

*Ladies and Gentlemen, Congress Members:*

*Respectfully but vehemently, we request you NOT to contribute with your vote to the extinction of the leatherback sea turtles of the Eastern Pacific and to dishonoring your country.*

*We entreat that you do not support law Project No. 17383 because of the reasons we present herewith:*

***IN SUPPORT OF THE NATURAL PATRIMONY  
OF COSTA RICAN PEOPLE AND ALL HUMANKIND***

***¡SOS!***

*The international prestige Costa Rica enjoys globally as a leader in conservation, is on the verge of collapse. Our reputation as a country in peace with nature will be hopelessly tarnished if we allow our international commitment with nature to relapse, and, consequently, seriously impact our most significant activity: tourism.*

*If we authorize the precedent of reducing a national park, we will stand at the threshold of the collapse of the whole system of national parks, allowing our country to undergo further environmental deterioration.*

***PROJECT LAW No. 17383 SANCTIONED BY THE GOVERNMENT***

***SHALL DISMEMBER***

***THE MARINE NATIONAL PARK LAS BAULAS DE GUANACASTE***

**I**

The destruction of the Planet and the extinction of its flora and fauna and its marine resources as well as the contamination of fresh bodies of water, represents one of the most profound and devastating crisis in the history of humankind and, certainly, of the Planet. This imbalance threatens the viability of our own existence.

More than half of all the species of plants and animals surviving in our planet today do so in the sanctuaries of national parks and equivalent reserves worldwide. Aware of this situation, Costa Rica initiated the development of a national park system during the 1970s. For the last 40 years, this commitment has been maintained untarnished, until now when this threat has arisen.

Nine years ago the International Union for the Conservation of Nature (UICN), declared the leatherback sea turtle (*Dermochelys coriacea*), as threatened with extinction throughout the entire Planet.

In the American Pacific, the population of approximately 91,000 adults and sub-adults comprising the species, has been reduced to only 3,000 individuals in the present. Globally, this represents only 2% of its original population.

These turtles have inhabited the Planet for more than 110 million years. Survivors of the extinction of the majority of dinosaurs, they may very well become victims of the current mass extinctions of plants and animals produced by humans. If the Law Project No. 17383 is approved, Costa Rica will be contributing directly to the extinction of the species.

## II

The National Marine Park Las Baulas de Guanacaste was established by Decree No. 20518-Mirenem in 1991, and thereon legally consolidated with law No 7524 in 1995. It constitutes exceptional universal value because it remains the most important nesting site in the whole Pacific Ocean for the leatherback sea turtle. These turtles nest in Playa Grande, Ventanas and Langosta.

Baulas Park also protects the mangroves and bodies of water of San Francisco, Ventanas and Tamarindo, declared as wetlands of international importance by RAMSAR, and the Cerro El Morro, a site representing *unique value* which must remain under the absolute protection of the State.

## III

On this May 14<sup>th</sup>, the Executive Power presented before the Legislative Assembly Law No. 17383 entitled, *Law for the Rectification of the Limits of the Marine National Park Las Baulas and the Creation of the Mixed Property Wildlife Refuge Las Baulas*.

If approved, this project would *completely dismember* the Marine National Park Las Baulas de Guanacaste, in opposition to 19 laws including international treaties, and Article 50 of the Political Constitution which mandates Costa Rica to protect its environments and its national parks, **in the long term**, for these to constitute the Natural Patrimony of the State.

This Project is a gross error, because the international community would understand that “in Costa Rica the process has began to dismantle the conservation work of the last four decades.”

By sanctioning this project, the Government proposes to the ladies and gentlemen in Congress to reduce a national park, segregating its largest land mass and transforming it into a mixed private property wildlife refuge (bearing an infinitely lower category), and authorizing inside the lands which remain national park today, all kinds of urban developments bearing unsustainable population densities, which will surely herald the total extinction of the colony of nesting leatherback sea turtles therein.

Proof of this imminent disaster is, sadly, the wildlife refuges in place today in the country. But this same disaster is not true for areas under the national parks regime.

## IV

This Project will:

1. Reduce the park by segregating the totality of Cerro El Morro, Cerro Ventanas and Isla Verde. It would further reduce to only 50 meters of beach the strip of

land of 125 meters alongside these three beaches, which remains scientifically insufficient to protect the integrity of the turtles habitat during their nesting process.

2. It would eliminate the concentrated authority necessary for protected areas. In this case, other institutions such as the Municipality of Santa Cruz, ICT, the Ministry of Housing and the groups of landowners, would carry jurisdiction which in fact corresponds solely to MINAET.
3. It would scoff at the compliance of the resolutions of the Constitutional Court obligating the State to nationalize the lands of the Marine National Park Las Baulas.
4. It would allow, for the first time in history, to construct “**one-family residences, multifamily residences, either individually or in condominium; tourist recreational residences, recreational installations, tourist developments including ecotourism; and public and private infrastructure for offering public services**” (exact copy of the project),

These projects will produce intense illumination and an uncontrollable access of people to the park, as well as vehicles and domestic animals negatively impacting the nesting process of the turtles.

Although the project pretends to deliver justifications, the articles it proposes and experience in place indicate this area would be downgraded from a National Park to become **just one more beach**.

5. It would reduce even more the scant availability of drinking water that now supplies the small neighboring communities, in order to provide for the new massive developments, all of these bearing sculptured gardens and swimming pools.
6. It would certainly contaminate underground water sources, which are evaluated as of extreme vulnerability due to the proximity of the aquifers to the ground surface. Technical evaluations of the National Service of Underground Water Sources, determine the impossibility of constructing infrastructure on this area and its contiguous land.

## V

As regards the prices for the land:

The Project rests its justifications for the dismemberment of Baulas Park in its incapability of procuring the called for budgetary resources, an argument which has been used, during the last forty years, every time a national park has been created. However, despite this argument, Costa Rica has been able to pay for approximately 80% of the lands included in the national parks system.

Much has been argued about the cost to the State to proceed with the nationalization process of this park. In this respect, we express the following:

1. Some persons have publicly affirmed the expropriations would represent a cost between 500 and 700 million dollars. **False!**

2. These calculations are based on an average price per square meter of \$850, based solely on the five highest appraisals by juridical experts, for land located in areas exhibiting the greatest profitability such as Flamingo and Tamarindo. It is important to emphasize that another juridical appraisal established a value of thirteen dollars per square meter, whereas still another additional appraisal, juridical, too, appraised the value per square meter in northern Playa Grande, included in the National Park, as zero colones.
3. In 2008, the study entitled Economic considerations for the expropriation process in Playa Grande in Guanacaste, Marine National Park Las Baulas (*Consideraciones economicas del proceso expropiatorio en Playa Grande de Guanacaste, Parque Nacional Marino Las Baulas*), analyzed the highest appraisals in the zone (including 121 coastal plots of land bearing similar characteristics), and developed a parallel estimate model of prices using the same premises.
4. The results of the study indicate that a typical lot in Baulas Park, would carry an average expropriation price of \$13 per square meter.
5. Based on these estimates, the total maximum cost would be 40 million dollars to pay for the coastal plots included in Playa Grande, Playa Ventanas and Carbon.

However, these estimates do not consider the real-estate crisis or the negative effect on prices resulting from the limitations on the use of the hydrological resource, nor the resolutions of the Constitutional Court.

Nor does it consider the fact that some of the “registered” properties include inalienable mangroves, which are public lands, a situation we consider very critical and that must be analyzed by the General Attorney of the Republic.

## VI

Sadly, this uncertainty regarding the properties that must undergo expropriation has been the norm for the majority of established national parks during the last 40 years. **It is indeed a fact that the commitment of previous governments has permitted the purchase of land and, thereon, the consolidation of the National Parks, as a firm and real commitment to conservation, in tandem with the cooperation of the international community.**

If all the national parks included in the system have been consolidated with budgetary funds from the Republic and the great cooperation of international donors, **why are not the same actions possible to consolidate the national park to protect the leatherbacks?**

It is of the utmost importance that each Costa Rican feels this cause as HER or HIS cause. The segregation of a national park deprives its citizens of part of their natural legacy, in exchange for **brutal development** along our coasts.

Far from the pretension of eliminating national parks, instead Costa Rica should foster the creation of new protected areas, especially coastal-marine ones, because the majority of fishing zones and all of the marine resources of the country and, for that matter, the Planet, have been dissipated and are on the verge of extinction because of us, *human beings*.

Our duty and that of all Costa Ricans is to together protect the national parks, because they represent the heritage belonging to all us, but especially to our descendants and their own descendants.

Now is the time to know if we Costa Ricans want our national parks or not!

Dear congress people, ladies and gentlemen: we request you to reject the Law Project No. 17383.

Respectfully,

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