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Dominican Republic National Parks and Protected Areas - Navigation Restricted or Prohibited

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There are certain areas in the waters surrounding Dominican national parks and protected areas where navigation is either restricted or prohibited. These areas were designated by Dominican laws for the protection of the environment no.s 64-00 and 202-04. Although the areas are clearly defined by law, and in particular in law 202-04 (see link below*) where exact coordinates of the areas are detailed by latitude and longitude and/or UTM, they are not marked on the relevant navigational charts as areas of restricted or prohibited navigation. On some charts and pilot books which pre-date the demarcation the areas are, in fact, marked and recommended as designated anchorages. This probably accounts for the fact that several vessels have infringed these laws in recent years. Despite applications to the maritime authorities of the Dominican Republic such publications have not been amended nor have appropriate notifications to mariners been issued.

In the first weekend of February 2011 there was another incident of intrusion by a vessel into a protected offshore area, this time the Marine Mammals Sanctuary in the area of the Samana Peninsular off the north east coast of the Dominican Republic, which has resulted in the vessel's owners and their local agents of a fully loaded MR tanker being sanctioned by the Dominican Ministry of the Environment and Natural Resources with an administrative fine of RD\$10,000,000 (US\$265,000 approx.) for anchoring within a restricted area. The fine, roughly 60% of the maximum scale, was imposed despite the vessel seeking refuge to undertake repairs, being in distress following a breakdown of the main engine and auxiliaries on the high seas.

Environment laws no.s 64-00 and 202-04 empower the Ministry of the Environment and Natural Resources (MIMARENA) and the Office of the Prosecutor General for the Defence of the Environment respectively, to impose fines ranging between the equivalent of 500 - 3,000 minimum monthly salaries (in the case of the Ministry) and from 1,000 - 10,000 minimum monthly salaries (in respect of the Prosecutor General) for infringements of these laws. The civil processes and sanctions of the Ministry and the penal processes of the Prosecutor General are defined by law no. 202-04 as being totally independent and unrelated to each other; technically, therefore, the same violation can lead to separate actions up to a maximum aggregate of the equivalent of 13,000 minimum monthly salaries imposed on the owners and Master collectively or individually.

Representations are again being made to the Dominican authorities on this issue. In the interim, owners and operators of vessels bound for the Dominican Republic should ensure that their Masters are aware of the restricted/prohibited areas.

*The full text versions of laws no. 64-00 and 202-04 (in Spanish) can be found at :

www.disaster-info.net/socios_sp.htm

www.ambiente.gob.do/cms/archivos/legislacion/ley202-04.pdf

Source: SCHAD Expertise