

2. The trees specified in the Schedule are hereby declared to be protected trees — Declaration of protected trees.

SCHEDULE (Paragraph 2)

S.I. 76/1997.

| Common Name | Botanical Name | |
|--|--|---------------|
| Beefwood/Pigeon Berry/ Narrow Leaved Blolly | <i>Guapira discolor</i> | S.I. 76/1997. |
| Black Ebony/Bullwood | <i>Pera bumeliifolia</i> | |
| Brasiletto | <i>Caesalpinia vesicaria</i> | |
| Candlewood | <i>Gochnatia ilicifolia</i> | |
| Caribbean Pine | <i>Pinus caribaea var. bahamensis</i> | |
| Horseflesh | <i>Lysiloma sabiau var. bahamensis</i> | |
| Lignum Vitae | <i>Guaiacum sanctum</i> | S.I. 76/1997. |
| Mahogany (Madeira) | <i>Swietenia mahagoni</i> | |
| Rauwolfia | <i>Rauwolfia nitida</i> | |
| Red Cedar | <i>Juniperus bermudiana</i> | |
| Silk Cotton | <i>Ceiba pentandra</i> | |

**CONSERVATION AND PROTECTION OF THE
PHYSICAL LANDSCAPE OF THE BAHAMAS
REGULATIONS, 1997**

S.I. 49/1997

(SECTION 27)

[Commencement 27th May, 1997]

**PART I
PRELIMINARY**

1. These regulations may be cited as the Conservation and Protection of the Physical Landscape of The Bahamas Regulations, 1997. Citation.

**PART II
APPLICATIONS**

2. An application for the grant of a permit under section 7 of the Act in relation to any excavation or landfill operation, shall be made to the Director and shall contain all the relevant particulars required by Form 1 in the First Schedule. Application for permit to carry out excavation or landfill operation. Form 1. First Schedule.

Application for
licence to quarry
or mine.

Form 2.
First Schedule.

Application for
permit to harvest
protected tree.

Form 3.
First Schedule.

3. An application for the grant of a licence under section 19 of the Act to quarry or mine, shall be made to the Director and shall contain all the relevant particulars required by Form 2 in the First Schedule.

4. An application for the grant of a permit under section 23 of the Act to harvest a protected tree, shall be made to the Director and shall contain all the relevant particulars required by Form 3 in the First Schedule.

PART III PERMITS AND LICENCES

Excavation or
landfill operation
permit.

Form 4.
First Schedule.

5. A permit granted under section 7 of the Act in relation to any excavation or landfill operation, shall be in Form 4 in the First Schedule, and shall be valid for twelve months from the date of grant unless otherwise prescribed in the permit.

Licence to quarry
or mine.

Form 5.
First Schedule.

6. A licence granted under section 19 of the Act to quarry or mine, shall be in Form 5 in the First Schedule, and shall be valid for twelve months from the date of grant unless otherwise prescribed in the licence.

Permit to harvest
protected tree.

Form 6.
First Schedule.

7. A permit granted under section 23 of the Act to harvest a protected tree, shall be in Form 6 in the First Schedule, and shall be valid for six months from the date of grant unless otherwise prescribed in the licence.

Production of
licence.

8. Every holder of a licence shall at all reasonable times produce for the inspection of the Minister, the Director or any person authorised by the Director, or any police officer, any licence granted to him, and if he fails to produce such licence, he shall be liable to a fine of five hundred dollars or to imprisonment for a term of one month or to both such fine and imprisonment.

Transfer of
licences.

9. Where a licensee has died or proposes to divest himself or has divested himself of his interest in the business in respect of which his licence was granted, the Director may, upon an application in that behalf made by any person claiming the right to succeed to such licensee as the person carrying on the business, and upon payment of the relevant fee, transfer the licence to that person subject to such terms and conditions as the Director may think fit to impose:

Provided that before transferring any licence under this section the Director shall, where practicable, give to the licensee or, as the case may be, to his legal personal representatives a reasonable opportunity to make any representations that they may wish to make in relation to any such application, and shall take into account any representations so made by them or on their behalf.

10. The Director may at any time upon an application in that behalf made by a licensee vary any of the terms or conditions of a licence:

Variation of licences.

Provides that in varying any term or condition of a licence the Director shall take into account any representations made by the licensee or on his behalf and shall give to the licensee a reasonable opportunity to make such representations.

11. Any transfer of a licence or variation of any term or condition of a licence made by the Director under section 9 and 10 shall be endorsed on the licence together with the date when it was made by the Director and the date when it is to take effect.

Transfer or variation to be endorsed on licences.

12. In regulations 8 to 11, any reference to a licence includes a reference to a permit.

Interpretation.

PART IV APPEALS

13. (1) Any person who desires to appeal a decision of the Director to refuse to grant a permit or licence, to suspend, or refuse to remove the suspension of a permit or licence shall give notice of appeal in writing to the Minister within twenty-one days from the receipt of notification of the Director's decision.

Appeal.

(2) Every notice of appeal referred to in paragraph (1) shall be signed by the appellant or his counsel, if any, and such notice shall contain any general and specific grounds of appeal.

**PART V
FEES**

Payment of fees.

14. There shall be charged, collected and paid into the Treasury for the credit of the Consolidated Fund in respect of each of the matters set forth in the first column of the Second Schedule, the respective fees set forth opposite thereto in the second column of that Schedule.

**PART VI
OFFENCES AND PENALTIES**

Offences.

15. (1) If any person, in giving any information, making any application or claims for the purposes of this Act, makes any statement which he knows to be false in a material particular, or recklessly makes any statement which he knows to be false in a material particular, that person shall be liable to a fine of ten thousand dollars or to imprisonment for a term of not less than three months or to both such fine and imprisonment.

(2) Every person who commits an offence against these regulations for which no other penalty is provided is liable to a fine of not less than ten thousand dollars or to imprisonment for a term of not less than three months or to both such fine and imprisonment.

FIRST SCHEDULE

FORM 1 (Regulation 2)

**APPLICATION FOR PERMIT TO CARRY OUT
EXCAVATION OR LANDFILL OPERATION**

**THE CONSERVATION AND PROTECTION OF THE
PHYSICAL LANDSCAPE OF THE BAHAMAS ACT, 1997**

1.
Name of Applicant
- (a) Address:
 - P. O. Box
 - Island
 - Telephone.....
 - Fax

-
- (b) Property Owner:
- (a) Address:
 - P. O. Box.....
 - Island.....
 - Telephone.....
 - Fax.....
2. Site Characteristics:
- (a) Location:
 -
 -
 - (b) (i) Size of site:
 - (ii) Portion of site subject of application
 -
 - (c) Legal Description:
 -
 -
 - (d) Type of Land Ownership (Check one):
 - (i) Crown Land
 - (ii) Government owned
 - (iii) Private (a) Subdivision
 - (b) Other
 - (iv) Soil Type (e.g. sand, limestone)
 - (v) Hydrogeological features
 -
 - (e.g. height of water table, quality of water)
3. Site Description:
- (a) Vegetation
 - Pine
 - Brush
 - Wild flowers/bromeliads/airplants
 - (b) Archeological and/or Historical sites
 -
 - (e.g. plantation ruins, walls, chimney, mounds)
 - (c) Existing Buildings & Structures
 - (state condition)
 - (d) Topography
 - (e.g. hills, slope, valley, swamp)
 - (e) Wildlife habitats
 -
 -
 - (e.g. birds, lizards, wild boar, wild donkeys)

- (f) Road Access: Public Road
Private Road
- (g) Other features of site:
.....
.....
- 4. Do any Restrictive Covenants or easements affect the land under consideration?
Yes () No ()
If yes, describe
.....
.....
- 5. (a) Description of Operation: (Tick as appropriate)
 - Excavation ()
 - Sand Mining ()
 - Quarry mining ()
 - Land filling ()
 - Land clearing ()
- (b) Materials to be derived from the activity:
(Tick as appropriate)
 - Quarry/Cracker dust ()
 - Top Soil ()
 - rock ()
 - sand ()
- (c) Sand Mining:
 - Total Volume to be excavated ()
 - Rate of extraction per annum ()
 Quarrying:
 - Total Volume to be excavated ()
 - Rate of extraction per annum ()
 Land Clearing:
 - Size of area ()
 - Number of Protected Trees ()
 Excavation for canals:
 - surface area ()
 - depth ()
 Landfill:
 - Surface area ()
 - depth ()

Type of material ()

Source of Material ()

6. Method of Operation:

(i) Type of equipment to be used

.....
.....
.....

(ii) proposed method of excavation, land filling or
land clearing:

.....
.....

(iii) phasing of the operation (e.g. duration and
phasing of activity over entire site. Indicate
whether adjacent lands are targeted for future
similar activity:

.....
.....
.....

7. Environmental Impact:

Applicant is to indicate potential environmental impacts
expected as a result of the proposed activity.

NOTE: An Environmental Impact Study may be required
for major sites.

.....
.....

8. Restoration and After-Use:

Application to indicate planned restorative and
reinstatement plans and future land use plans for the site.

.....
.....

Signature of Applicant

Co-Applicant

DATE:

Please allow 7-14 days for processing of application.

FORM 2 (Regulation 3)

**APPLICATION FOR A LICENCE TO QUARRY OR MINE
THE CONSERVATION AND PROTECTION OF THE
PHYSICAL LANDSCAPE OF THE BAHAMAS ACT, 1997**

1.
Name of Applicant
(a) Address:
 P. O. Box
 Island
 Telephone.....
 Fax
(b) Property Owner:
 (a) Address:
 P. O. Box.....
 Island.....
 Telephone.....
 Fax.....
2. Is site covered by a valid Permit for conduct of Excavation or Landfill?
Yes () No ()
If yes, provide Permit No.....
If no, complete Form 1 and submit for consideration.
3. (a) Description of Operation: (Tick as appropriate)
 excavation ()
 sand or quarry mining ()
 land filling ()
 land clearing ()
(b) Materials to be derived from the activity
(Tick as appropriate)
 quarry/cracker dust ()
 top soil ()
 rock ()
 sand ()
(c) Sand Mining:
 Total Volume to be excavated.....
 Rate of extraction per annum.....

Quarrying:

Total Volume to be excavated.....

Rate of extraction per annum.....

Land Clearing:

Size of Area.....

Number of Protected Trees.....

Has Application been made for the Harvest of Protected
Trees?

Yes () No ()

If no, complete and submit Form 3.

Excavation for canals:

Surface Area.....

Depth.....

Landfill:

Surface Area.....

Depth.....

Type of material.....

Source of Material.....

4. Method of Operation:

(i) type of equipment to be used:

.....
.....

(ii) proposed method of excavation, land filling or
land clearing:

.....
.....

Signature of Applicant.....

Co-Applicant.....

Date.....

Please allow 7-14 days for processing of application.

OFFICIAL USE

Date of Application:

Date of Public Notice if applicable:

Site Visit By: Date:.....

Evaluation of Application By: Date:.....

Comments:

Approved:

Refused:

FORM 3 (Regulation 4)

APPLICATION FOR A PERMIT TO HARVEST A
PROTECTED TREE

THE CONSERVATION AND PROTECTION OF THE
PHYSICAL LANDSCAPE OF THE BAHAMAS ACT, 1997

1.
 Name of Applicant
 (a) Address:
 P. O. Box
 Island
 Telephone.....
 Fax
 (b) Property Owner (If different to 1(a) above.)
 (a) Address:
 P. O. Box.....
 Island.....
 Telephone.....
 Fax.....

- 2 (a) Location or site of the tree (s) in question:

 (b) Is site covered by a valid Permit for conduct of
 Excavation or Landfill?
 Yes () No ()
 If yes, provide Permit No.
 If no, what is reason for the removal of the tree (s)

 (e.g. Description of Operation: land clearing, con-
 struction, removal/transplant/destruction of a tree for
 construction purposes or to prevent damage to existing
 structures)
 (c) Land Clearing:
 Size of area.....
 Number of Protected Trees.....

 Age or size and/or height of tree (s).....

3. Restoration and after-use:

Applicant to indicate planned restorative and reinstatement plans and future land use plans for the site.

Signature of Applicant.....

Co-Applicant.....

Date.....

OFFICIAL USE

Date of Application:.....

Date of Public Notice if applicable:.....

Site Visit By:..... Date:.....

Evaluation of Application By:..... Date:.....

Comments:.....

Approved:.....

Refused:.....

FORM 4 (Regulation 5)

PERMIT IN RELATION TO EXCAVATION OR LANDFILL
ISSUED BY THE DIRECTOR OF PHYSICAL PLANNING

THE CONSERVATION AND PROTECTION OF THE
PHYSICAL LANDSCAPE OF THE BAHAMAS ACT, 1997

PERMIT NO.

A PERMIT is granted to.....

.....
for the purpose of carrying out or permitting to be carried out excavation or landfill operations by persons duly licensed to conduct such operations under section 7 of the Conservation and Protection of the Physical Landscape of The Bahamas Act, 1997 at the following location/site:

Subject to the following conditions:

This permit is valid for a period of twelve months and is subject to renewal upon application to be made at least one calendar month prior to expiration. An updated Environment Impact Study may be required at the time of application for renewal.

.....
Director of Physical Planning

.....
Date

FORM 5 (Regulation 6)

LICENCE TO EXCAVATE OR LANDFILL ISSUED BY THE
DIRECTOR OF PHYSICAL PLANNING

THE CONSERVATION AND PROTECTION OF THE
PHYSICAL LANDSCAPE OF THE BAHAMAS ACT, 1997

Licence No.

A LICENCE is granted to
of.....

for the purpose of carrying out excavation and/or landfill
operations under the provisions of section 19 of the Conservation
and Protection of the Physical Landscape of The Bahamas Act,
1997 at the following location/site:

Subject to the following conditions:

This Licence is valid for a period of 12 months and is subject to
renewal upon application prior to expiration.

.....
Director of Physical Planning

.....
Date

FORM 6 (Regulation 7)

PERMIT TO HARVEST A PROTECTED TREE ISSUED BY THE
DIRECTOR OF PHYSICAL PLANNING

THE CONSERVATION AND PROTECTION OF THE PHYSICAL
ENVIRONMENT OF THE BAHAMAS ACT, 1997

Permit No.

A permit is issued to.....
of

for the harvest of the Protected Tree (s) named below, under the
provisions of section 23 of the Conservation and Protection of the
Physical Landscape of The Bahamas Act 1997,

Subject to the following conditions:

This Permit is valid for six months and is not renewable.

.....
Director of Physical Planning

.....
Date

SECOND SCHEDULE (Regulation 14)

FEES

THE CONSERVATION AND PROTECTION OF THE
PHYSICAL LANDSCAPE OF THE BAHAMAS ACT, 1997

| | |
|--|------------------|
| Application Fee for Licence to Quarry or Mine | \$ 50.00 |
| Permit in Relation to Excavation or Landfill: | |
| Annual Fee | \$300.00 |
| Licence To Quarry or Mine: | |
| Annual Fee | \$300.00 |
| Royalty | .50 |
| | (per cubic yard) |
| Application Fee for a Permit to Harvest a Protected Tree | \$ 5.00 |
| Permit to Harvest Protected Tree: | |
| Single Tree | \$ 10.00 |
| Multiple Trees | \$ 50.00 |