



Development of Protected Area Management



Standard Operational Procedures (SOP)

St. Kitts and Nevis

Introduction

Final draft July 2017

Table of contents

Introduction

<i>What are SOPs</i>	4
<i>SKN Protected Areas purpose</i>	4
<i>Protected Areas and Sustainable Development</i>	5
<i>SOPS, existing and envisaged legislation</i>	6
<i>References</i>	11
<i>Bibliography</i>	12

Acronyms and abbreviations in the SOP document:

CBD Convention on Biological Diversity
IUCN World Conservation Union
IAS Invasive Alien Species
MPA Marine Protected Area
NBSAP National Biodiversity Strategy and Action Plan
NCEMA National Conservation and Environmental Management Act
NCEMB, National Conservation and Environmental Management Bill
NCEPA National Conservation and Environmental Protection Act
NGO Non-Government Organization
PA Protected Area
SIDS Small Island Developing States
SDG UN Sustainable Development Goals
SKN Saint Kitts and Nevis



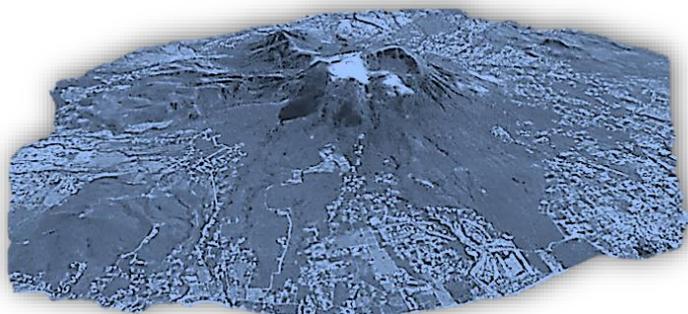
The islands of St. Kitts and Nevis are geographically located in the northern part of the Lesser Antilles. St. Kitts is located at 17° 20' N and 62° 45' W, while Nevis, situated 3km to the south-east of St. Kitts, is located at 17° 10' N and 62° 35' W. The total land area of the country is 260 km² and the estimated length of the coastline is 135km. The topography of the islands consists of a mixture of lowlands, which are used for development or farming, and slopes which are mainly associated with volcanic mountain ranges. The slopes are cut by deep gullies that act as the primary drainage channels. These drainage channels are almost entirely dry for most of the year, flowing out to sea mostly after heavy rainfall. The proportion of forested land area in St. Kitts and Nevis as of 2010 was estimated at 42.3% and, while the landscapes of both islands have been cleared of virgin forest at one time or another, the forested area in St. Kitts appears to be increasing.

The coastal and marine waters of St. Kitts and Nevis host a range of ecosystems including coral reefs, freshwater lagoons, sea grass beds and mangroves and their associated biodiverse species.

The population of St. Kitts and Nevis is 54,790. Over 60% of the population is located in coastal areas.

The GDP is at US\$833.3 million, giving the country a “high income” status. Major economic sectors in the country include Banking & Insurance, Wholesale and retail trade, Construction, and Manufacturing.

In SKN country profile, World Bank Knowledge Portal



Introduction

What are SOPs

Standard Operating Procedures (SOPs) for Protected Areas (PAs) can be prepared and formatted in many different ways.

The ultimate intention is to create a document that is readable, useful for those carrying out the different types of work described and in agreement with national targets and international conformities.

An SOP document describes a whole operation, task or process. Its scope is to ensure that the processes are carried out correctly, in a consistent way and universally throughout the SKN PA system. It should be readily available where the work is being performed.

These SOPs cover terrestrial and marine protected areas within SKN national jurisdiction.

The objective and scope of the PAs SOPs must be compatible and in tune with the objective and structure of the PA Agency, SKN overall PA system and particular objectives of present and future SKN individual Protected Areas.

The fulfilment and follow-up of the PAs SOPs is a multi-step process that involves understanding of the standards, their different application levels and the framework integration of the legal procedures. The competent user will be the person who works in the area covered by the SOP. The identification of the competent user will vary depending on the scope and purpose of the SOP.

Exceptions to SOPs are possible in cases where individual expertise is required or procedures don't fit the final purpose.

The final document is structured so one can advance through the process or go directly to a section that highlights a specific item.

The final handbook provides various procedure tools to consider when developing diverse management, planning or operational steps; it will include further frameworks, web links or other advice for more in-depth information. This can be found in each SOP.

- ✓ In timeframe terms, this SOP document is intended to support all different phases of a PA – from Management Planning procedures, that generally comes first after effective PA classification to effective management implementation, passing through post-planning and operational and in situ daily works.

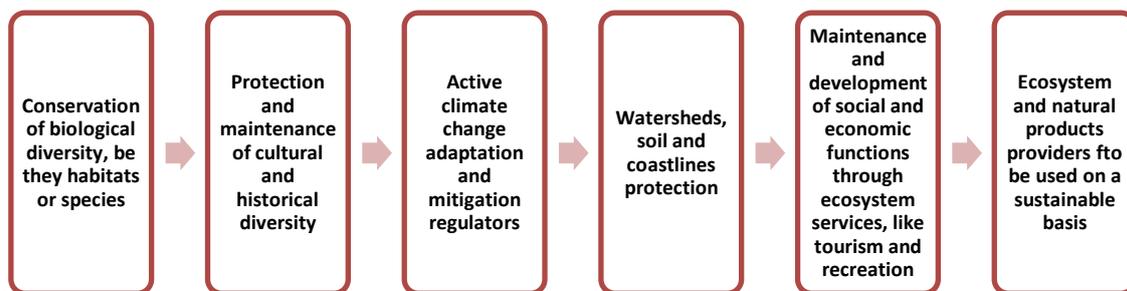
Protected Areas purpose

IUCN has defined a PA as: *“A protected area is a clearly defined geographical space recognized, dedicated and managed, through legal and other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values”*.

While Marine Protected Areas (MPA) are also covered by this definition, the CBD definition provides a more detailed significance as the expression marine and coastal protected area means *“any defined area within or adjacent to the marine environment, together with its overlying waters and associated flora, fauna, and historical and cultural features, which has been reserved by legislation or other effective means, including custom, with the effect that its marine and/or coastal biodiversity enjoys a higher level of protection than its surroundings”*.

✓ **Protected areas have multiple purposes and targets:**

- *Conservation of biological diversity areas, be they habitats or species;*
- *Conservation of geodiversity;*
- *Protection and maintenance of cultural and historical diversity;*
- *Active climate change adaptation and mitigation regulators;*
- *Watersheds, soil, coastlines and marine protection;*
- *Maintenance and development of social and economic functions through ecosystem services, such as tourism and recreation;*
- *Ecosystem and natural products providers, to be used on a sustainable basis.*



It is universally recognized these days that, apart from biodiversity assets, PAs provide a scope of benefits to society and the economy through the continuous flux of ecosystem services, such as provisioning, regulating, cultural and supporting services. These policy objectives beyond biodiversity include climate change mitigation and adaptation, water quality and provision, food provision, jobs and livelihoods, cost savings, science and education, health and security, social cohesion and identity.

The recognition and demonstration of the wider socio-economic benefits of PAs can influence stakeholder attitudes and support for the SKN PA network, attracting funding for conservation measures and other investment while helping in the integration of the SKN PA system in regional and supra-regional development planning and practice.

✓ **Note:** For detail on this topic go to SOP # 1. Objectives.

The importance of protected areas is emphasized by international conventions and programmes such as the CBD, the World Heritage Convention (WHC), the Ramsar Convention, the UN Law of the Sea Convention, UNESCO's Man and the Biosphere (MAB) Programme of the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the global programme of IUCN-WCPA.

Protected Areas and Sustainable Development

An essential element for modern protected areas policy and law is the link to socio-economic and sustainable development and the importance of working with and supporting local communities.

The changeover in PAs policy to more people-oriented conservation began in 1987 when the World Commission on Environment and Development (WCED) launched the concept of sustainable development. The concept was subsequently elaborated in the 2002 World

Summit on Sustainable Development Plan of Implementation to consist of three constituents and overlapping pillars: environmental sustainability, social sustainability and economic sustainability.

Significantly for protected areas, the WCED brought biodiversity conservation into the framework of sustainable development. This connection gained momentum in the 1990s as IUCN developed protected area management categories that reached beyond strict nature reserves and wilderness areas to protected landscapes and seascapes as well as sustainable resource use areas involving more human intervention and active management.

In 2000, world leaders came together at the United Nations (UN) Headquarters in New York to adopt the UN Millennium Declaration, committing their nations to a new global partnership to reduce extreme poverty and setting out eight time-bound goals, known as the Millennium Development Goals (MDGs). After the MDGs resume in 2015 the UN and Member States adopted a vaster Sustainable Development Goals (SDGs) part of the 2030 Agenda, with 17 goals and 169 targets that mainstream economic, social and environmental themes.

The project *“Development of Protected Area Management SOPs – St. Kitts and Nevis”*, object of this consultancy, part of the overall project *“Conserving Biodiversity and reducing habitat degradation in Protected Areas and their areas of influence”* for Saint Kitts and Nevis delivers and defines these important targets and milestones.

The overall project is a biodiversity and a governance project, running till 2018 with UNDP/GEF funding, aiming at the improvement of the ecosystem representation of St. Kitts and Nevis Protected Area system, while enacting Protected Area management operations at fundamental sites, and strengthening institutional, policy, legal/regulatory, information, and financing frameworks.

The SKN PAs system will be managed by a Protected Areas Authority being an Agency or a similar governance platform, that will apply standard operating procedures for Protected Areas management (SOP), which will guide the production of Protected Areas management plans, facilitate routine monitoring, evaluating and reporting at PA and system levels, and will ease effort for collaborative and participatory engagement with local, national, and international institutions.

SOPS, existing and envisaged legislation

In Saint Kitts and Nevis, important regulatory legislation is still in the process of being updated and put in place.

The Federation has undertaken an important update of National and sectorial legislation that will be the umbrella for the SKN PA System and where these operational regulations will link.

The ultimate goal of a PA national system plan is to achieve a comprehensive, adequate and representative network of ecologically viable protected areas that are well integrated with other land and marine uses. This includes PAs established under other framework laws such as forestry, water resource management or land use laws, and areas with other governance types, such as the ones existing in SKN.

Former and evolving SKN PA legislation require that the national protected areas system give guidance on its overall objectives, and specify who is responsible for its preparation and operational procedures.

A system plan provides the framework where the operational priorities and overall budgets and resources are allocated and adjusted over time, and where issues such as values and relevance, but also impacts and constraints are identified in biodiversity, geodiversity, cultural and socioeconomic terms and where international obligations are assimilated and incorporated.

- ✓ This SOPs will apply to the entire country and jurisdiction, or to a distinct part of the country or jurisdiction (for example, where the legislation is site-specific).

Relation to framework environmental legislation

Protected areas legislation is applied in a manner consistent with umbrella environmental legislation, unless there is a conflict, uncertainty about specific applications, or outdated environmental legislation.

In SKN, the National Conservation and Environmental Protection Act, NCEPA, was enacted in 1987 and amended in 1996 and revised in 2002. The NCEPA, is currently underway to be repealed and replaced with the National Conservation and Environmental Management Bill (NCEMB). The aim is to have the existing NCEPA environmental legislation replaced with the NCEMB, which will be the overarching legislation that will govern environmental matters including the administration and management of the protected areas in SKN.

Thus, the new legislation will serve as the governing framework for this PA SOPs project and will be used in association with existing laws, regulations and policies.

A major outcome of the implementation of the NCEMB will be the incorporation of specific protected areas management provisions.

In this sense and literally, the PAs SOPs will be directly tied to the NCEMB, National Conservation and Environmental Management Bill, 2017-draft, envisaged for approval.

When detailing the document, the PAs SOPs will have direct link to the following paragraphs:

- 22. Establishment of Protected Area*
- 23. Preparation of Protected Areas System Plan*
- 34. Responsibility for management of protected areas*
- 37. Requirement for management plans*
- 38. Contents of management plans*
- 39. Removal of resources from protected areas*
- 48. Protection of wildlife*
- 49. Threatened and endangered species*
- 50. Permission for scientific research*
- 51. Conservation of ecosystems and habitats*
- 55. Forest management*
- 58. Protection of watersheds and wetlands*
- 64. Restrictions on construction on the seashore*
- 95. Powers of entry and search*
- 97. Offences*

98. Regulations

- ✓ Please note that when implementing each SOP, these acts/guidelines must be verified by current legislation (including enacted versions of the drafts referenced).

The NCEMB will be enhanced by the “Protected Areas Regulations” and the “Management Plan for the Protected Areas in St. Kitts and Nevis” also to be promulgated following the enactment of the legislation.

These two guiding legal documents will be the legal operational framework that bound the PA Standard Operational Procedures and will replace the existing NCEPA.

Nevertheless, until it is replaced the NCEPA is still legally in place.

The establishment of a Protected Areas Agency (PAA) also envisaged in the UNDP/GEF/ Government Biodiversity Project will be one of the fundamental pillars to deliver efficient management for all existing, proposed and future protected areas in the Federation. According to this project, the PAA will be legally established as a statutory body under the laws of the Federation. As for the time being no decision on the format of the PAA has been taken, this SOP document will have to be updated once it occurs.

Areas of overlap or conflict

Coordination and consultation is normally required when there are overlapping regulatory duties. In the event of a conflict between the protected areas legislation and other national legislation which could threaten the conservation objectives of the protected areas, the protected areas legislation will prevail.

Relation to other resource-sector laws

In some cases, law incorporates such provisions into a consolidated legal framework. Laws and regulations related to economic development could also threaten the conservation objectives of protected areas if not harmonized through revisions or clarifying instructions.

Other laws where specific areas of overlap or conflict may occur, will need to be addressed involving sectors and/or authorities to designate special protection or sector development areas, for example in fisheries, water resource management, agriculture, forestry, transportation, energy, land use, industrial and residential development, coastal port and marina developments, development, tourism, mining, and other extractive activities.

Specific regulations or other subsidiary legislation governing such sectors should be harmonized as well. Examples of regulations in other sectors that may need harmonization include fire management, weed control, use of pesticides or other agricultural chemicals, control of LMOs, control of IAS, discharge of pollutants, placement of landfills, or treatment and disposal of sewage. Check for detail in SOP regulation.

Coordination apart from SOPs

Apart from these SOPs, a general provision on coordination and consultation should be included in future PAs and should also be listed in the powers and duties of the PA authorities.

There are several aspects of coordination to acknowledge when drafting provisions for protected areas, by identifying priority areas where coordination may be needed.

Such areas normally include:

- (a) Coordination at the policy level (particularly for overall national policy development, land use planning and development, and finance);
- (b) Coordination across sectors at the technical level (sometimes called horizontal coordination);
- (c) Coordination across levels of government (sometimes called vertical coordination);
- (d) Coordination within and between governments with respect to shared resources and ecosystems, and TBPAs.

There is a need for a protected area to coordinate and consult across government levels and sectors on matters affecting and affected by protected areas.

The legislation or subsidiary instrument may also specify other coordinating mechanisms in which the protected area authorities or their interests are already represented, for example, intra-governmental or inter-steering bodies.

Mechanisms for coordination and collaboration are aided when all relevant legislation is harmonized at the time of enactment of new protected areas legislation. As part of the pre-drafting and drafting process, the legal drafter should identify other laws and subsidiary instruments that may conflict with the new protected areas legal framework, including any marine and coastal elements, and indicate amendments or repeals that may be needed.

SOPs supporting legislation

National Conservation and Environmental Protection Act, NCEPA, enacted in 1987, amended in 1996 and revised in 2002.

National Conservation and Environmental Management Bill, NCEMB, final draft 2017

Protected Areas Regulations, February 2017 (final draft)

Protected Areas Management Plan, February 2017 (final draft).

Strategic legal frameworks and documents:

Agricultural Strategic Plan (2005-2009)

Barbados Programme of Action (BPOA)

Comprehensive Disaster Management (CDM) Strategy

Development Control and Planning Act, No. 14 (2000)

Fisheries Aquaculture and Marine Resources Act 2016

Guidelines for Mainstreaming Sustainable Land Management into National Development. (2010)

Integrated Watershed and Coastal Areas Management (IWCAM) Project

Watercourses and Waterworks Act, Cap 185

Mauritius Strategy for Implementation (MSI)

Operation Program on Sustainable Land Management, (Revised 2003)

Sustainable Land Management Project (SLMP),

St. George's Declaration of Principles on Environmental Sustainability (2006)

National Conservation and Environmental Protection Act No. 5, 21, 1987 (NCEPA)

National Adaptation Strategy (NAS)

National Biodiversity and Action Plan (NBSAP) 2014-2020

National Environmental Management Strategy (NEMS)

National Physical Development Plan (2005)

National Communications on Climate Change

National Physical Development Plan (NPDP), (2006),

National Maritime Policy and Action Plan (2013)

Nature Conservancy and the Marine Resource Governance in the Eastern Caribbean (MarGov) Project

National Environmental Action Plan, (1994)

Nevis Physical Planning and Development Control Ordinance No. 1(2005)

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<http://www.fao.org/countryprofiles/index/en/?iso3=KNA>

<http://unohrlls.org/meetings-conferences-and-special-events/saint-kitts-nevis/>

https://en.wikipedia.org/wiki/Saint_Kitts_and_Nevis

World Bank's Climate Change Knowledge Portal and UNDP's Climate Change Country Profiles:

http://sdwebx.worldbank.org/climateportal/countryprofile/home.cfm?page=country_profile&CCode=KNA

Natural Resources, habitats and species data: <http://caribbean-rris.biopama.org/country/KN>

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International Convention signed by SKN <http://datazone.birdlife.org/country/st-kitts-and-nevis/policy>

CBD: Major Acts relating to Biodiversity: <https://www.cbd.int/doc/world/kn/kn-nbsap-01-p9-en.pdf>

National Biodiversity and Action Plan (NBSAP) 2014-2020:

<https://www.cbd.int/doc/world/kn/kn-nbsap-v2-en.pdf>

Government of St. Christopher & Nevis United Nations Convention on Biodiversity fifth national report: <https://www.cbd.int/doc/world/kn/kn-nr-05-en.pdf>

United Nations Conference on Sustainable Development (Rio+20) National Preparatory Process – Stocktaking report:

<https://sustainabledevelopment.un.org/content/documents/1029skn.pdf>

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<http://datazone.birdlife.org/country/st-kitts-and-nevis/marine>

- *International Convention signed by SKN* <http://datazone.birdlife.org/country/st-kitts-and-nevis/policy>
- *OECD Mainstreaming Biodiversity site (2016):*
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<https://www.cbd.int/doc/world/kn/kn-nr-05-en.pdf>
- *National Biodiversity and Action Plan (NBSAP) 2014-2020:*
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- *World Bank's Climate Change Knowledge Portal and UNDP's Climate Change Country Profiles:*
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- *United Nations Conference on Sustainable Development (Rio+20) National Preparatory Process – Stocktaking report:*
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