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REGULATION TO CONTROL THE EXTRACTION, POSSESSION, TRANSPORTATION, AND SALE OF  
CORAL RESOURCES IN PUERTO RICO

Approved: Pedro R. Vázquez  
Secretary of State

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By: *Louder La Perle*  
Assistant Secretary of State

## ARTICLE

1

## LEGAL BASIS

The Department of Natural Resources under the authority conferred by Law No, 23 of June 20, 1972, and Law No. 83 of May 13, 1936, as amended, adopts the present regulation for the purpose of regulating the extraction, possession, transportation and/or sale of coral.

## ARTICLE

2

## DEFINITIONS

For purposes of the present Regulation, the following terms shall have the meanings expressed below unless a different meaning can clearly be inferred from the text; use of a term in the singular shall include the plural and viceversa.

2.1

## Coral or Coral Resources

All organisms living or dead classified as:

a. Stony coral -- organism of phylum Cnidaria belonging to the order Scleractinea.

(Included here are, among others, elkhorn coral, staghorn coral, brain coral, rose coral.)

b. Horny coral -- organism of the phylum Cnidaria pertaining to the subclass Octocolaria. (Included here are sea fans and other organisms that do not have a common name.)

c. Black coral -- organism of the phylum Cnidaria belonging to the order Antipatharia.

D, Hydrocoral -- organism of the phylum Cnidaria pertaining to the class Hydrozoa which have a calcium carbonate skeleton.

- 2.2 Department -- The Department of Natural Resources of the Commonwealth of Puerto Rico, created by Law No. 23 of June 20, 1972, as amended.
- 2.3 Permit-- Written authorization by the Department to extract, possess, transport, or sell coral or derivative products.
- 2.4 Petitioner -- Any person, natural or juridical, association or group of persons, department, agency, quasi-public corporation, municipality or instrumentality of the Commonwealth, that requests a permit.
- 2.5 Puerto Rico -- Signifies the island of that name, the adjacent islands and the waters included within the jurisdiction of the Commonwealth.
- 2.6 Secretary -- The Secretary of the Department of Natural Resources of the Commonwealth.
- ARTICLE 3 GENERAL PROHIBITION

After the effective date of this Regulation, it will be considered an illegal act to take, attempt to take, extract, destroy, transport, possess or sell any coral, living or dead, within the jurisdictional limits of Puerto Rico, subject to Article 4 through 7.

## ARTICLE

4

EXEMPTION FOR SCIENTIFIC AND EDUCATIONAL  
ACTIVITIES

4.1

The Secretary may issue an exemption granting authority without need for a permit, to take in conducting scientific and educational activities, subject to the following conditions:

- a. The Secretary will grant an exemption to any institution appearing in Attachment I that applies for the same within 180 days after this regulation becomes effective. Additional exemptions will be issued only to universities and other institutions experienced in the scientific investigation of coral, which demonstrate that their activities will be scientific and/or educational and will not cause significant damage to the coral resources of Puerto Rico. Institutions applying for exemption shall specify the departments to be benefitted by the same. Any exemption will apply only to those departments.
- b. Exemptions will apply only to noncommercial activities of a scientific and/or educational nature consistent with the statutory provisions that govern the exempt institutions. These institutions shall take the measures necessary to comply with this requirement. The

Secretary may, among other things, revoke the exemption if he believes it appropriate to safeguard the public interest. The party affected by an adverse decision of the Secretary may, within a period of 15 days, solicit a reconsideration and set forth reasons why the said revocation ought to be left without effect.

- c. Exemptions will apply only when the vehicles, vessels or other means of transportation used are duly identified as pertaining to the exempt institution.

4.2

The Secretary may, from time to time, create an Advisory Committee to study the need, if any, to regulate scientific and educational activities affecting the coral resources of Puerto Rico and to make appropriate recommendations to the Secretary. Such recommendations may include, among others, the revocation of exemptions and amendments to the regulation.

ARTICLE

5

## ADDITIONAL EXEMPTIONS

The following are excepted from the application of the prohibition in Article 3:

5.1

The possession of small quantities of clean (cured) coral solely for personal and family use. This exemption must not be understood as authorizing the extraction or sale of coral resources.

- 5.2 The sale of coral or manufactured products containing coral if the seller can prove by certified receipts and/or sworn statements that such resources were obtained outside Puerto Rico.
- 5.3 For a period of six (6) months after the effective date of this regulation, the sale of any coral or coral products lawfully obtained before that date.
- 5.4 Construction, dredging, or other activities conducted in accordance with a permit granted by the U.S. Army Corps of Engineers following endorsement by this Department. Nevertheless, any coral extracted under such permit must not be transferred to any person or destined for sale or out of Puerto Rico without a written permit from the Secretary.

## ARTICLE

## 6

## PERMITS FOR SCIENTIFIC PURPOSES

The Secretary may, upon application, issue permits to extract, possess, and transport coral for scientific purposes. Each application shall be filed on a form supplied by the Department (Attachment II).

If the Secretary finds that the scientific and educational benefits of such extraction outweigh the environmental, economic, or other damage, if any, he may issue a permit

for the extraction proposed in the application, subject to such conditions as he may deem appropriate to assure the optimization of the public interest. No permit shall be valid for more than six (6) months. Provided, in meritorious cases, such permit may, on application, be renewed upon its expiration.

The Secretary may revoke or suspend the permit at any time upon a determination that the conditions of the permit have been violated. The party affected by an adverse decision of the Secretary may, within a period of 15 days, solicit a reconsideration and set forth reasons why said revocation ought to be left without effect.

## ARTICLE

7

## PERMITS FOR COMMERCIAL PURPOSES

The Secretary may issue permits to extract, possess, transport or sell black coral or horny coral for commercial purposes, but only in accordance with a management plan prepared in conformity with Section 7.1 and only in accordance with the additional requirements set forth in Sections 7.2 and 7.3

7.1

## Management Plan for Coral Resources

The Secretary shall prepare a management plan

for the coral resources of Puerto Rico, taking into consideration the following factors:

- a. The management plan shall be based upon relevant investigations to determine the maximum extraction capacity of the area studied, taking into consideration relevant ecological, economic, and social factors, to achieve the greatest public benefit possible, and
- b. Before approving the management plan, the Secretary shall prepare and circulate an Environmental Impact Statement in accordance with the provisions of the Public Environmental Policy Act, Law No. 9 of June 18, 1970,

## 7.2

### Permits

Permits to extract, possess, transport, or sell coral for commercial purposes may be authorized only on the following terms and conditions:

- a. No permit for commercial extraction of coral shall be granted within three years after the effective date of this regulation.
- b. No permit shall be granted for commercial extraction of stony coral or hydrocoral.
- c. Any extraction authorized by a permit must be in accordance with the management



plan previously approved in accordance with Section 7.1;

- D. To assure compliance with the terms of the permit, every extraction permit shall limit extraction to a period of no more than five (5) days, during which term and at all times that authorized commercial extraction is being conducted, at least two employees of the Department must be present as inspectors.

### 7.3

#### Application

A permit to extract, possess, transport or sell coral for commercial purposes will be granted only to persons who apply in writing. Every application shall be filed on a form supplied by the Department (Attachment II). Also, there must be deposited the sum of one hundred dollars (\$100) in the form of a certified check or postal money order issued in the name of the Secretary of the Treasury of Puerto Rico.

Any permit will authorize only actions described in the application, subject to such conditions as the Secretary may deem appropriate to assure the optimization of the public interest. The Secretary may revoke or suspend the permit at any time upon determination that the conditions of

said permit have been violated. The party affected by the adverse decision of the Secretary may within a period of 15 days, solicit a reconsideration and set forth reasons why such revocation ought to be left without effect.

## ARTICLE

8

## INTRODUCTION OF CORAL RESOURCES INTO PUERTO RICO

All coral taken in waters subject to the jurisdiction of Puerto Rico, for any purpose, shall be landed in Puerto Rico.

All coral taken in waters outside the jurisdiction of Puerto Rico, and introduced in any manner into Puerto Rico, shall be subject to this regulation and all other applicable laws and regulations.

## ARTICLE

9

## PENALTY

Any person who violates the provisions of this regulation shall be guilty of a misdemeanor and, upon conviction, shall be sentenced with a penalty of imprisonment for not more than six (6) months or a fine of not more than five hundred (\$500) dollars or both penalties in the discretion of the Court.

## ARTICLE

10

## SEPARABILITY CLAUSE

The provisions of this Regulation are separable, and if any of its provisions is

declared unconstitutional by a court of competent jurisdiction, the decision of such Court will not affect or impair any of the remainig provisions, which will continue in full effect.

ARTICLE 11

ORDERS OF THE SECRETARY AND AID TO JURISDICTION, JUDICIAL REVIEW

The Secretary will resort to the Superior Court to compel compliance with the provisions of this regulation if the party affected refuses to comply,

Parties affected by an unfavorable reconsideration in the cases contemplated in Articles 6 and 7 may apply to the Superior Court of Puerto Rico to seek a review of such determination. In like manner, review may be sought by parties affected by adverse determinations of the Secretary pertaining to exempt institutions, as provided by Article 4.

ARTICLE 12

EFFECTIVE DATE

This regulation will become effective immediately upon approval and signature of the Secretary following the procedure established by Law 112 of June 30, 1957, as amended, and known as Rules and Regulations Law of 1958.

Approved the 11<sup>th</sup> day of October, 1979.

Dr. Fred V. Soltero Harrington  
Secretary of Natural Resourses

## ATTACHMENT I

## INSTITUTIONS ELEGIBLE FOR EXEMPTION

University of Puerto Rico

Administration of Regional Colleges

Interamerican University

Catholic University

Center for Energetic and Environmental Research

Environmental Quality Board

Department of Natural Resources

COMMONWEALTH OF PUERTO RICO  
DEPARTMENT OF NATURAL RESOURCES  
Box 5776, Puerta de Tierra  
San Juan, Puerto Rico 00906

APPLICATION FOR PERMIT TO EXTRACT CORAL

FOR SCIENTIFIC PURPOSES

FOR COMMERCIAL PURPOSES

I. APPLICANT

A. Name \_\_\_\_\_ Soc. Sec. Number \_\_\_\_\_

Telephone Number \_\_\_\_\_

B. Residence \_\_\_\_\_  
Street Number Zip Code

Ward Route Number Km. Hm.

Mailing Address \_\_\_\_\_  
R.F.D. or Apt. Number Municipality Zip Code

II. INSTITUTION (IF ANY) TO WHICH THE APPLICANT CARRYING OUT THE RESEARCH BELONGS

\_\_\_\_\_

III. AREA IN WHICH THE EXTRACTION IS PLANNED (INCLUDE MAP, SCALE 1:20,000)

A. Name of Reef \_\_\_\_\_

B. Municipality \_\_\_\_\_

C. Depth of Extraction \_\_\_\_\_

IV. AMOUNT OF CORAL BY SPECIES TO BE EXTRACTED (VOLUME, WEIGHT, NUMBER OF COLONIES OR FORM OF EXPRESSION MOST CONVENIENT)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

V. METHOD OF EXTRACTION TO BE USED

Manual \_\_\_\_\_ Dredging \_\_\_\_\_

Lever \_\_\_\_\_ Other \_\_\_\_\_

VI. TIME PERIOD PROPOSED FOR CARRYING OUT THE EXTRACTION

\_\_\_\_\_ to \_\_\_\_\_  
Day            Month            Year            Day            Month            Year

VII. BRIEF DESCRIPTION OF THE PROPOSED ACTIVITY FOR WHICH A PERMIT IS REQUESTED

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IX.

\_\_\_\_\_ Applicant's Signature

Date

Evidence of payment of fees must accompany application if extraction for commercial purposes is included.

Commonwealth of Puerto Rico  
Department of Natural Resources

Negative Environmental Impact Statement

REGULATION TO CONTROL THE EXTRACTION, POSSESSION,  
TRANSPORTATION, AND SALE OF CORAL RESOURCES IN  
PUERTO RICO

September 1979

To all interested governmental agencies and general public:

The Department of Natural Resources issues this Negative Environmental Impact Statement according to the authority conferred upon it by the Environmental Public Policy Act.

Name of the Project : Regulation to Control the Extraction, Possession, Transportation, and Sale of Coral Resources in Puerto Rico.

Purpose of the Project : To regulate the extraction of coral resources in Puerto Rico, and provide for its wise use.

Proposing Agency : Department of Natural Resources of Puerto Rico.

Responsible Official : Dr. Fred V. Soltero Harrington  
Secretary  
Department of Natural Resources

Mailing Address : Apartado 5887  
Puerta de Tierra  
San Juan, Puerto Rico 00906

Notified Entities : Planning Board  
Environmental Quality Board  
Legal Services of Puerto Rico  
University of Puerto Rico  
Río Piedras Campus  
Medical Sciences Campus  
Mayaguez Campus  
Humacao University College  
Catholic University  
Interamerican University  
Center for Energetic and Environmental Research



U. S. Fish and Wildlife

U. S. Army Corps of Engineers

Coastal Zone Advisory Committee

Need and Description of the Regulation: Over the years, there has been a number of attempts to regulate the taking of coral, through both statutory and regulatory means. In 1972, the citizens' report, Puerto Rico and the Sea, recommended an ammendment to the Fisheries Act in order to prohibit coral extraction in Puerto Rico. In December 1972, the Environmental Quality Board issued a draft environmental impact statement on a regulation for the conservation of coral. That proposed regulation was broad in scope, addressing not only extraction, sale, and transportation of coral, but also dredging activities that cause sedimentation of coral reefs. The proposed regulation was not adopted.

Later, in 1975, EQB proposed a resolution which should have established policy on the protection of coral resources. The proposed resolution noted a need for both additional legislation and regulations, to be implemented by DNR.

Finally, the Department of Natural Resources through its Puerto Rico Coastal Management Program (PRCMP), approved by the Governor in July 1978, incorporates a Planning Board policy which calls for avoiding "...activities and land subdivision which could cause the deterioration or destruction of .... reefs....". Moreover, the PRCMP recognizes a need for a law or regulation prohibiting coral extraction: "There is need for a Commonwealth law or regulation to (1) establish that aquatic plants and coral formations are the property of the Commonwealth and (2) prohibit the extraction and sale of coral in Puerto Rico without a permit from DRN."

The Department of Natural Resources, after a workshop and few meetings with technicians and interested personnel, prepared a draft of the regulation

that was taken to a public hearing on August 15 of the current year. This regulation contains:

1. A general prohibition of coral extraction except for scientific and educational purposes.
2. The preparation of a Management Plan of the coral resources that will determine, among other things, the feasibility of commercial extraction of only black and horny coral, after a moratorium of three years.
3. An exemption for recognized scientific and educational institutions. In addition, an exemption for the possession of small quantities of coral and for personal use.
4. The issue of permits for coral extraction with scientific purposes in the case of institutions or individuals non-exempted.

In general terms, the regulation brings protection to the coral resources of Puerto Rico, and provides for its wise use.

Impact of the Regulation of the Environment: The impact of the regulation on the environment is positive. The coral regulation will protect and probably increase marine life in the sea waters of Puerto Rico. This helps the commercial fishing of an enormous amount of marine organisms that depend on coral reefs. Coral reefs provide habitats, food and protection to many marine species.

In addition, the coral reef is a resource with great recreational and touristic value. It also contributes to the protection of coast and helps in beach formation.

Finally, the coral reefs are one of the most productive biological communities of the world. They are extremely valuable to scientists interested in the dynamics of biological processes.