
Report on the review of the Grenada Fisheries (Marine Protected Area) Regulations 2001 SRO 78



Coddinton Jeffrey, Roland Baldeo and Zaidy Khan
September 2012



Centre for Resource Management
and Environmental Studies (CERMES)
Faculty of Pure and Applied Sciences
University of the West Indies
Cave Hill Campus, Barbados
<http://www.cavehill.uwi.edu/cermes>



TABLE OF CONTENTS

Introduction	1
Objectives	2
Methodology	3
Focus group meetings: MPA regulations technical review.....	4
MPA stakeholder consultation workshops.....	4
Results	5
Discussion	8
Key Learning And the Way Forward	10
References	10
Appendix 1: Fisheries (Marine Protected Areas) Regulations SRO. 78	12
Appendix 2 Environment Law Institute (ELI) SRO Review document	29
Appendix 3 SRO 78 Review Consultation, Grenada Participants List.	49
Appendix 4 SRO 78 Review Consultation, Carriacou Participants list.	50
Appendix 5: Legal drafter’s Document	51

Citation

Jeffrey C., R. Baldeo and Z. Khan. 2012. Report on the review of the Grenada Fisheries Marine Protected Area Regulations 2001 SRO 78. Report for MPA Governance Project. 59pp.

Disclaimer

This report was prepared as an activity under the MPA Governance Project implemented by the Centre for Resource Management and Environmental Studies (CERMES) under award NA11NOS4820012 from the NOS International Program Office (IPO), U.S. Department of Commerce. The statements, findings, conclusions, and recommendations are those of the author(s) and do not necessarily reflect the views of the NOS International Program Office (IPO) or the U.S. Department of Commerce.

INTRODUCTION

Legal frameworks play essential roles in sustaining protected areas according to their conservation objectives by giving authorities clear and adequate powers to regulate activities inside the designated area. Worldwide, protected areas are commonly categorized by a country's legislation. Countries are increasingly enacting legislation that is more responsive to the needs and challenges of marine resource management. The legislative approach appropriate for a particular country should be responsive to its international obligations, scientific and management needs of the current and envisioned Marine Protected Area (MPA) system, and the existing legal framework and institutional capacity (Lausche 2011).

In Grenada, terrestrial and marine protected areas are designated under: the National Parks and Protected Areas Act 1991, the Fisheries Act 1986, the 2001 Fisheries (Marine Protected Areas) Regulations, the 2002 Physical Planning and Development Control Act and the 1990 National Heritage Protection Act and the 1947 Forest, Soil and Water Conservation Act (Turner 2009).

The Fisheries Act 1986 allows the Minister responsible for the Act, currently the Minister of Agriculture, Fisheries and Forestry, to declare any area of fisheries waters and any adjacent or surrounding land as a marine reserve for the purpose of:

- affording special protection to the flora and fauna of the area and to protect and preserve the natural breeding grounds and habitats of aquatic life, with particular regard to flora and fauna in danger of extinction;
- allowing for the natural regeneration of aquatic life in areas where such life has been depleted; and
- promoting scientific study and research preserving and enhancing the natural beauty.

The accompanying 2001 Fisheries (Marine Protected Areas) Statutory Regulations Order 78 (SRO 78) defines "Marine Protected Area" as an area declared as such by the Minister by Order under section 23 of the Act and may be either a marine park, marine reserve, a marine sanctuary or a marine historical site, or a combination of any of those.

The Grenada Fisheries Division developed a MPA programme in 1980. The Division coordinated the designation of the Woburn/Clarke's Court Bay and Molinière-Beauséjour MPAs in 2001 (Gardner 2006). Grenada presently has three established MPAs – the Sandy Island/Oyster Bed Marine Protected Area (SIOBMPA) launched in July 2010, the Molinière-Beauséjour Marine Protected Area (MBMPA), launched in September 2010, and the Woburn/Clarke's Court Bay Marine Protected Area (WCCBMPA) to be launched in 2013.

Grenada's MPA program has been piloting the principles of a governance arrangement of co-management in partnership with the Sustainable Grenadines Inc. (SusGren Inc.). In addition, from the regional trend to move towards the co-management of MPAs, the St. George's Declaration (Article 4, Section e) is supportive of the establishment of a co-

management arrangement in the OECS countries. Building on this effort through the European Union (EU)-funded Caribbean Regional Environmental Programme (CREP, 2004 – 2006), the Carriacou Sandy Island/Oyster Bed Marine Protected Area Project continued to focus on developing co-management arrangements and a draft co-management agreement was developed. In 2009, the Grenada national MPA coordinator came onboard, became involved in the process and worked towards further developing co-management arrangements for other MPAs with a technical team and MPA stakeholders. In 2010, SusGren received funding from the National Fish and Wildlife Foundation (NFWF) for a project entitled, "Strengthening of Reef Management Project". Under this project, SusGren engaged the Environmental Law Institute (ELI) to develop co-management regulations through a series of consultations with the Grenada MPA team. The ELI team reviewed the 2001 SRO 78 (Appendix 1) and provided a draft-amended regulation (Appendix 2), which was submitted to the Grenada Fisheries National MPA Coordinator.

Under the Center of Resource Management and Environment Studies (CERMES) MPA Governance Project final activity (Workshop #3 follow-up activity, see CERMES 2012), the Grenada team recognized the need to revisit the ELI recommendations and revise the MPA regulations to allow considerations for a legal and institutional framework for co-management at the national level. The activity attempted to engage MPA users, stakeholders and co-management boards to contribute to the SRO 78 consultation review. It placed emphasis on meaningful participation of affected stakeholders during the consultation process. The goal was to develop a governance arrangement involving shared decision-making that is beneficial to the parties and meets the legal requirements for the area to be co-managed.

OBJECTIVES

- Develop understanding of the elements and process of MPA legislation and regulations review.
- Engage MPA users and stakeholders in the 2001 Fisheries (Marine Protected Area) Regulation SRO 78 review through a participatory consultation process.
- Amend/repeal 2001 Fisheries (Marine Protected Area) Regulations (SRO 78) in accordance with the Fisheries Act that provides considerations for co-management.

METHODOLOGY

The activity was planned accordingly as listed in Table 1.

Table 1 List of activities with guiding notes and comments

Activities	Guiding notes/comments
1. Preliminary study - Collect/collate all relevant legislative instruments. - Review of Fisheries legal instruments.	Environment Law Institute lawyers conducted the preliminary technical, legal and institutional analysis of the MPA regulations. The MPA regulations technical review and the legal drafters studied these documents.
2. Government networking - Legal Affairs (networking with Fisheries, Forestry, Ministry of Carriacou & Petite Martinique Affairs).	Letter of request was sent by the Permanent Secretary (PS) of Ministry of Agriculture, Forestry and Fisheries (MAFF) to the PS of Ministry of Legal Affairs (MLA) to appoint legal drafters to engage with the Fisheries Division on the SRO 78 review. Two legal drafters were assigned by the MLA to work with the National MPA coordinator in the review process and consultations.
3. MPA regulations internal technical review	Focus group meetings: An in-house fisheries team conducted the technical review of the preliminary study and planned proposed way forward. The team decided to do amendments on 2001 SRO 78 regulations based on proposed changes made by the National MPA Coordinator.
4. Focus group meetings with legal drafters	An independent lawyer is hired to provide technical and legal guidance. He is contracted to compile consultations, review feedback and produce a final document to be submitted to the legal drafting unit.
5. MPA regulation stakeholder consultation workshops planned	Three consultation workshops were planned <ul style="list-style-type: none"> • MBMPA board and National MPA Committee (Grenada). • SIOBMPA board. MPA users and representative from the Ministry of Carriacou. • National MPA regulations consultation workshop.
6. MPA regulations internal, technical and legal review focal group meeting	Focal group meetings planned between MPA technical team together with legal drafters. These focal group meetings discussed the recommendations and comments made from the wide stakeholder consultations and discussed the amendments.
7. Final national stakeholder consultation	National consultation workshop aims to provide final comments and endorsement of the revised considerations

Activities	Guiding notes/comments
	made in the 2001 SRO 78.
8. Finalization of draft	The consultant will prepare the draft after taking all considerations from the national final consultation and present it to the legal drafters.
9. Distribution of the final draft and vetting	Final draft to be sent to MPA stakeholders and workshop participants for vetting the amendments made in SRO 78 as agreed.
10. Presentation to Cabinet	Role of legal drafting unit to submit the final repealed document to the Cabinet.

Focus group meetings: MPA regulations technical review

Two technical review meetings were held from 9am to 12.30pm at the Fisheries Division Conference Room, St George’s. The meetings were held on 02 and 30 August in preparation for the wider stakeholder consultation workshops. The technical review team comprised five persons - Mr. Justin Rennie, Chief Fisheries officer; Mr James Finlay, former Chief Fisheries Officer; Mr Roland Baldeo, National MPA Coordinator; Mr. Crafton Isaac, Fisheries Marine Biologist; and Ms. Zaidy Khan, CERMES Governance Project MPA specialist.

The focus group discussed the:

1. Institutional arrangements and governance structure proposed by the MPA National Coordinator under the amended 2001 SRO 78 with considerations of the co-management arrangement; and
2. Existing political and economic power and control issues in the proposed co-management arrangements.

MPA stakeholder consultation workshops

The first MPA regulations stakeholder consultation workshop was held in Grenada on 11 September 2012 at the Fisheries Division Conference Room from 9am to 12.30 pm. The national MPA coordinator facilitated the consultation. Ms. Christine Bowen and Ms. Francine Foster, two legal drafters from the Ministry of Legal Affairs, co-facilitated the sessions. The second consultation was held on 13 September 2012 at the Resource Center, Ministry of Carriacou & Petite Martinique Affairs., Carriacou. The national MPA coordinator facilitated the consultation. Ms. Francine Foster from MLF and Ms. Zaidy Khan, CERMES MPA Governance project MPA specialist, were two co-facilitators. See Grenada workshop participants list in Appendix 3 and Carriacou participants in Appendix 4.

The MPA National Coordinator, Mr. Baldeo, distributed the proposed amended 2001 SRO 78 MPA regulations document discussed by the in-house Fisheries technical team to the MPA stakeholders. The ELI review document SRO 78 was not shared widely with the MPA

stakeholders engaged for the MPA review at first. During the consultation, workshop participants were given the opportunity to provide comments where significant decisions were contemplated. Comments and contributions were discussed and noted by the legal drafters.

As per Table 1 project activities 1 to 5 were only completed due to time constraints and availability of personnel. Activities 6 to 10 will be planned at a later date. The following section of this report is based on the completed activities.

RESULTS

This section provides a summary of the major amendments proposed to 2001 SRO 78 (Table 2). This summary attempts to capture key comments and agreements from stakeholder consultation 1 (C1) and 2 (C2).

Table 2 Summary of comments and agreements of the new amended sections in the revised SRO 78 during C1 & C2

Sections of 2001 SRO 78 MPA regulations	Sections consulted on and changes proposed	Comments noted C1: Grenada Consultation C2: Carriacou Consultation
SRO 78 Section 2 “Definitions”	<p>Definition of Co-Management Board to be added. See ELI recommendations</p> <p>The term Wardens to be replaced by Rangers</p>	<p>C1 & C2: Changing term from wardens to rangers should also be reflected in the TOR of the staff and in the set skills and competencies required.</p> <p>C2: Legal considerations should be made in adding the definition of “Co-management agreement”.</p>
SRO 78 Section 3 “Management Authority”	<p>Definition of “Management Authority”</p> <p>Power and Functions of the “Management Authority”</p> <p>Role: One of the roles proposed <i>“The Authority: - To approve all external & local funded</i></p>	<p>Questions: Should the authority instead be a statutory body under the proposed co-management agreement. This to be further researched legally and presented in the next consultation.</p> <p>C1 & C2: Most stakeholders raised concerns, that the proposed composition of the MPA “Management Authority” is mainly represented by</p>

Sections of 2001 SRO 78 MPA regulations	Sections consulted on and changes proposed	Comments noted C1: Grenada Consultation C2: Carriacou Consultation
	<p><i>projects/studies/research etc to be implemented within a Marine Protected Areas.</i></p> <p><i>- To endorse all projects related to Marine Protected Areas which will be submitted to the 'Grenada Conservation Trust Fund' and any other similar source of funding</i></p>	<p>government sectors. Issues were raised to review the effectiveness of the past national MPA management committee.</p> <p>C1 & C2: The composition of the Management Authority was discussed and it has been agreed that the Physical Planning Unit will be added. The different role and functions between the "Management Authority" section 3 and "Management Committee" in section 4 was discussed. It was agreed that the terms be harmonized as "Management Authority."</p> <p>Role:</p> <p>C1: It was put forward that the term "<i>to approve,</i>" be changed to "<i>to endorse.</i>" It was agreed to change the wording so that it should not reflect that all projects had to be approved by the Authority. The power has to be shared.</p> <p>C2: It was suggested and agreed to remove these two roles from the Authority and replace "<i>play a role of project harmonization and support nation-wide coordination in relation to grant projects.</i>"</p>
(To be added in the SRO 78 as a new section.	Definition of "Local Co-management Board" to be included.	C1: MBMPA board members and the Chair stated that the power and functions have been

Sections of 2001 SRO 78 MPA regulations	Sections consulted on and changes proposed	Comments noted C1: Grenada Consultation C2: Carriacou Consultation
"Local Co-management Board."	Powers and functions of the Board should be included. The Amendments proposed by National MPA Coordinator only speaks of the Board composition and does not make specification on the power and functions of the Local Management Board.	established and the National MPA Coordinator together with the in-house fisheries technical review team should make considerations in adding the power and functions of the Local Management Board in SRO 78. C2: The ELI document in Schedule 2 had provided a definition, and details on powers and functions of the Local Co-management Board. This was considered and agreed to be included in the SRO 78 amendments.
To be added in the SRO 78 as a new section. "Specification of the co-management agreement."	List what the co-management agreement will specify.	It was agreed that specification of the co-management agreement should be included in the revised SRO as proposed by ELI document Schedule 2.
Section 20: Fees: Schedule 2	The MPA Authority shall establish a system of fees for all permitted activities in the MPAs, which it shall review and revise as necessary.	C1: It was highlighted that, " <i>shall review and revise as necessary</i> " be detailed over a timeframe. Additionally it was highlighted by dive and charter operators that there should be clear specifications made in terms of time/process so that it can be ensured it is well advertised upfront to meet the MPA marketing needs. It was agreed that this should be considered in the schedules or in the co-management agreements.

For further detailed comments, revisions, and deletions on the 2001 SRO 78, refer to:

1. Appendix 2: ELI document. The sections highlighted are those recommended by the legal drafters to be considered by the National MPA Coordinator and the technical team for the 2001 SRO 78 amendments.
2. Appendix 5: Legal drafter's document: (Comments/additions/deletions from technical focal group and MPA stakeholder consultations workshops).

DISCUSSION

Co-management has been defined as “the sharing of power and responsibility between the government and local resource users” (Carlson and Berkes 2005). The concept of co-management involves central government, local government, the commercial private sector, local communities, and civil societies (The World Bank 1999). Co-management can succeed only when the incentives for local government and local communities to participate in protected areas management are spelled out clearly and agreed upon.

Laushe (2011) states that to effectively use co-management institutional arrangements as a governance type within the national protected area system, a number of considerations are relevant. These include:

- **Definition:** The legal drafter may want to review the definitions of co-managed protected areas;
- **Authority:** A provision is normally needed to give authority to the minister in charge or protected areas agency or authority to enter in the co-management agreement with the NGOs;
- **Consistency:** The legislation should ensure that any co-management agreement must be consistent with other provisions of the legislation;
- **Mutual agreement:** A provision should be included to indicate that the co-management agreement may be on such terms that are agreed to by all parties as long as the terms are consistent with, and in furtherance of, the objectives of the legislation.

Consultation processes shall follow specific guideline that includes:

1. Clear vision or understanding of integrating co-management with the current framework;
2. Defining overall proposed governance arrangements under the co-management;
3. Rules and regulations that govern MPA implementation;
4. Restrictions applicable to the MPA regulations;
5. Enforcement and administrative measures;
6. Provision for the legal bases that enables the MPA administration to meet its financial needs.

In conducting this project activity, it was noted during the MPA regulation consultation workshops in Grenada and Carriacou, that stakeholders were not clear of the national level purpose and intent of the law. There was a discussion clarifying the national vision of the MPA program. Former Grenada Fisheries Officer, Mr. James Finlay, and CERMES Governance Project MPA specialist, Zaidy Khan, highlighted the need for the Fisheries Division MPA program to provide the overall purpose and intent of its legislation to the MPA stakeholders. Laushe (2011), states that protected area legislation usually contains provisions identifying specific objectives which spells out the main purpose and intent of the law. Furthermore, the objectives will guide implementation and serve as a framework for judging whether actions and decisions are in accordance with the law.

In the implementation of this activity, the consultation process was rushed due to time constrains. In the first consultation, consideration was not made for adding “Local MPA Management Board” as a additional section in the 2001 SRO 78 that will speak to board composition, powers, and functions. This was considered in the second consultation in Carriacou after a long discussion and reflection of past lessons learned but not much time was spent in discussing the details of the contents of these sections. Therefore, the second round of consultations will need to focus on these sections and come to mutual agreement on these issues.

The consultation process was to be facilitated by an independent legal consultant, Mr. Marlon Glean, together with the legal drafters, but due to changes in the programme, the National MPA Coordinator took the lead in facilitating. However, it is highly recommended that a neutral facilitator, along with the legal drafters, lead the future consultation process to allow a forum that provides room for transparent negotiations and solutions in power sharing between the government and decentralized local boards. This will further allow a legitimate process and meaningful participation.

Finally, from the consultation process it has been noted that the overall governance institutional structure, distribution of powers and proposed responsibilities under the co-management agreement are very unclear.

The proposed MPA amendments need further legal and technical analysis to address the following questions.

1. Should the National MPA Committee be set as an authority or as a statutory body?
2. Can the Local MPA Co-management Boards be incorporated as non-governmental organizations under the laws of Grenada?
3. What will be the legal powers and responsibilities of the national unit and the proposed site-based NGO be under the co-management agreement?
4. Can the proposed NGO have the authority to manage finances and maintain an MPA bank account under the co-management agreement with the National Authority? If yes, what will the accountability process be?

Further discussions and legal considerations will look into key areas where power and responsibilities lie. This will include:

- Ministerial involvement directly or by delegation. For example, whether the Minister will be signing the co-management agreements.
- Levels of government involved and appropriate powers and functions at each level.
- Clear assignment of overall accountability.
- Delegation of powers, duties and responsibilities between centralized and decentralized levels.
- Harmonization and coordination with other institutions. For example, working along with Grenada Coast Guards in MPA enforcement.

This project activity is not completed as mentioned in the methodology section; only processes 1 to 5 have been conducted. Further consultations shall consider the above issues.

KEY LEARNING AND THE WAY FORWARD

- Co-management agreements involve a negotiation process that has to be transparent and participatory and this process cannot be rushed. The consultative review should follow a guideline as stated in the discussion section and can be effectively planned with regard to time, facilitation and background information sharing and presentation. More time is needed to review the proposed institutional structures and arrangements.
- The ELI review document (preliminary study) shall be shared with the wider audience of the MPA stakeholder group to allow people to develop an understanding on the different considerations of co-management arrangements.
- The regulations review requires background research and ongoing study. MPA managers, national coordinators and the technical team should make an effort to look at the global and regional literature as well as case studies of similar activities and seek regional technical guidance.
- The legal drafters need to be provided with enough technical background and lessons learned from pilot case study.
- Consultation efforts should have systematic MPA stakeholder involvement whereby attention is not only given to stakeholder interests and rights, but also to promote voluntary initiatives.

REFERENCES

Carlson, L. and F. Berkes. 2005. Co-management: concepts and methodological implications. *Journal of Environmental Management* 75: 65–76.

CERMES. 2012. Report of the third workshop on adaptive capacity for marine protected area governance in the eastern Caribbean: Communication, community engagement, and participatory monitoring and evaluation, Carriacou, Grenada, 30 May – 1 June 2012. Volume 2 — Appendices of graphics. MPA Governance Project. Centre for Resource Management and Environmental Studies (CERMES), UWI Cave Hill Campus, Barbados. 33pp

Gardner, L. 2006. Review of the Policy, Legal, and Institutional Frameworks for Protected Area Management in Grenada. Environment and Sustainable Development Unit, Organization of Eastern Caribbean States.

Laushe, B .2011. Guidelines for Protected Areas legislation. IUCN, Gland, Switzerland.xxvi+370 pp.

Turner, M. 2009. Grenada Protected Area System Plan Part 1: Identification and Designation of Protected Areas (Draft). Environment and Sustainable Development Unit, Organization of Eastern Caribbean States.

World Bank. 1999. Report from the International CBNRM Workshop, Washington D.C., 10- 14 May 1998. URL: <http://www.worldbank.org/wbi/conatrem/>.

APPENDIX 1: FISHERIES (MARINE PROTECTED AREAS) REGULATIONS SRO. 78

A405

2001

Fisheries (Marine Protected Areas) Regulations

SRO. 78

ARRANGEMENT OF REGULATIONS

1. Citation
2. Definitions
3. Management Authority
4. Management Committee
5. Procedure of Management Committee
6. General prohibitions in Marine Protected Areas
7. Marine parks
8. Marine reserves
9. Marine sanctuaries
10. Marine historical sites
11. Zones
12. Specimen and artifact collection
13. Dive vessels and charter vessels
14. Return of dives etc.
15. Buoys
16. Vehicles and vessels
17. Emergencies
18. Review by the Minister
19. Forms
20. Fees
21. Enforcement
22. Penalties

SCHEDULE 1- Forms

SCHEDULE II-Fees

GRENADA

STATUTORY RULES AND ORDERS NO. 78 OF 2001

IN EXERCISE OF THE POWERS CONFERRED BY SECTION 40 OF THE FISHERIES ACT (CAP. 108) THE MINISTER MAKES THE FOLLOWING REGULATIONS-

(Gazetted 28th December, 2001).

1. **Citation:** These Regulations may be cited as the

FISHERIES (MARINE PROTECTED AREAS) REGULATIONS, 2001

2. **Definitions:** In these Regulations unless this context otherwise requires-

“Authority” means the management authority described in regulation 3;

“Charter vessel” means a vessel which performs day boat charters;

“Dive vessel” means a vessel from which any kind of diving takes place;

“Harbour Master” means the Director of Maritime Services or other person responsible for controlling the mooring of vessels in a harbor.

“Management Committee” means the committee described in regulation 4;

“Marine historical sites” means the part or whole of a Marine Protected Area which contains structures, artifacts or human remains and which needs to be protected for its historical or cultural value;

“Marine Park” means that part of a Marine Protected Area which is reserved for public recreation;

“Marine Protected Area” means an area declared as such by the Minister by Order under section 23 of the Act and may be either a marine park, a marine reserve, a marine sanctuary or a marine historical site or a combination of any of those;

“Marine reserve” means that part of a Marine Protected Area which requires special management for the purpose of protecting the natural resources it contains;

“Marine sanctuary” means that part of a Marine Protected Area which is open only for the purpose of scientific study and research;

“Qualified diver” means a member of the Grenada Scuba Divers Association or of some other diving association approved by the Authority for the purpose of these Regulations;

“SCUBA” means self-contained underwater breathing apparatus;

“Warden” means a marine park warden appointed or deemed to be appointed under regulation 21;

“Yacht” has the same meaning as in the Yachting Act, 2000;

“Zone” means an area so designated under regulation II

3. Management Authority: (1) The Management Authority for Marine Protected Areas consists of-

- (a) The Manager of Marine Protected Areas; and
- (b) The Management Committee.

A 408

2001 Fisheries (Marine Protected Areas) Regulations

SRO. 78

(2) Decisions of the Authority must be signified under the hand of the Manager of Marine Protected Areas and the Chairman or Deputy Chairman of the Authority jointly.

(3) The Management Authority may have assigned to it such enforcement officers and other support staff as the Minister, if necessary after consultation with the Public Service commission, considers appropriate.

4. Management Committee: (1) The Management Committee for Marine Protected Areas consists of-

- (a) a representative from the Ministry of Finance;
- (b) a representative from the Ministry of Tourism;
- (c) a representative from the Board of tourism ;
- (d) a representative from the Ministry of Agriculture
- (e) a representative from the Science and Technology Council;
- (f) a representative from the Grenada Coast Guard;
- (g) a representative from the Grenada Port Authority;
- (h) a representative from the Marine and Yachting Association of Grenada;
- (i) a representative from the Grenada Scuba Divers Association;

- (j) a representative of any non-governmental organization which has a specialized interest in marine or environmental matters,

nominated by the respective body and appointed by the Minister.

A409

SRO 78

Fisheries (Marine Protected Areas) Regulations

2001

(2) When making a decision about a particular area of water the Management Committee must invite a member of the local community in that area to attend the meeting.

5. Procedure of Management Committee: (1) The Minister, with the concurrence of the Cabinet, appoints the Chairman and Deputy Chairman of the Management Committee.

(2) The Management committee conducts its business in accordance with normal procedures for such committee.

(3) The quorum for the Management Committee is 3 persons.

(4) The Management Committee's function is to advise the Management Authority on all matters which require to be decided by the Authority except day –to- day matters.

6. General prohibitions in Marine Protected Areas: (1) A person who in a Marine Protected Area -

- (a) Takes any animal or plant by any method on land or at sea, except to the extent permitted in any fishing zone;
- (b) Destroys, damages or injures any animal or plant;
- (c) Takes or damages any artifact;
- (d) Removes sand, rock or coral or coral rag or any calcareous substance;
- (e) Anchors a vessel except in an anchoring zone;
- (f) Causes anchor damage to artefacts or to coral or reef structure living or dead or to associated marine plant or animal life;
- (g) Moors a vessel other than at a buoy;
- (h) Dives using SCUBA or snorkel equipment, unless the person is, or is under the supervision of, a qualified diver;

- (I) Uses any vehicle, except as permitted in an access zone or parking zone;
- (J) Uses jet skis or hovercraft;
- (K) Uses water skis, except in a water ski zone;
- (L) Dumps any refuse, abandoned vehicle, toxic or other waste, bilge, oil, or other petroleum product, pesticide or any other item harmful to animals or plants, or any unsightly item, or substance which does or is likely to destroy or reduce amenities of the area;

(m) Erects any structure, except with the written permission of the Minister, commits an offence.

(2) Subject to regulation 12, no person, other than a warden acting in the course of his or her duties, may use or have in his or her possession with a Marine Protected Area any fireman, air gun, spear gun or any other weapon, except that the owner of a yacht may carry a weapon on board the yacht for the protection of the yacht or persons on board, in conformity with the Fireman Act (Cap.. 105).

(3) Pedestrians access is prohibited in a Marine Protected Area except on the routes designed by the Authority.

(4) A person who contravenes sub-regulation (2) or (3) commits an offence.

7. Marine parks: Subject to regulations 6 and 11, access to a marine park is open to all persons by land or sea.

8. Marine reserves: (1) Subject to regulations 6 and 11 and sub-regulation (2), access to a marine reserve is open to all persons by land but is prohibited by sea except with the written permission of the Authority.

(2) A person must not dive from the shore of a marine reserve except with the written permission of the Authority.

(3) Fishing from the shore or from a vessel is not permitted in a marine reserve.

(4) A person who enters a marine reserve by sea contrary to sub-regulation, (1) or who contravenes sub-regulation (2) or (3) commits an offence.

9. Marine sanctuaries: (1) A marine sanctuary is a closed area except for purpose of research and as required by the Ports Authority.

(2) A person who –

(a) Enters a marine sanctuary except with the written permission of the Authority given on Form MPA1; or

(b) Introduces into the marine sanctuary either temporarily or permanently any domestic animal or any other animal or plant not indigenous to the site,

commits an offence.

10. Marine historical sites: Subject to regulations 6 and 11, access to a marine historical site is open to all persons.

11. Zones: (1) The Authority may, by appropriate notices in the *Gazette* and in a Marine Protected Area, designate within a marine park or marine reserve any or all of the following zones exclusively for the purposes specified-

(a) Access zones, in which

(i) Access and egress to and from the shore by vessels and vehicles, other than those specifically prohibited for uses within the marine park or marine reserve, under regulation 17, are permitted for the purpose of launching, recovery, loading, unloading, embarkation and disembarkation of vessels;

(ii) A vessel or vehicle speed in excess of 5 mph and access or egress other than at right angles to the shore line is prohibited;

(b) Anchoring zones, in which the anchoring of vessels is permitted;

(c) Aquatic sports zones, in which sailing, wind surfing, canoeing, kayaking, swimming, SCUBA diving from a vessel and other ancillary activities are permitted;

(d) Camping zones, in which camping is permitted;

(e) Fishing zones, in which commercial fishing in accordance with Part V of the Fisheries regulations and recreational fishing from the shoreline or from piers or jetties or small drifting craft, using light tackle of not more than 30 pounds breaking strain, is permitted;

(f) Parking zones in which the parking of vehicles while in the proximity of a marine park, marine reserve or marine historical site is permitted;

(g) Swimming zones, in which-

- (i) Bathing, swimming, snorkeling and SCUBA diving (other than from a vessel,) beach games and other ancillary pursuits are permitted; but
 - (ii) entry of any vessel, including an engineless vessel, is prohibited except for a rescue vessel, fisheries vessel or police vessel performing rescue or engaged in placing, repairing, replacing, or removing fixed buoys, provided that a vessel involved in such operations causes no unnecessary damage to the environment within the zone and leaves the zone upon completion of the operation within the zone;
 - (h) Training zones, in which the training of persons for SCUBA diving or snorkeling is permitted.
 - (i) Water-ski zones, in which (not less than 100 yards from the shoreline) the use of water ski and aqua –slide equipment for sport, and the transit of all vessels including engineless vessels is permitted.
- (3) A person who in a Marine Protected Area-
- (a) Does any thing outside a zone which is only permitted in the zone; or
 - (b) Does any thing in a zone which is prohibited in the zone,

commits an offence.

A413

SRO 78

Fisheries (Marine Protected Areas) Regulations

2001.

12. Specimen and artefact collection: (1) notwithstanding regulation 6 (General prohibitions) the Authority may grant a written permit to a person who is a bona fide scientist to collect-

- (a) Animal and plant specimens within a marine reserve or marine sanctuary;
- (b) Artefacts from a marine sanctuary or marine historical site.

(2) Specimens or artefacts collected under this regulation must be collected and stored only by appropriate methods approved by the Authority.

(3) A permit is subject to any conditions specified in the permit relating to the maximum numbers of specimens or artefacts that may be so collected and the prohibition or restriction of their export.

(4) A person who contravenes sub-regulation (2) or the conditions of a permit granted under the regulations commits an offence.

13. Dive vessels and charter vessels: (1) A person who wishes to operate a dive vessel or charter vessel within a Marine Protected Area must be in possession of a permit in form MPA 3 granted by the Authority and permitting the vessel to operate within the Marine Protected Area.

(2) A permit must be applied for on form MPA 2.

(3) A person who operates a dive or charter vessel within a Marine Protected Area when there is not in force for the vessel a permit granted under this regulation commits an offence.

(4) A copy of a permit issued under this regulation must be carried on the vessel to which it relates while the vessel is in a Marine Protected Area and must be produced for inspection by the master or other person in charge on demand made by any person empowered to enforce these Regulations.

(5) The Authority may cancel a permit if is satisfied that the permittee has supplied false information to procure the issue of the permit or has committed a material breach of these Regulations or use a vessel or equipment which is unsafe or unlawful.

A414

2001. Fisheries (Marine Protected Areas) Regulations

SRO 78

14. Return of dives etc.: (1) Every operator of a dive or a charter vessel must by the end of each month furnish the Authority with a return in form MPA 6 for the previous month.

(2) For every dive conducted by a dive vessel in a Marine Protected Area and for every passenger carried on a charter vessel in a Marine Protected Area a fee is payable as specified in Schedule II.

(3) For every operator of a dive or charter vessel must send the fees to the Authority with return required by sub-regulation (1).

(4) Failure to comply with sub-regulation (1) or (3) is an offence.

15. Buoys: (1) Subject to any relevant maritime legislation relating to buoys, no buoy may be installed in a Marine Protected Area except by the Authority.

(2) No buoy in a Marine Protected Area may be used except under a permit from the Authority in respect of it.

(3) The operator of a vessel who wishes to use a buoy in a Marine Protected Area must apply for a permit on form MPA 4 and, in the case of a yacht, must pay the fee specified in schedule II. The form of permit is as in Form MPA 5.

(4) The operator of a vessel who moors at a buoy in a Marine Protected Area except under and in accordance with a permit commits an offence.

(5) It is an offence to anchor within 300 feet of a dive site mooring buoy.

16. Vehicles and vessels: The Authority may, by notice in the *Gazette*, specify and type or class or vessel or vehicle which is not permitted to enter a Marine Protected Area, for the purpose of these regulations and the Act. A person in charge of a vessel or vehicle that enters a Marine Protected Area in breach of such a notice commits an offence.

17. Emergencies: (1) The prohibitions on entry, mooring or anchoring of a vessel in a Marine Protected Area imposed by these regulations do not apply-

(a) In an emergency;

A415

SRO 78

Fisheries (Marine Protected Areas) Regulations

2001.

- (b) During the currency of a hurricane warning; or
- (c) To a rescue vessel performing a rescue.

18. Review by the Minister: A person who is aggrieved by a decision of the Authority under these regulations may in writing ask the Minister to review the decision and the Minister, after considering representations from the Authority and from the person may confirm, reverse or vary the decision of the Authority.

19. Forms: The forms set out in schedule I are prescribed for use in connection with these regulations.

20. Fees: The fees specified in Schedule II are prescribed in respect of the matters specified.

21. Enforcement: (1) Enforcement of these regulations is the responsibility of-

- (a) Marine park wardens appointed from among public officers by the Minister in writing after considering recommendations made by the Authority, or appointed as public officers by the Public Service Commission;
- (b) Any police officer.

(2) Every person who is an authorized officer for the purpose of the Fisheries Act is deemed to be a marine park warden for the purpose of these regulations.

(3) A marine park warden may

- (a) Enter all parts of a Marine Protected Area for the purpose of preventing the commission of an offence under the Act or these regulations and arrest any person or persons committing any such offence;
- (b) Seize any article, item or thing of whatever Kind that the marine park warden reasonably suspects has been used in the commission of an offence under the Act or these regulations until the determination of proceedings in respect of the offence.

22. Penalties: (1) A person who commits an offence under these regulations is liable on summary conviction to a fine of \$10,000 and to imprisonment for 6 months.

(2) If an offence is a continuing one, the person convicted of it is liable to a further fine not exceeding \$200 for every day or part of a day on which the offence has continued after conviction.

A416

2001

Fisheries (Marine Protected Areas) Regulations

SRO

78

(3) The court before which any person is convicted of an offence under this regulation may order-

- (a) The forfeiture to the Government of any item, article or thing, other than a vehicle or vessel, used in the commission of the offence.

VESSEL IN A MARINE PROTECTED AREA

1. NAME

ADDRESS

TELEPHONE NUMBER

(If the application is an individual and not a national within the meaning of the Immigration Act, the applicant must provide details of his or her passport and immigration status in Grenada and particulars of his or her bank or a reference from a bank established in Grenada)

(If the applicant is a body corporate it must provide details of its incorporation and registered officer and an agent resident in Grenada).

A418

2001

Fisheries (Marine Protected Areas) Regulations

SRO

78

2. PERMIT REQUIRED

I/We hereby apply for a licence to operate a Dive/Charter vessel in the _____ in accordance with the provisions of the Fisheries (Marine Protected Areas) Regulations 2001 for a period of 6 months/12months.

3. PARTICULARS OF VESSEL TO BE USED

(Give name and a call sign of the vessel and full details to show it is seaworthy and properly equipped.)

4. PARTICULARS OF CREW

(Give name and qualification and address of master or other person in charge of vessel and all other regular crew members).

5. OTHER INFORMATION

(Any information offered to enable the Management Authority to satisfy itself as to the suitability of the applicant)

6. ADDRESS FOR SERVICE

(If applicant is a body corporate, partnership or associate of person's full details must be provided, including an address in Grenada for service of documents or notices).

.....
Signature [and common seal of a corporation] of applicant

Dated the _____ day of _____, 20.....

A419

SRO 78

Fisheries (Marine Protected Areas) Regulations

2001.

FISHERIES (MARINE PROTECTED AREAS) REGULATIONS 2001

PERMIT TO OPERATE A DIVE/CHARTER VESSEL

* _____ of _____ is hereby
In accordance with the Fisheries (Marine Protected Areas) Regulations 2001 subject to the following –

1. Particulars of vessel

Type of vessel

Name/and Call sign

Number

Other identification

2. Period of Permit From _____

To _____

3. Permit to be carried on vessel

A copy of the permit must be carried on the vessel to which it relates while the vessel is in a Marine Protected Area, and must be produced for inspection by the master or other person in charge on demand made by any person empowered to enforce the Fisheries (Marine Protected Areas) Regulations.

4. Cancellation of Permit

The Management Authority may cancel any permit if it is satisfied that the permittee has supplied false information to procure the issue of the permit or has committed a material breach of the regulations or used any vessel or equipment which is unsafe or unlawful.

* A permit may be issued to an individual, a partnership, a body corporate or an association of persons. The permit should state the capacity or status of the holder and in the case of a body corporate should state the country in which it is incorporated.

5. Inspection of permittee's records of operation

The permittee must at all reasonable times allow any person authorized by the Management Authority to inspect any records kept by the permittee as to the dive or charter operations under the permit and in particular those records which are relevant to the calculation of the fees payable.

Given this _____ day of _____, 20.....

.....

Manager

Marine Protected Areas

2001

Fisheries (Marine Protected Areas) Regulations

A420

SRO 78

FORM MPA 5 (Regulation 15 (4))
FISHERIES (MARINE PROTECTED AREAS) REGULATIONS 2001
**APPLICATION TO USE A SINGLE USER BUOY
IN A MARINE PROTECTED AREA**

1. NAME
2. ADDRESS

TELEPHONE NUMBER

(If the applicant is an individual and not a citizen within the meaning of the Immigration Act, the applicant must provide details of his or her passport and immigration status in Grenada and particulars of his or her bank or a reference from a bank which is established in Grenada).

(If the applicant is a body corporate it must provide details of incorporation and registered office and an agent resident in Grenada).

3. PARTICULARS OF THE MOORING BUOY TO BE USED

Location

Type

Colour

4. PARTICULARS OF VESSEL

Name

Type

LOA

Draft

Colour

WOA

Power-source

Depth

5. PARTICULARS OF CREW

Names and addresses

Qualification of master or person in charge

6. SECURITY FOR PAYMENT OF FEES (if vessel is a yacht)

(Security offered for payment of fees due in respect of operations by the Applicant under the lease.)

-
7. OTHER INFORMATION

(Any information offered to enable the Management Authority to satisfy itself as to the suitability of the applicant).

8. ADDRESS FOR SERVICE

(If the applicant is a body corporate, partnership or association of person's full details must be provided, including an address in Grenada for service of documents or notices).

.....
Signature [and common seal if a corporation] of applicant

Dated the _____ day of _____ 20.....

FORM MPA 6 (Regulation 15 (4))

FISHERIES (MARINE PROTECTED AREAS) REGULATIONS 2001

**APPLICATION TO USE A SINGLE USER BUOY
IN A MARINE PROTECTED AREA**

Name of vessel

Location and identification of buoy

_____ (Name)
of _____ (address)

Is hereby permitted to moor the above named vessel on the buoy specified above for a period of _____ Days/weeks beginning on the _____ day of _____ 20, __ subject to the Fisheries Act and the Fisheries (Marine Protected Areas) Regulations 2001. The Management Authority does not accept any liability for any loss or damage caused to the vessel or any person or property on the vessel as a result of any defect in the buoy or its mooring equipment.

Dated _____ Signed _____
(Issuer)

A423
SRO 78 *Fisheries (Marine Protected Areas) Regulations* 2001.

20) **SCHEDULE II** (REGULATION

FEES

ITEM

FEE

1. Issue of a permit to enter a marine sanctuary EC\$100

- | | |
|---|----------------------------|
| 2. Renewal of a permit to enter | EC\$100 |
| 3. Permit to use a yacht buoy | US\$ 10 or EC\$25 per day |
| 4. Scuba dive fee | US\$ 10 or EC\$25 per year |
| 5. Snorkel dive fee (payable in arrears) | US\$ 1 or EC\$3 per day |
| 6. Charter passenger fee (payable in arrears) | US\$ 1 or EC\$3 per day. |

Made this 17th day of December, 2001.

CLARIS CHARLES
*Minister of Agriculture, Lands
And Fisheries.*

GRENADA

PRINTED BY THE GOVERNMENT PRINTER, AT THE GOVERNMENT PRINTING OFFICE,
ST. GEORGE'S
2001

APPENDIX 2 ENVIRONMENT LAW INSTITUTE (ELI) SRO REVIEW DOCUMENT .

Draft Grenada MPA Regulation

Title page

ARRANGEMENT OF REGULATION

- 1. Citation**
- 2. Purposes**
- 3. Definitions**
- 4. Marine Protected Areas**
- 5. Management Authority**
- 6. National MPA Management Committee**
- 7. Powers and Functions of National Management Authority**
- 8. Establishment and Authority of Co-management Boards**
- 9. Dispute Resolution**
- 10. Prohibitions in MPAs**
- 11. Penalties**
- 12. Fees**
- 13. Marine Parks**
- 13. Marine Reserves**
- 14. Marine Sanctuaries**
- 15. Marine Historical Sites**
- 16. Area Designation**
- 17. Zones**

18. Specimen and Artifact Collection

19. Dives Vessels and Charter Vessels

20. Return of Dives

21. Buoys

22. Vehicles and Vessels

SCHEDULES

1. Forms

2. Co-Management Boards

3. MPA Management Planning

4. Permitting

In accordance with the authority provided in the Fisheries Act, section 40, the Minister promulgates the following regulations for the governance of Marine Protected Areas:

1. **Citation** This regulation may be cited as the Marine Protected Areas Regulation of 2012.
2. **Purposes** **TO BE FILLED IN**
3. **Definitions**
 - a. "Authority" – the National MPA Management Committee and the Fisheries Division official designated by the Minister to have authority over Marine Protected Areas
 - b. "Charter vessel" – means a vessel which performs day boat charters
 - c. "Co-management agreement" – a formal understanding between a Marine Protected Area Co-management Board, and the national Marine Protected Area Authority, that sets the terms for the sharing of responsibility and authority for the management of a Marine Protected Area, in compliance with applicable regulations and the Schedule for Establishment, Authority, and Responsibility of Local Co-Management Boards.
 - d. "Co-management Board" -- the stakeholder representatives for an individual MPA whose authority to take on designated responsibilities to collaboratively manage the MPA with the National Management Committee is formalized by a co-management agreement
 - e. "Dive vessel" – means a boat from which commercial SCUBA diving or snorkeling takes place
 - f. "Harbour Master" – means the Director of Maritime Services or other person responsible for controlling the mooring of vessels in a harbor
 - g. "Management Committee for Marine Protected Areas" – the representative body of stakeholders that jointly with the MPA Manager is responsible for overall governance and management of all MPAs in the Protected Areas system of Grenada described in section 6 of this regulation.
 - h. "Marine Historical site" – the part or whole of a Marine Protected Area so designated because it contains structures, artifacts or human remains and which has historical or cultural value, in accordance with (IUCN) Protected Area Category III, Natural Monument or Feature.
 - i. "Marine Park" -- that part of a Marine Protected Area which is designated for public recreation, in accordance with IUCN Protected Area Category V, Protected Seascape.
 - j. "Marine Protected Area (MPA)" – an area declared by the Minister by Order under section 23 of the Act that may be a marine historical site, a marine park, a marine reserve, and/or a marine sanctuary.
 - k. "Marine Protected Area [MPA] Coordinator" – the official from the fisheries division responsible for the technical aspects of management of Grenada's MPAs
 - l. "Marine Reserve" – that part of a Marine Protected Area which requires special

management for the purpose of protecting the natural resources it contains, in accordance with IUCN Protected Area Category II, National Parks. [Alternatively, marine reserve means a designated marine area and adjacent land which requires special management for the purpose of protecting the natural resources it contains]

- m. "Marine Sanctuary" (IUCN Category Ia – Strict Nature Reserve) – that part of a Marine Protected Area which is open only for the purpose of scientific study and research
- n. "MPA Bank Account" – an a bank account dedicated to MPA funds, into which all moneys obtained for the use of the MPA will be deposited and from which expenditures authorized for the MPA will be made.
- o. "Qualified diver – means a member of the Grenada Scuba Divers Association or of some other diving association approved by the Authority for the purpose of these Regulations.
- p. "SCUBA" – means self-contained underwater breathing apparatus
- q. "The Minister" – is the national official with authority over the Fisheries Division.
- r. "Warden" – means a marine park warden appointed or deemed to be appointed by the Minister under section xxx of this regulation and section 27 of the Fisheries Act.
- s. "Zone" – means an area designated by the marine protected areas management plan for a certain category of management under section 18 of this regulation

4. Marine Protected Areas. Pursuant to the Grenada Fisheries Act of 1986 the Minister has the authority to establish Marine Protected Areas as part of the Grenada Protected Areas System. (1) Marine Protected Areas shall be regulated and managed by the MPA Authority and Co-management Boards as described in this regulation. (2) Activities in the Marine Protected Areas will be carried out according to the laws of Grenada, and other strategic planning documents including the Grenada Protected Area System Plan, Marine Protected Areas Management Plans, and Operational Plans. (3) Marine Protected Area Management Plans will be developed by the MPA Authority in consultation with Co-management Boards, in accordance with the MPA Plan Schedule to this regulation. (4) Annual operational plans will be developed by Co-management Boards with approval by the Authority in accordance with the operational plan schedule to this regulation.

5. Management Authority. (1) The Management Authority for Marine Protected Areas consists of:

(a) the Fisheries Division official designated by the Minister to have responsibility for Marine Protected Areas; and

(b) the national management committee.

(2) Decisions of the Authority must be jointly signified under the hand of the Fisheries Division official designated by the Minister to have responsibility for Marine Protected Areas and the Chairman or Deputy Chairman of the Authority.

(3) the Management Authority may have assigned to it such enforcement officers and other support staff as the Minister, if necessary after consultations with the Public Service commission, considers appropriate.

6. National MPA Management Committee. (1) The National MPA Management Committee consists of one:

- (a) representative of the Ministry of Finance
- (b) representative of the Ministry of Tourism
- (c) representative of the Board of Tourism
- (d) representative of the Ministry of Agriculture
- (e) representative of the Science and Technology Council
- (f) representative of the Grenada Coast Guard
- (g) representative of the Grenada Ports Authority
- (h) representative of the Marine and Yachting Association of Grenada
- (i) representative of the Grenada Scuba Divers Association
- (j) representative of up to three non-governmental organizations which have an interest in marine or environmental affairs; and
- (k) representative from each of the local MPA committees.

In the case of a tied vote, the MPA Coordinator shall have a vote.

(2) The committee shall elect the following officers:

- (a) chairman**
- (b) deputy chairman**
- (c) financial officer; and**
- (d) secretary.**

(3) Procedures of the National MPA Management Committee:

(a) the chair of the National MPA Management Committee shall convene meetings at least two times each year, and may convene additional meetings if necessary.

(b) a two-thirds majority of committee members may also convene a meeting pursuant to procedures described in this subsection.

(c) the chair shall give notice via mail or email to committee members at least 30 days prior to the meeting.

(d) a meeting is valid only if a majority of the committee members are present.

(e) the national committee must invite, at the same time as notice is given to Committee members, the participation of a representative of a Local MPA Co-Management Board when an item on the agenda directly relates to the operations of a given MPA.

(f) the committee makes decisions by majority vote; in case of a tie the MPA coordinator casts the deciding vote.

(g) the chairman develops and distributes a preliminary agenda at least one week prior to the meeting. Members may propose additional agenda items by notifying the chairman at least two business days before the meeting.

(h) the secretary shall be responsible for assuring that minutes are recorded during all meetings and shall distribute the minutes to the committee members within one week of the meeting.

7. Powers and Functions of National Management Authority. (1) The National Management Authority:

(a) conducts national strategic planning for the Marine Protected Areas in Grenada's MPA System; and

(b) supports the management of MPAs by recruiting and managing staff, seeking and managing operational funds, and regulating activities in the MPAs.

8. Establishment and Authority of Co-Management Boards. (1) Each MPA will be managed by a local Co-management Board established through a co-management agreement with the MPA Authority, according to the standards laid out in Schedule 2, Establishment, Authority, and Responsibility of Local Co-Management Boards, of this regulation, that will play planning, regulatory, and administrative functions. *(consider incorporating some aspects of schedule 2)*

(2) Co-management Boards:

(a) shall be incorporated as non-governmental organizations under the laws of Grenada;

(b) may hire staff to carry out any MPA activities and will supervise the MPA wardens who shall enforce and manage the resources of the MPA; and

(c) shall conduct adaptive management based on results of monitoring and analysis of indicators and with the advice of the national committee, revises yearly work plans once per year to better achieve goals and objectives of the management plan.

(3) As elaborated in Schedule 2, Establishment, Authority and Responsibility of Co-Management Boards, and Schedule 3, Marine Protected Area Management Planning, the Co-Management Board shall:

(a) consult on national level and local MPA plan development;

(b) develop yearly operational plans and budgets, subject to approval by national Authority and technical input from the Fisheries Division;

(c) monitor status and activities of MPA, maintain data, and evaluate progress towards management plan goals;

(d) report to the MPA Authority on operations, financial status, monitoring data;

(e) Resolve disputes with MPA users, as detailed in Schedule 2

(f) manage permitting for activities conducted in the MPA

(g) manage education and outreach for the MPA

(h) maintain infrastructure for the MPA

(4) The Board shall have the authority to manage finances and maintain an MPA bank account and;

(a) directly or through MPA wardens and employees, shall collect fines, user fees, and concession fees and remit such fees to the national conservation trust fund and remit such fines to the national consolidated fund

(i) the Fisheries Division shall establish procedures for accounting for and remitting the funds in a subsequent schedule to the present regulation.

(b) shall raise funds and apply for grants for the use of the MPA, which it shall retain locally in the dedicated MPA bank account.

9. Dispute Resolution

(1) The co-management agreement will establish dispute resolution mechanisms for settling conflicts that arise between the National MPA Authority and the Co-management Board.

(2) The National MPA Authority has the power to dissolve the local committee if dispute not resolved satisfactorily.

10. Prohibitions in MPAs

(1) Strictly prohibited activities

(a) Moving, removing, injuring, or possessing, or attempting to move, remove, injure, or possess animals and plants other than fish as authorized by a permit, the management plan, and in accordance with these regulations, including:

- i. sea turtles*
- ii. sea turtle eggs*
- iii. sea eggs[sea urchins]*

(b) removing, destroying, or damaging historical artifacts

(c) removing, destroying, or damaging sand, rock, coral, coral rag or any naturally occurring substance

(d) anchoring in sandy areas

(e) anchoring on a reef or in any coral

(f) using jet skis or hovercraft

(g) lighting fires on beaches

(h) dumping any refuse, sewage, abandoned vehicle, toxic or other waste, bilge, oil or other petroleum product, pesticide or any item harmful to animals or plants, or any unsightly item, or substance which does or is likely to destroy or damage the MPA.

(2) Activities permitted only in areas established in MPA management plans and with a permit issued by the Co-management Board, as required:

- (a) anchoring
- (b) operating a dive or charter vessel
- (c) erecting any structure
- (d) placing buoys
- (e) diving using SCUBA or snorkel equipment
- (g) fishing
- (h) taking sea moss
- (i) mooring a vessel at a buoy
- (l) conducting any other activity likely to damage or destroy the MPA or resources contained within it

(m) entering a marine sanctuary

(3) No person, other than a warden acting in the course of his or her duties, may use or have in his or her possession within an MPA any firearm, air gun, spear gun or any other weapon, except:

(a) the owner of a yacht may carry a weapon on board the yacht, in conformity with the Firearms Act (Cap. 105), or

(b) when the Co-management Board applies for and the national committee approves an exception to carry spear guns in order to accommodate the need of fishers to traverse the MPA between their homes and fishing areas.

11. Penalties – the national MPA Authority shall establish a graduated system of penalties, which it shall review and, if necessary, revise every 5 years

(a) A person who commits an offense under these regulations is liable on summary conviction to a fine of not more than \$10,000 and to imprisonment of not more than 6 months. The particular penalty shall reflect the provisions of the system of penalties that the Authority publishes.

(b) If the offense is a continuing one, the person convicted of it is liable to a further fine not exceeding \$200 for every day or part of a day on which the offense has continued after conviction.

(c) The court before which any person is convicted of an offence under this regulation may order:

- i. the forfeiture to the Government of any item, article or thing, other than a vehicle or vessel, used in the commission of the offence;
- ii. that the person so convicted pay the cost of repairing any damage to a Marine Protected Area caused by the commission of the offence

(d) An article, item or thing forfeited pursuant to sub-regulation (c)(i) must be destroyed, unless the Minister directs that it be deposited of in some other specified manner.

(e) Section 34(b) of the Act (forfeiture of fish) applies to a conviction for an offence under these regulations as it applies to a conviction for an offence under the Act.

12. Fees. The national MPA management committee shall establish a system of fees for all permitted activities in the MPAs, which it shall review and, if appropriate, revise every 3 years.

13. Marine parks (IUCN category V): subject to regulations [prohibitions] and [zones], access to a marine park is open to all persons.

14. Marine reserves (IUCN category II):

(1) subject to regulations [prohibitions] and [zones] and subregulation (2), access to a marine reserve is open to all person by land but is prohibited by sea except with the written permission of the Co-management Board.

(2) a person must not dive from the shore of a marine reserve except with the written permission of the Co-management Board.

(3) fishing from the shore or from a vessel is not permitted in a marine reserve.

(4) A person who enters a marine reserve by sea contrary to subregulation (1) or who contravenes subregulation (2) or (3) commits an offence.

15. Marine sanctuaries (IUCN category Ia):

(1) A marine sanctuary is a closed area except for purposes of research and as required by the Ports Authority.

(2) A person who

(a) enters a marine sanctuary except with the written permission of the local co-management board given on Form MPA 1; or

(b) introduces into the marine sanctuary either temporarily or permanently any domestic animal or any other animal or plant not indigenous to the site,

Commits an offence.

16. Marine historical sites (IUCN category III): Subject to regulations [prohibitions] and [zones], access to a marine historical site is open to all persons.

17. Area designation: The Authority, in consultation with the Co-management Board , shall determine which areas within the Marine Protected Areas are Marine Parks, Marine Reserves, Marine Sanctuaries, and/or Marine Historical Sites.

18. Zones:

(1) within a marine park or marine reserve, the Authority may, by appropriate notices in the Gazette and in a Marine Protected Area, designate in the local MPA management plan, any or all of the following zones exclusively for the purposes specified:

(a) access zones, in which

(i) access and egress to and from the shore by vessels and vehicles, other than those specifically prohibited for uses within the marine park or marine

reserve, under regulation 17, are permitted for the purpose of launching, recovery, loading, unloading, embarkation and disembarkation of vessels.
(ii) a vessel or vehicle speed in excess of 5 mph and access or egress other than at right angles to the shore line is prohibited;

(b) anchoring zones, in which the anchoring of vessels is permitted;

(c) camping zones, in which camping is permitted;

(d) parking zones in which the parking of vehicles while in the proximity of a marine park, marine reserve or marine historical site is permitted;

(e) swimming zones, in which

(i) bathing, swimming, snorkeling and SCUBA diving (other than from a vessel) beach games and other ancillary pursuits are permitted; but
(ii) entry of any vessel, including an engineless vessel, is prohibited except for a rescue vessel, fisheries vessel, or police vessel performing rescue or engaged in placing, repairing, replacing, or removing fixed buoys, provided that a vessel involved in such operations causes no unnecessary damage to the environment within the zone and leaves the zone upon completion of the operation within the zone;

(f) training zones, in which the training of persons SCUBA diving or snorkeling is permitted;

(g) water-ski zones, in which (not less than 100 yards from the shoreline) the use of water ski and aqua-slide equipment for sport, and the transit of all vessels including engineless vessels is permitted;

(h) subsistence or traditional fishing, or other fishing activity zones.

(2) a person who in a Marine Protected Area

(a) does any thing outside a zone which is only permitted in the zone, or

(b) does any thing in a zone which is prohibited in the zone,

Commits an offence.

19. Specimen and artifact collection:

(1) Notwithstanding regulation [prohibitions] the co-management board may grant a written permit to a person who is a bona fide scientist to collect:

(a) animal and plant species within a marine reserve or marine sanctuary;

(b) artifacts from a marine sanctuary or marine historical site.

(2) specimens or artifacts collected under this regulation must be collected and stored only by appropriate methods approved by the Co-Management Board.

(3) A permit is subject to any conditions specified in the permit relating to the maximum numbers of specimens or artifacts that may be so collected and the prohibition or restriction of their export.

(4) a person who contravenes subregulation (2) or the conditions of a permit under the regulations commits an offence.

20. Dive vessels and charter vessels:

(1) A person who wishes to operate a dive vessel or charter vessel within a Marine Protected Area must be in possession of a permit in form MPA 3 granted by the Co-management Board and permitting the vessel to operate within the Marine Protected Area.

(2) a permit must be applied for on form MPA 2.

(3) a person who operates a dive or charter vessel within a Marine Protected Area when there is not in force for the vessel a permit granted under this regulation commits an offence.

(4) A copy of a permit issued under this regulation must be carried on the vessel to which it relates while the vessel is in a Marine Protected Area and must be produced for inspection by the master or other person in charge on demand made by any person empowered to enforce these Regulations.

(5) The co-management board may cancel a permit if it is satisfied that the permittee has supplied false information to procure the issue of the permit or has committed a material breach of these Regulations or used a vessel or equipment which is unsafe or unlawful.

21. Return of dives:

(1) Every operator of a dive or charter vessel must by the end of each month furnish the co-management board with a return in form MPA 6 for the previous month.

(2) For every dive conducted from a dive vessel in a marine Protected Area and for every passenger carried on a charter vessel in a Marine Protected Area a fee payable as specified in Schedule II.

(3) Every operator of a dive or charter vessel must send the fees to the *national conservation trust* with the return required by subregulation (1).

(4) Failure to comply with subregulation (1) or (3) is an offence.

22. Buoys:

(1) Subject to any relevant maritime legislation relating to buoys, no buoy may be installed in a Marine Protected Area except by the co-management board. The MPA management plan shall indicate the locations at which buoys may be installed and the total number of buoys allowed in each location.

(2) No buoy in a Marine Protected Area may be used except under a permit from the co-management board in respect of it.

(3) the operator of a vessel who wishes to use a buoy in a Marine Protected Area must apply for a permit on form MPA 4 and, must pay the fee specified by the Authority. The form of permit is as Form MPA 5.

(4) The operator of a vessel who moors at a buoy in a Marine Protected Area except under and in accordance with a permit commits an offence.

(5) It is an offence to anchor within 300 ft of a dive site mooring buoy.

23. Vehicles and vessels: The MPA management plan may specify any type of class or vessel or vehicle which is not permitted to enter the Marine Protected Area, for the purposes of these regulations and the Act. A person in charge of a vessel or vehicle that enters a Marine Protected Area in breach of such a notice commits an offence.

SCHEDULE 2

ESTABLISHMENT, AUTHORITY, AND RESPONSIBILITY OF LOCAL CO-MANAGEMENT BOARDS

1. **MPAs to be managed by local Co-management Boards.** Each marine protected area will be managed by a local co-management committee established through a co-management agreement with the MPA Authority, according to standards laid out in the MPA regulation and this schedule. (1) The Co-Management Committee will play planning, regulatory, and administrative functions and will manage the wardens who will enforce applicable law, policy, and regulations and manage the resources of the MPA.

2. **Co-management Boards established by approved co-management agreements.**

(1) A local committee shall be deemed to be established when a co-management agreement in compliance with this schedule is signed by the proposed members of the local committee and the Fisheries Officer responsible for marine protected areas.

(2) All MPA co-management agreements will specify:

- (a) the stakeholder groups that will be represented on the committee;
- (b) how these officers will be elected;
- (c) the term of serving on the committee;
- (d) how often the committee shall meet;
- (e) a dispute resolution mechanism.

(3) Co-management Boards shall be incorporated as non-governmental organizations under the laws of Grenada and shall have the authority to manage finances and maintain an MPA bank account.

3. **Composition of Co-management Board.**

(1) Each co-management Board will have a minimum of seven member institutions and may elect to include other voting or non-voting members; in the case of a tie vote the head warden may cast a vote.

(2) Each committee must include, as voting members:

- 1. a representative of the fishing industry
- 2. a representative of an environmental NGO
- 3. representatives of each local community/government, including adjacent settlements
- 4. representative of the tourism industry
- 5. a representative of the coast guard or police

6. a representative of the historical sector
7. the local fisheries officer

(3) Each committee may further include, as agreed in the process of establishing the local committee, as voting members, a representative of:

8. the Ports Authority
9. the scuba diving industry
10. a community development or other NGO
11. specialized fishermen's groups
12. the yachting industry
13. the water taxi industry
14. the hospitality industry
15. the education sector
16. any other sector agreed upon in the establishment of the committee.

(4) At any time in the functioning of the Co-management Board the members may elect to add any other person or institution as a non-voting member.

(5) At any time, the majority of the executive board may request the replacement of any voting member who misses three consecutive meetings or more than four in a one-year period.

(6) A member may designate an alternative if the representative is unavailable.

(7) If a board member has a commercial or personal interest in a matter before the board, the interest must be disclosed. The Board may, by majority vote, require that member to withdraw from the discussion or not to participate in the vote.

4. Establishment of the Co-Management Board. A local co-management Board shall be established within six months of the establishment of a Marine Protected Area.

(1) During the process of establishing the MPA, consultation shall be conducted regarding the composition and functioning of the Co-Management Board and to identify at least the minimum seven proposed members of the Board.

(2) The Fisheries Division, with the participation of the proposed members of the Board, shall conduct public consultations prior to drafting the co-management agreement.

(3) The proposed members of the Board shall develop the draft agreement in consultation with the Fisheries Division and in accordance with any existing management authorities, including the protected area systems plan.

(4) The proponents of the local Board shall provide the National MPA Committee with a copy of the draft agreement and may meet with the Committee to discuss the proposal.

(5) Concurrently with the review period for the National MPA Committee, or for at least 30 days, the proposed members of the Local Committee shall seek public comment by providing notice that the draft agreement is available for review upon request by any person.

(6) The proposed members of the Local Board shall consider all comments and shall revise the co-management agreement as appropriate;

17. the Local Board shall also prepare a response to all comments that shall be released with the final agreement.

(7) The revised proposal shall be submitted to the National MPA Committee for approval.

18. The National MPA Committee may continue to request changes until the agreement is approved; and

19. In the case of any irreconcilable disagreement concerning the terms of the agreement, the Fisheries Division shall resolve the issue and then determine whether the agreement is final.

(8) Upon approval by the National Committee, or the Fisheries Division in exceptional cases, the proposed members shall sign the final agreement; the proposed members then become the founding members, whereupon the committee shall be deemed to be established.

(a) The Local Board shall make the final agreement and response to all comments available to the public upon request.

(9) Upon establishment, the members of the local co-management Board will elect an executive board, to serve 2-year terms

20. the first terms will be staggered so that only two officers will rotate off the board each year; and

(b) Officers may serve two consecutive terms.

2. The election of officers of Board will be supervised by an Election Officer agreed to by the Board.

(10) The executive board will consist of:

21. Chair

22. Deputy chair.

23. Secretary

24. Treasurer

25. Assistant secretary/treasurer

26. Communications officer

(11) The roles of the executive board members will be:

1. The Chair shall conduct meetings and serve as spokesperson for the Board. The Chair's primary role is to lead the discussion and obtain consensus with the group. When activity plans are reviewed by the Board, the Chair ensures that members' commentary is factored into recommendations for the National MPA Committee and the Fisheries Division. For matters other than regulatory applications, the Chair will provide the communications link between the Board and the Fisheries Division. The Chair will be the representative of the MPA Board on the National MPA Management Committee.
2. In the absence of the Chair, the Deputy Chairman will act as Chairman.
3. The secretary is responsible for ensuring that accurate recording of minutes of meetings are taken making sure that all actions are fully noted. The minutes of the meeting should be circulated no later than 2 weeks after the meeting is held.
4. The Treasurer is responsible for providing a monthly report to the Board on the following: Monthly income / expenditure collected in the MBMPA by Wardens.
5. The Assistant Secretary/Treasurer plays this role in the absence of the primary officer in that position.

5. Requirements of Co-management Agreements. Each Co-management Board shall be established and bound by the terms of a Co-management Agreement concluded between the proponents or members of the local Board and the national MPA Committee in accordance with the Co-Management Agreement Form.

(1) Co-Management Agreements are valid for a term of five years at which time the Authority and local committee must review the terms of the agreements and revise them if appropriate.

(a) a supermajority of the Board or the Fisheries Division may initiate revisions to the co-management agreement, following the procedures in Section 4(30)-(8).

(2) Resolution of Disputes between MPA co-management board and national committee.

(a) The co-management agreement will establish appropriate dispute resolution mechanisms for settling serious concerns that may arise between the National MPA Authority and the Co-management Board.

(b) The National MPA Authority has the power to dissolve the co-management board if the dispute is not resolved satisfactorily.

6. Local MPA Co-management Board financial authority and responsibility. The Local Co-Management Board is authorized to collect, manage and retain designated funds, and to disburse funds in the MPA bank account in accordance with the approved annual budget.

(1) The Board shall maintain an MPA bank account.

(a) The account shall contain only funds owned by the MPA to be used and managed solely for the use of the MPA consistent with its approved budget; and

(b) The Board shall maintain accounting records of all transactions involving the account which shall be submitted to the Committee quarterly and shall be available to the public upon request.

(2) The Board is authorized to collect funds, including in the form of grants or other project funds, government funds, funds from the national MPA trust, donations, fines, and fees;

(a) Wardens shall have the day-to-day responsibility for collecting fines and fees and shall document them and deposit them in the consolidated revenue fund, the national conservation trust fund, or the MPA bank account, as required;

(b) Fees collected shall be remitted to the national conservation trust fund;

(c) Fines collected shall be remitted to the national consolidated revenue fund; and

(d) Grants, proceeds of fundraising, donations, project funds, government funds, and funds from that national MPA trust shall be deposited directly into the MPA account.

7. Meeting and decision-making procedures.

(1) The Chair of the Co-Management Board shall convene meetings at least once per quarter

(a) notice of meeting given to members and the public at least 30 days prior to meeting

(b) The chair shall develop and distribute to members a preliminary agenda at least one week prior to meeting

(c) Members may propose agenda items up until the day before the planned meeting.

(d) Meetings shall be open to public, except for situations defined in the MPA Management Plan

(e) A meeting of the co-management committee will not be considered to be official unless a majority of members are present

SCHEDULE 3

MARINE PROTECTED AREA MANAGEMENT PLANNING

1. Management of MPAs and all MPA activities shall be in accordance with a management plan. All management and other activities in Marine Protected Areas will be guided by the laws and regulations of Grenada and management and operational plans developed and approved by the MPA Authority and the local Co-management Boards.

2. Marine Protected Area Management Plans will be developed by the MPA Authority. (1) The Authority shall develop a Management Plan for each of the MPAs, to be valid for a period of up to ten years.

(2) The Authority shall consult with the local Co-management Board about the development plan and shall include them in the process of developing it, as well as conducting the public consultations.

(a) The management plan shall contain any information necessary for the effective management of the MPA in accordance with the objective of sustainable development and other objectives elaborated in national planning documents, including the national Protected Areas Systems Plan. This shall include:

- i. MPA goals and objectives;
- ii. Any prohibitions necessary beyond those contained in this regulation and schedule;
- iii. Zoning of any varying uses of the marine space;
- iv. Any necessary precision of infractions, fees, or fines;
- v. Any intended infrastructure development or concession arrangements;
- vi. Biological and administrative monitoring and assessment strategy;
- vii. An Education and Outreach Strategy;
- viii. Any other information deemed necessary for the strategic management of the MPA.

- (b) In the case of a dispute between the national Committee and the local Board, the Fisheries Division shall have the authority to resolve the dispute and determine the content of the plan.
- (c) The draft Management Plan shall be made available for public consultation for 90 days prior to being finalized.
- (d) At least one public meeting shall be held during the 90 day consultation period in both St. George's and in the community at the MPA.
- (e) Once approved by the Minister, Management Plans for each MPA will have the force of law.
 - i. A mid-term review shall be held to determine the progress towards meeting the management objectives and the continued applicability of those objectives;
 - ii. If during this review or at any other time during the effective period of a management plan the Authority determines that some aspect of the plan needs to be revised, such revisions may be proposed to the Minister for approval.

3. Implementation of MPA Management Plans shall be in accordance with Annual operational plans and budgets. (1) Each local Co-Management Board shall develop an annual operational plan and budget in accordance with the Management Plan and to be approved by the Authority.

- (a) Any irreconcilable dispute between the local Board and the national Committee shall be resolved by the Fisheries Division.
- (b) A draft of the operational plan and budget shall be made available to the public for comment for 30 days before it is final and at least one public meeting will be held in the community during this period.
- (c) Subject to approval by the national Authority, annual operational plans shall include a detailed proposal of the activities planned for the year and a budget to support them; they shall include limits on each type of permit issued and conditions on the permitted activity, and may include fundraising activities.

APPENDIX 3 SRO 78 REVIEW CONSULTATION, GRENADA PARTICIPANTS LIST.

Names	Organization	Contact	Email
Francine Foster	Ministry of Legal Affairs	440- 2050	ffoster.molacc@gmail.com
Christine Bowen	Ministry of Legal Affairs	440-2050	draftingunit@gmail.com
Christopher Alleyne	Woburn, Woodlands Development Org	444-2140	crissalleyne@gmail.com
Allan Joseph	TNC Local coordinator	449- 3257	agioseph6@yahoo.com
Clare Morrall	St. George's University	444- 4175 ext 3360	cmorrall@sgu.edu
Juliana Castano	TNC		jcastano@TNC.org
Osmond Griffith	Coast Guard	405- 7478/ 444-1931/32	gcgco@hotmail.com
Ian Noel	Grenada Port's Authority	440- 7678/ 403-9314	
Ronald Haywood	Grenada Port's Authority	417- 4715/ 435-8376	haywoodronald@hotmail.com
Bobby Medford	Coast Guard	418-6062/ 444-1931/32	rgpfcguard@spiceisle.com
Peter Thomas	Science and Technology Council	440- 3118	nstc@spiceisle.com
Lima Frederick	Ministry of Tourism		
Cecil McQueen	MBMPA	416- 4347	cecilsafe@hotmail.com
JuneMarie Mow	GITEC		mariemow@gmail.com
Garvin Gibbs	MPA Stakeholder	538- 0909	big2g@hotmail.com
Suzanne Clarke	MAYAG	405- 7800	suzanna.clarke@inforum.com
Howard Clarke	GUSMI	405- 7900	howardclarke900@hotmail.com
Coddinton Jeffrey	MBMPA	419- 2200	
Steve Nimrod	MBMPA/ SGU		snimrod@sgu.edu
Aden Forteau	Forestry	440- 2934	michael_forteau@yahoo.co.uk
James Finlay	Environmentalist	456- 0389/ 443-5220	james_finlay123@hotmail.com
Allan Patrick	NWDO/ MPA Member	405- 4332/ 440-3112	
Zaidy Khan	CERMES	4143560	Zaidy.khan@gmail.com

APPENDIX 4 SRO 78 REVIEW CONSULTATION, CARRIACOU PARTICIPANTS LIST.

Names	Organization	Contact	Email
Allison Caton	SIOBMPA Chair	443- 7948	acaton@grenadagrenadines.com
Ellen Birrell	Yacht visitor/CJSC	538- 1428	ellenbirrell@gmail.com
Schmitt George	Arawak- Divers	443- 6906	arawakdivers@spiceisle.com
Cosmos Bristol	SIOBMPA	443—8401/537-2717	cosmosbristol@hotmail.com
Foter Douglas	W.T.C.P.M	536- 7170	
Bryan Prince	SIOBMPA Warden	536- 8451	b_nice276@hotmail.com
Jaral McNeil	Fisherman	459- 2165	treambee@gmail.com
Gary Ward	Deeter Diving	443- 7882	gary@deeterdiving.com
Junior McDonald	Min of C'cou and P.M Affairs	443- 6026	Jnr.Mcdonald@gmail.com
Marina Fastigi	YWF- Kido Foundation	443- 7936	marina.fastigi@gmail.com
Dario Sandrini	YWF-Kido Foundation	443- 7936	Kido.ywf@gmail.com
Anique Coy	SIOBMPA	459- 1679	nique_coy@hotmail.com
Linus Augustus	Carriacou Station	417- 7597	
Wallace McLeod	C.H.S	458- 9274	wallie2k7@yahoo.com
Lullin Remmil	SIOBMPA	407- 3517	
Jeffrey Jizzaak	Min of C'cou and P.M Affairs	443-6026	Jizzaak@gmail.com
Martin Barriteau	Sustainable Grenadines	418- 8980	susgrenpm@vincysurf.com
Chandra Rodgers	Sustainable Grenadines	432-8707	crodger@uwo.ca
Orlando	T.C.M.P	784- 430-9873	landokeri@yahoo.com
Joshua Clement	Fisherman	405- 5565	kingjosh@hotmail.com
Jody Placid	SIOBMPA	419- 9897	Jp7_193@hotmail.com
Francine Foster	Ministry of Legal Affairs	440- 2050	ffoster.molacc@gmail.com

APPENDIX 5: LEGAL DRAFTER'S DOCUMENT.

A 406

2001

Fisheries (Marine Protected Areas) Regulations

SRO. 78

GRENADA

STATUTORY RULES AND ORDERS NO. 78 OF 2001

IN EXERCISE OF THE POWERS CONFERRED BY SECTION 40 OF THE FISHERIES ACT
(CAP. 108) THE MINISTER MAKES THE FOLLOWING REGULATIONS-

(Gazetted 28th December, 2001).

1. Citation: These Regulations may be cited as the

FISHERIES (MARINE PROTECTED AREAS) REGULATIONS, 2001

2. **Definitions:** In these Regulations unless this context otherwise requires-

“Authority” means the management authority described in regulation 3;

“Charter vessel” means a vessel from which performs day boat charters;

“Co-Management Board” A local area committee described in regulation 4

“Dive vessel” means a vessel which any kind of diving takes place;

“Harbour Master” means the Director of Maritime Services or other person responsible for controlling the mooring of vessels in a harbor.

“Management Committee” means the committee described in regulation 4;

“Marine historical sites” means the part or whole of a Marine Protected Area which contains structures, artefacts or human remains and which needs to be protected for its historical or cultural value;

Francine 12-9-13 12:39 PM

Comment [1]: Definition needs to reflect vessel engaged in charter – the word day to be removed

“Marine Park” means that part of a Marine Protected Area which is reserved for public recreation;

“Marine Protected Area” means an area declared as such by the Minister by order under section 23 of the Act and may be either a marine park, a marine reserve, a marine sanctuary or a marine historical site or a combination of any of those;

“Marine reserve” means that part of a Marine Protected Area which requires special management for the purpose of protecting the natural resources it contains;

“Marine sanctuary” means that part of a Marine Protected Area which is open only for the purpose of scientific study and research;

“Qualified diver” means a member of the Grenada Scuba Divers Association or of some other diving association approved by the Authority for the purpose of these regulations;

“Ranger” appointed for the enforcement of these regulations under section 21.

“SCUBA” means self-contained underwater breathing apparatus;

“Warden” means a marine park warden appointed or deemed to be appointed under regulation 21;

“Yacht” has the same meaning as in the Yachting Act, 2000;

“Zone” means as area so designated under regulation II

Francine 12-9-13 12:39 PM

Comment [2]: Used instead of warden. This is the internationally accepted term. Means the enforcement officers for the MPA's

3. **Management Authority:** (1) The Management Authority for Marine Protected Areas consists of-

- (a) The Management of Marine Protected Areas; and
- (b) The Management committee.

Management Authority: The Management Authority for Marine Protected Areas is the Cabinet appointed National MPA Management Committee

Powers and Functions of the Management Authority

The Management Authority

1. Conducts national strategic planning for the MPA's program in Grenada
2. To enter into agreements with Co- Management Boards for the management of individual MPA's
3. Supports the management of MPA's by recruiting and managin^f staff and regulating activities of MPA's
4. To approve all external and local funded projects/studies/research etcto be implemented with a Marine Protected Areas
5. To ensure proper compliance
6. To endorse all projects related to MPA's which will be submitted to the Grenada Conservation Trust Fund and any other similar source of funding
7. The Management Authority may delegate...

Management Authority: The Management Authority for Marine Protected Areas consist of:

- (a) The Cabinet appointed National MPA Management Committee
- (b) The Fisheries Division

Francine 12-9-13 12:39 PM

Comment [3]: Minister is extending his promulgate authority by creating co-management committees. Everything falls under the Minister - Fisheries

Francine 12-9-13 12:39 PM

Comment [4]: Suppose to be Manager and not management

Francine 12-9-13 12:39 PM

Comment [5]: The Authority is comprised of the Management Committee and the Fisheries Division

Francine 12-9-13 12:39 PM

Comment [6]: To be inserted

Francine 12-9-11 9:41 AM

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 2.54 cm + Indent at: 3.17 cm

Francine 12-9-13 12:39 PM

Comment [7]: Should say review instead of endorse. We should put review and recommend. Putting endorsement may mean that that any project that comes before it may be subject to endorsement.

Zaidy Khan 12-9-26 6:04 PM

Formatted: Indent: Left: 1.27 cm

Powers and Functions of the Management Authority. (1) The Management Authority:

1. Conducts national strategic planning for the Marine Protected Areas program in Grenada Carriacou and Petite Martinique; and
2. To enter into agreements with Co-Management Boards for the management of individual Marine Protected Areas.
3. Supports the management of MPAs by recruiting and managing staff and regulating activities in the MPAs.
4. To approve all external & local funded projects/ studies / research etc to be implemented within a Marine Protected Areas.
5. To endorse all projects related to Marine Protected Areas which will be submitted to the 'Grenada Conservation Trust Fund' and any other similar source of funding.

owner 12-9-26 6:04 PM

Comment [8]: Should be a statutory body (consult National systems plan)

owner 12-9-26 6:04 PM

Comment [9]: Should be done at site level

owner 12-9-26 6:04 PM

Comment [10]: Harmonize

Notes from Carriacou consultation

4. The Management Authority may delegate management of an MPA to a local Co-Management Board:

5. **Establishment and Authority of Co-Management Boards.** (1) Each MPA may be managed by a local Co-management Board established through a Co-management agreement with the MPA Authority.

Composition of Co-Management Boards:

A local Co-management Board will comprise the following:

- I. Representative from key organizations/ institutions and NGO's in the adjacent communities where the MPA is located with an expressed interest in the management and development of the MPA.
- II. Representative from all users in the MPA. e.g Dive shops, Day Charters, Yachts, Fishermen, Water taxi.
- III. A representative of the MPA Authority.
- IV. Law enforcement Officers A Representative from the local Police Station or Coast Guard.
- V. Other individuals from the community as deemed necessary by the Board.
- VI. _____

A local Co-Management Board shall be deemed to be established when a Co-Management Agreement is signed between the Chair of the Co-Management Board and the Minister.

Include the functions of the Co-Management Board

- X. A Representative from the local Police
- XI. Other individuals from the community as consider necessary by the Board.

A local Co-Management Board shall be deemed to be established when a Co-Management Agreement is signed by the Chair of the Co-Management Board and the Minister.

The Powers and Functions of the Co-Management Committee

- a. Recommending/nominate staff to be appointed for management of local MPA
- b. Provide for the day to day management of the local marine protected area

The general contents of the Co-management agreement should be included here in the regulations

(2)Decisions of the Authority must be signified under the hand of the hand of the manager of Marine Protected Areas and the Chairman or Deputy Chairman of the authority jointly.

(2) Policy decisions of the Management Committee must be approved by the Minister.

(3)The Management Authority may have assigned to it such enforcement officers and other support staff as the Minister, if necessary after consultation with the Public Service commission, considers appropriate.

4. **Management Committee:** (1) The Management Committee for Marine Protected Areas consists of-

- (p) A representative from the Ministry of Finance
- (q) A representative from the Ministry of Tourism
- (r) A representative from the Board of tourism
- (s) A representative from the Ministry of Agriculture
- (t) A representative from the Science and Technology Council;
- (u) A representative from the Grenada Coast Guard;
- (v) Ministry of the Environment
- (w) Physical Planning Unit

Francine 12-9-11 9:58 AM

Deleted: Station or Coast Guard.

Francine 12-9-13 12:39 PM

Comment [15]: It should be with the Management Authority and not the Minister. The Co-management agreement .

Francine 12-9-13 12:39 PM

Comment [16]: Information from the ELI document in relation to this should be inserted here

Francine 12-9-13 12:41 PM

Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

Francine 12-9-13 12:41 PM

Formatted: Font:Times New Roman

Francine 12-9-13 12:52 PM

Formatted: Indent: Left: 1.27 cm

Francine 12-9-13 12:52 PM

Formatted: Font:Times New Roman

Francine 12-9-13 12:39 PM

Comment [17]: Changed to Authority

Francine 12-9-13 12:39 PM

Comment [18]: To replace this representative as they are separate entity from that of the Ministry of tourism

Francine 12-9-13 12:39 PM

Comment [19]: This should be changed to Law Enforcement Officer

Francine 12-9-13 12:39 PM

Comment [20]: The suggestion to have them on the committee. There may not be a need to have them as a permanent person on the Authority. There may just to be need to consult from time to time as needs be

- (x) A representative from the Grenada Port Authority;
- (y) A representative from the Marine and Yachting Association of Grenada
- (z) A representative from the Grenada Scuba Divers Association;
- (aa) A representative of any non-Governmental organization which has a specialized interest in marine or environmental matters,
- (bb) An independent representative with technical and scientific background.
- (cc) A representative from each of the site level MPA Co-Management Boards.
- (dd) The Chief Fisheries Officer.
- (ee) The National MPA Coordinator

Nominated by the respective body and appointed by the Minister in concurrence with cabinet.

A409

SRO 78 Fisheries (Marine Protected Areas) Regulations 2001.

(2) When making a decision about a particular area of water the Management Committee must invite a member of the local community in that area to attend the meeting.

5. Procedure of Management Committee: (1) The Minister, with the concurrence of the Cabinet, appoints the Chairman and Deputy Chairman of the Management Committee.

(2) The Management Committee conducts its business in accordance with normal procedures for such committee.

(3) The quorum for the Management Committee is 3 persons.

(4) The Management Committee's function is to advise the Management Authority on all matters which require to be decided by the Authority except day-to-day matters.

Francine 12-9-13 12:39 PM

Comment [21]: To be changed to reflect 1/3 of the membership as opposed to the suggestion that it should be 2/3 of the membership. It was suggested that the number 5 be used. The total number of the committee is 13

Functions of the Management Committee:

- I. To advise Government on strategic policy decisions for the development of the national MPA program.
- II. To enter into agreements with Co-Management Boards for the management of individual Marine Protected Areas.
- III. To sanction the implementation of all external & local funded projects/ studies / research etc within a Marine Protected Areas.
- IV. To endorse all projects related to Marine Protected Areas which will be submitted to the 'Grenada Conservation Trust Fund'

6. General prohibitions in Marine Protected Areas: (1) A person who in a Marine Protected

Area -

- (a) Take any animal or plant by any method on land or at sea, except to the extent permitted in any fishing zone;
 - (b) Destroys, damages or injuries any animal or plant;
 - (c) Takes and/or damages any artifact;
 - (d) Removes sand, rock, coral rag or any calcareous substance;
 - (e) Anchors a vessel except in an anchoring zone;
 - (f) Causes anchor damage to artefacts or to coral or reef structure living or dead or to associated marine plant or animal life;
 - (g) Moors a vessel other than at a buoy;
 - f. should obtain a permit from the Authority and pay the required fee and comply with the rules and regulations;
 - (h) Dives using SCUBA or snorkel equipment, unless the person is, with the express permission of the Authority or is under the supervision of a qualified diver or a registered tour guide from a registered dive shop;
- Prohibited from development or of the MPA

Francine 12-9-13 10:36 AM

Deleted: artefact

Francine 12-9-11 11:39 AM

Deleted: or

Francine 12-9-13 12:39 PM

Comment [22]: This sounds like rules and regulations – do we want them detailed in the regulations – the enforcement issues.

Francine 12-9-13 12:39 PM

Comment [23]: Obtaining of the permit is vague....it should be detailed as to the conditions I the obtaining of a permit. This should be done at the Authority level

Francine 12-9-13 12:39 PM

Comment [24]: Enforcement provisions needs to be put in place – question is whether it should be included in the general prohibitions section

Francine 12-9-13 12:39 PM

Comment [25]:

Francine 12-9-13 12:39 PM

Comment [26]: There is a difference between a qualified diver and a diver in teaching state. We have to make sure that the divers that go out that are not only qualified (competent) but in a teaching state

Francine 12-9-13 12:39 PM

Comment [27]: They ought to be a dive master in the very least. Need someone to observe to make sure that nothing wrong happens

Francine 12-9-13 12:39 PM

Comment [28]: Give permits to qualified divers from to allow them to access to sea. Permit to be obtained from the park. The permit will have a cost attached to it. The permit will have conditions attached

Francine 12-9-13 12:39 PM

Comment [29]: All persons who think they are qualified divers should register with the MPA? Ministry and not necessarily with the dive shop

Francine 12-9-13 12:39 PM

Comment [30]: Yachts won't need bands...permission is given to them when they dock

- (I) Uses any vehicle, except as permitted in an access zone or parking zone;
- (J) Uses jet skis or hovercraft;
- (K) Uses water skis, except in a water ski zone;
- (L) Dump any refuse, abandoned vehicle, toxic or other waste, bilge, oil, or other petroleum product, pesticide or any other item harmful to animals or plants, or any unsightly item, or substance which does or is likely to destroy or reduce amenities of the seas;
- (m) Erects any structure, except with the written permission of the Minister,

Commits an offence.

(2) Subject to regulation 12, no person, other than a warden acting in the course of his or her duties, may use or have in his or her possession with a Marine Protected Area any fireman, air gun, spear gun or any other weapon, except that the owner of a yacht may carry a weapon on board the yacht for the protection of the yacht or persons on board, in conformity with the Fireman Act (Cap.. 105).

(3) Pedestrians access is prohibited in a Marine Protected Area except on the routes designed by the Authority.

(4) A person who contravenes sub-regulation (2) or (3) commits an offence.

7. Marine parks: Subject to regulations 6 and 11, access to a marine park is open to all persons by land or sea.

Francine 12-9-13 12:39 PM

Comment [31]: No skiing allowed in Grenada - should come out

Francine 12-9-13 12:39 PM

Comment [32]: The boats are required to bring their waste on shore and then we dump it back in the sea. A lot of PR should be done – posters and flyers – placed at the airport and places of the like

Francine 12-9-13 12:39 PM

Comment [33]: There needs to be a lot of regulations of the commercial vessels

Francine 12-9-13 12:39 PM

Comment [34]: Permission should be obtained from the Authority instead of the Minister

14. Return of dives etc.: (1) Every operator of a dive or a charter vessel must by the end of each month furnish the Authority with a return in form MPA 6 for the previous month.

(2) For every dive conducted by a dive vessel in a Marine Protected Area a fee is payable as specified in Schedule II.

(3) For every operator of a dive or charter vessel must send the fees to the Authority with return required by sub-regulation (1).

(4) Failure to comply with sub-regulation (1) or (3) is an offence.

15. Buoys: (1) Subject to any relevant maritime legislation relating to buoys, no buoy may be installed in a Marine Protected Area except by the Authority.

(2) No buoy in a Marine Protected Area may be used except under a permit from the Authority in respect of it.

(3) The operator of a vessel who wishes to use a buoy in a Marine Protected Area must apply for a permit on form MPA 4 and, in the case of a yacht, must pay the fee specified in schedule II. The form of permit is as in Form MPA 5.

(4) The operator of a vessel who moors at a buoy in a Marine Protected Area except under and in accordance with a permit commits an offence.

(5) ↓

16. Vehicles and vessels: The Authority may, by notice in the Gazette, specify the type or class or vessel or vehicle which is not permitted to enter a Marine Protected Area, for the purpose of these regulations and the Act. A person in charge of a vessel or vehicle that enters a Marine Protected Area in breach of such a notice commits an offence.

17. Emergencies: (1) The prohibitions on entry, mooring or anchoring of a vessel in a Marine Protected Area imposed by these regulations do not apply-

(a) In an emergency

Francine 12-9-13 12:39 PM

Comment [35]: Now saying 200m

Francine 12-9-13 12:39 PM

Comment [36]: To be removed all together

Francine 12-9-11 12:20 PM

Deleted: It is an offence to anchor within 300 feet

Francine 12-9-11 12:20 PM

Deleted: of a dive site mooring buoy.