

**Sint Eustatius
Caribbean Netherlands**

Decree of the government commissioner of... 2021 no.... instead of the executive council for the establishment of the Island decree nature management Sint Eustatius 2021

The government commissioner for Sint Eustatius, acting on the basis of the Act re-establishment provisions Sint Eustatius instead of the executive council;

Having regard to the articles 2.1, 4.1 until 4.8, 8.1 of the Ordinance on nature management Sint Eustatius 2021.

Decides:

to establish the following:

Island decree nature management Sint Eustatius 2021

Article 1 Protected plants and animal species

1. The animal and plant species mentioned in the CITES- Convention, Bonn-Convention, the SPAW-Protocol and the Sea Turtles convention in accordance with article 2.1 of the Ordinance nature management Sint Eustatius 2021 are protected and are subdivided in the following 3 categories:
 - a. category 1, this category includes animal and plant species for which the destruction, cutting, mutilation, uprooting, picking or removal of parts of these species, their fruiting bodies or any other form which these species take during their biological cycle is prohibited, their transportation, use, sale or purchase, possession of specimens from the natural environment and destruction of their specific environment;
 - b. category 2, this category includes animal and plant species for which the following is prohibited:
 1. the destruction, felling, mutilation, uprooting, picking or removal of parts of these species (outside of the planned care and pruning of trees), or any other form which is taken up by this;
 2. to take them away without a permit of the executive council, during their biological cycle from the natural environment, and the destruction of their specific environment.
 - c. category 3, this category includes animal and plant species that are prohibited from destroying, uprooting and destroying their specific environment without a valid authorization from the executive council.
2. All protected plant species can be freely grown from seeds collected from nature.
3. An exemption from the prohibition referred to in paragraph 1 is only granted if there is no danger to the survival of the protected animal and plant species and where the exemption is necessary with a view to:

- a) scientific, training or management purposes;
- b) the survival of protected species of animals and plants

Article 2 Category

1. Category 1 protected animal and plant specimen include:
 - a. The following animal species:
 - Lesser Antillean iguana (*Iguana delicatissima*)
 - Red bellied razor (*Alsophis rufiventris*)
 - The Leeward Blind snake (*Antillotyphlops geotomus*)
 - Loggerhead turtle (*Caretta caretta*)
 - Green Turtle (*Chelonia mydas*)
 - Leatherback Turtle (*Dermochelys coriacea*)
 - Hawksbill Turtle (*Eretmachelys imbricata*)
 - Goliath grouper (*Epinephelus itajata*)
 - Blue parrotfish (*Scarus coelestinus*)
 - Midnight parrotfish (*Scarus coelestinus*)
 - Rainbow parrotfish (*Scarus guacamaia*)
 - White Marlin (*Kajikia albida*)
 - Bridled-Quail Dove (*Geotrygon mystacea*)
 - Red Billed tropicbird (*Phaethon aethereus*)
 - Long-spine sea urchin (*Diadema antillarum*)
 - Green sea urchin (*Lytechinus variegatus*)
 - West Indian Sea egg (*Trilipneustes ventricosus*)
 - Cushion starfish (*Oreaster reticulatus*)
 - All species of sea cucumbers (*Class Holothuroidea*)
 - All species of sharks
 - All species of rays
 - All species of marine mammals
 - All species of hard and soft corals
 - b. The following trees, including upcoming plants of the same kind of more than 1 meter height and all additional plant species, as well as all trees with a scope of at least 3 meters measured by 1 meter height above the ground:
 - Statia Morning Gory (*Ipomoea sphenophyllia*)
 - Statia Milkweed (*Gonolobus aloiensis*)
 - West Indian Mahogany (*Swietenia mahagoni*)
 - Rough bark Lignum-vitae (*Guaiacum officinal*)
 - Lignum-vitae (*Guaiacum sanctum*)
 - Stinking toe/Locust (*Hyumenaea courbaril*)
 - c. The following orchid-like:
 - *Epidendrum ciliare*
 - *Epidendrum diforme*
 - *Epidendrum kraenzinii*
 - *Epidendrum Secundum*
 - *Oncidium urophyllum*
 - *Brassavola cucullata*
 - *Tetramicra canaliculata*

- *Spiranthes elata*
 - *Spiranthes lanceolate*
 - *Jacquiniella glorbosa*
 - *Prescottia stachyodes*Ca
 - *Erythrodes hirtella*
 - *Erythrodes plantaginea*
 - *Polystachya concreta*
 - *Liparis nervosa*antaginea
2. Category 2 protected animal and plant species include:
- a. The following animal species:
 - Queen conch (*laabus gigas*- Spiny Lobster (*Panulirus argus*)
 - Welk (*Citarium pica*)
 - All native bat species
 - all native bird species
 - b. The following tree species with a scope equal to or larger than 65cm measured from 1 meter height above the ground and all additional plant species:
 - Silk cotton (*Ceiba pentandra*)
 - Tamarind (*Tamarindus indica*)
 - White cedar (*Tabebuia heterophyllia*)
 - Genip (*Melicocus bijugatus*)
 - Sea grape (*coccoloba uvifera*)
 - Mango (*Mangifera indica*)
 - Machineel (*Hippomane mancinella*)
 - Columnar cactus (*Philasacereus rayenif*)
 - Prickly-pear (*Opuntia spp.*)
 - Melon cactus (*Melocactus spp*)
3. Category 3 protected animal and plant species include:
The following plant species with a scope equal to or larger than 65cm measured from a height of 1 meter above the ground:
- Breadfruit (*Artocarpus heterophyllus*)
 - Tyre Palm (*cocothrinax barbadensis*)
 - *Mabi* (*Columbrina elliptica*)
 - Calabash (*Crescentia cujete*)
 - Twin berry (*Myrcianthes fragrans*)
 - Coconut (*Cocos nucifera*)
 - Mammey (*Mammea americana*)
 - White Cinnamon (*Pimenta racemose*)
 - Caribbean pine (*Pinus caribaea*)
 - Flamboyant (*Elonix regia*)
 - Gum tree (*Bursera simaruba*)

Article 3 Nature sceneries

The cliff top wall in the Lower Town area along the length from the harbor area to the hairpin bend at King's Well is regarded as iconic natural landscape of unique trees/plants.

Article 4 Marine park permit holders

A permit holder for a marine park is considered to be the person who, at his/her request, has been issued a permit by the government for articles 4.4, 4.5 and 4.6 of the Sint Eustatius nature management ordinance, for the performance of his/her business activities in the marine nature park.

Article 5 Staff

1. The permit holder referred to in article 1 shall provide the manager of the marine nature park with the names of the personnel working for his/her company who can work in the marine nature park, with the tasks and the powers.
2. Diving lessons may only be conducted under the supervision of instructors who hold an instructor certificate issued by the diving organizations NAUL, PADI, CMAS, YMCA, NASDS, SSI INSTRUCTOR or an equivalent organization.
3. Dive-masters and instructors must ensure that the divers entrusted to them strictly follow the Ordinance on nature management Sint Eustatius 2021. The drivers of vessels for transport of divers strictly consider the sailing rules of the marine nature park.
4. Divemasters, instructors and boat drivers must participate at least once a year in an orientation meeting given by the manager of the marine underwater park.

Article 6 Divers

1. Non-certified divers should dive in open water only after introductory instruction by a qualified instructor in a pool or similar water. An open water dive may only be conducted under the direction of a divemaster or instructor, provided that a divemaster does not supervise more than two unlicensed divers and a instructor does not supervise more than four unqualified divers.
2. Certified divers should undertake an exploratory dive, where possible from where the filling station from which they obtain compressed air is located, before participating in other dives from shore or from vessels.

Article 7 Filling stations

1. Compressors must be maintained in such a way that the quality of the air pressure complies at all times with the norms mentioned in the second paragraph.
2. Compressed air may not contain any greater contamination than:
 - a. carbon dioxide 0,5 part per thousand;
 - b. carbon monoxide 0.0 1 part per thousand;
 - c. oil 1 mg/m³;
 - d. smell none;
 - e. water 0,07 per thousand
3. Diving tanks may only be filled with compressed air if they have a valid inspection from a recognized company. This also includes the inspection issued by or on behalf of the Department of Commerce of the United States of America.

Article 8 Vessels

1. On board of vessels for transport of divers, next to the rescue equipment and safety-equipment as prescribed by the harbor master at the registration of the vessel, oxygen breathing equipment and a first aid kit must be present.
2. It is not allowed to moor more than one boat simultaneously on a mooring buoy. Nor is it permitted to attach the float line, attached to the mooring buoys, on board.
3. When attaching to mooring buoys, a minimum of 6 meters of own line must be carried out from the vessel. The manager of the marine nature park can designate buoys to which with a shorter private line can be moored.
4. Where the safety of the vessel or crew and passengers requires anchoring, no divers shall enter the water, except crew members when required, for example for screw clearance.

Article 9 Rental

In the event that the permit holder referred to in article 1 rents out or makes available diving equipment to visitors to the park, it must be in good working condition and be serviced at least once a year.

Article 10 Conditions for anchoring

The instructions for the use of mooring buoys, as laid down in article 4.3 of the Ordinance of nature management Sint Eustatius 2021, are as follows:

- a. boats, longer than 35 meters (115 feet) may not use a mooring buoy placed by or on behalf of the manager of the marine nature park. These vessels may only anchor within the anchorage zones designated by the executive council;
- b. boats with a length of up to 35 meters may use the mooring buoys.

Article 11 Fees on permits

The fees associated with the permits of articles 17 (passenger transport against payment), 19 (filling station) and 20 (commercial diving activities) of the Marine Environment Ordinance Sint. Eustatius, are laid down in the rate table pertaining to the fees ordinance of Sint. Eustatius.

Article 12 Management

1. As manager of the national parks is appointed the Foundation "Sint Eustatius Nature Parks (STENAPA) established on Sint Eustatius.
2. The management is arranged by agreement between the executive council and the administrator appointed in the first paragraph.

Article 13 Withdrawal of old regulation

The Island decree containing general provisions of 25 March 1996 regulating the conditions under which permits are issued to operate filling stations to transport persons and/or accompany divers and determine the amount of the fees to be levied on permits relating to the marine park, is withdrawn.

Article 14 Official title

This Island Decree can be cited as Island Decree Nature Management Sint Eustatius 2021.

Article 15 Entry into force

This Island decree containing general provisions will enter into force simultaneously with the entry into force of the Ordinance on nature management Sint Eustatius 2021.

Thus established in Sint Eustatius, on.... 2021

The government commissioner for Sint Eustatius,

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The acting island secretary,

Mrs. M. Dijkshoorn-Lopes