

LEGAL NOTICE NO. 37

REPUBLIC OF TRINIDAD AND TOBAGO

THE ENVIRONMENTAL MANAGEMENT ACT, 2000

RULES

MADE BY THE MINISTER UNDER SECTIONS 26(e) AND 41 OF THE ENVIRONMENTAL MANAGEMENT ACT, 2000

ENVIRONMENTALLY SENSITIVE AREAS RULES, 2001

1. These Rules may be cited as the Environmentally Sensitive Areas Rules, 2001. Citation

2. In these Rules—

“Act” means the Environmental Management Act, 2000;

Interpretation
Act No. 3 of
2000

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

“biological diversity” means the variability among living organisms from all sources including, *inter alia*, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and between ecosystems;

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

“environmentally sensitive species” or “ESS” means any species of living plant or animal so designated under section 41 of the Act;

“ESA” means a portion of the environment designated as an environmentally sensitive area under section 41 of the Act;

“licensed surveyor” means a person registered as a Land Surveyor under the Land Surveyors Act, 1996; Act No. 33 of
1996

“Notice” means a Notice designating an ESA made under section 41 of the Act.

3. (1) Subject to subrule (2), the Authority may by Notice designate as an ESA any portion of the environment that is— Standards and
guidelines for
designation of
environ-
mentally
sensitive areas

(a) the actual or prospective habitat of any environmentally sensitive species;

- Schedule I (b) required to be protected for the purpose of meeting the Government's international obligations under any of the International Conventions referred to in Schedule I;
- Schedule II (c) an area to which any of the Guidelines set out in Schedule II applies;
- Schedule III (d) an area that is referred to in a written law set out in Schedule III.

(2) The Authority shall designate an ESA on the basis of the best scientific data available and after taking into consideration the economic impact and any other relevant impact of the designation.

- Form and contents of Notice
Schedule IV 4. (1) A Notice shall be in the form set out in Schedule IV and shall include—
- Schedule II (a) a description of the area with reference to its location, boundaries and size, and a map or plan certified by a licensed surveyor;
- (b) the reason for the designation as set out in rule 3(1) or in paragraph 1 of Schedule II;
- (c) the limitations on use of and the activities within the ESA that are permitted or prohibited; and
- (d) the appropriate mitigation measures which should be undertaken.

(2) Where there is a discrepancy between the description of the area and the licensed surveyor's map or plan, the latter shall prevail.

- Procedures for designating an environmentally sensitive area 5. (1) Where the Authority proposes to make a Notice, it shall notify that fact, and transmit a draft of the proposed Notice to—
- (a) the government entities having responsibility for land, the continental shelf, forestry, conservation of wildlife and fisheries; and
- (b) any other government entity having responsibility for planning and management in the proposed ESA.

(2) The notification shall invite written submissions with respect to the proposed Notice to be made to the Authority by a stated date, being not less than thirty days from the giving of the notification.

(3) The Authority may revise the proposed Notice to give effect to the submissions received under subrule (2).

(4) The Authority shall thereafter publish in the *Gazette* and at least one daily newspaper a similar notification inviting submissions from the public, with respect to the proposed Notice as may be revised.

(5) A submission shall contain the grounds therefor and may include additions, modifications or amendments to give effect to the submission.

(6) The Authority shall have regard to any submissions received under subrule (4) before making the Notice and publishing it in the *Gazette*.

6. (1) Where the provisions of rule 3(1) cease to apply to an ESA the Authority may by Notice rescind the designation of the ESA. Rescission of designation of environmentally sensitive area

(2) The Notice shall be in the form set out in Schedule V and shall include— Schedule V

- (a) the information contained in rule 4 (1)(a); and
- (b) the reason for the rescission of the designation.

(3) The procedures as set out under rule 5 for the designation of an ESA shall, where appropriate, apply for the making of a Notice under this rule for the rescission of that designation.

SCHEDULE I

Rule 3(1)(b)

INTERNATIONAL CONVENTIONS

- (i) The Convention for the Protection and Development of Marine Environment of the Wider Caribbean Region which entered into force in Trinidad and Tobago on October 11, 1986 (the CARTAGENA Convention).
- (ii) The Protocol concerning Specially Protected Areas and Wildlife to the Convention for the Protection and Development of the Marine Environment of the Water Caribbean Region which entered into force in Trinidad and Tobago on January 18, 1990 (the SPAW Protocol).
- (iii) The Convention on Wetlands (the Ramsar Convention, Iran 1971) which entered into force in Trinidad and Tobago on April 21, 1993.
- (iv) The United Nations Framework Convention on Climate Change which entered into force in Trinidad and Tobago on September 22, 1994.
- (v) The United Nations Convention on Biological Diversity which entered into force in Trinidad and Tobago on August 01, 1996.
- (vi) Any other international legal convention relating to the environment to which Trinidad and Tobago is a party.

SCHEDULE II

Rule 3(1)(c)

GUIDELINES FOR ENVIRONMENTALLY SENSITIVE AREAS

1. The designation of an area, as “environmentally sensitive” is to meet one or more of three categories of general objectives:

- (a) conservation of natural resources and protection of the environment;
- (b) Sustainable economic and human development;
- (c) Logistic support such as environmental education, and information sharing.

2. The specific objectives are:
 - (a) 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.
 - (b) Maintenance of the significance of an area in the national, regional or international context.
 - (c) Preservation of the biological diversity of the area.
 - (d) Preservation of the integrity of an area and its attributes with the aim of sustaining its potential for direct material benefits.
 - (e) Maintenance of its role in the functioning of the wider ecosystem.
 - (f) Protection, preservation, management or rehabilitation of an area that is fragile, threatened or degraded.
 - (g) Regulation of the use of the natural resources contained within the area.
 - (h) Maintenance of the cultural values of an area which are associated with preserving the integrity of the environment.
 - (i) Maintenance of a stock of genetic resources in viable populations.
 - (j) Facilitation of relevant scientific research or environmental monitoring to improve understanding of interactions between biotic and abiotic components of the environment, the processes involved and the attributes and potential of the area's resources.
 - (k) Dissemination of relevant information to stakeholders and the public at large.
3. Areas will be selected on the basis of one or more of the following general or specific criteria:
 - A. *General*
 - (a) Uniqueness, rarity or important biological features.
 - (b) Good representation of a naturally-occurring ecological system or type.
 - (c) Particularly good representative of an ecosystem characteristic of one, or common to more than one biogeographical region.
 - (d) Rare or unusual habitat, ecosystem, or community attributes in a biogeographical region.
 - (e) Critical importance to the survival or recovery of endangered, endemic or vulnerable species/communities of plants or animals.
 - (f) An appreciable or significant assemblage of endangered, or threatened species of plants or animals.
 - (g) Special value as a habitat for plants or animals at a critical stage of their biological cycle.
 - (h) Provision of appreciable social recreational or economic benefit to local communities or to wider areas.
 - (i) Forest, purely conservation purposes.
 - (j) Unique geological features.
 - (k) High in aesthetic value.
 - (l) Regarded by the scientific community as having significant value for non-destructive research.
 - (m) Potential for fostering environmental awareness, appreciation or education.
 - (n) Performing an integral role in the functioning of the wider ecosystem.
 - (o) Representative example of all coastal and marine ecosystems.
 - (p) Representative example of all wetland types.

B. Specific

- (a) **Strict Nature Reserve:** an area requiring protection for science that possesses some outstanding or representative ecosystems, geological or physiological features and/or species, available primarily for scientific research and/or environmental monitoring.
- (b) **National Park:** an area requiring: (i) the protection of the ecological integrity of one or more ecosystems for present and future generations, (ii) the exclusion of exploitation or occupation inimical to the purposes of designation of the area, and (iii) the provision of a foundation for spiritual, scientific, educational, recreational and visitor opportunities, all of which are environmentally and culturally compatible.
- (c) **Natural Monument:** an area containing one, or more, specific natural or natural/cultural features of outstanding or unique value that require conservation because of inherent rarity, representative or aesthetic qualities or cultural significance.
- (d) **Habitat/Species Management Area:** an area requiring conservation through management intervention to ensure the maintenance of habitats and/or to meet the requirements of specific species.
- (e) **Protected Landscape/Seascape:** an area, that may contain coast and sea requiring protection for conservation and recreation, where the interaction of people and nature over time has produced an area of distinct character with significant aesthetic, ecological and/or cultural value, and often with high biological diversity.
- (f) **Managed Resource Protected Area:** 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.

SCHEDULE III

Rule 3(1)(d)

AREAS REFERRED TO IN OTHER WRITTEN LAWS

- (a) The territorial sea of Trinidad and Tobago and the internal waters of Trinidad and Tobago referred to in sections 3 and 4 respectively of the Territorial Sea Act. Chap. 1:51
- (b) A restricted area referred to in section 2 of the Continental Shelf Act. Chap. 1:52
- (c) A restricted area referred to in section 2 of the Marine Areas (Preservation and Enhancement) Act. Chap. 37:02
- (d) A Forest Reserve and a prohibited area referred to in section 2, and a declared district referred to in section 7 (3), of the Forests Act. Chap. 66:01
- (e) A Game Sanctuary referred to in section 2 of the Conservation of Wildlife Act. Chap. 67:01
- (f) An infected area and an infected place referred to in section 2 of the Animal (Diseases and Importation) Act. Chap. 67:02
- (g) A prohibited area referred to in section 2 of the Fisheries Act. Chap. 67:51
- (h) The archipelagic waters referred to in section 2, and the exclusive economic zone established under section 14, of the Archipelagic Waters and Exclusive Zones Act, 1986. Act No. 24 of 1986

SCHEDULE IV

Rule 4

THE ENVIRONMENTAL MANAGEMENT ACT, 2000

NOTICE

MADE BY THE ENVIRONMENTAL MANAGEMENT AUTHORITY UNDER SECTIONS 41, 42 AND 43 OF
THE ENVIRONMENTAL MANAGEMENT ACT, 2000

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| Designation
Part I | 1. The Environmental Management Authority, hereby designates as an environmentally sensitive area (the ESA) the portion of the environment described in Part I. |
| Reason for designation
Part II | 2. The reason for the designation is to meet the objective set out in Part II. |
| Limitations on use and activities
Part III | 3. The limitations on use of and activities within the ESA with which compliance is required are as specified in Part III. |
| Permitted use and mitigating measures
Part IV | 4. Subject to paragraph 3 the wise use of the ESA is permitted and the mitigating measures to be undertaken are as specified in Part IV. |

PART I

PART II

PART III

PART IV

Made the day of

*Chairman/Deputy Chairman/Secretary,
Environmental Management Authority*

SCHEDULE V

Rule 6(2)

THE ENVIRONMENTAL MANAGEMENT ACT, 2000

NOTICE

MADE BY THE ENVIRONMENTAL MANAGEMENT AUTHORITY UNDER SECTION 41 OF THE ENVIRONMENTAL MANAGEMENT ACT, 2000

1. The Environmental Management Authority hereby rescinds the designation of the Rescission of plant/animal described in Part I as an environmentally sensitive area (the ESA) made by designation Notice dated and published in the Gazette of Part I

2. The reason for the rescission of the designation is that the objective set out in Reason for Part II has ceased to apply to the said ESA. rescission Part II

3. Legal Notice No. of 20..... is hereby revoked. Revocation

PART I

PART II

Made the day of , 2001.

Chairman/Deputy Chairman/Secretary, Environmental Management Authority

Made the 13th day of February, 2001.

A. NANAN Minister of the Environment

Laid in the House of Representatives this day of , 2001.

Clerk of the House

Laid in the Senate this day of , 2001.

Acting Clerk of the Senate