

**THE LEGISLATIVE ASSEMBLY OF THE
REPUBLIC OF COSTA RICA**

THIRD FULL LEGISLATIVE AUTHORITY COMMISSION

MINUTES FOR SESSION N° 004

3:58 PM ON 7 JUNE, 1995

ORDINARY SECOND LEGISLATIVE PERIOD
(1 May, 1995 - 30 April, 1996)

DIRECTORATE

Dep. María Lidya Sánchez Valverde

Dep. Manuel A. Barrantes Rodríguez

CHAIRMAN

SECRETARY

REPRESENTATIVES PRESENT

Aragón Barquero, Bernal	Chaves Ovaes, Alejandro	Valverde Acosta, Carmen Ma.
Brenes Rojas, Víctor Julio	Fajardo Salas, Gonzalo	Vázquez Badilla, Lorena
Corrales Blanco, María Elsy	Fernández Alvarado, Carlos MI.	Villalta Fernández, Rafael A
Coto Molina, Walter	Fournier Origgi, Hernán	Villanueva Monge, Luis Gerardo
Solís Piedra, Leonel	Weisleder, Saúl	

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CHAIR MARÍA LIDYA SÁNCHEZ VALVERDE:

Opens the meeting

A. DISCUSSION AND APPROVAL OF THE MINUTES

In discussion of minutes No. 3.

SECRETARY MANUEL ANTONIO BARRANTES RODRÍGUEZ:

Do you think the minutes number 3 were sufficiently discussed?

CHAIRMAN:

They were. APPROVED.

B. INTERNAL RULES SUBJECTS

None.

C. SECOND DEBATES

None.

D. FIRST DEBATES

1. LAW CREATING THE LAS BAULAS DE GUANACASTE NATIONAL MARINE PARK FILE 11.2023

CHAIRMAN:

A motion for modification has been entered, which the secretary will read.

SECRETARY

Motion from former deputy Chavarría Aguilar, No. CPL-1(4-1):

"This serves as a replacement text for the Bill Creating the Las Baulas de Guanacaste National Marine Park. RECORD No. 11.202 the following: ARTICLE 1: The following areas are declared as part of the Las Baulas de Guanacaste National Marine Park: Zone where the current Tamarindo National Wildlife Refuge currently exists, and all of the mangroves in the Tamarindo or Rio Palo Seco estuary, Ventana estuary, Carbón estuary, and Rio San Francisco estuary, including those estuaries

up to twenty metres from the edges of those mangroves. Furthermore, one hundred metres from the ordinary high tide line from Conejos Point to the north end of Ventana Beach and all of Ventana Beach including the lands between the non-transferable public area and Ventana mangrove. From the Ventana Beach border, continue 50 metres parallel to the marker line to marker number eleven placed by the National Geographic Institute in Grande Beach, continuing for seventeen metres and thirty-three centimetres to the north of marker number sixteen. This limit's straight line is actually curved between marker twelve and marker thirteen, and it approaches the marker line at seventeen metres between markers fifteen and sixteen. The border continues along this demarcation, fifty metres parallel to the marker line and to the mouth of the Tamarindo Rio Palo Seco estuary. The National Park border continues from the mouth of the Rio San Francisco estuary one hundred metres from the ordinary high tide line, to the southern edge of Langosta Beach. The borders of the national park include the territorial seas of the Tamarindo Bay from Conejos Point to the southern edge of Langosta Beach, Verde Island and Capitán Island.\

ARTICLE 2: The Las Baulas de Guanacaste National Marine Park is declared to be a public interest.\

ARTICLE 3: In order to fulfil what is set forth in this law, the proper authorities will manage the expropriation of all parcels covered in the area demarcated in Article 1. All relevant legal requirements shall be met to enact the corresponding expropriation. \

ARTICLE 4: The National Park created by this law will be administered by the National Parks Service of the Ministry of Natural Resources, Energy and Mines, as established in Law no. 7152 dated 5 June, 1990 in collaboration with the Municipality of Santa Cruz, aided by the National Housing and Urban Development Institute, Costa Rican Tourism Institute and National Geographic Institute, with the corresponding functions assigned to each institution.\

ARTICLE 5: The Municipality of Santa Cruz, the National Parks Service, the Costa Rican Tourism Institute and the National Housing and Urban Development Institute jointly prepared a Regulatory Plan for the area to be developed neighbouring the National Park and for the area comprised of the space between the basins of the Matapalo, Lajas, San Andrés and San

Francisco Rivers.\ ARTICLE 6: The National Park will be funded with monies earmarked by law that allow for its development.\ ARTICLE 7: The Municipality of Santa Cruz and the Costa Rican Tourism Council will include in its budget the amount considered necessary to collaborate with the National Park System on all matters related to park maintenance.\ ARTICLE 8: Any improvements made by the property owner prior to the date on which the administrative act takes place that declares the expropriation will be taken into consideration.\ ARTICLE 9: The revenue collected for charging an entry and use fee for the National Park established by Executive Decree number 20515 dated 5 June, 1991, will have 50% distributed to the National Parks Fund and the other 50% will be used for the Gran Chorotega Foundation, which will distribute it equitably among these funds for the sustainable development of communities neighbouring the National Park, such as Matapalo, Salinas, Villarreal, Tamarindo, Basilito, Huacas, La Garita, Santa Rosa and San José Pinilla. Sustainable development are actions that generate economic funds without causing any degradation or destruction of natural resources. These actions include traditional and environmental education, public health, and establishment of training small businesses in ecological tourism.\ ARTICLE 10: The Gran Chorotega Foundation, upon analyses of the proposals for the sustainable development referred to in the previous article, will decide if such projects are acceptable, for financing purposes. Toward that end, the Gran Chorotega Foundation will appoint an aid committee comprised of a representative from the National Parks Service, a representative of the Municipality of Santa Cruz, three representatives from communities neighbouring the National Park and one representative from the Gran Chorotega Foundation.\ ARTICLE 11: The Gran Chorotega Foundation will receive fifteen percent of the total that represents the fifty percent of revenue from entry and use of the National Park, as mentioned in article 9.\ ARTICLE 12: The Executive will include in the 1993 Ordinary Budget the funds necessary to acquire the lands found within the National Park and will also finance protection and response expenditures for the Park and visiting public.\ ARTICLE 13: Private lands found within the boundaries will undergo expropriation and will be considered part

of the Las Baulas de Guanacaste National Marine Park as soon as they have been acquired by the government, the purchase of which will take place through donations or expropriations. Until then, owners will fully enjoy the attributes of ownership, adjusting to the guidelines set forth for that purpose by the National Housing and Urban Development Institute.\ARTICLE 14: Enacted on the publication date.

CHAIRMAN:

Motion read under discussion.

DEPUTY FOURNIER ORIGGI:

We have studied this bill and we think it is a little complex in what it sets forth, especially when it involves the Municipality and many other institutions, and I don't think it is recommendable to approve this bill.

DEPUTY VILLALTA FERNÁNDEZ.

Going along with what Hernán Fournier said, along the lines that, for example, article 5 is undeniably unconstitutional. This assembly cannot impose these types of orders on municipal systems, because it runs contrary to their independence, and I agree with Hernán in that some of the articles given need to be modified.

SECRETARY

Do you think the motion was discussed sufficiently?

CHAIRMAN:

They were. Fifteen representatives present. **DISCARDED** unanimously.

A motion was made by Deputy Hernán Fournier, which the Secretary will read.

SECRETARY

Motion by Fournier Origgi and other deputies CPL-2(4-2):

"In article 1, after: '125 metres from the ordinary high tide add: "into the water".

CHAIRMAN:

Motion read under discussion.

DEPUTY FOURNIER ORIGGI:

Studying the original wording, it appears to me that it meets the requirement of a law of this type to protect parks, especially it should have been marine, because that is what is customary in this case. However, it wasn't mentioned as being marine. When the Park is defined, it talks about one hundred and twenty-five metres, an imaginary line one hundred and twenty-five metres from the ordinary high tide and that should extend into the water, exactly what I think this motion has clarified.

SECRETARY

Do you think the motion was discussed sufficiently?

CHAIRMAN:

It was. Fourteen representatives present. Unanimously APPROVED.

The floor is given to Deputy Saúl Weisleder to argue the vote.

DEPUTY WEISLEDER WEISLEDER.

After listening to the explanations of experts on the subject, we have reached a conclusion, the deputies of the National Liberation Party (Fracción de Liberación Nacional), a very timely motion that we just passed from Deputy Fournier Origgi, which seeks to clarify the point concerning the borders of the Park, the creation of which we are currently legislating, such that all of the deputies of the National Liberation Party have voted favourably, based upon reasons of a technical order.

CHAIRMAN:

Four minute recess called.

(Proceed with recess)

Session resumed.

Under discussion is the first debate for the bill creating the Las Baulas de Guanacaste National Marine Park. RECORD No. 11.202.

SECRETARY

Do you think the bill was sufficiently discussed?

CHAIRMAN:

It was. Fifteen representatives present. Unanimously APPROVED.

Let us close this meeting, as there are no other subjects slated on the order of the day.

The meeting is closed

(FOUR TWENTY PM)

CHAIRMAN

SECRETARY