

Puerto Rico coast still ruled by 1886 law

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(AP) -- A Spanish law crafted in 1886 still governs development along Puerto Rico's sprawling coastline, worrying activists and legislators who say the ancient mandate has allowed construction along ecologically sensitive beaches.

But replacing the law's vague wording and its scant references to environmental protection has been a challenge. A bill that addresses those concerns has been stuck in the legislature since 2009, while complaints about limited access to public beaches and construction in environmentally delicate areas have increased.

"It's time, now that we're face to face with the 21st century, that we stop gambling with the health and safety of our citizens and the resources of [future generations](#)," said Ricardo de Soto, who runs a local chapter of Waterkeeper Alliance, an [environmental group](#). "We need to create an intelligent coastal law."

The 125-year-old law was decreed by Spain at a time when establishing settlements and businesses was of utmost importance and there were few concerns about overdeveloping the 700-mile-long (1,130-kilometer) coast, or exhausting what were perceived as limitless natural resources.

"Because the law is so old, it is very vague and lacks technical and environmental content," said Miguel Sarriera, an attorney who has represented local environmental groups pushing for new legislation.

The lack of specific regulations gives a tremendous amount of discretion

to state planning agencies, some of which abuse their powers when awarding permits, according to lawmakers backing the coastal management bill. A new, clear policy would prevent such problems, said Rep. Carlos Mendez, who submitted the bill.

"We're supporting a law from the 1800s that does not adjust itself to the reality of Puerto Rico," he said. "We don't have the same [coastline](#) that we had in the 1800s."

Mendez said the law has allowed homes to be built on public beaches, and has allowed some to be blocked in popular tourist areas such as Rio Grande, along the island's north coast, and Guanica, in the southwest. Beach access also has been blocked in the past decade by high-end residential communities in Isla Verde and Ocean Park in the capital of San Juan, Sarriera added.

One of the more controversial projects has been Paseo Caribe, a luxurious condo-hotel built next to San Geronimo, a historic seaside fort in San Juan.

Opponents have waged lengthy protests, alleging the development was built on improperly sold public land and that it blocks access to the fort, a public landmark.

Dozens of protesters camped in front of the construction site, some for more than a year. A legislative investigation led the island's justice secretary to declare that the land was public, prompting the government to withhold permits.

The developers responded with a multimillion-dollar lawsuit against the island's former government, and eventually obtained permission to finish the project.

On June 17, the 1st U.S. Circuit Court of Appeal in Boston found that the former administration did not grant developers a proper hearing before suspending the permits, but also gave the government immunity from paying any compensation.

Frustrated by legal loopholes, activists armed with sledgehammers and drills have destroyed walls and torn down fences in recent years in an effort to force developers to comply with ignored court orders to restore access to beaches.

But the government is in no rush to reinforce court orders or approve a new law of its own, Sarriera contends.

He said that because the current law "does not have a lot of context, the opinion of the secretary (of natural resources) reigns supreme, and the government likes that."

Natural Resources Secretary Daniel Galan said his department carefully reviews development projects, but he acknowledged that, as a result of abstract definitions in the 1886 law, some projects that should not have been approved were approved, and vice versa.

"Unfortunately, there have been inconsistencies on both sides," he said.

Currently, project proposals are accompanied by the opinions of experts as to what constitutes the coastal zone and which areas should be designated as private.

Galan said his agency has been trying to replace opinions with hard data and has just finished a \$1 million project to delineate Puerto Rico's coastal zone using updated technology.

By August, the secretary said he expects to propose a bill of his own

using new data he says will protect against discretionary decisions.

"It cannot be based on personal opinion," Galan said. "It is extremely, extremely precise."

Galan said his proposal will not address right of way to beaches, which he says is a more complicated issue that his agency will tackle later.

Mendez's bill, meanwhile, calls for greater public access to beaches, a concept that Sarriera supports even though he said it is not an ideal proposal.

"I wouldn't put it on my list for Santa Claus," he said, "but it's better than what we have now, without a doubt."

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