RULES AND REGULATIONS

WILDLIFE AND MARINE SANCTUARIES

Title 12, Chapter 1 VIRR

RULES AND REGULATIONS

WILDLIFE AND MARINE SANCTUARIES

FOR THE UNITED STATES VIRGIN ISLANDS

SUBCHAPTERS 92, 94, 96, 97, 98 and 99

APPROVED:

29th day of September, 1994

ALEXANDER A. FARRELLY
Governor

ROY E. ADAMS, Commissioner
Department of Planning & Natural Resources
TITLE 12, VIRR

CHAPTER 1. Wildlife, Subchapter VII. Wildlife and Marine Sanctuaries and Game Preserves

SUBCHAPTER 92. Control and Supervision of Game Preserves and Wildlife Sanctuaries

Section 92-1. Purpose, References

SUBCHAPTER 94. Offshore islands and cays to be administered by the Department

Section 94-1. Authority to issue regulations pertaining to management, use or control of offshore islands, cays and sanctuaries

SUBCHAPTER 96. Prohibited acts in wildlife and marine sanctuaries

Section 96-1. Acts prohibited in the Compass Point Pond Marine Reserve and Wildlife Sanctuary:

Section 96-2. Acts prohibited in the Cas Cay/Mangrove Lagoon Marine Reserve and Wildlife Sanctuary:

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

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

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:

SUBCHAPTER 97. Establishment of wildlife or marine sanctuaries

Section 97-1. Authority in Commissioner to designate and establish additional wildlife and marine sanctuaries

SUBCHAPTER 98. Posting notice in game preserves and wildlife sanctuaries

Section 98-1. Posting of notices

SUBCHAPTER 99. Penalties

Section 99-1. Penalties as established by law
SECTION 1. The following Rules and Regulations for The Compass Point Pond Marine Reserve and Sanctuary; The Cas Cay/Mangrove Lagoon Marine Reserve and Wildlife Sanctuary; and, The St. James Marine Reserve and Wildlife Sanctuary in the United States Virgin Islands are hereby promulgated.

SUBCHAPTER 92. Control and supervision of game and wildlife sanctuaries

Section 92-1. Title 12 V.I.C. § 92 provides that all game preserves and wildlife sanctuaries in the Virgin Islands shall be controlled and supervised by the Commissioner of the Department of Planning and Natural Resources.

SUBCHAPTER 94. Islands and cays to be administered by the Department

Section 94-1. Title 12 V.I.C. § 94 provides that the Commissioner of Planning and Natural Resources shall issue regulations pertaining to the management, use or control of the offshore islands and cays owned by the Government of the Virgin Islands, including but not limited to, the designation of game preserves and wildlife sanctuaries, and the designation of inviolate sanctuaries where human activities are prohibited. The provisions of Section 94 also include other inland areas which are declared to be wildlife sanctuaries.

SUBCHAPTER 96. Prohibited acts in wildlife and marine sanctuaries

Section 96-1. Acts prohibited in the Compass Point Pond Marine Reserve and Wildlife Sanctuary:

Except under a permit or specific authorization of the Commissioner, it is unlawful to:

(a) use or possess any firearm, air rifle, bow and arrow, or any trap or other contrivance designed to be, or capable of being, used to take birds, fish or other wildlife, or to discharge any firearm or release any arrow into or within the marine reserve and wildlife sanctuary;

(b) bring livestock, dogs, motor vehicles or to play loud electronic music in the marine reserve and wildlife sanctuary;

(c) disturb or take any plant or animal within the marine reserve and wildlife sanctuary.
(d) store, repair, maintain, or construct any vehicle or vessels within the marine reserve and wildlife sanctuary.

Section 96-2. Acts prohibited in the Cas Cay/Mangrove Lagoon Marine Reserve and Wildlife Sanctuary:

Except under a permit or specific authorization of the Commissioner, it is unlawful to:

(a) Water:

(1) take or possess any bird, fish or other wildlife (including any living organism), or part thereof;

(2) use or possess any firearm, bow and arrow, or any trap or other contrivance designed to be, or capable of being, used to take fish, birds or other wildlife, or to discharge any firearm or release any arrow into or within the marine reserve and wildlife sanctuary;

(3) anchor beyond seven (7) days within the boundaries of the marine reserve and wildlife sanctuary;

(4) anchor boats without functioning sewage holding tanks;

(5) use in the inner lagoon (defined as the area within the marine reserve and wildlife sanctuary west of a line from Turpentine Run to the eastern end of Patricia Cay) any internal combustion engine;

(6) operate any powered vessel in excess of five (5) miles per hour;

(7) moor any vessel after July 1, 1996; vessels with current mooring permits must have a functioning holding tank capable of being discharged at a pump-out facility or beyond three miles at sea (no new mooring permits will be granted for this area);

(b) Land:

(1) conduct the following activities:
   (A) picnicking in/at non-designated areas;
   (B) camping;
(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 2 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
A - Compass Point Pond Marine Reserve and Wildlife Sanctuary
B - Cas Cay/Manecke Lagoon Marine Reserve and Wildlife Sanctuary
C - St. James Marine Reserve and Wildlife Sanctuary

12. Chapter 1 VIMA, Subchapters 92, 94, 96, 97, 98 and 99.

Boundaries for Compass Point Pond Marine Reserve and Wildlife Sanctuary, Cas Cay/Manecke Lagoon Marine Reserve and Wildlife Sanctuary, St. James Marine Reserve and Wildlife Sanctuary.