



DOMINICAN REPUBLIC
**STATE SECRETARIAT OF ENVIRONMENT
AND NATURAL RESOURCES**

**GENERAL LAW
ON ENVIRONMENT
AND NATURAL RESOURCES**

(No. 64-00)

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AND NATURAL RESOURCES
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FOREWORD

The State Secretariat of Environment and Natural Resources and the law firm of Pellerano & Herrera are pleased to provide individuals and companies interested in investing in the Dominican Republic with this information regarding the protection and preservation of the ecosystems in our country.



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**LAW NO. 64-00,
WHICH CREATES
THE DEPARTMENT
OF ENVIRONMENT
AND NATURAL
RESOURCES**

THE NATIONAL CONGRESS
IN THE NAME OF THE REPUBLIC

Law No. 64-00

WHEREAS: As the environment and natural resources together represent common goods essential for society, it is the duty and responsibility of the State and of its institutions, including the municipal governments, as well as of each citizen, to ensure that they not be exhausted, deteriorated, or degraded, so that they may be taken advantage of nationally and enjoyed by present and future generations;

WHEREAS: It is necessary to maintain harmony between human beings and their environment, and to prevent, remedy, correct, or eliminate the situations which harm natural resources and the biosphere;

WHEREAS: It is of vital importance to protect, preserve, and sustainably use the various ecosystems which make up the Natural and Cultural Legacy of the

Dominican Republic, as well as the native and migratory species of flora and fauna, which are a fundamental part of them;

WHEREAS: Natural resources and biological diversity are the basis for the sustenance of present and future generations, so that it is essential that the Dominican State apply a policy for the environment and natural resources which will guarantee sustainable development;

WHEREAS: Our territory, due to its condition as an island and to its geomorphological characteristics and biological diversity, presents unique ecosystems, some of which show signs of fragility, deterioration, and threats which endanger their integrity;

WHEREAS: The rational use of natural resources through the carrying out of a General Plan of Territorial Organization is a guarantee of harmonious development and preservation of the environment;

WHEREAS: The intense and constant deforestation to which the national forests have been subjected, the resulting desertification, the depletion of the aquifer sources, and the altering of their quality, threaten the stability and survival of the Dominican Republic;

WHEREAS: The continual and massive emission of contaminants into the atmosphere, the pouring of liquid substances, the emission of toxic solid particles coming from industrial, mining, agricultural, tourist, and

urban activities, among others, degrade the environment and negatively affect the health and quality of life of the human population and wildlife;

WHEREAS: It is the mission of the government to promote and regulate research about the conditions of the environment, natural resources, and biological diversity;

WHEREAS: There can be no postponement of the preparation, adoption, and putting into practice of limits of emission and standards of quality control, as well as measures for foreseeing, controlling, and correcting the degradation of the environment which will guarantee for the populace the enjoyment of healthy surroundings;

WHEREAS: In order to be able to enjoy their inalienable right to life, health, and well being, human beings also have the right to the availability of fertile soils, to breath clean air, to consume potable water, and to have access to adequate food, free of contamination;

WHEREAS: It is of vital importance to integrate the official, autonomous and semiautonomous institutions involved in the planning, management, use, handling, administration, regulation, and promotion of natural resources, and the preservation and protection of the environment, which institutions are now dispersed, making difficult the application of an integral policy by the government, which will result in an effective conservation and protection policy;

WHEREAS: It is a patriotic duty of all Dominicans to support and to participate in as many actions as may be necessary in order to guarantee the permanence of our natural resources for the use and enjoyment of present and future generations;

WHEREAS: The areas under special protection constitute the guarantee of conservation of valuable species, production of water, productivity of the soils, interior waters, and marine ecosystems;

WHEREAS: The reduction and deterioration of protected areas constitutes one of the most clearly identified threats, placing at risk the sustainability of the Dominican Republic and its goal of harmonious, independent, and equitable development:

SEEN: Clause 17 of article 8, and articles 10 and 61 of the Constitution of the Republic;

SEEN: Article 317 paragraph 2nd of the Dominican Criminal Code;

SEEN: Articles 1382, 1383, and 1384 of the Dominican Civil Code;

SEEN: The Laws:

- No. 85, dated February 4, 1931, on Hunting;
- No. 3003, dated July 12, 1951, on Port and Coastal Police;

- Organic Law No. 4378 on Departments of State, dated February 10, 1956;
- No. 4471, dated June 3, 1956, especially articles 75 through 88 and 102, which institute the Trujillo Public Health Code;
- No. 4990, dated August 29, 1958, on Vegetable Health;
- No. 5852, dated March 29, 1962, on Domain of Terrestrial Waters and Distribution of Public Waters, and laws which modify and complement it;
- No. 5856 dated April 2, 1962, on Forest Conservation and Fruit Trees;
- No. 5914 dated May 22, 1962, on Fishing;
- No. 8, dated September 8, 1965, which establishes the functions of the Department of Agriculture;
- No. 6, dated September 5, 1965, which creates the National Institute of Hydraulic Resources;
- No. 55, dated November 22, 1965, which institutes the National System of Social, Economic, and Administrative Planning;
- No. 257, dated June 17, 1966, which creates the Office of Civil Defense;
- No. 602 dated May 20, 1967, on Quality Systems and Standards;

- No. 627, dated May 28, 1967, which declares of national interest the use and protection of the mountain range areas, and their acquisition, if necessary, by the State of all or part of the lands comprising the mountain range areas;
- No. 186 dated September 13, 1967, concerning the zone of Territorial Sea of the Dominican Republic;
- No. 305 dated May 23, 1968, which modifies article 49 of Law No. 1474 on Communications Ways, dated February 22, 1938, to establish a maritime zone of 60 meters wide on coasts, beaches, rivers, lakes, and lagoons of the national territory;

SEEN: Law No. 311 dated May 24, 1968, which regulates the manufacture, preparation, placing in containers, warehousing or storage, importation, expenditure, and marketing in any form of pesticides, zoocides, phytocides, insecticides, herbicides, and similar products;

- No. 531 dated December 11, 1969, the Organic Law on the Budget of the Public Sector;
- No. 487 dated October 15, 1969, on the Control of Exploitation and Conservation of Underground Waters;
- No. 123 dated May 10, 1971, which prohibits the extraction of components of the Earth's Crust called sand, gravel, and stones;
- No. 146 dated June 4, 1971, the Mining Law of the Dominican Republic;

- No. 67 dated October 29, 1974, which creates the National Directorate of Parks;
- No. 114 dated January 3, 1975, which creates the National Zoological Park, as a center intended to encourage the education, investigation, and culture concerning biological sciences in general, as well as the preservation of the national wildlife;
- No. 456 dated October 28, 1976, which institutes the Dr. Rafael M. Moscoso National Botanical Garden, with legal incorporation, as a center destined for the promotion of education and culture;
- No. 632 dated May 28, 1977, which prohibits the cutting of trees or bushes at the heads of rivers and arroyos which nourish the hydrographic basins of the entire country;
- No. 573 dated April 1, 1977, which modifies the title of Law No. 186 dated September 13, 1967, and articles 3,4,5,6, 7, and 8 of said Law on the Territorial Sea, the Contiguous Zone, the Exclusive Zone, the Economic Zone, and the Continental Shelf;
- No. 380, dated December 11, 1981, on re-refined lubricant oils;
- No. 705 dated August 2, 1982, which creates the National Technical Forestry Commission and its Regulations;
- No. 218 dated May 28, 1984, which prohibits the introduction into this country, through any means,

of human or animal excrement, residential or municipal garbage and wastes and their derivatives, and sewage, whether treated or not, as well as toxic waste coming from industrial processes.

- No. 284 dated June 11, 1985, which provides that fences in rural premises must be of living plants;
- No. 290 dated August 28, 1985, on Incentives for Forest Development;
- No. 291 dated August 28, 1985, which modifies Laws Nos. 211 and 705 of 1967 and 1982 respectively, on management of forests and sawmills;
- No. 295 dated August 28, 1985, which declares in the national interest the inclusion in programs of national education, of the need to preserve the country's natural resources;
- No. 112-87 dated December 10, 1987, which establishes the Obligatory Forestry Service;
- No. 55-88 dated June 15, 1988, which modifies Articles 6, 8, and 10 of Law 290 of August 28, 1985, on Incentives for Forestry Development;
- No. 83-89 dated October 12, 1989, which prohibits the placing of wastes from construction, rubble and other waste in streets, sidewalks, avenues, highways, and green areas, empty lots, beaches, and public gardens within urban and suburban zones in the Dominican Republic;

- No. 14-91 dated May 20, 1991, which creates the Civil Service System and Administrative Career;
- No. 300 of July 31, 1998, which makes obligatory the teaching of the subject of “Environment and Natural Resources” in all the schools in the country;
- No. 118-99 dated December 23, 1999, which creates the Forestry Code;

SEEN: Laws Nos. 3455, 675, 387, 4848, 3456, 317, 6231, 1728, and 104-67;

SEEN: The following Resolutions of the National Congress:

- No. 550 dated June 17, 1982, by means of which the Convention on International Trade of Threatened Species of Flora and Fauna is ratified;
- No. 59-92 dated December 8, 1992, by means of which the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol concerning Substances which Deplete the Ozone Layer is ratified;
- No. 25-96 dated October 2, 1996, which approves the Convention on Biological Diversity signed by the Dominican State and the United Nations Conference on the Environment and Development “Earth Summit,” held in Rio de Janeiro, Brazil, on June 5, 1992;
- No. 99-97, dated June 10, 1997, which approves compliance by the Dominican Republic with the

Convention of the United Nations of the Struggle against Desertification of Countries Affected by Serious Drought or Desertification, particularly Africa, dated June 17, 1994;

- No. 182-98, dated June 18, 1998, by means of which the International Convention for Prevention of Discharges of Wastes by Ships (MARPOL 73/78) is ratified;
- No. 359-98 dated July 15, 1998, which approves the Convention for the Protection and Development of the Marine Environment in the Greater Caribbean (Cartagena Convention);

SEEN: The following resolutions of the City Hall of the National District:

- No. 28-66, 88-90, 188-99, 292;
- No. 35, dated May 3, 1989, which establishes the limits of the sources of noise in residential zones;
- No. 1680, dated October 31, 1964, which creates the National Commission of Nuclear Affairs, previously called the national Atomic Research Commission;
- No. 2596 dated September 4, 1972, which creates and incorporates a Commission which will be in charge of studying the problems which are caused by environmental contamination;
- No. 301 of October 11, 1978, which provides that the General Directorate of Forestry and the National

Parks Directorate must coordinate their activities by common agreement with the Department of Agriculture and dictates other provisions;

- No. 32 dated January 27, 1978, which creates and incorporates the National Council on Wildlife;
- No. 1489 on the functions charged to the various government departments;
- No. 752-83 dated February 11, 1983, which modifies articles 1 and 2 of decree No. 318 dated October 6, 1982, which created the National Technical Forestry Commission;
- No. 1838-84 dated February 24, 1984, which provides that the National Weather Service shall hereinafter be called the National Meteorology Office or National Weather Office, and will function under the dependency of the Technical Department of the Presidency;
- No. 2948 dated May 6, 1985, which creates the Forestry Medal;
- No. 502-86 of the year 1986 which modifies Article 2 of Decree 1838-84 by means of which the National Weather Office is placed as a dependency of the Department of Agriculture;
- No. 1184-86-407 dated November 14, 1986, which creates the Governing Foundation of the National Museum of Natural History;

- No. 297-87 dated June 3, 1987, which declares as natural legacy of the nation all caves, caverns, and other underground cavities located within the national territory;
- No. 245-90 dated July 22, 1990, which creates the National Aquarium;
- No. 221-90 dated June 1, 1990, which instructs the General Directorate of Forestry to take whatever measures may be necessary for the application of article 49, clauses b), c) and d), of Law No. 5856 dated April 2, 1962, and Law No. 632, dated May 28, 1977, on Conservation of Forests and Fruit Trees;
- No. 217-91 dated June 4, 1991, which prohibits the manufacture, importation, preparation, and marketing and use of various agrochemical products which have been determined to be highly dangerous to human health and environmental health;
- No. 413-91 dated November 8, 1991, which creates the National Council on Radiological Protection, attached to the Department of Public Health and Social Assistance, and to the National Nuclear Affairs Commission;
- No. 414-91 dated November 8, 1991, which places at the charge of the Technical Department of the Presidency, the Commission on Nuclear Affairs, and modifies Decrees Nos. 1680 and 1842, dated October 31, and December 11, 1964, respectively;
- No. 340 dated November 18, 1992, which creates the National Commission to Provide Follow-Up to

the Agreements of the United Nations Conference on the Environment and Development “Earth Summit”;

- No. 183-93 dated June 24, 1993, which orders the creation of a green belt which surrounds the urban area of the city of Santo Domingo de Guzmán;
- No. 421-96, dated September 9, 1996, which declares September 16th of each year as an International Day for Conservation of the Ozone Layer;
- No. 138-97 dated March 21, 1997, which puts into execution the National Quisqueya Verde (Green Quisqueya) Plan, as the initiation of a process which will encourage governmental and non-governmental will and initiatives to achieve sustainable development;
- No. 203-98 dated June 2, 1998, which creates the Governing Office of Reform and Modernization of the Potable Water and Sanitation Sector;
- No. 216-98 dated June 5, 1998, which creates the National Institute of Environmental Protection as a dependency of the Presidency of the Republic;
- No. 152-98 dated April 29, 1998, which creates the Coordinator Commission of the Natural Resources and Environmental Sector;

SEEN: Decree No. 207 dated June 3, 1998, which creates the Regulation for the application of Law 146-71 on Mining;

- No. 136-99 dated March 30, 1999, which reestablishes the limits of the Marine Mammals Sanctuary, created by Article 22 of Decree No. 233-96, and creates a National Commission for the Protection of Marine Mammals;

SEEN: Regulation No. 207, dated June 3, 1998, for the application of the Mining Law No. 146, dated June 4, 1971;

SEEN: Resolution No. 391 of 1991, which makes official the Dominican Standard of Emergency (NORDOM) No. 436.

HAS GIVEN THE FOLLOWING LAW:
**GENERAL LAW ON ENVIRONMENT
AND NATURAL RESOURCES**

Title I **ON BASIC RINCPLES,
OBJECTIVES, AND
BASIC DEFINITIONS**

Chapter I ON BASIC PRINCIPLES

Article 1.- The present Law is intended to establish the standards for the conservation, protection, improvement, and restoration of the environment and natural resources, ensuring their sustainable use.

Article 2.- The provisions contained in the present law are of a public order.

Article 3.- The natural resources and environment are common legacy of the nation, and an essential element for the sustainable development of the country.

Article 4.- It declares to be of national interest the conservation, protection, restoration, and sustainable use of natural resources, the environment, and the goods which make up the natural and cultural legacy.

Article 5.- It is the responsibility of the State, of society, and of each inhabitant of the country, to protect, conserve, improve, restore, and make sustainable use of the natural resources and the environment, and to eliminate the patterns of production and consumption which are not sustainable.

Article 6.- The liberty of the citizens in the use of natural resources is based on the right of every person to enjoy a healthy environment. The State shall guarantee the participation of the communities and inhabitants of the

country in the conservation, management, and sustainable use of the natural resources and the environment, as well as access to truthful and opportune information on the situation and status of same.

Article 7.- The programs of protection of the environment and natural resources must be composed of general plans and programs of social and economic development, so that the corresponding problems are given a common focus and sustainable solutions are sought, subject to a regime of priorities in the application of applicable policies and in the use and conservation of the resources.

Article 8.- The criteria of prevention shall prevail over any other in the public and private management of the environment and natural resources. One may not allege lack of absolute scientific certainty as a reason not to adopt preventative and efficacious measures in all activities that have a negative impact on the environment, according to the principle of precaution.

Article 9.- The Studies of Environmental Impact Evaluation and Environmental Reports shall be the basic instruments for environmental management.

Article 10.- The State shall order the incorporation of environmental costs and the use of economic instruments for the prevention, correction, and restoration of damages to the environment and for the conservation of natural resources.

Article 11.-The policies for human settlement will have to take into account the right of human beings to a healthy and productive life in harmony with nature.

Article 12.- The formulation of policies on natural resources and the environment shall have to take into account the result of the process of scientific investigation. Nevertheless, environmental authorities and particular parties shall apply the principle of precaution.



Article 13.- In the use of water resources, human consumption shall have priority over any other use.

Article 14.- The national policy on the environment and natural resources must be based on and respect the principles established in the present Law, and be in accordance with the international commitments contracted by the Dominican Republic.

Chapter II OBJECTIVES

Article 15.- The particular objectives of the present Law:

1. The prevention, regulation, and control of any of the causes or activities which cause deterioration of the environment or contamination of the ecosystems, as well as the degradation, alteration, and destruction of the natural and cultural legacy;
2. To establish the means, forms, and opportunities for the conservation and sustainable use



of natural resources, acknowledging their true value, which includes the environmental services which they render, within a national planning based on sustainable development, with equity and social justice;

3. The correct use of the physical space through territorial organization which considers the natural and cultural resources as a basis for the existence and development of human activities;

4. To strengthen the National System of Protected Areas in order to guarantee biological and landscape diversity;

5. To guarantee the rational management of the water systems and basins, ensuring in this way the sustainability of same;

6. To encourage and promote environmental education as a means to promote a society in harmony with nature;

7. To encourage a healthy environment which will contribute to the sustaining of health and prevention of disease;

8. To encourage and motivate actions which will tend toward the development of and compliance with the present Law.

Chapter III BASIC DEFINITIONS

Article 16.- For purposes of the present law, the following definitions apply:

1) **SUSTAINABLE USE:** The use of natural resources in such a way as to respect the functional integrity and load capacity of the ecosystems of which they form part.

2) **PROTECTED AREAS:** A portion of land and/or sea especially dedicated to the protection and maintenance of significant elements of biodiversity and of related natural and cultural resources, managed by legal mandate and other elective means;

3) **DESERTIFICATION:** Progressive loss of the availability of water in ecosystems altered by human action. Desertification is expressed in a decrease of biodiversity and biological productivity, and reorientation of the ecological dynamics and the predominant presence of species adapted to the lack of water.

4) **HUMAN SETTLEMENT:** The place where a group of persons resides and habitually perform their social activities.

5) **ENVIRONMENTAL AUDIT:** A systematic, documented, periodic and objective evaluation which is performed in order to determine whether the management system and environmental behavior satisfy the previously established provisions, whether the system has been implanted in an effective manner and whether it is

adequate to achieve environmental policies and objectives.

6) **BIODIVERSITY:** The totality of each and every one of the species of living beings, of genes, landscapes, and habitats in all their varieties.

7) **ENVIRONMENTAL QUALITY:** Capacity of the ecosystems to guarantee the basic functions of species and populations which make them up. It is a direct function of biodiversity and vegetable coverage.

8) **QUALITY OF LIFE:** The degree to which members of a human society satisfy their material and spiritual needs. Its qualification is based on indicators of basic satisfaction and through value judgments.

9) **LOAD CAPACITY:** Property of the environment to absorb or support external agents without suffering deterioration that affects its own regeneration, or prevents its natural renewal in normal time periods and conditions, or which reduces significantly its ecological functions.

10) **CONSERVATION:** The application of the measures necessary to preserve, improve, maintain, rehabilitate, and restore the populations and ecosystems without affecting their use.

11) **CONTAMINATION:** The introduction into the environment of elements harmful to life, flora, and fauna, which degrade or decrease the quality of the atmosphere, water, soil, or properties and natural resources in general.

12) **SONIC CONTAMINATION:** Sounds which due to their level, prolongation, or frequency affect human health, quality of life of the populace and the functioning of ecosystems, exceeding legally established permissible levels.

13) **CONTAMINANT:** Any material, element, composition, substance, chemical or biological derivative, energy, radiation, vibration, noise, or combination of same in any of their physical states, which by being incorporated or acting on the atmosphere, water, soil, flora, fauna, or any other element of the environment, alters or modifies its natural composition and degrades its quality, putting at risk the health of persons and the preservation and conservation of the environment and wildlife.

14) **ENVIRONMENTAL CONTROL:** Vigilance, inspection, monitoring, and application of measures for the protection of the environment.

15) **ECOLOGICAL CRITERIA:** The obligatory guidelines contained in the present law to orient the actions of preservation and restoration of the ecological equilibrium, sustainable use of natural resources, and the protection of the environment, which will have the nature of instruments of environmental policy.

16) **ENVIRONMENTAL DAMAGE:** Any loss, decrease, deterioration, or harm caused to the environment or one or more of its components.

17) **DECLARATION OF ENVIRONMENTAL IMPACT:** A process which analyzes a proposal from the point of view of its effect on the environment and natural resources, and which consists in the enunciation of the substantial effect, positive or negative, of the proposal action on one or several elements.

18) **SUSTAINABLE DEVELOPMENT:** The process that can be evaluated by means of criteria and indicators of an environmental, economic, and social nature which tends to improve the quality of life and productivity of persons, which is based on appropriate measures for the preservation of ecological equilibrium, protection of the environment, and use of natural resources, such that the satisfaction of the needs of future generations is not compromised.

19) **ENVIRONMENTAL DISASTER:** The alteration of the surroundings caused by natural global, atmospheric, climatic, or infectious forces, induced or produced intentionally or accidentally by human, immediate, or eventual action, which gives rise to catastrophic situations in which, suddenly or not, human tragedies are produced, daily patterns of life are disorganized, economic and cultural properties are destroyed, or vital natural resources are significantly affected.

20) **TOXIC WASTES AND DANGEROUS RESIDUES:** Those which in any physical state contain significant quantities of substances which present or can present a danger for the life or health of living entities when freed into the environment, or if manipulated incorrectly due to their magnitude or manner of their corrosive, toxic, poisonous, reactive, explosive, inflammable, biologically

harmful, infectious, or irritating characteristics, represent a danger for human health, the quality of life, natural resources, or ecological equilibrium.

21) **DESERTIFICATION:** A progressive and irreversible modification of ecosystems which assume the ecological characteristics of deserts: scarcity of water (lack of rainfall, runoff, and immediate evaporation), heavily seasonal ecodynamics, short periods of intensive growth of opportunistic species (“ruderales”), progressive decrease of the organic matter in soils, predominance of third and fourth level predators, among others.

22) **HYDROLOGICAL DISTRICTS:** Conjunction or association of small hydrographical basins which are located in the same region.

23) **DOCUMENT OF ENVIRONMENTAL IMPACT:** Document prepared by a multidisciplinary team under the responsibility of the proponent, by means of which is made known to the competent authority and other interested parties, the results and conclusions of the environmental impact study, and the information and technical data are translated into clear and easily comprehensible language.

24) **ECOSYSTEM:** Universe of functional relationships among the components of a habitat.

25) **ENVIRONMENTAL EDUCATION:** Permanent process of civic, formal, and informal training, for familiarity with and development of values, concepts, attitudes, and skills vis-à-vis the protection and sustainable use of natural resources and the environment.

26) ENVIRONMENTAL IMPACT STUDY: Totality of technical and scientific activities directed towards the identification, prediction, and control of environmental impacts of a project and its alternatives, presented in the form of a technical report and performed according to the criteria established by the standards in effect.

27) STRATEGIC ENVIRONMENTAL EVALUATION: An instrument of environmental evaluation of the public policies, activities, and projects, to guarantee the incorporation of the environmental variable in different sectors of public administration.

28) ENVIRONMENTAL IMPACT EVALUATION: The instrument of environmental policy and management made up of the totality of technical procedures, studies, and systems which permit the estimation of the effects which the execution of a particular work, activity, or project can cause on the environment.

29) WETLAND: Extension of salt marshes, swamps, and “turberas” or surfaces covered with water, be they of natural or artificial regime, permanent or temporary, stagnant or running, sweet, salty, including the extensions of sea water whose depth at low tide does not exceed six meters, including artificial wetlands, such as rice paddies and basins.

30) ENVIRONMENTAL IMPACT: Any significant alteration, positive or negative, of one or more of the components of the environment and natural resources, caused by human action and/or events of nature.

31) COLLECTIVE INTEREST: Interest corresponding to groups of persons.

32) DIFFUSE INTEREST: That which is found to be disseminated in a group, corresponding to each one of its members, and which does not emanate from property deeds, rights or concrete actions.

33) ENVIRONMENTAL LICENSE: Document in which is recorded the fact that the corresponding environmental impact study has been delivered, and that the activity, work, or project can be carried out, under the condition of applying the program of environmental adjustment and management indicated in same.

34) PERMISSIBLE LIMITS. Technical standards, parameters, and values, established for the purpose of protecting human health, quality of the environment, or integrity of its components.

35) ENVIRONMENT: The system of biotic, abiotic, socioeconomic, cultural, and aesthetic elements which interact among themselves, with individuals, and with the community in which they live, and which determine their relationship and survival.

36) LEVELS OF EMISSION: Measured quantity of emission of substances into the environment.

37) ENVIRONMENTAL EMISSION STANDARDS: Values that establish the amount of maximum emission permitted of a substance, measured in the source of emission.

38) TERRITORIAL ORDERING: Process of planning, evaluation, and control, directed to identify and program human activities compatible with conservation, use, and management of natural resources in the national territory, respecting the load capacity of the natural surroundings, to preserve and restore ecological balance and to protect the environment, as well as to guarantee the welfare of the population.

39) ORDERING OF SOIL: Process of planning, intended to evaluate and program the use of soil in national territory, according to its characteristics and potential, taking into account natural and environmental resources, economic and social activities, and the distribution of the population, in the framework of a policy of conservation and sustainable use of natural resources and the environment.

40) ENVIRONMENTAL PERMIT: Document granted by the competent authority at the request of the interested party, in which it certifies that from the point of view of environmental protection, the activity may be carried out under the condition of complying with the measures indicated.

41) PRESERVATION: Totality of provisions and measures to maintain the present state of the ecosystem.

42) PROTECTION: All of the policies and measures to prevent deterioration, threats, and to restore the environment and altered ecosystems.

43) COASTAL AND MARINE RESOURCES: Those made up by the water of the territorial sea, estuaries, underwater

continental shelf, littorals, bays, islands, keys, capes, mangrove swamps, coral reefs, submarine vegetation, places for observation of scenic beauties, and the biotic and abiotic resources inside said associated waters and ecosystems.

44) GENETIC RESOURCES: Totality of genes present in the wild populations and/or managed populations which make up the basis of biodiversity.

45) HYDROLOGICAL RESOURCES: Every source of water, running or confined, surface or underground, coastal or inland, sweet, salty, or salt, as well as aquatic ecosystems and species which inhabit it temporarily or permanently, in areas where the Dominican Republic exercises jurisdiction.

46) NATURAL RESOURCES: Natural elements available to people to satisfy their economic, social, and cultural needs.

47) ENVIRONMENTAL RISK: Potential for an action of any nature which, due to its location, characteristics, and effects, can generate damage to the surroundings or to the ecosystems.

48) CIVIL SOCIETY: Totality of persons and companies, owners of a diffuse collective interest pursuant to the law, which expresses its public and social participation in local and/or national life.

49) UNIT OF ENVIRONMENTAL MANAGEMENT: Natural unit with clearly defined physical limits where the effects of the activities of development can be planned, evaluated,

and managed systematically, harmoniously, and integrally.

50) WILDLIFE: The totality of species of flora and fauna that are found in a natural state, and which are not cultivated or domesticated.

Chapter IV DEPARTMENT FOR
ENVIRONMENT AND
NATURAL RESOURCES

Section I CREATION, PURPOSE, AND
FUNCTIONS OF THE DEPARTMENT

Article 17.- The State Secretariat of Environment and Natural Resources is created as the governing body for the environment, ecosystems, and natural resources, in order that it comply with the powers which pursuant to environmental legislation in general correspond to the State, in order to achieve sustainable development.

Article 18.- The following functions corresponding to the State Secretariat of Environment and Natural Resources:

1. To draft the National Environmental and Natural Resources Policy;
2. To carry out and supervise the National Policy on Environment and Natural Resources;

3. To administer the natural resources of the State's domain which have been assigned to it;

4. To watch over the preservation, protection, and sustainable use of the environment and natural resources;

5. To seek the progressive improvement of the management, administration, and regulation concerning contamination of soil, air, and water, for the conservation and improvement of environmental quality;

6. To watch out that the exploration and exploitation of mining resources be performed without causing irreparable damage to the environment and to human health; to halt the execution of any mining activity whenever it may deem, based on scientific studies, that the same may endanger human health and cause irreparable harm to the environment and ecosystems unique or indispensable for the normal development of human life; and to guarantee the restoration of ecological damage and compensation for the economic damage caused by mining activity;

7. To control and watch over the conservation, use, and investigation of coastal and marine ecosystems and their resources and of wetlands, and the correct application of the norms relating to same;

8. To promote and guarantee the conservation and sustainable use of forest resources, and to watch over the application of the forestry policy of the State, and the norms which regulate their use;

9. To formulate standards, to review existing standards, and to supervise the efficacious application of the legislation, in order to guarantee the conservation and sustainable use of the natural resources, and to improve the quality of the environment;

10. To orient, promote, and encourage private institutions, community organizations, and non-governmental organizations in activities of preservation, restoration, conservation, and sustainable use of the environment, as well as for the protection of the natural resources, adjusting their activities to the policies, objectives, and goals on the environment and natural resources;

11. To encourage the integration of the civil society and community organizations into the plans, programs, and projects destined for the preservation and improvement of the environment;

12. To draft and to guarantee the correct application of the norms for the conservation, preservation, and management of the protected areas and wildlife;

13. To collaborate with the Department of Education and Culture in the drafting of the plans and teaching programs which will be applied in the different levels of national education in regard to the environment and the natural resources, as well as to promote with said Department programs of publication and informal education;

14. To establish mechanisms which will guarantee that the private sector adjust its activities to the policies and goals indicated;

15. To encourage processes of Industrial Reconversion, linked to the incorporation of clean technologies and to the performance of activities of decontamination, recycling, and re-utilization of residues;

16. To study and to evaluate the economic cost of the deterioration of the environment and natural resources, for the purpose of their being included in the operating costs and considered in the national accounts;

17. To establish the National System of Environmental and Natural Resources Information; to perform, organize, and update the inventory of biodiversity and national genetic resources, as well as to design and execute the National Strategy of Biodiversity Conservation;

18. To control and prevent environmental contamination in the emission sources. To establish environmental standards and regulations of general nature concerning the environment, to which the human settlements, mining, industrial, transportation, and tourist activities must subject themselves, as well as any service or activity which may generate environmental damage directly or indirectly;

19. To promote the incorporation of the environmental dimension and sustainable use of natural resources into the National Planning System;

20. To evaluate, give follow-up to, and supervise the control of the factors of environmental risk and of those which can influence the occurrence of natural disasters and to execute directly, or in coordination with other pertinent institutions, the actions which tend towards the prevention of the emergency or to prevent the expansion of its effects;

21. To propose to the Executive Branch the national positions regarding international negotiations on environmental subjects, and on the country's participation in the conferences of the parties to international environmental conventions; to propose the signing and ratification; to be the focal point of same; and to represent the country in the international environmental forums and entities in coordination with the Department of Foreign Relations;

22. To collaborate with the Department of Public Health and Social Assistance in the drafting of the national population policy and in the performing of studies and evaluations of common interest;

23. To promote, in coordination with the competent entities, the performing of programs and projects for the prevention of disasters which can affect the environment and natural resources, as well as the mitigation of the damages caused;

24. To coordinate with the Department of Armed Forces and the National Police the actions to be executed in order to ensure the protection and defense of the country's natural resources;

25. Any other function assigned to it pursuant to the law.

The functions mentioned in the above clauses will be performed using the mechanisms of collaboration and consultation established by the National Planning Office, which will include the joint work with the sectorial planning offices of the various Departments of State and other provincial and municipal instances.

Article 19.- The National Council of Environment and Natural Resources is created as liaison between the National System of Economic, Social, and Administrative Planning, the national productive sector, civil society, and the entities of the centralized and decentralized public administration belonging to the environmental and natural resources sector, and as the entity responsible for programming and evaluating the policies, as well as establishing the national strategy for conservation of biodiversity. The National Council on the Environment and Natural Resources will be made up of the:

1).- Secretary of State for the Environment and Natural Resources, who will preside over it;

2).- Technical Secretary of State of the Presidency;

3).- Secretary of State of Agriculture and Animal Husbandry;

4).- Secretary of State of Public Health and Social Assistance;

5).- Secretary of State of Education;

6).- Secretary of State of Public Works and Communications;

7).- Secretary of State of the Armed Forces;

8).- Secretary of State of Tourism;

9).- Secretary of State of Industry and Commerce;

10).- Secretary of State of Foreign Relations;

11).- Secretary of State of Labor;

12).- Secretary General of the Municipal League;

13).- National Institute of Hydraulic Resources

There will also be chosen one representative of the Northern, Southern, Eastern, and Western Regions, of the Non-Governmental Organizations (NGOs), of the environmental and natural resources area and of a peasant farmer organization; two representatives of universities (public and private); and one representative of the business sector, from slates presented by their respective organizations to the Secretary of State for Environment and Natural Resources and designated by decree of the Executive Branch.

The resolutions of the National Council on the Environment and Natural Resources are of obligatory compliance, and their execution corresponds to the State Secretariat of Environment and Natural Resources.

A special regulation shall govern the functioning of the National Council on the Environment and Natural Resources.

Section II BASIC STRUCTURE
OF THE DEPARTMENT
OF ENVIRONMENT
AND NATURAL RESOURCES

Article 20.- The State Secretariat of Environment and Natural Resources shall be structured according to its areas of competence and functions, in five Under-Secretaries of State:

- 1.- Environmental Management;
- 2.- Soils and Waters;
- 3.- Forestry Resources;
- 4.- Protected Areas and Biodiversity; and
- 5.- Coastal and Marine Resources;

The Organic and Functional Regulation of the Department of Environment and Natural Resources shall determine the specific functions and the internal structure of the Under Secretaries and other organic units necessary for its efficient functioning;

Article 21.- The Office of Planning and Programming is created as an advisory entity of the State Secretariat of Environment and Natural Resources in matters of economic, social, and administrative planning, which besides the functions established by Law No. 55, dated November 22, 1965, on the National Planning System, shall be the Department's support unit in the process of creation of same.

Section III REORDERING OF THE PUBLIC
ENTITIES BELONGING
TO THE ENVIRONMENTAL AND
NATURAL RESOURCES SECTOR

Article 22.- The Under Secretary of State for Natural Resources of the Department of Agriculture, the National Directorate of Parks, the Environmental Department of the National Planning Office, the National Institute of Forestry Resources, the National Institute of Environmental Protection, and the Office for the Protection of the Earth's Crust of the Department of Public Works are transferred to, and consequently shall be dependencies of, the Department of Environment and Natural Resources, under its new structure.

Repeal of Decree No. 216 dated June 5, 1998, which creates the Institute of Environmental Protection (INPRA) and law 118-99 and its regulations of the National Institute of Forestry Resources (INAREF) and its powers pass to the Department of Environment and Natural Resources.

The State Secretariat of Environment and Natural Resources shall be in charge of all edifications, furniture, equipment, materials, and physical resources of whatever kind, in the power of the entities which are transferred to it, and of those which are eliminated by the present Law.

The General Directorate of Mining of the Department of Industry and Commerce must coordinate with the Department of Environment and Natural Resources on the drafting of the national mining policy, as well as its application, which must be subject to the National Policy on Environment and Natural Resources adopted by the Executive Branch.

Article 23.- The “Dr. Rafael M. Moscoso” National Botanical Garden, the “Architect Manuel Valverde Podestá” National Zoological Park, the National Aquarium, the National Museum of Natural History, and the National Institute of Hydraulic Resources shall be dependencies of the State Secretariat of Environment and Natural Resources.

Creation of the Boards of Directors of the National Zoological Park, the National Botanical Garden, the National Aquarium, and the National Museum of Natural History, the National Institute of Hydraulic Resources, as administrative and financial control entities, which will be presided over by the Secretary of State for Environment and Natural Resources, and made up by and regulated through decree of the Executive Branch.

The institutions mentioned in the present Article conserve their functional, jurisdictional, and financial

autonomy, as well as their own legal (corporate) legacy and incorporation.

The National Institute of Hydraulic Resources must submit for the approval of the State Secretariat of Environment and Natural Resources the plans, programs, projects, and activities which this institution is going to carry out in the hydrographic basins, within the competencies assigned by the present law to the State Secretariat of Environment and Natural Resources. The National Institute of Hydraulic Resources (INDRHI) will coordinate with the State Secretariat of Environment and Natural Resources everything concerning the use and exploitation of the country's water resources.

Section IV NATIONAL SYSTEM
OF ENVIRONMENTAL
AND NATURAL RESOURCES
MANAGEMENT

Article 24.- In order to guarantee the design and efficient execution of the policies, plans, programs, and projects related to the environment and natural resources, there will be a system with functions of drafting, orientation, and coordination, called the National System of Environmental and Natural Resources Management.

The National System of Environmental and Natural Resources Management constitutes the totality of the orientations, standards, activities, resources, projects, programs, and institutions which make possible the application, execution, implementation, and carrying

out of the principles, policies, strategies, and dispositions adopted by the public powers related to the environment and natural resources.

Article 25.- The National System of Environment and Natural Resources will be made up by:

1. The State Secretariat of Environment and Natural Resources;
2. The Institutional Offices of Programming of the decentralized and autonomous entities which make up the Sector;
3. Two representatives from universities (public and private);
4. The Environment and Natural Resources Commissions of the City Hall of the National District, the Municipal Town Halls, and the Municipal League;
5. The Non-Governmental Organizations from the Sector which are recorded in the State Secretariat of Environment and Natural Resources.

It corresponds to the State Secretariat of Environment and Natural Resources to coordinate the National System of Environmental and Natural Resources Management, and to draft the regulation corresponding to its functioning.

Article 26.- The institutions which form part of the National System of Environmental and Natural

Resources Management, must have Units of Environmental Management and must be organized with their own personnel and be financed with the budget of each entity. The Units of Environmental Management are specialized structures, with functions of supervising, coordinating, and providing follow-up to the policies, plans, programs, projects, and environmental actions within their institutions, and watching over compliance with the environmental standards by the same, ensuring the necessary interinstitutional coordination of the environmental management, according to the instructions issued by the State Secretariat of Environment and Natural Resources.

Title II **INSTRUMENTS FOR
THE MANAGEMENT
OF ENVIRONMENT
AND NATURAL
RESOURCES**

Article 27.- The instruments for the management of the environment and natural resources are the following:

1. Environmental Planning;
2. The present Law, the special and sectorial laws, the international conventions and treaties, and other legal provisions destined for the protection of the environment and natural resources, including the technical standards in matters of environmental protection;
3. Territorial Organization;
4. The National System of Protected Areas;
5. Environmental Permits and Licenses;
6. Strategic Evaluation of Environmental Impact;
7. National System of Environmental and Natural Resources Information;
8. Environmental Inspection;
9. Environmental Education and Publication;
10. Scientific and Technological Development;

11. Incentives;

12. National Fund for the Environment and Natural Resources;

Chapter I INCORPORATION OF
THE ENVIRONMENTAL
DIMENSION IN
PLANNING

Article 28.- The planning of national, regional, and provisional development of the country must incorporate the environmental dimension through a dynamic, permanent, participatory, and concerted process between the different entities involved in environmental management.

The centralized, decentralized, autonomous, and semi-autonomous public institutions of the State, as well as the City Hall of the National District, of the town halls, and the Municipal League, shall include in their respective budgets the items corresponding to the application of the present Article. It corresponds to the Technical Department of the Presidency, through the National Offices of Planning and the National Budget Office, and to the Dominican Municipal League, in coordination with the State Secretariat of Environment and Natural Resources, to guarantee compliance with the present Article.

Article 29.- All plans, programs, and projects of development of a national, regional, provincial, or municipal nature, must be drafted or adjusted, as may be the case, oriented by the guiding principles of the

present Law, the environmental policies, strategies, and programs established by the competent authorities.

Chapter II ORDERING
OF THE TERRITORY

Article 30.- Declares of the highest national interest the design, drafting, and execution of the National Plan for Organization of the Territory which incorporates environmental variables.

The Technical Department of the Presidency, in coordination with the State Secretariat of Environment and Natural Resources, and the rest of the appropriate State entities, shall develop actions intended to comply with the present Article, in a term no greater than three (3) years, and the following items must be assigned in the Law of Budget and Public Expenditures.

The Organization of the Territory must take as a guide the objectives and principles contained in the present Law.

Article 31.- The organization of the territory, national, provincial, or municipal, as may be the case, shall have as principle objectives, the protection of their resources, the decrease of their vulnerability, the reversal of recurrent losses due to inadequate or improper use of the environment and natural resources, and achieving the maximum possible harmony in the interrelations of the society with nature, taking into account:

1) The nature and the characteristics of the different ecosystems:

2) The potential of each region in terms of its natural resources;

3) The indispensable equilibrium between human activities and their environmental conditions;

4) Existing ecological imbalances due to human causes; and

5) The environmental impact of new human settlements, infrastructure works, and related activities.

Article 32.- In order to guarantee an adequate environmental management, the State Secretariat of Environment and Natural Resources will divide the national territory into Units of Environmental Management, and so long as possible, the limits of the hydrographic basins must be respected.

The small basins may be united in order to make up the Hydrological Districts.

Chapter III NATIONAL SYSTEM
OF PROTECTED AREAS

Article 33.- There is created the National System of Protected Areas, which comprises all of the areas of that nature, both those already existing and those which shall be created in the future, either public or private. The responsibilities of the National Directorate of Parks are transferred to the State Secretariat of Environment and Natural Resources.

For the establishing of the Protected Areas, the following mandates must be taken into account:

1. Preserving the natural ecosystems representative of the diverse biogeographical and ecological regions of the country;
2. Protecting the hydrographic basins, hydrological cycles, aquifer zones, samples of biotic communities, particular genetic resources and the genetic diversity of the natural ecosystems and their elements;
3. Favoring the development of ecotechniques and improving the rational and sustainable use of the natural ecosystems and of their elements;
4. Protecting natural scenarios and landscapes;
5. Promoting recreational and tourist activities in harmony with nature;
6. Favoring environmental education, scientific research, and the study of the ecosystems;
7. Protecting the natural surroundings of historical and artistic monuments, and archeological remains.

The management and supervision of all of the Protected Areas must be done obligatorily under the Management Plans.

Article 34 (temporary).- The National System of Protected Areas is made up of the units and categories of conservation established in the following laws and decrees, whose limits are ratified by the present law, as well as other legal and/or administrative documents which compliment them:

1. Law No. 4389 dated February 19, 1956, which creates a Forest Reserve for scientific purposes and Protection of Nature, called the “Armando Bermúdez” National Park;

2. Law No. 5056 dated December 19, 1958, on issuance of fishing permits, provided by the Fishing Law No. 1518 dated June 18, 1938;

3. Law No. 654 dated April 24, 1974, which declares as a Reserved Zone or National Park the Cabo Francés Viejo and its adjacent beach of El Bretón, on the north coast of the national territory;

4. Law No. 664 dated May 14, 1974, which declares as a Reserved Zone or National Park the Isla Cabritos in Lake Enriqueillo, Independencia Province;

5. Law No. 409 dated April 8, 1976, which modifies articles 1, 4, and 5 of Law No. 244 dated January 10, 1968;

Decrees Nos.:

6. Decree No. 1311 dated September 16, 1975, which declares as the National Park of the East a zona of

around four hundred thirty square kilometers in the province of La Altagracia and pronounces other provisions;

7. Decree No. 1863 dated April 6, 1976, which declares as a Natural Scientific Reserve a portion of land in the township of Guayubín;

8. Decree No. 2924 dated June 17, 1977, which declares as the La Vega Vieja National Historical Park the area where archaeological excavations are performed in the old city of la Concepción de La Vega;

9. Decree No. 157-86 dated February 26, 1986, which declares as areas of public utility and social interest for purposes of conservation of the natural ecosystems and historical and archaeological places, and places for research, education, and recreation, with the category of “Jaragua National Park,” the territories and maritime zones adjacent to said Park;

10. Decree No. 159-86 dated February 26, 1986, which declares as a “Panoramic Highway” for purposes of recreation, environmental education, and protection of nature, the highway of Aceitillar-Cabo Rojo, formerly the highway of the Alcoa Explotation Company;

11. Decree No. 1026-86-249 dated September 25, 1986, which declares as a National Park an area of the of Caribbean Sea with the name of “La Caleta Underwater Park”;

12. Decree No. 417-89 dated October 26, 1989, which declares as the Scientific Reserve of Green Ebony

(Magnolia Pallescens) several areas in the township of Constanza;

13. Decree No. 82-92 dated March 6, 1992, which declares the Scientific Reserve of Loma Quita Espuela, located in San Francisco de Macorís, and puts it under the administration of the Fundación Loma Quita Espuela, Inc., and the General Directorate of Parks;

14. Decree No. 16-93 dated January 22, 1993, which modifies article 1 of Decree No. 156-86, dated February 26, 1986, on the Montecristi National Park;

15. Decree No. 183-93 dated June 24, 1993, which orders the creation of a green belt surrounding the urban area of the city of Santo Domingo de Guzmán;

16. Decree No. 356-93 dated December 31, 1993, which declares as a tourist highway the old Luperón highway, which joins the cities of Santiago de los Caballeros and Puerto Plata;

17. Decree No. 221-95, dated September 30, 1995, which creates the National Parks of “Nalga de Maco” and “Sierra de Neyba” and the “Las Caobas Natural Monument”;

18. Decree No. 309-95 dated December 31, 1995, which adopts as a guide for the organization of the national system of protected areas, the generic categories granted by the World Union for Nature;

19. Decree No. 233-96 dated July 30, 1996, which applies the categories established to the norms of the World Union for Nature (UICN), to the scientific reserves, national parks, natural monuments, wildlife refuges and panoramic highways, as well as architectural monuments, archaeological beds, submarine zones of historical and cultural interest and recreational, educational, and cultural areas, reserved previously throughout the national territory by different laws, decrees, and administrative provisions. It creates the national parks of: "Lago Enriquillo," "Juan Bautista Pérez Rancier," "Cabo Cabrón," "Sierra Martín García," "Juan Ulises García Bonelly," and "La Humeadora." It establishes the definitive limits of the "Los Haitises" National Park. It expands the limits of the "Sierra de Bahoruco" National Park. It founds the scientific reserves of: "Erick Leonard Eckman" and "Dr. Miguel Canela Lázaro," the biological reserves of: "Padre Miguel Domingo Fuertes" y "Las Neblinas," "Dr. José de Js. Jiménez Almonte" y "Humedales del Bajo Yuna." It assigns the category of Natural Monument to the mountain of "Loma Isabel de Torres," and to the "Bay of Luperón" and "Cascada del Limón." It classifies as anthropological reserve "Cueva de las Maravillas" and expands the limits of the anthropological reserve of "Cuevas de Borbón." It creates the wildlife refuges of "Río Higuamo" and assigns the same category to the "Laguna de Cabral." It expands the limits of the "Marine Mammals Sanctuary of the Dominican Republic." It creates the panoramic highways of the "Mirador del Atlántico," "Comate and Comatillo Rivers," "Mirador del Paraíso," "Mao River," "Costa Azul," the "Bao River," and the "Mirador del Valle de la Vega Real." It creates the national recreational areas of "El Puerto-Guaigüí," "Cayo Levantado," and the "Andrés-

Boca Chica Beach.” It creates the ecological corridors of the “Duarte Highway,” “Tenares-Gaspar Hernández Highway,” “El Seybo-Miches,” “El Abanico-Constanza,” and “Cabral-Polo” highways. It horizes the National Committee “an and the Biosphere” (Dominican MAB) to present to UNESCO the proposals for the creation of the biosphere reserves of: “Hoya del Lago Enriquillo with its bordering mountain systems,” and the “Bay of Samaná and its surroundings,” and pronounces other provisions for the protection of natural, historical, and cultural patrimony of the Dominican Republic.

The La Isabela Historical National Park is incorporated into the National System of Protected Areas by administrative disposition of the National Directorate of Parks.

A term of ninety (90) days is granted to the Executive Branch for it to present a Bill of Law on Protected Areas and Biodiversity.

The National System of Protected Areas will be of a temporary nature until the presentation, approval, and initiation of a bill which will update the National System of Protected Areas, as well as the categories according to international standards which govern in this regard their limits and other pertinent considerations. Until the Law on Protected Areas and Biodiversity is promulgated, no modification of same shall be permitted.

Article 35.- The objectives of establishing protected areas are:

1. To save, become familiar with, conserve, and use, according to their category of management, the biodiversity and ecosystems under a regime of protection which will make up the Republic's Natural Patrimony;

2. To maintain in their natural state the representative samples of biotic communities, zones of life, physiographic regions, biogeographic units, genetic resources and species of threatened wildlife or those in danger or in process of extinction, in order to facilitate scientific research, the maintenance of biological diversity, to ensure ecological stability, to promote recreational activities and sustainable tourism, and to favor environmental education, scientific research, and the study of ecosystems.

3. To promote and encourage conservation, recuperation, and sustainable use of natural resources;

4. To guarantee the environmental services which are derived from the protected areas, such as carbon setting, decrease of the greenhouse effect, contribution to the stabilization of climate (weather) and sustainable use of energy;

5. To conserve and recuperate the sources of production of water, and to execute actions which will permit their effective control, in order to avoid erosion and sedimentation.

Article 36.- The protected areas are a legacy of the State, and must be administered according to their categories, zoning, and regulation, based on plans of

management approved by the State Secretariat of Environment and Natural Resources, with the participation of the community and its organizations, in the management and handling of same.

The Dominican Republic may establish agreements for the co-management and/or the management of protected areas with interested entities, so long as the interests of conservation prevail over any other.

When due to the national interest or the category of management which so requires, an area belonging to a person or private entity is declared to be under the national system of protected areas, the Dominican Republic may declare it of public utility and acquire it through purchase or exchange, and the price and conditions are to be established by the laws governing this subject or by mutual agreement.

Article 37.- When all of the environmental conditions of a particular area or zone have been or could be seriously affected, the State Secretariat of Environment and Natural Resources, after the pertinent technical studies, may subject said space to a provisional regime of environmental protection, without this measure's necessarily meaning that said zone enter into the System of Protected Natural Areas.

When a space is subjected to the regime of provisional protection indicated in the present article, a Management Plan or program of control and recuperation shall be established which will indicate the

preventative or correctional measures which must be carried out in said zone, as well as those responsible for executing those measures and the terms within which they must be carried out.

An area of provisional environmental protection may cease to be such, or may be assigned to another specific and stable category, when the environmental conditions have been reestablished, and the equilibrium of the ecological system which characterizes it have been guaranteed.

Chapter IV ON THE
ENVIRONMENTAL
EVALUATION

Article 38.- For purposes of preventing, controlling, and mitigating the possible impacts on the environment and natural resources caused by works, projects, and activities, the process of environmental evaluation is established with the following instruments:

- 1) Environmental impact statement;
- 2) Strategic environmental evaluation;
- 3) Environmental impact study;
- 4) Environmental report;
- 5) Environmental license;
- 6) Environmental permit;

- 7) Environmental audits; and
- 8) Public consultation.

Article 39.- The policies, plans, and programs of public administration must be evaluated in terms of their environmental effects, selecting the alternative of least negative impact. An analysis must be performed of consistency with the national policy on the environment and natural resources. Each institution will make its own strategic environmental evaluations. The State Secretariat of Environment and Natural Resources will issue the directives for the evaluations and will approve and supervise compliance with its recommendations.

Article 40.- Every project, work of infrastructure, industry, or any other activity which due to its characteristics could affect the environment and natural resources in one way or another, must obtain from the State Secretariat of Environment and Natural Resources, prior to its execution, the environmental permit or environmental license, according to the magnitude of the effects which it could cause.

Article 41.- The projects or activities which require the presentation of an environmental impact evaluation are the following:

- 1) Ports, docks, navigation ways, breakwaters, piers, canals, shipyards, drains, maritime terminals, reservoirs, dams, dikes, irrigation canals, and aqueducts;
- 2) High voltage electrical transmission lines and their substations;

3) Hydro and thermo-electrical central stations and nuclear generating plans;

4) Airports, bus and railroad terminals, railroad lines, highways, roads, and public roadways;

5) Urban development and human settlement projects; plans for urban regulation;

6) Industrial plants, including sugar mills, cement plants, liquor distilleries, beer factories, paper factories, chemical factories, textile factories, producers of construction materials, equipment, and metallic products, tanneries, and gas, halogen, hydracid and acid production;

7) Agribusinesses and slaughterhouses, breeding stables, milking establishments and animal feedlots of industrial dimensions;

8) Plans for agrarian transformation, agricultural plantations, and cattle breeding, rural settlements, including those carried out according to the Agrarian Reform laws;

9) Mining projects, including petroleum and turbine; explorations or prospecting, removal of the earth's crust, exploitations, construction, and operation of wells, dams, processing plants, refineries and disposal of residues;

10) Extraction of dry materials (rocks, gravel, and sand);

11) Installation of pipelines, gaslines, mining ducts, and other analogous installations;

12) Projects of commercial plantations of trees, sawmills, wood processing factories;

13) Projects for exploitation of cultivation of hydrobiological resources and processing plants of same;

14) Importation, production, preparation, transformation, use, marketing, storing, transportation, disposal, recycling, or reuse of toxic, noxious, explosive, radioactive, inflammable, corrosive, or reactive substances or others of evident dangerousness;

15) Systems of environmental sanitation, such as sewage systems and potable water systems, sewage treatment plans, and plants to treat toxic residues of industrial, residential, and municipal origin, sanitary fills, underwater outlets, treatment and disposal systems for solid, liquid, or gaseous effluents;

16) The execution of works, programs, and activities in national parks and other protected areas;

17) The massive application of chemical combinations or products in urban zones or surfaces greater than one hundred hectares in rural zones;

18) Engineering works of any kind which are projected to be performed in protected forests or water production and other fragile ecosystems, in rain or cloud forests, in upper basins, in wetlands, or in coastal areas;

19) Hotel or tourism development installations;
and

20) Polygons or industrial parks, industrial free zones, or industries of transformation, and assembly parks.

The abovegoing list may be expanded by resolution of the State Secretariat of Environment and Natural Resources.

The projects, installations, or works, both private and of the State, shall be submitted to the system of environmental and social impact evaluation.

The State Secretariat of Environment and Natural Resources shall prepare a document explaining the activities, works, and projects contained in the present list, which will require an environmental impact statement, an environmental impact evaluation, or environmental report, according to the magnitude and meaning of environmental impact which they may produce.

The activities, works, or projects which do not require an environmental permit or license must comply with the environmental regulations established by the Department of State of Environment and Natural Resources.

The Department of State of Environment and Natural Resources shall establish the criteria to determine whether the project requires an environmental permit,

and therefore must present an environmental impact statement, or whether on the other hand it needs an environmental license, in which case it must present an environmental impact study. It must also establish criteria of exclusion, which will permit the identification of those projects or activities which do not require entering the process of environmental evaluation.

When the State is the promoter, executor, or forms an active part in any of the plans for development projects, it must contract the services of private consultants or companies for purposes of performing the corresponding environmental studies, and it must comply with the requirements established in the present law.

Article 42.- The environmental impact statement, the environmental impact study, and the environmental report will be paid for by the party interested in developing the activity, work, or project, and shall be performed by a multidisciplinary technical team if necessary, and may be represented by one of the same. It will be a public document subject to discussion, and those who prepare it must be registered for statistical purposes and purposes of information in the State Secretariat of Environment and Natural Resources, which shall establish the procedure of certification for those rendering services of environmental statement, report, studies, diagnosis, evaluations, and audits.

The State Secretariat of Environment and Natural Resources, based on the nomenclature of the activity, work, or project, shall issue the technical standards, structure, content, provisions, and methodological guidelines necessary for the drafting of the environmental

impact studies, the program for environmental management and adjustment, and the environmental reports; as well as the time of duration of the effectiveness of the environmental permits and licenses, which shall be established according to the magnitude of the environmental impacts produced.

The procedural standards for the presentation, categorization, evaluation, publication, approval or rejection, control, follow-up and supervision of the environmental permits and licenses, shall be established in the corresponding regulation.

Article 43.- The process of environmental permits and licenses shall be administered by the State Secretariat of Environment and Natural Resources, in coordination with the corresponding institutions, which shall be obligated to review the environmental impact studies with the competent sectorial entities, as well as with the municipal town halls, guaranteeing the participation of the citizenry and the corresponding publication.

Article 44.- In the environmental license and permit there will be included the program of environmental management and education, which the party responsible for the activity, work, or project must execute, establishing the form of follow-up and compliance with same.

The program of environmental management and adjustment, established in the present article, must be carried out based on the environmental parameters and indicators referred to in articles 78 and following of

Chapter I, of title IV of the present law. Until these said parameters are definitively established, provisional parameters shall be used, and the State Secretariat of Environment and Natural Resources must define a minimum percentage of reduction of the potential contaminant, which must be established in all environmental permits and licenses issued.

Article 45.- The environmental permit and license obligates anyone to whom it is granted to:

1) Assume the administrative, civil, and criminal liabilities for damages caused to the environment and natural resources. If said damages are the result of the violation of the terms established in the environmental license and environmental permit, it must assume the pertinent legal and economic consequences;

2) Observe the provisions established in the special standards and regulations in effect;

3) Carry out the program of environmental management and adjustment;

4) Permit the environmental inspection by the competent authorities.

Article 46.- In order to ensure that the party responsible for the activity comply with the conditions set in the environmental license and environmental permit, the State Secretariat of Environment and Natural Resources shall perform an environmental evaluation when it deems it so convenient, through its own means or using those of third parties.

In the program of environmental management and adjustment, a program of self-monitoring shall be established which the party responsible for the activity, work, or project must comply with and report on periodically to the State Secretariat of Environment and Natural Resources. The results of same shall be matched with the external reports of environmental audit.

Article 47.- In order to ensure compliance with the environmental license and environmental permit regarding the execution of the program of environmental management and adjustment, the party responsible for the activity, work, or project must render a performance bond for an amount equivalent to ten percent (10%) of the total costs of the physical works or investments which are required in order to comply with the program of environmental management and adjustment.

Article 48.- The State Secretariat of Environment and Natural Resources shall make public the environmental permits and licenses which it may grant, as well as the persons or companies which are sanctioned administratively or legally.

Chapter V NATIONAL SYSTEM OF
INFORMATION ON THE
ENVIRONMENT AND
NATURAL RESOURCES

Article 49.- The National System of Information on the Environment and Natural Resources is established under the auspices of the Department of Environment and Natural Resources. This system will be made up of

the public and private entities and institutions dedicated to generating technical and scientific information concerning the state of the environment and natural resources.

Article 50.- The data from the National System of Environmental Information will be freely accessible, and their periodic publication shall be sought, except for that which is restricted by specific laws and the corresponding regulations.

Article 51.- Without prejudice to intellectual property rights, anyone who performs research or work on the environment and natural resources shall deliver a copy of the research or study to the Department of Environment and Natural Resources.

Article 52.- The Department of Environment and Natural Resources will draft and publish every two years a report on the state of the environment and natural resources, in accordance with the format and content to be established, taking as a model the Environmental Management Units.

Chapter VI ENVIRONMENTAL
SUPERVISION AND
INSPECTION

Article 53.- The Department of Environment and Natural Resources, in coordination with the competent authorities, shall watch over the monitoring and inspection which it may deem necessary for compliance

with the present Law, sectorial laws, their regulations, and other administrative provisions.

To comply with this article, authorized personnel shall have access to the places or establishments that are they are to monitor and inspect, and the owners, administrators, or parties responsible for same must render the information and facilities necessary for the performance of said tasks.

The Department of Environment and Natural Resources may require of the persons or companies it deems necessary any information that leads to the verification of compliance with the standards prescribed by this Law and its regulations. In turn, the latter shall be obligated to respond to such demands.

Article 54.- The Department of Environment and Natural Resources, based on the results of the inspections, shall pronounce the measures necessary to correct the irregularities found, notifying the interested parties and granting them a reasonable time for their correction.

Article 55.- In situations of environmental emergency, the Department of Environment and Natural Resources and the corresponding local government, in coordination with the Department of Public Health and Social Assistance and related entities, shall immediately establish the appropriate security measures in benefit of the common good.

Chapter VII ENVIRONMENTAL
EDUCATION AND
PUBLICATION

Article 56.- The Department of Environment and Natural Resources, in coordination with the Department of Education, shall carry out programs of environmental education - formal and informal - with the participation of public and private institutions which perform educational activities.

Article 57.- The Department of Education shall incorporate mandatory environmental education with an inter-disciplinary focus into the plans and programs of all grades, levels, cycles, and modes of teaching of the educational system, as well as the technical institutes, training and teacher updating institutes, according to the policy established by the government.

Article 58.- The National Higher Education Council, in coordination with the Department of Environment and Natural Resources, shall guarantee the incorporation of the environmental dimension into the plans of under- and post-graduate study, both curricular and extra-curricular, directed towards the formation and perfecting of professionals in all branches, from the perspective of contributing to the sustainable use of natural resources and the protection and improvement of the environment.

Chapter VIII SCIENTIFIC AND
TECHNOLOGICAL
RESEARCH

Article 59.- The Dominican government shall promote and encourage applied scientific and technological research in the area of the environment and natural resources for sustainable development.

Article 60.- Within a year following the promulgation of the present Law, the Department of Environment and Natural Resources, in coordination with the pertinent entities and institutions, shall proceed to draft and execute the Permanent Program of Scientific and Technological Environmental Research for Sustainable Development.

Article 61.- The Department of Environment and Natural Resources shall promote a policy of research concerning the general status and the potential of the environment and natural resources; it also shall encourage institutions of higher education and research centers to carry out programs to train specialists and it shall encourage scientific and technological research in this area.

Article 62.- The persons or companies dedicated to research activities on the environment and natural resources, whose results serve as a basis for improvement of environmental quality and the sustainable use of natural resources, may receive incentives according to the regulation which will be drafted for such purpose.

Chapter IX INCENTIVES

Article 63.- The Dominican government acknowledges the environmental benefits offered by the country's natural resources, and shall establish a procedure to include in the national financial statements their value.

In the case of natural resources belonging to the nation, the value of the environmental benefits which they offer shall be based on their quality and quantity and shall reflect conservation and sustainable use.

Article 64.- The Department of Environment and Natural Resources shall create the necessary mechanisms and shall issue the standards for the recognition of environmental benefits. When these benefits come from resources belonging to the nation, the benefits generated must be reinvested in improving the quality of the environment and in reducing the vulnerability of the area from which they come.

Article 65.- The investments to protect or improve the environment, and to make a sustainable use of natural resources shall be the object of incentives which shall consist of partial or total relief from taxes and import duties, added value taxes, and shorter periods of depreciation, according to the regulations.

The Department of Environment and Natural Resources shall qualify and certify the investments referred to by this article, according to the corresponding

regulations drafted by the Department of Finance and approved by the Executive Branch.

Article 66.- The National Environmental Prize is established, which shall be granted periodically by the Executive Branch as recognition of persons or companies and to institutions outstanding in the protection of the environment and sustainable management of natural resources, or in the execution of environmentally healthy processes in the country.

Article 67.- The companies that incorporate the Environmental Management System within the principles of Standards ISO-14000 or any other extra system of environmental protection and guarantee shall benefit according to the regulation drafted for such purposes.

Article 68.- The members of the media that freely grant time or space to the publication of duly authorized environmental education campaigns may be granted financial incentives according to the regulations.

Article 69.- The government shall encourage investments for the recycling of domestic and commercial wastes according to the technical and sanitary procedures approved by the Department of Environment and Natural Resources.

Article 70.- The Department of Environment and Natural Resources, in coordination with the Department of Finance, shall prepare a methodology and the pertinent procedures for payment of fees for the use and placement of contaminants in receptacles, within the

parameters and levels established in the environmental quality standards, based on the principles of "user-payer" and "he who contaminates pays."

Chapter X FUNDS OF THE
DEPARTMENT OF
ENVIRONMENT
AND NATURAL
RESOURCES

Article 71.- The National Fund for the Environment and Natural Resources is hereby created to develop and finance programs and projects of protection, conservation, research, education, restoration, and sustainable use, with an independent corporate identity and its own administration, and with jurisdiction throughout the entire nation.

Article 72.- The operating resources of the Department of Environment and Natural Resources and those of the National Fund for the Environment and Natural Resources shall be made up with the resources coming from the granting of environmental licenses and permits, by 25% of the income from concessions or contracts for exploration and exploitation of natural resources, payment of fines for environmental infractions, payment of rates for environmental services, income from auction or public sale of goods and products confiscated because they were used in environmentally illegal acts, from national and international donations granted for this purpose, from goods and legacies which are granted, and from budgetary items so designated in the national budget.

The National Fund for the Environment and Natural Resources will be entitled to no less than 33% of the resources obtained which are not otherwise assigned to the Department of Environment and Natural Resources.

Article 73.- The resources coming from the payment of fines shall be used for the financing of projects of education, recuperation, and improvement of environmental quality, in that order.

Article 74.- The direction and administration of the National Fund for the Environment and Natural Resources shall be under the charge of a council composed of the Department of Environment and Natural Resources, or its representative, who shall preside over it; the Department of Finance, or its representative; the Director of the National Planning Office, or its representative; the Secretary General of the Dominican Municipal League, or its representative; one Executive Director, who shall act as Secretary, named by Decree of the Executive Branch, with the right to speak but without the right to vote; two representatives of universities (public and private); one representative of the business sector; four representatives of community organizations that work in the area of environment and natural resources, representing the northern, southern, eastern, and western regions, from slates presented by their respective organizations to the Department of Environment and Natural Resources, and named by decree of the Executive Branch.

Article 75.- The Office of the Comptroller General of the Republic must inspect the management of the resources of the National Fund for Environment and Natural Resources.

Chapter XI ENVIRONMENTAL
EMERGENCIES AND
DECLARATION
OF AREAS UNDER
ENVIRONMENTAL RISK

Article 76.- The consequences of environmental disasters originated by negligence shall be the exclusive responsibility of the persons or entities causing same, and said parties must replace or restore the areas or resources destroyed or affected, if possible, and respond criminally and civilly for damages caused.

Article 77.- All entities of the government and private institutions shall develop actions of training for their personnel in contingency plans to be adopted in case of environmental disaster, for which due institutional coordination shall be established, especially with civil defense.

Article 78.- The Executive Branch, at the proposal of the Department of Environment and Natural Resources, may declare as areas of environmental risk in their various levels, the zones whose index of contamination surpasses permissible limits and which constitute a real and identified threat to health and the environment. In such cases there shall be applied the control measures which may be necessary.

**TITLE III PROTECTION AND
QUALITY OF THE
ENVIRONMENT**

Chapter I GENERAL STANDARDS

Article 79.- The Department of Environment and Natural Resources, after technical ruling shall issue:

1. standards and parameters of environmental quality, and shall watch over and control the fixed and mobile sources of contamination and contaminants;

2. standards and norms of quality of the ecosystems, which shall serve as guidelines for environmental management;

3. standards and parameters for the pouring of liquid and solid wastes, emissions into the atmosphere, sound, and visual contamination;

4. standards on the location of contaminating or dangerous activities, and on the zones of influence of same.

Local governments may issue standards of the types mentioned in this article with exclusive application in the territorial scope of their competency, and in order to resolve special situations, so long as said standards guarantee a level of protection to the environment, human health, and natural resources, greater than that provided by the national standards. The monitoring and

control of compliance with municipal environmental standards shall be the exclusive responsibility of the corresponding city hall, without prejudice to the competency of the Department of Environment and Natural Resources as provided by the present Law and its regulations.

Article 80.- The object of standards and controls by the Department of Environment and Natural Resources shall be all those processes, machinery and equipment, raw materials, products, and wastes, whose manufacture, importation, exportation, use or handling may deteriorate the environment or natural resources, or affect human health.

Article 81.- The legal provisions which establish the standards of environmental quality must set the timetables of compliance, which will include pertinent terms set by specific regulations in order to characterize the environmental effluents, emissions, or impacts, and to perform the actions or introduce the changes in the processes or technologies in order fit the standards.

Article 82.- It is forbidden to discharge contaminating substances or waste into soils, rivers, lakes, lagoons, arroyos, basins, the ocean, and any other body, type, or course of water.

The Department of Environment and Natural Resources, in consultation with the Department of Public Health and Social Assistance and any other official entity involved, shall issue and apply the instructions for the definitive elimination, storage, or deposit of toxic or

dangerous wastes. For that purpose it shall issue the list of the same, which will be updated according to scientific knowledge, the information available, and the international agreements on the subject ratified by the Dominican government.

Article 83.- The persons or companies responsible for an activity which due to their own or fortuitous actions causes environmental deterioration shall immediately take the measures necessary to control its effect, and shall notify the Departments of Environment and Natural Resources and Public Health and Social Assistance or other related official entities.

Article 84.- The importation of equipment, processes, or systems and materials which use atomic energy or any radioactive material shall be regulated by the Department of Environment and Natural Resources in coordination with the competent authority.

Article 85.- The industrial, commercial, or service activities, and dangerous processes and products as established in this law and in the lists which the Department of Environment and Natural Resources may issue, shall be handled according to the directions and procedures which the latter may issue. Said directions shall include standards on the location, construction, functioning, and plans for rescue, to decrease the risk and impact of a possible accident.

Chapter II **CONTAMINATION
OF WATERS**

Article 86.- It is forbidden to locate any type of installations in zones of influence of sources of water supply for the population and for industries, whose residues, although treated, present potential risks of contamination of a physical, chemical, organic, thermal, radioactive or any other nature, or which present potential risks of contamination.

Article 87.- There is ordered the obligatory delimitation of zones of protection around the bodies of water, works of hydraulic installations, and natural and artificial water courses for purposes of avoiding the dangers of contamination, absorption, or other forms of degradation. The requirements for the said zones of protection will depend on the use for which the waters are destined, and on the nature of the installations.

The companies or institutions which perform services of handling of residual waters in a locality shall be responsible for compliance with the standards and parameters in effect regarding the discharge of residual domestic waters, or of other types of discharges through the municipal water/sewage system.

Article 88.- The Department of Environment and Natural Resources, as the governing authority, shall determine, in consultation with the sectors involved, the destination of the residual waters, the characteristics of the receptacles, and the prior treatment required, as well as the permissible contaminating loads.

The companies or institutions which perform services of handling of residual waters in a locality shall be responsible for compliance with the standards and parameters in effect regarding the discharges of residual domestic waters or other types of discharges through the municipal sewage system.

Article 89.- Residual or waste waters may be used only after having been submitted to treatment processes which guarantee compliance with the standards in effect regarding the use for which they may be destined, in consultation with the Department of Public Health and Social Assistance.

Chapter III SOIL CONTAMINATION

Article 90.- For the purpose of avoiding contamination of soils, it is forbidden:

1. To deposit, infiltrate, or bury contaminating substances, without prior compliance with the standards established;
2. To use for irrigation waters contaminated with organic residues, chemicals, mineral pesticides and fertilizers, as well as residual waters from agricultural and bricklaying companies lacking appropriate quality;
3. To use mineralized waters for irrigation, except in the form provided for by the competent state entity;
4. To use chemical products for agricultural or other purposes, without the prior authorization of the competent state entities;

5. To use any product prohibited in its country of origin.

Article 91.- It is forbidden to perform any activity which will produce salinization, laterization, desertification, or any other degradation of the soil, beyond the parameters established.

Chapter IV **ATMOSPHERIC
CONTAMINATION**

Article 92.- The Department of Environment and Natural Resources, in coordination with the Department of Public Health and Social Assistance, the national police, and the local governments, shall regulate the actions, activities, or factors which can cause deterioration and/or degradation of the quality of the air or atmosphere, with respect to what is established in the present Law, and in the other laws and the regulations that may be drafted on the protection of the atmosphere.

Article 93.- The Department of Environment and Natural Resources, in coordination with the Department of Public Works and the local governments, shall regulate the control of emissions of gasses and harmful and contaminating noises caused by motor vehicles, electrical generators, other internal combustion engines, boilers, and industrial activities.

Article 94.- It is prohibited to smoke in enclosed public places, with the exception of those areas established for such purpose.

Article 95.- It is declared to be in the national interest to protect the ozone layer and the gradual decrease, up to total elimination, of the use of substances and products which cause deterioration, decrease, contamination, or other harmful effects to the atmosphere and stratosphere. The Department of Environment and Natural Resources shall draft and apply a national program for substitution of the use of substances which deplete the ozone layer.

Article 96.- The government shall take all measures necessary to prevent the preparation, importation, sale, and use of gasoline containing lead tetraethyl.

Chapter V DANGEROUS ELEMENTS,
SUBSTANCES, AND
PRODUCTS

Article 97.- The Dominican government shall adopt regulatory standards to identify, minimize, and ration the use of chemical, synthetic, or biological elements, combinations, and substances which endanger the life or health of those who handle them, as well as the occurrence of accidents related to their handling.

Anyone handling dangerous residues must be instructed in the knowledge of the physical, chemical, and biological properties of these substances and the risks which they imply.

Article 98.- The regulation of the present Law shall include the list of dangerous substances and products and their characteristics, and said list may be

updated by justified resolution of the Department of Environment and Natural Resources, after consultation with the Department of Public Health and Social Assistance. In order to ensure handling of these substances, the Department of Environment and Natural Resources shall issue the pertinent standards and directions, which shall include the procedures for labeling them according to international standards.

Article 99.- Whoever imports, manufactures, stores, or distributes dangerous substances or products must have basic knowledge of the physical, chemical, and biological properties of these substances or products; they must also make sure that they contain the label corresponding to their classification, in a clear place and in letters legible in the Spanish language, with the specifications for their handling.

Article 100.- It is prohibited to import toxic residues according to the classification contained in the international conventions on the subject approved by the Dominican Republic, or that which may be established by the Department of Environment and Natural Resources, in consultation with the Department of Public Health and Social Assistance; it is also prohibited to move these items through the national territory or to deposit same here.

Article 101.- The importation, manufacture, preparation, handling, use, accumulation, evacuation, and final disposal of radioactive substances or chemical or synthetic, biological combinations, wastes and other subjects which due to their high-risk nature can cause harm to the health of human beings, to the environment

and to natural resources, shall be regulated by the Department of Environment and Natural Resources.

The Department of Environment and Natural Resources shall regulate the handling of dangerous substances, garbage, and waste, based on the principle that he who established the risk must be responsible for the cost of the entire process of its disposal or definitive deposit in the place authorized by the Department of Environment and Natural Resources.

Article 102.- Every real or probable environmental accident or extraordinary occurrence, loss of lives or injuries, or the imminent risk of their occurrence, which takes place or is likely to occur, in human settlements, industries, installations or in places where there exist deposits of dangerous substances, must be brought to the attention immediately of the local offices of the Civil Defense Office, the Fire Department, the Department of Environment and Natural Resources, and the Department of Public Health and Social Assistance, through the owners, directors or representatives of the community, company or installation generating the fact, or by any citizen who becomes aware of it.

Article 103.- When for understandable reasons established by the competent authority it is not possible to return to their country of origin the noxious elements mentioned in Articles 104 and 105 of the this law, and after seizure by the Department of Environment and Natural Resources, they shall proceed to their neutralization, definitive disposal under conditions of environmental safety, for the account of those who have

introduced them into this country, and they shall be obligated to the payment of a fine equivalent to at least five times the market cost of the product plus the costs of its elimination.

Article 104.- Radioactive or dangerous metals, articles and substances and their wastes, as well as the equipment which use such materials, shall be processed, handled, possessed, imported, exported, transported, deposited, utilized, disposed of, or discarded in accordance with the standards and regulations which the Department of Environment and Natural Resources may draft.

Article 105.- The Department of Environment and Natural Resources may authorize the exportation of toxic residues when there exists no adequate procedure in this country for the deactivation or elimination of the same; for that the prior express consent of the receiving country shall be required to eliminate them in its territory, according to international conventions ratified by the government.

Chapter VI DOMESTIC AND
MUNICIPAL GARBAGE
AND RESIDUES

Article 106.- Municipal town halls shall operate systems of collection, treatment, transportation, and final disposal of non-dangerous solid wastes within the township, observing the official standards issued by the Department of Natural Resources and Environment, together with the Department of Public Health and Social Assistance, for the protection of the environment and health.

Article 107.- The placement, throwing, and final disposal of solid or liquid wastes, whether toxic or not, is prohibited in places not established for that by the competent authority.

Under no circumstance shall it be permitted to operate municipal garbage dumps near beds, sources, or bodies of waters, nor in those places where the runoff and filtration may contaminate them.

It will be indispensable, to be able to establish and make function a municipal garbage dump, that the pertinent Environmental Evaluation Study be performed, according to what is established in article 38 and following of this Law.

Article 108.- Systems of classification of solid wastes shall be instituted in all public institutions after forwarding the wastes to the sites of final disposal, so long as circumstances so permit.

Chapter VII HUMAN SETTLEMENTS
AND NOISE
CONTAMINATION

Article 109.- It is the responsibility of the government to guarantee that human settlements be the object of adequate planning, to ensure a balanced relationship with the natural resources which serve them as support and surroundings.

It will be the responsibility of the local governments to demand the corresponding environmental studies of the plans for development and

urban expansion, in their areas of influence, in coordination with the Department of Environment and Natural Resources, without which no authorizations or permits may be granted to new development works, nor to modifications of existing ones.

Article 110.- Human settlements may not be authorized:

1. In beds, courses of rivers or zones of debris, a zone exposed to marine variations, lands subject to flooding, swampy lands or land fills, or near industrial zones, military bases, garbage dumps, municipal dumps, deposits or installations of dangerous substances; or

2. In places where there exist certain probabilities of the occurrence of overflowing of bodies of water, land slides, and any condition which constitutes a danger for the life and property of persons.

The government shall draft a relocation plan for the transfer and relocation of those human settlements which, at the moment that this law takes effect, are located in the places indicated by the present article, identifying and consigning in the national budget the amounts corresponding to its execution within a prudent and reasonable term given the possibilities.

Article 111.- The Department of Environment and Natural Resources, in coordination with the local governments and other corresponding authorities, shall ensure that the programs and regulations of urban development place special care in the zoning of human settlements and the establishment of industrial, service,

residential, urban-rural transition areas, green spaces, and spaces for contact with nature.

Article 112.- The civil engineering and structural works, mainly housing and other edifices which lodge human beings, shall be designed and constructed according to anti-seismic standards and preventative measures against possible fires and with materials which can resist earthquakes and hurricanes, besides the necessary precautions necessary to minimize their damage.

The Department of Public Works and Communications, in coordination with the Department of Environment and Natural Resources, will be responsible for making parties comply with the present article, for which it will submit for the approval of the Executive Branch the corresponding regulations.

Article 113.- The industries, deposits, and other installations which due to their nature can cause environmental deterioration must be located in zones separated from human settlements.

It will be the responsibility of the Department of Environment and Natural Resources, the local government of the National District, and other local governments, to prohibit and control the fact that around industrial sectors homes and housing projects or similar be constructed, for which no type of authorization shall be granted.

It will be the responsibility of the Department of Environment and Natural Resources, the local

government of the National District, and other local governments, to prohibit and control so that around residential sectors industries or similar companies not be established, for which no type of authorization shall be granted.

In the case of conflicts which arise and for the purpose of seeking viable solutions, in the cases of conflicts already established when the present Law takes effect, the corresponding environmental studies shall be performed and the Department of Environment and Natural Resources shall serve as arbitrator in the process of mitigation.

Article 114.- The Department of Environment and Natural Resources, in coordination with local governments and local police, shall regulate the emission of sounds and noises bothersome or harmful to the environment and health, in the air and in the residential zones of urban and rural areas, as well as the fixed or ambulatory use of loud speakers.

Article 115.- It is prohibited to emit noises produced by lack of escape silencer or due to their defective functioning, of electrical generators, motor vehicles, as well as to use in private vehicles sirens or horns which due to the nature of their use correspond to police services, ambulances, fire department trucks, or oceangoing ships.

TITLE IV NATURAL RESOURCES

Chapter I COMMON STANDARDS

Article 116.- The conservation, use, and enjoyment of natural resources shall be regulated by the present Law, local and/or special laws, and their respective regulations, and by the provisions and standards issued by the competent governmental authorities pursuant to this Law. The government may grant rights for the use of natural resources by concession, permits, licenses, and quotas.

Article 117.- To achieve the conservation, use, and sustainable enjoyment of natural resources, both land-based and marine, the following criteria, among others, must be taken into account:

1. The ecological function of the resource;
2. The uniqueness of the same;
3. Fragility;
4. The sustainability of the handling proposed; and
5. The plans and priorities of the country, region, and province where the resources are found.

Prior to the granting of permits, concessions, and the signing of contracts for rational exploitation of natural resources, the government shall request and take into account the opinion of the municipal governments and

the representative social organizations of the respective townships.

When dealing with non-renewable natural resources, the townships where said exploitation is located shall receive five percent (5%) of the net benefits generated.

Article 118.- The government, for reasons of public interest, may limit totally or partially, permanently or temporarily, the use and right to use the natural resources. This matter shall be regulated through local laws, regulations, or administrative or special provisions for each resource.

Article 119.- The local and/or special laws which regulate the domain, conservation, use, and right to use the natural resources must be framed within what is established in the present Law.

Chapter II SOILS

Article 120.- The Department of Environment and Natural Resources is ordered to draft and apply rules and parameters of zoning and organization of the territory which will determine and delimit clearly the potential and the uses which must or can be given to the soils, according to their capacity, their particular potential, and their specific environmental conditions.

Article 121.- Those who perform agricultural, fishing, or forestry activities must rehabilitate, conserve,

or increase the productive capacity of the soils, using techniques and appropriate methods of exploitation or conservation, preventing their degradation or sterilization.

Article 122.- It is forbidden to use mountainous soils with slopes equal to or greater than 60% of inclination for intensive labor in: plowing, removal, or any other labor which will increase the erosion and sterilization of same, permitting only the establishing of permanent plantings of bushes, fruit and wood trees.

Preference will be given to the maintenance of the native forest coverage, the development of combinations which will include crops and coverage, and agro-forestry techniques which will guarantee their protection, production, and natural storage of water.

To soils with a pronounced inclination referred to in the present article, the provisions of the law on Agrarian Reform will not be applied, nor may they be the object, as of the promulgation of the present Law, of human settlements, nor of agricultural activities or of any other kind of activity which will endanger the soil stability and works of national infrastructure.

Article 123.- Preferably soils with classes I, II, and III productive agricultural capacity will be given a use for the production of foods. Any other use must be approved by the Department of Environment and Natural Resources.

Article 124.- Every person or company, public or private, who performs geological exploitations, soil exploitations, extraction of minerals or aggregates, as well as the construction of highways, embankments, dams, or reservoirs, or who performs any other activity or work which can affect the soil, is obligated to adopt the measures necessary in order to avoid its degradation, and to achieve its rehabilitation immediately after concluding every stage of intervention.

Article 125.- The cost of rehabilitation of the soil will be for the charge of those executing the intervention which causes its degradation or degeneration.

Chapter III WATERS

Article 126.- All waters in the country, without any exception, are property of the Dominican Republic, and their dominion is inalienable, unlimited, and cannot be restricted. There does not exist any private ownership of waters nor acquired rights over them.

Article 127.- Every person has a right to use water to satisfy his vital needs of feeding and hygiene of his family and his animals, so long as he does not thereby cause harm to other users, perform any activities which will deteriorate and/or degenerate in any way the course of the water and its banks, or alter or contaminate them or make their use impossible by third parties.

Article 128.- The use of water may be granted only in harmony with social interest and the development of the country.

Article 129.- The National Plan of Territorial Organization shall establish the hydrological zoning, prioritizing the areas for production of water, conservation and use of forests, among other things, and guaranteeing an obligatory strip of protection of 30 meters on both banks of the currents of flowing water, as well as around lakes, lagoons, and reservoirs.

Article 130.- In the construction of reservoirs, independently of their purposes, it is required, prior to proceeding to close the dam, to eliminate from the body of the dam the vegetation and everything which could affect the quality of the water and possible fishing exploitation.

Article 131.- The use of surface waters and the extraction of subterranean waters shall be performed according to the capacity of the basin and the qualitative state of its waters, according to the evaluations and rulings issued by the Department of Environment and Natural Resources.

Article 132.- In the hydrographic basins, whose waters are used for public supply, the Department of Environment and Natural Resources shall establish restrictions of use to guarantee, maintain, and increase quality and quantity of the waters.

Article 133.- It is prohibited to pour rubble or garbage into the riverbeds, arroyos, caves, and drainage areas.

Article 134.- The effluents of liquid residues or waters coming from human activities or activities of an

economic nature must be treated pursuant to the standards in effect before their final discharge.

Article 135.- The Department of Environment and Natural Resources, after evaluation, shall resolve the requests for authorization, concession, or permit for the exploitation, use or possible use of residual waters, by imposing in each case the necessary conditions so that contamination of the environment does not occur and the health of human beings is not affected.

Chapter IV BIOLOGICAL DIVERSITY

Article 136.- Declares of high national interest the following:

1. the conservation of the native and endemic species of flora and fauna, the encouragement of their reproduction and multiplication, as well as the preservation of the natural ecosystems which serve as a habitat for those native and endemic species of flora and fauna whose survival depends on same, which shall be the object of rigorous mechanisms of protection in situ;
2. the identification, classification, inventory, and scientific study of the components and habitats of the species which comprise national biological diversity;
3. to guarantee the maintenance of the appropriate balance of the ecosystems representative of the various biogeographical regions of the Republic;
4. to facility the continuity of evolutionary processes;

5. to promote the collective defense of ecological components, and

6. to seek community participation in the conservation and rational use of the genetic resources, as well as to ensure a fair and equitable distribution of the benefits derived from their proper handling and use.

Article 137.- It is the duty of the government and of all of its inhabitants to watch over the conservation and sustainable use of the biological diversity and of the national genetic resources, according to the principles and standards consigned in national legislation and in the international treaties and conventions approved by the Dominican Republic.

Article 138.- It forbids the destruction, degradation, disregard for or decrease of the natural ecosystems and of the species of wild flora and fauna, as well as the collection of specimens of flora and fauna without the due authorization of the Department of Environment and Natural Resources.

Article 139.- The competent departments of the Department of Environment and Natural Resources shall draft the list of species in danger of extinction, threatened or protected, which shall be the object of rigorous control and of mechanisms of protection in situ and ex situ, which will guarantee their recuperation and conservation according to the special laws and international conventions approved by the Dominican Republic.

Article 140.- In relation to the species of flora and fauna declared to be threatened, endangered, or in process of extinction, by the Dominican Republic or by any other country according to the international treaties signed by the Dominican Republic, the hunting, fishing, capture, harassment, mistreatment, death, trafficking, importation, exportation, trade, manufacture, or creation of crafts as well as illegal exhibition and possession are prohibited.

Article 141.- For purposes of standardizing the care and preservation of the country's biological diversity, a maximum term of one year is established, as of the taking effect of the present Law, in order that the Department of Environment and Natural Resources may present a bill of Law on Biodiversity, which must reflect, among other aspects, everything referring to:

- 1) Protected Natural Areas;
- 2) Genetic resources;
- 3) Animal and vegetable species;
- 4) Conservation of species in situ and ex situ;
- 5) Sustainable use and enjoyment of the resources of biodiversity.

Article 142.- For purposes of preserving biological diversity, the Department of Environment and Natural Resources may:

1. Establish systems of prohibition;
2. Set quotas for hunting and capture of species of fauna;
3. Retain shipments of products of wildlife, both those originating in this country and those in transit, in any phase of their delivery or transfer, when it presumes that it is a matter of illegal trade or infringes the provisions of the present Law and its Regulations and the international conventions approved by the Dominican State, in this regard, it will be exempt from any type of liability;

Article 143.- The capture or hunting of wildlife for economic, sporting or any other type of purpose may be performed only under strict compliance with the provisions established in the present laws in effect.

Article 144.- It is forbidden to introduce into this country species or members of exotic fauna and flora which can:

- 1.- harm the natural ecosystems or the endemic and native fauna and flora;
- 2.- constitute a pest;
- 3.- endanger the life or health of human beings or other live species; and,
- 4.- serve as an object or active participants in activities of hunting, violent competitions, gambling of

any type, tournaments or races, which involve or tend toward the elimination, sacrifice, mistreatment, harassment, or torture of the unique or single animals or their offspring.

The Department of Environment and Natural Resources, regarding clause 4, when it deems pertinent for special reasons, may authorize it.

Chapter V COASTAL AND MARINE
RESOURCES

Article 145.- The maritime-terrestrial or coastal properties of public domain belong to the Dominican State and therefore are inalienable, unlimited, and may not be embargoed. Every citizen has the right to their full enjoyment, except for the limitations imposed by national security, which shall be the object of regulation.

Article 146.- The Dominican State will ensure the protection of the spaces which comprise the goods of maritime, terrestrial, or coastal domain, and shall guarantee that the aquatic, geological, and biological resources, including flora and fauna comprised in them shall not be the object of destruction, degradation, reduction, disturbance, contamination, improper modification, decrease, or drainage.

Article 147.- The properties of maritime-terrestrial public domain are:

1. the shores of the ocean and banks of rivers, which include:

- the maritime-terrestrial zone or space comprised between the low tide line, shoreline, or maximum live equinox line, and the limit to which the waves at greatest known tides reach, or when it exceeds such, that of the maximum live equinox high tide line. This zone is extended also along the banks of the rivers up to the point where the effect of the tides is felt;
 - the maritime strip 60 meters wide from the high tide line, as prescribed by Law 305 dated April 30, 1968;
 - the salt marshes, tidal lagoons, marshes, estuaries;
 - lowlands which flood as a consequence of the ebb and flow of the tides, waves, or filtration of sea water;
 - beaches or zones of deposit of loose materials such as sand, gravel, and pebbles, including escarpments, shoulders, and dunes, whether or not they have vegetation, formed by the action of the sea or ocean winds, or other natural or artificial causes;
2. territorial ocean and interior waters, with their beds and subsoils;
 3. the natural resources of the economic zone and the continental shelf;
 4. the accesses to the edge of the sea through the deposit of materials or withdrawal of the ocean, from whatever causes;

5. the lands gained from the sea as a direct or indirect consequence of works, and the drying up of their banks;

6. the lands invaded by the ocean which come to form part of its bed for whatever cause;

7. the perceptibly vertical cliffs which are in contact with the ocean or with spaces of maritime-terrestrial domain up to their crown;

8. lands delimited as being of the public domain which for whatever cause have lost their natural characteristics of beach, cliff, or maritime-terrestrial zone;

9. the islets and keys in interior waters and territorial ocean, or those which are formed or may be formed by natural causes;

10. the lands incorporated by concessionaires to complete the surface of a concession of maritime-terrestrial public domain;

11. the lands bordering the edge of the sea which are acquired for their incorporation into the maritime-terrestrial public domain;

12. the works and installations constructed by the Dominican State in the public domain;

13. the works and installations of coasts and maritime signage; and

14. the ports and port installations.

Article 148.- The granting to private parties of permits and concessions for the use and exploitation of the coastal-marine space and its resources shall be done so long as the environmental evaluation determines its compliance with the conservation and protection of same.

Article 149.- The Dominican State shall regulate by means of a special law the activity of fishing for subsistence, and commercial and industrial fishing; it shall determine the methods and practices of fishing, the introduction, transplanting, cultivation and breeding, places and dates, species which can be captured, their size, sex, and number of them which may be allowed to be captured.

Article 150.- The owners of the lands threatened by invasion of the sea or sands of beaches, due to natural or artificial causes, may construct defense works under authorization granted by the competent authority, after performing an Environmental Impact Study.

Article 151. The residual substances caused by economic and social activity, even those of ships of any type and nationality, must receive the proper treatment before being poured into jurisdictional waters or into the economic zone of waters immediately underlying the coasts outside of territorial waters, in the extent set by law, according to national standards and those contained in international agreements related to the protection of the marine environment, approved by the State. These pourings will be performed after approval of the Department of Environment and Natural Resources.

Article 151.- (misnumbered) For purposes of preventing the contamination of the marine and coastal environment by hydrocarbons and other noxious and dangerous substances, it is forbidden to pour:

1.- waters from bilges, ballasts, or washing of tanks, at a distance less than that established in the provisions in effect;

2.- residues produced by the prospecting and exploitation of oil wells located in places where they can affect the coastal zone;

3.- industrial residues, whose content in hydrocarbons and other noxious and dangerous substances exceeds the standard established.

Article 153.- It is forbidden to pour or dump garbage or waste of any type on the coasts, keys, sands of beaches, or in the waters which surround same.

Chapter VI FORESTS

Article 154.- The management and use of the forests and forest soils must be sustainable. A special law shall regulate integral forest management and the sustainable use of the forest resources for purposes of their preservation, conservation, exploitation, production, industrialization, and commercialization, as well as the preservation of other natural resources which form part of their ecosystem and the environment in general.

Article 155.- The Department of Environment and Natural Resources shall classify the forests according to their uses, considering the aspects of conservation, protection, and production.

Article 156. It is forbidden to destroy the native forests.

Article 157.- The use of forestry plantations made for commercial purposes in the middle and lower basins as well as on the flatlands which are dedicated to the commercial production of leafy and lumber species will be permitted.

The forestry standards shall be governed by local law, and until the national forestry inventory of the native forests is conducted, the cutting, use, sawing, and industrialization of native trees are prohibited.

For purposes of updating the inventory of the National Forestry Reserve of native forests, and of artificial plantations with commercial purposes, a maximum term of one year is established, as of the taking effect of the present Law, so that the Department of Environment and Natural Resources may plan and execute a national inventory, which must reflect, among other things, everything referring to:

1. Native Forests of Protected Native Areas.
2. Native Forests corresponding to the category of Protection.

3. Native Forests corresponding to the category of Protection and Production.

4. Native Forests corresponding to the category of Production.

5. Artificial Forests corresponding to the category of Protection and Production.

6. Artificial Forests corresponding to the category of Production.

Article 158.- All owners of the rural zone must maintain or recuperate a minimum percentage of the forest cover, which will be defined by the Department of Environment and Natural Resources for each one of the Units of Environmental Management.

Article 159.- The establishing of commercial forest plantations shall be encouraged and favored for purposes of wood, energy, industrial, food, and ornamental use.

Every project of forest use must be carried out in accordance with the corresponding Management Plan, which must be drafted by persons rendering forestry services, similar to those stipulated by the present Law in article 42.

Chapter VII CAVES, CAVERNS, AND
THE SUBTERRANEAN
ENVIRONMENT

Article 160.- The caves, caverns, and other natural subterranean cavities within the national territory are declared to be natural resources of the nation. Any physical alteration of their natural and cultural characteristics, as well as the extraction of their secondary formations, paleontological, archeological or any kind of materials, natural or cultural, from their interior and the introduction of wastes and objects of any type which can alter the conditions of the existing ecological balance is forbidden.

Article 161.- Special emphasis shall be placed on the protection of the subterranean aquifers, avoiding any kind of contamination or use contrary to the interest of the present Law.

In the case of cavities which for justified reasons must be modified, said fact must be related to the Department of Environment and Natural Resources, which may issue a certification after a survey that shall determine whether the cavity is or is not of such importance to be preserved and kept from any modification.

Chapter VIII MINING RESOURCES

Article 162.- In the use of the mining resources, including their extraction, concentration, benefit, and refining, the concessionaires shall be obligated to:

1. The proper disposal or elimination of waste materials, whether or not they are toxic, according to the plan for operation and closing of the project;

2. Rehabilitate the areas degraded by their activity, as well as the areas and ecosystems linked to the latter which can become damaged, or in their stead, to perform other activities destined for the protection of the environment, in the terms and conditions established by the Department of Environment and Natural Resources.

To guarantee the provisions of the present article, the Department of Environment and Natural Resources shall require the concessionaire mining companies to provide an insurance or bond in favor of the Dominican State.

Article 163.- The concessionaires, once the labors are begun, must report periodically to the Department of Environment and Natural Resources on the progress of the works and the effect of same on the environment and natural resources, and the Department of Environment and Natural Resources must match such reports with the results of the monitoring, supervision, and taking as a basis for the corresponding Environmental License or Permit.

Article 164.- The extraction of rocks, sand, gravel and pebbles, the industrialization of salt and chalk, and the manufacture of cement shall be subject to the technical standards which the specific law and its regulations may establish, to avoid the negative impact which said activities may produce on the environment and human health.

**TITLE V COMPETENCIES,
RESPONSIBILITY, AND
SANCTIONS IN
ADMINISTRATIVE AND
JUDICIAL MATTERS**

Chapter I OFFICE OF
PROCURATOR FOR
DEFENSE OF THE
ENVIRONMENT AND
NATURAL RESOURCES

Article 165.- The Office of the Procurator for the Defense of the Environment and Natural Resources is created, as a specialized branch of the Office of the Attorney General of the Republic. The latter shall exercise the representation and defense of the interests of the Dominican Republic and society in this matter.

Article 166.- The Office of the Procurator for the Defense of the Environment and Natural Resources will have the following powers:

1. To perform the actions and representation of the public interest, with character of procedural party, in all those suits which are due to infraction or violation of the present Law, and the rest of the complementary legal provisions;
2. To perform the actions in representation of the Dominican State which are derived from harm or damage to the environment, independently of those which are promoted by the individuals who may have suffered damage to their person or patrimony, as well as

the rest of the actions provided for in the present Law, in the Law of Judicial Organization of the Republic and in the rest of the pertinent laws.

Chapter II ADMINISTRATIVE
COMPETENCIES
AND SANCTIONS

Article 167.- The Department of Environment and Natural Resources is empowered to dispose the following measures:

1. Fine from one-half (1/2) of the minimum salary up to three thousand (3,000) minimum salaries in effect on the date on which the violation is committed, in relationship to the economic size of the person or company which caused the damage and the magnitude of the damages caused;
2. Limitation or restriction of the activities which cause the damage or risk to the environment, or if such is the case, subjecting of same to the procedures which will make said harm or risk disappear;
3. Confiscation and/or seizure of the objects, instruments, artifacts, vehicles, raw materials, products, or articles, finished or unfinished, which were employed to cause the damage; and
4. Prohibition or suspension, temporary or provisional, of the activities which generate the environmental damage or risk one attempts to avoid, and in extreme cases, partial or total closure of the locale or establishment where the activity is carried out which has

generated the violation of the present Law and other related laws.

The persons or companies which do not comply with the orders, instructions, and recommendations originated by the Department of Environment and Natural Resources shall be subject to the temporary or definitive withdrawal of the authorization to exercise or perform the activities which caused them, without prejudice to other sanctions which the competent court may pronounce.

The measures referred to in the present article shall be adopted and applied in conformance to the corresponding administrative process by means of motivated resolution made in writing, which must be notified by means of bailiff's act, and may be appealed pursuant to the administrative procedure.

Article 168.- The administrative resolutions pronounced by the Department of Environment and Natural Resources are independent of the civil or criminal liability which may be derived from the violations of the present Law.

Chapter III CIVIL LIABILITY

Article 169.- Without prejudice to the sanctions indicated by the law, everyone who causes harm to the environment or natural resources, shall have objective liability for the damages which he may cause, pursuant to the present Law and the complementary legal provisions, as well as being obligated to repair it

materially, at his cost, if possible, and compensating it pursuant to the law.

The reparation of the damage consists of the reestablishing of the situation prior to the fact, in the cases when possible, in economic compensation for the damage and harm caused to the environment or natural resources, to the communities or to private parties.

Article 170.- In order to determine the magnitude or amount of damages incurred, the court shall take into account the reports brought by technicians and inspectors and the reports of a formal nature pronounced by the Department of Environment and Natural Resources and other environmental entities of the Dominican State, without prejudice to the expert opinions which the judge of the case may require, at his own discretion or at the request of a party.

Article 171.- The official who by action or omission authorizes the performing of actions, activities or installations which cause damage and prejudice to environmental resources, the equilibrium of the ecosystem, or the health and quality of life of the populace, shall be jointly liable with whoever has carried them out.

Article 172.- When in the commission of the act two or more persons participate, they will be jointly liable for the totality of the economic damages and prejudices caused. In the case of companies, the liability provided for in the present article shall be established when the entities in charge of same have authorized the actions which caused the damage.

Article 173.- The Department of Finance, at the request of the Department of Environment and Natural Resources, shall take the steps necessary to establish mandatory civil liability insurance to cover damages to the environment and natural resources which are caused accidentally.

Chapter IV CRIMES AGAINST
THE ENVIRONMENT
AND NATURAL
RESOURCES

Article 174.- Everyone who intentionally, by act or omission, transgresses or violates the present Law and the rest of the provisions which complement it by so doing commits a crime against the environment and natural resources, and therefore will be liable pursuant to the same. Also, from every aggression or crime against the environment and natural resources there is created an action against the guilty or responsible party.

Article 175.- All those commit crimes against the environment and natural resources who:

1. Violate the law, complementary laws, regulations, and standards, or perform activities which harm natural resources considerably or permanently;
2. Alter, damage, or harm within the national system of protected areas, and cut or destroy trees in protected forest areas and in fragile zones, legally declared as such;

3. Hunt, capture, or cause the death of species declared as endangered or legally protected;

4. Use explosives, poisons, traps, or other instruments or artifices which damage or harm or cause suffering to species of terrestrial or aquatic wildlife, whether they be endemic, native, resident, or migratory;

5. Violate the standards, parameters, and permissible limits of dumping or final disposal of legally defined toxic and dangerous substances, discharge them into bodies of water, free them into the air, or deposit them in places not authorized for such, or in places authorized but without permission or clandestinely;

6. Violate the standards, parameters, and permissible limits of dumping untreated used waters into bodies or waters or sewage systems, disposing of industrial not dangerous solid wastes in places not authorized for such, or emitting into the air contaminating substances, escapes of gases, biological, and biochemical agents;

7. Violate the pertinent technical standards, generate or handle toxic or dangerous substances, transform toxic or dangerous waste by transferring the contamination to another receiver medium, or operate, store, or discharge them in unauthorized places;

8. Violate the regulations contained in the environmental licenses or permits, or obtain them by using false data, or who alter the environmental holding pens for emissions and dumps, or the public official who

grants such licenses or permits, without complying with the requirements of the Environmental Impact Evaluation Process, when the law so requires.

Article 176.- When any of the above described punishable facts have been committed by decision of the directive entities of a company, without the activity normally performed by said person and with its own funds, in search of gain or in its own interest, independent of the sanctions to which the immediate author of the crime may become creditor, the company shall be sanctioned with a fine of five thousand (5,000) to twenty thousand (20,000) minimum salaries, and according to the seriousness of the situation the prohibition to perform the activity which initiated the illegal act, for a period of one (1) month to three (3) years. In the cases of damages of greater seriousness which imply intoxication of groups of humans, destruction of habitats or irreversible widespread contamination, the activity shall be prohibited or the establishment shall be closed definitively, in the judgment of the judge.

The judicial order deriving from the crimes provided for in the present Law, and complementary laws, is of a public nature and is exercised ex officio, by complaint or by denunciation.

Article 177.- The Courts of First Instance of the corresponding jurisdiction shall be competent to judge in the first instance the violations of the present Law.

Article 178.- Every person or association of citizens has the right to speak and complain because of

any act, action, factor, process, or omission or obstacle of same, which has been caused, is causing, or can cause damage, degradation, diminishment, contamination, and/or deterioration of the environment and natural resources and to demand before the Department of Environment and Natural Resources and any other competent authority established by the present Law and the legislation in effect, or before the Office of the Procurator of Environment and Natural Resources, compliance with the obligations established by the present Law and the rest of the environmental laws, standards of environmental quality, regulations, rulings, and resolutions demanding the cessation, correction, or reparation of the anomalous situation which causes or promotes it, and the sanctions stipulated for those committing the infraction.

Article 179.- The entities who may determine the environmental damage and obtain the restoration are those persons or companies who have suffered the damage or harm, the Dominican State acting through the Department of Environment and Natural Resources, and other entities of the Dominican State with environmental powers.

Article 180.- All persons or companies who have a legitimate interest in adopting the measures which the present Law requires may intervene by providing proofs which are pertinent to the case.

Article 181.- The Magistrate District Attorney for the Defense of the Environment and Natural Resources of the corresponding jurisdiction, acting as Judge of

Complaint, is obligated, if he deems the case has characteristics of seriousness, to expedite the case, ex officio or by means of complaints, denunciations or referrals provided for in the present Law, in a term no greater than three (3) working days, for the purpose that the environmental anomalies or damages be corrected as soon as possible and the infractions of the environmental laws be heard by the competent court.

Article 182.- The performance of the judicial environmental action does not imply the waiver of the action for damages and prejudice.

Chapter VI CRIMINAL SANCTIONS

Article 183.- The Court of First Instance of the corresponding jurisdiction may pronounce against the persons or companies who have violated the present Law, by dictating the following sanctions or obligations:

1. Correctional imprisonment of six (6) days to three (3) years and, if persons have died because of the violation, there shall be applied what is established in the Dominican Criminal Code, and/or
2. Fine of one fourth part (1/4) of the minimum salary up to ten thousand (10,000) minimum salaries in effect in the public sector on the date on which the ruling is pronounced; and/or
3. The confiscation of raw materials, tools, equipment, instruments, machines, transportation vehicles, as well as products or articles, if there are any,

which result from the violation committed, or which were used in the perpetration of the criminal act, or could in themselves constitute a danger for the natural resources and environment, or the health of human beings; and/or

4. The obligation to compensate economically the persons who have suffered damages and harm; and/or

5. Temporary or definitive withdrawal of the authorization, license, or permit to exercise or perform the activities which have caused, or which could cause harm or damage; and/or

6. To destroy, neutralize, or dispose of, according to the procedures indicated by the present Law and the competent authority, the substances prepared, manufactured, processed, or offered for sale, susceptible to causing damage or harm to human health or the environment; and/or

7. The obligation to modify or demolish the constructions which violate the provisions on protection, conservation, and defense of the environment and human beings; and/or

8. The obligation to return to their country of origin the substances and elements of dangerous or damaging or harmful combinations which may have been imported in violation of the law; and/or

9. To install the necessary devices to detain or avoid the contamination, decrease, diminishment, or degradation of the environment; and/or

10. The obligation to return the elements to the natural medium from which they were extracted; and/or

11. The obligation to repair, replace, compensate, offer restitution, restore, or rehabilitate to their original state, insofar as possible, the natural resource eliminated, destroyed, decreased, diminished, deteriorated, or negatively modified.

The objects, raw materials, machines, instruments, vehicles, products, or articles confiscated by order of the corresponding court, pursuant to the present article, or which have been confiscated by the Department of Environment and Natural Resources and which the court ratifies, which do not imply danger for persons, natural resources or the environment, and which possess commercial value, shall be sold at public auction, and fifty percent (50%) of the amount of their sale must be used to repair the environmental damages and the fifty percent (50%) remaining shall be used to compensate the damages in favor of the persons harmed by their actions, if there are any. Otherwise, they will go into the Operating Fund of the Department of Environment and Natural Resources created in the present Law, after reduction for judicial and sales expenses.

Article 184.- The officials of the Dominican State who have permitted expressly or by neglect or indifference the violation of the present Law, shall be susceptible to the application of the punishments indicated in numbers 1 and 2 of the preceding article, independently of the sanctions of an administrative nature

which may be carried out against them, including the temporary or permanent removal from their positions.

Article 185.- The sanctions which the present Law establishes shall be applied by analogy in the cases of violations of the provisions contained in the rest of the laws or decrees which complement the present Law, and any other sanctions existing in those matters shall be repealed.

Article 186.- In the application of sanctions due to violation of the present Law and other complementary legal provisions, the judge shall take into account:

- The gravity and scope of the violation, considering mainly the criteria of the impact on the health of human beings and the damages or imbalances caused to the environment and natural resources;
- The criminal intent of those guilty; and
- Whether those guilty are repeat offenders.

Article 187.- There shall be recognized as aggravating circumstances in the application of the sanctions imposed:

1. Those who have intentionally caused environmental disasters, including generalized contamination and fires, where there has been a loss of life, injuries, illnesses, epidemics, destruction, degradation of ecosystems, elimination of members of unique, endangered or almost extinct flora and fauna;

2. Those who have obstructed the work undertaken for the correction of environmental disasters;

3. Those who refuse to transmit with an emergency nature the news, calls, and information from authorities concerning environmental disasters;

4. Those who order, authorize, insinuate, or permit their subordinates or dependents, whether salaried or not, the commission of acts expressly forbidden by the present Law and other related laws;

5. Those who, being officials of the Dominican State, permit, insinuate, encourage or authorize their subordinates or private individuals, even though it be verbally, to carry out actions or omissions which violate the present Law and other related laws, thus harming the natural resources of the nation or the health of human beings;

6. Those who impede or prevent inspections or examinations, or resort to means of any nature to induce them to err, or who present to the competent authorities reports or data partially or totally false.

Also, aggravating circumstances shall be considered to be:

1. If the damages caused reach catastrophic proportions;

2. If the violations have been performed in populations or in their immediate vicinity, seriously

affecting the natural resources which constitute the basis of the economic activity or development of the region.

TITLE VI GENERAL AND FINAL PROVISIONS

Chapter I GENERAL PROVISIONS

Article 188.- In addition to the other functions which are assigned to it by the law and the regulations, the Department of Environment and Natural Resources shall exercise, in regard to the environment and natural resources, the functions which have not been expressly granted by the law to another institution.

Article 189.- The Department of Environment and Natural Resources shall hereinafter exercise the rest of the functions which in matters of protection of the environment and natural resources had been performed by the institutions which have been transferred to it.

Article 190.- All of the programs and projects which the National Planning Office and any other public entity coordinate, carry out, or are in the process of preparing or formulating in matters of the environment and natural resources, both with internal resources and resources from foreign credit, or from international cooperation, shall be transferred to the Department of Environment and Natural Resources, pursuant to the competencies defined in the present Law.

Article 191.- The Department of Environment and Natural Resources shall coordinate with the

Department of the Armed Forces, with the National Police, and with the local governments, in the application of the Dominican State's policy on environment and natural resources of the Dominican State.

Article 192.- The special laws, decrees, and the rest of the legal provisions related to the environment and natural resources must be framed within the principles and provisions of the present Law and shall be deemed complementary of same.

The Department of Environment and Natural Resources, in coordination with the corresponding institution, shall present to the National Congress, via the Executive Branch, the bills for the modification, updating, and modernization of the following laws:

Law No. 5852 dated March 29, 1962, on Domain of Terrestrial Waters and Distribution of Public Waters, and laws which modify and complement it;

Law No. 5856 dated April 2, 1962, on Forest Conservation and Fruit Trees, and its modifications;

Law No. 5914, dated May 22, 1962, on Fishing, and its modifications;

Law No. 311, dated May 24, 1968, which regulates the manufacture, preparation, packaging, storage, importation, expenditure, and marketing in any form of pesticides, zoocides, phytocides, pesticides, herbicides, and similar products;

Law No. 123, dated May 10, 1971, which prohibits the extraction of the components of the Earth's Crust called sand, gravel, and stone;

Law No. 67, dated October 29, 1974, which creates the National Park Directorate;

Law No. 85, dated February 4, 1931, on Hunting, and its modifications;

Law 218, dated May 28, 1984, which prohibits the introduction into the country through any channel of human or animal excrement, residential or municipal garbage and its derivatives, sludge or sewage, treated or untreated, as well as toxic waste coming from industrial processes.

Law No. 290 dated August 28, 1985, on Incentives for Forestry Development, and its modifications;

Law 300 dated July 31, 1998, which establishes the obligatory teaching in all schools and high schools in the country of the course "Environment and Natural Resources";

The Department of Environment and Natural Resources, together with the corresponding institutions, shall encourage the updating and modernization, pursuant to what is established in the present Law, of the following legal provisions:

Law No. 3003, dated July 12, 1951, on Port and Coastal Police, and its modifications;

Law No., 4990 dated August 29, 1958, on Vegetable Sanitation, and its modifications;

Law No. 146 dated June 4, 1971, on Mining in the Dominican Republic, and its modifications;

Law No. 186 dated September 13, 1967, which sets the limits of the territorial ocean waters of the Dominican Republic.

Chapter II FINAL PROVISIONS

Article 193.- Clauses f) and o) of article I, clause b) of article 4, and article 7 of Law No. 8, dated September 8, 1965, which determines the functions of the Department of Agriculture, are repealed.

Article 194.- There are transferred to the Department of Environment and Natural Resources the powers conferred on the Department of Agriculture by Law No. 5914 dated July 7, 1962, on Fishing.

Article 195.- There is hereby modified Article 4 and clauses g) and h) of Article 5 of Law No. 6, dated September 5, 1965, which creates the National Institute of Hydraulic Resources, so that hereafter it read:

"Art. 4.- The INDRHI shall be the maximum national authority as regards the control, use, and construction of water works (regulation or channeling of rivers and protection against flooding); of agricultural hydraulics (natural sanitation through open ditches, artificial evacuation, and drainage); or irrigation through

filtration; irrigation by canals, underground irrigation, and irrigation by sprinkling, dams, and diversions; and of hydroelectrical dams;

Art. 5.- "g) To intervene, after approval of the Department of Environment and Natural Resources, in the conservation of the currents of waters, lakes, and lagoons; in the protection of feeder basins and works of torrent correction, with the cooperation of the Department of Agriculture and the Dominican Agrarian Institute.

" h) To perform, in coordination with the Department of Environment and Natural Resources, the inspection and evaluation of hydraulic resources of all the national basins."

Article 196.- Article 4 of Law No. 5852 dated March 29, 1962, on the Domain of Terrestrial Waters and the Distribution of Public Waters is modified, so that where it says the Department of Agriculture, it read Department of Environment and Natural Resources, and Chapters I, II, III, and IV of said law, in the parts which may be necessary, so that hereafter the management and granting of concessions and permits for the exploitation and use of subterranean waters contemplated in the same be transferred to the Department of Environment and Natural Resources.

Article 197.- Law No. 487 dated October 15, 1969, and its regulation No. 2889 dated May 20, 1977, on Control of Use and Conservation of Underground Waters, is modified so that where it says INDRHI, it read Department of Environment and Natural Resources.

Article 198.- Article 2 of Law No. 123 dated May 10, 1971, which creates the Commission in charge of reviewing the applications for concessions and permits is modified to include the Department of Environment and Natural Resources as a member of same, and it is established that the latter preside over said Commission. Also articles 3, 9, 10, 11 (paragraph I), 12, and 20 of Regulation No. 1315 dated July 29, 1971, for the application of Law 123-71 are modified, so that where it says Department of Public Works and Communications, hereafter it read Department of Environment and Natural Resources.

Article 199.- Laws No. 290 dated August 28, 1985, on Incentives for Forestry Development; No. 291 dated August 28, 1985, which modifies Laws Nos. 211 and 705 of 1967 and 1982 respectively; No. 55 dated June 15, 1988, which modifies Articles 6, 8, and 10 of Law 290 of 1985, on Incentives for Forestry Development, and their regulations, are modified, so that where it says National Technical Forestry Commission (CONATEF), it read Department of Environment and Natural Resources.

Article 200.- There are hereby repealed Decrees Nos. 3278 dated January 26, 1978, which creates and makes up the National Wildlife Council; No. 2596 dated September 4, 1972, which incorporates a Commission to study the problems which cause the contamination of the Environment; No. 301 dated October 11, 1978, which creates a Coordinating Commission Department of State of Agriculture-Forestry-Parks; No. 39 dated September 7, 1965, which incorporates a Commission for the study of the country's deforestation problem; the Decree No.

1824 dated February 23, 1984, which creates and incorporates a Commission in charge of performing a study intended to establish regulations which will permit the development of aquaculture and fishing; No. 531 of 1990, which obligates the performance of environmental impact studies in all development projects performed in the coastal zone; Decree No. 152 dated April 29, 1998, which creates the Coordinating Commission of the Environmental and Natural Resources Sector; Articles 2 and 3 of decree No. 136-99 which re-establishes the limits of the Marine Mammals Sanctuary created by Article 22 of Decree No. 233-96 and creates a National Commission for the Protection of Marine Mammals.

Article 201.- The powers conferred in Art. 18 of Regulation 1142 dated April 28, 1996, of the Ministry of Agriculture are transferred to the Department of Environment and Natural Resources.

Article 202.- All the standards of quality, orders, rules, permits, contracts, licenses, and authorizations which may have been issued, effected, granted, or adopted by governmental entities remain in force, so long as they do not contradict the letter and the spirit of the present Law, in which case they shall be modified according to its provisions.

Art. 203.- (temporary). Until the next law of public income and expenses is approved, the Department of Environment and Natural Resources shall function with the respective funds from the budgets in effect from the institutions which are transferred to it.

Article 204.- The present Law repeals and substitutes any other legal provision or part of it which may be contrary to it.

GIVEN in the Hall of Sessions of the Chamber of Deputies, Palace of the National Congress, in Santo Domingo, National District, Capital of the Dominican Republic, on the eighteenth day of the month of July of the year two thousand; year 157 of the Independence and 137 of the Restoration.

Rafaela Alburquerque,
President

Ambrosina Saviñón Cáceres
Troncoso Secretary

Rafael Angel Franjul
Secretary

GIVEN in the Hall of Sessions of the Senate, Palace of the National Congress, in Santo Domingo de Guzmán, National District, Capital of the Dominican Republic, on the twenty-fifth day of the month of July of the year two thousand; year 157 of the Independence and 137 of the Restoration.

Ramón Alburquerque Ramírez
President

Ginette Bournigal de Jiménez
Secretary

Angel Dinocrate Pérez Pérez
Secretary

HIPOLITO MEJIA
President of the Dominican Republic

In the exercise of the powers conferred on me by Article 55 of the Constitution of the Republic,

I PROMULGATE the present Law and order that it be published in the Official Gazette, for its publication and compliance.

GIVEN in Santo Domingo de Guzmán, National District, Capital of the Dominican Republic, on the eighteenth (18) day of the month of August of the year two thousand, year 157 of the Independence and 138 of the Restoration.

HIPOLITO MEJIA





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