

**ANNEX A - Revised**  
**REPORTING FORMAT FOR EXEMPTIONS UNDER ARTICLE 11(2)**

**SECTION RESERVED FOR THE ADMINISTRATION**

Application No :  
Date of receipt:  
Name of the reviewer :  
Date of review by the STAC:  
~~Recommendation made by the STAC: [Assessment of Pertinence by the STAC]~~  
Date of review by the COP:  
~~Decision of the COP on pertinence of exemption: [Decision of the COP to note STAC Assessment of Pertinence]~~

**I. CONTRACTING PARTY \***

Contracting Party: Government of Curaçao  
Contact Person: Yair Stokkermans  
Title: Advisor  
Department: Implementing organization Environment and Nature, Ministry of Health Environment and Nature  
Contact address: Roodeweg 49, Otrobanda, Curaçao  
Email: yair.stokkermans@gobiernu.cw Phone number: +599 9 4325837

*\* In the case of a common activity undertaken by a number of Parties in cooperation, a joint exemption report may be submitted, but assessment of the pertinence of an exemption is done on a Party-by-Party basis.*

**II. DESCRIPTION AND JUSTIFICATION OF THE PROHIBITED ACTIVITY\***

*\* If the space provided is insufficient, please add continuation sheets throughout this report to provide the details necessary for a STAC review*

**A. Description of the activity:**

★Has the exemption already been granted by the Contracting Party?  Yes  No

★Has the activity started?  Yes  No

★General description of the activity :

IHDG Holding B.V. is building a hotel adjacent to an existing beach. In the past different hotel was located on the same location but was in ruins for many years. The current developer wishes to build a new hotel and restore the beach which has been partially eroded. In order to protect the beach, the developer wishes to place a revetment along part of the beach and breakwaters along the coast. To this end they consulted several engineering firms and environmental consultants. The submitted design will unfortunately still impact corals, including several SPAW-species. Considering the positive economic benefits of this project for Curaçao and the relatively small amount of impacted SPAW species the Government of Curaçao wishes to consider allowing a replacement project for the SPAW-corals to take place which requires an exemption.

★Place and full address of activity (Attach map if necessary): [See attached maps](#)

.....

★Commencement date:  
[To be determined](#)

.....

★Termination Date/or On-going:  
[To be determined](#)

.....

★Name, affiliation and qualification of the personnel (governmental and non-governmental) responsible and involved in the activity :

Name	Experience	Affiliation (name, address)
IHDG Holding B.V.	Hotel developer	

★Identification of the Government department responsible for oversight of the activity – Reference the domestic legal authority under which the exemption is granted:

Ministry of Health, Environment and Nature  
 Inspectorate of Environment and Nature

The exemption is to be granted under the Reef Management Ordinance (publication year 2017, number 77) by the Minister of Health, Environment and Nature.

★ Request for exemption to the protection of species of flora listed in Annex I of the Protocol for:

- picking
- collecting
- cutting
- uprooting
- possession of, or commercial trade in such species, their seeds, parts or products

★ Request for exemption to the protection of species of fauna listed in Annex II for :

- the taking of the species, their eggs, parts or products
- possession of the species, their eggs, parts or products
- killing (including, to the extent possible, the incidental taking\*, possession or killing)
- commercial trade of the species, their eggs, parts or products.

*\*Incidental take includes killing or destruction as an unintentional by-product of any kind of action, including fisheries, construction activities, recreational activities, mining, hydrological works, etc.*

★ The disturbance of the species, during periods of :

- breeding
- incubation
- estivation
- migration
- other periods of biological stress (please precise)

**B. Justification for the exemption** (check all the appropriate boxes; provide details on separate sheets if necessary)

- Scientific purposes
- Educational purposes
- Management purposes

★ Explain why the prohibited activity is necessary to ensure the survival of the impacted species or to prevent significant damage to forests or crops, and why it will not jeopardize any impacted species :

Besides the risk of losing several SPAW-species the Government of Curaçao realizes that the project also includes several benefits for the marine environment including new growing areas for corals and less erosion from land to sea which is beneficial for the main area with higher coral density south of the projected breakwaters and underwater structures.

★ List the equipment and explain the methodology used for your activity (include substantive information as attachments or as hyperlinks). Consider that any methodology should conform to international best practices, which should be specified:

The methodology for the replacement project has not yet been developed and will be described in a Reef Exemption permit to be provided to the competent organization entrusted with the project.

**III. DESCRIPTION OF THE SPECIES IMPACTED BY THE EXEMPTION**

(Please provide separate answers to the questions in this section for each listed species; use additional sheets if necessary):

★ SPAW listed species impacted by the exemption:

Species (Common name, Latin name)	Quantity harvested (if applicable)	Description of the species, specimen, individuals <sup>1</sup>
Elkhorn coral, <i>Acropora palamta</i> (2x)		
Boulder star coral, <i>Orbicella annularis</i> (6x)		

<sup>1</sup> Any specific characteristics such as sex, age, etc. ...



*\*Please give a detailed description of the current conservation status of the species subject to the prohibited activity (such information could include international and national status, management program, domestic legislation relating to the conservation of the species, nature of legal protection for the affected species, recovery plans for species, technical publications relevant to the species):*

Both coral species (*Arcopora palmata* and *Orbicella annularis*) are protected under the Nature Management and Protection ordinance. An exemption can only be provided after the STAC has been consulted and they advise positively on the project.

There is currently no national management programme regarding the conservation of these species other than regular policies relating to protecting the marine environment. These policies and regulations relate to fishing (gear restrictions), fishing of certain marine organisms and designated marine parks.

There is a great deal of literature available on the state of coral species (including the SPAW-species mentioned above) on Curaçao.

#### IV. DESCRIPTION OF THE IMPACTS AND MITIGATION MEASURES

*\* Tick the box that applies to your situation concerning the principal threats to the subject species due to the prohibited activity :*

- impacts on population size
- distribution (including number of sub-populations) and fragmentation
- cumulative impacts
- impacts on the quantity and quality of suitable habitats available for the species
- other threats to the species in the short- and long-term
- impacts on other species as a consequence of the prohibited activity

*\* Explain why the prohibited activity will not jeopardize the species or, if relevant, other listed species.*

As part of the beach construction a low-crested revetment will be installed along de coast that will separate parts of the coast from the sea and limit sedimentation into the sea. Furthermore, underwater breakwaters will also be included which form a barrier for dispersion of sedimentation into the sea and provide habitat for additional coral growth.

*\*In the case of species or populations of a species migrating between two (or more) countries, the survival of the populations should be assessed separately for each country if the species resides in or migrates through and jointly for all countries the species resides in or migrates through.*

✧ *Does the activity require a separate exemption by another Party, and if so which one?*

The construction of a breakwater also requires a permit from the Ministry of Traffic, Transport and Spatial Planning on the basis van de Maritime Management Ordinance.

✧ *Has an Environmental Impact Assessment (EIA) or equivalent process been completed? If so, please attach the EIS or other impact studies*

Several environmental studies done which are attached to this petition. They include:

- CBCL; Coastal Engineering Study DRAFT; Groot Santa Martha Beach Development Curaçao; 24th of December 2020; Reference: 201151.00
- IMDC; Santa Martha Coral Cliff Beach Development, Curaçao – Breakwater and beach design; 07 July 2023; version 2.0.
- EcoVision N.V.; Koraleen kwadrantenonderzoek Santa Martha; 20 juni 2022; P21/ECO 690
- Internal government memo for the ministry of Traffic, Transport and Spatial Planning.

✧ *Describe the mitigation measures designed to limit or counteract any deleterious effects (provide a list and supporting documentation, such as guidelines, policies, reports, videos/photographs etc. as attachments or hyperlinks)*

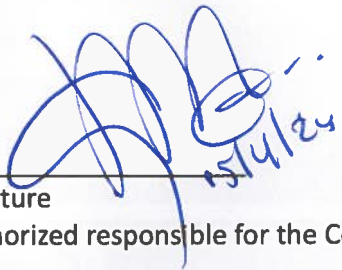
Several mitigation measures include washing boulders on land prior to placing them into the sea. Also the boulders will be placed one by one. Monitoring of the TSS in the ocean during the project will also be required using the norms stated in the Cartagena convention as a guideline.

✧ *Please give a detailed explanation of the monitoring or evaluation protocols that will be used to assess the effect of the activity on species populations, including changes in range, numbers, or reproductive success (include as attachments or hyperlinks)*

The developer will be required to monitor the possibly impacted corals. Specifically, corals that are replaced if the project is approved.

★Additional remarks

None

  
15/4/24

Signature  
(Authorized responsible for the Contracting Party)

15/4/24  
Date

