



National Conservation Council 2024 Year In Review Statement

Good afternoon Council Members and good afternoon to the listening and viewing public. As this is our last meeting of 2024 I would like to take a few minutes at the start of this meeting to look back at our work and accomplishments over the year.

Despite a number of challenges, the Council has managed to complete a variety of work items this year. However, in accordance with the National Conservation Act, many of these items still require Cabinet's final approval or consent.

I will start with the fact that, notwithstanding Cabinet's approval in 2021 and 2022 of the addition of a number of parcels of land to our protected areas and that although Protected Area Orders have been drafted for these parcels, as required under Section 7 of the NCA, these Orders have not yet been issued or Gazetted by Cabinet. The Cabinet-approved protected areas ensure sustainable public access to some of our environmentally and culturally notable areas such as Sand Key in South Sound, Tarpon Lake on Little Cayman, and Hemmington Forest in Cayman Brac. Some less accessible, but no less environmentally important, parcels in the Central Mangrove Wetland and



Salinas Reserve on Grand Cayman and the undeveloped eastern interior woodland of Little Cayman were also approved for protection. Protected Areas are a critically important strategy to aid us in addressing the double threat of biodiversity loss and climate change. As such, the parties to the international Convention on Biological Diversity (which includes the UK and by extension the Cayman Islands) in their most recent meeting at the end of last year agreed a target of protecting 30% of land by 2030. It is therefore extremely important that we are focussed and deliberate about establishing protected areas that include representative examples of the range of native habitats which exist on our islands for the benefit of future generations. Accordingly, we await Cabinet issuing the Protected Area Orders for these important parcels at their earliest opportunity.

In accordance with Section 17 of the Act, the NCC is also charged with formulating and adopting Conservation Plans for each protected species whose range includes the Islands. Section 17 sets out a comprehensive process to be followed before a Conservation Plan can be formally adopted, which includes public consultation and final approval by Cabinet. Today we will consider formal Council approval of the Conservation Plan for Cayman Sage which may be extinct in the wild but has been saved in cultivation. We expect this will join the Conservation Plans for wild sea turtles and seabirds,



and the proposal to enable the management of land crabs by listing them on Part II of the Protected Species Schedule under the NCA, all of which are pending Cabinet’s final consent. Management recommendations contained in the Conservation Plan for our native seabirds include measures to address predation of nesting adults and chicks by feral cats and other predators. Predator control activities on Booby nesting habitat on the Bluff on Cayman Brac, designed to protect nesting adults and fledging seabirds, have had very promising results with fledging success increasing from only 12.5% in 2021 to 77.8% in the 2023 nesting season when predator control activities commenced. The DoE continues to collaborate on this very important work with the Royal Society for the Protection of Birds and other international experts in this area by way of a UK-funded Darwin Grant. The Conservation Plans which the Council and the DoE have produced based on this work will help to ensure that these beautiful native animals and plants will be around for the benefit of future generations of Caymanians, and as a means for all Caymanians now and in the future to connect with their environment and the environment of their forefathers.

Under delegated authority from the NCC, this year the DoE provided recommendations and guidance on the potential environmental impacts associated with approximately 663 proposals and projects. This consultation



procedure which is outlined in Section 41 of the Act is the means by which government entities are required to consider the impacts of their decisions on our natural environment before those decisions are finalised, so that any recommended mitigation measures can be fully taken on board.

Additionally, the Environmental Assessment Board (EAB) which is a sub-committee of the NCC was involved in the management and review of 5 Environmental Impact Assessments, all related to major infrastructure projects being proposed either by private sector (Port Zeus) or public sector entities (the East West Arterial EIA and three airport projects being considered by the Cayman Islands Airports Authority -- one each for the Owen Roberts International Airport, Charles Kirkconnell International Airport and the Little Cayman Edward Bodden Airport). The Draft Environmental Statement which summarises the findings of the EIA for the proposed East-West Arterial project is scheduled to go out for public consultation in January 2025, followed by the required public consultation on the Draft Terms of Reference for the Little Cayman airport in February.

Unfortunately, there is still a narrative being pushed by some that provisions in the NCA are slowing down economic development and causing an imbalance between conservation and development. Those who promote this



narrative have concluded (erroneously from our perspective) that amendments to the NCA which seek to redress this perceived imbalance are urgently required. However, as the Council has repeatedly pointed out, the facts simply do not support this narrative.

In addition to the rate and scale of physical development taking place in the country which is blindingly obvious to all residents, in the month of October alone the DoE, under delegated authority of the Council, processed 84 Planning Applications from the CPA for review under section 7 of the Development and Planning Act, with most of the applications being reviewed within the agreed timeline and only a few requiring consultation with the applicants to clarify questions. One application was recommended for refusal on the basis that it does not meet coastal setbacks, and is adjacent to a Marine Protected Area and turtle nesting beach. Three applications were recommended for refusal based on administrative matters as they were over Crown property and thus required a Coastal Works Permit rather than planning permission. There were no directed refusals, and conditions of approval were directed in four instances. Recently, we have seen an increasing number of applications submitted for review because the CPA have issued a directive to the Planning Department to circulate **all** planning applications to the DoE under Section 7 of the Development and Planning



Act, regardless of their significance. We continue to encourage the CPA to utilise the Council's Guidance Notes to assist them with identifying which of their applications would likely cause adverse environmental effects, and therefore require a review under Section 41 of the National Conservation Act. By following the NCC's Guidance Notes, the CPA can reduce the unnecessary delay for their clients and increase the fairness and consistency between applications.

The false narrative that the National Conservation Council and the National Conservation Act would somehow restrict development was a prevalent feature of long-standing objections to the NCA raised by certain vested interests before it was passed into law. Unfortunately, those objections have been kept alive throughout the now almost 11 years of the NCA's implementation, along with continued scaremongering that having protected species present on one's land will somehow result in automatic refusal of all development. As we have seen, even if there is an endangered iguana on the land, permission can still be, and has been, issued for its development. The Act and the Council promote informed decision-making and sustainable development that requires environmental concerns to be considered by decision-makers, just as they would be expected to consider social and economic issues. However, this approach does expect all parties to



participate in a process of informed decision-making. For example, before engaging in major private or public sector projects, decision-makers must actively seek to understand all the benefits as well as all the costs of each proposal and they ought not to only rely on the anticipated benefits put forward by the proponents.

The NCA Section 41 reviews are a good example of how and why the Council is able to function more efficiently through its unique hybrid structure, with technical and scientific expertise being provided by three government departments as well as by appointed Council members. It is our understanding that the proposed amendments to the NCA include removing the current requirement in the NCA for 4 of the 8 Cabinet-appointed members of the NCC to have relevant scientific or technical expertise. Our view is that such an amendment would place the Council in an untenable position with respect to being able to carry out its duties and fulfil its legal mandate to promote nature conservation in Cayman; preserving native species and healthy natural habitats for the future benefit of all citizens of the Cayman Islands.

Unfortunately, this hybrid structure seems to engender a degree of public confusion, such as the recent statement by an elected official that the Council



is chaired by the Director of the Department of Environment, despite the Council's General Meetings, such as this one, having been open to the public and publicly broadcast since 2014 when the Council commenced its work. Section 2 of Schedule 2 to the Act requires that Cabinet appoint the Chairman of the Council and 8 of the Council's 13 members. No Civil Servant has ever functioned as Chair. In fact, if for some reason Cabinet wished to remove the four *ex officio* members of the Council (i.e., those Civil Servants appointed by virtue of their posts) as voting members, this can be achieved by Order of Cabinet under section 3(8) of the Act with no amendment to the Act being required. It would however be very unfortunate if the various technical agencies involved in the Council were separated from the Council as it would simply introduce increased consultative delays and bureaucracy which the Council was deliberately crafted to avoid. With all of this in mind, it is this Council's strong belief that no amendments to the National Conservation Act are needed or warranted at this time as the relevant provisions of the Act simply ensure that all government entities function in a manner which is designed to promote the long-term sustainability of our natural environment and resources, while making decisions in relation to national development projects and plans. However, should the government decide to move forward with the amendment Bill, the Council strongly recommends that every effort



is made to ensure that robust public consultation takes place on the proposed amendments.

It is also expected that at this time, major undertakings and decisions which will shape our Country for decades to come will be made with climate change in mind. There is no question that climate change is occurring and we are beginning to see the predicted impacts of more weather-related disasters in the Caribbean and around the world on a, sadly, more frequent basis. Globally, coral reef ecosystems are under severe threat from man-made impacts such as pollution as well as from the devastating impacts of warming and more acidic oceans. Despite the high level of protections offered by our world class marine protected areas, Cayman's coral reefs have not escaped. This year the DoE has reported significant declines in live coral cover around the three Cayman Islands associated with the global coral bleaching event which took place last year and this has been independently verified for the reefs on our Sister Islands by studies carried out by other organisations like the Central Caribbean Marine Institute. Aided by the generous donation from the Fosters Group of a coral spawning laboratory facility, the DoE has already begun to investigate whether there are any coral restoration strategies that might assist our coral reefs to cope while the countries of the world decide whether or not to increase their ambitions in relation to curbing Green House



Gas emissions and arresting the progress of the predicted impacts of climate change. We were therefore heartened by the Government's promotion and adoption of the National Climate Change Policy earlier this year and Council will continue to support all Government agencies in applying climate change considerations in national decision-making now and in the future. This will require Cayman learning from our past and planning for a more resilient and sustainable future for our natural and built environment. We hope that we will see this play out in solutions to challenges such as coastal setback increases combined in areas such as Seven Mile Beach with changes to the Planning legislation dictating how coastal setbacks are measured. Unfortunately, due to a combination of climate change impacts and poor decision-making in the past which approved development too close to the active beach (especially structures such as sea walls and pools), as well as irresponsible management of sand resources during construction and after storms, it is also evident that we must now consider beach nourishment as a short term solution in economically important areas such as the southern end of Seven Mile Beach.

Finally, today Council will consider a number of initiatives where public input and review was invited. In 2025 public consultations mandated by the Act will continue. We therefore appeal to you, the general public, to help us help you



to promote the long term sustainability of our islands and to protect our vulnerable species and habitats by continuing to actively engage in these consultation processes. We look forward to hearing you make your voices heard on all of the important conservation issues that affect your future and the future of our beloved country.