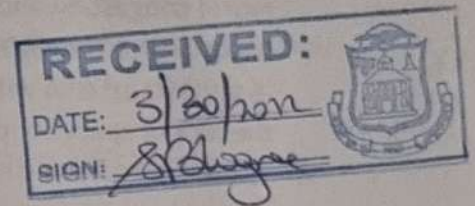


To: Ministry of Public Housing, Spatial Planning, Environment & Infrastructure (VROMI)

Government Administration Building
Soualiga Road
Philipsburg, Sint Maarten
March 30th, 2022



2760+ residents & visitors object to further development (s) on Mullet Bay Beach.

Dear Honorable Minister Egbert J. Doran,

By this letter, I, Nina Bijnsdorp, resident of Sint Maarten & Member of the Green Initiatives of Sint Maarten, would like to 1. enquire further about the development of Mullet Bay & 2. urge for improved permit & license announcements and objection procedures.

As we understand, the rental agreements, permits, and licenses to develop and operate on our coastlines span both the Ministry of Tourism, Economic Affairs, Transport & Telecommunications (TEATT) & Ministry of Public Housing, Spatial Planning, Environment & Infrastructure (VROMI). Because of this a similar letter was submitted to TEATT, including the objection of a current operational license request for Mullet Bay by Majula's Snack BV D.B.A Kalatua.

2760+ residents and visitors, who signed the attached petition, also support the objection(s) enquiries below. In the petition, many further express their various concerns about the development of Mullet Bay and our other coastlines.

ENQUIRIES DEVELOPMENT OF MULLET BAY

With this letter, we would like the following questions answered:

1. Has the Nature Foundation given a formal written advice for developments such as Majula's Snack BV D.B.A Kalatua to develop on Mullet Bay. Can this advice be shared with the public?
2. Is Government acting in conformity with the beach policy at Mullet Bay Beach? If not, why not? If yes, please explain.
3. How many permits have been granted for Mullet Bay beach and what type of permits? How can we view these permits and formally object to future activities related to these permits?
4. Please provide a map of the beach with the location, size, and description of the rental agreements, licenses & permits.
5. We understood that Majula's Snack BV D.B.A Kalatua is only paying Government Nafli 12.000 guilders per year for their rental agreement and the use of a total of 1000m2 of land (and public beach), 400M2 for a 'restaurant A & coffeehouse' and 600m2 for 'beach & water sports activities'. Was this opportunity made clear to the public so that others could also make a bid? How was the price for this payment established for the use of this Government land and public beach?

To: Ministry of Public Housing, Spatial Planning, Environment & Infrastructure (VROMI)

**Government Administration Building
Soualiga Road
Philipsburg, Sint Maarten
March 30th, 2022**

2760+ residents & visitors object to further development (s) on Mullet Bay Beach.

Dear Honorable Minister Egbert J. Doran,

By this letter, I, Nina Bijnsdorp, resident of Sint Maarten & Member of the Green Initiatives of Sint Maarten, would like to 1. enquire further about the development of Mullet Bay & 2. urge for improved permit & license announcements and objection procedures.

As we understand, the rental agreements, permits, and licenses to develop and operate on our coastlines span both the Ministry of Tourism, Economic Affairs, Transport & Telecommunications (TEATT) & Ministry of Public Housing, Spatial Planning, Environment & Infrastructure (VROMI). Because of this a similar letter was submitted to TEATT, including the objection of a current operational license request for Mullet Bay by Majula's Snack BV D.B.A Kalatua.

2760+ residents and visitors, who signed the attached petition, also support the objection(s) enquiries below. In the petition, many further express their various concerns about the development of Mullet Bay and our other coastlines.

ENQUIRIES DEVELOPMENT OF MULLET BAY

With this letter, we would like the following questions answered:

1. Has the Nature Foundation given a formal written advice for developments such as Majula's Snack BV D.B.A Kalatua to develop on Mullet Bay. Can this advice be shared with the public?
2. Is Government acting in conformity with the beach policy at Mullet Bay Beach? If not, why not? If yes, please explain.
3. How many permits have been granted for Mullet Bay beach and what type of permits? How can we view these permits and formally object to future activities related to these permits?
4. Please provide a map of the beach with the location, size, and description of the rental agreements, licenses & permits.
5. We understood that Majula's Snack BV D.B.A Kalatua is only paying Government Nafli 12.000 guilders per year for their rental agreement and the use of a total of 1000m² of land (and public beach), 400M² for a 'restaurant A & coffeehouse' and 600m² for

'beach & water sports activities'. Was this opportunity made clear to the public so that others could also make a bid? How was the price for this payment established for the use of this Government land and public beach?

6. There is no space for adequate parking, more developments will result in (even more) congestion and illegal parking on the public road alongside Mullet Bay. According to the VROMI's 'Parking Standards' the establishment should have at least '8 per 100 m² GFA with a minimum of 4'. How is more development allowed despite the lack of space for proper parking?
7. What is the allowed noise (decibel) level at the beach for all establishment(s) currently residing on Mullet Bay? Due to noise pollution, this should be a maximum of 40 decibels, as to not disturb the other beachgoers and nature.
8. Currently, all establishments on Mullet Bay are located on sea turtle nesting grounds, as they nest in the vegetation line, so how is it possible for this establishment not to interfere with the living habitat of a protected species, the turtle's living habitat is protected according to the nature ordinance article 16 and 17? We urge not to allow future building and construction on these areas.
9. We urge to review the closing time of all establishments, which should be no later than 7 pm for beach establishments. Light pollution at night beaches distracts baby sea turtles, in turn killing them. How are current closing time requests or permits approved and how can this be restricted?

2. UNCLEAR ANNOUNCEMENTS & OBJECTION PROCEDURES

When construction started, St. Maarten Pride Foundation Members enquired about the building permits for 'Majula's Snack BV D.B.A Kalatua', however, the time to object to this had passed. No clear announcements of this rental agreement of building permit have been found besides a short statement in the 'landscourant'.

We urge your Ministries to review the procedures that developers need to follow in order to inform the public of any proposed plans in a public, clear & timely manner. In addition, as Government, it is your responsibility to clearly inform public of their rights such as objection procedures.

Unclear development announcements, unclear timeframes, unclear objection procedures, absence of zoning plans, no enforcement of the (outdated) beach policy, etc. - make it hard for residents to stand up to developments they disagree with.

Additionally, to our concerns posed above, we also would like to bring your attention to:

The Vending & Beach Policy 2012 (amendment signed on February 18, 2014, by the Minister Ted Richardson) states:

- *A maximum of 4 (four) beach activities is allowed for Mullet Bay Beach.*
- *A maximum of 3 (3) motorized water activities is allowed for Mullet Bay Beach.*
- *A maximum of 3 (3) non-motorized water activities is allowed for Mullet Bay Beach.*

However, this is not consistent with the Sint Maarten Beach Policy that states:

- *the beaches must be useable for everyone, both residents and tourists alike, for recreational purposes.*
- *developments that, physically, have a negative influence on the recreational use of the beaches will be opposed.*
- *the beaches will be protected against natural and human influences, that sever their recreational and natural function*

The consequences of this beach policy are that the Island Government will strive to ensure that:

- *the beaches are openly accessible for the general public, which means that there must be a wide access that is free from physical and mental barriers (levers, hotels etc.).*
- *no construction works or activities that occupy the space on the beach in a way that restricts normal use of the beach for others, will occur on the beach. The Island Government's position is that construction works on the beach are annoying and disfiguring to the surroundings. It is not desirable for dwellings, hotels, businesses, etc. to be built or situated on the beach.*
- *the beaches will be protected against pollution, disturbance, destruction, etc. and against erosion, hurricanes, etc.*

Our current reality is:

- The inability to properly implement the Beach Policy now that a large part of the beach is seemingly privatized.
- The loss of public beach space and community character. As you will read in the petition, many express their concern about (further) developing Mullet Bay and other coastlines.
- Sint Maarten has nearly no undeveloped coastlines; a clear disregard in how we value our cultural and natural heritage.
- The high prices of establishments allowed on Mullet Bay, which means that the majority of residents will not be able to afford to enjoy the establishments built on what was previously a public area.
- Increased traffic congestion added to an already dangerous parking situation at Mullet Bay.
- Increased risk of hurricane damage, pollution, and flooding due to erosion and removal of sea grape trees and other foliage. Hurricanes are expected to become greater in their intensity (with higher storm surges, increased rainfall and rising storm intensity). Hurricane Irma was a harsh lesson, with much impact on coastal development and a large amount of building materials still to be found in marine waters. Similar mistakes should not be made.
- Building close to the ocean could result in wastewater and sewage entry into the sea, which can easily happen as septic tanks and systems very often overflow in St. Maarten, impacting already highly threatened coral reefs beneath and in the surrounding area.

- The destruction of green space and mature trees as well as animal habitats such as turtle nesting locations.
- Noise pollution from the entertainment played at the establishment(s) on Mullet Bay beach.
- Light pollution in the evening, which will distract nesting periods and endanger baby sea turtles, as light confuses them away from the ocean, killing them. Based on Articles 16 and 17 of the Nature Conservation Ordinance of St. Maarten, it is illegal to kill, wound, capture or pick up sea turtles. It is also illegal to disturb their environment resulting directly or indirectly in a physical threat or damage or to commit other acts which result in disturbance of the animal. It is forbidden to disturb, damage or destroy sea turtle nests, lairs or breeding places. Sea turtles are on the spaw annex 2, cites annex 1, cms annex 1, of the turtle convention(s). All conventions that Sint Maarten is obligates to adhere too, according to the Nature Ordinance. So how is it possible that government permits these types of establishments on public beaches with no formal environmental advice provided by the experts?

St. Maarten is the only island in the Dutch Caribbean, which has not established a terrestrial protected area, and now has hardly any space left for protected areas to be established due to overdevelopment.

Most of our natural areas on St. Maarten are already impacted or damaged by development. This leaves no space to create sustainable nature tourist tours, for biodiversity to flourish, and for residents to use as public recreational areas. Due to this, we strongly oppose more structures or objects to be placed on Mullet Bay to protect its natural and cultural identity.

Attached you will find the signatures of 2760+ residents & visitors who express their support to both protect Mullet Bay from further development.

Thank you for your time and for hearing our concerns. Please do not hesitate to contact us in case of any questions or requests for additional information.

Yours Sincerely,
Nina Tamara Bijnsdorp, Member of the Green Initiatives
& 2760+ residents & visitors of Sint Maarten.