

Project of law:

Enlargement, consolidation and development of the National Marine Park
Las Baulas de Guanacaste.

Prepared by the Tropical Science Center

For

The Leatherback Trust

San José, Costa Rica

July 8th, 2002

Presentation

The Tropical Science Center (TSC) has prepared this project of law for the Enlargement, Consolidation and Development of the Nacional Marine Park Las Baulas de Guanacaste with the desire of supporting the efforts made by the Conservation Area Tempisque and the National Park Las Baulas to conserve and protect the leatherback turtle (*Dermochelys coriacea*) and its related ecosystems. The Leatherback Trust, a non-governmental organization dedicated to the conservation of the leatherback, hired the Tropical Science Center in February 2002 to prepare the project of law. The consultant team of the TSC met and coordinated several workshops with the representatives of the Conservation Area Tempisque and the National Park Las Baulas. In addition, we did several visits of the area and we surveyed by foot as well as by boat, all the area than today is proposed for modification of the actual limits of National Park Las Baulas. The anthropogenic threats that affect nowadays leatherback populations and its marine and terrestrial habitats in all the Pacific Ocean, including Costa Rica, have brought the leatherback at the edge of extinction; this situation requests an urgent response to stop the disappearance of this species. We hope that this Project of Law will generate the interest and the necessary support of the Costa Rican government, to protect the perpetuity of the ecosystems of the National Park Las Baulas of Guanacaste with the terrestrial and marine enlargements here proposed. Only then we will be able to preserve one of the most important habitats in the world for the leatherback turtle.

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Project of Law:

Enlargement, Consolidation and Development of the National Marine Park Las Baulas de Guanacaste.

Explanation of Motives:

The National Marine Park Las Baulas de Guanacaste was created on July 3rd 1995 by means of the Law # 7524, to protect one of most important populations of leatherback turtles (*Dermochelys coriacea*) in the Pacific Ocean, that nest in Costa Rica.

Unfortunately, leatherback populations in the Pacific Ocean have maintained a decreasing trend throughout several decades, which suggests that the leatherback turtle is tending/inclining towards an imminent extinction.

The Grande and Langosta beaches, located within the limits of the National Marine Park Las Baulas de Guanacaste are presently the most important nesting areas for the leatherback turtle in the Pacific Ocean.

The leatherback turtle is threatened with extinction worldwide and it has been estimated that it could disappear in the next 15 years. This situation is caused by factors such as: traditional harvesting of turtle eggs, increasing development related to tourism and housing close to the nesting beaches and capture and mortality of adult turtles during commercial fishing activities in pelagic areas.

In 1980, there were an estimated 91000 reproductive females turtles in the Pacific Ocean. In 2000, the number of reproductive turtles decreased drastically to approximately 3000 individuals. The last nesting season in the Pacific (October 2001 to March 2002) had the lowest number recorded in history. Less than 50 females visited the entire Mexican coast and only 68 females visited Playa Grande and Langosta beaches in Costa Rica.

This decrease in the nesting population of leatherback turtles has alarmed scientists worldwide and suggests that the leatherback turtle could be at the edge of extinction, unless we act very quickly and responsibly to strengthen its protection.

A scientific specialist group met at the “International meeting for the leatherback survival” (April, 2002, California, US) and effectuated a plea to all countries where leatherback turtles nest and transit, in order to ameliorate environmental factors, to decrease the mortality of the leatherbacks caused by fishing activities and to preserve the land along the beaches where leatherbacks nest. Costa Rica, being one of the most important areas in the world where leatherback turtles nest, aims with the approval of this project of law to guarantee to perpetuity the protection and ecological integrity of the habitat used by the leatherback and by this, consolidate the past, recent and future efforts, for the conservation of the leatherback turtle in the Costa Rican territory and in the rest of the Pacific Ocean.

With the creation of the National Marine Park Las Baulas de Guanacaste in July 3rd, 1995, by means of the Law # 7524 and previously with the law of the Wildlife Refuge Tamarindo in 1987 (Executive decree # 17566, ratified in June 1991), the Costa Rican government initiated its efforts towards the protection of terrestrial and marine habitat of the leatherback as well as the coastal marine ecosystems associated with this species.

Nevertheless, the National Marine Park Las Baulas de Guanacaste and the Wildlife Refuge Tamarindo have not been exempt from the negative effects of human development in their areas, which are threatening the natural balance of the leatherback population and other species in these protected areas. Within the factors that affect leatherback populations around the world, two of them are affecting Las Baulas National Marine Park in Costa Rica: tourism development along the beaches and fishing activities.

Factor 1: tourism development

- The biggest impact of tourism development around the Nacional Park Las Baulas is light contamination. It is produced by lights from hotels, particular houses, streetlights, recreational areas and other infrastructure encountered especially along Playa Grande and Tamarindo.
- Light is a factor that disorients both adult turtles and hatchlings. Light can disorient turtles when they emerge from the ocean and crawl up the beach to nest, it can also interrupt the nesting process once turtles are on the beach, and finally it can also contribute to disorienting the turtles when they are trying to crawl back to the ocean after nesting.
- Also we have found that light has a devastating effect on hatchlings. Hatchlings that just emerge from their nests depend on visual cues to detect the ocean and they orientate themselves towards the brightest horizon. As a result, hatchlings emerging close to tourism development or other types of infrastructures with lights, orientate themselves inland towards the artificial lights, moving away from the ocean and increasing considerably the probability of death due to exhaustion, dehydration or predation.
- As an example of the situation of the nesting population in the National Marine Park Las Baulas de Guanacaste, we present the following figure made with the data of leatherback turtle research effectuated in Playa Grande from 1993 to 2002.

As you can see in this figure, the tourism development in Playa Grande has been concentrated, for now, in the north and south side of the beach. In the figure, you can observe that leatherback turtles prefer to nest in the central section of the beach where there has been no alteration yet of the habitat by tourism or housing construction, thus, where there is less artificial lightning reflecting on the beach (so it is darker there). This is an area considered highly critical for protection, since it is where the most important population of leatherback turtles in the Pacific Ocean nest. At present, this area is parceled and is within several projects of tourism development, including hotels and private homes. This development will threaten even more the ecological integrity and the

environmental conditions, which turtles need absolutely for nesting on the coasts of the National Marine Park Las Baulas de Guanacaste.

Factor 2: Fishing activities

In spite of the prohibition for fishing and hunting activities inside the declared National Park areas (Law for the establishment of National Parks, number 6084 from the 17th of August of 1977), commercial fishing activities, both illegal and traditional are common in the marine territory that belongs to the National Marine Park Las Baulas de Guanacaste.

Fishing with gill nets is a popular practice in Guanacaste Province waters, as is shrimping activity. Both fishing activities cause the capture and death of adult sea turtles, particularly in the nesting areas where assemblage of reproductive females occur. Studies using satellite transmitters indicate that in spite of their long transoceanic migrations, during the nesting season, females tend to stay close to the nesting beach, increasing the susceptibility for being incidentally captured during the commercial and traditional fishing operations.

Although the National Park Service Law prohibits fishing and hunting activities within protected areas, there are no existing sanctions. The only sanctions that exist for those who act against wildlife are those found in the Wildlife Conservation Law, Law number 7317 from October 21st, 1992 and its updates, which do not apply to marine fauna, in fact, the law defines wildlife as the continental and insular fauna that live in natural conditions temporally or permanently in the national territory. Therefore, in this same project of law, we promote a reform for of the Wildlife Conservation Law with the purpose to establish sanctions for the crimes that take place in the marine waters that belong to protected areas.

Dry forest

The enlargement of the National Marine Park Las Baulas de Guanacaste will also allow expanding the protection of the lowland forest of the Guanacaste Province, called tropical dry forest. This type of forest has been practically eliminated in Costa Rica and the rest of

America and only small patches in protected areas remain. The dry forests of the National Marine Park Las Baulas de Guanacaste are the habitats for endangered species such as the yellow parrot (*Amazona auropalliata*), the white-fronted parrot (*Amazona albifrons*), the snake (Mussurana) (*Cleia cleia*), the boa (*Boa constrictor*), anole lizards of the genus *Norops*, the orange-fronted parakeet (*Aratinga canicularis*), howler monkeys (*Alouatta palliata*), pink spoonbills (*Ajaia ajaia*), the jaguarundi (*Herpailurus yaguaroundi*), among other species. In addition, the areas of dry forest of the National Marine Park Las Baulas de Guanacaste are important biological corridors, which many wetland species use. These terrestrial habitats are closely tied to the leatherback turtle; for instance, they belong to the turtle's terrestrial habitat, where several species such as coatis, crabs, vultures, armadillos among others, predate their nests.

Wetlands

The enlargement of the National Marine Park Las Baulas de Guanacaste will permit extension of protection towards wetlands, which are coastal marine ecosystems principally covered by mangrove forests. Mangrove wetlands are ecosystems of high biological richness and their biodiversity is only comparable to that of rainforests and coral reefs. In 1993, the Tamarindo estuary, today a Wildlife Refuge, was declared a RAMSAR site, a category only given to wetlands of worldwide importance.

The wetlands of Ventanas, Tamarindo and San Francisco are habitats and refuges to a large quantity of species of migratory birds such as the yellow warbler (*Dendroica petechia*), common tern (*Sterna hirundo*), ruddy turnstone (*Arenaria interpres*) and endangered species such as the caiman (*Caiman cocrodrilus*), howler monkeys (*Alouatta palliata*), yellow-napped parrot (*Amazona auropalliata*), orange-fronted parakeet (*Aratinga canicularis*), orange-chinned parakeet (*Brotogeris juugularis*), the boa (*Boa constrictor*), and the mangrove (*Rhizophora mangle*). In addition, wetlands are areas of growth for many species that are of fishing importance in the region such as the white shrimp (*Penaeus stylirostris*), jaiba crab (*Callinectes* sp.) and fish such as snapper (*Lutjanus* sp.), jack (*Caranx* sp.), snook (*Centropomus* sp.), grunt (*Pomadasy* sp.), mullet (*Mugil* sp.), rooster fish, cabrilla, corvine and other species.

Wetlands establish environmental functions that are highly important for society such as: water filtration, aquifer recharge, protection against storms, storm mitigation, coastal stabilization, erosion control and retention of carbon, nutrients and sediments and also retention of contaminant agents that reach the wetland from urban and agricultural areas.

Nowadays, the wetlands of the National Marine Park Las Baulas are surrounded by human activities that threaten the natural equilibrium of the species that live in the mangroves. Along the limits of the mentioned mangroves we can observe: an intensive use of the land for fishing and agricultural activities, clear cutting of mangrove trees, constructions of private homes a few meters from the mangrove ecosystem and from the actual limit of the protected areas, drainage and drought of the mangrove ecosystem, intensive use of water sources, final drainage of used water from houses and tourism infrastructures and an accelerated tourism and urban development in its area of hydrologic influence.

Legal aspects

Considering the Law number 7524 from July 3rd, 1995, which created the National Marine Park Las Baulas de Guanacaste, there was no reference concerning the terrestrial portion that limits the Marine area of the National Park, and there was no mention of any special protection to the existent resources, making it important today to offer this project of law that will enable the enlargement of the park limits and the necessary protection to the terrestrial ecosystems.

The legal base of this project of law is founded on the articles 6, 7, 45, 89 and 50 of the Political constitution and in the following International Conventions approved and ratified by Costa Rica:

The Convention for the Protection of the Flora, Fauna and Natural Wonders of American Countries, approved with the Law 3763, November 9th, 1966.

The Convention for International Wetlands considered habitat for aquatic birds, known as the Ramsar Convention, approved with the Law number 7224 on the 9th of April 1991, is

of special relevance since the Wildlife Refuge Tamarindo was created in 1987, thanks to de decree 17566 and was declared as a Ramsar wetland site in 1993.

The Convention of Patrimonial, Cultural and Natural Protection, accepted via the Law number 5980, the 16th of November 1976, the Convention on International Trade in Endangered Species (CITES) approved with the Law 5605 and ratified the 22nd of October 1974, the Convention on Biological Diversity and its annexes 1 and 2, approved with the Law 7416 on June 30th 1994 and the Inter-American Convention for the Protection and Conservation of sea turtles, approved with the law 7906 on September 24th 1999.

At a Central-American level, we count with the Convention for the Conservation of Biodiversity and Protection of Priority Wildlife Areas in Central America, accepted via the Law number 7433 on September 14th, 1994; the Regional Convention for the Management and Conservation of Natural Forest Ecosystems and the Development of Forest Plantations, law number 7572 of March 6th, 1996.

At national level, we can find of important relevance, the Law on Wildlife Conservation, number 7317 of October 30th 1992, the Forest Law number 7575 of February 13th 1996, the Environmental Law number 7554 of October 4th 1995, the Biodiversity Law number 7788 of April 30th 1998, the General Law on Concession of Public Work with Public Service number 7762 of April 14th 1998, the Law on the creation of the National Marine Park Las Baulas de Guanacaste number 7524 of July 3rd 1995, the Municipal Code Law number 7794 of April 30th 1998, the Law on Maritime and Terrestrial Zone number 6043 of the 2nd of March 1977, Law on the Creation of the Costa Rican Fishing and Aquaculture Institute, law number 7384 of March 8th 1994 and the Law of Expropriation number 7495 of May 3rd 1995.

However, in spite of the efforts realized with the creation of the National Marine Park Las Baulas de Guanacaste in Costa Rica (Law 7524 of July 3rd 1995), the populations of

leatherback turtles continue to decline and the species could face extinction in the next few decades.

To strongly guarantee the protection of the nesting areas for leatherbacks and other endangered species on the proposed area of the National Marine Park Las Baulas, we need to enlarge the park's limits (detailed in the article 1 of these project of law) to include:

- (i) Playa Nombre de Jesus, North of Playa Grande, where important leatherback populations (*Dermochelys coriacea*) nest as well as Pacific green turtles (*Chelonia mydas agassizii*), both seriously threatened with extinction.
- (ii) Areas of dry forest located behind Playa Nombre de Jesus, Cerro El Morro, Cerro Ventanas and Cerro Cabuya.
- (iii) Fields located behind Playa Grande (see the Enlargement Official Map), the most important leatherback-nesting beach in the country and in the Pacific Ocean.
- (iv) Fields located behind Playa Langosta (Isla Verde and others), the second most important beach in the country and in the Pacific Ocean for leatherback nesting.
- (v) Fields that include and nourish the wetlands of Tamarindo, San Francisco and Ventanas. These fields are part of inseparable ecosystems that maintain a natural equilibrium consisting of inter-specific relationships with the leatherback turtle and continental, marine and costal ecosystems.
- (vi) Marine waters where turtles transit and are confronting commercial fishing activities that use gill nets, shrimp nets and long lines.
- (vii) Marine and coastal ecosystems with species of invertebrates and vertebrates that are threaten by the tourism development and the fishing activities. They are intrinsic part of the coastal marine ecosystem to which the leatherback belongs.

In conclusion, the enlargement of the National Marine Park Las Baulas de Guanacaste, will guarantee a better protection of the leatherback turtle and will consolidate the conservation of its nesting and adult habitat, both critical for the survival of this species.

The legislative assembly of the Republic of Costa Rica

Decree the Project of Law:

“Enlargement, Consolidation and Development of the National Marine Park Las Baulas of Guanacaste”

Chapter 1: General dispositions

Article 1: Will modify the limits of the National Marine Park las Baulas de Guanacaste, create by means of the Law number 7524 approved July 3rd 1995. The limits, according to the cartographic sheets of Matapalo (3047 III) and Villarreal (3046 IV) of the National Geographic Institute, will be: from the point in the Lambert coordinates N 265.000 and E 335.231 (Point # 1), located in the Nombre de Jesus Point, the park will extend to the beach Nombre de Jesus (200m inland from the high tide) and to the beaches Real, Honda and Pedregosa (50m inland from the high tide) all the way to the coordinates N262.413 and E 334.055 (Point # 13) of the Sector A, which coordinates are indicated in Table 1 and n the Official Map of this Enlargement of the National Marine Park Las Baulas de Guanacaste.

The East limit of the Enlargement of the National Marine Park Las Baulas, continue in the same South West direction from the point with coordinates N 262.413 and E 334.055 (Point # 13), towards a beach without a name located in between Playa Pedregosa and Punta Cabuya, including this same Punta Cabuya, Playa Cabuya, Punta Conejo, Cerro el Morro and areas included up to the point N 259.412 and E 332.430 (Point # 34). Moreover, to be understood that the Park limits include the areas located in between the Cerro Cabuya and Cerro El Morro. The East limit of this area of the Park is defined by the coordinates of the Sector B, indicated in Table 2 and in the Official Map of this Enlargement.

The limits of the National Marine Park Las Baulas, follow the Punta Carbon with the coordinates N 259.412 and E. 332.430 (Point # 34) towards the Ventanas estuary, the Cerro Ventanas, Playa Grande and the Tamarindo estuary, including the estuary outlet up

to the point N 254992 and E 335242 (point # 124). The area of the National Marine Park Las Baulas in the sector C is defined by the coordinates of the East limit indicated in the following Table 3 and in the Official Map of this Enlargement.

In the same direction South West, the enlargement of the National Marine Park Las Baulas de Guanacaste continue from the San Francisco Point to the coordinates N 253.405 and E 333.392 (Point # 125) towards the estuary San Francisco, extending up to the Playa Langosta until its southern extremity with coordinates Lambert N 251.000 and E. 333.692 (Point # 189). In addition the park includes the area known as the Isla Verde located in the left side of the Rio San Francisco and in the northeastern part of Playa Langosta, as well as the mangroves along the river San Francisco. The East limit of this area of the Park is defined by the coordinates of the Sector D, indicated in the following table 4 and in the Official Map of this Enlargement.

The National Marine Park Las Baulas de Guanacaste will extend its limits of marine area from the Nombre de Jesus Point with coordinates N 265.000 and E. 335.231 (Point #1), following an imaginary line taking a West course until the point with coordinates N 265.000 and E 317.435 (Point #190). Then the marine limit will continue towards the South reaching the point with coordinates N 250.214 and E 317.435 (Point # 191) and then from this point, taking a South East course until the point with coordinates N 251.000 and E 333.692 (Point # 189), where is located the South limit of Playa Langosta and the National Marine Park Las Baulas de Guanacaste. Within the limits of the marine waters of the Enlargement of the National Marine Park Las Baulas de Guanacaste, are included the islands Capitan and Verde, the islets Conejo, Roble and Real and the others that are located within the limits described but that have no name. The coordinates defined for this sector E, are indicated in the following Table 5 and in the Official Map of this Enlargement. Understanding that the limits of the National Marine Park Las Baulas de Guanacaste exclude Tamarindo beach and its surroundings.

Article 2: The objective of this law is to Enlarge, Consolidate and Develop the National Marine Park Las Baulas de Guanacaste with the intent of protecting the leatherback

turtle, its habitat and those of other species that belong to its ecosystem as well as the diversity of natural resources in the park, and to promote the sustainable development of the area.

Article 3: It is the task of the National Geographic Institute based on the article 13 of the Law on the Creation of the National Park Service, Law number 6084 of August 1977 and its reforms, to delineate the exact limits of the terrestrial area of this enlargement and to establish the corresponding maps.

Article 4: In the terrestrial area of enlargement as well as in the rest of the National Marine Park Las Baulas de Guanacaste, the legal rules from the National Park system will apply. The Minister of the Environment and Energy or to whom he delegates the task, conforming to the Law 6084 and its reforms, will be in charge of the protection, administration and development of this area.

Chapter 2

Expropriations

Article 5: To accomplish with this law, the Executive Assembly will expropriate, the totality or part, of the ranch or ranches located within the area delineated in the article 1, in accordance with the Law of expropriations, Law number 7495 of May 3rd, 1995. The real estate will be registered in the Public Register of Properties, to the Government's name, without having to pay the registration rights. Private lands located within the limits will be susceptible to expropriation and will be considered part of the National Marine Park Las Baulas de Guanacaste. Until the acquisition of these properties by the Government, by means of purchase, donation or expropriation, the owners will possess entirely of the attributes of ownership or possession.

Article 6: All the expropriated land will become part of the State, specifically to the Ministry of the Environment and Energy.

Article 7: The Municipalities included within the limits established in the article 1 will collaborate with the Ministry of the Environment and Energy to accomplish the objectives of this Law.

Chapter 3

Funding

Section 1: General Rules

Article 8: We authorize the Government to take a credit with an international funding organization for development purposes. With this credit, we will finance uniquely and exclusively:

- a) The acquisition of land to demarcate the limits of the National Marine Park Las Baulas de Guanacaste.
- b) The improvement and development of administrative, scientific and eco-tourism infrastructure, activities of protection and restoration as well as the employment of personnel.
- c) The studies on generation of profits, pre-investment, management and development plans, as well as their implementation.
- d) The studies on the subjects that the Administration of the Park will determine as being a priority.
- e) The increase of the Patrimonial Fund.

Article 9: The Ministry of Properties (**the estate**) will loan the former resources to the Park Trust created by this Law, with the goal of accomplishing the purposes of the law detailed herein. The Trust will continue to pay the principal without interest, dedicating for this 50% of the profits generated by the Park, with the exception of donations with specific purposes.

Article 10: To repay the principal indicated in article 9 and consolidate the development of the National Marine Park Las Baulas de Guanacaste we will count on the following resources:

- a) Profits generated by: the collection of entrance fees, research rights, concessions, rents, profits obtained by the payment of environmental services and other established costs.
- b) Donations and legacies of physical and juridical people, national or international organizations, private or public and the contributions of the Government and its institutions.
- c) The shares that are assigned annually in the ordinary and extraordinary budgets of the Republic.

Of all the profits generated by this concept, we will destine immediately fifty per cent (50%) to the payment of the debt with the Ministry of Properties, thirty seven point five per cent (37.5%) for the regular operating of the Park and the remaining twelve point five per cent (12.5%) will be designated to the National Park Fund.

Once the principal is cancelled, the totality of the resources that had been used for its payment are to be designated according to: twenty five per cent (25%) for the administrative and operative activities of the National Marine Park Las Baulas de Guanacaste, twenty five percent (25%) to strengthen and develop other protected areas of the Conservation Area Tempisque, thirty per cent (30%) for the sustainable development of the communities located within the buffer zone and twenty per cent (20%) for the execution of studies necessary or essential to the development of the National Park.

Article 11: We create a Patrimonial Fund generated by the resources coming from the fee of entry to the Park and any other revenue or donation which purpose is to strengthen the Patrimonial Fund. The profits generated from this fund will be utilized according to what the Board of Directors of the Trust will define.

Section II: The Trust

Article 12: A Trust will be created and established with one of the banks of the National Public Bank System, according to the selection made by the Board of Directors of the Trust, which will have to be supported on criteria such as security, liquidation, diversification and interest payment. The Trustee will be the Government, represented by the Ministry of Environment and Energy. A Board of Directors will be in charge of establishing the parameters of functioning of the Trust, according to what the Law establishes.

Article 13: The resources generated in the article 10 will be administrated by means of the Trust that will be created in the present law.

Article 14: The operations made by the Trust will be exempt of all payments such as valuations, stamps, taxes for the constitution inscription, endorsements, cancellation of mortgage and taxes of pledge contracts, as well as for the payment for the Register rights.

Article 15: The decentralized institutions and the public institutions of the State are authorized to effectuate financial non-reimbursable contributions, to the Trust of the National Marine Park Las Baulas de Guanacaste.

Chapter 4

Administration of the Trust

Article 16: A Board of Directors of the Trust of the National Marine Park Las Baulas de Guanacaste is hereby created with the juridical personnel necessary to accomplish the following functions:

- a) Determine the conditions and criteria necessary to establish the proceedings and installments, to pay the properties acquired or that could be acquired, conforming to the legal dispositions in force. For this purpose, the Board of

Directors will begin to function within ninety days of the date of its establishment.

- b) Fix the conditions, the installments and proceedings to endow programs of financial support as well as the development and consolidation plans of the National Marine Park Las Baulas de Guanacaste.
- c) Establish the conditions, the installments and the proceedings to finance other strategies of development with environmental purpose, which guarantee the sustainability and consolidation of the National Marine Park Las Baulas de Guanacaste and its buffer areas.
- d) Carry out the activities defined in the Management Plan of the National Marine Park Las Baulas de Guanacaste.

Article 17: The Board of Directors of the Trust will be comprised of seven members, with right of voice and vote. Each one can have a respective substitute, who will substitute during a definitive or temporal absence with voice but no vote.

Article 18: The Board of Directors of the Trust will be established according to the following composition:

- a) Two representatives of the Ministry of the Environment and Energy that will be: the Director of the Area of Conservation Tempisque and the Director of the National Marine Park Las Baulas de Guanacaste.
- b) A representative of the Municipality of Santa Cruz
- c) A representative of the Association of local guides correctly registered from the communities of Tamarindo, Villareal and Matapalo.
- d) A representative of a local non-governmental organization interested in the conservation of natural resources.
- e) A representative of the private Trust Las Baulas known as The Leatherback Trust,
- f) A representative of the Chamber of Tourism of Santa Cruz de Guanacaste.

The seven members and their substitutes will be nominated for a period of three years, starting at their designation. In case of non-existing designation of representatives by the institutions or organizations cited in this article, the Board of Directors will function with a minimum of 5 members.

The representatives of these local organizations on the Board of Directors will be nominated by the Assembly convoked by the Ministry of the Environment and Energy, by means of massive national communication, once the present law is proclaimed. The following nominations will be effectuated every 3 years or when there will be a vacancy of any of the positions

Article 19: The Board of Directors will nominate by simple majority the president and the vice-president, who will substitute for the former during his or her temporal absences. The Director of the National Marine Park Las Baulas de Guanacaste will be the permanent secretary of the Directive Board.

Article 20: The Board of Directors will meet in an ordinary form once every two months and in an extraordinary form, when needed; in this case, the president will effectuate the announcement. To meet, the Board of Directors will require the majority plus one of its members and the agreements will be accepted by simple majority of the present members.

Chapter 5

Assessment Committee and Participative Management

Article 21: We hereby create an Assessment Committee for Management of Resources and Services of the National Marine Park Las Baulas de Guanacaste, which will have the following functions:

- a) Supervise the adequate functioning and the quality of the services taking place at the National Marine Park Las Baulas de Guanacaste.
- b) Suggest fees and other parameters that will be required for the services offered.

- c) Collaborate in all aspects requested by the Park's Administration.
- d) Supervise the accomplishment of all dispositions, recommendations and rules included in the Management Plan of the National Marine Park Las Baulas of Guanacaste.
- e) Define the important areas of research inside the Park as well as in the area defined in the article 26 of this law.

It will be the Committee's task to recommend to the Director of the Area Tempisque the measures necessary to offer adequate services in the National Marine Park Las Baulas de Guanacaste.

Article 22: The Assessment Committee will be organized according to:

- a) Two representatives from the Ministry of the Environment and Energy: the Director of the Park and the Director of the Sub-regional Santa Cruz-Carrillo of the Area of Conservation Tempisque.
- b) Two representatives from the academic sector with experience on conservation of biodiversity.
- c) One representative of the bordering organized communities, inscribed in the Sub-region Santa Cruz-Carrillo of the Area of Conservation Tempisque.

The roles and responsibilities of the Assessment Committee will be determined in the Management Plan of the National Marine Park Las Baulas de Guanacaste.

Chapter 6

General Regulations within the National Marine Park Las Baulas de Guanacaste

Article 23: It is forbidden to enter the National Marine Park Las Baulas after 6pm during the nesting season of the leatherback turtle without a local guide, with the exception only of a MINAE permit. All the guides that will work at the National Marine Park Las Baulas de Guanacaste will be local authorized guides that have been trained by the MINAE. By means of the Park's Management Plan, the entry of daily visitors and groups that come to observe the turtles nesting at night inside the National Park will be limited.

Article 24: The Management Plan elaborated by the National Marine Park Las Baulas de Guanacaste as well as the Law 6084 referring to the National Park Services will be respected totally.

Article 25: The Management Plan will include that all the marine-terrestrial zone, including public area and restricted area corresponding to Playa Langosta and Nombre de Jesus will be destined as absolute natural reserve for research and other purposes that the Management Plan will indicate.

Chapter 7

Limitations of the buffer area

Article 26: The buffer zone of the terrestrial area of the National Marine Park Las Baulas de Guanacaste will be a 1 km wide parallel transect starting at the East limit of the Park and defined in the article 1 of this Law.

In this area, the use of All Terrain Vehicles (ATV) or any other type of motor vehicle will be prohibited during the leatherback nesting season, as well as the sound contamination produced after 10pm by dance clubs, karaokes, restaurants, live music and any other activity that generates excessive noise for the marine turtles. In a contrary case, the Ministry of Health will apply the adequate sanctions. The same applies for the urban and tourism development within the conservation area, they will be submitted to the same regulations as for the intensity and light locations which is defined in the Management Plan of the National Marine Park Las Baulas de Guanacaste.

Chapter 8

Final arrangements and sanctions

Article 27: Will be added to the Law on Wildlife Conservation, Law number 7317 of October 21st, 1992, the following:

“Article 89 bis: It corresponds to the Ministry of the Environment and Energy represented by the National System of Conservation Areas to supervise the application of sanctions established in this Law. It is the obligation of the Costa Rican Institute of Fisheries and Aquaculture to collaborate with the authorities of the Ministry of the Environment and Energy to incorporate within its obligations the supervision of the application of these sanctions.

Article 28: Will be added to the Law on Wildlife Conservation, Law number 7317 of October 21st, 1992, the following:

“Article 90 bis: Anyone cutting, filling, destroying or altering mangrove areas will be sanctioned with a fine of 100.000 to 200.000 colones, convertible to a sentence of 1 to 2 years of imprisonment. In addition, all equipment used will be confiscated”.

Article 29: Will be added to the Law on Wildlife Conservation, Law number 7317 of October 21st, 1992, the following:

“ Article 96 bis: Anyone capturing wildlife, collecting or extracting any product within the protected marine and terrestrial area, will be sanctioned with a fine of 50.000 to 100.000 colones, convertible to a sentence of 4 to 8 months of imprisonment. All animals and equipment constituting the infraction will be confiscated. Anyone collecting or extracting corals, shells, rocks or any other type of product, or marine derivatives within the protected area will be sanctioned in the same manner”.

Article 30: Will be added to the Law on Wildlife Conservation, Law number 7317 of October 21st, 1992, the following:

“Article 98 bis: Anyone killing one or several wild marine, terrestrial or fresh water organisms belonging to species whose populations have been defined as threatened or endangered with risk of extinction, as well as the species included in the Appendices of the Convention on International Trade of Endangered Species, will be sanctioned with a fine of 50.000 to 100.000 colones, convertible to a sentence of 1 to 2 years of imprisonment. All dead animals and equipment used will be confiscated”.

Article 31: Will be added to the Law on Wildlife Conservation, Law number 7317 of October 21st, 1992, the following:

“Article 102 bis: Anyone fishing within the marine protected areas will be sanctioned with the suspension or elimination of any fishing authorization by the respective authority. They will additionally be fined to an amount of 100.000 to 200.000 colones, being convertible to an imprisonment of 1 to 2 years. Also, the animals and equipment will be confiscated”.

Transitional

Article 32: We authorize MINAE to sell the infrastructure and properties in disuse from the old administrative area located at the western side of the Hotel and Restaurant Kike’s Place.

Reforms

Article 33: We will modify the first paragraph q) of the Article 8 of the Law on Real State Taxes, number 7092, according to:

“Article 8:q) the donations that have been confirmedly provided, during the tributary period, to the Government, to autonomous institutions and semi-autonomous, to corporations of municipalities, to universities, to Committees of Social Protection, to Education Committees, to teaching institutions of the Government, to the Costa Rican Red Cross and other institutions, such as associations and foundations for social, scientific and cultural progress, as well as donations directed to the Board of Directors of the Recreational National Park Playas Manuel Antonio and the National Marine Park Las Baulas de Guanacaste, to civil and sportive associations declared of public use by the Executive Power to the article 32 of the Law on Associations, or by the committees named officially by the General Division of Sports, in the areas defined as rural according to the Regulations of this law, during the respective tributary period. (...)”.

Article 34: The first article of to the Law on Wildlife Conservation, Law number 7317 of October 21st, 1992, will be modified according to:

“Article 1: The present Law has the purpose of establishing regulations on wildlife. The wildlife comprises continental and insular fauna that lives in natural conditions, temporally and permanently, in the national territory and in the marine protected areas and flora that lives in natural conditions in the country. Only the later ones can be object of particular appropriation and commerce, by means of the arrangements established in the public treaties, in the international congresses, in the present Law and its Regulations”.