LEGAL NOTICE NO. 143

REPUBLIC OF TRINIDAD AND TOBAGO

THE ENVIRONMENTAL MANAGEMENT ACT, CHAP. 35:05

NOTICE

MADE BY THE ENVIRONMENTAL MANAGEMENT AUTHORITY UNDER SECTION 41 OF THE ENVIRONMENTAL MANAGEMENT ACT

THE ENVIRONMENTALLY SENSITIVE SPECIES (SCARLET IBIS) NOTICE, 2018

Citation

1. This Notice may be cited as the Environmentally Sensitive Species (Scarlet Ibis) Notice, 2018.

Interpretation
Chap 35:05

2. In this Notice—

"Act" means the Environmental Management Act;

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

"disturbance" means any activity or event that disrupts the natural functioning or processes of the animal including, but not limited to, instances of poaching, prodding, restraining or obstructing the animal;

"ecosystem" means a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit;

"Environmental Officer" means any person authorised under section 33 of the Act;

"environmentally sensitive species" or "ESS" means any species of living plant or animal so designated under section 41 of the Act;

"extirpation" means the destruction or complete removal, from a particular area, region or habitat;

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

"incubate" means the activity of a bird sitting on an egg or eggs in order to keep them warm and bring them to hatching;

"indigenous" also known as a native species, means a species or lower taxon living within its natural range (past or present) including the area which it can reach and occupy using its natural dispersal systems;

"poach" means to illegally hunt or catch on land that which is not one's own or in contravention of official protection;

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

"Rules" means the Environmentally Sensitive Species Rules, 2001;

"taking" means to capture physically or to obtain by using force;

"trade" means export, sell, expose for sale or otherwise dispose of; and

"wise use" means the permitted activities listed in Part IV.

Designation Part I

3. The Authority hereby designates as an 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

DESCRIPTION OF THE ESS

ANIMAL	*COMMON NAME*	*SCIENTIFIC NAME*
	SCARLET IBIS	*EUDOCIMUS RUBER*

The Scarlet Ibis was declared as one of the National Birds of Trinidad and Tobago in 1962 and appears on the country's Coat of Arms and the one (1) dollar bill. Fossil records for ibises, of the family Threskiornithidae, date back to 60 million years. The adult Scarlet Ibis is a medium-sized, colonial water bird which is easily distinguishable by its bright red bodily plumage with a lighter shade of red on its neck, legs, underparts and head. The bill, tips of the longest flight feathers and eyes are black (see Photograph 1). The average weight of an adult is 0.9–1.3 kg (2–3 lbs), with males weighing more than females. Adults have a wingspan of 52–97 cm (20–38 inches). The adult length, from the bill to the tail tip, is 53–76 cm (21–30 inches).

Scarlet Ibises are by nature very gregarious (social) and tend to form colonies as small as 30 individuals to large colonies with numbers in the thousands. In the colonies, mating members stay close to each other and nest close to other mating pairs. This social structure aids in reducing the risk of predation. Local knowledge estimates the current population size to range between 8,000–30,000 birds.

The Scarlet Ibis prefers regions where tropical and subtropical mangrove exists, inland wetlands, such as marshes, mudflats, peatlands, swamps and permanent freshwater lakes. The best opportunities to see the Scarlet Ibis are early in the morning and just before sunset, when they can be seen feeding in widely dispersed areas where mudflats occur. When Scarlet Ibises take flight, they usually fly in flocks of 15–20 individuals, in a V-formation which reduces wind resistance and enables longer flying distances. The spectacle of them in flight and feeding has drawn visitors, both local and international, to one (1) of the only known breeding habitats for the species, the Caroni Swamp. The Caroni Swamp was declared a prohibited area in 1953 under the Forests Act, Chapter 66:01 and a Wetland of International Importance (Ramsar site) in 2005. A portion of this Ramsar site was declared a Game Sanctuary under the Conservation of Wildlife Act, Chapter 67:01 (Act 16 of 1958 and Act 14 of 1963). The Scarlet Ibis can also be found in areas such as, but not limited to, South Oropouche Swamp, Rousillac and Los Blanquizales.

Scarlet Ibises are aquatic feeders that consume crustaceans, molluscs and aquatic invertebrates (small crabs, insects, crayfish and worms) found in brackish/tidal areas. The preferred food type is crab, which is rich in carotenoids and is responsible for the development of the deep red colour of the adult Scarlet Ibises. However, during the breeding season, breeding Ibises and juveniles consume freshwater prey. The shift in consumption of brackish water prey to freshwater prey is required to prevent developmental challenges in nestlings.

During the breeding season, pairing, courting and copulating occurs. Once paired and courting, monogamy is maintained amongst the pairs within the larger flock. After copulation, the pair builds a nest together and cohabitates. Once copulation is successful, 2–3 dull-green eggs, with dark brown speckles, are produced (see Photograph 2). The incubation period for the eggs is approximately 19–23 days during which time the pair takes turns at incubating the eggs. Once the eggs hatch, the pair shares responsibility for protecting and caring for their

young. Newly hatched nestlings are for the most part naked with a small amount of blackish-grey down on its head and wings and at times a white tuft on the crown. Nestlings (see Photograph 3), at about one (1) month old, are almost able to fly, but generally do not do so until they are six (6) weeks old. The full scarlet colour is achieved when the Scarlet Ibis reaches about one (1) year old.

The Caroni Swamp and the inhabiting Scarlet Ibises are a popular tourist attraction, and are internationally renowned as "must-see" natural treasures. Livelihood opportunities are provided via eco-tours and bird watching tours in the Caroni Swamp. Tourist visits have generated over one (1) million Trinidad and Tobago dollars annually, since the 1970s which contributes to the country's eco-tourism industry and supports many livelihoods.

Photograph 1: Adult Scarlet Ibis
Source: Bjørn Christian Tørrissen, http://www.smarttravelerguide.com/2013/09/28/20-unique-caribbean-attractions/

Photograph 2: Scarlet Ibis egg
Source: Richard Ramlogan (2017)

Photograph 3: Scarlet Ibis Nestling
Source: Dave Samayah
http://comfauna.org/wp-content/uploads/2014/09/xicimfauna-Book-National-Birds-of-Trinidad-and-Tobago.pdf

PART II

OBJECTIVES OF THE DESIGNATION

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

II. Preservation of the ESS which is in danger of extirpation in Trinidad.

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 ("CITES"), which entered into force for Trinidad and Tobago on 18th April, 1984, under which the species is listed in Appendix II;

(b) The Protocol concerning Specially Protected Areas and Wildlife to the Cartagena Convention ("the SPAW Protocol"), which entered into force on 18th June, 2000, under which the species is listed in Annex III;

(c) The United Nations Convention on Biological Diversity ("the Biodiversity Convention"), which entered into force for Trinidad and Tobago on 30th October, 1996; and

(d) The Convention on Wetlands of International Importance ("the Ramsar Convention"), as it relates to the Caroni Swamp, which entered into force for Trinidad and Tobago on April 21, 1993.

IV. In furtherance of Schedule II of the Rules, the objectives of the designation are—

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

(a) maintenance of species' abundance and diversity;

(b) preservation of the integrity of the species' populations to ensure reproductive and genetic viability;

(c) ensuring the conservation of the species; and

(d) preservation of a species that is high in aesthetic value.

2. Logistic support e.g., environmental education, information sharing, including—

(a) the conduct of research and the monitoring of the species population;

(b) the involvement of stakeholders in the management and protection of the species;

(c) the development of awareness and educational programmes about the species for the public of Trinidad and Tobago; and

(d) the development of a management and recovery plan for the Scarlet Ibis.

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, Chapter 67:01, in which 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 Scarlet Ibis.

PART III

Limitations on Use and Activities

Under Section 70(2) of the Act, "any person who knowingly or recklessly undertakes or conspires to allow any activity in an "environmentally sensitive area" or with respect to an "environmentally sensitive species" designated under section 41, which may have an adverse impact on the environment within such area or on such species, commits an offence and is liable, on conviction on indictment, to a fine of one hundred thousand dollars and imprisonment for two years."

For the protection of the ESS, the following activities are prohibited, unless otherwise approved by the Relevant Authority in accordance with existing law:

(a) the taking, harming, injuring or poaching of the ESS and possession or trade of any specimen of the living or dead animal and its parts, eggs and other products;

(b) the removal and exportation of the ESS or any part thereof, except for scientific research approved by the designated Relevant Authority;

(c) the disturbance of the ESS at any time, particularly during the period of breeding or incubation, as well as other periods of biological stress;

(d) any action or development (including agricultural, industrial, commercial development) that results or is likely to result in habitat alteration, destruction or would upset the integrity of the habitat or ecosystems upon which the ESS depends at any time;

(e) dumping, littering or polluting, including the discharging or depositing of any substances in any area that results in or is 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

Permitted Use and Mitigation Measures

I. The following activities are permitted with regard to the ESS, subject to existing law:

(a) educational activities related to the conservation, protection, characteristics and features of the ESS;

(b) non-destructive scientific research and captive breeding activities related to the conservation, protection, characteristics and features of the ESS, subject to the possession of a permit, issued by the Relevant Authority, which specifies limitations on the number, sex and life stage of specimens that are to be removed or translocated for such activities; and

(c) conservation-oriented management activities.

II. The Relevant Authority shall implement mitigation measures to protect the ESS, including the following:

(a) protection, restoration, conservation and management of critical habitats and ecosystems, utilised by the ESS in any phase of its life cycle;

(b) regulation or management of adverse or harmful activities that threaten the existence or survival of the ESS, through the development and implementation of a species management and recovery plan for the ESS;

(c) development of further education and public awareness campaigns and local community conservation programmes to ensure the survival of the ESS and the protection of its habitat;

(d) synergising of existing legislation and regulations pertaining to the protection of the ESS;

(e) development and implementation of research programmes and activities, including quantitative surveys to determine the status of the local population, distribution, habits, health monitoring, ecological requirements, breeding biology and carrying capacity of breeding habitats of the ESS, in collaboration with other relevant stakeholders;

(f) development and implementation of monitoring programmes in relation to the population status and reproduction of the ESS;

(g) sharing of information and research in relation to the ESS with the public as determined necessary;

(h) enforcement of the protection of current forest reserves, game sanctuaries and environmentally sensitive areas, including more stringent enforcement of existing laws;

(i) training of Environmental Officers and other persons involved in the management of the ESS;

(j) evaluation of the effectiveness of current and future regulation and enforcement efforts;

(k) analysis and determination of the feeding habitat requirements for the ESS during the breeding stage of the life cycle;

(l) resource-user management of the critical habitats of the ESS;

(m) development of bilateral and multilateral agreements for conservation and research of the ESS; and

(n) evaluation of the actual or potential impacts on the ESS by activities, including but not limited to agricultural, industrial and infrastructural development, squatting, aquaculture and oil and gas exploration and production.

Dated this 26th day of July, 2018.

N. NATHAI-GYAN
Chairman,
Environmental Management Authority

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