

Ríos prístinos, escénicos y recreativos

A proposed legal framework to protect Costa Rica's wild, scenic and recreational rivers

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Costa Rica's rivers: *pura vida* o *agua perdida*?

Three main disturbances include:

- Small scale dams for irrigation
- Large scale dams for hydroelectricity
- Gravel or rock mining



COSTA RICAN RIVER LEGISLATION

Rivers in Costa Rica belong to the State.

Beneficial use of rivers require a Government concession (art. 17 WL):

- Hydropower generation
- Irrigation
- Materials Extraction

Costa Rica does not have a specific law regarding “Wild and Scenic Rivers”.

C.R. RIVER PROTECTION



Reforestation

Deforestation prohibition

Conservation of trees next to the river



RIVER WATER PROTECTION

People in general are obligated to stop or minimize the contamination of the water resources.

Authority must regulate and control the management of the water in order to avoid its alteration.

Water contaminated by humans should be treated before being discharged into the rivers.

INSTITUTIONAL FRAMEWORK

AYA

MINAET (PES)

The Administrative Environmental Tribunal

SETENA

Background of the WSRA

- Purpose: to protect unobstructed rivers
- Designation:
 - Congress has the authority to designate rivers as wild and scenic
 - To gain designation the river must be “free flowing” and “outstanding remarkable characteristics”
- Categories: wild, scenic, or recreational
 - Non-degradation

Protection Scheme

- The WSRA prohibits
 - The licensing of projects on or directly affecting a designated river
 - federal assistance in the construction of water resources projects on a designated river
 - federal assistance in the construction of water resources projects upstream or downstream

Designations

Wild river areas (*Prístinos*) — Those rivers or sections of rivers that are free of impoundments and generally inaccessible except by footpath, with watersheds or shorelines essentially undeveloped, waters unpolluted, and with a resource extraction regime that poses a minimal and reversible degree of impact. These represent vestiges of wild Costa Rica.



Scenic river areas (*Escénicos*) — Those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely wild and undeveloped, but accessible in places by roads, and with a resource extraction regime that poses a minimal and reversible degree of impact.



Recreational river areas (*Recreativos*) — Those rivers or sections of rivers that are readily accessible by road, that may have minimal development along their shorelines, that may have undergone some impoundment or diversion in the past, and with a resource extraction regime that is compatible with the values of recreational river areas.



RECOMMENDATIONS

WL Article Modification

Enforcement, watershed preservation, and reforestation

Comply with the Costarrican Constitutional right to a Healthy and Balanced Ecological Environment

“Flora, Fauna, and Natural Beauty Scenic Protection Convention of the American Countries”

Establish a “Wild and Scenic Rivers Law”

5.1.2. Section 1. Declaration of Policy

It is hereby declared to be the policy of the Republic of Costa Rica that certain selected rivers of the Nation which, with their immediate environments, possess remarkable scenic, recreational, geologic, biotic, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations.

The Legislative Assembly declares that the established national policy of dam and other impoundments construction at appropriate sections of the rivers and watersheds of Costa Rica needs to be complemented by policy that preserves other selected rivers or sections thereof in their free-flowing condition, to protect the water quality of such rivers and to fulfill other vital national conservation purposes.

5.1.4. Section 3. Restrictions on water resource projects

(a) Construction projects licensed by the Government

The Government shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or any other project works, on or directly affecting any river which is designated in section 2 of this title as a component of the national wild and scenic rivers system or which is hereafter designated for inclusion in that system, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the agency charged with its administration. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a wild, scenic or recreational river area or on any stream tributary thereto which will not disturb the area or unreasonably diminish the scenic, recreational, and biotic values present in the area on the date of designation of a river as a component of the National Wild and Scenic Rivers System. No department or agency of Costa Rica shall recommend authorization of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the agency charged with its administration, or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized.