# National Conservation Council

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

# 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 (5ciii 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 15th.)
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 *Agalinis 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 *Agalinis 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 *Agalinis 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 *Agalinis 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. [Patricia Bradley seconded the plan. It was passed unanimously (Gina Ebanks-Petrie abstained).

6. The next General Meeting of the National Conservation Council is currently scheduled for Wednesday September 11th, in GAB 1038, at 2pm.

7. There being no other business the meeting adjourned at 3:32pm.

8. Attendance Appendix

| **Council Member** | **19 June 2019** | **Representation** |
|---|---|---|
| McFarlane Conolly | Present | Chairperson;<br>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 |

Minutes approved at General Meeting of 11 September 2019.

| Chair: McFarlane Conolly | Secretary: John Bothwell |
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| | |
| Date: 13-11-2019 | Date: 25-11-2019 |