

COMMONWEALTH OF PUERTO RICO  
DEPARTMENT OF NATURAL AND ENVIRONMENTAL RESOURCES  
SAN JUAN, PUERTO RICO

5701

REGULATIONS FOR THE USE, MANAGEMENT AND ADMINISTRATION  
OF THE RECREATIONAL AND CAMPING AREAS UNDER THE JURISDICTION  
OF THE DEPARTMENT OF NATURAL AND ENVIRONMENTAL RESOURCES.

(REGULATIONS FOR RECREATIONAL AND CAMPING AREAS)

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REGULATIONS NO. 5701

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DEPARTMENT OF NATURAL AND ENVIRONMENTAL RESOURCES  
SAN JUAN, PUERTO RICO

No. 5701  
Date: February 3, 1998 11:07A-Us.  
Approved: Norma Burgos  
Secretary of State  
By: [Signature]  
Assistant Secretary of State

REGULATIONS FOR THE USE, MANAGEMENT, AND ADMINISTRATION  
OF RECREATIONAL AND CAMPING AREAS UNDER THE JURISDICTION OF  
THE DEPARTMENT OF NATURAL AND ENVIRONMENTAL RESOURCES

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ARTICLE I - SCOPE OF THE REGULATIONS

Section 1.01 - Preamble

The Secretary of the Department is responsible for providing opportunities for outdoors passive recreation for the citizen's inspiration and spiritual and intellectual growth, as an integral feature of the State Forest as well as of the natural reserves. In this way these regulations are approved and shall be known and quoted as the Recreational and Camping Areas Regulations.

Section 1.02 - Purposes

Under the jurisdiction and custody of the Department there are areas officially designated as state forest, natural reserves, wild life refuges, natural areas, special planning areas and beach areas that are compatible for recreational use because of their physical topographic, geomorphologic and hydrologic characteristics. In these areas, the Department developed and provided recreational and camping facilities. However, the full and effective management of the recreational and camping areas must be updated and improved through compulsory rules that regulate its orderly use through mechanisms which permit its sustainable development and the wise administration of the natural resources guaranteeing the perpetuity of the resource for the benefit of the community at large.

### Section 1.03 - Authority or Legal Basis

The Department adopts the provisions of these Regulations, pursuant to Law No. 23 of June 20, 1972, as amended, known as the Organic Act of the Department of Natural and Environmental Resources; the Substitute to Reorganization Plan No. 4, approved on December 9, 1993; Law No. 150 of August 4, 1988, known as the Natural Heritage Program Act; and Law No. 133 of July 1, 1975, as amended, known as the Puerto Rico Forest Act.

### Section 1.04 - Repeal

These Regulations repeal the provisions of the previous Regulation for the Use, Management and Administration of Recreational Areas under the Jurisdiction of the Department of Natural Resources, and repeals any Administrative Order prior to Administrative Order No. 94-15.

### Section 1.05 - Enforcement

The provisions of these Regulations and the administrative actions of the Department shall be enforced on:

1. State Forest
2. Natural Reserves
3. Beach areas designated by the Secretary as recreational and camping areas.
4. Cays
5. Islets and islands with physical characteristics compatible with recreational use.
6. Wildlife Refuges

7. Any other area under the jurisdiction of the Department subsequently designated by the Secretary as a recreational and camping area.

ARTICLE II - GENERAL PROVISIONS

Section 2.01 - Terms used

Any word used in its singular term will also include the plural terms and vice versa; and masculine terms include feminine terms and vice versa when it is thus justified in the use of these Regulations.

Section 2.02 - Provisions of other regulations and other documents from the Department

The provisions of these Regulations shall prevail and shall be complemented with the dispositions of any other existing regulations from the Department applicable to the case in particular. Its provisions shall be complemented and shall be interpreted in light of the public policy adopted by this agency.

Section 2.03 - Exclusions of Land in Federal and Military Reserves

The provisions of these Regulations shall not apply to land and areas under the jurisdiction of the Government of the United States of America.

ARTICLE III - DEFINITIONS

Section 3.01 - For the purpose of these Regulations, the following terms shall have the meaning hereby expressed:

1. Administration - Natural Resources Administration, as created by the Substitute to Reorganization Plan No.4 of December 9, 1993.

2. Camping Areas - Those areas duly designated and prepared for the installation of tents.
3. Beach Areas - Natural areas under the jurisdiction of the Department, designated by the Secretary to permit bathing or swimming and to be used by the public for bathing, swimming and passive recreational purposes, previous payment of a users charge in the areas where such payment has been established.
4. Recreational Areas - Those areas that are designated, developed, established, managed, and/or under the custody of the Department and in which recreation is permitted, previous payment of a fee for use wherever such payment has been established, in accordance with the limitations indicated for each particular area.
5. State Forest - Public land that is part of the State Forest system administered by the Department, pursuant to Law No. 133 of July 1, 1975, as amended.
6. Department - Department of Natural and Environmental Resources of the Commonwealth of Puerto Rico, created pursuant to Law No. 23 of June 20, 1972, as amended, and the 1993 Substitute to Reorganization Plan No.4, approved on December 9, 1993.
7. Recreational Facilities - Structures and improvements of infrastructure in areas officially designated as recreational areas including, but not limited to, tables, benches, tents, huts, signs, shed-roofs, portable furnaces, barbecue grills, picnic spots, plumbing and mechanical water or electric service apparatus, restrooms, locker rooms, bridges, trails,

- swings, slides, swimming pools, piers, loading docks, observatories and boardwalks.
8. Bureau - Forest Service Bureau, as created pursuant to Puerto Rico Forest Act.
  9. Manager Officer - A regular employee of the Department, biologist, charged with the administration, operation and management of a state forest, natural area, natural reserve, or wildlife refuge under the jurisdiction of the Department.
  10. Regional Office - An unit of the Department, which exercises at a regional level those responsibility which are delegated by the Department.
  11. Permit - Written authorization granted by the Secretary or by delegated officers to carry out activities allowed in the designated recreational and camping areas.
  12. Person - Any natural, artificial, public or private person, or any institution organized pursuant to the laws of the Commonwealth of Puerto Rico.
  13. Swimming Pool - Recreational facility that serves as a soft or salt water pond dedicated to bathing or swimming within lands under the jurisdiction of the Department.
  14. Wildlife Refuge - Area designated by the Secretary for the protection, conservation and/or propagation of wild fauna, where the use of these resources is ruled by existing Regulations for each area.
  15. Natural Reserve - Areas of Natural Value declared as such by the Planning Board and where the existing natural resources

are managed so as to provide passive recreation, environmental education, scientific research and the conservation of these resources.

16. Secretary - Secretary of the Department of Natural and Environmental Resources.
17. Ranger - The person who is a bona fide or honorary member of the Department's Rangers Corps, pursuant to the Rangers Corps Act and Regulations. The members of State and Municipal Police are also considered Rangers, for the purposes of these Regulations.
18. Parking Zone - Areas assigned for parking motor vehicles in which space is divided for such purpose.

ARTICLE IV - RULES FOR THE USE AND MANAGEMENT OF RECREATIONAL AREA  
AND FACILITIES

Section 4.01 - Schedule

A - The recreational areas and facilities for daytime use will be open to the public from Tuesday to Sunday, from 9:00 a.m. to 5:00 p.m. Subject to special conditions and in particular areas, the Secretary may change the schedule prior the issuance of an Administrative Order and the publication of a Public Notice in a newspaper of general circulation. On Monday all facilities will be closed to the public due to maintenance activities. If Monday is a holiday, facilities will be closed for maintenance on the following Tuesday. After 5:00 p.m. no person or vehicle will be allowed within the recreational and facility area, except for camping areas.

B - Camping areas will be open to receive campers who have the required permit, or their representatives, every day from 12:00 p.m. to 5:00 p.m. After this hour no campers will be received in the areas designated for such purposes.

Personnel and official vehicles of the Department, duly identified and authorized, are exempted from the provisions of these paragraphs.

#### Section 4.02 - Transit

Maximum speed for motor vehicles within recreational and camping area will be limited to ten (10) miles per hour (16 Km. per hour). Transit of motor vehicles outside the areas designated for this purpose is prohibited.

State Transit Laws will apply and will regulate the transit of motor vehicles within recreational and camping areas.

#### Section 4.03 - Parking

Vehicles shall be parked in the areas designates as Parking Zone. Parking of vehicle in such a way as to block the use of roads, and other recreational and camping facilities is prohibited.

### ARTICLE 5 - GENERAL PROHIBITIONS

Section 5.01 - Writing, painting, marking, mutilating, damaging, or in any way destroying any of the recreational and camping facilities is prohibited.

Section 5.02 - Altering, removing, or damaging signals and sign fixed or installed by the Department, or by any other agency with authority to do so, is prohibited.

Section 5.03 - The pasting, painting, adhering, carving, or affixing, any poster, sign, announcement, notice or leaflet on roads, paths, trails, trees, plants in general, fences, and facilities within recreational and camping areas is prohibited; except for those previously authorized by the Department and temporarily used for special authorized activities.

Section 5.04 Removal or relocation of tables, benches, and other facilities from the place where they are affixed or located to a different place is prohibited.

Section 5.05 - Lighting campfires in places other than those provided, and/or throwing or disposing of any lighted article is prohibited.

Section 5.06 - Eating in any other area that is not the picnic spot is prohibited.

Section 5.07 - Camping or installing tents in any area other than those designated for camping is prohibited. Camping will only be allowed in the places designated for such purposes, with the previous authorization of the Department.

Section 5.08 - Depositing garbage and any other waste in any area other than garbage cans and areas expressly designated for such purposes is prohibited.

Section 5.09 - The use of sound reproduction systems, at an unreasonable volume, that deafens the general public as well as the fauna of the place or that violates the Noise Regulations of the Environmental Quality Board is prohibited.

Section 5.10 - The use of megaphones or any other artifact used for commercial announcements or the dissemination of religious or political messages, as well as religious or cult services, mass or political meetings and festivals, among others, is prohibited. The use of these instruments by the Department is exempted from this prohibition.

Section 5.11 - Conducting or carrying out any trade, commerce, or occupation, or installing stands, refrigerators, artifacts, carts, instruments or implements of any type for business, sale, industry, or profitable occupation, without a previous written permit from the Secretary is prohibited.

Section 5.12 - Cutting, killing, destroying, dismembering, mutilating, extracting, ruining, burning, painting, poisoning, harming or damaging any tree or plant in the recreational or camping areas is prohibited.

Section 5.13 - Pursuing, wounding, killing, capturing, disturbing, or destroying any wildlife specie living or visiting the recreational or camping facilities is prohibited.

Section 5.14 - Introducing or permitting the introduction or permanence of any type of domestic or wild animals in the recreational or camping areas, except for guide dogs accompanying sightless persons, is prohibited. Releasing or depositing animals in the areas is also prohibited.

Section 5.15 - Extracting material from earth crust or any other existing natural resource from the recreational or camping areas is prohibited; except for the removal of earth crust material in the

recreational and camping areas for conservation, maintenance or repair purposes.

Section 5.16 (A) - The Secretary shall approve through an Administrative Order, prior recommendation from the Administration, specific restriction parameters in proportion to each area. Once approved, they shall be published in a newspaper of general circulation and they shall be enforced on each area for which they were approved.

(B) Holding basketball, baseball, tennis, volleyball games or any other game of this nature other than passive activities appropriate for recreational and/or camping areas under the jurisdiction of the Department is prohibited. Using or riding bicycle, roller skates, skate boards, horses, motorcycles, etc. outside the areas specially assigned for these purposes, or without written authorization from the Department is also prohibited.

Section 5.17 - Possessing, carrying or using knives not ordinarily used for daily cooking in the recreational or camping areas is prohibited. Possessing, carrying, or using firearms or gases is also prohibited; except for those cases authorized pursuant to the laws of the Commonwealth of Puerto Rico.

Section 5.18 - Using explosives, fireworks, firecrackers, or any other type of pyrothecnic artifact in the recreational and camping areas, except for Bengal lights for emergency cases, is prohibited.

Section 5.19 - Fishing or the use of fishing crafts in the swimming pools is prohibited.

Section 5.20 - Using, possessing, distributing or possessing for distribution of narcotics in the areas under the jurisdiction of these Regulations is prohibited.

Section 5.21 - Using the natural areas or any place other than those assigned as restrooms for biologic needs is prohibited.

Section 5.22 - Using generators in recreational and camping areas is prohibited; except for those used with prior authorization from the Department for special permitted activities.

#### ARTICLE VI - FUNCTIONS AND DUTIES OF THE DEPARTMENT

Section 6.01 - The Department shall exercise the following duties and functions in the administration and management of the recreational and camping areas.

1. It will be responsible for the cleaning and embellishment.
2. It will provide maintenance to the recreational and camping areas so as to keep them in good condition and at the disposition of the public.
3. It will provide the necessary informative signs and signals to orientate the general public.
4. It will be responsible for the custody, surveillance, and order. Provided that these functions will be exercised by the Rangers, the Manager Officer, and the workers of the Department assigned to the recreational and camping areas. Provided that the custody and surveillance functions may also be exercised by the bordering communities, duly organized and in coordination with the Bureau.

5. It will be able to plan, construct, or develop new recreational areas and facilities or expand those existing. It shall conduct the appropriate previous scientific research and consultation activities to determine the impact that the construction, development, or expansion of a recreational and camping area could have on the natural environment of the areas proposed for development.

In these cases a notice will be published in a newspaper of general circulation indicating that new areas and facilities, or the expansion of existing areas, are planned to be constructed or developed; and a brief description of the project. The public may submit commentaries within 15 days from the publication of the notice so that they are considered in the planning process. The Secretary may hold public hearings, if necessary.

6. It will be able to construct buildings, access roads, docks or any other necessary permanent structure for the conservation and enjoyment of the natural resources, to assist maritime or aerial navigation, or to conduct scientific research.
7. It will not transfer or authorize the exclusive use of all or part of the area and/or facilities to any person, thus limiting the use and enjoyment by the general public; except for those cases authorized by the Secretary after having been thoroughly evaluated and recommended by the Forest Service Bureau.

8. It may adopt special rules for the use and management of the recreational and camping areas, provided that they are consistent with the provisions contained in these Regulations.
9. It will provide a first-aid station in all recreational and camping areas under the jurisdiction of these Regulations and a life guard in those areas with swimming pool.
10. It will be responsible for reviewing and determining the carrying capacity of each one of the recreational and camping areas already established or designed.

Section 6.02 - The Department may close any recreational and/or camping area for repairs, construction and/or reconstruction of facilities for the time period deemed necessary. To this end, a Public Notice will be published in a local newspaper, with at least thirty (30) days in advance.

ARTICLE VII - CHARGE TO BE PAID FOR THE USE OF RECREATIONAL AND  
CAMPING FACILITIES

Section 7.01 - The Department may establish a reasonable users charge for the recreational and camping facilities. The reasonable charge imposed may be reviewed by the Secretary in any moment and shall be in force until otherwise decided.

Section 7.02 - The Secretary shall determine the areas or facilities in which the Department will charge a users charge and the amount to be paid. Duly authorized non profit organizations dedicated to improving our natural areas may obtain a fifty percent (50%) discount on the regular camping charge.

Section 7.03 - All income from the recreational and camping areas users charge will be deposited in the Forest Development Special Fund, pursuant to the Puerto Rico Forest Act and shall be used for maintenance and improvement of these areas, as well as for the administration of the Department.

Section 7.04 - No person shall use the recreational and camping areas in which a users charge has been established, until said charge is paid, unless the person has a previous written authorization from the Secretary.

#### ARTICLE VIII - PERMITS

Section 8.01 - The Department shall grant any person a written permit, prior written application, to carry out those activities allowed in the recreational and/or camping areas.

Section 8.02 - All persons must obtain a written permit to use the facilities and the areas for the purpose of:

- A - Camping, spending the night, entering in those areas previously designated for such purposes.
- B - Carrying out group activities (which require greater space than that normally used by a family group).
- C - For any other activity the Department deems necessary.

Section 8.03 (A) - All permit applications that are not for camping, shall be personally filed with the Forest Service Bureau of the Department, or with the nearest Regional Office, within a period of fifteen (15) days before the date the applicant wishes to use the recreational facilities.

(B) All permit applications for camping shall be filed with the Forest Service Bureau of the Department, or with the nearest Regional Office within a period of five (5) days before the date the applicant wishes to use the camping areas.

(C) The Department will not accept or process those applications sent by fax within the period of five (5) days before the date the applicant wishes to use the facilities.

(D) The Department will not accept or process applications for cases hereby contained in paragraphs (A), (B), and (C) filed after the periods of time established for each case.

Section 8.04 - All applications for camping in Mona Island Natural Reserve shall only be filed and processed with the central office of the Forest Service Bureau in San Juan, Puerto Rico.

Section 8.05 - All permit applications shall only be processed through the official application provided by the Department.

Section 8.06 - Any permit for camping or group use shall be informed to the Forest Service Bureau, where the availability of space will be verified.

Permit applications received in the Regional Office shall be sent by the Regional Director to the Director of Forest Service Bureau to be evaluated and processed. A copy of all permits granted shall be sent to the Rangers Corps and the corresponding Manager Officer.

Section 8.07 - The permit may contain those conditions and limitations which the Secretary deems convenient to guarantee the wise use of the recreational and/or camping facilities.

Section 8.08 - The Secretary, through a written document, shall appoint and authorize the officials of the Department who will have the authority to grant and sign permits.

ARTICLE IX - VIOLATIONS AND PENALTIES

Section 9.01 - Administrative fines, Orders from the Secretary and Auxiliary Jurisdiction

- A - Pursuant to the provisions of Law No. 133 of July 1, 1975, as amended, and the provisions of Law No. 170 of August 12, 1988, as amended, as well as the Regulations of Adjudicative Procedures and Administrative Fines of the Department, the Secretary may impose administrative fines for violations to the provisions of these Regulations. Administrative fine shall not exceed the amount of fifty thousand dollars (\$50,000.00) for each violation.
- B - The funds from these administrative fine shall be deposited in the Special Forest Development Fund to be used in compliance with the purposes established in Law No. 133 of July 1, 1975, as amended.
- C - In addition to administrative fines, the Secretary, as fair treatment measures for the affected natural areas and the violations committed, may order the reforestation, restoration and/or mitigation, whenever it is necessary and convenient, taking into account the ecologic and scientific factors appropriate for the well-being of the affected resource and the public interest involved.

D - The Secretary may appear before the General Court of Justice to petition the Court to order compliance with any summons, resolution, or order issued by the Secretary.

ARTICLE X - ADMINISTRATIVE HEARINGS, DENIALS, OBJECTIONS,  
RECONSIDERATION AND JUDICIAL REVIEW

Section 10.1 - Administrative Hearing

The proceedings for adjudicative administrative hearings shall be the one established in Law No. 170 of August 12, 1988, as amended, known as the Uniform Administrative Procedures Act, and the Regulation for Adjudication and Administrative Fines of the Department.

Section 10.2 - Denial of Permits; Objection

Any person who has been denied by the Department a permit, authorization, or similar procedure related to the jurisdiction of these Regulations, may object to the agency's decision through the adjudicative procedure contained in Section 10.01 of these Regulations.

Section 10.03 - Reconsideration

Filing a reconsideration request is not a jurisdictional requirement.

Any person adversely affected by a resolution, order, or decision of the Secretary may request the Secretary to reconsider within twenty (20) days from the date the copy of the notice of the resolution, order, or decision is filed. The Secretary will consider it within fifteen (15) days from the filing of the request with the Secretariat. If the Secretary rejects it outright, or does

not act on it within the fifteen (15) days, the period of time to petition for judicial review will begin to count again from the date the denial is notified or from the expiration of the fifteen day period. If the Secretary makes a decision in the consideration of the case, the period of time to petition for review will begin to count from the date of filing of the copy of the notice of the resolution definitely resolving the petition, which shall be entered and notified within ninety (90) days from the filing of the petition for reconsideration. If the Secretary does not take any action within this period of time, he will lose jurisdiction. The period of time to petition for judicial review will begin to count from the expiration of said ninety (90) days, unless the Court, for good cause, grants an extension of time to hear the case.

#### Section 10.04 - Judicial Review

Any party which is adversely affected by a final order or resolution of an agency and who has exhausted all of the remedies provided by the agency or by the corresponding administrative appellate body, may present a petition for review before the Circuit Court of Appeals within a period of time of thirty (30) days counting from the date the copy of notice of the agency's final order or resolution is filed, or from the applicable date pursuant to Section 3.15 of the Uniform Administrative Procedures Act of the Commonwealth of Puerto Rico, when the period of time to petition for judicial review has been interrupted by a timely presentation of a motion to reconsider. The party will notify the agency and all parties of the filing of the petition for review

within the period of time to request said review. The notice may be sent by mail.

Filing an appeal for review will not interrupt the effect of the resolution or order from the Secretary, unless it is so ordered by the Court, upon the request of interested party, prior to a hearing having been held and it having been determined that the party against whom the resolution or order was issued will suffer serious or irreparable damage if the interruption is not ordered.

ARTICLE XI - SEPARABILITY - EFFECTIVENESS AND NEED OF  
REGULATIONS

Section 11.01 - If any provision, word, clause, paragraph, section, or article contained in these Regulations should be declared void, null, or unconstitutional, by any Court with jurisdiction, such order, or legal declaration shall not affect the remaining provisions of these Regulations, but it will only affect the provision, word, clause, paragraph, section, or article thus declared unconstitutional or null.

Section 11.02 - These Regulations will enter into effect thirty (30) days after its submittal to the Department of State, pursuant to Law No. 170 of August 12, 1988, as amended, and Regulations No. 3770 and 4315, comprehensively, for the Drafting and Publication of Regulations in the Department of State.

In San Juan, Puerto Rico, this 6th day of October, 1997.

[Sgd.] (Daniel Pagán Rosa)  
Daniel Pagán Rosa  
Secretary