National Conservation Council

Promoting and securing biological diversity and the sustainable use of natural resources in the Cayman Islands

Annual Report 2018

The Cayman Brac East End Lighthouse National Park (proposed). Land for which was the subject of public consultation in 2018. Approval in principle, and approval of Environmental Protection Fund money for acquisition of approved land , in 2019 would ensure it remains a nature & cultural tourism asset as well as a recreational asset to residents of Cayman Brac, and will safeguard the remarkable biodiversity of this bluff-top community which is such an icon of the island. (Photo by Jonathan Schutte.)

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Executive Summary

The National Conservation Council exists to promote and secure the biological diversity of the Cayman Islands and ensure the sustainable use of Cayman's natural resources. It acts to protect and conserve endangered, threatened and endemic wildlife and their habitats. The Council oversees the protection of terrestrial, wetland and marine areas with the support of the current generation and for the benefit of future generations of the Cayman Islands.

In furtherance of the above goals, in 2018 the National Conservation Council oversaw the issuance of over 200 permits or licenses for activities under the National Conservation Law, as well as over 450 pieces of advice to various entities considering decisions or actions which may have had an adverse impact on native species and habitats. Also the public consultations on a draft species conservation plan for mangroves, as well as publicly nominated protected areas. Council endorsed feral cat control measures were put on hold by a judicial review, pending Department and Ministry of Agriculture actions to pass and implement prescribed poison regulations (completed) and appoint an Animal Welfare Advisory Committee (pending) review the programme. The Council continued to await resolution on the question of spear guns and the Council also continued to push for Cabinet direction on the enhanced Marine Parks System proposed by Council in March 2016.

At the conclusion of 2018, with the reappointment of a full slate of members, the National Conservation Council finds itself, and the country, relatively well placed to continue fostering a duty of care to the environment in 2019 and beyond.

The incidence of cat predation on Cayman Brac Brown Boobies (main picture) has increased as they have begun nesting on the beaches. Inset picture of cat tracks on beach sand nearby at time of discovery. Source DoE seabird survey, 2018.

Chapter 1 Cayman Islands National Conservation Council

1.1 Purpose

The National Conservation Council (the Council, NCC) is established by, and to facilitate the goals of, the National Conservation Law 2013 (the Law, NCL), that is: to promote and secure biological diversity and the sustainable use of natural resources in the Cayman Islands; to protect and conserve endangered, threatened and endemic wildlife and their habitats; to provide for protected terrestrial, wetland and marine areas; and to give effect to the provisions of certain international conventions (the Protocol Concerning Specially Protected Areas and Wildlife to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean region, the Convention on Wetlands of International Importance (especially as waterfowl habitat), the Convention on the Conservation of Migratory Species of Wild Animals, the Global Convention on Biological Diversity and the United Nations Framework Convention on Climate Change).

1.2 Statutory Functions

The functions of the NCC are set out in Part 2, section 3 of the Law, in particular in subsection (9):

(a) subject to this Law, managing and making recommendations on the use of the Environmental Protection Fund;
(b) promoting the biological diversity and the conservation and sustainable use of natural resources in the Islands;
(c) co-ordinating the establishment and adoption by the public and private sectors of national policies for the conservation and sustainable use of natural resources, including-
    (i) the use of wetlands and wetland resources; and
    (ii) the excavation of aggregate and fill materials;
(d) recommending and maintaining protected areas and conservation areas and conserving, maintaining and restoring their natural resources in accordance with Part 3;
(e) conserving, maintaining and restoring populations and critical habitats of protected species in accordance with Part 4;
(f) promoting the training of professional and voluntary personnel in the fields of research, management and wardening of protected areas and species and the other natural resources of the Islands;
(g) promoting wider understanding and awareness of the significance of the ecological systems of the Islands, the benefits of conserving natural resources and of the provisions of this Law and the Conventions;
(h) publicising the establishment of protected areas and the designation of protected species and raising public awareness, through educational programmes and other means, of the significance and value of protected areas and species and of the benefits that may be gained from them;
(i) encouraging public involvement, particularly by local communities, in the planning and management of protected areas and the conservation of protected species;
(j) promoting the adoption of guidelines by entities for the integration of conservation issues into their decision making processes and for the achievement of the sustainable use of natural resources;

(k) promoting district, national and regional initiatives, including co-operative enforcement measures and mutual assistance in the enforcement of national laws, in order to further the objectives of the Conventions;
(l) promoting national plans for emergency responses to activities or events, whether caused naturally or not, that present a grave and imminent danger to biological diversity and encouraging international co-operation to supplement such national plans;
(m) promoting national plans for the sustainable management, conservation and enhancement, as appropriate, of sinks and reservoirs of greenhouse gases; and
(n) carrying out such other functions and duties as are specified under this Law and the regulations;

and in subsection (12):

the Council, subject to any directions of the Cabinet, may make orders and guidance notes and issue directives for the purpose of giving effect to the provisions of this Law and such orders, guidance notes and directives may include-

(a) criteria for identifying endangered or threatened species or other species needing protection under this Law;
(b) criteria for evaluating proposals for the establishment and management of protected areas and for the measures required to protect and conserve protected species and their critical habitat;
(c) criteria for the application for, and grant of, monies from the Fund;
(d) criteria for the review, assessment and reporting of activities funded in whole or in part by monies from the Fund;
(e) the form and content of a petition under section 16(3);
(f) procedures for determining the circumstances under which permits and licences may be granted under Part 5;
(g) measures governing the methods and conditions under which the captive breeding or artificial propagation of protected species may be allowed;
(h) procedures for regulating and controlling wild populations and the import, introduction, possession, transportation and release of alien or genetically altered specimens;
(i) procedures for consultation by entities pursuant to section 41(3); and
(j) the carrying out of environmental impact assessments under section 43.

1.3 About this report

This report is prepared in compliance with the duty set out in section 5 of the Law requiring the Council, no later than three months after the end of the financial year, to prepare and submit to the Minister a report of its activities during the preceding year, following which the Minister shall submit it to Cabinet for laying on the table of the Legislative Assembly.

This is the fourth annual report of the NCC and covers the period from 1 January 2018 to 30 December 2018 inclusive.

1.4 Composition of the Council

The Law regulates the composition of the Council. The Council is composed of thirteen voting members (section 3(2)) who are more specifically identified in Schedule 2:

(a) the Director or his nominee from the Department of the Environment;
(b) the Deputy Director of Research in the Department of the Environment;
(c) the Director of the Department of Agriculture or his nominee from the Department of Agriculture;
(d) the Director of Planning or his nominee from the Department of Planning;
(e) a person nominated by the National Trust and appointed by the Cabinet; and
(f) eight persons appointed by the Cabinet.

The Cabinet appoints the Chair (Schedule 2). Amongst the Cabinet appointees at least four shall have relevant scientific or technical expertise and they are chosen such that there is at least one person from each of the six electoral districts.

At the beginning of 2018 the North Side, West Bay and Bodden Town seats on the Council, as well as the post of Chairperson, were vacant due to resignations. District representatives were appointed and a chairperson named but then in September the appointments of the remaining Council members, including the Chairperson, expired. As such for several months the Council was unable to form a quorum. However by the end of the year a full Council had been (re)appointed. As of December 2018 the National Conservation Council comprised

- 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
- Adrian Estwick - Director of Agriculture
- Haroon Pandohie - Director of Planning
- Colleen Stoetzel - Planning Officer, representing the Director of Planning
- Gina Ebanks-Petrie – Director, Department of Environment
- Timothy Austin – Department of Environment Deputy Director, Research

The Department of Environment is charged with appointing a Secretary to the Council (section 6). John Bothwell, now Manager of the Department's Legislation Implementation and Coordination Unit, has remained as Secretary throughout 2018.

Chapter 2 Council Activities, January – December 2018

2.1 Governance

Section 3 of the Law governs the proceedings of the Council. Seven voting members of the Council constitute a quorum. The decisions of the Council are by simple majority and the chair has a casting vote only. The Council is obligated to meet in a place open to the public and cause to be prepared and published the agendas and minutes of all meetings. The Council may, subject to the Law, regulate its own procedure.

The Council's Manual of Policy and Procedure contains rules for administration of the Council, a Code of Conduct, a procedure for Disclosure of Interests and for a Register of Interests. The Council chose to adopt the model Code of Conduct proposed by the Commission for Standards in Public Life.

In respect of Disclosure of Interests Schedule 2 of the Law provides, in subsection 9:

(1) If a member of the Council has any pecuniary or other interest in any matter to be dealt with by the Council he shall disclose the fact to the chairman and shall not take part in any meeting at which the matter is considered or discussed.
(2) A member of the Council who fails to comply with subparagraph (1) commits an offence and is liable-
    (a) on summary conviction to a fine of twenty thousand dollars and to imprisonment for two years; or
    (b) on conviction on indictment to a fine of fifty thousand dollars and to imprisonment for five years,
    unless he proves that he did not know that matter in which he had an interest was the subject of consideration at that meeting.
(3) A disclosure under subparagraph (1) shall be recorded in the minutes of the meeting of the Council.

The Register of Interests is available for inspection at the Department of the Environment. No disclosures of interests were made in the reporting period.

It is anticipated that the Council members will become subject to the provisions of the Standards in Public Life Law (as amended) on its commencement.

The Department of Environment's Freedom of Information staff have been delegated to administer Freedom of Information requests to the Council.

2.2 Meetings

The Council held general meetings on March 14th and June 27th, 2018. Because the Council was inquorate for part of the year only two general meetings were held. Both meetings were held in the Government Administration Building in George Town, a location open to the public. Notices and agendas were published in accordance with the statutory requirement and the Council's Policy and Procedure Manual and agendas and minutes are available on the Department of the Environment website (http://doe.ky/natl-conservation-council/general-meetings/).

Council also conducts non-binding working groups approximately every three weeks in order to prepare for the general meetings.

Matters for the Agenda are cast as Board Papers which may consist of Information Papers or Working Papers prepared by the Department of Environment and papers prepared by Council members either individually or as Committee chairs. Matters for decision are usually presented with a recommendation and a draft motion for approval as the resolution of the Council.

2.3 Implementation of the National Conservation Law

Parts 5 and 7 of the National Conservation Law, 2013, with the exception of sections 46 and 47 of Part 7, came into force on the 15th day of August 2016. This included section 51, which repealed the Marine Conservation Law (2013 Revision). Now only sections 46 and 47 of the National Conservation Law still remain to come into force.

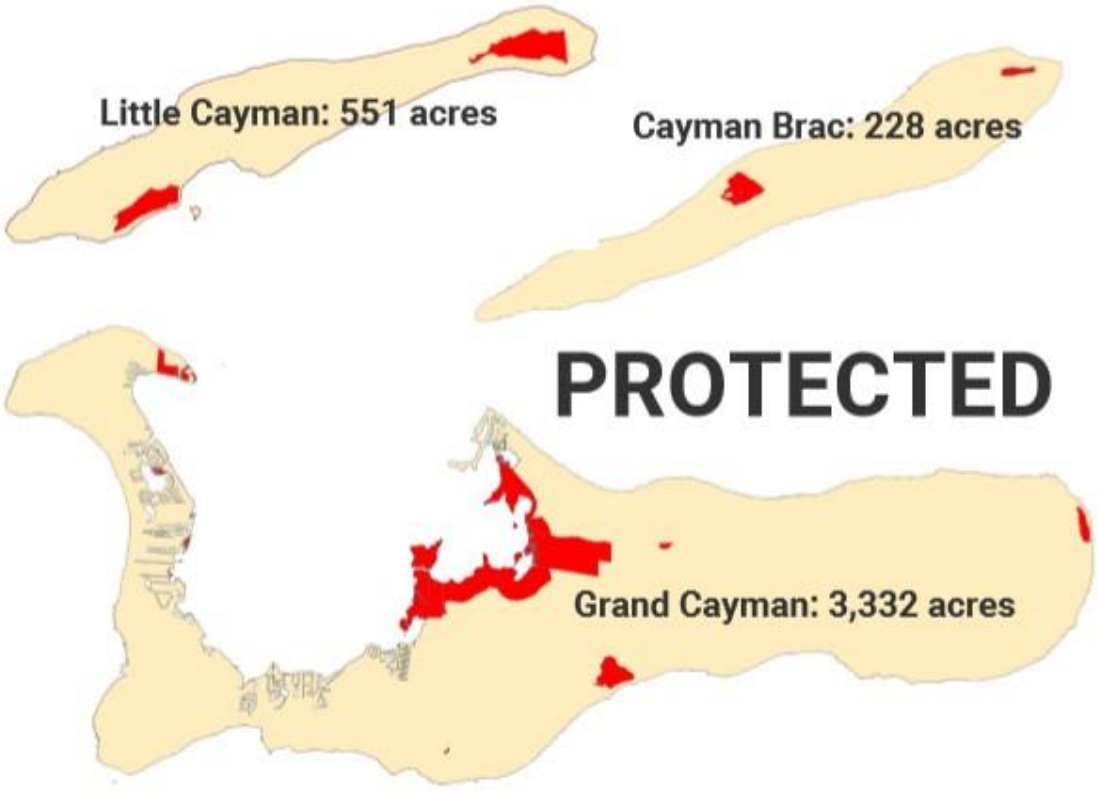
2.4 Protected Areas

Enhanced Marine Protected Area System. No decision on the proposed enhancements to the Marine Parks System, submitted to Cabinet by Council on 10 March 2016, has been received during the reporting period.

Terrestrial Protected Areas. Public nominations of areas suitable for consideration as Protected Areas were received in 2018. These nominations were added to the list of areas proposed by the public in previous years and assessed by the Department of Environment using the Conservation Scoring Matrix agreed previously by the National Conservation Council. The Council considered all nominations, using this scoring system to inform their deliberations. A number of sites were selected by Council for full public consultation and negotiation with landowners. These were a mixture of Crown Lands and private property. The results of this public consultation will be considered by the Council in 2019.

Consultations in 2018 with owners of land identified in 2017 and 2018 as being suitable for protection was complicated by the 2018-19 Cayman Islands Government Budget (passed in 2017) not containing any Environmental Protection Funds earmarked for protected area acquisition, as requested and as occurred in the 2016-17 Budget. (The total value of all of the contracted purchases and associated minor costs in 2017 was CI$ 4,879,850 which was expensed against the CI$6million budgeted from the Environmental Protection Fund for this purpose.) The conclusion of these negotiations in 2019 will depend upon supplemental funds being made available from the Environmental Protection Fund by the Government of the Cayman Islands. (The Fund is well resourced and was created to fund these ongoing purchases of land for conservation purposes.)

From 2016 through December 2018 the Cayman Islands Cabinet, National Conservation Council, Department of Environment (DoE) and other Government agencies have worked together to designate 3,477 acres of land – on all three islands – as public protected areas. Another 634 acres on Grand Cayman are designated as pending protected areas. In total, 4,111 acres – 6.3 per cent of Cayman's total land mass – has now been protected and reserved for the future use by residents and visitors to our islands.



2.5 Protected Species

A joint Department of Agriculture and Department of Environment cull of feral cats on Little Cayman was initiated with the support of the National Conservation council given evidence of their predation on endangered Sister Islands Rock Iguanas, nesting and fledgling seabirds, as well as other local fauna. In January a Judicial Review of the cull resulted in the suspension of that project pending (1) passage of regulations governing the types of humane euthanasia chemicals that can be used during the cull, and (2) review of the programme by the Animal Welfare Advisory Committee. The Animals (Prescribed Poisons) Regulations, 2018, were Gazetted in August. However the Animal Welfare Advisory Committee had still not been appointed at the time of this report.

A Species Conservation Plan for Mangroves was produced and underwent public consultation July 30th to September 3rd. It awaited merely a quorate Council General Meeting to review the consultation report and decide on how to proceed with the proposed species conservation plan.

2.6 Invasive Species: Green Iguanas

In November 2018 a large-scale cull of green iguanas in Grand Cayman was initiated, building upon the knowledge gained during prior, experimental, culling exercises. By the end of the year over two hundred and ninety-four thousand iguanas had been culled.

Week 9 (Dec. 24-Dec. 29) Cull Total = 13,677
Week 8 (Dec. 17-Dec. 22) Cull Total = 24,124
Week 7 (Dec. 10-Dec. 16) Cull Total = 30,271
Week 6 (Dec. 3-Dec. 8) Cull Total = 32,301
Week 5 (Nov. 26-Dec. 1) Cull Total = 32,447
Week 4 (Nov. 19-Nov. 24) Cull Total = 31,480
Week 3 (Nov. 13-Nov. 17) Cull Total = 36,373
Week 2 (Nov. 5-Nov. 10) Cull Total = 39,566
Week 1 (Oct. 29-Nov. 3) Cull Total = 53,953

However the ongoing success of this culling exercise in 2019 will depend upon the Cayman Islands Government continuing to support the effort with the timely release of Environmental Protection Funds needed to pay the hundreds of persons engaged in culling iguanas. (During its initial culler registration drive in October 2018, the DoE issued a total of 349 registrations for the iguana cull. However, 78 of those registered cullers never turned in any Green Iguanas. But others collected and submitted iguanas as the registered representative of culling teams and independent and casual subcontractors, more than making up for those inactive registrants. A further registration period is expected in 2019 as there are still persons expressing an interest in registration, and it is expected that green iguanas will become harder to catch, at least until the summer hatch occurs, leading to a need for more cullers, i.e., manhours spent culling, both to keep the catch rates up and then to deal with the expected explosion of hatchling and juvenile iguanas.)

In 2018 green iguana biosecurity and control activities continued on Little Cayman, largely through the National Trust's Green Iguana Be Gonna community programme, supported by an already on-island intern paid by the Department of Environment. Directed culling on Cayman Brac by Department of Environment organised teams also continued and work on both islands will have to continue to prevent the green iguana population on Cayman Brac and Little Cayman each reaching the epidemic proportions of the Grand Cayman population.

2.7 Section 41 Consultations

Under Section 41 of the National Conservation Law Government agencies consult with the National Conservation Council before granting a permit or licence, or making some other decision, that would be likely to have an adverse environmental impact. In 2018 four hundred and sixty-two environmental reviews were prepared by the Department of Environment under delegated authority from the Council for entities consulting the Council under Section 41.

Section 43 of the Law allows the Council, where necessary, to require the proponent to carry out an Environmental Impact Assessment (EIA). EIAs are only required where the Council is unable to robustly identify and evaluate the potential impacts associated with a particular proposal. Of the 462 environmental reviews prepared by the Department of Environment, only one (0.2%) was determined to require an EIA. This was a request for advice regarding a road extension which was identical to a proposal previously submitted by the then Ministry of PLAHI which was screened in April 2017 when it was determined that an EIA is required. The Screening Opinion was re-sent to the now Ministry of CPI.

EIAs remain international best practice, a relatively minor cost of the projects that require them especially compared to the potential savings they can identify for the project, and an important tool for assuring the public that environmentally, socially and economically appropriate decision-making is occurring. The activation of Environmental Impact Assessments in local legislation has gone a long way to raising the profile of the Cayman Islands which in February 2013 were assessed as "weak" in each of the four areas of environmental governance (species, sites, development control and people) evaluated by the Foundation for International Environmental Law and Development (FIELD). Having EIA legislation also assists the Cayman Islands in achieving commitments made under the Convention on Biological Diversity, the Ramsar Convention, the Environment Charter, and the Cayman Islands Constitution.

2.8 Climate Change Committee

The Department of Environment and the Chair of the Climate Change Committee continued to advise government through the National Energy Policy implementation committee and direct communications with Government Ministers and MLAs, particularly in advance of international or local forums where climate change would be a topic of discussion. The Chair and the DoE also participated directly in local and international meetings. The Department of Environment continued to submit Greenhouse Gas Inventory data for the Cayman Islands to the United Kingdom.

Chapter 3 Financial

All accounts for the National Conservation Council and the Environmental Protection Fund are held and administered by the Department and Ministry of Environment. The following tables are for qualitative purposes only. Accounts for financial reporting or auditing purposes should be sourced from the Department or Ministry of Environment directly.

3.1 Council Budget and Expenses

2018 expenditure's on behalf of the Council were as follows:

Brac Member Travel	$1,208.18	
Member Stipends	$4,725.00	
Council Retreat	$ 437.02	
Public Education & Outreach	$ 680.30	Domain Name Registration, Facebook Promotions, Banners
Protected Areas & Species	$1,311.52	Survey Monkey Subscription for Consultations, Consultation Advertisements, Planning Fee for Subdividing Protected Area

All information as reported by Department of Environment.

The Council budget for the financial years 2019 & 2020 was again included with the Department of Environment's budget. The Council continues to be of the view that the Council's budget and expenses should be accounted for separately in core government accounts.

3.2 Environmental Protection Fund

Section 3 (9) of the NCL provides that the Council manage and make recommendations on the use of the Environmental Protection Fund (EPF, Fund). Although sections 46 and 47 of the Law (which provide in greater detail for the operation, management and reporting on activities financed from the Fund) remained unimplemented in this reporting period and the Fund continued to be operated under the pre-existing 1997 legislation[1], the Council makes the following report in completion of its duties under the National Conservation Law.

In 2018 the following was spent from the Environmental Protection Fund by the Department of Environment on behalf of or with the approval of the National Conservation Council.

Project	**Spent**	**Note**
Specialist Legal Advice	$ 2,849.39	Includes Wire Transfer Fee
Green Iguana Control Programme	$ 1,664,219.53	All Islands & Activities
Grouper Moon Project	$ 36,208.56	
Parrot Project	$ 5,684.00	
Reef Restoration	$ 32,718.10	Incl. Tatoosh & Saga Monitoring
Sister Islands Rock Iguanas	$ 12,878.75	
Turtle Friendly Lighting	$ 30,726.92	
Total	**$1,785,285.25**	

All information as reported by Department of Environment.

[1] The 1997 legislation describes the purpose of the Fund as "defraying expenditure incurred in protecting and preserving the environment of the Islands"

Chapter 4 2019

4.1 Goals & Objectives

With the National Conservation Law now substantially in force the National Conservation Council will balance long-term policy direction with short-term initiatives to achieve those longer-term goals, while maintaining a watching brief on ongoing conservation operations. These ongoing operations for 2019 will include:

1. Issuing Permits and Advice
2. Increase attention to climate change challenges facing the Cayman Islands. Support the implementation of the National Energy Policy; encourage review and adoption of the National Climate Change Policy.
3. Management Planning for protected areas, both marine and terrestrial.
4. Continued acquisition of high conservation value lands for protected areas.
5. Species Conservation Planning for the management of selected listed species.
6. Promoting sustainable use of local resources, including registration of protected species in captivity in order to protect wild stocks from unsustainable take. And the control of invasive species in captivity. In coordination with the Endangered Species Trade & Transport Law, and Animals and Plants Laws.
7. Public education and outreach activities, particularly to educational institutions, and in coordination with conservation partners such as the National Trust.
8. Council strategic planning retreat or workshop.
9. Continuation of Invasive Species Control Programmes.
    a. Green iguana culling efforts on all three islands.
    b. Feral cat control activities in selected areas for the protection of native species, the welfare of the cats, and the avoidance of potential human health and nuisance issues.
    c. Licencing individual and group lionfish control efforts.
    d. Targeted invasive plant removals.
10. Work with the Minister of Environment on administrative and capacity issues:
    a. Entry into force of sections 46 and 47 of the Law (which provide in greater detail for the operation, management and reporting on activities of the Environmental Protection Fund).
    b. Enhancement of Marine Parks System, as recommended to Cabinet in 2016.
    c. EPF funding for the acquisition of lands for protected areas.
    d. Initiation of a plan for a biosecure holding facility. For improperly imported potentially invasive species, the holding of seized evidence pending trial, hybrid iguanas pending breeding tests at maturity, etc.
    e. Biosecurity enhancement of ports and other avenues of entry.

4.2 Schedule of General Meetings for 2019

Council meetings are likely to be scheduled for 27 February, 19 June, 11 September, and 4 December at 2pm at the Government Administration building, George Town, Grand Cayman.