



**DECREE**  
**September 3, 1998**

**Natural Reserve of Saint-Martin**



**Prime minister,**

*On the report of the Minister of Regional Planning and Environment, considering the rural code, and in particular chapter II of title IV of book II relating to the nature protection;  
Considering the decree n° 79-413 of may 25, 1979 relating to the organization of the state at sea off overseas departments and local authority of Mayotte; Considering the decree n° 97-1204 of december 19, 1997 passed for the application to the Minister of regional planning and environment of 1<sup>st</sup> of article 2 of the decree n° 97-34 of january 15, 1997 relating to the devolution of the individual administrative decision;*

*Considering the documents relating to the advice procedure relating to the project of classification in natural reserve of terrestrial and marine zones in Saint-Martin;*

*Considering the proceedings of the town council of the commune of Saint-Martin on may 21, 1996;*

*Considering the advice of the departmental commission of sites, prospects and Landscapes, sitting on group of nature protection, on january 9, 1997;*

*Considering the advice of the prefect of the Martinique region, government deputy for the coordination of the action of the state at sea, on december 31, 1996;*

*Considering the report of the prefect of Guadeloupe department on may 22, 1997;*

*Considering the opinion of the national council for the nature protection on october 23, 1997;*

*Considering the agreements and advice of the concerned ministers,  
orders:*

**Chapter I**  
**Creation and delimitation**  
**of the natural reserve of Saint-Martin**

**Art. 1** – Are classified in natural reserve, under the denomination “ natural Reserve of Saint-Martin” ( Guadeloupe ), the zones of Saint-Martin island, on the commune of Saint-Martin, delimited as follows:

**Marine part :**

- 1o A circular zone which limit is at 250 meters of the coasts of Rocher Creole;
- 2o A zone limited :
  - By a line traced from Pointe des Froussards towards North up to 500 meters in the offing, at point n°1 ( 63°02,31W, 18°07,65N );
  - Then by a line starting from point n°1 towards East – North-East, up to 500 meters in the north of Basse Espagnole, at point n°2 ( 63°00,32W, 18°08,00N);
  - Then by a line starting from point n°2 towards East – South-East, up to 500 meters of the North-Eastern cape of Tintamarre, at point n°3 (62°58,00W, 18°07,62N );
  - Then by a line starting from point n°3 located on the 20 meters isobath, in the South-East of Tintamarre, till point n°4 ( 62°58,00W, 18°06,72N );
  - Finally by a line starting from point n°4 towards South – South-West up to Babit-Point cape. Point n°5 ( 62°59,38W, 18°04,96N ) is located in the middle of this segment.
- 3o. The maritime public property of salines d’Orient and Etang aux Poissons.

**Are excluded from this perimeter the following zones :**

- The inland of Cul de Sac bay, up to the line joining the northern and southern ends of the bay;
- The inland of Orient bay, up to the broken line joining the northern end of the bay to point n°6 ( 63°01,00W, 18°05,93N ), then to its southern end ( Club Orient).

**Terrestrial part :**

The cadastral pieces corresponding to the fifty geometrical steps and the following sites:

- Rocher Creole : n° AT 5 and 6 ;
- Bell Point : n° AT 4, 7, 9, 12, 13, 14 and 126 ;
- Pointe des Froussards : n° AT 138, 140 and 143 ;
- Eastern Point and Grandes Cayes : n° AT 29, 30 and 33 ;
- Accesses of Salines d’Orient : n° AW 8, 37, 38, 39, 40, 45, 545 and 548, as well as the portions of paths located between the pieces 8 and 545, 39 and 40, 37 and 38, 45 and 546 ;
- Accesses of Etang aux Poissons : n° AW 43 and 546, as well as the portion of path located between these two pieces;
- Baie de l’embouchure and Coconut Grove : n° AW 23 ;
- Pinel island : n° AT 36 ( other than the reception zone of the beach delimited on the cadastral map annexed to this decree) and AT 125 ;
- Petite Clef : n° AT 38 and 39 ;
- Tintamarre island : n° AX 1 ;
- Caye Verte island : n° AW 24 ;
- « Ilets » of baie de l’embouchure : n° AY 56, 57 and 58, that is a total surface of approximately 3060 hectares, including 153,4 hectares of terrestrial part.

**The site and the perimeter of the parts classified in natural reserve are registred on IGN chart at 1/25 000, the cadastral maps at 1/5 000 and the sea chart at 1/50 000 annexed to this decree. These charts and maps are available at the prefecture of Guadeloupe. Materialization of marine limits of the natural reserve will be carried out using six buoys, in accordance with the regulation in force.**

**Chapter II**  
**Management of the natural reserve**

**Art. 2.-** *The prefect of Guadeloupe, hereafter named « the prefect », is responsible for the management of the natural reserve. He must obtain the agreement of the government deputy for the coordination of the action of state at sea for the decisions which come under responsibility of this one. A consultative committee of the reserve is set up, it is chaired by the prefect or his representative, and attended by the government deputy for the coordination of the action of state at sea or his/her representative.*

*The composition of this committee is set by a prefect decree. It includes in a balanced way:*

- 1° Representatives of involved territorial communities and of users;*
- 2° Representatives of involved administrations and public institutions;*
- 3° Scientific officials and representatives of nature protection associations.*

*The members of the committee are named for one three years duration.*

*Their mandate can renewed. The deceased or outgoing members of the committee and those who, under their mandate, cease exerting the functions for which they were appointed must be replaced. In this case, the mandate of the new members expires at the date on which would have normally ended the predecessor's mandate.*

*The consultative committee meets at least once a year, convened by its president. It can delegate the examination of a particular issue to a restricted group.*

**Art. 3.-** *The consultative committee advises on the operation of the reserve, on its management and on the conditions of implementation of measures envisaged under this decree. It comes to a conclusion about the management plan of the reserve. It can ask for scientific studies and collect any opinion in order to ensure the preservation, the protection or the improvement of the reserve medium.*

**Art. 4.-** *The prefect, after asking the opinion of the commune of Saint-Martin and that of the consultative committee, entrusts, by means of an agreement, the management of the natural reserve of Saint-Martin to a public institution, a local authority or an association governed by the law of July 1, 1901 or to a foundation.*

*To ensure the preservation of the natural heritage and the biodiversity of the reserve, the manager conceives and implements an ecological management plan of the reserve, based on a scientific evaluation of this heritage and its evolution.*

*The first management plan is submitted by the prefect, after opinion of the consultative committee, to the approval by the minister after opinion of the national council for nature protection. The prefect takes care of its implementation by the manager. The following management plans are approved after opinion of the consultative committee by the prefect, except if he considers convenient to request the approval of the minister again.*

**Chapter III**  
**Regulation of the reserve**

**Art. 5.-** *It is prohibited to introduce inside the reserve animals, whatever their level of development, except authorization delivered by the prefect, after consultation of the national council for the nature protection and except for those which take part in police force, research or rescue missions.*

*It is prohibited, subject to the exercise of fishing under conditions fixed by article 9 of this decree, and subject to authorizations delivered for scientific or reserve maintenance purpose by the prefect, after opinion of the consultative committee:*

*To hurt non domestic animals as well as their eggs, broods, litters, or nests, or to carry them out of the reserve ;*

*To disturb or impair the animals.*

**Art. 6.-** *It is prohibited :*

*1° To introduce into the reserve all, plants, except authorization delivered by the prefect, after consultation of the national council for nature protection;*

*2° Subject to authorizations delivered for scientific or reserve maintenance purpose by the prefect, after opinion of the consultative committee, to damage the plants or to carry them out of the reserve.*

**Art. 7.-** *The prefect can take, after opinion of the consultative committee, any measures in order to ensure the preservation of animal or vegetable species inside the reserve or the limitation of superabundant animals or plants inside the reserve.*

**Art. 8.-** *Hunting is prohibited inside the reserve area.*

**Art. 9.-** *Angling, netting, hoop-net fishing, underwater fishing with rifle or any other similar instrument, collecting of alive or dead animals are prohibited inside the maritime area of the reserve. However, casting-net fishing, on the one hand, and use of types of seines targeting small size pelagic species without any contact of the net with bottom, on the other hand, can be authorized under conditions determined by decree, signed jointly by the prefect and the government deputy for the coordination of the action of the state at sea, after opinion of the consultative committee.*

*Inside the lake area fishing is regulated by the prefect, after opinion of the consultative committee.*

**Art. 10.-** *Agricultural, pastoral and forest activities are prohibited, except the traditional tethering, which is regulated by the prefect, after opinion of the consultative committee.*

**Art. 11.-** *It is prohibited :*

*1° To abandon or deposit any product likely to harm the quality of water, air, ground or site or the integrity of fauna and flora;*

*2° To abandon or deposit refuses of whatsoever nature;*

*3° To disturb the peace of the spots by any sound disturbance, subject to the exercise of activities authorized by this decree;*

*4° To camp under canvas, in a vehicule or any other shelter. However, the prefect can authorize and regulate bivouac;*

*5° To impair the nature environment by lighting fire apart from the facilities envisaged for this purpose or by writing inscriptions other than those necessary for public information or reserve management;*

*6° To water-ski as well as to drive jet-ski in the reserve area.*

**Art. 12.-** *Public or private works are prohibited, subject to the provisions of article L 242-9 of the rural code . In particular, the minister in charge of the nature protection can authorize as a need works made necessary by the rejection at sea of drained effluents, after opinion of the national council for nature protection..*

*Works required by the reserve maintenance or the navigation safety can be authorized by the prefect and the government deputy for the coordination of the action of the state at sea, in their respective fields of competence, after opinion of the consultative committee, subject to the application of article R.242-22 of the rural code.*

**Art. 13.-** *Collection of minerals, fossils and archaeological vestiges is prohibited, except authorization delivered for scientific purpose by the prefect, after opinion of the consultative committee, and in accordance with the regulation in force for archaeological excavations.*

**Art. 14.-** Any activity of research or mining, in particular sand extraction, is prohibited inside the reserve.

**Art. 15.-** Any industrial or commercial activity is prohibited. Only can be authorized by the prefect, after opinion of the consultative committee, the commercial activities in connection with the management and the animation of the natural reserve which are compatible with the objectives of the management plan.

**Art. 16.-** On the marine part, movement of people as well as navigation and anchoring of machines and boats are regulated by joint decree of the prefect and of the government deputy for the coordination of the action of the state at sea, after opinion of the consultative committee. These provisions are not applicable to the boats used for police force, rescue, maintenance or maritime signposting missions and for the reserve management.

**Art. 17.-** Engine traffic on the terrestrial part is limited to the open to public traffic ways. However this interdiction is not applicable to:

1° The vehicles used for reserve maintenance and surveillance;

2° Public services vehicles;

3° Vehicles used for police, rescue or help operations.

**Art. 18.-** People movement can be regulated by the prefect, after opinion of the consultative committee, on the terrestrial and lake parts of the reserve.

**Art. 19.-** Sports or tourist activities are regulated jointly by the prefect and the appropriate authorities, after opinion of the consultative committee, in conformity with the objectives of the management plan of the reserve.

**Art. 20.-** Power-driven aircraft must not fly over the natural reserve at a height lower than 300 meters. This provision is not applicable to the state aircraft on duty nor to police, rescue or natural reserve management operations, as well as to aircraft taking off or landing on the close airports or carrying out the related maneuvering.

**Art. 21.-** Use for advertising purpose of any expression mentioning directly or indirectly the reserve is subjected to authorization delivered by the prefect of Guadeloupe, after opinion of the consultative committee.

Professional activities concerning photography, cinematography, sound recording, radiophony and television can be regulated by the prefect, after opinion of the consultative committee.

**Art. 22.-** The provisions of this decree cannot result in limiting the military activities and particularly traffic and parking of national marine units, the safety of military means of defense as well as the activities related to the execution of military policy of defense.

**Art. 23.-** The Minister of Regional Planning and Environment is responsible for the enforcement of this decree, which will be published in the Official Gazette of the French Republic.