



REPUBLICA DE COSTA RICA

*Ministerio del Ambiente y Energía**Despacho del Ministro*San José, 15 de julio del 2009
DM-1225-09Doctor
Kirt Rusenko
Gumbo Limbo Nature Center
Boca Raton, Florida

Dear Doctor Rusenko:

Considering the success of your professional work with the recovery of sea turtle populations in Boca Raton is that I appeal to your expertise on the matter, on behalf of Costa Rica's Ministry of the Environment requesting your opinion on the Bill recently submitted by the government to the Legislative Assembly. As well as the following questions regarding the protection of Pacific nesting sea turtles at Baulas National Marine Park (Parque Nacional Marino las Baulas) and surrounding areas, in order to determine if the strict measures and regulations included in the project are enough and adequate for their protection.

Included along with a copy of the Project of Law are very recent photographs of the area and a sketch illustrating the setback and vegetation coverage, which according to the project will cover the ground between the nesting beaches and the private properties.

With the approval of this new law the National Park would include Tamarindo Bay plus 12 miles toward the ocean of territorial waters, the islands within those waters and the 50 meters wide public zone which, according to Costa Rican law, is measured from the mean high tide water line 50 meters inland. The estuaries and marshlands in the area are also part of the Park. For additional protection to the turtles, the properties bordering the Park shall be turned into a public/private wildlife refuge with strict regulations and restrictions for the homeowners, some of which are stated below:

Private property starts after the 50 meter wide public zone (beaches and natural forest of the National Park) and an additional 15-30 meters setback from the property line will be required, depending on the known nesting activity. That will be complemented by a 2 meter wide hedge along the property line, of evergreen vegetation to prevent any direct light from reaching the beach.

Two stories is the maximum height allowed for constructions in the strip of land 65 meters inland from the beachfront property line, with maximum ground coverage of 30%. Constructions located in the zone between the 65 and 150 meters line from the 50 meters

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public zone limit will be allowed a maximum height of 3 stories and no more than 30% ground coverage.

It will be required that the outside walls of all homes be painted with colors that are non reflective or brilliant, intended to reduce visual impact and contrast with the surrounding vegetation. The guidelines for lighting regulations will be those adopted from "The Florida Fish and Wildlife Research Institute's Technical Report" written by doctors Blair Witherington and Erik Martin, the "Practical Guide for Lighting - to reduce light pollution and save energy" by Astrolab and The Light Ordinance Manual for the county of Boca Raton. Those guidelines will be addressed in more detail in the compulsory Management Plan for the area as it is determined in the Project of Law.

Noise emissions from various sources will be mitigated as much as possible. No clubs or discotheques will be allowed in the refuge, and only small petit-hotels with no more than 20 rooms, and only in those areas located far from the known nesting areas will be permitted. The latest technology on sewage treatment plants will be recommended. Beach nourishment is not allowed anywhere in this country nor the use of motorized vehicles or any kind of construction within the public zone.

The "Cerro el Morro", with no nesting beaches in its surroundings, will also be included as part of the public/private wildlife refuge.

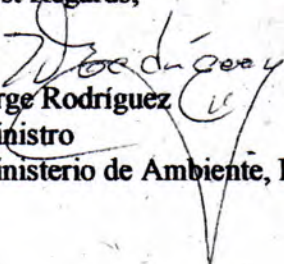
According to what has been described:

- 1- Do you consider the regulations stated in this project of law adequate enough for the protection of the leatherback turtles?
- 2- 20 years ago the number of Leatherbacks arriving in Playa Grande was around 2000 females per season; during the season ending in march of this year, only 27 arrived. What do you know about the cause of this dramatic decline in the leatherback population at Baulas National Park and other beaches of the Pacific Ocean, whereas in the Atlantic and the Caribbean I understand they are increasing?
- 3- Do you believe there is a possibility of recovering the Leatherback population at Playa Grande and other beaches in Latin American? If so, what measures do you suggest should be taken in order to turn the current situation around.
- 4- What measures have been applied in other nesting beaches and oceanic areas of the planet that have made them successful in the recovery of sea turtle populations?
- 5- Costa Rica is a poor country and we are proud of the fact that our limited resources are spent on a universally applied social security system, free education for all inhabitants, on providing homes for the needy and an adequate infrastructure. We do not have the resources to pay the costly sums of money (over \$700 million dollars) needed in order to buy the properties that the NGO stationed in the Park considers absolutely necessary for the preservation of the Leatherbacks, hence our proposal of this bill to place those properties under the regime of a public/private wildlife refuge. Do you consider this to be a reasonable solution for the conservation of the leatherback's nesting habitat, do you agreed with this conclusion? Do you know of other places in the world where forceful expropriations with the objective of protecting marine turtles have been applied?

- 6- Although the sea turtle population has plummeted under their surveillance , The Leatherback Trust (the NGO stationed in the Park) considers that the forceful expropriation of a 75 meter wide strip of land behind the 50 meter public zone along the beach and the Cerro el Morro is the ONLY way to protect the remaining turtles. What alternative conservation measures do you believe have been omitted during the years, that in the future, would help in the recovery of the turtle population?
- 7- Considering some experimental work done in the Baulas National Park, which caused the death of hundreds of hatchlings by decapitation, do you know of other methods used for determining sex in newborn sea turtles?
- 8- During the nesting season, nobody is allowed on the beach from nightfall to sunrise, except for the tour guides and the tourists that come to watch the turtles. What do you recommend regarding the number of tourists allowed on the beach per night per turtle?
- 9- What measures have you applied in your densely populated city that has made your protection program such a success?
- 10- From your experience, do you consider the involvement of the communities in the protection of sea turtles, has had positive consequences on the turtle protection programs?
- 11- What do you recommend be done regarding the neighboring town of Tamarindo, where the lights are clearly seen from the nesting beaches of the Baulas National Park?

Convinced that you may have further suggestions and comments, they will be greatly appreciated.

Best Regards,


Jorge Rodríguez
Ministro
Ministerio de Ambiente, Energía y Telecomunicaciones

