DESIGNATION OF "CAS CAY/MANGROVE LAGOON MARINE RESERVE AND WILDLIFE SANCTUARY"

and

"ST JAMES MARINE RESERVE AND WILDLIFE SANCTUARY"

at

Cas Cay & Mangrove Lagoon, and in Jersey Bay, St. James Bay and St. James Cut

as

MARINE RESERVES and WILDLIFE SANCTUARIES

WHEREAS the Commissioner of the DEPARTMENT OF PLANNING AND NATURAL RESOURCES has been granted the authority and responsibility for the management, use, control and designation of all marine reserves and wildlife sanctuaries in the United States Virgin Islands, pursuant to Chapter 1, Section 94 of Title 12 of the Virgin Islands Code; and

WHEREAS the Commissioner of the DEPARTMENT OF PLANNING AND NATURAL RESOURCES has further been authorized to designate and establish wildlife or marine sanctuaries, in addition to those designated by the Legislature of the United States Virgin Islands, pursuant to Chapter 1, Section 97 (1) of Title 12 of the Virgin Islands Code; and

WHEREAS the establishment of marine reserves and wildlife sanctuaries within the below defined boundaries will advance the interests and values of the people of the United States Virgin Islands, contribute significantly to commercially viable fishery resources, preserve a habitat for larval and juvenile fish within the adjacent shallow water mangrove lagoon, provide marine viewing areas for commercial dive operators as well as study areas for academic institutions, and in general assist to ensure that fisheries continue by protecting a portion of the spawning stock from exploitation; and

WHEREAS the within defined areas incorporate many types of marine ecosystems in the Virgin Islands within small and manageable units, maximizing biodiversity within minimum areas; and
WHEREAS within the said defined boundaries there presently exists almost no commercial fishing; and

WHEREAS the said defined areas offer significant protected opportunities for education, non-harmful recreation (diving, sailing, canoeing, etc.), and passive enjoyment of the environment (fish watching, bird watching, etc.); and

WHEREAS the boundaries of the areas designated are as follows:

For the "Cas Cay/Mangrove Lagoon Marine Reserve and Wildlife Sanctuary":

Commencing at the southeast point of Long Point peninsula, the boundary extends due south to the water depth contour of ten (10) meters, then along that contour to the east to a point due east of Cas Cay; then, extending to the eastern side of Cooculus Rock; then, to the northernmost tip of Rotto Cay; then, to the northeastern point of Hawon Cay; then, westward in the waterway equidistant from the two shores until a point due south of the easternmost extension of the Turpentine Run delta is reached; then, northward to the land, following the landwardmost boundary of wetland vegetation to the north until a bridge is reached; the boundary then crosses the Turpentine Run delta and proceeds south-southwest following the landward edge of wetland vegetation south of the racetrack and along the west boundary of the Lagoon; then, south to the southeasternmost point of Long Point.

For the "St. James Marine Reserve and Wildlife Sanctuary":

Commencing at the easternmost point of Cas Cay, the boundary follows a line to the southeastern exposed rocks of Little St. James Island; then, along the western shoreline (line of mean high tide) of Little St. James Island to the northernmost point of that Island; then, to the easternmost point of Great St. James Island; then, northwest to the easternmost extremity of Cabrita Point on St. Thomas Island; then, along the shoreline to the south and west until reaching a point due north of Cooculus Rock; then, due south to Cooculus Rock; then in a southwesterly direction to the point of origin, the easternmost point of Cas Cay.

and

WHEREAS the greater part of above-described areas was transferred and conveyed to the United States Virgin Islands as "Trust Lands", pursuant to Public Law 93-435, 88 Statutes, 1210 (Title 48 U.S. Code, Section 1705), or otherwise owned by the Government of the Virgin Islands.
(C) hunting;
(D) use of fire, except in a self-contained charcoal-briquette or gas grill;
(E) possession of firearm(s);
(F) playing of amplified music;
(G) disturbing or removal of any plant, animal or mineral;
(H) store, repair, maintain or construct any vessel or vehicle.

Section 96-3. Acts prohibited in the St. James Marine Reserve and Wildlife Sanctuary:

Except under a permit or specific authorization of the Commissioner, it is unlawful to remove any marine or other wildlife.

Section 96-4. Acts permitted in the St. James Marine Reserve and Wildlife Sanctuary, provided a permit is first obtained from the Commissioner:

(a) Scientific collecting in support of and for use in a research project with an approved protocol.

(b) The use of a castnet with a minimum square mesh size of one-quarter (1/4) inch to capture baitfish (“fry”) within fifty (50) feet of the shoreline, except for Cow and Calf rocks.

(c) Fishing with hook and line.

Section 96-5. Acts permitted in the Cas Cay/Mangrove Lagoon Marine Reserve and Wildlife Sanctuary, provided a permit is first obtained from the Commissioner:

(a) The use of a castnet with a minimum square mesh size of one-quarter (1/4) inch to capture baitfish (“fry”) within fifty (50) feet of the north and west shorelines of Cas Cay only.

Section 97-1. The Commissioner may for the purpose of propagating, feeding and protecting fish, birds and other wildlife; designate and establish additional wildlife or marine sanctuaries, with public access areas and special management zones within any marine reserve or wildlife sanctuary.

Section 98-1 Notices shall be of a type and size, and placed as approved and directed by the Commissioner.
Section 99-1 Penalties for violations shall be assessed by a Notice of Violation (or other method authorized by the Commissioner), provided no penalty assessed shall be in excess of the maximum allowed by Title 25 V.I.C. § 99, as amended from time to time.

SECTION 2. By his signature hereon, the Governor of the Virgin Islands certifies, in accordance with the provisions of Title 3, Chapter 35, Section 938, Virgin Islands Code, that compelling circumstances, which include the immediate need for protection and preservation of the designated areas and resources in the Virgin Islands, and the public interest require the Virgin Islands Rules and Regulations contained in SECTION 1 above become effective on this 29th day of September, 1994, without the lengthy delay of prior publication, and on which date they have been submitted to the Legislature pursuant to Title 3, Chapter 35, Section 913, Virgin Islands Code. A copy of this certification and these Rules and Regulations have been filed with the Lieutenant Governor pursuant to Title 3 V.I.C. Section 938.

Pursuant to the provisions of Title 12, Chapter 1, Subchapter VII, §§ 94 & 97, Virgin Islands Code, the above Rules and Regulations are hereby promulgated.

Dated: September 16, 1994

ROY E. ADAMS
Commissioner, Department of Planning and Natural Resources

Pursuant to the powers vested in me by Section 11 of the revised Organic Act of 1954, and by Title 3, Section 913, Virgin Islands Code, the above Rules and Regulations are hereby approved.

Dated: Sept. 29, 1994

ALEXANDER A. FARRELLY
GOVERNOR
THE UNITED STATES VIRGIN ISLANDS
OFFICE OF THE GOVERNOR
GOVERNMENT HOUSE
Charlotte Amalie, V.I. 00802
809-774-0001

September 29, 1994

Honorable Bingley G. Richardson, Sr.
President
Twentieth Legislature
of the Virgin Islands
Charlotte Amalie
St. Thomas, Virgin Islands 00802

Dear Mr. President:

In accordance with Title 3, Section 913, Virgin Islands Code, I am pleased to transmit a copy of Rules and Regulations issued pursuant to Title 12, Chapter 1, Virgin Islands Code, governing Wildlife and Marine Sanctuaries.

Cordially,

Alexander A. Farrelly
Governor
WHEREAS said "COMPASS POINT POND" was transferred and conveyed to the United States Virgin Islands as "Trust Lands", pursuant to Public Law 93-435, 88 Statutes 1210 (Title 48 U.S. Code, Section 1705); and

WHEREAS "COMPASS POINT POND" is a salt pond located Northeast of Compass Point at Estate Frydenhoj, No. 5 Red Hook Quarter, St. Thomas and is bounded on the north and east by remainder of Parcel 41-5 Estate Frydenhoj; and, on the south and east by Parcel 41-6 Estate Frydenhoj; and on the west by Benner Bay, all as more clearly shown on P.W.D. File No. A9-28-T64; and the pond boundaries being defined as all land and water less than twelve (12) inches above mean sea level; and

WHEREAS, after inspections, study and other investigation by the Army Corps of Engineers, the Department of Planning and Natural Resources, Division of Fish and Wildlife, and other relevant government agencies, it has been determined that "COMPASS POINT POND", although degraded, remains one of the most important wildlife areas on the island of St. Thomas; that this Pond is used by numerous bird species* and that it forms part of the natural heritage of the United States Virgin Islands; that the area is regularly used by the Bahama

*See attached Species of birds observed over a seven week period in 1988.
ducks, a species considered locally endangered, as well as numerous migratory shore birds; that "COMPASS POINT POND" is valuable, not only for its fisheries resources, but that it is also a valuable terrestrial habitat; that Puerto Rico and the Virgin Islands form a vital link in the Atlantic Flyway for migratory shore birds, and that salt ponds are a migratory bottle neck in the route to the wintering grounds in South America; that the depletion of northern shore bird populations has been linked to the elimination of the migratory bottle necks which are vital to these birds; and

WHEREAS in the past "COMPASS POINT POND" has been dredged and obstructions and barriers to tidal flow placed therein, all without proper permits or authority; and

WHEREAS such unauthorized obstructions and barriers continue to exist and have caused, and continue to cause irreparable damage to "COMPASS POINT POND"; and

WHEREAS the re-establishment of regular tidal influence in the Pond would greatly benefit the resident and migratory wildlife resource of the area,

NOW, THEREFORE, pursuant to the powers and authority vested in the Commissioner of Planning and Natural Resources pursuant to Title 12, Chapter 1, Section 97(1) of the Virgin Islands Code and in consideration of the foregoing reasons above-stated,
I, ROY E. ADAMS, do hereby designate COMPASS POINT POND, a salt pond located at Benner Bay, and as more fully described above, a Wildlife and Marine Sanctuary for the purpose of propagating, feeding, and protecting birds, fish and other wildlife.

SO ORDERED and DESIGNATED this 24th day of September, 1992.

ROY E. ADAMS

[Signature]
COMMISSIONER
Department of Planning and Natural Resources

ATTEST:
[Signature]
ASSISTANT COMMISSIONER
SPECIES OBSERVED USING MANGROVE WETLAND AT BENNER BAY DURING REGULAR WILDLIFE OBSERVATIONS CONDUCTED FROM MARCH 1988 TO OCTOBER 1988

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Bird Species List of Benner Bay
Salt Pond: "COMPASS POINT POND"