

# National Conservation Council

## General Meeting

11 September 2019, Government Administration Building 2112, 2pm

## AGENDA

1. Call to Order
  - a. Attendees, Apologies, Quorum
  - b. Declaration of Interests
2. Confirmation of Minutes of 19 June 2019 ([WP-01](#))
3. Matters Arising From Previous Meetings
  - a. Protected Areas
  - b. Marine Parks & Spear Gun (enhancements) Regulations
  - c. Public Consultations & Outreach
4. Reports
  - a. DoE: Licencing, S41 Consultations, Seizures ([WP-02](#))
5. Items/Agenda for 11 Sept. GM
  - a. Sybil's Crownbeard Conservation Plan ([WP-03](#))
    - i. Having considered the draft Conservation Plan Council moves to circulate it for public consultation.
  - b. Gamebirds Public Consultation Report ([WP-04](#))
    - i. Having reviewed the consultation report Council moves to recommend to cabinet the proposed change to the seasons for game birds, with the report to accompany the recommendation for Cabinet's reference.
  - c. Ratification of Spear Gun Renewal With Old Conviction ([WP-05](#))
  - d. Beach Bay Development Advice ([WP-06](#))
    - i. Having reviewed the DoE Screening Opinion, and provided comments particularly on the climate change aspects of this project and developments in general, the Council confirms that an EIA is unnecessary for this project.
  - e. Removing annual timing of protected area nomination period ([WP-07](#))
6. Next Meeting
  - a. Wednesday December 4<sup>th</sup>, Cayman Brac (location & time TBA)
7. Any Other Business
8. Adjournment
9. Attendance Appendix

<b>Council Member</b>	<b>11 Sept. 2019</b>	<b>Representation</b>
McFarlane Conolly		Chairperson; East End and Sustainable Development
Franklin Thompson		West Bay and Marine Conservation
Lisa Hurlston-McKenzie		George Town and Sustainable Development & Climate Change
Dominic Williams		Bodden Town
Edward Chisholm		North Side
Pedro Lazzari		Sister Islands
Nadia Hardie		National Trust for the Cayman Islands
Patricia Bradley		Avifauna & Biodiversity
Fred Burton		Terrestrial Biodiversity
Brian Crichlow		Acting Director of Agriculture
Haroon Pandohie	-	Director of Planning
Colleen Stoetzel	Apologies	Planning Officer, representing the Director of Planning
Gina Ebanks-Petrie		Director of Environment
Timothy Austin		DoE Deputy, Research
John Bothwell		Secretary

# National Conservation Council

General Meeting  
(GAB 2024, 19 June 2019, 2pm)

## **DRAFT MINUTES**

1. Call to Order
  - a. A quorum being present (see Appendixes) the meeting came to order at 2:03pm.
  - b. No interests were declared.
2. Confirmation of Minutes of 27 February 2019
  - a. With one minor amendment (Sciii Nadia ~~Hardy~~ **Hardie**) the minutes were approved.
    - i. Moved by: Nadia Hardie, seconded by Patricia Bradley, passed unanimously.
3. Matters Arising From Previous Meetings
  - a. Appointment of Cayman Brac Conservation Warden
    - i. DoE presented the motion. The DoE Sister Islands Field Officer, while so employed, is nominated as a Conservation Warden to assist the Sister Islands Conservation Officer.
      1. Moved by Gina Ebanks-Petrie, seconded by Franklin Thompson. Passed unanimously (Gina Ebanks-Petrie abstained).
  - b. Land Clearing Separate Permit
    - i. Planning provided an explanation of the interpretation of section 15(2)(a) of the Planning Law whereby, unless restricted, an applicant is permitted to undertake works necessary to give effect to the approved development.

*“Section 15 of the Development and Planning Law (2017 Revision) confers on the CPA the ability to grant planning permission either unconditionally or subject to such conditions as it thinks fit. Section 15 (2) (a) establishes the parameters under which conditions may be imposed on the grant of permission to develop the land.*

*Given the generality of subsection (1), the CPA has traditionally attached conditions in the negative, to limit the extent of works to be undertaken in effecting planning permission or directing the applicant to undertake the development in a certain manner. Such as conditioning the timing and extent of land clearing or requiring the submission of related plans or documents before commencing construction.*

*In the absence of such limitations, an applicant is permitted to undertake works necessary to give effect to the approved development. An example of this being clearing and filling of land to develop a subdivision, or excavating lands to construct a basement or foundations of a building that is in accordance with the approved plans.”*

- ii. In short Permits, e.g., for a subdivision, with negative conditions differ from those without these negative conditions. Discussions between agencies will continue to fully understand the implications of this and if the use of standard recommendations, e.g., no clearing of old growth before construction is ready to begin, need to be expanded to compensate.

- iii. Planning clarified that if a breach of Planning Permission conditions is detected enforcement is commenced, a stop notice issued, and compliance with conditions occurs, or if noncompliance continues a stop notice would be issued and the case would be taken to court.
  - c. The continuing public consultation on the proposed change of the game birds season was noted.
  - d. It was noted that the recommendation to list certain land crabs as protected species remained with the Ministry of Environment for transmittal to the Cabinet for their consideration.
  - e. DoE recapitulated the Protected Areas nominations which are currently awaiting Cabinet decision. (A presentation to Caucus is scheduled for July 15<sup>th</sup>.)
  - f. It was noted that the Licencing Requirement Waiver was in force, having been Gazetted on 27 May 2019.
  - g. It was noted that Marine Parks Enhancement, Spear Guns Directives, and Stingray and Starfish Handling Guidelines all remain with Legal Drafting.
4. Reports
- a. DoE Reports (Licencing, s 41 Consultations, Seizures) were noted.
    - i. Council sadly noted the on-going large scale poaching of conch.
  - b. Public Education & Outreach
    - i. NCC Logo and Website creation initiated; many press releases & social media posts, and a few public events with partners, highlighting various conservation issues underpinned by the NCL, e.g., GHOF stingray handling video release to WIZ operators
  - c. Climate Change Committee
    - i. DoE and the National Trust separately attended the Climate Change & Health symposium organised by the Min. HECH.
    - ii. Caribbean sectorial plans such as this one are raising climate change profile and local engagement with the consequences of climate change, including the need to elevate climate change within the Cayman Islands Government for cross-Ministry coordinated action.
5. New Matters
- a. Interim Directive on the protection of *Agaliniis kingsii* critical habitat
    - i. DoE recapped the background to the interim directive, which was Gazetted on 27 May 2019, including that negotiations with the affected landowner were on-going.
    - ii. It was noted that there were no sedge wetlands on Little Cayman or Cayman Brac. While a few isolated patches were known in Grand Cayman's central mangrove wetland none were known to support populations of *Agaliniis kingsii* and, regardless, would be quite small populations compared to either the Salinas or newly discovered Frank Sound colonies and so would not be relevant critical habitat for the species.
    - iii. It was further noted that although the Frank Sound population of *Agaliniis kingsii* was an unexpected find the DoE does hold fairly extensive information on rare species and general habitat cover. This sedge wetland habitat cover information was what prompted the site visit which found the *Agaliniis kingsii*. Also that the DoE is very happy to consult with any landowner or developer at the pre-

planning stage to provide any information available or site visit insights. The DoE's existing information also fed into the section 41 consultation maps provided to Planning, so anyone approaching Planning would be directed to the DoE if their considered activity was in one of these areas. The earlier in their individual planning process anyone approaches the DoE the better the Department is able to work with them to facilitate their development in the most environmentally responsible manner practical for the developer.

- iv. Fred Burton moved ratification of the interim directive, seconded by Lisa Hurlston-McKenzie. It was passed unanimously (with 3 abstentions; Gina Ebanks-Petrie, Fred Burton, Colleen Stoetzel).
- b. EPF funds for valuation of *Agalinis kingsii* critical habitat (interim directive)
  - i. Gina presented the proposal to pay for valuation of the *Agalinis kingsii* critical habitat (interim directive) from EPF funds budgeted for other professional fees. The first of the valuations is expected this week, in time to meet with the landowner.
  - ii. Gina Ebanks-Petrie moved the motion, which was seconded by Patricia Bradley. It was passed unanimously with one abstention (Colleen Stoetzel).
- c. Barefoot Beach Resort EIA Screening Opinion
  - i. DoE presented the EIA Screening Opinion.
  - ii. Gina Ebanks-Petrie moved it be accepted, seconded by Nadia Hardie. It passed unanimously with four abstentions (Gina Ebanks-Petrie, Timothy Austin, Fred Burton, Colleen Stoetzel).
- d. Council noted the MRCU Oxitec Final Report, in completion of their Permit conditions.
  - i. Appendixes mentioned in the Report were requested but not received prior to the Meeting, but are appended to these minutes.
- e. Sea Turtle Conservation Plan
  - i. The Chairman read a statement on sea turtle conservation planning, which is appended to these minutes for the record.
  - ii. The DoE tabled a draft sea turtle conservation plan which had been prepared by the Department in consultation with the Council, and is appended to these minutes
  - iii. The Plan proposed by the DoE and Council meets the criteria within section 17 of the Law. A Cayman Turtle Centre document submitted to Cabinet outside of normal process was not a plan under section 17 of the Law and could not therefore be brought forward.
  - iv. Council had received expert legal advice regarding the issue, which it had passed to the Ministry for presentation to the Cabinet for their consideration. The Solicitor General had considered the expert opinion and concurred with it. As a final attempt at resolution the Ministry had been contacted on 12 June 2019 asking for a meeting between the Chair and the Minister, with the Premier attending if the Minister wished. As that had not occurred the DoE prepared Plan was brought forward and considered by Council.
  - v. It was noted that climate change impacts on turtles, especially nesting beach retreat and temperature increases, may need to be taken account of in the final Plan.
  - vi. Although a few persons maintain their 'grandfathered' turtle licence no wild turtles have been legally taken for many years. In 2007 the regulations were changed to better protect the few remaining large breeding turtles from legal

take by altering the closed season (to better avoid the breeding season) and changing the size limit to shift the fishery to the relatively more abundant juvenile turtles.

- vii. CIG Policy guides farmed shell sales and is currently to restrict even local farmed shell sales in order that the CTC be in a better position to advance possible proposals for permitted international sale of whole turtle shells. This position could be revisited by CIG and the CTC but is outside the scope of the Turtle Conservation Plan.
  - viii. McFarlane Conolly moved the Plan. [2<sup>nd</sup> not recorded]. It was passed unanimously (Gina Ebanks-Petrie abstained).
6. The next General Meeting of the National Conservation Council is currently scheduled for Wednesday September 11<sup>th</sup>, in GAB 1038, at 2pm.
  7. There being no other business the meeting adjourned at 3:32pm.
  8. Attendance Appendix

<b>Council Member</b>	<b>19 June 2019</b>	<b>Representation</b>
McFarlane Conolly	Present	Chairperson; East End and Sustainable Development
Franklin Thompson	Present	West Bay and Marine Conservation
Lisa Hurlston-McKenzie	Present	George Town and Sustainable Development & Climate Change
Dominic Williams	Absent	Bodden Town
Edward Chisholm	Absent	North Side
Pedro Lazzari	Apologies	Sister Islands
Nadia Hardie	Present	National Trust for the Cayman Islands
Patricia Bradley	Present	Avifauna & Biodiversity
Fred Burton	Present	Terrestrial Biodiversity
Adrian Estwick	Present	Director of Agriculture
Haroon Pandohie	-	Director of Planning
Colleen Stoetzel	Present	Planning Officer, representing the Director of Planning
Gina Ebanks-Petrie	Present	Director of Environment
Timothy Austin	Present	DoE Deputy, Research
John Bothwell	Present	Secretary

## **WP-04 - DoE Reports**

### Delegated Licencing and Permitting, May-July 2019

- Aquatic & Marine Species Imports: 1 Application, 104 species, 3,162 specimens.
- Terrestrial Species Imports: 1 Application Approved (Pet Fancy Rat), 1 Application Denied (6 species, potentially invasive gamefowl into Little Cayman)
- Wildlife Interaction Zone: 12 New, 30 Renewals
- One Protected Species Permit
- 48 Spear Gun Renewals (34 from Cayman Brac), 1 Denial
- 4 Fish Pots (May-June)
- Lionfish Licences: 19 General, 9 spear renewal
- Bloody Bay Commercial Access: One
- General Permits (3): CCMI Coral Nursery Outplanting, with nails; WHOI Bathymetric Sampling; Diving with gloves (Verrucous Lupus Erythematosus)
- Other Permits (3): Ecodivers coral nursery (2); CCMI General Permit

## Section 41 Consultations

	Coastal Works Application Review	Comments to Min. Env. Or Other Agency	Planning Application Review	Total
May	5	5	47	57
June	2	0	43	45
July	3	4	50	57
August				

- None were recommended for EIA.
- Six Planning recommendations against approval, all relating to coastal setback
  - Cabana & Pool with Deck: Further encroachment into the required 75ft coastal setback should not be allowed as beach erosion can be exacerbated by the impact of waves on hard structures such as foundations. With the potential impact of climate change and sea level rise minimum coastal setbacks should be adhered to or exceeded wherever possible.
  - The coastal setback [of the building] of 16ft is concerning and there has been no design of the property to attenuate the potential wave impact risk. Minimum coastal setbacks should be adhered to reduce the risk of impacts by rising sea levels.
  - Part of the deck extends past the MHWL so requires CW application and the DOE would not support such a reduced coastal setback. Recent wave impact destroyed another part of the concrete deck.
  - The site is man-modified with mangroves along the coastal edge of the parcel. The DoE does support the setback variance, particularly given the scale of the development and the climate change predictions for the region. Should the CPA be minded to grant approval, we recommend the retention of the coastal mangroves as the applicant has annotated on their site plans.
  - The gabion basket [shoreline modification above the high water line] will not work and will only be a temporary solution and the coastline here is not truly eroding, the sand that was temporarily there due to Ivan is moving away.
- One s41 Consultation on the sale of Crown land to private interests recommended against. "The land is ecologically valuable, forming part of the NCC's wider goals for conservation and being primary habitat, and so it should not be sold."
- One s41 Consultation for clearing and filling part of Crown land recommended against. The parcel has been nominated as a Protected Area and is currently before Cabinet for consideration for purchase and protection.
- All others recommended for approval (some with conditions or modifications) and a few deferred pending additional information from proponents.

Seizure Report, 2nd Quarter, 2019

Officer	Date	Specimen	Amount	Action	Disposal
Dougall	5-Apr-2019	Invasive Corn Snake	1	Euthanized	Animal Pit @ Dump
Bush / Keller	13-Apr-2019	Spear Guns (slings)	2	Case to Legal	Evidence Locker
Edwards / Martinson	22-Apr-2019	Conch	29	Case File Being Prepared	Released Alive
Edwards / Martinson	28-Apr-2019	Fish	2	Warned (WIZ)	Released Alive
Edwards / Martinson	12-May-2019	Conch	3	Warned for Intended Prosecution (conch season, undersized fish)	Released Alive
		Fish	2		Disposed to Sea
Dougall / Keller	30-May-2019	Conch	19	Warned for Intended Prosecution / Case File Being Prepared (Marine Park)	Pines
Orr / Bush / Keller	6-Jun-2019	Spear Gun	1	Warned for Intended Prosecution, Case File to Legal	Evidence Locker
		Fish	5		Disposed to Sea
Bush / Keller	13-Jun-2019	Spear Gun	2	Warned for Intended Prosecution; Case Being Prepared	Evidence Locker
		Lobster	12		Pines
		Fish	16		Pines
Bush / Keller	22-Jun-2019	Fish	5	Warned (Marine Park) / Educated	Pines
Orr / Bush / Keller	25-Jun-2019	Spear Gun	1	Warned for Intended Prosecution; Case File Being Prepared	Evidence Locker
		Lobster	1		Pines
		Fish	15		Pines
Keller / Bush	28-Jun-2019	Fish Pots	2	Seized (unlicensed)	Destroyed

# Species Conservation Plan for Sybil's Crownbeard

National Conservation Law, section 17



## Etymology: Sybil's Crownbeard

This is a species of the Crownbeard family with no traditional name (due to its rarity). The public were invited to suggest names in 2017. The incorporation of "Sybil" was a suggestion made by former Head of Creek Primary School and then Acting Principal of Cayman Brac High School, David Holmes ("Benjy") in honour of Sybil McLaughlin (Grand Cayman) and Sybil Jackson (Cayman Brac).

## Conservation Status

Sybil's Crownbeard (*Verbesina caymanensis*) is a small shrub unique to Cayman Brac. It was assessed in the global IUCN Red List in 2013, and is currently listed as Critically Endangered.

The species is listed as a protected species in Part 1 of Schedule 1 of the National Conservation Law 2013 (NCL).

## Species, Ecology and Threats

The entire world population of Sybil's Crownbeard occurs on the seasonally shaded north-facing cliffs of Cayman Brac's Bluff, above Spot Bay as far west as the Big Channel Bluff Road area. Its ecology has not been studied in any detail. Because its global population is restricted to this small, highly specific habitat, it is vulnerable to unpredictable threats.

While the Sybil's Crownbeard population appears healthy at this time, any new plant pest or disease or other unpredictable threat could affect the entire population.

Invasive plant species, especially Shamrock (*Tecoma stans*) appear to be displacing Sybil's Crownbeard on the Peter's Road bluff ascent.

## Conservation objectives

The goal of this Conservation Plan is to safeguard Sybil's Crownbeard in its natural habitat. Specific objectives are:

- Cliffs supporting Sybil's Crownbeard become protected through designation as Critical Habitat

- Invasive plants are brought under sustainable control on the Peter's Road bluff ascent
- Residents of Cayman Brac have become widely aware of Sybil's Crownbeard and value it as part of Cayman Brac's unique natural heritage

Establishing Sybil's Crownbeard as a garden plant in general cultivation is not considered a desirable objective in this case, and will not be permitted. The ancient association between Sybil's Crownbeard and the iconic cliff scenery above Spot Bay should be conserved as a unique and exclusive feature of Cayman Brac.

## **Conservation Strategies**

### **Habitat protection**

Critical Habitat is defined for Sybil's Crownbeard as follows. All the area is in Crown ownership.

The designated Critical Habitat comprises the vertical and near-vertical cliff faces indicated by the following parcels and part parcels:

- Block 111A parcel 5 from grid reference 2074810/7167263 westward
- Peter's Road, where it climbs from the coastal platform to the top of the Bluff
- Block 111E parcel 219
- Block 108D parcel 73
- Big Channel Bluff Road, where it climbs from the coastal platform to the top of the Bluff
- Block 108D parcel 72 in part, from Big Channel Bluff Road going west as far as the boundary between Block 109A parcels 241 and 19.

This extent of Critical Habitat is illustrated in Figure 1.

Designation of Critical Habitat for Sybil's Crownbeard does not restrict the pedestrian right of way at Peter's Road or at Big Channel Bluff Road. However the protected status of this species

does require that the use and maintenance of these rights of way does not involve unpermitted take of Sybil's Crownbeard.

The Department of Environment will partner with District Administration to educate trail maintenance crews and establish a sustainable operation to control invasive plants and safeguard Sybil's Crownbeard individuals on the Peter's Road and Big Channel Bluff Road ascent paths.



*Figure 1: Critical Habitat for Sybil's Crownbeard, on Crown-owned cliff faces*

## **Additional conservation measures**

### **Control of take**

All specimens of Sybil's Crownbeard are protected at all times, and take, possession, purchase, sale, donation and exchange are offences under all the provisions of s.33 (1) of the NCL, unless a permit has been issued under s.20.

### **Consultation on development proposals**

Under s.41 of the NCL the NCC will advise any government agency making decisions affecting the Critical Habitat for Sybil's Crownbeard that no actions involving any direct or indirect take of Sybil's Crownbeard can be permitted.

### **Import and export**

Sybil's Crownbeard may not be exported from Cayman Brac to Grand Cayman, Little Cayman, or elsewhere without a permit under the NCL.

### **Monitoring and research**

The Department of Environment will monitor the distribution and health of the Sybil's Crownbeard population and seek collaborative research arrangements to improve understanding of the biology and ecology of this species.

### **Seed banking**

Subject to outcomes from research, NCC may permit seed collection and banking to maintain a reserve of the species' genetic diversity that could be re-established in event of catastrophic loss of the population. Any such permit will require that any living plants generated from banked seed germination trials must be held in institutional conservation collections approved by the NCC and/or used for restoration of any impacted areas within the Critical Habitat for this species.

### **Public outreach, education and awareness**

The Department of Environment has conducted a public outreach effort with emphasis on Cayman Brac, which culminated in the selection and adoption of the common name "Sybil's Crownbeard".

Some interpretation of Sybil's Crownbeard on Peter's road bluff ascent path may assist in education and awareness.

## **Implementation, Evaluation and Review**

Responsibility for implementing this plan lies primarily with the National Conservation Council, and the Department of Environment.

This Conservation Plan will be evaluated periodically by the Department of Environment, and at such time that any revision appears to be necessary, the Department will bring proposed revisions to the NCC.

## Species Success Criteria & Cost Estimates

Because Sybil's Crownbeard is naturally restricted to such an exceptionally small and specific location on Earth, there is no expectation that its wild population will ever expand to a degree where it is no longer Critically Endangered. Its entire population will always be at risk from largely unpredictable threats such as the arrival of a new plant pest.

This species therefore is expected always to have to remain in Part 1 of Schedule 1 of the NCL. No realistic criteria can be set for its future removal to Part 2.

Costs for implementation of this plan can be covered within the recurrent budget of the Department of Environment.

### Legal Basis

Section 17 of the National Conservation Law, 2013 requires the National Conservation Council to formulate and adopt a conservation plan for each protected species whose range includes the Islands.

Schedule 1, Part 1 of the Law designates species that are the subject of protection at all times.

Species conservation plans must set out the steps which the Council considers to be necessary to achieve the conservation and survival of the species and their critical habitat.

For species listed in Part 1 of Schedule 1 the Plan must include:

- (i) objective, measurable criteria which, when met, would result in a determination that the species no longer requires the protection of Part 1;
- (ii) estimates of the time required and the costs involved to carry out those measures needed to achieve such goals and to achieve any intermediate steps towards that goal.

Priority is accorded to the development of Plans for threatened or endangered species that are at risk from development projects or other forms of economic activity, or that would otherwise be most likely to benefit from such plans.

Species Conservation Plans may take into account traditional cultural needs and applicable regional programmes under the various biological, conservation and climate change Conventions to which the Cayman Islands are party [section 6(2)(j)].



## DEPARTMENT OF ENVIRONMENT

CAYMAN ISLANDS GOVERNMENT

### **Report to National Conservation Council – Game bird hunting season**

*Synopsis:* The National Conservation Council (NCC) received a letter dated 27 Sept, 2018 from a group of 51 local game bird hunters (attached as appendix #1 below) which stated their wish to effectively shorten the current hunting season for two species, the white-winged dove (*Zenaida asiatica*) and the blue-winged teal (*Anas discors*). The hunters expressed, among other concerns, that the current hunting season for the two species is open during a portion of their nesting and migration times and, therefore, could prove to be unsustainable.

The NCC considered the proposal and believed the hunters' suggestions to be sensible and sustainable, so NCC members instructed Department of Environment (DoE) staff to seek public comments on a proposed change to shorten the hunting season for the two bird species. Council chose to treat the hunting season Regulations as equivalent to a "species conservation plan" under the Law, vis-à-vis requiring the public consultation process before offering any advice to Cabinet regarding the requested change.

The proposed season changes were advertised in the Caymanian Times newspaper on 8 May and 17 May at a cost of \$0. In addition, the changes were posted on DoE social media pages (Facebook, Twitter, Instagram) where staff members received some commentary. (A copy of the newspaper ad is attached as appendix #2 and copies of the Facebook comments, as well as emails received at the NCC address, are attached as appendix #3).

All communications clearly stated that the NCC was seeking public comments on a plan to change hunting seasons for the white-winged dove (current season October-March - proposed season August-September) and the blue-winged teal (current season September-April - proposed season October-December). The comment period for the proposed hunting season change opened on 17 May, 2019 and ended on 15 July, 2019. In total, a handful of comments were received from the general public that indicated those individuals' opposition to having any game bird hunting season at all in Cayman. However they must be balanced against the number of current hunters engaged in the sport enough to request a modification of the seasons for conservation purposes.

The Department of Environment considers the proposal worth pursuing as the reduced hunting season proposed is in keeping with the expressed public concern for the protection of game birds, the request of the hunters and sustainable use of natural resources.

**Appendix #1 – Letter to NCC from the game hunters**

National Conservation Council  
Department of Environment  
Marco Giglioli Building  
580 North Sound Road  
Grand Cayman

27<sup>th</sup> September 2018

BY HAND

Dear Sir/Madam;

We wish to bring to your attention our concern over the recent change to the hunting season.

We, as a group of Caymanian hunters, have for years hunted within the appointed season and respectfully adhered to the terms and conditions laid out by the Council/Law. As such, we are very much a part of the “culture” and therefore much affected by change.

With due respect to your council we wonder why a discussion was not considered to include our input.

We, as a group of fair-minded and cautious hunters would have been pleased to provide information that could have affected the changes put in place without our support. Issues and opinions that we would like to have presented should not be left unaddressed and we would like to place on record our reasoning on why recent changes to the hunting season should be reconsidered. These are a few considerations:

The former hunting season allowed month of August through following month of January for all game birds, (Blue Wing Teal, White Crowned Pigeon & White Winged Dove).

The new season allows:

Month of September through following month of April for Blue Wing Teal; and month of October through following month of March to White Winged Dove. The White Crowned Pigeon was removed from the game bird list however, this species is migratory and hunted as a top game bird throughout the Caribbean region on Islands such as Jamaica, The Bahamas, Cuba and the Lesser Antilles. We feel this species could have been managed by lowering limits and restricting the season to a shorter one.

Migration times for Blue Winged Teal falls mid-August through following January and White winged Dove from May to mid-August/September.

The new season timing overlaps with the local breeding period for White Winged Dove and doesn't allow sufficient time for fledgling's development and therefore a healthier adult population.

In addition, the new season for Teal does not give enough recovery time for the migratory birds to recover from their long journey.

We would like to propose your consideration to change White Winged Dove season to run only for the months of August and September and Blue Wing Teal, the months of October to December. These dates are proposed not just for reasons given above but by allowing Teal season during the rainy months to

provide the birds with flooded mangrove, grassy areas and all round healthier habitat and feeding options.

We feel that the split season will be a benefit to the game birds while keeping a part of our tradition/culture and sport alive. Please find names and signatures attached for all hunters on attached sheet(s).

We as local hunters look forward to your consideration and any future input your council may offer or need to help sustain and preserve the wildlife of our Islands.

Regards,

Concerned Caymanian Hunters

**Appendix #2 – Public advertisement of hunting season change**



**National  
Conservation  
Council**

**Public Notice: Proposed changes to hunting season**



White winged dove (*Zenaida asiatica*)



Blue winged teal (*Anas discors*)

The National Conservation Council (NCC) is seeking public comments on a plan to change hunting seasons for the white-winged dove (current season October-March - proposed season August-September) and the blue-winged teal (current season September-April - proposed season October-December). The public consultation period will end on 15 July, 2019.

Copies of the proposal may be obtained at the Department of Environment (DoE) offices at 580 North Sound Road or online at [www.doe.ky](http://www.doe.ky)

Any comments on the proposal may be received at the DoE offices, mailed to PO Box 10202, Grand Cayman KY1-1002, or sent via email to [ConservationCouncil@gov.ky](mailto:ConservationCouncil@gov.ky).

**Appendix #3 – Public commentary  
(Facebook Notice)**

**Cayman Islands Department of Environment**...  
Published by Hootsuite [?] · 8 May · 

Public Notice: Proposed changes to hunting season for the white-winged dove (*Zenaida asiatica*) and the blue-winged teal (*Anas discors*).

The National Conservation Council (NCC) is seeking public comments on a plan to change hunting seasons for the white-winged dove (current season October-March - proposed season August-September) and the blue-winged teal (current season September-April - proposed season October-December).

The public consultation period will end on 15 July, 2019. Copies of the proposal may be obtained at the Department of Environment (DoE) offices at 580 North Sound Road or online at [www.doe.ky](http://www.doe.ky) Any comments on the proposal may be received at the DoE offices, mailed to PO Box 10202, Grand Cayman KY1-1002, or sent via email to [ConservationCouncil@gov.ky](mailto:ConservationCouncil@gov.ky).

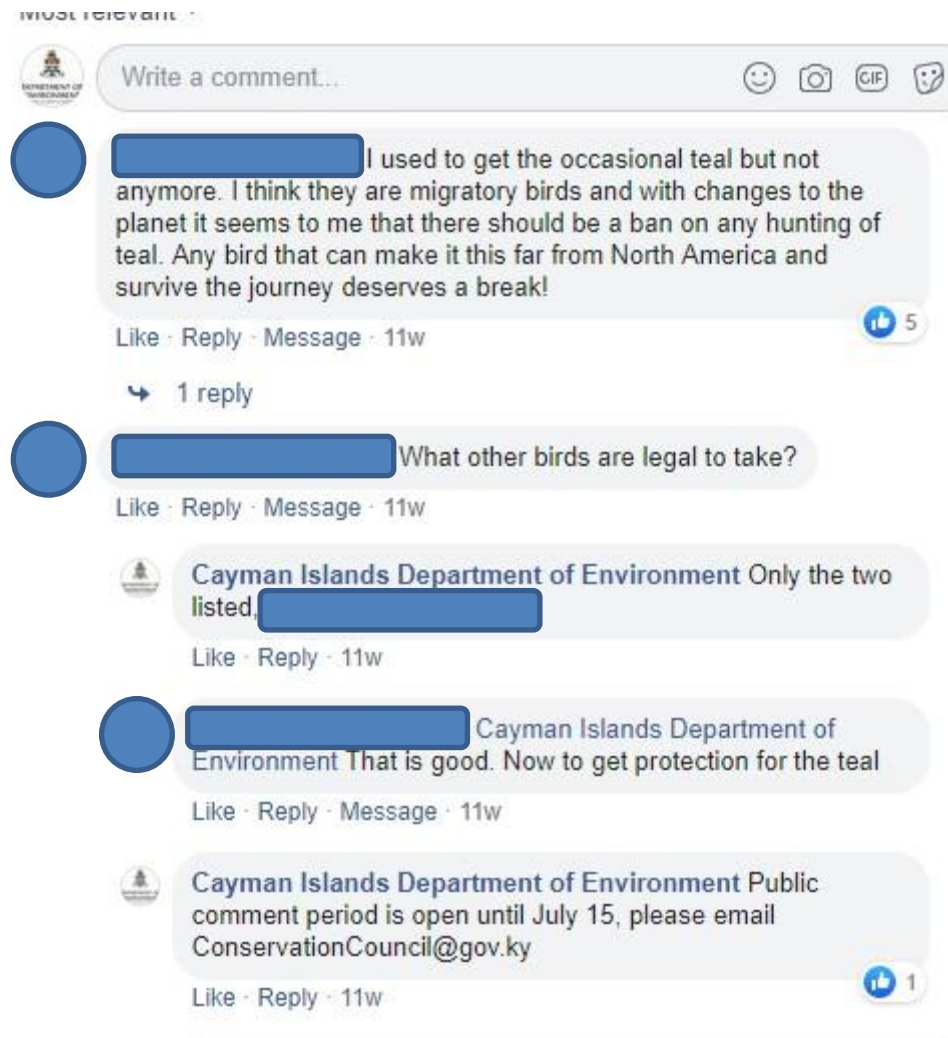


1,507  
People reached

125  
Engagements

Boost Post

**Appendix #3 – Public commentary**  
**(Facebook Discussion)**



**Appendix #3 – Public commentary**  
**(Submission 1)**

**Subject:** Re: [EXTERNAL] Game bird conservation plan consultation

Hi John

These are my comments.

Blue-winged Teal (BWT) Under the older regulations the closed season was February-July inclusive, which would have benefited birds on the spring migration. In 2016 it was adjusted to May-August on Mrs Bradley's recommendation. This would appear to benefit the end of spring and beginning of fall migrations seasons - given that this species can be on the move almost all year round - but effectively

left the entire period of greatest presence and abundance open. Shrinking the open season to Oct-Dec is therefore a welcome proposal, particularly emanating from hunters themselves.

White-winged Dove (WWD) Under the older regulations the closed season was February-July inclusive. In 2016 it was adjusted to April-Sep on Mrs Bradley's recommendation. The new proposal as I understand it is to have only August and September open, on the basis that this is the season in which WWD migrate into Cayman from elsewhere, and the rest of the year closed. I would note two factors. 1. WWD is a species that has expanded its range into the Cayman Islands since the mid-1930s, which I understand to be a reason that it is considered a game bird, nonetheless decreasing the season for unnecessary killing of any birds is welcome. 2. That before the change is proposed formally that this migration season is confirmed by Mrs Bradley.

I note also that the letter referred to White-crowned Pigeon but did not ask for reinstatement of a season for that species. I commend this restraint.

Lastly, I would like to ask if any research has been done into the expansion of game bird hunting due to the increase in weaponry as a result of the green iguana culling project. Are those licensees automatically authorised to take game birds or is it a condition of the cull licence that they only take iguanas? In connection with this, although I referred above to my conviction that reduction in unnecessary killing of any birds should be encouraged there nonetheless remains a growing problem of potentially invasive species, particularly Shiny Cowbird. Has the Council considered the possibility of licensing gamehunters and/or cullers in this regard?

Sincerely

+++++

*Appendix #3 – Public commentary*  
*(Submission 2)*

Hello,

Following your Facebook post, my view / opinion on this should be that with the fast disappearing habitat of these birds (think blue iguanas), there should be **NO** hunting season for them at all.

Having a hunting season would seem to be the antithesis for what the National Conservation Council should stand for. How can you conserve something if you're killing it?

If there is to be a hunting season, I'm keen to learn on how this is carried including:

- Are these birds hunted for sport or for food?
- How many birds have been hunted in previous seasons to warrant even having a hunting season?
- How many birds are people allowed to hunt?
- Who is allowed to hunt these birds?
- How are they hunted?
- Do the hunters have to be licensed?
- Will work permit holders be allowed to hunt?
- Who monitors the hunting to ensure any rules / regulations are being followed?
- How is it ensured that the birds are not hunted outside of the season?

Thank you and I look forward to hearing from you on the above matters.

Regards,

DoE Note: Answers were provided to questions asked, but did not alter the original feedback provided.

+++++

*Appendix #3 – Public commentary*  
**(Submission 3)**

I used to get the occasional teal in South Sound but not anymore. I think they are migratory birds and with changes to the planet it seems to me that there should be a ban on any hunting of migratory birds.

Any bird that can make it this far from North America and survive the journey deserves a break!

Let them hunt the green iguanas ☹

WP-05 Ratification of Spear Gun Renewal With Old Conviction

**PRELIMINARY**

**IT IS NOTED** that:-

1. *The National Conservation Council (Licence and Permit) Directives, 2016*, states 6(2) that
  - (2) *In considering applications for licences [for a spear gun] the Council shall have regard to all the circumstances of the case, and in particular to whether the applicant -*
    - (a) *has been convicted of any offence against the Law, the Animals Law (2015 Revision), the Marine Conservation Law (2013 Revision), any regulations or directives under those laws;*
    - (b) *has been convicted of any offence involving violence or the threat of violence; or*
    - (c) *failed to comply with any term or condition of a permit or licence issued under the Law.*

Directive 27(4) similarly states that

- (4) *In considering applications for permits [to take lionfish, including with a lionfish spear,] the Council shall have regard to all the circumstances of the case, and in particular to whether the applicant -*
    - (a) *has been convicted of any offence against the Law, the Animals Law (2015 Revision), the Marine Conservation Law (2013 Revision), any regulations or directives under those laws;*
    - (b) *in the case of an individual, has been convicted of any offence involving violence or the threat of violence; or*
    - (c) *failed to comply with any term or condition of a permit or licence issued under the Law.*
2. A person from Cayman Brac has applied for a renewal of his spear gun licence. (Under section 22 of the Law.)
3. This person from Cayman Brac has also been issued a lionfish spear from 2011. The DoE is transitioning these licences to renewable licences under the National Conservation Law. (Under section 20 of the Law.)
4. The person from Cayman Brac would otherwise meet all of the criteria for renewal of their spear gun and lionfish spear licences but has a police record (attached, redacted).
5. At its General Meeting of 18 October 2017 the National Conservation Council resolved: “*That the Director [DoE] be delegated on behalf of the Council to receive and process all applications for permits and licences pursuant to sections 20 and 22 (Part V) of the Law, to approve or deny, in its discretion, such applications, and to correspond with and communicate its decision to applicants.*” And “*that the Director may consult with the Council (or other relevant authorities or individuals) on any application*”.

6. At its special workgroup session of 31 July 2019 the Director, DoE, requested the National Conservation Council's consultation and guidance on the renewal of a spear gun licence and lionfish spear permit for the person from Cayman Brac. Such guidance to apply to future renewal applications, unless a material change in the person's police record or other criteria for consideration occurs.
7. At its special workgroup session of 31 July 2019 the Council, taking into account the particulars of the application, including the applicant, agreed that the licences could be renewed, barring any future material change in the person's police record or other criteria for consideration.

#### **MOTION/ DRAFT RESOLUTION**

That the on-going renewal of this person's spear gun licence and lionfish spear permit be allowed, and that such renewals be allowed upon application in the future, unless a material change in the person's police record or other criteria for consideration occurs.

Proposer:

Seconder:

Penal Code (2017 Revision)

Criminal Trespass

*“277. (1) A person who, without having lawful business thereon, enters upon the premises of any private residence or upon land belonging to any proprietor or occupier which is enclosed or in any manner cultivated commits the offence of criminal trespass and is liable to a fine of one thousand dollars and to imprisonment for one year.*

*(2) A person who unlawfully and maliciously cuts, breaks, barks, roots up or otherwise destroys or damages any plant, fruit, vegetable production, tree, sapling, shrub, or any*

*underwood growing in any place commits an offence and is liable to a fine of two thousand dollars and to imprisonment for two years or, if the offence is committed in any pleasure ground, garden, orchard or avenue, or in any ground adjoining or belonging to a dwelling house, to a fine of three thousand dollars and to imprisonment for three years.”*

Aggravated Trespass

*“278. A person who, in the course of committing a criminal trespass -*  
*(a) has in his possession any firearm, offensive weapon, explosive or implement of housebreaking;*  
*(b) has in his possession any gin, trap, or other device for ensnaring, catching or killing any animal, fish or bird;*  
*(c) does or intends or attempts to do any damage to any living or inanimate thing being part of the land or lying thereon or adhering thereto; or*  
*(d) deposits or intends or attempts to deposit any sewage, garbage or other foreign or offensive matter on the land,*  
*commits aggravated criminal trespass and is liable to imprisonment for four years in addition to any punishment to which he may be liable under this or any other law.”*

Royal Cayman Islands Police  
Criminal Records Office  
Grand Cayman  
Cayman Islands

**TO WHOM IT MAY CONCERN**

THIS IS TO CERTIFY that there is (1) conviction recorded in the Criminal Records of these Islands against the bearer, \_\_\_\_\_, possessor of Cayman Islands Passport # \_\_\_\_\_ born in Cayman Islands and a Native of the Cayman Islands.  
Dated at Grand Cayman this 19 July 2019

\_\_\_\_\_  
Officer-in-Charge  
Criminal Records Office.

This Certificate Consists of 1 page(s)  
Any Alterations to this Document will make it VOID

No	Offence	Court	Date	Sentence	Case No	Spent
1	Aggravated criminal trespass	SC	1993	Sentence 39 months		No

ROYAL CAYMAN ISLANDS POLICE SERVICE  
INSPECTOR  
JUL 19 2019  
Cayman Brac Station

**MEMORANDUM**

**TO:** Director of Planning **YOUR REF:** P19-0468  
**ATTN:** Jessica Peacey  
**FROM:** Director of Environment **DATE:** 5 August 2019

<b>SUBJECT:</b> <b>Beach Bay Land Ltd Resort Including Residences, Spa and Conference Centre and Tennis Court Block 38E Parcel 282 and Block 32D Parcels 5, 122, and 313</b>
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Under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Law, 2013), the Department of Environment offers the following comments for your consideration.

The Department of Environment (DoE), under the delegated authority of the National Conservation Council, has screened this planning application for an Environmental Impact Assessment (EIA). The DoE is of the opinion that the Proposed Development does not require an EIA as although there are likely to be significant adverse effects on turtles, the DoE has sufficient expertise to assess and advise on these effects (within this Planning Review). We enclose a copy of the EIA Screening Opinion, which should be read in conjunction with this Planning Review.

The DoE met with the applicant on 28 May 2019 to discuss our concerns on the initial plans submitted. One of our main concerns was building directly on the beach. The applicant has proposed beach front villas, pool deck, a guest services area, a pathway and a sewer directly on the beach. This has the effect of reducing the beach area by almost half in some areas. The existing beach is approximately 170 feet wide at its widest point and with the proposed villas, sewer and pathway, there will be only approximately 90 feet remaining of beach.

While we understand the desire to create an experience where villas open directly onto the beach, we do not support building directly on the beach. The villas could be positioned so they open onto the beach but are not directly built on the beach. Similarly, instead of building the guest services, pool and deck directly on the beach, they could be moved north slightly so they offer the same experience without reducing beach size. The plans as proposed make a relatively small beach (for the size of development) even smaller, and this effect will worsen as the wider development comes forward. We believe the applicant should maximise their beach area by building back away from the beach. Beach Bay is also an active turtle nesting beach for Loggerhead turtles (*Caretta caretta*), and there will be significant adverse impacts on turtles from building directly on the beach, as shown in Figure 1.

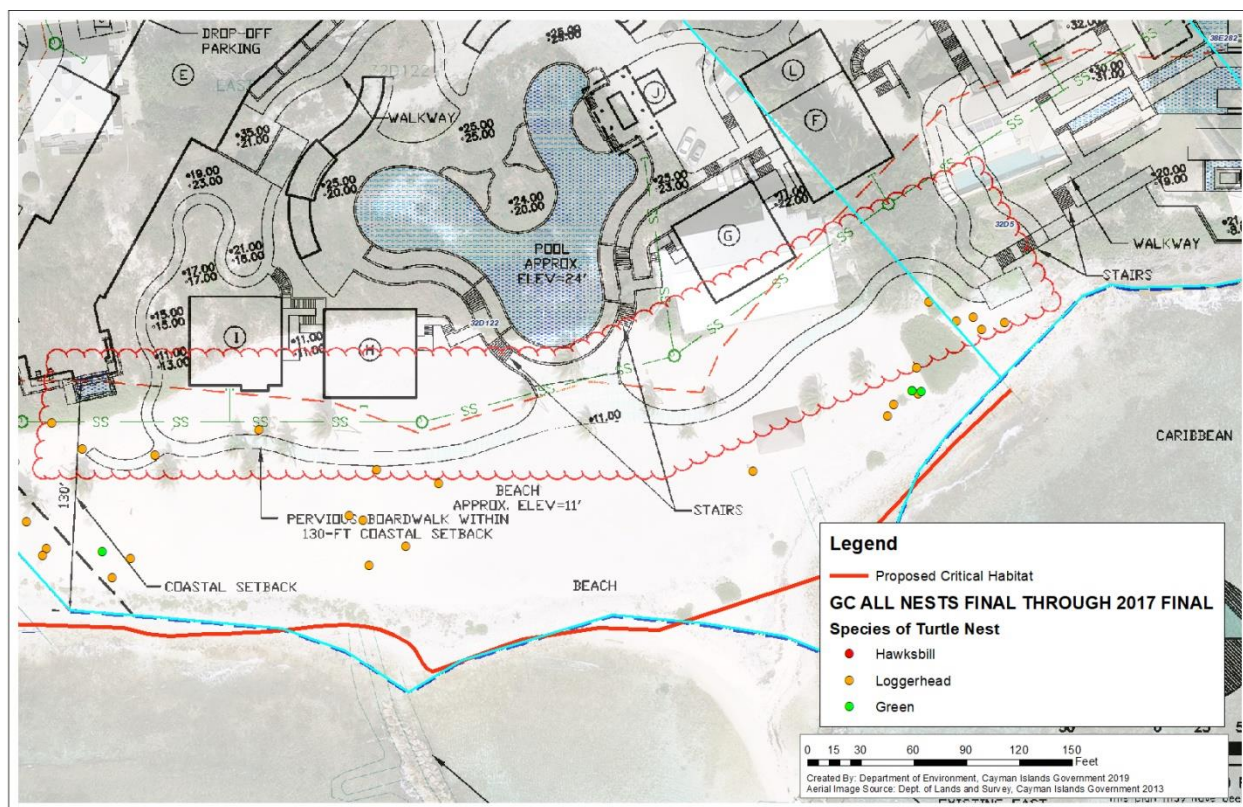


Figure 1. The Proposed Development includes building directly on the beach, which is an active turtle nesting beach.

The majority of the proposed development has been located on a man-modified area, however the proposed development will result in the loss of approximately 10 acres of primary habitat including dry forest and shrubland and dwarf vegetation and vines. The area of dry shrubland and dry forest is mostly lowland mixed evergreen-deciduous dry forest, grading to coastal shrubland as it approaches the sea. Specifically, the forest community is a *Bursera simaruba* – *Guapira discolor* – *Ficus aurea* forest community, characteristic of Cayman dry forests growing on dolostone karst close to the sea. No Schedule Part 1 protected plant species under the NCL are known from this community type. We recommend that native vegetation be retained and incorporated into the landscape design wherever possible.

In addition, greenhouse gases (GHGs) and climate change does not appear to be accounted for in the project programming and design. Project expansion and operational lifetime suggest significant contribution of direct and indirect emissions attributed to the building sector and national carbon footprint which the annual GHG inventory and National Energy Policy (NEP) seek to monitor and, in the latter case, reduce.

Loss of primary habitat associated with this project affects national carbon sinks and compromises the ability of remaining natural systems to sequester carbon at a rate anticipated to meet national emissions reduction targets (assuming climate mitigation policies integrate an ecosystem-based approach). NEP strategic action relies on the quantification of habitat loss from such projects as does international climate treaty obligations to assess sectoral emissions and removals wherever possible.

The proposed development's sensitivity to predicted changing climatic parameters e.g. less total annual rainfall, highlights project-specific water resources demand given multiple uses (residential, spa, event

spaces, restaurants, pool, landscaping, etc.). It is assumed standard water conservation measures are programmed for implementation (e.g. low-flow fixtures). However, no details are provided regarding an on-site reverse osmosis plant in the current or future building programme suggesting the proposed development is heavily reliant on public water facilities and infrastructure. There is a cistern included on the plans, however no details are provided regarding capacity, source and purpose.

No renewable energy systems have been incorporated into the design therefore the proposed development is reliant on the national grid with similar large-scale resort projects coming online cumulatively. The proponent should promote best practices for the sector and leverage Government incentives for implementing renewable energy technologies by identifying subsidiary applications (e.g. car/Electric Vehicle charging stations, etc.) and more importantly, readying energy-intensive buildings, essential services and critical infrastructure for future installation. Lack of generators and renewable capacity may lessen resilience to future catastrophic events and affect business continuity for the hotel and residences. It may be prudent to build in redundancy or fortify crucial systems (e.g. waste water treatment facilities, cooling and refrigeration systems) using renewable energy target hybrids.

If the CPA is minded to approve the application, we **strongly recommend** the following conditions:

- The applicant shall submit a revised plan locating the proposed villas and pathways off the beach.
- The applicant shall prepare and submit a plan to the Department of Environment for turtle friendly lighting, which minimises the impacts on sea turtles. All lighting shall be installed in accordance with the plan, to be approved by the DoE. Guidance on developing a lighting plan can be found in the DoE's Turtle Friendly Lighting: Technical Advice Note (September 2018).
- Prior to the commencement of works, the property owner shall contact the DoE to check for the presence of turtle nests; written approval shall be obtained from the DoE that no nests will be impacted by the commencement of works.
- No construction work, vehicle access, storage of equipment/ materials or other operations should take place on the beach during turtle nesting season (1st May – 30th November) without the express consent of the DoE.

Please do not hesitate to contact the Department should you require further assistance.

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**Director of Environment**  
**Under Delegated Authority of the National Conservation Council**

**NATIONAL CONSERVATION COUNCIL**  
PO Box 10202, KY1-1002  
GRAND CAYMAN  
CAYMAN ISLANDS

TEL: (+345) - 949-8469  
FAX: (+345) - 949-4020  
EMAIL: [CONSERVATIONCOUNCIL@GOV.KY](mailto:CONSERVATIONCOUNCIL@GOV.KY)



5 August 2019

Between 22 July 2019 and 26 July 2019, the National Conservation Council reached a Council Decision via Correspondence, approving the “Screening Opinion for the Proposed Beach Bay Land Ltd Hotel, 5 August 2019” prepared by the Department of Environment for the National Conservation Council. The decision will be formally confirmed at the Council’s next general meeting.

### John Bothwell

Manager – Legislation Implementation and Coordination Unit  
Secretary, National Conservation Council  
Department of Environment  
PO Box 10202, Grand Cayman KY1-1002  
Cayman Islands Environment Centre, 580 North Sound Road.  
Tel (345) 949-8469 | Fax (345) 949-4020 | [John.Bothwell@gov.ky](mailto:John.Bothwell@gov.ky) | [www.doe.ky](http://www.doe.ky)  
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<http://doe.ky/natl-conservation-council/national-conservation-law/>



CAYMAN ENVIRONMENT CENTRE, 580 NORTH SOUND ROAD, GEORGE TOWN, GRAND CAYMAN



**DEPARTMENT OF  
ENVIRONMENT**  
CAYMAN ISLANDS GOVERNMENT

**Screening Opinion for the Proposed Beach Bay Land Ltd Hotel  
5 August 2019**

**Executive Summary**

The National Conservation Council's (NCC) Directive for Environmental Impact Assessments (EIAs) notes that all activities listed in Schedule 1 will be considered against the screening criteria outlined in the Directive to determine whether an EIA may be required.

The Proposed Development comprises a hotel resort including residences, spa and conference centre, and tennis courts.

The Proposed Development, Beach Bay Hotel, includes 100 guest rooms and 25 apartments, with a maximum of 9 storeys. The majority of the resort has been designed around the beach and the embayment. There are two main hotel buildings, with a pool near the centre, landscaping and beachfront villas proposed. To the east, there are tennis courts and an area on the cliff which includes a restaurant, pool, and clifftop experience. There is a gazetted road running through the site, under Boundary Plan 40, although the layout in the site plans provided by the applicant is different than those on the gazetted plan. On the northern side of the proposed road, there are conference rooms, event spaces and the spa. There is a cart bridge over the road to provide a connection between the two areas. In the western part of the site, to the north-west of the intersection of Sea Spray Drive and Beach Bay Road, there is employee parking, a truck loading area and a back of house area.

The planning application was considered against the screening criteria outlined in the EIA Directive and there were no significant adverse effects identified to any receptors, except sea turtles due to building directly on the beach and illumination of the beach. Therefore, no EIA is considered to be required because the DoE has the expertise to assess the effects on sea turtles. We recommend conditions on the application to include measures to protect turtles during construction, turtle friendly lighting and to remove all buildings and structures from the active beach.

**The Department of Environment is of the opinion that the Proposed Development does not require an EIA.**

## Introduction

The process for determining whether an Environmental Impact Assessment (EIA) is needed is a statutory process that is governed by the National Conservation Law (NCL). This first stage, where the relevant authorities decide if a development is an EIA development (i.e. requires an EIA) is called screening.

The National Conservation Council's (NCC) Directive for Environmental Impact Assessments (EIAs) issued under section 3(12) (j) and which has effect under section 43(2) (c) of the NCL, notes that all activities listed in Schedule 1 will be considered against the screening criteria outlined in sections 2 to 3 of Schedule 1 of the Directive to determine whether an EIA may be required. The Proposed Development falls within Schedule 1, i.e. a hotel and resort development.

The screening criteria include:

- The type and characteristics of a development;
- The location of a development; and
- The characteristics of the potential impact.

These screening criteria have been considered with respect to the Proposed Development in order to determine whether an EIA is required.

## The Site

The site is located at Block 32D Parcels 313, 122, and 5 and Block 38E Parcel 282, located off Beach Bay Road. The site location is shown on Figure 1. The site has an area of approximately 50 acres including the embayment and is located on the beach with a coral reef-protected lagoon offshore rising up to a cliff/bluff face along the eastern site. The site is located on an active turtle nesting beach, particularly used by Loggerhead turtles (*Caretta caretta*). Sea turtles are protected under Schedule 1 Part 1 of the National Conservation Law, as species which are protected at all times. Given the high density of nesting over a 20 year period, the beach at the site is considered as critical habitat under the draft Sea Turtle Species Conservation Plan, which is under public consultation and has not yet come into effect.

The site includes approximately 680 feet of sandy beach and an adjacent cliff shorefront. The sandy beach is a fairly unique feature along this mostly ironshore coastline. There is a shallow reef located between 250 feet and 550 feet from the shoreline. The fringing reef is broadest and furthest from shore around the sand beach. A report by Olsen Associates Coastal Engineering indicated that the refractive effect of the broader reef platform, which acts like a lens – may explain the otherwise unusual presence of the sand beach at this location<sup>1</sup>. Just offshore of the site, there is a groyne system with an embayment which has had the rubble removed. The applicant has an extant planning permission for sand renourishment.

The site is bounded by a public road which leads to the ocean on the west, primary habitat or residential development to the north, and primary habitat to the east. There is a gazetted road running through the site, under Boundary Plan 40, although the layout in the site plans provided by the applicant is different than those on the gazetted plan.

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<sup>1</sup> Olsen Associates. (2017). Re: Beach Improvements at St James Point, Grand Cayman, 1 June 2017.

## Proposed Development

### Description of the Proposed Development

The Proposed Development comprises a hotel resort including residences, spa and conference centre and tennis courts.

The majority of the resort has been designed around the beach and the embayment. There are two main hotel buildings, with a pool near the centre, landscaping and beachfront villas proposed. Two of the beach front villas are located on the actual beach. There will be 100 guest rooms and 25 apartments, with a maximum of 9 storeys. The main hotel buildings are located to the south of the proposed road (BP40) and there are entrances to the hotel off the proposed road and off Beach bay Road. To the east, there are tennis courts and an area on the cliff which includes a restaurant, pool, and clifftop experience.

On the northern side of the proposed road, there are conference rooms, event spaces, the spa and parking. There is a cart bridge over the road to provide a connection between the two areas.

Revised plans have been submitted showing two wastewater treatment plants within the site boundaries.

In the western part of the site, to the north-west of the intersection of Sea Spray Drive and Beach Bay Road, there is employee parking, a truck loading area and a back of house area.

There are large areas of the site for which no development is currently proposed, including a triangular area of dry shrubland and forest, and the eastern part of Block 38E Parcel 282 which is also dry shrubland and forest.

### Planning History

Part of the site has been previously developed, with the exception of land in the east, Block 38E Parcel 282. There is a condominium block on the site which has existed on site since at least 1994. There is also a single family house which received planning permission in 1995.

### Characteristics of Potential Impact

The baseline conditions, the potential impact of the Proposed Development and any likely significant effects have been qualitatively assessed for each of the below environmental aspects.

#### Air Quality

There is no known baseline data for air quality at the site. Although there is no baseline data, it is likely that the air quality in this area is very good.

There does not appear to be any point sources of emissions. There is no generator found on the plans. There also does not appear to be any use of renewable energy, for example, solar photovoltaic technology. Although there will be some vehicle movements during the construction, there are not likely to be any significant effects due to the very good baseline conditions. During operation, there will be vehicle movements associated with the Proposed Development, and there will be little opportunity for sustainable transport as the site is somewhat isolated. There will also be internal vehicle movements as a result of the operation of the hotel. It is considered that the Proposed Development would not generate vehicle movements sufficient to degrade air quality at the site and the surrounding area.

## Architectural and Archaeological Heritage

There are no known architectural or archaeological features at the site.

## Climate Change

Climate change is likely to have severe impacts on the Cayman Islands including the site. The Cayman Islands are inherently vulnerable to climate change because of the small size, remoteness, low-lying areas and other environmental factors, demography and economy<sup>2</sup>.

The Proposed Development is likely to both contribute to climate change and be affected by climate change. The Proposed Development is likely to contribute to climate change during construction and operation. There will be vehicle movements and resource consumption associated with construction and operation.

The effects of climate change on the Proposed Development are most likely to be related to storm events and sea level rise. The Cayman Islands will likely experience a sea level rise and more intense but fewer rain events, which could affect the Proposed Development<sup>3</sup>. Aside from the beachfront cottages, guest services and pathway elements, the Proposed Development is situated at least 11 ft above Mean Sea Level, and in some parts extends up to 35 ft above Mean Sea Level.

There are not considered to be likely significant effects with respect to climate change.

## Ecology

### Terrestrial

The southern part of the site adjacent to the beach is man-modified, however the eastern part of the site is dry shrubland and dry forest. There is also an area of dwarf vegetation and vines and sparsely vegetated rock related to the cliff area along the eastern shorefront. The habitat recorded at the site is shown in Figure 2.

The two main hotel buildings, and the back of house parking and loading area are located on the man modified area of the site. The event space and spa area is located on primary habitat, as well as the tennis courts, and some of the hotel facilities in the east. The wastewater treatment plant and reuse cistern is also located in an area of primary habitat.

A site visit was undertaken on 31 May 2019. The area of dry shrubland and dry forest was mostly lowland mixed evergreen-deciduous dry forest, grading to coastal shrubland as it approaches the sea. Specifically, the forest community is a *Bursera simaruba* – *Guapira discolor* – *Ficus aurea* forest community, characteristic of Cayman dry forests growing on dolostone karst close to the sea. No Schedule Part 1 protected plant species under the NCL are known from this community type and none were detected during the site visit.

Therefore, although the loss of the primary habitat is considered an adverse effect, it is not considered to warrant an EIA.

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<sup>2</sup> National Climate Change Committee. (2011). Achieving a Low Carbon Climate-Resilient Economy: Cayman Islands' Climate Change Policy (draft).

<sup>3</sup> Climate Studies Group. (2014). Climate Profile for the Cayman Islands. The University of the West Indies for Smith Warner International Ltd.

## Marine

Beach Bay is an active turtle nesting beach for Loggerhead turtles (*Caretta caretta*). In 2017, there were 48 nesting attempts and 20 nests. In 2018, there were 4 nesting attempts and 1 nest. There have been 2 nests and 12 attempts in 2019 up to July.

Proposed villas, a pathway and a guest services area have been proposed directly on the beach. The original plans showed the pathway closer to the sea however the DoE met with the applicant on 28 May 2019 to discuss impacts on turtles and revised plans bringing the pathway further away have been submitted. The proposed villas and guest services area are unchanged, and all structures are still on the beach. The path is now located between 10 and 45 feet further back from the sea, as shown in Figure 3. The pathway is now approximately 90 ft from the beach for the majority of the length of the pathway and 30 ft from the beach at the eastern-most point where the cliffs begin. Although the path is now further back from the majority of the turtle nests, it does still overlap with the proposed critical habitat and there will be adverse effects on sea turtles.

There are considered to be significant effects on turtles due to building directly on the beach, and the applicant was given an opportunity to revise the plans or to identify mitigation measures. The applicant has reduced but not eliminated these adverse effects. Given the DoE's expertise on turtles in Cayman, an EIA is not considered necessary to provide additional information on these effects. In order to reduce the adverse effects on sea turtles, there should be no building on the beach, as recommended by Dr. Bodge in his advice to the applicant in June 2017. He advised:

"The existing upland 'back-beach' is aesthetically splendid, spanning 130 to 190-feet width landward of the high water line. The backshore is defined by a rock-clad masonry wall. I recommend that this upland 'back-beach' be maintained as-is and that the location of the defining 'back-beach' wall be retained as is."

If the CPA is minded to approve the application, we strongly recommend the following conditions:

- The applicant shall submit a revised plan locating the proposed villas and pathways off the beach.
- The applicant shall prepare and submit a plan to the Department of Environment for turtle friendly lighting, which minimises the impacts on sea turtles. All lighting shall be installed in accordance with the plan, to be approved by the DoE. Guidance on developing a lighting plan can be found in the DoE's Turtle Friendly Lighting: Technical Advice Note (September 2018).
- Prior to the commencement of works, the property owner shall contact the DoE to check for the presence of turtle nests; written approval shall be obtained from the DoE that no nests will be impacted by the commencement of works.
- No construction work, vehicle access, storage of equipment/ materials or other operations should take place on the beach during turtle nesting season (1st May – 30th November) without the express consent of the DoE.

## Flood Risk and Water Quality

The site is relatively high and sits on an area of cliff. There are parts of the site which are 35 feet above Mean Sea Level. The Proposed Development will result in large areas of impermeable surface in comparison to the existing baseline. The Proposed Development does include a cistern, which will reduce the amount of surface water somewhat. The Proposed Development also has a waste water treatment plant which will reduce any impacts on water quality. Given the height of the Proposed Development above sea level, there are not considered to be significant effects with respect to flood risk and water quality.

## Ground Conditions

The site does have some made-made historical land uses including the existing condominiums and house. There have also been groundworks associated with the rehabilitation of the groynes. These may be a source of potential ground contamination depending on the nature of the material used but it is not considered likely. During construction, if gross contamination is found, the applicant should liaise with the Water Authority. The Proposed Development is not likely to generate ground contamination during construction or operation. Therefore, there are no likely significant effects with respect to ground conditions as a result of the Proposed Development.

## Noise and Vibration

The surrounding noise environment is relatively quiet and there is likely to be low road traffic noise.

Revised plans show two sewage treatment works located within the site. The applicant has provided details on the type of treatment. Rotating Biological Contactors are proposed. These are driven by a direct coupled geared motor, and emit noise below 50 dB under normal operating conditions. The revised plans have also located the sewage treatment works away from the existing residential receptors.

Based on the revised plans, there are not considered to be significant effects.

## Socio-Economics

The land use in the area surrounding the site is predominately low density residential or in a natural state. The emerging National Tourism Plan (2018-2023)<sup>4</sup> supports growing tourism in the Eastern district, particularly providing a less congested, more diverse and more authentic 'Cayman' experience. The objectives for the Eastern district include:

- attracting more repeat visitors and younger demographic groups interested in cultural heritage and nature, generate employment and business development opportunities for eastern district residents;
- improving awareness of the East; and
- enhancing the visitor experience [in the East].

Goal 2.5 of the emerging National Tourism Plan is to facilitate and attract development of boutique hotels, vacation homes, and other non-traditional accommodation services in priority sustainable development areas including Bodden Town. The priority sustainable development areas have not been defined and Master Plans have not yet been created.

The Proposed Development may have minor adverse socio-economic effects by changing the community through the construction and operation of a hotel in a typically residential neighbourhood. The Proposed Development may have some minor beneficial socio-economic benefits to the area by providing local employment directly and through additional spending at other businesses in the Bodden Town/Beach Bay area, although the benefits have not been quantified at this time.

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<sup>4</sup> Department of Tourism. (2018). Cayman Islands National Tourism Plan (2018-2023).

## Transport

The site is located at the south of Beach Bay Road. There is a gazetted road, BP40, which is proposed to run east to west through the site to connect Pedro Castle Road with Manse Road. There is severe existing traffic congestion along Shamrock Road in the morning and evening peaks.

During construction, there will be an increase in vehicle journeys including cars and Heavy Duty Vehicles (HDVs) such as trucks. There may be some additional cyclist and pedestrian journeys from construction workers arriving at site. During operation, there will be additional vehicles relating to the operation of the hotel as well as the movements of guests.

The (localised) environmental effects associated with transport include severance, pedestrian and cyclist safety and amenity and accidents and hazards. There may be minor pedestrian and cyclist safety effects during construction, as the typically residential road will have a greater number of HDVs. The generation of traffic should be considered by the National Roads Authority and the Central Planning Authority.

## Cumulative Effects

There are no identified committed developments surrounding the site which may give rise to cumulative effects.

## Conclusions

The Proposed Development does not require an EIA. There will be significant adverse effects on sea turtles from building directly on the beach, where the villas, guest services area and pathway is located. The DoE met with the applicant to discuss the impacts on sea turtles, and the applicant revised the plans to relocate the path further up the beach, although it is still on the beach. The proposed beach villas remain unchanged and are still present on the beach and it is our strong recommendation that they are relocated off the beach. There are no other significant effects considered likely.

**After considering the Screening Opinion detailed above, the NCC is required to issue its decision to the originating entity on the requirement for an EIA, pursuant to Section 43 (1).**

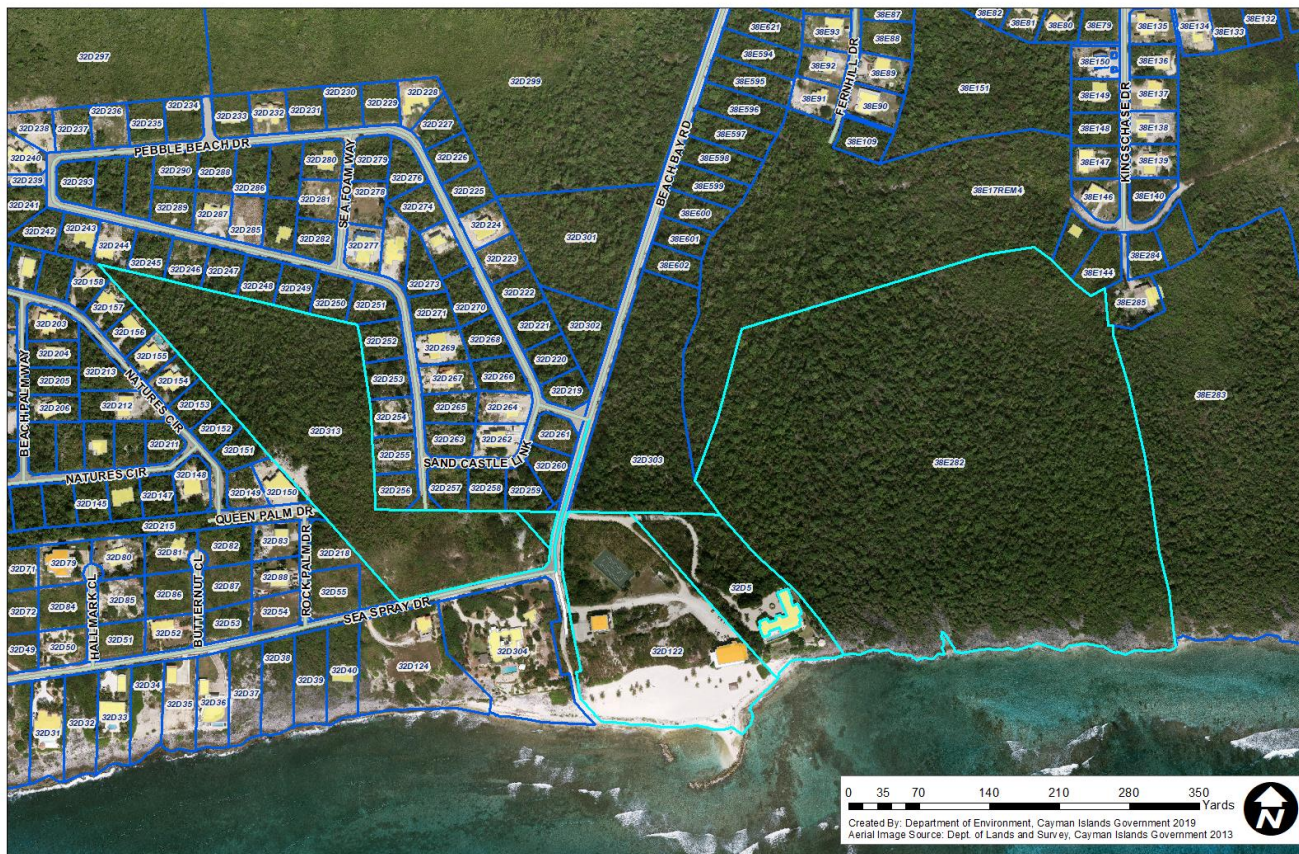


Figure 1. Site Location Plan

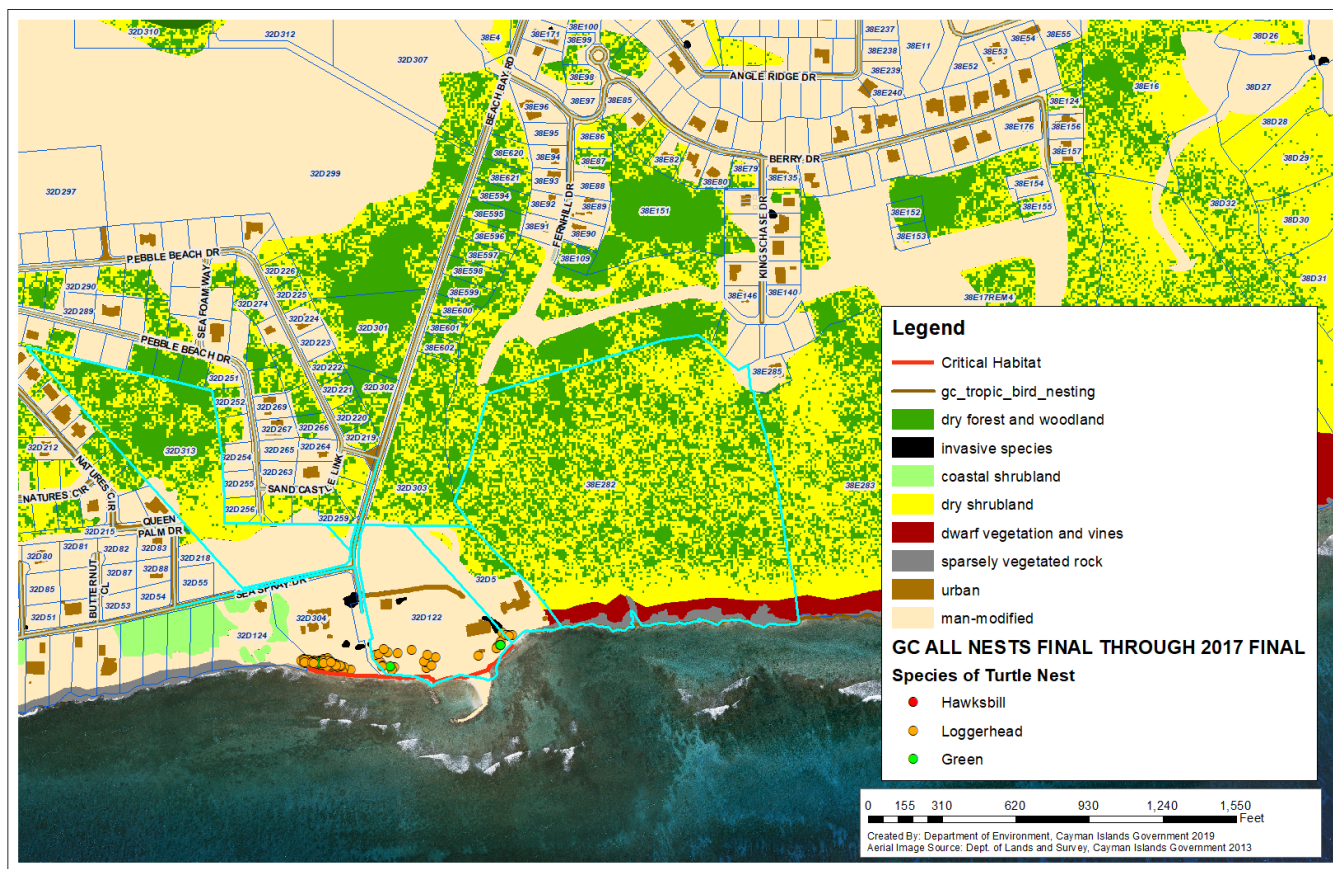


Figure 2. Environmental context plan

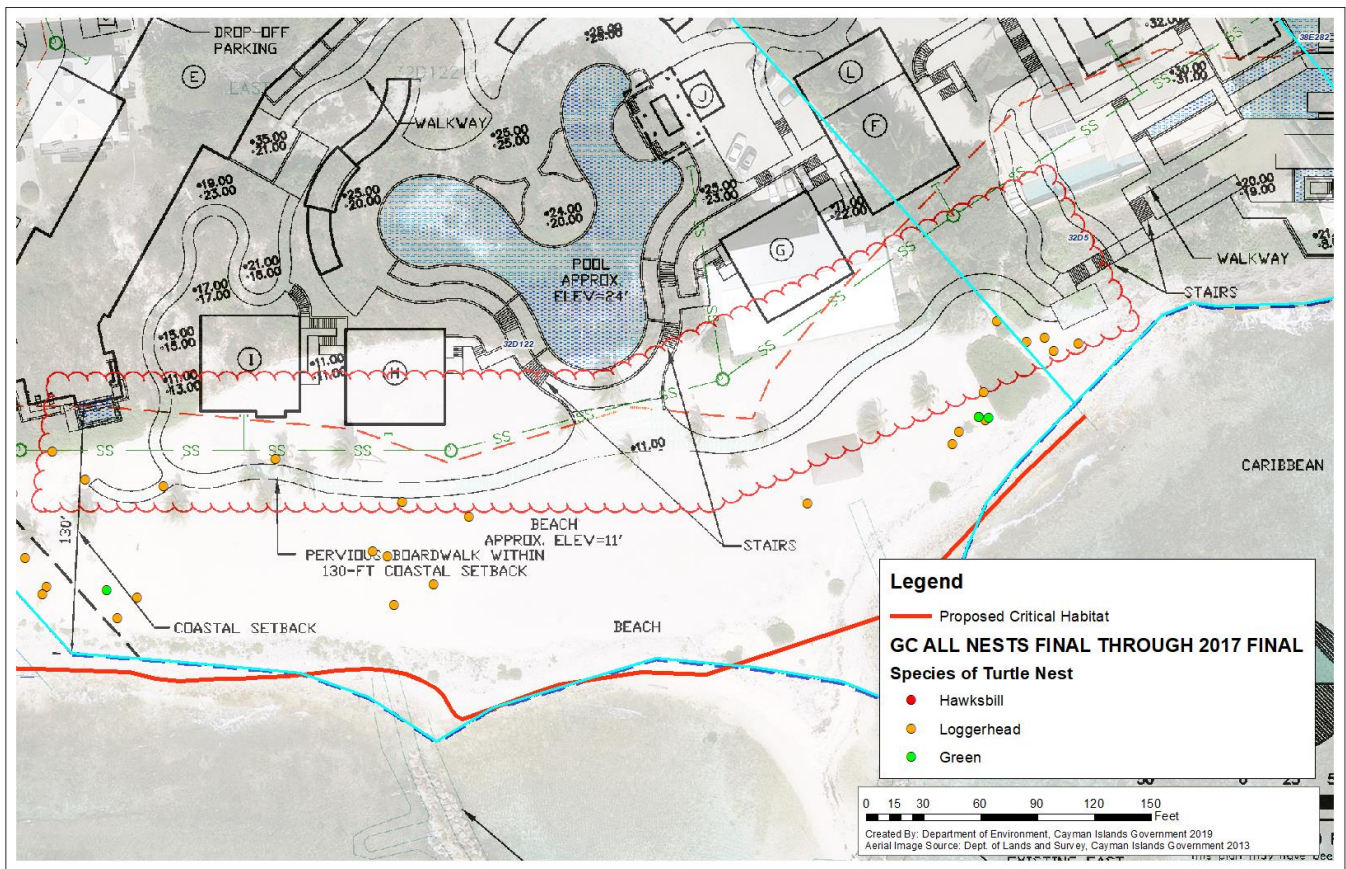


Figure 3. The Proposed Development overlain onto aerial photography, with recorded turtle nests shown. There are buildings and pathways located directly on the beach.

## WP-07 Change of Period for Nomination of Protected Areas

**PRELIMINARY****IT IS NOTED** that:-

- A) In the National Conservation Council Notice Of Methods For Nomination Of Areas For Protection, Gazetted in the Extraordinary Gazette No.47/2016, of Friday 17 June 2016, *“the National Conservation Council has set out the processes to nominate an area of land (or sea) for protection.*

*“1) That nominations of areas for protected status will only be received by the Council between 1st August and 31 October each calendar year.*

*a) Questions and requests for assistance may be made to the Department of Environment, DoE@gov.ky.*

*b) Nominations should be made to the National Conservation Council, ConservationCouncil@gov.ky.*

*c) Applications out of time will be accepted and held until the next application period.*

*“2) That nominations shall be in the form of a letter to the Council and shall contain at a minimum the information set out in section 9(1) of the Law:*

*a) a description of the area in sufficient detail to plot its boundaries on a map or chart;*

*b) a statement of the reasons why the area should be selected for protection having regard to the purposes and objectives in section 8(1) and the criteria in section 8(2) of the Law;*

*c) a description of any protected species or other species of special concern known to reside in or migrate through the area; and*

*d) any conservation problems known to be associated with the area and any special protective measures which may be required.”*

- B) That the time required to go from nomination to designation of a protected area may take more than a year due to the time taken to (i) agree a fair purchase price between the Government and the landowner(s), and for (ii) the full consideration by Cabinet of the nomination prior to deciding whether to accept the nomination or not.
- C) That this can result in public consultations on nominations, requests for new nominations, and Council’s public consideration of nominations at various stages of the process being chronologically close to each other which can lead to confusion regarding what nominations are at what stage of the process. And could contribute to the appearance that the Cayman Islands Government is not acting in good faith, requesting nominations for new protected areas before completing negotiations or decisions on pending nominations.

**MOTION/ DRAFT RESOLUTION**

- A) That the annual nomination period (1 Aug. – 31 Oct.) be removed.
- B) That nominations periods be no less than three calendar months.
- C) That nominations periods be publicly announced.
- D) That nominations periods be initiated by the Council at such times as seem to the Council to provide the clearest differentiation between nominations and public consultations and other activities relating to the designation of Protected Areas.
- E) That there be at least one nomination period announced every two years.
- F) That nominations outside of announced nomination periods will still be accepted and held until the next nomination period.

Proposer:

Seconder: