

## RESOLUTION NUMBER (210 OF MARCH 21<sup>st</sup>) OF 2024

**"Whereby the installation, anchoring and entry of new naval artifacts is prohibited in the areas of the Integrated Management District of the Archipelago Department of SanAndres, Providence and Saint Kethleena".**

The undersigned GENERAL DIRECTOR (ad-hoc) of the CORPORATION FOR SUSTAINABLE DEVELOPMENT OF THE ARCHIPELAGO OF SAN ANDRES, PROVIDENCE AND SAINT KETHLEENA -CORALINA-, in exercise of its legal and regulatory powers and,

### CONSIDERING

That the Corporation for the Sustainable Development of the Archipelago of San Andrés, Providence and Saint Kethleena –CORALINA is a public entity of the national order created by Law 99 of 1993, whose environmental jurisdiction is the entire Archipelago Department of San Andres, Providence and Saint Kethleena, which in its approximately 18 million hectares (Ha), includes shallow and deep zones, not only in the three main islands (San Andrés, Providence and Saint Kethleena), but also in the atolls, cays, banks and shoals in areas such as Bolívar, Albuquerque, Quitasueño, Serrana, Roncador, Serranilla, Bajo Alicia and Bajo Nuevo and a large number of deep areas that include fishing banks, shoals, depressions, hills and underwater mountains, among other formations (except the area that corresponds to the Mc Bean Lagoon National Park on Providence Island.

That this archipelago is characterized by its great biodiversity and the presence of important strategic marine and coastal ecosystems, which are of great importance worldwide, and which together provide a number of ecosystem services such as food, coastal protection and recreation (Conservation International 2008; Burke et al., 2008). Approximately 77% of Colombia's shallow coral areas are found there (INVEMAR 2005, 2009; CORALINA-INVEMAR 2012), the third largest coral reef in the world, in addition to mangrove ecosystems, seagrass meadows, sandy bottoms, beaches, tropical dry forest, key species, great richness and diversity of fish, corals, sponges, gorgonians, macro-algae, conches, lobsters, birds, reptiles, insects, among others, and confirmed deep ecosystems, which have even provided new records of deep corals for Colombia and are still in the process of research and mapping.

That in compliance with the provisions of Paragraph 2 of Article 37 of Law 99 of 1993, which established that "the Archipelago of San Andres, Providence and Saint Kethleena is constituted as a biosphere reserve. The Directive Board of CORALINA shall coordinate actions at the national and international level to comply with this disposition", and multiple actions were carried out to achieve international recognition of the great biological, ecological, social and cultural importance of this Archipelago, both for the country as for the Greater Caribbean. As a result, the Archipelago Department of San Andres, Providence and Saint Kethleena, was declared a Biosphere Reserve by UNESCO's Man and the Biosphere Program (MAB) on November 10, 2000, with the objective of implementing actions that contribute to

generate processes that create favorable conditions, and so that social and economic development is supported by the sustainability of ecosystems and natural resources.

Additionally, CORALINA, since 2001 and 2007 respectively, manages three Regional Natural Parks (which belong to the National System of Protected Areas of Colombia - SINAP), which are examples of financial sustainability and management for other protected areas in the country such as the RNP Johnny Cay:

- JOHNNY CAY REGIONAL PARK" which in addition to landscape, there are several marine and coastal ecosystems of great importance such as sandy beaches, sandy bottoms, reef patches, coral reefs and a terrestrial area with a diversity of vegetation and fauna with multiple permitted and prohibited uses, within the areas of preservation, restoration, and general high-density public use and recreation.
- OLD POINT REGIONAL MANGROVE PARK" in which the mangrove ecosystem predominates, which is the largest in the Archipelago Department, in addition to the great richness and diversity of associated flora and fauna, including fish, birds, crustaceans, mollusks and reptiles, among others, and which recently has an ecological trail, which opens the possibilities for nature tourism.
- THE PEAK REGIONAL PARK, which contains the highest mountain peak of the Archipelago Department, located on the island of Providence and in which the tropical dry forest ecosystem predominates, which is an important source of water resources of this populated island, in addition to great biodiversity of associated flora and fauna.

That consistent with the above, the then Ministry of Environment, Housing and Territorial Development through Resolution No. 0107 of 2005 declared within the Archipelago, the Seaflower Marine Protected Area, which for 17 years was the largest Protected Area in the country with an area of 6.5 million hectares in which the development of sustainable activities over time, equitable and profitable from the social, ecological and economic point of view is allowed, guaranteeing joint and coordinated work between local communities, government entities, conservation organizations, scientists, civil associations, cultural groups, private companies and others interested in the management and sustainable development of the Archipelago. This MPA was internally delimited and its general regulation of uses was established, regulated by permitted and prohibited activities (Agreements 021 and 025 of 2005 of the Directive Board of CORALINA, updated by Agreement of the Directive Board of CORALINA No. 002 of 2019), for each one of its zones (North, Center and South).

That currently the Seaflower MPA as a protected area of the national order, was approved and re-categorized before the single national registry of PA of Colombia - RUNAP as "Integrated Management District of the Marine Protected Area of the Seaflower Biosphere Reserve", by Resolution of the Ministry of Environment and Sustainable Development No. 977 of 2014, and is part of the PAs of the National System of Protected Areas of Colombia -SINAP, becoming the largest PA in Colombia for 17 years (currently it is the second largest).

That due to its functions and it is the responsibility of the CORALINA Corporation, to ensure its environmental protection and take the necessary measures for the sustainable development of the environment in the island territory/maritory.

That based on the above, this Marine Protected Area was in turn delimited internally and through social mapping developed with the community, authorities and academy between 2000 and 2005, and with this was established in concert with the community, zoning and regulation of uses, which were formally adopted through the Agreements No. 021 and 025 of 2005 of CORALINA Directive Board, (updated in 2019 through Agreement No. 002 of 2019 of CORALINA Directive Board), for each of its zones (North, Center and South). Thus there are permitted and prohibited activities for each of the internal zones. Based on the above, the Fisheries Authority of the Department issued at the time, regulations related to fishing areas, both in 2005 and 2019, respectively. That Agreement 002 of 2019 “By which Agreement 021 of 2005 issued by Coralina Directive Board related to the Integrated Management District of the Marine Protected Area of the Seaflower Biosphere Reserve is modified, and other provisions are dictated”, Its purpose is the conservation of representative samples of marine-coastal biodiversity, of the basic ecological processes that support the environmental offer of the archipelago and of the social and cultural values of its population, proposing in turn, the integration of the national and regional levels within the Seaflower Biosphere Reserve.

That the “Integrated Management District of the Marine Protected Area of the Seaflower Biosphere Reserve” among its specific objectives seeks to guarantee the long-term preservation and conservation of ecosystems and their ecosystem services, of ecological processes and the biodiversity.

That by virtue of the principles of environmental precaution and prevention, which should guide the administration and management of the “Integrated Management District of the Marine Protected Area of the Seaflower Biosphere Reserve”, environmental authorities and individuals, when there is a danger of harm serious and irreversible, the lack of scientific certainty should not be used as a reason to postpone the adoption of effective measures to prevent environmental degradation. In this sense, the precautionary principle and the prevention principle are called to operate before damage is caused and before there is absolute certainty about its occurrence, without the requirement to prove that the activity to be performed is going to cause damage, the configuration of the elements that allow having the virtuality to cause it is enough to perform the precautionary administrative intervention.

That, for its part, the principle of prevention seeks that the State's actions are aimed at avoiding or minimizing environmental damage, requiring regulatory, administrative or other types of actions and measures, which are undertaken at an early stage, before the damage occurs or worsens. The application of the principle of prevention is fundamental to environmental protection in order to avoid environmental damage and achieve sustainable development.

That in the case of damages or risks, in which it is possible to know the consequences derived from the development of a certain project, work or activity, so that the

competent authority can make decisions before the risk or damage occurs, in order to To reduce its repercussions or avoid them, the principle of prevention operates, which is materialized in legal mechanisms such as the evaluation of the environmental impact or the processing and issuance of prior authorizations, presupposed knowledge is the possibility of knowing in beforehand the environmental damage and acting , in accordance with that advance knowledge, in favor of the environment<sup>1</sup>.

That in accordance with Article 28 of the Agreement 002 of 2019 of Coralina, establishes the Zones of Special Use of Tourist Beaches and/or Recreation, and in literal d) establishes that the Zone SSE11 White Watwer, corresponds to the area included in the cartographic polygon represented in the annexed map which is an integral part of the agreement -Annex 20.

That “White Watta” is part of the submerged marine protected area located in the inner bay on the island of San Andres, whose references on land can locate it in front of the Sunrise Beach hotel, but also diagonal to the Departmental Pier and Cotton Cay. It is an area that, due to its crystalline waters, shallow depth and tranquility, has become a place for excursions, in an area adjacent to the navigable channel, which borders the SSE13 Zone intended for Nautical Sports Bay of San Andres ( see in yellow on the map), as well as adjacent to areas of special protection, conservation, restoration and protection of species, habitats and ecological processes, in which productive activities must be regulated to guarantee the sustainable development of the Seaflower Biosphere Reserve, such as SSP6 preservation zones: Porites porites Patch (see in red on the map); and surrounded by the SSC1 Conservation Zone: Northwest Sector and San Andres Bay.

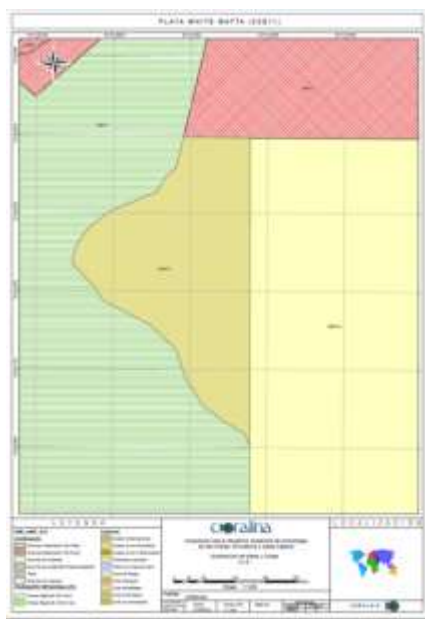


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That, according to the General Maritime Directorate, a naval artifact is any floating construction that lacks its own propulsion and that operates in the marine or river environment.

That in the SSE11 White Watta Zone, they currently processed and have environmental permit/viability to operate two (2) naval artifacts, which offer beverage and music services and are of considerable size, which usually add dozens or even hundreds of vessels in the areas surrounding them, in search of their services, and given the space where this type of activities is allowed is limited (11.7 Ha), and the behaviors of some users (despite some measures taken by those who provide the services), generate falling to the seabed of glasses and other utensils used by these artifacts to provide their services, added to the misuse of single-use plastics that still persist, and shortcomings in terms of the lack and/or malfunction of bathrooms and wastewater , which can generate negative impacts on surrounding ecosystems.

In addition to the above, the increase in nautical flow and its concentrations at specific points such as White Water, have generated, for example, specific events of accumulation of oily substances in the sea, coming from the use of engines that run on fossil fuel and oils, added to the generations of solid waste thrown into the sea.

For its part, CORALINA, in various meetings with all the Authorities of the Archipelago Department, has highlighted the need to have a study of nautical load capacity, which allows for support for decision-making, such as the control and effective management of various issues that, although legal, are growing exponentially, as in the case of the number of pontoons, boats, jetskis and more recently naval artifacts, which directly or indirectly generate impacts on marine ecosystems.

Likewise, there are also known of some nautical incidents under the jurisdiction of DIMAR / ARMADA due to issues associated with high speed and accidents with people in the area and of cases of violence and disruption of public order, under the jurisdiction of the Government of the Department, Police and/or o Coast Guard, which have warranted the intervention of the authorities, even with complaints filed by the community for high volume of music at night (audible at high levels from the coast), which directly affects the biodiversity associated with the submerged and emerged marine ecosystems and the enjoyment of the healthy environment of people, within a marine protected area under the jurisdiction and administration of CORALINA, therefore preventive measures are needed.

In addition to the above, marine pollution has become, in recent years, one of the problems of greatest attention in this marine area of the territory, not only because it has an impact on the fauna and flora of marine ecosystems, but also because of the impacts regarding maritime safety. 80 percent of all pollution in the bay appears to come from the activities and intrusion of ships and naval artifacts, generating runoff of oily waters, and mostly plastic waste, cigarette butts, plastic bottles, plastic bottle caps and food wrappers. This in turn exposes the frailties of waste management systems and the need to strengthen them. In that sense, and as alarming as it is, if current consumption and production patterns continue, it will increase the problem in the area under study.

On the other hand, it is worth remembering that through Decree 2192 of 2023, the Ministry of Environment and Sustainable Development regulated the measures aimed at reducing the production and consumption of single-use plastics in the national territory, in accordance with the provisions in articles 12, 16 and 34 of Law 2232 of 2022.

With the signing of decree 2192 of 2023, "By which Decree 1076 of 2015, the Unique Regulation of the Environment and Sustainable Development Sector, in development of the provisions of Law 2232 of 2022, which establishes measures aimed at the gradual reduction of the production and consumption of certain single-use plastic products and other provisions are issued" begins the prohibition of the entry of single-use plastics into the areas of the National System of Protected Areas, Regional System of Protected Areas and Wetlands of International Importance (RAMSAR), heath ecosystems, Sensitive Marine Ecosystems and Biosphere Reserves.

In this sense, in consideration of the principle of precaution and prevention, the environmental authority recommends that it is necessary to prohibit the installation, anchoring and entry of new naval devices in the areas of the Integrated Management District as long as a nautical load capacity is established for the SSE11 White Watta Zone and the strengthening of the integral management of PGIRS solid waste in the Department is achieved in order to avoid possible damage and/or environmental risks derived from excess load in the area, contamination, degradation and/or displacement of the areas of seagrasses and/or surrounding corals, and impacts on the fauna and flora of the marine ecosystem, among others.

That in this sense, the new GEF project called "Mainstreaming biodiversity conservation in the tourism sector of the protected areas and strategic ecosystems of San Andres, Old Providence, and Santa Catalina islands" which has as Allies Conservation International (CI); WWF; CORALINA; Minambiente; Government. Its Objective: to incorporate the conservation of biodiversity and green recovery in the tourism sector to maintain the health of the ecosystem and the environmental goods and services provided by the Seaflower Marine Protected Area, has as one of its products: obtain a study Carrying capacity and limits of evaluations of acceptable changes and analysis of spatial use of threatened ecosystems within protected areas, for the design of environmental management measures to implement in the tourism sector.

With the above described, it is clear that one of the areas of interest for the development of Nautical load capacity studies is precisely the sector known as "White Water". This GEF project has advanced in terms of its approval phase, for which the formulation phase was previously completed, and progress is currently being made with the establishment of the project's technical team and the signing of the agreements between the allies. The project execution time is 3.5 years. We are currently in the first year phase of the project..

## II. LEGAL FOUNDATIONS

That Articles 79 and 80 of the Political Constitution of Colombia enshrine the duty of the State to protect the diversity and integrity of the environment, to conserve areas of special ecological importance, planning the management and use of natural resources with a view to ensuring their sustainable development, conservation, restoration or replacement, while giving it the obligation to prevent and control environmental degradation factors and to impose appropriate sanctions.

That Article 8 of the Political Constitution establishes the obligation of the State and the people to protect the cultural and natural wealth of the nation.

That Article 23 of Law 99 of 1993, assigns to the Regional Corporations the function of administering, within the area of their jurisdiction, the environment and renewable natural resources and to promote their sustainable development, in accordance with the legal provisions and the policies of the Ministry of Environment and Sustainable Development.

That article 37 of Law 99 of 1993 provided for the creation of the National Environmental System, and established that the Corporation for the Sustainable Development of the Archipelago of San Andres, Providence and Saint Kethleena, is a Regional Autonomous Corporation that, in addition to its administrative functions, carries out activities to promote scientific research and technology transfer. Empowering it to direct the regional planning process for the use of land and sea resources with the purpose of mitigating or deactivating pressures of inadequate exploitation of natural resources, as well as promoting the integration of the community and its ancestral methods of exploiting nature into the process of conservation, protection and sustainable use of renewable natural resources and the environment.

That through Agreement 002 of 2019 "By which Agreement 021 of 2005 issued by the Directive Board of Coralina related to the Integrated Management District of the Marine Protected Area of the Seaflower Biosphere Reserve is modified, and other provisions are dictated" , the Corporation for the Sustainable Development of the San Andres Archipelago, Providence and Saint Kethleena, seeks to continue advancing with the effective management of the Marine Protected Area of the Seaflower Biosphere Reserve.

The General Director (Ad Hoc) of the Corporation for the Sustainable Development of the Archipelago of San Andres, Providence and Saint Kethleena -CORALINA-, in use of its legal and regulatory powers, especially those conferred by Law 99 of 1993, the Agreement number 010 of 2019 and other concordant regulations and in merit of the above,

### RESOLVES

**ARTICLE 1.** Based on what was previously described, and in coherence with the principles of Precaution and Prevention, it is considered necessary to prohibit all installation activities, anchoring and entry of new naval artifacts into the areas of the Integrated Management District, of new naval artifacts in the SSE11 White Watta Zone of the Department Archipelago of San Andrés until the carrying capacity for the SSE11 Zone is established.

**PARAGRAPH.** Exceptions from this measure are environmental permits and/or viability granted prior to the issuance of this Administrative Act, which shall continue to be subject to constant monitoring by all authorities within the framework of their competences.

**ARTICLE 2.** Requests for new authorizations for the installation, anchoring and entry and operation of naval devices that are not framed within the exceptions provided for in this Administrative Act, will be returned to the interested parties, who may file their request again, once the measures adopted through this provision are lifted.

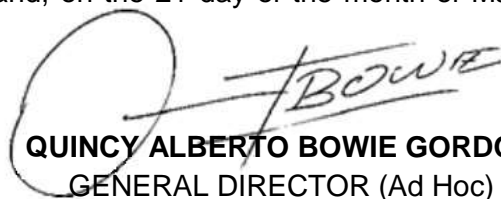
**ARTICLE 3.** The Control and Surveillance personnel of the Corporation, with the support of the Seas and Coasts team, must carry out the relevant follow-ups and monitoring in order to detect any fact or situation related to the illegal use and/or exploitation of the Marine Protected Area in order to adopt the corresponding measures and will go to the other authorities if necessary, so that they act within the framework of their duties and competences.

**ARTICLE 4.** This Resolution made effective as from its publication and repeal those that are contrary to it.

This resolution is effective from the date of publication,

**THEREFORE BE IT**

Given on San Andres Island, on the 21 day of the month of March of the year twenty-twenty four (2024)

  
**QUINCY ALBERTO BOWIE GORDON**  
GENERAL DIRECTOR (Ad Hoc)