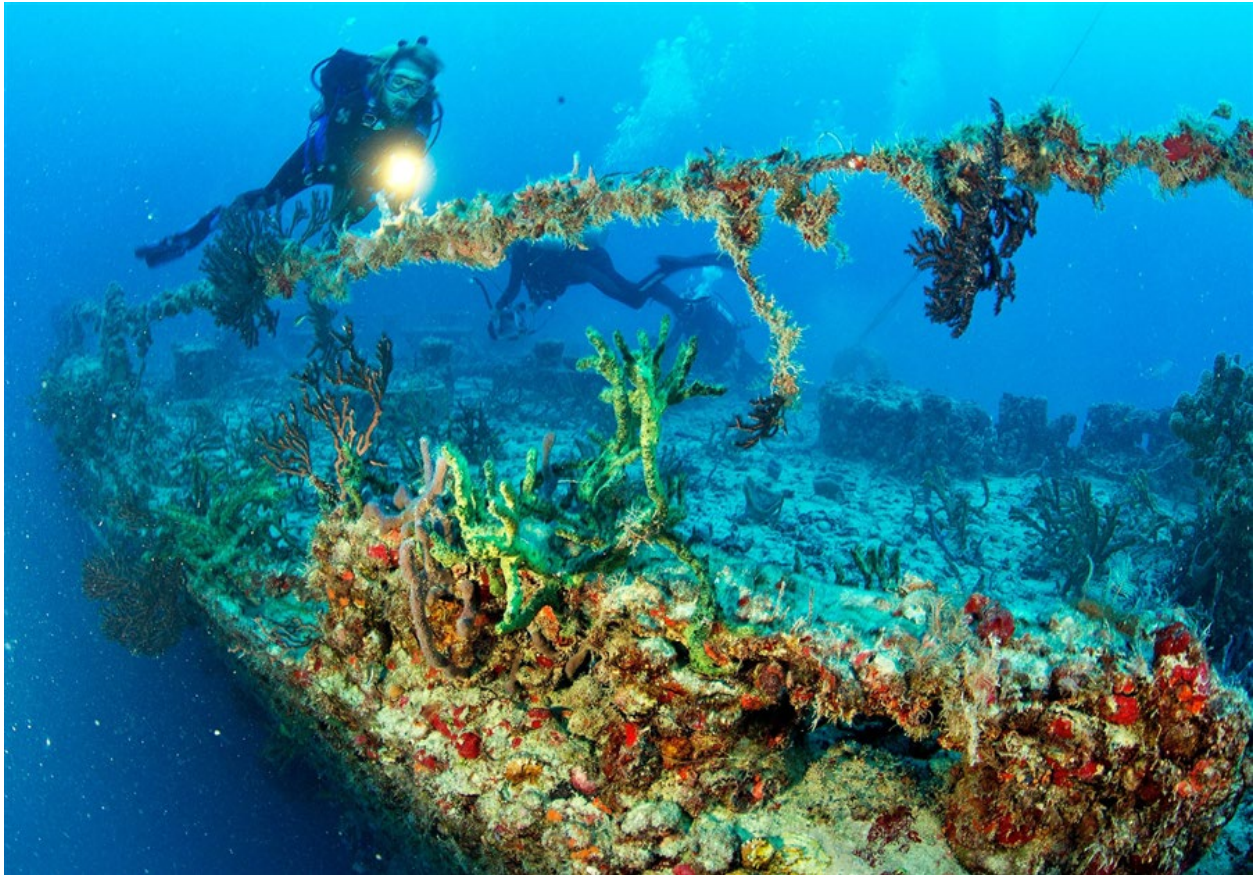




NRPB
NATIONAL RECOVERY
PROGRAM BUREAU

The Government of Sint Maarten
National Recovery Program Bureau

**Artificial Reef
Scuttling of Vessel #5 "The Marion"**



**Final Environmental and Social Management Plan
(ESMP)**

November 2022

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Abbreviations and Acronyms

BMP	Best Management Practices
C-ESMP	Contractor’s Environmental and Social Management Plan
CR	Contracting Representative
DCNA	Dutch Caribbean Nature Association
EIA	Environmental Impact Assessment
EHSGs	Environmental Health and Safety Guidelines
EMP	Environmental Management Plan
EDMP	Emergency Debris Management Project
ESCP	Environmental and Social Commitment Plan
ESHS	Environmental Social Health and Safety
ESMP	Environmental and Social Management Plan
ESS	Environmental and Social Standard
EOS	European Offshore Services Maritime Joint Venture
GDP	Gross Domestic Product
GIIP	Good International Industry Practice
GRC	Grievance Redress Committee
GRM	Grievance Redress Mechanism
GoSM	The Government of Sint Maarten
GCRMN	Global Coral Reef Monitoring Network
HASP	Health and Safety Program (US OSHA)
HS&E	Health, Safety and Environment
HHW	Household Hazardous Waste
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome
HVAC	Heating, Ventilation, and Air Conditioning
IDS	Irma Debris Site
ILO	International Labor Organization
IRC	Interim Recovery Committee
KMS	Koole Maritime Services
MSIP	Management strategies and Implementation Plans
NRPB	National Recovery Program Bureau
NRRP	National Recovery and Resilience Plan
O&M	Operation and Maintenance
OHS	Occupational Health and Safety
PMU	Project Management Unit
SDTF	Single Donor Trust Fund
SEP	Stakeholder Engagement Plan
TEATT	Ministry of Tourism, Economic Affairs, Transport and Telecommunication - Department of Civil Aviation, Shipping & Maritime Affairs
TNF	The Nature Foundation
VROMI	Ministry of Public Housing, Spatial Planning, Environment and Infrastructure
VSA	Ministry of Public Health, Social Development and Labor
WBG	World Bank Group

1. Introduction

Following the devastation caused by Hurricanes Irma and Maria in September 2017, the Government of Sint Maarten (GoSM) proposed “The Shipwreck Salvage and Lagoon Debris Removal and Disposal Project”, which in turn falls under the Emergency Debris Management Project (EDMP). The project consists of the removal, decommissioning and disposal of damaged vessels which were observed to either be moored, partially submerged, submerged or run aground in the Dutch Side of the Simpson Bay Lagoon and Mullet Pond, as well as the collection, processing and disposal of storm debris located along approximately 10.5 kilometers of the Dutch side of the Lagoon’s shoreline and Mullet Pond.

During the project, it was proposed that a new artificial reef could be created from one of the shipwrecks scheduled to be decommissioned. Artificial reefs not only provide the possibility of generating a rich diversity of marine life, but also provide several socio-economic benefits to society. Given these considerations, Wreck # 5 also known as the *Marion*, identified on the bill of quantities (BoQ) under the Shipwreck Salvage and Lagoon Debris Removal and Disposal Project, was selected in coordination with the pertinent authorities and stakeholders for scuttling as an artificial reef. As a project and activity tied to the EDMP project the steps involved in creating an artificial reef are guided by the Operational Policies (OPs) and Bank Procedures (BPs) of the World Bank (WB).

This Project is supported by the Sint Maarten Recovery and Reconstruction Trust Fund. The Trust Fund is fully financed by the Government of the Netherlands for up to 470 million euros (US \$553 million) and is managed by the World Bank. The National Recovery Program Bureau (NRPB) is responsible for the preparation, implementation and evaluation of this project on behalf of the Government of Sint Maarten. As such, the National Recovery Program Bureau (NRPB) has prepared this Environmental and Social Management Plan (ESMP) to facilitate and ensure compliance with the relevant national legislation and World Bank safeguard policies including Occupational Health and Safety standards to identify environmental and social risks and address the appropriate mitigation measures related to the implementation of this project.

1.1 Background

The government of the Netherlands Single Donor Trust Fund for Reconstruction of Sint Maarten.

While Sint Maarten has made substantial efforts to address the most urgent needs following Hurricane Irma, recovery needs are massive, and the country has limited capacities to manage large-scale resilient reconstruction. To support a rapid and sustainable recovery, the Government of the Netherlands has established a EUR 470 million Single Donor Trust Fund (SDTF) managed by the World Bank. The SDTF will finance selected activities in support of recovery, reconstruction, and resilience under the framework of Sint Maarten’s National Recovery and Resilience Plan (NRRP), which outlines the country’s recovery needs.

Sint Maarten is an autonomous territory of the Kingdom of the Netherlands.

It occupies the southern 40 percent of an island in the Caribbean, shared with the French overseas collectivity of Saint Martin. It has a population of more than 42,500 and an area of 16 sq mi/41.5 km².

Category 5 hurricane Irma hit the island on September 6, 2017.

The hurricane had winds of more than 296 km per hour which caused extensive property damage. Irma was followed on September 19 by tropical storm conditions from Hurricane Maria, which further damaged Sint Maarten's infrastructure.

Tourism Based Economy.

The tourism sector contributed 73 percent to the country's total foreign exchange income in 2016. Sint Maarten's harbor is a significant port for cruise tourism in the Caribbean, with approximately 1.7 million cruise passengers visiting per year prior to Hurricane Irma and the COVID-19 pandemic. In 2016, the last full year of operation, the country received 528,153 overnight or stayover visitors. When Hurricane Irma hit in September 2017, cruise market arrivals halted for a short period of time. By September 2018, cruise ship arrivals were back to 2016 pre-Hurricane Irma numbers. Sint Maarten received 1,631,537 passengers from 565 cruise ship calls in 2019, an increase of 2.2% – or 34,436 passengers – compared to 2018 when Sint. Maarten received 1,597,101 passengers from 490 cruise ship calls.

Natural disasters have catastrophic impacts on the economy, which has seen limited growth in recent years and remains exposed to tourism trends and weather shocks. This project exhibits the benefits of how an artificial reef can serve as a dive site attracting visiting (dive) enthusiasts, and as a result bolster the local economy such as i.e., local dive shops.

Declining natural reef ecosystems.

The Nature Foundation (NF), the national scientific authority on environmental management, conducts annual scientific assessments of Sint Maarten's coral reef ecosystems using the Global Coral Reef Monitoring Network (GCRMN) Caribbean standards with the assistance of the Dutch Caribbean Nature Alliance (DCNA) and a dive shop operator, Ocean Explorers. These inventories currently show that the country's natural coral reef ecosystems are at a state of decline due to large amounts of wastewater contamination as well as the prevalence of the Stony Coral Tissue Loss Disease. The rate of decline given these factors threaten the existence of coral reefs as well as the habitat it provides for marine life.

1.2 The Proposed Project

The proposed Project aims:

- to appropriately and safely decommission, prepare, and scuttle a suitable vessel with the intention to facilitate the creation of an artificial reef through natural processes overtime
- to successfully coordinate and work with the pertinent authorities and stakeholders to mitigate risks during the project
- to implement the appropriate mitigation measures to prevent any harm to local flora and fauna during the project
- to facilitate the enrichment of marine life and combat natural coral reef deterioration overtime
- to alleviate stress on natural coral reef systems by expanding the available dive site options which also could result in boosting the local economy
- to provide an additional scientific research location which can also support educational activities for organizations and the wider community

The project area:

- The scuttling of the *Marion* will take place in the coastal waters of Dutch Sint Maarten, within safe distance of any natural coral reefs, and must comply with applicable policies and legislation including criteria received from the Department of Civil Aviation, Shipping & Maritime Affairs within the Ministry of Tourism, Economic Affairs, Telecommunication and Transport (TEATT) of Country Sint Maarten as well as relevant World Bank Guidelines. The project area is further specified in chapter 2.3.

In addition to this **Chapter 1**, the ESMP consists of the following chapters:

Chapter 2: Project Description

This chapter (further) describes the baseline situation, and detailed scope of activities to be carried out under the Project.

Chapter 3: Government Regulations and World Bank Group’s Operational Guidelines

This chapter describes the relevant legislation and policies of GoSM, the World Bank Operational Policies (OPs), and how they have been considered while “designing” the Project and preparing this ESMP.

Chapter 4: Baseline Environmental and Social Conditions

This chapter describes the existing environmental and social conditions of the project area.

Chapter 5: Potential Environmental and Social Risks and Impacts of the Project and proposed mitigation measures

This chapter describes the environmental setting of the Project area and potential environmental and social impacts and risks associated with the Project activities. This chapter also describes proposed detailed mitigation measures to address these impacts and risks.

Chapter 6: Project Implementation Arrangements

This chapter describes the Project institutional arrangements for implementation of the ESMP.

Chapter 7: Stakeholder Engagement and Information Disclosure

This chapter describes the stakeholder engagement plan and details of consultations carried out during the preparation of the Project.

2 Project Description

As an extension of the “Shipwreck Salvage and Lagoon Debris Removal and Disposal Project”, this project proposes to appropriately and safely prepare (decommission) and “sink” hereby referred to as “scuttling” The *Marion* in Dutch Sint Maarten Coastal waters to create an artificial reef. The environmental and socio-economic benefits that would result from this project make it attractive to all pertinent stakeholders and authorities involved.

Annual scientific assessments conducted by the Nature Foundation of Sint Maarten show that several coral reef ecosystems within the Dutch coastal waters of the island are in an alarming state of decline, specifically in non-protected areas. Large amounts of wastewater contamination and a highly contagious and fatal disease known as the Stony Coral Tissue Disease threaten many of the natural reefs. This also endangers the marine organisms who are dependent on coral habitats for food, shelter and ultimately survival. Additionally, a lack of healthy reefs can limit the number of available dive sites for tourists and resident divers to visit, shrinking the market for dive tourism. To compensate for this, dive operators will capitalize on giving tours in remaining flourishing reef sites. Overcrowding of divers or snorkelers in any single site can also lead to more accidental human harm to flora and fauna in the remaining thriving areas.

Artificial reefs have in many cases successfully offset the decline of natural reefs overtime, thus providing an opportunity to relieve the environmental and socio-economic stresses that would otherwise be felt. The *Marion*, compared to the other shipwrecks salvaged, met the ideal requirements for scuttling to create an artificial reef. The wreck was largely selected because of its sound structural integrity, manageable size, high density, and corrosive-resistant iron/steel body.

The overall goal of this project is reflected across the environmental, social, and economic benefits that would be seen. Firstly, after preparing the vessel appropriately and scuttling, the hard, iron/steel structure of the *Marion* will be slowly colonized by (soft) corals, sponges, plants, and barnacles. By mimicking the characteristics of a natural reef, the artificial reef overtime will begin to enrich marine life. Secondly The *Marion* can serve as research grounds for organizations, supporting research initiatives and provide environmental educational opportunities for the community and students alike. Finally, it will likely promote economic activity through recreational diving and snorkeling. The addition of a new dive site will attract divers and could limit overall diving pressure on the natural marine environment, scattering groups of divers over the different sites.

Given the nature of the project, GoSM environmental & social legislation, as well as the World Bank Safeguard Policies including Occupational Health & Safety Policies are considered in the pre-planning phases to mitigate any risks during implementation.

This ESMP identifies the environmental and social risks of the activity and addresses these risks with mitigation measures.

This Project includes the following:

- a. The identification of a suitable vessel from the “Shipwreck Salvage and Lagoon Debris Removal and Disposal Project” for scuttling and functioning as an artificial reef.
- b. A stakeholder consultation via a survey to gather information from targeted and broader stakeholders of the project. The survey aims to gather information and identify any potential

- concerns or risks with the scuttling activity, potential site locations of scuttling, and long-term impacts of the artificial reef/dive site.
- c. The identification of an appropriate location for the scuttling of the vessel based on site characteristics and stakeholder consultations with all pertinent stakeholders.
 - d. Approval and consistent engagement from the relevant authorities (such as: Ministry of TEATT, Dept. of Aviation and Maritime Affairs; Ministry VROMI); Harbor Group of Companies; Simpson Bay Lagoon Authority Corporation (SLAC under the jurisdiction of TEATT)
 - e. Preparation of the vessel at its anchored location in the Simpson Bay Lagoon by:
 - Removing all remaining debris/decommissioning of:
 - main engine and parts; (main) generator(s); fuel pumps; oil from the bilge; gearbox; fuel tanks/lines; piping; main steering gear; auxiliary steering gear with pumps; fire pump and all electrical cabinets with transformers, Fire-fighting chemicals; refrigerants; line carpets; the anchor chain; the mast; possible asbestos; mercury thermometers; any electrical wires, batteries and switches; etc.
 - Closing all possible entrances with rebar or similar ensuring no dive entry is possible, ensuring the safety aspect.
 - f. Establishing the appropriate depth for the shipwreck to be sunk.
 - g. Towing the shipwreck to the location for scuttling, during daylight hours, using two vessels.
 - h. Scuttling the shipwreck, during daylight hours.
 - i. Ensuring the vessel has been sunk properly and is positioned correctly and that pre and post monitoring by TNF takes place adequately;
 - j. Administrative finalization by officially informing government and broad scope of stakeholders about project finalization.

The *Marion* was to be completely prepared in the vicinity of the approved decommissioning yard for the “Shipwreck Salvage and Lagoon Debris Removal and Disposal Project”. While some actions have already taken place, due to the close-out of this Project on December 24th, the decommission yard is no longer a viable location for the remaining activities. As a result, the remaining scope of work will be carried out on the current location where the *Marion* is anchored in the Simpson Bay Lagoon. The Contractor will place a barge alongside the wreck. This barge will be fully equipped to drain liquids such as oily water and temporarily store any waste generated from the activities to prevent marine pollution. NRPB along with the Contractor, and Supervisor will provide a suitable solution to appropriately dispose of or recycle the waste. The draft “Waste Management Plan” for the *Marion* will be updated to outline the steps that will be taken to secure proper disposal or recycling of all generated waste.

The towing of the *Marion* from its anchored location to the scuttling location will be closely monitored by the pertinent authorities and licensed personnel. The towing will occur during daylight hours and will take shipping lanes and marine traffic in consideration. After the ‘scuttling process’, the vessel will be under observation by the Contractor and the Nature Foundation to ensure stability.

Notice for Scuttling

At least three weeks before the scuttling of the shipwreck, NRPB will ensure that the following information will be provided in writing to the Ministry of TEATT, responsible for the ports of Sint Maarten. Copies of the notice will be sent to entities such as the Coast Guard, SLAC and broader stakeholders who may have an interest in this activity or area.

The notice shall at least include:

- a) Shipwreck description: type and description of vessel (including shipwrecks name and registration number) and dimensions.
- b) Work methods/plan for scuttling: detailed description of proposed and approved shipwreck scuttling procedures (including proposed location) and requested date of scuttling.
- c) Environmental impact: information on the potential effect of scuttling on the marine environment.

2.1 A suitable vessel for scuttling

The “Shipwreck Salvage and Lagoon Debris Removal and Disposal Project” addressed the removal of many different types of wrecked vessels which were unclaimed following the project’s approved custodianship procedure, carried out by GoSM. Ultimately this resulted in a list of 139 shipwrecks (vessels) which were to be removed/decommissioned.

To consider a vessel suitable, it would need to be of a manageable size and suitable material. There are various materials which are considered suitable for artificial reefs i.e., concrete and steel/iron to which marine life could easily attach to and grow on. The *Marion*, a tugboat, was chosen as it was constructed primarily of iron and, in principle, fit the overall minimum criteria for an adequate artificial reef.

The shipwreck, **Image 1**, has the following specifications:

Length: 27.89 meters | Height: 4.09 meter | Weight: 153 GT | IMO: 5077216 |

Type: Tugboat | Main material: Steel and Iron for additional details, see **Annex 1**

Image 1



2.2 Environmental, Safety and Social Risks

The initial phases of the proposed project exhibit similar risks that to those identified within the scope of the activities laid out in the “Shipwreck Salvage and Lagoon Debris Removal and Disposal Project”. Overall, the risk of the project is low given that the estimated duration of the entire project is no more than four

weeks, a relatively low labor force is required to carry out the necessary activities for only a single vessel and a considerable number of mitigation measures are already in place. As such, risks associated with the initial debris removal and decommissioning of the *Marion*, which is to take place prior to scuttling, will be mitigated with previously approved mitigation measures.

The scuttling of the *Marion* will be a one-day operation during daylight hours with the licensed personal and authorities present. Waste streams from the *Marion* will be collected and stored appropriately as indicated by the approved “Waste Management Plan for the *Marion*”. The primary environmental, OHS and social risks that were not previously been identified are those pertaining to carrying works at an anchored location, transporting and scuttling the vessel as well as ensuring safety for anticipated dive and recreational tourism. “Specific Mitigation Measures for Each Project Activity”, found in **Annex 4** of this document provides in detail the identified risks and addresses them with appropriate mitigation measures guided by local legislation and Operational Policies (OPs) and Bank Procedures (BPs) of the World Bank (WB). The proposed mitigation measures in this ESMP will prevent, minimize, or mitigate any adverse impacts and improve environmental performance.

2.3 Artificial Reef Site Locations

The Nature Foundation was consulted in proposing suitable locations for the scuttling activity which initially resulted in four proposed locations, with an addition of a fifth location after targeted and public stakeholder consultation, see image 2. The proposed locations are situated within the coastal waters of Dutch Sint Maarten.

Image 2

#	Dive Site Name	Area	Location	Latitude	Longitude	Depth in Meters	Habitat	Marine Life to be Relocated
1	Porpoise	Infront of Beacon Hill	Beside other tugboat	18 °01.711’N	63 °07.667’W	27	Sand	Queen Conch
2	<u>Tieglan</u>	Marine Park “Man of War Shoal”	Southwest of <u>Tieglan</u> site, besides remains of shipwreck	17 °59.251’N	63 °03.572’W	23	Sand with little bit Rubble	None
3	Isabella	Out of Simpson Bay/Beacon Hill	Besides Isabella Reef	18 °01.208’N	63 °07.064’W	26.7	Sand with Invasive seagrass and algae	None
4	New Site: Irma	In front of <u>Cupecov</u>	In between the Gregory and <u>Fuh Sheng</u> Dive Site	18 °02.410’N	63 °08.612’W	27	Rubble with Invasive seagrass and algae	Resurvey day before sinking
5	New Site: Marion	In front of <u>Cupecov</u>	Near to dive site <u>Fuh Sheng</u>	18 °02.325’N	63 °08.217’W	20	Sand with little but Rubble	Resurvey day before sinking

Image 3



Artificial Reef Location Site Selection Process

Criteria Development

The selection of the proposed locations was heavily guided by the criteria set out by the London Convention and the EPA's framework on artificial reefs. These criteria include but are not limited to:

- a. Habitat areas/special aquatic sites
- b. Presence of Flora and Fauna
- c. Bottom sediment type
- d. Water quality

As such, all five locations proposed have a sandy or rubble bottom with a habitat of little ecological importance whereby no marine life, native seagrasses or other flora and fauna would be negatively impacted by the scuttling activity (for more information on each location refer to **Annex 6**). In order to incorporate stakeholder views and address any concerns of the proposed site location of the project, NRPB conducted stakeholder surveys, in-person consultations and shared updates of the project on social media and traditional media via press-release. Stakeholder input from the Nature Foundation, Chief Harbor Pilot, TEATT, dive operators and other marine industries played a significant role in determining a suitable scuttling location for the *Marion*.

The primary criteria that were identified from varying stakeholders include but are not limited to:

- a. Marine Protection
- b. Current and Winds
- c. Dive tourism
- d. Existing right of ways/shipping lanes
- e. Depth of Dive Site

Table 2-1: Criteria Notes for Proposed Sites

Site #	Dive Site Name	Area	Location	Depth in Meters	Habitat	Criteria Notes
1	Porpoise	Infront of Beacon Hill	Beside other tugboat	27	Sand	Near a marine traffic route
2	Tieglan	Marine Park “Man of War Shoal”	Southwest of Tieglan site, besides remains of shipwreck	23	Sand with little bit Rubble	Shallow depth and marine protected but affected by strong wind and current during bad weather
3	Isabella	Out of Simpson Bay/Beacon Hill	Besides Isabella Reef	26.7	Sand with Invasive seagrass and algae	Near a designated anchorage, approx. 1000m; near a marine traffic route to and from SXM and to Westerly and Northern destinations
4	New Site: Irma	In front of Cupecoy	In between the Gregory and Fuh Sheng Dive Site	27	Rubble with Invasive seagrass and algae	Protected from strong wind and current but depth of 27 meters limits access to all skill level of divers, site will not be leveraged by dive tourism
5	New Site: Marion	In front of Cupecoy	Near to dive site Fuh Sheng	20	Sand with little but Rubble	Protected from strong wind and current, shallow depth.

Stakeholder Engagement Process: Survey Targeted Stakeholders

In two surveys, one conducted by the Nature Foundation and a second survey conducted by the NRPB, most stakeholders favored Site 2, Tieglan located within the Man of Shoal Marine Park because this location is a marine protected area and is accessible for certified divers across skill levels due to a shallower depth. A second location, Site 4 located in Cupecoy was favored in addition to Site 2 by the department of TEATT and the Chief Harbour Pilot because the location is outside any marine traffic and would shelter the *Marion* from strong wind and current. To ensure the stability of the *Marion* due to its large size, Site 1 *Porpoise* and Site 3 *Isabella* were not considered viable locations because of high risk posed by large vessel traffic and a designated anchorage location.

Stakeholder Engagement Process: Consult with Targeted Stakeholders

In furthering with the stakeholder engagement process, an in-person stakeholder consultation was held on April 1st, 2022. This consultation concluded that of the remaining locations, Cupecoy's shelter during bad weather is ideal for all stakeholders, however the deeper depth (27 m) would limit the number of divers who could visit the site. Mismanagement of the site due to the lack of marine protection was another stakeholder concern. Due to the lack of legal framework on dive sites, the only area that is protected in an official capacity is within the Man of War Shoal Marine Park, all other dive sites are privy to risks such as overfishing, anchoring and chemical dumping. These risks are however minimized and or mitigated by the Nature Foundation by marine patrolling, site monitoring and educational/awareness campaigns. The feedback from the in-person consultation along with previous stakeholder engagement indicated that the Cupecoy site if at a *shallower* depth would be the most preferred location, however if this is not feasible then Tieglund located in the Man of War Shoal Marine Park is the 2nd most favored location to scuttle the *Marion*.

Stakeholder Engagement Process: Consult with Public

On August 10th, 2022, a press release was shared on traditional and social media describing project updates to the public. This public consultation effort gathered new information that further contributed to the decision-making process of the proposed site location for the *Marion*. The new information received prompted the NRPB to critically consider and reevaluate the overall feasibility and ecological risks of sinking the *Marion* at the Tieglund location. This evaluation led the NRPB to conclude that the sinking of the vessel within the borders of the marine park would require additional research and perhaps specific permits, dispensations and could have consequences for the marine environment which were not previously envisioned.

On August 12th, 2022, Nature Foundation conducted an exploratory dive inspection to assess the possibility of scuttling the *Marion* in the Cupecoy location at a shallower depth of 20-21 meters. A suitable location that met all the required criteria was successfully found and the Nature Foundation report of this assessment can be found in **Annex 6** as an external document. A meeting was subsequently held with the NRPB, Nature Foundation, the Inspectorate of Maritime Affairs to discuss the feasibility of this new site. The site was cleared by all governmental entities including the Chief Harbor Pilot and was a preferred location by stakeholders.

Finalize Artificial Reef Site Location

The feedback from the lengthy targeted and public consultation, along with the previous surveys served as part of the basis for selecting the fifth proposed site, tentatively titled the “*Marion*” located in Cupecoy at a shallower depth as the location for scuttling the *Marion*.

Broadly, the project is expected to bring positive cumulative environmental and social benefits to St. Maarten as overtime corals will attach to the shipwreck and will attract more marine life. The addition of the artificial reef will also serve to diversify recreational activities for residents and visitors. It will support dive tourism and will spread diving activity thereby alleviating crowding of divers in any one ecologically significant area.

2.4 Timing of Project

This project is expected to be initiated in the end of the 4th quarter of 2022. When approved, the operation of the entire process for the scuttling of the vessel should take approximately 3 weeks (19 workdays),

from project start up to closeout. It is important to note that the weather conditions must be favorable for the scope of work to occur within this approximate time, if the weather conditions are poor then small delays of the scuttling activity may occur, extending the project timeline to potentially 4 weeks of work.

The contractor adheres to working days of 8 hours and a working week of 6 days however, 7 days is allowed, should the contractor need the extra time/days to do the required works. Labor conditions, including work hours and rest are regulated in the National Ordinance on Labour (LANDSVERORDENING, houdende vaststelling van regels inzake arbeidsduur, arbeidstijden en overwerk). A 7-day work week is allowed and can be accommodated in this project, whilst adhering to the requirements.

2.5 Institutional Arrangements

The NRPB is the Project Management Unit (PMU) of activities financed under the SDTF and in this capacity is responsible for administrating the contract. The NRPB will work closely with (Government) stakeholder(s) to ensure compliance with local policies and legislation. In addition, the NRPB will contract a firm to act as Contracting Authority Representative to supervise the contractor's obligations under the contract. The detailed terms of reference for the supervision firm / CR will be prepared by the PMU which will include core responsibilities of mitigating any environmental and social risks of the project. Such tasks may include but are not limited too environmental and social screening to ensure proper scuttling, inspection the vessel before sinking, ensuring proper waste management and contractor's workers are properly geared in PPE and training.

Governmental entities (authorities or government-owned companies) that will be informed of and/or involved in this Project are as follows:

1) *Ministry of Public Housing, Spatial Planning, Environment and Infrastructure (VROMI)*

VROMI is the custodian of the remaining, unclaimed vessels in the Simpson Bay Lagoon and Mullet Pond.

2) *Ministry of Tourism, Economic Affairs, Transport and Telecommunications (TEATT);
Department of Civil Aviation, Shipping and Maritime Affairs*

This Department is responsible for advising on matters concerning the Harbor (s) and Shipping. Additionally, TEATT is responsible for the implementation and enforcement of maritime policy, laws and legislation

3) *Dutch Caribbean Coast Guard (DCCG)*

The DCCG is the coast guard of the Kingdom of the Netherlands in the Dutch Caribbean where its mission is to deliver maritime security and safety in the Caribbean area by executing law enforcement, coastal patrol, marine border protection as well as and marine search and rescue.

4) *Harbor Group of Companies*

A government-owned company that manages the overall operations of ports on Dutch Sint Maarten in coordination with mandates set out by the Ministry of TEATT

a. *Simpson Bay Lagoon Authority Corporation (SLAC)*

The Lagoon Authority is a part of the Harbor Group of Companies which is responsible for managing the Simpson Bay Lagoon (St. Maarten side) as well as the operation/maintenance of the bridges, collection of fees.

Non-governmental authorities:

1) *Sint Maarten Nature Foundation*

A non-governmental organization with a contractual agreement with the government to carry out tasks as a scientific authority with the mandate to oversee certain environmental matters specifically pertaining to the management of Sint Maarten's Marine Park.

2.6 Resource Requirements

The estimated labor requirement for the proposed project activities by the contractor, of the installations on the shipwreck are approximately 3 to 5 people. This is including the final preparation of closing all exterior to interior access spaces ensuring the “wrecked vessel” cannot be entered while diving, ensuring safety. In addition to this, the towing of the vessel to the desired site would also entail a labor requirement of approximately 2 to 4 people, this includes supervision from EOS, the Nature Foundation (TNF) as well as the Inspectorate of Maritime Affairs (TEATT). Total labor requirement is estimated to less than 10 people being involved within various stages of the process.

Apart from national and international guidelines for the scuttling of shipwrecks, general specifications pertaining to the scuttling of shipwrecks have been provided by the TNF which has had experience in the past with the scuttling of shipwrecks as well. In addition, the Contractor it has been determined that the contractor must have at least 10 years of general work experience and 3 years of waste management experience and must provide a scuttling plan for review and approval. The general specifications pertaining to scuttling of shipwrecks received from the TNF and the Contractors preliminary plan are included in **Annex 2** (which are represented in this report and as standalone documents).

3. Government Regulations and World Bank Group's Operational Guidelines

3.1 Applicable Ordinances, Policies and Regulations of Government of Sint Maarten

Sint Maarten, previously part of the Netherlands Antilles, became an autonomous Country within the Kingdom of the Netherlands on October 10, 2010. Sint Maarten has full autonomy for internal affairs including environmental legislation. The Dutch government is solely responsible for defense and foreign affairs

According to Article 22 of the ‘Constitution of the Country of Sint Maarten,’ it shall be the constant concern of the government of Sint Maarten to keep the country habitable and to protect and improve the natural environment and the welfare of animals.

The Ministry of Public Housing, Spatial Planning, Environment, and Infrastructure (Ministry VROMI) is working towards the preparation of draft legislation on (i) environmental policy and management plan, (ii) nature policy plan, (iii) establish noise, air and water quality norms, and (iv) develop standard environmental regulations to include permits.

Vessel preparation and scuttling for the purpose of creating an artificial reef or dive site shall take place in accordance with the requirements as set forth by the Ministry of Tourism, Economic Affairs, Transport and Telecommunication - Department of Civil Aviation, Shipping & Maritime Affairs (the Ministry of TEATT) and TNF and as determined desirable and feasible by the aforementioned authorities will be completed in compliance with the following ordinances, policies and decrees relevant to this project:

- National Ordinance containing regulations for Nature Management and Protection:
https://decentrale.regelgeving.overheid.nl/cvdr/xhtmloutput/historie/Sint%20Maarten/142263/142263_2.html
- National Decree containing general measures for Nature Management and Protection:
https://decentrale.regelgeving.overheid.nl/cvdr/xhtmloutput/historie/Sint%20Maarten/207435/207435_1.html
- Eindrapport Milieunormen Nederlandse Antillen 2007:
<http://www.dcbd.nl/document/eindrapport-milieunormen-nederlandse-antillen-lucht-geluid-water-afvalwater-afval>
- Wastewater National Ordinance:
https://decentrale.regelgeving.overheid.nl/cvdr/xhtmloutput/historie/Sint%20Maarten/208544/208544_3.html
- Waste National Ordinance:
https://decentrale.regelgeving.overheid.nl/cvdr/xhtmloutput/historie/Sint%20Maarten/208510/208510_2.html
- Marine Park Ordinance:
<https://dcnanature.org/wp-content/uploads/2020/12/D8-SXM-MarineParkOrdinanceDRAFT.pdf>
- The Labor Regulations 2000
- National HIV and AIDS Workplace Policy
- All current COVID-19 safety and health legislation and directives of the government of Sint Maarten

3.2 Conventions

Applicable convention agreements:

- 1) OSPAR Convention and Guidelines on Artificial Reefs in relation to Living Marine Resources (Northeast Atlantic)
https://www.miteco.gob.es/es/costas/temas/proteccion-medio-marino/OSPAR_Artificial%20Reefs%20Guidelines_tcm30-157010.pdf
<https://www.ospar.org/convention>
- 2) Convention on the Prevention of Marine Pollution by Dumping Wastes and Other Matter (LC), 1972 (and the 1996 London Protocol)
<https://www.imo.org/en/About/Conventions/Pages/Convention-on-the-Prevention-of-Marine-Pollution-by-Dumping-of-Wastes-and-Other-Matter.aspx>
- 3) London Convention and Protocol/UNEP Guidelines for the Placement of Artificial Reefs

http://www.imo.org/en/OurWork/Environment/LCLP/Publications/Documents/London_convention_UNEP_Low-res-Artificial%20Reefs.pdf

4) MARPOL convention

[https://www.imo.org/en/About/Conventions/Pages/International-Convention-for-the-Prevention-of-Pollution-from-Ships-\(MARPOL\).aspx](https://www.imo.org/en/About/Conventions/Pages/International-Convention-for-the-Prevention-of-Pollution-from-Ships-(MARPOL).aspx)

5) SOLAS convention

[https://www.imo.org/en/About/Conventions/Pages/International-Convention-for-the-Safety-of-Life-at-Sea-\(SOLAS\),-1974.aspx](https://www.imo.org/en/About/Conventions/Pages/International-Convention-for-the-Safety-of-Life-at-Sea-(SOLAS),-1974.aspx)

6) Basel Convention

<http://www.basel.int/>

7) Hong Kong Convention

<https://www.imo.org/en/About/Conventions/Pages/The-Hong-Kong-International-Convention-for-the-Safe-and-Environmentally-Sound-Recycling-of-Ships.aspx>

8) Rotterdam convention

<http://www.pic.int/>

9) Stockholm Convention

<http://www.pops.int/>

In addition to the scuttling, if waste is planned to be transported offshore internationally, then the Contractor shall be responsible for obtaining any necessary licenses and permits and for complying with any National Legislation applicable to the performance of the services, should it be required.

- 1) Regarding the scuttling activity, a formal request will be drafted to the Ministry of TEATT three weeks in advance of the activity to officially register the vessel as an artificial reef/dive site in the exact location it will be scuttled. Once a letter is received granting permission of the request (which is expected since the Ministry has been heavily consulted on the matter) then the proposed activities will proceed.
- 2) Regarding any waste generated from the scuttling activity that is proposed to be shipped offshore, internationally, then

3.3 Additional Operational Guidance

Shipwreck recovery, salvage, decommissioning and scuttling operations shall be completed in general accordance with the following provisions derived from the United States Occupational Safety and Health Administration (OSHA) as applicable :

1) Shipbreaking

<https://www.osha.gov/Publications/3375shipbreaking.pdf>
https://www.osha.gov/SLTC/etools/shipyard/ship_breaking/index.html

2) Debris Reduction, Recycling and Disposal

<https://www.osha.gov/SLTC/etools/hurricane/debris.html#index>.

3) Deep-Water Work/Boating Operations

<https://www.osha.gov/SLTC/etools/hurricane/water-operations.html>.

4) OSHA Hazardous Waste Operations and Emergency Response (HAZWOPER) Activities

<https://www.osha.gov/SLTC/etools/hurricane/hazwoper.html>

5) Debris Reduction, Recycling and Disposal

<https://www.osha.gov/SLTC/etools/hurricane/debris.html#index>

6) Scrap Metal Recycling

https://www.osha.gov/SLTC/recycling/recycling_scrap_metal.html

3.4 World Bank Safeguards Policies and World Bank Group Environmental, Health and Safety Guidelines

3.4.1 World Bank Operational Policies (Ops) and Bank Procedures (BPs)

The World Bank has Operational Policies (OPs) and Bank Procedures (BPs) concerning environmental and social issues, which together are referred to as the ‘World Bank Safeguard Policies’. If, during the development of a project, it is considered that it is possible that a proposed project activity could be the subject of one of the safeguard policies, that policy is considered to have been ‘triggered’. In the subsequent development of the project, that activity must be considered in more detail to determine whether it is of no concern or adequate mitigation can be applied to address the concern, or the activity should be removed from the project (or the whole project should be dropped).

The WB Operational Policies and Bank Procedures that establish the standards that the Borrower and the project will meet through the project life cycle, are as follows:

1) Environmental Assessment (OP4.01/BP4.01):

<https://policies.worldbank.org/sites/ppf3/PPFDocuments/Forms/DispPage.aspx?docid=1565&ver=current>

2) Environmental Action Plans (OP4.02/BP4.02):

<https://policies.worldbank.org/sites/ppf3/PPFDocuments/Forms/DispPage.aspx?docid=3528&ver=current>

3) Natural Habitats (OP4.04/BP4.04):

<https://policies.worldbank.org/sites/ppf3/PPFDocuments/Forms/DispPage.aspx?docid=1567&ver=current>

4) Pest Management (OP4.09):

<https://policies.worldbank.org/sites/ppf3/PPFDocuments/Forms/DispPage.aspx?docid=1637&ver=current>

5) Physical Cultural Resources (OP4.11/BP4.11):

<https://policies.worldbank.org/sites/ppf3/PPFDocuments/Forms/DispPage.aspx?docid=1570&ver=current>

6) Involuntary Resettlement (OP4.12/BP4.12):

<https://policies.worldbank.org/sites/ppf3/PPFDocuments/Forms/DispPage.aspx?docid=1572&ver=current>

3.4.2 World Bank Environmental, Health and Safety (EHS) Guidelines

The WB EHS guidelines are technical reference documents with general and industry specific examples of Good International Industry Practice (GIIP). EHS Guidelines are applied as required by their respective policies and standards. The applicability of specific technical recommendations should be based on the professional opinion of qualified and experienced persons. When host country regulations differ from the levels and measures presented in the EHS Guidelines, projects are expected to achieve whichever is more stringent.

World Bank EHS guidelines are available at

https://www.ifc.org/wps/wcm/connect/Topics_Ext_Content/IFC_External_Corporate_Site/Sustainability-At-IFC/Policies-Standards/EHS-Guidelines/

3.4.3 Guidelines Applicable to the Project: Waste Management

These guidelines apply to Projects that generate, store, or handle any quantity of waste across a range of industry sectors. Waste materials should be treated and disposed of, and all measures should be taken to avoid potential impacts to human health and the environment. Selected management approaches should be consistent with the characteristics of the waste and local regulations. The guidelines cover relevant waste management issues including final disposal, hazardous waste management, waste storage, transportation, and monitoring. Further details on the waste management guidelines are provided in **Annex 4**.

3.4.4 Sectoral Guidelines Applicable to the Project: Waste Management Facilities

The EHS Guidelines for Waste Management cover facilities or projects dedicated to the management of municipal solid waste and industrial waste, including waste collection and transport; waste receipt, unloading, processing, and storage; landfill disposal; physicochemical and biological treatment; and incineration projects. Industry-specific waste management activities applicable, for example, to medical waste, municipal sewage, cement kilns, and others are covered in the relevant industry-sector EHS Guidelines, as is the minimization and reuse of waste at the source. This industry sector EHS guideline is designed to be used together with the General EHS Guidelines document, which provides guidance to users on common EHS issues potentially applicable to all industry sectors. Guideline is available at:

[Waste Management Facilities - Final - December 7.doc \(ifc.org\)](#)

4. Baseline Environmental and Social Conditions

4.1 Physiography

Sint Maarten is an island country in the Leeward Islands of the Caribbean. Sint Maarten is centred on 18° 01'N Latitude and 63° 05' W Longitude. The island hinges between the Lesser and the Greater Antilles and lies between the Atlantic Ocean and the Caribbean Sea. Other neighboring islands include Saba St. Eustatius, Anguilla, St. Kitts and Nevis and St. Barthélemy. The total land area of the entire island is 90 km² (15 km long and 13 km wide at its widest point). The island features a series of jagged ranges of hills from north to south terminating at Pic Paradis, 424 m the highest point, on the French side of the island. The

coastline is a series of beaches, coastal lagoons, rocky areas and salt and fresh water (brackish) ponds, and the interior is characterized by many valleys.

4.2 Climate

The climate of Sint Maarten is tropical with hot and sunny weather all year around. Daily average temperature ranges from 25 degrees Celsius (°C) in the period from January to March, to 28 °C between June and October. The night temperature rarely drops below 20 °C, while sometimes it can reach 35/37 °C during the day, from June to November. Average monthly weather data of Sint Maarten is given in

Table 4-1.

Average annual rainfall is 1045 mm. In the period from June to November (but mostly from August to October), Sint Maarten can be hit by tropical depressions and hurricanes, as happens in general in the Caribbean.

Table 4-1: Average Monthly Weather Data of Sint Maarten

Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Temperature, Min (°C)	22	22	23	23	24	25	25	25	26	25	24	23
Temperature, Max (°C)	28	27	28	28	29	30	30	31	31	30	29	28
Rainfall (mm)	75	50	45	80	100	70	85	115	120	100	115	90

4.3 Natural Hazards

Sint Maarten is highly vulnerable to natural disasters and adverse climatic events due to its location within the Atlantic hurricane zone. During the past decades, the country has been exposed to tropical storms and numerous hurricanes, including notably intense storms: Donna in 1960 (Category 3), Hugo in 1989, Luis in 1995 (Category 4), Lenny in 1999, Gonzalo in 2014 and Irma in 2017 (Category 5 on Saffir-Simpson scale). Due to the size of the country, a single storm has the potential to impact the entire population directly. High winds, rainfall and flooding are the principal risk factors. The country is also vulnerable to occasional earthquakes. Coastal areas are exposed to flood risk and erosion from storm surge, run-off, possible tsunamis and a rise in sea levels. Increased urbanization along with climate change and limited country capacity to build with resilience adds to its vulnerability to natural hazards.

4.4 Biological Environment

A major part of Sint Maarten is covered with secondary vegetation derived from either seasonal formations or dry evergreen formations. Only on the top of the hills, some more or less original semievergreen seasonal forest is found. Without peaks high enough to support a cloud forest, the highlands are primarily tropical deciduous forest, where many trees lose leaves during the dry season. Dry scrubland also makes up a good deal of the interior of the island, particularly in areas that are used as pasture for goats or cattle. There are several salt and fresh ponds on the island, and most are ringed with mangrove wetlands. Along the coast and inland waterways remains of mangrove forests and other types of coastal vegetation survive, which are of high ecological value, aesthetic, and recreational value. While there are dry gulches that may fill temporarily after strong rains, there are no permanent rivers. Beaches and rocky shorelines ring the island, and in areas that are not developed, littoral (seaside) forest or scrub can be found. There is a large, enclosed lagoon in the southwest part of the island. In the seas surrounding the island, a mix of sand, seagrass beds and coral reefs can be found. The fauna of St. Maarten is limited

in species, not only because of St. Maarten's small size, but also because of habitat destruction, hunting and imported predators and extreme climate events such as hurricanes. Over the past 40 years urban development has resulted in further habitat degradation for several endangered species across numerous wetlands areas, coastal inlets, and along beachfront areas.

Studies in the past conducted by TNF indicate high levels of marine biodiversity. These rich marine zones are afforded some general level of protection in St. Maarten through the National Ordinance containing regulations for Nature Management and Protection and the Man of War Shoal Marine Park. While the Park serves to ensure the conservation of threatened and endangered species, it only spans a portion Sint Maarten's marine life. Within the parameters of the protected zone there are several noteworthy dive sites ranging across both natural and artificial reefs. From this, the Nature Foundation has been able to identify the benefits of artificial reefs towards strengthening marine habitats, on-going coral rehabilitation, and economic activity through recreational and dive tourism.

Despite the protection afforded by the Nature Ordinance and other local legislation, lack of proper enforcement on wastewater pollution and overfishing threatens healthy reef ecosystems. In fact, many natural coral formations have been affected by the Stony Coral Tissue Disease, specifically in the non-protected areas.

4.5 Demography and Socio-economy

Sint Maarten is the most densely populated country in the Caribbean with a population of more than 42,500 in an area of 34 square km and a per capita Gross Domestic Product (GDP) of U\$25,381. English is widely spoken though both English and Dutch are the official languages of the country.

Tourism and tourism-related industry is the major source of employment in the country. Only about 10 % of the land is considered suitable for domestic agricultural production, and over 90% of food products are imported. Nearly 30% of the male working population (45% for female workers) earn less than ANG 2,000 (USD 1,200) per month. Literacy rate in people over the age of 14 is 95.8%.

Hurricane Irma has severely damaged the economy of the country. Sint Maarten's low unemployment rate (6.2 percent) and youth unemployment rate (23.8 percent) in 2017 have significantly risen following the hurricane due to the shutting down of tourism businesses.

The tourism sector suffered from significant damages to the airport, accommodations, and tour operator equipment, dramatically reducing the number of tourist arrivals. Micro, small, and medium-sized enterprises have experienced a significant loss of capital due to the impacts of the hurricane.

4.6 The Simpson Bay Lagoon¹

Simpson Bay Lagoon (one of the largest inland bays in the Antilles) constitutes a wide wetland shared between the French and Dutch parts. Extensive seagrass beds can be found underwater (particularly on the eastern side); The seagrass stands in and around St Maarten are dominated by Turtle grass (*Thalassia testudinum*) together with Manatee grass (*Syringodium filiforme*), banks of calcareous alga (*Halimeda*) and *H. stipulacea*. The lagoon is bordered by 3 species of mangrove trees growing around the shorelines, namely *Rhizophora mangle*, *Avicennia germinans*, *Laguncularia racemosa*, as well as Buttonwood *Conocarpus erectus*.

¹ Source: MSWS Environmental and Social Impact Assessment

4.7 Three Project Activity Locations

This project, due to its different phases (preparation for scuttling and the actual scuttling of the vessel) is being carried out at three locations.

Phase 1: Preparation

(1) Location: Decommissioning Yard, Simpson Bay

Due to the contractual and timeline arrangements of this project, certain actions to prepare the *Marion* for scuttling have already taken place at during the “Shipwreck Salvage and Lagoon Debris Removal and Disposal Project”. In this phase of preparation, the vessel’s interior which includes any burnable, non-steel items have been removed as well as all electrical equipment to prevent any lead or copper water contamination. Asbestos containing material was also identified on the vessel and has appropriately been removed following the environmental and social safeguards, any perceived risks have been mitigated with the measures proposed in the “Specific Mitigation Measures for Each Project Activity” in **Annex 4**.

The waste derived from this scope of work has been processed and shipped in accordance with the approved Waste Management Plan for the “Shipwreck Salvage and Lagoon Debris Removal and Disposal Project”.

(2) Location: Anchored in the Simpson Bay Lagoon

The remaining scope of work of the *Marion* will take place at its anchored location in the Simpson Bay Lagoon with the coordinates of 18°02.777 °N and 63°05.864° W. The *Marion* is in floating condition at this location with two anchors, at the bow and the stern of the vessel to ensure very minimal movement of the vessel as compared to a single anchorage.

At this location, the main engine and gear box will be removed including any remaining liquids such as hydrocarbons, or fuels. In addition, the fuel tank will be cleaned by flushing or be permanently sealed. Installations such as steel bars will be placed to ensure diver safety of any unsafe entrances. Finally, any steel items that are suspected to have poor stability will be removed, as per the mitigation measures outlined in the “Specific Mitigation Measures for Each Project Activity” in **Annex 4**.

Phase 2: Scuttling

Initially, four specific locations were proposed by the Nature Foundation, and a fifth location was added after targeted and public consultations. The feedback from these consultations, along with the previous surveys and required criteria served as the basis for selecting the fifth proposed site, tentatively named ‘Marion’ located in the Cupecoy area as the preferred location for scuttling the *Marion*.

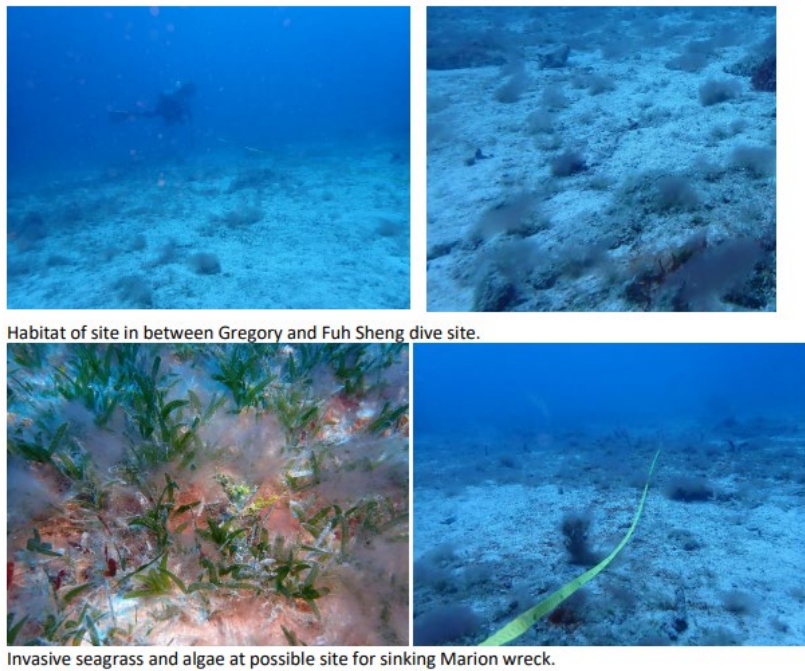
(1) Location: New Site: Marion, Cupecoy

This location is in shallower area between dive sites “the Gregory” and “Fuh Sheng”. The specific coordinates are indicated within Image 2 in paragraph 2.3. The dive site is in the Western coastal waters

within the Cupecoy area. There are no coral reef formations, only fragments of corals, shells and rocks creating what is known as a 'rubble habitat' with invasive seagrass beds and algae, see Image 3 below.

At a depth of 20 meters, this location is situated in the lee of the island. The site is outside large vessel traffic and is sheltered from strong wind and current during bad weather.

Image 3



5 Potential Environmental and Social Risks and Impacts of the Project and proposed mitigation measures

5.1 Overview of potential risks and impacts and proposed mitigation measures

The main environmental, health and safety risks identified are:

- 1) Possible pollution from oils, fuel, blackwater, batteries, and other potentially hazardous materials that could spill during decommissioning and preparation of the vessel

- 2) Occupational Health and Safety risks throughout the preparation, transportation and scuttling of the vessel
- 3) Ecosystem damage when navigating and towing the vessel towards the location for scuttling
- 4) Navigational safety when towing the vessel and future marine traffic
- 5) Dive Safety

Impacts related to land acquisition, indigenous people and tangible cultural heritage are not applicable for this project.

To address the above-mentioned risks, the following mitigation measures are proposed:

- 1) Prior to any activities taking place the Contractor shall prepare a C-ESMP which will outline the implementation of procedures and adherence to policies that will minimize risks, promote the sustainable use of resources, including energy, water and raw materials, avoid or minimize adverse impacts on human health and the environment by avoiding or minimizing pollution from project activities, and avoid or minimize generation of hazardous and non-hazardous waste in accordance with applicable legislation. Prior to scuttling the Contractor will remove onboard debris and sanitize the vessel of all materials and liquids which may degrade the marine environment. An inspection of the vessel will be done by TNF and the Maritime Affairs of the Ministry of TEATT to ensure that the vessel is suitable to be sunk without the risk of spills or any form of water contamination. The Contractor shall ensure appropriate final disposal of debris, oily waste and or hydrocarbons and electrical equipment is specified as part of the Waste Management Plan, see Annex 2 attached.
- 2) The Contractor shall implement procedures and policies that will promote safety and health at work during preparation and the scuttling of the shipwreck. In addition, the Contractor shall promote the fair treatment, non-discrimination, and equal opportunity of project workers in accordance with Government of Sint Maarten Labor Legislation 02. Labor Agreement.
- 3) NRPB has requested advice/assistance from TNF for advice and assistance on determining suitable locations for scuttling the vessel. Besides advising, TNF also approached dive operators for feedback. The NRPB will oversee the sound implementation of the project activity. CR and TNF will report to NRPB on any action that the Contractor takes that could affect the project/the ecosystem in Project area. The Contractor shall implement procedures and policies that will protect and conserve biodiversity and habitats. In addition, the contractor shall promote the protection and sustainable management of living natural resources in accordance with VROMI, Ministry of Public Housing, Spatial Planning, Environment and Infrastructure 2015-2018 Ministry Plan and further applicable Legislation.
- 4) The scuttling of the shipwreck will be carried out in conjunction with the Coast Guard, the Department of Civil Aviation Shipping & Maritime Affairs and TNF. The Contractor in conjunction with Maritime Affairs of the Ministry of TEATT, TNF and external supervisor (CR) will navigate/tow the vessel towards the location for scuttling. Navigation will be discussed with all involved to ensure the safest route is taken.

- 5) Taking future divers' safety into consideration, all possible entrances from the vessel will be blocked/bared up, preventing divers from entering inside the vessel. The location for scuttling the shipwreck must be secured and declared safe prior to scuttling. Post scuttling monitoring must be carried out to ensure no loose parts float to the top or unforeseen spills occur.

5.2 Project Implementation Tasks Specific Measures

The Project will consist of five tasks. Mitigation measures have been drafted according to each applicable task. Note that they do not constitute an exhaustive list and it is expected that the Contractor will develop risk management strategies, controls etc. that suit the scale and nature of the finalized Project.

Project implementation tasks are:

1. Quotation/Negotiation stage;
2. Project preparation;
3. Removal, processing and disposal of debris from shipwreck, *Marion*;
4. Project closeout; and
5. Monitoring and review.

5.3 Quotation/Negotiation with Contractor

Due to the works being carried out by the approved Contractor for the "Shipwreck Salvage and Lagoon Debris Removal and Disposal Project" by NRPB, and the coherence this project—the creation of the artificial reef – has with the shipwreck salvage project, it was decided to remain with this Contractor and request a quotation for adequate preparation prior to scuttling of the *Marion*. The current Contractor is knowledgeable and operates with appropriate and approved methods and has indicated a willingness to carry out the project.

The following Environmental, Social, Health and Safety (ESHS) Conditions will be part of contract documents to ensure all the mitigation measures proposed in this ESMP are effectively implemented:

- Code of Conduct of Contractor and its Personnel
- In addition, the Contractor shall submit an outline of how this Code of Conduct will be implemented. This will include how it will be introduced into conditions of employment/engagement, how it will be monitored and how the Contractor proposes to deal with any breaches.
- Mitigation measures to address any possible EHS risks
- Past performance of the Contractor on OHS aspects including mitigation measures to avoid sexual exploitation and abuse and gender-based violence
- Contractor's ESHS key personnel
- Performance Security
- Contractor's Environmental and Social Management Plan (C-ESMP), including EHS procedures and implementation plan.
- Covid-19 mitigation plan is to be included, in the ESHS Management Strategies and Implementation Plans, the measures proposed to be implemented for the duration of the

Contract to prevent or minimize the possibilities of an outbreak of COVID-19 amongst management, staff, and (sub-) contractors. See **Annex 7** for Covid-19 Provisions for Procurement and Contracting.

5.4 Project Preparation

Firstly, the Contractor will prepare a C-ESMP that is to be reviewed and approved prior to works. Since the activities for the scuttling of the shipwreck are specific, the Contractor will provide a Scuttling Work Plan which is also to be reviewed and approved. A current draft of this document is found in **Annex 2** as a standalone document and will be revised once ESMP is cleared. In addition, the NRPB has set up a Grievance Redress Mechanism (GRM) to address any possible concerns during project implementation, see **Annex 5**.

The project preparation will include, amongst others, the removal of significant interior and exterior parts of the shipwreck adhering to the measures outlined in **Annex 4**, “Specific Mitigation Measures for Each Project Activity”, the mobilization of the Contractor for the scuttling activity and the finalization of the following conditions and documentation by the Contractor and other relevant stakeholders.

5.5 Work Site Preparation

This phase includes preparation and provisions necessary to address potential impacts and risks to the surrounding marine and land ecosystems and community. The tasks will include the following:

Disposal of debris:

The debris or waste generated from the initial scope of decommissioning that took place in the vicinity of the decommission yard has been added to the segregated stockpiles of waste from “The Shipwreck Salvage and Lagoon Removal and Disposal Project”. It has already been transported to the approved recycling facility and disposal site off shore in the Netherlands and Trinidad and Tobago.

The remaining waste, oily water or metal debris that is derived from the removal/sanitizing process of the vessel in preparation for scuttling at the anchored location will be shipped offshore to the previously approved recycling facilities from the “Shipwreck Salvage and Lagoon Removal and Disposal Project”. The project will follow the steps outlined in the “Waste Management Plan for the *Marion*” (this document can be found in **Annex 2** as a standalone document).

The waters of Sint Maarten will be in active use for recreation and commercial purposes while the work is being performed. As such, the project approach must include prompt removal of materials, possible machinery etc. pertaining to the preparation/sanitation prior to scuttling. Considering that the vessel must be moved to the selected location for scuttling adequate control over the vessel must be achieved. The wreck will be towed to new dive site with the use of two vessels, this can be referenced in the draft Contractor’s Scuttling Workplan in **Annex 2** as a standalone document.

The Contractor shall be responsible for the following:

- 1) **Bridge to Bridge Communications:** Because this work will occur within an open body of water and channels with (heavy) marine traffic and in order that radio communication may be made with passing vessels, all tugs or salvage vessels that work under this contract

shall be equipped with bridge-to-bridge radio telephone equipment. The radio equipment shall operate on a single channel of very high frequency (VHF) FM on a frequency of 156.8MHZ with low power output having a communication range of approximately ten miles. Channel 16 (the Bridge Operator) must be always monitored.

- 2) **Notification to the St. Maarten Department of Aviation and Maritime Affairs:** The Contractor must notify the Department of Civil Aviation, Shipping & Maritime Affairs (Ministry of TEATT), The NRPB, the Dutch Caribbean Coast Guard and the CR prior to commencement of the scuttling activities and post scuttling activities. Information pertaining to contract work schedule, the locations of rig and equipment during work, and potential hazards of the operation should be provided.

All vessels that are regulated by the Department of Civil Aviation, Shipping & Maritime Affairs shall have current inspections and certificates before being placed in-service for this contract. A copy shall be posted in a public area aboard the vessel.

The Contractor under the previously approved “Shipwreck Salvage and Lagoon Debris Removal and Disposal Project” has developed and utilized project-specific Environmental, Health & Safety Procedures which are in line with this artificial reef project. The C-ESMP shall include emergency preparedness, response training and procedures for offshore marine and onshore terrestrial spill response activities. Furthermore, the Contractor has an approved GRM in place to handle worker complaints and to refer any community complaints.

Spill response control and countermeasures will vary based upon the constituent of concern, size and location of the release and should generally include the following:

Releases on water:

- A floating containment boom large enough to enclose the area of surface water should be placed surrounding a location where a spill may reasonably be expected to occur, but with a minimum length of forty (40) feet. Said containment boom must include a skirt to keep pollutants from seeping below the boom.
- Absorbent materials, such as oil absorbent booms and pads must also be kept available to absorb spills on the surface water. Skimmers and oil scoops must be at hand to remove contaminants from the surface water.
- Any spill on the water which results in sheen, emulsion, or emulsion below the surface of the water shall be reported to the CR immediately.

Vehicle Stability:

- The keel is the structural beam that runs in the middle of the boat from bow to stern. By placing pieces of concrete in the center of the *Marion* as well as other measures as described in the workplan, the expectation would be for her land upright with the keel settling down to the bottom instead of on its side. To scuttle the *Marion* a single anchor will be used (the same anchor where the *Marion* is anchored with for several months now). The anchor itself is two tons with a 30-meter chain that is 1 inch thick. The anchor along with the concrete ballasts should be sufficient to have the *Marion* sit in a stable

position with no movement or slippage. The Nature Foundation will monitor the site after the scuttling followed by inspection to survey the vessel's vehicle stability three days later.

Potential ESHS risks of the Project have been assessed and are summarized below:

- Worker's exposure to hazards associated with the project activities
- Wastewater discharges
- Spills
- Air and noise emission
- Waste generation
- Storage and handling of hazardous material
- Incidents
- Emergencies
- The towing of the vessel to the location where it is to be sank
- Pre survey at the scuttling location ensuring nothing is obstructing
- Monitoring post scuttling at the location

Detailed measures for the above risks are developed following the World Bank Group Environmental Health and Safety Guidelines and Good International Industry Practice and Presented in **Annex** .

Since there are no residential units in proximity to any active work sites, it is anticipated that there will be no health and safety risks for the population.

5.6 Project/Site Closeout

The Contractor in coordination with CR will perform the following site closeout activities:

- 1) Underwater video inspection will be carried out to ensure the vessel was sunk correctly and has been positioned/settled at the bottom seabed as planned.
- 2) It shall be confirmed that there is no floating debris or liquids as a result of the scuttling.
- 3) If any pollution is detected such as additional oil leaking, the Contractor must take immediate action to mitigate this.
- 4) The boat(s) that maneuvered the vessel to the location for scuttling shall return to its original anchorage location.

NRPB in coordination with the Contractor and CR will perform the following site closeout activities:

- 1) A separate letter will be made indicating the successful scuttling of the vessel. The letter will be submitted to The Department of Civil Aviation, Shipping and Maritime Affairs of the Ministry of TEATT for their records as well as to TNF and any other stakeholders who are broader uses of this activity.

The Nature Foundation in coordination with the NRPB, The Contractor and CR will perform the following site closeout activities:

- 1) Inspection of wreck post scuttling
 - Survey 2-3 days post scuttling

- 2) Continued monitoring of wreck for one month post scuttling
 - o Inspection and monitoring reports

5.7 Supervision, Monitoring and Review

The Contractor Representative will obtain an understanding of the Contractor’s project-specific Health and Safety Program (HASP). The Contractor will provide the CR with documentation of training, safety briefings, and toolbox meetings on a weekly basis. The Contractor will notify the CR of accidents, incidents and/or spills immediately after they occur, with a summary report to follow within 24 hours of the occurrence.

The proposed monitoring plan to be carried out during the implementation of the project to ensure contractors compliance with the mitigation measures is given in **Annex 4**, Table A-5 along with the monitoring indicators and frequency. The contractor will carry out the monitoring. Table A-5 will also be included in the contract specifications of the Contract Documents.

NRPB with The Contractor and CR will prepare a monitoring/close out report which will be submitted to World Bank for their review and feedback. Details of this report and its content are given in **Annex 4**.

6. Project Implementation Arrangements

6.1 Institutional Arrangements for Project Implementation

The NRPB will be responsible for the overall management, supervision, and execution. NRPB will appoint a CR, which will act as the Supervisor of the Contractor that will manage and monitor the activities under the contract.

The NRPB will also assign its Safeguards Specialists to monitor and advise on the implementation of the ESMP for the Project. The Project Manager of the Emergency Debris Management Project will supervise the implementation of the ESMP in close coordination and based on the advice of the Safeguards Specialists and recommendations of the CR (and/or TNF). The Project Manager will be responsible for approval or change of the project specific environmental mitigation measures based on review and recommendations of the Safeguards Specialists and the CR. Table 6-1 provides a description of the roles and responsibilities for the project entities.

Table 6-1 Roles and Responsibilities of Project Responsible Entities

RESPONSIBLE ENTITY	POSITION	RESPONSIBILITIES
NRPB	Emergency Debris Management Project (EDMP) Project Manager	Submittal and scheduling authority. Supervise the implementation of the ESMP. Responsible for approval or change of the project specific environmental mitigation measures with review and recommendations of the CR.

CR (EOS)	Site Supervisor	Supervise that works are performed in accordance with all requirements for HS&E; transportation; debris removal and /or sanitation of the to be scuttled shipwreck; communication, responsible for monitoring, and reviewing Contractor’s project activity logs, in will manage and monitor the day-to-day activities under the contract.
NRPB	Environmental Safeguards Specialist	EMP/ BMP monitor, inspections Draft Notification to TEATT prior to scuttling
Contractor (KMS)	Personnel EHS Key Personnel	Prior to works the Contractor will prepare a C-ESMP. The Contractor will perform works in accordance with all requirements for HS&E; transportation; debris removal and /or sanitation of the to be scuttled shipwreck; communication, etc. EHS contractor compliance/oversight Carry out a job hazard assessment for each/the worksite(s) to assess the potential hazards and implement mitigation measures to minimize risks. These measures will be included in the Contractor’s C-ESMP plan.
The Nature Foundation (TNF)	Management and Scientific Agency for terrestrial and marine ecosystems	Provide information for a scuttling location; provide information for a scuttling a plan; approach stakeholders for feedback on scuttling location; assist with supervision of the pre-scuttling and environmental monitoring post-scuttling. Support with scuttling notification to TEATT.

Institutional arrangements for Environmental Management Plan (EMP) implementation of the Project are given in Figure 1:

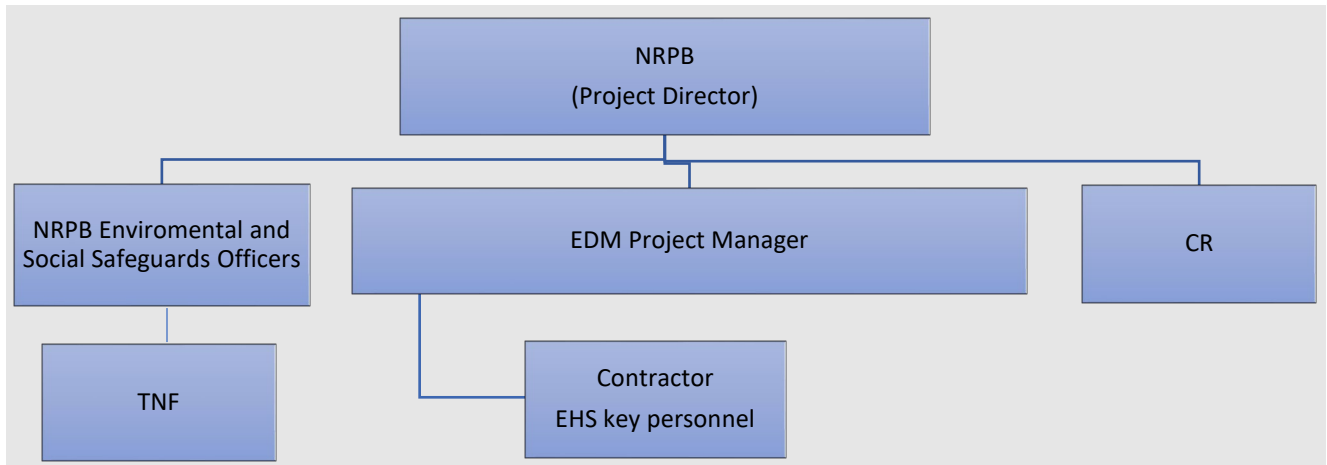


Figure 1: Organogram for the Management of Project's Environmental Mitigation Measures

Roles and responsibilities of relevant Project staff in environmental and social management of the Project are given in Table 5-2.

Table 6-2: Roles and Responsibilities in Environmental and Social Management of the Project

Staff	Responsibilities
NRPB Environmental and Social Safeguards Specialists	<ol style="list-style-type: none"> 1 Assist the NRPB Emergency Debris Management Project (EDMP) Project Manager in review and approval of the various documents prepared by the contractor such as C-EMP, code of conduct, labor procedures, job hazard analysis, monitoring report/close out report, scuttling plan and so on. 2 In conjunction with CR supervise the Contractor's work to ensure compliance with the environmental, social, health and safety requirements of the Contract documents and ESMP. Provide recommendations for implementation of corrective actions for any non-compliances and suggest improvements for contractor's performance. 3 In conjunction with CR Investigate and report all incidents related to environmental, social and health aspects. Carry out root cause analysis for all major incidents, and Recommended actions to be taken to rectify the failure that led to these incidents. 4 Carry out regular consultations with the stakeholders. 5 Prepare and review close out report on the implementation of the ESMP for transmission to the World Bank throughout the project implementation period.
ESHS Specialist of the Contractor	<ol style="list-style-type: none"> 1 Preparation of Project Environmental Action Plan with site-specific management plans on waste management, pollution prevention and control, labor influx, water supply and sanitation of the work areas, occupational health and safety, and emergency response. The Plan will be submitted for PMU approval. 2 Implement all mitigation measures to address potential environmental and social risks and impacts as described in the ESMP and Contractor's site-specific management plans. 3 Implement the environmental monitoring plan of the ESMP. 4 Carry out a job hazard assessment for each/the worksite(s) to assess the potential hazards and implement mitigation measures to minimize risks. These risks and mitigation measures will be included in the contractor's C-ESMP & OHS plan. 5 Conduct toolbox training to the laborers on health and safety risks of the project works. 6 Prepare project/close out report on ESMP implementation.
CR	<ol style="list-style-type: none"> 7 Supervise (civil) works related to project, ensuring compliance with the OHS requirements of the Contractor.

Staff	Responsibilities
	8 Support the Environmental and Social Specialist of the PMU in the collection of the field data.

7. Stakeholder Engagement and Information Disclosure

7.1 Stakeholder Engagement

During the preparation of this ESMP, various stakeholders were contacted and invited to provide feedback during different stages of the project both digitally and in person.

Initial Survey by Nature Foundation

The Nature Foundation was consulted by the NRPB to advise on and propose suitable scuttling locations for the *Marion*, given that the organization manages and maintain all dive sites in the Dutch Sint Maarten Coastal waters. In support of their proposal, the Nature Foundation conducted an initial survey among dive operators on their preferred location.

One Pager and Follow-Up Online Survey by NRPB

The Nature Foundation’s initial survey was focused mainly on dive operators’ preferences. After this initial survey and feedback received from the Chief Harbor Pilot (PORT ST. MAARTEN Group of Companies), only two of the four scuttling locations proposed by the dive operators met the criteria to create an artificial reef/dive site. NRPB also during this time received feedback from the World Bank regarding widening the scope of stakeholder participation to include other relevant industry groups and communities.

At this stage, the stakeholder engagement plan was adapted to include not only the previously contacted stakeholders, but also to introduce a broader range of stakeholders who would be directly impacted or have a vested interest in the project activity.

A one pager was drafted so that any stakeholder (new or previously contacted) could refer to the document to understand clearly the role of the NRPB, the overall focus of EDMP’s Shipwreck Salvaging Project and the project activity of the artificial reef/dive site creation. Along with the one pager, stakeholders were invited to respond to a survey. This secondary survey was prepared in way to engage first-time respondents while also inviting previously contacted stakeholders to provide input on new developments of the project.

The one pager along with the survey was sent out to stakeholders on February 10th, 2022, with a request to respond by February 21st 2022. An extension until March 18th, 2022, was granted in order to allow respondents more time to respond.

In-person Stakeholder Consultation hosted by NRPB

An in-person stakeholder consultation was organized in order gather more input on the decommissioning of the *Marion* and proposed scuttling location of the vessel, stakeholders were invited to an in-person consultation on April 1st, 2022. Stakeholder outreach for the consultation took place during the two-weeks prior to the event via emails, phone calls and in-person invitations. While the

NRPB facilitated the in-person consultation, the Nature Foundation was invited to give a presentation on the proposed site locations and provide scientific or technical input where needed during discussions.

Throughout the implementation stage(s) of the project, these targeted stakeholders will be kept informed through:

- Publishing– as the project is still ongoing –details and progress of the project on the NRPB Website, the NRPB Facebook page, the NRPB LinkedIn page, and may be informed through various traditional media channels including printed media and radio
- A one-pager of the project scope and proposed activities was drafted and shared in-person to follow-up with the artisanal fishing communities who did not participate in the in-person consultation. These persons were informed and invited to share any concerns or provide any input regarding the project and proposed activities.
 - An updated one-pager with the project updates specifically pertaining to the location is shared with the artisanal fishers in the same fashion as before and are invited to provide any further feedback in the development of this project.

Public Consultation via Social Media and Traditional Media (Press Release)

Throughout the implementation stage(s) of the project, public stakeholders were and will continue to be kept informed through:

- The project one-pager was published on NRPB’s online website.
- Publishing– as the project is still ongoing –details and progress of the project on the NRPB Website, the NRPB Facebook page, the NRPB LinkedIn page.
- A formal press release via traditional media (ie. local newspaper) and social media (ie. NRPB Facebook and LinkedIn pages) was issued early August to share project updates and invited public stakeholders to share any concerns or input about the project should they be directly impacted or have a vested interest in the project activities.

7.2 Project Stakeholders

Throughout the project, targeted and public consultations have taken place as a result of the stakeholder engagement process.

Found below are the following targeted stakeholders, who directly or indirectly could be impacted. These stakeholders are categorised into the following categories:

NGO’s: Environmental & Nature Organizations

- The Nature Foundation of Sint Maarten (NF)

Government Entities

- Ministry TEATT
- Sint Maarten Tourism Bureau
- Ministry VROMI
- The Dutch Caribbean Coast Guard
- Harbor Group of Companies (Port Sint Maarten/ SLAC)

Tour/Dive operators

- Dive Operators

Trade organizations/ Industry Groups

- Sint Maarten Hospitality and Trade Association (SHTA)
- Sint Maarten Marine Trades Association (SMMTA)

The following stakeholders were invited to complete online survey and attend an in-person consultation. see table 7.2

Table 7-2 Stakeholders for feedback on scuttling location

AGENCY/ ORGANIZATION	FUNCTION
Ministry TEATT	Maritime Department
Harbor Group of Companies	Chief Harbor Pilot
The Nature Foundation Sint Maarten	NGO /Scientific Nature Authority
Dive Adventures	Dive Operator
Dive Sint Maarten	Dive Operator
The Scuba Shop	Dive Operator
Snuba & RAID SXM	Dive Operator
Blue Odyssey Diving	Dive Operator
Outer Limits Divers SXM	Dive Operator
Dive Safaris	Dive Operator
Oceans Explorers	Dive Operator
SXM Divers	Dive Operator
Sint Maarten Marine Trades Association	Industry Group
Sint Maarten Tourist Bureau	Industry Group
Sint Maarten Hospitality and Trade Association (SHTA)	Industry Group
SXM Sport Fishing Foundation	Local Fishery Organization
Simpson Bay Fish Market	Local Fishery
Philipsburg Fish Market	Local Fishery

Additionally, as aforementioned, public stakeholders were invited through social and traditional media to share any project concerns, provide input or any information regarding the project scope and the proposed activities.

As part of the ongoing stakeholder engagement process, the ESMP will be published online on the NRPB website and social media to call for further public feedback on the document once it has been cleared by the World Bank. The feedback will be received through the email address info@nrpbsxm.org

Questions and feedback received from the consultation and through the email will be summarized in **Annex 6**. Feedbacks were classified into three classes: (i) relevant to the scuttling location, (ii) relevant to the project scope, and (iii) irrelevant.

Relevant feedbacks will be taken into consideration and will be incorporated into the final iteration of the ESMP.

7.3 Access to Information

The final version of the ESMP will be publicly disclosed on the NRPB's website, social media, as well as the World Bank's website. Stakeholders will be informed about the availability of the ESMP on the website. Regular progress on the project implementation/execution will be shared through NRPB news bulletins on the NRPB's website, social media and printed media.

7.4 Grievance Redress Mechanism

The NRPB has established a Grievance Redress Mechanism (GRM) to address stakeholders concerns throughout Project implementation. The Contractor will address minor concerns and complaints which are brought to their attention, and which can be resolved on the spot. The Contractor will report to the CR immediately, in the event a complaint from individuals or businesses within the community is submitted. The CR will subsequently consult NRPB on the next steps to be undertaken in the complaint procedure in accordance with the anti. This includes complaints that cannot be resolved on the spot and complaints that involve SH/SEA/GBV. Please see **Annex** for details.

Grievances from workers are generally handled by the Contractor through the Contractor's GRM for labor complaints, which is approved by NRPB, and are reported in accordance with the reporting and monitoring requirements stipulated in this ESMP. Project workers can choose to submit complaints at NRPB's GRM or the Contractor.

In the event a complaint contains a SH/SEA/GBV component, the Contractor will report to the CR immediately, who will consult with the NRPB on the next steps.

The details of the Contractor's complaint management are stipulated in the C-ESMP, such as a referral process for community complaints and a description of the labor complaint procedure.

Annex 1. Vessel Information (External Attachment)

Annex 2. Scuttling Management Plan

A2.1 NF Recommendation to Create an Artificial Reef from a Vessel

Solids, Debris & Floatables

Remove loose debris, including materials or equipment not permanently attached to the vessel, which could be transported into the water column during a scuttling event.

Ship's surfaces (e.g., decks, bulkheads, overheads, and surfaces of appurtenances) should be thoroughly cleaned to remove all dirt, loose scale, trash, exfoliating paint, paint chips, hazardous materials, and other foreign matter (including netting material).

Deck drains should be proven clear of debris. Consideration should also be given to the removal of items that could become floatable over time (e.g., floatable fiberglass insulation, floatable foam).

No vessel debris contaminated with hydrocarbons or hazardous material should remain in the vessel.

Anti-Fouling and Paint

Remove harmful exterior hull anti-fouling systems that are determined to be active; remove exfoliating (peeling) and exfoliated paint.

1. Anti-fouling Underwater Hull Coatings - If there is minimal active biocide remaining on the vessel, no preparation to the underwater hull area is necessary. It can be assumed that biocide activity is minimal if the anti-fouling coating on a candidate vessel is more than twelve years old and essentially all the underwater hull area is covered with marine growth.

2. Above Water Line Paints - Removal of intact paints generally is not necessary. Topside paint may contain other constituents, such as trace metals or biocides. Unlike underwater hull paint containing high concentrations of biocides designed to leach rapidly, topside paints are designed for long life. They also may contain significantly lower levels of these substances than hull coatings. However, exfoliating paint (paint that is blistering, peeling, and pitting) and exfoliated paint (paint chips and flakes) should be removed when possible.

Polychlorinated Biphenyls (PCBs)

Narrative Clean-up Goal: Remove all manufactured products containing greater than or equal to (\geq) 50 parts per million (ppm) of solid PCBs; remove all liquid PCBs regardless of concentration; remove all materials contaminated by PCB spills where the concentration of the original PCB source is \geq 50 ppm.

Oil and Fuel

Remove liquid fuels and oils and semi-solids (greases) so that: no visible sheen is remaining on the tank surfaces (this includes all interior fittings, piping, structural members); no film or visible accumulation is remaining on any vessel structure or component (e.g., on machinery or from spills on decking or carpet).

Asbestos

Remove any loose asbestos and asbestos that may become loose during vessel scuttling; remove or seal accessible friable asbestos.

Other Materials of Environmental Concern

Narrative Clean-up Goal: Remove other materials that may negatively impact the biological, physical, or chemical characteristics of the marine environment.

Shipboard equipment or materials with constituents that can leach into the water column (e.g., petroleum products, batteries, and/or mercury-containing switches) should be removed from the vessel prior to scuttling. Fluorescent light tubes and ballasts should be removed. Wastewater resulting from clean-up processes, including but not limited to, decontamination, contaminated rainwater, and water from rinsing of tanks and lines, should be properly collected and disposed.

A2.2 Contractor’s Draft Scuttling Plan (External Attachment)

A2.3 Contractor’s Updated Waste Management Plan (External Attachment)

Annex 3. Details of Applicable Government Regulations

The following is a list of the ordinances, policies and decrees related to environmental protection that may be relevant to this Project:

National Ordinance containing regulations for Nature Management and Protection:

https://decentrale.regelgeving.overheid.nl/cvdr/xhtmloutput/historie/Sint%20Maarten/142263/142263_2.html

National Decree containing general measures for Nature Management and Protection:

https://decentrale.regelgeving.overheid.nl/cvdr/xhtmloutput/historie/Sint%20Maarten/207435/207435_1.html

Eindrapport Milieunormen Nederlandse Antillen 2007:

<http://www.dcbd.nl/document/eindrapport-milieunormen-nederlandse-antillen-lucht-geluid-water-afvalwater-afval>

National Hinderance Ordinance:

https://decentrale.regelgeving.overheid.nl/cvdr/xhtmloutput/historie/Sint%20Maarten/208542/208542_2.html

Hinderance National Decree:

https://decentrale.regelgeving.overheid.nl/cvdr/xhtmloutput/historie/Sint%20Maarten/208543/208543_1.html

Waste Water National Ordinance:

https://decentrale.regelgeving.overheid.nl/cvdr/xhtmloutput/historie/Sint%20Maarten/208544/208544_3.html

Waste National Ordinance:

https://decentrale.regelgeving.overheid.nl/cvdr/xhtmloutput/historie/Sint%20Maarten/208510/208510_2.html

National Ordinance on Maritime Management:

https://decentrale.regelgeving.overheid.nl/cvdr/xhtmloutput/historie/Sint%20Maarten/142339/142339_2.html

General Police Ordinance

https://decentrale.regelgeving.overheid.nl/cvdr/xhtmloutput/Historie/Sint%20Maarten/207087/207087_1.html

Traffic Ordinance

https://decentrale.regelgeving.overheid.nl/cvdr/xhtmloutput/historie/Sint%20Maarten/207068/207068_2.html

Hillside Policy & Beach Policy

<http://www.sintmaartengov.org/government/VROMI/Pages/Ministry-Policies-and-Reports.aspx>

A3.1 Applicable Policies, Legislations and Regulations of Government of Sint Maarten

Sint Maarten, previously part of the Dutch Antilles, became an autonomous territory within the Kingdom of the Netherlands on October 10, 2010. Sint Maarten has full autonomy for internal affairs including the environmental legislation, the Dutch government being responsible for defense and foreign affairs.

According to Article 22 of the 'Constitution of the Country of Sint Maarten,' It shall be the constant concern of the government of Sint Maarten to keep the country habitable and to protect and improve the natural environment and the welfare of animals.

The government is strongly committed to sustainable development and the Ministry of Public Housing, Spatial Planning, Environment and Infrastructure (Ministry VROMI) is working towards the preparation of draft legislation on (i) environmental policy and management plan, (ii) nature policy plan, (ii) establish noise, air and water quality norms, and (iv) develop standard environmental regulations to include permits.

The government has some existing policies and regulations on the management of waste and labor issues. These regulations and their applicability to the Project are discussed in the following sections.

A 3.1.1 Waste Ordinance, 1993

Sint Maarten Waste Ordinance of February 23, 1993, provides regulations regarding the collection and disposal of residential waste, bulky wastes, liquid wastes, commercial waste, car wrecks and other categories of waste. The government is responsible for the collection of wastes generated from residential sites and dispose of it in the government operated landfill site in the island.

Collection of the waste generated from the commercial activities and its disposal in the government's landfill site is the responsibility of the owners of the commercial enterprises. The wastes generated during the proposed activities of the Project will also fall under the category of commercial waste. The Ordinance provides the following key actions for management of commercial waste:

- I. Those who produce commercial waste must bring it to the government indicated dumpsite on a regular basis and at their own expense.
- II. They are authorized to place a third party in charge of this.
- III. The Minister establishes regulations regarding the days, times and manner in which commercial waste can be collected and transported.
- IV. It is forbidden to throw, put down or leave behind trash or remnants of provisions, paper, cans, bottles or another packaging on or by the road that is open to the public or a place nearby.
- V. Violation of one of the prohibitions as determined by this Ordinance and failure to uphold one of the obligations as established by this Ordinance is punished by imprisonment for a maximum of two months or a maximum monetary fine of Netherlands Antillean Guilder (ANG) 1,000.
- VI. If as the violation or the failure to uphold the obligation takes place not a year as passed since an earlier conviction of the guilty party for a similar violation became irrevocable or since the voluntary compliance with a condition as set by the authorized civil servant of the Public Prosecutor on the basis of Article 76 of the Criminal Code of the Netherlands Antilles, the maximum term of imprisonment or monetary fine for sentencing can be doubled.

A 3.1.2 The Labor Regulations 2000

The Labor Regulation 2000 describe provisions concerning the worktimes, periods of rest, overtime, nightshift, standby shift, holidays, prohibition of child labor, the prohibition of night work and dangerous work for youths. A copy of the regulations can be obtained from the GoSM website.²

According to this regulation, Children under the age of 15 years are prohibited from working, whether in exchange for wages of compensation.

The regulations also propose some restriction on the labor involving youth. Boys and girls who have reached the age of 15 years but still not the age of 18 years are considered ‘youthful persons’ under this regulation. The restrictions towards youth labor are:

It is prohibited for youthful persons to perform night work (between 7.00 p.m. and 7.00 a.m.), whether in exchange for wages or compensation.

It is prohibited for youthful persons to perform dangerous work. The definition of ‘danger’ does mean not only danger as in being killed or wounded but also other kinds of danger to their health, like poisoning or contamination. For instance, youthful persons are not allowed to perform work where they must,

- make use of a pneumatic drop stamp or compacting beam
- carry or lift heavy loads frequently
- operate a concrete mixer with mechanic hoisting gear, circular saws and bending- and shearing machines
- operate cranes, platform hoists, fork-lift trucks and tractors
- nurse or care for patients who are infected with an infectious disease.

The head or director of an enterprise has an obligation to report occupational injuries to the Department of Labor and the police among others. The injuries should be reported as soon as possible, but no later than 24 hours. For the reporting of injuries, but also other labor-safety matters, the following should be contacted:

- Department of Labor/safety Inspection, Vineyard Building, W. G. Buncamper Road, Third Floor, Philipsburg | Sint Maarten, W.I., Phone: +1-721-5422059/5422079

The contractors to be procured under the Project will be responsible for complying with the Labor Regulations.

A 3.1.3 National HIV and AIDS Workplace Policy

The purpose of this policy is to ensure a uniform and fair approach to the effective prevention of new HIV infections among employees, their families, and dependents, and provide social protection within the workplace to employees directly impacted by HIV. The principles of the policy are aligned to the International Labor Organization (ILO) Code of practice on HIV/AIDS and Recommendation No. 200 concerning HIV and AIDS and the World of Work and include the recognition of HIV as a workplace issue, non-discrimination in employment, no screening, no forced disclosure, protection of confidentiality, social dialogue, gender equality, HIV prevention, treatment, care and support measures as critical components for addressing the epidemic in the workplace.

² Website on Labour Regulations of GoSM:

<http://www.sintmaartengov.org/government/VSA/labour/Pages/Labour-Legislation.aspx>

The contractors to be procured under the Project will be responsible for complying with the National HIV and AIDS Workplace Policy.

A3.2 Relevant Administrative Framework

A 3.2.1 Ministry of VROMI

The Ministry of Public Housing, Spatial Planning, Environment and Infrastructure (VROMI) is responsible within the GoSM for all affairs related to environmental with an intention to provide good quality of life for the citizens of Sint Maarten. Tasks of VROMI relevant to environmental management are:

- Garbage collection management
- Sanitary landfill management
- Maintenance of public areas
- Districts, roads, beaches, upkeep management
- Management of public lighting (streets)
- Public parking areas
- Surface drainage works (trenches)
- Water management (ponds)
- Part of disaster response team for logistical support
- Management of sewage facilities and network

The Ministry issues the permits for construction of any new infrastructure and buildings; and dredging and excavation activities.

The 'Department of Inspection' in the VROMI is responsible for the inspection and control of activities within the sphere of domain land, building, environment, and work safety to safeguard environmentally responsible, structured and safe living and work surroundings for the public.

A 3.2.2 Ministry of VSA

The Ministry of VSA is charged with health and prevention of public health risks via the Department of Collective Preventive Services and safeguarding proper execution of the diverse labor laws via the Inspectorate of VSA. The Department of Labor Affairs is charged with the tasks in the area of policies on labor. The Department of Labor Affairs has the following tasks:

Formulating policy memorandums and recommendations and making proposals for the development, adjustment, monitoring and implementation of national policy concerning labor and the policy in the area of safety and labor inspection

Preparing, implementing, and monitoring the national legislation concerning labor and monitoring the compliance with this legislation

Promoting international, social, and labor affairs, such as the relationship with the International Labor Organization

The Department of Labor Affairs is the executing division of the Ministry of VSA and is tasked with monitoring and settling complaints deriving from labor agreements between employers and employees, handling requests for dismissals and for work permits.

A 3.2.3 Permits and Responsibilities

As per the approved project “The Shipwreck Salvage and Lagoon Debris Removal and Disposal Project”, the parcel of land used for the initial collecting of the solid and liquid waste generated from the vessel has received a waiver from the Ministry of VROMI for the allowance of the operations.

Furthermore, Shipwreck salvage and decommissioning and graving operations shall be completed in general accordance with the following:

- Vessel Assessment Guidelines found in Waste Assessment Guidelines under the London Convention and Protocol: 2014 edition, sales ref. IA531E
- Disposal of Plastic End-of-Life-Boats (TemaNord 2013:582)
- Guide on Good Scrapping and Waste Management Practices for Out - of -Use Boats (LEITAT, 2012)
- Abandoned Vessel Authorities and Best Practice Guidance (US EPA and US Coast Guard, 2014)

The Contractor shall be responsible for all damages to persons or property that occur as a result of the Contractor's negligence or fault and shall take proper safety and health precautions to protect the work, the workers, the public, and the property of others. In addition, the contractor shall implement “common sense” occupational safety and health practices in accordance with the applicable World Bank Group and the Government of Sint Maarten guidelines.

The Contractor shall be responsible for all materials delivered and work performed until project completion and acceptance of the entire scope of work. These items include, but are not limited to the following:

- Bridge to Bridge Communications:

Because this work will occur within an open body of water and channels with heavy marine traffic, and in order that radio communication may be made with passing vessels, all tugs or salvage vessels that work under this contract shall be equipped with bridge-to-bridge radio telephone equipment. The radio equipment shall operate on a single channel of very high frequency (VHF) FM on a frequency of 156.8MHZ with low power output having a communication range of approximately ten miles. Channel 16 (the Bridge Operator) must be always monitored.

- Notification to the St. Maarten Marine Department:

The Contractor must notify the Marine Department as well as VROMI and NRPB prior to commencement of vessel salvage and scuttling activities. Information pertaining to contract work schedule, the locations of rig and equipment during work, and potential hazards of the operation should be provided. The local Marine Department individual to be contacted for this project will be provided prior to the start of work. All vessels that are regulated by the Marine Department shall have current inspections and certificates before being placed in-service for this contract. A copy shall be posted in a public area aboard the vessel. Inspection by the Contracting Authority Representative (CR)

Inspection by the Contracting Authority Representative (CR) - The CR) will inspect the collection, decommissioning and scuttling operations when in-progress and at any time deemed appropriate by the CR.

A3.3 World Bank Group’s Environmental, Health and Safety Guidelines (EHSs)

The World Bank Groups Environmental, Health, and Safety (EHS) Guidelines are technical reference documents with general and industry specific examples of Good International Industry Practice (GIIP). EHS Guidelines are applied as required by their respective policies and standards. The EHS Guidelines contain the performance levels and measures that are generally considered to be achievable in new facilities by existing technology at reasonable costs. Application of the EHS Guidelines to existing facilities may involve the establishment of site-specific targets, with an appropriate timetable for achieving them. The applicability of the EHS Guidelines should be tailored to the hazards and risks established for each Project based on the results of an environmental assessment in which site-specific variables, such as host country context, assimilative capacity of the environment, and other Project factors, are taken into account. The applicability of specific technical recommendations should be based on the professional opinion of qualified and experienced persons. When host country regulations differ from the levels and measures presented in the EHS Guidelines, Projects are expected to achieve whichever is more stringent. If less stringent levels or measures than those provided in the EHS Guidelines are appropriate, in view of specific Project circumstances, a full and detailed justification for any proposed alternatives is needed as part of the site-specific environmental assessment. This justification should demonstrate that the choice for any alternate performance levels is protective of human health and the environment.

Effective management of environmental, health, and safety (EHS) issues entails the inclusion of EHS considerations in an organized, hierarchical approach that includes the following steps:

Identifying EHS Project hazards and associated risks as early as possible in the facility development or Project cycle,

Involving EHS professionals, who have the experience, competence, and training necessary to assess and manage EHS impacts and risks and carry out specialized environmental management functions including the preparation of Project or activity-specific plans and procedures that incorporate the technical recommendations presented in this document that are relevant to the Project.

Understanding the likelihood and magnitude of EHS risks, based on:

- The nature of the Project activities, such as whether the Project will generate significant quantities of emissions or effluents, or involve hazardous materials or processes;
- The potential consequences to workers, nearby communities, or the environment if hazards are not adequately managed, which may depend on the proximity of Project activities to people or to the environmental resources on which they depend.

Prioritizing risk management strategies with the objective of achieving an overall reduction of risk to human health and the environment, focusing on the prevention of irreversible and / or significant impacts.

Favoring strategies that eliminate the cause of the hazard at its source, for example, by selecting less hazardous materials or processes that avoid the need for EHS controls.

When impact avoidance is not feasible, incorporating engineering and management controls to reduce or minimize the possibility and magnitude of undesired consequences, for example, with the application of pollution controls to reduce the levels of emitted contaminants to workers or environments.

Preparing workers and nearby communities to respond to accidents, including providing technical and financial resources to effectively and safely control such events, and restoring workplace and community environments to a safe and healthy condition.

Improving EHS performance through a combination of ongoing monitoring of facility performance and effective accountability.

A 3.3.1 Sectoral guidelines applicable to the Project: Waste Management

These guidelines apply to Projects that generate, store, or handle any quantity of waste across a range of industry sectors. Waste materials should be treated and disposed of, and all measures should be taken to avoid potential impacts to human health and the environment. Selected management approaches should be consistent with the characteristics of the waste and local regulations, and may include one or more of the following:

On-site or off-site biological, chemical, or physical treatment of the waste material to render it nonhazardous prior to final disposal

Treatment or disposal at permitted facilities specially designed to receive the waste. Examples include composting operations for organic non-hazardous wastes; properly designed, permitted and operated landfills or (air curtain) incinerators designed for the respective type of waste; or other methods known to be effective in the safe, final disposal of waste materials such as bioremediation.

Hazardous Waste Management

Hazardous wastes should always be segregated from non-hazardous wastes. If generation of hazardous waste cannot be prevented through the implementation of the above general waste management practices, its management should focus on the prevention of harm to health, safety, and the environment, according to the following additional principles:

- Understanding potential impacts and risks associated with the management of any generated hazardous waste during its complete life cycle
- Ensuring that contractors handling, treating, and disposing of hazardous waste are reputable and legitimate enterprises, licensed by the relevant regulatory agencies and following good international industry practice for the waste being handled
- Ensuring compliance with applicable local and international regulations.

Waste Storage

Hazardous waste should be stored to prevent or control accidental releases to air, soil, and water resources in area location where:

- Waste is stored in a manner that prevents contact between incompatible wastes and allows for inspection between containers to monitor leaks or spills. Examples include sufficient space between incompatibles or physical separation such as walls or containment curbs;
- Store in closed containers away from direct sunlight, wind, and rain;
- Secondary containment systems should be constructed with materials appropriate for the wastes being contained and adequate to prevent loss to the environment;
- Secondary containment is included wherever liquid wastes are stored in volumes greater than 220 liters. The available volume of secondary containment should be at least 110 percent of the largest storage container, or 25 percent of the total storage capacity (whichever is greater), in that specific location; and
- Provide adequate ventilation where volatile wastes are stored.

Hazardous waste storage activities should also be subject to special management actions, conducted by employees who have received specific training in handling and storage of hazardous wastes:

- Provision of readily available information on chemical compatibility to employees, including labeling each container to identify its contents;
- Limiting access to hazardous waste storage areas to employees who have received proper training;
- Clearly identifying (label) and demarcating the area, including documentation of its location on a facility map or site plan;
- Conducting periodic inspections of waste storage areas and documenting the findings;
- Preparing and implementing spill response and emergency plans to address their accidental release; and
- Avoiding underground storage tanks and underground piping of hazardous waste.

Transportation

On-site and Off-site transportation of waste should be conducted to prevent or minimize spills, releases, and exposures to employees and the public. All waste containers designated for off-site shipment should be secured and labeled with the contents and associated hazards, be properly loaded on the transport vehicles before leaving the site, and be accompanied by a shipping paper (i.e., manifest) that describes the load and its associated hazards.

Monitoring

Monitoring activities associated with the management of hazardous and non-hazardous waste should include:

- Visual inspection of all waste storage collection and storage areas for evidence of accidental releases and to verify that wastes are properly labeled and stored. When significant quantities of hazardous wastes are generated and stored on site, monitoring activities should include:
 - Inspection of the shipwreck for leaks, drips or other indications of loss
 - Identification of cracks, corrosion, or damage to tanks, protective equipment, or floors
 - Verification of locks, emergency valves, and other safety devices for easy operation (lubricating if required and employing the practice of keeping locks and safety equipment in standby position when the area is not occupied)
 - Checking the operability of emergency systems
 - Documenting results of testing for integrity, emissions, or monitoring stations (air, soil vapor, or groundwater)
 - Documenting any changes to the storage facility, and any significant changes in the quantity of materials in storage

Audit of waste segregation and collection practices

Tracking of waste generation trends by type and amount of waste generated, preferably by facility departments

Characterizing waste at the beginning of generation of a new waste stream, and periodically documenting the characteristics and proper management of the waste, especially hazardous wastes

Keeping manifests or other records that document the amount of waste generated and its destination

Periodic auditing of third-party treatment, and disposal services including re-use and recycling facilities when significant quantities of hazardous wastes are managed by third parties. Whenever possible, audits should include site visits to the treatment storage and disposal location

Regular monitoring of groundwater quality in cases of Hazardous Waste on site storage and/or pre-treatment disposal.

Monitoring records for hazardous waste collected, stored, or shipped should include:

- Name and identification number of the material(s) composing the hazardous waste
- Physical state (i.e., solid, liquid, gaseous or a combination of one, or more, of these)
- Quantity (e.g., kilograms or liters and number of containers)
- Waste shipment tracking documentation to include, quantity and type, date dispatched, date transported, and date received, record of the originator, the receiver, and the transporter
- Method and date of storing, repacking, treating, or disposing at the facility, cross-referenced to specific manifest document numbers applicable to the hazardous waste
- Location of each item of hazardous waste within the facility, and the quantity at each location

Annex 4. Specific Mitigation Measures for Each Project Activity

Table A1 Risks and Mitigations Matrix

Artificial Reef Risk and Mitigation Matrix						
1	Activity	Risk Categorization (Before Mitigation)	Environmental, Social Risks. OHS & Concerns	Mitigation Measure	Responsibility	Means of Verification/ Supervision
2	<p>Preparation for Scuttling :</p> <p>Removal of all solid, loose and floatable debris, as well as burnable and non-steel items from the vessel</p>	<p>Environmental Risk: Moderate</p> <ul style="list-style-type: none"> The significance of this risk is moderate, with some probability of occurring <p>OHS Risk: Low</p> <ul style="list-style-type: none"> The significance of this risk is moderate with low probability of occurring 	<p>Environmental Risks:</p> <ul style="list-style-type: none"> Loose debris, including materials or equipment not permanently attached to the vessel, petroleum products, batteries, electrical wires potentially containing heavy metals such as lead or copper and/or mercury-containing switches could be transported into and or leach into the water column during a scuttling event Marine life is endangered by entanglement, ingestion, or both; injury, infection, and death may often occur 	<ol style="list-style-type: none"> Ship's surfaces (e.g., decks, bulkheads, overheads, and surfaces of appurtenances) will be thoroughly cleaned to remove all dirt, loose scale, trash, exfoliating paint, paint chips, hazardous materials, and other foreign matter (including netting material). Deck drains should be proven clear of debris. Consideration will also be given to the removal of items that could become floatable over time (e.g., floatable fiberglass insulation, floatable foam). Shipboard equipment or materials with constituents e.g., petroleum products, batteries, electrical wires potentially containing heavy metals such as lead or copper and/or mercury-containing 	Contractor (KMS)	CR (EOS)

			<p>when marine animals encounter debris of this nature</p> <ul style="list-style-type: none"> • Debris settling on the bottom may change benthic floral and faunal habitat structure • Most marine debris does not biodegrade readily. The longer that introduced materials remain in the marine environment, the greater the threat they pose to the environment. <p>Social Risk:</p> <p>No social risks are expected with this activity</p> <p>OHS Risk:</p> <ul style="list-style-type: none"> • Risk of human exposure to toxic chemicals, paints or liquids. During vessel preparation, typical routes of human exposure include inhalation, 	<p>switches will be removed from the vessel prior to scuttling .</p> <ul style="list-style-type: none"> ○ Fluorescent light tubes and ballasts will be removed. <p>4. OHS risks will be mitigated with the activities proposed by sections 8, 9 & 11 (See below</p>		
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			<p>accidental ingestion, or dermal contact</p> <ul style="list-style-type: none"> If project workers are not properly trained and aware of ESHS compliance requirements, and or not adequately equipped with the materials to adhere to the health and safety codes while carrying out the project, then both the workers themselves and community health & safety may be at risk 			
3	<p>Preparation for Scuttling:</p> <p>Removal of all liquid fuels, oils and semi-solid greases of the vessel</p>	<p>Environmental Risk: Moderate</p> <p>The significance of this risk is moderate with moderate probability of occurring</p> <p>Social Risk: Low</p>	<p>Environmental Risks:</p> <p>5. Liquid fuels/oils have limited solubility in water, and create slicks on the water surface forming emulsions and sludge</p> <p>6. The slick floating of the fuel/oil on the ocean's surface can coat marine life, birds and mammals.</p>	<p>1. All liquid fuels and oils and semi-solids (greases) will be removed so that no visible sheen is remaining on the tank surfaces (this includes all interior fittings, piping, structural members); no film or visible accumulation is remaining on any vessel structure or component (e.g., on machinery or from spills on decking or carpet).</p>	Contractor (KMS)	CR (EOS)

		<p>The significance of this risk is moderate with low probability of occurring</p>	<p>Exposure to the toxicity of the fluid/sludge and its constituents can poison exposed organisms.</p> <p>Environmental & Social Risk</p> <p>7. Through bioaccumulation, ingestion of the contaminated organism can travel through the complex food web affecting additional organisms, including humans</p> <p>OHS Risk:</p> <ul style="list-style-type: none"> • Risk of human exposure to toxic. During vessel preparation, typical routes of human exposure include inhalation, accidental ingestion, or dermal contact • If project workers are not properly trained and aware of ESHS compliance requirements, and or 	<p>2. All fuels, lubricants and remaining grease should be drained/ flushed and removed from all systems including the following:</p> <ul style="list-style-type: none"> ○ Oil/fuel Tanks ○ Structural and Non-structural tanks ○ Gauges & gauge lines ○ Combustion Engines ○ Non-combustion engines, shafting, gearing and stern seals ○ Steering gear ○ Auxiliary Machinery ○ Hydraulic systems ○ Bilge areas ○ Decks and Floor Coverings ○ Bulkheads and deckheads <p>3. Any items (e.g., oil filters and strainer elements) that cannot be flushed/ cleaned must be removed.</p> <p>4. OHS risks will be mitigated with the activities proposed by sections 8, 9 & 11 (See below)</p>		
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			not adequately equipped with the materials to adhere to the health and safety codes while carrying out the project, then both the workers themselves and community health & safety may be at risk			
4	Preparation for Scuttling : If present, removal of Polychlorinated Biphenyls (PCBs) on the vessel	Environmental Risk: Low The significance of the risk is high but with low probability of occurring Environmental & Social Risk: Low The significance of this risk is moderate with low probability of occurring OHS Risk: Low • The significance of this risk is moderate with low	Environmental Risk: PCBs are found in: <ul style="list-style-type: none"> ○ Transformers and capacitors. ○ Electrical equipment including voltage regulators, switches, re-closers, bushings, and electromagnets. ○ Oil used in motors and hydraulic systems. ○ Old electrical devices or appliances containing PCB capacitors. ○ Fluorescent light ballasts. ○ Cable insulation. <ul style="list-style-type: none"> • Although PCBs prefer to bind to soil and other particles, small amounts will dissolve in water. Small concentrations of PCBs 	<ol style="list-style-type: none"> 1. In order to sink the vessel, all installations, attachments and liquids potentially containing the presence of PCBs and other carcinogenic compounds must be removed, inherently mitigating the risk of any PCBs and other carcinogenic compounds on vessel 2. OHS risks will be mitigated with the activities proposed by sections 8,9 & 11 (See below) 	Contractor (KMS)	CR (EOS)

		<p>probability of occurring</p>	<p>can also evaporate and be carried long distances in the air.</p> <ul style="list-style-type: none"> PCBs have carcinogenic properties that could result to detrimental health effects to marine organisms and ecosystems <p>Environmental and Social Risk:</p> <ul style="list-style-type: none"> Fish and small organisms can absorb PCBs from the water and sediments in their habitat. As a result, people who ingest fish may be exposed to PCBs that have been released into the environment and bioaccumulated in the fish they are ingesting. <p>OHS Risk:</p> <ul style="list-style-type: none"> Risk of human exposure to toxic. During vessel preparation, typical routes of human exposure include 			
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			<p>inhalation, accidental ingestion, or dermal contact</p> <ul style="list-style-type: none"> • If project workers are not properly trained and aware of ESHS compliance requirements, and or not adequately equipped with the materials to adhere to the health and safety codes while carrying out the project, then both the workers themselves and community health & safety may be at risk 			
5	<p>Preparation for Scuttling :</p> <p>Remove Anti-Fouling (AFC) & Paint on the vessel where needed</p>	<p>Environmental Risk: Moderate (local)</p> <p>The significance is high but with low probability of occurring</p> <p>Environmental & Social Risk: Low</p> <p>The significance of this risk is moderate with</p>	<p>Environmental Risk:</p> <ul style="list-style-type: none"> • Paint and AFCs may be flammable or may contain toxic compounds, such as PCBs, heavy metals (e.g., lead) Tributyltin (TBT) and other biocides. Lead compounds, such as red lead tetraoxide (Pb3O4) and lead chromate, have been used extensively in marine paint 	<ol style="list-style-type: none"> 1. Biocide activity is minimal if the anti-fouling coating on a candidate vessel is more than 10-12 years old, if so then no preparation to the underwater hull area is necessary 2. Current supervisor has made a historical assessment of the Marion and based on this assessment it has been determined that Marion has not been painted in the last 10 years therefore no removal of the underwater hull area is necessary. 		CR (EOS)

		<p>low probability of occurring</p> <p>OHS Risk: Low</p> <ul style="list-style-type: none"> The significance of this risk is moderate with low probability of occurring 	<ul style="list-style-type: none"> Paint & AFCs pose a substantial risk of both acute and chronic toxicity and other adverse impacts to ecologically and economically important marine organisms The presence of biocides and other anti-fouling systems that inhibit marine growth are antithetical to creating an artificial reef habitat <p>Environmental & Social Risk</p> <ul style="list-style-type: none"> Through bioaccumulation, ingestion of the contaminated organism can travel through the complex food web affecting additional organisms, including humans <p>OHS Risk:</p> <ul style="list-style-type: none"> Risk of human exposure to toxic. During vessel preparation, typical 	<p>In determining if such coatings should be removed, sources of such supporting information was reviewed: any documentation related to the following: the type and age of the existing AFS, the most recent repainting or dry-dock cycle, and the most recent underwater hull cleaning.</p> <ol style="list-style-type: none"> Interior paint and paint above the waterline will be evaluated and will be removed if needed Any exfoliating paint (paint that is blistering, peeling, and pitting) and exfoliated paint (paint chips and flakes) will be removed OHS risks will be mitigated with the activities proposed by sections 8, 9 & 11 (See below) 		
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			<p>routes of human exposure include inhalation, accidental ingestion, or dermal contact</p> <ul style="list-style-type: none"> • If project workers are not properly trained and aware of ESHS compliance requirements, and or not adequately equipped with the materials to adhere to the health and safety codes while carrying out the project, then both the workers themselves and community health & safety may be at risk 			
6	<p>Preparation for Scuttling :</p> <p>Ensure safety of vessel for recreational snorkeling and dive activity</p>	<p>OHS Risk: Moderate</p> <p>The significance is high with moderate probability of occurring</p>	<p>OHS Risk:</p> <ul style="list-style-type: none"> • Hazard to recreational divers and snorkelers without proper safety considerations 	<ol style="list-style-type: none"> 1. Sealing entrances into restrictive compartments such as the boiler rooms and engine rooms to help ensure diver safety with the use of steel bars 2. Removal of sharp and protruding objects along the divers' access path which could snag on divers' equipment or otherwise pose a danger to the divers 	Contractor (KMS)	CR (EOS)

7	Towing the vessel to the designated scuttling location	<p>Environmental Risk: Moderate (localized)</p> <p>The significance of this risk is moderate but with moderate probability of occurring</p> <p>Social Risk: Low</p> <p>The significance of this risk is moderate but low probability of occurring</p> <p>OHS Risk: Low</p> <p>The significance of this risk is moderate but with low probability of occurring</p>	<p>Environmental Risk:</p> <ul style="list-style-type: none"> • Damage and or harm to the surrounding ecosystem and marine life ie. Migratory paths of species when towing the vessel to the designated scuttling location • Simpson Bay Lagoon and the Bay are known to have many green sea turtles who forage in this area. Caution needs to be made with speeding vessels to prevent sea turtle boat strikes. Speeds need to be reduced, as speeding provides the sea turtles with no time to dive down to safety. <p>Social Risk</p> <ul style="list-style-type: none"> • Lack of coordination with the pertinent authorities of the scuttling site may cause misinformation for navigational mapping which endangers the health 	<ol style="list-style-type: none"> 1. To avoid misinformation of the site location, consultation and coordination with the appropriate authorities (i.e. Maritime Affairs (TEATT), Harbor Group, etc.) are conducted to identify the site and ensure it is marked on marine maps 2. The towage from the Simpson Bay Bridge to the new dive site location will be no more than 1.2 Nautical Miles during daylight hours 3. The <i>Marion</i> will be towed to the scuttling location by two the use of two vessels 4. No migratory paths are known or spawning locations for fish in this area. The <i>Marion</i> will be towed with a low speed, the risk to hit a sea turtle is very low. Sea turtles are locally and internationally protected 5. OHS risks will be mitigated with the activities proposed by sections 8, 9 & 11 (See below) 	Contractor (KMS)	CR (EOS)
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			<p>and safety of all marine vehicles</p> <p>OHS Risk</p> <ul style="list-style-type: none"> If project workers are not properly trained and aware of ESHS compliance requirements, and or not adequately equipped with the materials to adhere to the health and safety codes while carrying out the towing of the vessel to the designated site, then both the workers themselves and community health & safety may be at risk. 			
8	Scuttling the vessel in designated location	<p>Environmental Risk: Moderate</p> <p>The significance of this risk is moderate with moderate</p>	<p>Environmental Risk:</p> <ul style="list-style-type: none"> The deliberate scuttling of a vessel may displace native marine species and disturb the natural 	<ol style="list-style-type: none"> Stakeholder engagement and consultation has been held with appropriate authorities to assess several possible site locations Site location criteria that were determined to mitigate 	Contractor (KMS)	CR (EOS), TNF, Coast Guard/Maritime Affairs (TEATT), Harbor Group, NRPB

		<p>probability of occurring</p> <p>OHS Risk: High</p> <p>The significance of this risk is high with moderate probability of occurring</p>	<p>aquatic ecosystem or migratory paths</p> <p>OHS Risk:</p> <ul style="list-style-type: none"> • The location of the vessel, if not properly sunk at depth, can obstruct navigation of cargo, recreational and other aquatic vehicles endangering the health and safety of those parties • If not sunk in an upright position on the seafloor, the risk of vessel instability is exhibited via strong current or storm surges • Lack of coordination with the pertinent authorities of the scuttling site may cause misinformation for navigational mapping which endangers the health and safety of all marine vehicles 	<p>environmental and social risks includes but is not limited to:</p> <ul style="list-style-type: none"> ○ Existing right of ways/shipping lanes ○ Water Depth ○ Habitat areas/special aquatic sites ○ Presence of Flora and Fauna ○ Bottom sediment type ○ Water quality ○ Marine Protection ○ Current and Winds ○ Dive tourism <p>*Trawling is not permitted on St. Maarten</p> <p>3. Nature Foundation will do a site location inspection to survey the area for any migratory species in the area thereby ensuring the area is entirely clear, the depth is appropriate as well as the current and wind conditions are ideal for the safe scuttling of the vessel.</p> <p>4. The contractor must ensure that the scuttling procedure is occurring within a “controlled manner”</p> <ul style="list-style-type: none"> ○ Specifically, the contractor will ensure by means of 		
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				<p>external buoyancy tanks that the shipwreck ends up sitting flat and upright</p> <p>5. To avoid misinformation of the site location, consultation and coordination with the appropriate authorities (i.e. Maritime Affairs (TEATT), Harbor Group, etc.) are conducted to identify the site and ensure it is marked on marine maps</p>		
9	Toxic Chemical Handling, Storage and Disposal	<p>Environmental Risk: low</p> <p>The significance of this risk is moderate with low probability of occurring</p> <p>OHS Risk: Low</p> <p>The significance of this risk is moderate with</p>	<p>Environmental Risk:</p> <ul style="list-style-type: none"> The hazardous materials being removed such as liquid oils/fuels, electrical wires, paint, AFCs, PCBs, debris if not contained or stored properly can pollute groundwater and travel in water runoffs, thus trickling back into the ocean, harming aquatic life and human 	<p>1. Provide all project workers with the necessary training and PPE equipment to handle the hazardous materials</p> <p>2. Visual Inspection of storage facilities will be frequently completed</p> <p>3. Ensure no leakages from the containers in the storage.</p> <p>4. Handling procedures will be enforced to avoid spillages</p>	Contractor (KMS)	CR (EOS)

		low probability of occurring	<p>health through bioaccumulation</p> <ul style="list-style-type: none"> The hazardous materials, as aforementioned must not only be removed from the boat, but also be disposed of in an appropriate manner. Lack of proper disposal of waste can pollute the surrounding area and endanger human health <p>OHS Risk:</p> <ul style="list-style-type: none"> Any lack of proper precaution may increase the likelihood of spills and accidents. There is a risk of human exposure through inhalation, accidental ingestion, or dermal contact, which is harmful to human health 	<p>5. Storm water and Wash water runoff will be monitored and minimized</p> <p>6. Provide secondary containment for oil products and other hazardous substances</p> <p>7. Provide suitable battery storage out of weather</p> <p>8. Utilize dust and other fine particle control measures.</p>		
10	All Activities: Hazardous Risk involved with during vessel preparation,	OHS Risk: Low The significance of this risk is moderate with	OHS Risk: <ul style="list-style-type: none"> Risk of human exposure to toxic chemicals during vessel preparation, transportation and 	The removing of parts and/or sanitizing of the “vessel” is carried out by a company (Contractor) that carried out the “Shipwreck Salvage and Lagoon Debris Removal and Disposal Project”	Contractor (KMS)	CR (EOS)

	transportation and scuttling	low probability of occurring	after scuttling the vessel. During vessel preparation, typical routes of human exposure include inhalation, accidental ingestion, or dermal contact.	<ol style="list-style-type: none"> 1. The contractor is required to comply with all the precautions as required for the safety of the workmen as per the local legislation, World Bank policies and International Labor Organization (ILO) Convention as far as those are applicable to these works. 2. All workers employed will be provided with suitable protective gear, included but not limited to gloves, protective footwear and protective goggles. 3. Workers who are engaged in welding works would be provided with additional PPE, such as welder's protective eye shields. 4. The use of any herbicide or other toxic chemical shall be strictly in accordance with the manufacturer's instructions (MSDS) and applicable policies and legislation. 5. The NRPB shall be given at least 6 working days 'notice of the proposed use of any herbicide or toxic chemicals. 		
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				6. Inventory of all herbicide or toxic chemicals delivered to the site shall be kept and maintained up to date by the contractor.		
11	All activities Regarding Covid Exposure during the vessel preparation, transportation and scuttling	OHS Risk: Moderate The significance of this risk is moderate with low probability of occurring	OHS risk: <ul style="list-style-type: none"> Due to the nature of the Covid-19 virus, project workers may be at risk of contracting the virus throughout the project activities. 	1. The Contractor shall submit a COVID Preparedness Plan that is specific to the proposed means of operations. 2. The Contractor must implement and enforce all the current COVID-19 safety and health legislation and directives of the government of Sint Maarten.	Contractor (KMS)	CR (EOS)
12	All activities Regarding Environmental Health and Safety compliance during the vessel preparation, transportation and scuttling	OHS Risk: High The significance of this risk is high with moderate probability of occurring	OHS risk: <ul style="list-style-type: none"> If project workers are not properly trained and aware of ESHS compliance requirements, and or not adequately equipped with the materials to adhere to the health and safety codes while carrying out the project, then both the workers themselves and community health & safety may be at risk. 	1. Contractor is required to develop and implement a code of conduct which is subject to NRPB approval All workers hired by the Contractor must the code of conduct to ensure knowledge of and compliance with ESHS obligations of the Contract The Code of Conduct will address the following ESHS requirements: <ul style="list-style-type: none"> Wearing of PPEs at all times at the workplace Non-discrimination in dealing with the community including 	Contractor (KMS)	CR (EOS)/NRPB

				<p>by race, ethnicity, gender, religion, disability, sexual orientation, gender identity, social, or health status</p> <ul style="list-style-type: none"> • Respectful attitude while interacting with each other and the community • Prohibit sexual harassment • Prohibit violence, including sexual and/ or gender -based violence • Respecting the reasonable work instructions • Protection of and proper use of the property which is being worked in or on during the project activities. 		
13	Proposed Activity	<p>Social Risk: Low</p> <p>The significance of this is moderate with low probability of occurring</p>	<p>Social Concern:</p> <ul style="list-style-type: none"> • Stakeholder concerns regarding the proposed activities 	<ol style="list-style-type: none"> 1. NRPB has held stakeholder engagement through online survey & one pager as well as an in-person stakeholder consultation to address any concerns, suggestions or complaints regarding the proposed activity 2. NRPB will ensure that proper documentation of these meetings will be kept and recorded 3. Create communications campaign with inputs received from the stakeholder consultation 	NRPB	NRPB

	Concise and comprehensive ESHS procedures from Contractor	Environment/ Social Risk: Moderate The significance of this risk is moderate with moderate probability of occurring	Social Concern: <ul style="list-style-type: none"> Implementation of mitigation for risks outlined in the project 	1. The contractor will prepare a C-ESMP that will be NRPB approved prior to works commencement and must ensure that the mitigation measures will be incorporated.	Contractor (KMS)	CR (EOS)/NRPB
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Table A-2: Project Closeout

#	Environmental Impact/Issue	Mitigation Measures	Location	Reference to Contract Document	Responsibility	
					Implementation	Supervision
1	Community consultation	The prospective contractor will have continued interaction with population in the project area to ensure that operational activities are not causing undue inconvenience to the neighboring communities residing in the vicinity of operations due to noise, dust, disposal of debris	Simpson Bay Lagoon area, including Cole Bay, Mullet Pond and the shallows, marinas and the surrounding shorelines	Title, Lease	Contractor	NRPB
3	Disposal Manifest	Submission and tracking all disposal manifests	Simpson Bay Lagoon area	Waste Management Plan	Contractor	NRPB
4	Equipment	Verify demobilization of salvage equipment.	Not available	Project Requirement	Contractor	NRPB

5	Final inspection	Inspection and Release by TEATT, Nature Foundation and NRPB	Simpson Bay Lagoon area, including Cole Bay, Mullet Pond and the shallows, marinas and the surrounding shorelines and the scuttling location	Project Requirement	Project Requirement	NRPB, TEATT, NF
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Table A-3: ESHS Monitoring Plan

(Note: NRPB will include this Table in the Contract Specifications of the Bidding Documents)

#	Monitoring Parameter/ Activity	Means of Monitoring	Compliance indicator/ threshold limits	Frequency	Responsible Agency	
					Implementation	Supervision
1	Controls for workplace hazards	Visual inspection to ensure controls for workplace hazards are in place	Implementation of Control Measures specified in the Job Hazard Analysis Reports	Monthly	Contractor	EOS
2	Workers are trained on ESHS Risks and Code of Conduct	Inspection of training records and interviews with the workers	100 percent of workers are to be trained	Monthly	Contractor	EOS
3	Workers are trained on providing First Aid.	Inspection of training records and interviews with the workers	A minimum of two workers are trained (preferably more). Training certificates must be valid. At least one worker trained in First Aid is required to be always on site during operation hours.	Monthly	Contractor	EOS
3	Use of PPE by staff	Visual inspection on use of relevant PPEs	100 percent use of PPE	Monthly	Contractor	EOS
4	Licensed equipment operators and vehicle drivers	Visual inspection of driving licenses	All operators and drivers shall have valid licenses relevant for the equipment and vehicles to be operated	Monthly	Contractor	NRPB
5	Water and sanitation facilities at worksites	Visual inspection and interviews	Availability of safe drinking water and sanitation facilities	Monthly	Contractor	NRPB

6	Water and sanitation facilities at workers' residences	Visual inspection and interviews	Availability of safe drinking water and sanitation facilities, and adequate kitchen supplies	Monthly	Contractor	NRPB
7	Cleanliness at worksites and residences	Visual inspection	Worksites shall be clean, and free of litter, debris or run-off	Monthly	Contractor	NRPB
8	First Aid Kits at worksites and residences	Visual inspection and interviews	All worksites and worker's residences shall have adequate first aid kits which are restocked as needed.	Monthly	Contractor	NRPB
9	Grievances from labor	Records of grievances registered and resolved.	All grievances shall be addressed within 15 days of complaint.	Monthly	Contractor	NRPB
10	Air pollution	Visual inspection of equipment/vehicle exhausts and records of vehicle maintenance where applicable	All equipment and vehicles shall be maintained as per manufacturers recommendations	Monthly	Contractor	NRPB
11	Noise and vibration	Visual inspection of noise control measures	Controls measures shall be in place for high noise generating equipment	Monthly	Contractor	NRPB
12	Wastewater discharges	Visual inspection of wastewater discharges	All wastewater shall be directed to the sewerage (wastewater treatment) facility where possible, or stored in suitable facilities (holding tanks) and subsequently transported to the appropriate facility by a licensed operator.	Monthly	Contractor	NRPB
13	Waste Management	Waste management as per the approved plan	Facilities are kept clean, waste collection and disposal facilities are in place.	Monthly	Contractor	NRPB
14	Traffic Safety	Visual inspection for traffic management	The smooth flowing of traffic; and placement of traffic signs and flag-person	Monthly	Contractor	NRPB
15	Hydrocarbon and chemical storage and handling	Visual Inspection of storage facilities	No leakages from the containers in the storage. Handling follows procedures to avoid spillages.	Monthly	Contractor	NRPB

16	Emergency Response Mechanism	Visual inspection	Fire extinguishers are in place at all work sites. Emergency routes are displayed.	Monthly	Contractor	NRPB
17	Restoration of Work Sites	Visual Inspection	The facilities are clean with no waste at the works sites	Monthly	Contractor	NRPB

Page Break

Table A-4: ESMP Monitoring and Compliance Reports

#	Title of the Report	Contents of the Report	The frequency of Report Preparation	Report to be prepared by
1.	ESHS Monitoring Report	<p>Compliance status of the Project with the environmental and social mitigation and monitoring measures. Furthermore, the report also covers:</p> <ul style="list-style-type: none"> • environmental incidents; • health and safety incidents, • health and safety supervision: • Usage of PPEs by workers • worker accommodations for foreign workers – highlights of inspection • Training conducted, and workers participated • Workers grievances • Community grievances • Information regarding occupancy of wrecks 	Monthly	Contractor
2	ESMP Monitoring Report	Compliance status of overall Project with ESMP requirements	Monthly	NRPB
3	Incident Reports	<p>Incident investigation reports for all major incidents covering details of the incident, root cause analysis, and actions taken to address the future recurrence of this event.</p> <p><u>Major incidents include, amongst others, serious health and safety incidents and complaints with a GBV component.</u></p>	<p>Initial investigation report within 24 hours</p> <p>Detailed Investigation Report within ten days</p>	Contractor

Annex 5. Grievance Mechanism of the NRPB



COMPLAINTS PROCEDURE - NATIONAL RECOVERY PROGRAM BUREAU

Introduction

Complaints are a valuable source of feedback and a valuable tool for organizational development. Diligent and prompt attention to complaints can help identify the needs of persons that encounter the National Recovery Program Bureau, understand the shortcomings, increase satisfaction and improve overall performance of the staff of the Bureau.³

This objective of this complaint procedure is to ensure that the National Recovery Program Bureau handles complaints fairly, efficiently and effectively. The Bureau aims to provide quick and effective resolution to concerns and complaints.

Our complaint procedure intends to:

- 1) enable us to respond to complaints in a timely and cost-effective way
- 2) boost public confidence in our work and administrative processes, and
- 3) provide information on complaints to enhance and give a quality impulse to our products and services.

What is a complaint?

A complaint is a written formal expression of dissatisfaction made to or about our services, products or staff. Requests for information, service requests and reports of problems or wrongdoing merely intended to bring a problem to our notice with no expectation of a response are to be distinguished from complaints.

This procedure applies to complaints filed against the staff at all levels within the Bureau. In case of doubt, the complaint officer will get in contact to clarify the merits of the request, report or complaint.⁴

A complaint cannot be filed if:

you already filed a complaint about the same service, product or staff at the Bureau, or a complaint has been filed at the Ombudsman

1. the service, product or staff that caused the grievance took place over a year ago
2. there is a different way or procedure to address your grievances, for example through an appeals procedure based on a formal decision of government

³ Until the National Ordinance on the Bureau is in effect, complaints will be handled by the Interim Recovery Committee under the responsibility of the Minister of General Affairs.

⁴ A service request includes, but is not limited to: requests for approval, requests for action, routine inquiries on planning or state of affairs, reports of failure to comply with laws regulated by the Bureau, requests for explanation of policies, procedures and decisions.

3. the complaint should be addressed to a different entity within government, the Bureau will send the complaint to the right entity
4. your complaint is part of a court case, or part of a criminal investigation by the Public Prosecutor
5. your complaint does not address the products, service, or conduct by our staff
6. your complaints is about personal and general conduct of one of the staff members of the Bureau that is not directly related to a provided service

Complaints:

A complaint should be done by filling the online form provided below:

<https://nrpbsxm.org/complaints-procedure/>

Complaints can also be sent via email to complaints@nrpbsxm.org with:

"Complaint [name] Project" in the title of the e-mail. For example, "complaint Emergency Recovery Project I".

In case that the person does not have access to internet or does not wish to submit an online form:

A complaint can be done in person at the address below. In such case the person will be asked to fill out a form that will contain the following information:

- personal and contact information: name, address, phone number, email address
- date
- merits and nature of the complaint: what happened, when it happened, who was involved
- the consequences of the occurrence: damage, or other grievance

Complaints can be addressed to:

National Recovery Program Bureau
#57 Walter A. Nisbeth Road
Philipsburg, Sint Maarten

Are there costs involved?

No, filing a complaint is free of charge.

Who is handling your complaint?

A complaint officer together with the legal counsel to the Bureau is handling your complaint.^{5 6}

This way it is ensured that the person handling the complaint is different from any staff member whose conduct or service is related to the complaint. Conflicts of interests, whether actual or perceived, will be managed responsibly.

⁵ Until the NRPB is established and both a complaint officer and a legal counselor are appointed, the majority of the complaints will be handled by the IRC's legal advisors with support from the office assistant and other relevant teams. In some cases, this may also involve the assistance of Judicial Affairs.

⁶ In the case that the complaint is related to the Director of the NRPB, it will be handled by the Cabinet of the Prime Minister.

How will the complaint be addressed?

Process:



Receipt

We will acknowledge receipt of each complaint promptly, and preferably **within 5 working days**. Consideration will be given to the most appropriate medium (e.g. email, letter) for communicating with the person making a complaint. The complaint officers and legal counsel will consider any relevant legislation and/or regulations when responding to complaints and feedback.

Where possible, complaints will be resolved at first contact with the Bureau. We will address each complaint with integrity and in an equitable, objective and unbiased manner.

Unless the complaint has been resolved at the outset, we will record the complaint and its supporting information. We will also assign a unique identifier to the complaint file.

The record of the complaint will document:

1. the contact information of the person making a complaint
2. issues raised by the person making a complaint and the outcome/s they want
3. any other relevant and
4. any additional support the person making a complaint requires

We will protect the identity of people making complaints where this is practical and appropriate. Personal information that identifies individuals will only be disclosed or used by the Bureau as permitted under the relevant privacy Ordinance (*National Ordinance on the Protection of Privacy*), and any relevant confidentiality obligations.

Complaints filed against the Director of the Bureau, will be handled outside the Bureau, by the Ministry of General Affairs, to ensure an independent procedure.

Initial assessment

Complaining is free of charge. After acknowledging receipt of the complaint, we will confirm whether the issue/s raised in the complaint is/are within our control. We will also consider the outcome/s sought by the person making a complaint and, where there is more than one issue raised, determine whether each issue needs to be separately addressed.

Conflicts of interests, whether actual or perceived, will be managed responsibly. In particular, internal reviews of how a complaint was managed will be conducted by a person other than the original decision maker.

We will advise the complainant as soon as possible when we are unable to deal with any part of their complaint and provide advice about where such issues and/or complaints may be directed (if known and appropriate).

Addressing the complaint

After the initial assessment of the complaint, we will consider how to address it. **Within 6 weeks, the complaint will be addressed**. Only in complex cases, this period can be extended. The complainant will be informed accordingly.

If a person prefers or needs another person or organization to assist or represent them in the making and/ or resolution of their complaint, we will communicate with them through their representative if this is their wish. We will take all reasonable steps to ensure that people making complaints are not adversely affected because a complaint has been made by them or on their behalf.

When determining how a complaint will be addressed, we will consider:

- How serious, complicated or urgent the complaint is
- Whether the complaint raises concerns about people's health and safety
- How the person making the complaint is/has been affected
- The risks involved if resolution of the complaint is delayed, and
- Whether a resolution requires the involvement of other organizations

To address a complaint, we may:

1. Give the person making a complaint information or an explanation
2. Gather information from the product, person or area that the complaint is about, or 3. Investigate the claims made in the complaint.

Notably:

- We will keep the person making the complaint up to date on our progress, particularly if there are any delays. We will also communicate the outcome of the complaint using the most appropriate medium. Which actions we decide to take will be tailored to each case.
- We will assess each complaint on its merits and involve people making complaints and/or their representative in the process as far as possible.
- We will assess and priorities complaints in accordance with the urgency and/or seriousness of the issues raised. If a matter concerns an immediate risk to safety or security the response will be immediate and will be escalated appropriately.
- When similar complaints are made by related parties we will try to arrange to communicate with a single representative of the group, if the parties agree to this.
- Where a complaint involves multiple organizations, we will work with the other organization/s where possible, to ensure that communication with the person making a complaint and/or their representative is clear and coordinated.
- Subject to privacy and confidentiality considerations, communication and information sharing between the parties will also be organized to facilitate a timely response to the complaint.
- Where a complaint involves multiple areas within our organization, responsibility for communicating with the person making the complaint and/or their representative will be coordinated.

Provide reasons for decision

Following consideration of the complaint and any investigation into the issues raised, we will contact the person making the complaint and advise them:

1. the outcome of the complaint and any action we took
2. the reason/s for our decision
3. the remedy or resolution/s that we have proposed or put in place, and
4. any options for review that may be available to the complainant, such as filing a complaint at the National Ombudsman

If during an investigation, we make any adverse findings about a particular individual, we will consider any applicable privacy obligations under the *Landsverordening Bescherming Persoonsgegevens*

(National Ordinance on the Protection of Privacy) and any applicable exemptions in or made pursuant to that Act, before sharing our findings with the person making the complaint.

Close complaint and follow up

After addressing the complaint and informing the complainant (including options for review if the complaint is not addressed to the satisfaction of the complainant) we close the complaint.

We will keep comprehensive records about:

1. How we managed the complaint
2. The outcome/s of the complaint (including whether it or any aspect of it was substantiated, any recommendations made to address problems identified and any decisions made on those recommendations, and
3. Any outstanding actions that need to be followed up.
4. We will ensure that outcomes are properly implemented, monitored and reported to the complaint handling officer and/or senior management.
5. We will ensure that complaints are recorded in a systematic way so that information can be easily retrieved for reporting and analysis in an aggregated and anonymous form. Those records are kept for a maximum duration in accordance with the law.

Regular reports will be run on:

1. the number of complaints received
2. the outcome of complaints, including matters resolved at the frontline
3. issues arising from complaints
4. systemic issues identified, and
the number of requests we receive for internal and/or external review of our complaint handling.

Regular analysis of these reports will be undertaken to monitor trends, measure the quality of our services and make improvements. Both reports and their analysis will be provided to the Bureau's senior management for review. Any information provided on the complaints at the Bureau to Parliament will be anonymous.

Annex 6. Stakeholder Engagement

For the entire list of stakeholders contacted to provide feedback on the ESMP see Table 7, below

Table 7 entire list of stakeholders

AGENCY/ ORGANIZATION	FUNCTION
Ministry TEATT	Maritime Department
Harbor Group of Companies	Chief Harbor Pilot
The Nature Foundation Sint Maarten	Director Nature Foundation
Dive Adventures	Dive Operator
Dive Sint Maarten	Dive Operator
The Scuba Shop	Dive Operator
Snuba & RAID SXM	Dive Operator
Blue Odyssey Diving	Dive Operator
Outer Limits Divers SXM	Dive Operator
Dive Safaris	Dive Operator
Oceans Explorers	Dive Operator
SXM Diver	Dive Operator
Sint Maarten Hospitality and Tourism Association (SHTA)	Industry Group
Sint Maarten Tourist Bureau	Industry Group
Sint Maarten Marine Trades Organization	Industry Group
SXM Sport Fishing	Local Fishing Organization
Simpson Bay Fish Market	Local Fishery
Philipsburg Fish Market	Local Fishery

A6.1 Report Nature Foundation (External attachment)

A6.2 Updated Report Nature Foundation (External attachment)

A6.3 Preference Chief Harbor Pilot (External attachment)

A6.4 Stakeholder Consultation Report

Preparation and Results of Online Survey and One Pager Stakeholder Consultation on Artificial Reef/Dive Site Creation

Date: February, 10th until March 18th 2022

Place: Consultation initially took place digitally

Objective

Gather input and feedback from new and previously contacted stakeholders on the project activities concerning the artificial reef/dive site creation, specifically regarding preferences or concerns on the proposed scuttling locations.

Expected result

Input and feedback from the participating stakeholders in the survey will inform the decision-making process of finalizing the site location and indicate if there is need for an in-person consultation. Any feedback and input will also be used to finalize the **ESMP**.

Participants consulted.

General public through the NPRB website and social media (LinkedIn, Facebook).

Targeted stakeholders via email addresses of the respective individuals and entities.

Preparations

Consultations took place digitally considering the restrictions related to the COVID-19 Pandemic and as a general precautionary measure. Contact information of the stakeholders to be targeted directly was gathered. Text for Public Consultation via email, website and social media drafted in coordination with the NPRB Communications Department.

Consultation

The following text was sent out to Stakeholders who were directly targeted via email:

Dear Stakeholder,

Attached to this email you will find a One Pager for the Artificial Reef/Dive Site Project as part of the National Recovery Program Bureau's (NRPB) wider "Shipwreck Salvaging and Disposal Project" and find below a link to a stakeholder consultation survey.

Why are you receiving this email?

You are receiving this email because you are a stakeholder who might be affected by or have a vested interest in the decommissioning and sinking of the Marion, a floating tugboat, that was salvaged by the NRPB's "Shipwreck Salvaging and Disposal Project" to create an artificial reef/dive site.

What is needed from you?

The NRBP would like to invite you to review the **One Pager** attached and share your informed opinions on key aspects of this project in a **Stakeholder Survey found here:**

<https://forms.office.com/r/JEMadMAynJ>

The objective of the survey is to gather feedback from stakeholders and address any relevant stakeholder concerns in the decision-making process of the Marion as it relates to the project activities. Please fill out the questionnaire with the appropriate responses you deem fit **by February 21st 2022**. It will take you approximately 7 minutes to complete. Your responses will be collected and reviewed for the purposes of this project.

Thank you in advance for your contributions to providing your input in the Artificial Reef/Dive Site Stakeholder Survey!

Should you have any clarifying questions or comments please respond to us via info@nrpbsxm.org by **February 21st, 2022** so that we can make sure to consider the received feedback in the preparation of the project.

To learn more about the NRPB and the Shipwreck Salvaging Project please visit the webpages <https://nrpbsxm.org/about-nrpb/> and [Shipwreck Recovery and Salvaging – National Recovery Program Bureau \(nrpbsxm.org\)](#)

Result of consultation

Since only two of the four proposed locations met the criteria for the scuttling of the *Marion* by feedback received by TEATT, this survey aimed to gather input about whether or not there was clear a preference for either Tiegland located in the Man of War Shoal Marine Park, or a new site tentatively named “Irma” in Cupecoy. The results were not conclusive and forty-three percent of respondents of the second survey indicated the need for an in-person stakeholder consultation. To clarify concerns and gather more input on the decommissioning of the *Marion* and scuttling location of the vessel, stakeholders were invited to an in-person consultation on April 1st, 2022.

Preparation and Results of In-Person Stakeholder Consultation on Artificial Reef/Dive Site Creation

Date: April 1st 2022
Place: Carl's Unique Inn, Cole Bay
Time: 6:30 pm - 8:00 pm

Objective

The objective of this in-person stakeholder consultation is to gather feedback from stakeholders and address any relevant stakeholder concerns in the decision-making process of the *Marion* as it relates to the project activities, specifically the decommissioning process of the *Marion* and the proposed scuttling location.

Expected result

Input and feedback from the participants on the Artificial Reef/Dive Site Creation Project will be used to finalize the **Environmental and Social Management Plan**.

Participants invited

Stakeholders of the EDMP Shipwreck project: Nature Organizations, Dive Operators, Marine Industry Groups/Communities

(SXM Nature Foundation); Dive Operators, St. Maarten Tourist Bureau, St Maarten Marine Trades Organization)

NRPB –EDMP representatives

Preparations

Preparation meetings were held in the month of March at the office of the NRPB internally between EDMP team members and externally with the Nature Foundation. NRPB prepared to facilitate the stakeholder consultation through a PowerPoint presentation that aimed to provide a brief overview on the overall mission of the NRPB and the specific project activities of this EDMP subcomponent – the creation of an artificial reef/ dive site. The Nature Foundation was invited to present the technical criteria in selecting the proposed scuttling locations and expand on their findings from the initial stakeholder survey.

The event

The event took place at Carl's Unique Inn Conference Center, located in Cole Bay.

Participants: 5 dive operators; 7 NRPB representatives across EDMP, Safeguards and Communications team, 1 Environmental organization

Facilitators: Dimetri, Riddhi, Leslie

After a brief introduction on the purpose of the event, Thijn Laurensse and Marco Van Den introduced the NRPB and gave an overview of EDMP's Shipwreck Salvage and Disposal Project. Following this project overview, Riddhi Samtani briefly explained the works of artificial reef/dive site creation, specifically touching on the mitigating measures proposed to avoid or minimize risk. Leslie Hickerson from the Nature Foundation gave a presentation on the process of proposing four suitable locations, described the pros and cons of each.

After the presentation, Riddhi, Leslie and Dimetri facilitated discussions based on survey responses, and allowed for questions about the project activities or site location preferences. Clarifications about the scope of work, the process or any other aspect of the project were provided to stakeholders.

The group was arranged in a circle-seating arrangement to allow the free-flow of opinions and facilitate conversation during the discussion. All participants were encouraged to ask engage

The guiding questions for the group discussion were:

1. Do you need any clarifications on the scope of works that has or will take place on the *Marion*?
2. Are the proposed mitigation measures adequate?
3. What is your preferred scuttling location and why?
4. Did we miss potential risks with the proposed locations?
5. Suggestions on keeping stakeholders informed on project activities

There was a lively discussion. This resulted in several comments and remarks.

Finalizing the work session, Thijn Laurensse explained about the continuation of the process to finalize the scuttling location of the *Marion* and update the ESMP of this project.

1. There is a 2 weeks' time period to submit further remarks and questions at this email address: shipwreck@nrpbsxm.org
2. The questions will be compiled in a table and send to the responsible team
3. This team will analyze the questions one by one and provide a comment in the table with the questions.
4. Based on all the remarks and questions, the answers and concerns are incorporated in the draft ESMP.
5. The final draft is submitted to the WB team for approval
6. The final version is published on the NRPB website.

The expected works are planned to start in the second quarter of 2022.

Proposed program

Time	Content	Method	Fac.
18.30	Registration and Welcome	Sign in Sheet	Dimetri
18.35	Introduction to NRPB	Powerpoint	Thijn
18:45	Introduction to EDMP and Shipwreck Salvaging and Disposal Project	Powerpoint	Marco
19:00	Overview of the Decommissioning and Current Scope of Works on the <i>Marion</i>	Powerpoint	Riddhi
19:15	Presentation of Proposed Scuttling Locations	Powerpoint	Leslie
19.30	Group discussion on the questions concerning the presentation In group exchange comments, all are valid.	Open ended group discussion amongst participants	Rueben/Thijn
20:00	Closure: what is next, what happens with feedback and follow up steps. END.	Plenary	

List of Participants

Name	Agency/ Organization	Function
Thijn Laurensse	NRPB	Presenter
Riddhi Samtani	NRPB	Presenter
Marco Van Den	NRPB	Presenter
Dimetri Whitfield	NRPB	Facilitator
Rueben Thompson	NRPB	Note taker/Facilitator
Sanne Bartels	NRPB	Note taker
Leslie Hickerson	Nature Foundation	Presenter

Kim Frye	The Scuba Shop	Stakeholder
Jeff	Ocean Explorers	Stakeholder
Daniel Norwood	SXM Divers	Stakeholder
Anne	St. Maarten Divers	Stakeholder
Anne plus 1	St. Maarten Divers	Stakeholder

Table 7-2: In Person Feedback Received from Stakeholders

Feedback from Stakeholders	Classification	Updated Measures adopted or answer to question
<p>If seas are rough, dive operators go to the lee of the island. Unfortunately, there are only 2 dive sites there, by the Gregory and Porpoise – there is no mooring on Porpoise. Even though there is a need for a dive site in the lee of the island due to calmer weather, I would still prefer Tieglund located in the Marine Park because of the shallower depth.</p>	Scuttling Location	<p>Clear need for an artificial reef/dive site in the lee of the island (Cupecoy) was noted. Tieglund was initially the selected location due to marine protection, shallower depth and all other required criteria, but due to new information that was received during continued public stakeholder engagement about the project scope and proposed activities, led the NRPB to reevaluate Tieglund as the chosen scuttling location. To avoid any unforeseen risks that were not previously envisioned, the NRPB indicated to Nature Foundation to assess the possibility of a suitable shallower location in the Cupecoy vicinity. A shallower depth of 20m was successfully assessed and approved by relevant governmental stakeholder.s (i.e TEATT and Chief Harbor Pilot). With the input from all previous and on-going stakeholder feedback, and meeting the required criteria, this new location, tentatively named the <i>Marion</i> has been selected as the preferred scuttling location.</p>
<p>On average dive sites on St. Maarten are between 18 meters and 21 meters. The depth of the New Site in Cupecoy is proposed at 27 meters. This is generally too</p>	Scuttling Location	<p>One of the project outcomes of creating an artificial reef/dive site aims to alleviate the pressure on any ecologically significant area given the rate of decline of natural reefs. Given new risks of</p>

Feedback from Stakeholders	Classification	Updated Measures adopted or answer to question
<p>deep for the majority of divers to come to dive. This site will not be used by dive shops and cannot be well maintained due to lack of marine protection/legal frameworks for enforcement.</p>		<p>scuttling the <i>Marion</i> in the Marine Park, a shallower depth (20m) at the Cupecoy vicinity was successfully explored and approved by relevant governmental entities and met all required criteria set forth by NRPB, the World Bank and other local legislation. The project aims to give new life to the <i>Marion</i> as a wreck in a site that will enrich the environment and contribute to dive tourism.</p>
<p>The New Site proposed is located between existing dive sites called the Gregory and Fuh Sheng. While the location because of calmer weather is ideal, the depth is not. Is it possible to suggest a dive site in close proximity to the Gregory at a shallower depth, 18-20 meters?</p>	<p>Scuttling location</p>	<p>The consideration to ask TEATT and other pertinent authorities if it is indeed possible to have an approved location within the vicinity of the Gregory but at a shallower depth was taken. However due to time constraints regarding hurricane season, and the lack of marine protection and other concerns, the ideal location that met all the criteria, with stakeholder feedback was Tieglund in the Marine Park.</p> <p>New information that was received during continued public stakeholder engagement about the project scope and proposed activities, led the NRPB to reevaluate Tieglund as the chosen scuttling location. To avoid any unforeseen risks that were not previously envisioned, the NRPB indicated to Nature Foundation to assess the possibility of a suitable shallower location in the Cupecoy vicinity. A shallower depth of 20m was successfully assessed and approved by relevant governmental stakeholder.s (i.e TEATT and Chief Harbor Pilot). With the input from all previous and on-going stakeholder feedback, and meeting the required criteria, this new location, tentatively named the <i>Marion</i></p>

Feedback from Stakeholders	Classification	Updated Measures adopted or answer to question
		has been selected as the preferred scuttling location.
Even if the wreck is placed at Tiegland, the side of the vessel will provide shelter to strong current in the dive vicinity during bad weather.	Scuttling Location	At the time, this feedback reinforced confidence in the selection process of Tiegland as the preferred scuttling location for the <i>Marion</i> . However, after public consultation of the project, new information led the NRPB to critically reevaluate the Tiegland location. To avoid any unforeseen risks that were not previously envisioned, NRPB decided to move forward with a shallower depth in the Cupecoy vicinity that was assessed by the Nature Foundation. This location highly favored because it is outside large vessel traffic, provides shelter from strong wind and current and is accessible to all divers across skill levels at a shallow depth.
Concern for overfishing at the location of the Gregory at night, this is a concern for the health of the artificial reef because of lack of protection	Scuttling Location	The concerns for overfishing in the Cupecoy location were noted. Nature Foundation is the authority to manage all dive sites in Dutch coastal waters. These concerns can be managed by the marine patrolling and monitoring of the site by NF. The Foundation along with TEATT also aim to carry out awareness and educational workshops with artisanal fishers on how conservation of these artificial and natural reefs sites can bolster fish stocks by increasing the habitat area of fish and crustaceous species, and by virtue contribute to fisherman in their activities.
The Gregory, the current wreck in the Cupecoy area, has a short remaining lifespan, 10-15 years and the <i>Marion</i> can serve as a	Scuttling Location	Tiegland located in the Marine Park was initially preferred by NRPB because of its shallow depth and marine protection, but the need for an artificial reef/dive site in

Feedback from Stakeholders	Classification	Updated Measures adopted or answer to question
<p>replacement dive location in the lee of the island. However, if it is not a possibility to go shallower in the vicinity of the Gregory because of regulations, then Tieglund would be the preferred scuttling location</p>		<p>the lee of the island (Cupecoy) was noted given the lifespan of the Gregory. As such a shallower depth of 20m has been assessed and approved by the relevant governmental authorities in the Cupecoy vicinity. Due to the need, criteria and stakeholder preferences, this new location has been chosen as the final scuttling location for the <i>Marion</i>.</p>
<p>Does the water quality affect the rate of growth of marine life on the wreck? If yes, which locations are ideal for marine life growth?</p>	<p>Scuttling Location</p>	<p>Water quality does play an important factor in the rate of coral growth on artificial reefs. According to the Nature Foundation, the Gregory has successfully been colonized by soft corals and barnacles in the Cupecoy vicinity as it is sheltered from large vessel traffic and is situated in calmer waters. Therefore, it is likely the <i>Marion</i> will follow suit, however the Nature Foundation will monitor continually the rate of coral growth at the <i>Marion</i> in this area overtime.</p>
<p>What is the scope of works for the <i>Marion</i> scuttling</p>	<p>Project Scope of Works</p>	<p>A one-pager that shares the high-level proposed project activities can be found online on the NRPB's website. More information on the scope of works can be found in the Environmental and Social Management Plan (ESMP) of the project. Once the ESMP is cleared by the Bank, it will be disclosed publicly on the NRPB and the World Bank website for further feedback and public review.</p>
<p>Pro and Cons for Tieglund, Marine Park</p> <p>Pro: the location, depth and habitat, expanding the dive sites at Man of War Shoal. Great for drift diving in the marine park.</p>	<p>Scuttling Location</p>	<p>Initially Tieglund was favored by most stakeholders in both stakeholder surveys by Nature Foundation and NRPB due to its shallow depth and marine protection. After public consultation of the project, new information led the NRPB to critically reevaluate the Tieglund location. To avoid any unforeseen risks that were not previously envisioned, NRPB decided</p>

Feedback from Stakeholders	Classification	Updated Measures adopted or answer to question
		to move forward with a shallower depth in the Cupecoy vicinity that was assessed by the Nature Foundation. This location highly favored because it is outside large vessel traffic, provides shelter from strong wind and current and is accessible to all divers across skill levels at a shallow depth.
<p>Pro and Cons for Tiegland, Marine Park</p> <p>Pros: will be more protected from fishing, it will be a great combination first dive wreck dive and the second dive a reef dive . We don't have s as my deeper site on that side of the island ...</p> <p>Cons : we my no be able to visit if there is bad weather</p>	Scuttling Location	Initially Tiegland was favored by most stakeholders in both stakeholder surveys by Nature Foundation and NRPB due to its shallow depth and marine protection. After public consultation of the project, new information led the NRPB to critically reevaluate the Tiegland location. To avoid any ecological or social risks, NRPB decided to move forward with a shallower depth in the Cupecoy vicinity that was assessed by the Nature Foundation. This location is highly favored because it is outside large vessel traffic, provides shelter from strong wind and current and is accessible to all divers across skill levels at a shallow depth. Nature Foundation is the authority to manage all dive sites in Dutch coastal waters. Continued patrolling and monitoring of the site for fishing on the wreck can be minimized and or mitigate the concern. In addition, the Foundation aims to work with TEATT to provide educational and awareness workshops for artisanal fishers to better understand that conservation of this artificial reef will lead to better fish stocks and contribute to their fishing activities.
What is the timeline for the scuttling of the <i>Marion</i> ?	Scope of Works	The timeframe proposed is in the 4th quarter of 2022 hopefully before hurricane season and the scope of works would take approximately 19 days.

Feedback from Stakeholders	Classification	Updated Measures adopted or answer to question
		However, the specific timeline depends on the clearance of the ESMP and possible weather delays.
Will there be penetration of the vessel for scuba divers?	Scope of Works	Based on the proposed KMS workplan, most of the entrances will be sealed to prevent penetration. Given the suggestions to leave some entrances available for divers to penetrate, the Nature Foundation will do a final survey and make suggestions where this is feasible.

Annex 7. COVID-19 Provisions For Procurement And Contracting

The Employer is mindful of the current challenges that COVID-19 presents to the Contractor to execute the essential Works required for the safety of the populace of Sint Maarten. The Contractor is required to implement and enforce all the current COVID-19 safety and health legislation and directives of the government of Sint Maarten. Also, the Contractor is recommended to stay current and implement, as applicable, the international safety and health practices for COVID – 19 of the World Health Organization (WHO) – refer: <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/advice-for-public> and of OSHA – refer <https://www.osha.gov/Publications/OSHA3990.pdf>.

Some specific good practices include:

- Conduct regular briefings and awareness sessions of the COVID-19 health and safety practices to be followed by all persons involved in the Works including:
 - Updates with regards to directives of the government of Sint Maarten
 - How to avoid the disease spreading (cough/sneeze in the crook of elbow)
 - Keep 1.5 meter or more away from other workers
 - Use and dispose of tissues for coughs and sneezes
 - Regularly wash hands with soap and water – many times per day

- Wash stations should be provided regularly throughout the sites of the Works, including close to toilets and communal facilities, with a supply of clean water, liquid soap and paper towels/electric hand dryers, with a waste bin (for used paper towels) that is regularly emptied. Alternatively, alcohol-based hand rub should be provided.

- Enhanced cleaning arrangements should be put in place to include: interiors of vehicles which may be used by several workers, staff, etc, waste bins at key places, regular and deep cleaning

using disinfectant of communal areas, eating areas, latrines/toilets and, including tools, door handles, floors and all surfaces that are touched regularly.

- The provision of Personal Protective Equipment (e.g. masks and rubber gloves), as required.
- Workers showing COVID-19 symptoms or have recently been in close contact with persons testing positive, must immediately cease involvement in the Works and seek medical direction and assistance.
- Encourage workers to use the existing project grievance mechanism to report concerns relating to COVID-19, preparations being made by the Contractor addressing COVID-19 related issues, how procedures are implemented, and concerns about the health of their co-workers and other staff.

Contractor is to include, in the ESHS Management Strategies and Implementation Plan(s), the measures proposed to be implemented for the duration of the Contract to prevent or minimize the possibilities of an outbreak of COVID-19 amongst management, staff, (sub-) contractors and neighboring communities