concept since the law upon which it is based is the old Spanish Ports Law. He also explains that the evaluation is being done according to the areas which receive the impact of high tides.

Atty. Noel Acevedo

Mentions that in the Culebra case, the U.S. Navy already submitted a map with that information.

Dr. Arsenio Rodríguez

Answering a question from Atty. Luyando Charneco whether the information mentioned by Atty. Acevedo appears in the Culebra Segment document, Dr. Rodríguez explains that in the Segment document map, the lands appear as federal lands administered by the General Services Administration and to be transferred to the Department of the Interior.

Atty. Luyando Charneco

His second question is if the structures to be destroyed adjacent to the maritime-terrestrial zone will be houses with property title, or without title, or illegal (squatters) of residents bona fide or not bona fide.

Dr. Arsenio Rodríguez

Explains that for 1983 it is contemplated that all public lands will be cleared of structures, and all squatters evacuated. The illegal structures that are permanent homes of Culebrans will be subject to compensation.

Atty. Luyando Charneco

Asks if the purpose of the Segment is to clear all the coast.

Roberto González Seijo

A property owner. Wants to know why some permits have been given for repair to houses in the Gray Harbor section where some structures are going to be eliminated and others not. He asks about the criteria for giving these permits.

Dr. Arsenio Rodríguez

He makes clear that according to the purpose of the hearings the discussions must be limited to the Segment document. Also explains he does not know the criteria utilized by the Planning Board for the concession of said permits, however he said Mr. González's question will be kept on record and will be studied.

Mrs. Georgina González

Wants to know if for the preparation of the Segment the DNR used the maps of the maritime-terrestrial zone prepared by the Navy, and if those areas were designated by DNR. (The average distance designated by DNR is approximately 50 meters around the island).

Dr. Armando González Cabán

Explains that Mrs. González is incorrect because the Segment document does not define the maritime-terrestrial zone. Makes clear that what the Segment document considers is the whole Culebra Island as a coastal zone, which is something different from the maritime-terrestrial zone. Explains that the federal land map that appears in the document originates from the Master Plan of Culebra prepared by the Planning Board, and the Joint Report between the U.S. Dept. of Interior and the E.L.A. Nothing else has been added to it.

Mrs. Georgina González

Comments that the Segment Document indicates that property registrations are going to be classified in Culebra. She cites the land of Cayo Grande Chiquito that is registered in the Property Register as belonging to her father and has been under their possession all their life, and the Segment is disposing of such lands that are private. Also that funds are being solicited for the coastal zone even though those lands are private property. Also she wants to know if the Segment document purports to determine a coastal zone in Culebra.

Atty. Jaime Otero

Suggests that a study be made of all property registrations in Culebra since the Navy is claiming lands that do not belong to them and the majority of the reports are incorrect, so the Segment is based on erroneous data. He says the plan is thus unconstitutional.

Atty. Cirino Gerena

Explains that in the process of requesting funds, a series of investigations and research have to be made to know which are the properties to be transferred. This search must be made in the Property Register and also investigations in the field.

Atty. Otero

Claims that the rights of property owners are being violated. He says the Planning Board has declined to recognize the maritime-terrestrial zone of less than 50 meters. He said he went to the Planning Board public hearings but that the Department of Natural Resources was absent from them, and meanwhile nothing is being done.

— Someone from the Marqués Estate has some doubts about the project, specifically about who is going to be responsible in the long run: the Planning Board or the Authority. Another doubt he expresses is if the Segment Plan is going to do what the Governor already decided in the Planning Board document, that is, if the Authority is going to make his the Master Plan and everything else approved by the Planning Board.

Dr. Arsenio Rodríguez

Explains the Segment does not contemplate the creation of an Authority, which already has been established by the Legislature of Puerto Rico. He explains that what the Coastal Zone Management Program intends to do is to determine the best uses for the coastal zone resources and that the Segment only looks to have a plan approved so as to receive funds to implement the program locally.

He says that one requisite for the approval of the Segment is that there must be a certificate from the Governor of Puerto Rico and the Dept. of Justice indicating compliance with the plan by all government agencies concerned.

Atty. Augusto Cirino Gerena

He makes clear that the Authority can not take actions that are against the Planning Board policies.

Atty. Ramón Cancel Negrón

Explains that when the U.S. Congress establishes an act over an area, the federal law prevails over the local law. In other words the Commonwealth can not go against a federal law. He explains that this is part of the political problem of Puerto Rico. He calls attention to an error in the map, since approximately thirty acres of land that are the property of the Marqués Estate appears in the Property Register yet appears to be Navy land. He asked the error to be corrected.

Mrs. González

Complains that in the map there is not a recreational maritime zone included apart from Laguna Lobina. She is also worried about the desalinization plant which takes 100 thousand gallons of salt water from the bay, produces 30 thousand gallons of fresh water and deposits 60 thousand gallons of boiling water into the bay. She said complains were sent to the Dept. of Natural Resources and the answer was that this action did not affect marine life, which in her opinion is not true, since the marine life is dead in that area. She suggests

that the Segment plan should investigate more extensively this problem, as well as the problem of waste water since there is no sewer system.

Espinosa

He comments that an investigation was submitted based on the fact that when the U.S. took possession of Puerto Rico some families came and plowed the land and that U.S. Navy took them. He wants an investigation of what happened with the permits when the Navy when out of Culebra.

Atty. Cirino Gerena

He says the public hearing is closed at 2:45 P.M. and thanks all who participated. He says that due consideration will be given to the suggestions expressed and he reminds all that this is a preliminary draft.

PUBLIC HEARINGS ON THE PROPOSED ADOPTION AND APPROVAL OF THE ZONING
MAP FOR THE MUNICIPALITY OF CULEBRA HELD BY THE PLANNING BOARD

Date: August 1, 1975

Place: Culebra, P. R.

Present:

Examining Official
Legal Adviser
Representing the Bureau of Master Plans
Zoning Technicians of the Board

Att. Benjamin Soto Maldonado
Att. Daniel Martínez Oquendo
Arq. Luis Juarbe
Mr. Martin Rosado
Mr. Benito Camacho
Mrs. Myrta Rodríguez

Verbatim Reporter

1) Architect Juarbe:

The proposed changes to the Master Plan of Culebra are as follows:

1. Change in title, to be known as "Land Use Plan for the Municipality of Culebra".
2. Changes in the road plan, elimination of the proposal to pave existing rural roads in Fulladosa Peninsula and elimination of proposed construction of additional rural roads in said peninsula, in the Flamenco Sector and in the eastern sector of the island.
3. Changes in the proposals of vocational uses, eliminating the residential vocational sector at the eastern end of the island and in front of Bahía Almodovar leaving a total of five (5) areas of this type in Culebra.

The changes to the proposed Master Plan and to the proposed Zoning Map and those other measures to be adopted are in harmony with dispositions in the Culebra Conservation and Development Law.

2) Mr. Gaspar Feliciano - resident of Culebra

That the roads towards Fulladosa and Flamenco be paved, they are at present dirt roads of poor condition.

An annex be added to the plan that when there be an inheritance, the land may be divided equally among heirs.

- 3) Mrs. Carmen Georgina González: resident of Culebra and dedicated to agriculture

Petition:

That there be another industrial area, the plan proposes only one.

That there be a change in zonification of Punta Melones from an R-6 district at least, so that these may be 6 people per cuerda.

That other areas be designated as residential zones in the expansion of the town.

- 4) Mr. Julián Ayala: Recreational Leader of Culebra

He would like to know the recreational plans for Culebra included in the Master Plan.

- 5) Mr. Carlos J. Colón Ventura: resident of Culebra and President of Radio Coral Broadcasting Corporation

He would like the plans of his proposed radio station included in the Master Plan.

- 6) Mr. Ruben Torres: resident of Culebra

He would like to know if the proposed airlines for Culebra are within the proposed commercial development plans.

- 7) Mrs. Elvira Romero Collazo: representing Fulladosa

She would like to know if she will be permitted to build a house for three families, two stories high, large enough to allow her to work her farm.

- 8) Mrs. Rosa Feliciano: resident of Culebra

She would like to know how the master plan will affect her planting of fruit trees.

- 9) Mr. Druso Daubón: resident of Culebra

When will the Zoning Map be approved by the Board?
What is the height of C-3 permitted by the Planning Board?

10) Mr. Ramón Feliciano: Mayor of Culebra

The Municipality must petition the Authority for any new project on Culebra.

He is worried about the road between Laguna de Flamenco and Puerto Tamarindo and the road between Fulladosa towards La Romana.

11) Ing. Rafael González Gómez: From González and González, Architects, Engineers and Planners.

Believes that Dewey must continue its growth around the existing area. That a study of marine services be made for the island, with particular interest on possible recreational uses. That a Marina be built with adequate facilities somewhere on the island.

12) Néstor Acevedo Coll: Architect resident of Río Piedras

He proposes that the area on the other side of Laguna Lobina be classified as R-3 for the construction of a Government center. That a recreational project be developed near Playa Flamenco. That an aquarium be developed in Cayo Pirata.

13) Ing. Octavio Wys: Subsecretary of Department of Natural Resources

The Master Plan must specify the maximum height of building as stated in the law, which is no more than four stories or 12 meters high in the urban areas and three stories or nine meters height in the rural area.

14) Mr. Nicolás Solero: Puerto Rico Water Resources Authority

That a map of Culebra be supplied to the authority showing the areas where no electrical service will be or can be provided.

15) Mr. Angel Fernández Ferrer: Regional Agriculture Office, San Juan

We have no definite position as to the Master Plan due to the fact that the Planning Board did not provide us with a copy.

16) Ing. Francisco Ariel Sánchez Ruiz: Puerto Rico Industrial Development Corp.

The Corporation is in favor of the Zoning Plan.

The Master Plan should reserve an area for the establishment of a hardware store, this is a commercial activity but according to the Planning Board Regulation this activity is classified as an industrial activity.

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APPENDIX 2-ITEM C

SUMMARY PUBLIC HEARINGS ON HOUSE BILL #1583 TO CREATE THE CULEBRA CONSERVATION & DEVELOPMENT AUTHORITY HELD BY THE NATURAL RESOURCES, TREASURY ENVIRONMENTAL QUALITY; GOVERNMENT SOCIO-ECONOMIC AND PLANNING COMMITTEES OF THE HOUSE OF REPRESENTATIVES OF PUERTO RICO

A) Date: Saturday April 26, 1975
Sunday April 27, 1975

Place: Culebra

I- Department of Natural Resources - Mr. Octavio Wys

Purposes of the law:

1. Recognize the unique characteristics of Culebra.
2. Establishes the public policy for the development of Culebra.
3. Provides a corporate instrument of administration.

The Authority will be attached to the Department of Natural Resources and to the Department of Natural Resources and has juridical personality. Its principal purpose will be to formulate, adopt and administer plans and measures that will benefit Culebra. The seat of the Authority will be Culebra.

By Jan. 1, 1983, the following violations must be remedied:

1. Discharge of disposals into surrounding waters.
2. Illegal possession of public lands.
3. Preservation of waters and mangroves (biological and wildlife)

To manage this a vigilance group must be created. The Authority must work with other agencies and the municipality towards implementation of the Master Plan. No private entity or agency may develop in Culebra if there is conflict with the Authorities plans.

II- President of the Natural Resources Commission, Hon. Roberto Rexach Benitez:

With relation to construction on the maritime-terrestrial zone there exists three problems.

1. People who have their homes in this area.
2. Residents of San Idelfonso who have been relocated in this area. These people must be relocated in another part of the Island municipality.

3. People who have built in this zone near the sea, these buildings not being there homes as defined in the bill. These will have the structures expropriated without indemnization. All people, independent of the group they fall in will be removed from this area.

III- Planning Board - Eng. Biaggi

The Master Plan designed by the Planning Board stipulates that the town of Dewey has 530 people, which would be one family for every 250 meters. We approve this.

The Master Plan recommends in the areas for conservation, which are rural areas, that these should be one person for every 5 cds.

The ^{cluster} principle proposes the inclusion in the Master Plan of a small scale commercial center and a public parking lot for Dewey.

IV- Environmental Quality Board - Mr. Carlos Jiménez Barber

The purpose of Bill 1583 is to create an organism, an Authority for the purpose of preserving and conserving the ecological integrity of Culebra for the assurance of the future natural ambiance.

The relation between the Authority and E. Q. B. would be one in which the Authority would advise the Board in any measure that the Board may want to apply in Culebra.

V- Tourism and Development Corp. - Mr. Bouret

The maritime-terrestrial zone has not been defined. The development of Culebra will be mainly for tourism. Building will not be taller than three or four stories high with no more than 40 rooms.

Beaches will have minimum facilities.

The area of Cayo Pirata (1.2 cds) should be designated as a recreational area for children.

VI- Department of Health - Dr. Alvarez de Choudens

The health of the people of Culebra is good.

There are two desalinization plants but the people of Culebra dislike the taste of the water.

The mayor recommends a lake for collection of water.

VII- Mayor - Ramón Feliciano

There is no conflict between the proposed Authority and the Municipal projects. The maritime terrestrial zone is undefined. The area around Laguna Flamenco should be public. The Authority should define the status of these lands.

According to the Mayor of Culebra there are three types of lands:

- a) 1902 - War booty of the U. S.
- b) 1933-35 - Land bought by the government of Puerto Rico and transferred to the Department of the Defense.
- c) 1938 - additional lands bought by the Department of the Defense. The people of Culebra fought against the Navy to save there beaches, it is the Authority who must now maintain these.

68,000 people visited Culebra in 1974. The majority crossing over from Fajardo.

B) Date: Saturday May 3, 1975

Place: Culebra

I- Mayor - Mr. Ramón Feliciano

An important recommendation is the extension of the run way from 2,200 feet to 3,200 feet.

II- Ports Authority - Ing. Julio Maymi

The Ports Authority has no present plans for the extension of the airport.

III- Reverend Carmelo Feliciano - Minister Methodist Church

There should be more participation of the people of Culebra in the composition of the Board of Directors of the Authority. As the Bill stands non-culebrans will be the ones to decide matters of Culebra. He proposes that two more residents of Culebra be added to the Board. This will total 7 members, of which 4 will be from Culebra.

The Methodist Church has three properties in Culebra that will be affected by the proposed law. What rights do the owners of these properties have?

IV- President Natural Resources Commission - Mr. Rexach Benitez

According to the law an inventory will be made of all structures in the maritime-terrestrial zone and in lands that will be transferred to the Authority. The inventory will state which homes are principal homes as defined in the bill when date residence was established and the address of the occupants. By this manner the Board will be able to identify the illegal structures. Those who have title will have indemnization.

V- Bertil Anderson - Landowner in Culebra - President of the Marine Development Corporation of Culebra.

He is in favor of the bill subject to:

- 1) That the private sector be taken into consideration (much wild-life is in privately owned lands).
- 2) A study by the Authority of all private properties so that they (the private land owners) may know the Authorities plans as to their lands. This report should be ready by July 1, 1976. This would/parr. 3 Art. V of the Bill.

comply with

VI- Juan Casellas - non resident - sportsman

The bill proposes that by Jan 1, 1983 all structures on the maritime terrestrial zone be removed. Casellas bought a property valued at \$40,000. Will there be a compensation for illegally constructed structures.

Compensation will be only for bonafide residents of Culebra, in the manner of a lot to be given them by the government.

VII- John Vincent - Resident of Culebra since 1954

The law would evict 25% of the home owners of Culebra. 72 families would be effected by law because they have their home in the maritime-terrestrial zone. Some homes have been there since before the arrival of the Navy.

VIII- President of the Natural Resources Commission - Mr. Rexach Benitez

The bill will protect those families living for over long periods of time. Art. V parr. 2 (b) , Art. VII parr 2(c)

IX- Roberto González Seijo - Non-resident

In 1972 he bought a \$38,000 home in the M-T-2 from Dora Pasarell. He understands that his case will be under the jurisdiction of the Authority as to his right to his property.

X- Mr. Tomás Rivero - Resident

He is worried about plans for housing facilities for Culebrenses.

XI- Mr. Fernando Bermúdez - Resident

He would like to know how the law will effect the treaty signed by the federal government, Ferré and Hernández Colón?

XII- Pres. Natural Resources Com. - Rexach Benítez

The law is a product of that accord.

The population density recommended in the plan is:

Rural Zone - 1 family per 5 cds., or 1 person per cd.

Urban Zone - 16 people per cd.

XIII- Mayor - Ramón Feliciano

Up to this moment the police and the Department of Agriculture as to seing that hunting regulations are complied with have been deficient. Even though hunting is regulated in Culebra there is hunting all year round.

XIV- Mr. Druso Daubón - Fishers Association

He would like that the Master Plan specify what lands will be reserved for the fish treatment plant.

XV- Mr. Carmelo Feliciano - Resident

Oposes the naming the Secretary of the Interior as member of the Board of the Authority.

SUMMARY OF PUBLIC HEARINGS BY THE PLANNING BOARD ON MASTER PLAN FOR CULEBRA

Date: August 10, 1971

Place: Culebra

Participants:

1- Luis Juarbe, Architect - Planning Board Official

- Without mangroves or corals that surround Culebra, population will lose way of earning their income.
- The migratory seagull known as boobies visits Punta Molino, Lobito, Yerba, Ratón and Gemelos Cays yearly. The Master Plan proposes that this area and its surrounding areas should be preserved (approximately 158 cuerdas).
- To the east of Flamenco there are two magnificent beaches, Playa Resaca and Playa Brava, it is recommended that no beach facilities to be constructed here. Luis Peña and Norte Cays are adequate for spear fishing.
- It is hoped that the implementation of the Master Plan will put an end to the proliferation of illegal construction.
- Dewey may be converted into a mayor tourist attraction with a minimum government investment. The residents of Culebra have expressed that they don't want the island to turn into another Condado or Saint Thomas.

Recreational Facilities in the Master Plan

Culebra does not have at this moment a public beach and its recreational facilities need to be expanded.

The Plan suggests the following:

- A) Complete the facilities near the ball park with three basketball courts and a passive park.
- B) Build, within the next 20 years, five plazas or urban parks: one in the northern section of Clark, one in the center of San Idelfonso and three in Dewey.
- C) Build playground areas for children, one adjacent to the elementary school in Dewey, and another near the future elementary school at Clark.

- D) Build two public beaches, one in Flamenco, another at Playa Larga.
- E) Build a Marina at Laguna Lobina.
- F) Build three camping areas, one in Culebrita, one in Playa Flamenco, and in the bay contiguous to Punta Padilla.
- G) Preservation of various areas in their natural states as per land use plan, composed of the Punta de Molinos, Lobito, Yerba, Ratón and Los Gemelos Cays and certain coastal areas for a total of 158 cds.
- H) Construction of a recreational complex in Pirata Cay, composed of a museum, open air theater, aquarium, etc., in a passive recreation area.

2- Mr. Ramón Feliciano - Mayor

Recommendation to the Master Plan:

- (1) Eliminate problem of land invasions
- (2) Eliminate cyclone fences in front of construction facint the sea.
- (3) Free docking facilities for boats.
- (4) Construction of a hospital
- (5) Access to fishing village
- (6) Construction of more school rooms

3- Mr. Hipólito Robles Suárez - House Representative, District 38, includes Vieques and Culebra

- Is in favor of ordered and planned development of Culebra

4- Mr. Anastacio Soto - President Fishemans Asoc. of Culebra

- (1) That the fishing village be transferred to an area away from urban area.
- (2) That the necessary facilities be developed in the fishing village.

5- Mr. Juan Alberto Díaz, Arq. - Tourism and Development Corporation

The Company accepts the Master Plan specifications as to number of rooms per hotel and localizations.

6-Mr. Alberto Irizarry - School Superintendent

The Master Plan lacks any mention as to what is to be offered in educational services.

7-Mr. William Santana Font - Urban Renewal and Housing Corporation-
Official

The Corporation will construct in the next four years 300 units at a cost of \$4.5 million.

Suggestions:

- (a) Individual houses in reduced lots.
- (b) Develop cooperative buildings complexes.

8-Mr. Bertin Anderson - Representing homeowners that built along Bahía Honda

That the Environmental Protection Board study contamination in the area and submit immediate recommendations toward ending sewage pollution.

9-Mr. Germán González - Attorney - E. Q. B.

- The Board endorses the basic concepts exposed in the Master Plan.
- That low and middle income groups be kept in mind and be provided facilities.

10-Mr. Joseph Martin - Representing Travenoll & Baxter Laboratories

The Company is dedicated to the manufacture of pharmaceutical products and will establish a plant in Culebra where its operation will be based on plastics.

11-Mr. Efrain Chameco - Representing Parks and Recreation Administration

- Concepts exposed in the Master Plan are good and in accord with the administrations plans.
- A 4.6 cd. athletic park was built last year.

12-Mr. Miguel Miró - Resident of Culebra

That a boat industry be established on Culebra.

13-Mr. John Dinsen - Owner of hotel in Culebra - Representing the Punta Lloyd (Aloe) project

There is a boat shop on Culebra, wants approval of Punta Lloyd project.

14-Mr. Leopoldo Bermudez Serrano - Representing Culebra Youth.

Rejects the plan if the populace is not consulted.

15-Mr. Carmelo Feliciano - Resident of Culebra

- Proposes establishment of technical training center, to prepare personnel needed for the development of Culebra.

- Establishment of electrical plant.

- What guarantees does the Planning Board provide for the construction of housing units in San Idelfonso?

16-Mr. Benjamin Pérez - Resident of Culebra

The greatest obstacle of Culebra is the U. S. Navy and the bombardment.

APPENDIX 3 - LEGAL AUTHORITIES

Introduction

Item A in this appendix is an unofficial English translation of the Spanish text of the Law for the Conservation and Development of Culebra (LCDC) .

The next three items, all of which are briefly described in Chapter III as parts of the Planning Board's regulatory program affecting Culebra, are unofficial English translations of zoning provisions.

Item B is section 6.18 of Planning Board Regulation No. 4 the Zoning Regulation. This section authorizes the Board to adopt administrative "norms" establishing different rules to govern development in described "special areas". These rules may be either more or less strict than the usual zoning provisions that would apply in the absence of the "norm".

Item C, Planning Board Resolution JP-215 (First Extension), is a "norm" that designates the R-0 zones of Culebra as "special areas" within the meaning of section 6.18. Thus, any development within the R-0 zones becomes a "special case" subject to special rules.

Item D, Planning Board Resolution JP-215-A, is another "norm" It establishes zoning standards, which are much stricter than those otherwise applicable, to govern the "special cases" in Culebra (i.e., all development within the R-0 zones in Culebra).

The remaining two items, which are also briefly described in Chapter III, pertain to the regulation of small subdivisions in Culebra. Planning Board Regulation No. 11, the Simple Subdivision Regulation, establishes standards that are often less restrictive than those established by other Board regulations. Its practical effect is often to undercut those other regulations. As a result of items E and F, however, the special zoning standard for Culebra (item D) will not be undercut by Regulation No. 11:

Item E is Title 1, Article 8 of Regulation No. 11. Its intent is to permit the Planning Board, to exclude important geographic areas from the operation of the Regulation. It implements this intent the Board to designate those areas as "special areas", within which all simple subdivisions are "special cases" subject to discretionary review by the Board.

Item F, Planning Board Resolution JP-216, is a "norm" that designates the R-0 zones in culebra as "special areas" within the meaning of Article 8 thus, any development within these zones becomes a "special case". for which Board approval is required. As a result, an applicant cannot rely on Regulation No. 11 as a way around the zoning rules established by item D.

UNOFFICIAL ENGLISH TRANSLATION OF THE SPANISH TEXT OF THE "LAW FOR THE
CONSERVATION AND DEVELOPMENT OF CULEBRA", LAW NO. 66 OF JUNE 22, 1975

LAW

To establish public policy regarding the conservation, development and use of the lands of Culebra, to create the Culebra Conservation and Development Authority, belonging to the Department of Natural Resources; to establish its powers, duties, obligations, rights and to allocate funds.

Be it decreed by the Legislative Assembly of Puerto Rico:

Article 1. SHORT TITLE

This law will be referred to by the name of "Law for the Conservation and Development of Culebra".

Article 2. PUBLIC POLICY AND LEGISLATIVE INTENT.

It is the declared public policy of the Commonwealth of Puerto Rico to preserve and conserve the ecological integrity of Culebra, including its keys, islands, and surrounding waters, and to ensure the continuing development of Culebra protects and conserves, to the greatest extent possible, its extraordinary natural environment, which is part of the patrimony of Puerto Rico. To these ends, it is appropriate that there exist a body devoted to the conservation and total development of Culebra by all appropriate means, including, but without being limited to, the establishment of plans for administration, rules and regulations, the possession and management of lands in the public domain, infrastructures and structures proper for the establishment and execution of programs which will lead to the best knowledge, preservation and wise use of the natural resources of Culebra.

Article 3. DEFINITIONS.

The following terms, wherever they may appear used or alluded to in this law, will have the meanings expressed hereafter, except where the context clearly indicates something else:

(a) "Agency" -- Any department, bureau, commission, board, office, dependency, town council, instrumentality (sic), public corporation, political subdivision or any other governmental organization of the Commonwealth of Puerto Rico.

(b) "Authority" -- The Authority for the Conservation and Development of Culebra.

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

(d) "Department" -- The Department of Natural Resources of the Commonwealth of Puerto Rico, created by Law No. 23 of June 20, 1972, as amended.

(e) "Board" -- The Board of Directors of the Authority for the Conservation and Development of Culebra.

(f) "Person" -- Any natural or juridical person, including any agency, as such is defined in this Law.

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

(h) "Definite Home" — Structure occupied as a main residence by a family or by a person who lives alone. There can be only one (1) definite home for a determined family or person who lives alone.

(i) "Joint Report" — Document which establishes the philosophy, the principles and the standards relating to the transferral and administration of federal lands which are superfluous to the needs of the Navy on the island of Culebra and the adjacent keys, submitted October 29, 1973, by the Governor of Puerto Rico and the Secretary of the Interior of the United States, to the Committee of the Interior and Insular Affairs of the United States Senate, in accordance with a Resolution of said Committee adopted June 16, 1971.

Article 4. - AUTHORITY - CREATION, ASSIGNMENT: BOARD OF DIRECTORS: EXECUTIVE DIRECTOR.

(a) By this act there is created a corporate and political body which will constitute a public corporation or governmental instrument(ality) with its own juridical personality, which will be known as the Authority for the Conservation and Development of Culebra.

(b) The Authority will be assigned to the Department of Natural Resources and will be in charge of formulating, adopting and administering plans and programs for the conservation, use and development of Culebra, in accordance with public policy established in this Law, the standards and regulations of the Council on Environmental Quality and with the Master Plan and the zoning map adopted by the Planning Board of Puerto Rico for the island of Culebra, including adjacent islands and keys, as may be amended, in keeping with what is established in Law No. 213 of May 12, 1942, as amended.

The plans which the Authority may formulate, adopt and administer will take into consideration the programs of the Municipal Government of Culebra. The Authority will have its seat and principal office in the municipality of Culebra, where both the Board of Directors' meetings and the public and administrative hearings convoked by the Board will be held regularly.

(c) The Authority will be governed by a Board of Directors composed of five (5) members, that is: two (2) ex-officio members, one (1) of them being the Secretary of Natural Resources, who will preside, and the Mayor of Culebra. The three (3) remaining members will be persons appointed by the Governor, who have a recognized interest in the conservation and use of the natural resources and the total development of Puerto Rico. One (1) of them will be appointed at the recommendation of the Secretary of the Interior of the United States for a term of three (3) years, and the other two (2) will come from the private sector and will occupy their posts for a term of two (2) years and one (1) year, respectively, the succeeding terms of these members will be for three (3) years.

The two (2) members from the private sector will be bona fide residents of Culebra during the term of their incumbency as is inferred from the legislative record formulated during the consideration of this measure. Once the terms have expired for the appointments of the Board members who are not exofficio, these members will continue to exercise their roles until their successors are appointed and take office.

In the event of the resignation, incapacity or death of any of the members of the Board of Directors, the Governor will appoint his successor for the period of office which remains to the previous incumbent.

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

(e) The ex-officio members of the Board will not receive remuneration for their services. The members of the Board who are not ex-officio will have the right to charge a fee of fifty (\$50.00) dollars for each day of meetings which they attend. Expenses for trips undertaken by members of the Board in the carrying out of their duties will be paid according to regulations.

(f) The Authority will have an Executive Director appointed by the Board, whose salary will be fifteen thousand dollars (\$15,000) a year.

(g) The Board is authorized to delegate to the Executive Director whatever powers are esteemed necessary for him to adequately carry out his duties. Neither the function of establishing the public policy of the Authority nor the power to transfer real estate can be delegated. The Executive Director will carry out the duties and will assume the responsibilities that may be assigned to him by the Board and he shall aid the Board in the implementation of this Law.

Article 5. POWERS AND DUTIES.

(1) The Authority will exercise all the rights and powers that may be necessary or expedient in order to carry out public legislative policy and the purposes of this law, including, but without limiting itself to, the following:

- (a) To have perpetual succession;
- (b) To adopt, alter and use a seal which will be officially recognized;
- (c) To formulate, approve, amend, or repeal rules and regulations that it may adopt to govern its activities and to comply with what is set forth in this law. Likewise, the Board will approve standards for its internal functioning, and to exercise and carry out the powers and duties that by this law are imposed on them;
- (d) To carry out the public policy of the Commonwealth of Puerto Rico, as formulated in this law;
- (e) To exercise full control and action over all and each one of its properties;

- (f) To determine the character of and the necessity for all its expenses, and the manner in which debts shall be incurred, authorized and paid;
- (g) To file suit and to be filed against subject to the provisions of Law No. 104 of June 29, 1955;
- (h) To receive donations of money or of any other kind from any person, as such is defined by this Law, and from the Government of United States, its agencies, departments or instrumentalities;
- (i) To receive and accept advice and technical aid from specialized personnel who may work with the Government of the United States as regular employees, consultants or under contract;
- (j) To contract, sign, or authorize the issuance, in the manner which it considers expedient, of all documents necessary to carry out the legislative public policy and the goals of this Law;
- (k) To negotiate and sign agreements and documents with the Department of the Interior and other agencies of the United States relating to:

(1) The transfer of property titles for land or areas under the jurisdiction of the Government of the United States or its agencies and instrumentalities in Culebra to the Commonwealth of Puerto Rico or the Authority.

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

- (l) To conserve, care for, administrate, develop, and carry out studies of all kinds of tangible or intangible property for the best knowledge and enjoyment by citizens of the natural patrimony of Culebra, in accordance with the functions entrusted to it under this Law, and to carry on pertinent studies, whose results it could disseminate through various means of communication.
- (m) To advise the Planning Board, the Council on Environmental Quality, and the Department in the drafting and approval of regulations which any of said agencies may promulgate to take effect in Culebra.
- (n) To approve, amend, and revoke regulations to carry out the public policy and the goals of this law. These regulations may deal with, among other matters, the following:
 - (1) The protection of flora and fauna;
 - (2) The use or rights to surface waters;

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the extraction of underground waters and of material from the earth's crust; custody and protection of the maritime-terrestrial zone and navigable waters;

(3) Earth removal;

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

(5) The avoidance or termination of occupation of public lands.

Said regulations will be approved, adopted, amended or revoked by the Authority, after public notice and hearings and with the prior approval of the Governor.

(o) To give orders to perform and not to perform, and to cease and desist, so that any preventative or control measures necessary, in the opinion of the Authority, may be taken, in order to achieve the goals of this Law. The person against whom such an order may be issued has the right to request an administrative hearing, in which he will set forth in writing the reasons why he believes the order should be modified or revoked and why it should not be put into effect.

In the hearings to which item (o) refers, the following procedures will be followed:

(1) The hearings will be held before an Examining Board made up of the Secretary or his representative, who will preside, the Mayor of Culebra and his representative, when the Secretary considers it necessary, a lawyer and an expert in the matter to which the hearing refers.

(2) The Authority will indicate the day, hour and place in which the hearings are to be held and will notify the parties against whom the order has been issued, no fewer than ten (10) days before the date of the hearing. The parties can appear represented by themselves or by a lawyer;

(3) Any person who believes he has a right to participate in the hearing should establish a Motion to participate no later than the date fixed for the hearing, and the Examining Board which will preside over the hearing will decide, on the date of the hearing or later, if it will permit or not the requested participation, which should be accompanied by a written document of the allegations which the person will have to make against or in favor of the Order which is the object of the hearings. Both the Motion to Participate and the allegations must be sent by certified mail, on the same date as their filing, to the party against whom the Order may have been issued or to his lawyer, and they will be governed in all other matters by the Rules of Civil Procedure which regulate the procedure of Participation;

(4) Once the hearing has taken place, the Examining Board will deliver its written report to the Authority within thirty (30) days after the date of the end of the hearing;

(5) The Authority will pronounce a Decision, with conclusions of fact and determinations of law, and will issue its ruling within forty (40) days after the date on which it receives the report from the Examining Board;

(6) The Decision or ruling which the Authority issues shall be sent as notification by mail to all parties and will contain an accreditative certification of such notification and its date, which shall be signed by the secretary named by the Authority, if there is any, or by the official in charge of the Authority's documents;

(7) Any of the parties who may have participated in the hearing can request the reconsideration of the Authority's Decision within fifteen (15) days following the filing date of copy records of notification of the Decision or ruling. Such Request for Reconsideration shall be communicated to the other parties on the same date on which it is filed in the Secretary's Office of the Authority, and if it is not so done, it will be rejected;

(8) The Authority can declare the Reconsideration as rejected without a hearing or a previous celebration of a hearing. The filing of a request for Reconsideration will suspend the period for the Request for Review before the Superior Court until such is issued and duly communicated in the same form as established in point (6) of this section (o);

(9) The Authority shall issue its decision on the Request for Reconsideration no later than ten (10) days after its having been filed, and if it takes no action when this period has run out, the request will be understood to have been denied;

(10) Any of the parties can go before the Superior Court of San Juan to request a review of the original Order or of the Order issued in Reconsideration within thirty (30) days following the filing date of copy records of the notification of same, and he should send a copy of his Request for Review to the Authority and to the other parties who might have participated in the case. This notification can be done by mail, but it will be on the same date on which the Request for Review is filed. In the cases in which the Authority takes no action on a Motion for Reconsideration, the period for the filing of the appeal for Review will begin to be counted upon expiration of the period of ten (10) days from the date of filing of the Motion for Reconsideration. The Decision handed down by the Superior Court will be firmly in effect thirty (30) days after notification is given of it and it can be revised only by Certiorari before the Supreme Court of Puerto Rico, which (the Court) will issue at its discretion;

(11) The filing on an appeal for Review before the Superior Court of San Juan will not suspend the effects of the Decision appealed against, unless the Court thus orders it at the request of the party, after a hearing which will be preferentially set, and after due cause

or reason has been proved.

(12) If the suspension of the legal effects of the Decision is decreed, the Court will issue a written Decision grounded on Conclusions of Fact and Determinations of Law, with which the party adversely affected can go before the Supreme Court of Puerto Rico through Certiorari within thirty (30) days following the date on which he was notified of the Decision of suspension.

(13) The hearing for the Request or appeal for Review will be set for no later than sixty (60) days after its filing. The hearing for the appeal for Review as such is outlined in point (10), will consider for all pertinent effects the record of the proceedings in the administrative forum, but the parties can present additional proof if the Court permits such, at its discretion, after the presentation of a Motion to this effect.

(14) The Determinations of Fact at which the Authority will arrive upon issuing its Decision will be conclusive and obligatory if they were sustained by the proof presented.

- (p) To acquire goods in any legal form, including, but not limited itself to, the following:

Through purchase, option to purchase, long-term purchase, public auction, leasing, bequest, legacy, assignment with or without conditions, exchange, donation, inheritance or through the exercise of the power of forced expropriation in the manner which this law provides as well as the laws of Puerto Rico; by inheritance, and to retain, conserve, use, and take advantage of any movable goods or real estate, including, but without this constituting any limitation, securities and other movable goods or real estate or real rights or any interest in same, which it may consider necessary or expedient in order to realize its goals.

- (q) To rent or put up for rent or transfer, with free title, movable goods and real estate when the other party is agencies or the Municipal Government of Culebra.
- (r) To appoint all its officials, agents and employees, and to confer on them the powers, faculties, responsibilities that the Authority esteems appropriate; to impose on them their duties, specify them, change them, and to pay them the remuneration which it determines, subject to the policy, regulations and procedures approved by the Authority.
- (s) To borrow and lend money for its own ends and to guarantee the payment of its obligations by means of a pledge, mortgage or any other lien on any of its contracts, rents, income or properties.

For the purpose of facilitating for the Authority the processing of funds which permits it to carry out its corporate ends, the obligations authorized or subscribed to by the Authority as evidence of money borrowed, as well as the income that may accrue from said funds, will be and will always remain free of any tax. Law No. 272 of May 15, 1945, as amended, or as it may be amended in the future, will be applicable to this effect.

- (t) To transfer and dispose of any of its goods or any interest in same with onerous title, in the form, manner, and duration which the Authority may decide.
- (u) To accept, in its own name or in the name of the Commonwealth of Puerto Rico, economic aid, including subsidies, donations with or without conditions, advances and other similar aid, from the Commonwealth of Puerto Rico or its agencies and from the Government of the United States, its agencies or instrumentalities and from private persons; to make contracts, rental agreements, pacts or other transactions with any of said governments, including agencies, instrumentalities and municipalities of the United States Government and to invest the proceeds of the funds received in order to comply with the purposes of this Law.
- (v) To exercise all the powers and rights necessary to develop projects for the conservation, protection and rehabilitation of lands;
- (w) To acquire any right, interest or easement in any property in order to further the development, good use and conservation of open areas in their natural state in order to protect waters or bodies of water; to conserve the ground cover and forests; to preserve the beauty of the landscape for public use, including green areas and public parks; and to facilitate the use and development of areas reserved for public interest projects related to the purposes of this Law.
- (x) To build and to operate and to grant subsidies, incentives, and economic aid for the construction and operation in Culebra of those works and facilities, including commercial firms, which are beneficial for its inhabitants and visitors, as long as such works do not unfavorably affect the geological, ecological, and climatological attributes of Culebra and as long as they tend to improve the conditions and quality of life there;
- (y) To stimulate and participate in the furnishing of new areas, within the framework of standards which ensure the best balance as far as the needs of future communities are concerned, considering, among other factors, how to preserve the natural worth of the land, its beaches, forests and landscapes; to ensure the best conditions for good health, safety, comfort and recreational facilities;
- (z) To perform all the acts or things necessary or expedient in order to put into effect the powers which are conferred upon it by this law, or by any other law of the Legislative Assembly of Puerto Rico, or of the Congress of the United States of America, which is compatible with the Law of Federal Relations between the United States and Puerto Rico;

- (aa) To take necessary judicial action, by utilizing the services of the Department lawyers or those which the Secretary might hire for that purpose, in order to comply with the provisions of this law, including, but without limiting itself to, Injunctions, Mandamus, Replevins. Exclusive jurisdiction is given to the Superior Court of Puerto Rico, Humacao Court, for any judicial proceeding; which the Authority may initiate in relation with this law. In the case of Injunctions the Authority will be exempt from the posting of a bond;
- (bb) To order the destruction of existing illegal structures or those in the process of construction, and the destruction or paralization of the expansion of existing illegal structures, all this by means of an Order which it can give to such effect, and it will personally notify the owner, his agent or employee who is found on the lot, or the occupant of the structure. In the event that it is not possible to give notice as required above, regarding persons who must be notified, there will be posted upon the structure a copy of the notification to which this section refers and, in addition, a copy of the notification will be poster at the Culebra Mayoral Office. In such case, the posting of said copy on the structures will be considered, for all effects of this law, sufficient notification. This notification will not become invalid because of the fact that the copy duly posted may have come unstuck, deteriorated or been destroyed, because of natural phenomena or acts of persons not authorized to do so. The Secretary will certify as to what day the notification was posted on the building concerned. This certification will be sent to the Secretary of State, who will keep it as a public document, for all purposes of law, so that persons who have established a definite home in structures located on public lands and who use them as such prior to the entrance into effect of this law, will have the right to be compensated for the market value of the structures, according to how they were appraised, as set forth in Article 5(2) (b) of this law. The owners of structures situated on public lands which do not constitute a definite home will not receive any compensation whatever for same when these structures are removed by means of an Order approved by the Authority to such effect.

In the cases in which, according to the previous paragraph, the payment of compensation is required, after the Order is given to which this Article refers in Section (bb) and once the compensation for the appraisal value is deposited in the Superior Court of Puerto Rico, Humacao Court, in favor of the owner, or once the compensation is accepted by the latter in a public document which is issued for this purpose, the Authority can appear before said Bench of the Superior Court of Puerto Pico, through a sworn written statement in which it requests that the above-mentioned Order of the Authority be put into effect and decrees the dispossession of the persons who occupy the structure. Having seen the sworn written statement and the Order issued by the Authority, the Court will set a date for the parties for them to appear to show reasons why their removal should not be decreed. The parties against whom suit is filed will answer by written statement with communication

of same to the Authority. Once the evidence is heard, the Court will give a Decision no later than fifteen (15) days after the hearing.

If the Decision puts into effect the Order of the Authority, the Court shall order the removal of the occupants within a period of no less than thirty (30) days nor greater than sixty (60) days after the notification of the Decision. The removal which is decreed shall be handled by the Sheriff.

In any case in which removal is decreed, the party against whom this is decreed can appeal through Certiorari before the Supreme Court of Puerto Rico within thirty (30) days following notification of the decision of the Trial Court. The judicial decision on Certiorari will be issued at the discretion of said Court.

In the cases in which the Order is given in keeping with what is set forth in this Section (bb), and in which a definite home in the structure has not been established, once the Order has been personally communicated, the Authority can appear before the Superior Court of Puerto Rico, Humacao Court, by means of a sworn written statement in which it requests that the aforementioned Order be put in effect, a copy of which shall be attached to the written statement, and to request the removal of the persons who are found to be occupying the structures. The Authority will certify in the sworn written statement that it submits to the Court, that it has personally given notice to the owners or occupants of the structure with a copy of the Administrative Order authorizing their removal. If the decision issued by the Court, after the celebration of hearings, adopts or puts into effect the aforementioned Order, said decision will instruct the owner or the occupants of the structure to move out of same within a period no greater than thirty (30) days, counted after the date of notification of the decision.

The Decision issued by the Court will be enforced by the Sheriff.

(2) The Authority shall:

(a) Approve and adopt a plan for the management and administration of its functions under this Law, no later than the first (1st) of July, 1976, which must be approved by the Department and the Planning Board.

(b) Prepare no later than July 1, 1976, an inventory of all structures located in the maritime-terrestrial zone and other lands of the Federal Government to be transferred to the Authority in accordance with the Joint Report, and on lands which are in the public domain and are State patrimony. In the inventory it shall be noted which of these structures constitute a definite home, the date on which it was established as such and the names and addresses of the occupants. After the corresponding investigation, the Board will determine the law which applies to the proprietors and owners of structures located on public lands, and it will establish, likewise, which of them are, for purposes of this law, illegal or clandestine structures. The Board will order an appraisal of all the structures which constitute a definite home. The inventory will be a public document.

The appraisers will have the right of entry onto the property after identifying themselves. If the appraiser has requested admittance and it is denied to him, he can request, after having explained the situation, that the District Court order the owner, or the occupant of the property, to permit entry, under warning of contempt.

(c) To notify by mail each one of the owners of structures of the information which appears in the inventory concerning his property, and the appraised value of same.

(d) To promulgate regulations to prohibit clandestine or illegal building on lands which are patrimonial and in the public domain belonging to the Authority or the Commonwealth, or lands transferred to them by the Government of the United States and its agencies or instrumentalities, and to maintain vigilance in order to avoid the construction of such buildings.

Article 6. PROHIBITIONS.

No agency shall approve any work or private project in relation to the Island of Culebra which conflicts with the plans and policies formulated and adopted by the Authority, as set forth in Article 4 (b) of this Law. To this effect, the promoter shall obtain a favorable endorsement from the Authority.

No development will be approved which may interfere in any way with the free access of the public to the sea and beaches nor shall those development projects be approved which carry with them or imply the private or exclusive enjoyment, or both, of the sea and beaches, to the detriment or harm of the legitimate right of the People to the free use and enjoyment of same.

In the regulations and standards which govern the construction of buildings in Culebra, the erection of buildings which exceed twelve (12) meters in height, or four (4) stories, will be prohibited in the urban zone as will those of nine (9) meters or three (3) stories in the rural area.

Article 7. PUBLIC POLICY AND GUIDELINES OR STANDARDS.

In the exercise of its powers and obligations, the Authority shall consider the public policy expressed in this law, the environmental law in effect, and the following general standards:

(a) Normal growth - normal growth shall be stimulated for the purpose of raising the standards of living of Culebra to the average levels on the main island of Puerto Rico. Excessive growth will be discouraged which might result in a population increase that would be more rapid than the population growth rate for the main island of Puerto Rico.

(b) In conformity with the natural environment all development of lands and construction projects shall respect the topography and the natural environment, reducing any changes to a minimum.

(c) To Remedy Violations - to eliminate, no later than the first (1st) of January, 1983, the following violations of the natural conditions of Culebra:

(1) The discharge of wastes into the waters of Culebra.

(2) The possession, use or illegal enjoyment of public lands in Culebra. A home must be provided for the families who on October 27, 1973, the date of the Joint Report, had their definite home located in an illegal or clandestine manner on federal lands to be transferred to the Authority, according to what is provided in said Report, and on lands in the public domain or part of the State patrimony.

(3) The Board will take the necessary steps to have explosive artifacts removed from the areas used for target practice by the United States Army.

(d) Consistency in Optimum Use of Lands and Water the use of lands and water must be consistent with that outlined in the above-mentioned Joint Report for the various areas in Culebra. To this effect, the following basic purposes of public policy must be kept in mind:

(1) The expanses of public lands with extraordinary importance as a habitat for wildlife or ecological associations must be reserved for biological conservation or wildlife;

(2) From the remaining public lands, after the wildlife preserves have been designated, those which are best adapted for recreation will be designated as recreation areas for the enjoyment of Culebrans and visitors. All recreation facilities must be in harmony with the goal of preserving the quality of these resources. Great care must be exercised to preserve the recreational value of these areas and of the surrounding waters;

(3) The development of Culebra must be limited to moderate densities in the areas included in population centers. Neither the quality nor the quantity of the development to be undertaken can be permitted to spoil the unique natural resources of Culebra;

(4) Those public areas which are not specifically set aside for wildlife preserves, recreational use or development, should be designated for agrarian use as areas of conservation.

Article 8. GOODS AND DECLARATION OF PUBLIC UTILITY

(a) The Authority is empowered to acquire real estate through forced expropriation, as is provided in the General Law of Forced Expropriation of March 12, 1903, as amended. All movable goods or real estate or the rights to them that the Authority may use or need to achieve its ends are declared to be of public utility.

In the event that the Authority decides to rent or sell lands acquired by expropriation the previous owners and neighbors shall have preference in acquiring them by purchase or rent in the manner established by Law No. 441 of May 14, 1947, as amended.

Article 9. TRANSFERRALS.

The Governor is authorized to transfer to the Authority, by recommendation of the Board, the functions, funds, properties, personnel, and files of the departments, divisions and dependencies of the State Government which are in accordance with, bear relationship to, or are necessary or appropriate for, the exercise of the functions of the Authority described in this Law. All transferrals shall be made by the Governor by means of an Executive Order.

The Authority and the Municipal Government will determine by common accord the original urban nucleus that made up the town of Dewey, agreeing upon the boundaries of its urban limits and the additional urban area which may be necessary for the purposes of best municipal development. The Authority will transfer to the municipal government the aforementioned lands from the lands which are transferred to it by the Government of the United States. These lands transferred to the municipality will be utilized for its own uses and to assure the families who occupy bona fide residences in this area of the continuing enjoyment of the lands that they occupy, in whatever manner that is suitable to the Authority and the municipal government and with the necessary safeguards so that, at all times, the purposes of this law will be abided by.

Article 10. TITLE AND BOUNDARIES OF LANDS

The Authority will take steps and will supervise efforts to clarify titles and to mark out the areas and boundaries of lands transferred to it by the United States or any of its departments, agencies or instrumentalities, or by the Commonwealth of Puerto Rico or any of its agencies.

Article 11. EXEMPTION FROM TAXES AND CONTRIBUTIONS

The goods which are the property of the Authority, and any interest that the latter may have in any goods, shall be exempt from all kinds of duties, levies, tariffs, or state or municipal taxes, which have been imposed or may be imposed by law. This exemption covers the notarial fee for the issuing of all kinds of documents, the processing of judicial proceedings of any nature or the issuing of registration certificates and inscriptions in the various sections of the Property Registry of Puerto Rico.

Article 12. DEPOSIT OF FUNDS

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

Article 13. PENALTIES

Any person who violates any of the provisions of this law and the regulations which were duly approved by the Authority, will be guilty of a misdemeanor and if he is convicted he will be punished with a fine not exceeding five hundred (\$500) dollars or a jail term not exceeding ninety (90) days, or both penalties at the discretion of the Court.

For each day that the infraction continues, as such is understood and set forth in the preceding paragraph, it will be understood that a separate misdemeanor has been committed.

Article 14. APPROPRIATIONS

The amount of one hundred fifty thousand dollars (\$150,000) in nonallocated funds in the State Treasury is appropriated to carry out the goals of this Law. The funds necessary for subsequent years will be provided for in the General Budget.

Article 15. FORCE AND EFFECT

This Law will enter into effect immediately after its approval.

SECTION 6.18 OF PLANNING BOARD REGULATION NO. 4, THE ZONING REGULATION

Special Cases in R-O Districts

In accordance with the purposes of this district, the following will be considered special cases, those in areas or lands that present any of the following characteristics, including affected adjacent lands.

- 1) High production agricultural lands.
- 2) That are essential in the enjoyment or preservation of recreational resources, such as forest lands, landscapes, geological formations or areas of exceptional beauty.
- 3) That are forests, springs, lakes, rivers, streams, lagoons, or other areas or bodies of water that merit protection as preservation of water sources, or recreational resources.
- 4) That constitute mineral deposits, or mines of appreciable economic value.
- 5) That are important as part of our cultural or historic patrimony.
- 6) That require protection of wildlife and flora for their economic, ecologic or scientific importance.
- 7) That are susceptible to flooding, tides, landslides, or avalanches.
- 8) That their topographic characteristics and/or vegetation have a significant meaning to the community.
- 9) Beach areas.

For these special cases the Board may establish norms as to uses, heights, sizes of lots, population density, occupied area, gross floor area, size of patios, buildings and accessories, parking area and other necessary requirements by resolution, which will be part of the Zoning Map of the area or terrains that will be considered as special cases. The requirements to be established by the Board, may be greater or lesser than those established for this District in this regulation.

UNOFFICIAL TRANSLATION OF PLANNING BOARD RESOLUTION JP 215 (FIRST
EXTENSION, AUGUST 13, 1975)

Establishing as special cases those in special areas in Residential Districts of low population density (R-0) in the Municipality of Culebra.

The Board, by way of Resolution P. R. - 77 (Third Extension) and Z-79 approved and adopted the Master Plan and the Zoning Map respectively for the Municipality of Culebra with the purpose of controlling development and the use of land in accordance with law 75 of June 24, 1974 which gives here the faculty to prepare, adopt and amend land development and utilization concepts for urban, suburban and reural areas of Puerto Rico. The Board has in addition the faculty for and responsibility to direct and control growth and development of urban, suburban and rural areas of Puerto Rico, including Culebra, taking into consideration the various factors, among others, the selection of the most adequate lands for such development and the conservation of the agricultural zones of the municipalities.

The Island of Culebra and the small islands that form this municipality, have unique characteristics, of historical, socioeconomic, physical and natural natures. This municipality constitutes a natural area with some of the most extraordinarily beautiful places of Puerto Rico.

The Planning Board has the responsibility of preserving and protecting the few natural areas of Puerto Rico for the enjoyment of present and future generations, and also the responsibility to watch over the places of exceptional beauty and to prohibit isolated development that may deteriorate or destroy that beauty.

With the adoption of the Zoning Map for Culebra, certain special areas were designated inside the R-0 Districts. The determinations made in the Master Plan as in the Zoning Maps and these special areas, keep special harmony between the provisions of law 66 of June 22, 1975 (Law for Conservation and Development of Culebra) and law 75 of June 24, 1975 (Planning Law).

In consideration of those cases that may be submitted and that may be established in special areas, as they may be designated, it is necessary to establish controls that incline toward an orderly development and toward the best use of lands in Culebra.

Considering the above, the Puerto Rico Planning Board **DECLARES** that the Municipality of Culebra gathers all the necessary characteristics so that the cases that come forth in R-0 Districts be considered special cases, in conformity to subsection 6.18 of Planning Board Regulation #4 (Zoning Regulation) and **ADOPTS** the names that will apply to the special

cases within the special areas established in the low density residential districts (R-O) in the Zoning Maps of the Municipality of Culebra, which are made an integral part of the present resolution and the Zoning Regulation. In addition it is stated that in the Zoning Map adopted by the Planning Board for the Municipality of Culebra is included the special areas within the R-O districts that have been designated as being in harmony with subsection 6-18 of Planning Board Regulation #4 (Zoning Regulation) and which will be in effect with the adopted norms or the present resolution.

These areas appear identified by a number added as a suffix to the zoning symbol of the R-O (RO-25-C and RO-1-C).

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UNOFFICIAL TRANSLATION OF PLANNING BOARD RESOLUTION JP 215-A
(August 13, 1975)

Norms to govern the special cases that arise in special areas established in the residential low density districts (R-O) in the Municipality of Culebra.

- P r e f a c e -

These norms pursue the purpose of regulating the special cases that arise in special areas established in low density residential districts (R-O) of Culebra. The same have their legal basis in Article 6.18 of Planning Board Regulation No. 4 (Zoning Regulation). They also have their legal basis, in the special areas, which are identified by numbers that are added as a suffix to the zoning symbol of the R-O district (R-O-25-C and R-O-1-C).

These districts pursue the purpose of facilitating the direction and the control of development in the Municipality of Culebra, and to protect and preserve the various unique natural and agricultural areas. The island-municipality of Culebra is of exceptional beauty, of unique characteristics, of historical, socio-economic, physical and natural. At present existing pressures may provoke disorganized development in the municipality. This adds a sense of urgency to the establishment of norms and controls that may permit directing adequately urban suburban and rural development of Culebra, and to preserve and protect from deterioration its valuable natural resources and agricultural lands.

T i t l e - I

General Provisions

Art. 1. - Application - The provisions contained in these norms will apply to the R-O Districts established by the Zoning Map for the Municipality of Culebra, substituting for the provisions of the subsections of the Zoning Regulation (Planning Board Regulation #4) indicated hereafter:

- Subsection 6.02 - Uses in R-O Districts
- " 6.03 - Height in R-O District
- " 6.04 - Size of lots in R-O District
- " 6.05 - Population Density in R-O District
- " 6.06 - Occupation Area in R-O District
- " 6.07 - Gross Space Area in R-O District
Occupied areas for Building
- " 36.06 - Accessories in R-O District
- " 39.01 - Occupied areas for lots smaller than
required minimum size
- " 54.93 - Other uses permitted by the Board in
residential district

244-

The remaining Provisions of the Zoning Regulation applicable to R-O Districts not substituted in this article, stay in effect in the specially designated areas 25 C and area 1-C established in the R-O Districts (RO-25-C and RO-1-C) in the zoning map of the Municipality of Culebra.

Art.2.00 Date of operation - These norms will be in effect once the Provisions established by Law 75 of June 24, 1974 are complied with.

T i t l e - 2

Districts

Art.3.00 Special Districts - The following Special District are established within RO-District delimited in the Zoning Map of the Municipality of Culebra and in which the following Provisions will be in effect.

Area 25-C - Area of low population density and agricultural activities with minimum lot size of twenty five (25) cuerdas.

Area 1-C - Area of low population density with minimum lot size of (1) cuerda.

Art.4.00 District Boundaries - The district boundaries will follow to the possible extent, the adjacent lots boundaries, the maritime-terrestrial line, and geographic and topographical features. Whenever this is not possible, the boundaries may be established by measurements from fixed points. In those cases in which the boundaries has not been set by distances, they will be established to scale as specified in the corresponding Zoning Map.

Art.5.00 Lots in two or more Districts - When a lot is in two or more districts, there will be applied to it the provisions that correspond to each district.

T i t l e - 3

Area 25 - C

Art.6.00 Purpose of Area 25-C - This area of low population density, of minimum lot size of 25 cuerdas, is established to preserve the natural and agricultural nature of the interior of Culebra.

Art.7.00 Uses of Area 25-C - This area will be used for the following purposes:

- 1)Agricultural uses, planting and harvesting agricultural products, pasture for cattle, construction of chicken coops, storage facilities for feed, and all necessary construction related to agricultural activities.
- 2)One, two family houses - May be permitted additional houses that serve as primary residences for persons directly related to the agricultural use of land.
- 3)Tourist/Hotels whose local is authorized by the Planning Board,

in conformity with the recommendations of the Land Use Plan for the Municipality of Culebra.

Art. 8.00 - Heights in Area 25-C - No building will be more than two stories high, nor exceed nine (9) meters in height.

Art. 9.00 - Size of lot in area 25-C - Any lot to be formed after this regulation is in effect will not be smaller than twenty-five (25) cuerdas.

Art. 10.00 - Population Density in Area 25-C - The number of families permitted in this area will be determined by the size of the lot, in accordance with the following:

In lots smaller than twenty-five (25) cuerdas, there will be permitted one-family houses.

In lots greater than twenty-five (25) cuerdas there will be permitted two family houses.

Buildings used as one residence will have their functional dependencies related among them for the exclusive use of one family.

Art. 11.00 - Occupied Area (including accessories building) in Area 25-C - The occupied area (including accessory buildings) will depend on the use to be given the structure, which must conform to the permitted uses of area 25-C. For residential use, such area must not exceed three hundred (300) square meters for living space.

Art. 12.00 Gross floor area in Area 25-C - In no case may the gross floor area exceed twice the permitted occupied area. No residential structure for one family may exceed three hundred (300) square meters of gross floor area.

T i t l e 4

Area 1-C

Art. 13.00 - Purpose of Area 1-C- This special area of low population density, of lots smaller than one (1) cuerda, is established to permit development of residential-recreational areas within the general context of Culebra's particular characteristics.

Art 14.00 - Uses in Area 1-C - Area 1-C, land and buildings will be used as follows:

1- One or two family homes

2- Inns and guest houses in accordance with the following:

- a. The owner or administrator must live on the premises.
- b. The structures may not have commercial characteristics.
- c. The depth of front, rear and or side yards will not be less than fifteen (15) meters.

- d. The guest house or inn, will not have more than ten (10) rooms for guests, occupying a structure that will not exceed four hundred (400) square meters of gross floor area.
- e. The permit given for this purpose will include those conditions that are understood necessary according to the objectives of the Land Use Plan, for the Municipality of Culebra, and to protect the general well being of the residents.

3- Religious institutions in accordance with the following:

- a. The building will have yards one and a half (1 1/2) times those required in Areas 1-C.

4- Agricultural Uses

Art. 15.00 - Heights in Area 1-C - No building will have more than two stories, nor exceed nine (9) meters in height. In no case may buildings exceed the height of fifty (50) meters above mean sea level.

Art. 16.00 - Size of lots in Area 1-C - All lots to be formed after this regulation is in force will be no smaller than one (1) cuerda and have a minimum width of forty (40) meters.

Art. 17.00 - Population Density in Area 1-C - The number of families to be permitted in this area is to be determined by the size of the lot. In lots smaller than one (1) cuerda, one family houses.

In lots larger than one (1) cuerda one or two family houses.

Any project for three (3) or more dwellings in lots larger than two (2) cuerdas will be developed in clusters maintaining permitted density for Area 1-C.

Buildings or groups of buildings occupied or used as one dwelling must have their functional dependencies related among them for exclusive use of the family.

Art. 18.00 - Occupied area (including accessory buildings in Area 1-C) - The occupied area will depend on the use given the structure, which must conform to the permitted uses of Area 1-C. For residential use, such area will not exceed three hundred (300) square meters per dwelling.

Art. 19.00 - Gross floor Area on Area 1-C - In no case will the gross floor area exceed twice the permitted occupied area. No residential structure for one family will exceed three hundred (300) square meters of gross floor area.

Art. 20.00 - Front and rear yeards in Area 1-C - One (1) front and one (1) rear yard is required, each with no less than five (5) meters of depth.

Art.21.00 - Side yards in Area 1-C - Two side yards are required, each with a depth of no less than five (5) meters.

T i t l e 5

Other Provisions

Art.22.00 - Occupied area in lots smaller than those required by Areas 25-C and 1-C - In lots smaller than those required in areas 25-C and 1-C, but greater than six hundred (600) square meters, the occupied area will be permitted as established in articles 11 and 18 of these norms. In lots smaller than six hundred (600) square meters, an occupied area no greater than fifty (50) percent of the total area will be permitted.

Art.23.00 - Gross floor area in lots smaller than those required in Area 25-C and 1-C - In lots smaller than those required in areas 25-C and 1-C, but greater than six hundred (600) square meters, a gross floor area as established in articles 12 and 14 is permitted.

In lots smaller than six hundred (600) square meters, a gross floor area no greater than 100 percent of the lot area or three hundred (300) square meters, whichever is smaller, is permitted.

Art.24.00 - Excavation and land movement in 25-C and 1-C areas - Excavation and land movement will be subject to the applicable provisions of the regulation for the Extraction of Materials from land of the Department of Natural Resources or any other law or regulation of any other agency applicable in these cases.

Art.25.00 - Distance of buildings or structures from the Coastal Zone - All buildings or structures to be built, constructed, transferred or expanded within a distance of four hundred (400) meters from the limit of the ~~maritime-~~terrestrial zone, will observe a distance, measured horizontally from its nearest vertical projections to the ~~maritime-~~terrestrial zone, no less than two and a half (2.5) times its height.

Art.26.00 - Distance of buildings or structures in P. Districts (Public) in Areas 25-C and 1-C - All buildings or structures to be built, transferred or expanded in any zone adjacent to a P District will observe the following idstances:

- a. Area 25-C-----50 meters
- b. Area 1-C

- 1. front or rear abutment-----25 meters
- 2. side abutment-----10 meters

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APPENDIX 3 - ITEM E

TITLE I, ARTICLE 8, OF PLANNING REGULATION NO .11, THE SIMPLE SUBDIVISION
REGULATION

Art. 8 - Special Cases

A. Subdivisions that require special studies for the protection of public interest, will be considered special cases as per this Regulation. All projects in areas that present any of the following characteristics must be referred for consideration and action to the Board.

- 1) That constitute or form part of agricultural or cattle units of high productivity
- 2) That are essential as access to, enjoyment or preservation of recreational resources, tree lanes, landscapes and geological formations of exceptional beauty.
- 3) Forests, rivers, streams, springs, lakes, lagoons, and other areas that merit protection as preservation of water sources
- 4) Mineral deposits, mines, quarries of considerable economic value, real or potential.
- 5) That have historic or cultural importance.
- 6) That are of public interest for their significant importance for preservation of wildlife and flora of economic, ecologic, and or scientific value.
- 7) Susceptible to flooding, tides, landslides or avalanches.
- 8) Near water ways.

UNOFFICIAL TRANSLATION OF PLANNING BOARD
RESOLUTION JP - 216 (AUGUST 13, 1975)

Establishing as special cases those subdivision of simple that in special areas in low density residencial districts (R-0) in the municipality of Culebra.

The Board, by way of Resolution P R. - 77 (Third Extension) and Z-79 approved and adopted the Master Plan and the Zoning Map respectively for the Municipality of Culebra with the purpose of controlling development and the use of land in accordance with law 75 of June 24, 1975 which gives here the faculty to prepare, adopt to amend land development and utilization concepts for urban, suburban and rural areas of Puerto Rico. The Board has in addition the faculty and responsibility to direct and control growth and development of urban, suburban and rural areas of Puerto Rico, including Culebra, taking into consideration the various factors, among others, the selection of the most adequate lands for such development and the conservation of the agricultural zones of the municipalities.

The Island of Culebra and the small islands that form this municipality, have unique characteristics, of historical, socio-economic, physical and natural natures. This municipality constitutes a natural area some of the most extraordinarily beautiful places of Puerto Rico.

The Planning Board has the responsibility of preserving and protecting the few natural areas of Puerto Rico for the enjoyment of present and future generations, and also the responsibility to watch over the places of exceptional beauty and to prohibit isolated development that may deteriorate or destroy that beauty.

With the adoption of the Zoning Map for Culebra, certain special areas were designated inside the R-0 Districts. The determinations made in the Master Plan as in the Zoning Maps and these special areas, keep special harmony between the provisions of law 66 of June 22, 1975 (Law for Conservation and Development of Culebra) and law 75 of June 24, 1975 (Planning Law).

In consideration of those cases that may be submitted and that may be established in special areas, as they may be designated, it is necessary to establish controls that incline toward an orderly development and towards the best use of lands in Culebra.

Considering the above, the Puerto Rico Planning Board resolves and orders that the cases of simple subdivisions that come forth in special areas, be considered special cases, pursuant to Article 8 of Planning Board Regulation #11* 1 (simple subdivisions) for the purpose of this Regulation, in accordance with the special areas established in Resolution J P .215 (First Extension) of August 13, 1975.

I. DESCRIPTION OF THE PROPOSED ACTION

A. The Federal Coastal Zone Management Program

The enactment of the Coastal Zone Management Act of 1972 culminated a lengthy history of Federal interest in concern for the coastal zone and its resources. Significant national interest can be traced from the Committee on Oceanography of the National Academy of Sciences' (NASCO) 12-volume report, "Oceanography 1960-1970," (1959) to the Report of the Commission on Marine Science, Engineering, and Resources (1969), which proposed that a Coastal Management Act be enacted that would "provide policy objectives for the coastal zone and authorize Federal grants-in-aid to facilitate the establishment of State Coastal Zone Authorities empowered to manage the coastal waters and adjacent land." (p.56) The National Estuarine Pollution Study (1969, authorized by the Clean Water Restoration Act of 1966, and the National Estuary Study (1970), authorized by the Estuarine Areas Study Act of 1968, further documented the importance of the conflicting demands upon our Nation's coasts. Together these reports stressed the need to protect and wisely use these important national resources, and concurred that a specific program designed to promote the thoughtful protection and management of our coastal zone was necessary.

In response to these recommendations, the first legislative proposals for coastal management programs were introduced in 1969. Long and extensive hearings were held on these and subsequent bills during the next three years (e.g.: House 91-14, 91-46, and 92-16; Senate 92-15, 92-753, and 92-1049). The overwhelming support for the final Act (P.L. 92-583), which passed 68-0 in the Senate and 376-6 in the House, clearly reflected the need for decisive action in the coastal zone.

The Act opens by stating that "There is a national interest in the effective management, beneficial use, protection, and development of the coastal zones." (Section 302(a)). The statement of Congressional findings goes on to describe how competition for the utilization of coastal resources, brought on by the increased demands of population growth and economic expansion, has led to the degradation of the coastal environment, citing "loss of living marine resources, wildlife, and nutrient-rich areas, permanent and adverse changes to ecological systems, decreasing open space for public use, and shoreline erosion." The Act then states that the "key to more effective protection and use of the land water resources of the coastal zone is to encourage the states to exercise their full authority over the lands and waters in the coastal zone by assisting the states... in developing land and water use decisions with more than local significance." (Section 302(h)).

While local governments and Federal agencies are required to cooperate, coordinate and participate in the development of the management programs, the state level of government is clearly given the central role and responsibility for this process. The Act provides a number of incentives and means of achieving these objectives and policies. Under Section 305 it enables the 30 coastal states (Great Lakes states are included) and four coastal territories to receive grants from NOAA to cover two-thirds of the costs of developing coastal zone management programs. Broad guidelines and minimum requirements in the

Act provide the necessary direction for developing these programs. For example, during the program development, each state must address specific issues such as the boundaries of its coastal zone; geographic areas of particular concern; permissible and priority land and water uses, including specifically those uses that are undesirable or of lowest priority; and areas for preservation or restoration. During the planning process, the state is directed to consult with local, regional, and relevant Federal agencies and governments, and general public interests. These annual grants can be renewed twice, so that Federal support can be provided to states for up to three years for this program development phase.

Upon completion and adoption of the management program by the state, and after approval by the Secretary of Commerce, states and territories are eligible under Section 306 to receive administrative grants (presumably in greater amounts than for program development) to cover two-thirds of the costs of implementing these programs. The criteria for approval of state coastal zone management programs and guidelines for applying for program administrative grants are provided in Appendix 2. The states' administration of their programs will be reviewed annually by OCZM and, as long as they are administered consistently with the approved management program, the states will remain eligible for annual administrative grants.

The Act provides that the views of Federal agencies principally affected by such programs must be adequately considered by the Secretary of Commerce in his review and approval of the management program. The Department has established a formal review process to receive the comments from such Federal agencies and to resolve any serious disagreements. (15 CFR Part 925, Interim Regulations. Federal Register, Vol. 40, No. 41, February 28, 1975).

Evaluation of a state's program in terms of compliance with the statutory requirements established in the Act and guidelines will concentrate primarily upon the adequacy of state processes in dealing with key coastal problems and issues. It will not, in general, deal with the wisdom of specific land and water use decisions, but rather with a determination that in addressing those problems and issues, the state is aware of the full range of present and potential needs and uses of the coastal zone, and has developed procedures, based upon scientific knowledge, public participation and unified governmental policies, for making reasoned choices and decisions.

Management programs will be evaluated in the light of the Congressional findings and policies as contained in Sections 302 and 303 of the Act. These sections make it clear that Congress in enacting the legislation was concerned about the environmental degradation, damage to natural and scenic areas, loss of living marine resources and wildlife, decreasing open space for public use, and shoreline erosion being brought about by population growth and economic development. The Act thus has a strong environmental thrust, stressing the "urgent need to protect and to give high priority to natural systems in the coastal zone." A close working relationship between the agency responsible for the coastal zone management program and the agencies responsible for environmental protection is vital in carrying out this legislative intent. States are encouraged by the Act to take into account ecological, cultural, historic and esthetic values as well as the need for economic development in preparing and implementing management programs throughout, which the states, with the participation of all affected interests and levels of government, exercise their full authority over coastal lands and waters.

In addition, the Act provides coastal states and territories with the opportunity to apply for grants to cover one-half of the costs of acquisition, development and operation of estuarine sanctuaries, wherein natural field laboratories are established in order that scientists and students may be provided the opportunity to examine over a period of time ecological relationships in representative undisturbed estuaries of the coastal zone.

Although signed in October 1972, the implementation of the Federal Coastal Zone Management Program was delayed by the Administration's decision not to request appropriations for the remainder of FY 1973 or FY 1974. This decision was made on the grounds that more information on the nature and extent of state activities and needs was required before committing funds; and because of the desire by the Administration to coordinate or subsume the operation of the coastal zone management program with or under the then pending land-use legislation. Eventually in response to the pressing needs and demands in the coastal zone, and in view of apparent action on the land-use legislation, the President in August 1973, forwarded an amended budget request to Congress requesting \$5 million to begin implementation of the Coastal Zone Management Act. This request was amended by Congress to provide a final appropriation of \$12 million for FY 1974, and was signed by the President on November 27, 1973. About \$7.2 million of this total was for program development grants (Section 305), \$4 million for estuarine sanctuary grants, and \$800,000 for program administration within NOAA.

The OCZM budget for FY 1975 remained at \$12 million, distributed, however, as \$9 million for program development, \$2.1 million for state program administration grants, and \$900,000 for internal NOAA program administration. About \$3.2 million remained available in the estuarine sanctuary program as carry over funds from FY 1974.

B. Puerto Rico's Coastal Zone Management Program

The Puerto Rico's coastal zone management program formally started in June 1974 with the grant awarded by the Federal Coastal Zone Management Program. But its real beginning goes back to 1972 when a group of interested citizens working in a committee called Puerto Rico and the Sea submitted to the Governor of Puerto Rico an Action Program for Marine Affairs. In their report they identified the critical problems our coastal zone faced and also provided some general guidelines and recommendations for solving them. This interest created governmental actions directed toward the solutions of the identified problems.

Out of the awareness created by the Puerto Rico and the Sea publication and the unique opportunity created by the approval of the Federal Coastal Zone Management Act, the Department of Natural Resources of Puerto Rico in conjunction with the Puerto Rico Planning Board created, in cooperation with the Federal Department of Commerce, the Puerto Rico Coastal Zone Management Program.

To provide the necessary resource data base for the program and decision-making, the Puerto Rico Coastal Zone Management Program (PRCZMP) has undertaken a comprehensive resources inventory, including natural and man-made resources. Data on the following resources have been gathered and mapped for the Culebra segment, and are being completed for the rest of the regions into which the Island has been divided:

- Geological Resources
- Slopes and Soils
- Hydrology, including drainage/watershed, ground water, water classification
- Land use types
- Living resources, including wildlife habitats, marine environments, and marine resources
- Scenic Resources
- Recreational Resources
- Other

Socio-economic aspects of the coastal zone are also being inventoried. These will include the following major elements: population, land use, economics, housing, transportation, and recreation.

C. The Culebra Segment

The Culebra segment is a geopolitical and resource unit already established such within the framework of the Planning Board and the Department of Natural Resources of the Commonwealth. The area, an island-municipio to the east of Puerto Rico comprises a main island of 10.92 sq. m. and several keys enclosed within latitudes 18°15', 18°25' north, and longitudes 65°12', 65°25' west. The coastal use conflicts in Culebra are exacerbated by several factors:

1. its small size
2. the high degree of natural diversity and the uniqueness of its resources
3. the depressed state of its economy due to its isolation and military use until very recently.
4. the sudden departure of the U. S. Navy from the island, releasing large amounts of land and thus creating options for different land-uses

Due to the need for urgent management measures the Commonwealth of Puerto Rico decided to develop the Coastal Zone Management Program for the Culebra segment and to use the knowledge and experience of this special case to develop and refine a CZM program for the entire island of Puerto Rico.

A more detailed exposition of the problems and major issues taking place in Culebra are found in Chapter I and specifically in Chapter III of the Culebra Segment of the Puerto Rico Coastal Zone Management Program.

D. Elements of the Program

The primary purposes of this program is to address resource planning and management problems of Puerto Rico's concern. These include the management of conflict areas where government interests are involved, the siting of large developments, and guiding the general pattern of resource use at a regional scale.

Another purpose is to provide a versatile information base for planning

by the Central Planning Board, the municipios, and other organizations, and individuals. Still another purpose, which is both supplemental to and an integral part of the two above, is to educate the public and public officials as to resource planning consideration and issues.

The seven major 306 review elements (Boundaries, Permissible uses/Priority uses, Areas of Particular concern, Areas for Preservation and Restoration, Public Participation/Local Government, National Interest/Federal Agencies, Organization, and Authorities), as required by the CZM Act are fully discussed in Chapter V of the Plan.

II. DESCRIPTION OF THE ENVIRONMENT AFFECTED

Chapter II of The Culebra Segment Management Plan presents a detailed description of the natural, biological and ecological resources and their relationships in Culebra. It also discusses socio-economic features, such as, population distribution, income, employment and others.

As mentioned earlier, Chapter III deals with the issues, problems, conflicts, and goals in Culebra. In addition, it also discusses the institutional setting.

III. RELATIONSHIP OF THE PROPOSED ACTION TO LAND USE PLANS, POLICIES AND CONTROL FOR THE AREAS

In the introduction to the Coastal Zone Management Act, the Congress found that "present state and local institutional arrangements for planning and regulating land and water uses... are inadequate", and that "the key to more effective protection and use of the land and water resources of the coastal zone is for the states to...develop land and water use programs for the coastal zone, including unified policies, criteria, standards, methods and processes for dealing with land and water use decision of more than local significance". (Section 302 (g) and (h)). The Puerto Rico Coastal Zone Management Program substantially recognizes these objectives, and is designed to provide a more unified approach toward managing the coastal resources by coordinating intergovernmental agency actions into a comprehensive program to achieve common, explicit objectives.

In the particular case of the Culebra segment plan an institutional organization integrating land and water use programs has been developed. Three major events have lead to this institutional arrangement: in October 1973, the United States Department of the Interior and the Governor of the Commonwealth of Puerto Rico signed a Joint-Report in which they delineated the basic policies governing future development in Culebra, once the Navy has departed. In December 1974, the Planning Board of Puerto Rico submitted to the Governor a Master Plan for the development of Culebra until year 1990. This plan is in full agreement with the Joint-Report signed earlier by the Governor of Puerto Rico and the Secretary of the Department of the Interior of United States. On June 22, 1975, the Commonwealth's/Legislature enacted Public Law 66 creating the Culebra Conservation and Development Authority (CCDA) to implement the policies established in the Culebra Master Plan and the Joint Report.

The purpose of this law is in complete agreement with the two documents approved earlier. The basic policies behind the planning and legislative actions are geared towards the conservation and enhancement of Culebra's unique natural, biological, and physiographical characteristics. There are also policies allowing for the economic development needed to improve the standards of living of the inhabitants of Culebra. (The CCDA is the agency responsible for all water and land uses permitted in Culebra).

Working within this planning and legislative background the Culebra Segmentation Plan has been developed. The Puerto Rico Coastal Zone Management Program (PRCZMP) has for example conformed to the zoning regulations established by the Culebra Master Plan. Federal and local agencies consistency with the Culebra Segment Plan has been ascertained through consultation with the interested agencies.

As mentioned earlier there is no air pollution problem in Culebra. However, because of lack of sewage treatment facilities on the island, water pollution is an issue of concern. In the short run since there is no expected major increase in the population of the island and since no large scale industrial or agricultural developments is foreseen, water pollution will remain a minor issue for the whole island; though the pollution of Ensenada Honda Bay by domestic sewage from the town of Dewey is a cause of some immediate concern. As contemplated in the plan, removal of the illegal squatters from the fringe of Ensenada Honda Bay together with measures requiring septic tanks, or other mechanisms for sewage retention on constructions around the bay will provide a temporary solution to the pollution problem in the area. There are at present plans for establishing by 1985 a secondary sewage treatment plant to service, both, the towns of Dewey and Clark.

Approval of the Culebra Coastal Zone Management Program by the Secretary of Commerce will have implications on other local Commonwealth and Federal agencies policies and controls. Section 307 (C) of the Act provides that: (1) federal agencies conducting or supporting activities or undertaking development in the coastal zone of a state shall insure that the activities or projects are to the maximum extent consistent with the approved state management, and (2) except in the interest of national security, federal agencies shall not issue licenses or permits for any activity affecting land or water uses in the coastal zone unless the state issues a certification that the activity complies with the approved program.

V. PROBABLE IMPACT OF THE PROPOSED ACTION ON THE ENVIRONMENT

As indicated in the description of the Federal coastal zone management program (Section II), it is clearly the intention of the CZM Act to produce a net environmental gain or benefit in the Nation's coasts. The Act encourages states to achieve this goal through better coordination, explicit recognition of long-term objectives and the development of a more rational decision-making process in context with the overall policy guidance. It might be expected that this process, which could affect much of the activity along the coasts, would have a substantial environmental impact. However, as there has been no previous experience with such management programs, their impact is difficult to assess. Unlike a specific project or activity, there is no real experience upon which an analysis of the environmental impact can

be assessed.

Undoubtedly both beneficial and adverse environmental and socio-economic effects will derive from Federal approval and Commonwealth implementation of the Culebra Segment of the Puerto Rico's coastal zone management program. The following appear to be most significant:

A. Impacts Directly Resulting From Federal Approval

Impacts associated with the Federal approval of the Culebra Segment of the Puerto Rico's coastal zone management program fall into two categories: (1) impacts due to a direct transfer of funds to the Commonwealth government for use in Culebra, and (2) impacts from the implementation of the Coastal Zone Management Act.

Federal approval will permit the Office of Coastal Zone Management to award program administrative grants (Section 306) to Puerto Rico. This will increase the level of employment of planning, technical and legal specialists and enforcement officials at the Culebra Government level. It will provide a professional basis for resource management which has not previously existed. As pointed out earlier, one of the weaknesses of the Commonwealth program to date has been a lack of funding and inadequate staffing to administer and enforce the various program requirements. Federal 306 grants will be used to coordinate, administer, and enforce existing Commonwealth authorities. Additionally, the bulk of funding will be passed through the Culebra Conservation and Development Authority to strengthen their planning and review capabilities. Staff persons will be employed to offer technical and legal assistance. Funds will be used to conduct further research and other studies related to the human and natural environments which will increase the quality of the base from which coastal zone management decisions will be made.

Federal approval and Commonwealth implementation of the Commonwealth's coastal zone management program will also have implications for Federal agency actions and on the national interest in the siting of facilities of more than local concern. As explained earlier, the Federal consistency requirements of the Act (Section 307(c) and (d) require that direct Federal activities or development projects must be consistent to the maximum extent practicable with approved state programs. Federal agencies issuing licenses or permits for any activity affecting the coastal zone are generally constrained from doing so until the state certifies that the proposed activity is in fact consistent with its management program. In addition, Federal agencies in most cases are restricted from approving proposed projects affecting the coastal zone which require Federal assistance unless they are consistent with the coastal management program.

Although states have previously had the opportunity to comment upon Federal actions, licenses or permits, in the past this comment has not generally been required or mandatory. This new responsibility will provide for more coordinated and comprehensive management of coastal resources and uses, and has the potential for reducing the fragmented, single-purpose and frequently conflicting nature of activities affecting the coastal zone.

The Federal Coastal Zone Management Act does require that state government issue or deny a certification of consistency within six months from

the time of application, or consistency will be presumed.

The overall thrust of Federal consistency will be to provide closer cooperation and coordination between Federal, state and local government agencies involved in coastal zone related activities and management. This is considered to be a desirable impact and indeed, is one of the objectives of the Act as discussed earlier.

Federal approval of the Culebra Segment, of the Puerto Rico Coastal Zone Management program would also signify that the Commonwealth have an acceptable procedure and administrative mechanisms to insure the adequate consideration of the national interest involved in the siting of facilities necessary to meet requirements which are other than local in nature. Such facilities might include energy production and transmission; recreation; interstate transportation; production of food and fiber; preservation of life and property; national defense and aerospace; historic, cultural, esthetic and conservation values; and mineral resources, to the extent they are dependent on or relate to the coastal zone.

This policy requirement is intended to assure that national concerns over facility siting are considered and dealt with in the development and implementation of the Culebra coastal zone management program. The requirement does not compel the Commonwealth to propose a program which accommodates certain types of facilities, but to assure that such national concerns are included at an early state in the Commonwealth planning activities in order that such facilities would not be arbitrarily excluded or unreasonably restricted in the management program without good and sufficient reason. This provision might have two impacts. First it will prohibit the Commonwealth from arbitrarily or categorically prohibiting or excluding any use or activity of national concern dependent on the coastal zone. Whereas in the lack of a comprehensive planning program such consideration might simply be ignored by oversight or default, this requirement will insure their specific inclusion. On the other hand, the existence and approval of an explicit procedure will protect the Commonwealth from the capricious imposition of actions or projects by Federal agencies in the name of the national interest. In either event, the procedure should lead to a more deliberate and thoughtfull, and less fragmented and wasteful, siting of such facilities in Culebra and ultimately the Nation as a whole.

B. Impacts Resulting from the Commonwealth Government Actions

Approval by the Secretary, of the Culebra Segment Program will solidify the existing Commonwealth effort to improve Culebra's land and water use planning and management capability, making it more complete, timely and effective. Again, since the proposed action does not designate actual physical development or specific activity in the coastal zone, an assessment of specific impacts is difficult.

The Culebra Segment of the Puerto Rico Coastal Zone program provides the necessary first step toward achieving an interrelated set of land and water use policies, regulations and ordinances aimed to plan for and control future growth and development in Culebra. It will instill a planning and

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The Culebra Segment of the Puerto Rico Coastal Zone program provides the necessary first step toward achieving an interrelated set of land and water use policies, regulations and ordinances aimed to plan for and control future growth and development in Culebra. It will instill a planning and

policy development effort into what is now primarily a case-by-case review of individual projects. Thus it will strengthen planning as an active tool in making land and water use decisions.

In general the effects of the Culebra Segment of the Puerto Rico coastal zone management program can be summarized as follows:

- (1) the recognition and protection of the coastal zone and its esthetic, cultural, biological and natural components, as a fragile, limited, and valuable resource;
- (2) the protection of public rights, such as public health and safety; public access and navigation; recreation; and public property, dependent on or related to the coastal zone;
- (3) the promotion of appropriate quality development in suitable locations, and the restriction, reduction or prohibition of incompatible, undesirable, or unnecessary coastal uses and activities; and
- (4) the promotion and enhancement of long-range public benefits, especially from renewable resources, rather than short term benefits.

Wise land and water use management depends on the availability and analysis of detailed current information about the resources and socio-economic conditions of an area. The Culebra inventory and analysis of natural resources, cultural and socio-economic information for the coastal zone present much information which has never been gathered for the Culebra coast.

The synthesis and analysis of this data provides a rational framework for considering land and water use issues and for designing strategies to deal with these issues. Approval of the Culebra Segment program will provide the mechanism for utilizing this data by providing for stronger planning for the CCDA and enabling them to develop land and water use programs based on this analysis. These land and water use programs should enable a more rational allocation of coastal resources, that will benefit not only the Commonwealth of Puerto Rico, but the Federal government, Culebra municipality, public interest groups and individuals as well.

The designation of coastal areas as critical areas of state concern, or as suitable or unsuitable for certain types of development will have several effects. Lands designated as critical areas as well as lands designated by the Commonwealth for preservation or restoration, will be provided increased long-term, if not permanent, protection. These resources, their values and benefits, will be perpetuated, which will be generally beneficial to the environment.

In contrast, lands suitable for development may come under increasing pressure for development; this may mean the ultimate development of such areas with concomitant loss of natural resources. Population, commercial,

and industrial densities will likely increase in such areas. However, this cannot be considered a negative or adverse environmental impact attributable to the Culebra Segment program as growth and development would occur anyway. The Culebra Segment program will insure that these determinations are based on sound information and processes which reflect the value of the natural environment. Its process for determining where development should go, as well as where it should not, can be environmentally beneficial, for the designation of specific areas for development will focus and restrict such activities to carefully chosen sites. This will reduce the development pressures on environmentally sensitive or valuable areas, and will also serve to reduce urban sprawl with its variety of induced impacts. It should help reduce conflict between public and private interests by identifying planning constraint and opportunities so that developers can make their development decisions within the context of the appropriate public interest and environmental considerations.

Protection of some natural areas may mean that resources there, such as sand or minerals, could not be fully utilized or exploited. In Culebra so far no mineral resource has been identified. But even if so a Commonwealth permit would be required before any mining could be done.

Because the designation of coastal lands as suitable or unsuitable for development will restrict or reduce the development potential of some properties and enhance the same potential in others, property values and ultimately property tax revenues may be affected. Problems of equity will always be an issue in any attempt to control or change land uses. The CZI program is a strong impetus to the development of effective strategies to deal with the legal and financial problems associated with land use control. Without a great deal of experience it is difficult to assess the magnitude of such an impact. Potentially the result might be a displacement of property values (losses in some areas and gains in others) more than a net loss or gain. The most adversely affected sector will be the land speculators. It is also probable that such changes will be short-term only, and that with insured protection of use and enhanced protection of the coastal amenities the long-term property values in the coast will increase.

As indicated earlier, however, because the supply of developable lands would be reduced, their value and taxes would increase. Further, as the coastal aesthetic and resource amenities are protected and preserved adjacent properties will become more desirable for residential and recreational uses. The higher value of these lands would result in a positive effect on the tax base, which may fully compensate for anticipated tax losses. A potential negative impact from increased property values and taxes will occur to the extent that it changes patterns of land ownership by pricing the local population out of the land market.

The restriction on land use imposed by classification, and the requirements to reduce negative visual and environmental impacts of development and coastal activities, may increase operating or capital costs for some operations. These will be balanced by public gains from the continued protection or enhancement of the coastal resources. To the extent they occur such losses really reflect the external costs of such operations, which have traditionally been born by the public but which are now, by regulatory authority, being charged to the responsible party.

The impact of restricted uses on the distribution of people in coastal areas may be significant. To the extent that future residential subdivisions and multi-family dwellings are prohibited from specific areas population densities may shift. There may be some impact on employment patterns due to restrictions on the location of, and conditions placed upon, developments which are significant employers. The distribution of population would change as a result of changes in employment pattern. The program is intended to protect water dependent uses and coastal resources. This would result in the protection enhancement and long term productivity of commercial and sport fishing industries, and the continuation of other water dependent industries.

The Culebra Segment of the Puerto Rico's coastal zone program will be implemented through the existing management structure of laws and institutions. The Planning Board under the Governor's Office and the Department of Natural Resources, existing cooperative agreements between Commonwealth regulatory agencies, technical teams, and active citizens advisory committees are all necessary links in operating an effective land and water use management system.

This interagency and intergovernmental coordination will help overcome the problems arising from the traditional inability to evaluate land and water issues in a framework that transcends disciplines and institutional boundaries. It should facilitate the flow of information, reduce conflict, duplication and counter productive activities and encourage a unification of policies and activities which work together toward wise coastal zone management.

V. PROBABLE ADVERSE ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED

The overall assessment of the probable effects indicate that the Culebra Segment, coastal zone management program is environmentally beneficial. However, a number of potential adverse impacts can be identified.

The administration of the Culebra CZM program, the coordinating mechanisms it applies, and the plans which will develop under the program will assure that some areas will be developed more fully and more swiftly than if development were to proceed in a fragmented, less controlled fashion. This might result in the loss of environmental amenities associated with those resources. This will be offset by a corresponding increased protection of other areas and resources.

The same program, regulations and plans will reduce or restrict the usability of some lands; this may result in diminished value for some coastal property, with a loss to the property owner and a decrease in property taxes.

Resource extraction or exploitation may be restricted or prohibited in some of coastal lands.

Finally, population growth will be limited to specific areas, with the result that will ultimately become more densely concentrated.

VI. RELATIONSHIP BETWEEN LOCAL SHORT-TERM USES OF THE ENVIRONMENT AND THE MAINTENANCE AND ENHANCEMENT OF LONG-TERM PRODUCTIVITY

While approval of the proposed Culebra Segment, coastal zone management program will restrict local, short-term uses of the environment, it will also

provide a long-term assurance that the natural resources and benefits provided by the Culebra coast will be available for future use and enjoyment. This theme is central to the state and Federal CZM programs.

Without the implementation of rationally based land and water use management programs intense short-term uses and gains, such as provided by residential or industrial development, might be realized. However, such uses would most likely result in long-term restrictions on coastal resource use and benefit because of degradation of the environment. Without proper management the traditional conflicts between coastal resource users — residential, commercial, industrial, recreational, and wildlife — could be expected to occur.

By providing a sound basis for decision-making, and by protecting the important segments of the natural system, the management program will directly contribute to the long-term maintenance of the environment.

VII. IRREVOCABLE OR IRRETRIEVABLE COMMITMENTS OF RESOURCES THAT WOULD BE INVOLVED IN THE PROPOSED ACTION SHOULD IT BE IMPLEMENTED

The Culebra Segment, coastal zone management program, as explained in the program itself, overriding factor is preservation and conservation of the natural environment. Population and industrial growth, as mentioned earlier, is to be concentrated in the existing population centers. This might cause the loss of some environmental resource along the coastline of those areas. In these areas development would occur even in the absence of program approval but the Culebra Segment, CZM program will channel such activity as to lessen the impact upon Culebra's natural resources.

TERRENOS ACTUALMENTE ADMINISTRADOS POR LA MARINA (INCLUYENDO TERRENOS ARRENDADOS A PUERTO RICO Y TERRENOS A SER RETENIDOS O DECLARADOS EXCESO POR LA MARINA)

FARO DE LA GUARDIA COSTANERA

TERRENOS ANTERIORMENTE ADMINISTRADOS POR LA MARINA:

ACTUALMENTE ADMINISTRADOS POR LA ASG PARA SER TRANSFERIDOS AL DEPARTAMENTO DEL INTERIOR DE LOS ESTADOS UNIDOS Y AL E.L.A.

ACTUALMENTE ADMINISTRADOS POR LA ASG A SER TRANSFERIDOS PARA USO DEL AEROPUERTO

DEVUELTOS A PUERTO RICO DESPUES DE TERMINADO EL ARRENDAMIENTO

PRESENT NAVY LAND (INCLUDING LANDS LEASED TO P.R. AS WELL AS LAND TO BE RETAINED OR DECLARED EXCESS BY NAVY)

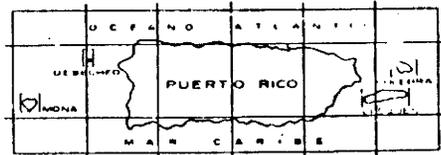
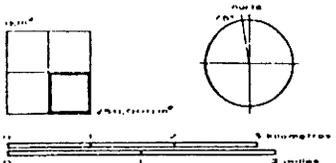
COAST GUARD LIGHT HOUSE

FORMER NAVY LAND

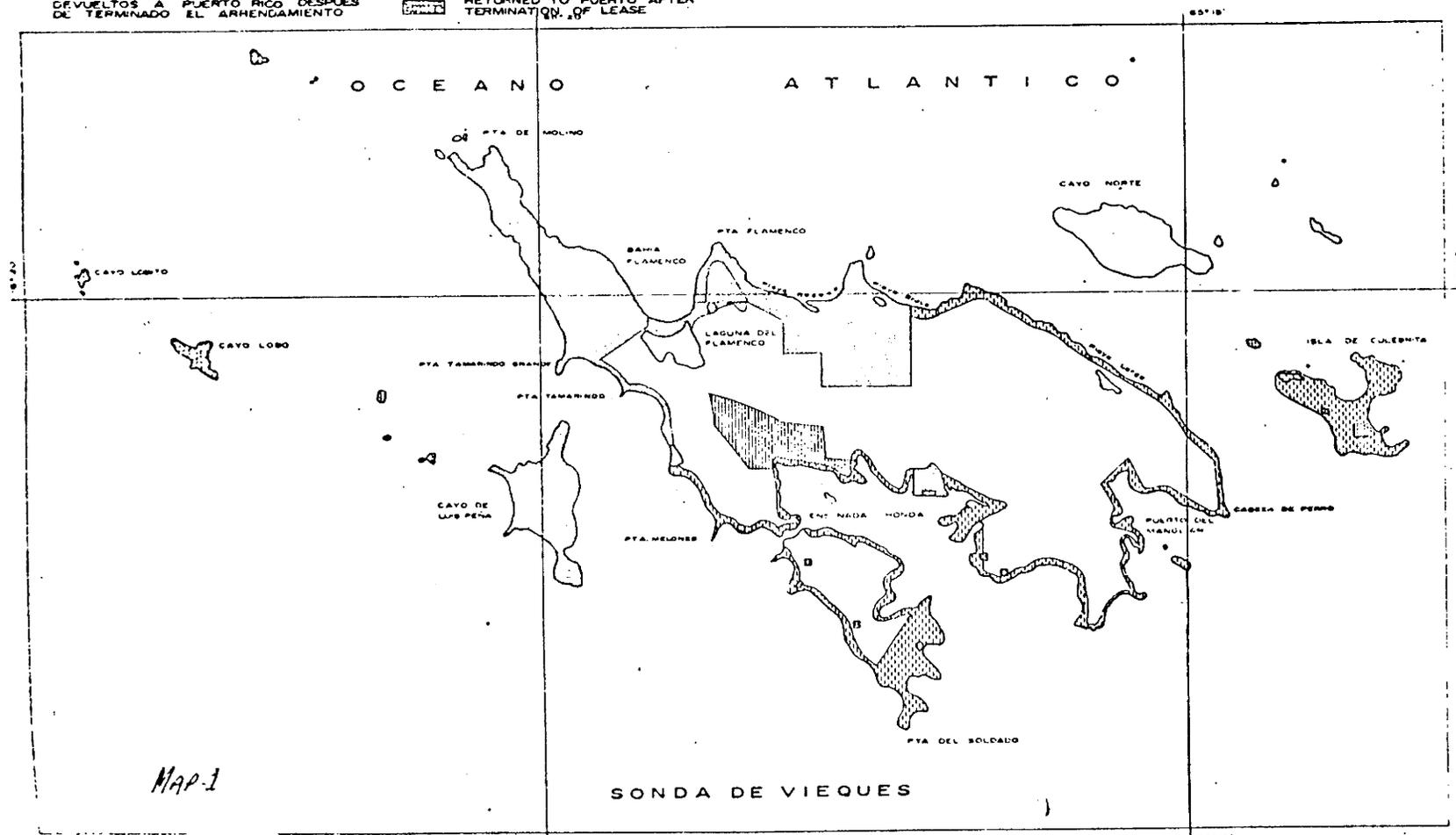
NOW HELD BY G.S.A. FOR DISPOSAL TO THE U.S. DEPT. OF THE INTERIOR AND THE COMMONWEALTH OF P.R.

NOW HELD BY G.S.A. TO BE TRANSFERRED FOR AIRPORT USE

RETURNED TO PUERTO RICO AFTER TERMINATION OF LEASE



MAPA DE LOCALIZACION

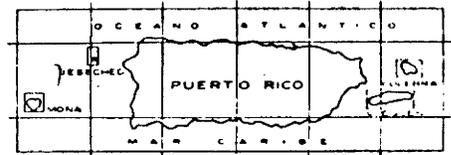
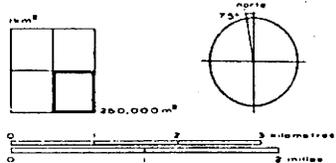


MAP-1

CULEBRA E ISLAS ADYACENTES

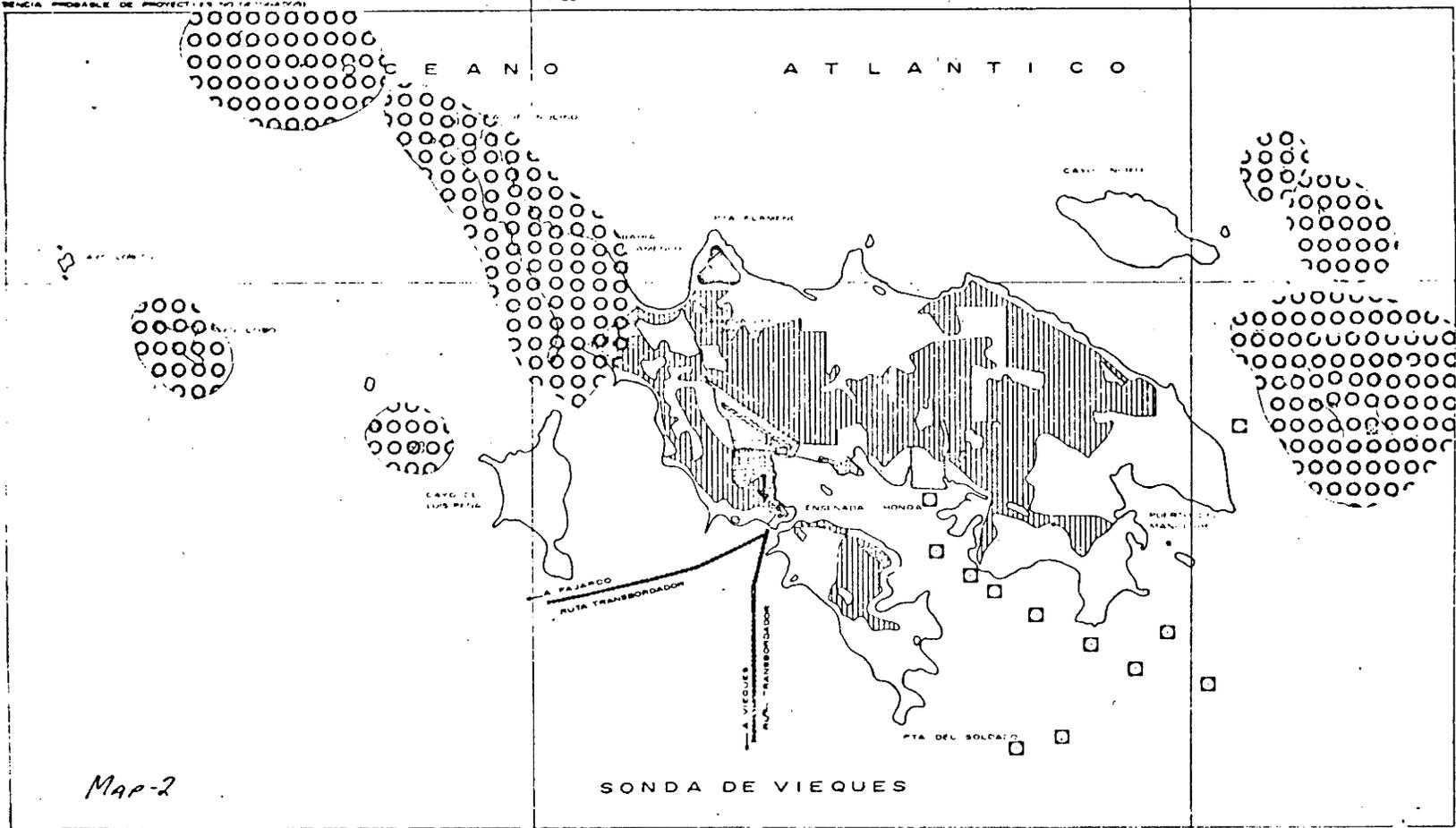
TERRENOS FEDERALES EN CULEBRA
FEDERAL LAND IN CULEBRA

- | | | |
|-------------------------------|--|--------------------------------|
| COMUNICACION Y TRANSPORTACION | | COMMUNICATION & TRANSPORTATION |
| BOSQUES Y ESPACIOS ABIERTO | | FOREST AND OPEN SPACE |
| RECREACION LIBRE | | RECREATION |
| AGRICULTURA | | AGRICULTURE |
| RESIDENCIAL | | RESIDENTIAL |
| COMERCIAL | | COMMERCIAL |
| INDUSTRIAL | | INDUSTRIAL |
| PUBLICO | | PUBLIC |
| URBANO | | URBAN |
| MILITAR | | MILITARY |
| BOYAS | | BOUYS |



AREAS ANTERIORMENTE UTILIZADAS COMO BLANCO MILITAR DE PRACTICA (PRESENCIA PROBABLE DE PROYECTILES NO IDENTIFICADOS)

FORMER MILITARY TARGET PRACTICE AREAS (UNEXPLODED ORDNANCE PROBABLY PRESENT)



MAP-2

CULEBRA E ISLAS ADYACENTES

INVENTARIO DE ALTERACIONES SIGNIFICATIVAS HECHAS POR EL HOMBRE
INVENTORY OF SIGNIFICANT MAN-MADE FEATURES

NECESIDAD SINGULAR DE VIGILANCIA CONTINUA (REEFS DE CORAL - MANGROVES)



PARTICULAR NEED FOR CONTINUING SURVEILLANCE (REEFS - MANGROVES)

CONFLICTO POTENCIAL: RECREACION - PRESERVACION DE AREAS NATURALES

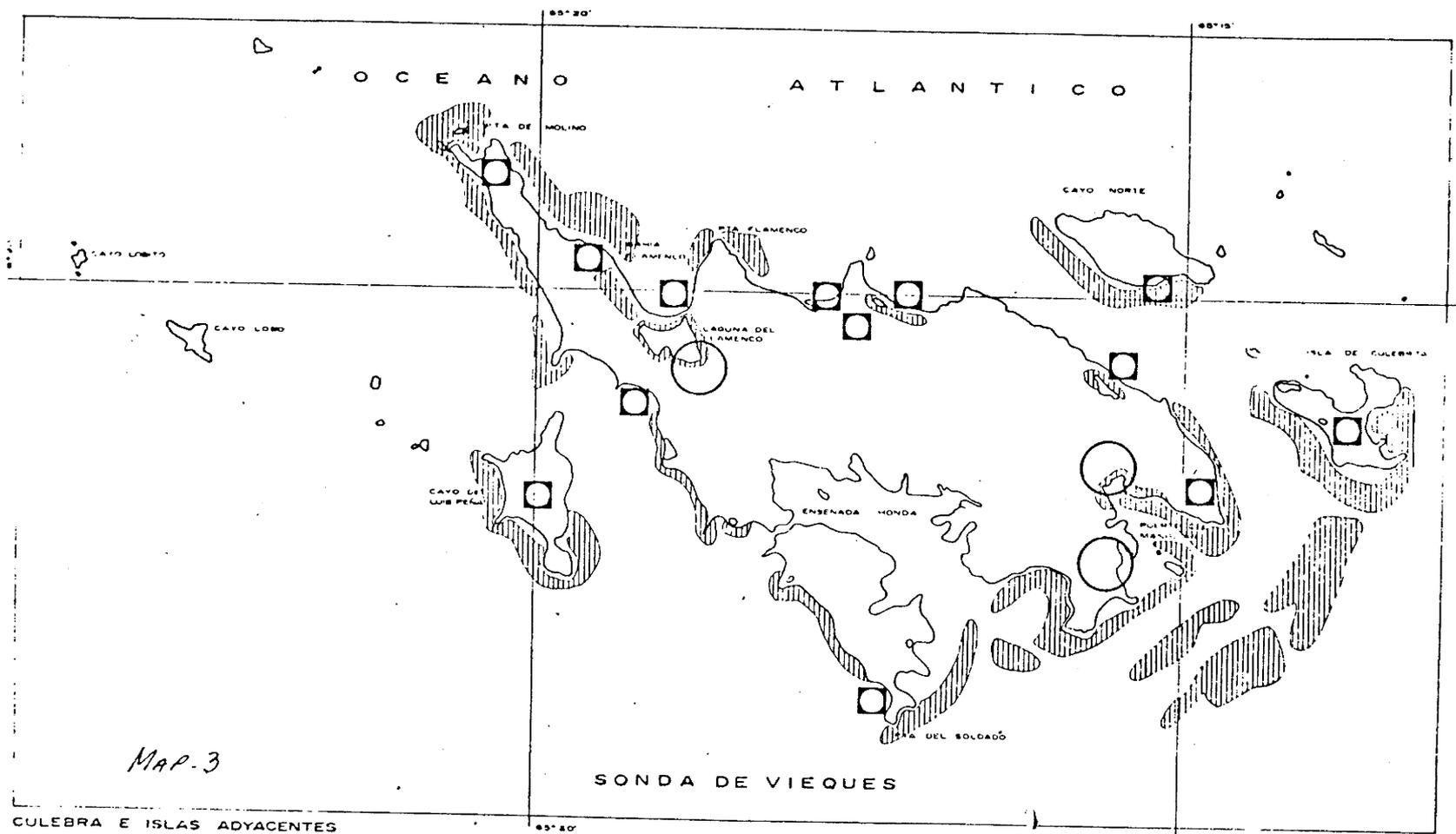
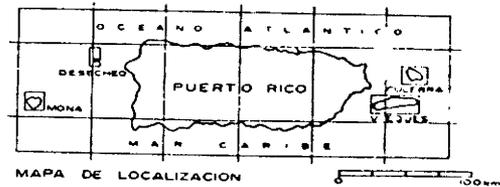
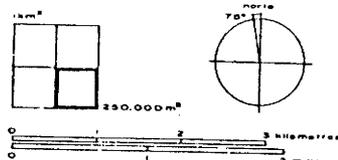


POTENTIAL CONFLICT RECREATION - NATURAL AREAS PRESERVATION

CONFLICTO POTENCIAL: DESARROLLO - PRESERVACION DE AREAS NATURALES



POTENTIAL CONFLICT: DEVELOPMENT - NATURAL AREAS PRESERVATION



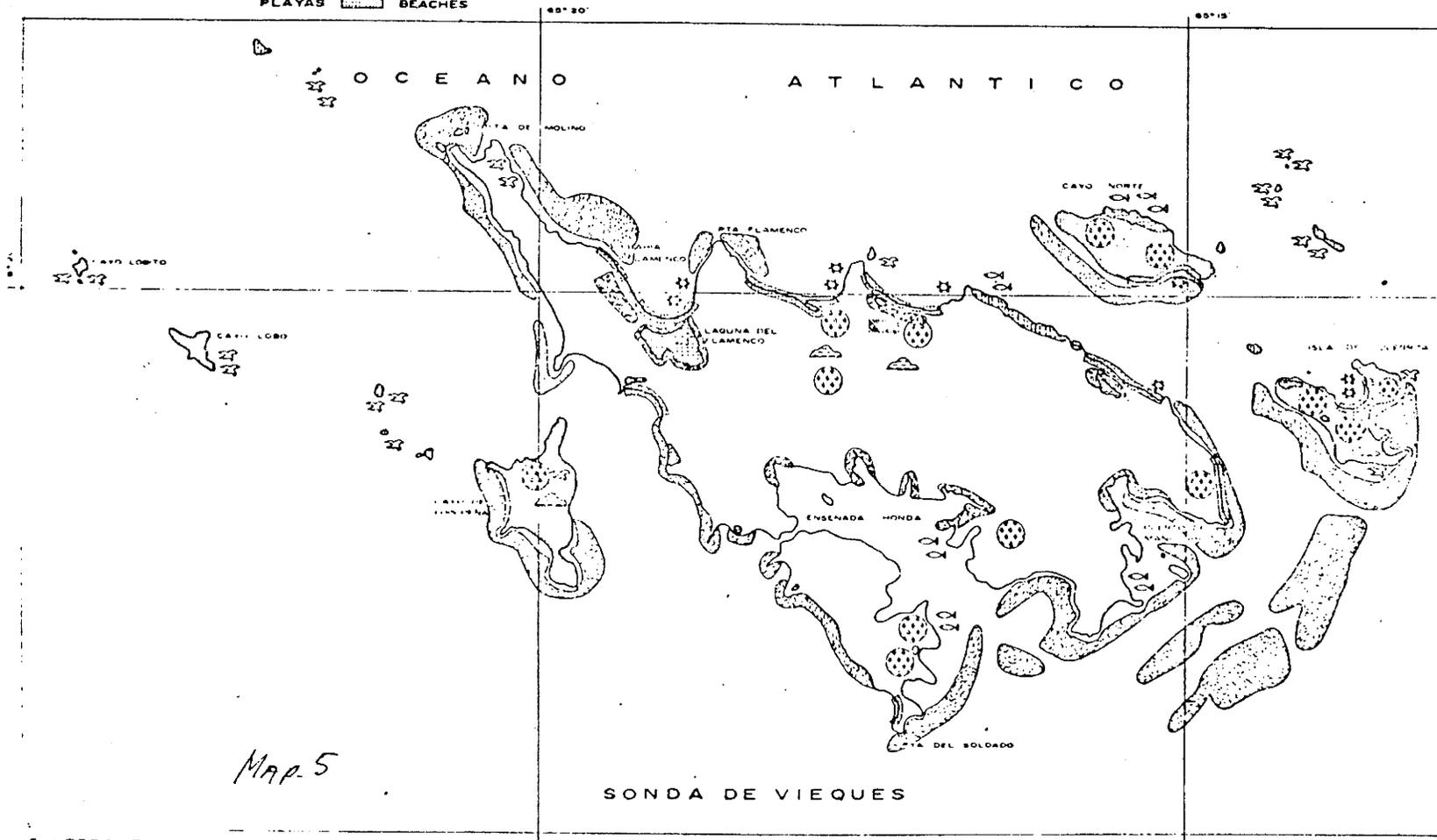
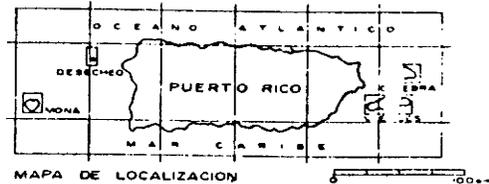
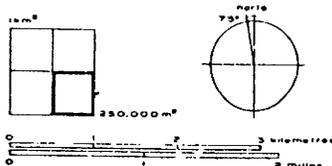
MAP-3

CULEBRA E ISLAS ADYACENTES

ESTADO LIBRE ASOCIADO DE PUERTO RICO
 GOVERNMENT OF PUERTO RICO
 DEPARTMENT OF NATURAL RESOURCES
 DIVISION OF CONSERVATION

AREAS GEOGRAFICAS DE INTERES SINGULAR
 (EN ADICION A AQUELLAS INDICADAS EN EL MAPA DE AREAS PARA RESTAURACION Y PRESERVACION)
 GEOGRAPHIC AREAS OF PARTICULAR CONCERN
 (IN ADDITION TO THOSE IDENTIFIED ON MAP OF AREAS FOR PRESERVATION AND RESTORATION)

- | | | |
|--------------------------------|--|----------------------------|
| FORMACIONES ROCOSAS SINGULARES | | UNIQUE ROCK FORMATIONS |
| ISLAS Y CAYOS ADYACENTES | | OFF SHORE ISLANDS AND KEYS |
| CONCENTRACION DE PECES | | FISH CONCENTRATIONS |
| BAHIA BIOLUMINISCENTES | | BIOLUMINESCENT BAY |
| ARRECIFES DE CORAL | | CORAL REEFS |
| HABITAT DE PAJAROS | | BIRD HABITATS |
| VEGETACION SINGULAR | | UNIQUE VEGETATION |
| MONTAÑA PRINCIPAL | | MAIN MOUNTAIN |
| NIDOS DE TORTUGAS | | TURTLE NESTS |
| MANGLARES | | MANGROVES |
| LAGUNAS | | LAGOONS |
| BOSQUES | | FORESTS |
| PLAYAS | | BEACHES |

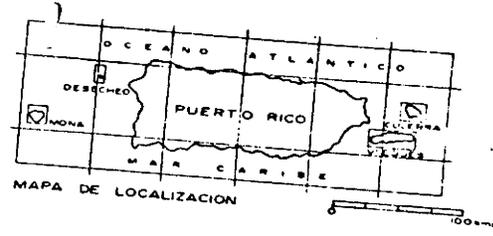
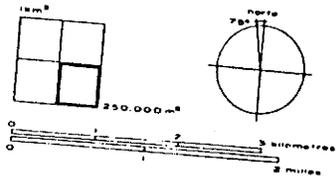


MAP. 5

COLEBRA E ISLAS ADYACENTES

INVENTARIO DE RECURSOS NATURALES COSTANEROS SIGNIFICATIVOS
INVENTORY OF SIGNIFICANT COASTAL NATURAL RESOURCES

TERRENOS FEDERALES  FEDERAL LANDS

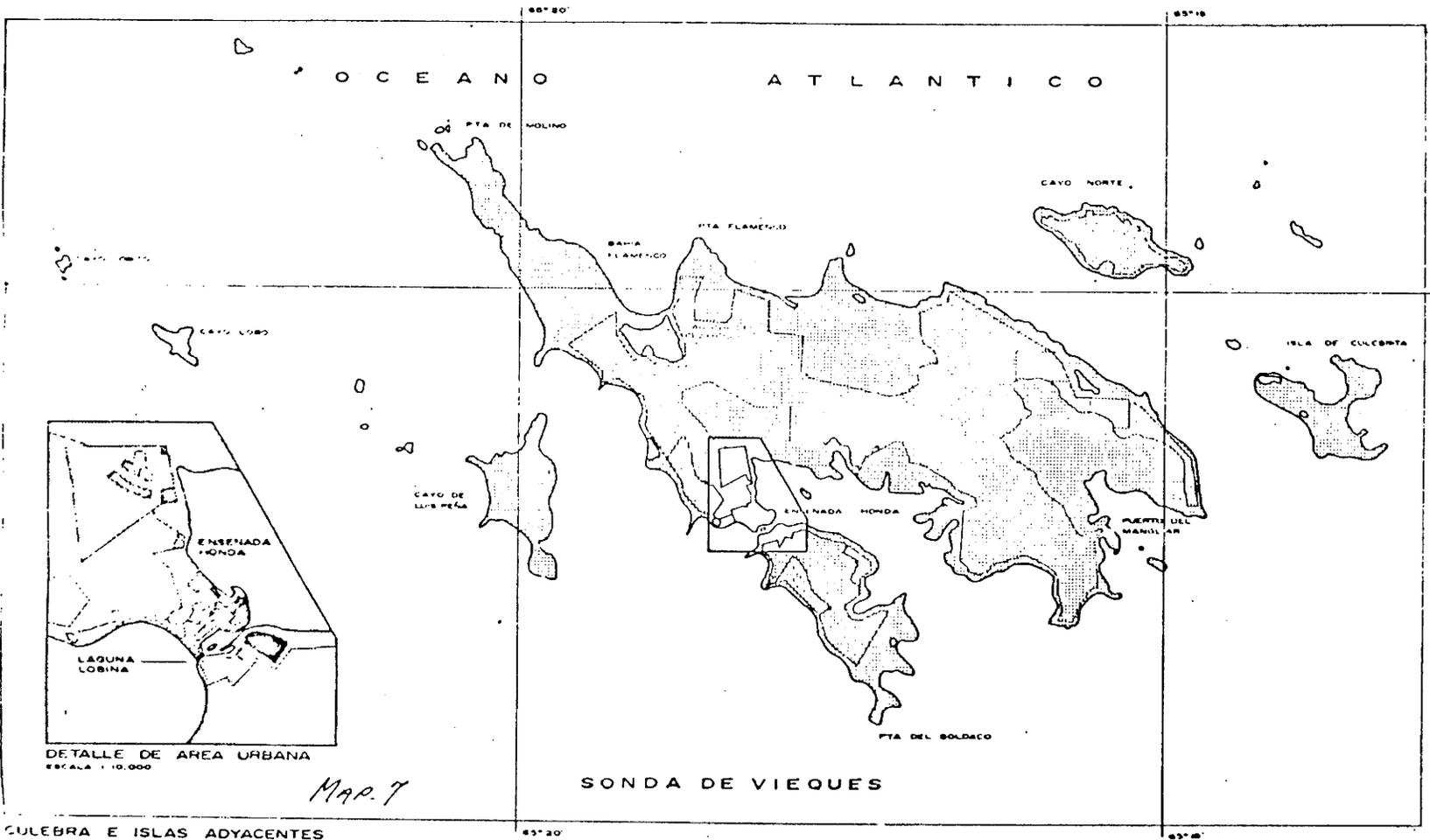
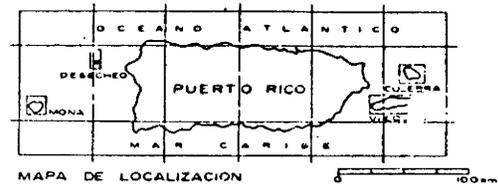
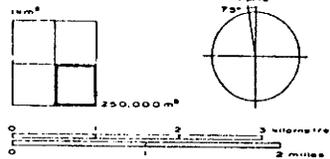


MAP-6

CULEBRA E ISLAS ADYACENTES

TERRENOS FEDERALES EXCLUIDOS
EXCLUDED FEDERAL LANDS

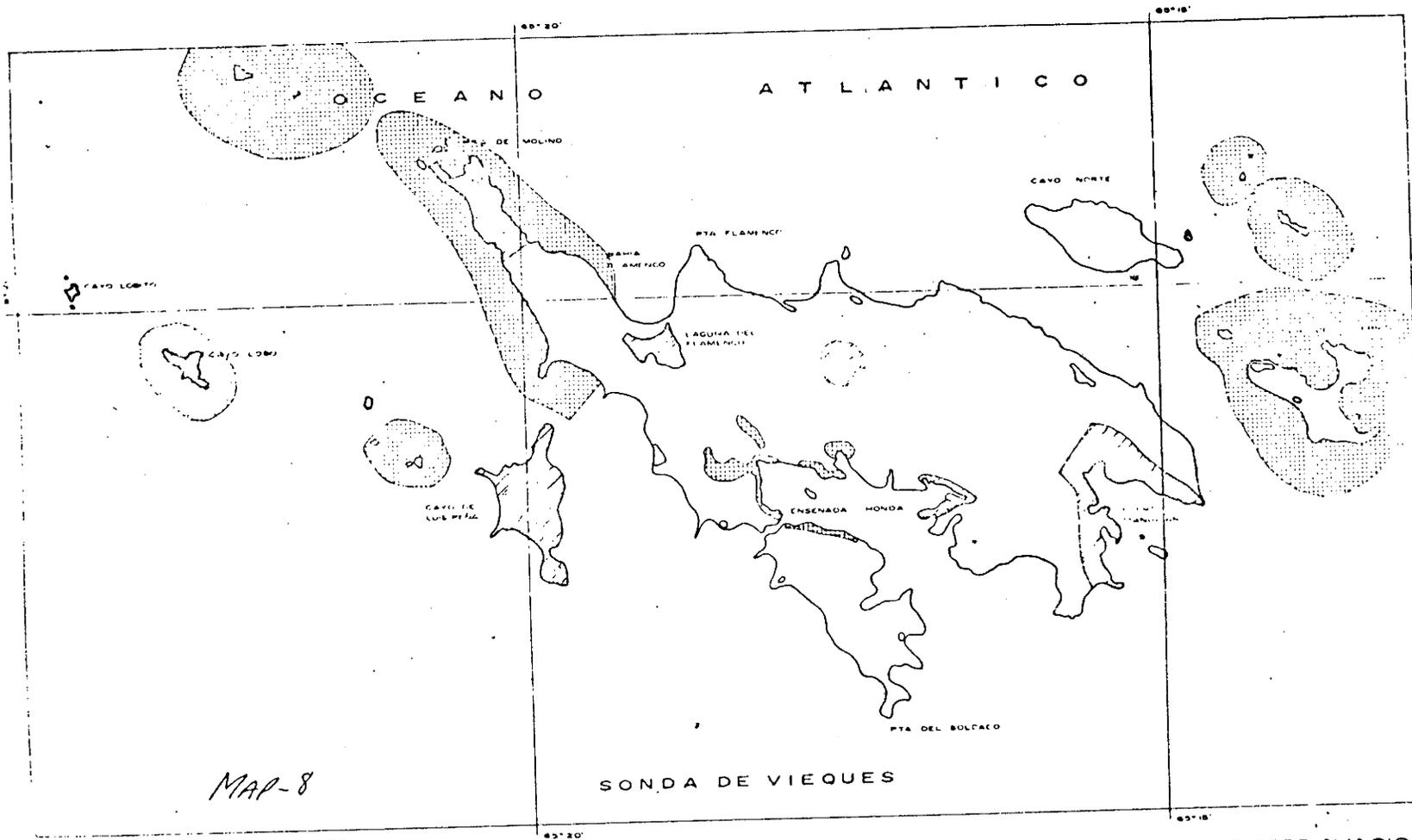
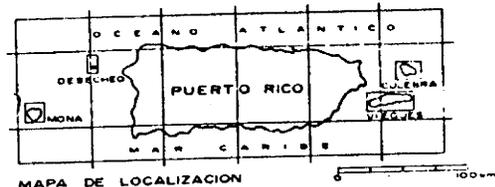
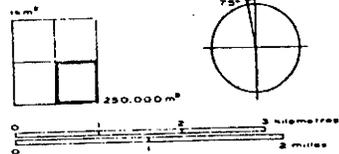
- | | | | |
|--------|---|---|--|
| RO25-C | RESIDENCIAL RURAL (FAMILIA POR CADA 25 CUERDAS) |  | RURAL RESIDENTIAL (FAMILY PER EACH 25 CUERDAS) |
| RO1-C | RESIDENCIAL RURAL (FAMILIA POR CUERDA) |  | RURAL RESIDENTIAL (FAMILY PER CUERDA) |
| R-3 | RESIDENCIAL EN SOLARES DE 300MTS. O MAS |  | RESIDENTIAL LOTS OF 300MT. OR MORE |
| C-3 | COMERCIO CENTRAL |  | CENTRAL COMMERCE |
| I-1 | INDUSTRIA LIVIANA |  | LIGHT INDUSTRY |
| C-1 | COMERCIO LOCAL |  | LOCAL COMMERCE |
| P | PUBLICO |  | PUBLIC |



CULEBRA E ISLAS ADYACENTES
 ESCALA 1:10,000

ZONIFICACION DE CULEBRA (ZONING MAP)

AREAS PARA RESTAURACION  AREAS FOR RESTORATION
 AREAS PARA PRESERVACION  AREAS FOR PRESERVATION



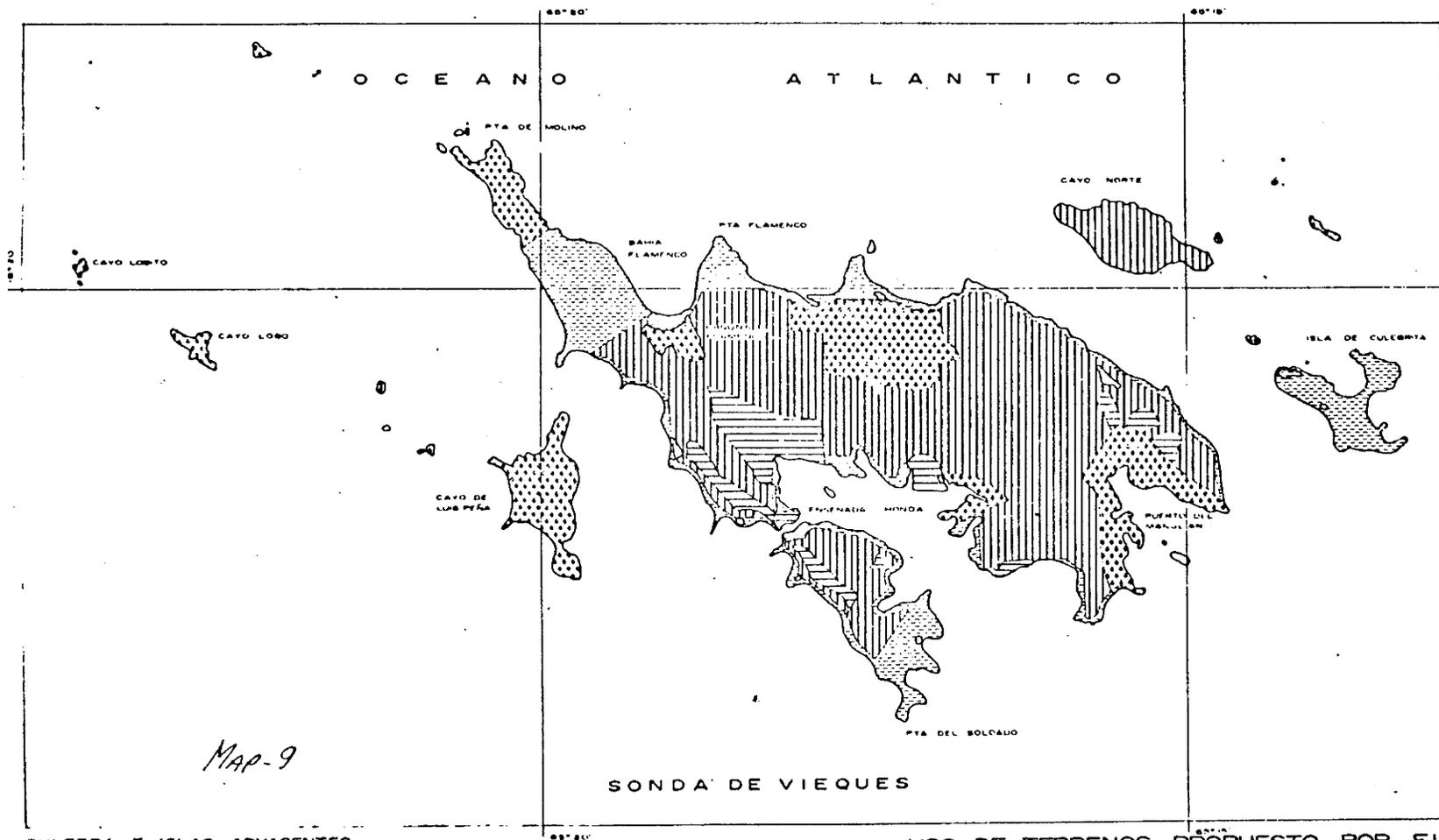
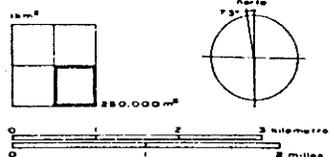
MAP-8

CULEBRA E ISLAS ADYACENTES

ESTADO LIBRE ASOCIADO DE PUERTO RICO
 GOBIERNO DE PUERTO RICO
 DEPARTAMENTO DE RECURSOS NATURALES Y AMBIENTE
 DIVISION DE RECURSOS MARINOS Y PESQUERIAS

AREAS PARA RESTAURACION Y PRESE RVACION
 AREAS FOR PRESERVATION AND RESTORATION

DESARROLLO (URBANO, TURISMO)		DEVELOPMENT (URBAN, TOURISM)
AGRICULTURA Y CONSERVACION		AGRICULTURE & CONSERVATION
REFUGIO DE VIDA SILVESTRE		WILDLIFE REFUGE
RECREACION		RECREATION



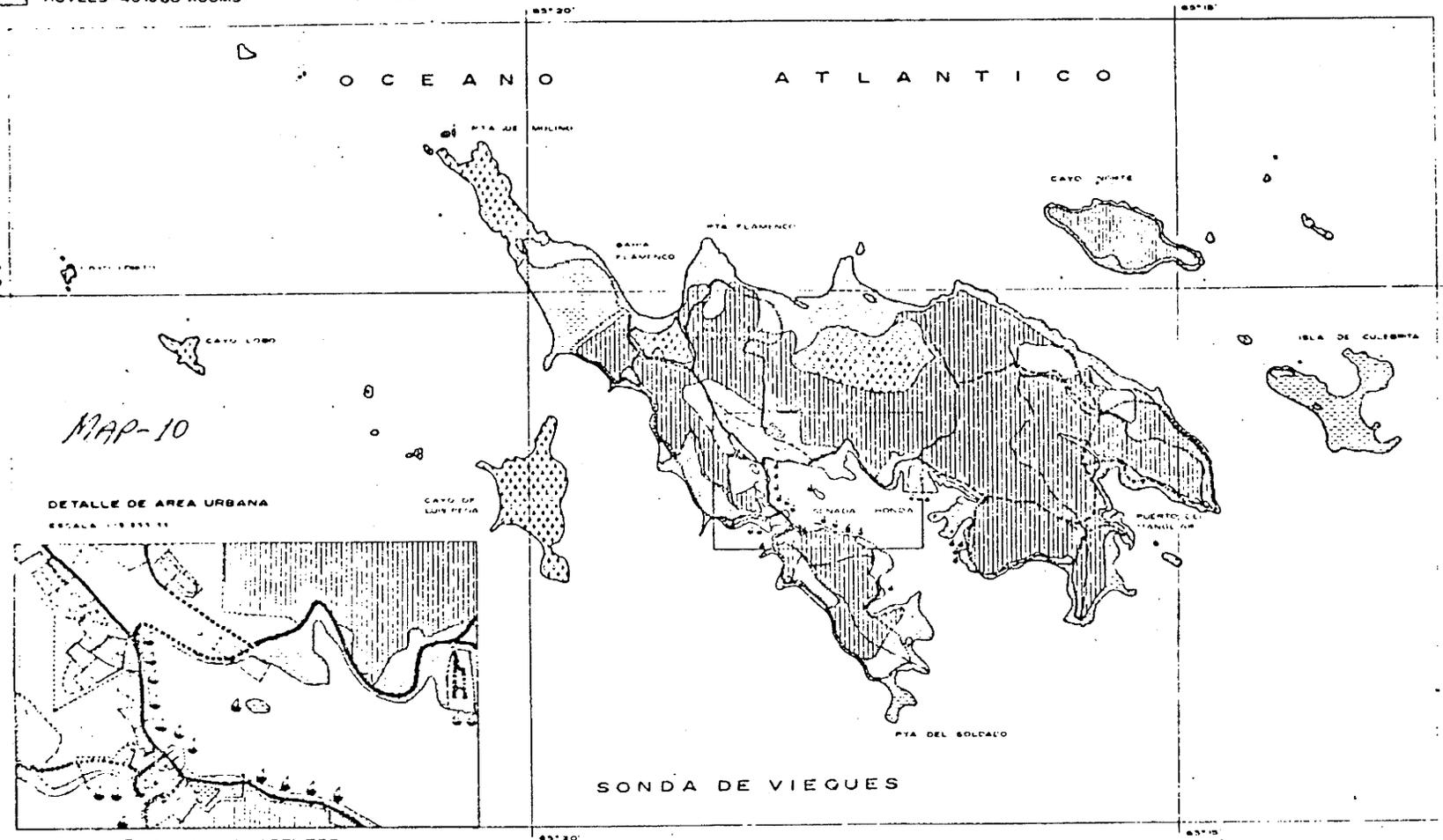
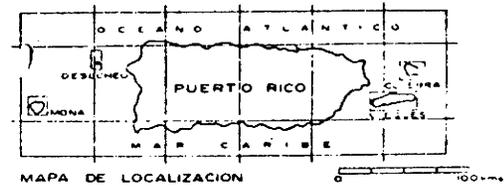
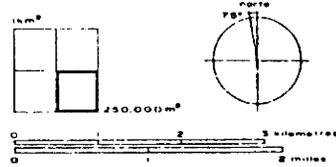
MAP-9

CULEBRA E ISLAS ADYACENTES

USO DE TERRENOS PROPUESTO POR EL
 INFORME CONJUNTO EN OCTUBRE DE 1973
 FUTURE LAND USE AS PROPOSED BY THE JOINT REPORT
 OCTOBER 1973

- PUBLIC CONSERVATION RECREATION
- PUBLIC PRESERVATION
- INSTITUTIONAL
- AGRICULTURE
1 UNIT X 25 cds.
- RESIDENTIAL-RECREATIONAL
1 UNIT X cds.
- RESIDENTIAL-RELOCATION OF 6 UNITS cds SQUATTERS
- RESIDENTIAL
- RESIDENTIAL-URBAN GROWTH
- HOTELS-40 to 60 ROOMS

- INDUSTRIAL
- COMERCIAL
- POTENTIAL BOAT MOORING AREA
- LOCAL RESIDENTS
- PAVED ROADS
- PROPOSED PAVED ROADS
- UNPAVED ROADS
- BOARD WALK
- URBAN ZONE LIMIT
- HIGHEST SLOPE LIMIT



CULEBRA E ISLAS ADYACENTES

MASTER PLAN FOR CULEBRA
FUTURE LAND USE-1990