

(H. B. 779)

(No. 48)

(Approved July 31, 2009)

AN ACT

To create the “Special San Juan Bay Estuary Fund,” for the purposes of restoring the Estuary’s bodies of water by developing initiatives that shall include the Integrated Management Plan for the San Juan Bay Estuary; and for other purposes.

STATEMENT OF MOTIVES

An estuary is a body of coastal water into which the fresh water from the rivers merges with the saltwater from the sea. The system of the San Juan Bay Estuary includes Condado Lagoon, San Juan Bay, San José Lagoon, Los Corozos Lagoon, Torrecilla Lagoon, and Piñones Lagoon, as well as the channels that interconnect these bodies of water, such as San Antonio Channel, Suárez Channel, Martín Peña Channel, Puerto Nuevo Channel, and Vieja Boca River of Bayamón. It also includes other systems associated with the Estuary, such as the Ciénaga, Las Cucharillas, Piñones Commonwealth Forest, the sandy beaches of Isla Verde, Piñones, and El Escambrón, coral communities, and sand dunes.

The San Juan Bay Estuary plays a key role in the economy of the Island. In terms of international and interstate commerce, the Estuary receives 80% of products imported into Puerto Rico every year, and the ports at San Juan Bay hold the 17th position among the largest ports worldwide. Over a thousand fishermen use the estuary and catch, on a yearly average, 350,000 pounds of fresh fish.

As for tourism, the Bay is visited by over 1.3 million tourists in an average of 700 cruises each year. The Luis Muñoz Marín International Airport, which borders the waters of the Estuary, receives 9.8 million air travelers a year.

The San Juan Bay Estuary also operates as one of the main release valves to control floods in the Metropolitan Area. One third of the population, as well as the International Airport and the piers at the Bay—two of the main hubs of the economy of the Island—are dependent upon the welfare of these bodies of water for their permanence and development. Furthermore, Santa Catalina Palace or La Fortaleza is located near one of the entrances for saltwater into the Estuary system.

In the vicinities of the Estuary there are also some of the most important recreational parks in the Island, such as Central Park, which includes the Enrique Martí Coll Linear Walk, located in a part of Martín Peña Channel; Julio Enrique Monagas Park; Luis Muñoz Marín Park; Jaime Benítez Park; and the Ecotourism Park (Adolfo Dones Rosario Park); the Park at Isla de Cabras; and Muñoz Rivera Park.

Furthermore, some of the most relevant historical landmarks and sites are located in the Estuary, such as San Felipe del Morro Fortress, the Cañuelo, San Cristóbal Fortress, San Gerónimo Fort, and Old San Juan or the walled city.

In terms of ecological importance, the Estuary provides food and shelter for eight (8) endangered animal species and seventeen (17) endangered plant species, such as the West Indian manatee, as well as various sea turtle species, such as the hawksbill sea turtle and the leatherback sea turtle, among others. The Estuary also provides shelter for one hundred and sixty (160) bird species, such as the brown pelican and the great blue heron; nineteen (19) reptile and amphibian species, such as the coquí and the Puerto Rican boa; one hundred and twenty-four (124) fish species, such as the tarpon and the snook; and three hundred (300) wetland plant species.

The San Juan Bay Estuary comprises thirty-three percent (33%) of the total number of mangrove swamps in Puerto Rico, an ecosystem which is necessary to alleviate global warming. They are also a natural barrier against sea swells and an area where sediment is retained and deposited, such as fine grain materials that do not enter the sea, where they could affect the welfare of coral reefs.

The basin of the San Juan Bay Estuary has almost entirely been subject to urban development and is what we know as the Metropolitan Area and includes the municipalities of Toa Baja, San Juan, Cataño, Guaynabo, Bayamón, Carolina, Loíza, and Trujillo Alto. The uses given to this land and the human activities conducted in these areas are closely related to the adverse impact on the water quality and the deterioration of the Estuary.

Since 1993, the San Juan Bay Estuary was included by the U. S. Environmental Protection Agency (EPA) in the National Estuary Program, for which reason, it was ranked as an estuary of national importance. To this day, there are only twenty-seven (27) estuaries in the National Estuary Program of the United States of America, and Puerto Rico's is the only tropical estuary.

The San Juan Bay Estuary has an Integrated Management and Conservation Plan, as required under Section 320 of the "Clean Water Act," a legislative measure which originated the National Estuary Program in 1987.

On April 16, 1992, the Commonwealth of Puerto Rico nominated the San Juan Bay Estuary system as candidate for the National Estuary Program. Thanks to its admission into the Program in 1993, the Estuary receives Federal grants every year to further the implementation of its Integrated Management and Conservation Plan. This allocation of Federal grants must be matched with local funding.

The financial system used by the San Juan Bay Estuary Consortium consists in receiving grants from the U. S. Environmental Protection Agency and in seeking a match to Federal funding with local funding. Each year, the Consortium devotes itself to the task of obtaining such funds in order to be able to operate its office and to assist agencies in the process of implementing its Integrated Management and Conservation Plan.

The main purpose of this Act is to create a “Special San Juan Bay Estuary Fund,” by means of annual voluntary contributions made by taxpayers in their tax returns. For such purpose, a box shall be added in income tax returns, in which taxpayers may make a voluntary contribution for an amount of up to the sum total of their tax refund, as a contribution to the conservation of the San Juan Bay Estuary.

Likewise, it is hereby established that citizens shall have the choice of paying an additional thirty dollars (\$30) a year so that their license plates, issued by the Department of Transportation and Public Works, have a design with a sea wildlife motif in reference to the San Juan Bay Estuary. These funds shall be used to defray the issue of such license plates and the remainder shall be deposited in the Special Fund. This kind of measure has been adopted by the State of Florida, where the Integrated Management Plan for Indian River Lagoon Estuary receives benefits by virtue of a similar measure. Other estuaries of national importance that are being supported by similar initiatives are Long Island Sound, Tampa Bay, Delaware Estuary, Delaware Inland Bays, Buzzards Bay, Massachusetts Bays, and Barnegat Bay.

We also believe that an opportunity to contribute to the restoration of the Estuary is by making donations made out to the Special Fund by users, tourists, and travelers who arrive in cruise ships to San Juan Bay.

These moneys shall be invested by the Corporation for the Conservation of the San Juan Bay Estuary to match Federal grants or to implement its Integrated Management and Conservation Plan, designed and promoted by the San Juan Estuary Bay Consortium.

This Act also provides citizens with the opportunity to develop their philanthropic sensibilities by supporting the cause of the environmental protection and the conservation of our natural resources.

This Legislative Assembly believes it necessary to approve legislation such as this measure, which is focused on the efforts of maintaining a healthy and clean environment and natural resources for future generations. The San Juan Bay Estuary is one of the most important natural resources for the economy and the ecosystems of the Island and is one of the resources that is most adversely affected by the inarticulate development of its watershed.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.—The “Special San Juan Bay Estuary Fund” is hereby established, to be administered by the Corporation for the Conservation of the San Juan Bay Estuary, a nonprofit corporation.

Section 2.—The Secretary of the Treasury of the Commonwealth of Puerto Rico is hereby directed to add, as of the year 2010, in which tax returns for 2009 are filed, a box for taxpayers to deduct an amount of money that shall be donated to the San Juan Bay Estuary, out of the amount that the Department of the Treasury has to refund to taxpayers.

Section 3.—The Secretary of the Department of Transportation and Public Works is hereby directed to develop, in collaboration with the Corporation for the Conservation of the San Juan Bay Estuary, the creation of a special license plate in honor of this important natural resource. Citizens shall have the choice to pay

thirty dollars (\$30) a year for each special license plate, of which ten dollars (\$10) shall be allotted to the Driver Services Directorate (DISCO, Spanish acronym) to defray the costs of producing such license plates, that shall be deposited in the special account of the Directorate, which entity receives revenues on account of “Special License Plates,” pursuant to the provisions of Section 2.17.—Issue and Use of Motor and Trailer License Plate of the Puerto Rico Vehicle Act, and any remaining amount shall be deposited into the “Special San Juan Bay Estuary Fund.”

Section 4.—The Executive Director of the Ports Authority is hereby directed to encourage donations from users, tourists, and travelers who arrive in cruise ships to San Juan Bay, which contributions shall be transferred to the “Special Estuary Fund.”

Section 5.—The “Special San Juan Bay Estuary Fund” may receive additional funding from Agencies of the Commonwealth of Puerto Rico, its departments and Public Corporations, the Municipalities and their departments, as well as from private institutions and natural or juridical persons wishing to make a contribution to the organization.

Section 6.—The Special Fund shall be administered by the Corporation for the Conservation of the San Juan Bay Estuary. The Corporation shall render an annual report to the Legislative Assembly, the Office of the Governor, and the Office of the Comptroller of the Commonwealth of Puerto Rico on the use and management of the funds received by virtue of this Act.

Section 7.—The agencies mentioned in Section 2 through 4 shall prepare a first report on actions conducted pursuant to the provisions of this Act not later than one hundred and eighty (180) days following the date of its approval, and they shall file copies of such report with the Office of the Secretary of the Senate and

the Office of the Clerk of the House. Said agencies shall render each year, not later than sixty (60) days after the closing of each fiscal year, a report to the Legislative Assembly summarizing the actions conducted to comply with this Act.

Section 8.—The Corporation for the Conservation of the San Juan Bay Estuary shall provide the Department of Transportation and Public Works with the sum of one thousand dollars (\$1,000) to defray the cost of designing and producing the license plate provided for in Section 3 of this Act.

Section 9.—This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 48 (H. B. 779)** of the **1st Session of the 16th Legislature** of Puerto Rico:

AN ACT to create the “Special San Juan Bay Estuary Fund,” for the purposes of restoring the Estuary’s bodies of water by developing initiatives that shall include the Integrated Management Plan for the San Juan Bay Estuary; and for other purposes.

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

In San Juan, Puerto Rico, on the 29th day of June, 2011.

María del Mar Ortiz Rivera, Esq.
Director