

LEGAL NOTICE No. 334

REPUBLIC OF TRINIDAD AND TOBAGO

THE ENVIRONMENTAL MANAGEMENT ACT, 2000

NOTICE

MADE BY THE ENVIRONMENTAL MANAGEMENT AUTHORITY UNDER SECTION 41 OF THE ENVIRONMENTAL MANAGEMENT ACT, 2000, AND UNDER RULES 3, 4 AND 5 OF THE ENVIRONMENTALLY SENSITIVE AREAS RULES, 2001

THE ENVIRONMENTALLY SENSITIVE AREAS (NARIVA SWAMP MANAGED RESOURCE PROTECTED AREA) NOTICE, 2006

1. This Notice may be cited as the Environmentally Sensitive Areas Citation (Nariva Swamp Managed Resource Protected Area) Notice, 2006.

2. In this Notice—

“Act” means the Environmental Management Act, 2000;

“alien or non-native species” means those species that are not indigenous to or periodically or permanently resident in Trinidad and Tobago which have generally been introduced by human beings;

“animal” means any member of the animal kingdom, whether alive or dead in any stage of biological development and any part or product thereof;

“Authority” means the Environmental Management Authority established under section 6 of the Act;

“core environmentally sensitive area” means an area deemed to be of special value on account of the unique concentration of species, ecosystems and habitats within the environmentally sensitive area;

“ecosystem” means a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit;

“endangered” means the status of a species in which population numbers have fallen, for whatever reasons, to levels which place the species at risk of extirpation from parts of its range or extinction from its entire range;

“Environmental Officer” means a person authorized under section 33 of the Act;

“environmentally sensitive area” means the portion of the environment so designated in clause 3;

Interpretation
Act No. 3 of
2000

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| Chap. 16:02 | <p>“environmentally sensitive species” means any species of living plant or animal so designated under section 41 of the Act;</p> |
| Chap. 66:01 | <p>“explosive” has the meaning assigned to it in section 2 of the Explosives Act;</p> |
| | <p>“forest reserve” means those areas declared as forest reserves under the Forests Act;</p> |
| | <p>“Managed Resource Protected Area” means an area containing predominantly unmodified natural systems, that require sustainable use and management to ensure long term protection and maintenance of biological diversity, while providing at the same time a sustainable flow of natural products and services to meet community needs;</p> |
| | <p>“natural resources” means the living plants, animals, organisms and other biological factors within the environment and the geologic formations, mineral deposits, renewable and non-renewable assets and the habitat of the living plants, animals, organisms and other biological factors;</p> |
| | <p>“plant” means any member of the plant kingdom, whether alive or dead, in any stage of biological development and any part or product of these;</p> |
| | <p>“rare” means infrequently occurring species whose rarity may or may not be on account of human activity;</p> |
| | <p>“Relevant Authority” means the Authority and any other governmental entity with jurisdiction under existing law;</p> |
| | <p>“Rules” means the Environmentally Sensitive Area Rules, 2001;</p> |
| | <p>“species” means a reproductively isolated or interbreeding or potentially interbreeding group of organisms derived by the evolutionary process sharing a common gene pool;</p> |
| | <p>“threatened species” means a species that is rare, vulnerable or endangered; and</p> |
| | <p>“wise use” means the permitted activities listed in Part IV.</p> |
| Designation of Area Part I | <p>3. The Authority hereby designates as an environmentally sensitive area (“ESA”) the portion of the environment described in Part I, hereinafter known as the Nariva Swamp Managed Resource Protected Area.</p> |
| Application | <p>4. This Notice does not apply to private lands in the ESA.</p> |
| Reason for designation Part II | <p>5. The reason for the designation is to meet the objectives set out in Part II.</p> |

6. The limitations on use of and activities within the ESA with which compliance is required are as specified in Part III.

7. Subject to clause 6 the wise use of the ESA is permitted and the mitigating measures to be undertaken are as specified in Part IV.

Limitations
on use and
activities
Part III
Permitted
use and
mitigating
measures
Part IV

PART I

DESCRIPTION OF THE ESA

Boundary Description of Nariva Swamp Managed Resource Protected Area

SOUTH WESTERN PERIMETER BOUNDARY

Beginning from a Concrete Monument, Strategic Control Point SCP9 *Northings* 1151572.04, *Eastings* 706876.75, and continuing in a southerly and westerly direction along the common boundary line with the eastern extent of the Private Parcellation to a point A.

Continuing along a line of bearing 122 degrees 18 minutes and a distance of 1719.10 metres to a point B.

Along a line of bearing 229 degrees 27 minutes and a distance of 2485.49 metres to a point C.

Then along a line of bearing 143 degrees 25 minutes and a distance of 2410.71 metres to a point D.

Along a line of bearing 111 degrees 48 minutes and a distance of 753.31 metres to a point E.

Along a line of bearing 139 degrees 45 minutes and a distance of 1162.55 metres to a point F.

SOUTHERN PERIMETER BOUNDARY

Continuing from point F along a line of bearing 52 degrees 16 minutes and a distance of 593.83 metres to a point G.

Along a line of bearing 97 degrees 56 minutes and a distance of 1429.07 metres to a point H.

Thence along a line of bearing 78 degrees 01 minutes and a distance of 2533.95 metres to a point J.

Along a line of bearing 105 degrees 48 minutes and a distance of 1765.25 metres to a point K.

Along a line of bearing 53 degrees 30 minutes and a distance of 280.0 metres to a point L.

Along a line of bearing 00 degrees 00 minutes and a distance of 400.00 metres to a point M.

Along a line of bearing 344 degrees 26 minutes and a distance of 907.31 metres to a point N.

Then along a line of bearing 37 degrees 10 minutes and a distance of 769.91 metres to a point O.

Then along a line of bearing 21 degrees 58 minutes and a distance of 686.01 metres to a point P.

Along a line of bearing 98 degrees 30 minutes and a distance of 741.92 metres to a point Q.

Along a line of bearing 164 degrees 43 minutes and a distance of 842.85 metres to a Concrete Monument R, *Northings* 1146597.02 *Eastings* 716319.41.

Then continuing in an easterly and southerly direction along the southern and western side of Kernahan Road to Concrete Monument S, *Northings* 1145510.19 *Eastings* 718160.07 at the intersection of Kernahan Road and the Manzanilla-Mayaro Road, thence in an easterly direction to the low water mark (LWM) of Cocos Bay on the Atlantic Ocean.

EASTERN PERIMETER BOUNDARY

Proceeding in a northerly direction along the LWM for a distance of 16.9 km to a point V along the LWM.

NORTH-WESTERN PERIMETER BOUNDARY

Turning in a westerly direction to the south-eastern boundary marker of the Tourist Board Site.

Continuing in a westerly direction along the southern boundary of the Tourist Board Site to its south-western boundary.

Then in a southerly and westerly direction to the point A1 *Northings* 1161908.85 *Eastings* 713750.37 being the south-eastern corner of the private parcel belonging now or formerly to A. Knights.

Then generally in a southerly direction along the common boundary line with the eastern extent of the private parcellation, and continuing to the start, the Concrete Monument-Strategic Control Point, SCP9 *Northings* 1151572.04 *Eastings* 706876.75.

The size of the ESA is approximately 11,343 hectares.

Boundary Description of Bush Bush Game Sanctuary

The Bush Bush Game Sanctuary is located southeast of the Concrete Monument-Strategic Control Point, SCP9 *Northings* 1151572.04 *Eastings* 706876.75.

NORTHERN PERIMETER BOUNDARY

Starting from the north-west corner *Northings* 1149446.67 *Eastings* 709001.35, which is located south-east of the Concrete Monument-Strategic Control Point, SCP9 *Northings* 1151572.04 *Eastings* 706876.75, and continuing along a straight line in a north-easterly direction to the north-east corner *Northings* 1150961.62 *Eastings* 715196.56.

EASTERN PERIMETER BOUNDARY

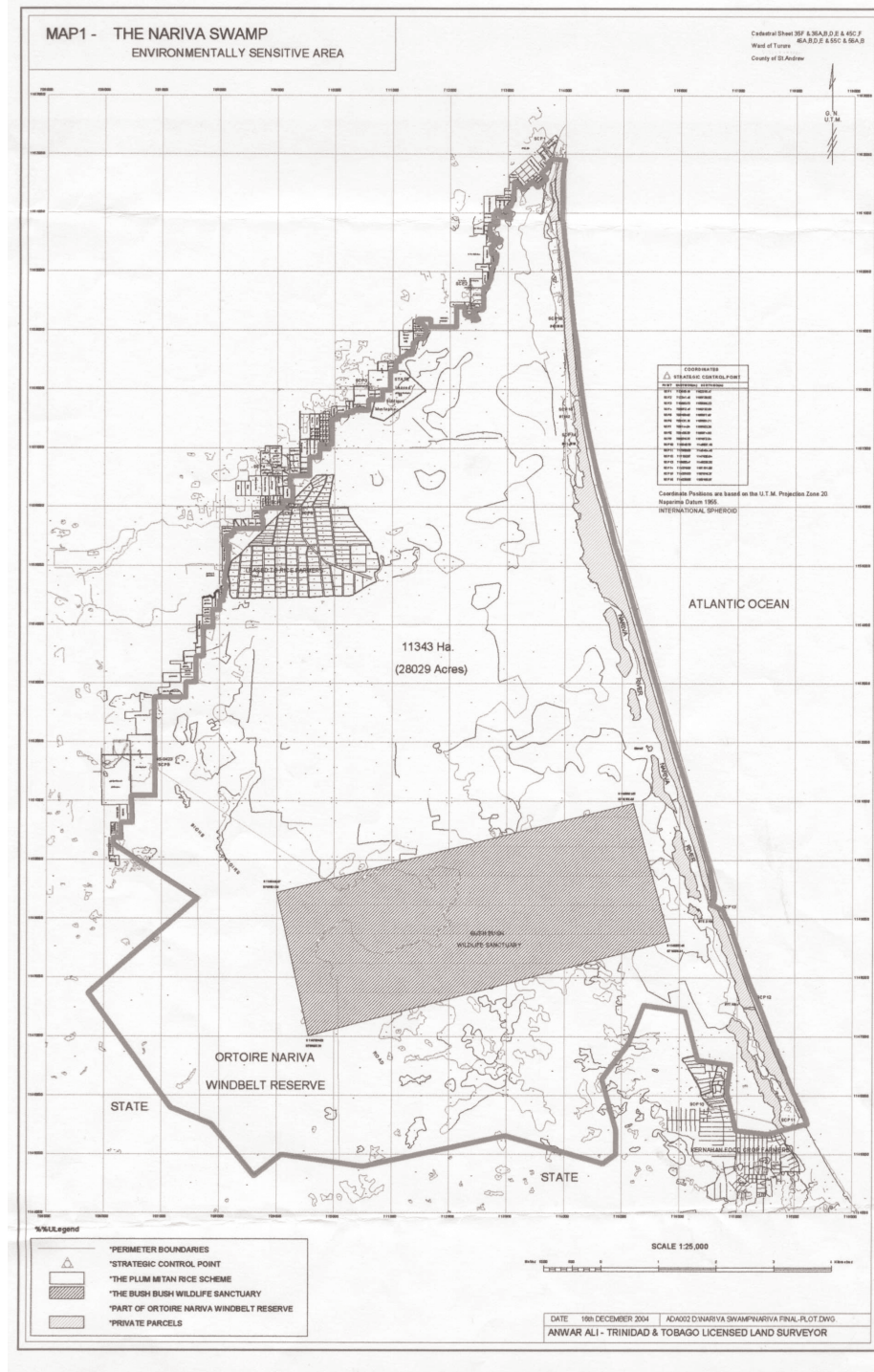
Starting from the north-east corner *Northings* 1150961.62 *Eastings* 715196.56 and continuing along a straight line in a south-easterly direction to the south-east corner *Northings* 1148627.48 *Eastings* 715826.54.

SOUTHERN PERIMETER BOUNDARY

Starting from the south-east corner *Northings* 1148627.48 *Eastings* 715826.54 and continuing along a straight line in a south-westerly direction to the south-west corner *Northings* 1147004.83 *Eastings* 709558.20.

WESTERN PERIMETER BOUNDARY

Starting from the south-west corner *Northings* 1147004.83 *Eastings* 709558.20 and continuing along a straight line in a north-westerly direction to the north-west corner *Northings* 1149446.67 *Eastings* 709001.35.



PART II

OBJECTIVES OF THE DESIGNATION

The objectives of the designation are—

1. Protection of the actual or prospective habitat of environmentally sensitive species including the West Indian Manatee (*Trichechus manatus manatus*).

2. In furtherance of Schedule I of the Rules, compliance with Government's international obligations under the following Conventions:

- (a) The Protocol concerning Specially Protected Areas and Wildlife to the Cartagena Convention (the SPAW Protocol), which was ratified by Trinidad and Tobago on August 10th, 1999;
- (b) The Convention on Wetlands (the Ramsar Convention, Iran 1971), which was acceded to by Trinidad and Tobago on December 21st, 1992;
- (c) The United Nations Convention on Biological Diversity (the Biodiversity Convention), which was ratified by Trinidad and Tobago on August 1st, 1996; and
- (d) The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), which was acceded to by Trinidad and Tobago on January 19th, 1984.

3. In furtherance of Schedule II of the Rules—

(1) Conservation of natural resources and protection of the environment, including—

- (a) maintenance of the significance of the area in the national, regional and international context;
- (b) protection, preservation, management and rehabilitation of an area that is fragile, threatened and degraded;
- (c) maintenance of the cultural values of an area which are associated with preserving the integrity of the environment;
- (d) protection of a significant assemblage of threatened species of plant and animal life including—
 - (i) protection of the largest and most diverse freshwater wetland in Trinidad and Tobago containing mangroves, freshwater marsh, palm swamp, freshwater swampwoods and evergreen seasonal forests; and
 - (ii) protection of rare and threatened species and their habitat, including—
 - (A) West Indian Manatee (*Trichechus manatus manatus*);
 - (B) Royal/Palmiste Palm (*Roystonea oleracea*);
 - (C) White-fronted Capuchin (*Cebus albifrons trinitatis*);
 - (D) Red Howler Monkey (*Alouatta seniculus*);
 - (E) Anaconda (*Eunectes murinus*);
 - (F) Yellow-footed Tortoise, Morocoy (*Geochelone denticulata*);
 - (G) Pearl Kite (*Gampsonyx swainsoni*);
 - (H) Savanna Hawk (*Heterospizias meridionalis*);
 - (I) Yellow-headed Caracara (*Milvago chimachima*);

- (J) Blue and Gold Macaw (*Ara ararauna*);
 - (K) Red-bellied Macaw (*Ara manilata*);
 - (L) Yellow-crowned Parrot (*Amazona ochrocephala*);
 - (M) Green Hermit (*Phaethornis guy*);
 - (N) Common Black Hawk (*Buteogallus anthracinus*);
 - (O) White Hawk (*Leucopternis albicollis*);
 - (P) Violaceous Trogon (*Trogon violaceus*);
 - (Q) Rufous-tailed Jacamar (*Galbula ruficauda*);
 - (R) Golden headed Manakin (*Pipra erythrocephala*); and
 - (S) Blue-headed Parrot (*Pionus menstruus*);
- (e) sustaining the ecological character and integrity of the swamp ecosystem with special reference to its hydrology;
 - (f) prevention of over-exploitation of natural resources;
 - (g) appreciation of the broader ecological aspects of an area for its intrinsic values and functions as well as for its potential for direct material benefits; and
 - (h) maintenance of the role of the ESA in the functioning of the wider ecosystem.
- (2) Sustainable economic and human development, including—
- (a) management of controlled eco-tourism activities;
 - (b) regulation of the natural resources and management of human activities within the ESA;
 - (c) protection and encouragement of customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements;
 - (d) harmonization and integration of selected economic activities with environmental objectives for the sustainable fulfillment of the local community;
 - (e) mitigation of the adverse impacts of development projects and human activities;
 - (f) encouragement of participatory planning and management; and
 - (g) supporting local populations to develop and implement remedial action in degraded areas where biological diversity has been reduced.
- (3) Logistic support such as environmental education and information sharing including—
- (a) facilitation of relevant scientific research and environmental monitoring to improve understanding of the interactions between biotic and abiotic components of the environment, the processes involved and the attributes and potential of the ESA's resources;
 - (b) dissemination of information particularly to local communities and stakeholders;
 - (c) development of a database of information relevant to the ESA and maintaining public access to the information; and
 - (d) appointment of a management advisory committee under section 13 (1) of the Environmental Management Act, No. 3 of 2000 to further the objectives of the designation of the ESA.

(4) In furtherance of Schedule III of the Rules, protection of an area referred to in the following written laws:

- (a) The Nariva Windbelt Forest Reserve declared under the Land Regulations, 1918;
- (b) That part of the Nariva Swamp declared a prohibited area by Legal Notice No. 78 of 1993; and
- (c) The Bush Bush Game Sanctuary declared in 1968 under the Conservation of Wildlife Act, Chap. 67:01, which shall be considered the core environmentally sensitive area.

PART III

LIMITATIONS ON USE AND ACTIVITIES

1. The following uses and activities are prohibited in the ESA unless approved by the Relevant Authority, or permitted under any existing law, or pursuant to any legal rights vested in any party prior to this Designation:

- (a) any action that will alter or upset the integrity of the natural functioning of the ecosystems of the ESA or cause undue distress to the plant or animal communities of the ESA;
- (b) with the exception of Environmental Officers and any other persons duly authorized by the Relevant Authority, the possession or use of firearms and other weapons harmful to animals and their habitats;
- (c) hunting, trading, taking or killing of animals;
- (d) keeping of domestic animals;
- (e) the wilful introduction of any alien, non-native or illegal plant or animal species;
- (f) the use of pesticides, fungicides, insecticides and any other chemicals;
- (g) the removal, damage or exportation of animals, plants, soil or any material from land surface;
- (h) the extraction, quarrying or mining of any materials from the land surface of the ESA;
- (i) prospecting and surveying for the purposes of mineral extraction;
- (j) dredging, filling or excavating;
- (k) removing or destroying the natural physical features of the ESA;
- (l) the possession or use of explosives;
- (m) the removal, destruction, damaging or defacing of any object, which is of scientific, historical, archaeological, cultural or palaeontological interest;
- (n) any parking or use of vehicles except on Manzanilla-Mayaro Road;
- (o) the occupation or use of land;
- (p) the lighting, usage or maintenance of fire;
- (q) fishing or the possession of any equipment for the purposes of fishing;
- (r) dumping, littering or polluting, including the discharging or depositing of any refuse, oily liquids, waste acids, deleterious chemicals or any other toxic or polluting substances of any kind injurious to plants, animals or their habitats;
- (s) conduct or behaviour that unreasonably disturbs other persons in the ESA or unreasonably interferes with their enjoyment of the ESA;
- (t) the unauthorized use of any motor-powered boat, vessel or conveyance; and
- (u) any other activity, which results in a negative impact on the physical, biological and socio-economic integrity of the ESA.

PART IV

WISE USE AND MITIGATION MEASURES

1. The following activities are permitted in the ESA subject to existing law:
 - (a) any non-destructive activity that is in keeping with the enjoyment and experience of the natural and physical features, plants, animals and cultural attractions of the ESA;
 - (b) educational activities related to the ecological characteristics and features of the ESA;
 - (c) non-destructive scientific research approved by the Relevant Authority;
 - (d) necessary infrastructural development works approved by the Relevant Authority; and
 - (e) any other activities approved by the Relevant Authority in accordance with the objectives set out in PARTS II and IV or permitted under any existing law, or pursuant to any legal rights vested in any party prior to this Designation.
2. The Relevant Authority shall implement mitigation measures in the ESA, including—
 - (a) development of public awareness and educational programmes;
 - (b) enforcement of existing laws;
 - (c) fire prevention and control of squatting;
 - (d) visitor management;
 - (e) the establishment of a compliance unit charged with the enforcement of the provisions of this legal notice, which said unit shall be co-ordinated by and comprise of Environmental Officers and any other persons duly authorized by the Relevant Authority;
 - (f) training of the Environmental Officers and other persons involved in the management and use of the ESA;
 - (g) the establishment of community liaisons;
 - (h) local community participation in the planning and management of the ESA;
 - (i) exchange of information and research;
 - (j) rehabilitative measures and adaptive management strategies designed to address present and future challenges to the ESA; and
 - (k) commissioning, reviewing, updating and implementing a plan for the management of the area.

Dated this 8th day of December, 2006.

J. AGARD
Chairman,
Environmental Management Authority