

LEGAL NOTICE NO. 125

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 (WHITE-TAILED SABREWING) NOTICE, 2005

1. This Notice may be cited as the Environmentally Sensitive Species (White-tailed Sabrewing) 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 objective 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>
	White-tailed Sabrewing hummingbird	<i>Campylopterus ensipennis</i>

DESCRIPTION OF THE ESS

This hummingbird is of a bright green colour with a dark blue throat, black curved beak and white mustachiod streaks. The outer three pairs of tail feathers are mainly white. The male is slightly larger and more brilliant than the female.

The White-tailed Sabrewing inhabits mature Montane forest, edges of clearings, shaded coffee and abandoned plantations and regenerating forests. In Tobago, it is found in the Main Ridge Reserve, down to 100 m. It feeds mainly on small insects and nectar from forest trees and bushes including bromeliads. Breeding occurs from February to April each year, with nests constructed of mosses on branches several feet above the ground.



[p://www.geocities.com/floyd_hayes/research_sabrewing3](http://www.geocities.com/floyd_hayes/research_sabrewing3)
 inting of male (left) and female (right) White-tailed Sabrewings
 a heliconia (*Heliconia bihai*) by © John P. O'Neill.
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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 obligations 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. The species is listed in Appendix I of the CITES Convention;
- (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. The species is listed in Appendix I of the SPAW Protocol; and
- (c) the United Nations Convention on Biological Diversity (the Biodiversity Convention) which was ratified by Trinidad and Tobago on 1st August, 1996. The species is listed in Article 7(a) Annex 1: Ecosystems and habitats containing high diversity, large numbers of endemic or threatened species.

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 wise use of the ESS
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 an animal 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 White-tailed Sabrewing hummingbird.

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 species or any part thereof, except for research approved by the Relevant Authority;

- (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; and
- (f) 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) development of local community conservation and awareness programmes to ensure the success of site and species protection;
 - (d) minimizing harassment and mortality from potential hazards such as land clearance and tourism activities;
 - (e) evaluation of effectiveness of current and future regulation and enforcement efforts including the protection of current forest reserves; and
 - (f) determination and monitoring of the status of the ESS population and research into aspects of life history, breeding biology and ecology.

Dated this 5th day of June, 2005.

J. AGARD
Chairman,
Environmental Management Authority