



MINISTRY
OF HOUSING
AND TOWN AND COUNTRY PLANNING,
in charge of inter-islands transport

GOVERNMENT OF FRENCH
POLYNESIA

DECREE N°00650 / CM dated 02 June 2020

regulating the standard mooring and limited mooring of ships
in inland waters in the vicinity of the municipalities of Faa'a
and Punaauia.

THE PRESIDENT OF FRENCH POLYNESIA

NOR :
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About the report of the Minister of Housing and town and country planning, in charge of inter-islands transport;

Considering the organic law n ° 2004-192 of February 27, 2004 as amended, relating to the statute of autonomy of French Polynesia, together with the law n ° 2004-193 of February 27, 2004 supplementing the statute of autonomy of French Polynesia;

Considering the decree No. 650 PR of May 23, 2018 appointing the Vice-President and Ministers of the Government of French Polynesia, and determining their functions;

Considering the Environment Code of French Polynesia;

Considering the decree No. 77-778 of July 7, 1977 on International Regulations for Preventing Collisions at Sea;

Considering the decree No. 84-810 of 30 August 1984 relating to the protection of human life at sea, the entitlement aboard ships and the prevention of pollution;

Considering the rulling No. 62-2 of January 5, 1962 as amended, creating and organizing the Port autonome de Papeete;

Considering the rulling No. 2001-5 APF of January 11, 2001 as amended, carrying provisions relating to the French Polynesia seaports code;

Considering the rulling No. 2004-34 APF of February 12, 2004 as amended, relating to the composition and administration of the public domain in French Polynesia;

Considering the decree n ° 929 CM of July 18, 2012 as amended relating to the geographical district known as "harbor district" of the Port autonome de Papeete;

The Council of Ministers having deliberated during its session of **27 May 2020**

DECREE

CHAPTER I - GENERAL RULES APPLICABLE TO INLAND WATERS

Article 1. - Definitions

For the application of this decree, we mean by :

- limited mooring : stopping the vessel according to an appropriate technical process, for a specified period, and after authorization is duly issued by the competent authority;
- standard mooring : immobilizing the ship, either by means of an anchor (ship's gear), or thanks to moorings;

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- moorings: permanent and fixed device (buoy, mooring, ecological anchoring, etc.) used to immobilize a ship;
- dedicated area management authority: the authority responsible for implementing the provisions of this decree, in particular with regard to management, requests for access to a dedicated area and for limited mooring.

Article 2. - Purpose

This decree aims at regulating and establishing the areas dedicated to the limited and standard mooring of ships in inland waters in the vicinity of the municipalities of Faa'a and Punaauia.

The delimitation of the dedicated areas is shown on the plans attached to this decree.

Unless otherwise provided, vessels measuring less than or up to six (6) meters in length and whose stay is inferior or equal to twenty-four (24) hours are excluded from the application of this Decree.

Article 3. - Permanent ban on standard or limited mooring

The standard or limited mooring of any vessel is strictly prohibited outside of the authorized dedicated areas which are defined in article 6 and which plans are attached to this Decree.

Anchoring and limited mooring, for any duration and whatever vessel, is strictly prohibited in the VAIRAI area which is defined in article 7 and which plans are attached to this Decree.

Anchoring or limited mooring in marked navigation channels as well as in reef passes is prohibited.

Article 4. - Exemptions

The prohibitions and prescriptions provided for by this decree cannot be enforced against ships and boats engaged in public service missions, in particular those engaged in surveillance, rescue of persons and property, upkeep or maintenance operations, nor to other ships in case of force majeure.

CHAPTER II - RULES APPLICABLE TO DEDICATED AREAS

Article 5. - Vessel standard or limited mooring conditions

Standard or limited mooring of vessels is authorized on appropriate moorings, only in the areas defined in article 6 of this decree. Any anchoring is strictly prohibited in these areas.

The authorization to occupy the maritime public domain in the areas defined in article 6 of this decree is issued by the competent authority. This authorization is issued on a provisional basis and revocable at any time, and it gives rise to the payment of a fee.

Article 6. - Delimitation of areas dedicated to authorized standard or limited mooring

The areas dedicated to authorized standard or limited mooring are defined by the points below:

1°) P0 Zone: South of Marina Taina (Punaauia Municipality)

The outer limits of the dedicated area are defined by the lines connecting the following points:

Identification	Denomination	Longitude	Latitude
P0 Zone South Marina Taina (Punaauia Municipality)	P0.1	149° 37,072'	17° 35,241'
	P0.2	149° 37,059'	17° 35,318'
	P0.3	149° 36,928'	17° 35,468'
	P0.4	149° 36,911'	17° 35,525'
	P0.5	149° 37,024'	17° 35,583'
	P0.6	149° 37,144'	17° 35,520'
	P0.7	149° 37,195'	17° 35,415'

2°) **P1 Zone: North Marina Taina** (Punaauia Municipality)

The outer limits of the dedicated area are defined by the lines connecting the following points:

Identification	Denomination	Longitude (W)	Latitude (S)
P1 Zone North Marina Taina (Punaauia Municipality)	P1.1	149° 37,388'	17° 34,505'
	P1.2	149° 37,083'	17° 35,173'
	P1.3	149° 37,078'	17° 35,207'
	P1.4	149° 37,252'	17° 35,203'
	P1.5	149° 37,367'	17° 34,927'
	P1.6	149° 37,426'	17° 34,735'
	P1.7	149° 37,433'	17° 34,504'

3°) **P2 Zone: Vaitupa Bay** (Faa'a Municipality)

The outer limits of the dedicated area are defined by the lines connecting the following points:

Identification	Denomination	Longitude	Latitude
P2 Zone Vaitupa Bay (Faa'a Municipality)	P2.1	149° 37,164'	17° 33,920'
	P2.2	149° 37,022'	17° 34,110'
	P2.3	149° 37,245'	17° 34,077'
	P2.4	149° 37,228'	17° 33,960'

The P2.1 and P2.2 points are linked by the coastline.

4°) **P3 Zone: North-West of Motu Tahiri** (Faa'a Municipality)

The outer limits of the dedicated area are defined by the lines connecting the following points:

Identification	Denomination	Longitude (W)	Latitude (S)
P3 Zone North-West of Motu Tahiri (Faa'a Municipality)	P3.1	149° 37,085'	17° 32,875'
	P3.2	149° 37,061'	17° 32,909'
	P3.3	149° 37,306'	17° 33,075'
	P3.4	149° 37,340'	17° 33,017'

5°) **P4 Zone: North of Motu Tahiri** (Faa'a Municipality)

The outer limits of the dedicated area are defined by the lines connecting the following points:

Identification	Denomination	Longitude	Latitude
P4 Zone North of Motu Tahiri (Faa'a Municipality)	P4.1	149° 36,866'	17° 32,752'
	P4.2	149° 36,858'	17° 32,799'
	P4.3	149° 36,996'	17° 32,821'
	P4.4	149° 37,005'	17° 32,775'

6°) **P5 Zone: North-East of Motu Tahiri** (Faa'a Municipality)

The outer limits of the dedicated area are defined by the lines connecting the following points:

Identification	Denomination	Longitude	Latitude
P5 Zone North-East of Motu Tahiri (Faa'a Municipality)	P5.1	149° 36,211'	17° 32,592'
	P5.2	149° 36,205'	17° 32,631'
	P5.3	149° 36,326'	17° 32,648'
	P5.4	149° 36,332'	17° 32,609'

7°) **P6 Zone: North-West of Motu Tahiri** (Faa'a Municipality)

The outer limits of the dedicated area are defined by the lines connecting the following points:

Identification	Denomination	Longitude	Latitude
P6 Zone North-West of Motu Tahiri (Faa'a Municipality)	P6.1	149°37,179'	17°33,002'
	P6.2	149°37,116'	17°33,009'
	P6.3	149°37,046'	17°33,054'
	P6.4	149°37,298'	17°33,423'
	P6.5	149°37,336'	17°33,593'
	P6.6	149°37,391'	17°33,582'
	P6.7	149°37,456'	17°33,485'
	P6.8	149°37,472'	17°33,427'
	P6.9	149°37,457'	17°33,360'
	P6.10	149°37,296'	17°33,123'

The geographic coordinates defined in this article are set in the World Geodetic System 1984 in degrees and decimal minutes.

Article 7. - *Demarcation of a permanent standard or limited mooring prohibition zone*

The outer limits of the prohibition zone are defined by the lines connecting the following points:

Vairai zone:

Identification	Description	Denomination	Longitude (W)	Latitude (S)
VAIRAI Zone	End of TATA'A Point	VA1	149° 37,223'	17° 34,449'
	Port side beacon No ESM 8-40	VA2	149° 37,318'	17° 34,505'
	Intersection between the navigation channel and the northern limit of marina Taina	VA3	149° 37,076'	17° 35,043'
	North-West end of the land-based part of marina Taina	VA4	149° 37,015'	17° 35,039'

The VA1 and VA4 points are linked by the coastline.

The geographic coordinates defined in this article are set in the WGS84 geodetic system in degrees and decimal minutes.

Article 8. - *Signage for areas dedicated to authorized standard or limited mooring.*

The signage of each zone dedicated to authorized standard or limited mooring can be implemented by the area manager.

The technical signalling device must be adapted to the nature of the seabed.

The entitled manager of each zone dedicated to authorized standard or limited mooring is required to inform the competent authority of any change in the signalling situation without delay.

Article 9. - *Access and navigation rules within the areas dedicated to standard or limited mooring.*

The access to and circulation within the zones authorized for standard or limited mooring are carried out in accordance with navigation rules, in particular those laid down by International Regulations to Prevent Collisions at Sea.

Within the limits of these dedicated areas, the maximum speed of vessels is fixed at 5 knots.

Unless in cases of force majeure, ships are allowed to move inside of a dedicated area only to access or leave a standard or limited mooring point.

Specific rules can be clarified in the French Polynesia seaports code.

Article 10. - *Entry and exit declaration*

Any vessel making a stopover in one of the areas dedicated to authorized standard or limited mooring is required to declare its entries and exits.

- The declaration must be made to the managing authority.

Article 11. - *Use of areas dedicated to authorized standard or limited mooring*

The captain of a vessel must ensure that his vessel, at all times and in all circumstances, does not cause damage to other vessels or interfere with the use of the area dedicated to authorized standard or limited mooring for other users.

If necessary, all the precautions, manoeuvres or movements, changes of location prescribed by the competent authority or by the entitled manager, must be observed or carried out, in particular when they are deemed necessary to facilitate the movements of other vessels or ensure safe navigation and traffic inside the authorized standard or limited mooring areas.

Article 12. - *Hygiene and pollution*

In application of the Environment Code and the French Polynesia seaports code, vessels mooring in one of the zones dedicated to authorized standard or limited mooring must not discharge, dump or allow their wastewater, household garbage and waste of any kind, nor contaminated water or loaded with hydrocarbons, oils or toxic products to flow into the waters.

All waste must be deposited in land-based facilities provided for this purpose. The discharge of wastewater is subject to specific regulations.

It is forbidden to carry out any repair works, careening operations, application of chemicals or paints on ships mooring in the areas authorized for standard or limited mooring.

Article 13. - *Removal of maritime wrecks and abandoned ships*

In application of the French Polynesia seaports code, all ships staying in areas dedicated to authorized standard or limited mooring must be maintained in good repair for buoyancy and safety.

If the authorized manager ascertains the presence of a wreck or that a vessel is in an obvious state of abandonment or lack of maintenance, and that it is, in whole or in part, dangerous for navigation, fishing or the environment, access to a port or stay in a port, that it risks sinking or causing damage to ships, surrounding works or to the environment, he must inform as soon as possible the entitled authority in order to proceed with the formal notice to the owner to take all necessary measures to rectify the dangerous nature of the ship.

In the event of inaction by the owner of the ship within the time allowed, the entitled authority shall have the necessary operations automatically carried out at the owner's expense and risk in order to put an end to the risk of danger or of damage to the public maritime domain.

For the removal of the wreck, the owner of the ship must comply with the prescriptions issued by the competent authority.

Article 14. - *Prohibition of the practice of nautical, aquatic or underwater activities in the perimeter of areas dedicated to authorized mooring and parking.*

For navigation safety reasons the practice of any nautical, aquatic or underwater activity is strictly prohibited within the limits of the areas authorized for standard or limited mooring.

Article 15. - Posting and public information

This decree and its appendices regulating the mooring and parking of ships in the vicinity of the municipalities of Faaa and Punaauia is the subject of information by posting in town halls and in marinas, as well as of a signage in French, Tahitian and English, near the dedicated areas, in sufficient proximity, and in an appropriate location to ensure its accessibility and visibility by all users.

The boundaries of the areas dedicated to authorized standard or limited mooring, as well as the ones of the mooring and permanent parking prohibition zone are shown in the appendices to this order, and available for consultation at the Port Autonome de Papeete establishment, at the Polynesian management of maritime affairs (DPAM), and on the websites: www.portdepapeete.pf or www.service-public/dpam.

CHAPTER III - INFRINGEMENTS

Article 16. - Sanctions

Without prejudice to the sanctions related to the protection of the environment, the conservation of the maritime public domain, and in accordance with article 131-13 of the penal code and the French Polynesia seaports code:

1°) Any violation of the rules laid down in article 12 is punished by the penalties of fine provided for in article D. 242-4 of the French Polynesian seaports code;

2°) The following is punished with the fine prescribed for the 4th class minor offences:

- a) Any standard or limited mooring of a ship outside the areas of authorized standard or limited mooring defined in article 6;
- b) Any standard or limited mooring of a ship in the permanent standard or limited mooring prohibition zone defined in article 7;
- c) Any violation of the vessel traffic rules provided for in article 9;

3°) The following is punished by the penalties of fine provided for in article D. 242-2 of the French Polynesian seaports code:

- a) Failure to comply with the standard or limited mooring conditions provided for in article 5 ;
- b) Failure to respect the speed limit inside the zones defined in article 6, and in the access channels;

4°) Any refusal to comply with the precautions or prescriptions provided for in the second paragraph of article 11 is punishable by the fines prescribed by articles D. 242-5 and D. 242-6 of the French Polynesian seaports code;

5°) The following is punished with the fines prescribed for the 2nd class minor offences:

- a) Failure to make the entry or exit declarations provided for in Article 10 ;
- b) Practicing one of the activities prohibited by article 14 in the area defined in article 6.

The offenses punishable by contraventions of the first four classes and which are provided for by this decree may be subject to the procedure of flat-fee fine.

Article 17. - Ascertainment

Without prejudice to the powers exercised by the judicial police detectives and officers, breaches of the provisions of this order are recorded in particular in official reports drawn up by :

- 1°) the coastguards (gendarmerie maritime);
- 2°) the national police force;
- 3°) harbourmasters and port supervisors ;
- 4°) sworn agents of the Port autonome de Papeete, of the Direction de l'Equipement ;
- 5°) sworn officers of the concerned municipalities.



Article 18. - The decree n ° 339 CM of March 27, 1987 as amended, regulating the standard or limited mooring of the pleasure vessels in the lagoon maritime public domain of Pirae, Papeete, Faaa and Punaauia (district of the Port autonome de Papeete) is repealed.

Article 19. - The Vice-President, Minister of the economy and finance, in charge of public works and of the blue economy, the Minister of Housing and town and country planning, in charge of inter-islands transport, the Minister of Green Economy and the government-owned land, in charge of mineral resources and research and the Minister of Infrastructure and Land Transport are responsible, each as far as he is concerned, for the implementation of this decree which will be published in the Official Journal of Polynesia French.

Done in Papeete, on **02 June 2020**

Honourable President of French Polynesia

Edouard FRITCH

The Vice-President,
Minister of the economy
and finance,
*in charge of public works
and of the blue economy*

The Minister of housing
and town and country planning,
in charge of inter-islands transport

Teva ROHFRITSCH

Jean-Christophe BOUISSOU

The Minister of Green Economy and
Government-owned lands,
*in charge of mineral resources
and research*

Minister of infrastructure
and land transport

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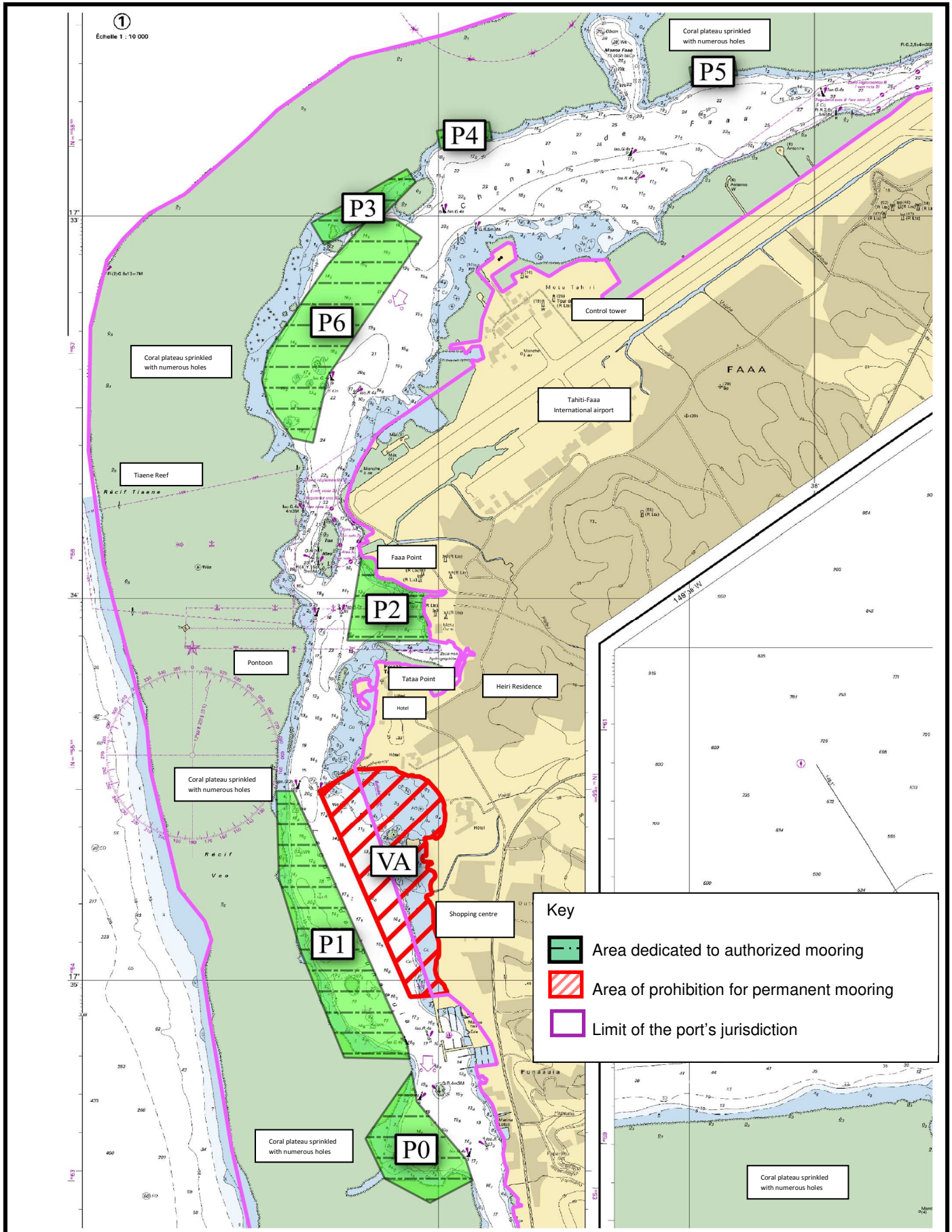
René TEMEHARO



Appendix 1

to the decree n°00650/CM dated 2 june 2020

Delimitation of the mooring areas in the vicinity of Faa'a and Punaauia municipalities



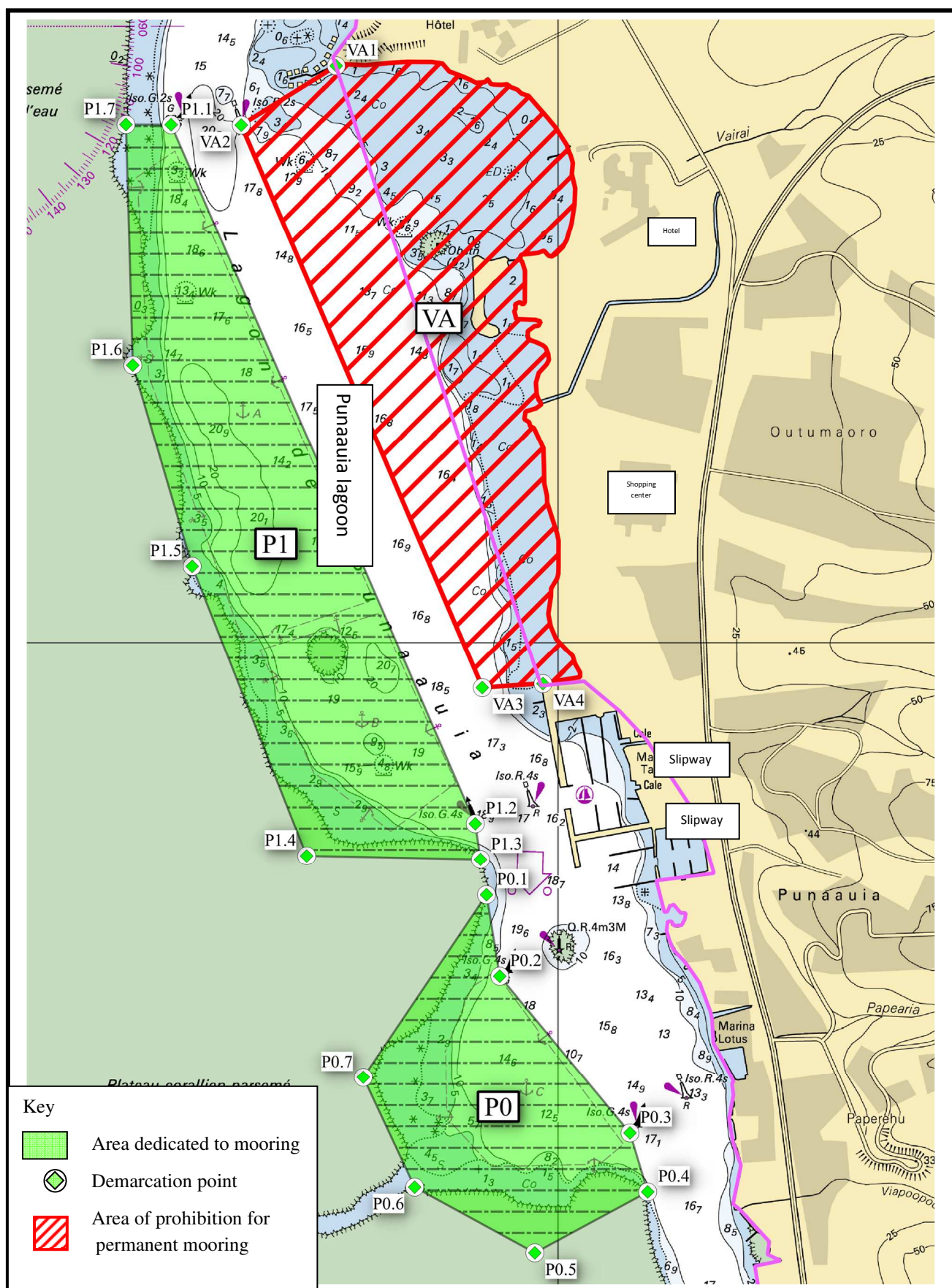
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Appendix 2

to the decree n°00650/CM dated 2 june 2020

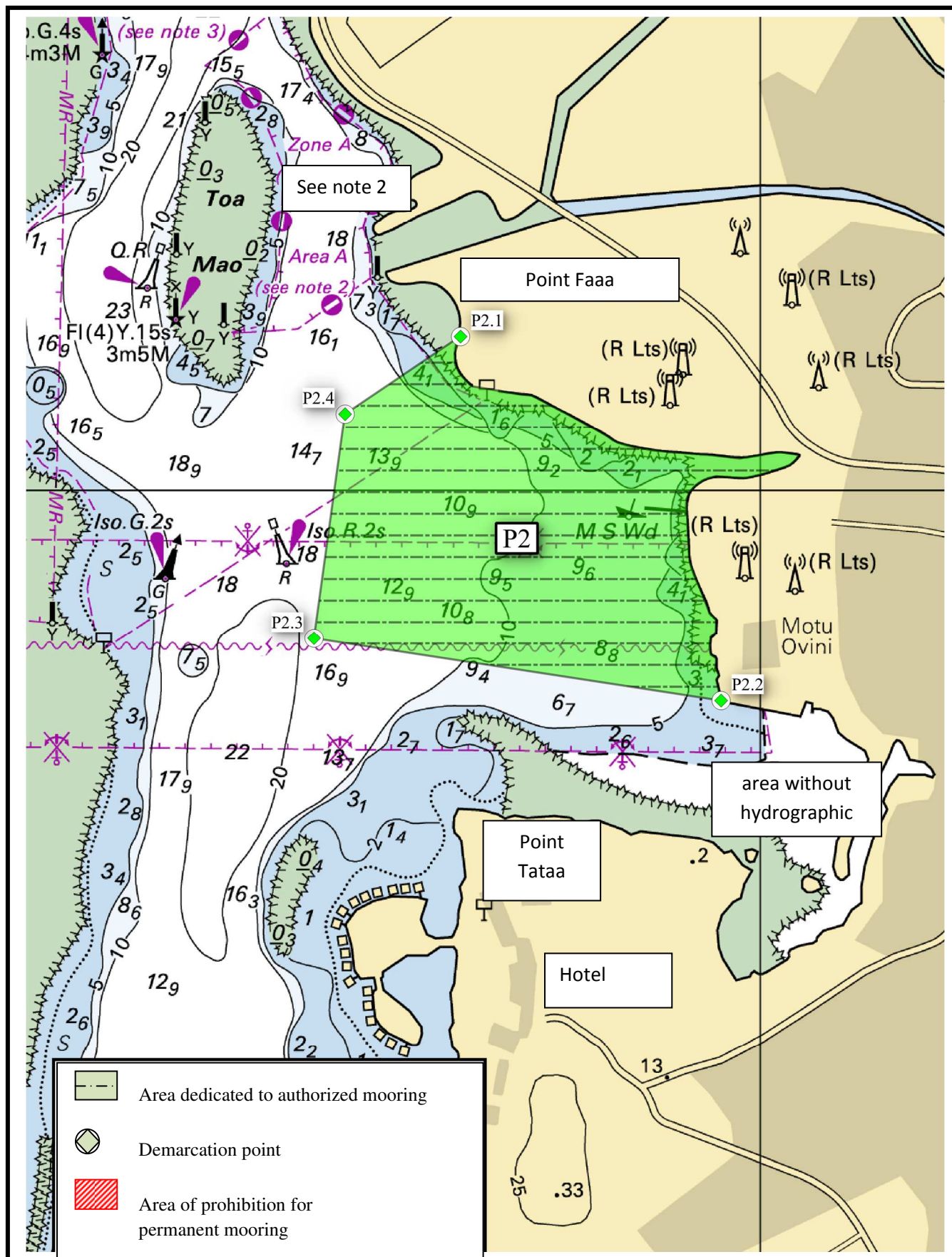
Delimitation of the mooring areas in the vicinity of Faa'a and Punaauia municipalities



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Delimitation of the mooring areas in the vicinity of Faa'a and Punaauia municipalities



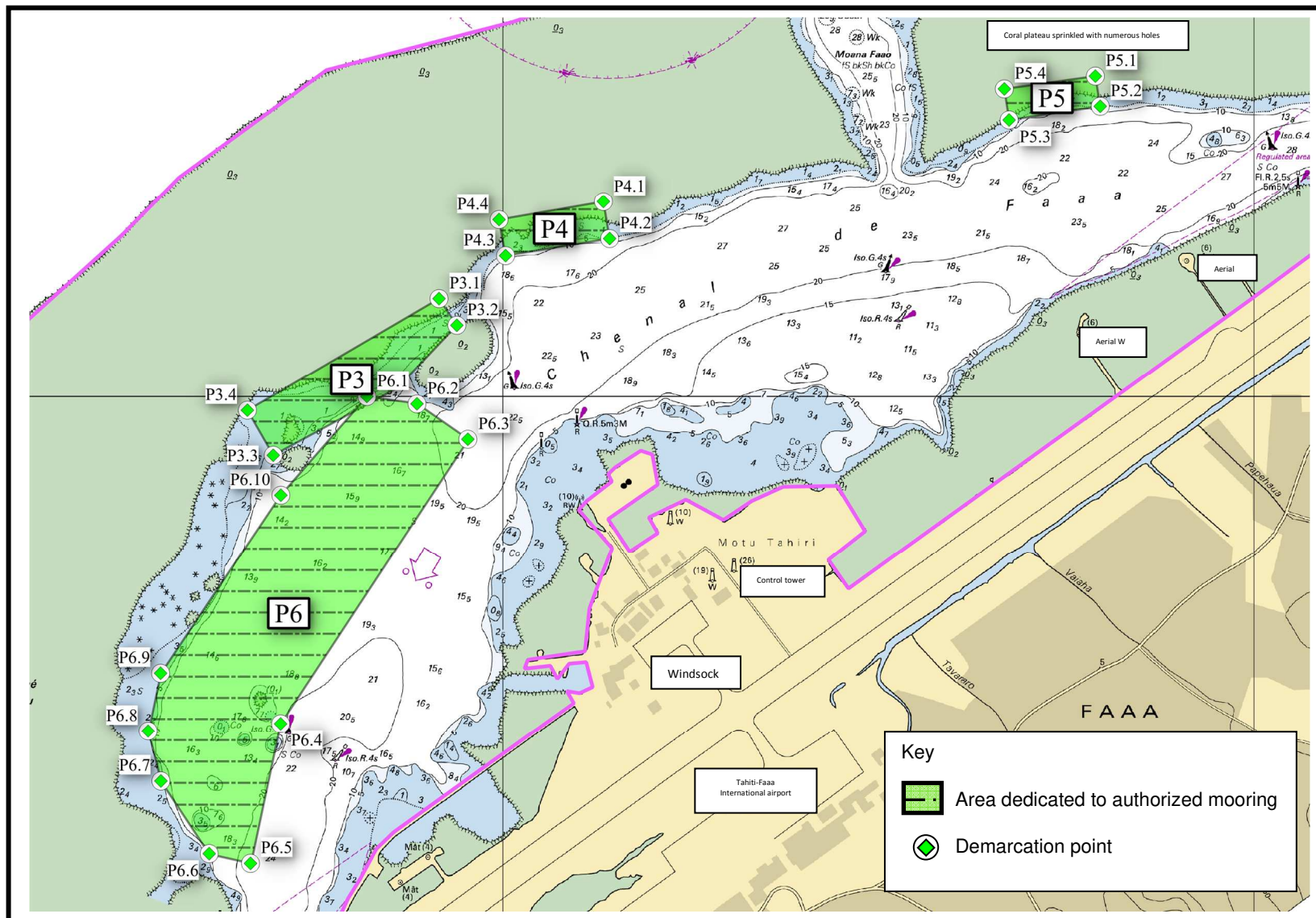
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Appendix 4

to the decree n°00650/CM dated 2 june 2020

Delimitation of the mooring areas in the vicinity of Faa'a and Punaauia municipalities



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