

Doc. Title: SUBIC BAY MARINE CONSERVATION AREAS: RULES AND REGULATIONS***Section 1. Basic Policy and Objectives***

Pursuant to Sections 96 and 105 of the Implementing Rules and Regulations of RA 7227 Series of 1992 and in accordance with the Subic Bay Protected Area Management Plan, the following provisions on protecting and managing Marine Conservation Areas in Subic Bay are hereby promulgated.

Recognizing that a healthy environment is essential to the attainment of the development goals of the Subic Bay Metropolitan Authority (SBMA), it shall be the policy of SBMA to promote the protection and management of marine conservation areas in Subic Bay to ensure the preservation of biodiversity, conservation of natural resources, and the integrity of life support systems within the Subic Bay Freeport Zone (SBFZ). In line with this policy, these rules and regulations are formulated and issued with the following management objectives:

- a) Protection and management of marine areas significant to the life cycles of economically, aesthetically and ecologically important marine species, e.g. coral reefs, fishes, seagrass and seaweeds, etc.
- b) Protection of remaining mangrove forests in order to maintain their buffering function between the land and sea ecosystems against typhoons and wave action, and protect the reefs from sedimentation. Mangrove forests also serve as breeding ground and key habitat for marine fishes, crustaceans, and other animals.
- c) Management of fisheries resources within the bay such that the bay may be able to provide, on a sustainable basis, livelihood to local fishers and at the same time contribute aesthetically to the tourism (particularly diving) industry.
- d) Designation of marine conservation areas and physical delineation of selected areas identified for various levels of protection.

Section 2. Definition of Terms

Ecology Center – the entity within SBMA that has jurisdiction and authority over the protection, conservation and management of natural resources within the Subic Bay Freeport Zone as mandated by RA 7227.

Freeport Service Corporation (FSC) – a wholly owned subsidiary of SBMA established to operate and engage in the business of providing technical, professional, consultancy and general services to SBMA and the Freeport.

Harbor Patrol – the entity within SBMA under its Law Enforcement Department responsible for enforcement of any and all rules and regulations related to marine protection as may be promulgated by the SBMA or as may be applicable under Philippine law.

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Marine Conservation Areas – those areas in Subic Bay determined as requiring management and regulation because they are important to the protection and preservation of marine biological diversity. Activities in said areas shall be regulated to preserve the environmental quality.

Marine Vessel – any craft that is capable of being used on water and possessing any form of propulsion system.

Mooring – a system and means of securing marine vessels so as to prevent further movement from a specific area.

Municipal Fishermen – people directly or personally and physically engaged in taking, culturing, and processing fishery or aquatic resources in one municipality.

Municipal Fishing – refers to fishing within municipal waters using fishing vessels of three (3) gross tons or less, or fishing not requiring the use of fishing vessel.

SBMA Secured Waters - the area of Subic Bay that falls under the jurisdiction of the SBMA and is determined by the boundary lines of the buoys in the bay (See Figure 1). Within the SBMA Secured Waters are different marine conservation areas designated in accordance with the Subic Bay Protected Area Management Plan and explained further under Section 3 of this guideline.

Tourism Department – an entity within SBMA/FSC involved in the promotion and development of tourism within the Subic Bay Freeport Zone.

Wake – the wave or displacement of water generated by the movement of a marine vessel at a speed.

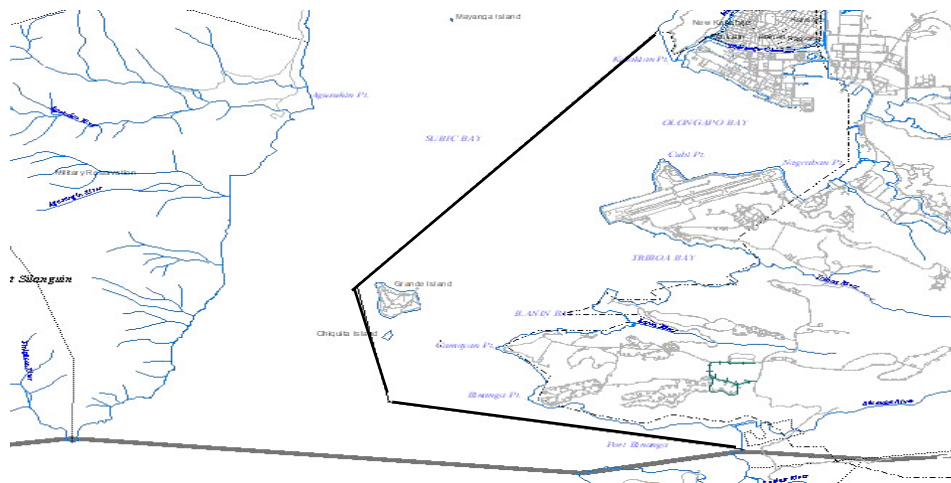


Figure 1. SBMA Secured Waters

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RULES AND REGULATIONS*****Section 3. Designation of Marine Conservation Areas*****3.1 Marine Core Ecological Zone**

The Marine Core Ecological Zone extends westward from Camayan and Binanga Points to the immediate west of the old US Naval Magazine storage area, to include Chiquita Island and the southern coastal fringe of Grande Island. The designated area includes coral reef and biologically productive habitat associated with shallow coastal marine environment. Sub-sets of the Marine Core Ecological Zone include the Hidden Beach between Camayan Point and Binanga Point, and the approaches (immediate nearshore zone) in the vicinity of the turtle nesting beach (Miracle Beach) to the north of Camayan Point (See Figure 2). The area of the Marine Core Ecological Zone is 363.74 hectares.

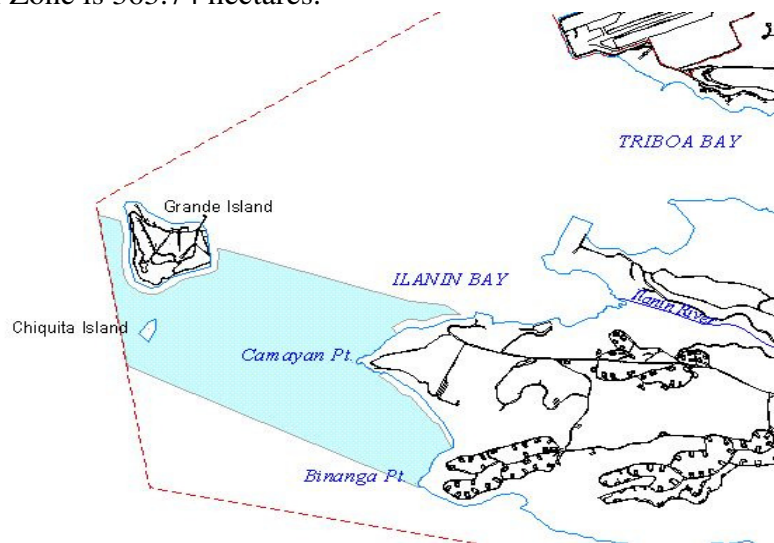


Figure 2. Marine Core Ecological Zone

3.1.1 Rules Governing Use of Marine Core Ecological Zone

- a. The Marine Core Ecological Zone is declared a no-anchor zone. As such, no anchorage shall be permitted in this area except through the use of floating anchors (sea anchors) or at fixed mooring buoys provided by SBMA.
- b. The Marine Core Ecological Zone is declared a no-wake zone. As such, no marine vessel that generates a wake shall be permitted to travel in this area.
 - Exceptions to this rule are:
 - 1) Harbor Patrol, Ecology Center boats and boats operated by persons deputized by the Law Enforcement Department, only when on duty.
 - 2) Dive boats transiting to and from, and engaging in scuba diving activities with permits

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- 3) Boats transiting to and from Olongapo and Bataan
 - Permitted marine vessels in this zone are restricted to:
 - 1) 4-stroke engines only
 - 2) patrolling or transiting speed to be such that produces minimum noise and minimum wake
 - 3) use of high speed limited to “hot pursuit” only
 - 4) most direct route to be taken to minimize presence in the zone
 - 5) all other rules apply to permitted vessels
- c. The following activities are allowed in the Marine Core Ecological Zone, provided that prior written permit is obtained as specified:
 - 1) Scientific research with permit from the Ecology Center
 - 2) Ecological baseline monitoring with permit from the Ecology Center
 - 3) Guided underwater scuba tours (maximum four divers per dive master) in accordance with Section 5.2 of this Guideline, and with permit from the Ecology Center
 - 4) Snorkeling, swimming and free diving
 - 5) Marine photography with permit from the Ecology Center
 - 6) Non-motorized boating, dinghy sailing, windsurfing, and kayaking
 - 7) Surfing
- d. The following activities are prohibited in the Marine Core Ecological Zone:
 - 1) Anchoring
 - 2) Fishing
 - 3) Gathering or harvesting of any terrestrial or marine organism (flora and fauna), e.g. corals, seashells, turtle eggs, fishes, rocks, seaweeds, seagrasses
 - 4) Collecting, damaging or relocating underwater structures
 - 5) Unsupervised scuba diving
 - 6) Mining (as in extraction of sand, limestone, limesand)
 - 7) Power boating, jet skiing and operating similar watercrafts, except as specified
 - 8) Operation of fixed-keel sailing craft except if transiting the area under sail
 - 9) Bilge water discharging or deballasting
 - 10) Water-related sports competitions
 - 11) Aquaculture or mariculture installations

3.2 Marine Habitat Protection Zone

The Marine Habitat Protection Zone is defined as the extensive near-shore marine habitat extending over the majority of Ilanin Bay and Triboa Bay (See Figure 3). This is an area of high quality coastal habitat with moderate depths. The area of the Marine Habitat Protection Zone is 431.71 hectares.

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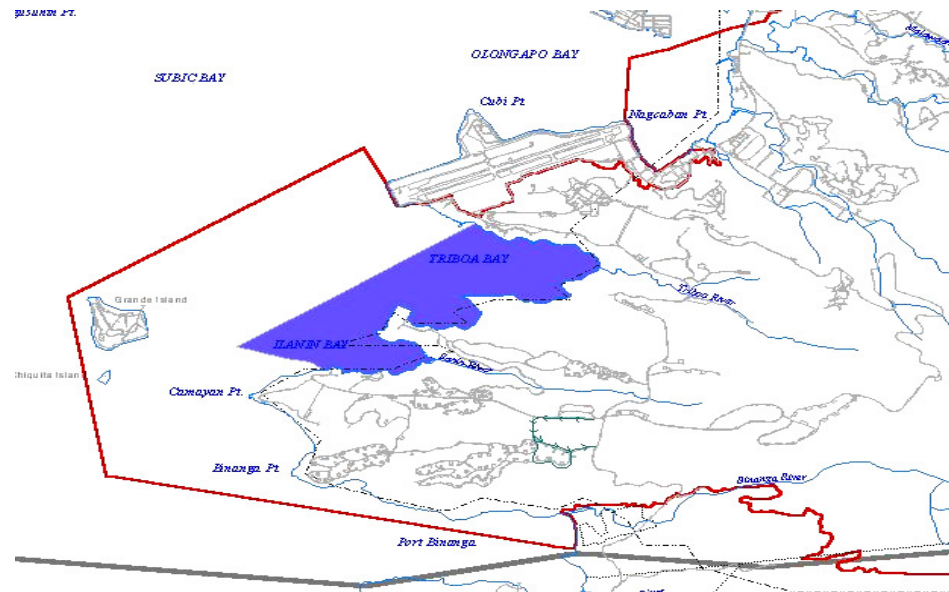


Figure 3. Marine Habitat Protection Zone

3.2.1 Rules Governing Use of Marine Habitat Protection Zone

a. No marine vessel shall be permitted to enter the Marine Habitat Protection Zone.

▪ Exceptions to this rule are:

- 1) Harbor Patrol, Ecology Center boats and boats operated by persons deputized by the SBMA Law Enforcement Department, only when on duty.
- 2) Dive boats transiting to and from, and engaging in scuba diving activities with permits.
- 3) Boats operated by IDESS in the course of their training programs and transiting to and from their facility.
- 4) Boats operated by Ocean Adventure in the maintenance and protection of their containment fence and transiting to and from their facility.
- 5) Transporting guests/tourists by accredited small boats with permits to and from Apaliin Point, Miracle Beach, Nabasan Pier and Camayan Pier.

▪ Permitted marine vessels in this zone are restricted to:

- 1) 4-stroke engines only
- 2) patrolling or transiting speed to be such that produces minimum noise and minimum wake
- 3) use of high speed limited to “hot pursuit” only
- 4) most direct route to be taken to minimize presence in the zone
- 5) all other rules apply to permitted vessels

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- b. The following activities are allowed in the Marine Habitat Protection Zone, provided a prior permit is obtained as specified:
- 1) Scientific research and monitoring with permit from the Ecology Center
 - 2) Supervised scuba diving (maximum of four divers per dive master) in accordance with Section 4.2 of this Guideline and with permit from the Ecology Center
 - 3) Snorkeling, swimming, and free diving
 - 4) Non-motorized boating, dinghy sailing, windsurfing, and kayaking
- c. The following activities shall be prohibited in the Marine Habitat Protection Zone:
- 1) Anchoring
 - 2) Fishing
 - 3) Gathering or harvesting of any terrestrial or marine organism (flora and fauna), e.g. corals, seashells, turtle eggs, fishes, rocks, etc.
 - 4) Collecting, damaging or relocating underwater structures
 - 5) Unsupervised scuba diving
 - 6) Mining (as in extraction of sand, limestone, limesand)
 - 7) Power boating, jetskiing, and operating similar watercrafts
 - 8) Operation of fixed-keel sailing crafts except if transiting the area under sail
 - 9) Dumping of wastes (garbage, sewage, etc.)
 - 10) Water-related sports competition
 - 11) Aquaculture or mariculture installations

3.3 Marine Recreational Zone

The Marine Recreational Zone is defined as the open water area in the vicinity of the Subic Bay International Airport that is designated as suitable for moderate level impact watersports and recreational activities, and that excludes high impact motorized activity (See Figure 4). The area of the Marine Recreational Zone is 174.89 hectares.

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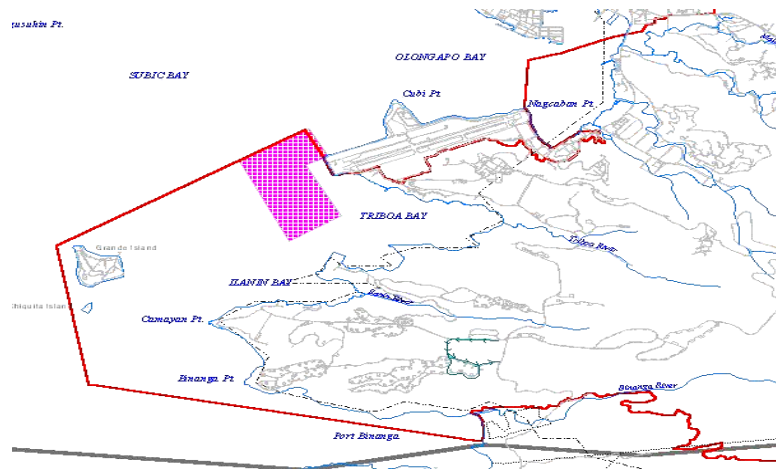


Figure 4. Marine Recreational Zone

3.3.1 Rules Governing Use of Marine Recreational Zone

a. The following activities are permitted in the Marine Recreational Zone:

- 1) Yacht and dinghy sailing
- 2) Canoeing and kayaking
- 3) Rowing (sculling, etc)
- 4) Parasailing
- 5) Scuba diving
- 6) 'Catch and Release' competition fishing
- 7) Mooring in designated locations

b. The following activities are prohibited in the Marine Recreational Zone:

- 1) Anchoring
- 2) Gathering or harvesting of any terrestrial or marine organism (flora and fauna), e.g. corals, seashells, turtle eggs, fishes, rocks, etc.
- 3) Jet skiing and power boat racing
- 4) All commercially extractive activities (fishing, mining)
- 5) Aquaculture or mariculture installations
- 6) Dumping of wastes (garbage, sewage, etc.)

3.4 Marine Sustainable Use Zone

The Marine Sustainable Use Zone is defined as extending over the 'outer' westerly portions of the marine part of the Protected Area on either side of the Marine Core Ecological Zone, and also over a portion of Olongapo Bay in the vicinity of Nagcaban Point to the east of the airport (See Figure 5). The Marine Sustainable Use Zone provides a buffer to zones featuring more important habitat value. It includes open water areas with less critical habitat values where

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higher levels of sustainable activity can occur. The total area of the Marine Sustainable Use Zone is 983.02 hectares.

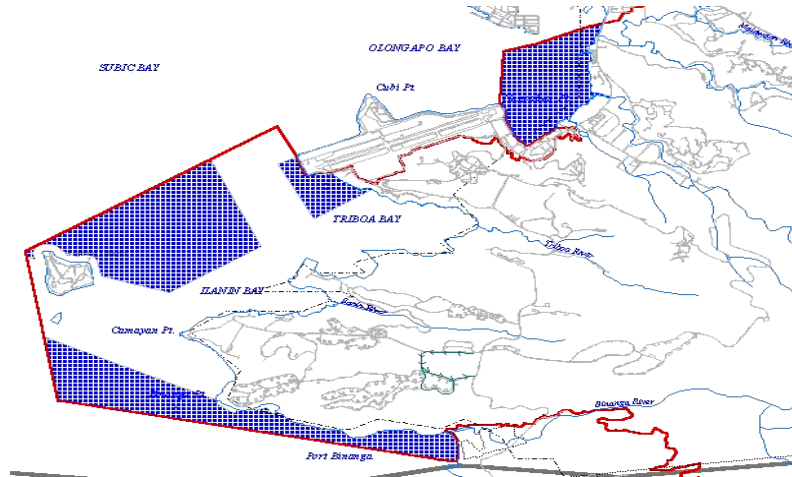


Figure 5. Marine Sustainable Use Zone

3.4.1 Rules Governing Use of Marine Sustainable Use Zone

a. The following activities are allowed in the Marine Sustainable Use Zone:

- 1) Scuba diving and snorkeling
- 2) Dinghy sailing, and sea kayaking/canoeing
- 3) Fixed keel yachting permitted in designated navigable zones
- 4) Water skiing and parasailing
- 5) Lure and fly 'catch and release' fishing
- 6) Anchoring except on coral reefs

b. The following activities are prohibited in the Marine Sustainable Use Zone

- 1) All commercially extractive activities
- 2) Large vessels (3+ tons), except in designated navigable channels accessing berths/docks
- 3) Sports fishing
- 4) Spear fishing
- 5) Jet skiing and power boat racing
- 6) Removal of corals, reef fish, benthic material, underwater structures
- 7) Mining (as in extraction of sand, limestone, limesand, etc.)
- 8) Aquaculture or mariculture installations
- 9) Anchoring on coral reefs
- 10) Use of watercrafts in designated swimming areas

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Section 4. Scientific Research, Baseline Monitoring, and Marine Photography in Marine Core Ecological Zone and Marine Habitat Protection Zone

4.1 Scope. – This Section applies to all scientific researches, baseline monitoring and marine photography by students and researchers, environment specialists and photographers. These rules are necessary to control the number of people in the Marine Core Ecological Zone and Marine Habitat Protection Zone thereby protecting and conserving the marine life therein.

4.2 Rules Governing Scientific Research, Baseline Monitoring, and Marine Photography in Marine Core Ecological Zone and Marine Habitat Protection Zone

- 1) Only those with written permit from the Ecology Center shall be allowed to conduct scientific research, baseline monitoring, or marine photography.
- 2) Researchers, environmental specialists, or photographers shall not gather or harvest any terrestrial or marine organism (flora and fauna), e.g. corals, seashells, turtle eggs, fishes, rocks, etc.
- 3) They shall take necessary precaution not to cause any disturbance/destruction on the marine environment, including but not limited to flora and fauna.
- 4) They shall ensure proper waste disposal.
- 5) Results of the study shall only be used for academic/scientific purposes and shall not be published without proper coordination and approval from the Ecology Center.
- 6) No commercial film shooting shall be conducted in the Marine Core Ecological Zone and Marine Habitat Protection Zone unless with special permission from the Ecology Center.

4.3 Responsibility for Enforcing Rules Governing Scientific Research, Baseline Monitoring, and Marine Photography in Marine Core Ecological Zone and Marine Habitat Protection Zone

a. Ecology Center shall:

- 1) Review and evaluate all proposals for scientific research, ecological baseline monitoring, and marine photography.
- 2) Issue permit for all proposals found to be valid and acceptable.
- 3) Conduct monitoring and check progress of the activities from time to time.
- 4) Provide a daily schedule of permitted activities to Harbor Patrol.

b. Harbor Patrol shall:

- 1) Randomly check researchers and/or photographers if they are in the right location and/or have the right permits where required.
- 2) Apprehend researchers and/or photographers performing prohibited activities.

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c. Researchers/ Marine Photographers shall:

- 1) Conduct their research or pictorial within the area stated in the permit and shall limit their activities to what is allowed in the permit.
- 2) Always carry with them the issued permit and show the same to the Harbor Patrol or roving Tourism or Ecology Center personnel when required.

4.4 Violation of Rules and Penalties on Scientific Research, Marine Photography, and Baseline Monitoring

The Subic Bay Metropolitan Authority (SBMA) Board of Directors has the legal authority to impose fines and penalties for violators of any of the above and the rest of the rules and regulations stated in this Order. Any person, therefore, violating any of the provisions of this Section shall be subjected to the following penalties:

- | | |
|-----------------|--|
| First Offense: | fine of two thousand pesos (P 2,000.00) and revocation of permit |
| Second Offense: | fine of five thousand pesos (P 5,000.00) and permanent ban to conduct research, monitoring, or photography inside the Subic Bay Freeport |

Section 5. Recreational Diving

5.1 Scope. – This Section applies to all recreational and fun diving activities in Subic Bay by professional divers, guests and residents. The rules are necessary to establish procedures and designate responsibilities for the regulation and control of recreational diving within Subic Bay in order to protect, preserve and conserve the marine ecosystem and its natural resources and the historical shipwrecks therein, provided that such diving activity shall not constitute navigational traffic hazard or obstruction in the bay.

5.2 Rules Governing Recreational Diving

- a. SBMA requires that only qualified divers with certification from any accredited diving group, like the Professional Association of Diving Instructors (PADI), shall be permitted to fun dive in the bay.
- b. No diver shall be permitted to dive alone, but always in company of another diver.
- c. A dive master who knows or is familiar with the diving site shall escort permitted divers during their diving.
- d. Harbor Patrol shall be informed of all dives to be conducted.
- e. Fishing by spear gun, collecting artifacts from shipwrecks, harvesting ornamental corals, plants and seashells, and catching tropical fishes for aquarium shall not be allowed.

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f. Allowed areas for diving:

- 1) Coral reefs around Grande Island, except at the western area which is a part of the main channel into the bay
- 2) Shipwreck of a landing ship tanker (LST) located between Grande Island and southern tip of the runway
- 3) Shipwreck of “El Capitan” located at the inner channel of Ilanin Bay (between Nabasan and Camayan Points), with prior permit from the Ecology Center
- 4) Shipwreck of “New York”, a cruiser, located between Alava Wharf and northern tip of the runway, approximately 275 meters off the channel *
- 5) Shipwreck of “Cryoku Maru” located approximately 400 meters off Alava Wharf*
- 6) Shipwreck of “San Quentin” located between Grande Island and Camayan Point, with prior permit from the Ecology Center.
- 7) Shipwreck of an LCV Landing Craft, located off the Pamocan Point, with prior permit from the Ecology Center
- 8) Shipwreck of the “Rochester” located between the “New York” shipwreck and Montan Point
- 9) Shipwreck of a Japanese Patrol boat, located off the Apaliin Point, with prior permit from the Ecology Center
- 10) Any other location shall be with permission from the Ecology Center.**

*The diving time for “New York” and “Cryoku Maru” shall be cleared first with the Seaport Operations Department as these wrecks fall within the navigational channel area.

g. Restricted Areas for Diving

The following areas shall be restricted for recreational diving:

- 1) Main Channel Area – this is the main navigational lane, from the fairway at Buoy 4 west of Grande Island, running straight to Kalaklan Point Lighthouse, 600 meters wide by 6.3 kilometers long, running eastward passing through south of Alava Wharf, continuing and passing through port of Olongapo up to the inner Basin, branching out to Boton Wharf, POL Pier, Marine Terminal, Rivera Point and Bravo Wharf.
- 2) From Pamocan Point at Dungaree Beach running along the beachline up to Nabasan, Camayan and Port Binanga, with a distance/area of 200 meters from the shoreline.
- 3) All piers, wharves, and bulkhead areas are not allowed for fun dive venues.
- 4) Triboa Bay and Ilanin Bay, except on shipwrecks and **with prior permit from the Ecology Center**

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- h. **Diving Hours.** Diving shall only be allowed during daylight hours, between 6:00 AM and 6:00 PM. No diving shall be allowed during bad weather. Diving at night may be allowed by special permit from the Ecology Center and only under supervision of a dive master.

5.3 Responsibility for Enforcing Rules Governing Recreational Diving

a. Law Enforcement Department, Sentry Gate:

- 1) Log in diving gear (swim suit, flippers, mask, etc.) of incoming guests. Do not allow spear gun to be taken into the Freeport; confiscate for safekeeping.
- 2) Review with guest divers SBMA policies, rules and regulations on watersports activities in the bay.
- 3) Direct guest divers to SBMA-accredited watersports operators for set up of fun diving.
- 4) Direct divers with rubber boat or speedboat to register the boat with Tourism Department
- 5) Apprehend divers exiting the main gate with corals, ornamental seashells or aquatic animals.

b. Harbor Patrol:

- 1) Randomly check divers if they are escorted by a dive master and if they are in the right location and/or have the right permits where required.
- 2) Apprehend divers performing prohibited activities.
- 3) Impose due fine from violators and ensure payment thereof.

c. Watersports Operator:

- 1) Ensure that divers are professional divers with accreditation from professional diving groups.
- 2) Review with divers the standard diving safety measures and SBMA policies, rules and regulations on watersports activities.
- 3) Inform Harbor Patrol of selected diving sites prior to diving. Obtain permit on restricted areas. Provide dive master escort to divers.
- 4) Clear with the Seaport Operations Department when the diving venues are the shipwrecks “New York” and “Cryoku Maru” for navigational traffic and vessel movement purposes.

5.4 Violation of Rules and Penalties on Recreational Diving.

Any person violating any of the provisions of this Section shall be subjected to the following penalties:

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- First offense: fine of two thousand pesos (P 2,000.00).
- Second Offense: fine of five thousand pesos (P 5,000.00) and 3 months diving ban.
- Third Offense: fine of ten thousand pesos (P 10,000.00) and permanent ban.
- Fourth Offense: fine of twenty thousand pesos (P 20,000), permanent ban, and confiscation of boat and equipment and possible jail time.

Any person apprehended by the Law Enforcement Department and found to be guilty of the offense shall be issued a Citation Ticket (Annex 1) and must pay the fine at the SBMA Treasury, Bldg 229 or to any recreational facilities' cashier or to the assigned SBMA cashier at Kalaklan Gate.

Section 6. Recreational Fishing

6.1 Scope. – This Section covers the rules and regulations on recreational fishing to be allowed at specific areas within Subic Bay, including the authorized mode of fishing, hours of operation, and related duties and responsibilities.

6.2 Rules Governing Recreational Fishing

a. There are only four sites allowed for recreational fishing:

- 1) Leyte Wharf
- 2) Malawaan Bridge Approach Area
- 3) Grande Island Pier
- 4) Bicentennial Park Lagoon

b. Fishing Permit

- 1) The hobbyist shall obtain a permit at fifty pesos (P 50.00) each for every fishing rod or hook and line (*kawil*) to be used.
- 2) The fishing permit shall be issued by FSC Tourism Department for Leyte Wharf and Malawaan fishing sites and by SBMA Tourism Department for Grande area and Bicentennial Park Lagoon. The hobbyist shall always carry with him the issued permit and show the same to the Harbor Patrol or roving Tourism or Ecology Center personnel when required.
- 3) The permitted fishing method (fishing rod/hook and line only) is only for shoreline fishing and not boat fishing. Chemical, electrical, blasting, net and gill fishing are strictly prohibited.

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- 4) The permit is only for fishing. Swimming in the four areas listed in rule *a* of this Section, diving and gathering seashells, oysters, mollusks and other edible marine growth shall not be allowed.
 - 5) Each licensed fishing rod and hook and line is entitled to a maximum catch of three (3) fishes. All juvenile fish must be released. Adult fish may also be released.
- c. Fishing Hours.** Fishing shall only be allowed during daylight hours, from 6:00 AM to 6:00 PM. No fishing shall be allowed at night and during bad weather.

6.3 Responsibility for Enforcing Rules Governing Recreational Fishing

a. Tourism Department

- 1) Issue permit on a daily basis, per number of fishing rod or hook and line to be used.
- 2) Direct enthusiasts to pay corresponding fees to the assigned SBMA Cashier at Grande Island or to FSC Cashier for Leyte Wharf and Malawaan Park.
- 3) Review with fishing enthusiasts SBMA policies, rules and regulations on recreational fishing in the bay.
- 4) Report to Harbor Patrol hobbyists who are found to be without fishing permit and/or who are fishing in restricted areas.

b. Harbor Patrol

- 1) Apprehend hobbyists who are without fishing permit and/or who are fishing in restricted areas.
- 2) Apprehend all persons who are boat fishing, net fishing, spear fishing and/or fishing using cyanide, dynamite, or toxic chemicals within area of responsibility.

c. Ecology Center

- 1) Designate fishing and off-fishing season in order to give the species time to reproduce and grow.
- 2) Declare moratorium on fishing whenever the urgency arises.
- 3) Prescribe the variety and size of fish allowed to be legally caught.

d. Fishing Hobbyists/Enthusiasts

- 1) Fishing hobbyists shall fish within the area stated in the permit, observe hours of operation and policy on number and size of fishes to be kept and method of fishing allowed.

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- 2) They shall observe utmost cleanliness, dispose of garbage properly, and shall use the comfort rooms for personal necessities.
- 3) They shall park their vehicles only at designated parking areas and shall not use the fishing areas as lunch or picnic areas.
- 4) They shall not swim or dive at the fishing area nor gather/harvest seashells, oysters, mollusks, etc.
- 5) They shall understand and agree that the fishing being permitted is for gaming, sporting and recreational purposes only and not for commercial fishing, and that it is a privilege that can be revoked, suspended or denied if abused.

6.4 Violation of Rules and Penalties on Recreational Fishing.

The compliance with these rules and regulations shall be monitored and counterchecked by the Harbor Patrol and/or Tourism Department and/or Ecology Center. Offenders shall be issued a violation ticket and must pay the appropriate fine at SBMA Treasury, Bldg. 229 or in any SBMA recreational facilities' cashier or to the assigned SBMA cashier at Kalaklan Gate:

a. Hobbyists with Permit

- | | |
|-----------------|---|
| First Offense: | revocation of permit, confiscation of catch and fine of two thousand pesos (P 2000.00) |
| Second Offense: | revocation of permit, confiscation of catch, fine of five thousand pesos (P 5,000.00), and one month fishing ban. |
| Third Offense: | revocation of permit, confiscation of fishing paraphernalia and catch, fine of ten thousand pesos (P10,000.00) and six months fishing ban. Fishing paraphernalia will be returned after serving the reckoning period. |
| Fourth Offense: | forfeiture of fishing paraphernalia, fine of fifteen thousand pesos (P 15,000) and loss of privilege to fish inside the Zone. |

b. Hobbyists without Fishing Permit

1) Guest Hobbyist:

- | | |
|-----------------|---|
| First Offense: | fine of two thousand (P 2,000.00), confiscation of catch and order to obtain a permit |
| Second Offense: | fine of five thousand pesos (P 5,000.00), confiscation of catch and six months fishing ban. |

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Third Offense: fine of three thousand pesos (P 10,000.00) and one year fishing ban.

2) SBMA/FSC/Locator/Contractor's Personnel caught fishing while on duty:

First Offense: verbal reprimand and warning

Second Offense: fine of five thousand pesos (P 5,000.00) and administrative action from employer

Third Offense: fine of ten thousand pesos (P 10,000.00) and possible termination by employer

3) Municipal fishermen caught boat fishing inside the secured waters:

First Offense: fine of two thousand pesos (P 2,000.00) and confiscation of catch

Second Offense: fine of five thousand pesos (P 5,000.00) and confiscation of catch

Third Offense: fine of ten thousand pesos (P 10,000.00) and confiscation of catch and fishing paraphernalia, including boat

4) Municipal fishermen or anybody caught using dynamite, cyanide or other toxic chemical, or illegal fishing technique inside the secured waters:

- Immediate impoundment of boat or vehicle, fine of twenty-five thousand pesos (P 25,000) and possible jail time

Section 7. Skiing, Surfing and Boating

7.1 Scope - The policies, rules and regulations cited herein apply to all guests, residents, and watersports operators using personal/private and rented out hardwares and equipment in order to:

- (1) define the authorized sporting areas and lessen navigational hazards and obstructions to traffic within the bay
- (2) enhance the safety of watersports enthusiasts to exclude possible damage to life and properties due to accident, and
- (3) regulate and control these watersports to keep them wholesome, safe and enjoyable.

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7.2 Rules Governing Skiing, Surfing and Boating

a. Allowed Areas

The main consideration on designating the authorized areas is to 1) ensure that the rich marine life of Subic Bay is protected from undue stress brought upon by different watercrafts, 2) enhance the safety of the watersports enthusiasts, and 3) leave the freeway and shipping lane free from obstructions and hazards. Specifically, the allowed areas are:

- (1) Waterfront Beach - from the Seafront Restaurant up to Kalaklan Point, within 200 meters from the shoreline.
- (2) All Hands and Officers' Beach areas – from Cubi Point up to the end of All Hands Beach, within 200 meters from the shoreline.
- (3) Grande Island Front Beach – from the L-shaped pier up to the northern tip of the island, within 200 meters from the shoreline.
- (4) Leyte Recreation Pier area – shall be reserved for special watersports competition and jet skiing. The allowed area shall be from Nagcaban Point up to the pier, within 200 meters from the shoreline.

b. Restricted Areas for Watersports Activities

All other wharves, pier approaches and shoreline areas from the Officer's Boat Landing, the entire stretch of inboard and outboard of Alava Extension, Alava, Juliet, Rivera, Bravo, Causeway, Inner Basin (OSIR), Marine Terminal, POL, Lower Mau Camp, Boton, north and northwest of the Subic International Airport runway up to Pamocan Point, and the former Naval Magazine areas encompassing and within the Triboa Bay, Ilanin Bay up to Port Binanga; back beach of Grande Island, and around Chiquita Island.

c. Registration and Permit

- (1) All watersports equipment and hardwares being rented out to public users by watersports center operators shall be registered and paid for the corresponding registration fee at the Seaport Department, Bldg. 228.
- (2) All resident operators shall register their equipment on annual basis at the Seaport Department, Bldg. 228.
- (3) All guest watersports operators shall be issued permit prior to operation upon payment of the corresponding fee at the SBMA cashier assigned at the Visitor Information Center in entrance gates.

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d. Hours of Operation. All watersports activities shall be allowed only from 6:00 A.M. to 6:00 P.M.

e. Violation and Penalty. Compliance with this Section will be monitored and counterchecked. Violations will be dealt with corresponding punitive action, imposition of fines, and suspension of permit.

7.3 Responsibility for Enforcing Rules Governing Watersports Activities.

Recreational watersports which use the Bay as the main venue, like any other watersports activities, fall under the cognizance of the Harbor Patrol as its inherent responsibility with the coordination of the concerned SBMA departments. To pursue the implementation of this Section, the following duties and responsibilities are hereby established:

a. Law Enforcement Department, Sentry Gate shall:

- (1) Issue entry and exit pass to incoming watersports hobbyists, and log-in their accompanying watersports hardware and equipment.
- (2) Direct the guest or visiting watersports hobbyist to proceed to the SBMA Visitor Information Center for registration and provision of rules and regulations. However, if the entering watersports hobbyist is a locator or a resident, direct him/her to the Seaport Department at Bldg. 228 for appropriate clearance.
- (3) Countercheck and verify the hardware/equipment during the exit for accuracy of type, kind and quantity.

b. Harbor Patrol shall:

- (1) Randomly check watersports hobbyists if they are in the right location.
- (2) Apprehend hobbyists performing prohibited activities and in prohibited areas.
- (3) Issue violation ticket; impose due fine and ensure payment thereof.

c. Seaport Department shall:

- (1) Register and conduct inspections/inventory, from time to time, on all watersports hardware and equipment being used/rented out by guests/residents/locators to ensure monitoring of the status of all imported items within the zone.
- (2) Impose fines to offenders who deliberately refuse to cooperate and commit any of the offense stated in this guideline.
- (3) Provide the Locator's Registration and Accreditation Department an updated report that will serve as one basis for the approval and release of Certificate of Registration and Accreditation to operators of watersports centers in the Freeport.

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RULES AND REGULATIONS****d. SBMA/FSC Tourism shall:**

- (1) Direct all watersports hobbyists and guests to the SBMA Visitor Information Center for issuance of permit and designation of sporting area.
- (2) Direct all watersports hobbyists and guests to pay corresponding fees to the SBMA cashier in the area.
- (3) Report to Harbor Patrol any guest/hobbyist who is found to be violating SBMA guidelines on watersports activities.
- (4) Brief/Orient hobbyists and guests of the policies and guidelines on watersports activities.

e. SBMA-authorized Watersports Operators/Centers shall:

- (1) Ensure the safety of its clients.
- (2) Register with the Seaport Department all watersports hardware and equipment being rented out to customers.
- (3) Install appropriate buoy marker to identify the limit of the allowed area.
- (4) Ensure that all rentees are provided with life vest or appropriate flotation device such as BCD dive gear when operating.
- (5) Ensure that all rentees are instructed and oriented on the importance of staying within the authorized area.
- (6) Not allow water scooters to operate at the All Hands and Officer's Beach areas for the safety of the swimmers.
- (7) Not allow jet skis to navigate from Waterfront Beach to Grande Island or to All Hands and Officer's Beaches or from All Hands to Grande Island or vice versa. Ensure that jet skis shall be transferred from one area to another by towing or via appropriate vessel carrier.
- (8) Not refuel machines/boats at sea to preclude oil spillage.
- (9) Provide and employ waterborne roving patrol to monitor and advice renters to stay within the allowed area.
- (10) Keep their area of operation safe and clean.

f. SBMA-Treasury shall:

- (1) Collect all payments due to SBMA.
- (2) Ensure proper collection and issuance of official receipt for all types of payment.

g. Guests, private operators shall:

- (1) Proceed to the SBMA Visitor Center as directed and secure appropriate permit and pay corresponding fee at the SBMA cashier, prior to operation.
- (2) Wear life vest or appropriate flotation device such as BCD dive gear while operating at sea.

- (3) Operate only within the designated authorized area and within the permitted hours of operation.
- (4) Exercise extraordinary care in operating their equipment or while operating at sea.
- (5) Avoid areas where there are swimmers.
- (6) Observe the anti-littering campaign and cleanliness program within the Subic Bay Freeport Zone.

7.4 Registration and Permit Fees:

- a. The registration fee for hardware and equipment rented out by SBMA-authorized watersports center shall be paid annually to the SBMA cashier at the Seaport Department, Bldg. 228, with the following prescribed rates:

Jetski	:	P 2,000.00 per unit
Water Scooter	:	P 1,000.00 per unit
Pedal Boat (Aqua Cycle)	:	P 300.00 per unit
Speed Boat	:	P 1,500.00 per unit
Yacht	:	P 3,000.00 per unit

- b. Unregistered hardware and equipment found being rented out to customer-operators shall be confiscated. Subject offense may cause the suspension or revocation of license to operate the watersports center.
- c. The permit fees for privately-owned watersports hardware and equipment of guests are as follows:

Jetski and water scooter	:	P 200.00 per unit/day
Speedboat	:	P 300.00 per unit/day

Guests/Visitors shall pay the fees to the SBMA cashier at the Visitor Information Center.

- d. Resident jet ski owners need no permit, only annual registration in the amount of one thousand pesos (P1,000.00) to be paid to the SBMA cashier at the Seaport Department, Bldg. 228.
- e. All registered hardware and equipment will be issued a watersports operator permit (sample shown in Annex 2). Locators and residents will be issued stickers upon registration. The sticker shall be posted in conspicuous location of their equipment for easy monitoring by concerned SBMA departments.

7.5 Table of Offenses

To safeguard human lives and protect properties and natural resources are the main considerations in instilling safety consciousness among watersports enthusiasts. To pursue these objectives, regulatory measures are prescribed in order to ensure a safe, wholesome and enjoyable conditions within the sporting areas. Correspondingly, offenders who deliberately refuse to cooperate will be subjected to disciplinary action commensurate with the offense committed. Some major offenses are, but not limited to, the following:

- a. Failure to log-in or check-in equipment upon entry to the Freeport Zone area.
- b. Operating beyond the prescribed authorized areas.
- c. Operating without permit.
- d. Operating beyond the permitted hours.
- e. Operating without helmet or life-vest.
- f. Operating without due consideration of standard safety practices.
- g. Violating standing rules and regulations of the Freeport Zone.

7.6 Violation of Rules and Penalties on Watersports Activities

The compliance with these rules and regulations shall be monitored and counterchecked by the Harbor Patrol and Tourism Department. Offenders shall be issued a violation ticket and must pay the appropriate fine at SBMA Treasury, Bldg. 229 or in any SBMA recreational facilities' cashier or to the assigned SBMA cashier at Kalaklan Gate:

a) for guests and visitors with privately-owned watersports equipment and hardware:

- First Offense: warning/reprimand
- Second Offense: fine of two thousand pesos (P 2,000.00) and suspension of permit.
- Third Offense: fine of five thousand pesos (P 5,000.00) and ban from the sporting area for a period of three months.
- Fourth Offense: fine of fifteen thousand pesos (P 15,000.00) and ban from the sporting area for one year.

b) for SBMA-authorized watersports operators:

- First Offense: fine of five thousand pesos (P 5,000.00)
- Second Offense: fine of fifteen thousand pesos (P15,000.00) and suspension of permit to operate watersports center for a period of one week.

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Third Offense: fine of twenty-five thousand pesos (P25,000.00), revocation of permit to operate and closure of sports center.

c) for resident operators:

First Offense: fine of five thousand pesos (P 5,000.00) and ban from operating for six months.

Second Offense: fine of fifteen thousand pesos (P 15,000.00) and ban from operating for one year.

Third Offense: fine of twenty-five thousand pesos (P 25,000.00) and revocation of registration permit.

Section 8. Repealing Clause

All administrative orders, executive issuances and parts thereof, which are inconsistent herewith, are hereby repealed or amended accordingly.

Section 9. Separability Clause

If any clause, sentence, provision or section of these rules and regulations shall be held invalid or unconstitutional, the remaining parts thereof shall not be affected thereby.

Section 10. Effectivity

These rules and regulations shall take effect immediately.

Section 11. Board Approval.

Approved by the SBMA Board on March 8, 2002 in its 124th meeting.