OFFICIAL TRANSLATION

I, Claudia Ma. Agüero Chacón, identity card number 1614-520, Official Translator of the Ministry of Foreign Affairs and Worship of the Republic of Costa Rica, named by Agreement Nº 006-98 DJ of November 16, 1998, published in La Gaceta Nº 249 of December 23, 1998, hereby CERTIFY that the pertinent parts of the document "decree" to be translated from Spanish into English reads as follows:

Executive Power

Decrees

N. 33991-MINAE

THE PRESIDENT OF THE REPUBLIC

AND THE MINISTRY OF ENVIRONMENT AND ENERGY

Pursuant to the authority conferred by articles 140, paragraphs 3) and 18) and 146 of the Political Constitution, article 37 of the Organic Law of Environment Nº 7554 of October 4, 1995, Law Nº 7524 of July 10, 1995 which creates Parque Marino Las Baulas; Law on Expropriations Nº 7495 of May 3, 1995 as amended.

Whereas

1°. With the ratification of the Convention of Biological Diversity in 1994, our country acquired the commitment of establishing a system of protected areas in which special actions must be taken to conserve biological diversity, such as, management of important biological resources, either within or outside protected wilderness areas, to guarantee their conservation, protection of ecosystems and natural habitats which allow promoting an environmentally-adequate and sustainable development in surrounding areas of protected areas in order to increase protection in these areas and promote recovery of threatened species.


3°. By Law 7906, published on September 24, 1999, our country passed the Inter-American Convention for the Protection and the Conservation of Sea Turtles signed on January 31 1997, it sets as a commitment of signatory governments the establishment of restrictions to human activities that may affect sea turtles, especially during breeding, incubation, and migration periods as well as restoration of the natural habitat and spawning sites for turtles, through the utilization of these areas as protected wilderness areas.
4.- By Law N° 8586, published on April 20, 2007, Costa Rica ratifies the "Convention for the Conservation of the Biodiversity and the Protection of Wilderness Areas in Central America." Article three, appendix one, items one and four states that Leatherback turtle (Dermochelys coriacea) is one of the migratory endangered species. With the rank of International Treaty, our country is committed to conserve and restore habitats that are important to conserve such species; the country must prevent, eliminate, compensate, or properly minimize, negative effects of activities or obstacles that seriously hinder or prevent such species migrations.

5.- Main threat of Leatherback Turtle is both commercial fishing and the development of in-land non-compatible activities with conservation. Infrastructure development, constant presence and unrestricted of individuals and their pets are a threat for the species, their nests and environment.

6.- Parque Marino Las Baulas de Guanacaste is one of the four most important spawning places in the Pacific Ocean. Nonetheless, in the last years, there has been a considerable reduction in turtle spawning which force to adopt measures, among them, securing that lands where the Park is become public property. This way, urban growth is stopped.

7.- Parque Marino Las Baulas de Guanacaste is located in a coastal area, which as opposed to others which fully rule a protected area of two hundred meters from common high tide subject to "public domain" which sets forth the Terrestrial-Maritime Zone, which the legislator authorized the creation of "private domain" titles registered at the Public Registry of Real Estate in the name of different private owners. In addition to creating the Park, it was established the protection of only seventy-five adjacent meters to the fifty-meters of the public zone, which only add-up one hundred twenty-five meters starting from the common high tide.

8.- Existence of private property in the zone that describes the Marine Park has favored the development of activities which are not compatible with Leatherback Turtle conservation. It has also allowed spraying the property, which is not compatible with the nature of the zone.

9.- Article 37 of Organic Law of Environment N° 7554 of October 4, 1995 sets forth the obligation of the Government to pay for the lands that are within the borders of the National Parks. Therefore, it gives powers to the Executive Power through the Ministry of Environment and Energy to expropriate those lands as set forth under Law for Expropriations N° 7495 of May 3, 1995.

10.- Pursuant to article 50 of our Political Constitution "every person has the right to a healthy and ecologically balanced environment," existing, accordingly, as set forth in this sense, the obligation of the Government to guarantee it. Leatherback Turtle, as a biodiversity and natural environment item, is part of
such balance that must be guaranteed. -

11.- Our Court of Appeals, through vote N° 5544 at 15:38 p.m. of May 10, 2005, regarding the environmental protection, stated:

"Article 50 above mentioned, also delineates the Social State under the Rule of Law; therefore, we can conclude that environmental protection is an adequate mechanism to govern and improve everybody's life quality, which make's necessary intervention of Public Authorities on factors that may alter balance and prevent individuals to develop and operate in a healthy environment. Incidence that has the right to a healthy and ecologically balanced environment within the State activity, finds its main rationale in the fact that by definition, rights are not limited to the individuals' private sphere, but which are important to the State's own structure as their guarantor and in the second place, because the State's activity is addressed towards satisfaction of community's interests. (...) IV.- The Court has stated that environment, must be understood as a development potential to be used adequately, and actions must be taken in an integrated way regarding natural, sociocultural, technological and political relations, since, on the contrary, present and future productivity is diminished and heritage of coming generations might be at risk. Origins of environmental problems are complex and correspond to an articulation of natural and social processes in the framework of socio-economic adopted by the country. For example, environmental problems are produced when the modalities for the exploitation of natural resources give place to a degradation of ecosystems which is superior to their regeneration capacity, which consequence is that wide sectors of the population are affected and a high environmental and social cost is created which results in deterioration of life quality, since precisely the main objective of environment use and protection is to get a favorable development and evolution of human being (...) Our country has depended and will continue depending on, as any other nation, on its natural resources and its medium to fulfill its inhabitants basic needs and to keep the operations of the production system that supports national economy, which main source is agriculture and in recent years, tourism, especially, ecotourism. Soil, water, air, marine and coastal resources, forests, biological diversity, mineral resources and landscape makeup the environmental framework without which basic demands—such as vital space, food, energy, housing, health, and entertaining—would be impossible. In the same way, our economy is also very closely linked to environmental conditions and natural resources. (...)"

12.- Pursuant to the foregoing, it can be concluded that there is an evident and clear interest in protecting Leathernook Turtle and their spawning zones, their survival as species and biodiversity element. The
inadmissibility that in the lands where arrival, spawning, and birth take place is just the area which has been declared National Park, activities different from the protection of the species are carried out, the Costa Rican State is obliged to directly assume ownership through expropriation.  

13.- As set forth by article 18 of the Law on Expropriations "to expropriate, it shall be indispensable a properly justified order, through which, the asset being expropriated is declared of public interest. The public interest declaration shall be notified to the interested party or its legal representative and shall be published in the Official Journal." In this sense, and since it is located within the coordinates of the Parque Nacional Marino Las Baulas de Guanacaste, it is necessary to declare the public interest and start the expropriation administrative proceedings of the property located at the Guanacaste administrative area, real estate folio 42330-000, property of My new land of Costa Rica T R C S. A., legal corporate number 3-101- 346452; property to be expropriated described according to the Public Registry as follows: Location: district 08 Cabo Velas, canton 03 Santa Cruz, Guanacaste Province, with an area of 806 meters and 78 square decimeters; boundaries: North: a street with a front of 20 meters and 27 square decimeters; South: a maritime zone East: Lot 31; West: Lot 29. Survey map number G-115230-1993. Therefore:  

DECREE:  

Article 1°.- Pursuant to the foregoing clauses and since it is located within the coordinates of the Parque Nacional Marino Las Baulas de Guanacaste, it is declared of public interest the purchase, through expropriation, of property of the Guanacaste Administrative Area under real estate folio 42330-000, property of My new land of Costa Rica T R C S. A., legal corporate number 3-101- 346452; property to be expropriated described according to the Public Registry as follows: Location: district 08 Cabo Velas, canton 03 Santa Cruz, Guanacaste Province, with an area of 806 meters and 78 square decimeters; boundaries: North: a street with a front of 20 meters and 27 square decimeters; South: a maritime zone East: Lot 31; West: Lot 29. Survey map number G-115230-1993.  

Article 2°.- Expropriation administrative procedure must be started for which procedure the General Directorate of the National System of Conservation Areas (SINAC, for its abbreviation in Spanish). Publish this declaration in the Official Journal and notify the owner. The provisional order for notation on said property must be notified to the National Registry of Real Estate. Therefore, Legal Counsel Coordinator of the National System of Conservation Areas is authorized to carry out the proceedings at the National Registry to issue and sign the corresponding order at that Registry.  

Article 3°.- The National System of Conservation Areas of the Ministry of Environment and Energy represented by the Directorate General must continue the proceedings set forth for such purpose to
purchase said lot, paying special attention to terms set forth and strictly following provisions under the
Law on Expropriations as amended. - ---------------------------------------------------------------

Article 4°. In force from the time of its publication. - ---------------------------------------------------------------

Given at the Presidency of the Republic.-San Jose, on the eleventh day of September, two thousand
seven. - ---------------------------------------------------------------

ÓSCAR ARIAS SÁNCHEZ. - Acting Ministry of the Environment and Energy Jorge Rodríguez Quirós.- 1
time-(D33991-87034) - ---------------------------------------------------------------

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In witness whereof at the request of the interested party, I issue the present Official Translation from
Spanish into English, consisting of five pages, and I sign and seal it in San José, Republic of Costa Rica,
on the eighth day of March in the year of the Lord two thousand thirteen. The stamps required by law are
affixed and cancelled. I affix my raised seal at the foot of the translation. The five pages of the translation
are written only on the obverse and the reverse has been annulled. -----------------------------------------------
El Presidente de la República y el Ministro del Ambiente y Energía

Con fundamento en las facultades que le confiere el artículo 140, incisos 1) 3) y 3) y 146 de la Constitución Política, artículo 37 del Decreto Legislativo N° 5199-MINAE, aprueba la aprobación y elaboración del Ordenamiento jurídico de las actividades de la pesca y el acuiculturismo en el país, así como la conservación, protección y restitución de las especies de fauna marina y de su ambiente, aspectos relacionados con el medio ambiente y la energía, que comprenden la presente (…)

El presente decreto se rige por lo establecido en el artículo 37 del Decreto Legislativo N° 5199-MINAE, aprobado el 3 de mayo de 1995 y sus reformas.

1—Con la ratificación del Convenio de Diversidad Biológica en 1994, nuestro país adquiere el compromiso de establecer un sistema de áreas protegidas, así como medidas para conservar la diversidad biológica, como la administración de recursos biológicos importantes, garantizando su conservación, la protección de ecosistemas y hábitat naturales, con miras a aumentar la protección de esos zonas y promover la recuperación de estos ambientes.

2—El Parque Nacional Marino Las Baulas de Guanacaste fue creado primariamente mediante Decreto Ejecutivo N° 2053-MINEEN de la fecha 29 de mayo de 2007, publicado en el Diario Oficial el 29 de mayo de 2007, y posteriormente ratificado su creación por Ley N° 7594 del 10 de julio de 2009.

3—Por Ley N° 7906, publicada el 24 de setiembre de 1999, nuestro país aprueba la convención internacional para la protección y conservación de las Tortugas Marinas, suscrita el 31 de enero de 1997, y que establece restricciones a las actividades económicas que puedan afectar a las tortugas marinas, sobre todo durante los períodos de reproducción, incubación y migración así como la restauración del hábitat y de los lugares de desove, mediante la utilización de esos zonas como áreas silvestres protegidas.

4—Por Decreto Ejecutivo N° 150-MINEEN, publicado el 1 de noviembre de 2004, Costa Rica ratifica la "Convención sobre la Conservación de las Especies Migratorias de Animales Silvestres". En el artículo 3, apéndice un I. Cartas unificadas, se indica que la tortuga Baula (Dermochelys Coriacea), es una de las especies migratorias en peligro de extinción. Con el rango de Tratado Internacional nuestro país se obliga a conservar y restaurar los hábitats que sean importantes para preservar dicha especie; debe prevenir, eliminar, compensar o minimizar en forma apropiada, los efectos negativos de actividades o de obstáculos que dificultan seriamente o impiden la migración de dicha especie.

5—Por Decreto Ejecutivo N° 2053-MINEEN, de la fecha 29 de mayo de 2007, publicado en el Diario Oficial el 29 de mayo de 2007, Costa Rica ratifica la "Convención sobre la Conservación de las Especies Migratorias de Animales Silvestres". En el artículo 3, apéndice un I. Cartas unificadas, se indica que la tortuga Baula (Dermochelys Coriacea), es una de las especies migratorias en peligro de extinción. Con el rango de Tratado Internacional nuestro país se obliga a conservar y restaurar los hábitats que sean importantes para preservar dicha especie.

6—En el Decreto Ejecutivo N° 2053-MINEEN, de la fecha 29 de mayo de 2007, publicado en el Diario Oficial el 29 de mayo de 2007, Costa Rica ratifica la "Convención sobre la Conservación de las Especies Migratorias de Animales Silvestres". En el artículo 3, apéndice un I. Cartas unificadas, se indica que la tortuga Baula (Dermochelys Coriacea), es una de las especies migratorias en peligro de extinción. Con el rango de Tratado Internacional nuestro país se obliga a conservar y restaurar los hábitats que sean importantes para preservar dicha especie.

12—De conformidad con todo lo anterior, se puede concluir que existe un interés público evidente y manifiesto en la protección de la tortuga Baula, para sus áreas de anidación, que es un factor de supervivencia y un elemento de la biodiversidad. La importancia de que en los terrenos donde se produce el anidamiento, se mantenga el comportamiento natural, es que el mismo se realice en el mismo perímetro donde ha sido declarado como Parque Nacional de la especie, y que se realicen actividades diferentes a la protección de la especie, obliga al Estado Costarricense a asumir directamente el dominio a través de la expropiación.

13—Tal y como lo establece el artículo 18 del Decreto de Expropiación "para derogar, será independiente del curso de otra actividad, donde se realicen actividades diferentes a la protección de la especie, obliga al Estado Costarricense a asumir directamente el dominio a través de la expropiación."