

FORESTRY, PROTECTED AREAS AND WILDLIFE CONSERVATION (PROTECTED AREAS AND FIRES) REGULATIONS 2014

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**FORESTRY, PROTECTED AREAS AND WILDLIFE CONSERVATION
(PROTECTED AREAS AND FIRES) REGULATIONS 2014**

**MADE BY THE MINISTER UNDER SECTIONS 53(1) and 121 OF THE
FORESTRY, PROTECTED AREAS AND WILDLIFE CONSERVATION ACT
2014.**

Short title

1. These Regulations may be cited as the Protected Areas and Fires Regulations, 2014

Interpretation

2. In these Regulations, unless the context otherwise requires—

“Act” means the Forestry, Protected Areas and Wildlife Conservation Act No.---of 2014;

“applicant” means a person applying for a Protected Area Timber Harvest Permit Protected Area Fire Permit or asserting a claim for omission of a trade secret or confidential business information from the Protected Areas Register pursuant to regulation 35 ;

“application” shall have the corresponding meaning;

"Authority" means the Forest and Protected Areas Management Authority established under the Act

“co-management agreement” means the agreement between private persons having ownership or control of lands within a protected area and the Authority or Department or competent body;

“competent body” means a person designated with responsibility for management of a protected area pursuant to Section 58(2) of the Act;

"Department" means the Department of Natural Resources and Environment of the Tobago House of Assembly;

“effects” include direct and indirect, secondary, cumulative, short, medium and long term, permanent, temporary, positive, negative and synergistic;

“permit” includes a Protected Area Timber Harvest Permit or a Protected Area Fire Permit;

“permittee” means a person to whom a Timber Permit, Charcoal Permit or Fire Permit has been granted;

“prescribed fee” means the fee established by the Forestry, Protected Areas and Wildlife Conservation (Fees) Regulations 2014;

"Protected Area Fire Permit" means a permit to start a fire in private lands in a protected area pursuant to Section 72 of the Act;

"Protected Area Timber Harvest Permit" means a permit to harvest, haul or transport timber from a protected area pursuant to Section 70 of the Act;

“Statement of Intent to Designate” shall mean the proposal to designate a protected area to be prepared by the Authority or Department pursuant to regulation 3;

Proposal for Designation of Protected Areas

3. In the formulation of a proposal for the designation of a particular area as a protected area, the Director shall prepare a Statement of Intent to Designate which shall include –

- i. justification for establishment of the area and the category of protection proposed, including an evaluation of the advantages and disadvantages of establishing the area;
- ii. an analysis of the socio-economic impact of the designation of the area on the local human population, in particular traditional users of the natural resources in the area proposed for designation;
- iii. a description of the factors determining the boundaries of the area proposed for designation;
- iv. recommendations with respect to any steps and compensatory measures that may need to be taken as a result of designation of the area as a protected area;
- v. a description of land ownership rights within the area proposed for designation;
- vi. summary of human activities if any, taking place within the area proposed for designation;
- vii. a legal description of the area to be protected giving particulars of the size and boundaries of the area, as shown wherever practicable on an accurate map or survey plan;
- viii. the description of activities that would be permitted in the protected area and the description of activities that would be prohibited in the protected area; and
- ix. other information that the Authority or Department believes is reasonably necessary to assist the public in understanding its decision to propose an area for designation.

Public Consultations for Designation of Protected Areas

4.(1) A Notice of the Statement of Intent to Designate shall be published in the *Gazette* and in one newspaper with island wide circulation and announced on a radio station with island wide coverage for a period of at least three (3) consecutive days.

(2) The Notice of the Statement of Intent to Designate referred to in subregulation (1) shall –

- i. request the public to submit written comments on the proposed designation of the protected area;
- ii. identify locations where relevant information (including the Statement of Intent to Designate) can be obtained or reviewed by the public;
- iii. advise of the duration of the public comment period which shall be no less than thirty days; and
- iv. advise where public comments can be submitted.

(3) Notwithstanding subregulation (2) above, the Authority or Department shall as far as is reasonably possible, specifically invite governmental entities, non governmental organizations and any person who lawfully enjoys any right or interest within the protected area proposed for designation to submit in writing their claims of right or interest, or comments with respect to the proposal to designate the protected area.

(4) At the end of the written public comment period contemplated by subregulation (2) (iii) above, the Authority or Department may where there is sufficient public interest conduct a public hearing where it shall receive any additional comments relating to the designation of the specified area as a protected area.

Decision on Designation of Protected Areas

5. (1) After considering any claims of right or interests, or comments pursuant to regulation 4, the Authority or Department shall advise the Board or Chief Secretary of its recommendations for the designation of the protected area.

(2) The Board or Chief Secretary shall advise the Minister of its recommendations and that of the Authority or Department on the designation of the protected area.

(3) The Minister after considering the recommendations of the Board or Chief Secretary and of the Authority or Department shall designate an area to be a protected area by amending the Third Schedule of the Act pursuant to Section 53 of the Act.

(4) The Third Schedule amended pursuant to subregulation (3), shall be published in the *Gazette* within seven days of the date the amendment came into force.

Revocation and Variation of Protected Area

6. The Authority or Department or the Authority or Department on the recommendation of a competent body may propose the revocation or variation of a protected area.

Public Consultations on Revocation and Variation of Designated Protected Area

7. (1) A Notice of intention to revoke or vary a designated protected area pursuant to Section 65 of the Act shall be published in the *Gazette* and in one newspaper with island wide circulation for a period of at least three (3) consecutive days.

(2) The Notice of intention to revoke or vary a designated protected area in subregulation (1) shall –

- i. request the public to submit written comments on the proposed variation or revocation of the protected area;
- ii. advise of the basis for proposed variation or revocation of the protected area;
- iii. identify locations where relevant information (such information shall include all information which the Authority or Department believes would assist the public in developing a reasonable understanding of the proposed variation or revocation of the protected area) can be obtained or reviewed by the public;
- iv. advise of the duration of the public comment period which shall be no later than thirty (30) days; and
- v. advise where public comments can be submitted.

(3) At the end of the written public comment period contemplated by subregulation (2) above, the Authority or Department may where there is sufficient public interest, conduct a public hearing where it shall receive any additional comments relating to the proposed variation or revocation of the protected area.

Decision on Variation or Revocation of Protected Areas

8. (1) After considering comments received during the written public comment period and public hearing pursuant to regulation 7 the Authority or Department shall advise the Board or Chief Secretary of its recommendations for the variation or revocation of the protected area.

(2) In making a recommendation for the revocation or variation of the protected area to the Board or Chief Secretary, the Authority or Department shall include—

- i. a justification for the variation or revocation of the protected area or part thereof;
- ii. an assessment of the impact of the variation or revocation of the protected area on the ecosystems, species, and local communities likely to be affected by the variation or revocation;
- iii. a description of any mitigation measures that may need to be taken as a result of the variation or revocation of the protected area;

- iv. an account of the steps taken to solicit comments from the public and, if responsibility for the management of the area has been delegated to a competent body, that body; and
- v. a compilation of the comments received, if any.

(3) The Board or Chief Secretary shall advise the Minister of its recommendations and that of the Authority or Department on the variation or revocation of the protected area.

(4) The Minister after considering the recommendations of the Board or Chief Secretary and of the Authority or Department received pursuant to subregulation (2), shall vary or revoke the protected area and amend the Third Schedule pursuant to Section 65 of the Act.

(5) The Third Schedule amended pursuant to subregulation (3) above, shall be published in the *Gazette* within seven days of the date the amendment came into force

Designation of Temporary Protected Areas

9. An order for the designation of an area as a Temporary Protected Area pursuant to Section 57 of the Act shall be published in the *Gazette* and in one newspaper with island wide circulation and announced on a radio station with island wide coverage for a period of at least three (3) consecutive days.

Notice of Temporary Protected Area

10. An order of designation of a Temporary Protected Area referred to in regulation 9 shall contain –

- i. the justification for establishment of the Temporary Protected Area and the category of protection proposed;
- ii. a description of the factors determining the boundaries of the Temporary Protected Area;
- iii. a description of land ownership rights within the Temporary Protected Area;
- iv. a legal description of the Temporary Protected Area giving particulars of the size and boundaries of the area, as shown wherever practicable on an accurate map or survey plan; and
- v. other information that the Authority or Department believes is reasonably necessary to assist the public in understanding its decision to designate the area as a Temporary Protected Area.

Preparation of Management Plan

11. (1) The Authority or Department or competent body responsible for a protected area shall prepare a management plan on the basis of the best available scientific and other

relevant information and the management of the protected area shall be consistent with the objectives of the Act and for the purpose it was declared.

(2) To the extent feasible, every management plan for a protected area may contain the following information—

- i. the terms and conditions of any applicable biodiversity management plan;
- ii. a co-ordinated policy framework;
- iii. such planning measures, controls and performance criteria as may be prescribed;
- iv. procedures for public participation, including participation by the owner (if applicable), any local community or other interested party;
- v. a zoning of the area indicating what activities may take place in different sections and the conservation objectives of those sections.
- vi. the long term goals of the protected area and the associated conservation, restoration, research, educational and recreational objectives of the protected area to meet these goals;
- vii. an analysis of existing and potential conflicts arising in relation to the use of the protected area by the owners of private lands and persons resident in communities in the locality who are traditional users of the protected area;
- viii. the measures to be adopted for the management of the protected area including but not limited to measures to regulate or prohibit the following –
 - (a) activities that may result in the destruction of or damage to endemic, endangered, threatened or rare species of flora or fauna or their parts or products;
 - (b) the introduction of non-indigenous species;
 - (c) activities that may cause or result in soil erosion or the denudation or degradation of the environment in the area;
 - (d) activities that may result in the destruction of or damage to the cultural heritage, including archaeological activity or the transport or damage of any object which may be considered as an archaeological object;
 - (e) the discarding of litter and the disposal or escape of wastes, pollutants or other substances that may have adverse impacts on the protected area or endanger persons using the area;
 - (f) tourist or recreational activities, including the imposition of concession and user fees in connection with the conduct of business activities in and the entry of persons into the area;
 - (g) any other activities which are not compatible with the objectives for which the protected area was established.
- ix. guidelines for the control of activities in buffer zones;
- x. if appropriate, the measures to be adopted for sharing the benefits of the protected area with the owners of private lands and persons resident in communities in the locality who may be affected by the designation of the protected area including assistance to and the training of such persons;

- xi. the programmes to be adopted for the protected area, public awareness and education to enhance the appreciation and understanding of users and the general public of the objectives of the designation of the protected area;
- xii. a description of the manner and time within which various management measures will be undertaken, including the kinds of activities that will be regulated or prohibited within the protected area;
- xiii. an estimate of the projected capital and recurrent costs of implementing the management plan and an analysis of funding strategies for defraying these expenses;
- xiv. a monitoring plan, including objectively verifiable indicators for the determination of the effectiveness of management strategies.
- xv. development of economic opportunities within and adjacent to the protected area;
- xvi. development of local management capacity and knowledge exchange;
- xvii. proposals and conditions for any co-management agreement for the protected area;
- xviii. financial and other support to ensure effective administration and implementation of any co-management agreement within the protected area; and
- xix. any other relevant matter.

Revision of Management Plan

12. (1) At least once in every ten years after the date on which a management plan is approved, it shall be reviewed and, if appropriate, the plan shall be revised accordingly by the Authority or Department or the competent body responsible for the protected area.

(2) The Authority or Department or competent body in reviewing a management plan may have regard to the following –

- i. the status of the biological and genetic diversity within the protected area;
- ii. an analysis of the socio-economic impact of the management plan on local human population;
- iii. an assessment of the existing boundaries of the protected area; and
- iv. an assessment of the measures to implement and enforce the management plan.

Public Consultations for Proposed Management Plans or Revised Management Plans for Protected Areas

13. (1) A Notice of the proposed management plan or revised management plan shall be published in the *Gazette* and in one newspaper with island wide circulation and announced on a radio station with island wide coverage for a period of at least three (3) consecutive days.

(2) The Notice of the proposed management plan or revised management plan referred to in subregulation (1) shall –

- i. request the public to submit written comments on the proposed management plan for the protected area or the proposed revision of an approved management plan for a protected area;
- ii. identify locations where relevant information (including such information which the Authority or Department or competent body believes would assist the public in developing a reasonable understanding of the actions being proposed by the Authority or Department or competent body) can be obtained or reviewed by the public;
- iii. advise of the duration of the public comment period which shall be no less than thirty (30) days; and
- iv. advise where public comments can be submitted.

(3) Notwithstanding subregulation (2), the Authority or Department or competent body shall as far as is reasonably possible, specifically invite governmental entities, non governmental organizations and persons who lawfully enjoys any right or interest within the protected area to submit in writing any comments on the proposed management plan for the protected area or the proposed revision of an approved management plan for a protected area.

(4) At the end of the written public comment period contemplated by subregulations (2) and (3) above, the Authority or Department or competent body may where there is sufficient public interest conduct a public hearing to receive any additional comments on the proposed management plan for the protected area or the proposed revision of an approved management plan for a protected area.

Approval of Management Plans or Revised Management Plans for Protected Areas

14. (1) After considering any comments on a proposed management plan for a protected area or the proposed revision of an approved management plan for a protected area pursuant to regulation 13 above, the Authority or Department shall submit to the Board or Chief Secretary the draft management plan for the protected area or the proposed revision of an approved management plan for a protected area.

(2) The Board or Chief Secretary shall advise the Minister of the draft management plan for the protected area or the proposed revision of an approved management plan for the protected area and its recommendations.

(3) The Minister after considering the draft management plan or the proposed revision of an approved management plan for a protected area and the recommendations of the Board or Chief Secretary shall approve the proposed management plan for the protected area or the proposed revision of an approved management plan for the protected area to be implemented and enforced by the Authority or Department or the competent body.

Draft Buffer Zone Management Plan

15. A draft buffer zone management plan prepared in accordance with Section 64(1) of the Act shall include but not be limited to the following –

- i. justification for establishment of the area and the category of protection proposed, including an evaluation of the advantages and disadvantages of establishing the buffer zone;
- ii. an analysis of the socio-economic impact of the establishment of the buffer zone on the local human population, in particular traditional users of the natural resources in the area proposed for the buffer zone;
- iii. a description of the factors determining the boundaries of the area proposed for the buffer zone;
- iv. recommendations with respect to any steps and compensatory measures that may need to be taken as a result of designation of the area as a protected area;
- v. a description of land ownership rights within the buffer zone;
- vi. summary of human activities if any, taking place within the buffer zone;
- vii. a legal description of the buffer zone giving particulars of the size and boundaries of the area, as shown wherever practicable on an accurate map or survey plan; and
- viii. a description of activities that would be managed in the buffer zone;

Public Consultations for Proposed Buffer Zone Management Plan

16. (1) A Notice of a Draft Buffer Zone Management Plan for the management of activities in a buffer zone established pursuant to Section 63 of the Act shall be published in the *Gazette* and in one newspaper with island wide circulation and announced on a radio station with island wide coverage for a period of at least three (3) consecutive days.

(2) The Notice of Draft Buffer Zone Management Plan referred to in subregulation (1) above shall –

- i. request the public to submit written comments on the proposed buffer zone management plan for the management of activities in the buffer zone;
- ii. identify locations where relevant information (including such information which the Authority or Department believes would assist the public in developing a reasonable understanding of the actions being proposed by the Authority or Department) can be obtained or reviewed by the public;
- iii. advise of the duration of the public comment period which shall not be less than thirty days; and
- iv. advise where public comments can be submitted.

(3) Notwithstanding subregulation (2), the Authority or Department shall as far as is reasonably possible, specifically invite any person who lawfully enjoys any right or interest within the buffer zone to submit in writing comments on the proposed buffer zone management plan.

(4) At the end of the written public comment period contemplated by subregulation (2) and (3), the Authority or Department may where there is sufficient public interest conduct a public hearing where it shall receive any additional comments on the proposed buffer zone management plan for the management of activities in a buffer zone.

Finalisation of Buffer Zone Management Plan

17. After considering any comments or representations received either during the written public comment period pursuant to regulation 16 above, the Authority or Department shall finalise the buffer zone management plan for the management of activities in the buffer zone.

Application for Protected Area Timber Harvest Permit

18. (1) An application for a Protected Area Timber Harvest Permit pursuant to Section 70(1) of the Act shall be completed in the form provided by the Authority or Department and submitted together with the prescribed fee.

(2). An application for a Protected Area Timber Harvest Permit shall include the following –

- i. the quantity and sizes of timber or forest produce to be harvested, hauled or transported;
- ii. the specific part of the protected area or unallocated Crown lands where the timber or forest produce is to be harvested, hauled or transported;
- iii. the purpose of the harvesting, hauling or transporting of the timber or forest produce; and
- iv. such other information as the Authority or Department may require.

(3) The Authority or Department may, during the determination of an application for a Protected Area Timber Harvest Permit request oral or additional written information from an applicant within a specified time.

Determination of Application for Protected Area Timber Harvest Permit

19. (1) The Authority or Department shall within 30 days of receipt of a completed application under regulation 18 above, grant with or without conditions or refuse to grant a Protected Area Timber Harvest Permit to the applicant.

(2) The Authority or Department shall specify in each Protected Area Timber Harvest Permit –

- i. the type, quantity and sizes of timber or forest produce to be harvested, hauled or transported;

- ii. the specific part of the protected area or unallocated Crown lands where the timber or forest produce is to be harvested, hauled or transported;
- iii. conditions to ensure that the permittee shall take all reasonable steps to avoid adverse environmental effects which could result from the harvesting, hauling or transport of timber or forest produce;
- iv. conditions for minimizing the adverse environmental effect where the avoidance is impractical;
- v. conditions for mitigating the effect of adverse environmental effect where the effect cannot be avoided;
- vi. terms for retention of records of all harvesting, hauling or transport of timber or forest produce; and
- vii. such other terms and conditions that may be deemed necessary.

(3) Unless previously revoked, varied or suspended by the Authority or Department, a Protected Area Timber Harvest Permit is effective until a fixed date specified in the Protected Area Timber Harvest Permit.

Protected Area Fire Permit

20. (1) An application for a Protected Area Fire Permit shall be completed in the form provided by the Chief Fire Officer and submitted to the Chief Fire Officer together with the prescribed fee.

(2) An application for a Protected Area Fire Permit shall include the following –

- i. the reason for the starting of the fire;
- ii. specific area where the fire will be started;
- iii. method by which the fire would be started;
- iv. a full description of the containment and extinguishing measures to be implemented as part of the fire control strategy; and
- v. such other information that the Chief Fire Officer may require.

(3) The Chief Fire Officer may, during the determination of an application for a Protected Area Fire Permit request oral or additional written information from an applicant within a specified time.

Determination of Application for Protected Area Fire Permit

21. (1) The Chief Fire Officer shall within 30 days of receipt of a completed application under regulation 20 above, grant with or without conditions or refuse to grant a Protected Area Fire Permit to the applicant.

(2) The Chief Fire Officer shall specify in each Protected Area Fire Permit –

- i. specific area where the fire will be started;
- ii. method by which the fire would be started;
- iii. containment and extinguishing measures to be implemented as part of the fire control strategy;
- iv. conditions to ensure that the permittee shall take all reasonable steps to avoid adverse environmental effects which could result from the fire starting activity;
- v. conditions for minimizing the adverse environmental effect where the avoidance is impractical;
- vi. conditions for mitigating the effect of adverse environmental effect where the effect cannot be avoided;
- vii. terms for retention of records of the fire starting activity; and
- viii. such other terms and conditions that may be deemed necessary.

(3) Unless previously revoked, varied or suspended by the Chief Fire Officer, a Protected Area Fire Permit is effective until a fixed date specified in the Protected Area Fire Permit.

(4) The Chief Fire Officer shall forward to the Authority or Department, a copy of every Protected Area Fire Permit issued or refusal to grant a Protected Area Fire Permit within seven days of such issuance or refusal.

Responsibilities of Permittee

22. (1) The permittee shall at all times properly act to achieve compliance with any permit and shall furnish the Director or Chief Fire Officer where appropriate, with any information which the Director or Chief Fire Officer considers necessary to determine whether cause exists for varying, suspending, revoking or renewing the permit or to determine compliance with any permit.

(2) The permittee shall furnish to the Director or Chief Fire Officer where appropriate, upon request, copies of records required to be kept by the permittee;

(3) The permittee shall report all instances of anticipated non-compliance to the Director or Chief Fire Officer where appropriate, and shall give reasonable notice of any activity which may result in non-compliance with the requirements of any permit.

(4) Where there has been non-compliance with the requirements of any permit, the permittee shall-

- i. report to the Director or Chief Fire Officer where appropriate, within forty-eight (48) hours of the time the permittee becomes aware of the circumstances of the non-compliance, the anticipated manner in which it may endanger health or the environment; and
- ii. within five (5) days submit to the Director or Chief Fire Officer where appropriate, a report containing a description of the non-compliance, its causes and the period of non-compliance including exact dates and time and the response of the permittee to the non-compliance.

(5) If the non-compliance in subregulation (4) has not been corrected, the permittee shall—

- i. submit a report to the Director or Chief Fire Officer where appropriate, indicating the anticipated duration it is expected to continue; and
- ii. state whether the permittee considers that the non-compliance was due to an emergency and the reasons for such a belief.

(6) The permittee shall allow an authorised officer or the Chief Fire Officer where appropriate, upon the presentation of identification, to —

- i. inspect at reasonable times any practices or operations regulated or required under any permit;
- ii. copy any records that must be kept under the conditions of any permit; and
- iii. monitor at reasonable times, for the purposes of ensuring compliance with any permit.

Requirement to act in a timely manner

23. Where the Authority or Department requires the information to be submitted under these Regulations, the applicant or permittee, where applicable, shall submit such information in a reasonable and timely manner.

Changes in Permitting Conditions

24. (1) A permittee shall, within twenty one (21) days of the following events, give the Authority or Department notice in writing of —

- i. a change affecting the accuracy of any particulars provided in an application for a permit; or
- ii. the cessation of the activity for which a permit has been issued.

(2) Where a permittee —

- i. dies;
- ii. becomes bankrupt;
- iii. transfers ownership;
- iv. goes into liquidation or receivership; or
- v. becomes a party to an amalgamation,

that person or the person responsible for his or her affairs shall, within twenty one (21) days of the event, give the Authority or Department notice in writing thereof.

Variation of Permit

25. (1) The Director or Chief Fire Officer may –

- i. on his or her own initiative vary the conditions of a permit; or
- ii. on the application of the permittee vary the conditions of a permit.

(2) The Director or Chief Fire Officer may vary a permit under sub regulation (1)(i) –

- i. where it appears to the Authority or Department that a situation specified in regulation 24 has occurred; or
- ii. where it appears to the Authority or Department that an emergency has occurred; or
- iii. where it appears to the Authority or Department that any other change, situation or activity relating to the use of the permit has occurred that is not consistent with these Regulations.

Issuance of Amended Permit

26. (1) Where the Director or Chief Fire Officer varies a permit pursuant to regulation 25 (1)(i), it shall issue an amended permit within thirty (30) days of its decision to vary the permit.

(2) Where the Authority or Department receives an application under regulation 25 (1)(ii) for a variation of a permit, the Director or Chief Fire Officer shall, within thirty (30) days of receipt of the completed application and payment of the prescribed fee issue to the applicant an amended permit or refuse to grant a variation.

Transfer of Permit

27. (1) No permit is assignable or transferable to any person without the written consent of the-Director or Chief Fire Officer.

(2) The Director or Chief Fire Officer may, on the application of a permittee, transfer a permit to another person.

(3) An application for a transfer of a permit shall be in accordance with the form, as determined by the Authority or Department, and be submitted together with the prescribed fee.

(4) An application for a transfer shall contain –

- i. the name and address of the proposed transferee;
- ii. the signatures of the proposed transferee and the applicant; and
- iii. the original copy of the permit to be transferred

(5) Where the Director or Chief Fire Officer approves an application under subregulation (2), the Director or Chief Fire Officer shall-

- i. endorse the transfer on the permit submitted under subregulation (4);
- ii. substitute the name of the applicant on the permit for that of the transferee; and
- iii. endorse the date on which the application was approved.

Renewal of Permit

28. (1) Where a permittee desires to continue an activity beyond the expiration of a Permit, the permittee shall submit an application for the renewal of the Permit to the Authority or Department in accordance with the form provided by the Authority or Department, together with the prescribed fee.

(2) An application for renewal of a Permit shall be made at least thirty (30) days before the expiration of the Permit.

(3) The Director or Chief Fire Officer may, during the determination of an application for the renewal of a Permit request oral or additional written information from an applicant within a specified time.

(4) The Director or Chief Fire Officer shall within thirty (30) days of receipt of a completed application under subregulations (2) and (3) above, grant with or without conditions or refuse to grant a renewed permit to the applicant.

(5) Where a permittee has submitted an application for the renewal of a Permit pursuant to sub regulations (1) and (2), the Permit shall continue in force until the determination of the application to renew the Protected Area Fire Permit pursuant to subregulation (4).

(6) Unless previously revoked, varied or suspended by the Director or Chief Fire Officer, a renewed I Permit is effective until a fixed date specified in the renewed Permit.

(7) A person whose permit has been renewed shall be required to pay the prescribed fee.

Revocation of Permit

29. (1) The Director or Chief Fire Officer may revoke a permit if it appears to the Director or Chief Fire Officer that –

- i. the continuation of the activity authorised by the permit would cause serious harm to the environment or serious harm to human health that cannot be avoided by varying the conditions of the permit;
- ii. the permittee has made a misrepresentation or wilful omission in obtaining the permit or in any report submitted to the Authority or Department;

- iii. the permittee has violated any fundamental condition of the permit; or
- iv. there has been a change in circumstances relating to the permit that requires a revocation of the permit.

Suspension of Permit

30. (1) The Director or Chief Fire Officer may suspend a permit if it appears to the Director or Chief Fire Officer that –

- i. the permittee has violated any condition in the permit; or
- ii. there has been a change in circumstances relating to the permit that requires a temporary cessation of the activity for which a permit has been granted.

(2) A permit suspended under subregulation (1) shall be of no effect to authorise the activity allowed in the permit.

(3) Where a permit is suspended under subregulation (1), the Director or Chief Fire Officer, in suspending it or at any time while it is suspended, may require the permittee to take such measures as it deems necessary.

Procedure for the Revocation, Suspension and Variation of a Permit and Rejection of Claims

31.(1) The Director or Chief Fire Officer shall not revoke, suspend or vary a permit or reject a claim under regulations 35 unless he or she has –

- i. given written notice to the permittee or applicant that it intends to do so;
- ii. specified in the notice the reasons for its intention to do so;
- iii. given the permittee or applicant a reasonable opportunity to make submissions in relation to the revocation, suspension, variation or rejection; and
- iv. taken into consideration any submissions made by the permittee or applicant.

(2) Notwithstanding subregulation (1) above, the Authority or Department may suspend a permit in cases of national emergency or in the public interest or where the continuation of the activity authorised by the permit during the period of suspension would cause serious harm to the environment or serious harm to human health.

Notification of Decisions of the Authority or Department

32. The Authority or Department shall, by written notice, inform the applicant or the permittee, as the case may be, of the following decisions in relation to a permit or an application made under regulation 35 –

- i. refusal of a grant of a Protected Area Timber Harvest Permit under regulation 19;
- ii. issue of a Protected Area Timber Harvest Permit with conditions under regulation 19;

- iii. refusal of a grant of a Protected Area Fire Permit under regulation 21;
- iv. issue of a Protected Fire Permit with conditions under regulation 21;
- v. variation of any permit under regulation 25(1);
- vi. issuance or refusal to issue an amended permit under regulation 26(2)
- vii. refusal of an application for a transfer of a permit under regulation 27;
- viii. issue of a renewed permit with conditions under regulation 28;
- ix. refusal of an application for a renewal of a permit under regulation 28;
- x. a revocation of a permit under regulation 29;
- xi. a suspension of a permit under regulation 30; or
- xii. a rejection of a claim under regulation 35.

Appeals to the Environmental Commission

33. A decision of the Authority or Department mentioned in regulation 32 is subject to appeal to the Environmental Commission.

Protected Areas and Fires Register

34. (1) The Authority or Department shall establish and maintain a Protected Areas and Fires Register which shall be in any form and be part of the NBIS established pursuant to section 35(1) of the Act.

(2) The Protected Areas and Fires Register shall be open to the public for inspection at the Authority or Department's principal office during working hours.

(3) Subject to regulation 35, the Protected Areas and Fires Register shall contain particulars of, or relating to –

- i. every application for a permit and relevant information forming part of the application;
- ii. a refusal of a grant of a permit;
- iii. issue of a permit with conditions;
- iv. a variation of a permit under regulation 25;
- v. issuance or refusal to issue an amended permit under regulation 26(2)
- vi. refusal of an application for a transfer of a permit under regulation 27(2);
- vii. refusal of an application for a renewal of a permit under regulation 28(4);
- viii. a revocation of a permit under regulation 29;
- ix. a suspension of a permit under regulation 30;
- x. a rejection of a claim under regulation 35;
- xi. proposal for designated area under regulation 3;
- xii. copies of the Third Schedule to the Act as amended from time to time under regulation 5;
- xiii. copies of management plans approved under regulation 14;
- xiv. copies of management plans revised under regulation 14;
- xv. copies of Notices of designation of a temporary protected area under regulation 10;
- xvi. copies of final buffer zone management plan under regulation 17;

- xvii. inspection and monitoring reports, notices, administrative orders, administrative civil assessments, appeals, applications, civil actions, claims, and applications for enforcements issued or made pursuant to the Act and these Regulations; and
- xviii. any other information considered by the Authority or Department as necessary to be placed in the public domain.

(4) An extract from the Protected Areas Fires Register shall be supplied at the request of any person on payment of the prescribed fee.

Trade secrets and confidential business information

35. (1) An applicant, upon payment of the prescribed fee, may assert a claim in accordance with the form as determined by the Authority or Department, that any of the information supplied to the Authority or Department under these Regulations is a trade secret or confidential business information and that it be omitted from the Protected Areas and Fires Register.

(2) The Director or Chief Fire Officer may reject the claim for the reason -

- i. that the applicant has not disclosed the basis for the claim;
- ii. that the basis thereof is invalid; or
- iii. that the public interest in disclosing the information clearly outweighs any prejudice to the applicant.

(3) The Director or Chief Fire Officer shall omit the information from the Protected Areas and Fires Register where -

- i. the Authority or Department does not contest the claim; or
- ii. the Authority or Department rejects the claim under subregulation (2) but the claim is upheld on an appeal pursuant to regulation 33 above.

Offences

36. It shall be an offence for any person to contravene the provisions of these Regulations, or any permit, management plan or buffer zone management plan.