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Urbanistic-Environmental Regularization of Anthropic Occupation in Water Source Protection Area of the Billings dam: A Public Policy Proposal

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Abstract

Properties located in water source protection areas, in spite of the severe restrictions and expressive environmental attributes, are several times object of irregular anthropic occupations for housing purposes. In this study, an area around the Billings dam was analyzed, where in 1996, occurred a deforesting for the irregular implementation of land parceling. Once occupied, the reversal of the environmental and urbanistic impacts of such areas of water source protection is somewhat complex, difficult, time-consuming and practically unfeasible. Any way, attempts were made for this purpose without reaching a final and satisfactory success. At the end, this legal adjudication did not come into effect and, in addition, not only streets were opened but also additional deforesting, land locations were identified and the area was even fenced. The unique alternative was its urbanistic-environmental regulation. The Department of Metropolitan Ground Usage, of the Environment State Department, submitted technical guidelines for regulation of the area, however, the owners have applied for an appeal, postponing the regulation process. New technical inspections were undertaken and the environmental problems increased. The number of technical recommendations also increased for regulation of the area. The present study tried to indicate guidelines aiming at a public policy for urbanistic and environmental regulation of similar cases as well as the elimination of urbanistic and environmental liabilities already accumulated in the Billings dam water source protection area. Environmental compensation measures were also suggested as an alternative to the indemnifying scope of the Department of Justice of the State of São Paulo, such as for example, donation to the Public Institutions of land located in Areas with Occupation Restriction, of other areas indicated by the authorities as priorities to assure preservation of the water source, creation of a Conservation Unity and/or environmental recovery of areas located in the Billings hydrographic basin.

Keywords: *Occupation, anthropic, irregular, Water Source Protection Area, Billings dam, urbanistic-environmental regulation.*
