

LEGAL NOTICE NO. 123

REPUBLIC OF TRINIDAD AND TOBAGO

THE ENVIRONMENTAL MANAGEMENT ACT, 2000

NOTICE

MADE BY THE ENVIRONMENTAL MANAGEMENT AUTHORITY UNDER SECTION 41 OF THE ENVIRONMENTAL MANAGEMENT ACT, 2000, AND UNDER RULES 3, 4 AND 5 OF THE ENVIRONMENTALLY SENSITIVE SPECIES RULES, 2001

THE ENVIRONMENTALLY SENSITIVE SPECIES (MANATEE) NOTICE, 2005

1. This Notice may be cited as the Environmentally Sensitive Species (Manatee) Notice, 2005. Citation

2. In this Notice—

Interpretation

“Act” means the Environmental Management Act, 2000;

Act No. 3  
of 2000

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

“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” means any defined portion of the environment so designated under section 41 of the Act;

“environmentally sensitive species” means any species of living plant or animal so designated in paragraph 3;

“habitat” means the place or type of site where an organism or population naturally occurs;

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

“indigenous” means native to a particular area;

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

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

“trade” has the meaning assigned to it in rule 3(6) of the Rules.

Designation Part I	3. The Authority hereby designates as an environmentally sensitive species (“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

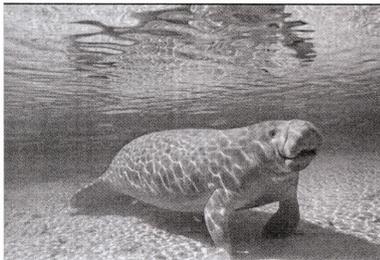
<i>Animal</i>	<i>Common Name</i>	<i>Scientific Name</i>
	West Indian Manatee or Sea Cow	<i>Trichechus manatus manatus</i>

## DESCRIPTION OF THE ESS

West Indian Manatees are large, grey brown aquatic mammals with bodies that taper to a flat, paddle shaped tail and finely wrinkled skin covering the whole of their bodies. They have two flippers, and their head and face are wrinkled with sensitive whiskers on the snout. The average adult West Indian Manatee is about 10 feet long and weighs about 1,000 pounds.

The reproductive rate of *Trichechus manatus manatus* is slow. Female manatees reach sexual maturity around five years old while males mature at approximately nine years of age. It is believed that one calf is born every two to five years after a gestation period of 13 months. Their calves may remain dependant on their mother for up to two years.

Manatees are gentle and slow moving mammals which spend most of their time eating, resting and travelling in waterways. Manatees can be found in shallow, slow moving rivers, estuaries, saltwater bays, canals and coastal areas. They are herbivores and can consume 10–15% of their body weight in vegetation daily.



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United States Geological Survey



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PART II

OBJECTIVES OF THE DESIGNATION

I Preservation of the ESS which is indigenous to Trinidad and Tobago.

II Preservation of the ESS which is an animal that is in danger of extinction throughout all of its range and its survival is unlikely if the factors affecting it continue to operate.

III In furtherance of Schedule I of the Rules, compliance with the Government's international obligation under the following Conventions:

- (a) the Convention on International Trade in Endangered Species of Wild Fauna and Flora (the CITES Convention) which was acceded to by Trinidad and Tobago on 19th January, 1984;
- (b) the Protocol concerning Specially Protected Areas and Wildlife to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (the SPAW Protocol) which was ratified by Trinidad and Tobago on 10th August, 1999;
- (c) the Convention on Wetlands (the Ramsar Convention, Iran, 1971) which was acceded to by Trinidad and Tobago on 21st December, 1992;
- (d) the United Nations Convention on Biological Diversity (the Biodiversity Convention) which was ratified by Trinidad and Tobago on 1st August, 1996; and
- (e) the Convention for the Protection and Development of Marine Environment of the Wider Caribbean Region (the Cartagena Convention) which was acceded to by Trinidad and Tobago on 24th January, 1986.

IV In furtherance of Schedule II of the Rules—

1. Conservation of biological diversity and protection of the environment, including—

- (a) maintenance of the species abundance and diversity;
- (b) maintenance of a reproductively viable 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 towards developing management and recovery plans; and
- (b) the development of awareness and educational programmes for the public of Trinidad and Tobago.

V In furtherance of Schedule III of the Rules, protection of the animal as is referred to in the following written law:

The Conservation of Wildlife Act, Chap. 67:01, which in section 2 defines a “protected animal” as one that is not specifically mentioned in the Second or Third Schedule to the Act. This would include the West Indian Manatee.

PART III

LIMITATIONS ON USE AND 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, possession or hunting of the ESS or trade in the ESS, their parts or products or anything derived from the ESS;
- (b) the removal and exportation of the ESS or any part thereof;

- (c) disturbing, destroying or any other action or habitat alteration, including land reclamation and alteration due to fisheries, agricultural and industrial development, that will cause any undue disturbance to the habitat or ecosystems upon which the ESS depends at any phase of its life cycle;
- (d) the disturbance of the ESS, particularly during the period of breeding, incubation, aestivation or migration, as well as other periods of biological stress;
- (e) dumping, littering or polluting, including the discharging or depositing of any refuse, oily liquids, waste acids, deleterious chemicals or any other toxic or polluting substances of any kind injurious to the ESS, in an area where such dumping, littering or polluting has resulted or would be likely to result in injury to the ESS or its habitat;
- (f) fishing activities and setting of nets in areas where such activities cause harm to the ESS or would be likely to cause harm to the ESS; and
- (g) 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

1. 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 in respect of the ESS where a permit has been issued by the Relevant Authority; and
  - (c) conservation oriented management activities.
2. The Relevant Authority shall implement mitigation measures to protect the ESS including the following:
  - (a) the protection, conservation and management of critical habitat and ecosystems utilised by the ESS in any phase of its life cycle;
  - (b) development and implementation of species recovery plan for the ESS;
  - (c) public awareness and education programmes;
  - (d) minimizing harassment and mortality from boat collisions, water control structures and poaching, incidental capture during fishing activities, and tourism activities;
  - (e) evaluation of effectiveness of current regulations and enforcement efforts;
  - (f) development of bilateral and multilateral agreements for conservation and research of the ESS;
  - (g) evaluation of potential hazards to the ESS and its habitat, such as coastal zone development, agriculture, squatting, oil and gas developments, dredging, siltation and land reclamation;
  - (h) determination and monitoring of the status of the ESS population and research into aspects of its life history and ecology; and
  - (i) development of local community conservation programmes.

Dated this 5th day of June, 2005.

**J. AGARD**  
*Chairman,*  
*Environmental Management Authority*