

ISLAND RESOLUTION MARINE PARK BONAIRE

NOTE: This translation of the Island Resolution Marine Park Bonaire has been prepared to assist interested parties in understanding the content of this resolution. ONLY the original Dutch Resolution is to be used to resolve legal matters.

This **Island Resolution contains general measures** of AUGUST 25, 2010 nr.2 implementing Articles 4, 8, 9, 10, 11, 16, and 17 of the Island Ordinance Nature Management Bonaire (A.B. 2008 nr. 23) and revokes the Island Resolutions containing general measures of June 28, 1991, nr. 8 (A.B. 1991 nr. 10), of December 13, 1991, nr. 1 (A.B. 1991 nr. 21), of December 22, 1993 nr.1 (A.B. 1993 nr 18), of March 20, 1996, nr. 9 (A.B. 1996 nr. 3), of August 18, 1999 nr. 5 (A.B. 1999 nr 11), of August 18, 1999 nr. 6 (A.B. 1999 nr. 12), of September 5, 2003 (A.B. 2003 nr. 10), of January 27, 2005, nr. 3 (A.B. 2005 nr. 2), of December 21, 2007 (A.B. 2007 nr. 17) and of June 25, 2010 nr.16 (A.B. 2010 nr.9) (Island Resolution Marine Park Bonaire).

THE EXECUTIVE COUNCIL OF THE BONAIRE ISLAND TERRITORY;

Considering:

that it is necessary or advisable to enact more specific rules regarding the management of the Marine Park;

In view of:

Articles 4, 8, 9, 10, 11, 16, and 17 of the Island Ordinance Nature Management Bonaire (A.B. 2008 nr. 23);

Taking into account:

the joint proposal by the Department of Spatial Development and Management, the Department of Agriculture, Animal Husbandry and Fisheries, the Department of Legal and General Affairs and the Commission Nature Management Bonaire of August 3, 2010 (archive nr. 30011042);

HAS RESOLVED:

To enact the following Island Resolution containing general measures:

Section I DEFINITIONS

Article 1

1. In this Island Resolution containing general measures, the terms below are defined as follows:

Manager: the National Parks Foundation (STINAPA Bonaire)
established on Bonaire;

- building: any construction of wood, stone, metal or other material, which directly or indirectly is connected to the ground, or directly or indirectly receives support from the ground at its intended site;
- carapace length: the upper part of the lobster's body; from the front of the head between the eyes to the beginning of the segmented tail;
- dive center: a business that offers facilities to divers who use the Marine Park;
- diver: a person who, equipped with air or other breathing gasses under pressure, enters the water, or has the clear intent to enter the water, or is under water, or leaves the water shortly after being under water;
- GPS-coordinates: coordinates according to the Global Positioning System;
- Harbor master: the person, or his designate, appointed as such by the Executive Council;
- Marine Park: the nature park either created by the Ordinance Marine Environment (A.B. 1991, nr. 8) or created as a protected area pursuant to Article 4 of the Island Ordinance Nature Management Bonaire;
- beach: the usually vacant and generally bare strip of land between the sea's normal low-water mark and the land, where there is more or less natural vegetation, an existing sea wall, bank protection, or at the edge of an already existing construction;
- traditional fishing gear: fishing lines (liña), rods and casting nets (tarai), and dragnets (reda) approved and certified as such by the Manager;
- accommodation facilities: any premise that is available for an overnight stay that is not a permanent residence;
- fish reserve: that portion of the Marine Park designated by the Executive Council where it is forbidden to catch any marine life in any manner under any circumstances.
2. The definitions in Article 1 of the Island Ordinance Nature Management Bonaire are incorporated herein.

Section II ARTICLES CONCERNING ENTRY INTO THE MARINE PARK

Article 2

1. Users will be charged a fee, as set forth in Appendix I of this Resolution, to enter and to use the Marine Park.
2. No fee will be imposed on international and/or inter-insular shipping traffic that use the Marine Park.
3. No fee will be charged to the following persons who enter the Marine Park:
 - a. persons under 12 years of age;
 - b. persons who, according to documents, are residents of Bonaire; and
 - c. persons who can prove that they are on Bonaire for a period of 24 hours or less.
4. The exclusions set forth in paragraph 3 do not apply to divers.

Section III
GENERAL MANAGEMENT MEASURES

Article 3

1. The following areas within the Marine Park are designated as reserves:
 - a. the area between Boka Slagbaai (GPS-coordinates: 12°15'51.49"N – 68°24'52.11"W) and Playa Frans (GPS-coordinates: 12°14'48.75"N – 68°24'53.01"W); and
 - b. the area between Karpata land house (GPS-coordinates: 12°13'10.77"N – 68°21'9.85"W) and the longitudinal levee in front of the entrance to Gotomeer (GPS-coordinates: 12°13'12.89"N – 68°22'29.69"W).
2. Except for boat traffic through the reserves, and/or when fishing with traditional fishing gear, it is otherwise forbidden, without a permit from the Executive Council, to be in a reserve as such term is defined in paragraph 1.
3. Except for sites that the Manager specifically authorizes, it is forbidden to move, leashed to a kite or any object of this kind, on or above the waters of the Marine Park that are within 75 meters from the coast.

Article 4

It is forbidden, without a permit from the Executive Council, to directly or indirectly dump, leak or discharge waste or biological and chemical agents which are harmful to the environment or which can alter the physiological composition of the water, into the waters of the Bonaire Island Territory.

Article 5

1. It is forbidden to anchor in the waters of the Marine Park.
2. The prohibition set forth in paragraph 1 does not apply to:
 - a) boats with a full length no greater than four meters to the extent that these boats are used for fishing and corallite is used for anchor;
 - b) the area of the Kralendijk bay that is between the pier located across from the building at 12 Kaya J. N.E. Craane (GPS-coordinates: 12°09'0.72"N – 68°16'09.7"W) and the southern harbor pier (GPS-coordinates: 12°8'47.42"N – 16'39.75"W); and
 - c) vessels which need to anchor unexpectedly in order to avert danger to persons and to the vessel.
3. Anchoring in the area referenced in paragraph 2, section b, is only permitted after obtaining written authorization from the harbormaster. The harbormaster will immediately inform the Manager of each authorization granted by him;
4. With respect to the vessels referenced in paragraph 2, section c, only the crew may enter the water in those cases when it is essential to avert danger.

Article 6

It is forbidden, without a permit from the Executive Council, to remove or recover objects fastened to the bottom or bottom overgrowth of the Marine Park.

Article 7

It is forbidden, without a permit from the Executive Council, to sink boats or other objects in the Marine Park that are not found there naturally.

Article 8

1. It is forbidden for divers to wear or to use gloves in the Marine Park.
2. The prohibition in paragraph 1 of this article, does not apply to catching, gathering and killing harmful species referenced in paragraph 1, Article 19 of the Island Resolution Nature Management Bonaire.
3. The Manager of the park can grant an exemption to the prohibition set forth in paragraph 1 of this article provided that a physician declares that there are medical reasons for doing so.

Section IV ARTICLES CONCERNING FISHING

Article 9

1. It is forbidden to use mechanical gear, explosives, hand spears or poles with hooks, to hunt or catch marine life.
2. It is forbidden to transport, to offer for sale, to transfer, or to deliver marine life that has been caught by mechanical marine hunting gear, explosives, hand spears or hand hooks.
3. It is forbidden to transport mechanical marine hunting gear over public ground or public water.
4. It is forbidden to offer for sale, to sell, or to have in stock for sale in a shop or accompanying space, mechanical marine hunting gear complete or in parts.
5. Mechanical marine hunting gear means any guns and pistols that are regulated by the Firearms Ordinance 1931 (P.B. 1931 nr. 2) as amended, as well as any guns or pistols that either by air or by gas under pressure, or by other means, can fire missiles under water.
6. With the exception of explosives, the prohibitions set forth in paragraph 1, 2 and 3 do not apply to the Manager or to the persons assigned by the Manager, upon catching, gathering and killing of harmful species as referenced in paragraph 1, Article 19 of the Island Resolution Nature Management Bonaire.

Article 10

1. Without a permit from the Executive Council, it is forbidden to use traps (kanasters) to gather marine life in the Marine Park.
2. Without the approval and certification by the Manager, it is forbidden to use casting nets (tarai), dragnets (reda) and traps (kanasters) in the Marine Park to gather marine life.
3. It is forbidden to gather marine life with dragnets (reda) in the waters either under the Kralendijk piers and/or within a 20-meter radius from the outer skirts of these piers.
4. It is forbidden to use a snorkel or a diving mask when fishing with lines (liña) in the Marine Park, with the exception of the area between Punt Vierkant (GPS coordinates: 12°6'42.96"N – 68°17'47.10"W) and the marina entrance of Plaza Resort (GPS coordinates: 12°8'6.11"N- 68°16'46.43"W) and the area between Playa Chachacha (GPS coordinates: 12°08'46".16N – 68°16'35.46"W) and the marina entrance of Harbour Village Beach Resort (GPS coordinates: 12°9'44.68"N – 68°17'9.11"W).

Article 11

1. It is forbidden to catch, kill and carry, keep in stock for sale or for delivery, offer for sale, trade in, give as a present or transport lobsters (*Panulirus*, kref) under 12 cm when measured from the upper part of the lobster's body; from the front of the head

between the eyes to the beginning of the segmented tail (the carapace length), as well as lobsters with eggs.

2. It is forbidden, to catch, kill, or carry lobsters, with the exception of the period from November 1st to April 30th, and then only within the zone on the Northeast coast and East coast between Malmok (GPS-coordinates: 12°18'44.24"N – 68°23'16.01"W) and Willemstoren (Lighthouse) (GPS-coordinates 12°1'39.99"N – 68°14'13.56"W).

Article 12

1. It is forbidden, without a permit by the Executive Council, to gather karkò (*Strombus gigas*, Queen Conch).
2. The Executive Council will grant a permit as referenced in paragraph 1, only after consultation with the Nature Management Commission Bonaire and then only in compliance with the conditions set by the Commission.

Article 13

1. The following fish reserves are established within the Marine Park:
 - a. that portion of the Marine Park between Punt'i Waya (Hato Gate) (GPS-coordinates: 12°10'53.81"N 68°17'38.50"W and 12°10'52.20"N 68°17'41.98"W) and the marina entrance at Harbour Village Beach Resort (GPS-coordinates: 12°09'46.92"N 68°17'46.92"W and 12°09'47.22"N 68°17'17.29"W);
 - b. that portion of the Marine Park between the pier at "Playa Chachacha" (GPS-coordinates: 12°08'46.16"N 68°16'35.46"W and 12°08'44.92"N 68°16'41.21"W) and the marina entrance at Plaza Resort (GPS-coordinates: 12°08'07.62"N 68°16'42.53"W and 12°08'13.70"N 68°16'47.15"W).
2. It is forbidden to gather marine life in any manner of any kind within those portions of the Marine Park as set forth in paragraph 1, with the exception of marine life as referenced in paragraph 1, Article 19, of the Island Resolution Nature Management Bonaire.

Section V ARTICLES CONCERNING DIVE CENTERS

Article 14

1. Without a permit from the Executive Council, it is forbidden in the Marine Park, either commercially or for payment, to
 - a. operate a dive center;
 - b. give courses or instructions;
 - c. transport or guide persons, and
 - d. place boats or water sport gear at someone's disposal.
2. Without a permit from the Executive Council, it is forbidden to possess a compressor for the refilling of diving tanks.
3. The prohibition set forth in paragraph 1, section b, does not apply to swimming lessons.
4. The prohibition set forth in paragraph 2, does not apply to passengers and crewmembers of visiting vessels provided that the compressor is for private use only and does not serve a commercial purpose.

Article 15

1. Twice annually, the Manager will provide training as referenced in paragraph 3 of this Article, and which regards an introduction program and an orientation dive, to

those employees at dive centers who are responsible for giving dive course instruction, guidance or transporting divers in the Marine Park. There may be a charge for this training.

2. Within 6 months after hire, dive center employees must successfully complete this training and receive a certificate.
3. Prior to their first dive in the Marine Park, visiting divers must participate in an introduction program, which includes an orientation dive, from the location of the dive center where they obtain their dive tanks or from a location assigned by the Manager.

Article 16

1. Compressors for filling diving tanks should be maintained in a manner that insures that the quality of the air under pressure, or of other breathing gasses, at all times complies with the following standards; air under pressure with 20 to 22 percent Oxygen (O₂) may not include a higher pollution than:
 - carbon dioxide (CO₂): 500 ppm
 - carbon monoxide (CO): 15 ppm
 - oil and particles: 5 mg/m³
 - odor: none
2. Dive centers are obligated to have the air quality in the tanks that they maintain checked quarterly by an organization that is qualified to do so. The written reports of these checks must be immediately available for inspection upon request of the authorized personnel. The reports must be kept on file by the dive center for at least 2 years.
3. Diving tanks with an outer radius of more than 5 centimeters and a length of more than 60 centimeters which divers or a dive center use may only be filled with air under pressure or with other breathing gasses if the pressure tanks have a valid hallmark provided by or on behalf of the Stoomwezen in Curaçao or recognized by the Stoomwezen.

Article 17

Vessels transporting divers must have on board, and at hand, life-saving and security devices, which the harbor master requires when the vessel is registered, as well as a breathing apparatus pod and a first aid kit.

Article 18

A permit-holder, as referenced in paragraph 1, Article 14 must keep diving gear that it rents to Marine Park visitors in good working order, and it must be serviced at least once a year.

Article 19

1. Businesses or persons conducting businesses as set forth in Article 2 of the Businesses Establishment Regulation (A.B. 1991, no.29) which provide services or facilities in connection with Marine Park use are required to pay a fee in accordance with the schedule as set forth in Appendix I of this Resolution.
2. The fee as referenced in paragraph 1 does not apply to giving swimming lessons.
3. Businesses and persons as referenced in the paragraph 1 must inform their clients of the rules, regulations and instructions which apply in the Marine Park. They also must make available informational material issued by the Manager.

Section VI
ARTICLES CONCERNING MOORING BUOYS

Article 20

1. It is forbidden, without a permit from the Executive Council, to place a mooring buoy in the Marine Park.
2. The prohibition in paragraph 1 does not apply to the Manager and/or to persons acting on the Manager's behalf.
3. The Executive Council will only issue a permit as referenced in paragraph 1 when there is compliance with the following conditions:
 - a. If the permit is for non-commercial purposes, the applicant must be registered at the Bonaire municipal registry;
 - b. If the permit is for commercial purposes, the applicant must have a business license and must be registered at the Chamber of Commerce;
 - c. the vessel that will use the buoy must be the property of the applicant, be registered with the harbor master, and have an NB register number.
4. Permits referenced in paragraph 1 will be granted only for mooring buoys located on the western coast of Bonaire between Barcadera (GPS-coordinates: 12°12'1.58"N – 68°18'32.47"W) and Punt Vierkant (GPS-coordinates: 12°6'42.96"N – 68°17'47.10"W)

Article 21

The only mooring buoys that may be placed are those which the Manager has approved and then only if placed by the Manager or a person under the Manager's supervision.

Article 22

1. Appendix I of this Resolution establishes an annual fee that will be charged for the use of a mooring buoy.
2. Appendix I of this Resolution establishes an overnight fee will be charged for the use of a mooring buoy that is owned by the Manager or that is managed by or on behalf of the Manager in the area located between Karel's pier (GPS coordinates: 12°9'6.26"N – 68°16'41.40"W) and the marina of Harbour Village Resort (GPS coordinates: 12°9'44.68"N – 68°17'9.11"W).

Article 23

Article 22, paragraph 1, does not apply to mooring buoys in the Marine Park that are owned and managed by the Manager and are designated for public use, and that are used for a period no longer than 2 hours, by boats that have a length of no longer than 13 meters.

Article 24

It is forbidden for boats longer than 18 meters to use mooring buoys.

Article 25

1. It is forbidden for more than one vessel with a length longer than four meters or for more than three vessels each with a length of four meters or less, to simultaneously use of the mooring buoys as defined in Article 23.
2. It is forbidden for vessels with a mast or structure height of more than four meters to use mooring buoys located at the diving sites Windsock and North Belnem which are

located between GPS coordinates: 12°7'49.22"N – 68°17'5.60"W and GPS coordinates: 12°8'1.85"N – 68°16'53.70"

Article 26

1. It is forbidden to directly attach the floating line of a mooring buoy to a vessel.
2. At least 6 meters of the first boat's own line must be used when mooring at a mooring site. The Manager may designate those mooring sites at which boats can use a shorter line.

Article 27

Persons who fish professionally will not be required to pay a fee when applying for the placement of a mooring buoy if the boat that will use the mooring has a length no longer than 7 meters and uses a motor not stronger than 25 HP.

Section VII

ARTICLES CONCERNING PIERS AND SIMILAR STRUCTURES

Article 28

It is forbidden, without a permit from the Executive Council, to construct piers, stairs, ladders, overhanging structures, platforms, floating piers or other structures in, at, or above the Marine Park.

Article 29

The prohibition in Article 28 also applies to extensions, renovations and major repairs of the structures referenced therein.

Article 30

A permit, as referenced in Article 28, will be granted for the construction of a pier only if this is connected to the ground or anchored in the ground by means of piled pillars.

Article 31

Permits as referenced in Article 28 will be granted for the construction of piers only if these are located on the west coast of Bonaire in the area between Punt'i Waya (Hato Gate) (GPS coordinates; 12°10'53.13"N – 68°17'38.51"W) and Punt Vierkant (GPS coordinates: 12°6'42.96"N – 68°17'47.10"W)

Article 32

The construction of piers will be allowed only when this is necessary for the operation of a registered dive center, a shipyard or a harbor company or for the implementation of Managerial tasks of the Manager or for a public provision under supervision of the island territory.

Article 33

A permit-holder for a structure set forth in Article 28 or his legal successor, will be charged a user's fee in accordance with Appendix I.

Section VIII

ARTICLES CONCERNING BEACHES

Article 34

It is forbidden, without a permit from the Executive Council, to create, restore or develop a beach in or adjacent to the Marine Park.

Article 35

1. A permit, as referenced in Article 34, will only be granted after consultation with the Nature Management Commission Bonaire and then only in compliance with the following conditions:
 - a. the creation, restoration or development of the beach is in connection with the construction of accommodation facilities of more than 100 rooms at a location by the sea;
 - b. the beach will, at all times, be accessible to everyone;
 - c. there is no beach in the immediate vicinity;
 - d. the beach will be protected by a retaining wall above the high water mark, at least on three sides not including the land-side; and
 - e. the sand used for the creation or restoration of the beach must be of equal quality as the sea sand at site.
2. When creating or restoring beaches, the guidelines in Appendix II of this Resolution must be taken into account.

Article 36

A permit-holder will be charged a user's fee in accordance with Appendix I of this Resolution for use of a created or restored beach.

Section IX PARTICULAR ARTICLES CONCERNING LAC

Article 37

1. It is forbidden to operate motorboats in the waters of Lac, at a speed faster than 2 nautical miles an hour when outside of the buoys marking the Cai-Sorobon channel. When within this channel, no boat can operate at a speed faster than 4 nautical miles per hour.
2. The prohibition set forth in paragraph 1 does not apply to law enforcement or marine rescue vessels.

Article 38

It is forbidden to operate jet skis in the waters of Lac.

Article 39

It is forbidden to move forward, leashed to a kite or any object of this kind, on or above the waters of Lac.

Section X FINAL ARTICLES

Article 40

The Island Resolutions containing general measures, of June 28, 1991, nr. 8 (A.B. 1991 nr. 10), of December 13 1991, nr. 1 (A.B. 1991 nr. 21), of December 22, 1993 nr.1 (A.B. 1993 nr 18), of March 20, 1996, nr. 9 (A.B. 1996 nr. 3), of August 18, 1999 nr. 5 (A.B.

1999 nr 11), of August 18, 1999 nr. 6 (A.B. 1999 nr. 12), of September 5, 2003 nr.13 (A.B. 2003 nr. 10), of January 27, 2005, nr. 3 (A.B. 2005 nr. 2) of December 21, 2007, nr.3 (A.B. 2007 nr. 17) and of June 25, 2010 nr.16 (A.B. 2010, nr. 9) are repealed.

Article 41

This island Resolution containing general measures, is referred to as: Island Resolution Marine Park Bonaire.

Article 42

This Island Resolution, containing general measures takes effect on September 1st, 2010, with the exception of Article 10, paragraph 1 and 2, Article 14, paragraph 1, section d, Articles 19, 33 and 36 which will take effect on January 1st 2011.

Thus decided in the meeting of August 25th 2010

The Executive Council of the Bonaire Island Territory,	
the Governor,	the Secretary,
mr.dr. G.A.E. Thodé	mr.N.M. Gonzalez

This Island Resolution containing general measures, is proclaimed by me on [date]
the Governor,
mr.dr.G.A.E. Thodé

Appendix I as referenced in the Articles 2, paragraph 1, Article 19, paragraph 1, Article 22, paragraphs 1 and 2, Articles 33 and 36 of the Island Resolution Marine Park Bonaire.

Appendix III as referenced in Article 3 of the Island Resolution Nature Management Bonaire.

Usage Fees:

Island Resolution Nature Management Bonaire and Island Resolution Marine Park Bonaire

The following fees will be charged for using the Marine Park;

- a) to enter and to use a protected area: \$10.00 (Naf. 17,50) per year;
- b) divers: \$25.00 (Naf. 43,75) per person per year or \$10.00 (Naf. 17,50) per person per day;
- c) commercial use as referenced in Article 19, paragraph 1 of the Island Resolution Marine Park Bonaire: \$840.00 (Naf 1.500,00) per establishment per year;
- d) use of a mooring buoy, ladder, riprap, seawall, (private or commercial) pier, overhanging structure or any other construction: \$280.00 (Naf. 500,00) per year;
- e) use of a mooring buoy as referenced in Article 22, paragraph 2 of the Island Resolution Marine Park Bonaire: \$10.00 (Naf. 17,50) per buoy per night;
- f) use of a ladder \$140.00 (Naf.250,00) per year;
- g) use of an industrial pier or jetty \$560.00 (Naf. 1.000,00) per year
- h) use of an artificial beach \$140.00 (Naf. 250,00) per stretching meter per year to a maximum of \$16,760.00 (Naf. 30.000,00) per year;
- i) use of an artificial beach as referenced in Article 35 of the Island Resolution Marine Park Bonaire: \$280.00 (naf. 500,00) per year.

Guidelines for creating or restoring beaches

Creating new beaches or restoring existing beaches must be in accordance with the following guidelines:

- A. Beaches
 - 1. The slope of the soil profile at location must have at least a ratio of 1:20;
 - 2. The beach must be enclosed at least on three sides, not including the landside, by a retaining wall above the high water mark and in compliance with the minimum specifications set forth under B;
 - 3. The imported sea sand used for the creation or possible restoration of the beach must be of an equal quality to that of the sea sand or coral rubble as found on site.

- B. Retaining Wall
 - 1. The retaining wall is constructed before sand is transported to the intended beach.
 - 2. The retaining wall is constructed above reference level;
 - 3. The retaining wall is constructed using reinforced concrete;
 - 4. The top of the retaining wall must have a height of at least the reference level +0,7 meter;
 - 5. The retaining wall must be able to resist waves with a height of 1,5 meters;
 - 6. The retaining wall must be grounded in at least 0,2 meter of **coral bed**;
 - 7. The retaining wall must have a talus on the seaside consisting of limestone rocks of at least 50 kilograms in weight;
 - 8. Construction should take place according to the drawing in this Appendix.

- C. Remaining conditions
 - 1. The upper side of the sand layer is located at least 0,2 meter below the top of the retaining wall;
 - 2. The thickness of the sand layer is no greater than 0,2 meter;
 - 3. The fill under the sand layer consists of coral stones or coral rubble up to a maximum height of reference level +0,3 meter.