National Conservation Council

Minutes of the Special General Meeting held at
National Trust Meeting Room – Dart Park on Wednesday 3rd May 3:30pm- 5pm

1. Call to Order

Notice having been duly given the meeting was called to order at 3:48 pm. A quorum was present (see Attendance Appendix, below) and no interests were declared.

In the absence of the Secretary the minutes were kept by Christina Pineda.

2. Confirmation of Minutes

Although draft minutes of the meeting held on 22 March 2017 had been circulated the final draft was not available for the meeting due to unforseen circumstances.

3. Suspension of standing orders

As the meeting had been called as a special general meeting no matters arising were taken. Chair also made a motion to waive the usual procedural requirment of three day notice for circulation of documents, particularly as one of the documents could only be completed on the expiry of the Terrestrial Protected Areas Nominations public consultation on 2 May. The motion was seconded by McFarlane Conolly and approved unanimously.

4. New Matters

Screening Opinions – Environmental Impact Assessment

The Council considered two screening opinions which had been prepared by DoE as a result of section 41 consultations from government entities that triggered application of the Environmental Impact Assessment Guidance Note. A motion to introduce the screening opinions was made by Christine Rose-Smyth and seconded by Patricia Bradley.

Ministry PLAHI (as originating entity) – Spice Drive extension (WP-03)

Director Department of Environment noted that the proposal was for a 40 ft extension of the end of a road to grant access to Parcel 44B 287 (2.83 acres owned by a company named Megellan Ltd.). The DoE recommendation was that since there appeared to be no significant environmental impacts on the mostly man-modified area it should not require an EIA. However the advice to Min PLAHI should state that any future proposals for clearing or development on parcel 44B 287 should be the subject of a separate consultation.

IT WAS RESOLVED that the Spice Drive extension Screening Opinion be accepted, and the advice to Ministry PLAHI in relation to future proposals be approved.

Ministry PLAHI (originating entity) – Proposed Spine Road, Little Cayman (WP-04)

The proposal was for a 30ft wide road corridor running in an east-west direction in the centre of Little Cayman along the bundaries of a number of parcels. The corridor was intended to run approximately 0.54 of a mile from gazetted PB558. It was noted that this particular section was a part of a larger proposal that had been the subject of a DoE review in August 2015. The proposal would impact approximately 200 acres of primary habitat (a mixture of dry shrubland, wetlands and forest). Part 1 and 2 species that commonly occur in these areas would be affected by fragmentation caused by this road and changes to hydrology. Additionally the source of aggregate needed to fill the area was unknown

In response to questions the Director said that typically roads were built by Public Works under the auspices of District Administration in the Sister Islands. It was reported that this road is supported by District Administration. It was reported that the DoE understands the primary reason of providing access to land, however in the absence of a development plan the overarching principal of allowing roads to be gazetted and constructed without any analysis and national plan in place for development and infrastructure in the Sister Islands. The existing gazetted road into the area had not yet been started.

The Chair noted that it would be consistent with in the Council's previous decisions on road infrastructure representing significant potential impact to support recommendations such as this.

On a motion made by Christine Rose-Smyth and seconded by Wallace Platts **IT WAS RESOLVED THAT** the screening opinion be accepted, that an environmental impact assessment be conducted prior to any decision to proceed with gazetting such a road corridor be approved and to recommend to Min PLAHI and District Administration that there be no gazetting, and no works of any kind should be permitted to occur, in relation to the proposed road until an EIA has been undertaken. **IT WAS FURTHER RESOLVED THAT** the relevant authorities be advised that no clearing of BP 558 be permitted without prior consultation with the Council.

Terrestrial Protected Area nominations (WP-06)

The 90 day public consultation period for the proposed protected areas had closed on 2 May. Fred Burton took the Council through the report and noted the following:

- 6 nominations for Grand Cayman and 6 for Little Cayman (Cayman Brac will be nominated in future).
- Neighbouring land owners had been notified by registered mail.
- For the first time DoE had used digital media to engage public via a Survey Monkey online form, through which the majority of feedback from the public was submitted. 10 paperr forms had also been submitted.
- Digital survey helped in many ways but had certain drawbacks. It was reasonably unbiased especially as notice was sent to all neighbouring land owners who all commented on the proposals.
- Comments from anonymous respondents have been excluded from the final statistics as there was strong reason to suspect an attempt as manipulation of the results in relation to one of the nominations.

- There were 193 unique responses out of 220 total received. Fixed fields in the survey required people to input names and most did but some concealed their identities. 50% of respondents identified themselves as registered voters.
- Highest level of interest was the Barkers area followed by Salt Creek Mangroves. 97% of responses were in support of protecting environmentally sensitive areas. The balance of responses were unsupportive or neutral. Comments from unsupportive members of the public/adjacent landowners centered on not being comfortable supporting the proposals without having sight of the Management Plan for the areas.
- Salt Creek Mangroves received a disproprortionalty high number of anonymous responses; nevertheless 78% of responses were in favour. It was also noted that this is the only Crown parcel available in the West Bay peninsula south of Barkers.
- Little Cayman Crown East Interior: One of the statutory registered mail notices was incorrectly addressed to an adjacent land owner and therefore that nomination would have to be re-advertised.
- Three privately owned areas (Lower Valley (part of 32D297), Barkers (16A18) and Booby Pond West (80A15) had been included in this round of nominations and the owners have indicated agreement in principle to sell. The financial costs associated with these parcels had been estimated to have an indicative market value of CI$892,500 by the Lands and Survey Department, the purchases to be made out of the Environmental Protection Fund.

On a motion made by Christine Rose-Smyth and seconded by Wallace Platts **IT WAS RESOVED THAT**:

- the the report of the public consultation on the first twelve nominations for terrestrial protected areas be approved;
- the nominations for the eleven completed proposals (i.e. other than Little Cayman Crown East Interior) be submitted to Cabinet together with the report and copies of all representations received in response to the public consultation;
- the Council recommend to Cabinet that it, by order pursuant to section 7 of the NCL, designate the eleven nominations as protected areas, where necessary subject to the purchase of the three aforementioned private properties and any subdivision or reparcelation where the nomination is not of the full parcel, such designation of privately owned lands to be effective on the date upon which they are transferred to the Crown;
- the Council recommend to the Min PLAHI that the indicative value of CI$892,500 be used as the basis of the negotiations for the purchase of the three private properties, subject to finalised prices being agreed among the parties and the Council.

Wallace Platts expressed confidence that land for protected status on Cayman Brac would be included in the next round of nominations. Davy Ebanks requested that Little Cayman Crown East Interior be re advertised as soon as possible and that DoE investigate the IP addresses of the non-unique respondents to the survey.

5. **Adjournment.** There being no other business, the meeting adjourned at 5:20pm.

6. Attendance Appendix

Council Member	**03 May 2017**	**Representation**
Christine Rose-Smyth	present	Chairperson; Bodden Town, Plants, Terrestrial & Marine Biodiversity
Davy Ebanks	present	West Bay and Marine Conservation
Lisa Hurlston-McKenzie	present	George Town and Sustainable Development & Climate Change
McFarlane Conolly	present	East End and Sustainable Development
		North Side
Wallace Platts	present	Sister Islands and Terrestrial Biodiversity
Christina Pineda	present	National Trust for the Cayman Islands
Patricia Bradley	present	Avifauna& Biodiversity
Fred Burton	present	Terrestrial Biodiversity
Adrian Estwick	absent	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	apologies	Secretary

Chair: Christine Rose-Smyth	Secretary:
	CHRISTINA PINEDA.
Date: 2017 Aug 17	Date: 17 AUG 2017.

National Conservation Council

Special General Meeting
(**National Trust Meeting Room – Dart Park, Wednesday 3rd May 3:30pm- 5pm**)

AGENDA

1. Call to Order
   a. Attendees, Apologies, Quorum
   b. Declaration of Interests

2. Confirmation of Minutes of <Last Meeting> - no Minutes available due to illness of Secretary.

3. Matters arising from previous meetings

4. New Matters
   a. Screening Opinions:
      i. Ministry PLAHI – Spice Drive extension (**WP-03**); and
      ii. Ministry PLAHI – Proposed Spine Road, Little Cayman (**WP-04**)
   b. DoE Report on results of public consultation for Terrestrial Protected Area nominations (**WP-06** - as consultations close on May 2nd the report will not be available until the meeting).
   c. Request from MRCU/Oxitec to import additional eggs for release in permitted area.

5. Any Other Business

6. Adjournment

DEPT. OF ENVIRONMENT

Cayman Islands

19 April 2017

Screening Opinion for Proposed Extension to Spice Drive, Bodden Town

Originating Entity - Ministry of PLAHI

Prepared by the Department of Environment for the National Conservation Council

The ***National Conservation Council's (NCC) Directive for Environmental Impact Assessments (EIA)*** issued under section 3(12)(j) and which has effect under section 43(2)(c) of the National Conservation Law (NCL), notes that all activities listed in Schedule 1 will be considered against the screening criteria outlined in sections 1 to 3 of Schedule 1 of the Directive to determine whether an EIA may be required. These screening criteria are: the type and characteristics of development, the location of the development, and the characteristics of the potential impacts.

The **proposed project** is for a 40-ft extension to Spice Drive, an existing public road in Bodden Town. The proposed road extends from the current terminus in a north-westerly direction, in effect granting access to Block 44B Parcel 287 by traversing Parcels 343 and 351 (see Figure 1).

Having considered the proposal detailed in the email from the Ministry of PLAHI (dated 11 April 2017) against the screening criteria outlined above, the Department of Environment (DoE) is of the opinion that **the proposed road extension does not require an EIA** based on the following factors:

1. While the proposal clearly falls within Section 5(ii) of Schedule 1 of the EIA Directive, i.e. *Transportation infrastructure, including planning or construction of new roads, and of road extensions*, the scale of impact and environmental resources affected by the proposal are not such that they would warrant an EIA simply for this portion of road works.
2. The project lengthens an existing 30-ft wide public road located in Medium Density zoning and is confined to a footprint of approximately 1,200 sf. The subject parcels being traversed are man-modified with each containing single family homes and associated landscaping. Greater ecological value lies in the landlocked parcel 287, consisting of mixed primary dry shrubland and dry forest and woodland vegetation (see Figure 2). No indication has been given of the type or extent of future development on this parcel.

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 Boundary Plan No. 578

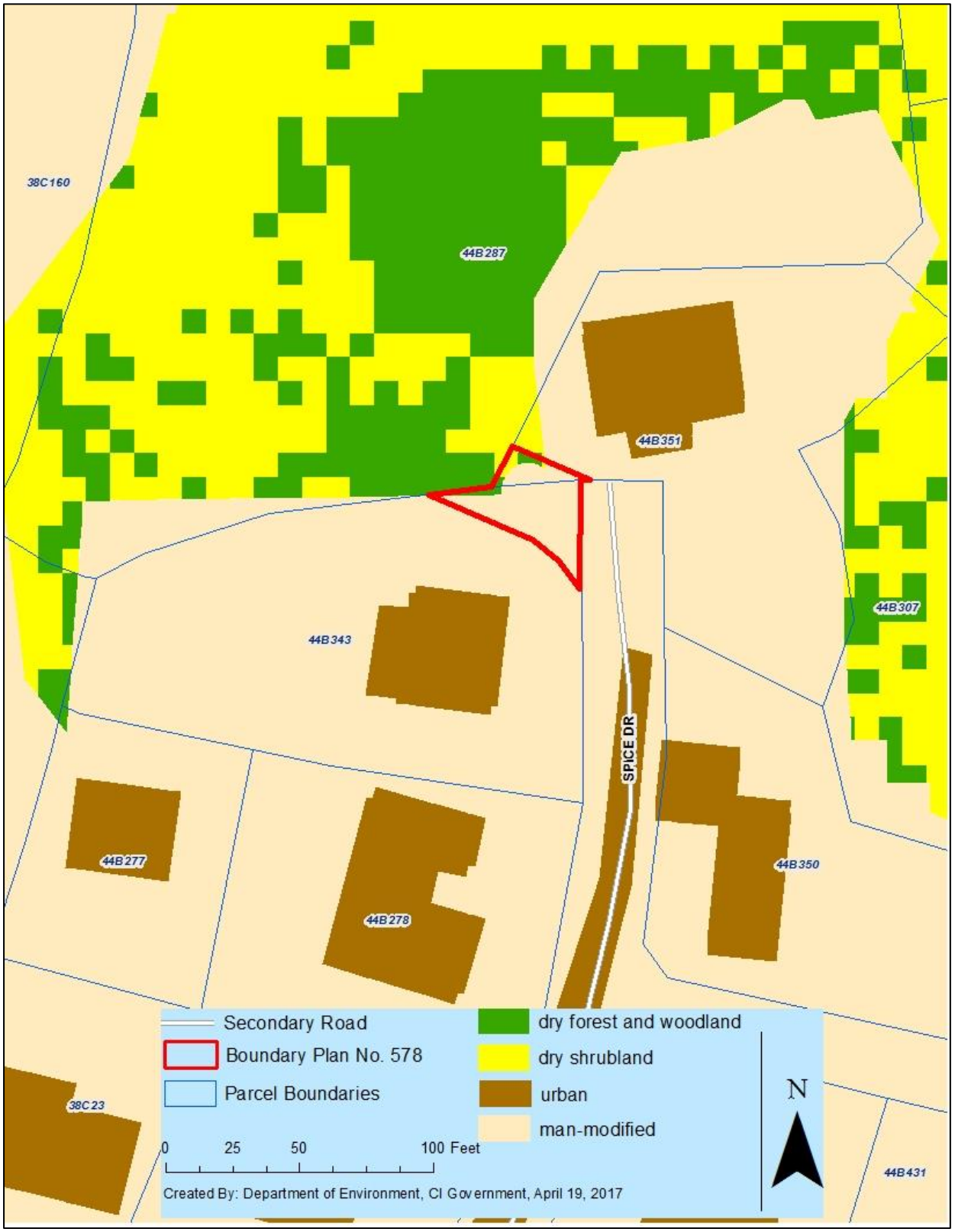

Figure 2 Proposed road extension proximity to primary habitat

Cayman Islands

24 April 2017

Screening Opinion for Proposed Spine Road, Little Cayman

Originating Entity - Ministry of PLAHI

Prepared by the Department of Environment for the National Conservation Council

The ***National Conservation Council's (NCC) Directive for Environmental Impact Assessments (EIA)*** issued under section 3(12)(j) and which has effect under section 43(2)(c) of the National Conservation Law (NCL), notes that all activities listed in Schedule 1 will be considered against the screening criteria outlined in sections 1 to 3 of Schedule 1 of the Directive to determine whether an EIA may be required. These screening criteria are: the type and characteristics of development, the location of the development and the characteristics of the potential impacts.

The **proposed project** is for a 30 ft wide public road proposed for gazettal under Section 3 of the Roads Law. The corridor would run approximately 2,872 ft (0.54 mile) west from gazetted road BP558 (June 2013) at Block 89A Parcel 8 REM 1 to the western boundary of Block 87A Parcel 19 - see Figure 1 below. A turning circle or hammerhead is intended at the terminus. The proposed road represents a portion of a larger previously proposed route, which extended westward from this terminus a further 5,534 ft (1 mile) to Block 88A Parcel 32, and was the subject of a Department of Environment (DoE) review in August 2015. The Ministry of PLAHI submits that "[t]he purpose of the road is to provide a potential means of access to several landlocked parcels. The proposal has the support of District Administration. Although the Roads Law makes no distinction between the 3 islands, the practical reality is that District Administration is responsible for public roads on the Sister Islands, not the NRA."

International best practice carried out in other jurisdictions requires that new road corridors be *firstly* informed by a strategic level overview – commonly known as a **Strategic Environmental Assessment (SEA)**. SEAs ensure the **integration of environmental considerations into the preparation and adoption of policies, plans and programmes** and enable consultation on the potential effects with a wide range of stakeholders in order to inform the decision-making process at a strategic level.

It is unclear from the materials provided by the Ministry of PLAHI (email dated 5 April 2017) what level of strategic assessment has been undertaken for the proposed road to ensure that the proposed road represents the least environmentally damaging alternative for meeting the stated purpose of the road. Additionally, it is unlikely that the proposed road corridor has been evaluated against a **formal development plan or strategy** as one does not exist for Little Cayman despite past strategic planning efforts. The arbitrary selection of a road corridor without an SEA or any form of

strategic consideration against a long-term development strategy is not an approach supported by the DoE.

Having considered the proposal against the screening criteria outlined in the EIA Directive, the DoE is of the opinion that **the proposed road requires an EIA** to inform the review process **prior to consideration of its gazettal** predominantly based on the following factors:

1. **Screening Criteria:** The proposal falls within Section 5(ii) of Schedule 1 of the EIA Directive, i.e. *Transportation infrastructure, including planning or construction of new roads, and of road extensions.* The activity triggers other screening criteria, in particular:
    a. The characteristics of the development in terms of the use of natural resources and cumulative effects of incremental development after gazettal (screening criteria 1);
    b. The location of development within pristine primary habitat (screening criteria 2(c)(i) and (iii)); and
    c. The extent of impact in terms of geographical area affected (7 parcels totalling 218 acres either side of the road), the magnitude of change and probability of the long-term impact having both sub-national and national implications, and likely irreversibility of impact from future development (screening criteria 3(a)-(d)).

2. **Environmental Sensitivity:** The proposed roadway will traverse areas of high ecological and biodiversity value within the central dry shrubland habitat which supports numerous critically endangered **NCL Part 1 listed Sister Islands endemic plant species** such as *Encyclia kingsii* (Banana Orchid) and *Banara caymanensis,* and **Little Cayman endemics** such as the *Dendropemon caymanensis,* as well as Part 2 listed plant species such as *Turnera triglandulosa*. The western portion of the road (at block 87A parcel 19) also bisects seasonally flooded mangrove shrubland – see Figure 2 below. The transitional vegetation will become fragmented and will likely be adversely affected by the presence of the road.

3. **Impact Evaluation:** The scope and characteristics of the potential significant effects of the proposed road scheme on these natural resources will require assessment of the direct, indirect and cumulative impacts including but not limited to:

    a. An assessment of the ecological functions and value of the specific natural resources that will be affected by the construction and use of the road. In particular an ecological assessment of the area is required to assess the presence of the protected species noted above and other critically endangered flora and fauna;

    b. An assessment of the impacts associated with changes to the hydrology and drainage patterns of wetland areas in particular as a result of the road construction;

    c. Detailed geotechnical investigations along the entire proposed road in order to identify any potential constraints on the proposed alignment and/or construction methodology, due to its current route through varied terrain including wetlands; and

    d. An assessment of the aggregate quantity required to construct the proposed road, including significant cost implications and impacts to off-site natural resources associated with the extraction and/or quarrying of material sourced on Little Cayman.

4. **Project Need:** The need for a public east-west interior road along this route does not appear to have been objectively evaluated nor adequately demonstrated. No rationale has been provided for the revised proposal which, although reduced in scale from the originally

proposed corridor, still opens up over 200 acres of pristine primary habitat to potential development.

The DoE **does not support a decision to gazette** a major road corridor in the absence of a long-term development strategy for Little Cayman or an EIA for the proposed road. Gazetting of this major road without proper development control mechanisms is certain to transform land use on either side of the corridor leading to wider reaching development impacts affecting the character of the island. NCC should bear in mind that the local community holds very strong views regarding the long-term development vision for Little Cayman, with most residents desiring the island remain predominantly undeveloped with low-density residential and boutique tourism. An EIA would ensure that the proposed road project requires consultation with appropriate Government departments and agencies (e.g. National Roads Authority, District Administration, Department of Environment, Planning Department, Water Authority), landowners (direct beneficiaries of the road and adjacent interests) and the wider Little Cayman community. Additionally the EIA would determine if the proposed corridor is the most suitable option and, if so, what can be done to mitigate both on and off-site environmental impacts.

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 Proposed Spine Road, April 2017

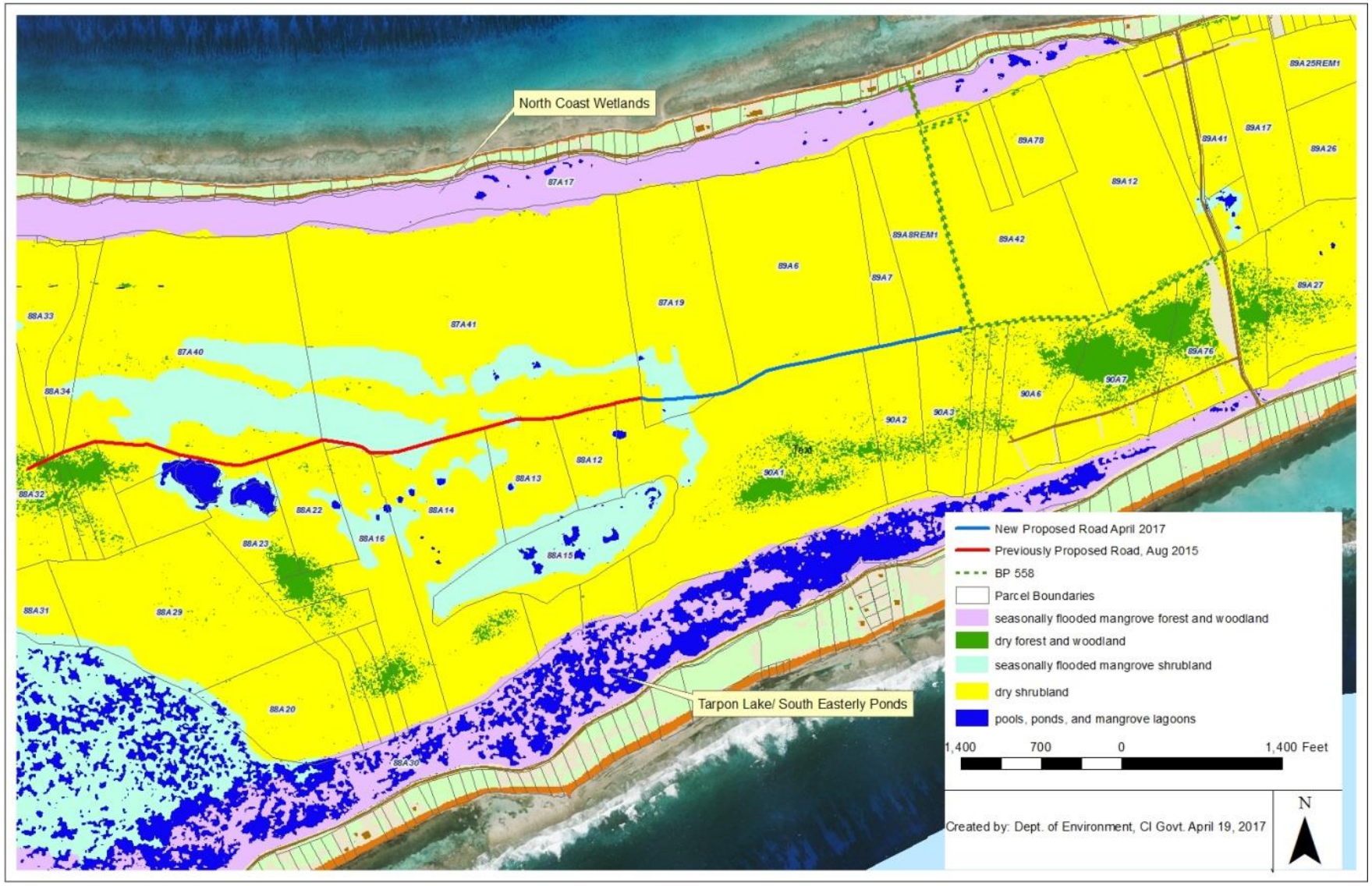

Figure 2 Habitat affected by proposal relative to previously proposed road