

SABA MARINE ENVIRONMENT ORDINANCE

AB 1987, No. 10

ISLAND ORDINANCE of June 25th, 1987 containing measures concerning the management of the marine environment of the Island Territory of Saba (Saba Marine Environment Ordinance), (A.B. 1987 no. 10.).

THE ISLAND COUNCIL OF THE ISLAND TERRITORY OF SABA:

Considering:

That it is desirable to establish regulations for managing the marine environment of the Island Territory Saba, in order to preserve the natural resources of that environment for commercial as well as educational, recreational and scientific purposes.

Has decided:

To decree the following Island Ordinance:

SECTION I: DEFINITIONS

ARTICLE 1

This ordinance defines the terms below as follows:

- (a) The Saba National Marine Park: the sea floor and the overlying waters around and adjacent to the island Saba, with the high water tidemark as the upper limit and the 60m depth contour as the lower limit, and also including two undersea mountains, situated at 17 37.94 N, 63 16.43 W and 17 38.70 N, 63 15.91 W respectively, and the overlying waters, with the sea surface as upper limit and the 60m depth contour as lower limit
- (b) Coral: the organisms or skeletons of those organisms, pertaining to the Orders of the *Milleporina*, *Stylasterina*, *Gorgonacea*, *Scleractinia* and *Antipatharia* (fire corals, lace corals, soft corals, stony corals and black corals respectively)
- (c) Saban: a person who was born on Saba and/or born from Saban parents
- (d) Invertebrates: all marine animals without a spinal chord, insofar not already mentioned under (b)
- (e) 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.

- (f) Trolling: to fish by trolling a hook from a boat to catch pelagic species.
- (g) SCUBA (Self-Contained Underwater Breathing Apparatus): diving equipment that allows the user to remain submerged for a prolonged period of time without surface air supply
- (h) Hookah: diving equipment which allows the user to remain submerged for a prolonged period of time with surface air supply
- (i) Conch: marine snails of the species *Strombus gigas*
- (j) Turtles: marine reptiles of the species *Chelonia mydas* (Green turtle, Greenback), *Eretmochelys imbricata* (Hawksbill turtle) and *Caretta caretta* (Loggerhead turtle).

SECTION II: REGULATIONS FOR THE USE OF THE MARINE RESOURCES

ARTICLE 2

Any and all acts which conflict with the rules of the zoning plan for the Saba National Marine Park as determined by the General Island Resolution are unlawful.

ARTICLE 3

1. Spear fishing in the Saba Marine Park using SCUBA or Hookah equipment is prohibited.
2. deleted.

ARTICLE 4

The use of poisons, chemicals or explosives for fishing is prohibited.

ARTICLE 5

Notwithstanding the regulations of Articles 2 and 3, the catching of turtles in the Saba Marine Park is subject to the following restrictions

- a. it is prohibited to catch more than two turtles per person per year;
- b. from the 1st of April until the 30th of November, it is prohibited to catch female turtles;
- c. deleted
- d. persons that catch turtles are obliged to first report all catch to the manager of the Saba Marine Park before slaughtering it;
- e. it is prohibited to disturb turtle nests, remove eggs or be in possession of turtle eggs.

ARTICLE 6

The collecting of conch in the Saba Marine Park is subject to the following restrictions:

- (a) the collecting of conch while using SCUBA or Hookah is not allowed,
- (b) it is prohibited to take conch which is smaller than 19 cm (7.5 inches), or which does 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 Saba Marine Park manager.

ARTICLE 7

Additional regulations for catching or collecting of marine organisms in the Saba Marine Park, such as minimum size, quota, closed seasons or gear limits, may be issued by a General Island Resolution if and when the need for this presents itself on the basis of new experience.

ARTICLE 8

1. Activities which are harmful to the marine environment are not permitted in the Saba Marine Park.
2. It is prohibited to intentionally destroy the marine environment in the Saba Marine Park.
3. It is prohibited to kill, break, catch or collect corals or other bottom-dwelling invertebrates and plants on or in the sea floor.
4. Paragraph 3 of this Article does not apply to residents of Saba and non-residents who are Sabans who are allowed to take, for personal consumption, snails, squids and octopus, and crustaceans, insofar the provisions of Article 3, paragraph 1 and Article 6 as well as the regulations of the zoning plan as meant in Article 2 are observed.

ARTICLE 9

1. Anchoring in coral in the Saba Marine Park is not permitted.
2. The prohibition to anchor does not apply if the safety of the vessel and its crew requires anchoring.
3. The prohibition to anchor does not apply in those zones of the Saba Marine Park which have been designated as anchorages according to the zoning plan as meant in Article 2.

ARTICLE 10

1. It is prohibited to intentionally destroy or damage the moorings which are placed in the Saba Marine Park by or on behalf of the Executive Committee of Saba or to remove moorings without the written permission from the Executive Committee.
2. It is not permitted to place moorings in the Saba Marine Park without written permission issued by or on behalf of the Executive Committee.
3. Vessels longer than 15m are not allowed to use the moorings.
4. It is not permitted to occupy a mooring longer than the period that is necessary to make a dive.

ARTICLE 11

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

ARTICLE 12

Developments or modifications to the coastal zone which may influence the marine environment of the Saba Marine Park must be preceded by an independent environmental impact assessment.

SECTION III: CLOSING ARTICLES, PERMITS AND PENALTIES

ARTICLE 13

1. Whoever transports persons commercially to destinations within the Saba Marine Park must have a written permit issued by or on behalf of the Executive Committee.
2. Conditions may be attached to such a permit.
3. Paragraph one of this Article does not apply insofar it concerns passage of persons through the Saba Marine Park.
4. The permit holder must pay the visitor's fees as determined by General Island Resolution to the manager of the Saba Marine Park. The fees for each calendar month must be paid prior to the 10th of the following month and must be accompanied by a signed tally sheet provided by the manager of the Saba Marine Park.
5. If the fees are not paid on time the manager of the Saba Marine Park can impose a new provisional taxation for that month which is due immediately. This new taxation includes an increase of the fees due.
6. Persons diving or snorkelling individually in the Saba Marine Park are also required to pay the visitor's fees as mentioned in paragraph four.
7. Persons who are diving on their own in the Saba Marine Park are also obliged to pay the visitor's fee referred to in the fourth paragraph to the manager of the Saba Marine Park.

ARTICLE 14

1. The Executive Committee may grant exemptions from one or more of the prohibitions in this Ordinance for scientific or commercial or educational purposes.
2. The Executive Committee may, in certain instances, grant exemptions from the prohibitions of paragraph 3 of Article 8 for commercial purposes.
3. Conditions may be attached to such exemptions.
4. Prior to granting exemptions the Executive Committee will seek expert advice.

ARTICLE 15

Users of the Saba Marine Park must follow the instructions given by the persons charged with managing the Saba Marine Park.

ARTICLE 16

1. The director of a legal entity must ensure that the legal entity does not violate any regulations of this Ordinance.
2. The director who fails to prevent such violations will be punished with imprisonment of up to one month.

ARTICLE 17

Violations of the regulations of this Ordinance will be punished with imprisonment of up to one month or monetary fines of up to ANG 5,000.

ARTICLE 18

Violations of the prohibitions of this Ordinance are considered to be misdemeanors.

ARTICLE 19

Except those who are law enforcement officers in accordance with the Penal Code, the following persons are also charged with law enforcement:

- (a) the persons in charge of managing the Saba Marine Park,
- (b) other persons appointed as such by General Island Resolution.

ARTICLE 20

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 21

1. This Ordinance, which may be cited as the "Saba Marine Environment Ordinance", comes into effect on the day after its proclamation.
2. As of the date mentioned in paragraph one, the Lobster Ordinance 1966 (A.B. Saba, 1966 no.1) is revoked.

Thus decided in the public meeting of June 25th, 1987.