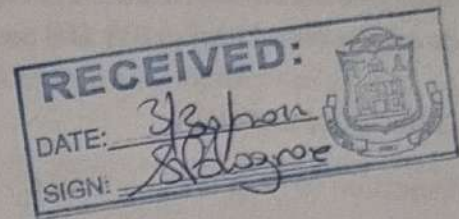


To: Ministry of Tourism, Economic Affairs, Transport & Telecommunications (TEATT)

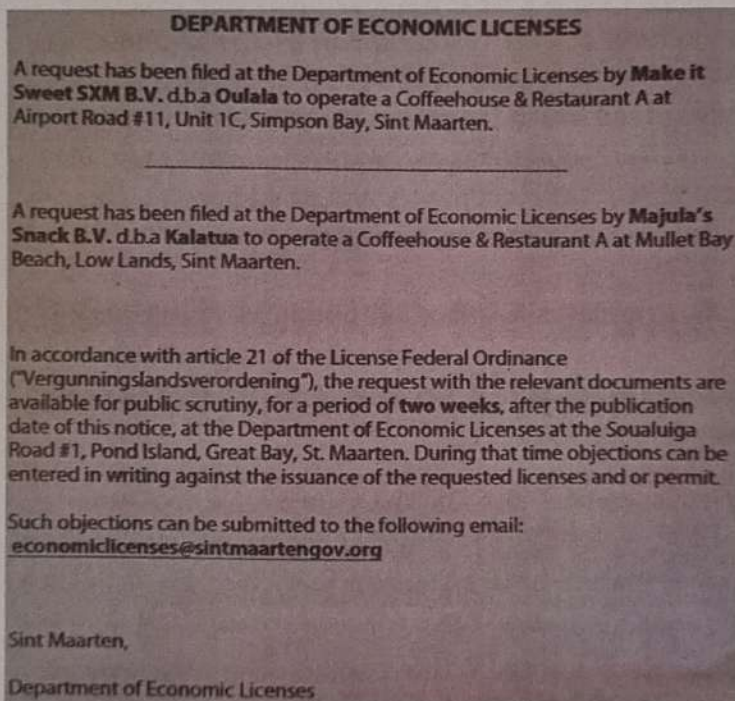
Government Administration Building  
Soualiga Road  
Philipsburg, Sint Maarten  
March 30<sup>th</sup>, 2022



**Objection the current economic license requested by Majula's Snack BV D.B.A Kalatua**

Dear Honorable Minister Roger Lawrence,

By this letter, I, Nina Bijnsdorp, resident of Sint Maarten & Member of the Green Initiatives of Sint Maarten, would like to object to the current operational license requested by Majula's Snack BV D.B.A Kalatua.



A few weeks ago, Majula's Snack BV D.B.A Kalatua opened their restaurant on Mullet Bay. Overnight 40+ beach chairs were placed, taking up a significant area of (public) beach. In the newspaper of March 16, 2022, Majula's Snack BV D.B.A Kalatua requested a license to operate a Coffeehouse & Restaurant at Mullet Bay (see image above).

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 VROMI.

A handwritten signature in blue ink, located in the bottom right corner of the page.

To: Ministry of Tourism, Economic Affairs, Transport & Telecommunications (TEATT)

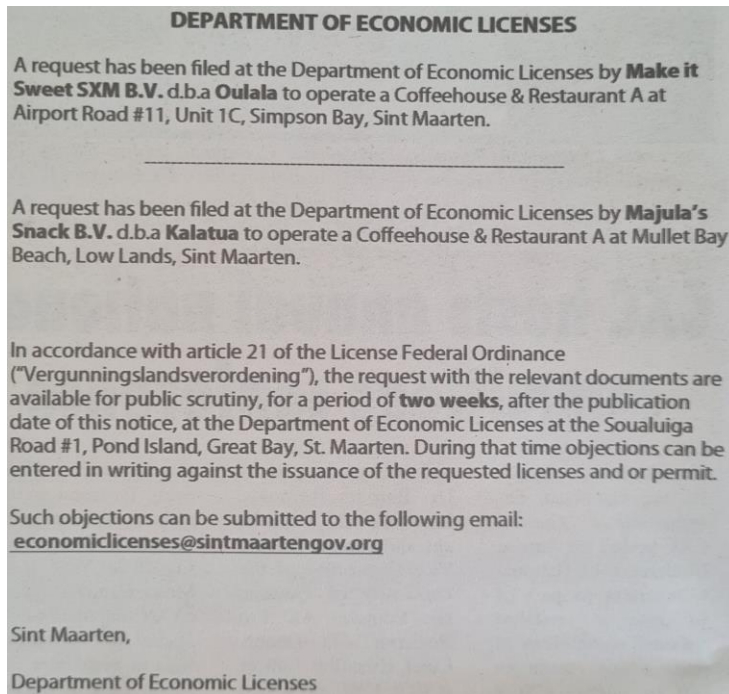
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2760+ residents and visitors, who signed the attached petition, also support this objection and enquiries below. In the petition, many further express their various concerns about the development of Mullet Bay and our other coastlines.

## **OBJECTION KATALUA**

Objection to Majula's Snack BV D.B.A Kalatua 'economic license to operate a Coffeehouse & Restaurant at Mullet Bay':

- I would like to object to the operation of Majula's Snack BV D.B.A Kalatua as a late night and dance venue. Due to Mullet Bay being a turtle-nesting beach we urge you to ensure that no loud music is played (a maximum of 40 decibels) and the establishment closes at 7pm (sunset) to ensure that any lights so do not interfere with the nesting of (endangered) sea turtle nesting activities, who nest at night. In addition, loud music and sounds will easily travel to and create sound pollution for the residential areas of Jordan Village, Cupecoy, Pointe Piroutte, etc.

- I would like to object to the operation of Majula's Snack BV D.B.A Kalatua in their excessive use of tables, chairs & beach chairs, placed in front of their restaurant on a large area (600m<sup>2</sup>) of the public beach. At present, these occupy the entire public beachfront of the establishment up to the waterline. This restricts normal use of the beach for others, a clear violation of the Sint Maarten Beach Policy. The tables, beach chairs, umbrellas and watersports activities will also take space on the beach where sea turtles would lay their eggs and could possibly damage and kill baby sea turtles when crushed by the objects placed on the beach.

Attached you will find the signatures of 2760+ residents & visitors who support this objection.

We also would like to enquire how it is possible that Majula's Snack BV D.B.A Kalatua received their rental agreements and permits to construct on Mullet Bay:

1. According to building codes, Majula's Snack BV D.B.A Kalatua should have obtained written formal advice from the Sint Maarten Nature Foundation; however, in reviewing the economic license request, it seems that no such advice was obtained. We would like to request the official advice by Nature Foundation. If this is not available, we would like to know how the permits and licenses were granted without an official environmental impact assessment by the Nature Foundation?
2. How has it been possible for this building to be permitted on a sea turtle nesting beach, which are endangered and protected species?
3. We understood that Majula's Snack BV D.B.A Kalatua is only paying Government Nafl 12.000 guilders per year for their rental agreement and the use of a total of 1000m<sup>2</sup> of land (and public beach), 400M<sup>2</sup> for 'restaurant & bar' and 600m<sup>2</sup> 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?

4. There is no space for adequate parking, resulting 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 m<sup>2</sup> GFA with a minimum of 4'. However, to be clear, we do not approve of any additional development of Mullet Bay.
5. We urge to review the closing time of the establishment, which should be no later than 7pm for beach establishments. Light pollution at night beaches distracts baby sea turtles, in turn killing them. What is the current closing time permitted for Kalatua and can this be restricted?
6. What is the allowed noise (decibel) level at Kalatua currently residing on Mullet Bay? This should be a maximum of 40 decibels, as to not disturb the other beachgoers, animals, and nature.

**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 obligated to adhere to, 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.

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.