

ST. EUSTATIUS ISLAND RESOLUTION AB 1996/04

AB 1996 No. 04

General Island Resolution of March 25th, 1996, regulating the conditions under which permits are issued to run a fill station, to transport persons and/or supervise divers in the Marine Park, the applicable conditions of anchoring and anchor fees and establishing the amount of the permit fees regarding the Marine Park.

THE EXECUTIVE COMMITTEE OF THE ISLAND TERRITORY OF ST. EUSTATIUS

Considering:

That it is desirable to provide for the following in an Island Resolution:

1. placement of conditions on the issuing of a permit as mentioned in Article 17, paragraph one, Article 19, paragraph one, and Article 20, paragraph one,
2. placement of conditions on anchoring within the Marine Park as mentioned in Article 17 paragraphs one up to and including four,
3. determination of the anchoring fees in the marine park as mentioned in Article 18 paragraph five,
4. determination of the fee for a permit concerning the transport of person, the running of a fill station and the supervision of divers,
5. appointment of the management,

Keeping in mind Article 14, paragraphs one and two of the Marine Environment Ordinance St. Eustatius (AB 1996/NR 3)

Has decided:

To establish the following General Island Resolution.

ARTICLE 1

Anyone who upon their request receives a permit from the government for Articles 17, 19 and 20 of the Marine Environment Ordinance St. Eustatius to conduct their business activities in the Marine Park is considered a permit holder.

ARTICLE 2

1. The permit holder mentioned in Article 1 gives the manager of the underwater park the names of the persons employed with their business that can work within the Marine Park as well as their tasks and authorities.
2. Diving lessons can only be given under the supervision of instructors that have received certification from PADI, NAUI, CMAS, YMCA, NASDS, and SSI INSTRUCTOR or a similar organization.
3. Dive Masters and instructors must ensure that the divers entrusted to them strictly adhere to the Marine Environment Ordinance.

4. Operators of vessels for the transport of divers must strictly follow the underwater park's navigation rules.
5. Dive masters, instructors and boat operators should take part in an orientation meeting to be given at least once a year by the manager of the underwater park.

ARTICLE 3

1. Divers that are not certified may only dive in open waters after an introductory instruction by an authorized instructor in a swimming pool or similar water. An open water dive can only take place under the supervision of a dive master or instructor in the understanding that a dive master does not supervise more than two uncertified divers and an instructor no more than four uncertified divers.
2. Certified divers must make an orientation dive, if possible from the fill station providing them with compressed air, before participating in other dives from the coast or from boats.

ARTICLE 4

1. Compressors must be maintained in such a way that the quality of the compressed air at all time fulfills the norms mentioned in paragraph two.
2. Compressed air must not exceed the following levels:

Carbon Dioxide	0.5 ppm
Carbon Monoxide	0.01 ppm
Oil	1mg/cubic meter
Odor	none
Water	0.07 percent
3. Tanks may only be filled with compressed air when showing a valid inspection sticker given by or on behalf of or recognized by "Stoomwezen" in Curacao. This includes the inspection sticker given by or on behalf of the U.S.A. Department of Trade.

ARTICLE 5

1. Besides the safety equipment as prescribed by the Port Master upon the boat's registration, a boat used for the transportation of divers must have on board an oxygen administration kit as well as a first aid kit.
2. More than one vessel per mooring buoy is not permitted. It is also not permitted to attach the pick-up line that is attached to the mooring buoy directly onto the vessel.
3. When attaching to mooring buoys a minimum of 6 meters of the vessel's own line must be in place starting from the boat. The manager of the underwater park can indicate buoys where mooring with a shorter line is allowed.
4. In case the safety of the vessel or its crew and passengers requires anchoring, no divers may enter the water except the crew if it is necessary (i.e. in order to untangle a line from the propeller.)

ARTICLE 6

In the event that the permit holder mentioned in Article 1 is renting-out dive equipment or makes dive equipment available to visitors to the park, the equipment must be in good working condition and must undergo a maintenance session at least once per year.

ARTICLE 7

The instructions for the use of mooring buoys as established in Article 11 of the Marine Environment Ordinance are as follows:

- a. boats longer than 35 meters (115 feet) may not use a mooring buoy which is placed by or on behalf of the manager of the underwater park,

- b. boats with a length of 15 meters (50 feet) or more, with passengers that have the intention to dive and/or snorkel, may only use the ORANGE buoys.
- c. boats with a maximum length of 18 meters (60 feet), with passengers that are not going to dive or snorkel may only use YELLOW buoys.
- d. It is not permitted to use the white and orange mooring buoys longer than is necessary for the dive.

With the manager's permission, an exception can be made for the ORANGE buoys provided no other vessel is requesting the use of that particular buoy for diving or snorkeling activities.

ARTICLE 8

The anchoring fee in the Marine Park - see Article 18, paragraph five of the Marine Environment Ordinance - is as follows:

- a. ANG 0.18 (USD 0.10) per gross registered ton for vessels over 30 meters (100 feet)
- b. ANG 3.60 (USD 2.00) per person per vessels of 30 meters (100 feet) or less

ARTICLE 9

The permit fees for Articles 17, 19 and 20 of the Marine Environment Ordinance are as follows:

- a. Fill Station permit: ANG 50, -
- b. Commercial transportation of persons within the Marine Park ANG 50, -
- c. Diver supervision permit ANG 50, -

The above mentioned fees are established in the Retribution Ordinance of the Island Territory St. Eustatius.

ARTICLE 10

1. The St. Eustatius Nature Parks Foundation (STENAPA), established in St. Esutatius, is appointed as Manager of the Statia Marine Park.
2. The management will be agreed upon by contract between the Executive Committee and the manager indicated in the first paragraph.

ARTICLE 11

This General Island Resolution goes into effect with the commencement of the day after the one it is proclaimed.

As determined in the meeting of March 25th, 1996.

The Island Secretary,
D.C. Berkel JD

The Lieutenant Governor,
E.R. Locadia

This decree is proclaimed by me on this date, March 28th, 1996.

The Lieutenant Governor,
E. R. Locadia

Announced (Publication Board): March 28th, 1996

Announcement in GIB: April 9th, 1996

Date of Commencement: March 29th, 1996

A copy has been provided to:

- Governor of the Netherlands Antilles
- Minister of Public and Environmental Health
- The Deputies, Ms. Bennet Merkman and Mr. Woodley
- The Post Commander of the KPNA St. Eustatius
- The Head of Finance St. Eustatius
- Head of Public Works St. Eustatius
- Island Receiver St. Eustatius
- Protocol Sector St. Eustatius
- Tourist Department St. Eustatius