

23 L.P.R.A. § 6313

This Session is current through December 2012

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§ 6313. Public policy

It is hereby declared that the public policy of the Commonwealth of Puerto Rico is to propitiate the sustainable development of tourism as an instrument to educate and raise awareness in order to conserve, appreciate and experience natural resources as well as valuable environmental, cultural and historical resources in public and private natural areas with the active participation of the communities, for the enjoyment and financial well-being of present and future generations pursuant to Article VI, Section 19 of the Constitution of the Commonwealth of Puerto Rico and §§ 8001 et seq. of Title 12, known as the “Environmental Public Policy Act”.

The participation of the following public institutions of the Commonwealth of Puerto Rico is required in order to meet the purposes of this subchapter: the Puerto Rico Tourism Company; the Department of Natural and Environmental Resources; the Department of Economic Development and Commerce; the Planning Board; the Environmental Quality Board; Department of Agriculture; the Department of Education; the Government Development Bank; the Puerto Rico Economic Development Bank; the Office of Management and Budget; the Sports and Recreation Department; the Regulations and Permits Administration; the Special Communities Office; the National Parks Company; the Institute of Puerto Rican Culture; the Department of Transportation and Public Works; the Department of the Treasury; the University of Puerto Rico; and the municipal governments. Furthermore, the Executive Director, in pursuing to promote the sustainable development of tourism in Puerto Rico, shall create strategic alliances among the government, the private sector, nongovernmental and community organizations, academic research institutions, and intergovernmental institutions and organizations.

History

—Nov. 30, 2006, No. 254, § 2.

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23 L.P.R.A. § 6314

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§ 6314. Definitions

For the purposes of this subchapter, the following terms shall have the meaning stated below:

- (a) **Area of cultural value.** — A space, location or property that contains important features or attributes which are characteristic of or distinctive to our national culture, which may be, but are not limited to, historical, architectural or archeological features or attributes, or nontangible cultural elements, such as customs, folklore, traditions, cuisine, artistic expressions, and others.
- (b) **Area of natural value.** — Pieces of land or bodies of water which hold ecological importance under the criteria of the “Puerto Rico Natural Patrimony Program Act”, §§ 1225—1241 of Title 12.
- (c) **Carrying capacity.** — The capacity of an ecosystem to tolerate the punctual or cumulative impact of a tourist zone, caused by the number of persons that may visit the location without having a negative environmental, sociocultural or aesthetic impact or causing ecological instability. This number is computed mathematically, taking into account the geographical, social and ecological characteristics of the location.
- (d) **Certification.** — An acknowledgment granted by the Tourism Company to facilities, products and services which meet the most stringent requirements established worldwide by the industry in order to be denominated and to be able to self-promote as sustainable or ecotourism facilities and to be entitled to incentives granted under this subchapter and other laws.
- (e) **Interagency Commission.** — The entity created under this subchapter to impart direction at the macro level and to coordinate in an integrated manner the efforts pursued by the Commonwealth government required for the optimal development and promotion of sustainable tourism, as well as ecotourism, throughout the Island.
- (f) **Company.** — The Puerto Rico Tourism Company.
- (g) **Community.** — The term refers to a heterogeneous group of people that share a common geographical area for residential purposes and have access to a grouping of local natural resources. The degree of social differentiation and cohesion, the strength of common beliefs and institutions, the cultural diversity and other factors vary greatly within and between communities (Schmink, 1999).
- (h) **Advisory Council.** — The entity created under this subchapter to advise on the matter of the development of initiatives to facilitate the implementation of plans and strategies which seek the sustainable development of tourism.
- (i) **Department.** — The Department of Natural and Environmental Resources of the Commonwealth of Puerto Rico.
- (j) **Executive Director.** — The Executive Director of the Tourism Company.
- (k) **Ecosystems.** — The [relationship] between the life processes of a biotic community and its surrounding physical and environmental factors.
- (l) **Ecotechniques.** — Ecologically responsible design and construction practices aimed at minimizing direct or indirect environmental impact and at reducing costs. These techniques are implemented through the use of clean technology, solar energy, waste treatment and recycling, the production of compost from organic garbage, used water management, alternative supply of water for domestic or commercial use, the consideration of environmental factors to optimize design, such as: interpretive trails, bioclimatic criteria in architectural design for the orientation of dominant winds, natural insolation, and others; the use of vegetation and topographical accidents as weather regulation elements, and landscape architecture.

- (m) **Ecotourism.** — Sustainable tourism modality which consists in visiting and experiencing natural and cultural assets, while ensuring the protection of resources and generating economic activity which directly benefits local populations without compromising the options for future generations.
- (n) **Species.** — Organisms of a group which mate with other members of a group not other than their own. Includes any species, subspecies or variety of flora, or wild fauna, as well as any population segment thereof.
- (ñ) **Commonwealth of Puerto Rico.** — The agencies, instrumentalities, departments, offices, dependencies, municipalities, and public corporations of the Commonwealth of Puerto Rico.
- (o) **Habitat.** — A zone or part of an ecosystem which meets the living conditions that a specific species needs to survive.
- (1) **Natural habitat.** — Tracts of land whose ecological conditions allow for the existence and reproduction of wildlife populations. This term excludes urbanized tracts of land and includes, but is not limited to forests, wetlands, and grass prairies, among others.
- (2) **Human habitat.** — Location where a human individual, group or community lives and which is characterized by great diversity throughout the planet and by the combination of natural and cultural elements.
- (3) **Critical natural habitat.** — Specific tracts of land within a geographical area where a designated or endangered species is found or may be reintroduced and which have physical and biological characteristics that are essential for the conservation of the species and that need special protection or management.
- (p) **Infrastructure in public and private natural areas.** — Any structure, facilities and systems provided for carrying out sustainable tourism activities or modalities. Includes but is not limited to: interpretive trails; boardwalks; research laboratories; recreational fishing docks; ramps; dry dock areas and fish cleaning facilities; picnic areas; observation towers; underwater trails; the placement of fishing floats to lure pelagic fish species for recreational fishing; safe camping facilities; mooring buoys; facilities for the sale of educational materials, arts and crafts, or souvenirs; the designation of protected natural areas and restoration of wetlands; watershed reforestation; cavern habilitation; the construction of “ecolodgings” or ecotourist inns; and the creation of information and education centers.
- (q) **Limit of Acceptable Change (LAC).**— An analysis and planning tool whose methodology allows for the identification and monitoring of major environmental and social indicators, including the identification of social and environmental impacts on natural areas. All sectors which are stakeholders in the development of ecotourism on the Island must be incorporated in the LAC formulation process.
- (r) **Office.** — The Office for the Sustainable Development of Tourism in Puerto Rico, created under § 6318 of this title, with the purpose of implementing public policy to enable the development of sustainable tourism in Puerto Rico.
- (s) **Nongovernmental Organization (NGO).**— Any private nonprofit institution, entity, association, trust or organization constituted pursuant to the laws of Puerto Rico, whose main functions or purposes include the protection or conservation of an area with natural, cultural, agricultural or ecotourist value, as well as socioeconomic development.
- (t) **Community participation.** — Accessibility by the community to the processes of planning, decision-making, implementation, evaluation, administration, operation and maintenance of ecotourist projects and programs.
- (u) **Secretary.** — Means the Secretary of the Department of Natural and Environmental Resources of the Commonwealth of Puerto Rico.
- (v) **Conservation easement.** — A lien levied on real property in benefit of a person or premises, which imposes obligations, rights and conditions on the real property and its owner for the purposes of protecting or conserving an area with natural value or a property with cultural, agricultural and ecological value.
- (w) **Natural succession.** — A sequence of changes experienced by an ecosystem throughout time.

- (x) *Types of ecotourists.* — Ecotourists are classified as:
- (1) Casual: those who visit natural areas incidentally, as part of their trip.
 - (2) Mainstream: those who visit natural areas in seeking to experience a unique tour.
 - (3) Dedicated: those who travel specifically to observe protected natural areas and who want to know the local natural and cultural history.
 - (4) [Professional]: scientific researchers and participants in travels specifically organized for environmental education purposes, who are engaged in efforts to assist in the recovery of flora and fauna.
- (y) *Sustainable tourism.* — A tourism activity which meets the needs of tourists and host communities, while protecting and improving future opportunities. It entails the management of all resources in such a manner so that economic, social and aesthetic needs are met while maintaining cultural integrity, essential ecological processes, biodiversity and life support systems.
- (z) *Sustainable tourism zone.* — Areas identified to have ecological or cultural value, with potential for sustainable tourism development. [This i]ncludes areas with potential for the development of ecotourism.

History

—Nov. 30, 2006, No. 254, § 3.

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23 L.P.R.A. § 6315

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§ 6315. Executive Director—Duties and powers

The Executive Director shall have all powers as convenient and necessary for the development of and for carrying out the public policy provided for in this subchapter. Furthermore, he/she shall have the duty of coordinating, in close collaboration with the Chairperson of the Planning Board and the Secretary, all matters relative to the sustainable development of tourism in Puerto Rico and to the conservation, use and management of natural resources, without impairing the authority and powers conferred onto these officers by virtue of the laws and regulations of the Commonwealth of Puerto Rico.

In seeking to obtain information and advisory, as well as new product opportunities and participation in new projects, the Executive Director or his/her designated representative shall participate in international and regional activities and organizations that promote the sustainable development of tourism and ecotourism, such as: the Ecotourism Society, Green Globe, the World Tourism Organization (UNWTO), the Caribbean Tourism Organization, and the United Nations Environmental Programme (UNEP), among others.

History

—Nov. 30, 2006, No. 254, § 4.

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§ 6316. Secretary—Responsibilities

The Secretary shall be responsible for identifying areas which offer opportunities pursuant to the statutes he/she administers so as to foster and promote the effective implementation of the public policy set forth in this subchapter. The Secretary shall designate capable personnel with knowledge of the implementation of ecotourist and sustainable projects and programs; technical assistance; community participation; and participation in related activities, which personnel shall be charged with collaborating directly and closely with the mission of the Office. The Secretary shall establish by regulation, the procedure adopted by the Agency for the implementation of the Limit-of-Acceptable-Change methodology in the natural areas he/she administers. Likewise, the Secretary shall submit before the Board the uses and activities that are allowed in protected natural areas in accordance with ecotourism modalities pursuant to the criteria identified by the Interagency Commission.

History

—Nov. 30, 2006, No. 254, § 5.

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§ 6317. Chairperson of the Planning Board—Responsibilities

Once the master plan has been prepared, the Company shall submit the same to the Board for its adoption; the Board may require modifications as it deems pertinent in seeking to benefit the public interest.

History

—Nov. 30, 2006, No. 254, § 6.

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§ 6318. Office for the Development of Sustainable Tourism in Puerto Rico—Creation; duties and functions

The Executive Director shall create and attach to this Company, the Office for Sustainable Tourism in Puerto Rico, with the purpose of planning the various tourism practices and modalities in a sustainable manner, in order to satisfy the needs of the types of tourists of present and future generations. This Office represents the operational arm of the Act to plan and promote Sustainable Tourism programs and projects on the Island and to prevent natural areas with high ecological, cultural and historical value from being managed or operated by private sectors and agencies whose objectives contravene the definition of “sustainable tourism”.

The Executive Director shall appoint the Office Director, who shall be a professional in tourism or planning, natural sciences, environmental sciences, or social sciences, with knowledge of environmental management or planning, project and program management and implementation, administration, tourism or ecotourism promotion and marketing, and technical and practical knowledge of activities relative to sustainable tourism.

The Office shall have the participation of agencies whose programmatic commitment enhances economic development, cultural programs, the conservation of natural resources, self-management and cooperative activities, the experience of tourists, tourism, education and recreation, in addition to the entities comprised within the Interagency Commission and the Advisory Council to be created under § 6319 of this title.

The duties and functions of the Office for the Development of Sustainable Tourism in Puerto Rico shall be the following:

- (a) To produce the Master Plan for the Development of Sustainable Tourism in Puerto Rico and to submit the same to the Planning Board for its approval during the next twelve (12) months following the date of approval of this act. This Plan shall consider the following plans and documents: the LUP, Agenda 21, the Long-Term Transportation Plan, the Integrated Water Management Plan, and the Puerto Rico Coastal Zone Management Program, among others. Likewise, the Office shall study the viability of creating a trust attached to the Company to develop and provide incentives for sustainable tourism projects.
- (b) To oversee, in coordination with the Department, compliance with the responsibilities and duties assigned and necessary for enforcement of this subchapter.
- (c) To promote sustainable development principles, together with the Department and the Planning Board, by establishing standards for planning and developing tourism projects.
- (d) To enable the broadest participation of all sectors in Puerto Rico that are stakeholders in the development of sustainable tourism in Puerto Rico, including the Government, local communities, the private sector, professional associations, environmental organizations, educational institutions, and other groups of interest.
- (e) To act as an agent which facilitates initiatives, programs and projects that foster sustainable tourism via its diverse modalities.
- (f) To establish strategic alliances and liaisons with specialized local and international organizations which allow for the frame of reference to be broadened and for sustainable tourism to grow and become competitive.
- (g) To promote collaboration in order to improve environmental education and to exert influence over the behavior of communities, [especially] of community organizations and tourist service providers, such as: tour operators, tour guides, and purveyors, among others.
- (h) To analyze and recommend actions to address infrastructure and facility needs as required by the development of sustainable tourism in Puerto Rico for the enjoyment of our natural resources by visitors.

- (i) To establish the classification standards and criteria required to certify, in a uniform and standardized manner, projects for sustainable tourism in its diverse modalities, such as: green structures, ecotourism, agrotourism, and hostelrys, among others, which shall be incorporated into the Master Plan. Projects shall be evaluated by considering their economic impact, the redistribution of income into the community, the conservation of natural resources, the culture, and the fostering of educational activities.
- (j) To identify sources and resources for the funding of sustainable tourism projects, operations and activities, seeing that most of the economic benefits derived from the development of these projects be destined for activities to conserve and manage the corresponding natural areas and to promote the economic and social development of the communities involved. To stimulate and enable support to be extended as to matters of a technical, interpretive, or financial nature or concerning the development of human resources in microbusinesses and small and medium-sized businesses organized under the self-management model, such as special employee-owned corporations, cooperative associations, and nonprofit organizations, among others.
- (k) To identify the natural and environmental resources with the greatest potential for ecotourism in Puerto Rico, so as to foster their fullest employment based on the sustainable development concept, while maintaining the conservation of said resources as a priority over any other activity.
- (l) To foster the participation of the private sector and the municipalities as key agents in the implementation of the plan to develop sustainable tourism.
- (m) To recommend an appropriate budget which contemplates funding for the Office.
- (n) To recommend strategies for the promotion and marketing of sustainable tourism modalities in Puerto Rico and abroad and for the development of environmental education activities relative to ecological tourism. To support the application of international principles, directives and codes of ethics for sustainable tourism, such as those proposed by the United Nations Environmental Programme (UNEP), the World Tourism Organization (UNWTO), the Convention on Biological Diversity, the United Nations Sustainable Development Commission, and the International Labor Organization (ILO). To require the analysis of factors, such as: the limit of acceptable change, socioeconomic and environmental impacts of a project, capability for managing the natural and environmental resource under discussion, in any proposal submitted concerning the development of sustainable tourism projects in Puerto Rico.
- (o) To coordinate with the pertinent agencies for the extension of technical and financial support to microbusinesses organized under the self-management model, such as, for example, special employee-owned corporations or community cooperative associations, among others.
- (p) To recommend to the Planning Board, if necessary, new districts to reserve tracts of land best suited for sustainable tourism. Likewise, it shall suggest changes or recommend modifications of the existing districts, so that these conform to the need for the development of sustainable tourism on the Island.
- (q) To promote and support those educational and technical training activities necessary for the various components of sustainable tourism, ecotourism and agrotourism, among others.
- (r) To study the viability of granting incentives to proposing entities to foster the development of sustainable tourism and ecotourism projects.
- (s) To urge municipalities to incorporate the development of sustainable tourism into their Land Ordinance Plans, in coordination with the Office created under this subchapter.
- (t) To use as a model internationally approved and revised directives on the institution of certification systems, ecolabels, and other voluntary initiatives aimed at maintaining the sustainability of ecotourism, while encouraging the private sector to incorporate these systems and promoting consumer awareness.
- (u) To coordinate and collaborate in the institution of community training programs which build entrepreneurial capacity and foster self-management in sustainable projects.
- (v) To encourage and support the creation of municipal and regional cooperation activities and networks for the promotion and marketing of ecotourist products, both national and international.

- (w) To submit to the Governor of the Commonwealth of Puerto Rico and to the Legislature of Puerto Rico, the recommendations needed to establish and implement the public policy of the Commonwealth of Puerto Rico to promote the development of sustainable tourism.

History

—Nov. 30, 2006, No. 254, § 7.

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23 L.P.R.A. § 6319

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§ 6319. Interagency Commission—Creation

The Interagency Commission is hereby created to impart direction at the macro level and to coordinate in an integrated manner the efforts pursued by the Commonwealth government required for the optimal development and promotion of sustainable tourism, as well as of ecotourism, throughout the Island. The Interagency Commission shall be constituted by: the Secretary of the Department, the Chairperson of the Planning Board, the Director of the Institute of Puerto Rican Culture, the Director of the National Parks Company, the Secretary of the Department of Economic Development and Commerce, and the Executive Director of the Company, who shall preside over the works of the Commission. This Commission represents the integrative arm, governed under the Office. The head of each agency shall designate the delegate who shall represent him/her.

History

—Nov. 30, 2006, No. 254, § 8.

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23 L.P.R.A. § 6320

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§ 6320. Advisory Council—Creation

The Advisory Council is hereby created, to advise in the development of initiatives to facilitate the implementation of plans and strategies aimed at the sustainable development of tourism. The Council shall be constituted by members convened by the Interagency Commission as their participation in relative matters may be required, to provide information and scientific, technical and professional data, and to enable community participation and coordination, among other functions. The following sectors shall be equally represented: community organizations, professional organizations, academia, and technicians, together with the Economic Development Bank, the Commerce and Export Company, the Cooperative Development Administration, and representatives from the municipal governments, according to the matter under discussion. This Council shall be the advisory arm of the Office.

The Office may incorporate new members from both the public and the private sector, according to the needs and situations being addressed and the objectives set forth in the Master Plan for the Sustainable Development of Tourism in Puerto Rico.

History

—Nov. 30, 2006, No. 254, § 9.

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§ 6321. Community participation

The Company, in coordination with the Advisory Council, shall develop a plan aimed at enabling community participation in the various stages of the development of sustainable tourism and ecotourism projects. Consequently, the Office shall recommend amendments to the laws governing cooperative savings and credit unions and recommend as well new financial products to private institutions to invest in or finance sustainable tourism projects. The Company shall foster community participation principles pursuant to what has been internationally established at the Earth Summits on Sustainable Development.

History

—Nov. 30, 2006, No. 254, § 10.

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§ 6322. Planning to enroll the participation of the private sector

The Executive Director of the Tourism Company shall be responsible for incorporating into the development of sustainable tourism, entities and organizations of the private sector such as: cooperative movement associations; environmental organizations; owners of inns, hostelries, hotels, lodgings in general; private travel organization agencies; and other institutions which are stakeholders in the industry. In order to make the incorporation of these private institutions viable, the Executive Director shall foster the granting of special incentives to owners of tracts of land contiguous to the natural areas with high ecological value in order to foster the development of sustainable (or green) enterprises that offer support services to the industry.

History

—Nov. 30, 2006, No. 254, § 11.

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§ 6323. Authority to establish sustainable tourism and ecotourism projects

The authority to establish sustainable tourism and ecotourism projects is hereby recognized to natural persons and to juridical persons, whether public or private, provided these projects conform to the criteria set forth in this subchapter, to Article IV of the Constitution of the Commonwealth of Puerto Rico, to §§ 4629 et seq. of Title 33, known as the “Penal Code”, to Act No. 267 of September 14, 2002, to Act No. 416 of September 22, 2002, and to the laws and regulations of the Commonwealth of Puerto Rico which protect natural, environmental, historical and cultural resources, and to laws and regulations which establish the zoning and uses for the aforementioned spaces and resources.

History

—Nov. 30, 2006, No. 254, § 12.

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§ 6324. Marketing of sustainable tourism modalities in Puerto Rico and abroad

The Company shall incorporate into its promotional campaigns of Puerto Rico, elements of the island as an environmentally responsible destination, and upon attaining the objectives of the master plan, as a sustainable tourism destination. The Company shall pay special attention to the marketing of the ecotourism modality in and outside Puerto Rico, for being the modality which is most recognized internationally. The Company shall conform marketing strategies to market trends.

History

—Nov. 30, 2006, No. 254, § 13.

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§ 6325. Implications of the sustainable development of tourism for municipalities

Municipalities shall incorporate areas for the sustainable development of tourism within their Land Ordinance Plan, so as to promote the diversification of its assets within the diverse modalities of sustainable tourism, in coordination with the Puerto Rico Tourism Company. Likewise, they shall have capable personnel in the fields of environmental sciences, planning or education to develop municipal sustainable tourism projects in coordination with the Office, the Interagency Commission and the Advisory Council.

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—Nov. 30, 2006, No. 254, § 14.

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§ 6326. [Annual reports]

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