

Written questions members Island Council for the Executive Council/ Government Commissioners.

(art.159, lid 1 WolBES/ art. 46 RvO Islandcouncil)

Issue : Implementation processes Nature Ordinance
Date question : March 7, 2022
Sender : R. Leerdam
Date answer : **(within 15 days)**
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Responsible editor : Monique James- Brown & Susanne van den Groenendaal.

QUESTIONS:

1. When will the implementation policy relating to the Nature Ordinance be ready? No date can be set pertaining to policy regarding the Nature Ordinance, as this is a process through negotiation and discussion with stakeholders and OLE. This can take from 6 months to a year.
Besides the nature ordinance, the directorate of ENI is also working on the Implementation of the Nature and Environmental policy plan (NEPP). This is a program separate to the implementation of the nature ordinance. The NEPP is an umbrella for all subjects regarding nature and environment with a duration of 10 years made by the ministries of BZK, LNV and I&W for all 3 BES islands. The OLE has, together with all stakeholders, made an Implementation agenda for Sint Eustatius to implement the NEPP. The implementation plan for the NEPP is called "The Implementation agenda Nature and Environmental policy plan (Implementation agenda NEPP) Statia. The OLE received funds to start the implementation and hire capacity. As soon as a project manager has started, a presentation of the plans could follow.
2. Does this implementation policy as is foreseen in the Nature Ordinance 2021 require prior approval of the Island Council? No, it does not. But in the spirit of good cooperation between the ExCO/ Government- Commissioners, it is recommended that they be made aware regarding the developments and agreements. The OLE is in the process of scheduling follow up meetings with all stakeholders to further discuss the implementation policy to come to agreements.
3. What is the current procedure to apply for a permit or permission to fish for conch or lobster? Currently there is no local regulation for issuance of permit for any of these. And from these three, only the conch has a catch limit. The rest is practically a free for all. The limit set for the conch hampers export. Also we need to keep in mind that Conch is internationally protected by the Cites treaty. Hence the process. We are aiming to establish and start the permitting process, in order to assist the fishermen for legal export. For lobster there is only a size limit. The federal law blocks us from having a local permitting system for fisheries (Saba own is illegal, since 10-10-'10, with the change). We are busy for the past 6 to 7 years, in discussion with the Ministry to have the law amended. They have consented and have been busy for the past 1 ½ - 2 years with the draft law.
4. Are there special application forms for this? If yes, can we get copies of these forms? No, the forms are not ready yet. This because negotiations or final amendments have not been

completed, thus only part of the basic requirements would be on the form. These will be drafted with unit VTH and directorate ENI, OLE.

5. Is the procedure to apply for a permit or permission to fish for conch or lobster the same in the new Nature Ordinance 2021? For conchs this is not the case, as explained there was very limited local regulation on this aspect. Thus now it will be more elaborate. For the fishing permit this will most be along the guidelines as used on federal level. This in order not to have too much discrepancies. Also the federal permit remain in place for those that fall under that category.
6. If not the same what is the new procedure and can we receive copies of the new application forms? We refer to questions 3-5 for the answer.
7. What is the maximum period for applicant to receive a decision on a permit request? There is no maximum period for an applicant to receive a decision on a permit request. Neither the regulations nor the law on Nature give a maximum period for reply. However this should still be done within a reasonable amount of time. Average for this should be 6-8 weeks.
8. Is there an appeal procedure if applicant does not agree with the decision made? Yes, they follow the process as given by the Wet administratieve rechtspraak. This will also be mentioned in the decision, as part of the standard process, including the amount of weeks they have to object.
9. How is the amount of conch or lobster catch allowed by permit determined or is there a fixed amount per permit? This will be determined based on 1) a conch survey, finalized in 2014 and 2) through discussion with the stakeholders. The stakeholders have already come up with some proposals which are to be discussed further. Also the recommendation is for a new study to be done, in order to get a better view of the development since the last study. This is in the interest of all parties in order to be able to adjust the amount of permits, based on the state and quantity of the conch.
10. Can existing permit holders continue to catch according to their existing permit or will they be issued a new permit, or do they have to apply for a new permit under the new ordinance? Existing permit holders are only for fisheries, this is a permit from the federal government, and it covers both territorial waters, as well as waters of the Exclusive Economic Zone (EEZ). Thus, there will be no changes in their permit unless they don't adhere to the conditions under which the permit was given. The smaller boats (under 12m/6RT) are the unregulated ones. Please bear in mind that not having the permit system in place for this category makes it a "free for all" in our waters. Hence the issues we have with p.e. the Kittitian (& St. Maarten) fishermen. The coast guard is unable check and confiscate, unless they are encountered in EEZ waters.
11. What is the policy for existing versus new applicants with respect to the amount of catch permitted? As there is no permit system on local level, this is yet to be determined through discussion with the stakeholders.
12. Can each applicant request an amount he/she wishes to catch? The intended amount they wish to catch will have to be mentioned on the application form. This is needed, as a control method no matter how the limit is set, be it by head or catch.
13. How is the allowed amount of catch compared with the current permitted amount as applicant has built a livelihood of assets and obligations based on current income? P.e. to conch, this will actually help them, as the catch and sale is not sure due to the quantity caught and sold at present being illegal. Meaning if the coast guard checks and catches, you lose all, due to confiscation. For Lobster and fish, there is no limit for catch at

present. The intention is in as much as possible not to stop the present persons from fishing or to limit their catch, but to have it regulated through a permitting system, in order to also make our fisheries sustainable through proper monitoring. This way we have a better record of the fishermen and their catch, as well as they are better protected from others who might randomly look to fish in our waters.

14. Are permits for conch and lobster catch restricted to residents of Sint Eustatius? If not, what are the procedures for applications from non-residents? Yes, the intended policy is that these will be restricted only to residents, just as Saba has it. Non-resident applications will be turned down. The process is similar in the federal commission as well.
15. Are there specific policies for catch of other species other than conch and lobster? At present the regulation on the Yarari Sanctuary blocks fishing of rays and sharks. These were never targeted by our fishermen, and thus there is no loss of income. Pertaining to the hind and moonfish, on the Saba-bank, there is a self-imposed closed season, which our fishermen are also requested to respect. This as a result of a decrease in the fish size and quantity of catch. Thus far our fishermen have been respecting this.
16. The law speaks of a Fishing Commission and a local committee; are such committees established on the island and if yes, who are the members and what are the guidelines for their functioning? The Fishing commission is a commission established by federal regulation and they advise the Minister on matters regarding fisheries that fall under the federal government's jurisdiction. Mrs. Monique James- Brown has been the on this committee since the previous committee of the Netherlands Antilles. Mrs. Susanne van den Groenendaal, is as of last year the substitute representative. The structure in itself is not new. There is a representative of each Island at present and the Chair and secretary is appointed by the Minister of LNV. Twice per year meetings are held in which not only local fisheries and permit requests are discussed, but regional developments as well as developments in the Kingdom. During these meetings the coast guard and DCNA are standard observers, as well as each island can request that certain organizations or entities join as observer. Depending on the island on which the meeting is held also local fishermen associations are invited. Also the WWF is regularly part of the meetings. The meeting rotate between the islands. The upcoming physical meeting is supposed to be held here in Statia.
As for the local commission, this has not been established as yet. This should however be in place by the time the permits need to be requested. This is also part of the additional decrees to be made.
17. are animals in the hills on government land? If so, can we charge a grazing fee? This can be used to implement some basic facilities for the animals.
Yes the roaming animals in the hills, and other public domain, are on government land. According to the current APV and draft nature ordinance the roaming animals are not allowed in National Parks or on other public domain and should be removed.
18. What is the Plan for the Donkeys? Can they be addressed in this Ordinance?
Removing the roaming donkeys from public terrain is part of the roaming animals project. There is no new execution plan yet. The draft nature ordinance already bans roaming animals, including donkeys.
19. which types of trees, large trees, do we have on the island and how many? E.g. tamarind, gum, silk cotton, etc.
We don't know yet. This suggestion could be part of the implementation of the nature ordinance. Making an inventory of which types of trees Statia has, how many there are

and where they are located, would help with granting permits to cut down trees and enforce the nature ordinance.

20. what is the overall health of these large trees and what can be done to improve their health? This is unknown, but can and should be a part of an assessment as indicated under Q19.
21. which of these species are worth preserving, replanting, reforesting with, and why? These are mentioned in the decree under article 2 paragraph 1 sub section c and d. This because they are either almost extinct or take an extreme long time to grow and are of a distinct nature. (p.e. the two trees in the Jewish cemetery)
22. what is the utility/benefit of various trees/species apart from beautification and shade? Our ecosystems need biodiversity to survive, that is one of the reasons why we need various plant species. Besides that, roots are especially important to combat and further prevent erosion of the island and restore the soil. Another reason to grow more plants is that plants cool down the area. Rain drops mostly in the coolest place in the surrounding. If the island is cooler, more rain will drop which is necessary for example development of the agricultural sector. If the island heats up, rain will fall on the ocean.
23. is there a reforestation goal of say planting minimum five hundred trees annually? How do we see the reforestation process and how best to execute this? The OLE has a reforestation project, funded by the ministry of BZK, that started in 2018. There is no goal to plant a minimum of plants. The goal is to restore the soil and the biodiversity with reforestation. The initial funding of BZK ended, but we've managed to get extra funding from the EU to continue this project. STENAPA is executing the project. The reason to continue the project with EU budget, is because growing plants takes time. Project funds of Ministries are in general for a relatively short period of time. In this case we need a long breath for executing the project and see the long term results.
24. -should fruit trees be part of the reforestation process? They are part of the project. Part of the project is planting a food forest. STENAPA is setting up a small food forest as a pilot to show how this can be done and what possibilities this gives.
25. Is there a designated area for replanting? Yes, STENAPA has a nursery behind the Made in Statia terrain and the gully behind the airport. They have planted in the Zeelandia area, next to the road in the bay, at the Community center, Wilhelmina park and the cliffside of the fort. If desired, the planting could be extended to other area's.
26. Does Article 2 & 4 in the Yarari reserve have an adverse effect for fishing on the island? No. it does not as indicated earlier the regulation it is targeting those fishing on rays and sharks.