National Conservation Council
General Meeting

(GIS/Zoom, 6 December 2023, 2pm)

MINUTES

1. Call to Order
   a. A quorum being present the meeting was called to order at 2pm.
      i. Apologies: Lisa Hurlston-McKenzie, attending the Climate Change COP global meeting; Brian Crichlow (DoA Director) due to a meeting conflict.
   b. No interests were declared.

2. Minutes of Last Meeting (23 August 2023)
   a. The minutes were reviewed and accepted.
   b. Moved by Gina Ebanks-Petrie, seconded by Patricia Bradley, accepted without objection.
   c. No matters were raised from the previous meeting.

3. Reports
   a. Climate Change: Council noted the report presented.
   b. Environmental Assessment Boards (EABs)
      i. East-West Arterial EIA
         1. Assessments are ongoing and EAB is reviewing draft EIA chapters as they come available. There is a delay due to the Hydrologic and Hydraulic (H&H) Study – commissioned by the NRA outside of the EIA process – which is still not concluded despite NRA reporting in February that it was 90% completed. The EIA consultants, and NRA road designers, are awaiting the H&H Study which would be required regardless of the EIA. But the EAB side of the EIA is on time and on target.
      ii. ISWMS (Integrated Solid Waste Management System; ReGen) EIA
         1. Close to finalising the Environmental Statement (ES). Awaiting updated hydrology study report, which had to be updated with revised modelling but is expected to be finalised shortly.
      iii. Airports EIAs
         1. Little Cayman and Cayman Brac scoping has been completed by the EAB and delivered to the proponents. Grand Cayman scoping is going to the proponents now.

iv. Krock Quarry EIA
    1. Scoping opinion issued by EAB, Krock now identifying possible consultants based on the proposed scope of work.
v. Port Zeus Marina EIA
    1. Draft Terms of Reference (TORs) from the consultant were reviewed and are being revised based on EAB comments.

4. New Matters

a. Fish Pot 2 Pot Limit
    i. DoE presented the background information provided and the proposed changes to better operationalise the historic practice (since the time of the Marine Conservation Board) of limiting fish pots to two pots per licence holder (previously per household).
    ii. Council Decision
        1. That the proposed update to the National Conservation Council (Licence and Permit) Directives be accepted.
        2. That the proposed update to the National Conservation Council (Licence and Permit) Directives be enacted and promulgated.
            a. Mover: Lucille Seymour
            b. Seconder: Steve Broadbelt
            c. For: 7
            d. Abstain: 0
            e. Against: 0

b. CBRAC Conservation Agreement
    i. DoE presented the background information provided on the proposed MOU between CBRAC (Coast to Bluff Recreational Access and Conservation) and the Council which would support CBRAC's application for a duty waiver on the purchase of two parcels of land they are purchasing for the purposes of making conservation areas (entering into a conservation agreement on).
    ii. Council Discussion
        1. Noted that CBRAC are a registered NGO.
    iii. Council Decision
        1. That the Council appreciates CBRAC's intention to purchase land and enter into a Conservation Agreement for that land under the National Conservation Act;
        2. That on that basis the Council supports their application for waiver of stamp duty;
        3. That the Council adopts the proposed MOU as the appropriate means to support CBRAC in their request for a duty waiver and future conservation agreement;
        4. That the Council authorises the Chairman to sign the MOU on the Council's behalf.
            a. Mover: Lucille Seymour
            b. Seconder: Patricia Bradley

c. For: 6
d. Abstain: Richard Mileham
e. Against: 0

c. Section 41 Guidance Notes
    i. DoE presented the background information on the need for the updated Guidance Notes and the limited process changes proposed, noting the change in layout and addition of supporting content within the Guidance Notes.
    ii. These updated Guidance Notes make no changes to the triggers for consultation under section 41 of the National Conservation Act, a legal requirement of all entities as confirmed by the recent Judicial Review. During the Judicial Review the lawyers for the parties, and the Court, agreed that the process needed to allow for a clear separation of the section 41(3) and 41(4) consultations, as initiated by the originating entities and taking into account the Guidance Notes which section 41(2) of the Act stipulates shall be issued to guide entities on their duty to consult under the National Conservation Act. The revised Guidance Notes now do so and any entity which has questions is encouraged to reach out to the DoE to discuss how these Guidance Notes can most efficiently be implemented, if they wish to change the consultation process they have heretofore been using.
    iii. The Guidance Notes are being updated after the outcome of the Judicial Review so that the DoE (acting on delegated authority of the Council) does not accidentally pre-empt applicant's prerogative for a s41(3) and then a s41(4) consultation, if the applicant so wishes.
    iv. Section 41 of the National Conservation Act, of which the Guidance Notes form an intrinsic component, allow the Cayman Islands to fulfil the national conservation goals and commitments set out in the Country's Constitution.
    v. There is no change in the extent or remit of the Guidance Notes, merely a change in process.
    vi. Council Decision
        1. To adopt the updated Guidance Notes;
        2. That the DoE, on Council's behalf, promulgate the Guidance Notes, and discuss the section 41 process with any entities who wish additional consultation on the legally required application of that section of the Act.
            a. Mover: Gina Ebanks-Petrie
            b. Seconder: Ian Kirkham
            c. For: 6
            d. Abstain: Gina Ebanks-Petrie, Richard Mileham
            e. Against: 0

d. Renewal of Old Spear Gun Licences
    i. DoE presented the background information provided and the proposed motion.
    ii. Council had previously approved the renewal of spear gun licences valid from 12 Sept 2014 onwards. (The date when the relevant section of the National Conservation Act came into force and so the earliest date from which Council could issue or renew licences.) Due to an error the DoE had been renewing licences valid only after September 2015. DoE asked the Council to reconfirm that licences last valid between 12 Sept 2014 and 30 Sept 2015 could still be renewed. DoE would contact the few dozen persons this affected to see if any

wished to renew their spear gun licences (if they met the normal licence conditions).

iii. Council Discussion
    1. Council noted the desire of spear fishers to continue their practice of spear fishing.

iv. Council Decision
    1. That the proposed resumption of relicensing spear guns last renewed between 12 Sept 2014 and 30 Sept 2015 be accepted.
    2. Mover: Lucille Seymour
    3. Seconder: Ian Kirkham
    4. For: 6
    5. Abstain: Gina Ebanks-Petrie, Tim Austin
    6. Against: 0

e. Seabirds Species Conservation Plan & Consultation Report

i. DoE presented (and Council noted the background information on) the draft Seabird Conservation Plan and the Consultation Report thereon (including all feedback received).

ii. 6 species of colonial nesting seabirds are covered in the proposal for efficiency, as they face similar conservation challenges. The plan covers threats from alien species, habitat loss and disturbance, trying as best as possible to balance the interests of landowners and users with the needs of the birds.

iii. Council Discussion
    1. Confirmed that the Cay names are right in the Plan. (Vidal Cay in Barkers and Sand Cay in South Sound. The presentation had a mistake with the names.)
    2. Council noted the heritage importance of particularly the Brown Booby on the Brac and the need to preserve them not just biologically but for their cultural importance to the Cayman Brac community.
    3. Council considered whether pelicans should be included in the seabird conservation plan (draft). However they are not currently migrating to Cayman in significant numbers nor presently locally breeding in colonies and so were not included in the current colonial nesting seabird conservation plan.

iv. Council Decision
    1. That the updated draft Plan, and Consultation Report, are accepted.
    2. That in keeping with section 17(6) of the Act
        a. the updated draft Plan, and Consultation Report, are submitted “to the Ministry for the approval of the Cabinet”;
        b. the draft Plan shall be adopted and come into force sixty days from the date of submission to the Ministry, if within that period of sixty days from the date of submission the Council does not receive written notice from the Cabinet setting out reasons why the plan as submitted should not be adopted.
    3. Council Decision
        a. Mover: Patricia Bradley
        b. Seconder: Ian Kirkham
        c. For: 5

d. Abstain: Gina Ebanks-Petrie, Richard Mileham
e. Against: 0

5. Next Meeting
   a. Council noted the proposed dates for the 2024 General Meetings of 27 March, 19 June, 11 September, 4 December. These are all Wednesdays and the meetings will begin at 2pm and be broadcast live on the DoE YouTube channel.

6. Any Other Business
   a. Dec 13th is the 10 year anniversary of the National Conservation Act being passed [unanimously] in Parliament. And Council can be proud of what they have accomplished so far.

7. Adjournment
   a. There being no other business the meeting adjourned at 14:56

8. Attendance Appendix

Council Member	**6 December 2023**	**Representation**
Stuart Mailer	Present	Chairman; Sustainable Development
Lisa Hurlston-McKenzie	Apologies (COP)	West Bay and Sustainable Development and Climate Change
Pierre Foster	Absent	Bodden Town
Ian Kirkham	Present	North Side; Terrestrial Ecology
Lucille Seymour, MBE	Present	George Town
Steve Broadbelt	Present	East End; Marine Affairs
Harrison Bothwell	Absent	Sister Islands
Patricia Bradley	Present	Avifauna
Frank Roulstone	Present	National Trust
Brian Crichlow	Apologies	Director of Agriculture
Haroon Pandohie	-	Director of Planning
Richard Mileham	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