

(S. B. 68)

(No. 133)

(Approved July 1, 1975)

AN ACT

To enact the Puerto Rico Forest Act, to repeal Acts Nos. 22 of November 22, 1917, as amended; Act No. 19 of May 28, 1925, as amended; Act No. 38 of April 25, 1930, as amended; Act No. 39 of April 25, 1930; Act No. 307 of April 13, 1946 and Act No. 149 of May 9, 1945.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- Short Title

This act shall be known as-"Puerto Rico Forest Act".

Section 2.- Forest Policy

It is hereby declared that the forest public policy of the Commonwealth of Puerto Rico, is the following:

A-Forests are a natural and unique resource because of their capacity to preserve and restore the ecological balance of the environmental surroundings; they conserve the soil, water, flora and fauna; they supply timber products; they provide a wholesome environment for outdoor recreation and for the spiritual inspiration and relaxation of man, and forestry provides a rural source of employment. Forests constitute, therefore, an essential heritage, which demands

27. U.S. Water Resources Council - April 1978 - Preliminary: For Review. The Nations Water Resources, Caribbean Region (21), The Second National Water Assessment - 101 pp.
28. Wadsworth, Frank H. - 1971 - Import Substitution, Forestry, - Industrial Puerto Rico, Sept.-Oct. 1971
29. Wadsworth, Frank H., ITF, SEFES, USDA-FS, - 1977 - Timber - A paper prepared for the Advisory Committee of the P.R. Dept. of Agriculture
30. Wadsworth, Frank H. and Schubert, Thomas H. - Feb. 1977 - Especies Adaptables A Suelos Forestales dispouibles en P.R. - Revista/Review Inter americana Vol. VII, No. 2, Summer 1977, 320-332 pp.

their maintenance, conservation, protection and expansion in order to secure their full benefit and enjoyment for this generation, as well as a legacy for future generations.

B-Forest products and benefits shall be used wholly and efficiently for the purpose of prolonging their utility.

C-Forest lands belonging to the Commonwealth in which the products, services and utilities mentioned constitute their real value or highest potential shall be declared and designated as Commonwealth Forests and they shall be kept forested, developed and managed rationally in order to obtain the maximum and continuous yield of these products, services and utilities.

D-The owners or assignees of forest lands privately owned should contribute, within their , of possibilities, to maintain and preserve the forest, thus preventing that they be unnecessarily destroyed or eliminated or that they be devoted to a use of less necessity than forests.

E-It shall be the responsibility of the Government to develop and establish the necessary measures for forest conservation and promote private initiative to such purposes.

Section 3.- Public Lands for Commonwealth Forests

A-The Governor, with the recommendation of the Secretary of Natural Resources, after a public hearing of the interested parties, may from time to time, designate as Commonwealth

forests any Commonwealth land which he may deem is more suitable for forestry purposes than for other purposes, including tax-title lands.

B-The Governor, with the recommendation of the Secretary of Natural Resources and of the Environmental Quality Board, and after public hearings, may revoke, modify or suspend any order or proclamation which designates such lands as Commonwealth Forests, whenever such lands are to be used for any essential public use, and only if there are no other more suitable alternatives for using other lands that are not Commonwealth Forests, for such purpose. In such cases in which land must be transferred from the Commonwealth Forest system to be used for some other purpose of public utility by another agency or instrumentality of the Government, as indicated, the system shall be compensated as may be determined by the Secretary of Natural Resources either with an area of at least equal value suitable to forestry or by monetary compensation on the basis of its fair market value. The amount of such monetary compensation shall be entered into the Forestry Development Special Fund created herein, and it shall be used solely and exclusively for the acquisition of forest lands which shall form a part of the Commonwealth Forest System.

D-The Secretary of Natural Resources shall have under his custody and control all the Commonwealth Forests. He shall take care, custody and manage them, shall enforce the provisions of laws and regulations relating to the Commonwealth Forests, shall prosecute the violators thereof and shall maintain and improve the Commonwealth Forests in order that they may provide the products and services herein set forth in harmony with the public policy established.

E-The Secretary of Natural Resources may and is hereby authorized to require the Secretary of Transportation and Public Works, when the public interest so requires, to proceed to demarcate, boundary corners^{on} any Commonwealth forest or of any tract, parcel or limit of land acquired as Commonwealth forest land under any of the provisions of this act, and it shall be the duty of the above-named official to comply with such request; provided, that no duplication of work shall be caused by such demarcation. The cost of such demarcation shall be defrayed from the then current legislative appropriation for the carrying out of the general purposes of this act or from any other moneys available for expenditure by the Secretary of Natural Resources for such purpose.

Section 4. Forest Service

There is hereby created the Puerto Rico Forest Service under the direction and supervision of the Secretary of

C-The Secretary of Natural Resources, on behalf of the Commonwealth of Puerto Rico may acquire by purchase, donation, legacy, exchange, condemnation or otherwise, from any natural or juridical person, agency, instrumentality or municipality of the Commonwealth or of the United States Government, such lands which because of their location, physical, topographical or geological characteristics are essentially valuable for forestry use--including the development and protection of watersheds erosion and recreation control or forest administrative purposes. Lands already acquired or which may be acquired for forestry purposes shall be designated Commonwealth Forests.

Nothing herein contained shall be construed in the sense of interfering or being in conflict with any vested right by virtue of any grant or grants, lease or leases, license or licenses appertaining to or concerning any government land or water rights or right of way that may hereafter be made. Any title or interest in any of such lands designated or acquired in accordance with this act may not be acquired by any government or municipal agency or entity by condemnation proceedings in the exercise of said right of eminent domain against the Secretary of Natural Resources or the Commonwealth of Puerto Rico in regard to all lands included in said forests.

Natural Resources, which service shall comprise the powers and duties herein set forth.

Section 5. Personnel of the Forest Service

A-The Secretary of Natural Resources is empowered to appoint a Chief of the Forest Service. Said Chief shall be the executive officer of the Service, and shall be charged with the immediate direction and control (subject to the supervision and approval of the Secretary of Natural Resources) of all matters relating to forestry and such other matters as the Secretary of Natural Resources may entrust to him.

The Chief of Forest Service shall have completed a full course of studies in an accredited university or college obtaining a bachelor's degree or a higher degree with specialty in forestry or agricultural sciences.

The candidate shall have at least three years' experience as supervisor, whether in forestry or agronomy, clearly showing that he has acquired the knowledge, skill and ability necessary to assume the responsibility of the office.

B-The Secretary of Natural Resources is authorized to establish the internal organization of the Forest Service and to appoint all the necessary personnel and to define the duties of that personnel.

The forest rangers shall have police powers concerning all matters relating to or connected with the forests and the

enforcement of any of the provisions of this act and of the regulations which by virtue thereof are promulgated by the Secretary of Natural Resources.

Section 6. Duties and Powers of the Secretary of Natural Resources.

The Secretary of Natural Resources shall have, among others, the following duties and powers:

A Supervision of the personnel, the appropriations and of the expenditures

1- To procure the necessary funds and administer the same in order to achieve an effective functioning of the Forest Service pursuant to the provisions herein, including the necessary funds for permanent improvement and for special programs or activities.

2 To supervise the use of funds appropriated for the operation of the Forest Service, including the special fund herein provided.

3- To provide such buildings, machinery, facilities, equipment and materials for the Forest Service as may be necessary and proper for the protection, use and extension of the forests and of the resources and forest products.

B--Forestation

1- To encourage forest and tree planting and reforestation. For such purposes the Secretary of

Natural Resources shall produce trees and establish, protect and preserve the planting of such trees on land of public ownership. Likewise he shall provide seeds and plants and offer technical assistance free of charge for the planting, reforestation, protection and conservation of timber forests on lands privately owned. Furthermore, he may assist, cooperate and agree with other government agencies and private persons on the use of trees for forestation and rural and urban ornamentation under such terms as in his judgment will best serve the public interest, advancing forestry development in accordance with the purposes of this act.

2- To plant, establish, protect and preserve trees, shrubs or such other plants as may be proper for such purpose within the limits of public or private lands when he deems that the products and services to be provided by such vegetation are critical to the public interest if such need can not be

satisfied within a reasonable time in any other way; provided that the planting of trees within the limits of any private lands under this provision shall not be carried out by the Secretary until and after the expiration of thirty days of the service of notice and of having given the parties concerned an opportunity to be heard in their favor. The Secretary of Natural Resources may, upon declaration of public utility, and pursuant to the existing laws, acquire such private lands or pay a fair rental to the landowner for the use of the land.

3- To produce or acquire, by any lawful means, such trees, plants and shrubs and their seeds, cuttings, or other materials by which they may be promulgated, and to sell or otherwise dispose of the propagation materials so produced or acquired under such terms and conditions as in the judgment of the Secretary may best serve public interest.

C- Technical Investigations, Studies and Promotion.

1- To conduct the necessary studies to develop and make public the most suitable techniques for reforestation, management of forests and use of forest products; provided, that to carry out this provision, the Secretary of Natural Resources may contract and cooperate with private individuals and public and private agencies, organizations and institutions and may receive donations from cooperators under such conditions as he may deem reasonable. Donations in cash for this purpose shall be covered into the special fund provided hereunder and shall be available until expended as agreed upon.

2- To carry out educational programs to encourage public interest in forestry, by giving information of a general or specific character concerning it through any appropriate means of publicity. To this end the Secretary of Natural Resources shall collaborate with public and private agencies and instrumentalities.

D- Care and Management of Commonwealth Forests

1- To permit in the Commonwealth Forests such use of land as may be compatible with the development of the maximum and continuous yield of any forest product, service and utility, under such conditions as

may protect the public interest as well as with due regard to environmental quality.

2- To provide the products and services of the Commonwealth Forests, uninterruptedly or without sacrificing the main objects and services for which said Forests are maintained. To this end the Secretary of Natural Resources is hereby authorized to:

a- Dispose of by sale, license, permit or any other appropriate means, any timber, wood, gum, forage or any other forest product on the land, except minerals. Any sale of any of said forest products, the value of which exceeds one thousand (1,000) dollars may be made by calling bids previously advertised in a newspaper of general circulation in Puerto Rico; provided that such forest products the value of which is less than one thousand (1,000) dollars may be sold directly at the reasonable price to be fixed by the Secretary of Natural Resources. Nor shall it be necessary to call for bids for the sale and disposal of forest products to be used by or in connection with any public works improvement program for the benefit of a federal, commonwealth or municipal government agency.

b- Subject to his supervision and regulation, at a reasonable charge, and at intervals of not more than fifteen years, under such terms and conditions as he may prescribe, he may lease or otherwise grant, under limited permit the use by public or private agencies or natural or juridical persons, of structures or facilities located within Commonwealth Forest lands and the occupancy and use of any land, water or other commodities or resources of the forests, except minerals, which may be consistent with the purposes for which the forests are established and maintained. As a condition to grant such permits under this provision, the Secretary of Natural Resources may require the users to recondition and maintain, with their own money, the structures, lands, and ways of access in satisfactory conditions.

3- To provide outdoor passive recreational opportunities as an integral trait of Commonwealth Forests. To said ends the Secretary of Natural Resources may plan, construct, operate and maintain or otherwise provide facilities for outdoor passive recreation in commonwealth forests.

E- Rules and Regulations

To make rules and regulations and to amend the same at his discretion, to regulate everything related to the forests and to the Forest Service and its activities in accordance with the provisions of this Act.

All rules and regulations made hereunder shall have the force and effect of law upon compliance with the requirements established in the Puerto Rico Rules and Regulations Act, Act No. 112 of June 30, 1957, as amended.

F- Contracts

To execute all kinds of agreements and contracts with natural and juridical, public or private persons and with federal, commonwealth or municipal agencies and organizations, under the terms and conditions which he may deem necessary or convenient for the best application and enforcement of this Act and the accomplishment of its purposes.

Section 7.- Forest Development Special Fund

Any income accruing from any commonwealth forest or from any activity within the scope of this Act, shall be deposited by the Secretary of the Treasury in a special fund which shall be designated "Forest Development Special Fund" to be used by the Secretary of Natural Resources for

the improvement and development of the Commonwealth Forests, in activities such as acquisition of forest land, reforestation, and the establishment, enlargement and improvement of facilities for the best use of the forests and for passive recreation.

Section 8.- Unlawful Acts in Commonwealth Forests

The commission of any of the following acts on Commonwealth Forests, except in cases of express written authority of the Secretary of Natural Resources, is hereby prohibited and any of said acts shall be considered a misdemeanor and punished as provided in Section 14 of this Act.

A- Damages to Property

The cutting down, killing, destroying, bud pruning, uprooting or otherwise injuring or deteriorating any tree, forest product or vegetation and likewise to destroy, alter, remove or injure any other property of the Commonwealth of Puerto Rico.

B- Unlawful fire.

Burning or causing the burning of any structure, timber, shrubbery or grass.

C- Unlawful grazing of Cattle.

Grazing or conducting through any commonwealth forest any cattle or refusing to drive out the same upon notification by any authorized officer.

D- Unlawful Tenancy

The establishing of one's self without any right in a commonwealth forest or installing one self therein or building or maintaining any class of structure, work or vehicle for peddling.

E- Signs and Boundaries

To remove, deteriorate or destroy any fence, notice, sign, monument or mark set by the Department of Natural Resources along the boundary^s of or within a Commonwealth Forest.

F- Hunting

To hunt, capture, molest or take the eggs of any kind of wild animal within a Commonwealth Forest.

Section 9.- Unlawful Acts Outside Commonwealth Forests

A.- Except as stipulated herein, any person who without proper authorization or title, wilfully cuts, flays or otherwise damages or takes for himself any tree or shrub belonging to another person and which is within a private property, or in property of the Commonwealth of Puerto Rico, or its public instrumentalities or of the municipalities shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided in Section 14 of this Act.

B.- The Secretary of Natural Resources shall establish by regulation the cases in which it may be permitted to cut down flay or otherwise affect the trees in public as well as private properties, and the norms and rules that shall govern these acts. Provided that in the aforesaid regulation there shall not be included trees within private properties of the urban zone.

Section 10.- Auxiliary Commonwealth Forest

A- Classification of land; tax exemption

The Secretary of Natural Resources is hereby authorized to classify as Auxiliary Forests, at the request of the landowner, private land exceeding 5 cuerdas in an area bordering land devoted exclusively to the production and development of forests for purposes other than the production of coffee, fruits or edible fruits.

The auxiliary forest lands shall be exempt from property tax and the income accruing from the sale of forest products from forests classified auxiliary forests shall be exempt from income tax.

The application for the certificate of an Auxiliary Forest shall be submitted to the Secretary of Natural Resources in the manner prescribed by him.

This application shall contain a description of the land, its location, boundaries, area and any other information that may be required by the Secretary of Natural

Resources. If upon receipt and study of this application, said Secretary may in his discretion, consider the case to warrant it, he shall order that the land be inspected by a technician of the Forest Service who shall render a report, and upon receipt and consideration thereof, the Secretary shall decide whether said lands shall be included or not in the aforesaid classification. In the affirmative, he shall so notify the Secretary of the Treasury who shall then order that there shall be deducted from the assessment where the Auxiliary Forest is located the area exempted for the purposes of preparing the corresponding tax receipts. The Secretary of Natural Resources shall not proceed to classify any land as Auxiliary Forest until the landowner has agreed in writing that he shall attend and care and maintain the Auxiliary Forest in accordance with the instructions of said officer.

The aforesaid tax exemption shall last so long as the Auxiliary Forest is maintained as such. Said property shall be inspected at least once a year to determine whether the landowner is complying with the agreement. Should he fail to comply with the agreement, the Secretary of Natural Resources shall exclude the land from the classification of Auxiliary Forest and he shall so notify the Secretary of the Treasury so that he may proceed to collect the corresponding

taxes prospectively, except where the Auxiliary Forest shall not have been preserved for a full fiscal year. In that case the corresponding tax shall be collected by issuing a supplementary tax receipt.

B- Terms of Agreement

1- The minimum term for maintaining an Auxiliary Forest as such shall not be less than one full fiscal year.

2- The timber produced in the Auxiliary Forests shall be the exclusive property of the landowner. He may at any time remove or cut down trees or parts of trees exposed to fire, or which have fallen or are broken or injured by any natural cause; he may do, in a rational manner, do the necessary cleaning of the property and remove those varieties of undesirable trees and he may use whenever necessary, the timber which may be needed for use on the property for general purposes. To this end, the Secretary of Natural Resources shall provide, through the Forest Service, the necessary technical assistance.

3- The landowner shall submit to the Secretary of Natural Resources a plan for forest protection and management which shall be considered and evaluated before the land is certified as Auxiliary Forest. This

Management Plan shall form a part of the agreement.

Section 11.- Forest Employment.

The Secretary of Natural Resources is hereby authorized to use the necessary forest work, as a source of employment to mitigate rural poverty, to educate unruly children and to rehabilitate convicts. For this purpose he is hereby authorized to enter into agreements with the governmental agencies mainly responsible in dealing with these problems, to develop projects of mutual benefit and to use commonwealth forest lands as a place to employ personnel or otherwise implement these objectives.

Section 12.- In order to protect the dwindling population of wild life species in our forests, it is hereby declared that all present and future commonwealth forests are refuges for any wildlife species, bird or game animal or any other kind of bird whether native or migrator. Hereafter and as long as any of such refuges be continued, the Secretary of Natural Resources shall see to the enforcement of each and every law, rule or regulation supplementary thereto that he may prescribe for the protection of birds in such refuges. --The Secretary of Natural Resources may, by written authorization under such terms and conditions as he may deem advisable, permit the hunt or capture of any bird within the limits of said refuges

for scientific, zoological or educational purposes, propagation in captivity or any other special purpose; Provided, that nothing contained herein shall be construed in the sense of being against or in conflict with any commonwealth or federal legislation in force relating to the wildlife species to hunting in general.

Section 13.- All commonwealth forest officers are hereby designated forest guards and game wardens and shall have the same authority as the commonwealth police to make arrests with or without a warrant when there is committed in their presence within the commonwealth forests a violation of any law or regulation in force.

Section 14.- Penalties

Any violation of any provision of this Act shall constitute a misdemeanor and upon conviction of the accused, he shall be punished by a fine of not less than fifty (50) dollars nor more than five hundred (500) dollars or imprisonment for a period of not less than five (5) days nor more than ninety (90) days, or both, in the discretion of the court.

Section 15.- Repealing Clause

There is hereby repealed Acts No. 22 of November 22, 1917, as amended; No. 19 of May 28, 1925, as amended; No. 38

of April 25, 1930, as amended; No. 39 of April 25, 1930; No. 307 of April 13, 1946 and No. 149 of May 9, 1945.

Section 16.- Effectiveness

This Act shall take effect immediately after its approval.