

LEGAL NOTICE NO. 88

REPUBLIC OF TRINIDAD AND TOBAGO

THE ENVIRONMENTAL MANAGEMENT ACT, CHAP. 35:05

NOTICE

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

THE ENVIRONMENTALLY SENSITIVE SPECIES
(LEATHERBACK TURTLE) NOTICE, 2014

1. This Notice may be cited as the Environmentally Sensitive Citation
Species (Leatherback Turtle) Notice, 2014.

2. In this Notice—

Interpretation
Chap 35:05

“Act” means the Environmental Management Act;

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

“disturbance” means any act that would affect the animal
(whether on land or in the sea) or its habitat. It includes any
action that affects the life of the animal and the animal’s
ability to swim, reach the shore, nest, return to the ocean
and migrate onwards. These actions may include but not be
limited to instances of poaching, touching, prodding,
restraining or feeding the animal, obstructing the animal in
the sea, standing or sitting on the animal, riding the animal
as well as the use of flash photography or light sources near
the animal during its nesting process;

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

“environmentally sensitive area” or “ESA” means any defined
portion of the environment so designated under section 41 of
the Act;

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

“hunt” has the meaning assigned to it in rule 3(5) of the Rules;

“indigenous” means native to a particular area (may exist in
other areas);

“Relevant Authority” means the Authority and any other governmental entity with jurisdiction under existing law;

“Rules” means the Environmentally Sensitive Species Rules, 2001;

“taking” means to capture physically or to get into one’s possession by using force;

“trade” means to export, sell, expose for sale or otherwise dispose of; and

“wise use” means the permitted activities listed in Part IV.

Designation
Part I

3. The Authority hereby designates as an ESS the animal described in Part I.

Reason for
designation
Part II

4. The reason for the designation of the ESS is to meet the objectives set out in Part II.

Limitations
on use and
activities
Part III

5. The limitations on use of, and activities with regard to the ESS with which compliance is required, are as specified in Part III.

Permitted use
and
mitigating
measures
Part IV

6. Subject to clause 5, the wise use of the ESS is permitted and the mitigating measures to be undertaken are as specified in Part IV.

PART I

DESCRIPTION OF THE ESS

ANIMAL

COMMON NAMES

SCIENTIFIC NAME

Leatherback turtle *Dermochelys coriacea*
 Caldon, Coffin back,
 Batalie (Tobago)

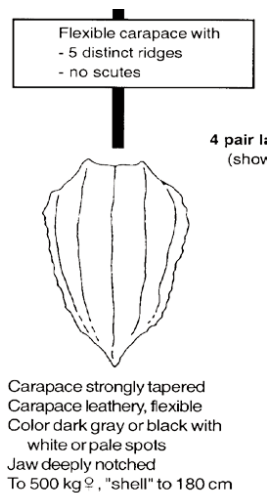
The leatherback turtle is the only existing species of the *Dermochelyidae* family and is quite different in shape and physiology to other marine turtles. This species has a soft, leathery carapace or shell with seven longitudinal ridges or keels. The carapace of adult leatherback turtles is black in colour with white spots and interrupted white lines on the keels. The plastron (the underside or ventral side of the turtle) is white with irregular black marks. The head is black with large white markings and a pink spot on the top of the head.

Leatherbacks are the largest turtles on earth and the weight of adults of this species generally exceed 500 kg (1100 lbs). They are known to reach around 84 to 96 inches (7 to 8 feet) in length. They can dive to depths of 4200 ft (1280 m) and can stay underwater for up to 85 minutes.

Female leatherbacks reach sexual maturity between twelve to twenty-nine years of age. Their nesting period is February to August each year. Each female nests every 2 to 5 years and lays multiple clutches (average of 6) within a single nesting season with an average of 9 to 10 days between nesting events. Each clutch takes approximately 60 days to incubate before hatching.

They are pelagic turtles which feed on jellyfish, ctenophores and other gelatinous zooplankton. They forage at remote distances from nesting beaches in oceanic and coastal habitats, often in temperature regions.

This species has been listed as critically endangered under the International Union for the Conservation of Nature's Red List. The lifespan of this species is unknown but many meet an early end due to human activities such as the poaching of eggs and meat, the ingestion of plastic debris, being struck by boats and the largest threat which is incidental capture in gill nets.



Leatherback turtle, Trunk turtle
(*Dermochelys coriacea*)

Source: Sea Turtle Recovery & Action Plan
(Forestry *et al* 2010)

PART II

OBJECTIVES OF THE DESIGNATION

- I. The ESS is indigenous to Trinidad and Tobago.
- II. The ESS is an animal that is in danger of extinction.
- III. In furtherance of Schedule I of the Rules, compliance with the Government's international obligations under the following Conventions:
 - (a) the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) which entered into force in Trinidad and Tobago on 18th April, 1984;
 - (b) the Protocol concerning Specially Protected Areas and Wildlife to the Cartagena Convention (SPAW Protocol), which entered into force in Trinidad and Tobago on 18th June, 2000;
 - (c) the United Nations Convention on Biological Diversity (CBD) which entered into force in Trinidad and Tobago on 1st August, 1996; and
 - (d) the Convention for the Protection and Development of the Marine Environment in the Wider Caribbean Region (Cartagena Convention) which entered into force in Trinidad and Tobago on 24th January, 1986.
- IV. In furtherance of Schedule II of the Rules, the objectives of the designation are—
 1. Conservation of biological diversity and protection of the environment including—
 - (a) maintenance of species' abundance and diversity;
 - (b) the maintenance of a reproductively viable species population; and
 - (c) ensuring the conservation of the species.
 2. Logistic support, e.g., environmental education and information sharing, including—
 - (a) the conduct of research on the species contributing to the information based on the species and the continued development of management and recovery plans; and

- (b) the development of awareness and educational programmes about the species for the public of Trinidad and Tobago.

V. In furtherance of Schedule III of the Rules, protection of an animal referred to in the following written Laws:

- (a) a protected animal referred to in section 2 of the Conservation of Wildlife Act; and Chap. 67:01
- (b) the protection of Turtles and Turtle Eggs (Amendment) Regulations, 2011. Legal Notice
No. 201 of
2011

PART III

LIMITATIONS ON USE AND PROHIBITED ACTIVITIES

For the protection of the ESS the following activities are prohibited, unless otherwise approved by the Relevant Authority in accordance with existing laws:

- (a) the taking, removing, harming, injuring, hunting, selling or killing of the ESS and possession of, or trade in any specimen of the living animal and its parts, eggs and products;
- (b) deliberate or reckless capture or endangerment of the ESS through the setting of nets and other fishing activities;
- (c) deliberate or reckless capture of the ESS in commercial shrimp trawler nets;
- (d) the use of any device or substance that may harm, stun or impact negatively on the ESS. The negative impacts would be, but not limited to, those that would impair the sight, hearing, ability to swim or move of the ESS or its ability to detect prey and predators or affect its habitat or nesting ground;
- (e) the sale, consumption, possession, offering or storage of the ESS;
- (f) dumping, littering or polluting, including the discharging or depositing of any substances that are injurious to the ESS which does not comply with the provisions made under the Act;
- (g) causing underwater noise that may negatively affect the species during its breeding periods or above-water noise that may negatively affect the species during its nesting period;
- (h) the disturbance of the ESS at any time;

- (i) the removal and exportation of the ESS or any part thereof, except for scientific research approved by the designated management authority;
- (j) disturbing, destroying or any other action or habitat alteration (including beach mining, land reclamation, and alteration due to fisheries, agricultural and industrial development) that will alter or upset the integrity of the beach, habitat or surrounding ecosystems or cause undue disturbance to the plant or animal community upon which the ESS depends at any phase of its life cycle; and
- (k) any other activity which, based on technical or scientific evidence, is determined to cause or is likely to cause harm to the ESS.

PART IV

WISE USE AND MITIGATION MEASURES

- I. The following activities are permitted with regard to the ESS subject to existing law:
 - (a) educational activities related to the conservation and protection of the ESS;
 - (b) scientific research activities related to the ecological characteristics such as behaviour, diet, habitat, reproduction, protection and conservation of the ESS;
 - (c) conservation oriented management activities; and
 - (d) obtaining a permit for scientific research.
- II. The Relevant Authority shall implement mitigation measures to protect the ESS including the following:
 - (a) identification, management and protection of the ESS;
 - (b) regulation or management of adverse or harmful activities that threaten the existence or survival of the ESS [as outlined in the Sea Turtle Recovery Action Plan for Trinidad and Tobago (STRAP)];
 - (c) development of regulatory guidelines, national strategies, plans or programmes that will establish a framework for acceptable commercial, recreational and residential use of areas where the ESS exists;
 - (d) promotion of recovery and non-consumptive use of the ESS through the implementation and review of species management and recovery plans, including STRAP and any other management strategies;
 - (e) development of further education and public awareness campaigns to ensure the success and survival of the ESS and protection of its habitat;

- (f) synergization of existing legislation and regulations pertaining to the protection of the ESS; and
- (g) development and implementation of research programmes including quantitative surveys to research habits and distribution of the ESS, in collaboration with other relevant stakeholders.

Dated this 18th day of March, 2014.

A. BACHAN
Chairman,
Environmental Management
Authority