

106TH CONGRESS  
2D SESSION

# H. R. 4668

To provide for the protection of critical lands in Puerto Rico, for intergovernmental cooperation in land and water conservation, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 14, 2000

Mr. ROMERO-BARCELO introduced the following bill; which was referred to the Committee on Resources

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## A BILL

To provide for the protection of critical lands in Puerto Rico, for intergovernmental cooperation in land and water conservation, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Puerto Rico Land and  
5 Water Conservation Act of 2000”.

6 **SEC. 2. FINDINGS, PURPOSE, AND DEFINITIONS.**

7 (a) FINDINGS.—Congress finds that—

8 (1) the Karst Region of Puerto Rico is a unique  
9 geological formation which is critical to the mainte-

1 nance of aquifers which constitute a principal water  
2 supply for much of Puerto Rico;

3 (2) the Karst Region is threatened by develop-  
4 ment which, if unchecked, could permanently dam-  
5 age aquifers supplying fresh water and cause irrep-  
6 arable damage to the natural and environmental as-  
7 sets which are unique to the United States and  
8 Puerto Rico;

9 (3) the protection of the Karst Region is an im-  
10 perative for the public health and welfare of the citi-  
11 zens of Puerto Rico;

12 (4) the Karst Region possesses extraordinary  
13 ecological diversity, including the habitats of endan-  
14 gered and threatened species and tropical migrants  
15 and is, therefore, an area of critical value to re-  
16 search in tropical forest management;

17 (5) coordinated efforts at land protection by  
18 agencies of the Federal Government and the Com-  
19 monwealth of Puerto Rico will be necessary to con-  
20 serve this environmentally critical area; and

21 (6) existing units of the National Forest Sys-  
22 tem and the National Wildlife Refuge System also  
23 possess critical natural resources threatened by out-  
24 side development.

1 (b) PURPOSE.—The purpose of this Act is to author-  
2 ize the Secretary of Agriculture, the Secretary of the Inte-  
3 rior, and other Federal departments and agencies to co-  
4 operate with the Commonwealth of Puerto Rico—

5 (1) in the acquisition, restoration, protection,  
6 and management of lands and waters of the Karst  
7 Region and units of the National Forest System and  
8 National Wildlife Refuge System in Puerto Rico;

9 (2) in the establishment of new conservation  
10 areas administered by Puerto Rico and the Federal  
11 Government; and

12 (3) in the protection and management of fresh  
13 water aquifers, tropical forest ecosystems, and  
14 threatened and endangered species and their habi-  
15 tats.

16 (c) DEFINITIONS.—For the purposes of this Act the  
17 following definitions apply:

18 (1) AREA.—The term “Area” means the Karst  
19 Resource Protection Area established by section 3.

20 (2) FUND.—The term “Fund” means the Puer-  
21 to Rico Land Conservation Fund established by sec-  
22 tion 7.

23 (3) GOVERNOR.—The term “Governor” means  
24 the Governor of Puerto Rico.

1           (4) MAP.—The term “Map” means the map en-  
2           titled “Karst Resource Protection Area”, dated Jan-  
3           uary 2000.

4           (5) NATURAL RESOURCE CONSERVATION  
5           UNIT.—The term “natural resource conservation  
6           unit” means a national forest when administered by  
7           the Secretary of Agriculture, a National Wildlife  
8           Refuge when administered by the Secretary of the  
9           Interior, and a Commonwealth Forest when adminis-  
10          tered by the Secretary of the Puerto Rico Depart-  
11          ment of Natural and Environmental Resources.

12          (6) PUERTO RICO.—The term “Puerto Rico”  
13          means the Commonwealth of Puerto Rico, or its suc-  
14          cessor.

15          (7) SECRETARY.—The term “Secretary” means  
16          the Secretary of Agriculture.

17 **SEC. 3. THE KARST RESOURCE PROTECTION AREA.**

18          (a) ESTABLISHMENT.—There is hereby established  
19          the Karst Resource Protection Area in order to provide  
20          for cooperative land conservation efforts by the Federal  
21          Government and Puerto Rico.

22          (b) BOUNDARIES OF AREA.—

23                  (1) IN GENERAL.—The Area shall comprise  
24                  those lands and interests therein, as generally de-  
25                  picted on the Map.

1           (2) MAP ON FILE.—The Map shall be on file  
2           and available for public inspection in the office of  
3           the Chief, Forest Service, Washington, DC., the of-  
4           fice of the Director, United States Fish and Wildlife  
5           Service, Washington, DC., and the office of the Sec-  
6           retary of the Puerto Rico Department of Natural  
7           and Environmental Resources, San Juan, Puerto  
8           Rico.

9           (3) ADJUSTMENTS.—The Secretary, in con-  
10          sultation with the Secretary of the Interior and the  
11          Secretary of the Puerto Rico Department of Natural  
12          and Environmental Resources, may make minor ad-  
13          justments to expand the boundaries of any unit  
14          within the Area insofar as such expansion does not  
15          increase the area of such unit by more than 10 per-  
16          cent.

17          (c) UNITS.—The Area shall be divided into units as  
18          depicted on the Map with general management responsi-  
19          bility for each unit being divided among the Secretary, the  
20          Secretary of the Interior, and the Governor.

21   **SEC. 4. ADMINISTRATION OF THE AREA.**

22          (a) IN GENERAL.—

23               (1) COOPERATIVE PROGRAM.—The Secretary,  
24               acting with the International Institute of Tropical  
25               Forestry and the Caribbean National Forest, and in

1 cooperation with the Secretary of the Interior and  
2 the Governor, shall administer a cooperative pro-  
3 gram of land conservation and protection, research,  
4 and public use within the Area.

5 (2) MANAGEMENT OBJECTIVES.—Lands within  
6 the Area administered under this program shall be  
7 managed primarily for the objectives of—

8 (A) protecting watersheds and water qual-  
9 ity;

10 (B) maintaining and enhancing biodiver-  
11 sity; and

12 (C) conserving fish, wildlife, and their  
13 habitats.

14 (3) PRINCIPAL COMPONENT.—Natural re-  
15 sources research shall be a principal component of  
16 the management of the Area.

17 (4) USES.—Public recreation and other uses  
18 shall be permitted within the Area to the extent that  
19 such recreation and uses are compatible with the  
20 primary management objectives for the Area.

21 (b) COOPERATION.—In order to carry out the pur-  
22 poses of this Act, the Secretary and Secretary of the Inte-  
23 rior may enter into contracts, cooperative agreements and  
24 similar arrangements between themselves and with the

1 Governor and other entities, including corporations, orga-  
2 nizations, and individuals.

3 (c) SUPPLEMENTAL AUTHORITIES.—In admin-  
4 istering the Area—

5 (1) the Secretary may use any other authorities  
6 available including, the Cooperative Forestry Assist-  
7 ance Act (92 Stat. 365), the International Forestry  
8 Cooperation Act of 1990 (104 Stat. 2070), and the  
9 Forest and Rangeland Renewable Resources Re-  
10 search Act of 1978 (92 Stat. 353);

11 (2) the Secretary of the Interior may use any  
12 other authorities available, including the Fish and  
13 Wildlife Coordination Act (16 U.S.C. 661–667e), the  
14 Migratory Bird Conservation Act (16 U.S.C. 715–  
15 715r), the Migratory Bird Treaty Act (16 U.S.C.  
16 703–711), the National Wildlife Refuge System Ad-  
17 ministration Act (16 U.S.C. 668dd–668ee), and the  
18 Act of May 19, 1948 (16 U.S.C. 667b–667d); and

19 (3) the Governor may use any authorities avail-  
20 able under the laws of the Commonwealth of Puerto  
21 Rico for land acquisition and restoration purposes.

22 **SEC. 5. LAND PROTECTION.**

23 (a) LAND ACQUISITION.—The Secretary and the Sec-  
24 retary of the Interior are authorized by this Act to acquire  
25 from willing sellers by purchase, exchange, donation, or

1 otherwise, lands and interests therein, within the Area for  
2 the purposes of this Act.

3 (b) FEDERAL LAND WITHIN THE AREA.—

4 (1) IN GENERAL.—At the direction of the Sec-  
5 retary, any lands or interests in lands within the  
6 Area owned by the United States, including lands to  
7 which title is held by the Commodity Credit Cor-  
8 poration and any subsidiary entity, shall be managed  
9 in furtherance of the purposes of this Act.

10 (2) TRANSFERS OF ADMINISTRATION JURISDIC-  
11 TION.—Pursuant to such terms and conditions as  
12 the Secretary may prescribe, lands or interests in  
13 lands may be transferred without consideration to  
14 the administrative jurisdiction of land management  
15 agencies within the Department of Agriculture, to  
16 the Fish and Wildlife Service of the Department of  
17 the Interior, or to the Department of Natural and  
18 Environmental Resources of Puerto Rico, to be man-  
19 aged as part of the natural resource conservation  
20 units under their respective jurisdiction. Interdepart-  
21 mental transfers of land between Federal agencies  
22 shall be effected through publication of a notice  
23 thereof in the Federal Register.

24 (3) COMPELLING NEED EXCEPTION.—This sub-  
25 section shall not apply to Federal lands or interests

1 in land if the head of the agency controlling the  
2 property determines that there is a compelling pro-  
3 gram need for any such property.

4 (c) VALUATION.—The Secretary and the Secretary of  
5 the Interior may acquire lands and interests therein, based  
6 on the fair market value of land within a unit or parts  
7 of units of the Area determined by a project appraisal re-  
8 port or other valuation methodology consistent with the  
9 Uniform Appraisal Standards for Federal Land Acquisi-  
10 tions.

11 (d) PROGRAMS OF THE DEPARTMENT OF AGRICULTURE.—  
12 CULTURE.—

13 (1) IN GENERAL.—The Secretary may use any  
14 program of the Department of Agriculture in fur-  
15 therance of the purposes of this Act.

16 (2) ACQUISITIONS.—The Secretary may acquire  
17 from the Government of Puerto Rico easements  
18 under the Wetlands Reserve Program if the Com-  
19 monwealth of Puerto Rico agrees that any consider-  
20 ation paid for such easements shall be used for the  
21 acquisition, protection, and restoration of lands  
22 within those portions of the Area under its adminis-  
23 tration.

24 (e) WITHDRAWALS.—Subject to valid existing rights,  
25 all Federal lands and interests in lands within the Area

1 are withdrawn from all forms of appropriation under the  
2 mining laws and from disposition under all laws pertaining  
3 to mineral and geothermal leasing, including all amend-  
4 ments thereto.

5 (f) HAZARDOUS SUBSTANCES.—Nothing in this Act  
6 shall be construed to require the Secretary or the Sec-  
7 retary of the Interior to accept title to any land deemed  
8 to be contaminated with hazardous substances unless ade-  
9 quate provision is made for remediation, cleanup, and  
10 other actions deemed necessary and desirable by the ac-  
11 quiring agency for environmental restoration and protec-  
12 tion.

13 **SEC. 6. NATIONAL FOREST LANDS.**

14 (a) APPLICABLE LAWS, RULES, AND REGULA-  
15 TIONS.—Federally owned lands within the Area which are  
16 managed by the Secretary shall be subject to this Act and  
17 the laws, rules, and regulations applicable to the National  
18 Forest System.

19 (b) AUTHORITIES AVAILABLE.—In furtherance of the  
20 purposes of the International Institute of Tropical For-  
21 estry, for those portions of the Area under the administra-  
22 tive jurisdiction of the Secretary, the authorities of the  
23 Forest and Rangeland Renewable Resources Research Act  
24 of 1978 (16 U.S.C. 1600 et seq.) shall be available, includ-

1 ing those for the establishment of experimental forest re-  
2 search facilities.

3 (c) DESIGNATION AS COMPONENT OF CARIBBEAN  
4 NATIONAL FOREST.—At such time as the Secretary  
5 deems that sufficient lands and interests in land have been  
6 acquired in the Area in order to manage said lands as  
7 National Forests in conformity with this Act, the Sec-  
8 retary may designate the same as a component of the Car-  
9ibbean National Forest or as another unit of the National  
10 Forest System by publication of notice thereof in the Fed-  
11 eral Register.

12 **SEC. 7. PUERTO RICO LAND CONSERVATION FUND.**

13 (a) FUND CREATION.—There is hereby established in  
14 the Treasury of the United States a special account to  
15 be known as the Puerto Rico Land Conservation Fund  
16 which shall be administered by the Secretary. The Fund  
17 shall be available to the Secretary and the Secretary of  
18 the Interior to carry out the protection of the Area and  
19 other National Forest and National Wildlife Refuge units  
20 in Puerto Rico through land acquisition as authorized  
21 herein, and the restoration of wetlands and other eco-  
22 logically sensitive areas. Moneys made available for the  
23 Fund shall be supplemental to those that may be available  
24 from other sources.

1       (b) DEPOSITS INTO THE FUND.—The following  
2 funds and receipts shall be deposited into the Fund which  
3 shall be available, until expended and without further ap-  
4 propriation, to the Secretary and the Secretary of the In-  
5 terior in furtherance of the purposes of this Act:

6           (1) TREASURY.—On October 1, 2000, out of  
7 any funds in the Treasury not otherwise appro-  
8 priated, the Secretary of the Treasury shall provide  
9 \$100,000,000 to the Fund.

10          (2) SURPLUS REAL PROPERTY SALES.—All  
11 funds received by the Administrator of the General  
12 Services Administration from the disposal of surplus  
13 real property in Puerto Rico pursuant to the Federal  
14 Property and Administrative Services Act of 1949  
15 (40 U.S.C. 471 et seq.).

16          (3) USER FEES.—Notwithstanding the provi-  
17 sions of the Act of May 23, 1908 (16 U.S.C. 500),  
18 all net receipts generated from the use of the Carib-  
19 bean National Forest.

20          (4) Other funds received or appropriated for the  
21 purposes of this Act, including donations.

22       (c) ALLOCATIONS FROM THE FUND.—

23           (1) IN GENERAL.—Amounts in the Fund shall  
24 be allocated as follows:

1 (A) No less than 90 percent for land ac-  
2 quisition and restoration within the Area.

3 (B) No more than 10 percent for land ac-  
4 quisition and restoration within the unit of the  
5 Caribbean National Forest existing as of the  
6 date of the enactment of this Act.

7 (2) LAND ACQUISITION EXPENDITURES.—For  
8 purposes of this subsection, expenditures for land  
9 acquisition shall include the costs of the land and as-  
10 sociated administrative costs including, valuation,  
11 title review, legal, and conveyance costs.

12 (d) OTHER FUNDING.—In addition to the Fund es-  
13 tablished under this section, the Secretary, the Secretary  
14 of the Interior, or the Governor may use any other author-  
15 ized and appropriated sources of funding in furtherance  
16 of the purposes of this Act.

17 **SEC. 8. ESTABLISHMENT OF THE RIO ENCANTADO NA-**  
18 **TIONAL WILDLIFE REFUGE.**

19 (a) AUTHORIZATION.—The Secretary of the Interior  
20 is authorized to establish the Rio Encantado National  
21 Wildlife Refuge located in the municipalities of Ciales,  
22 Manati, Florida, and Arecibo, Puerto Rico, as identified  
23 in the preliminary project proposal entitled “Proposed Es-  
24 tablishment of the Rio Encantado National Wildlife Ref-

1 uge”, dated May 1999, as amended and approved by the  
2 Director of the United States Fish and Wildlife Service.

3 (b) ESTABLISHMENT.—The Secretary of the Interior  
4 shall make such establishment by publication of notice  
5 thereof in the Federal Register upon the determination of  
6 the Secretary of the Interior that sufficient lands and in-  
7 terests in land have been acquired within the boundaries  
8 of the Refuge to enable management in furtherance of fish  
9 and wildlife conservation, particularly the reintroduction  
10 of the endangered Puerto Rican parrot. Upon establish-  
11 ment, the Rio Encantado National Wildlife Refuge shall  
12 be managed by the Secretary of the Interior as a unit of  
13 the National Wildlife Refuge System in accordance with  
14 this Act, the National Wildlife Refuge System Administra-  
15 tion Act (16 U.S.C. 668dd et seq.), and all other laws and  
16 regulations generally applicable to units of the National  
17 Wildlife Refuge System.

18 (c) DESCRIPTION.—The boundaries of the Rio  
19 Encantado National Wildlife Refuge shall be as generally  
20 depicted on the Map. The Secretary of the Interior, in con-  
21 sultation with the Secretary, may include a description of  
22 the boundary, with any appropriate adjustments, in the  
23 publication of the notice of establishment required under  
24 subsection (b).

1 **SEC. 9. WILD AND SCENIC RIVERS.**

2 (a) AMENDMENT TO PROVIDE FOR STUDY.—To pro-  
3 vide for the study of potential additions to the National  
4 Wild and Scenic Rivers System, section 5(a) of the Wild  
5 and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended  
6 by adding at the end the following new paragraphs:

7 “( ) RIO ENCANTADO, PUERTO RICO.—The main  
8 underground river system.

9 “( ) RIO GUAJATACA, PUERTO RICO.—The river  
10 from the Lake Guajataca dam to the ocean.

11 “( ) RIO CAMUY, PUERTO RICO.—The entire river.

12 “( ) RIO TANAMA, PUERTO RICO.—The entire  
13 river.”.

14 (b) REQUIREMENTS FOR STUDIES.—The studies au-  
15 thorized by this section shall be conducted in conformity  
16 with the Wild and Scenic Rivers Act by the Secretary of  
17 the Interior, in consultation with the Secretary of Agri-  
18 culture and the Governor. The studies shall be completed  
19 and reports thereon submitted to the Congress no later  
20 than three full fiscal years from the date of the enactment  
21 of this section.

22 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

23 There is hereby authorized to be appropriated  
24 \$100,000,000 for the purposes of this Act.

○