



# Developing Marine Spatial Planning (MSP) Tools for the Turks and Caicos Islands. DPLUS094

## Workshop 3 Developing a policy framework for Marine Spatial Planning (MSP) in the Turks and Caicos Islands

March 30<sup>th</sup> 2021



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## Acknowledgements

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## Introduction

### Marine Spatial Planning (MSP) background

Marine Spatial Planning (MSP) is a method of managing the human uses of the marine environment, as the name implies, MSP is spatial planning for the ocean and is defined as ‘*a public process of analysing and allocating the spatial and temporal distribution of human activities in marine areas to achieve ecological, economic, and social objectives that usually have been specified through a political process*’ (Ehler and Douvere 2009).

To achieve these objectives marine ecosystem components, including human society, pressures and impacts need to be considered, with the aim of maintaining marine ecosystems in a healthy, productive and resilient condition so that they can provide goods and services, and sustain human uses of the ocean. By combining governance and science MSP aims to identify the spatial distribution of human activities and ecosystems in the ocean, so that existing and emerging uses can be maintained, conflicts reduced, and ecosystem health and services protected and sustained into the future. The spatial component of MSP involves the collection and collation of multi-disciplinary data, in an accessible format and at multiple scales, from a number of sources. Using these data to identify important marine areas supports the TCI Constitution (2011) which states in section 18 that “*The government shall, in all their decisions, have due regard to the need to foster and protect an environment that is not harmful to the health or well-being of present and future generations, while promoting justifiable economic and social development.*”

### TCI general background

The TCI is one of 14 United Kingdom Overseas Territories (UKOTs), a small island in the Caribbean that lies south-east of the Bahamas chain, 145 km north of Hispaniola (Haiti and the Dominican Republic) and 925 km south-east of Miami (Figure 1). The easterly occurring Turks Islands are separated from the Caicos Islands by a deep-water channel approximately 35km wide. TCI is relatively flat. Providenciales rises to a high point of 50 m above sea level and Flamingo Hill on the North Western point of East Caicos has an altitude of also approximately 50 m. Sinkholes, caves and ridge formations are common. The islands consist largely of Pleistocene oolitic limestone and unconsolidated Holocene sands. The TCI population is 42,953 (2019), and the total area of the EEZ is 154,058 km<sup>2</sup>. Tourism is the main contributor to the TCI economy, followed by the offshore financial sector, fishing for export to the US (mainly lobster and conch) is the third most important economic sector in the islands.

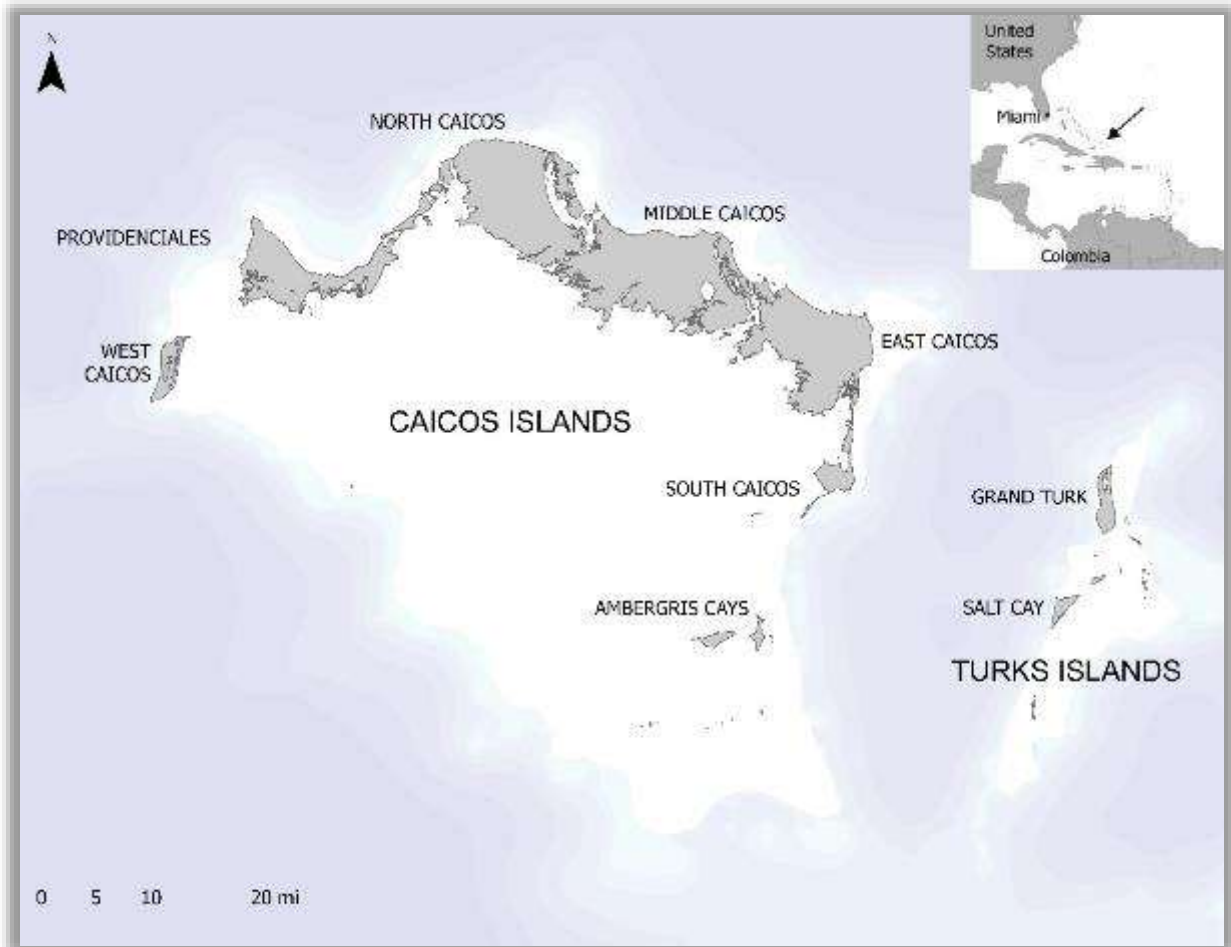


Figure 1 Turks and Caicos Islands

### An overview of existing MSP in TCI

The Turks and Caicos Island Government (TCIG) has a number of departments e.g. DECR, Tourism, Ports, Police, that work in the Marine environment – some of whom have management and/or enforcement functions. In addition, non-governmental organisations and the private sector also undertake activities in the marine space. However, currently no overall strategic approach to the spatial planning of the marine environment. The

It is to their credit that TCIG have well-established Marine Protected Areas that were originally designated in the 1980's (Mitchell and Barborak 1991; Zuidema, Plate, and Dikou 2011). Marine parks were created to provide protection for the natural resources of the TCI and to provide management of marine areas for the benefit of tourism, fishing and boating (Logan and Sealey 2013). The TCI now has 35 protected areas consisting 11 National Parks, 11 Nature Reserves, four Sanctuaries and nine Areas of Historical Interest, all declared under the TCI National Parks Ordinance, 28 of which have a marine component.

### DPLUS094 Project Background

The project 'Developing Marine Spatial Planning (MSP) Tools for the Turks and Caicos Islands' is a two-year project funded by the UK Department for Environment, Food & Rural Affairs (DEFRA) as part of



the Darwin Plus program. The aim of the MSP project is to initiate the process of MSP by preparing data, tools and analyses, and by preparing a framework for MSP for the Turks and Caicos Islands. The results will inform the TCIG and its stakeholders on best practice and make recommendations for management and in developing a sustainable MSP.

The aim of the DPLUS094 MSP project is to:

- 1) develop an island wide metadata catalogue with a GIS database so that existing spatial and temporal data can be mapped and analysed to identify areas used by humans and wildlife, most important ecological areas, zones of conflict and any data gaps; and
- 2) create the framework and tools that will facilitate the implementation of MSP in TCI and legislation, which will feed into the long-term planning and decision-making.

The DPLUS094 project has a series of workshops built into the project delivery. The first ‘Setting the Scene’ workshops were held in January and February 2020, (South Caicos 27<sup>th</sup> January 2020, Grand Turk 31<sup>st</sup> January 2020 and Providenciales 4<sup>th</sup> and 5<sup>th</sup> February 2020) across TCI to initiate stakeholder dialogue, and the second ‘Developing methodologies for modelling/analyses to identify ecologically important areas for Marine Spatial Planning in the Turks and Caicos Islands’ held on four days September 29<sup>th</sup> & 30<sup>th</sup> and October 6<sup>th</sup> and 7<sup>th</sup> 2020, to discuss modelling methodologies and to convene an expert working group to develop the modelling approaches to identify ecologically important areas around the TCI.

Using WebGIS, a GIS database interface that works through a web browser, the spatial and temporal information on important areas and human uses of the marine environment, can be overlaid, analysed and used to identify overlaps between important areas and human uses of the marine environment.

Governance of the marine environment is a vital component of the MSP process. To manage a marine spatial plan effectively the plan needs to be enforceable, and existing policy and legislation should be reviewed. This will determine if it is necessary to create new legislation or if re-interpreting or modifying existing legislation is sufficient to provide a basis for MSP legislation (Ehler and Douvere 2009).

The TCIG is charged with enforcing a wide range of laws that aim to protect the environment of the country (Table 1). These ordinances will be discussed during this workshop and their basis for MSP legislation.

*Table 1 Ordinances executed by the TCIG*

Ordinance	Description	TCIG lead dept
<a href="#">National Parks Ordinance (March 2018)</a>	To provide powers to permit the establishment of (a) a national park; (b) a nature reserve; (c) a sanctuary; (d) an area of historical interest; (e) or a critical habitat reserve and generally for the conservation of the natural environment and ecology of the islands and for the purposes connected therewith. The Ordinance also provides some rules relative to use of these protected	DECR



	areas. The Governor may make Regulations: to place restrictions on activities that may cause pollution or disturbance to the ecology of a protected area; or for the preservation of any particular form	
<a href="#">Coast Protection Ordinance (December 2014)</a>	To provide for the protection of the coastline of Turks and Caicos Islands. It places restrictions on the taking of sand and other materials and prohibits the placing of offensive substances on the coast and littering of the coast.	DECR
<a href="#">Fisheries Protection Ordinance (March 2018)</a>	To regulate, by Order, matters of conservation and management of marine fisheries resources of the Turks and Caicos Islands. The Governor may, among other things, place restrictions or prohibit the taking of any fish, aquatic animal or vegetable matter living in water including turtles, carcharinidae, cetacea, crustacea, molluscs and spongiae and regulate the exportation of such fish or aquatic animals.	DECR
<a href="#">Fisheries Limits Ordinance (December 2014)</a>	To define the fishery limits of the Turks and Caicos Islands for the purpose of certain enactments relating to fishing, to make provision for the regulation of fishing with those limits and for other matters connected therewith.	DECR
<a href="#">Marine Pollution Ordinance (December 2014)</a>	To protect the marine environment by minimising intentional and negligent discharges of pollutants in the marine environment; and for connected purposes.	Maritime and Shipping
<a href="#">Mineral Exploration and Exploitation Ordinance (December 2014)</a>	To make provision as to the exploration for an exploitation of the mineral resources in, and surrounding, the Turks and Caicos Islands; and for matters connected with those purposes.	DECR
<a href="#">Wild Birds Protection Ordinance (December 2014)</a>	To make provision for the protection of wild birds and for connected purposes.	DECR
<a href="#">Protection of Historic Wreck Ordinance (March 2018)</a>	To provide for the protection of wrecks in certain cases and for purposes connected therewith.	DECR
<a href="#">Physical Planning Ordinance (February 2018)</a>	To make provision for the planning and regulation of the development and use of land, and for matters connected therewith or incidental thereto.	Department of Planning



## Workshop series background

This MSP project is built around three main workshops that provide a structured platform for stakeholder engagement and collaborations with MSP experts and other scientists. The main aim of the workshops is to examine and discuss the progress in the MSP process, and provide new foundations to develop the project. The first ‘Setting the Scene’ workshops were held in January and February 2020, (South Caicos 27<sup>th</sup> January 2020, Grand Turk 31<sup>st</sup> January 2020 and Providenciales 4<sup>th</sup> and 5<sup>th</sup> February 2020) across TCI to initiate stakeholder dialogue, and the second ‘Developing methodologies for modelling/analyses to identify ecologically important areas for Marine Spatial Planning in the Turks and Caicos Islands’ held on four days September 29<sup>th</sup> &30<sup>th</sup> and October 6<sup>th</sup> and 7<sup>th</sup> 2020, to discuss modelling methodologies and to convene an expert working group to develop the modelling approaches to identify ecologically important areas around the TCI. This workshop ‘Developing a Policy Framework for Marine Spatial Planning (MSP) in the Turks and Caicos Islands’ is to present work done to date and to discuss existing legislation and policy with regards to MSP.

## Workshop programme and participants

This workshop formed part of the Darwin PLUS funded project ‘Developing Marine Spatial Planning (MSP) Tools for the Turks and Caicos Islands’

The aims of this workshop were to:

- 1) Present work conducted to date
- 2) Identify existing zones

The workshop took place over the mornings 30<sup>th</sup> March 9am – 12:30pm (TCI Time). Due to restrictions on travel and meetings imposed as a consequence of the COVID-19 pandemic, this workshop was held virtually using the Zoom software ([Annex 1](#)).

Dr Julian A. Tyne and Mr Marcin Gorny presented the work to date for the project which included workshops, training and development of the WebGIS and Data Portal MSP Tool Kit that now resides on the TCI network ([Annex 2](#))

Dr Julian A. Tyne then presented the different marine zoning legislation in three sessions ([Annex 3](#)). Participants were then allocated to breakout rooms for 10 mins to discuss the ordinances of each session with relation to MSP. The participants then returned to the main room for a 5 min plenary. There were 12 people who participated in the workshop (Figure 2; Table 1).



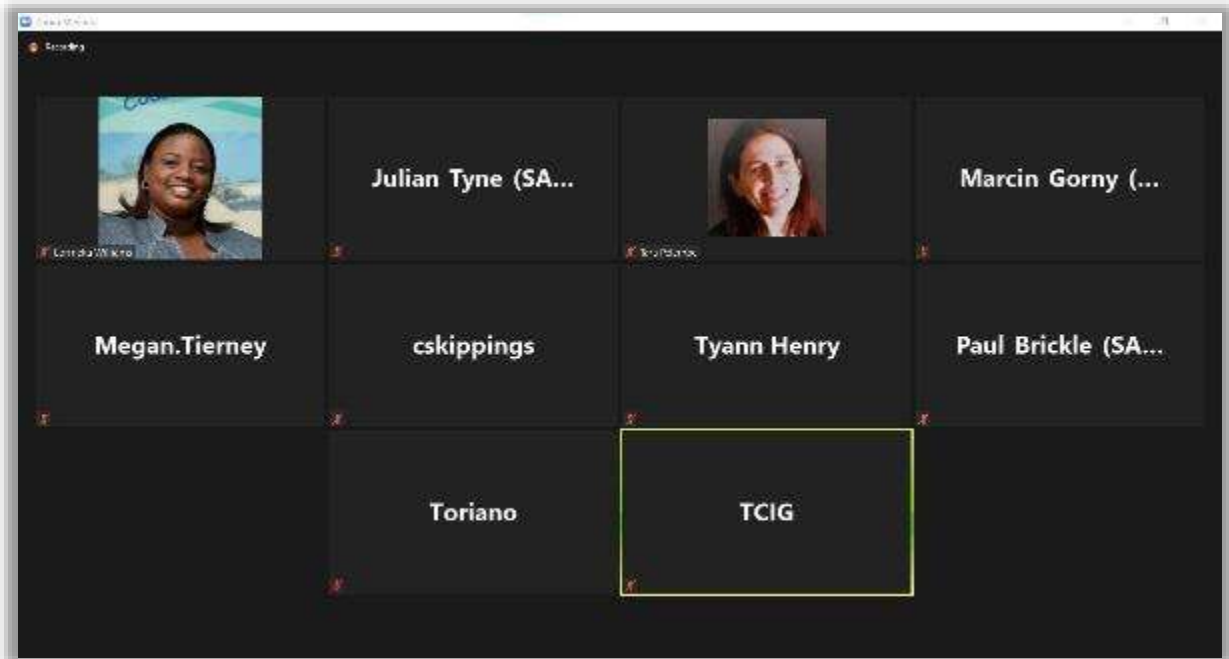


Figure 2 Workshop participants

Table 2 workshop participants, their organisation and gender

Name	Organisation	Gender
Ms Lormeka Williams	Department of Environment and Coastal Resources	Female
Ms Kathy Lockhart	Department of Environment and Coastal Resources	Female
Ms Tyann Henry	Department of Environment and Coastal Resources	Female
Mr Gervin Simmons	Survey and Mapping Department	Male
Mr Carey Skippings	Maritime and Shipping	Male
Mr Toriano Williams	Department of Planning	Male
Dr Megan Tierney	Joint Nature Conservation Council	Female
Ms Tara Pelembe	SAERI	Female
Dr Paul Brickle	SAERI	Male
Dr Al Baylis	SAERI	Male
Mr Marcin Gorny	SAERI	Male
Dr Julian A. Tyne	SAERI	Male



## Legislation Context - Identify existing zones and designated areas

*On the day of the workshop, Ms Lormeka Williams Director of the DECR gave some opening remarks, which was followed by round table introductions. Dr Julian A. Tyne and Marcin Gorny presented work done to date on the MSP project (see Annex 2). Dr Julian A. Tyne then presented the ordinances for each session (see Annex 3), participants were then split into breakout rooms by Marcin Gorny to discuss the ordinances presented in each session, with respect to Marine Spatial Planning. The outcomes/recommendations from these breakout rooms were then presented in a plenary, and can be found listed below, with details of the ordinances discussed in the relevant annexes.*

### Session 1 ([Annex 4](#))

#### Breakout Rooms Outcome/Recommendation Summary

- There are no known maps for Training Zones, Anchoring Areas, Camping Zones, Parking Zones or Entry Right of Ways
- Little Water Cay, and South Caicos long cay feeding zones need to be considered and mapped
- Should consider adding Jet ski zones, fisheries protection throw-a-line from shore zones in protected areas and snorkel areas near coral reefs.
- Potential conflict if throw a line fishing zone is near a swim zone
- In potential conflict areas navigational channel for vessel would have priority over jet ski
- There are some zones that allow the taking of sands and other materials under the Coastal Protection Ordinance, however no GPS data available
- From a land use base – there aren't any designated areas under the coastal protection ordinance.
- DECR is the agency who have the majority of the information that relate to zones
- National Parks Boundaries – relate to the different activities in that area. – tend to gather information from different projects e.g. EIAs for projects – have information in planning – sometimes just shelved and stored – would be good to use that information to designate and develop zoning in the marine environment.
- Don't have information on different projects currently – vital and very important and need to develop it.

### Session 2 ([Annex 5](#))

#### Breakout Rooms Outcome/Recommendation Summary

- Only East Harbour Reserve is in the fisheries ordinance
- Should be the correct fisheries limits map but there are legal pursuits
- There are no marine turtle areas designated.
- Should consider recreational fishing from shore zones
- To discuss aggregation areas being off limits, such as snapper spawning areas etc.
- Commercial v recreational fishing areas can be a conflict
- Need to discuss how conflict areas decide which activity takes priority?
- Consider Pelagic fishing or trap gear from one area to the next
- Coastal protection ordinance doesn't have any zoning



- Fisheries ordinance – there are zones, some zones that allow for transport – not defined as a zone – there are set areas for various activities
- With the new vending and swim zone policy – is coming online to address things that should be occurring.
- Conflict – when looked at zoning – looked at environmental condition, human use/activity eg. For paddle boarding/kite flying- put into area that allows for smaller craft, jet skis moved out further to avoid accidents.
- From this work – will add in the physical maps into the fisheries protection ordinance and fisheries limits – introducing the physical maps will help to give a better understanding of where the areas are located.
- Cruise ports and other major docking facilities (dredge seabed etc) –should be included in Fisheries Protection Ordinance and tied into planning ordinance as well.
- While looking at marine environment – e.g. important to say this area is suitable for pier/not suitable for pier.
- Being able to overlay and show the different designated areas is very important.
- Desk top assessment – e.g. existing docks – suitable areas – like how you have land zoning have marine zoning.
- When zone land zone for activities – everything connected to the sea –so needs to be mapped and connected. Then when looking at proposals can overlay with the maps provided – looking at environmental and social landscape – able to see all around – not disrupting the social dynamics in the area.
- Ground truthing to ensure that they are in the correct zoning. Swim zones and boat access lanes.

### Session 3 ([Annex 6](#))

#### Breakout Rooms Outcome/Recommendation Summary

- Not sure about safety zones around any offshore installations, fuel vessels have safety booms around them though.
- No other exploration/exploitation areas, however might explore/exploit petroleum, sand has been classed as a mineral when harvesting off the Caicos bank
- Frigate birds National Parks Ordinance
- Historical Wreck off East Caicos not in ordinance
- Torriano – planning channels cut in for water front properties
- Planning or lands, South Caicos and Grand Turk – Cemeteries waterfront areas, should engage crown land and environmental health
- Land Use Plan exists
- National Physical Development plan – 1-year process that considered public consultations – embarking on implementation in the TCI. Marine environment was taken into consideration.
- Would have recently got information from UKHO – overlaying with the plan – handing over to the consultants on Friday.
- Erosion, beach erosion, reconsideration of the National Park boundaries – liaise directly with DECR.



- How much of a temporal component is taken into consideration when decisions are made? Investigate capacity to look at zoning around life history of species – mobile species in the marine environment?
- Dredging for cruise ports – how to address with planning.
- When the zones and policies/legislation – are they set across all of the islands or is there provision for making changes/specific to each island?
- Zoning didn't take into consideration temporal changes – that is why issues with development outside of the marine environment needs to be considered.
- Trying to get a good handle on the stocks – good stock assessment – will assist in the zoning process. Zoning is all islands – legislation covers all islands.
- Physical planning ordinance – references the National Parks ordinance – gives boundaries and zoning – the regulations give the dos and don'ts.
- Need to look at how to incorporate the mapping into the ordinances as well. Incorporating in the fisheries ordinance – best place for zoning for stocks and various species.



## References

- Ehler, C., and F. Douvère. 2009. "Marine Spatial Planning: A Step-by-Step Approach toward Ecosystem-Based Management." Paris, France: Unesco. <https://doi.org/http://dx.doi.org/10.25607/OBP-43>.
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- Mitchell, Brent A, and James R Barborak. 1991. "Developing Coastal Park Systems in the Tropics: Planning in the Turks and Caicos Islands." *Coastal Management* 19 (1): 113–34. <https://doi.org/10.1080/08920759109362134>.
- Zuidema, Chris, Richard Plate, and Angela Dikou. 2011. "To Preserve or to Develop? East Bay Dredging Project, South Caicos, Turks and Caicos Islands." *Journal of Coastal Conservation* 15 (4): 555–63. <https://doi.org/10.1007/s11852-011-0144-5>.



## Annex 1 – Workshop Programme

Time	Topic	Presenter
9:30-9:35	<i>Housekeeping, etiquette</i>	<i>Dr Julian A. Tyne</i>
9:35 – 9:40	<i>Opening remarks</i>	<i>Ms. Lormeka Williams DECR Director</i>
9:40 – 9:45	<i>Focus and aims of the workshop and this session</i>	<i>Dr Julian A. Tyne</i>
9:45 – 10:15	<i>MSP Project work to date</i>	<i>Dr Julian A. Tyne</i>
10:15 – 10:30	<i>WebGIS and Data Portal work to date</i>	<i>Mr Marcin Gorny</i>
10:30– 10:45	<i>Break</i>	
10:45 – 11:00	<i>Session 1 - National Parks Ordinance and Coast Protection Ordinance</i>	<i>Dr Julian A. Tyne</i>
11:00 -11:10	<i>Breakout Rooms 1 – Questions about ordinances</i>	<i>Everyone Tara Pelembe and Dr Julian A. Tyne facilitating</i>
11:10-11:15	<i>Plenary 1 – present answers from breakout rooms 1</i>	<i>Everyone</i>
11:15– 11:30	<i>Session 2 - Fisheries Protection Ordinance and Fisheries Limits Ordinance</i>	<i>Dr Julian A. Tyne</i>
11:30 -11:40	<i>Breakout Rooms 2 – Questions about ordinances</i>	<i>Everyone Tara Pelembe and Dr Julian A. Tyne facilitating</i>
11:40-11:45	<i>Plenary 2 – present answers from breakout rooms 2</i>	<i>Everyone</i>
11:45– 12:00	<i>Session 3 - Fisheries Protection Ordinance and Fisheries Limits Ordinance</i>	<i>Dr Julian A. Tyne</i>
12:00 -12:10	<i>Breakout Rooms 3 – Questions about ordinances</i>	<i>Everyone Tara Pelembe and Dr Julian A. Tyne facilitating</i>
12:10 – 12:15	<i>Plenary 3 – present answers from breakout rooms 3</i>	<i>Everyone</i>
12:15 – 12:30	<i>Legislation Covered</i>	<i>Dr Julian A. Tyne</i>
12:30	<i>Close</i>	



Annex 2 – Work to Date Presentations

# Developing Marine Spatial Planning (MSP) Tools for the Turks and Caicos Islands Workshop 3 Work to Date

Dr Julian A. Tyne and Marcin Gorny





## Annex 3 – Existing Zones and Designated Areas Presentation

# Developing Marine Spatial Planning (MSP) Tools for the Turks and Caicos Islands Workshop 3 Existing Zones and Designated Areas



## Annex 4 – Session 1

*National Parks Ordinance (March 2018)*

### **Zones**

6. (1) The Director may establish within a National Park or Nature Reserve, the following zones exclusively for purposes permitted within such zones –

(a) **swimming zones**, where –

- (i) bathing, swimming, snorkelling and scuba diving other than from a vessel, beach games and other ancillary pursuits are permitted;
- (ii) all vessels, including engineless vessels, except those exempt in regulation 3(6)(b), are prohibited;

(b) **access lanes** where –

- (i) access and egress by vessels and vehicles, other than those specifically prohibited from use within the national park or nature reserve, are permitted to and from the shore for the purpose of launching, recovery, loading, unloading, embarkation, disembarkation of such vessels;



- (ii) a vessel or vehicle speed in excess of five mph and access or egress other than at right angles to the shoreline is prohibited;
- (c) **aquatic sports zones** where sailing, windsurfing, canoeing, kayaking, swimming, snorkelling, scuba diving from a vessel and other ancillary activities are permitted;
- (d) **training zones** where the training for scuba diving and snorkelling are permitted;
- (e) **water-ski zones** not less than 100 yards from a shoreline where the use of water skis and aqua slide equipment for sport, and the transit of all vessels, including engineless vessels is permitted;

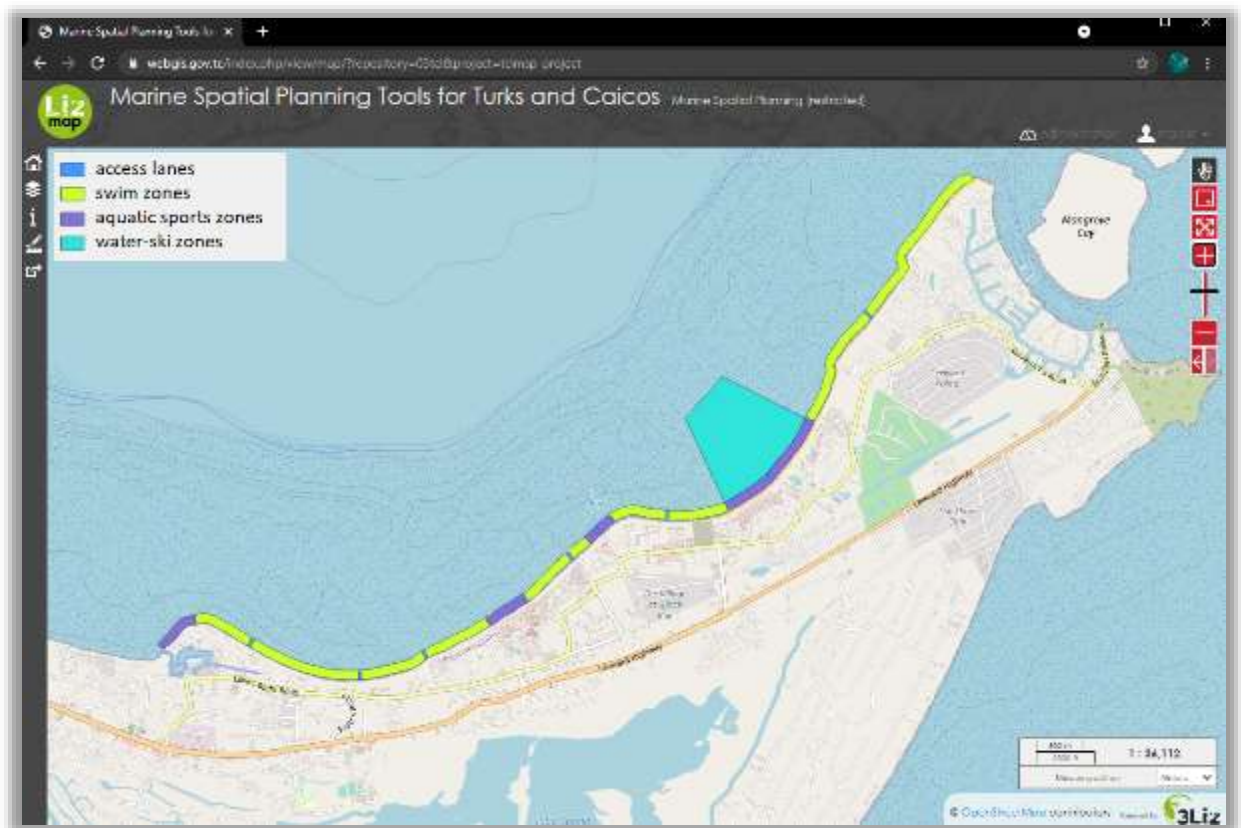


Figure 3 Swimming zones, access lanes, aquatic sports zones and water-ski zones designated under the National Parks Ordinance of the Turks and Caicos Islands

- (f) **anchoring zones** where the anchoring of vessels greater the sixty feet in length is permitted;
- (g) **camping zones** where camping is permitted
- (h) **parking zones** for the purpose of parking vehicles while in the proximity of a national park, nature reserve or area of historical interest;
- (i) **entry right of ways** for the purpose of providing controlled access to a national park, nature reserve or area of historical interest;



(j) **fishing zones** where, subject to the Fisheries Protection Regulations, non-commercial recreational fishing from the shoreline, or from the piers or jetties within the zone is permitted, using light tackle of not more than 30 pounds breaking strain.

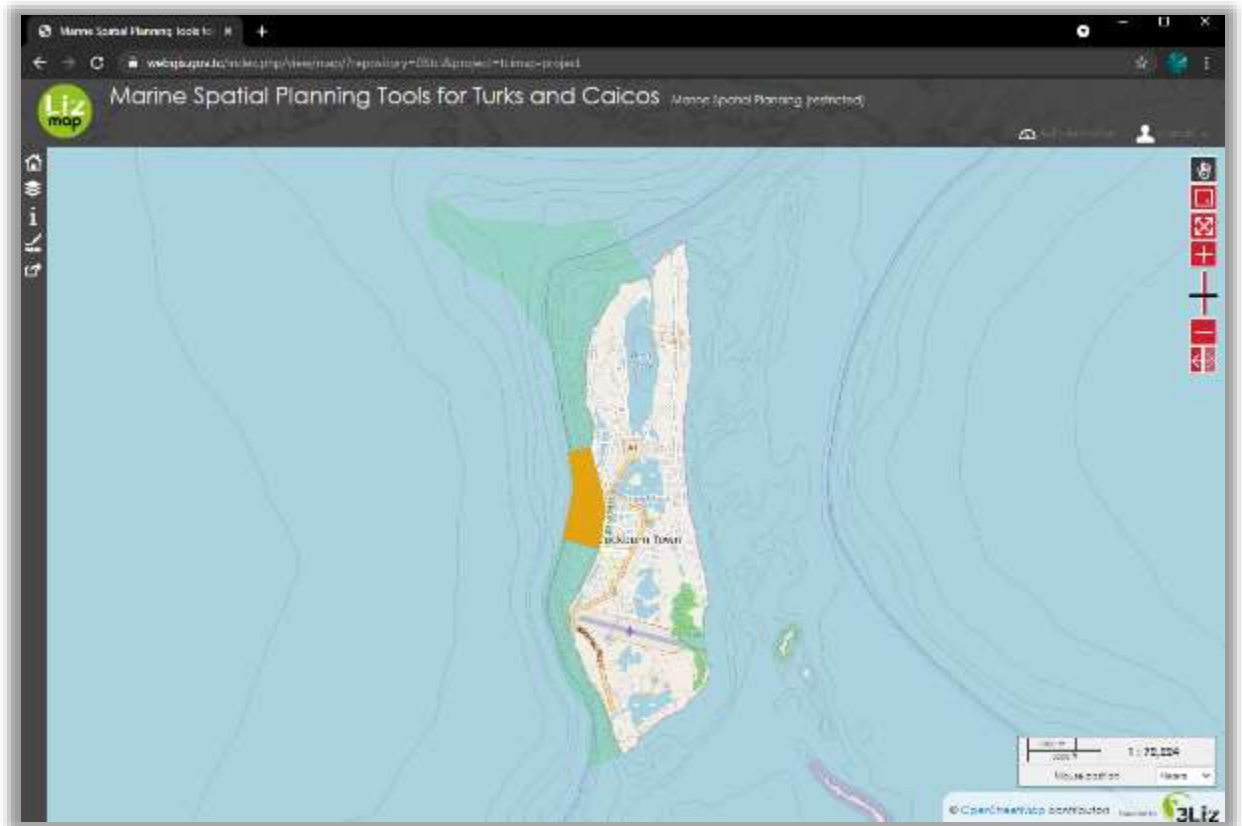


Figure 4 Fishing zone designated under the National Parks Ordinance of the Turks and Caicos Islands

(2) There are established within the national park, nature reserve, sanctuary or area of historical interest specified in the first column Schedule 2 the zones described opposite thereto in the second column of Schedule 2;



**SCHEDULE 2**  
*(Regulation 6(2))*

**ZONES**

<b>National park, nature reserve, sanctuary or area of historical interest</b>	<b>Zones</b>
1. Princess Alexandra National Park	<p>(1) Aquatic sports, swimming and training zones comprising the area between low water mark and a line situated 100 yards offshore from low water mark, running parallel to the shore and situated in:</p> <p>(a) the Turtle Cove Area, from the western boundary of Babaloo Beach at Grid reference YV 862 115 to the Eastern boundary of the Provident/Turtle Cove Park (YV 867 118);</p> <p>(b) the Princess Sheraton Area, from the western boundary of the Sheraton Hotel site (YV 896 119) to the eastern boundary of the Island Princess Hotel site (YV 900 122);</p> <p>(c) the PDM Beach area from YV 906 127 to YV 908 129;</p> <p>(d) the Turquoise Area extending from the eastern boundary of the Ramada Hotel site (YV 920 130) to the eastern boundary marker of the Club Med Hotel site (YV 928 138).</p> <p>(2) Access Zones for the purpose of allowing entry and egress of boats (both power boats and sail and manually propelled boats). Each Access Zone will comprise an area 100 feet wide extending from the beach to a point 110 yards offshore from the low water mark. Access Zones will be situated at the following Grid references: YV 862 115, YV 872 116, YV 881 112N, YV 889 115, YV 900 122, YV 904 126, YV 907 128, YV 914 129, YV 919 130, YV 924 133, YV 927 138, YV 933 149.</p>

Aquatic sports, swimming and training zones comprising the area between low water mark and a line situated 100 yards offshore from low water mark, running parallel to the shore and situated in:

- (a) The Turtle Cove Area, from the western boundary of Babaloo Beach at Grid reference YV 862 115 to the eastern boundary of the Provident/Turtle Cove Park YV 867 118
- (b) The Princess Sheraton Area, from the western boundary of the Sheraton Hotel site YV 896 119 to the eastern boundary of the Island Princess Hotel site YV 900 122
- (c) The PDM Beach area from YV 906 127 to YV 908 129;
- (d) The Turquoise Area extending from the eastern boundary of the Ramada Hotel site YV 920 130 to the eastern boundary marker of the Club Med Hotel site YV 928 138

Access Zones for the purpose of allowing entry and egress of boats (both power boats and sail and manually propelled boats). Each Access Zone will comprise an area 100 feet wide extending from the beach 110 yards offshore from the low water mark. Access Zones will be situated at the following grid references: YV 862 115, YV 872 116, YV 881 112N, YV 889 115, YV 900 122, YV 904 126, YV 907 128, YV 914 129, YV 919 130, YV 924 113, YV 927 138, YV 933 149



- (3) A Swimming zone where swimming and snorkelling only are permitted. This zone will comprise the area between low water mark and a line situated 100 yards offshore from low water mark, running parallel to the shore. This zone will comprise the entire remaining coastal strip between Babaloo Beach (YV 862 115) and Leeward-Going-Through Point (YV 165 162).
- (4) A water-ski zone where water skiing, paragliding and similar activities using power-driven vessels will only be permitted. This zone will be bounded by a line perpendicular to the shore at the eastern boundary of the Ramada Hotel Site (YV 920 130) and a line perpendicular to the shore at the eastern boundary marker of the Club Med Hotel site (YV 928 138) and comprising the entire area from a line situated 100 yards below low water mark and running parallel to the shore to a line situated 1000 yards below low water mark and running parallel to the shore.
- Grid references are to sheet 3 Series E8112 (DOS 309P) Edition 2-OSD 1985.
2. Columbus Landfall Marine National Park A fishing zone situated between land parcel 10301/7 (Grid reference BP 772 763) and land parcel 10306/ 17 (Grid reference BP 774 746). Grid references are to sheet 14 Series E8112 (DOS 309P) Edition 2-OSD 1985.

A Swimming zone where swimming and snorkelling only are permitted. This zone will comprise the area between low water mark and a line situated 100 yards offshore from the low water mark, running parallel to the shore. This zone will comprise the entire remaining coastal strip between Babaloo Beach (YV 862 115) and Leeward-Going-Through Point (YV 165 162)

A water-ski zone where water skiing, paragliding and similar activities using power driven vessels will only be permitted. This zone will be bounded by a line perpendicular to the shore at the eastern boundary of the Ramada Hotel site YV 920 130 and a line perpendicular to the shore at the eastern boundary of the Club Med Hotel site YV 928 138 and comprising the entire area from a line situated 100 yards below low water mark and running parallel to the shore to a line situated 1000 yards below the low water mark and running parallel to the shore

A fishing zone situated between land parcel 10301/7 Grid reference BP 772 763 and land parcel 10306/17 Grid reference BP 774 746. Grid references are to sheet 14 Series E8112 (DOS 309P) Edition 2-OSD 1985.

- (3) The Director may, subject to any conditions specified by him, establish within the same area of the national park or nature reserve all or any combination of the zones mentioned in sub regulation (1)

**Dive vessels and charter vessels**

A dive vessel or charter vessel shall only be permitted in a national park or nature reserve subject to the conditions that –

- (a) The owner or operator of the vessel applies in form NP2 for a licence in form NP3 permitting him to operate within the national park or nature reserve;
- (b) The vessel moors only to fixed DOE buoys approved by the Director;
- (c) The vessel does not enter the swimming zone unless permitted under regulation 3(6)(b)(i);
- (d) The vessel anchors only in clear sandy bottom; and
- (e) The owner operator pays the fees referred to in regulation 11.

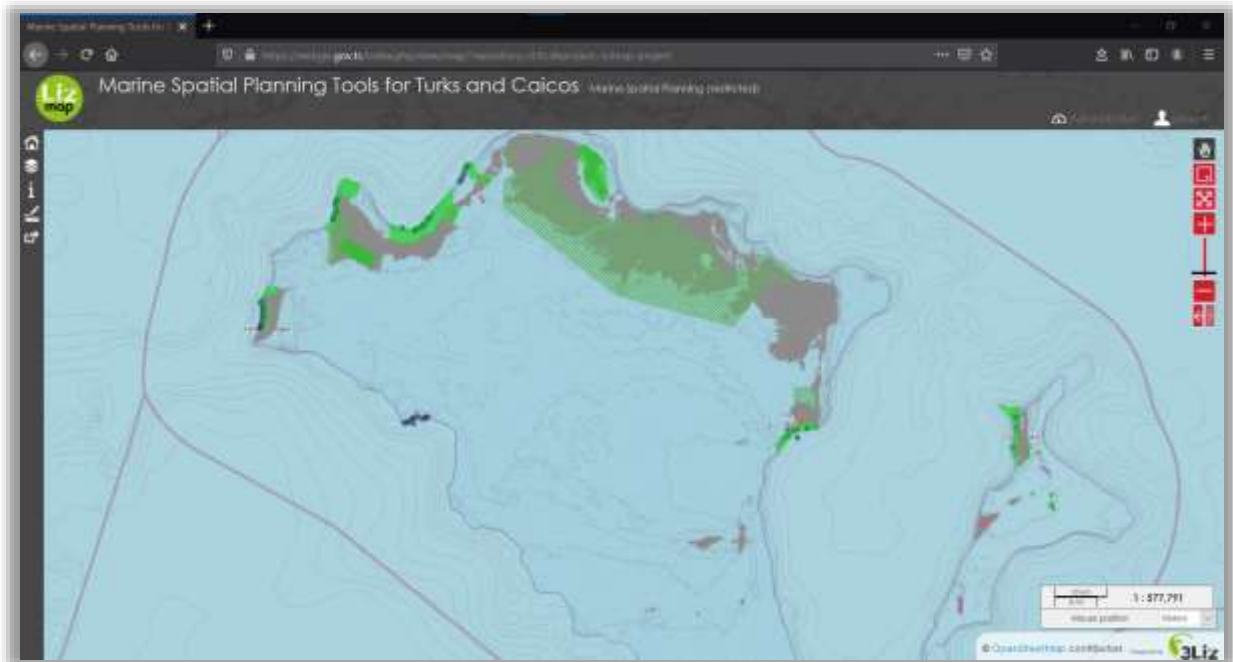


Figure 5 Dive sites National Park Ordinance March 31st 2018

**Provisions as to new and existing buoys and leasing of buoys**

9. (1) Subject to the terms of a development order made under the Encouragement of Development Ordinance before the date of commencement of these regulations, from that date –

- (a) no buoy shall be installed before prior approval in writing has been obtained from the Director;
- (b) buoys approval under paragraph (a) shall become the property of the Crown; and
- (c) no anchoring shall be permitted within 300 feet of a diving buoy.

(2) An individual, or owner or operator of a dive vessel or charter vessel, may apply to the Director in form NP4 to lease single user buoys that are not dive site mooring buoys.



Figure 6 Mooring sites National Parks Ordinance March 31st 2018

### Specimen and artefact collection

10. Notwithstanding regulation 3, the Director may grant a written permit to scientists to collect –
- (a) animal or plant specimens within a national park, nature reserve, sanctuary, area of historical interest;
  - (b) artefacts from a national park, nature reserve or area of historical interest.

Subject to any conditions specified in the permit relating to the maximum number of specimens or artefacts that may be so collected and the prohibition or restriction of their export.

There are changes to the National Parks Ordinance being proposed, that will be submitted to cabinet

Zones outside protected areas – maybe zones should be in an MSP ordinance? Swim zones, vending zones, boat access lanes, jet ski zones, kite surfing zones, horse riding zones. Should the marine areas of the national parks become marine protected areas?

Coast Protection *Ordinance* (December 2014)

There are no zones designated under the Coast Protection Act

## Annex 5 – Session 2

Fisheries *Protection Ordinance* (March 2018)

regulations apply to the islands and fisheries limits thereof defined by section 3 of the Fisheries Limits Ordinance and by the Fisheries Zone Proclamation.



### **Fishery Advisory Committee**

35. (1) There shall be a Fishery Advisory Committee consisting of the Director who shall be the chairman and up to four other members appointed by the Governor by notice published in the Gazette. (Amended by L.N. 9/2004 and Ord. 10 of 2009).
- (2) Appointed members of the Fishery Advisory Committee shall hold office for such period not exceeding 3 years as may be specified in their notice of appointment
- (3) The functions of the Fishery Advisory Committee shall be to advise the Governor or the Minister (as the case maybe) on the exercise of their respective functions under the Fisheries Protection Ordinance and these Regulations and as to the management and development of fisheries

### **Fishery Plan**

36. (1) The Fishery Advisory Committee shall prepare and keep under review a plan for the management and development of fisheries –
- (2) The fishery plan shall –
- (a) identify each fishery and assess the present state of its exploitation;
  - (b) specify the objectives to be achieved in the management of each fishery;
  - (c) specify the management and development measures to be taken; and
  - (d) specify the licencing programmes to be followed for each fishery, the limitations, if any, to be applied to local fishing operations and the amount of fishing, if any, to be allocated to vessels under Access Agreements.
- (3) In the preparation and review of the fishery plan, the Fishery Advisory Committee shall consult with fishermen resident in the Turks and Caicos Islands, wholesalers, retailers, exporters and importers of marine products, and other bodies affected by the fishery plan
- (4) the fishery plan and each review thereof shall be submitted to the Governor for approval.



**EAST HARBOUR LOBSTER AND CONCH RESERVE NOTICE  
– FISHERIES PROTECTION**

*(Regulation 13)*

*(Legal Notice 5/2003)*



**Short title**

1. This Notice may be cited as the East Harbour Lobster and Conch Reserve Notice.

**Prohibition of removal of lobster and conch from East Harbour Lobster and Conch Reserve**

2. The area defined in the Schedule to this Notice shall be known as the East Harbour Lobster and Conch Reserve and shall be a prohibited area for the taking of any lobster and conch by any means, except where a conservation officer has allowed the removal of up to but not more than ten conchs by an individual for consumption by his family at home.

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**SCHEDULE**

From the high water mark at Sandy Point on Long Cay at position 234 330, 2 375 93, a straight line west to the southern tip of Middleton Cay (at position 231 405, 2 377 600) around Middleton Cay in a westerly direction to the northern tip of Middleton Cay (at position 232 550, 2 377 910), a straight line to the northern tip of Moxy Bush (at a position 235 560, 2 380 250) due east to John Dean Bay, South Caicos (at position 236 450, 2 380 250), along the high water mark to Tucker Point, South Caicos (at position 238 300, 2 377 840), a straight line to the western tip of Dove Cay (at a position 237 790, 2 377 700), a straight line to the western tip of Long Cay (at position 237 320, 2 377 570) and then along the high water mark to the starting point. All positions are in Universal Transverse Mercator (UTM) co-ordinates, datum North American Datum 1927 (NAD 27) Caribbean.

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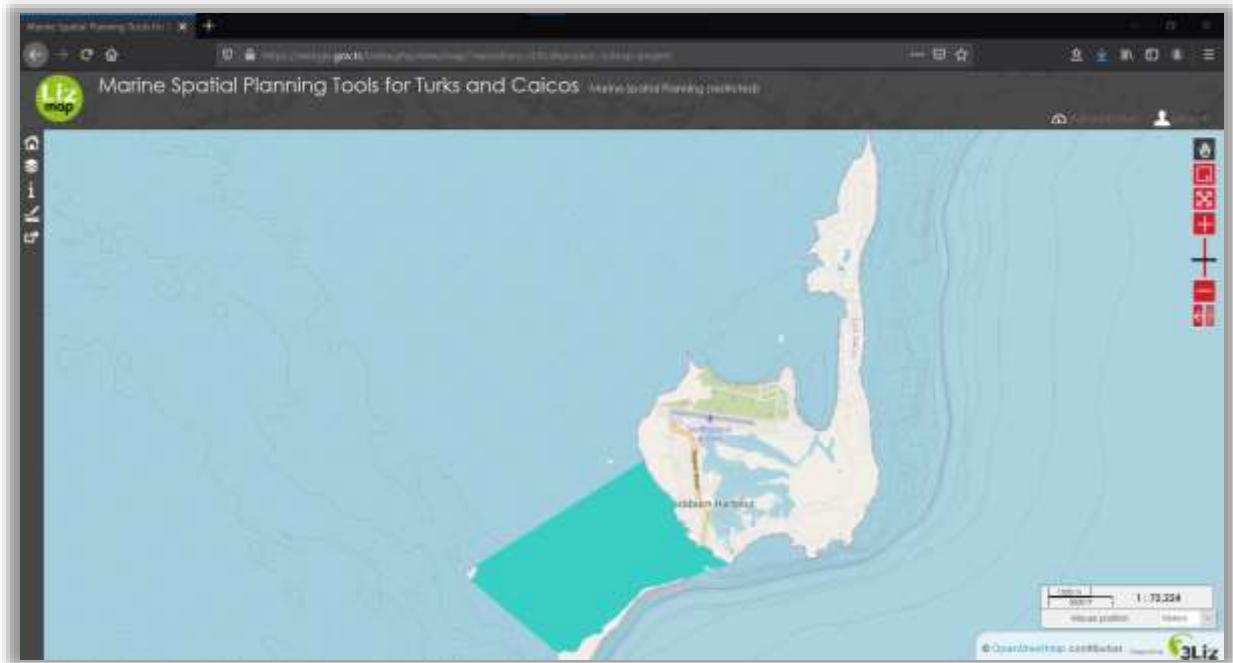


Figure 7 East Harbour Lobster and Conch Reserve, South Caicos, Fisheries Protection Ordinance

#### Prohibition of removal of lobster and conch from East Harbour Lobster and Conch Reserve

The area defined in the Schedule to this Notice shall be known as the East Harbour Lobster and Conch Reserve and shall be a prohibited area for the taking of any lobster and conch by any means, except where a conservation officer has allowed the removal of up to but not more than ten conchs bay an individual for consumption by his family home.

From the high water mark at Sandy Point on Long Cay at position 234 330, 2 375 93, a straight line west to the southern tip of Middleton Cay at position 231 405, 2 377 600 around Middleton Cay in a westerly direction to the northern tip of Middleton Cay at position 232 550, 2 377 910, a straight line to the northern tip of Moxy Bush at position 235 560, 2380 250 due east to John Dean Bay, South Caicos at position 236 450, 2 380 250, along the high water mark to Tucker Point, South Caicos at position 238 300, 2 377 840, a straight line to the western tip of Dove Cay at position 237 790, 2 377 700, a straight line to the western tip of Long Cat at position 237 320, 2 377 570, and then along the high water mark to the starting point. All positions are in Universal Transverse Mercator (UTM) co-ordinates, datum North American Datum 1927 (NAD 27) Caribbean.



**FISHERIES PROTECTION (HAWKSBILL TURTLE) (CLOSE SEASON) ORDER –  
REGULATION 12(2) FISHERIES PROTECTION REGULATIONS**

*(Legal Notice 20/2014)*

**Commencement**

*[1 July 2014]*

**Short title**

1. This Order may be cited as the Fisheries Protection (Hawksbill Turtle) (Close Season) Order.

**Close season**

2. (1) The close season in relation to hawksbill turtle shall be the period from the first day of August to the thirty-first day of March (inclusive) in each year.

(2) Where, in any year, the first day of April falls on a Sunday, the close season in relation to hawksbill turtle shall end at midnight on that day instead of the thirty-first day of March.

**Fisheries Protection (Hawksbill Turtle) (Close Season) Order – Regulation 12(2) Fisheries Protection Regulations**

**Short title**

1. This order may be cited as the Fisheries Protection (Hawksbill Turtle) (Close Season) Order.

**Close Season**

2. (1) The close season in relation to hawksbill turtle shall be the period from the first day of August to the thirty-first day of March (inclusive) in each year

(2) Where, in any year, the first day of April falls on a Sunday, the close season in relation to hawksbill turtle shall end at midnight on that day instead of the thirty-first day of March.

**Fisheries Limits Ordinance (December 2014)**

**Fisheries zone proclamation (EEZ) – Fisheries limit ordinance 31 December 2014**

There is established for the Turks and Caicos Islands a fisheries zone having as its inner boundary the outer limits of the territorial sea of the Turks and Caicos Islands and as its seaward boundary a line drawn so that each point on that line is 200 nautical miles from the nearest point of the low water line on the coast or other baseline from which the territorial sea is measured, or, unless another line is declared by proclamation, the median line where this is less than 200 nautical miles from the baseline. The median line is a line every point of which is equidistant from the nearest points of the baselines of the Turks and Caicos Islands and of corresponding baselines of other countries or territories.



Figure 8 Turks and Caicos Islands Exclusive Economic Zone (EEZ) Fisheries Limits Ordinance

## Annex 6 – Session 3

### *Marine Pollution Ordinance (December 2014)*

#### Safety zones around offshore installations

The Governor may, by order, establish a safety zone around any installation



Mineral Exploration and Exploitation Ordinance (December 2014)

**Commencement**

[22 January 1990]

**Short title**

1. This Order may be cited as the Minerals (Exploration and Exploitation) (Designated Area) Order.

**Interpretation**

2. In this Order, the Minerals (Exploration and Exploitation) Ordinance is referred to as “the Ordinance”.

**Designated area Schedule**

3. The area known as the Mouchoir Bank, the limits of which are set out in the Schedule, is designated as an area within which the rights mentioned in section 4(1) of the Ordinance are exercisable.

.....

**SCHEDULE**

The area within the lines joining the following co-ordinates—

21 11' 00" N	71 01' 00" W
21 11' 00" N	70 22' 00" W
20 47' 00" N	70 22' 00" W
20 47' 00" N	71 01' 00" W

.....

Designated area Schedule

1. The area known as the Mouchoir Bank, the limits of which are set out in the Schedule, is designated as an area within which the rights mentioned in section 4(1) if the ordinance are exercisable

The area within the lines joining the following co-ordinates 21 11' 00" N 71 01' 00" W  
21 11' 00" N 70 22' 00" W, 20 47' 00" N 70 22' 00" W, 20 47' 00" N 71 01' 00" W

Wild Birds Protection Ordinance (December 2014)

Rare and protected birds

Pelican Flamingo Roseate Tern

Non-protected birds

Blue winged teal

Protection of Historic Wreck Ordinance (March 2018)

Restricted Areas – SECTION 4



Under section 4 of the Protection of Historic Wrecks Ordinance, the Governor has designated the following areas as restricted areas, and vessels lying on or in the sea bed within such areas are declared to be historic wrecks-

- (1) Longitude 72 deg W to 72 30 deg W Latitude 21 deg N to 22 deg N
- (2) The circular area which has at its centre the point at 21 48 10 N 72 23 20 W, and has a radius from such point of 500 yards

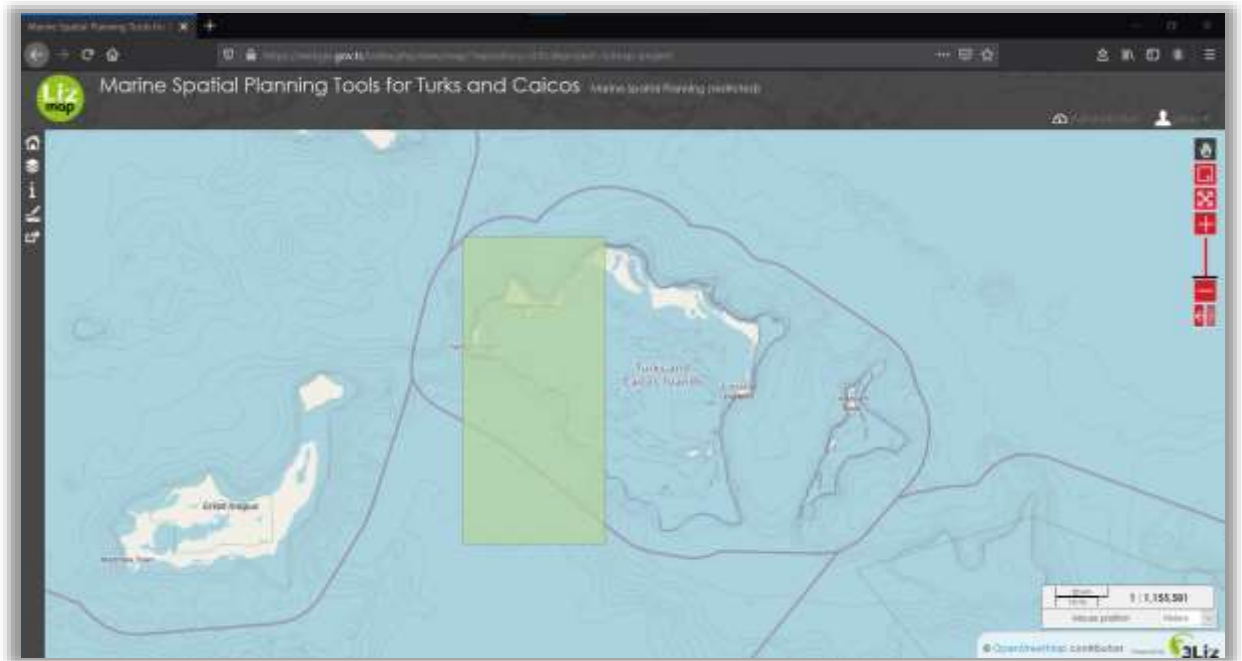


Figure 9 Restricted area Protection of Historic Wrecks Ordinance

Physical Planning Ordinance (March 2018)

Planning board consists of the Director of the DECR

### Part VIII – Conservation of Natural Environment

Protection of natural resources

76 (1) In any case in which the Governor, after such enquiries as he considers appropriate in the circumstances, is of the opinion that, in respect of any particular area of the islands, on account of –

- (a) The natural beauty of the area; or
- (b) The flora, fauna, ecological, geological, hydrogeological or physiographical features of that area; or
- (c) The desirability of providing, under suitable conditions and control, special opportunities for the study of or research into the terrestrial or marine environment of that area,

It is desirable to afford special protection development for that area, he may by order declare that area to be a conservation area. Such an order may with the approval of the Cabinet be expressed to include beaches and adjacent coastal waters.



(2) An order made under sub section (1) may –

- (a) designate any part of a conservation area as being an area in which, subject to the grant of development permission, only certain developments or classes of development may be permitted;
- (b) authorise the carrying out in the conservation area of such works and the doing on the land of such other things as may be expedient for the protection of the area as a conservation area;
- (c) restrict or prohibit the entry into the area of any person or the movement of, or any activity carried out by, any person in the area;
- (d) prohibit any development within the area or any part thereof.