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ENVIRONMENTAL ALERT

DNER Proposes Amendments to Maritime Terrestrial Zone Regulation

On August 3, 2015, the Department of Natural and Environmental Resources issued a public notice notifying the general public of the proposed amendments to Regulation No. 4860 of December 29, 1992, known as the Regulation for the Use, Surveillance, Conservation and Administration of the Territorial Waters, the Areas Submerged Under These and the Maritime Terrestrial Zone (“the Proposed Amendments”).

The main purpose of the Proposed Amendments is to establish the Maritime Terrestrial Zone (“MTZ”) Reference System, regulate the use of the MTZ for wedding ceremonies, filmmaking and photographic activities, establish new concession and authorization fees, and revise the procedures for the approval of emergency actions, among others. A copy of the Proposed Amendments are available [here](#).

The Proposed Amendments also include certain changes to the delimitation process of the MTZ in Areas of High Natural Value with Conservation Priority, as defined in the Proposed Amendments, which could also be interpreted to apply to other coastal areas of the Commonwealth of Puerto Rico. Based on these changes, the DNER will be required to establish and notify the public, within a time period of no less than 6 months and not more than two (2) years after the promulgation of the amendments, a MTZ Reference Line demarcating the inland limit of the MTZ.

The MTZ Reference Line will be based on information incorporated in the MTZ Reference System, which will include: geographic models, aerial photographs, satellite images, interactive maps, and other sources of data and information. Once the MTZ Reference Line is notified to the public, the use and occupancy of public domain property located within the MTZ will be prohibited unless a concession or authorization is issued by the DNER. Any person, including public and private entities, who wishes to contest the delimitation of the MTZ set by the DNER using the MTZ Reference Line will only have thirty (30) days from date of the notification of the MTZ Reference Line to submit a petition before the DNER. The petitioner will be required to establish with clear and convincing proof that its use or occupancy is outside of the MTZ.

Public hearings on the Proposed Amendments are currently scheduled to take place throughout various locations in Puerto Rico from August 25 through August 28, 2015.

The 30-day period for submitting written comments before the DNER expires on September 2, 2015.

If you have any questions or comments or wish additional information regarding this matter, please contact any of the attorneys listed below, members of our Environmental, Energy & Land Use Practice Group:

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