



Development of Protected Area Management



Standard Operational Procedures (SOP)

St. Kitts and Nevis

SOP 2

MANAGEMENT IMPLEMENTATION, ACTS and ACTIONS REGULATION

Final draft July 2017

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Purpose and scope

The framework for acts and activities regulation within a protected area depends on the area's category, objectives, established rules and management plan incorporating zoning, acts and activities regulation.

In SKN the following PA classification and description apply:

SKN PAs CATEGORY	DESCRIPTION
Category I	<i>National Park: An area consisting of a relatively large land or marine area or some combination of land or sea, containing natural and cultural features or scenery of national or international significance and designed to protect functioning ecosystems, is lenient with human visitation and managed in a manner to protect such resources and contributes to the local economy through promoting educational and recreational tourism...</i>
Category II	<i>Historic Site: A place or site which is historic by reason of an association with the past and its part of the cultural or historical heritage of Saint Christopher and Nevis, and such a classification may include archaeological sites, historic landmarks, and areas of special historic or cultural interest.</i>
Category III	<i>Nature Reserve: An area containing outstanding or fragile natural features or life forms of national importance that need protection in an undisturbed state where the only permitted activities are management measures, controlled scientific research and educational study.</i>
Category IV	<i>Strict Nature Reserve: A protected area managed mainly for scientific purposes and includes an area of Crown or private land or water or both land and water possessing some outstanding or representative ecosystem, geological or physiological features or species available primarily for scientific research...</i>
Category V	<i>Wilderness Area: This is a protected area in which biodiversity and ecosystem processes can flourish or experience restoration if previously disturbed by human activity and these areas may buffer against the effects of climate change and protect threatened species and ecological communities.</i>
Category VI	<i>Area of Special Concern: A place or site needing special protection and controlled use in order to stabilize or restore important ecological features...</i>
Category VII	<i>Scenic Site: An area containing a scenic feature of national or local importance.</i>

Category VIII Botanic Garden: A garden established for the preservation display and propagation of the national botanical resources.

Source: Protected Areas Management Plan (final draft, 2017) and Protected Areas Regulations (final draft, 2017)

These classification doesn't follow the IUCN PAs international classification, but is a national mandatory framework, that defines the Protected Areas and the territory's sustainability approach and level of protection.

- ✓ The following table compares existing and planned PAs; SKN classifications in comparison with international IUCN one's:

Table 1: Protected Areas in St. Kitts and Nevis targeted by the project¹²

PA Type/Name	IUCN Category ¹	NCEMA Category ²	Land Area (ha)	Marine Area (ha)	Total Area (ha)
Terrestrial Protected Areas					
Central Forest Reserve National Park	II	I	5,060	0	5,060
Nevis Peak National Park and Camps River Watershed Area ³ (proposed)	II/VI	I/V	3,250	0	3,250
Royal Basseterre Valley National Park	VI	I/VII	200	0	200
Booby Island Nature Reserve (proposed)	Ia	III	300	0	300
Marine Protected Areas					
Sandy Point Marine Park ⁴ (proposed)	IV/V/VI	III/IV/V	0	60	60
The Narrows Marine Park (proposed)	TBD	III/IV/V	0	2,702	2,702
Keys Marine Park ⁵ (proposed)	TBD	TBD	0	8,931	8,931
Total			8,810	11,693	20,503

¹ Information on classifications of these sites taken from 2010 Protected Areas Systems Plan. Relevant IUCN classifications: Ia (Strict Nature Reserve), II (National Park), IV (Habitat/Species Management Area), V (Protected Landscape/Seascape), VI (Managed Resource Protected Area)

² Information on classifications of these sites taken from 2010 Protected Areas Systems Plan. Relevant National Conservation and Environmental Management Act (NCEMA) classifications are provided in Table 2

³ Nevis Peak National Park and Camps River Watershed Area is a single protected area; under NCEMA, the Nevis Peak area (estimated to be 2,250 hectares) will be classified as a National Park, while the Camps River area (estimated to be 1,000 hectares) will be classified as an Area of Special Concern

⁴ Sandy Point Marine Park: Four different types of zones have been proposed for this proposed MPA: Fish stock propagation areas classified as IUCN Category IV (fishing prohibited or seasonally restricted); Turtle nesting beaches classified as IUCN Category IV; Tourism and recreation areas for snorkelling, diving, etc. classified as IUCN Category V; and Fishing areas classified as IUCN Category VI (fishing areas may be further subdivided into areas for artisanal fishing and areas for sport fishing)

⁵ Keys Marine Park: Three zones have been proposed for this proposed MPA: Keys Beach (18 ha); Conservation Zone (5,433 ha); and a Multi Use Zone (3,480 ha)

Source: UNDP PRODOC Project Conserving Biodiversity and reducing habitat degradation in Protected Areas and their areas of influence in St Kitts and Nevis, 2014.

Management is an essential step towards ensuring the implementation of an active and operational management of the existing and foreseen protected areas.

As seen in SOP#1, an approved management plan is generally the support for the PA authority to exercise management, undertake actions and assume responsibilities. These responsibilities and competencies include the authority to approve, prohibit or regulate activities in the

protected area or in zoning, consistent with the plan and/or the objectives that led to its classification.

Many elements of a management plan may not have regulatory content, for example, education, research, monitoring or outreach. However, elements related to the control of acts and activities within the protected area should have regulatory content.

- ✓ This SOP is intended to show the regulations that are necessary in a PA and those that may apply, both with management and zoning approved or as a precautionary principle attitude to manage a PA that still doesn't have management plan or any sort of regulation for the acts and activities.

When identifying activities to regulate in an PA you should keep in mind that international conventions and treaties must be respected. (see SOP#5)

Activities associated with widespread use of an PA by the public may be authorized by general rules. These may be communicated by public notice, or in maps and handouts demarcating the zones available for different uses, for example, sites for recreational activities or cultural sites.

- ✓ **Regulated activities**

In this sense, there are three main legal techniques used for regulating activities inside a PA:

First: Prohibiting certain activities under most situations;

Second: Requiring written permission to undertake certain activities, which are otherwise prohibited;

Third: Allowing certain activities without written permission, if general rules are followed.

The most frequent type of activities regulated inside a PA concern use, conduct of persons, groups, the private sector or government entities, and may be broadly divided into three primary areas:

- Access to all or part of a protected area;
- Use of the area and its amenities (for example, recreation, education, scientific research, sports hunting, camping, commerce, etc.);
- Preventing and controlling potentially harmful conduct of persons or entities that may threaten the conservation objectives, for example, causing pollution of a site or damaging protected habitats, species or cultural resources of the site.

- ✓ **Prohibited activities**

The precautionary principle¹ should apply when identifying prohibitions. In this context, some prohibitions may be appropriate where there appears to be substantial risk to the conservation objectives of the PA, even in the absence of scientific certainty.

Regulation of activities that fall in this category may be grouped into the following one's:

¹ Precautionary Principle: When human activities may lead to morally unacceptable harm that is scientifically plausible but uncertain, actions shall be taken to avoid or diminish that harm. UNESCO 2005.

First: prohibitions related to the destruction or alteration of natural systems, species and/or habitats;

Second: prohibitions related to killing, capturing, taking, removing, damaging or disturbing any wildlife, cultural resource or other object, for exploitation or any other purpose;

Third: prohibitions related to causing damage to ecosystems and species habitats from pollution and other threats;

Fourth: prohibitions related to the introduction of invasive or exotic species.

✓ **Authorization**

As with decision making about prohibited activities, the precautionary principle approach should be used when identifying activities to be authorize by permit.

Even with a permit system putted in place, it is important that regulations for its use include safeguards to enhance its effectiveness, including authority to suspend or modify the issuance of permits, concessions and other forms of written permission where changing conditions so require.

✓ **Note:** The issuance of too many permits can weaken the effectiveness of well-intended controls, and authority should be available to limit or cease the issuance of permits for an activity when needed to protect a site. Similarly, effectiveness may be weakened where permit conditions, particularly on prohibitions, are not well monitored and users abuse the permission. Periodic checks on compliance with specific permit conditions and the use of appropriate fines and other penalties for abuse are essential implementation elements.

✓ **Offences and penalties**

Offences under PAs legislation, are those actions that violate provisions of the law or conflict with regulations governing activities covered by the law.

Offences and penalties under protected areas legislation are normally applied within the broader framework of the country's criminal code, civil law and rules concerning jurisdiction of the courts.

The Protected Areas Regulations, (final draft) 2017, paragraph 42, defines it as:

A person who:

- (a) contravenes or fails to comply with any provision of these Regulations;
- (b) fails to comply with a protected areas notice, an internal rule or other document issued or displayed in terms of these Regulations;
- (c) fails to comply with any lawful instruction, prohibition, rule or order given, imposed or issued in terms of an internal rule or these Regulations;
- (d) obstructs or hinders a park ranger, conservation officer or any authorized person in the execution of his or her duties under these Regulations,

The present SOP doesn't enter the definition and application of penalties. This is a case for the application of the SKN PA regulatory system such as:

Protected Areas Regulations, (final draft) 2017, and the National Conservation and Environmental Management Bill, NCEMB, (final draft) 2017 paragraph 97.

- ✓ **Note:** Protected Areas through land use and environmental laws and regulations may provide authority to restrict certain property and resource use rights when important public interests are at stake, for example, public health and safety, the protection of essential ecosystems (such as watersheds), or other important conservation values (such as endangered species).

This SOP will help PA practitioners, rangers, managers, and senior executives to apply management regulations inside the PA, while mandated for impartial and objective authority.

In detail, the following groups are the targets of this SOP:

- a) PA managers
- b) PA rangers
- c) PA executive managers/ senior executives
- d) PA authority executive managers

But also, depending on the act and activity:

- e) NGOs, other: interested parties and private managers
- f) The public

Procedures

The actions necessary to implement the measures referred to in the following procedures, while articulating with compatible human uses, are subject to a territorial management regime that takes into account the objectives of each PA, safeguarding the environmental values at presence, as well as the location and implementation of activities, bearing in mind the need to ensure the economic and social development of the population.

The following are the acts and activities that SKN PA framework legislation considers prohibiting in all PAs²:

Step 1: When analyzing and act or activity inside a PA, one shall check if they fall under the following provisions:

✓ **General Prohibitions**

- (a) Prohibitions related to the destruction or alteration of natural systems, species or habitats;
- (b) Prohibitions related to killing, capturing, taking, removing, damaging or disturbing any wildlife, cultural resource or other object, for exploitation or any other purpose;
- (c) Prohibitions related to causing damage to ecosystems and species habitats from pollution and other threats;
- (d) Prohibitions related to the introduction of exotic species.

✓ **Specific prohibitions**

Certain prohibitions may be appropriate where there appears to be substantial risk to the conservation objectives of the site even in the absence of scientific certainty. The types of activities that protected areas regulations usually prohibit in all sites that are part of the formal protected areas system include:

- (a) Killing, taking or disturbing any endangered, threatened or otherwise legally protected native species, whether marine or terrestrial;
- (b) Disturbing or damaging the critical habitat of any endangered, threatened or otherwise legally protected native species, including removing the nest or contents of the nest of a species;
- (c) Destroying or damaging a site serving important ecosystem functions that has been designated or identified for special protection (for example, a protected water catchment area);
- (d) Removing, damaging, demolishing or excavating any part of a cultural site, natural monument, historic shipwreck or other significant cultural site inside a protected area;
- (e) Entering any part of an area that is closed to that user group or individual;
- (f) Interfering with, damaging, removing or replacing any official notices or signs;
- (g) Introducing any exotic species;

² As expressed in The Protected Areas Management Plan (final draft) 2017

- (h) Using explosives or poisons;
- (i) Using or having in possession any prohibited weapon, including any firearm or spearfishing gun; (j) discharging toxic or hazardous substances, including but not limited to petroleum or substances made from petroleum, and household cleaners;
- (k) Landing an aircraft or driving or otherwise using a motorized vehicle in areas where doing so is prohibited, whether on land or water;
- (l) Flying an aircraft in prohibited airspace above a protected area;
- (m) Disposing of or dumping sewage, solid waste, refuse, rubbish or litter anywhere other than in designated containers or areas;
- (n) Damaging or defacing any physical structures inside a protected area;

The intention is to prevent any measure which could potentially interfere with conservation objectives and defeat or diminish the effectiveness and efficiency of the management plans.

✓ **Exceptions to prohibitions**

In the circumstances where one or more of these prohibited activities is required under exceptional circumstances, it should be undertaken by an authorized officer of the Department of Environment or the PAA or an entity or individual acting as an agent on behalf of Department or PA Authority.

Therefore, under extraordinary circumstances, such as an emergency, an activity that is normally prohibited may need to be allowed or authorized for specific persons or groups under the plan. Such authorization of an exception to be given to a group or person should be in writing, identify the specific group or person receiving permission, indicate the specific purpose and duration for which the permission is valid, and include any conditions, controls or monitoring requirements that the authority may determine are necessary to minimize unintended consequences or negative impacts to the site.

Step 2: The above restrictions are parallel and complemented with the following ones as stated in The Protected Areas Regulations, (final draft) 2017:

✓ **General Prohibitions (part VI):**

1. No logging or mining

(1) Subject to sub-regulation (2), extraction of timber, logs, non-timber forest products or minerals (including quarry or gravel) by whatever means or method shall not be carried out in a protected area or within a distance not more than 1 mile of the defined boundaries of such area.

(2) The Director may, in accordance with section 39- Removal of resources from protected areas- of the NCEM Act, authorize limited non- commercial extraction of timber from a protected area.

2. No taking of species

(1) No person shall take any organism, species or other form of flora or fauna from a protected area except:

- (a) with the authorization of the authorized entity;
- (b) in accordance with a bioprospecting or research permit issued under the Act and these Regulations; or
- (c) pursuant to an agreement concluded with the authorized entity to that effect.

3. Prohibited activities

Except to the extent as authorized by the Director, the Agency or in the management plan of a protected area, no person shall, within the protected area, either intentionally or negligently do one or more of the following activities:

- (a) kill, hunt, take or disturb any endangered, threatened or otherwise legally protected native species;
- (b) disturb or damage the critical habitat of any endangered, threatened or otherwise legally protected native species including removing the nest or contents of the nest of the species;
- (c) destroy or damage a site serving important ecosystem functions that has been designated or identified for special protection;
- (d) remove, damage, demolish or excavate any part of a cultural site, natural monument or other significant site inside a protected area;
- (e) interfere with, damage, remove or replace any official signs or notices erected;
- (f) enter any part of the area that is closed to that user group or individual;
- (g) throw, litter, dump or release any effluent, sewage, refuse, rubbish, toilet waste or pollutant in the area;
- (h) erect, install or display any billboard, advertisement or promotional material;
- (i) destroy or deface any cultural object or monument of biodiversity and cultural significance;
- (j) remove or be in possession of any fossil, archaeological remains;
- (k) sow, propagate or introduce any exotic or invasive species;
- l) allow or introduce any grazing stock, animal or species;
- m) light or cause any open fire to be started;
- (n) remove, extract or excavate any soil, sand, gravel or other material;
- (o) park a vehicle, vessel or craft in any place other than a place designated for that

purpose;

- (p) use any explosives or poison;
- (q) use or be in possession of any prohibited weapon including but not limited to any firearm or spear-fishing gun;
- (r) discharge any toxic or hazardous substances including but not limited to petroleum or substances made from petroleum and household cleaners;
- (s) land any aircraft or otherwise using a motorized vehicle in area where doing so is prohibited;
- (t) fly an aircraft or any other flying object in any prohibited space above a protected area;
- (u) damage or deface any physical structures within a protected area

4. Prohibitions relating to vehicles, vessels and crafts

(1) A person driving or operating a vehicle within a protected area shall not:

- (a) drive, park or stop in such a manner that constitutes a nuisance, disturbance, inconvenience or danger to any other person;
- (b) drive, park or stop in any manner that causes an obstruction, blocks the pathway of a management operation or emergency vehicle;
- (c) park a vehicle in a place other than in a place designated for that purpose by the authorized entity;
- (d) drive anywhere except on a designated road or driveway;
- (e) damage or act in a manner that could cause damage of any nature to any road, flora or fauna or other species;
- (f) drive or operate a vehicle in a reckless or negligent manner or in a deliberate or intentional disregard for the safety of any person, species, specimen or property;
or
- (g) drive that vehicle off-road or off the designated roads or tracks except in an area designated by the authorized entity for that purpose.

(2) The authorized entity may restrict or preclude the use of any vehicle, vessel or craft within a protected area.

5. Littering and pollution

(1) No person shall, in a protected area:

- (a) deposit or leave any litter which is either industrial or domestic, regardless of whether that litter is biodegradable or non-biodegradable, except in an area or receptacle provided for that purpose;
- (b) deposit or leave any litter, bottle, broken glass, china. Pottery, plastic articles, rubbish, refuse, seeds, fruit or vegetable matter or other waste material, except in an area or receptacle provide for that purpose;
- (c) deposit, discharge or leave any noxious, smelly, offensive or polluting substance or matter;
- (d) deposit, discharge or leave any mineral, mineral waste or other industrial waste;
- (e) discard or discharge any toxic chemical or substance, pharmaceutical substance or any other pollutant or harmful substance;
- (f) dispose of containers or residuals of aerosols or any other hazardous substance of such nature.

Step 3: In cases covered by the cited legislation, the following **prohibition** procedures intend to clarify doubts and gaps in the acts and activities already cited.

Check if acts and activities fall into following:

- a) The discharge of industrial, domestic or untreated livestock waste water from surplus pesticides or pesticide syrups and washing waters with the use of detergents in water, soil or subsoil;
- b) Changes in soil morphology, except for those resulting from existing agricultural and forestry practices;
- c) The disturbance, harvesting, capture, killing or detention of individuals or parts of individuals of any plant or animal species subject to the protective measures set.
- d) The destruction of nests and the collection of eggs, disturbance or destruction of their habitats, except for species control;
- e) The installation of scrap materials or equipment used, including scrap metal and end-of-life vehicles and the dumping or abandonment of waste or containers;
- f) The collection of geological samples or any acts contributing to the degradation or destruction of geodiversity, except for those carried out for exclusively scientific purposes;
- g) The introduction of invasive, alien or infesting animal or plant species;
- h) The obstruction of any type of passage in public ways and of access to the lines and the water planes;
- i) The practice of wild camping or caravanning outside the places for such settlement;
- j) Practice of motorized sporting activities liable to cause pollution, noise or deterioration of the natural values of the area, power boating, all-terrain vehicles and enduro;

According to the Protected Areas Management Plan framework law (final draft, 2017), there are certain activities for which **permission** must be asked to the relevant PA authorities prior to the activity being undertaken.

Step 4: Check the following acts and activities that will require a written permission;

- (a) Growing or harvesting any crops;
- (b) Accessing, exploring or harvesting any genetic resources;
- (c) Using or manipulating any waters within a protected area;
- (d) Taking, collecting, removing or altering any flora or fauna
- (e) Hunting by specific communities or groups for subsistence purposes;
- (f) Hunting for sport or recreation;
- (g) Constructing or destroying any building or other structure;
- (h) Undertaking scientific research at the student or professional level, whether for public, private or academic purposes (later detailed in this SOP);
- (i) Carrying on any still photography or make any film or video recording for sale or commercial use;
- (j) Operating a business or solicit, sell or attempt to sell any goods or services;
- (k) Engaging in any charitable or fund-raising activity;
- (l) Organizing or arranging a special public event (such as a concert);
- (m) Organizing or arranging a private event (such as a wedding) where the gathering is over a specified number of people (for example, 25 persons, depending on the capacity of the site);
- (n) Removing or excavating any earth or beach sand.

Step 5: The above permits are parallel and complemented with the following ones as stated in **The Protected Areas Regulations, (final draft) 2017**. Check:

- (1) The Director may, upon application being made by an applicant on Form 2 of Schedule 3 (as it appears in the Protected Areas Regulation), issue a permit to allow the holder of the permit to carry out certain activities within a protected area.
- (2) The Director shall issue a permit in Form 3 of Schedule 3(as it appears in the Protected Areas Regulation) to a successful applicant.
- (3) The Director shall not issue a permit under this regulation unless the activity to be carried out by the applicant is consistent with the protected area management category and management plan.
- (4) The Director may attach terms and conditions to the permit as may be required to protect the area and for reasons of public health and safety.
- (5) The Director shall charge an application fee in relation to the issuing of permits under this regulation.

(6) A person shall not, without first obtaining a permit from the Director authorizing him to carry out the specified activity, carry out any of the following activities within a protected area:

- (a) access, explore or harvest any genetic resources;
- (b) take, collect, remove or alter any flora or fauna;
- (c) hunt or fish any species for subsistence purposes;
- (d) hunt or fish for sport or recreation;
- (e) undertake scientific research at the student or professional level whether for public, private or academic purposes;
- (f) carry on any still photography or make any film or video recording for sale or commercial use;
- (g) operate a business or solicit, sell or attempt to sell any goods or services;
- (h) engage in any charitable or fundraising activity;
- (i) remove or excavate any earth, artefacts or antiquities;
- (j) organize or arrange a private event where the gathering is over a specified number of people.

✓ **Exceptions**

Where an otherwise restricted activity is required to be carried out in a protected area under exceptional circumstances, that activity should be undertaken by an authorized officer or entity or individual acting as an agent on behalf of the officer.

The Director may permit a restricted activity to be carried out by specific persons or groups under extraordinary circumstances such as in an emergency.

Where the Director grants permission for a restricted activity to be carried out under extraordinary circumstances in accordance with sub-regulation (2), that permission shall:

- i. be given in writing;
- ii. identify the specific individual or group to which it applies;
- iii. indicate the specific purpose and duration for which the permission is valid; and
- iv. include any conditions, control or monitoring requirements that the Director may determine necessary to minimize unintended consequences or negative impact on the site.

Step 6: In cases covered by the cited legislation, the following **permit's** procedures intend to clarify doubts and gaps in the acts and activities already cited.

Check if acts and activities fall into following:

- a) Cleaning and clearing of water lines and watersheds except for maintenance activities in the access areas;
- b) Construction of crossings, bridges and marginal protections of water courses;
- c) Alteration of the natural drainage of water network, opening of wells and boreholes and installation of surface or underground water pumping;
- d) Military or civil protection exercises;
- e) Nature tourism or ecotourism activities;
- f) The practice of competitive sports activities and organized recreational activities;
- g) Installation of signs and panels of cultural or touristic nature, except for specific signs resulting from legal obligations;
- h) Filming or photography for commercial or advertising purposes;
- i) Over flight by power-driven aircraft or drones, except for reasons of surveillance, rescue operations or national interest;
- j) The carrying out of measures to correct the population density of game species, repopulations with game species and releases;
- k) The constitution of hunting areas;
- l) Carrying out scientific research and dissemination work, monitoring, recovery and environmental awareness-raising activities, as well as actions to safeguard natural values and nature conservation;
- m) Pyrotechnic activities;
- n) Installation of wind farms, golf courses, oil pipelines, cable cars, funiculars or similar structures, when national interest is at stake and with an Environmental Impact Assessment made.
- o) Execution of any construction, reconstruction, recovery, expansion or demolition works outside the urban perimeters;
- p) Execution of other civil construction works, alteration of current use or soil morphology, namely for buildings, installation/expansion of camping and caravanning parks, touristic enterprises outside the perimeters of urban agglomerates;
- q) Roads and access to roads openings, or any modification of existing ones, as well as maintenance and conservation works involving the destruction of the vegetation cover;
- r) Installation of airframe or underground telecommunication infrastructure, telecommunications, natural gas, basic sanitation and the use of renewable energies, outside the urban areas, when national interest is at stake and with an Environmental Impact Assessment made.

✓ **Note:** The opinions/permits in the preceding paragraphs shall be issued according with national law practice.

Step 7: Apart from the foreseen written permissions stated before, the following uses and activities are subject to PA technical analysis, follow-up and/or support:

Scientific research and monitoring work

- Check entities involved, name and address of the person responsible for the project,
- The location, the duration and the methodologies used.
- When the work methodology involves disturbance, capture, cutting, harvest or death of organisms, the PA shall consider the location of the study and shall evaluate its relevance to the PA objectives.

- Ensure that the person responsible or coordinator provides the PA with the annual progress reports and final report of the work, as well as the publications resulting from it.

Agriculture, grazing and livelihood activities (only when and where PA Planning and zoning allows)

- Develop agreements with existing farmers, aiming at the recovery of traditional agricultural activities, using product certification;
- Promote actions to avoid degradation of the existing natural values and increase of climate change risks, in particular by supporting the reduction of the use of chemicals in existing agricultural production and the provision of information on alternative forms of agricultural production, such as organic farming, integrated protection and integrated production.
- Provide technical support to existing farmers, whether in the form of information or in the development of best practice applications;
- The application of fertilizers and phytosanitary products in the PA shall be conditioned according to the regulations, in agro-environmental measures for protection or integrated production; quality certification systems or other systems which guarantee equivalent or higher levels of pollution control.
- The use of biological control agents shall be documented, minimized, monitored, and strictly controlled in accordance with national laws and internationally accepted scientific protocols.
- Use of genetically modified organisms shall be prohibited unless national decision otherwise.

Forestry (only when and where PA Planning and zoning allows)

- Verify that existing and foreseen forestry management in the PA area is governed by the principles of good forestry sustainable practices; forest management operations that encourage the efficient use of forest's multiple products and services to ensure economic viability and a wide range of environmental and social benefits;³
- Rates of harvest of any forest product shall be set within a justifiable growth period and growth area;
- Promote the protection of existing natural values such as nuclei of proven ecological interest (clumps of native and endemic hardwoods and riparian vegetation galleries);
- In the existing forest areas or new commercial forest areas (in zones where is permitted), the installation, maintenance, beneficiation and exploitation must be encouraged in order to lead to the correct forest management with a view to the conservation of nature and habitats of ecological value, namely autochthonous woodland; conservation or creation of ecological corridors along the main water lines and beside areas;
- Where commercial forest is admitted, according to PA zoning, the design and layout of new plantations must promote the protection, restoration and conservation of natural forests, and not increase pressure on natural forests.
- Wildlife corridors, streamside zones and a mosaic of stands of different ages and rotation periods shall be used in the layout of the plantation, consistent with the scale of the

³ A prerequisite for sustainable forest utilization is comprehensive pro-harvest planning, appropriate monitoring and execution of operations as well post-harvest evaluations, increasing the production of goods and services, particularly in broadening diversity of yield of forest use, covering timber and non-timber forest products. This should help to generate more income and employment, without compromising the regenerative capacity of the forests and their continued contribution to human welfare, satisfying the aspirations of goods and services for future generations. FAO.

- operation.
- Management systems shall promote the development and adoption of environmentally friendly non-chemical methods of pest management and will seek to avoid the use of chemical pesticides. World Health Organization Type 1A and 1B and chlorinated hydrocarbon pesticides⁴; pesticides that are persistent, toxic or whose derivatives remain biologically active and accumulate in the food chain beyond their intended use; as well as any pesticides banned by international agreement, shall be prohibited. If chemicals are used, proper equipment and training shall be provided to minimize health and environmental risks.
 - Where commercial forest is admitted, according to PA zoning, verify that the techniques of silviculture, management and recovery of forest production spaces comply with the following rules: - Soil mobilizations must be guided by the principle of minimum mobilization, being null when there is presence of invasive species; - Use of biodegradable (non-residual) herbicides ;
 - Where commercial forest is admitted, according to PA zoning, solutions should be adopted to ensure an adequate standard of biological and landscape diversity, such as regeneration or maintenance of natural vegetation in bands.
 - Promote actions to raise awareness among forest land owners and in Royal land to adopt appropriate practices, avoiding the degradation of the natural values in presence, by using correct techniques for the installation, management, maintenance and exploitation of the forest;
 - Develop agreements with forestry producers aiming at the reconversion of forestry activity in those areas that are manifestly in imbalance with the objectives of nature conservation.

Buildings and constructions (only when and where PA Planning and zoning allows)

Check that new buildings are in accordance with the surrounding natural landscape and are subject to quality criteria on adopted architectural design, chromatics and materials used; In these reduced cases, new buildings may not exceed two floors above ground level and a total height of 6.5 m; In areas where slopes are more than 20%, there may be only one floor above the height of the front, if it does not exceed 6.5 m, measured from the lowest point to the upper lines;

Check that fencing of land boundaries complies in such a way to ensure landscape integration and non-habitat fragmentation;

When analyzing architectural projects or new constructions, check that, in addition to the provisions of applicable law, the following elements are present in the permit:

- location plan in an extract of a map, published by an official body, at a 1:10 000 scale and stills at a 1: 1000 or 1: 2000 scale;
- topographic and vegetation survey, at an appropriate scale, covering the appropriate area of the parcel, to check the implantation and integration of the construction:
- in the natural surroundings; singular elements or values; administrative legal rights; public utility restrictions and existing infrastructures as well as identification of existing tree

⁴ The WHO Recommended Classification of Pesticides by Hazard:

http://www.who.int/ipcs/publications/pesticides_hazard/en/

- species and natural vegetation;
- Color and materials plan;
- Summary table of construction areas;
- Without prejudice to the provisions of the preceding paragraphs, when the projects refer to expansion, alteration, reconstruction or recovery works, they must also be accompanied by the following elements: Photographic survey of the existing building; Alterations proposals; Result of the changes.

Legislation

The following SKN PA legislation applies:

Protected Areas Regulations, February 2017 (final draft), namely paragraphs 3, 19, 25, 26, 27, 28, 29,30,31,42

Protected Areas Management Plan, February 2017 (final draft), namely paragraph 10.

National Conservation and Environmental Management Bill, NCEMB, final draft 2017, namely paragraphs 48,49, 50,51, 52, 54,55, 56, 58, 60,64, 65,70, 71,75, 92, 97, 98, 99

- ✓ Please note that when implementing this 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 NCEPA is still legally in place.**

	PA Authority Division/Function	SOP #	2. Marine
		Preparation Date	June 2017
		Implementation Date	
		Last Reviewed/Update Date	
		Approval	
SOP TITLE MANAGEMENT IMPLEMENTATION, ACTS and ACTIONS REGULATION/			

Purpose and scope

The framework for acts and activities regulation within a protected area depends on the area's category, objectives, established rules and management plan incorporating zoning, acts and activities regulation.

In SKN the following PA classification and description apply:

SKN PAs CATEGORY	DESCRIPTION
Category I	National Park: An area consisting of a relatively large land or marine area or some combination of land or sea, containing natural and cultural features or scenery of national or international significance and designed to protect functioning ecosystems, is lenient with human visitation and managed in a manner to protect such resources and contributes to the local economy through promoting educational and recreational tourism on a scale that would not reduce the effectiveness of conservation efforts.
Category II	Historic Site: A place or site which is historic by reason of an association with the past and its part of the cultural or historical heritage of Saint Christopher and Nevis, and such a classification may include archaeological sites, historic landmarks, and areas of special historic or cultural interest.
Category III	Nature Reserve: An area containing outstanding or fragile natural features or life forms of national importance that need protection in an undisturbed state where the only permitted activities are management measures, controlled scientific research and educational study.
Category IV	Strict Nature Reserve: A protected area managed mainly for scientific purposes and includes an area of Crown or private land or water or both land and water possessing some outstanding or representative ecosystem, geological or physiological features or species available primarily for scientific research or environmental monitoring.
Category V	Wilderness Area: This is a protected area in which biodiversity and ecosystem processes are allowed to flourish or experience restoration if previously disturbed by human activity and these areas may buffer against the effects of climate change and protect threatened species and ecological communities.
Category VI	Area of Special Concern: A place or site needing special protection and controlled use to stabilize or restore important ecological features or functions.
Category VII	Scenic Site: An area containing a scenic feature of national or local importance.

Category VIII	Botanic Garden: A garden established for the preservation display and propagation of the national botanical resources.
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Source: Protected Areas Management Plan (final draft, 2017) and Protected Areas Regulations (final draft, 2017)

These classification doesn't strictly follow the IUCN PA international classification, but is a national mandatory framework, that defines the Protected Areas and its territory's sustainability approach.

Table with existing and planned SKN classifications in comparison with international IUCN one's:

Table 1: Protected Areas in St. Kitts and Nevis targeted by the project¹²

PA Type/Name	IUCN Category ¹	NCEMA Category ²	Land Area (ha)	Marine Area (ha)	Total Area (ha)
Terrestrial Protected Areas					
Central Forest Reserve National Park	II	I	5,060	0	5,060
Nevis Peak National Park and Camps River Watershed Area ³ (proposed)	II/VI	I/V	3,250	0	3,250
Royal Basseterre Valley National Park	VI	I/VII	200	0	200
Booby Island Nature Reserve (proposed)	Ia	III	300	0	300
Marine Protected Areas					
Sandy Point Marine Park ⁴ (proposed)	IV/V/VI	III/IV/V	0	60	60
The Narrows Marine Park (proposed)	TBD	III/IV/V	0	2,702	2,702
Keys Marine Park ⁵ (proposed)	TBD	TBD	0	8,931	8,931
Total			8,810	11,693	20,503

¹ Information on classifications of these sites taken from 2010 Protected Areas Systems Plan. Relevant IUCN classifications: Ia (Strict Nature Reserve), II (National Park), IV (Habitat/Species Management Area), V (Protected Landscape/Seascape), VI (Managed Resource Protected Area)

² Information on classifications of these sites taken from 2010 Protected Areas Systems Plan. Relevant National Conservation and Environmental Management Act (NCEMA) classifications are provided in Table 2

³ Nevis Peak National Park and Camps River Watershed Area is a single protected area; under NCEMA, the Nevis Peak area (estimated to be 2,250 hectares) will be classified as a National Park, while the Camps River area (estimated to be 1,000 hectares) will be classified as an Area of Special Concern

⁴ Sandy Point Marine Park: Four different types of zones have been proposed for this proposed MPA: Fish stock propagation areas classified as IUCN Category IV (fishing prohibited or seasonally restricted); Turtle nesting beaches classified as IUCN Category IV; Tourism and recreation areas for snorkelling, diving, etc. classified as IUCN Category V; and Fishing areas classified as IUCN Category VI (fishing areas may be further subdivided into areas for artisanal fishing and areas for sport fishing)

⁵ Keys Marine Park: Three zones have been proposed for this proposed MPA: Keys Beach (18 ha); Conservation Zone (5,433 ha); and a Multi Use Zone (3,480 ha)

Source: UNDP PRODOC Project Conserving Biodiversity and reducing habitat degradation in Protected Areas and their areas of influence in St Kitts and Nevis, 2014.

When in the presence of a Marine PA some common provisions must be ensured bearing in mind the overall objectives of an MPA, (check also SOP #1 Marine) namely:

- The preservation of marine biodiversity;
- The recovery of marine habitats;
- The Protection of coastal and marine ecosystems in sustainable development, adaptation and mitigation in climate change strategies and in resilience actions;

- The protection of natural infrastructures;
- To enhance science-policy interface and accessibility of related knowledge;
- Scientific research applied to the conservation of nature;
- Environmental information, awareness and education;
- Progressive adaptation to the general rules for the emission of effluents bearing in mind the capacity of the receiving environment;
- The importance of sustainable ocean-based economy in Small Island developing States;
- The promotion of nature-based sustainable development tourism;
- The promotion of regional economic-traditional activities such as sustainable fishing methods;
- The promotion of cooperation for integrating regional climate change MPA adaptation strategies.

As seen in previous SOP#1, an approved management plan is generally the support for the PA authority to exercise management, undertake actions and assume responsibilities. These responsibilities and competencies include the authority to approve, prohibit or regulate activities in the protected area or in zoning, consistent with the plan and/or the objectives that led to its classification.

Some people confuse marine reserves, where extraction of any resources is prohibited (no-take), as the only type of MPA. MPAs may include marine reserves, as well as other zones in which partial protection is afforded (seasonal closures, catch limits, etc.).

Many MPAs are multiple-use areas, where a variety of uses are allowed. For example, there are many kinds of MPAs waters including national parks, wildlife refuges, monuments and marine sanctuaries, fisheries closures, critical habitat, habitat areas of concern, state parks, conservation areas, estuarine reserves and preserves, and numerous others. While a few sites exist as no-take marine reserves, the clear majority of MPAs, both in terms of numbers and area, are open for fishing, diving, boating, and other recreational and commercial uses.

The types of human activities that are regulated, and the strictness of the regulations, is therefore largely dependent upon the objectives of the MPA and the different zoning planned.

Many elements of a management plan may not have regulatory content, for example, education, research, monitoring or outreach. However, elements related to the control of acts and activities within the protected area should have regulatory content.

This SOP is intended to show the regulations that are necessary in a PA and those that may apply, both with management and zoning approved or as a precautionary principle attitude to manage a PA that still doesn't have management plan or any sort of regulation for the acts and activities.

Please note that the Fisheries, Aquaculture and Marine Resources Act (FAMRA) 2016, declared a 2 miles radius as Marine Managed Area and within it there are three Conservation Zones:

Sandy Point, Keys and the Narrows, which are areas also defined by the UNDP Prodoc Biodiversity project for MPAs.

✓ **Regulated activities**

In this sense, there are three main legal techniques used for regulating activities inside a PA:

First: *Prohibiting certain activities under most situations;*

Second: *Requiring written permission to undertake certain activities, which are otherwise prohibited;*

Third: *Allowing certain activities without written permission, if general rules are followed.*

The kinds of activities normally regulated inside a PA concern use, conduct of persons, groups, the private sector or government entities, and may be broadly divided into three primary areas:

- Access to all or part of a protected area;
- Use of the area and its amenities (for example, recreation, education, scientific research, sports, fishing, commerce, etc.);
- Preventing and controlling potentially harmful conduct of persons or entities that may threaten the Pa's conservation objectives (for example, causing pollution of the site or damage to protected species habitats, wildlife or cultural resources of the site).

✓ **Prohibited activities**

The precautionary principle⁵ should apply when identifying prohibitions. In this context some prohibitions may be appropriate where there appears to be substantial risk to the conservation objectives of the PA, even in the absence of scientific certainty.

Regulation of activities within the protected areas system may be grouped into the following diverse categories:

First: prohibitions related to the destruction or alteration of natural systems, species and/or habitats;

Second: prohibitions related to killing, capturing, taking, removing, damaging or disturbing any wildlife, cultural resource or other object, for exploitation or any other purpose;

Third: prohibitions related to causing damage to ecosystems and species habitats from pollution and other threats;

Fourth: prohibitions related to the introduction of invasive or exotic species.

⁵ Precautionary Principle: When human activities may lead to morally unacceptable harm that is scientifically plausible but uncertain, actions shall be taken to avoid or diminish that harm. UNESCO 2005.

✓ **Authorization**

As with decision making about prohibited activities, the precautionary principle approach should be used when identifying activities to authorize by permit.

Even if a permit system putted in place, it is important that regulations for its use include safeguards to enhance its effectiveness, including authority to suspend or modify the issuance of permits, concessions and other forms of written permission where changing conditions so require.

The issuance of too many permits, for instance, can weaken the effectiveness of well-intended controls, and authority should be available to limit or cease the issuance of permits for an activity when needed to protect a site. Similarly, effectiveness may be weakened where permit conditions, particularly on prohibitions, are not well monitored and users abuse the permission. Periodic checks on compliance with specific permit conditions and the use of appropriate fines and other penalties for abuse are essential implementation elements.

✓ **Offences and penalties**

Provisions on regulated activities normally translate into offences and punishments when the provisions are violated.

Offences under protected areas legislation are those actions that violate provisions of the law or conflict with regulations governing activities covered by the law. Offences and penalties under protected areas legislation are normally applied within the broader framework of the country's criminal code, civil law and rules concerning jurisdiction of the courts.

The Protected Areas Regulations, (final draft) 2017, paragraph 42, defines it as:

A person who:

- (e) contravenes or fails to comply with any provision of these Regulations;
- (f) fails to comply with a protected areas notice, an internal rule or other document issued or displayed in terms of these Regulations;
- (g) fails to comply with any lawful instruction, prohibition, rule or order given, imposed or issued in terms of an internal rule or these Regulations;
- (h) obstructs or hinders a park ranger, conservation officer or any authorized person in the execution of his or her duties under these Regulations,

The present SOP doesn't enter into the definition and application of penalties. This is a case for the application of the SKN PA regulatory system such as:

Protected Areas Regulations, (final draft) 2017, and the National Conservation and Environmental Management Bill, NCEMB, (final draft) 2017 paragraph 97.

This SOP will help PA practitioners, rangers, managers, and senior executives to apply management regulations inside the PA, while mandated for impartial and objective authority.

In detail, the following groups are the targets of this SOP:

- a) PA managers
- b) PA rangers
- c) PA executive managers/ senior executives
- d) PA authority executive managers

But also, depending on the act and activity:

- e) NGOs, other: interested parties and private managers
- f) The public

Procedures

The actions necessary to implement the measures referred to in the following procedures, while articulating with compatible human uses, are subject to a territorial management regime that takes into account the objectives of each MPA, safeguarding the environmental values at presence, as well as the location and implementation of activities, bearing in mind the need to ensure the economic and social development of the population.

The following are the acts and activities that SKN PA framework legislation considers prohibiting in all PAs: *In Protected Areas Management Plan* (final draft) 2017

Step 1: When analyzing and act or activity inside a PA, one shall check if they fall under the following provisions:

General Prohibitions

- (a) Prohibitions related to the destruction or alteration of natural systems, species or habitats;
- (b) Prohibitions related to killing, capturing, taking, removing, damaging or disturbing any wildlife, cultural resource or other object, for exploitation or any other purpose;
- (c) Prohibitions related to causing damage to ecosystems and species habitats from pollution and other threats;
- (d) Prohibitions related to the introduction of exotic species.

Specific prohibitions

Certain prohibitions may be appropriate where there appears to be substantial risk to the conservation objectives of the site even in the absence of scientific certainty. The types of

activities that protected areas regulations usually prohibit in all sites that are part of the formal protected areas system include:

- (a) Killing, taking or disturbing any endangered, threatened or otherwise legally protected native species, whether marine or terrestrial;
- (b) Disturbing or damaging the critical habitat of any endangered, threatened or otherwise legally protected native species, including removing the nest or contents of the nest of a species;
- (c) Destroying or damaging a site serving important ecosystem functions that has been designated or identified for special protection (for example, a protected water catchment area);
- (d) Removing, damaging, demolishing or excavating any part of a cultural site, natural monument, historic shipwreck or other significant cultural site inside a protected area;
- (e) Entering any part of an area that is closed to that user group or individual;
- (f) Interfering with, damaging, removing or replacing any official notices or signs;
- (g) Introducing any exotic species;
- (h) Using explosives or poisons;
- (i) Using or having in possession any prohibited weapon, including any firearm or spearfishing gun;
- (j) discharging toxic or hazardous substances, including but not limited to petroleum or substances made from petroleum, and household cleaners;
- (k) Landing an aircraft or driving or otherwise using a motorized vehicle in areas where doing so is prohibited, whether on land or water;
- (l) Flying an aircraft in prohibited airspace above a protected area;
- (m) Disposing of or dumping sewage, solid waste, refuse, rubbish or litter anywhere other than in designated containers or areas;
- (n) Damaging or defacing any physical structures inside a protected area;

The intention is to prevent any measure which could potentially interfere with conservation objectives and defeat or diminish the effectiveness and efficiency of the management plans.

Exceptions to prohibitions

In the circumstances where one or more of these prohibited activities is required under exceptional circumstances, it should be undertaken by an authorized officer of the Department of Environment or the PAA or an entity or individual acting as an agent on behalf of Department or PA Authority.

Therefore, under extraordinary circumstances, such as an emergency, an activity that is normally prohibited may need to be allowed or authorized for specific persons or groups under the plan. Such authorization of an exception to be given to a group or person should be in writing, identify the specific group or person receiving permission, indicate the specific purpose and duration for which the permission is valid, and include any conditions, controls or

monitoring requirements that the authority may determine are necessary to minimize unintended consequences or negative impacts to the site.

Step 2: The above restrictions are parallel and complemented with the following ones as stated in **The Protected Areas Regulations**, (final draft) 2017:

General Prohibitions (part VI)

No taking of species

- No person shall take any organism, species or other form of flora or fauna from a protected area except:

- a) with the authorization of the authorized entity;
- b) in accordance with a bioprospecting or research permit issued under the Act and these Regulations; or
- c) pursuant to an agreement concluded with the authorized entity to that effect.

Prohibited activities

Except to the extent as authorized by the Director, the Agency or in the management plan of a protected area, no person shall, within the protected area, either intentionally or negligently do one or more of the following activities:

- a) kill, hunt, take or disturb any endangered, threatened or otherwise legally protected native species;
- b) disturb or damage the critical habitat of any endangered, threatened or otherwise legally protected native species including removing the nest or contents of the nest of the species;
- c) destroy or damage a site serving important ecosystem functions that has been designated or identified for special protection;
- d) remove, damage, demolish or excavate any part of a cultural site, natural monument or other significant site inside a protected area;
- e) interfere with, damage, remove or replace any official signs or notices erected;
- f) enter any part of the area that is closed to that user group or individual;
- g) throw, litter, dump or release any effluent, sewage, refuse, rubbish, toilet waste or pollutant in the area;
- h) erect, install or display any billboard, advertisement or promotional material;
- i) destroy or deface any cultural object or monument of biodiversity and cultural significance;
- j) remove or be in possession of any fossil, archaeological remains;

- k) sow, propagate or introduce any exotic or invasive species;
- l) park a vehicle, vessel or craft in any place other than a place designated for that purpose;
- m) use any explosives or poison;
- n) use or be in possession of any prohibited weapon including but not limited to any firearm or spear-fishing gun;
- o) discharge any toxic or hazardous substances including but not limited to petroleum or substances made from petroleum and household cleaners;
- p) land any aircraft or otherwise using a motorized vehicle in area where doing so is prohibited;
- q) fly an aircraft or any other flying object in any prohibited space above a protected area;
- r) damage or deface any physical structures within a protected area

Prohibitions relating to vehicles, vessels and crafts

A person driving or operating a vehicle within a protected area shall not:

- a) drive, park or stop in such a manner that constitutes a nuisance, disturbance, inconvenience or danger to any other person;
- b) drive, park or stop in any manner that causes an obstruction, blocks the pathway of a management operation or emergency vehicle;
- c) park a vehicle in a place other than in a place designated for that purpose by the authorized entity;
- d) damage or act in a manner that could cause damage of any nature to any road, flora or fauna or other species;
- e) drive or operate a vehicle in a reckless or negligent manner or in a deliberate or intentional disregard for the safety of any person, species, specimen or property; or
- f) drive that vehicle off-road or off the designated roads or tracks except in an area designated by the authorized entity for that purpose.

The authorized entity may restrict or preclude the use of any vehicle, vessel or craft within a protected area.

Littering and pollution

No person shall, in a protected area:

- a) deposit or leave any litter which is either industrial or domestic, regardless of whether that litter is biodegradable or non-biodegradable, except in an area or

receptacle provided for that purpose;

- b) deposit or leave any litter, bottle, broken glass, china. Pottery, plastic articles, rubbish, refuse, seeds, fruit or vegetable matter or other waste material, except in an area or receptacle provide for that purpose;
- c) deposit, discharge or leave any noxious, smelly, offensive or polluting substance or matter;
- d) deposit, discharge or leave any mineral, mineral waste or other industrial waste;
- e) discard or discharge any toxic chemical or substance, pharmaceutical substance or any other pollutant or harmful substance;
- f) dispose of containers or residuals of aerosols or any other hazardous substance of such nature.

Step 3: In cases covered by the cited legislation, the following **prohibition** procedures intend to clarify doubts and gaps in the acts and activities already cited.

Check if acts and activities fall into following:

- a) The discharge of industrial, domestic or untreated livestock waste water from surplus pesticides or pesticide syrups and washing waters with the use of detergents in water, soil or subsoil;
- b) Changes in the current use of wetland or marine areas, as well as changes in their configuration and topography;
- c) The disturbance, harvesting, capture, killing or detention of individuals or parts of individuals of any plant or animal species subject to the protective measures set.
- d) The destruction of nests and the collection of eggs, disturbance or destruction of their habitats, except for species control;
- e) The installation of scrap materials or equipment used, including scrap metal and end-of-life vehicles and the dumping or abandonment of waste or containers;
- f) The collection of geological samples or any acts contributing to the degradation or destruction of geodiversity, except for those carried out for exclusively scientific purposes;
- g) The introduction of invasive, alien or infesting animal or plant species;
- h) The obstruction of any type of passage in public ways and of access to the lines and the water planes;
- i) Practice of motorized sporting activities liable to cause pollution, noise or deterioration of the natural values of the area, in particular power boating;
- j) Collection, cutting, capture, killing or keeping of specimens of any plant or animal species subject to protection measures or protected in the area of the MPA, at any stage of its life cycle; disturbance or destruction of their habitats with the exception of the nature conservation actions carried out by MPA as well as scientific actions duly authorized;
- k) Collection of geological samples, dredging, extraction of seabed substrates, alteration of the coastline, construction of spurs, except infrastructure approved on a national level after Environmental Impact Assessment;
- l) Installation of ports, marinas and anchorages, except those marine infrastructures approved at a national level after Environmental Impact Assessment;
- m) The discharge of untreated effluents;

- n) Destruction or disturbance of coral-reefs; damage and collection of pieces of coral or shells as mementos;
- o) Activities that increase natural erosion and augment climate change risks;
- p) The circulation of watercraft, vessels or similar, except for access to ports or marinas. The latter should be made by water corridors to be defined jointly with entities with jurisdiction in the area;
- q) Fishing in no-take zones.
- r) Fishing with industrial trawls;
- s) Commercial catch, in particular seaweed or coral, and capture of marine organisms with the aid of autonomous scuba diving or other breathing aid;
- t) Recreational game fishing, in the modalities of catch and underwater hunting.

According to the **Protected Areas Management Plan** framework law (final draft, 2017), there are certain activities for which **permission** must be asked to the relevant PA authorities prior to the activity being undertaken.

- ✓ The management challenge is to design and enforce measures that limit allowed human activities to levels that do not cause harmful or unacceptable impacts. Limitations are also more challenging than prohibitions – they are more complex for area users to understand and may be more difficult for managers to enforce. However, limiting rather than prohibiting activities in an area is usually more acceptable to area users and may be more easily implemented.

Step 4: Check the following acts and activities that will require a written permission;

- a) Accessing, exploring or harvesting any genetic resources;
- b) Taking, collecting, removing or altering any flora or fauna
- c) Fishing by specific communities or groups for subsistence purposes;
- d) Fishing for sport or recreation;
- e) Constructing or destroying any building or other structure;
- f) Undertaking scientific research at the student or professional level, whether for public, private or academic purposes (later detailed in this SOP);
- g) Carrying on any still photography or make any film or video recording for sale or commercial use;
- h) Operating a business or solicit, sell or attempt to sell any goods or services;
- i) Engaging in any charitable or fund-raising activity;
- j) Organizing or arranging a special public event;
- k) Removing or excavating any earth or beach sand.

Also, according to the **Protected Areas Regulation** (final draft, 2017) the following are conditioned to a PA written permit:

- a) The Director may, upon application being made by an applicant on Form 2 of Schedule 3

(as it appears in the Protected Areas Regulation), issue a permit to allow the holder of the permit to carry out certain activities within a protected area.

- b) The Director shall issue a permit in Form 3 of Schedule 3(as it appears in the Protected Areas Regulation) to a successful applicant.
- c) The Director shall not issue a permit under this regulation unless the activity to be carried out by the applicant is consistent with the protected area management category and management plan.
- d) The Director may attach terms and conditions to the permit as may be required to protect the area and for reasons of public health and safety.
- e) The Director shall charge an application fee in relation to the issuing of permits under this regulation.

A person shall not, without first obtaining a permit from the Director authorizing him to carry out the specified activity, carry out any of the following activities within a protected area:

- a) access, explore or harvest any genetic resources;
- b) take, collect, remove or alter any flora or fauna;
- c) hunt or fish any species for subsistence purposes;
- d) hunt or fish for sport or recreation;
- e) undertake scientific research at the student or professional level whether for public, private or academic purposes;
- f) carry on any still photography or make any film or video recording for sale or commercial use;
- g) operate a business or solicit, sell or attempt to sell any goods or services;
- h) engage in any charitable or fundraising activity;
- i) remove or excavate any earth, artefacts or antiquities;
- j) organize or arrange a private event where the gathering is over a specified number of people.

Exceptions

Where an otherwise restricted activity is required to be carried out in a protected area under exceptional circumstances, that activity should be undertaken by an authorized officer or entity or individual acting as an agent on behalf of the officer.

The Director may permit a restricted activity to be carried out by specific persons or groups under extraordinary circumstances such as in an emergency.

Where the Director grants permission for a restricted activity to be carried out under extraordinary circumstances in accordance with sub-regulation (2), that permission shall:

- be given in writing;
- identify the specific individual or group to which it applies;
- indicate the specific purpose and duration for which the permission is valid; and
- include any conditions, control or monitoring requirements that the Director may determine necessary to minimize unintended consequences or negative impact on the site.

Step 5: In cases covered by the cited legislation, the following **permit's** procedures intend to clarify doubts and gaps in the acts and activities already cited.

Check if acts and activities fall into following:

- a) Military or civil protection exercises;
- b) Installation of signs and panels of cultural or touristic nature, with the exception of specific signs resulting from legal obligations;
- c) Over flight by power-driven aircraft or drones, except for reasons of surveillance, rescue operations or national interest;
- d) Carrying out scientific research and dissemination work, monitoring, recovery and environmental awareness-raising activities, as well as actions to safeguard natural values and nature conservation;
- e) Pyrotechnic activities;
- f) Temporary or permanent shipyards, ports, anchorages and marinas, when national interest is at stake and with an Environmental Impact Assessment made.
- g) Installation of sea wind farms, when national interest is at stake and with an Environmental Impact Assessment made.
- h) The practice of sports activities, namely diving with autonomous scuba diving;
- i) Coastal protection actions that become necessary, taking into account conditions of immediate climate change risk for the safety of people and goods, are preceded by an Environmental Impact Assessment;
- j) Installation of fixed or removable structures;
- k) Scientific research, environmental and ecosystem monitoring in accordance to nature conservation and safeguarding of natural values;
- l) Nature tourism, recreational and competitive activities. These activities 'permit is required if there is:
 - negatively impact other general users of the area;
 - requires temporary exclusive use;
 - disturbs natural or cultural;
 - includes construction or installation of temporary infrastructure;
 - includes the use of motorized vessels or vehicles in an area, or manner, in which they are otherwise not generally permitted.

- ✓ **Note:** The opinions/permits in the preceding paragraphs shall be issued according with national law practice.

Step 6: Apart from the foreseen written permissions stated before, the following uses and activities are subject to PA technical analysis, follow-up or support:

Scientific research and monitoring work

- Check entities involved, name and address of the person responsible for the project,
- The location, the duration and the methodologies used.
- When the work methodology involves disturbance, capture, cutting, harvest or death of organisms, the PA shall take into account the location of the study and shall evaluate its relevance to the PA objectives.
- Ensure that the person responsible or coordinator provides the PA with the annual progress reports and final report of the work, as well as the publications resulting from it.

Commercial fishing

Without prejudice to the general fishing regime, in the MPA, the exercise of fishing activity is subject to the following criteria and conditions:

- To be carried out by vessels specifically licensed for the MPA;
- Local fishing vessels with overall length not exceeding SKN Fishing regulations and with proven activity in the previous 12 months, or other built in their place, provided they belong to the same owner;
- The license referred to in subparagraph (a) shall lapse with the abandonment of the activity or with the disinvestment or transfer of the vessel, unless it is done in favor of any descendant in the direct line of its owner;
- The renewal of licenses shall be subject to proof of activity in the previous year;

✓ **Note:** Constraints may be established on fishing activities, including closed periods, prohibition areas, fishing gears types and characteristics, biodegradable gear trawl systems and a maximum number of licenses or shifts. These should be decided between the Environmental and the Fishing authorities.

Navigation, founding and mooring

In the MPA the following restrictions on navigation and founding apply:

- The founding of any type of vessel is prohibited, except in pre-defined areas/zones;
- Motorboats and sailing craft exceeding 10m in length will be prohibited from navigating, except in navigation channels for access to mooring areas and beaches, and small boats fitted with motors of up to 25 Hp, duly authorized to collect and drop people on the beaches and mooring areas;
- The placing of any type of mooring outside the places intended for this purpose shall be prohibited;
- The access of vessels to mooring areas shall be through channels with a maximum width of 20 m, the location of which shall be defined by the competent authorities;
- The installation zones for mooring buoys can be operated on a concession basis, limited to vessels of up to 15 m in length overall and four-stroke engines;
- The use of anti-fouling marine paints with tin-based compounds in the vessels and structures is prohibited;
- Entities with competence in the coastal area may temporarily or permanently restrict or

interdict the use of mooring areas for safety reasons or the need to conserve sensitive or degraded ecosystems.

- ✓ **Note:** Limitation by spatial control involves regulating activities specifically to a part or parts of the MPA, these include:
 - Zonal management: Spatial control of activities.
 - Temporal control: Management changes over time, such as a closed fishing season. For example, this may be used to protect spawning areas for fish or breeding habitats for seabirds.
 - Equipment restriction: Regulation of the use of equipment or technology that is efficient for its purpose in the short term but damaging to resources in the long term (e.g., trawl restrictions).
 - Quotas: Setting limits on the allowable harvest with the goal of leaving enough of the resource to replenish itself. Quotas are most commonly applied towards fishing.
 - Licenses or permits: Issuing permission, through official documentation, for a person or people to engage in specific activities in the MPA. Licenses and/or permits can be issued based on skill, resource allocation, or other characteristics.
 - MPAs are just one of many marine resource management tools. MPAs primarily regulate human activities and protected natural resources, habitats and species, but MPAs alone cannot address problems such as pollution, climate change, or overfishing. Other management strategies are needed to complement MPAs, and conjunction of them and implementation of national and international strategies are most effective when used in conjunction with other management measures.

Legislation

The following SKN PA legislation applies:

Protected Areas Regulations, February 2017 (final draft), namely paragraphs 3, 19, 25, 26, 27, 28, 29,30,31,42

Protected Areas Management Plan, February 2017 (final draft), namely paragraph 10.

National Conservation and Environmental Management Bill, NCEMB, final draft 2017, namely paragraphs 48, 49, 50,51, 52, 53,54,55, 56, 58, 60,64, 65,70, 71,75, 80, 92, 97, 98, 99

- ✓ Please note that when implementing this 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 MPA Standard Operational Procedures and will replace the existing NCEPA. Nevertheless, until it is replaced NCEPA is still legally in place.

Saint Christopher and Nevis. Fisheries Aquaculture and Marine Resources Act, 2016 namely Part III.

- ✓ The Fisheries, Aquaculture and Marine Resources Act declared a 2 miles radius as Marine Managed Area and within it there are three Conservation Zones: Sandy Point, Keys and the Narrows, which are areas also defined by the UNDP Prodoc Biodiversity project for MPAs.

References

Allan N. Williams. Land policy, administration and management St. Kitts and Nevis country experience. 2003

Caribbean Fisheries legal and institutional study: Findings of the comparative assessment and country reports. Cristina Leria. UN Food and Agriculture Organization. Barbados, 2016

Commercial Activity Permits for national parks, recreation areas and forests. Queensland: <https://www.business.qld.gov.au/industries/hospitality-tourism-sport/tourism/parks-recreation-forests/commercial-activity-permit>

Ehler, Charles, and Fanny Douvère. Marine Spatial Planning: a step-by-step approach toward ecosystem-based management. Intergovernmental Oceanographic Commission and Man and the Biosphere Programme. 2009

Environmental and Socioeconomic Baseline Studies. St. Kitts and Nevis Site Report for Central Forest Reserve, St. Kitts. The OECS Protected Areas and Associated Livelihoods (OPAAL) Project. Prepared by Island Resources Foundation. 2013

Jeffrey C., R. Baldeo and Z. Khan. 2012. Report on the review of the Grenada Fisheries Marine Protected Area Regulations 2001

Management Plan for Central Forest Reserve National Park 2007-2011. Federation of St. Kitts and Nevis. The Organization of Eastern Caribbean States (OECS)

Guidelines for the Management of Marine Protected Areas in the OSPAR maritime area. Reference Number: 2003-18. OSPAR Commission

Marine Parks Regulation 2006, current as at 1 July 2016. Queensland.

Maritza, Queeley, "An analysis of fisher practices and attitudes towards marine resource management and regulations in St. Kitts and Nevis /" (2016). *World Maritime University Dissertations*
http://commons.wmu.se/all_dissertations/514

Moreton Bay Marine Park User Guide. Queensland Department of National Parks, Sport and Racing. 2015

Protected Area Management Plan for the Proposed Nevis Peak National Park and Camps River Watershed Area. Organization of Eastern Caribbean States (OECS) Secretariat Environment and Sustainable Development Unit. Prepared by Island Resources Foundation. 2009