

(Translation)

**Sint Eustatius
Caribbean Netherlands**

Decision dated2021

Number:

Decision of the island council dated from 2021 No.... for the establishment of the island ordinance, containing rules concerning the protection and the management of the original flora and fauna, including the implementation of obligations based on treaties in the area of biodiversity and the protection and management of ecosystems and specific living environments (Ordinance on nature management Sint Eustatius 2021)

in view of article 152 of the Bonaire, Sint Eustatius and Saba public entities Act in conjunction with the articles 9 until 15 of the Nature management and protection principles BES Act;

Decides:

to establish the following:

Ordinance on nature management Sint Eustatius 2021

Chapter 1. General provisions

Article 1.1. Definitions

In this ordinance and the decrees resting thereupon is meant by:

commercial diving activities:	the operating of a diving business, giving diving training or instruction, transporting or accompanying persons, making vessels or water sports equipment available or otherwise providing services on a commercial basis or for payment to divers as such;
commission:	Commission nature management and conservation in the sense of article 3 of the Act;
diver:	a person who, equipped with scuba equipment, enters the water or is manifestly intending to do so, who is in the water, who leaves the water or who has manifestly been in the water short before;

hookah-equipment:	underwater equipment which enables the user to remain underwater for a long period of time by means of air supply from above the water surface;
cutting:	the cutting, removing, pruning, destroying and grubbing of the plants;
coral:	living organisms and/or calcified or petrified coverings (skeletons) thereof;
Cultural inheritance underwater:	as defined in the UNESCO Convention on the protection the underwater cultural heritage from 2021;
scuba-equipment:	underwater equipment using pressurised breathing air in diving cylinders, which enables the user to remain underwater for extended periods of time;
trolling:	towing fishing lines behind a boat in order to catch fish in open water;
spear fishing:	hunting and killing marine animals in the sea using hand spears, harpoons and/or fishing guns which are shot either mechanically or pneumatically as well as underwater firearms;
specimen:	living or dead animals and plants, as well as all parts of animals and plants and products thereof;
ordinance:	this ordinance, namely the Ordinance on nature management Sint Eustatius 2021;
filling station:	place where scuba tanks are filled;
Act:	Nature management and protection principles BES Act.

Article 1.2 International treaties

The treaties declared applicable by the Act to nature protection and nature management are:

- a. Biodiversity Convention;
- b. Bonn Convention;
- c. CITES Convention;
- d. SPAW Protocol;
- e. Ramsar Convention;
- f. Sea Turtle Convention.

Hereinafter jointly referred to as: treaties.

Article 1.3 General duty of care

Everyone is to take sufficient care in order to prevent the natural beauty and ecology on Sint Eustatius from deteriorating. Everyone is to also take sufficient care in order to prevent protected animal and plant species in the wild on Sint Eustatius, both in the terrestrial and marine areas, from becoming extinct or from seriously declining in numbers.

Article 1.4 Nature plan

Once every five years, the executive council shall establish a Nature Plan containing policy principles and action points in accordance with the requirements of article 9 of the Act, after approval of the island council. The Nature Plan contains an integral policy regarding nature conservation and management in which other policy areas are also involved. The executive council ensures, in any case, that the Nature Plan is not in conflict with the Nature Policy Plan as defined in article 2, paragraph 1 of the Act. Prior to the approval and establishment of the Nature Plan, the executive council requests advice from the Commission on the Nature Plan, the executive council requests advice from the Commission on the Nature Plan to be adopted. The advice of the commission is sent to the island council together with the Nature Plan that is to be approved.

Article 1.5 Prohibition of roaming animals

It is prohibited for anyone to allow cattle to run loose on the territory of Sint Eustatius.

1. The executive council enforces this prohibition.
2. The executive council acts in accordance with the General local ordinance and Book 5 of the Civil Code for cattle running loose and/or their owners.

Article 1.6 Prohibition on leaving waste

It is prohibited for anyone to leave waste in the public areas, the nature parks or in the water other than in a waste bin or in a place designated by the executive council for waste disposal. The executive council enforces this prohibition.

Article 1.7 Prohibition of activities at sea

In the waters it is prohibited to:

- a. add poison, poisoned bait, biological items and chemicals to the water, or have them added;
- b. pluck coral, collect plants;
- c. discharge, leak, introduce or cause to be introduced, directly or indirectly, wastewater, and
- d. sail a ship, have a ship sailed or have a ship present which does not comply with the International Convention on the Control of Harmful Anti-Fouling Systems on Ships from 2001.

Article 1.8 Prohibition of damage to underwater cultural heritage.

1. It is prohibited for anyone to damage, move alter or remove underwater cultural heritage.
2. The prohibition in paragraph 1 is not applicable if an exemption is granted by the executive council, after the executive council has requested advice from the Commission or scientific authority as defined in the Act.

Article 1.9 Prohibition on the planting and importing of non-indigenous plants and animals.

1. It is prohibited to release and/or import specimens of non-indigenous or genetically modified species of flora and fauna into the wild.
2. The executive council can grant exemption from the prohibition set forth in paragraph 1 after the executive council has informed itself of the interests involved by taking advice from the Commission or the scientific authority in the sense of the Act into consideration in its decision.
3. Conditions and restrictions may be attached to an exemption.
4. An exemption as referred to in Paragraph 2 shall only be granted if it does not pose a threat to native species of flora and fauna or to agricultural production.
5. It is prohibited to act in contravention of the conditions and restrictions attached to an exemption.

Chapter 2 protected plant and animal species

Article 2.1 Designation of protected species of flora and fauna

1. In view of the CITES Convention, the Bonn Convention, the SPAW Protocol and the Sea Turtle Convention, the executive council, by island decree containing general provisions, designates species of flora and fauna that should be considered worthy of protection as protected species of flora or fauna in accordance with this Ordinance.
2. The executive council maintains a comprehensive list of protected species of flora and fauna that are protected under paragraph 1 of this article, updates this list when new species are designated and publishes it on the website so that it can easily be consulted by anyone.

Article 2.2 Measures

The executive council can take measures to protect protected species of flora and fauna against extinction and decline.

Article 2.3 Prohibited actions with protected plants

It is prohibited to pick, cut, transplant, stitch, collect, damage or destroy a protected plant.

Article 2.4 Prohibited activities with protected animals

1. It is prohibited to capture, kill or destroy a protected species of animal and to trade in, collect or have in one's possession any specimen.

2. It is prohibited to disturb the nests or eggs of a protected animal and to collect, destroy or take possession of eggs of a protected animal and to collect, destroy or have possession of eggs of a protected animal, unless this is done by authorized persons by virtue of the nature of their profession and there is an urgent interest.

Article 2.5 Exemptions

1. The executive council can grant exemptions from articles 2.3 and 2.4 after it has taken into consideration the interests involved, by including in its decision the advices from the Commission or the scientific authority in the sense of the Act.
2. An exemption of the articles 2.3 and 2.4 is only granted if no threat exists for the survival of the protected species of flora and fauna and if the exemption is necessary with the aim of:
 - a. science or flora and fauna management purposes;
 - b. road safety;
 - c. threat of private properties through molestation;
 - d. the survival of protected animal and plant species;
 - e. the prevention of substantial damage to forests or crops;
 - f. economic or recreational interests which are essential to the development of the island and/or are of great structural importance.
3. Conditions and restrictions may be attached to an exemption.
4. It is prohibited to act in violation of the conditions and restrictions attached to an exemption.
5. Before the executive council takes a decision on a request for exemption based on paragraph 2 of this article, advice is requested from the scientific authority as defined by the Act. Before the executive council takes a decision on a request for exemption based on paragraph 2 under b, advice is also requested from the local police authorities.

Article 2.6 Conchs

1. It is prohibited to catch conch without a license.
2. Every year, the executive council determines the maximum number of conch that can be caught (catch capacity).
3. A permit will only be granted for catching conch with a shell having a lip thickness of at least 10 millimeters.
4. Conch that are caught must be brought ashore with their shells on.
5. A license shall only be granted after the maximum catch capacity indicated in paragraph 1 has been determined.
6. A license shall only be issued if the annual catch capacity has not yet been reached.
7. A license shall be issued for a period of one year and is renewable for additional periods of one year.
8. A license may be revoked if the conditions set out in the license are not met.

9. The executive council can establish further rules regarding the granting, withdrawal and refusal of the permit.

Article 2.7. Sea turtles, leatherback turtles and sand extraction

1. In order to protect the nests and eggs of sea turtles and leatherback turtles, it is prohibited to extract sand from Zeelandia beach and/or other beaches known to be nesting areas. It is also forbidden to drive without exemption on the Zeelandia beach with a motorized vehicle.
2. The executive council can attach conditions to the use of the Zeelandia beach and/or other beaches or a part thereof during the nesting period of the beaches known to be nesting areas.
3. Conditions and restrictions can be attached to an exemption as referred to in the first paragraph of this article.
4. It is prohibited to act in contravention of any condition or restriction attached to an exemption.

Article 2.8 Lobsters

1. It is forbidden to catch lobsters without permission.
2. It is forbidden to catch lobsters with a fork.
3. The executive council can grant a permit for catching lobsters, or a certain species of lobsters, and can specify a period of time in which no lobsters may be caught. No permit will be granted for the species of lobsters that have been designated as protected species by island decree containing general provisions.
4. Permits are granted only for catching of lobsters of which the front part of the lobster, called the carapace or cephalothorax, better known as cape, of which the length, measured over the back, is more than 9,5 centimeters or 3.3/4 inches. Any lobster caught alive below this minimum size shall be released immediately.
5. No license shall be granted for the capture or killing of lobsters by means of spears or javelins.
6. It is forbidden to catch lobsters which are carrying eggs (burrowing) or are molting. If they are included in the catch, these lobsters must be released immediately.

Chapter 3. Nature parks

Article 3.1 Nature parks

1. Within the territory of the Sint Eustatius public entity are nature parks.
2. The nature parks can be terrestrial or marine in nature. Marine nature parks extend above and below water.
3. Nature parks in the sense of this ordinance are, in any case, designated by the competent administrative bodies are:

- a. nature parks designated by means of an ordinance or by the executive council
 - b. national parks in the sense of the Act;
 - c. nature parks in the sense of the Act, and
 - d. nature parks in the sense of one of the Treaties.
4. The grounds for the designation of a nature park are terrain or water, or a combination of terrain or water, that is of general interest due to;
- a. the landscape or natural beauty;
 - b. the natural scientific significance;
 - c. ecological significance, or
 - d. significance for the conservation of plant or animal species.

Article 3.2 General duty of care for nature parks

1. Everyone shall take sufficient care for the conservation of the indigenous plant and animal species of the nature parks and reserves designated by this ordinance.
2. The care mentioned in the preceding paragraph implies in any case, that any person who knows or can reasonably be expected to know that his/her actions or omissions could have detrimental consequences for the protected areas, is obliged to:
 - a. refrain from such actions or
 - b. if refrain cannot reasonably be required, to take all measures to prevent, limit or reverse those consequences.
3. The owner or keeper of an animal has to ensure that his/her animal does not cause damage to a protected area or a protected plant or animal species.
4. It is forbidden to allow dogs, cats or cattle to run loose inside a nature park.

Article 3.3 Designated nature parks

The following protected areas, whose boundaries are indicated on the map in appendix 1, have been designated for the purpose of protecting animal and plant species, their ecological significance, and because of their nature as characteristic and unique nature and underwater landscape:

- a. the marine nature park Sint Eustatius national underwater park, referred to in English as Statia National Marine Park, which comprises the seabed and the waters surrounding the island of Sint Eustatius from the high-water mark to the 30-metre depth line;
- b. the terrestrial nature park National Park De Quill and referred to in English as Quill National Park, comprising the outer slope of the volcano The Quill from the two hundred and fifty meter high line as well as the inner walls of the crater;
- c. the terrestrial nature park National park Boven and referred to in English as Boven National Park, comprising the parts known as Boven, Venus, Gilboa Hill, Bergje and the valleys in between.

Article 3.4 Designation

1. In order to protect animal and plant species, their ecological significance and because of their nature as characteristic and unique natural and underwater landscapes, the island council can, in addition to article 3.3, designate nature parks and reserves.
2. A designation of an area as nature park includes a map showing the boundaries of the nature park area and a reasoned description of the designation.
3. The designation can contain a specific prohibition of activities that could affect the values of the protected area.
4. The participation procedure as laid down in article 3 of the Public Entity Sint Eustatius Participation Ordinance applies to the preparation of the designation mentioned in the first paragraph.

Article 3.5 Provisional designation of nature parks

1. In case of urgent necessity, the executive council can, without delay, designate an area as a nature park before the completion of the procedure as set forth in article 3.4. This is called a provisional designation decision.
2. A provisional designation decision becomes invalid when the final decision on the designation of a protected area has been taken.

Article 3.6 Manager

1. The executive council concludes a management agreement with a legal entity that possesses the required expertise, in which the executive council assigns the management of the protected area. Through this agreement this legal entity becomes manager in sense of this ordinance.
2. The executive council shall supervise compliance with the provisions of the agreement referred to in the first paragraph.
3. If the manager does not comply with the agreements, the executive council has the right to terminate the agreement prematurely.
4. Visitors to the nature parks are obliged to follow the instructions of the manager.
5. The executive council ensures that the manager receives a clear task description for the management. This will be laid down in the management agreement. The executive council provides the manager with the necessary authority and, as far as the budget allows, in accordance with the Subsidy Ordinance and policy, with the means to carry out the management.
6. Amendments to this ordinance or to island decrees containing general provisions based thereon take place after the manager has been heard and has been given the opportunity to present his views and objections.

Article 3.7 Placing of signs or markers

1. After consulting with the manager of the nature park, the executive council, or on behalf of the executive council, can place signs or markers in a nature park or

at the boundaries or at the entrance of a nature park by or on behalf of the manager in order to communicate the designation as a protected area or temporary designation and the legal consequences thereof.

2. The manager ensures that the signs or markers remain visible. If they are destroyed or removed, they will be repaired or replaced by the manager without delay or a new sign will be placed.

Article 3.8 Measures in the event of neglect

1. If, due to neglect, the natural beauty or the natural science significance of the nature park is seriously diminished or threatened, the executive council can take measures in a nature park that are necessary to restore or preserve its natural beauty or natural science significance.
2. The manager is obliged to allow the measures to be taken.
3. The measures will not be taken until after the manager has been notified in writing of the intentions by or on behalf of the executive council and, except in the case of urgent matters, after at least four weeks have elapsed since the notification.

Article 3.9 Access ban

1. The manager can prohibit any person, with the exception of the executive council or persons acting on behalf of the executive council, from entering a protected area for a certain period of time or can impose restrictions on access in case this is necessary for the protection of natural values and species of flora and fauna.
2. It is prohibited for any person to enter a protected area in violation of the restrictions imposed in accordance with paragraph 1.

Article 3.10 Management plan

1. The executive council establishes a management plan for each natural park, after the manager has been given the opportunity to put his/her views and objections in writing. The management plan is focused on the conservation, restoration or development of the protected area. The management plan contains at least:
 - a. a description of the intended objectives, and
 - b. an action plan with deadlines to achieve the intended objectives.
2. The management plan is established for a period of five years.
3. The executive council may amend an established management plan, after consulting with the manager.
4. The owner and the manager are obliged to ensure implementation of and compliance with the management plan.

Article 3.11 Prohibition of activities detrimental to nature values

1. Without a permit from the executive council, it is prohibited for anyone to carry out or have carried out any projects or activities in or outside of a nature park that:
 - a. produce annoying noise or light;
 - b. that affect or could affect the characteristics of the nature park, or
 - c. that can be detrimental to the objectives regarding the conservation, restoration, and development of the protected area.
2. The prohibition is not applicable to activities that are carried out by or on behalf of the executive council or by or on behalf of the manager in accordance with the management plan that is established by the executive council.

Article 3.12 Permit

1. When deciding on the permit referred to in 3.11, the executive council shall weigh the interests involved against the following interests:
 - a. the consequences for the interests that are protected by this ordinance;
 - b. the consequences that a project or other action has on the nature park;
 - c. the management plan;
 - d. economic, social and cultural interests, and
 - e. the safety of the public.
2. The permit may contain conditions, restrictions and compensatory measures.

Article 3.13 Application for permit

1. In order to obtain a permit as referred to in article 3.11, a written application must be submitted to the executive council, accompanied by the relevant documents
2. an application for a permit must contain:
 - a. the name of the person or entity applying for the permit;
 - b. if it is an entity, a copy of the articles of association and the registration with the Chamber of Commerce;
 - c. a description of the activity with information about the location, design, size and other relevant characteristics of the activity;
 - d. a description of the possible important consequences that the activity could have without the measures referred to under c;
 - e. a description of the characteristics of the activity and, where applicable, the planned measures to avoid, prevent or reduce and, where possible, offset the likely significant adverse effects;
 - f. a description of the reasonable alternatives, relevant to the activity and its specific characteristics, stating the most important reasons for the chosen option, in light of the effects of the activity;
 - g. the necessary additional information relevant to the specific characteristics of a particular activity or activity type;
 - h. a non-technical summary of the data referred to under a until d.

Chapter 4 Specific provisions of a marine nature park and territorial waters

Article 4.1 Prohibitory stipulation

1. In a marine nature park it is prohibited to:
 - a. spearfish using scuba or hookah equipment;
 - b. bring or have brought in the water poison, poisoned bait, biological means and chemicals;
 - c. detonate or let detonate explosives;
 - d. pick coral, collect plants and kill invertebrates;
 - e. directly or indirectly discharge, leak, introduce or cause wastewater, toilet flushing, fish parts and baits made of animal material;
 - f. clean or carry out work on ship hulls, engines and drilling propellers, and
 - g. sail, operate or have on hand a ship that does not comply with the International Convention on the Control of Harmful Anti-Fouling Systems on Ships from 2001.
2. It is also prohibited in territorial waters to perform the acts referred to in paragraph 1 under b to g.
3. An exception to the prohibition referred to in paragraph 1 and 2 is the use of certain means and actions for major economic developments for St. Eustatius or for conservation by the manager.

Article 4.2 Anchoring on the seabed

1. It is prohibited to anchor in a marine nature park on the sea bed.
2. The first paragraph does not apply to boarding vessels and vessels which are deployed for detection and assistance or if the safety of the boat or the crew is endangered.
3. Paragraph 1 does not apply to anchoring within the anchorage zones designated by the executive council.
4. The executive council can, after obtaining the advice of the manager of the marine park, grant an exemption for anchoring at places outside the anchorage zones.

Article 4.3 Anchoring zones and mooring buoys

1. Within marine nature parks it is only allowed to anchor within the designated anchorage zones or mooring buoys.
2. It is not allowed to moor more than one boat simultaneously on a mooring buoy. Nor is it permitted to attach on board the float line attached to the mooring buoys.
3. It is prohibited to deliberately damage, destroy or remove mooring buoys that have been placed by or on behalf of the executive council.

Article 4.4 Commercial passenger transport

1. It is prohibited without a permit from the executive council to transport persons against payment to a destination within the marine nature park.

2. The provision in the first paragraph does not apply if it concerns the passage over the marine nature park.
3. The executive council can set further rules regarding this activity or the required permit.

Article 4.5 Filling station

1. It is prohibited without permission given by or on behalf of the executive council to have a filling station in possession or a compressor for filling of scuba tanks.
2. The prohibition in the first paragraph does not apply to persons on board of visiting vessels, insofar as tanks are filled for personal use and serve no commercial purpose.
3. The executive council may set further rules with regard to this activity or the required permit.

Article 4.6 Commercial diving activities

1. It is prohibited to carry out commercial diving activities within the marine nature park without a license issued by or on behalf of the executive council.
2. Conditions may be attached to the permit.
3. The executive council can set further rules with regard to this activity or the required permit.

Article 4.7. Instructions of the manager

Visitors to the marine nature park are obliged to strictly follow the instructions of the marine nature park manager.

Article 4.8 Further rules

The executive council can set further rules with regard to the capture or collection of animals and plants in the marine nature park, including with regard to the minimum size of the animals and plants, the quantity and the determination of a period during which the capture or collection is permitted.

Chapter 5. Reserve

Article 5.1 Designation of reserves within a nature park

1. Within the boundaries of a nature park, reserves may be designated by the executive council and the island council.
2. The executive council lays down further rules to protect the interests in view of the designation as a reserve.

Article 5.2 Equation

Reserves, in the sense of this ordinance, are reservations designated by the island council, the Act, Our Minister or treaties.

Article 5.3 Designated reserves

The following reserves, the boundaries of which are indicated on the map in appendix 1, have been designated with the aim of protecting animal and plant species, their ecological significance and because of their nature as a characteristic and unique natural and underwater landscape:

- a. the northern reserve within the Sint Eustatius national marine water park bordered by a line from Jenkins Bay, 17 30'.5 coordinate along the high water line to the northernmost point of the island, north to the 30 meters depth limit, west and south along the 30 meters depth limit until these lines pass the coordinate 17 30'.5 and back to Jenkins Bay;
- b. the southern reserve within the Sint Eustatius national marine water park bordered by a line from Gallows Bay, 17 28'.5 coordinate along the high water mark to the White Wall point, measured south in the sea to the 30 meters depth limit and west following the 30 meters depth limit, measured in the sea from the coast to the intersection with the 17.27'.7 coordinate, heading north to the 17 28'.5 coordinate and back to Gallows Bay.

Article 5.4 Prohibition

1. In addition to the prohibitions for nature parks, it is prohibited for anyone in a reserve:
 - a. to fish or hunt all animal species;
 - b. plant a plant;
 - c. to fell, spread, prune, pick, destroy and grub up all plant species;
 - d. move through the reserve with a jet-driven boat.
2. The prohibitions in this article are except as otherwise provided in this ordinance.
3. The prohibitions do not apply to the executive council and the manager provided that the actions fit within the established management plan.
4. The executive council may only grant an exemption for the prohibitions in this article if the exemption serves a scientific purpose or the protection of the interests that are protected by this ordinance.

Chapter 6. Financial provisions nature parks and reserves

Article 6.1 Compensation by designation of nature parks or reserves

1. Insofar as an interested party, as a result of the designation as a nature park or reserve of an area not already designated as such at the time of entry into force of this ordinance, suffers damage that should not reasonably or not entirely be borne to this party, a request for compensation can be addressed to the executive council.
2. A request as referred to in the first paragraph must be submitted in writing to the executive council within five years after the designation of an area as a nature park or reserve has become irrevocable. The request contains the nature of the damage and, if possible, the extent of the damage.
3. If the damage was foreseeable, no compensation will be awarded.

4. The executive council will take a decision on the request for compensation within a reasonable period after obtaining independent advice.

Article 6.2 User fee

1. The manager may request a user fee from those who use the facilities of a nature park offered by the manager.
2. It is prohibited to use a nature park without paying the user fee set by the manager.
3. No use fee is owed for the single passage through the marine park.

Article 6.3 User fee

1. Persons who use a nature park must be able to demonstrate that the user fee has been paid with a proof of payment issued by the manager.
2. Persons or businesses that offer facilities in favor of the use of a nature park or reserve must ensure that their clients are in possession of valid proof of payment.
3. The user is obliged to show the proof of payment on first request to the persons responsible for supervising compliance with this ordinance.
4. Upon written request, a person or entity may be exempted from the obligation to payment of the user fee.

Article 6.4 Use of the user fee by the manager

The user fees paid to the manager shall be used by the manager exclusively for the maintenance of the nature parks and reserves and the objectives of this ordinance to be protected.

Chapter 7. Implementation rules for international treaties

Article 7.1 Implementation rules of the SPAW protocol

1. In view of article 8a, third paragraph, under a and b, of the Act implementing the SPAW protocol, the animal and plant species designated by the executive council, in accordance with article 2.1, that are also listed in the SPAW protocol, are considered as protected animal species in the sense of this ordinance.
2. Where the SPAW-protocol gives the obligation to realize a management plan for a nature park and sets other requirements, the management plan in the sense of article 3.11 of this ordinance for the relevant nature park is supplemented with these requirements from the SPAW protocol.

Article 7.3 Bonn Convention implementing rules

In view of article 8c, first paragraph, of the Act implementing the Bonn Convention, in article 2.1, the animal and plant species listed in the Bonn Convention are regarded as protected animal species in the sense of this ordinance.

Article 7.4 Implementation rules Biodiversity Convention

In view of article 8c, first paragraph, of the Act rules from this ordinance apply for the execution of the Biodiversity treaty.

Article 7.5 Implementation rules for the Sea Turtle Convention

In view of article 8c, first paragraph, of the Act implementing the Inter-American Convention on the protection and conservation of sea turtles, the animal species designated by the executive council in accordance with article 2.1 that are also listed in the Sea Turtle Convention are regarded as protected species in the sense of this ordinance.

Article 7.6. Implementation of the CITES Convention

In view of article 8c, first paragraph, of the Act implementing the CITES convention, the animal and plant species designated by the executive council, in accordance with article 2.1, that are also listed in the CITES Convention, are regarded as protected animal and plant species in the sense of this ordinance.

Chapter 8 Special provisions

Article 8.1 Characteristic natural landscape

1. The executive council designates landscapes as characteristic natural landscapes.
2. It is forbidden for anyone to harm the characteristic natural landscape.
3. The prohibition in the second paragraph of this article does not apply to the executive council or on behalf of the executive council in the performance of its public task after a proper consideration of all interests involved.
4. The executive council may grant an exemption from the prohibition referred to in paragraph 2.
5. Further rules may be set by island decree, containing general provisions, which must be complied with in order to qualify for exemption.

Article 8.2 Ban on cutting

1. It is prohibited without a permit from the executive council to cut down trees with a trunk circumference of at least 65 cm. measured at a height of 1 meter above ground level.
2. The executive council can issue a felling permit after an expert has inspected the tree and all interests involved have been weighed up.
3. Within one year after the establishing of this ordinance, the executive council will draw up a list of monumental and iconic trees.
4. For a tree that is on the list from the third paragraph a felling permit is only granted if it is a matter of compelling interests such as disease of the tree or danger.
5. A tree for which a felling permit is issued is compensated by planting a new tree in a spot on the island.

6. Without a permit it is prohibited to fell trees that have been planted within the framework of the replanting obligation or obligations entered into in any other way.
7. The executive council is authorized to grant a felling permit on the condition that the permit holder owes a monetary contribution which is destined for plantings.
8. The executive council shall determine the financial contribution referred to in paragraph 7 by island decree, containing general provisions.
9. The executive council may set further rules regarding the granting and refusal of the permit.

The executive council may designate animal and plant species that are considered harmful to the nature or natural values of Sint Eustatius by means of an island decree, containing general provisions, and set further rules in this regard.

Article 8.3 General authority to take general measures

1. By island decree containing general provisions, further rules may be set with regard to catching and hunting animals belonging to a non-protected species, as well as with regard to the means by which this may be done.
2. By island decree containing general provisions, further rules may be set with regard to the felling, removal, pruning, destruction and grubbing up of plants belonging to a non-protected plant species
3. By island decree containing general provisions, further rules may be set with regard to the control of animals and plants that may be harmful to the nature or the natural values of the island area.
4. The executive council hears the Commission before adopting a decision as referred to in the first, second and third paragraph.

Chapter 9. Supervision and enforcement

Article 9.1 Further rules by the executive council

Without prejudice to the provisions of this ordinance, the executive council may set additional rules with regard to the subjects regulated in this ordinance to protect the interests to which this ordinance serves.

Article 9.2 Immediate measures by the executive council

The executive council will without delay take measures to protect the interests to which this ordinance is intended in case of urgent interest.

Article 9.3 Withdrawal or amendment of a permit or exemption

An exemption or permit granted on the basis of this ordinance may be withdrawn or amended if:

- a. the holder of the permit or exemption acts contrary to the conditions or restrictions attached thereto.

- b. the information on the basis of which the permit or exemption has been granted turns out to be so incorrect or incomplete that if the correct information had been known, a different decision would have been taken;
- c. the permit or exemption has been given in conflict with the Act or conventions, or;
- d. the circumstances since the time when the permit or exemption was granted have changed in such a way that it would not have been granted, without restrictions or conditions or only under other restrictions or conditions if these circumstances would have existed.

Article 9.4 Showing of permit or exemption

The holder of a permit or exemption granted on the basis of this ordinance, the Act or the treaties is obliged to demonstrate this at the first request of an official or person charged with supervising compliance with the provisions by or pursuant to this ordinance.

Article 9.5 Sanctions

1. Violation of the regulations laid down by or pursuant to this ordinance will be punished by imprisonment of no more than three months or a fine of the second category.
2. Without prejudice to the provisions of the first paragraph, in addition, to end the violation or if recovery of the violation is possible, administrative-law sanctions are used to enforce this.
3. Without prejudice to the provisions of paragraph 1, deliberately committing a violation of regulations applicable by international treaties regarding protected animal and plant species, is punished with be it prison sentence of at the most four years, be it fine of at the most the sixth category of the Penal Code BES, be it both penalties.
4. If the violation referred to in paragraph 3 was committed unintentionally, it will be punished with either imprisonment of no more than one year, or a fine of no more than the fifth category of the BES Penal Code, or both penalties.

Article 9.6 Designation of supervisors and enforcers

Pursuant to article 16 of the Act, the executive council appoints civil servants and persons responsible for supervising compliance with and enforcing the provisions of the Act, the treaties and this ordinance.

Chapter 10 Concluding provisions

Article 10.1 Withdrawal of old regulations

To be withdrawn:

- a. Fauna and flora protection ordinance (1997);
- b. Marine Environment Ordinance Sint Eustatius (1996);
- c. Lobster regulation (1966);

d. The island decree, containing general provisions, regulating the fauna and flora specimen falling under the Fauna and flora protection ordinance.

Article 10.2 Transitional provision

Applications or procedures that have already been initiated under the repealed regulations from article 10.1 will be handled and concluded in accordance with the repealed ordinances. One year after the entry into effect of this ordinance, applications or procedures still pending will be processed and dealt with under this ordinance.

Article 10.3 Official title

This regulation is referred to as the Ordinance on nature management Sint Eustatius 2021.

Article 10.4 Entry into force

The regulation will enter into effect on 2021.

Thus decided at the public meeting of the island council on 2021

The government commissioner for Sint Eustatius

The island registrar,

.....

Mr./Mrs.....

*Acting as island governor in accordance with article 6 of the St Eustatius administrative provisions (restoration) Act

Appendix 1

Explanation

Pursuant to article 15 of the Nature management and protection principles BES Act, the island council can set regulations for the implementation of the obligations arising for the public entities of Bonaire, Sint Eustatius and Saba from this Act, whereby at the request of an executive council the Minister of Agriculture, Nature and Food Quality can provide facilities, resources and assistance necessary for the implementation of this Act and the resulting regulations in the relevant public entity.

Chapter 1

This chapter provides preliminary provisions. In addition, provisions are mentioned that apply to the entire area of Sint Eustatius. Among other things, the obligation to draw up a Nature Plan for the entire area of Sint Eustatius is mentioned here, which arises from article 9 of the Act.

Article 1.2

The Kingdom of the Netherlands has entered into obligations to protecting flora and fauna through signing and ratifying of the following treaties:

Biodiversity treaty: the convention on Biological Diversity concluded on 5 June 1992 in Rio de Janeiro (Trb. 1992,164);

Bonn Convention: the Convention on the Conservation of Migratory Species of Wild Animals, concluded in Bonn on 23 June 1979, with appendices (Trb. 1981,6);

CITES Convention: the Convention on International Trade in Endangered Species of Wild Fauna and Flora, concluded in Washington on March 3, 1973, with appendices (Trb. 1975,23) as well as the Resolutions of the Conference of the Parties associated with this Convention.

SPAW protocol: the protocol signed on January 18, 1990 in Kingston on special protected areas and the animals and plants living in nature, with annexes (Trb. 1990, 115), to the Protocol concluded in Cartagena de Indias on March 24, 1983 Treaty on the protection and development of the marine environment in the Caribbean (Trb. 1983, 152);

Convention of Ramsar: The agreement concluded in Ramsar on 2 February 1971 on wetlands of international importance, in particular as a habitat for water birds (Treaty Series 1975,84);

Sea Turtle Convention: Inter-American Convention for the protection and preservation of sea turtles, with Appendixes, Caracas, 1 December 1996 (Trb. 1999,45)

These treaties are also listed and declared applicable to the Nature management and protection principles BES Act. These treaties often contain very concrete obligations and prohibitions.

Chapter 2

This chapter lists animal and plant species that are considered to be worthy of protection by the treaties, the ordinance and the executive council. These animal and plant species are summarized by the term “protected animal and plant species”. Subsequently, prohibitions are given for three animal species.

Article 2.1

All protected animal and plant species are designated all animal and plant species listed in appendix 1 of the CITES Convention appendixes 1 and 2 of the SPAW-Protocol and appendix 1 of the Sea Turtle convention. In addition, plant and animal species are also designated as protected by the ordinance. The prohibitions apply to all these protected plant and animal species.

Chapters 3, 4 and 5

A key concept from the ordinance is Nature Park. This term covers all nature parks that have been designated by higher administrative bodies and the nature parks that have been designated by the public entity Sint Eustatius. For nature parks general stipulations are given. In chapter 4 specific stipulations are given for marine nature parks. Subsequently in chapter 5 stipulations are given about reserves. Reserves are areas within the nature parks which because of their exceptional nature values have still a more stringent regime.

Article 4.1

In paragraph 3, compelling economic developments are mentioned with the exceptions, so that among other things the desalination factory of STUCO does not act in contravention of the regulation. The reason is because STUCO's desalination factory falls under the prohibited actions referred to in paragraph 1, section e, because the waste water brings an increased salt content in the water and also increases the temperature as a result.

Chapter 6

In this chapter the financial stipulations have included which relate to the nature protection and nature management as a result of the ordinance.

Article 6.1

In this article a connection has been made to regulations about administrative compensations for lawful government acts. New in this article is the rule that the executive council has to provide for an independent advice about the demand for compensation.

Chapter 7

This chapter provides the implementing rules for the treaties referred to in the Act and listed in chapter 1. For the implementing rules, reference is made to substantive provisions in other chapters of this ordinance that concern the implementation of the treaties.

Chapter 8, 9 and 10

These chapters contain the special, supervision and enforcement and final provisions.

Article 8.2

In this article, a logging ban is instituted for the entire island, with the option of granting a logging permit by the executive council.

Article 9.5

Pursuant to article 157 of the WolBES, violation of an island ordinance can be punished with maximum imprisonment of three months, or a fine of the second category, with or without publication of the judicial decision. However, the Nature management and protection principles BES Act (WGN) states that much higher penalties are assigned for violations of the applicable provisions of international conventions regarding designated protected plant and animal species. These have also been included, in accordance with the provisions of the WGN. Due to the far-reaching negative consequences that violations of the provisions can have for nature conservation nature management and animal and plant species, the maximum penalty has been included in this ordinance. In addition, it was decided to apply administrative sanctions such as an order subject to a penalty and administrative coercion to end or reverse the violation. This concerns a so-called dual system.