

COMMONWEALTH OF PUERTO RICO  
DEPARTMENT OF AGRICULTURE

**REGULATIONS FOR THE MANAGEMENT OF AGRICULTURAL  
PRACTICES IN THE COMMONWEALTH OF PUERTO RICO  
LAW 140-2015, AS AMENDED**

**(DATE)**

**TABLE OF CONTENTS**

**PAGE CONTENT**

**Introduction** ..... **2**

**Article I - Title and Legal Basis** ..... **3**

**Article II -Definitions** ..... **3-4**

**Article III - Incidental Activity Permit for Agricultural Practices**

**Section 3.1 - Applicability**..... **4**

**Section 3.2 - Exempt Practices**..... **5**

**Article IV - Filing Requirements**..... **5-6**

**Article V - Evaluation Criteria**

**Section 5.1 - Agronomic Evaluation and Recommendation**..... **6**

**Section 5.2 - Recommendations of the Office of Initiatives**

        for Land Preservation ..... **7**

**Article VI –Powers** ..... **7**

**Article VII - Validity of Permits**

**Section 7.1 - Farms Less than 40 acres**..... **8**

**Section 7.2 - Estates Greater than 40 acres**..... **8**

**Article VIII - Permit Renewal**..... **8-9**

**Article IX - Amendment Resolutions** ..... **9**

**Article X - Practices, Actions or Omissions** ..... **10**

**Article XI - Fines and Penalties**..... **10**

**Article XII –Reconsideration** ..... **11**

**Article XIII -Revision** ..... **11**

**Article XIV - Separability** ..... **11**

**Article XV -Repeal** ..... **11**

**Article XVI -Validity** ..... **12**

## INTRODUCTION

The Department of Agriculture was established in Article IV, Section 6 of the Constitution of the Commonwealth of Puerto Rico and is governed by Plan of Reorganization No. 4 of July 29, 2010, known as the "Department of Agriculture Reorganization Plan." The Puerto Rico Department of Agriculture (hereinafter the "Department") is the main entity promoting agricultural development on the island. The Department promotes agricultural education, guides our farmers, and seeks the economic betterment of our farmers and agriculture in general. On August 31, 2015, Act No. 140, known as the "Law for the Management of Agricultural Practices in the Commonwealth of Puerto Rico," was enacted. The purpose of this regulation is for the Department of Agriculture of the Commonwealth of Puerto Rico to be authorized to grant permits for farms of a certain size to carry out the necessary agricultural practices, establishing an agile and efficient process to carry out the agricultural development of Puerto Rico. The same purpose is pursued on larger farms, with the collaboration of the Department of Agriculture and the Department of Natural and Environmental Resources.

Scheduling planting and agricultural development is the responsibility and fundamental part of the Department of Agriculture. It is necessary for this agency to have the powers to carry out those public policy plans and, above all, food security for all Puerto Ricans. In addition, the Department of Agriculture has the responsibility to prevent unscrupulous citizens from using Law 140-2015 as a subterfuge to carry out pruning and clearing practices without complying with the necessary requirements in this type of activity.

In accordance with the foregoing, Law 140-2015 empowers the Secretary of Agriculture to establish by regulation the procedure for obtaining permits for agricultural practices on farms of forty (40) acres or less, and also to establish the procedure for obtaining permits for agricultural practices on farms larger than forty (40) acres, provided that they are not incompatible with the provisions of the Department of Natural and Environmental Resources; practices that will be prohibited and the fines that come with them.

## ARTICLE I - TITLE AND LEGAL BASIS

This regulation shall be known as the Regulations for the Management of Agricultural Practices of the Commonwealth of Puerto Rico. It is enacted by virtue of the authority conferred by Act No. 140 of August 31, 2015, "Act for the Management of Agricultural Practices in the Commonwealth of Puerto Rico," as amended, and Reorganization Plan No. 4 of July 26, 2010, "Department of Agriculture Reorganization Plan of 2010," as amended.

## ARTICLE II – DEFINITIONS

For a better interpretation of these Regulations, the following terms shall have the meanings set out below:

1. **Bona fide *Agricultural Activities*:** Agro-industrial activities established in Act No. 60 of July 1, 2019, "Puerto Rico Incentives Code," as amended, and carried out by a natural or legal person to whom the Secretary of Agriculture has issued a certification as a Bona Fide Farmer.
2. **Farmer:** Any natural or legal person engaged in the cultivation and cultivation of the land, the exercise of livestock industries, that is, the raising of animals and the commercial production of flowers, plants, and ornamental grasses.
3. **Agronomist:** An official of the Department of Agriculture who inspects, recommends, certifies, and evaluates agricultural work for a particular municipality or municipalities.
4. **Department:** The Department of Agriculture of the Commonwealth of Puerto Rico and its attached programmatic and/or operational components.
5. **New Farm:** Soils grouped under the same user that have never been cultivated or have been dormant or fallow for ten (10) years or more.
6. **Law:** Law 140 of August 31, 2015, "Law for the Management of Agricultural Practices in the Commonwealth of Puerto Rico".
7. **Weed:** A generic term that qualifies or groups those plants that, at a given time and place and, in each number, are annoying, harmful or undesirable in crops.
8. **Office:** Department of Agriculture Office of Land Preservation Initiatives.

9. **Permit:** Permit for Incidental Activity for Agricultural Practices, for farms of less than forty (40) acres, issued by the Secretary of Agriculture, after an application by the farmer, the evaluation of the agronomist and the appropriate recommendations of the Office of Land Preservation Initiatives.
10. **Agricultural Practices:** Clearing of trees, palms, shrubs and weeds, reforestation, ploughing, raking, banking, furrowing, removal of the earth's crust, terraces, roads, ditches, grading, ponds, watering holes, greenhouses, nurseries, ranches, sheds, canals, installation of pipes for irrigation and drainage systems; includes cleaning and maintenance.
11. **Secretary:** The Secretary of the Department of Agriculture of the Commonwealth of Puerto Rico.
12. **Legal Tenure:** Means the existence of a right expressed by means of a reliable and complete document evidencing the possession, management, administration, usufruct, or any other exclusive enjoyment of an eligible farmer over one or more farms.

### **ARTICLE III - INCIDENTAL ACTIVITY PERMIT FOR AGRICULTURAL PRACTICES**

#### **Section 3.1 - Applicability**

This permit applies to the extraction, excavation and dredging of the components of the earth's crust incidental to agricultural practices certified by the Department of Agriculture's Agronomist, if they meet the following criteria:

1. That the activity exceeds ten thousand (10,000) cubic meters of any material of the earth's crust and is strictly linked to the creation or maintenance of the following works, among other similar works: oxidation lagoons, irrigation ponds, aquaculture ponds, watering holes, roads, terraces, leveling, ditches, canals and large-scale agricultural practices.
2. That the activity is carried out on private or patrimonial land of the state or in private channels of bodies of water located on private property or state heritage.
3. That the activity is not carried out on public property.

For any activity of removal of material from the earth's crust related to agricultural activities, the provisions of **Section 3.2 Exempt Practices shall apply.**

### **Section 3.2 - Exempt Practices**

Farmers who engage in the following practices will be exempt from filing permits:

1. plough
2. rake
3. furrow
4. Banking

### **ARTICLE IV - FILING REQUIREMENTS**

Any farmer interested in carrying out agricultural practices must apply for the proper permit to the corresponding Regional Agricultural Office of the Department of Agriculture and comply with the following:

1. Fill out in all its parts the application form for Incidental Activity Permit for Agricultural Practices, duly signed by the petitioner.
2. Explanatory memorandum describing in detail the proposed activity, indicating: the area to be impacted; the amount and type of material to be extracted, excavated, removed and dredged; the equipment and machinery to be used; description of the operational method; description of the storage area; Indicate whether the material will be transported off the premises and the use and manner in which it will be disposed of.
3. If there is no evidence of ownership of the farm where the activity is proposed to be carried out in the applicant's Agropfile or file.
4. When the petitioner is not the owner of the property, he/she shall submit an authorization from the owner of the property, authorizing him/her to carry out the proposed activity.
5. If there is no document duly notarized in the applicant's Agropfile or file in cases where the applicant authorizes another person (Agent or consultant) to request or process this permit application before the Department in his name and on his behalf, if applicable.
6. Cadastre number of the parcel to be impacted obtained from the CRIM document (000-000-000-00-000).
7. Letter from the Agricultural Extension Service, Natural Resources Conservation Service, or Farm Service Agency certifying the Planting Plan or that the petitioner

has received all guidance and technical recommendations on best practices in agriculture and soil management; copy of the Conservation Plan for the activity approved by the federal agency for the conservation of natural resources.

8. Copy, duly signed, of any other permits, endorsements, or authorizations related to the proposed activity, granted by other agencies, authorities, departments, or public corporations of the state, municipal, or federal government.
9. The Secretary, or his authorized representative, may request such other additional requirements as he or she deems necessary and desirable for considerations of health, safety, order, or public interest; as well as, to comply with the evaluation factors required by Article V of these regulations.

## **ARTICLE V - EVALUATION CRITERIA**

### **Section 5.1 – Agronomic Evaluation and Recommendation**

The Secretary shall delegate to an agronomist, duly registered and licensed, the evaluations of applications for agricultural permits and subsequent certifications. Such an agronomist should ensure the use of existing best practices and the conservation of natural resources.

The Department of Agriculture will consider the following factors in evaluating applications for the activities described in these regulations, such as:

1. The boundaries of the property where the activity is requested. It will observe that agricultural practices are carried out following the parameters and recommended measures to avoid damage to the soil causing erosion and soil loss, and thus promote mitigation measures and practices that result in soil conservation.
2. Likewise, it will evaluate whether the practice to be carried out requires mitigation due to the cutting of trees or impact on natural habitats, consulting the personnel with expertise from the Department of Natural and Environmental Resources.
3. The agronomist will establish, together with the farmer, a plan for the development of the farm that includes the planting and livestock activities to be carried out.
4. The agronomist will make an inventory of the trees, by species, in the areas that are going to be cleared to carry out the planting. This inventory shall be kept in

the farmer's file. This will take place when they are new farmers working on a farm for the first time.

5. When a farmer requests for the first time to carry out the practices of cleaning and clearing the farm for agricultural purposes, the agronomist may recommend that these practices be carried out in stages, ensuring that the plantings are carried out in a scheduled manner.

## **Section 5.2 - Recommendations of the Office of Land Preservation Initiatives**

1. The Office of Initiatives for the Preservation of Lands will receive the evaluated applications and will proceed to review the content of the application to corroborate that they contain all the necessary information to submit the Agronomic Compliance Conditions of each case depending on the agricultural practices to be carried out.
2. The Office of Land Preservation Initiatives shall issue the Agronomic Compliance Conditions and certify the same for signature by the Secretary or his authorized representative.

## **ARTICLE VI – POWERS**

After evaluating the recommendations of the agronomist and the Office of Land Preservation Initiatives, the Secretary of Agriculture may accept and/or modify them. The Secretary of Agriculture shall have the following powers related to permit applications for agricultural practices:

1. Farms under forty (40) acres: The Secretary may issue permits for agricultural practices such as: clearing of weeds, removal of the earth's crust, construction of terraces (agricultural technique for soil conservation on sloping land), roads within the farm, ditches, grading, construction of ponds for irrigation and raising of fish and shrimp, watering holes, irrigation canals, installation of pipes for irrigation and drainage system.

**These permits must be processed within a period of thirty (30) days, subject to a single extension of thirty (30) additional days, after which, if the permits have not been issued or denied, they will be considered granted.**

2. Farms larger than forty (40) acres where bona fide *agricultural activities* are proposed: The Secretary may issue his recommendations to the Secretary of the



Department of Natural Resources for evaluation and possible issuance of a permit by the latter.

**The application for these permits will initially be submitted to the Department of Agriculture, which will have a maximum of seven (7) days to refer them to the Department of Natural and Environmental Resources. Once received, they will have to be processed and granted or denied within a period of thirty (30) days, subject to a single extension of thirty (30) additional days, after which, if the permits have not been issued or denied, they will be considered granted.**

## **ARTICLE VII - VALIDITY OF PERMITS**

### **Section 7.1 - Estates under 40 acres**

1. These permits will be granted for a term of **six (6) months**. The Secretary may vary the effective date of the permit considering the recommendations made by the Office and the time it takes for the holder to commence the activity authorized by the permit, if he or she demonstrates for good cause the reasons for the delay.

### **Section 7.2 - Estates Greater than 40 acres**

1. Permits for agricultural practices on farms larger than forty (40) acres shall be valid for **ten (10) years** from the date they were granted, at the end of which they may be automatically renewed if there are no significant changes in natural conditions or proposed agricultural practices.

To be applicable to this mechanism for the granting of expedited permits, the farm must be in production and engaged in agricultural activities, as certified by the Secretary, for ten (10) consecutive years from the granting of the permit.

## **ARTICLE VIII - RENEWAL OF PERMIT**

1. The permits described in these regulations qualify for renewal.
2. The petitioner may refer to the documents in force, as applicable to his or her request, that appear in the case file. In the same certification that there has been

no variation, change, modification, or substitution of any circumstances presented to the Department, they will motivate the issuance of the prior permit.

3. If there are any changes to the information provided, they must be recorded in a separate letter accompanied by the corresponding documents.
4. The request for renewal shall be made in writing and submitted to the appropriate Regional Agricultural Offices of the Department of Agriculture no less than thirty (30) calendar days prior to the expiration date of the permit being sought to be renewed.
5. If the Secretary does not reach a final determination within that period, the permit will remain in effect as a **Provisional Permit** until the Department resolves the renewal application and the renewal becomes final.
6. Those renewal applications that are not submitted thirty **(30) calendar days** prior to the expiration of the permit will not have the benefit of a provisional permit and will be considered as new permit applications, subject to the entire procedure and requirements set forth in these regulations.

#### **ARTICLE IX - RESOLUTIONS ON AMENDMENTS**

1. The Secretary or his authorized representative may amend any of the terms and conditions of the permit either by request or on his own initiative when deemed necessary by considerations of health, safety, order, or public interest or for the management and protection of any natural resource.
2. From the effective date of the permit, the farmer shall have **twenty (20) calendar days** to submit in writing any request for correction to the permit granted. After this period, any request to change any part of the current permit will be considered as an amendment to the permit and must be submitted in writing. If the amendment consists of the correction of an unintentional error on the part of this Department, the payment requirement does not apply.
3. The Department will evaluate the request for amendment and issue its determination or follow-up communication within a reasonable period not to exceed thirty (30) calendar days. Any final determination shall be made by means of an Amendment Resolution which shall become part of the permit granted.

## **ARTICLE X - PRACTICES, ACTS OR OMISSIONS**

The following practices, actions, or omissions are prohibited:

1. Use this regulation as part of the Law to clear and clean a farm for non-agricultural purposes, such as housing construction, commercial, commercial and residential developments, among others.
2. Violate the conditions set forth in the permit granted to you.
3. Except for ploughing, raking, furrowing, and banking, it is forbidden to engage in any practice for agricultural purposes without the appropriate permit.
4. Any other practice established by the Secretaries of the Department of Agriculture and Natural and Environmental Resources by regulation.
5. The Secretary, his or her authorized representative, or the Department of Natural and Environmental Resources Oversight Corps may impose administrative fines upon a visit or inspection and finding that any of the prohibited practices have been engaged in, or upon identification of the violation.

## **ARTICLE XI - FINES AND PENALTIES**

1. Any person who violates the provisions of these Regulations under the Act, any regulation passed thereunder or an order or resolution of the Department, relating to the matters contained in the Act, shall be guilty of an offence and shall be fined one thousand (\$1,000.00) dollars on the first occasion. On each subsequent occasion that a person commits a violation, a fine of up to ten thousand (\$10,000.00) dollars shall be imposed, or imprisonment for a term of not less than six (6) months and one (1) day, and not more than three (3) years, or both penalties at the discretion of the Court.
2. When the violation is committed by a legal person, in addition to the fine, the Court may impose any other penalty, in accordance with the provisions of the "Penal Code of Puerto Rico", as amended.

## **ARTICLE XII – REVIEW**

Any person, natural or legal, harmed by a partial or final resolution or order of the Secretary or the official delegated by him/her, may request the reconsideration of such resolution or order before the corresponding official, within twenty (20) days from the notification of the Resolution or Order.

The procedure to be followed will be that established in the Uniform Administrative Procedure Act of the Government of Puerto Rico, Act 38-2017, as amended.

## **ARTICLE XIII - REVISION**

Any person, natural or legal, aggrieved by the decision of the Secretary or official delegated by him/her may apply to the Court of First Instance for review of such decision within thirty (30) days from the date of submission of the copy of the notification of the Agency's Final Order or Decision. While the motion for review provided for in this section is pending, the effects of the Order or Decision shall not be suspended, except in cases where it is shown to the satisfaction of the Court that the execution of the Order or Decision will cause irreparable harm to the affected party.

## **ARTICLE XIV – SEPARABILITY**

If any clause, paragraph, subparagraph, article, provision, section, or part of these Regulations is annulled or declared unconstitutional, the judgment rendered to that effect shall not affect, prejudice or invalidate the rest of it. The effect of such judgment shall be limited to the clause, paragraph, subparagraph, article, provision, section, or part thereof which has been so nullified or declared unconstitutional.

## **ARTICLE XV – REPEAL**

This Regulation supersedes any other Regulations, Administrative Orders, Circular Letters, or Rules promulgated to regulate the Management of Agricultural Practices related to this Regulation.

**ARTICLE XVI – VALIDITY**

These Regulations shall begin to apply thirty (30) days after the original and two (2) copies have been filed with the Department of State of Puerto Rico, in accordance with the provisions of Act No. 38 of June 30, 2017, the Uniform Administrative Procedure Act of the Government of Puerto Rico, as amended.

Approved on \_\_\_\_\_ en San Juan, Puerto Rico.

---

**Ramon Gonzalez Beiró**  
Secretary of Agriculture