

## Statute

Concerning the specially protected territory of traditional natural resource use (osobo okhraniaemaia prirodnaia territoria traditsionnogo prirodopol'zovaniia - OOPTTP) of minority ethnic groups in the region between the Amanino and Saichik -- the ethnoecological refuge (reservation) "Tkhsanom."

### *Translator's notes:*

*regulatory structure, regulations - rezhim (regime)*

*protection - okhrana*

*authority - kontrol' (in most cases)*

*managing agencies - organy upravleniia*

*The word "Tkhsanom" means "dawn" in the Itelmen language. The Ethnoecological Refuge "Tkhsanom" is not to be confused with the Itelmen Cultural Restoration Council, also called "Tkhsanom" which was founded in 1989. The Cultural Restoration Council was one of sixteen signatory groups that appealed to the Okrug for the creation of the OOPTTP and some of its leaders were active in promoting its establishment.*

### 1. General Statute.

1.1. This statute has been developed in accordance with article 72.1"m" of the Constitution of the Russian Federation, Laws of the Russian Federation on "The protection of the environment (articles 8, 11, 15, 19, 60), "Specially Protected Natural Territories" (articles 18-21), "The Animal World" (articles 5, 9, 48, 49), "Payment for lands" (article 12), the Forest Codices (articles 107, 124), with laws about "Territories of Traditional Natural Resource Use in the Koryak Autonomous Okrug (KAO)," other legal codes of the KAO in fulfillment of the Presidential Decree of April 22, 1992 on "Urgent measures for the protection of the places of inhabitation and economic activity of the minority peoples of the North," and as well taking into consideration an appeal to the administration of the Okrug by the Union of communities of native peoples and long-term residents of the villages of Kovran, Ust-Khairiuzovo, Khairiuzovo, Sedanka and Tigil, who have traditionally inhabited and been engaged in economic activities [in the area] from the Amanino river to the Saichik and who practice traditional forms of natural resource use.

1.2. The OOPTTP "Tkhsanom" was created by a non-terminating Decree of the Governor of the Koryak Autonomous Okrug on \_\_ 199\_ No. \_\_\_ as a special form, for a region of traditional inhabitation and economic activity, "of protection of the immemorial means of subsistence and traditional way of life of the minority ethnic groups of society."

1.3. The OOPTTP Tkhsanom is under the combined authority of the administration of the KAO, government agencies for the protection of the natural environment and representatives of agencies of local government, the Council of family obshchinas which will have authority in overseeing implementation of its regulatory structure.

1.4. The Council of family obshchinas has veto rights in deciding questions about changes in the regulatory structure of protection, control and implementation of OOPTTP Tkhsanom.

### 2. Basic objectives and goals for the creation of the OOPTTP, the ethnoecological refuge Tkhsanom.

2.1. The OOPTTP Tkhsanom is founded with the goal of securing the sustainable use of natural resources of the territory of traditional inhabitation and natural resource use by the native and local population and of realizing constitutional rights in "protection of the immemorial means of subsistence and traditional way of life of minority ethnic societies" (article 72.1"m" Constitution of the Russian Federation), of the creation of conditions for preservation of traditional culture and development of socio-economic structure for secure living and self-determination by the native and local population.

2.2. Tasks of the OOPTTP Tkhsanom:

A. Creation of conditions for the sustainable development of native and local peoples' traditional productive activities and crafts -- river and sea fishing, hunting of sea animals and birds, coastal catching of crab, reindeer herding, gathering, horticulture, traditional crafts connected with the working of fur, hides, bone, wood, workable and semi-precious stones, weaving of grasses, preparation of utensils from plants, development of reworked sectors of traditional production in compliance with conservation norms and technology that ensure preservation of biodiversity in the territory.

B. Dissemination of ecological knowledge and the involvement of the native and local population in nature conservation activities:

- education of personnel and specialists for protection and use of the territory;
- participation of the native population in controlling the oversight of the regulatory structure for nature preservation in the territories of the existing reserves, Moroshechnoe River and Cape Utkholok and in the whole territory of the OOPTTP;
- preservation and study of natural and cultural heritage sites, with their use for educational purposes;
- creation of infrastructure for development of ecological, ethnohistorical and sport tourism.

### 3. Structure and Legal Organization of the OOPTTP Tkhsanom

3.1. The overall size of OOPTTP Tkhsanom for traditional resource use is 2,762,700 hectares and includes in its confines productive (hunting and fishing) holdings, reindeer pasture, reserves and recreational territories and a 12-mile coastal zone necessary for support of the genetic resources of the plant and animal world and the traditional way of life.

3.2. A special regime of natural resource use and protection of the environment is to be carried out in accordance with article 13 of Russian Federal Law, "Protection of the Environment," article 21 of the law "Specially Protected Natural Territories" and article 1 of the law "Territories of traditional natural resource use of the Koryak Autonomous Okrug," limiting economic activities not connected with the development of traditional natural resource use and traditional systems of subsistence, which influence the animal world as a result of the destruction of habitat, of conditions for reproduction and of routes of migration.

3.3. The announcement of the territory OOPTTP Tkhsanom in the transition period does not entail the appropriation of its land plots from land users. Thus, over the course of three years, in accordance with articles 5, 11 and 12 of the law "Territories of Traditional Natural Resource Use" responsible Okrug agencies will draw up land use documentation for the transfer of lands of agricultural significance, of forests, of wetlands, of set aside lands and other forms of land designated in the framework of lands of traditional natural resource use in connection with changes in their intended significance; and to secure for the OOPTTP Tkhsanom a zone of traditional hunting production and coastal fishing in the limits of the 12 km zone from the south to the north from the mouth of the river Saichik to the mouth of the river Amanino.

3.4. Organizations and small business enterprises with economic activities in the territory of the OOPTTP Tkhsanom are obligated to follow the established regulatory structure and help in the fulfillment of its goals.

3.5. The regulatory structure of the OOPTTP is taken into account in working out the plan of land use.

3.6. Liquidation of the OOPTTP Tkhsanom, change of its borders and regulatory structure are carried out by decision of the KAO in agreement with the Council of obshchinas.

3.7. The framework of the OOPTTP includes:

- A general zone for nature conservation – territories of existing reserves, Moroshechnoe River and Cape Utkholok, where the native and local population participates in the nature protecting regulatory structure.

- The territories of the planned reserve, Cape Omgon, and protective zone adjacent to the Moroshechnoe River are included in the buffer nature protection zone, which will be used for ecological protection activities of the native and local populations in the areas of ecological tourism and as well as applied and basic research.

- The territories of the population centers Ust-Khairiuzovo, Khairiuzovo and Kovran are

the place of inhabitation and economic activity of the population of these villages.

– The remaining territory of the OOPTTP and adjacent waters is a zone of traditional resource use of the native and local population intended for the realization of the development goals enumerated above.

3.8. In the territory of traditional resource use (outside the basic and buffer zones), take and production of renewable resources is to be realized by the native and local population in accordance with federal law.

3.9. Within the limits of established quotas on take and production of renewable natural resources, graded limits, determined by the OOPTTP's managing agencies and the Council of family obshchinas, is to be implemented.

3.10. The native and long-inhabiting population are to have priority access to a renewable natural resource when the resource is traditional and a source of subsistence. For this reason, needs are to be satisfied with limits for native and local organizations and small businesses (of the population who live in the villages named) the activity of which is intended for acquisition of means toward the goals of the social-economic structure of the OOPTTP. For this reason, the needs of other users are to be satisfied; they receive a right to use renewable natural resources on the territory of the OOPTTP from governing agencies of the OOPTTP on a contractual basis that insures support of its basic goals and tasks.

3.11. The following is forbidden on the territory of the OOPTTP:

- entrance by persons who do not have requisite permission to visit the territory;
- entrance of means of transportation not determined by productive necessity or recreational activity without requisite permission;
- application of all forms of toxic chemicals;
- travel with firearms, fishing gear, dogs with the exclusion of cases set forth in this Statute;

- destruction of rare and endangered plant species;
- destruction of nests and nesting areas (in the boundaries of basic and buffer zones);
- polluting the territory with garbage, household and industrial waste;
- any activity which constitutes a threat to animals and their environment;

People entering the territory of the OOPTTP are obligated to make known to representatives of OOPTTP management agencies their goals and period of stay and on demand present wares, equipment and other objects they have brought in. Prohibited wares, equipment and objects include, alcoholic drinks, narcotics and drug paraphernalia and equipment that could cause ecological damage.

3.12. Means of transport associated with permitted forms of activity are allowed on the territory of of the OOPTTP.

With permission of the managing agencies of the OOPTTP, the following are allowed on the territory of the refuge:

- erecting of residential and productive buildings by small businesses and organizations engaged in economic activities in the reserve;
- organization of tours, sport fishing and conducting of scientific-investigative work on the study of sites of historical and cultural heritage, natural systems and components of the plant and animal worlds, habitats and rational use of natural resources;
- other activities not in conflict with the goals and tasks of the reserve.

4. Protection and authority for oversight of the regulatory structure

4.1. The external border of the OOPTTP Tkhsanom is to be marked in nature by boundary signs, notices and markers placed along paths of probable entrance to the territory.

4.2. All persons on the territory of the OOPTTP are required to observe its regulations.

4.3. Control over enforcement of the regulations of the OOPTTP, fulfilled in its territory of established norms and rights for the conduct of economic activity by small businesses are to be realized by regional nature conservation services in concert with a specially created nature conservation service of the native and local population of the Council of obshchinas.

4.4. Persons guilty of violating the regulations of the reserve are to be remanded to authorities in accordance with the applicable laws.

4.5. Small businesses, institutions, organizations and individual citizens who cause the destruction of historical-cultural and natural systems of the OOPTTP leading to violation of the established regulations of the reserve are obliged to return it to order, as described in applicable laws.