

# **ST. EUSTATIUS MARINE ENVIRONMENT ORDINANCE**

**AB1996, No. 03**

THE ISLAND COUNCIL OF SINT EUSTATIUS:

*Considering:*

That it is desirable to establish regulations concerning the management of the marine environment of the Island Territory of St. Eustatius for the protection of the nature as well as regulations for commercial, educative, recreational and research activities;

*Has decided:*

To decree the Island Ordinance Marine Environment.

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## **SECTION I: GENERAL PROVISIONS**

### **ARTICLE 1**

This ordinance defines the terms below as follows:

- (a) Underwater Park: also known as the marine park, the sea floor and the overlying waters around and adjacent to the island St. Eustatius, from the high water tidemark to the 30m depth contour,
- (b) Coral: live organisms or the calcified casings (skeletons) of those organisms,
- (c) Statian: a person who was born on St. Eustatius or born from Statian parents
- (d) Diver: A person who, outfitted with scuba equipment, enters the water with definite intentions to be under water, is in the water, exits the water after being in the water for a short time.
- (e) Dive Sport: the activity as a diver, recreational as well as commercial;
- (f) Dive Site: the place of position where diving is practiced, where it is started and where it is finished;
- (g) Spear Fishing: the hunting or killing of marine animals using spears, harpoons and spear guns, either mechanically or pneumatically powered, and including spear guns which would fall under the law on firearms.
- (h) Dragnet Fishing: dragging of fish lines behind a boat with intentions to catch fish in open water
- (i) SCUBA (Self-Contained Underwater Breathing Apparatus): underwater equipment that allows the user by means of

- (j) Hookah: compressed air in bottles to remain submerged for a prolonged period of time  
underwater equipment which allows the user to remain submerged for a prolonged period of time by means of surface air supply
- (i) Conch: shell creatures/snails that live in the ocean and belong to the species *Strombus gigas*
- (j) Turtles: marine reptiles of the species in the broadest sense of the term that live in the sea.
- (k) Fill Station: location where bottles for diving are filled

## ARTICLE 2

1. There is an underwater park St. Eustatius which is commonly referred to as Statia Marine Park.
2. Within the Marine Park there are reserves that cover:
  - (a) From Gallows Bay, 17 28'.5 coordinate along the high waterline to the point of white wall, south outward in the sea for ½ nautical mile, to the west following the 30 meters depth limit of ½ nautical mile outward in the sea, measured from the coastline to the crossing with the 17 27'.7 coordinate, to the north 17 28'.5 coordinate and back to Gallows Bay,
  - (b) Jenkins Bay, 17 30'.5 coordinate along the high water line to it's most northern point of the island, to the north to the 30 meter depth limit, to the west and south along the 30 meter depth limit until these lines pass the coordinate 17 30'.5 and back to Jenkins Bay,
  - (c) The parts of the underwater park as designated by General Island Resolution. Such designations can also be for a limited period of time.

## SECTION II: INSTRUCTIONS PROTECTION UNDERWATER FAUNA AND FLORA

### ARTICLE 3

It is prohibited to commit acts that conflict with this Ordinance and damage the interests of the nature and environment within the underwater park of the Island Territory St. Eustatius as defined in Section I General Provisions.

### ARTICLE 4

Spear fishing is not allowed if use is made of scuba or Hookah equipment.

### ARTICLE 5

It is forbidden to fish in the marine park using poison, poisoned bait and/or other materials as well as chemicals and explosives.

### ARTICLE 6

In divergence to the provisions of Articles 3 and 4, the catching of sea turtles within the marine park is only allowed in accordance with the following instructions:

- (a) it is forbidden to catch more than two sea turtles per person per year,
- (b) it is forbidden to catch female sea turtles from April 1<sup>st</sup> up to and including November 30<sup>th</sup>,
- (c) deleted.

- | ~~(e)~~(d) persons who have caught sea turtles must report every catch to the manager of the Statia Marine Park before killing it,
- | ~~(d)~~(e) it is forbidden to disturb sea turtles' nests, steal eggs or have sea turtle eggs in one's possession

#### **ARTICLE 7**

The collection of sea snails (conch) in the marine park is only allowed in accordance with the following provisions:

- (a) it is forbidden to catch sea snails using scuba or Hookah equipment,
- (b) it is forbidden to catch sea snails smaller than 19 cm (7,5 inches) or sea snails which do not have a well developed lip,
- (c) it is prohibited to take more than 20 conch per person per year,
- (d) the collecting of conch is only for private use and consumption,
- (e) deleted,
- (f) persons who collect conch must report their catch at once to the manager of the Statia Marine Park.

#### **ARTICLE 8**

The Executive Committee can – upon advice from the manager of the Statia Marine Park – by means of a General Island Resolution establish additional regulations for catching or collecting of animals and plants in the marine park regarding minimum size of the animals and plants, the amount, changing the fishing season and the expansion or limitation of the regulations allowing the catching of fish.

#### **ARTICLE 9**

1. It is forbidden to commit acts within the Statia Marine Park that damage or can damage the underwater environment.
2. It is forbidden to commit acts intentionally that can destroy the underwater environment of the marine park.
3. It is forbidden to collect coral, or other bottom-dwelling invertebrate animals or plants that live on the sea floor or to pick, break-off or kill them.

#### **ARTICLE 10**

1. It is forbidden to anchor on the sea bottom in the Statia Marine Park.
2. The first paragraph does not apply if the safety of the boat and/or its crew is in danger.
3. The first paragraph does not apply within the indicated anchoring zones in the Statia Marine Park. These zones are established by the manager and are marked as such.

#### **ARTICLE 11**

1. It is forbidden to intentionally damage or destroy mooring buoys that are placed in the Statia Marine Park by or on behalf of the Executive Committee of St. Eustatius or to remove the buoys without written permission from or on behalf of the Executive Committee.
2. It is forbidden to place mooring buoys in the Statia Marine Park without written permission from or on behalf of the Executive Committee.
3. The Executive Committee will establish regulations by means of a General Island Resolution regarding the use of mooring buoys.

## **ARTICLE 12**

It is prohibited to discharge any substance in or flowing out into the Statia Marine Park with the exception of fish, fish parts, chumming material, cooling effluent and effluent of marine sanitation devices of vessels.

## **ARTICLE 13**

Changes and amendments to the coastal area that can influence the underwater environment of the Statia Marine Park must be established ahead of time by means of an Environment Impact Assessment.

## **SECTION III: VISITOR'S FEE, PERMITS AND FEES**

### **ARTICLE 14**

1. Conditions can be attached to permits granted on the basis of this Ordinance in the interest of protecting the marine environment, to ensure compliance with this Ordinance and in the interests of the safety of visitors to the park.
2. A fee is charged for the permit; the amount thereof is established by General Island Resolution.
3. A written request must be submitted to the Executive Committee for a permit or an exemption as meant in this Ordinance, accompanied by relevant documentation.
4. The Executive Committee can establish further regulations regarding the accompanying documentation.
5. A permit or exemption granted on the basis of this Ordinance is only valid if it is in writing.

### **ARTICLE 15**

1. Visitors to the Statia Marine Park must obtain an entry ticket for the underwater park from the manager of the Statia Marine Park. A visitor's fee of ANG 17,50 is charged for the entry ticket to the underwater park to those who are going to scuba dive or snorkel.
2. The visitor's fee is a fixed amount per person per year. The amount thereof can be changed by a General Island Resolution, which can also fix another amount to be charged for groups as described in the Resolution.
3. A General Island Resolution can establish visitor's fees for other users of the underwater park.
4. The proceeds of the visitor's fee is only spent on the upkeep of the underwater park St. Eustatius. This also includes maintenance, upholding the law, providing information and research.
5. The management body provides the Executive Committee before April 1<sup>st</sup> with an accounting of the proceeds from the previous year.

### **ARTICLE 16**

Visitors to the Marine Park are charged a visitor's fee of ANF 3,60 (USD 2.00) per scuba diver per dive or ANG 3,60 (USD 2.00) per visitor that comes to St. Eustatius to snorkel in the Marine Park.

#### **ARTICLE 17**

1. The person that transports people to a location within the Statia Marine Park in exchange for payment must have a written permit granted by or on behalf of the Executive Committee.
2. Conditions can be attached to the permit.
3. The provision of paragraph one of this Article does not apply if it concerns passing through the area of the Statia Marine Park.

#### **ARTICLE 18**

1. The owner and/or operator of a boat that anchors in the designated anchor zones within the Statia Marine Park or makes use of the mooring buoys that are installed there must pay an anchor fee.
2. Permission to anchor must be gotten from the manager of the Statia Marine Park.
3. The anchor fee entitles to use anchors in the designated zones in the Marine Park or to use that mooring buoys for a maximum of one week.
4. The St. Eustatius General Port Fee Ordinance does not apply to the anchor zones within the Statia Marine Park and the mooring buoys installed.
5. Establishing and changing the amount of the anchor fee within the Statia Marine Park takes place by means of a General Island Resolution.

#### **ARTICLE 19**

1. It is forbidden to have a fill station in use or to possess a compressor used to fill diving bottles without a permit from the Executive Committee.
2. The prohibition in paragraph one does not apply to those on visiting boats in as far as the filling of bottles is done for their own use and serves no commercial purpose.

#### **ARTICLE 20**

1. Those that conduct commercial diving activities within the underwater park must have written permission from the Executive Committee to do so.
2. The Executive Committee can establish further regulations regarding such a permit in a General Island Resolution.

### **SECTION IV: CONCLUDING AND CRIMINAL PROVISIONS**

#### **ARTICLE 21**

1. The Executive Committee can grant an exemption from the provisions of this Ordinance on request for scientific research and educational purposes.
2. The Executive Committee can in certain cases and on request grant an exemption from the provision of Article 9, paragraph three of this Ordinance for commercial purposes.
3. Conditions can be attached to exemptions.
4. Before granting an exemption the Executive Committee will seek the advice of an expert.

#### **ARTICLE 22**

Users of the Statia Marine Park must strictly follow the instructions of the manager of the underwater peak and/or his co-workers.

### **ARTICLE 23**

1. A General Island Resolution arranges for the management of the Statia Marine Park by a non-governmental legal entity.
2. The manager of the legal entity that is in charge of managing the Statia Marine Park is obliged to not commit any acts that conflict with the provisions of this Ordinance.
3. Violation by the manager of provisions by or pursuant to this Island Ordinance will be punishable with imprisonment for a maximum of one month.

### **ARTICLE 24**

Violation of the provisions in or pursuant to this Ordinance is punishable with imprisonment for a maximum of one month or a monetary fine for a maximum of ANG 5,000.

### **ARTICLE 25**

Criminal acts in this Ordinance are deemed to be misdemeanors.

### **ARTICLE 26**

Besides the persons indicated in the Criminal Code, the persons responsible for tracking and tracing the criminal acts in this Ordinance are:

- (a) the persons responsible for the management of the Marine Park,
- (b) other persons so indicated in a General Island Resolution.

### **ARTICLE 27**

Objects acquired by violating any of the prohibitions of this Ordinance, or objects used in committing the violation, may be seized and can be confiscated by a Court of Law.

### **ARTICLE 28**

This Ordinance comes into effect on the day following the day it is proclaimed.

### **ARTICLE 29**

It can be cited as: "St. Eustatius Marine Environment Ordinance".

Established in the public meeting of the Island Council of the Island Territory of St. Eustatius March 25<sup>th</sup>, 1996

The Island Secretary,  
D.C. Berkel JD

The Lieutenant-Governor,  
E.R. Locadia

This Island Ordinance was proclaimed by me on March 28, 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

*This version of the MEO is revised according to the GOVERNOR OF THE NETHERLANDS ANTILLES and is transcribed from its original Dutch language.*

*Treaties implemented by the National (Netherlands Antilles) Nature Conservation Ordinance such as CITES, SPAW protocol of the Cartagena Convention, Bonn Convention on migratory species, Inter-american seaturtle convention, Biodiversity convention and the Ramsar convention overrule regulations stipulated within this island ordinance. Therefore, Article 6 of this MEO, is null and void, as all species of Sea Turtle and their nesting areas are protected.*

# **ST. EUSTATIUS EXPLANATORY MEMORANDUM MARINE ENVIRONMENT ORDINANCE 1996**

AB1996, No. 05

You have a copy of the Marine Environment Ordinance for the Island Territory of Sint Eustatius.

The Ordinance provides the foundation for creating an underwater park named Statia Marine Park to protect the current underwater flora and fauna and to encourage diving tourism.

The Explanatory Memorandum entails an explanation of each article and the Statia Marine Park Report drawn-up by the Department of General Economic Affairs of the Island Territory of Sint Eustatius.

The Ordinance is a compilation of the Marine Park Ordinances from the Saba and Bonaire.

For the use of mooring buoys in the marine park Saba's conditions and regulations have been adopted, also in order to ensure a unity of law and regulation in the Windward Islands.

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## **EXPLANATORY ARTICLES**

### **ARTICLE 1**

An extensive number of terms are described in order to prevent misinterpretation. The descriptions are brief and the terms require no further description.

### **ARTICLE 2**

A depth of 30 meters has been maintained in order to outline the marine park. This offers the marine park optimal protection of the underwater flora and fauna. The establishment of a park has a positive commercial effect towards international diving enthusiasts. The park's operation – in a protective manner – provides the funds for the upkeep of the marine park.

The areas indicated as a park at the time this Ordinance is established come from the Marine Area Survey conducted by CARMABI in 1992. The park takes in the entire south to southwest corner of the Island.

### **ARTICLE 3.**

The meaning of this Article requires no further explanation.

### **ARTICLE 4**

Statians are in part given the opportunity to continue certain old fishing methods.

#### **ARTICLE 5**

The meaning of this Article requires no further explanation.

#### **ARTICLE 6**

The catching and killing of turtles is forbidden by international law through the U.N. (C= S 1 to 3) but because the National Nature Conservation Framework has not been dealt with yet in the General Council of the Netherlands Antilles, it was decided to include this separately in this text.

#### **ARTICLE 7**

This Article offers Statian fishermen the opportunity to continue their profession, albeit under certain conditions. Excluding non-Statians opens up possibilities for the native population.

#### **ARTICLE 8**

The meaning of this Article requires no further explanation.

#### **ARTICLE 9**

The meaning of this Article requires no further explanation.

#### **ARTICLE 10**

The establishment of anchor zones serves to protect existing reefs. The manager must place mooring buoys as anchor fixings. The anchor fixings offer protection and help in keeping an eye on the diving and the safety of divers.

#### **ARTICLE 11**

The meaning of this Article requires no further explanation.

#### **ARTICLE 12**

The meaning of this Article requires no further explanation.

#### **ARTICLE 13**

There are situations where coastal changes as a result of placing obstacles underwater (artificial reef, breakwaters, pipelines) or above-water (pier, dam, jetty) have an effect on the underwater environment of the Statia Marine Park. Both structural and incidental changes require a Environmental Impact Assessment.

#### **ARTICLE 14**

In order to control the activities within the Statia Marine Park, a permit system has been developed. The permits originate in Article 14 and are elaborated on in Articles 17, 19 and 20 with a further elaboration in the Island Resolution, Articles 1 to 6, Articles 9 and 10.

#### **ARTICLE 15**

The fee for use is the same as the fee charged in Saba (ANG 17.50 ) and will directly benefit the Marine Park. No alternative usage fee has been introduced for special situations but this will depend on incoming requests. Paragraph four allows for a limited control by means of prescribing that the usage fee can be used for investments in or for the park.

## **ARTICLE 16**

The visitor's tax has been taken from Saba's ordinance with the intention of generating income from diving tourism. To encourage diving tourism, the government will need to take specific measures in controlling (the harbour service) and creating (harbour) facilities for diving tourists. The extra costs will be covered by this.

## **ARTICLE 17**

This Article is included as a safety measure. Article 5 of the Resolution lists the requirements for one to be considered for a permit.

## **ARTICLE 18**

This article expands on an existing Island Ordinance regulating the harbour fees, Sint Eustatius Anno. 1982 No.2, in which anchor rights are charged to vessels that load or unload goods in the harbour for a charge equalling one third of harbour dues. Vessels weighing less than 100 tonnes are excluded from a fee. Because the manager is forced to invest in and maintain the mooring and anchor facilities in the park, it is reasonable that the user shares in the purchase and maintenance costs.

Statia Marine Park is managed by a non-governmental legal entity and the Island Territory does not have anchor or mooring facilities in this area. Article 18 transfers the charge to the manager of the marine park. Fees are detailed in Article 8 of the Island Resolution. The government retains the right to control prices.

## **ARTICLE 19**

This Article serves to protect the tourist sector by preventing the uncontrolled providing of service. Article 4 of the General Island Resolution outlines the restrictions for the filling of diving bottles. A permit is renewed annually, at which time the G.G.D. will check that the equipment meets the standards that apply.

## **ARTICLE 20**

This Article is linked to Articles 1, 2 and 3 of the General Island Resolution.

## **ARTICLE 21**

The reason for paragraph two is that in discussion with and on the manager's advice professional fishers can be given the opportunity to fish within the Statia Marine Park. The exemption only applies to commercial fishing. The only persons that fall within its scope are those that can prove that they are almost entirely dependent for their income on fish in the territorial waters of the Netherlands Antilles. When an exemption is granted, Stadians will be given preferential treatment above all others.

## **ARTICLE 22**

The meaning of this Article requires no further explanation.

## **ARTICLE 23**

A non-governmental legal entity is mentioned. In the Statia Marine Park Report, preference is given to a NGO that aims to protect the environment, conserve the existing flora and fauna and is active in environmental conservation.

The foundation "Sint Eustatius National Parks" (STENAPA) is specifically active in environmental protection, preservation and conservation on Sint Eustatius and its members from Sint Eustatius form a broad basis within the community.

The STENAPA foundation is designated as the manager in the General Island Resolution in Article 10.

**ARTICLE 24**

The meaning of this Article requires no further explanation.

**ARTICLE 25**

The meaning of this Article requires no further explanation.

**ARTICLE 26**

This Article allows the local head of police to appoint employees from the Statia Marine Park as an unpaid law enforcement civil servants of the Netherlands Antilles Police Corps in Sint Eustatius. This releases the corps from a heavier workload in maritime matters.

**ARTICLE 27**

The meaning of this Article requires no further explanation.

Sint Eustatius, March 25th, 1996

The Lieutenant Governor,  
E R Locadia