

National Conservation Council
23rd August 2023, 1:30pm, DoE YouTube
General Meeting

AGENDA

1. Call to Order
 - a. Welcome & Introductions
 - i. Attendees, Apologies, Quorum
 - b. Declaration of Interests
 - i. By any members for anything appearing on today's Agenda
 - ii. Declaration of Interests to SIPL by new members within 90 days
(<https://www.standardsinpubliclifecommission.ky/register-of-interests>)
2. Confirmation of Minutes of last General Meeting, WP-01 14 December 2022 v3
3. Development Matters Pending Council Consideration
 - a. Aqua Bay EIA Screening
 - i. DoE Presentation
 1. WP-02aDoE Screening Opinion
 2. WP-02bRepresentative Plans
 - ii. Council discussion
 - iii. Council Decision (proposed draft)
 1. That an EIA is not needed, but that mitigation measures with respect to turtles are secured by conditions if the development is approved by the Central Planning Authority.
 - a. Mover:
 - b. Seconder:
 - c. For:
 - d. Abstain:
 - e. Against:
 - b. Airport Expansions
 - i. WP-03 CIAA Request for Screening

- c. General (Private) Aviation Terminal (Grand Cayman) EIA Screening
 - i. DoE Presentation
 - 1. WP-04 DoE Screening Opinion
 - ii. Council discussion
 - iii. Council Decision (proposed draft)
 - 1. That an EIA is not needed.
 - a. Mover:
 - b. Seconder:
 - c. For:
 - d. Abstain:
 - e. Against:
- d. Cayman Brac Airport Expansion EIA Screening
 - i. DoE Presentation
 - 1. WP-05 Cayman Brac Airport EIA Screening Opinion
 - ii. Council discussion
 - 1. Airport EIA Screening Opinion
 - 2. Nominations for EAB (if needed)
 - iii. Council Decision (proposed draft)
 - 1. That an EIA is needed.
 - 2. That the following entities be appointed to the EAB, which may be combined with other airport EABs if practical:
 - a. Mover:
 - b. Seconder:
 - c. For:
 - d. Abstain:
 - e. Against:
- e. Grand Cayman Runway Extension EIA Screening
 - i. DoE Presentation
 - 1. No Screening Opinion, applicant going straight to scoping by Environmental Assessment Board (EAB)
 - ii. Council discussion
 - 1. Airport EIA Scoping
 - 2. Nominations for EAB
 - iii. Council Decision (proposed draft)
 - 1. That an EIA is needed.
 - 2. That the following entities be appointed to the EAB, which may be combined with other airport EABs if practical:
 - a. Mover:
 - b. Seconder:
 - c. For:
 - d. Abstain:
 - e. Against:

- f. Little Cayman Airport Relocation EIA Screening
 - i. DoE Presentation
 - 1. No Screening Opinion, applicant going straight to scoping by Environmental Assessment Board (EAB)
 - ii. Council discussion
 - 1. Airport EIA Scoping
 - 2. Nominations for EAB
 - iii. Council Decision (proposed draft)
 - 1. That an EIA is needed.
 - 2. That the following entities be appointed to the EAB, which may be combined with other airport EABs if practical:
 - a. Mover:
 - b. Seconder:
 - c. For:
 - d. Abstain:
 - e. Against:

- g. Scott's after the fact Quarry Extension (Cayman Brac) EIA Screening
 - i. DoE Presentation
 - 1. WP-06a EIA Screening Opinion
 - ii. WP-06b National Trust Submission
 - iii. Council discussion
 - iv. Council Decision (proposed draft)
 - 1. That an EIA is not needed.
 - 2. That the Development Control Board should carefully consider:
 - a. The serious impacts on the Salt Water Pond Trail as a tourism product, public amenity and historic site and the impacts on terrestrial ecology.
 - b. The potential for adverse impacts to groundwater and the advice and permitting mechanisms of the Water Authority should be sought in this regard.
 - c. If considering approval securing, by way of condition, a Dust Management Scheme which shall be agreed upon prior to development commencing and implemented throughout the lifespan of the quarry working and require a noise assessment to assess the potential levels of noise generation and provide suggestions of suitable mitigation activities to be undertaken should they be required.
 - v. Record of Decision
 - 1. Mover:
 - 2. Seconder:
 - 3. For:
 - 4. Abstain:
 - 5. Against:

- h. K-rock Quarry (Grand Cayman) EAB Appointment
 - i. DoE Presentation
 - 1. WP-07a EIA Screening Opinion (2022)
 - 2. WP-07b NCC EIA Decision Letter (2022)
 - ii. Council discussion
 - 1. K-rock EIA Scoping
 - 2. Nominations for EAB
 - iii. Council Decision (proposed draft)
 - 1. That an EIA is needed.
 - 2. That the following entities be appointed to the EAB:
 - a. Mover:
 - b. Secunder:
 - c. For:
 - d. Abstain:
 - e. Against:
 - i. NCA 6(2)(k) Procedures for control of stray and feral cats by the public
 - i. DoE Presentation
 - 1. WP-08 Cat Pound Procedures
 - ii. Council discussion
 - iii. Council Decision (proposed draft)
 - 1. That the proposed procedures for control of stray and feral cats by the public be approved, to take effect on such date as the relevant Cabinet Orders are made under sections 50 and 88 of the Animals Act.
 - 2. That the procedures for control of stray and feral cats by the public be issued under section 6(2)(k) of the National Conservation Act, 2013, on or after such date as the Cabinet Orders come into effect.
 - iv. Record of Decision
 - 1. Mover:
 - 2. Secunder:
 - 3. For:
 - 4. Abstain:
 - 5. Against:
- 4. Next General Meeting - December 6th
 - 5. Any Other Business
 - 6. Adjournment

7. Attendance Appendix

Council Member	23 August 2023	Representation
Stuart Mailer		Chairman; Sustainable Development
Lisa Hurlston-McKenzie		West Bay and Sustainable Development and Climate Change
Pierre Foster		Bodden Town
Ian Kirkham		North Side; Terrestrial Ecology
Lucille Seymour, MBE		George Town
Steve Broadbelt		East End; Marine Affairs
Harrison Bothwell		Sister Islands
Patricia Bradley		Avifauna
Frank Roulstone		National Trust
Bryan Crichlow		Director of Agriculture
Haroon Pandohie		Director of Planning
Roxann Burrell		Planning Assistant, representing the Director of Planning
Gina Ebanks-Petrie		Director of Environment
Timothy Austin		DoE Deputy, Research
John Bothwell		Secretary

National Conservation Council Minutes

General Meeting

Government Administration Building, George Town

14 December 2022, 2pm

Broadcast for Public Viewing: DOE YouTube & Facebook

1. Call to Order
 - a. Attendees, Apologies, Quorum
 - i. Chair welcomed members & viewers.
 - ii. A quorum being present (see appendix) the meeting was called to order at 2:02pm.
 - iii. Apologies: Stuart Mailer (travel); Harrison Bothwell (other commitment)
 - b. Declaration of Interests
 - i. No interests were declared.
2. Confirmation of Minutes of Last Meeting
 - a. Minutes of General Meeting of 29 June 2022
 - i. Council considered the minutes. No corrections.
 - ii. Adoption moved by Lisa Hurlston-McKenzie, seconded by Jessica Harvey.
3. Matters Arising From Previous Meetings
 - a. Invasive Species (Feral Cats & Green Iguanas)
 - i. Alien Species Regulations
 1. The Regulations were passed by Cabinet, Gazetted 3 Nov 2022.
 - ii. Procedures for Controlling Cats in Environmentally Sensitive Areas
 1. Regulation 15 of the National Conservation (Alien Species) Regulations, 2022, requires the Council to approve procedures being implemented by the Department of Environment for the control of alien species.
 2. DoE presented a draft procedure for control of cats in selected environmentally sensitive areas. The Department of Agriculture had been consulted and had signed off on the procedures.
 3. A motion was moved for the Council to approve the procedures outlined.
 - a. Mover: Gina Ebanks-Petrie
 - b. Seconder: Adrian Estwick
 - c. For: Lisa Hurlston-McKenzie, Jessica Harvey, Tim Austin, Patricia Bradley
 - d. Against: None
 - e. Abstain: Adrian Estwick, Gina Ebanks-Petrie
 4. The motion was passed.
 - b. Judicial Review re s41 Directions
 - i. Council noted that the Judicial Review (regarding Council directions to the CPA, as issued by the DoE under delegated authority, on an application for a waterfront development on Boggy Sand Road) had been completed with the

court ruling that Council & DoE had acted properly and their directions were binding. Council were also awarded costs in respect to the JR.

- ii. The decision of the court was being appealed by CPA & the planning applicant. The appeal is expected to be heard in March 2023.

c. Protected Areas Public Nominations Report

- i. 2022 Nominations Report

- 1. DoE presented the report on the protected areas public nominations consultation. Noted CBD COP & 30% protected goal. LC ~20%, GC ~10%, CB ~6%.

- ii. 2023 Protected Areas Plan

- 1. DoE presented. (Combined with above.)
- 2. Council considered the Nominations Report, and the draft motion proposed by the DoE.
 - a. Mover: Patricia Bradley
 - b. Seconder: Gina Ebanks-Petrie
 - c. For: Lisa Hurlston-McKenzie, Tim Austin, Patricia Bradley, Adrian Estwick, Jessica Harvey
 - d. Against: 0
 - e. Abstain: Kevon Thompson, Gina Ebanks-Petrie (as helped prepare the report)
- 3. The motion was passed.

d. Cabinet Approval *Aegiphila Caymanensis* Conservation Plan

- i. Cabinet approved the Council's species conservation plan on 8 November 2022.
- ii. The secretary is working on Gazette notice for this, and the protected areas Cabinet approved this year, and then will update the website with the formal documents.

e. Seabird Conservation Plan Public Consultation

- i. Public consultation was conducted and is now concluded.
- ii. Print notices of the consultation, radio coverage, in-person meetings, social media posts.
- iii. Over a hundred responses were received, which is a very good participation rate for a consultation. Most people were familiar with the birds, and had reviewed the draft plan, before responding. Most people support conservation of native and threatened species like these seabirds. There were a few particular parts of the plan that feedback focused on, within the generally positive and supportive overall engagement.
- iv. Expect to have the consultation report to Council for Council's consideration during the first quarter of 2023.

f. Annual Reports (2020 & 2021) Tabled in Parliament

- i. The Honourable Premiere & Minister of Sustainability and Climate Resiliency on October 7th in the Parliament tabled the Council's annual reports for 2020 and 2021.

4. Reports

- a. DoE Public Education & Outreach

- i. Stingray Handling Guidance Notes

1. Passed by Council in 2019. DoE have refreshed their appearance and are reissuing them.
2. <https://conservation.ky/download/25/orders-directives-and-guidance-notes/1955/stingray-handling-guidance-notes-2022-vf.pdf>
3. They have been sent to the holders of WIZ licences along with their reminder to apply for their 2023 licence. We know that people are seeing it since they are replying to renew their WZ licences.
4. Have also updated the stingray information webpage (<https://doe.ky/marine/stingrays/>) and will be working on more related public education after the New Year.

b. Climate Change

- i. Lisa Hurlston-McKenzie presented, noting COP 27 this year. Targets are not being met to achieve 1.5C temperature rise. This makes local nature-based mitigations and adaptations more important. Enhancing protected areas and integrating ecosystem services into national planning systems will become more important.
- ii. Updated climate change policy will seek to address these issues using these tools. The climate change risk assessment has been completed. The evidence report has been received. A non-technical summary is being produced and should be available to the public soon. Proposed policy measures are being collated, taking account of the COP 27 Adaptation Agenda and a system approach to local & global resilience across a number of biological and socio-economic themes.
- iii. Climate Change Policy will align with the Energy Policy, Food Policy, etc. Public consultation expected in Feb. 2023.
- iv. Major achievement of COP 27 could be the establishment of the Loss & Damage Fund for small islands and vulnerable countries. But highlights Cayman's inability to access these international funds¹ so the vital importance of Cayman doing these same assessments ourselves, and setting aside our own funds for these foreseeable adaptations and disaster responses. There is also the possibility of identifying other external funds and home-grown mechanisms which could be accessed, e.g., private sector financing and carbon crediting.
- v. Council thanked Lisa, MSCR, DoE for continuing work & focus on CC.

c. Environmental Assessment Boards

- i. The DoE Director, as statutory chairperson of the Environmental Advisory Boards (EABs), updated Council on the four projects actively pursuing environmental assessments. A new page on the Council website has been created for people seeking the status of active EIAs. <https://conservation.ky/current-eias/>
- ii. ISWMS (ReGen)
 1. <soon come from proponent>

¹ As an overseas territory of the United Kingdom the Cayman Islands are treated as a part of the United Kingdom by many international funding agencies, e.g., the Global Environment Facility (GEF), who provide financial support to projects in small islands or vulnerable countries, neither of which category the United Kingdom falls into.

2. Draft Environmental Statement will go out for public review, with a public meeting.
 - iii. Hutland Road Extension
 1. No follow-up from proponent. Assume project abandoned.
 - iv. E/W Arterial
 1. NRA have chosen their EIA consultants, who have met with EAB. DoE has provided data to the consultants. Waiting on them now.
 - v. Brac Marina
 1. EIA consultants selected. Drafting TORs for review by EAB before public consultation on the draft TORs.
 - vi. The EABs have received no indication of when draft TORs for the E-W Arterial or Brac Marina will be complete enough for Council and public review. These are fully in the hands of the proponents & their consultants. Though, potentially, the East-West Arterial EIA TORs could be ready in January.
5. New Matters
- a. Ratification of Bayview EIA Opinion
 - i. DoE presented the background to the ratification.
 1. This is a ratification of a decision Council took by correspondence in July 2021. It was subject to ratification at the next suitable General Meeting. Due to a mistake it was not tabled before now.
 2. The proposed development of the proposed Bayview Community would consist of three 10-storey apartment buildings and 20 single family homes, an amenities area, a 70ft wide canal, and associated property development down by the Ritz golf course.
 3. It was screened to determine if an Environmental Impact Assessment is required.
 4. Council's attention was drawn to a few things in particular which Council considered at the time:
 - a. The Department of Environment screening opinion and other material reproduced in Working Paper 09b.
 - b. That by the time there was an application for Council's consideration in 2021 the application site has already been cleared of the majority of mangroves and construction of the canal has commenced as a result of implementing a 2019 planning permission for a 30 lot subdivision of the site.
 - c. That Council had noted a few ways that the proposed development could be improved, such as maintaining the mangrove buffer for the site and ensuring protection of the Goldfield wreck site.
 5. Although noting the need, separate from this particular proposal, for a Strategic Impact Assessment for this entire midsection of the Seven Mile Beach / West Bay Peninsula to understand the housing, hotel, infrastructure and human, economic and environmental development needs of the

country and this section of Grand Cayman, Council felt that this individual project as proposed at the time did not require an EIA to understand its impacts.

- ii. Council considered the motion to ratify their decision.
 - 1. Mover: Gina Ebanks-Petrie
 - 2. Seconder: Tim Austin
 - 3. For: Patricia Bradley, Lisa Hurlston-McKenzie, Jessica Harvey
 - 4. Against: None
 - 5. Abstain: Tim Austin, Kevon Thompson, Gina Ebanks-Petrie (participated in preparation of the opinion)
 - iii. The motion was passed.
- b. Ratification of Cement Plant EIA Opinion
- i. DoE presented the background to the ratification.
 - 1. In September this year Council reviewed Council reviewed an application for a cement plant and storage facility in the Industrial Park area of George Town. Whether it would need an EIA or not needed to be ratified at the next suitable General Meeting, which is this one.
 - 2. Council's attention was drawn to the Department of Environment screening opinion and other material available in Working Paper 08b.
 - 3. It was noted that the proposed silos are 97 feet tall which is approximately equal to a 6 to 7 storey building. However the application site is man-modified, and located on Seymour Road in Industrial Park, George Town. Given the presence of existing silos in the surrounding area, and heavy equipment and other traffic, and the distance from Esterley Tibbetts Highway, it is likely that the additional visual and noise impacts to the area will be minimal. Though there is a strong potential for fine dust particles to become a nuisance to nearby parcels, including visual impacts.
 - 4. Council noted that a fair bit of cement waste including air pollution is likely from the operation of the site and so waste handling and pollution control through both site design and operational planning should be considered at this stage in the project.
 - 5. Taking this all into account Council felt that this individual project as proposed at the time did not require an EIA to understand its impacts.
 - 6. Council also strongly recommended that the CPA require an air quality & emissions plan to protect workers and adjacent properties & persons. Also proper disposal of cement residue, noting occasions of cement trucks dumping their waste in unsuitable locations in the past.
 - ii. Council considered the motion to ratify their decision.

1. Council noted that there are known factors which need to be considered when a plan is considered, but an EIA was not necessary to properly consider those factors.
 2. Mover: Adrian Estwick
 3. Seconder: Patricia Bradley
 4. For: Lisa Hurlston-McKenzie, Adrian Estwick, Tim Austin, Jessica Harvey,
 5. Against: 0
 6. Abstain: Kevon Thompson, Gina Ebanks-Petrie (involved in drafting screening opinion)
- iii. The motion was passed.
- c. Council enquired if there had been any decision by CPA/Planning on these two applications?
1. DoE noted that they are not automatically notified of decisions by the CPA and have to pull that from the minutes when published.
 2. The Online Planning System showed the Bayview application still awaiting notices from the applicant to neighbouring landowners, for a year now.
 3. The Online Planning System showed the cement plant, considered by CPA in November but no minutes yet so outcome unknown.
- d. Seine Net Licence Renewal Application
- i. DoE presented the application, background to the application, and the Department's recommendation that it be decided by Council but that a licence not be renewed/issued and a renewal not be considered for a year from the date of Council's decision.
 1. An application for a seine net renewal was received by the Department of Environment dated 4 October 2022. Council's attention was drawn to the application and associated material found in Working Paper 09a. Council's attention was also drawn to the letter sent in by the applicant, Working Paper 09c, asking for Council's consideration of their application.
 2. Also included in Working Paper 09a is a Department of Environment summary of a recent use of this seine net.
 3. The licence had expired on 6 May 2022.
 4. The applicant used the seine net to catch fish on 1 October 2022.
 5. Licence condition number 6 for the use of a seine net requires the prior notification of the Department of Environment before the net is used. The Department was not notified in advance of the 1 October 2022 use of the seine net.
 - a. Licence condition 6 reflects Directive 11(3) of the National Conservation Council (Licence and Permit) Directives.
 6. Responding to the fishing which occurred on 1 October 2022, after the expiry of the previous seine net licence and without prior notification of the Department of Environment (licence condition No. 6), is within the remit of the Department of

Environment. Having spoken with the applicant to determine the facts surrounding the fishing incident, the DoE has advised the Council of its intention at this time to accept the applicant's explanation of the fishing that occurred and to not recommend the incident to the Office of the Director of Public Prosecutions.

7. However, given the circumstances, the Department of Environment is referring the matter of the seine net licence renewal application (of 4 Oct 2022) for the Council's decision rather than decision by the Department on delegated authority.
 8. Seine net licences are issued and administered under sections 22 – 24 of the National Conservation Act¹, 2013, and Part 3 of the National Conservation Council (Licence and Permit) Directives² (rev 2022).
 9. Under the Directives the Council, in considering applications for licences, shall have regard to all the circumstances of the application including failure to comply with licence conditions.
 10. The Department of Environment recommends to the Council that, given the failure to notify in advance of fishing with a seine net (licence condition 6) and the use of the seine net after the expiry of the licence, the seine net licence should not be renewed at this time.
 11. The Department of Environment further recommends that an application for a seine net licence by this licence holder or for this net not be considered, if submitted, for another one year from the date of the decision, i.e., before 14 December 2023.
- ii. Council considered the information and recommendations.
 - iii. Council noted the cultural links of this licence holder to seine netting and its place as a historic activity in the Cayman Islands.
 - iv. Council considered the motion to not renew the permit, and that an application by the licence holder or for the net not be accepted for another year.
 1. Mover: Jessica Harvey
 2. 2nd: Gina Ebanks-Petrie
 3. For: Lisa Hurlston-McKenzie, Tim Austin, Patricia Bradley
 4. Against: 0
 5. Abstain: Adrian Estwick, Kevon Thompson, Gina Ebanks-Petrie (drafting the recommendation from DoE)
 - v. The motion was passed.
- e. Starfish Guidance Notes
- i. DoE presented the draft (Dec. 2022) Starfish Guidance Notes. The 2019 guidance notes issued by Council were noted as the basis for this proposal with the guidance notes being revised and by DoE to better promote safe handling of starfish at Starfish Point.
 1. Take has a broad definition under the Act. Starfish are a protected species. There is a well-established practice of handling, i.e., 'take', of starfish at Starfish Point. DoE are proposing to recognise as not-take holding starfish under water at Starfish Point.

2. However DoE proposes to clarify that other actions are considered take, whether of echinoderms anywhere, starfish at Starfish Point, or starfish anywhere in Cayman waters. Lifting starfish out of the water, bending the starfish, holding the animal's feet or poking the animal's underbelly, breaking the starfish skin or otherwise wounding it or breaking a part off. Such take should be prosecuted.
3. Also updated has been the reef safe sunscreen best practice advice, and how to report infractions.
- ii. Council considered a motion to approve and issue the updated starfish handling guidance notes (replacing the 2019 guidance notes).
 1. Mover: Gina Ebanks-Petrie
 2. Seconder: Patricia Bradley
 3. For: Adrian Estwick, Tim Austin, Lisa Hurlston-McKenzie, Jessica Harvey
 4. Against: 0
 5. Abstain: Gina Ebanks-Petrie
- iii. The motion was passed.
- f. Krock Quarry EIA Screening
 - i. DoE presented their screening opinion of the Proposal for a quarry near Meagre Bay Pond protected area (protected since 1976). The opinion included a number of factors for Council's consideration, including but not limited to:
 1. The presence of other quarries in the area.
 2. The proximity of the proposed quarry to the Meagre Bay Pond protected area.
 3. That the area is being used for quarries but that some of this activity is having an effect on the Meagre Bay Pond protected area and the hydrology of the surrounding area and its hydrological connection to the central mangrove wetland.
 4. The goals of the Meagre Bay Pond Protected Area Management Plan, which was adopted by Cabinet on 15 February 2022, which are relevant to this proposed quarry.
 5. The potential impact of the proposed quarry on the ecology and hydrology of the protected area and nearby natural areas.
 6. The potential impact of the proposed quarry increasing nuisance dust, noise and vibration pollution on the surrounding area and nearby community.
 7. DoE recommends the quarry needs an EIA for the reasons outlined in the DoE Screening Opinion.
 - ii. Council considered the screening opinion presented.
 1. Council noted the ongoing quarrying in the area. Quarrying has been occurring there for over a decade and some still have significant reserves within their quarry ponds with the extension of the quarry depth to 50ft.
 2. Direction was given that the quarries be bermed, specifically the one adjacent the protected area, to stop overflow from the

quarry pond into Meagre Bay Pond but that directive was not taken up.

3. DoE is concerned the quarries have impacted the hydrology and biological systems of the protected area.
4. DoE is concerned the cumulative effect of another quarry, particularly at this specific location, will have deleterious impact on the protected area and the environment in general. Noting the possibility that this specific site is the outflow for the area. So need an EIA is needed to properly understand the impact of this quarry.

iii. Council considered a motion to require an EIA for the quarry application.

1. Mover: Jessica Harvey
2. Seconder: Patricia Bradley
3. For: Adrian Estwick, Lisa Hurlston-McKenzie, Tim Austin
4. Against: 0
5. Abstain: Kevon Thompson, Gina Ebanks-Petrie (participated in preparation of the screening opinion)

iv. The motion was passed.

6. Next Meeting

a. A schedule of general meetings was proposed for 2023.

	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
General Meeting	29 March	21 June	13 September	6 December

- b. All meetings 2pm, via Zoom, hosted at GIS and broadcast for public viewing via DoE YouTube & Facebook with the DoE YouTube page² providing a permanent public record of the meeting.
- c. Council noted and accepted the proposed meeting schedule.

7. Any Other Business

a. DoE extended greetings to all members for a peaceful & happy holiday season and thanks for their support and hard work on the Council in 2022, including particularly the Chair. Council reciprocated thanking the Director and staff of the DoE for their professional input into the Council’s work. Council thanked the public for their engagement in the various processes of the Council and the National Conservation Act, and wished them a happy holidays. – Thanks were also extended to GIS (after the meeting was adjourned) for their support in broadcasting the general meetings, making the meetings open to the public as required by law.

8. Adjournment

a. There being no other business the meeting was adjourned at 3:38pm

² <https://www.youtube.com/user/CaymanIslandsDOE>

9. Attendance Appendix

Council Member	14 Dec. 2022	Representation
McFarlane Conolly	Present	Chairperson; East End
Jessica Harvey	Present	George Town; Marine & Terrestrial Affairs
Lisa Hurlston-McKenzie	Present	West Bay; Sustainable Development & Climate Change
Edward Chisholm	Absent	North Side
Pierre M. Foster	Absent	Bodden Town
Harrison A. Bothwell	Apology	Sister Islands
Frank Roulstone	Present	National Trust for the Cayman Islands (Executive Director) (invited attendee pending formal appointment)
Patricia Bradley	Present	Avifauna & Biodiversity
Stuart Mailer	Apology	Sustainable Development
Adrian Estwick	Present	Director of Agriculture
Haroon Pandohie	-	Director of Planning
Kevon Thompson	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



DEPARTMENT OF
ENVIRONMENT
CAYMAN ISLANDS GOVERNMENT

Screening Opinion for the Proposed Redevelopment of Aqua Bay 29 May 2023

Executive Summary

The National Conservation Council's (NCC) Directive for Environmental Impact Assessments (EIAs) notes that all activities listed in Schedule 1 will be considered against the screening criteria outlined in the Directive to determine whether an EIA may be required.

The proposed development includes a 10 storey apartment building with 38 units (159,975 sq ft) with below ground parking, a pool, a generator, and ancillary parking across the street. The site is located at Block 5D Parcel 4, to the west of West Bay Road at the existing site of the Aqua Bay Club Condominiums with the ancillary parking to be located at Block 5C Parcel 234, to the east of West Bay Road. The site is located on a turtle nesting beach, designated Critical Habitat under the Interim Directive for the designation of Critical Habitat of Green turtles (*Chelonia mydas*), Loggerhead turtles (*Caretta caretta*), Hawksbill turtles (*Eretmochelys imbricate*), Leatherback turtles (*Dermochelys coriacea*) and all other species that may occur in Cayman waters including Kemp's Ridley turtles (*Lepidochelys kempii*) and hybrids (2020).

The applicant has included a number of mitigation measures into the proposed redevelopment including an increased setback when compared to the existing development from the MHWM for the hard structures and a ground floor elevation of 16 feet above mean sea level, as well as areas set aside for renewable energy.

The planning application was considered against the screening criteria outlined in the EIA Directive. There would be beneficial effects with respect to ecology if the recommended conditions were included and implemented, including a turtle friendly lighting condition. In the absence of these conditions, there would be severe adverse effects on sea turtles by directly and indirectly increasing their mortality. There may be minor adverse impacts with respect to noise during construction and with cumulative development at Seven Mile Beach. These effects should be considered by the Central Planning Authority. There may also be adverse effects to visual impact, daylight, sunlight and overshadowing that should be considered further due to the prominence of the building on the beach and we have recommended additional studies to assess these effects.

The Department of Environment is of the opinion that the proposed development does not require an EIA as there are no likely significant adverse effects provided that mitigation measures with respect to turtles are secured by condition and implemented conditions.

Introduction

The process for determining whether an Environmental Impact Assessment (EIA) is needed is a statutory process that is governed by the National Conservation Act (NCA). This first stage, where the relevant authorities decide if a development is an EIA development (i.e. requires an EIA) is called screening.

The National Conservation Council's (NCC) Directive for Environmental Impact Assessments (EIAs) issued under section 3(12) (j) and which has effect under section 43(2) (c) of the NCL, notes that all activities listed in Schedule 1 will be considered against the screening criteria outlined in sections 2 to 3 of Schedule 1 of the Directive to determine whether an EIA may be required. The proposed development falls within Schedule 1, i.e. large-scale residential development adjacent to a Marine Protected Area.

The screening criteria include:

- The type and characteristics of a development;
- The location of a development; and
- The characteristics of the potential impact.

These screening criteria have been considered with respect to the proposed development in order to determine whether an EIA is required.

The Site

The main development site is located at Block 5D Parcel 4, to the west of West Bay Road at the existing site of the Aqua Bay Club Condominiums. The Planning Permission Drawing set also indicates that ancillary parking is to be provided to the east of West Bay Road at Block 5C Parcel 234. The site location is shown on Figure 1. Block 5D Parcel 4 has an area of 1.38 acres and is located on Seven Mile Beach. The site is located on a sea turtle nesting beach, and is designated Critical Habitat under the Interim Directive for the designation of Critical Habitat of Green turtles (*Chelonia mydas*), Loggerhead turtles (*Caretta caretta*), Hawksbill turtles (*Eretmochelys imbricate*), Leatherback turtles (*Dermochelys coriacea*) and all other species that may occur in Cayman waters including Kemp's Ridley turtles (*Lepidochelys kempii*) and hybrids (2020). Based on the Department of Environment (DoE)'s 20 years of monitoring sea turtle populations, the site has had a large number of nests, primarily of Green sea turtles (*Chelonia mydas*). Block 5C 234 has an area of 0.26 acres and is located landward of West Bay Rd.

The existing development is not considered to be an architectural heritage asset and currently forms a low-rise residential complex with one pool. The closest hard structure to the Mean High Water Mark (MHWM) is the pool, at a distance of approximately 80 feet. The existing building is set back further from the MHWM at approximately 150 feet.

The existing landscaping, with the exception of the pool, appears to be set back at the approximate natural vegetation line (approximately 100 to 130 feet from the Mean High Water Mark).

The existing buildings on site, and the pool are to be completely demolished to make way for the proposed development.

The site is adjacent to a Marine Protected Area – the West Bay Bight No-Diving and Line Fishing Only Zone and the West Bay Bight Marine Reserve.



Figure 1. Site Location and Environmental Context Plan (Aerial Imagery Source: UKHO, 2021)

Proposed Development

Description of the Proposed Development

The proposed development comprises a single 10 storey apartment building with 38 units (159,975 sq ft) with a fitness centre, pool and below ground parking providing a total of 45 parking spaces. In addition to the below ground parking, a secondary lot providing ancillary parking with an additional 18 parking spaces is proposed across West Bay Rd. This provides a combined total of 63 parking spaces. A generator, transformer and garbage enclosure are also located on this secondary lot. The roof of the building is to feature a rooftop deck with barbecue areas and (4) infinity pools with spas. A portion of the roof has been set aside for photovoltaic panels and solar hot water collectors.

Planning History

The site originally consisted of a single residential property, and was redeveloped as the Aqua Bay Club Condominiums in the 1980s. The existing property features a total of 21 units.

The strata were originally contacted by the DoE regarding the Turtle Friendly Lighting Retrofit Program, at which point it was indicated that they planned to redevelop the site to feature a 10 storey residential building. As such, the existing property does not feature Turtle Friendly Lighting.

Characteristics of Potential Impact

The baseline conditions, the potential impact of the proposed development and any likely significant effects have been qualitatively assessed for each of the below environmental aspects. Having due regard to air quality, architectural and archaeological heritage, flood risk and water quality, ground conditions, socio-economics, there are not considered to be adverse environmental impacts in these areas and therefore they are not discussed further.

Ecology

The site is located on a sea turtle nesting beach which was designated Critical Habitat under the Interim Directive for the designation of Critical Habitat of Green turtles (*Chelonia mydas*), Loggerhead turtles (*Caretta caretta*), Hawksbill turtles (*Eretmochelys imbricata*), Leatherback turtles (*Dermochelys coriacea*) and all other species that may occur in Cayman waters including Kemp's Ridley turtles (*Lepidochelys kempii*) and hybrids (2020). Due to the height and massing of the structure, if mitigating measures are not considered, the proposed development has a high likelihood of impacting the turtle nesting beach. Bright lights on the beach can deter female turtles from nesting and cause baby turtles to misorient and crawl away from the sea, where they often die from dehydration, exhaustion, predators or vehicle impacts. It is important that any lighting that may directly, indirectly, or cumulatively illuminate the nesting beach be turtle friendly.

In addition to the above, the ocean facing façade of the building features a very high proportion of glazed area. As with exterior lights, artificial lights from within buildings can also have negative impacts on sea turtle nesting. Due to the height of the building and the amount of glazing, extensive window treatments or specialty glass may be required in order to mitigate this.

The Applicant has not requested any variances to the setbacks in the Development and Planning Regulations, and appears to have positioned the proposed development behind the natural vegetation line, significantly further landward than the original structure. All hard structures are located at least 130 feet from the Mean High Water Mark, and the 10 storey structure is set back 190 feet from the Mean High Water Mark. This meets the increased setbacks required for structures exceeding 3 storeys in a Hotel/Tourism zone under the Development and Planning Regulations.

The relocation of the property landward during the redevelopment is likely to have a moderate beneficial effect on ecology as the development will no longer extend seaward of the natural vegetation line, and there is the potential to increase the total area of habitat available for sea turtles depending on the mitigation measures put in place for turtles.

Overall, the proposed development has the potential to have a moderate beneficial effect on ecology through the installation of Turtle Friendly Lighting and a more sensitively-placed development which does not extend seaward of the natural vegetation line, **but only if the following mitigation measures are secured by conditions on the applicant's planning permission and adequately implemented.** The beneficial effect is contingent upon the following conditions:

- The applicant shall prepare and submit a plan to the DoE for turtle friendly lighting (inclusive of window tinting and details of window treatments), which minimises the impacts on sea turtles. All lighting shall be installed in accordance with the plan, to be approved by the DoE. Guidance on developing a lighting plan can be found in the DoE's Turtle Friendly Lighting: Technical Advice Note (September 2018). The

DoE will inspect the exterior beach lighting for compliance with the approved turtle friendly lighting plan once construction is complete.

- Prior to the commencement of works, the property owner shall contact the DoE to check for the presence of turtle nests; written approval shall be obtained from the DoE that no nests will be impacted by the commencement of works.
- No construction work, vehicle access, storage of equipment/ materials or other operations should take place on the beach during turtle nesting season (1st May – 30th November) without the express consent of the DoE.
- Construction materials shall be sited as far back from the beach as possible to maximise nesting habitat and any materials on the beach during turtle nesting season (May to November) shall be fully enclosed in fencing embedded at least 2 feet into the sand.
- Any sand excavated as part of the construction works shall remain on site and be returned to this beach system. In particular, sand could be used to fill in the void created by the demolition of the existing pool. If the volume of sand is deemed too great to retain all sand on site, any removal from site should be the subject of a separate consultation with the Council.

In the absence of these conditions, the proposed development would severely adversely impact sea turtles (a protected species under the National Conservation Act) through directly and indirectly increasing their mortality.

Noise and Vibration

The surrounding noise environment is relatively quiet and predominated by road traffic noise. There are adjacent residential receptors to the northwest and southeast. The proposed development has the potential to generate noise through the demolition, clearing, filling and construction. The proposed development is not likely to generate noise during operation. The effect is not considered to be significant and therefore it is the role of the Central Planning Authority (CPA) to consider the noise associated with the construction of the proposed development.

With respect to vibration, there is potential for impact during construction, the severity of this impact depends on the proposed construction method. The DoE has preliminary evidence that vibrations from augercast piling close to nests can reduce the nest success rate by collapsing the nest structure and/or impacting the development of eggs into sea turtle hatchlings. Demolition, site clearing and compaction are also likely to generate vibrations. As such, in the event that a nest is likely to be impacted by the effects of vibration, the Applicant will be required to liaise with the DoE to avoid the accidental committal of an offence under the NCA.

Transport

The proposed redevelopment will almost double the number of units on site. Therefore, the proposed development will inevitably increase the demand on existing road infrastructure in the immediate vicinity. Due to the nature of the proposed development, this effect is not considered to be significant, although it would be important to consider the cumulative effects if all developments in the area were to follow suit.

Climate Change

Climate change is likely to have severe impacts on the Cayman Islands, including the site. The Cayman Islands are inherently vulnerable to climate change because of the small size, remoteness, low-lying areas and other

environmental factors, demography and economy¹. At the time of writing, the Cayman Islands Climate Change Policy is in draft form and at public consultation stage.

The proposed development is likely to both contribute to climate change and be affected by climate change. The proposed development is likely to contribute to climate change during construction and operation. There will be vehicle movements and resource consumption associated with construction and operation.

However, embedded mitigation measures have been proposed including increasing the setback from the existing development to meet the minimum setbacks under the Development and Planning Regulations, and a first floor slab at 16 feet above Mean Sea Level.

The effects of climate change on the proposed development are most likely to be related to storm events and sea level rise. The Cayman Islands will likely experience a sea level rise and more intense but fewer rain events, which could affect the proposed development². The proposed development is setback from the Mean High Water Mark by 130 ft, however the risk of effects from climate change still remain. A small amount of solar energy is proposed for the proposed development. This includes a portion of the roof set aside for photovoltaic panels and solar hot water collectors for the pool and spa. The incorporation of renewable energy will help to provide climate change resilience and mitigation.

The proposed development does feature below ground parking. Although set back 190 feet from the MHW, the finished floor level of the below ground parking is only 5 foot 3 inches above Mean Sea Level. This leaves this area susceptible to flooding during future storm events. The proposed development also features a significant amount of floor to ceiling glazing. This will increase the cooling demand and therefore the energy and resource consumption of the development once operational. In addition to this, the site features a relatively large proportion of paved area meaning that drainage is likely to be a consideration. In light of the above, the proposed development could have been more sensitively designed with respect to the climate.

There are not considered to be likely significant effects with respect to climate change.

Visual Impact; Daylight, Sunlight and Overshadowing

The proposed development features side setbacks of 20 feet from neighbouring properties. This meets the minimum required setback under the Development and Planning Regulations, however it should be considered that the proposed redevelopment consists of 10 storeys which is in stark contrast to the low rise buildings in the immediate vicinity. The neighbouring property to the north (Silver Sands, Block 5C Parcel 191) and to the south (The Palms, Block 5D Parcel 3) are both low rise residential properties and the proposed development will have a visual impact on these properties given the relative height differences.

It is highly likely that the construction of the proposed development will lead to overshadowing and blocking of daylight / sunlight from the southernmost units at Silver Sands, and from a significant portion of The Palms.

Although an EIA is not believed to be required in order to assess these effects, the DoE strongly recommends that the CPA give due holistic consideration to visual impact and the impacts of daylight, sunlight and

¹ National Climate Change Committee. (2011). Achieving a Low Carbon Climate-Resilient Economy: Cayman Islands' Climate Change Policy (draft).

² Climate Studies Group. (2014). Climate Profile for the Cayman Islands. The University of the West Indies for Smith Warner International Ltd.

overshadowing both at a development-specific scale and more generally as part of development planning for the islands. For this development, we recommend the following:

A high-level assessment of visual impact on the receptors from the Silver Sands and The Palms; and

An assessment of daylight, sunlight and overshadowing for the two neighbouring properties.

Cumulative Effects

The proposed redevelopment is another in a string of similar redevelopment projects along Seven Mile Beach. There are likely to be other older low-rise condominiums who may also seek to redevelop into 10 storey buildings and this is changing the nature of Seven Mile Beach. The cumulative redevelopment of properties to higher, denser buildings will introduce more people onto the beach and a cumulative increase in population density is likely to exacerbate traffic issues for the area. The proposed development will be visually prominent and with future cumulative development, there will also be visual amenity effects, as the view of Seven Mile Beach from the beach, from the water and from West Bay Road will change from low-rise to high-rise. This should be considered as part of the Seven Mile Beach Tourism Corridor Area Plan, though the DoE is not aware of the current status of that Area Plan.

Conclusions

The proposed development does not require an EIA as there are no adverse significant effects considered likely provided that mitigation measures with respect to turtles are secured by Planning conditions and implemented. Visual impact and daylight, sunlight and overshadowing should be considered further by the CPA. The proposed development has included embedded mitigation to reduce the environmental impact of the development. The proposed development has included some climate change resilience features, including a small amount of renewable energy. There are minor effects from noise and vibration, particularly during construction, and likely more significant cultural and social effects from the potential cumulative effects from development that should be considered and addressed by the CPA.

Given the increased setbacks over the existing development, there are likely to be beneficial effects on ecology **provided the following Planning conditions are secured and adequately implemented:**

- The applicant shall prepare and submit a plan to the Department of Environment for turtle friendly lighting, which minimises the impacts on sea turtles. All lighting shall be installed in accordance with the plan, to be approved by the DoE. Guidance on developing a lighting plan can be found in the DoE's Turtle Friendly Lighting: Technical Advice Note (September 2018).
- Prior to the commencement of works, the property owner shall contact the DoE to check for the presence of turtle nests; written approval shall be obtained from the DoE that no nests will be impacted by the commencement of works.
- No construction work, vehicle access, storage of equipment/ materials or other operations should take place on the beach during turtle nesting season (1st May – 30th November) without the express consent of the DoE.

- Construction materials shall be sited as far back from the beach as possible to maximise nesting habitat and any materials on the beach during turtle nesting season (May to November) shall be fully enclosed in fencing embedded at least 2 feet into the sand.
- Any sand excavated as part of the construction works shall remain on site and be returned to this beach system. If the volume of sand is deemed too great to retain all sand on site, any removal from site should be the subject of a separate consultation with the Council.

In the absence of these conditions, the proposed development would severely adversely impact sea turtles (a protected species under the NCA) through directly and indirectly increasing their mortality.

We also strongly recommend:

- A high-level assessment of visual impact on the receptors in the units of both the Silver Sands and The Palms
- An assessment of daylight/sunlight/overshadowing for the neighbouring properties.

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).

AQUA BAY



Redevelopment of Existing 21 Unit Aqua Bay Club with
38 Unit Aqua Bay Condominium Project
Seven Mile Beach
Grand Cayman, Cayman Islands

I hereby certify that all the dimensions shown on this plan are correct.
Signature: *Gerald Hoffman* (Gerald Hoffman)
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IF ACTUAL

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Rev: Date: Description:

REVISIONS

Issued for
Planning
Permission

Project:
Aqua Bay

Block: 5D Parcel 4 and
Block: 5C Parcel 234

Applicant:
Butler Group Ltd.
% Design Studio, 10 Market St. Caymana Bay, Box 30864 S.M.B.
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Design:
Butler Group Ltd.

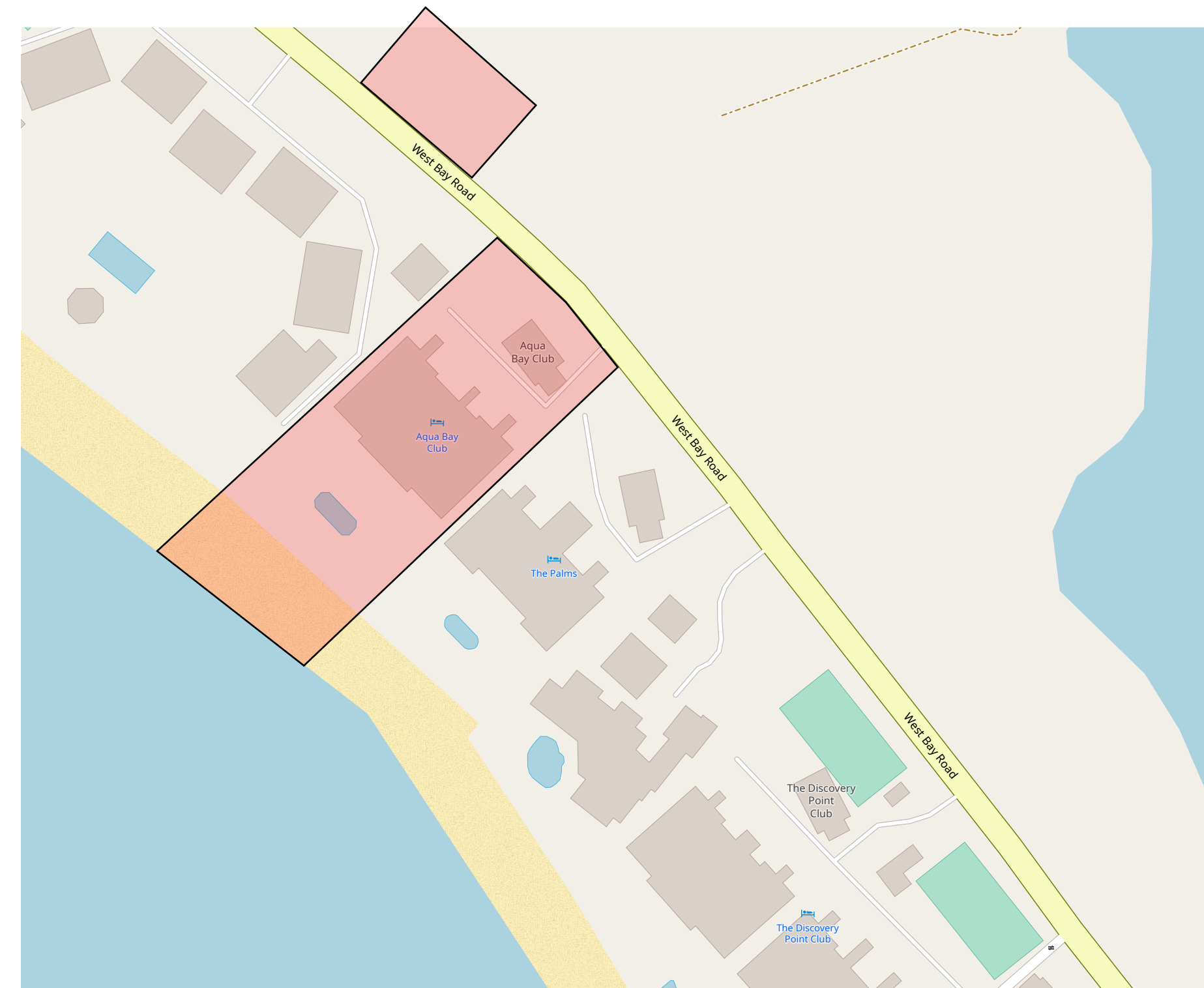
% Design Studio, 10 Market St. Caymana Bay, Grand Cayman, Cayman Islands KY1-9006
Telephone: 345.945.4977

Drawing Title:
TITLE SHEET

Scale: As noted Issue Date: 20/Mar/2023
Drawn By: Gerald Hoffman Print Date: 20/Mar/2023

A.01 of 22

EXISTING VICINITY MAP



PROJECT DATA

ZONING: HOTEL / TOURISM
SITE AREA: 60,172 Sq.Ft. (1.38 Acres)
BLDG USE: RESIDENTIAL APARTMENTS
OCC. GROUP: R-2
CONST. TYPE: 1B
CLIMATE ZONE: TROPICAL MARITIME
FIRE SPRINKLERS: YES
SEISMIC DESIGN: CATEGORY C

LEGAL DESC'N: BLOCK: 5D PARCEL 4 and
 BLOCK: 5C PARCEL 234

APPLICABLE CODES

ALL CODES REFERENCED ARE TO BE USED AS AMENDED BY CAYMAN ISLANDS BUILDING AUTHORITY

The Building Codes in use in the Cayman Islands are based on several codes developed by the International Code Council (ICC). These codes include:

Codes used for Multi-Family Dwellings

- 2014 National Electrical Code
- 2009 International Building Code
- 2003 ICC/ANSI A117.1 American National Standard for Accessible and Usable Buildings & Facilities
- 2009 International Mechanical Code
- 2009 International Plumbing Code
- 2009 International Fuel Gas Code
- 2009 International Fire Code

Elevator Standards

ASME A17.1 - 2007 Safety Code for Elevators & Escalators

PROJECT TEAM

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MECHANICAL ENGINEER:
ELECTRICAL ENGINEER:
FIRE PROTECTION:

T.B.D.

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SHEET INDEX

SHEET INDEX		
Sheet	No.	Name
A.01	of 22	TITLE SHEET
A.02	of 22	GENERAL INFO / VICINITY MAP / PROJECT OVERLAY
A.03	of 22	SITE PLAN
A.04	of 22	SITE SURVEY
A.05	of 22	SITE TOPOGRAPHICAL SURVEY
A.06	of 22	UTILITY PLAN
A.07	of 22	DEMO PLAN
A.08	of 22	PARKING LEVEL PLAN
A.09	of 22	1ST FLOOR PLAN
A.10	of 22	2ND FLOOR PLAN
A.11	of 22	3RD-10TH FLOOR PLAN
A.12	of 22	ROOF DECK PLAN
A.13	of 22	MECHANICAL LEVEL PLAN
A.14	of 22	WEST ELEVATION
A.15	of 22	SOUTH ELEVATION
A.16	of 22	EAST ELEVATION
A.17	of 22	NORTH ELEVATION
A.18	of 22	BUILDING SECTION A-A
A.19	of 22	BUILDING SECTION B-B
A.20	of 22	BUILDING SECTION C-C
A.21	of 22	BUILDING SECTION D-D
A.22	of 22	FLOOR AREA CALCULATIONS

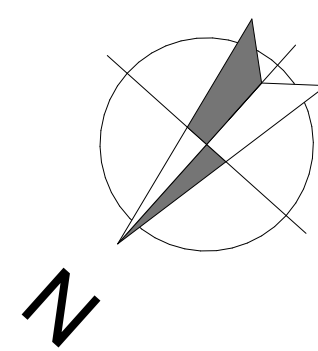
CONSTRUCTION INFO

Construction Type - 1B

FIRE RATINGS FOR BUILDING ASSEMBLIES

EXTERIOR WALLS	-	2 HRS
STRUCTURAL FRAME	-	2 HRS
CEILING / FLOOR SEPARATION	-	2 HRS
CEILING ROOF ASSEMBLY	-	1 HR
EXIT STAIRWELLS	-	2 HRS

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REVISIONS

Issued for Planning Permission

Project:

Aqua Bay

Block: 5D Parcel 4 and Block: 5C Parcel 234

Applicant:

Butler Group Ltd.
 % Design Studio, 10 Market St. Caymana Bay, Box 30864 S.M.B.
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Drawing Title:

GENERAL INFO / VICINITY MAP / PROJECT OVERLAY

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A.02 of 22

Aerial View of Aqua Bay Club with adjoining properties showing overlay of new Redevelopment Plan Layout



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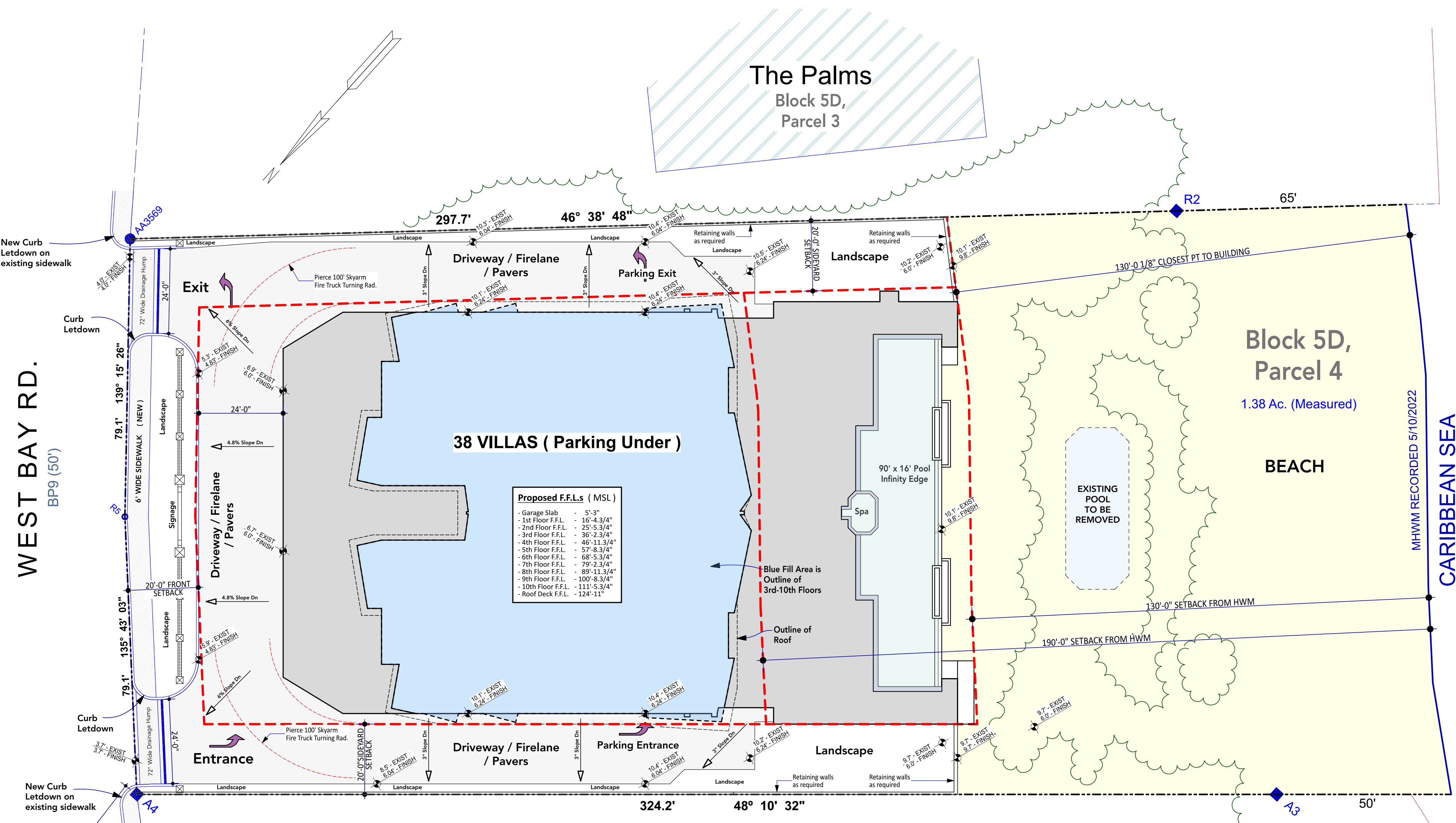
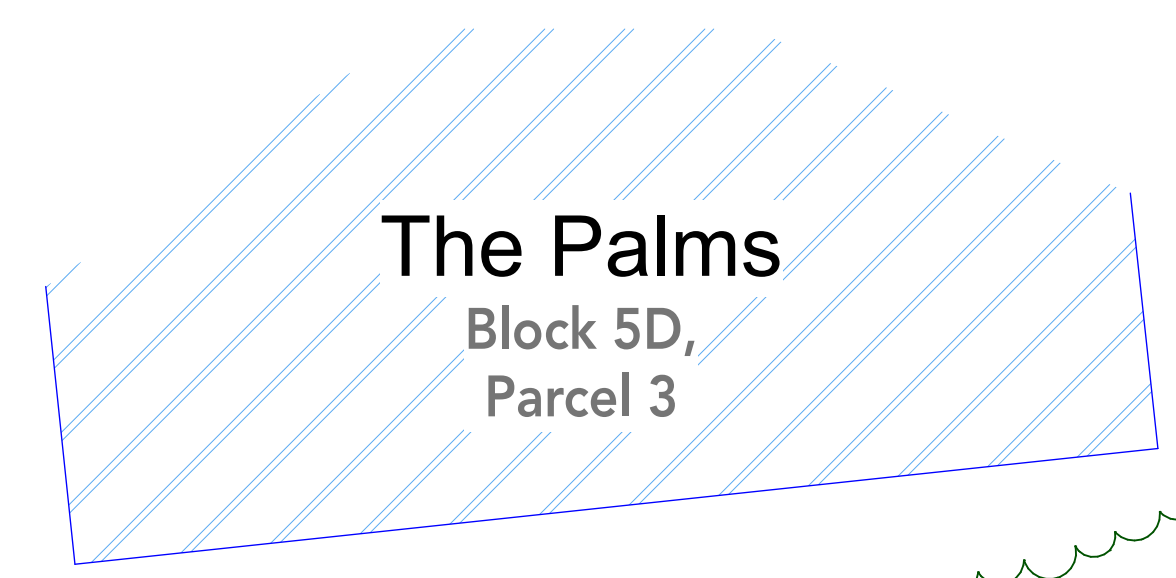
Butler Group Ltd.

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 Telephone: 345.945.4977

Drawing Title:
SITE PLAN

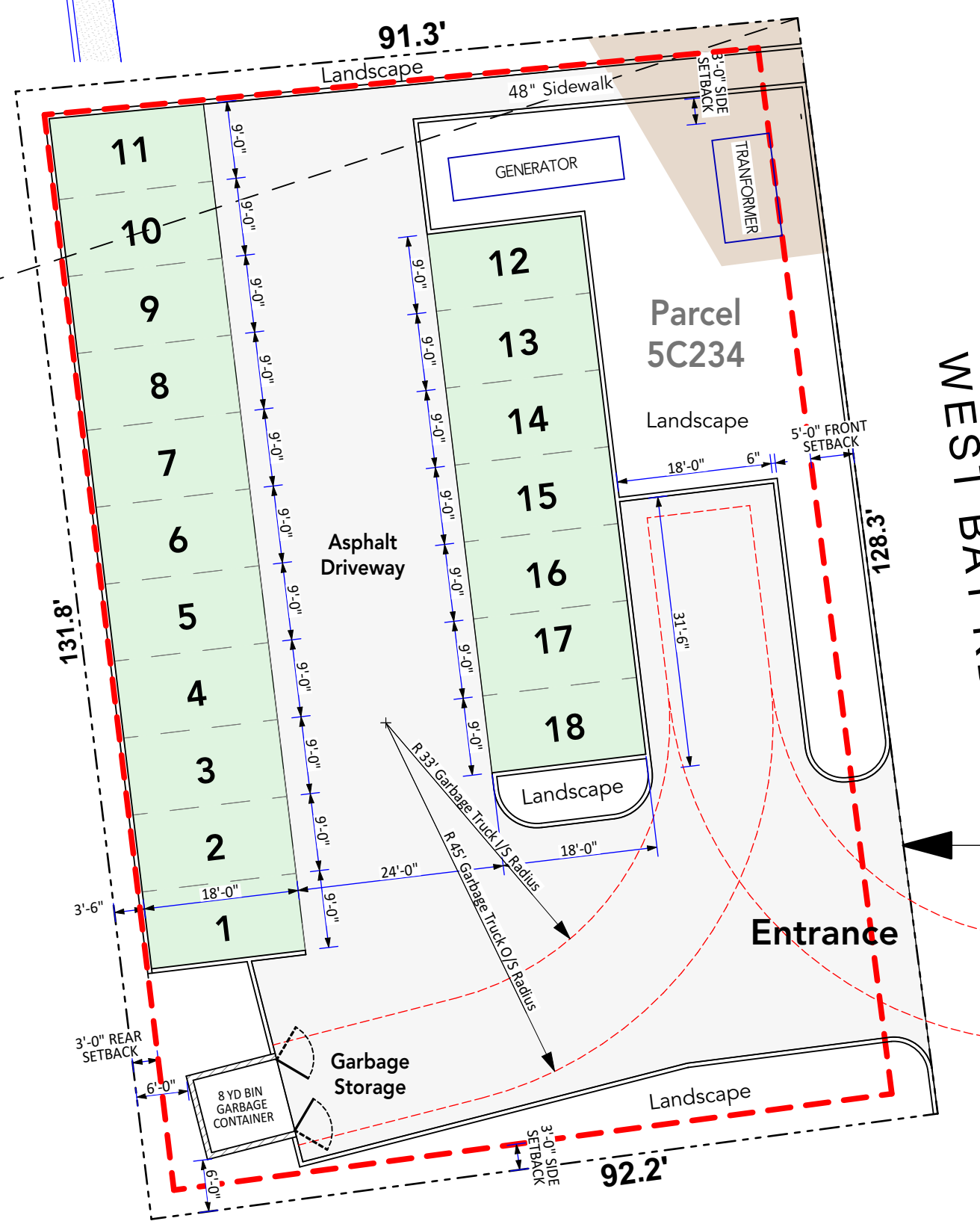
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A.03 of 22



Proposed F.F.L.s (MSL)

Garage Slab	- 5'-3"
1st Floor F.F.L.	- 16'-4.3/4"
2nd Floor F.F.L.	- 25'-5.3/4"
3rd Floor F.F.L.	- 36'-2.3/4"
4th Floor F.F.L.	- 46'-11.3/4"
5th Floor F.F.L.	- 57'-8.3/4"
6th Floor F.F.L.	- 68'-5.3/4"
7th Floor F.F.L.	- 79'-2.3/4"
8th Floor F.F.L.	- 89'-11.3/4"
9th Floor F.F.L.	- 100'-8.3/4"
10th Floor F.F.L.	- 111'-5.3/4"
Roof Deck F.F.L.	- 124'-11"



Site Data Block 5D, Parcel 4

Lot Area	- 60,172 Sq.Ft. (1.38 Ac.)
Building Coverage Area	- 22,130.1 Sq.Ft.
Site Coverage Allowed	- 40.0 %
Site Coverage Proposed	- 36.8 %
Building Floor Area	- 159,974.6 Sq.Ft.
Pavers Area Proposed	- 10,102.6 Sq.Ft.
Total Area (w/Paver Areas)	- 31,688.5 Sq.Ft.
Coverage (w/Paver Areas)	- 52.7 %
Units Allowed	- 34.5 (25 x 1.38)
Units Proposed	- 38
Parking Required	- 57 Spaces (38 x 1.5)
Parking Provided	- 45 Spaces on 5D4 18 Spaces on 5C234 63 Spaces Total (Includes 3 Handicap)

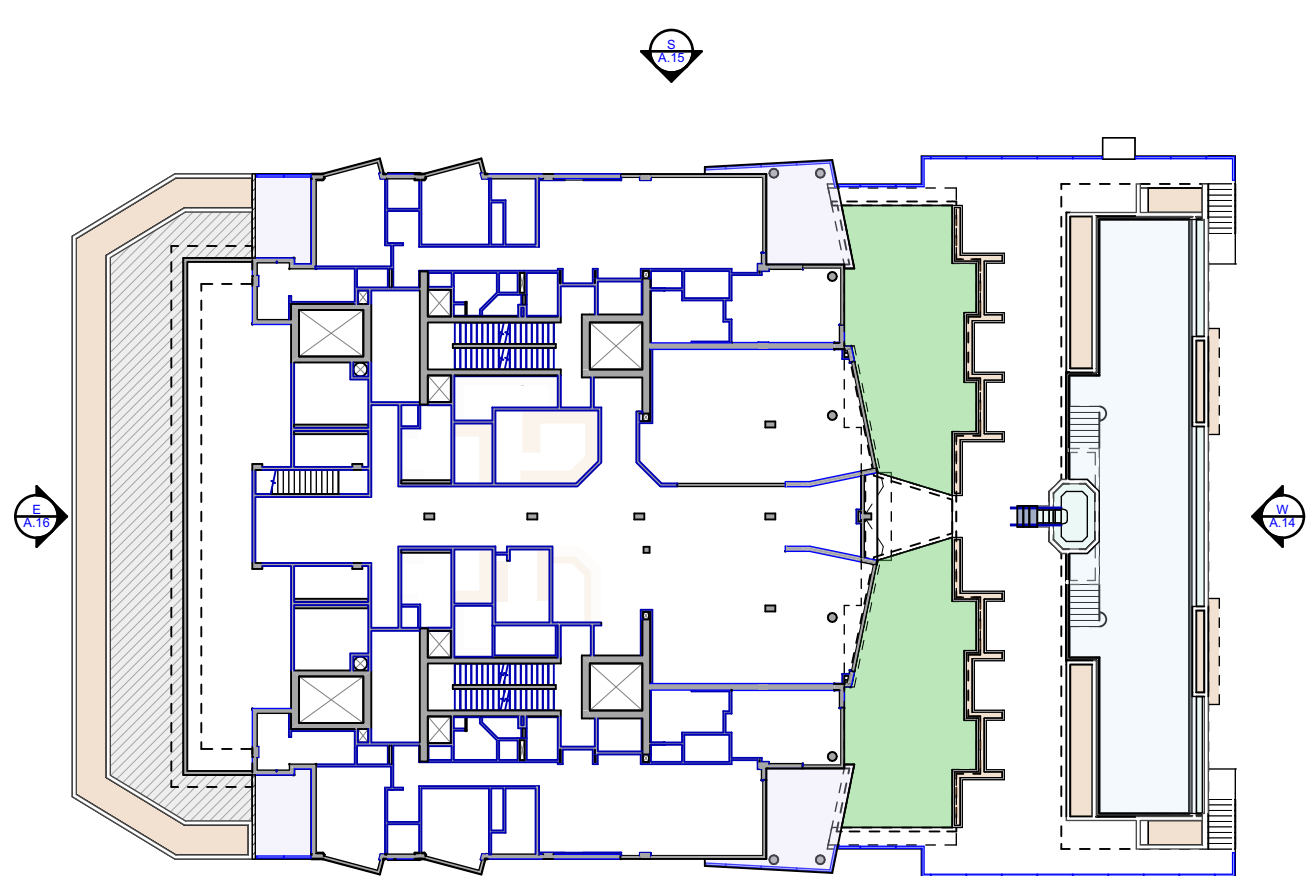
Site Data Block 5C, Parcel 234

Lot Area	- 11,147.0 Sq.Ft. (.256 Ac.)
Paved Area Proposed	- 10,102.6 Sq.Ft.
Total Paved Area	- 4,837.7 Sq.Ft.
Coverage - Paved Areas	- 47.9 %
Units Allowed	- 6.4 (25 x .256)
Units Proposed	- 0
Parking Required	- 0
Parking Provided	- 18 Spaces (See Above)

SITE PLAN

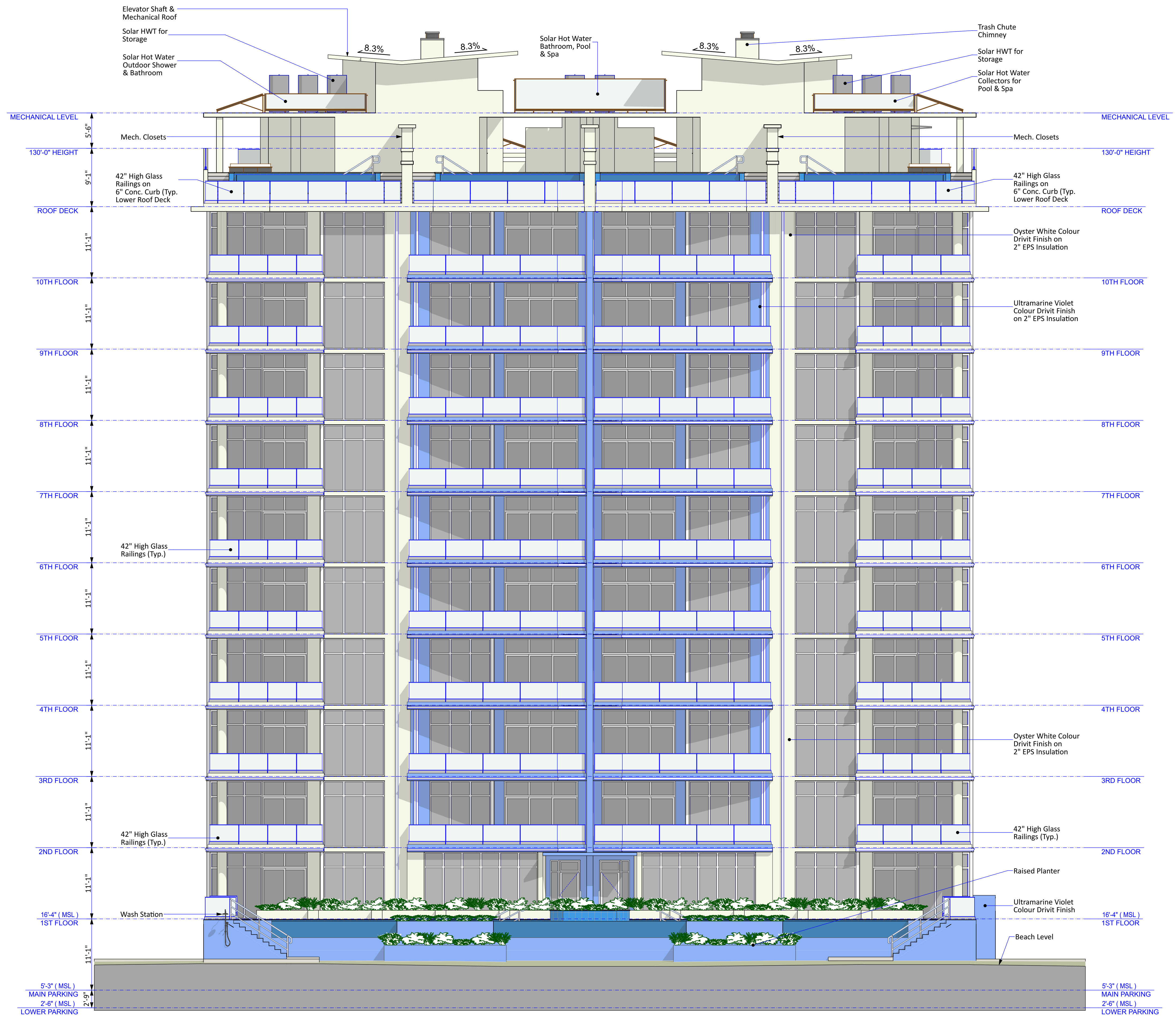
SCALE: 1:200

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ELEV. KEY PLAN - FIRST FLOOR

SCALE: 1/32" = 1'-0"



WEST ELEVATION

SCALE: 1/8" = 1'-0"

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Project:

Aqua Bay

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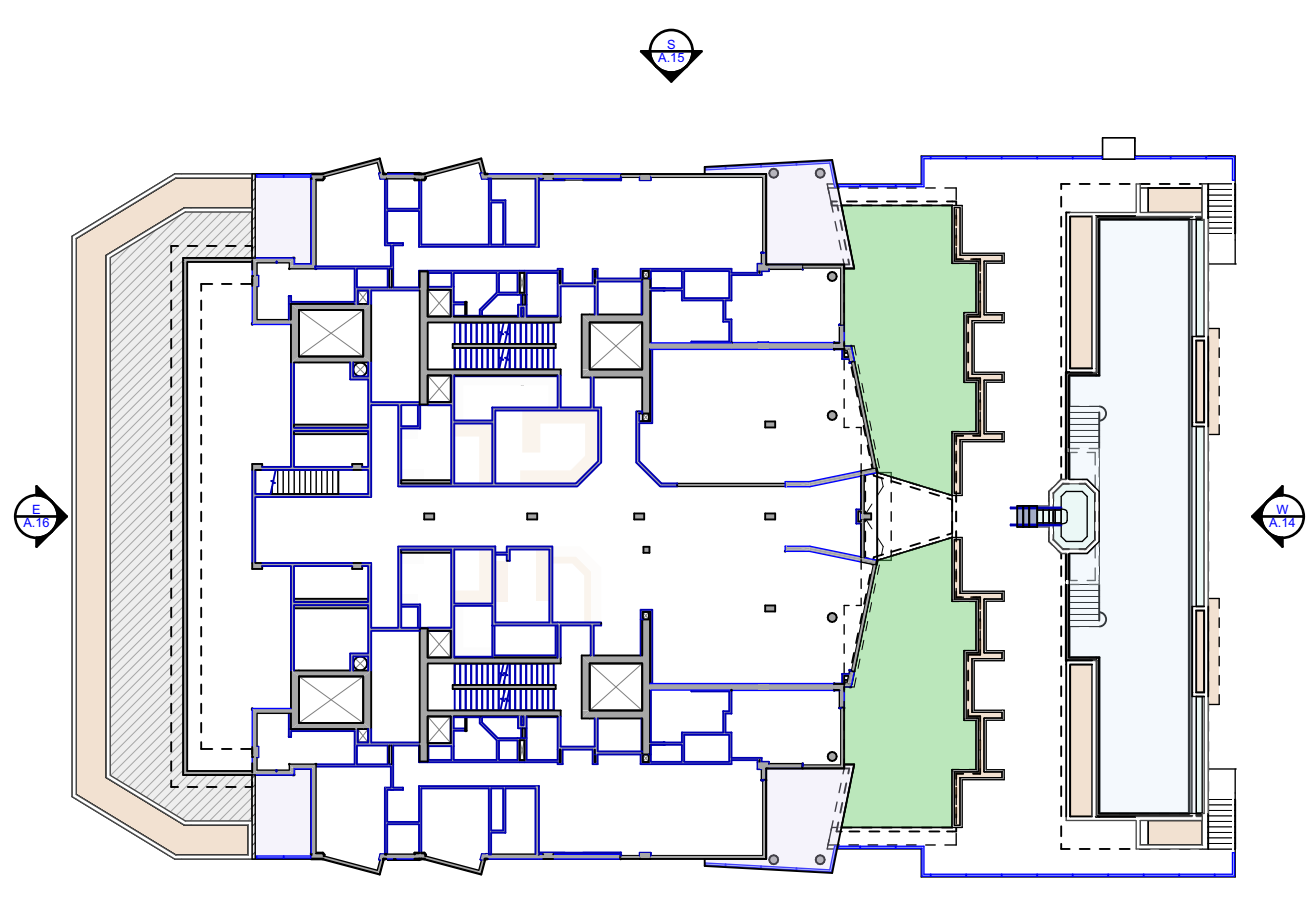
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Telephone: 345.945.4977

Drawing Title:

WEST ELEVATION

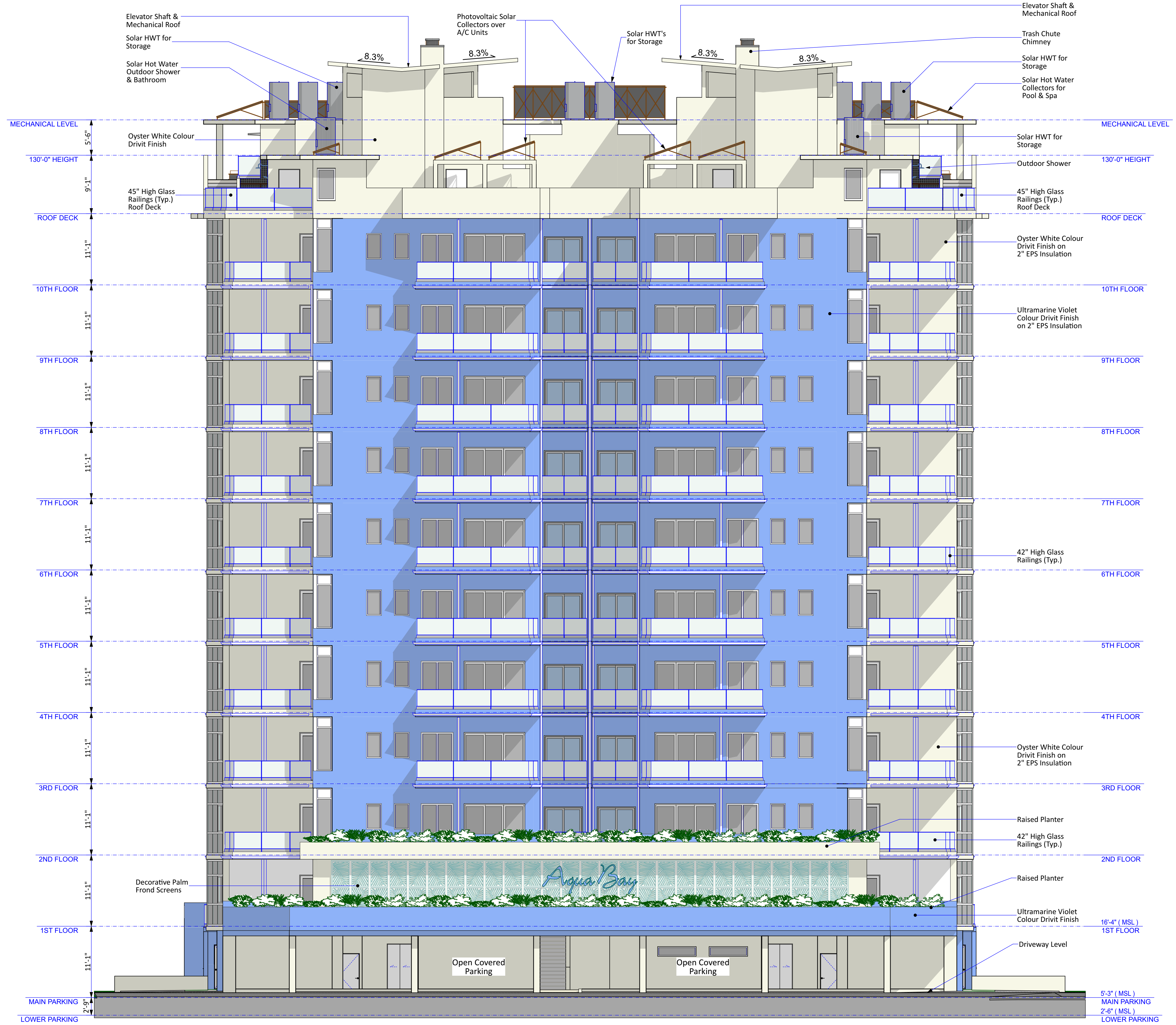
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A.14 of 22



ELEV. KEY PLAN - FIRST FLOOR

SCALE: 1/32" = 1'-0"



EAST ELEVATION

SCALE: 1/8" = 1'-0"

I hereby certify that all the dimensions shown on this plan are correct. Signature: [Signature] (Gerald Hoffman) Address: % Design Studio, 10 Market St. Caymana Bay, Grand Cayman, Cayman Islands KY1-9006 Telephone: 345.945.4977

IF THE ABOVE DIMENSION DOES NOT MEASURE ONE INCH (1") EXACTLY, THIS DRAWING WILL HAVE BEEN ENLARGED OR REDUCED, AFFECTING ALL LABELED SCALES.

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Table with columns: Rev, Date, Description

REVISIONS

Issued for Planning Permission

Project:

Aqua Bay

Block: 5D Parcel 4 and Block: 5C Parcel 234

Applicant:

Butler Group Ltd. % Design Studio, 10 Market St. Caymana Bay, Box 30864 S.M.B. Grand Cayman, Cayman Islands KY1-9006 Telephone: 345.945.4977 Email: brian@butlergroupcayman.com

Design:

Butler Group Ltd.

% Design Studio, 10 Market St. Caymana Bay, Grand Cayman, Cayman Islands KY1-9006 Telephone: 345.945.4977

Drawing Title:

EAST ELEVATION

Scale: As noted Issue Date: 20/Mar/2023 Drawn By: Gerald Hoffman Print Date: 20/Mar/2023



Lauren Dombowsky, CEnv
Manager, Environmental Management Unit
Department of Environment
Cayman Islands Government
Environmental Centre
580 North Sound Road
Box 10202|
Grand Cayman. KY1-1002

5th May, 2023

Ref: Application Request for Project/s Screening

The Cayman Islands Airports Authority (CIAA) has recently completed the 2041 Airports Master Plan and several major infrastructure projects, that are scheduled to be completed over the next three years, have been identified during the planning analysis and may or may not require an Environmental Impact Assessment (EIA).

There are three projects where it is currently unclear to the CIAA whether these projects require an EIA. The three Projects are as follows:

- 1) The Runway Strip Widening and RESA (Runway End Safety Area) Works on Cayman Brac.
- 2) The New General Aviation Terminal and Associated Aircraft Apron at ORIA on Grand Cayman
- 3) The Surveillance RADAR Tower Relocation at ORIA on Grand Cayman

Following the Directive for Environmental Impact Assessments (29.06.2016), the CIAA, respectively requests that the two projects referenced above undertake a screening by the DoE to establish whether an EIA is required.

Attached to this letter are the following:

- a) A plan sketch that reflects to the extents of the runway strip widening and RESA works
- b) A short narrative as to the extent of the projected works, the purpose and any potential environmental impacts
- c) A plan sketch and photos that reflects the extents of the GA Terminal and associated aircraft parking apron
- d) A short narrative as to the extent of the work area, the reason why the works are required and any potential environmental impacts
- e) A plan sketch that reflects to the area where the RADAR tower is to be relocated
- f) A short narrative as to the extent of the work area, the reason why the tower relocation is required and any potential environmental impacts

If you require any further information and/or if a presentation to the DoE is needed prior to forming your opinion please advise.

I look forward to your reply in due course.

Yours sincerely

A handwritten signature in black ink that reads 'Roy Williams'.

Roy Williams PE
Senior Project Manager
Cayman Islands Airports Authority
roy.williams@gov.ky
+1 345 925 6665

Airport Developments Project

Grand Cayman, Owen Roberts International Airport

AIRSIDE

Cayman Brac – Runway Widening Works and added RESAs

ICAO regulations dictate that the runway strip at CKIA is required to be 150m wide (75m from the centre line of the runway). The strip is an open and obstacle free area that lies adjacent to the runway in the event that an aircraft veers off of the runway in the event of an accident and has a clearway to come to a stop.

The current runway strip conditions at CKIA are not to ICAO regulations and two areas, at the 75m limit, are in the Westerly Ponds. The sketch (fig. 1) below shows black hatch areas that reflect the 75m limit.



Fig.1 Runway RESA to the West and pond fill

In addition to the runway strip works, it is a requirement of ICAO regulations that 240m RESAs need to be added to the west and east end of the runway. RESA's are obstacle free areas at the end of the runway to allow aircraft to stop in the event of an accident. Fig. 1 shows the west end RESA located to avoid the turtle nesting are on the west beach area.

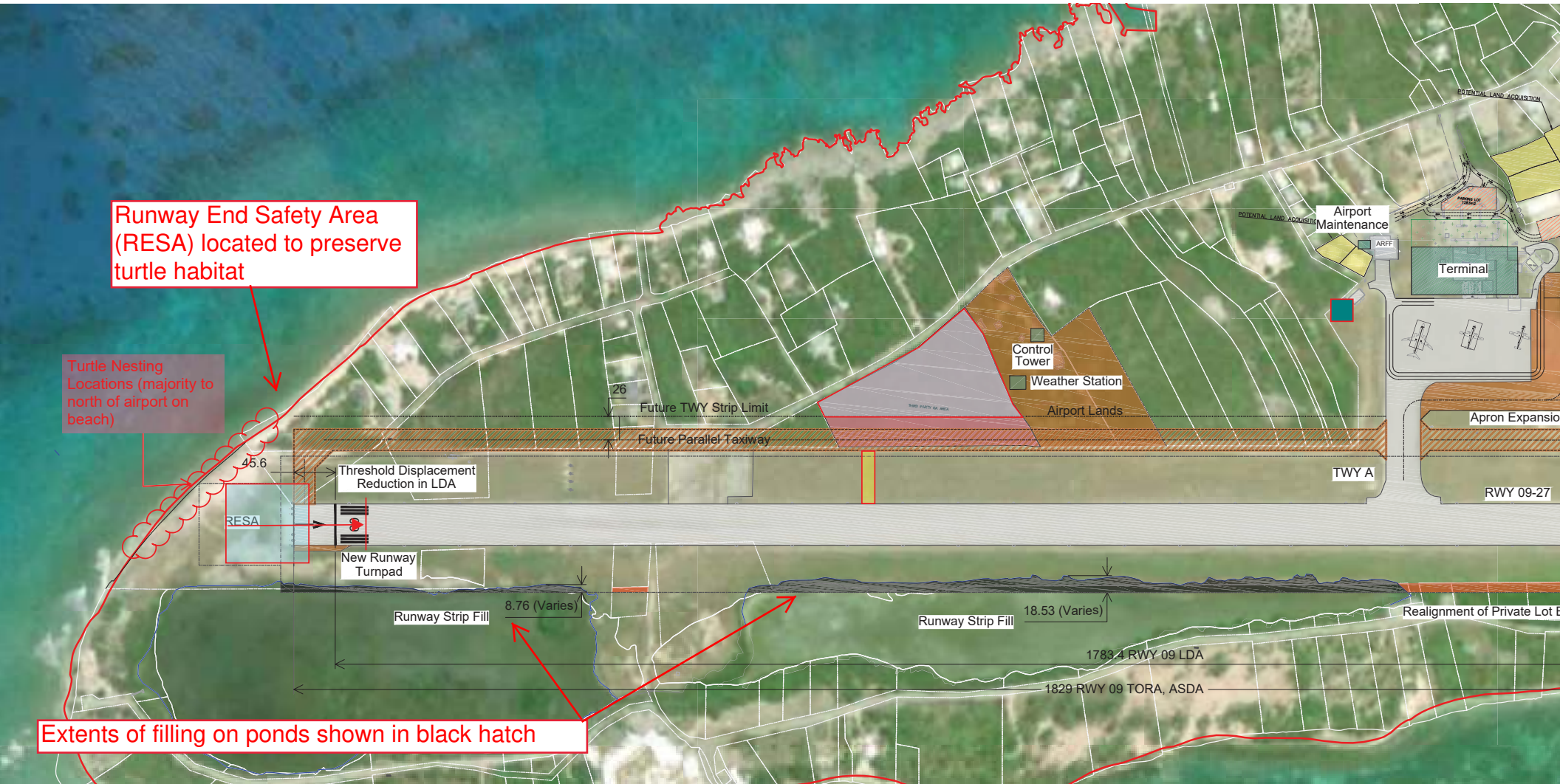
This affects the runway displacement line and makes the runway marginally shorter. The east end RESA, shown in fig 2, has no environmental negative impacts but the clearway is to be maintained and no filling of the pond is required.



Fig.2 – Runway RESA to the East

These works are a regulatory requirement and have become a critical Civil Aviation Authority (CAA) capital action plan (CAP) requiring the CIAA to complete the works as soon as possible.

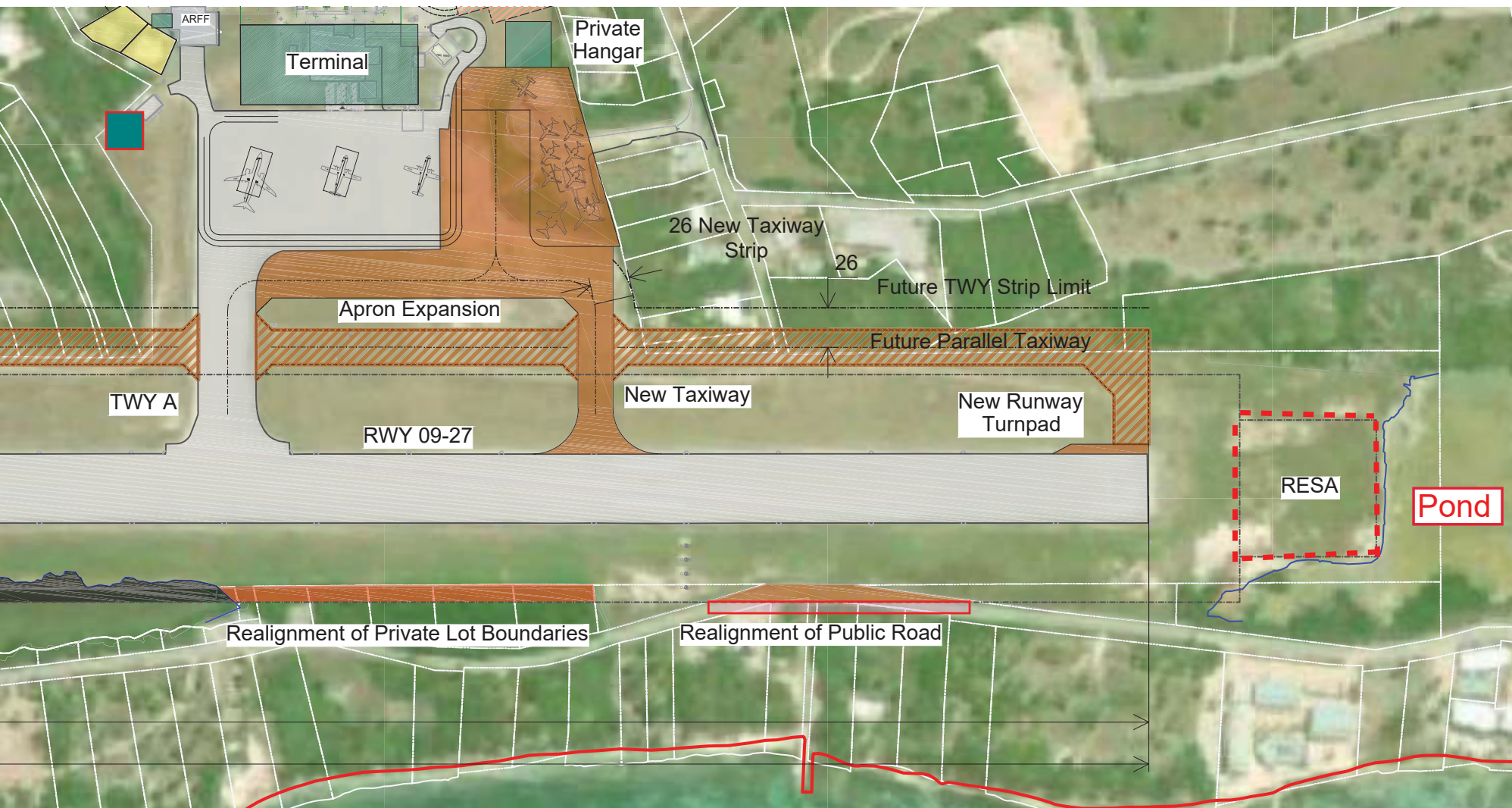
West End of Runway Strip Widening Works



Runway End Safety Area (RESA) located to preserve turtle habitat

Turtle Nesting Locations (majority to north of airport on beach)

Extents of filling on ponds shown in black hatch



Airport Developments Project

Grand Cayman, Owen Roberts International Airport

AIRSIDE

New General Aviation Terminal and Aircraft Parking Apron

The existing GA terminal and related aircraft parking apron is located on the north side and in the centre of the airport property. The GA terminal was built in 1987 and is now considered old and not fit for purpose. Aircraft parking, during peak periods is at capacity and is assessed as being a deterrent to potential high net worth visitors to the islands. One of the Governments strategic policies is to address the conditions of the General Aviation industry in Cayman and build a new facility with adequate aircraft parking space and storage hangars.

This topic was a main focus for the master planners and after exhaustive discussions on the optimal location for a new facility, it was confirmed that the ideal location is in the east end of the property adjacent to the North South. The sketch below (fig.1) is an extract from the master plan and clearly identifies where the aircraft parking and the new GA terminal are to be located.

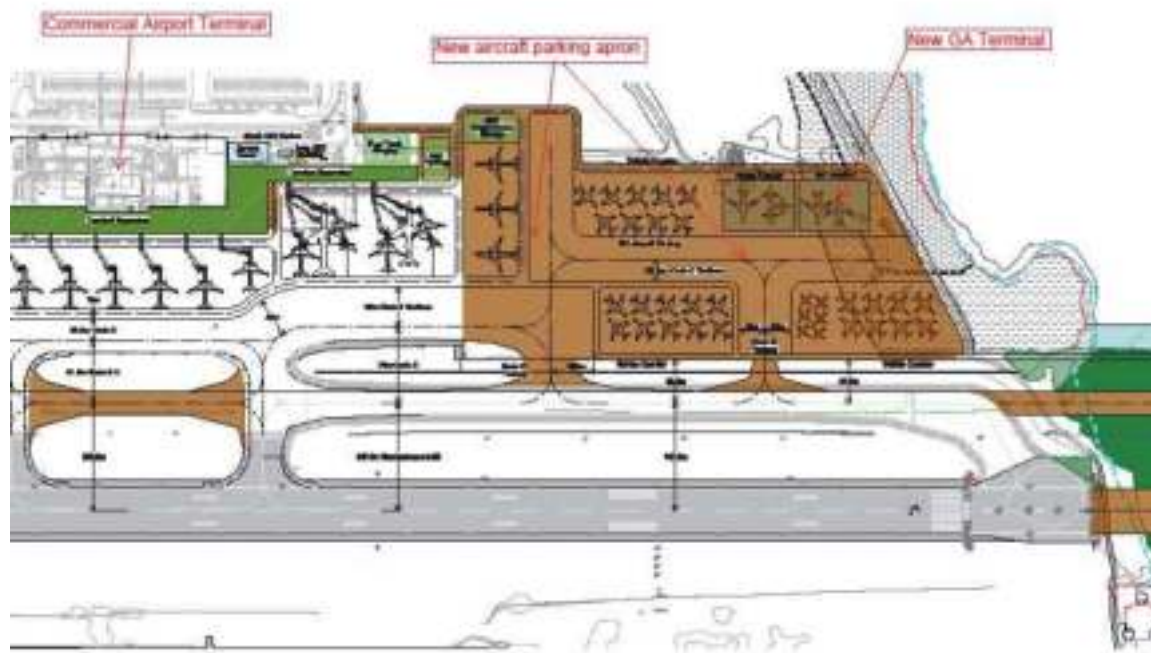


fig 1.

The site chosen is considered a brownfield site and has been used for Fire Fighter training and storage of materials for many ears. The areas will require minimal de-grubbing and removal of

vegetation. The aerial photo (fig 2) below clearly identifies the area and the limitation of minor impacts to the natural habitat.

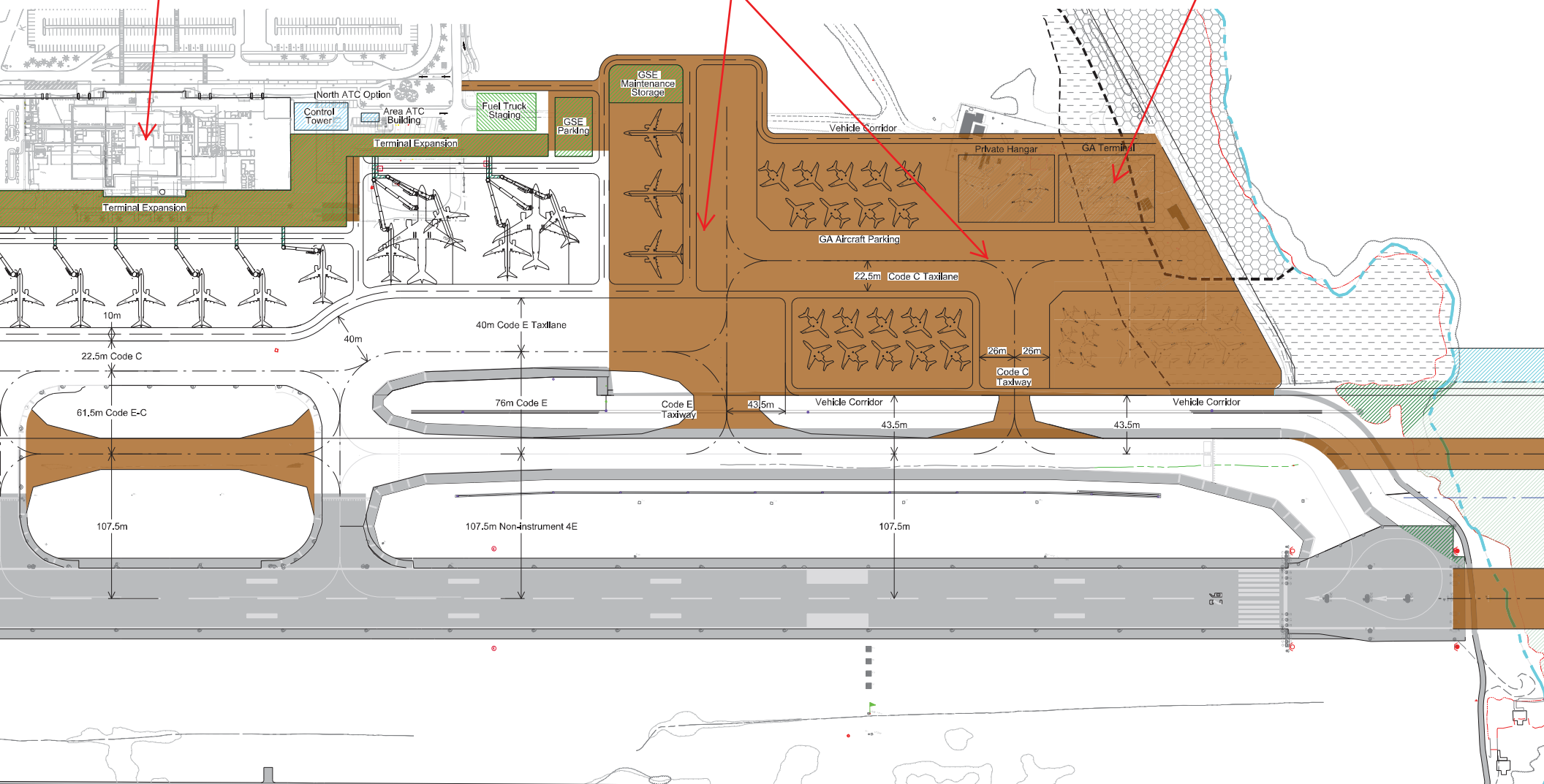


fig. 2

Commercial Airport Terminal

New aircraft parking apron

New GA Terminal







Airport Developments Project

Grand Cayman, Owen Roberts International Airport

AIRSIDE

Surveillance RADAR Tower Relocation

The existing surveillance tower is located at the east end of the airport property (Block 20c – Parcel 78). The tower is clearly visible in the centre of the picture below



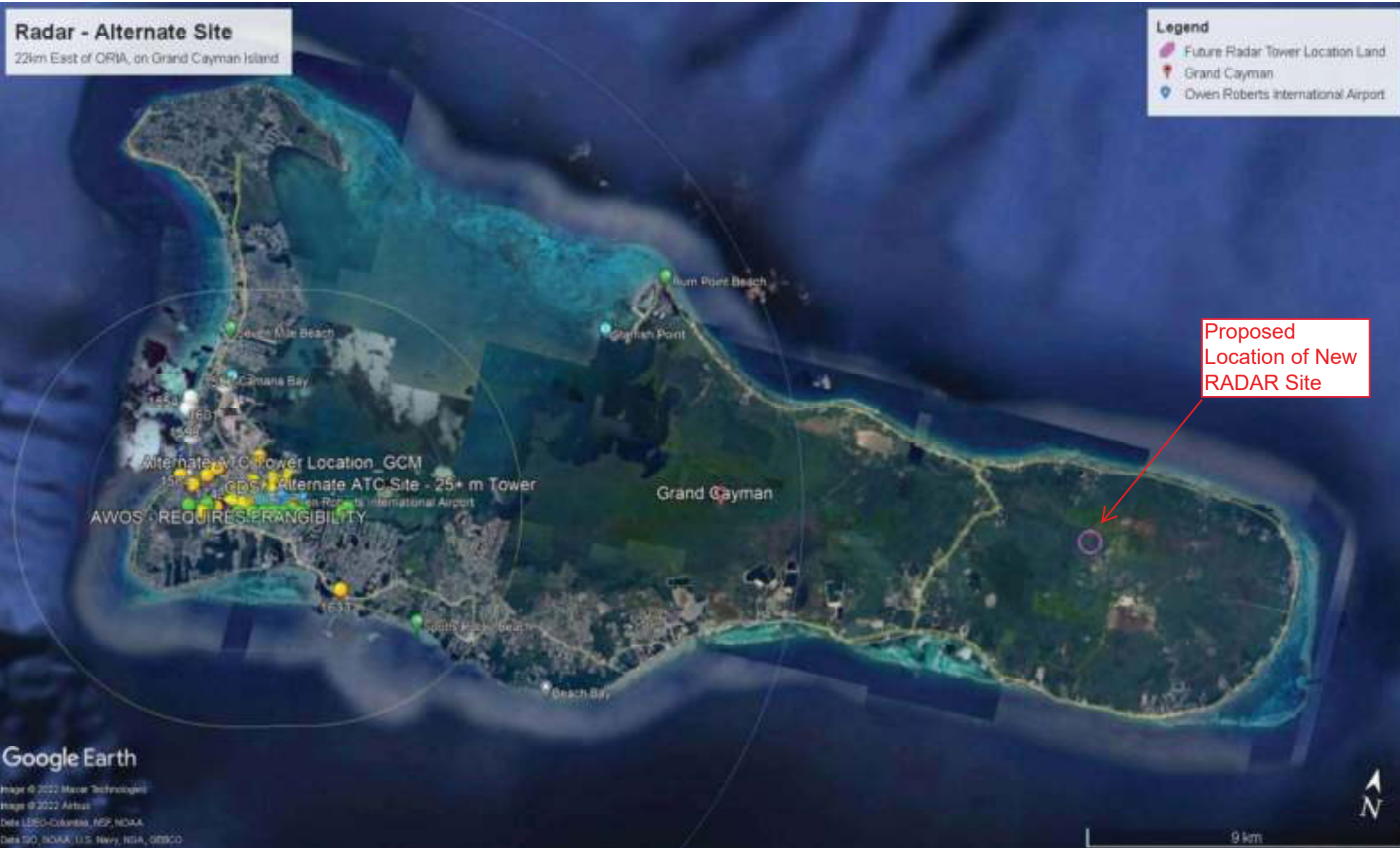
The proposed General Aviation Terminal and associated aircraft parking apron is to be located on the brown files site south of the tower. Although final design has not been completed at this time, the tower is expected to be in the proposed new apron area and will be required to be relocated.

Space is limited on airport property and therefore the tower will need to be relocated. A site has been identified on Crown land in the eastern district near . The MET weather RADAR is located in the same vicinity, however, it is a requirement that the two radar sites are separated at a minimum of 500ft to maintain operation functionality. The Airports Authority is currently working in collaboration with Lands and Survey to manage the exchange of property indicated in red the box on the sketch below.

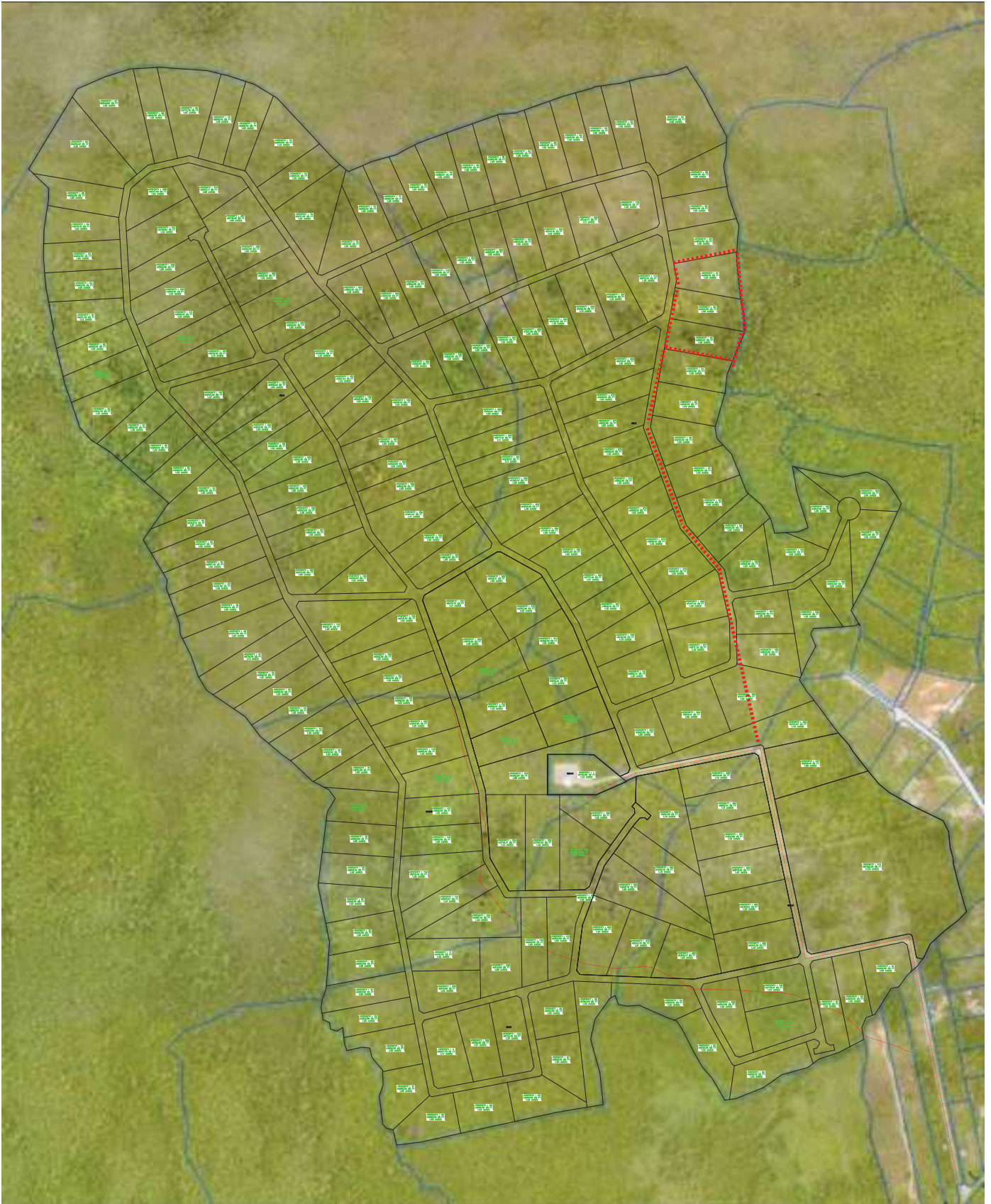
The sketch below was submitted to the CIAA and shows the 1 acre lots “earmarked” for agricultural development and it is the intention to allocate one or two lots for CIAA use.



The area of land impacted is no more than 2 acres. Site clearing will be required and the existing track will need to be widened and the project is considered to have minimal environment impacts.









Screening Opinion for the Proposed General Aviation Terminal 29 June 2023

Executive Summary

The National Conservation Council's (NCC) Directive for Environmental Impact Assessments (EIAs) notes that all activities listed in Schedule 1 will be considered against the screening criteria outlined in the Directive to determine whether an EIA may be required.

The proposed General Aviation Facility is located to the east of the existing Owen Roberts International Airport terminal and close to the North Sound. The site has an area of 22 acres and is partially man-modified, partially regrown mangroves. The proposed development includes:

- A new General Aviation terminal,
- A new hangar, heliport and VIP parking facilities adjacent to the terminal,
- Expanded aircraft parking aprons, and
- A future marine dock with a connection to the terminal.

The Department of Environment has not been provided with any operational information on the proposed development, such as the number of flights, aircraft mix, airside operations, non-road mobile machinery etc.

With respect to ecology, the site contains approximately 3 acres of mangroves and approximately 1.5 acres of Mangrove Buffer Zone that has already been cleared. There should be no development on the Mangrove Buffer Zone. Instead, the Mangrove Buffer Zone should be restored with mangroves. Restoration of 1.5 acres of the Mangrove Buffer Zone to mangrove habitat should be undertaken as partial mitigation for the adverse effects caused by the proposed development. Overall, the effects on ecology by the proposed development would be "moderate-adverse" due to the loss of mangroves. The effects could be considered "minor-adverse" if CIAA chose to restore the Mangrove Buffer Zone.

With respect to climate change, there will be greenhouse gas emissions from vehicle movements and resource consumption associated with construction and operation. If the proposed General Aviation terminal increases the number of private jets arriving and leaving Cayman, there will be an increase in greenhouse gas emissions and our greenhouse gas emissions per capita may increase. Private jets generally emit more greenhouse gas emissions per capita compared to regular commercial planes.

It is not clear whether greenhouse gas emissions and the targets of the National Energy Policy 2017-2037 were or will be taken into account by CIAA in the design of the proposed development or as part of the masterplanning. In order to meet the emissions target of the National Energy Policy while expanding the General Aviation terminal, other sectors of Cayman will be required to compensate and cut-back their emissions further. Given that the General Aviation terminal is only used by a small proportion of the population of Cayman, there is likely an equalities issue. The majority of the population is being affected by climate change but only a small number will use the new facilities or be responsible for the increase in emissions.

Though it is likely that there will be a significant adverse effect with respect to ecology and climate change, an EIA is not required to understand the consequences of these adverse effects or to allow the NCC to make appropriate recommendations under Section 41 of the National Conservation Act.

There are likely to be minor adverse effects from air quality, ground conditions and noise and vibration from the proposed development.

The proposed development does not require an EIA as there are no adverse significant effects considered likely which require further assessment. With respect to the design of the proposed development, CIAA should:

- Adequately take into account climate change,
- Restore the 1.5 acre encroachment into the Mangrove Buffer Zone into mangrove habitat to mitigate for the loss of 3 acres of mangroves across the remainder of the site.

The Department of Environment is of the opinion that the proposed development does not require an EIA as there are no likely significant adverse effects that require further assessment.

Introduction

The process for determining whether an Environmental Impact Assessment (EIA) is needed is a statutory process that is governed by the National Conservation Act (NCA). This first stage, where the relevant authorities decide if a development is an EIA development (i.e. requires an EIA) is called screening.

The National Conservation Council's (NCC) Directive for Environmental Impact Assessments (EIAs) issued under section 3(12) (j) and which has effect under section 43(2) (c) of the NCL, notes that all activities listed in Schedule 1 will be considered against the screening criteria outlined in sections 2 to 3 of Schedule 1 of the Directive to determine whether an EIA may be required. The proposed development falls within Schedule 1, i.e. infrastructure projects including airports and airstrips.

The screening criteria include:

- The type and characteristics of a development;
- The location of a development; and
- The characteristics of the potential impact.

These screening criteria have been considered with respect to the proposed development in order to determine whether an EIA is required.

The Site

The proposed development site is located in the eastern portion of Block 20C Parcel 78 which is part of the existing Owen Roberts International Airport. The site has an approximate area of 22 acres. The site has been impacted and partially man-modified since the earliest Lands and Survey Department aerial map from 1958. In 2018, the site consisted partially of regrown mangroves and partially of man-modified areas and was used for fire fighter training and storage of materials. Between 2018 and 2023, much of the regrown vegetation was cleared as part of previous airport expansion projects. The area of mangroves remaining on site is approximately 3 acres.

Approximately 1.5 acres of the proposed development site is Mangrove Buffer Zone under the Development and Planning Regulations although the area has already been cleared of mangroves. A small buffer of mangroves has been retained and is located outside of the development footprint to the east of the proposed development site. This buffer is between 80 and 120 feet wide approximately.



Figure 1. The environmental context of the site (Aerial Imagery Source: UKHO, 2021).

Proposed Development

Description of the Proposed Development

The proposed development is a General Aviation terminal and associated aircraft parking apron and the proponent of the project is the Cayman Islands Aviation Authority (CIAA). The final design has not yet been completed and this EIA Screening Opinion has been requested by CIAA prior to submission of any planning application.

The proposed General Aviation Facility includes:

- A new General Aviation terminal,
- A new hangar, heliport and VIP parking facilities adjacent to the terminal,
- Expanded aircraft parking aprons, and
- A future marine dock with a connection to the terminal.

The DoE has not been provided with any operational information on the proposed development, such as the number of flights, aircraft mix, airside operations, non-road mobile machinery etc.

Planning History

The site has a long planning history. Most recently, the CIAA conducted a masterplanning exercise including public outreach. The final masterplan has not been published as of the date of writing, however CIAA engaged the DoE in a series of stakeholder consultations during the masterplanning process.

Characteristics of Potential Impact

The baseline conditions, the potential impact of the proposed development and any likely significant effects have been qualitatively assessed for each of the below environmental aspects.

Having due regard to architectural and archaeological heritage and socio-economics, there are not considered to be adverse environmental impacts in these areas and therefore they are not discussed further.

Air Quality

There are unlikely to be any significant air quality effects from the construction of the proposed development.

The operational use of the General Aviation terminal and associated hangar and heliport, and expanded aircraft parking aprons has the potential to emit air pollutants. Emissions from aircraft, ground vehicles, and associated infrastructure could lead to elevated levels of pollutants in the immediate vicinity of the airport. The new facility is positioned on the north side of the existing runway within the existing operational airport. Therefore, the new facility is set away from any existing residential or sensitive receptors and does not bring any sources of air pollutants closer to the sensitive receptors compared to the baseline conditions. As such, any environmental effect from the proposed development is considered “minor” and an EIA is not required to assess the effect.

Ecology

The site contains approximately 3 acres of mangroves and approximately 1.5 acres of Mangrove Buffer Zone that has already been cleared.

Mangrove forests are crucial for our natural environment as they provide various ecosystem services, including helping to mitigate the impacts of climate change. Mangrove wetlands are highly biodiverse and support a wide range of species by providing habitat and food. They also act as natural sponges, absorbing and slowly releasing surface water. Mangroves offer natural protection by preventing erosion and absorbing the impact of storm surges during extreme weather events like hurricanes. They are also an important natural asset for the Cayman Islands and contribute to Cayman's Natural Capital Accounts. Mangrove wetlands are highly effective at sequestering carbon from the atmosphere, acting as carbon sinks. However, removing large areas of mangrove habitat reduces the carbon sequestration potential of the island and releases captured carbon into the atmosphere when mature vegetation is removed and mangrove sites are disturbed. Removing mangrove habitats diminishes the value of this natural asset and eliminates the ecological services that the habitat currently provides.

Mangrove Buffer Zone was designated in the 1997 Development Plan. Section 3.08 of the 1997 Development Plan states *“red and predominantly red mangroves in the area defined on the map as Mangrove Buffer will be protected from development except in exceptional circumstances.”*

Section 18(1) of the Development and Planning Regulations (2022) states that *“all forms of development shall be prohibited except in exceptional circumstances, and only where equivalent storm protection is provided by some*

other means and it can be demonstrated to the Authority that the ecological role of the peripheral mangroves will not be substantially adversely affected by the proposed development”.

There should be no development on the Mangrove Buffer Zone. Instead, the Mangrove Buffer Zone should be restored with mangroves. Restoration of 1.5 acres of the Mangrove Buffer Zone to mangrove habitat should be undertaken as partial mitigation for the adverse effects caused by the proposed development, given that:

- The proposed development would remove 3 acres of mangroves,
- The public consultation undertaken as part of the masterplanning exercise showed a clear desire from the public to protect mangroves,
- The purpose of the Planning Zone, and that it should be protected from development except in exceptional circumstances, and
- Statements made in the media by CIAA regarding the retention of mangroves.

Overall, the effects on ecology by the proposed development would be “moderate-adverse”. The effects could be considered “minor-adverse” if CIAA chose to restore the Mangrove Buffer Zone. Though it is likely that there will be a significant adverse effect with respect to ecology, an EIA is not required to understand the consequences of this adverse effect or to allow the NCC to make appropriate recommendations under Section 41 of the National Conservation Act.



Figure 2. The Mangrove Buffer Zone in the eastern portion of the site (Aerial Imagery Source: UKHO, 2021).

Ground Conditions

The site is currently man-modified and part is used for fire fighter training and materials storage. It is not known whether any potentially hazardous substances would have been used for this training, or whether there is the potential for fuel spills or release of other materials. It is likely that if there is potential land contamination, it is “minor” and can be adequately managed during construction. An EIA is not required to assess the effect.

Noise and Vibration

There may be minor noise and vibration effects from the construction of the proposed development but these are unlikely to be exceptional given the setting of the site within an existing operational airport.

The operational use of the General Aviation terminal and associated hangar and heliport, and expanded aircraft parking aprons has the potential to generate noise. However, private jets tend to be quieter than commercial jets and therefore total noise levels may not increase (though frequency of noise events may). Therefore, the new facility is set away from any existing residential or sensitive receptors and does not bring any sources of noise closer to the sensitive receptors compared to the baseline conditions. As such, any environmental effect from the proposed development is considered “minor” and an EIA is not required to assess the effect.

Climate Change

Climate change is likely to have severe impacts on the Cayman Islands, including the site. The Cayman Islands are inherently vulnerable to climate change because of the small size, remoteness, low-lying areas and other environmental factors, demography and economy¹. At the time of writing, the Cayman Islands Climate Change Policy is in draft form and at public consultation stage.

The proposed development is likely to both contribute to climate change and be affected by climate change.

The effect during construction is likely to be similar in magnitude to other comparable residential/commercial developments.

The DoE has not been provided with any information regarding the operation of the proposed development. However, it is assumed that there will be an increase in the number of private jet landings and take-offs as a result of the proposed development. If the proposed General Aviation terminal increases the number of private jets arriving and leaving Cayman, there will be a corresponding increase in total greenhouse gas emissions. Our greenhouse gas emissions per capita may increase.

Private jets generally emit more greenhouse gas emissions per capita compared to regular commercial planes. Private jets are typically smaller in size and have fewer passengers on board compared to commercial airliners. As emissions are divided by a smaller number of passengers, the emissions per capita tend to be higher. Additionally, private jets may be equipped with luxury amenities that consume additional energy, such as larger cabins, entertainment systems, and personalized services. These added features can contribute to higher energy consumption and, consequently, higher emissions per capita. Take-off and landing tend to be a high-emission period, but it is also an area where aviation operations and airport design can have the most impact at reducing impact.

¹ National Climate Change Committee. (2011). Achieving a Low Carbon Climate-Resilient Economy: Cayman Islands’ Climate Change Policy (draft).

There will be greenhouse gas emissions from vehicle movements and resource consumption associated with construction and operation.

The National Energy Policy 2017-2037 established the high level target of total peak greenhouse gas emissions for the Cayman Islands by 2020 while not exceeding 2014 per capita emissions levels (approx. 12.3 tCO₂e). The Policy aim is to achieve the aspirational goal of the 2015 Paris Agreement of 4.8 tCO₂e of greenhouse gas emissions per capita by 2030.

It is not clear whether greenhouse gas emissions and the targets of the National Energy Policy 2017-2037 were or will be taken into account by CIAA in the design of the proposed development or as part of the masterplanning. In order to meet these targets while expanding the General Aviation terminal, other sectors of Cayman will be required to compensate and cut-back their emissions further. Given that the General Aviation terminal is only used by a small proportion of the population of Cayman, there is likely an equalities issue. The majority of the population is being affected by climate change but only a small number will use the new facilities or be responsible for the increase in emissions.

The effects of climate change on the proposed development are most likely to be related to storm events and sea level rise. The Cayman Islands will likely experience a sea level rise and more intense but fewer rain events, which could affect the proposed development². The Applicant should adequately take into account climate change when designing the proposed development.

Though there is the potential for significant adverse effects with respect to climate change, an EIA is not required to understand the consequences of this adverse effect or to allow the NCC to make appropriate recommendations under Section 41 of the National Conservation Act.

Conclusions

The proposed development does not require an EIA as there are no adverse significant effects considered likely which require further assessment. With respect to the design of the proposed development, CIAA should:

- adequately take into account climate change,
- restore the 1.5 acre encroachment into the Mangrove Buffer Zone into mangrove habitat to mitigate for the loss of 3 acres of mangroves across the remainder of the site.

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).

² Climate Studies Group. (2014). Climate Profile for the Cayman Islands. The University of the West Indies for Smith Warner International Ltd.



Screening Opinion for the Proposed Cayman Brac Charles Kirkconnell International Airport Runway Extension and Widening

10 July 2023

Executive Summary

The National Conservation Council's (NCC) Directive for Environmental Impact Assessments (EIAs) notes that all activities listed in Schedule 1 will be considered against the screening criteria outlined in the Directive to determine whether an EIA may be required.

The proposed development site is located at the Cayman Brac Charles Kirkconnell International Airport. The site has an approximate area of 145 acres and is mostly man-modified. The southern part of the site is occupied by the Westerly Ponds.

The proposed development is a series of clearing and filling works associated with the Cayman Brac Charles Kirkconnell International Airport. The proposed development include:

- Development of a Runway End Safety Area (RESA) on the western end which is located on a sea turtle nesting beach and adjacent to proposed sea turtle critical habitat;
- Filling of part of the ponds adjacent to the airport runway; and
- Development of a RESA on the eastern end of the runway which is located adjacent to a pond.

The Westerly Ponds were designated as animal sanctuaries in 1980 by the Animal (Sanctuaries) Regulations 1970 (Cayman Brac). The designation was subsequently removed in 1988 by amended land registration. The proposed development includes clearing and filling part of these ponds. Because of the restricted area of wetland habitat on Cayman Brac, even though the Westerly Ponds have experienced impacts from the development of the airport and have a degraded status, they remain as habitat frequently used by birds. There are likely to be significant effects on ecology from the proposed development:

- Management of ecology during operation has been of concern to the DoE. Bird control measures are regularly employed including lethal methods. All birds are protected species and any control measure which disturbs, harasses, harms, or kills a bird is an offence under the National Conservation Act. The DoE has not been provided with information on the number and types of birds that are killed, nor has the DoE been consulted on any hazard management plans for the airport. We have been invited to attend presentations on Wildlife Management but we have not received responses to our requests for data and information nor are we aware that our feedback has been incorporated into management

plans. It is noted that although the Civil Aviation Authority Airports (Straying Animals) Regulations 1997 gives authority to an 'authorised officer' to kill animals by any means necessary, there are still environmental (and possible animal welfare) considerations with respect to animal control.

- The proposed RESA on the western end is located adjacent to proposed sea turtle critical nesting habitat and the proposed development may have an adverse effect on nesting sea turtles. Sea turtles are Part 1 Schedule 1 protected species under the NCA which means they are protected at all times.
- The site is used as habitat by Sister Islands Rock Iguanas (*Cyclura nubila caymanensis*) which are a Part 1 Schedule 1 Protected Species which is critically endangered and found nowhere else in the world except Cayman Brac and Little Cayman. They may be impacted by the construction and operation of the proposed development.

Run-off from an airport can potentially hold contaminants and debris from the airport, including fuel residues, oils, heavy metals and other substances that can accumulate on the airport surfaces. Our understanding of stormwater management at the airport is that presently, the water is allowed to flow directly into the ponds to the south and then into the Marine Reserve. Pollution in surface water runoff can be harmful to marine life and therefore it is considered necessary to adequately assess drainage and surface water as part of an EIA. The proposed extensions to the runway east and west are likely to exacerbate these issues by increasing the amount of hardstanding and reducing the amount of capacity in the pond. Without careful water quality management of the Westerley Ponds, the proposed development has the potential to cause odour issues for Cayman Brac Beach Resort and other nearby development.

It is likely that there will be minor effects from air quality, noise and vibration and climate change however these do not require further assessment.

The Department of Environment is of the opinion that the proposed development does require an EIA as there are significant adverse effects on the environment.

Introduction

The process for determining whether an Environmental Impact Assessment (EIA) is needed is a statutory process that is governed by the National Conservation Act (NCA). This first stage, where the relevant authorities decide if a development is an EIA development (i.e. requires an EIA) is called screening.

The National Conservation Council's (NCC) Directive for Environmental Impact Assessments (EIAs) issued under section 3(12) (j) and which has effect under section 43(2) (c) of the NCL, notes that all activities listed in Schedule 1 will be considered against the screening criteria outlined in sections 2 to 3 of Schedule 1 of the Directive to determine whether an EIA may be required. The proposed development falls within Schedule 1, i.e. infrastructure projects including airports and airstrips.

The screening criteria include:

- The type and characteristics of a development;
- The location of a development; and
- The characteristics of the potential impact.

These screening criteria have been considered with respect to the proposed development in order to determine whether an EIA is required.

The Site

The proposed development site is located at the Cayman Brac Charles Kirkconnell International Airport, which is set over numerous parcels (Block 93C Parcels 45, 47, 55, 56, 70, 76, Block 93D Parcels 19, 29, 31, Block 95B Parcel 35, 37, 38, 39, 151, 171, 173, 175, 180, 183, 185, 187, 189, 190, 197, 217, 219, 221, 223, 224, 225, 226, 227, 229, 238, 240, 242 and Block 95C Parcel 137).

The site has an approximate area of 145 acres and is mostly man-modified (refer to Figure 1). The southern part of the site is occupied by the Westerly Ponds which also border the site of the Brac Reef Hotel to the south of the ponds. The Westerly Ponds were designated as animal sanctuaries in 1980 by the Animal (Sanctuaries) Regulations 1970 (Cayman Brac). The designation was subsequently removed in 1988 by amended land registration.



Figure 1. The environmental context of the site (Aerial Imagery Source: UKHO, 2021).

Proposed Development

Description of the Proposed Development

The proposed development is a series of clearing and filling works associated with the Cayman Brac Charles Kirkconnell International Airport.

The proposed works include:

- Development of a Runway End Safety Area (RESA) on the western end which is located on a sea turtle nesting beach and adjacent to proposed sea turtle critical habitat;
- Filling of part of the ponds adjacent to the airport runway; and
- Development of a RESA on the eastern end of the runway which is located adjacent to a pond.

The DoE has not been provided with any operational information on the proposed development, and whether it would change the number of flights, aircraft mix, airside operations, non-road mobile machinery etc.

Planning History

The site has a long planning history. Most recently, the CIAA conducted a masterplanning exercise including public outreach. The final masterplan has not been published as of the date of writing, however CIAA engaged the DoE in a series of stakeholder consultations during the masterplanning process.

Characteristics of Potential Impact

The baseline conditions, the potential impact of the proposed development and any likely significant effects have been qualitatively assessed for each of the below environmental aspects.

Having due regard to architectural and archaeological heritage, ground conditions and socio-economics, there are not considered to be adverse environmental impacts in these areas and therefore they are not discussed further.

Ecology

The southern part of the site is occupied by the Westerly Ponds. The Westerly Ponds were designated as animal sanctuaries in 1980 by the Animal (Sanctuaries) Regulations 1970 (Cayman Brac). The designation was subsequently removed in 1988 by amended land registration.

The topography and elevation of Cayman Brac naturally limits the extent of wetland habitat. Prior to development of the Brac, the wetlands were generally naturally restricted to the southern coast. Wetlands extended from vicinity of the existing landfill westward towards the western point of Cayman Brac including Salt Water Pond and the Westerly Ponds. In the earliest aerial imagery from 1958, the airport runway is shown as constructed in the wetlands and there are two roads running north to south that have been constructed, fragmenting the wetland (refer to Figure 2 and 3).

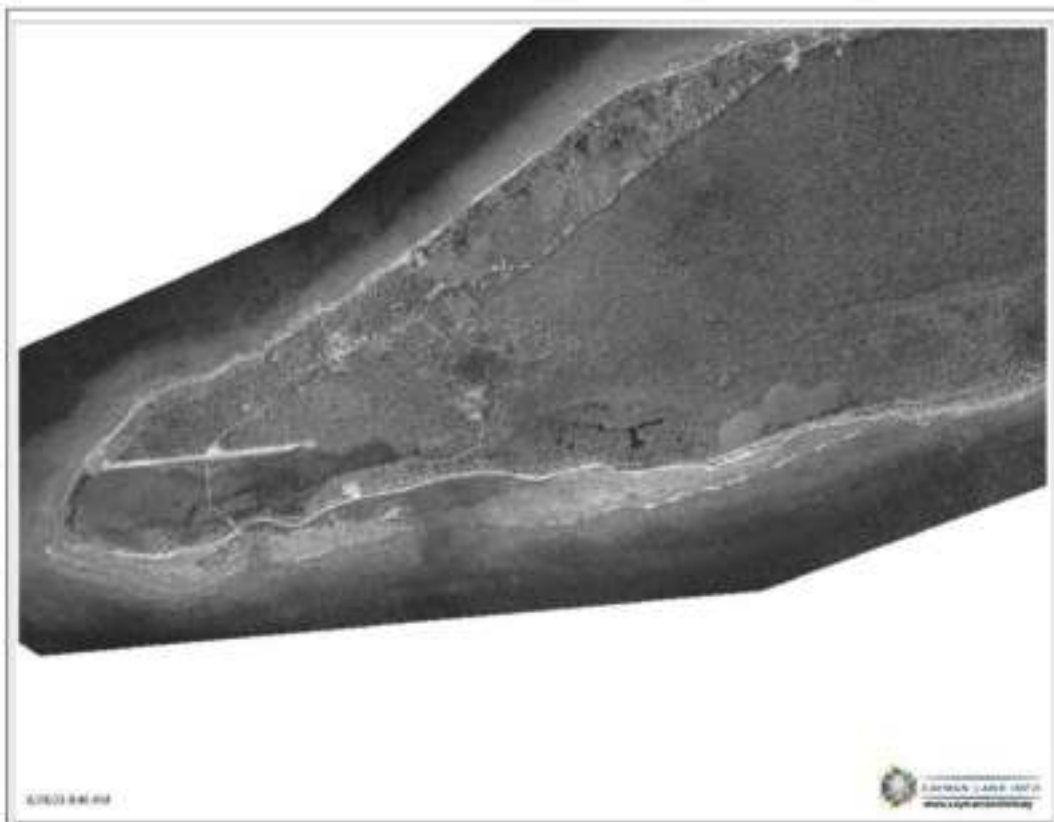


Figure 2. The wetlands in Cayman Brac were already being impacted by the development of the airport and north-to-south roads in 1958 (Source: Cayman Land Info, 1958).



Figure 3. The airport site has impacted the wetlands in 1958 aerial imagery (Source: Cayman Land Info, 1958)

In 1971, there has been further clearing and fragmentation of the wetland including further construction of the airport (refer to Figure 4).



Figure 4. The wetlands in Cayman Brac continue to be impacted in 1971 (Source: Cayman Land Info, 1971).



Figure 5. The wetlands in Cayman Brac continue to be impacted in 1972 by expansion of the airport (Source: Cayman Land Info, 1971).

In the 1994 aerial imagery, the expansion of the airport to the east has resulted in the clearing and filling of additional wetland area (refer to Figure 6).



Figure 6. By 1994, the ponds have been heavily impacted by the airport construction (Source: Cayman Land Info, 1994).

The two remaining Westerly Ponds have a much-restricted area and have a degraded status. Nevertheless, because of the rarity and limited extent of wetland on the Brac, the ponds remain as habitat frequently used by birds. Additionally, any activity which results in poorer water quality in the ponds has the potential to negatively impact one of the island's main hotels. Please see later comments which relate specifically to Drainage and Water Quality.

The following ecological impacts are identified:

- Management of ecology during airport operation has been of concern to the DoE. Bird control measures are regularly employed including lethal methods. All birds are protected species and any control measure which disturbs, harasses, harms, or kills a bird is an offence under the National Conservation Act. The DoE has not been provided with information on the number and types of birds that are killed, nor has the DoE been consulted on any hazard management plans for the airport. We have been invited to attend presentations on Wildlife Management but we have not received responses to our requests for data and information nor are we aware that our feedback has been incorporated into management plans. It is noted that the Civil Aviation Authority Airports (Straying Animals) Regulations 1997 gives authority to an 'authorised officer' to kill animals by any means necessary, there are still environmental considerations with respect to animal control.

- The proposed RESA on the western end is located on proposed sea turtle critical nesting habitat and the proposed development may have adverse effects on nesting sea turtles. Sea turtles are Part 1 Schedule 1 protected species under the NCA which means they are protected at all times.
- The northern part of the site is used as habitat by Sister Islands Rock Iguanas (*Cyclura nubila caymanensis*) which are a Part 1 Schedule 1 Protected Species which is critically endangered and found nowhere else in the world except Cayman Brac and Little Cayman. They may be impacted by the construction and operation of the proposed development.
- The site contains some mangroves which fringe the ponds. Mangroves are Part 2 Schedule 1 protected species under the NCA with an adopted Conservation Plan (2020). The Cayman Islands are also a party to the Ramsar Convention on Wetlands and are obligated to promote the wise use of wetlands in our jurisdiction. The remaining mangrove wetland areas may be impacted by the construction of the proposed development.

Therefore, an EIA is required to assess construction and operational effects of the proposed development on ecology, and to develop appropriate wildlife control measures and ensure that the required permitting is followed.

Drainage and Water Quality

Run-off from an airport can potentially hold contaminants and debris from the airport, including fuel residues, oils, heavy metals and other substances that can accumulate on the airport surfaces.

To mitigate the potential environmental impact of airport runoff, many airports employ measures to minimise pollution such as:

- Stormwater management systems: Airports often have stormwater management systems in place to collect and treat runoff before it is discharged into water bodies or local drainage systems. These systems may incorporate settling ponds, oil-water separators, filtration systems, and other treatment mechanisms.
- Best management practices (BMPs): Airports implement BMPs to minimise pollutant runoff. These practices can include regular maintenance of paved surfaces, proper storage and handling of chemicals and fuels, regular inspections, and training programs for staff to promote environmentally responsible practices.

Our understanding of stormwater management at the airport is that presently, the water is allowed to flow directly into the ponds to the south and then into the Marine Reserve. Pollution in surface water runoff can be harmful to marine life and therefore it is considered necessary to adequately assess drainage and surface water as part of an EIA. The proposed extensions to the runway east and west are likely to exacerbate these issues by increasing the amount of hardstanding and reducing the amount of capacity in the pond.

Salt Water Pond, to the east, was previously an Animal Sanctuary, however it was degazetted due to the human-driven water quality impacts on the pond. As a result of impacts to the pond, as well as the siting of a hotel near Salt Water Pond, the pond developed odour issues which created nuisance. The hotel experienced a period of closure and the pond was degazetted so that there could be further interventions to address water quality issues. These interventions have worsened the ecological value of Salt Water Pond and have disrupted its natural regime. Without careful water quality management, the same situation may develop here, with the potential to cause odour issues for Cayman Brac Beach Resort and other nearby development.

An EIA is required to assess the impact of the proposed development on flooding, drainage and water quality.

Air Quality

There are unlikely to be any significant air quality effects from the construction of the proposed development.

Although the Department has not been provided with information around the operation of the airport, it is assumed that the proposed development is unlikely to result in additional flights. Therefore, emission of air pollution is unlikely to increase and any environmental effect with respect to air quality from the airport is considered minor -an EIA is not required to assess the effect.

Noise and Vibration

There may be minor noise and vibration impacts from the construction of the proposed development but these are unlikely to be exceptional given the setting of the site within an existing operational airport.

Although the Department has not been provided with information around the operation of the airport, it is assumed that the proposed development is unlikely to result in additional flights. Therefore total noise levels are unlikely to increase and any environmental effect with respect to noise and vibration from the airport is considered minor and an EIA is not required to assess the effect.

Climate Change

Climate change is likely to have severe impacts on the Cayman Islands, including the site. The Cayman Islands are inherently vulnerable to climate change because of the small size, remoteness, low-lying areas and other environmental factors, demography and economy¹. At the time of writing, the Cayman Islands Climate Change Policy is in draft form and at public consultation stage.

The proposed development is likely to both contribute to climate change and be affected by climate change. The effect during construction is likely to be similar in magnitude to other comparable residential/commercial developments. The DoE has not been provided with any information regarding the operation of the proposed development, however our understanding is that the airport is not operating close to capacity and that the proposed development would not increase the capacity.

The effects of climate change on the proposed development are most likely to be related to storm events and sea level rise. The Cayman Islands will likely experience a sea level rise and more intense but fewer rain events, which could affect the proposed development². The Applicant should adequately take into account climate change when designing the proposed development.

Conclusions

The DoE considers that the proposed development does require an EIA to assess significant adverse effects on:

- Ecology; and
- Drainage and Water Quality.

A key aim of both studies is to identify mitigation measures with respect to the environment.

¹ National Climate Change Committee. (2011). Achieving a Low Carbon Climate-Resilient Economy: Cayman Islands' Climate Change Policy (draft).

² Climate Studies Group. (2014). Climate Profile for the Cayman Islands. The University of the West Indies for Smith Warner International Ltd.

With respect to the design of the proposed development, CIAA should adequately take into account climate change.

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).



Department of Environment
Cayman Islands Government

Screening Opinion for the Expansion of the Existing West End Quarry for Scott Development Ltd. in Cayman Brac on Block: 95C Parcel: 199 14 August 2023

Executive Summary

The National Conservation Council's (NCC) Directive for Environmental Impact Assessments (EIAs) notes that all activities listed in Schedule 1 will be considered against the screening criteria outlined in the Directive to determine whether an EIA may be required – quarries are included on that list.

The existing West End quarry has been operational since the 1960s and produces aggregate that meets the specs for asphalt and concrete and the quarried material is shipped to Grand Cayman. The proposed quarry expansion is for an area of 11.8 acres and a proposed total yield of 298,390 cubic yards.

The potential categories of impact include public amenities, direct and certain adverse impacts to biodiversity/terrestrial ecology, the historic value of the Salt Water Pond Trail, the Splits and the surrounding primary dry forest and shrubland, dust and nuisance, noise and vibration, socioeconomics and water quality.

The Department of Environment is of the opinion that the proposed quarry expansion does not require an EIA.

However, while no EIA is required to understand most of these impacts, the Development Control Board (DCB) should carefully consider the serious impacts on the Salt Water Pond Trail as a tourism product, public amenity and historic site and the impacts on terrestrial ecology. There is also the potential for adverse impacts to groundwater and the advice and permitting mechanisms of the Water Authority should be sought in this regard.

By way of condition, the DCB should also secure a Dust Management Scheme which shall be agreed upon prior to development commencing and implemented throughout the lifespan of the quarry working and require a noise assessment to assess the potential levels of noise generation and provide suggestions of suitable mitigation activities to be undertaken should they be required.

Introduction

The process for determining whether an EIA is needed is a statutory process that is governed by the National Conservation Act (NCA). This first stage, where the relevant authorities decide if a development is one requiring an EIA (i.e. requires an EIA), is called screening.

The NCC Directive for EIAs issued under section 3(12)(j) and which has effect under section 43(2)(c) of the NCA, notes that all activities listed in Schedule 1 will be considered against the screening criteria outlined in sections 2 to 3 of Schedule 1 of the Directive to determine whether an EIA may be required. The proposed quarry expansion

falls within Schedule 1, i.e. excavation and extractive operations including marine dredging, quarries, extraction of minerals, deep drillings (including geothermal drilling), extraction of petroleum, natural gas or ores, an installation for the disposal of controlled wastes from mines and quarries.

The screening criteria include:

- The type and characteristics of a development;
- The location of a development; and
- The characteristics of the potential impact.

These screening criteria have been considered with respect to the proposed quarry expansion to determine whether an EIA is required.

The Site

The site is the current location of an existing quarry located on the West End of Cayman Brac and is owned and operated by Scott Development Co Ltd (the Applicant). The site is located at Block 95C Parcel 199 and has a total area of 133 acres (Fig 1). The quarry is mostly a dry quarry that operates above the water table to produce low-chloride aggregate that meets the specifications for asphalt and concrete. The Draft Aggregate Advisory Committee (AAC) Meeting Minutes from 17 March 2023 state note that all the material quarried in the West End Quarry is for export to Grand Cayman. Outside of the footprint of the quarry (which is man-modified), the remainder of the parcel consists of a mixture of primary xeromorphic semi-deciduous forest and primary dry shrubland habitats. Adjacent parcels 95C/3REM1 and 95C/190 to the west of the site are owned by the National Trust of the Cayman Islands and form a National Trust-protected area known as The Splits. A historic nature trail and tourism amenity known as the Salt Water Pond Trail/Walk is located east of parcel 95C/199. The distance of the existing quarried area from the Salt Water Pond Trail ranges from approximately 110 feet to 330 feet with the closest distances being to the mid-southern section of the Trail.



Figure 1: Aerial image showing the location of the site in relation to the National Trust-protected parcel referred to as the Splits and the Salt Water Pond Trail. There is another previously recorded Split which is shown in Figure 2.

Proposed Quarry Expansion

Description of the Proposed Quarry Expansion

The West End quarry is located at Block 95C Parcel 199. The existing quarry is impacting approximately 75.7 acres (3,296,583.4 sq. ft.) of the 133-acre parcel based on the UK Hydrological Office 2021 aerial imagery. The proposed quarry expansion has an area of 11.8 acres.

The proposed quarry expansion is projected to have a total yield of 298,390 cubic yards. Permission for the after-the-fact excavation of an area of 9.2 acres and the removal of approximately 283,000 cubic yards of excavated material is also being sought at this time.

No further information has been provided as of the date of this Screening Opinion.

Characteristics of Potential Impact

The baseline conditions, the potential impact of the proposed quarry expansion, and any likely significant effects have been qualitatively assessed for each of the below environmental aspects.

Terrestrial Ecology

The proposed quarry expansion area is a mixture of primary xeromorphic semi-deciduous forest and primary dry shrubland habitats. Primary habitat is mature habitat in its natural state, otherwise uninfluenced by human activity

where ecological processes are not significantly disturbed. These habitats are often very old, existing long before humans, and may consist of many endemic and ecologically important species.

The National Biodiversity Action Plan (2009) highlights that the rock in the area of the West End quarry is a unique geological feature dating from the Pliocene (ca. 2 million years old) and overlies the Cayman Formation in areas limited to the region of the West end quarry in Cayman Brac and one other area in Grand Cayman (Pedro Bluff).

In addition, there are Splits located on the property which may be ecologically sensitive and a unique feature. The deep natural fissure of the Splits provides one of the few year-round sources of water to the birds and animals of the Brac. The Splits is surrounded by forest and the area is an active breeding site for yellow-crowned night herons, tri-coloured herons, and green herons as well as two endemic species of freshwater fish. It is also a popular watering hole for local and migratory birds. The proposed Important Bird Areas (IBAs) for the Cayman Islands (Bradley et al., 2006) also identify the Splits in Cayman Brac as an area of habitat sufficient to sustain the Cayman Brac parrot. The Splits in this location contain caves filled with fresh, clear water which is at least 20 ft. deep, and surrounded by dry forest. The Splits caves are a unique feature in the Cayman Islands. The area also contains dry caves inhabited by as-yet unidentified bats, some of which may be ecologically significant species. The likelihood of endemic and endangered species being found in this area is high.

The quarrying has the potential to impact the ecological value of the area by the direct excavation of the proposed quarry expansion area but also by the edge effects which indirectly impact the adjoining area, including the Salt Water Pond Trail. Edge effects of the excavation include the disturbance of blasting and fly rock on the vegetation and the influence of reducing vegetation cover resulting in the drying of the forest area by the ingress of airflow also bringing dust from the quarrying activities. The edge effects and influence of quarrying activities can be seen in Figure 11 in Appendix 1) comparing the Splits on the 'Island' area preserved in the middle of the quarry and the Splits to the east of the quarry near the Salt Water Pond Trail (as shown in Figure 12 in Appendix 1). It is well documented that the larger the buffer between a natural area and the disturbance, the greater the ecological value and viability of the area.

Although there are likely to be adverse effects on ecology from the proposed quarry, an EIA is not required to study these effects. There is no benefit to studying the terrestrial ecology of the area that has already been quarried and is subject to the after-the-fact application. The effects on terrestrial ecology from the proposed quarry expansion do not require an EIA because they are direct (i.e. total loss) and certain (i.e. will occur). No further study is needed but the effects must be considered by the DCB. The effects on Salt Water Pond Trail are discussed below.

Impacts on Cultural Heritage and Tourism (Salt Water Pond Trail/Walk)

In 2016, the DoE conducted a site investigation of the Salt Water Pond Trail. The site investigation found a fly rock (of a diameter as large as approximately 2 feet) had been thrown as far as 425 feet from the blasting face to within 173 feet of the trail (as shown in Figures 9 & 10 in Appendix 1). Fly rock impact areas were visible on the karst limestone indicating the force of the impacts and the potential damage caused to other receptors such as the trail infrastructure, vegetation, and users. The DoE was concerned in 2016 that the then-proposed quarry expansion and the subsequent reduction in buffer area would increase the risk that large fly rocks could directly impact the Salt Water Pond Trail. Recent DoE site visits in February and March 2023, also found fly rock around the Salt Water Pond Trail some of the fly rock locations have been mapped in Figure 2 and shown in Figures 3 to 6. For this reason, the concern regarding impacts to the Trail still remains.



Figure 2: Map showing the location of the fly rock found on the Salt Water Pond Trail (red circles) and the location of the quarry site in the context of the previously proposed 2016 expansion (dark blue), the after-the-fact quarried extent (purple), the proposed quarry expansion (yellow), Salt Water Pond Trail and previously recorded 'Split' (light blue).

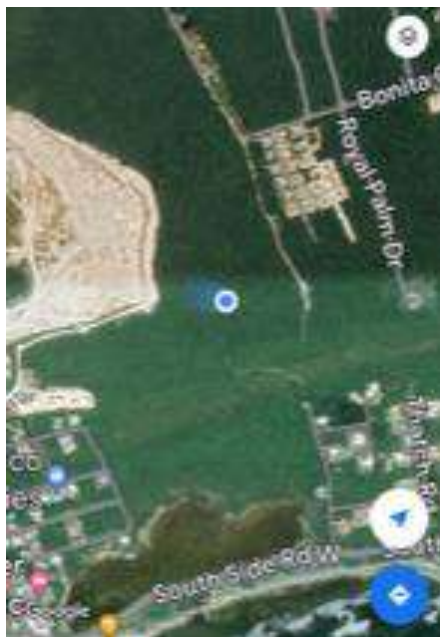


Figure 3: Approximate Google map GPS location showing the approximate location of where the photos shown in Figures 4-6 were taken. (Source: DoE, taken: 30 March 2023)



Figures 4-6: DoE site visit photos showing fly rock from the West End Quarry on the Salt Water Pond Trail and damage to the Salt Water Pond Trail boardwalk. (Source: DoE, taken: 30 March 2023)

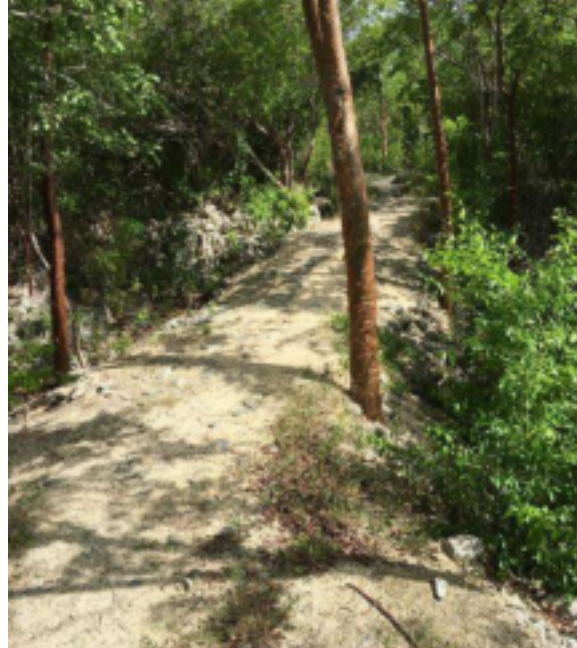
Tourism & Recreational Value of Salt Water Pond Trail

The Salt Water Pond Trail is a public amenity and nature tourism attraction which was established using District Administration funds. The Trail/Walk is highlighted on the Department of Tourism’s Cayman Brac Nature Brochure and advertised as a moderate to rough hike accessible from two directions (either the south to the north coast,

beside Rebecca’s Cave or in reverse, from the north coast at White Bay to the south coast) with birdwatching and tropical plants (see No. 5 and No. 6 of Cayman Brac Brochure¹).

The Salt Water Pond Trail is not only a nature trail but it is a historic trail of significant importance as many traversed the Trail to seek refuge in the caves during the 1932 hurricane. Adverse impacts to the trail would mean adverse impacts to the history and heritage of Cayman Brac as the 1932 hurricane was a defining and historic event for the Brac.

In 2016, the DoE consulted the Department of Tourism regarding its amenity as a tourism attraction. At the time of the consultation, the Department of Tourism confirmed that a minimum of 300 people visited the Salt Water Pond Trail on their guided tours within the last year. The Department of Tourism also stated that there were likely many more having visited the site on their own without a guide, as well as, visiting with one of the Taxi/Tour Operators who use the trail. At the time of the DoE’s 2016 Planning Application Review for a previous expansion of this quarry, the trail had undergone significant improvements and investment through works carried out by District Administration and Public Works, in particular boardwalk repairs (see Figures 7 & 8), which have encouraged persons to frequent the site more. The Trail is one of the very few remaining nature trails running from north to south through the interior of Cayman Brac and is the closest trail to many of the resorts and condos making it an important attraction for many visitors. The Department of Tourism also noted that there had been occasions when they had received complaints from visitors who had not been able to explore the Trail as it had been shut for blasting to be carried out. Of greater concern, they have also received reports that blasting has been carried out outside of the designated and notified time periods. A lack of regulatory involvement in the proper implementation of these safety measures could result in actual instances of harm to the public.



Figures 7 & 8: Site visit photos showing the boardwalk and improved section of the trail (Source: DoE, 2016)

The Splits and the surrounding area also hold a potentially high eco-tourism attraction value due to the impressive geological and ecological features including multiple fresh, clear water caves and dry caves inhabited by bats. The

¹ https://www.visitcaymanislands.com/Visitcaymanislands.com/media/OC_main_site/Cayman-Brac-Brochure.pdf

fresh-water-filled Splits caves are unique in comparison to other known caves and Splits as the water has pristine clarity (limited algal growth) and they are surrounded by dense dry forest. The caves may prove to be extensive and deep enough to become a cave diving attraction, but further exploration is needed. The proximity to the existing trail means the caves are easily accessible.

The quarry is already causing serious adverse impacts to the Salt Water Pond Trail which must be considered by the DCB. While an EIA is not required to understand these effects , it is clear that the lack of regulatory involvement and oversight of the quarry is resulting in the degradation of the trail as a tourism attraction, historic trail and amenity.

Air Quality - Dust

Although there is no current monitoring data for air quality in this area, anecdotal evidence suggests that there are nuisance dust emissions on the roads and surrounding areas near existing quarries in Grand Cayman. The nature of the extraction processes and haulage of material offsite may cause dust to be created onsite and offsite on vehicular routes. Additional dust may also be created by processing activities.

A regular and persistent nuisance may affect local amenities. The degree of nuisance experienced depends on the rate of deposition, and is discernible at two levels:

- Nuisance is experienced when the dust cover is sufficient to be visible when contrasted to an adjacent clean surface, such as when a finger is wiped across the surface. This is particularly annoying when it occurs regularly over long periods; and
- Severe nuisance is experienced when the dust cover is perceptible without a clean reference surface for comparison. This usually occurs over short periods during very dusty conditions and the level of concern and potential for nuisance is normally directed related to the number and proximity of receptors.

Nuisance complaints are usually associated with periods of peak deposition, occurring during particular weather conditions. There is a “normal” level of dust deposition in every community and it is only when the rate of deposition is high relative to the norm that complaints tend to occur. The effects of dust on a community will therefore be determined by three main factors:

- The short-term dustiness during periods of dry weather;
- The frequency or regularity with which these occur; and
- The duration of the site activities that contribute to dust.

Therefore, expanding the area of the quarrying activity is likely to introduce new receptors and increase the effects of dust on the community and may increase the degree of nuisance. However, given the limitations on depth from the existing quarry, the overall level of nuisance is unlikely to change as the rate of extraction is not proposed to change and is not currently controlled.

While no EIA is required to understand these impacts, the DCB should secure by condition a Dust Management Scheme which shall be agreed upon prior to development commencing and implemented throughout the lifespan of the working quarry.

Noise and Vibration

There is no readily available, relevant information that quantifies the baseline acoustic environment at locations surrounding the proposed quarry extension. There are residential receptors directly to the north, south, and east of the existing West End quarry and the Salt Water Pond Trail along the eastern boundary of the quarry parcel (95C199). There are also existing quarrying activities within a relatively open and flat landscape where sound could potentially travel long distances. There are empty subdivision lots; in time these will be built out and there will be additional residential receptors near the quarrying activities. The working processes, extraction, processing, and exportation which will be conducted on-site as part of the proposed quarry may have the potential to have an effect on the surrounding area in terms of noise.

While it is not considered that an EIA is required to address these effects, the DCB should require a noise assessment to evaluate the potential levels of noise generation and provide suggestions of suitable mitigation activities to be undertaken, should they be required.

Socioeconomics

The Draft Aggregate Advisory Committee (AAC) Meeting Minutes from 17 March 2023 state that the subject quarry has been operational since the 1960s and that the aggregate is low chloride and suitable for use in asphalt/concrete. The Minutes also note that all the material quarried in the West End Quarry is for export to Grand Cayman and that approximately 75% of Scott's Development's revenue is derived from these exports. The Applicant stated in the AAC Minutes that Scott Development is the largest employer in Cayman Brac with 55 employees and that their operations have a knock-on effect on the Cayman Brac economy. The proposed quarry expansion would continue to contribute to the economy of Cayman Brac and provide jobs therefore there may be some minor beneficial socioeconomic effects.

Water Quality

The Draft AAC Minutes state that the Water Authority noted that the quarry permit issued by the Water Authority has expired, and the permitted area and permitted depth have been exceeded. It is highly likely that there are water sources beneath the quarry site that could be adversely impacted by exceeding the approved quarry depth and entering the water table. The proposed quarry expansion has the potential to impact the water table if the quarry depth is exceeded. Quarrying activities could artificially lower or raise groundwater levels, alter groundwater flow paths, or even cut off groundwater flow completely which can result in resource and water quality issues.

The DCB should consider the Water Authority's comments in regard to impacts on water quality and recommendations for mitigation. There will likely be the requirement for the renewal and compliance with a Water Authority quarry permit to prevent the deterioration of groundwater in the area.

Conclusions

The DoE is of the opinion that the proposed quarry expansion does not require an EIA, but there are major adverse effects that need to be taken into consideration by the DCB.

There have been potential adverse impacts identified including:

- Direct and certain adverse impacts on biodiversity/terrestrial ecology;

- Serious adverse impacts to the Salt Water Pond Trail. It is clear that the lack of regulatory involvement and oversight of the quarry is causing severe adverse impacts on the Salt Water Pond Trail and **may result in further degradation of the trail as a tourism attraction, historic site, and public amenity;**
- Dust and nuisance impacts;
- Noise and vibration impacts; and
- Water quality impacts.

While no EIA is required to understand most of these impacts, the DCB should carefully consider the serious impacts on the Salt Water Pond Trail as a tourism product, public amenity and historic site, and impacts on terrestrial ecology. There is also the potential for adverse impacts to groundwater and the advice and permitting mechanisms of the Water Authority should be sought in this regard.

By way of condition, the DCB should:

- Secure a Dust Management Scheme which shall be agreed upon prior to development commencing and implemented throughout the lifespan of the quarry working; and
- Require a noise assessment to evaluate the potential levels of noise generation and provide suggestions of suitable mitigation activities to be undertaken should they be required.

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).

Appendix 1



Figures 9 & 10: DOE site visit photos showing fly rock and fly rock impact areas as near as 173ft from the Trail (DOE 2016)



Figures 11 & 12: Aerial images showing a comparison between the impacted Splits on the 'Island' in the left-hand image and the un-impacted Splits to the east of the quarry near the Trail (LIS 2013)



Figures 13 & 14: DOE site visit photos showing the Splits to the southeast of the quarry and within the proposed quarry expansion area (DOE 2016)



The Director of Planning
Department of Planning,
P O Box 235
Cayman Brac KY2-2101

21st April 2023

By Email planning.dept@gov.ky

Dear Sir/Madame,

RE: BLOCK 95C PARCEL 199 AFTER THE FACT APPLICATION AND NEW APPLICATION FOR THE EXPANSION OF THE WEST END QUARRY, CAYMAN BRAC

Letter of Objection

On behalf of the Trust Council of the National Trust for the Cayman Islands, owners of Block 95C parcels 190 and 3REM1, I wish to confirm the Trust's objection to the above application. The Trust has long upheld a position of disapproval for the eastward expansion of the quarry due to the unique ecosystems in the area and the threat it poses to the historic Saltwater Pond Trail. In 2016 the Trust has conceded its position to allow the expansion to within 300' of the trail and this "after the fact" application illustrates the clear disregard of this agreement. We also note that the application was not available for viewing until some 4 days after receipt of the notice.

We therefore state our objection to this "after the fact" application and new expansion on the basis that the direction of the planning board has been completely ignored and the applicants have benefitted immensely from the illegal expansion outside of the approved area.

We also state our strong objection to the clearing of land almost to the boundary of the Saltwater Pond trail, the damage and threat to human health and well being created by blasting within a short distance of the trail, the damage from falling rocks and debris to the sanctity of the trail and the wonton destruction of the woodland within the agreed 300' buffer.

It is our position that approval of an after the fact application is rewarding the abuse of process and reckless disregard for the laws of these Cayman Islands. The indiscriminate clearing of land without planning permission is not permissible and thus should be consequential rather than rewarded.

We hereby submit our letter of objection as called for in the Notice of Application for Planning permission served by registered mail on the 27th March 2023.

We welcome the opportunity to be represented at the hearing of this application..

Yours sincerely,

A handwritten signature in black ink, appearing to read "Frank Roulstone".

Frank Roulstone, Executive Director



DEPARTMENT OF
ENVIRONMENT
CAYMAN ISLANDS GOVERNMENT

Screening Opinion for a Quarry for Krock Limited (43A/417)
3 November 2022, Updated 7 December 2022

Executive Summary

The National Conservation Council's (NCC) Directive for Environmental Impact Assessments (EIAs) notes that all activities listed in Schedule 1 will be considered against the screening criteria outlined in the Directive to determine whether an EIA may be required – quarries are included on that list.

The Proposed Quarry has an area of 66.4 acres and is situated between an existing complex of submerged quarries and the Meagre Bay Pond Protected Area. The Proposed Quarry has two lakes. Lake 1 is proposed to have a total yield of 2,943,740.532 cubic yards and Lake 2 is proposed to have a total yield of 2,035,698.541 cubic yards, both based on an estimated depth of 50 ft below Mean Sea Level. A 40 ft wide access is proposed around the exterior of these lakes. No further information has been provided as of the date of this Screening Opinion.

Meagre Bay Pond is one of Cayman's oldest protected areas. The pond and a 300 ft wide band of mangroves around its margin was originally protected as an Animal Sanctuary in 1976. The Meagre Bay Pond Protected Area Management Plan was adopted by Cabinet on 15 February 2022. The goals of the management plan which are relevant to this application are:

- To establish separation between waters of the protected area and adjacent submerged quarries,
- To preserve the protected area's ability to overflow and discharge after extreme rain episodes,
- To thereby facilitate natural regeneration of Black Mangrove forest and other wetland communities around the pond, and
- To recover and maintain the historical seasonal patterns of diversity and abundance of bird life and other native species in the protected area.

Quarrying was noted as a severe threat to biodiversity in Meagre Bay Pond in the Management Plan.

Given that Meagre Bay Pond Protected Area is in hydrological continuity with the site and with the Central Mangrove Wetland to the north, and that there has been an adopted Management Plan which identifies quarrying as degrading the protected area, **the Department of Environment is of the opinion that the Proposed Quarry requires an EIA.**

The EIA is required to address potential significant adverse effects from the Proposed Quarry on terrestrial ecology and hydrology, especially on Meagre Bay Pond Protected Area. The National Conservation Act requires that the Proposed Quarry must be designed in such a way to reduce adverse effects on a protected area. The EIA must ensure that the Proposed Quarry is in accordance with the Meagre Bay Pond Management Plan which has been adopted by Cabinet.

In addition, a key goal of the EIA process is to ensure that an Environmental Management Plan is developed and implemented. The Environmental Management Plan will outline any monitoring that has been identified as necessary and will contain measures to mitigate significant impacts.

Introduction

The process for determining whether an Environmental Impact Assessment (EIA) is needed is a statutory process that is governed by the National Conservation Act (NCA). This first stage, where the relevant authorities decide if a development is one requiring an EIA (i.e. requires an EIA), is called screening.

The National Conservation Council's (NCC) Directive for Environmental Impact Assessments (EIAs) issued under section 3(12)(j) and which has effect under section 43(2)(c) of the NCA, notes that all activities listed in Schedule 1 will be considered against the screening criteria outlined in sections 2 to 3 of Schedule 1 of the Directive to determine whether an EIA may be required. The Proposed Quarry falls within Schedule 1, i.e. excavation and extractive operations including marine dredging, quarries, extraction of minerals, deep drillings (including geothermal drilling), extraction of petroleum, natural gas or ores, an installation for the disposal of controlled wastes from mines and quarries.

The screening criteria include:

- The type and characteristics of a development;
- The location of a development; and
- The characteristics of the potential impact.

These screening criteria have been considered with respect to the Proposed Quarry in order to determine whether an EIA is required.

The Site

The site is located at Block 43A Parcel 417, located 500 feet north-west of the Meagre Bay Pond Protected Area (see Figure 1). It has an area of 66.4 acres and is characterised by seasonally flooded mangrove wetland. It is contiguous with the Central Mangrove Wetland, forming part of its southern extent. The site is located to the east of a complex of submerged quarries.

Meagre Bay Pond is one of Cayman's oldest protected areas. The pond and a 300 ft wide band of mangroves around its margin was originally protected as an Animal Sanctuary in 1976. The Animal Sanctuary designation was transitioned to a Protected Area designation under the National Conservation Act 2013.

In 2004, Hurricane Ivan, tracking along the south coast of Grand Cayman, caused extensive mangrove death around Meagre Bay Pond. By this time, industrial quarrying below the water level had commenced nearby to the west of the protected area. In subsequent years, this quarry zone expanded dramatically, and by 2008, excavations had reached right up to the boundary of the sanctuary, leading to hydrological changes in the pond and concerns that its value to wildlife may be deteriorating as a result.

The Meagre Bay Pond Protected Area Management Plan was adopted by Cabinet on 15 February 2022. The goals of the management plan which are relevant to this application are:

- To establish separation between waters of the protected area and adjacent submerged quarries,

- To preserve the protected area water level's ability to overflow and discharge after extreme rain episodes,
- To thereby facilitate natural regeneration of Black Mangrove forest and other wetland communities around the pond, and
- To recover and maintain the historical seasonal patterns of diversity and abundance of bird life and other native species in the protected area.

Quarrying was noted as a severe threat to biodiversity in Meagre Bay Pond in the Management Plan.

In addition, an objective within this plan is to restore near-natural hydrology to Meagre Bay Pond through the following actions:

- Establish Quarry Rim Elevation Standard,
- Enforce Quarry Rim Elevation Standard on all quarries in the Central Mangrove Wetland,
- Require raising quarry roads above to the elevation standard,
- Assess ability of Meagre Bay Pond to overflow into the Central Mangrove Wetland, and
- Add high water overflow culverts into the adjacent quarry if necessary.

It is noted that the Meagre Bay Pond Management Plan was adopted by Cabinet in 2022, which is four years after the EIA Screening Opinion was issued for a nearby quarry application (Maurice Bloom, Block 43A Parcels 419 and 422) in April 2018. Therefore, the regulatory environment has changed and the Management Plan has further outlined threats to the protected area and actions which must be taken to safeguard the pond.



Figure 1: The Application Site outlined in blue, which is located between an existing quarry complex and Meagre Bay Pond Protected Area.

Proposed Quarry

Description of the Proposed Quarry

The description of the Proposed Quarry submitted by the Applicant contains very little detail. The submission comprised a single site plan with two lakes identified. Lake 1 is proposed to have a total yield of 2,943,740.532 cubic yards and Lake 2 is proposed to have a total yield of 2,035,698.541 cubic yards, both based on an estimated depth of 50 ft below Mean Sea Level. A 40 ft wide access is proposed around the exterior of these lakes. No further information has been provided as of the date of this Screening Opinion.

Characteristics of Potential Impact

The baseline conditions, the potential impact of the Proposed Quarry and any likely significant effects have been qualitatively assessed for each of the below environmental aspects.

Terrestrial Ecology and Site Hydrology

The site is located 500 feet from the Meagre Bay Pond Protected Area and is highly likely to be in hydrological continuity with the pond. The site is part of the Central Mangrove Wetland. Meagre Bay Pond is a seasonally important feeding resource for both resident and migratory water birds, due to the pond's high biological productivity. Alone and in combination with the much more extensive Central Mangrove Wetland, this protected area meets criteria for designation as a Ramsar site. Should this level of protection be approved for this wider area, it will assist in meeting the Cayman Islands' commitments under the Ramsar Convention, the Convention on Migratory Species and the Convention on Biological Diversity.

The seasonal drying of Meagre Bay Pond Protected Area is one of the characteristics of the site that led to its designation as an Animal Sanctuary. When the water level of Meagre Bay Pond decreases, there is a concentration of fish in the shallower water leading to an aggregation of resident and migratory water and shore birds. The natural phenomenon of mass aggregations of birds has not recently been witnessed at Meagre Bay Pond and it is considered by the Department that this may be due to the inability of Meagre Bay Pond to appropriately drain.

Therefore, there are two main interruptions to the natural Meagre Bay Pond Protected Area hydrological regime. The first is the prevention of the movement of water north through the Central Mangrove Wetland when the water level is high in Meagre Bay Pond. The second is water overflow from the quarries into the pond, preventing Meagre Bay Pond Protected Area from drying out. The overall effect is that Meagre Bay Pond is wetter, not becoming seasonally dry, potentially expanding as the surrounding mangrove buffer drowns from a higher water level, and potentially becoming more saline from the frequent influx and evaporation of brackish water.

The water in the quarries is brackish and the connectivity between the quarries and Meagre Bay Pond is likely altering salinity levels in the Pond during rainy periods when the main water input to the Pond is normally fresh rainwater. When the brackish water from the quarries overflows into Meagre Bay Pond, and then evaporates, it can concentrate the salt and increase the salinity in the pond. There is some evidence to suggest that white mangroves (*Laguncularia racemosa*) around Meagre Bay Pond are becoming salt stressed.

If the Proposed Quarry does not have adequate environmental controls, it may exacerbate and worsen the changes to the hydrological regime of Meagre Bay Pond.

However, the solution to these problems is not as straightforward as including a berm around the proposed quarry. The Department does not hold sufficient information on the hydrological regime of Meagre Bay Pond to adequately predict the effect of the Proposed Quarry. While a berm may address the issue of water overflowing from the quarry into Meagre Bay Pond, it may worsen the ability of Meagre Bay Pond to drain north by blocking water movement across the Proposed Quarry. As shown in Figure 2 below, there is a road and a beach ridge to the south of Meagre Bay Pond, preventing any surface water run-off from travelling south. Although the area to the north of Meagre Bay Pond is at a low elevation, there appear to be dry islands at as slightly higher elevation along the northern shore. These are noted in Figure 2 as subtle dark green islands north of the pond. There are no dry islands at the Application Site and it is probable that this is the easiest path for surface water to flow, allowing Meagre Bay Pond to drain in to the Central Mangrove Wetland to the north. Therefore, if this area was to become a quarry and the quarry was to be surrounded by a berm, it may cause a significant adverse effect to the Meagre Bay Pond Protected Area.



Figure 2: The Application Site outlined in red, which appears to be an area of low elevation where water is likely to flow through between Meagre Bay Pond and the Central Mangrove Wetland. The light green is an area of low elevation and the darker green is a higher elevation (Source: Cayman Land Info).

As identified in the Management Plan, the existing quarries are already adversely impacting the Protected Area. Given the lack of any environmental consideration or mitigation measures presented in the Applicant's plan, it is

highly likely that the introduction of a new quarry may result in new significant adverse effects and may amplify existing risks to Meagre Bay Pond Protected Area with respect to terrestrial ecology and site hydrology. **An EIA is required to address these impacts.**

Air Quality - Dust

Although there is no current monitoring data for air quality in this area, anecdotal evidence suggests that there are nuisance dust emissions on the roads and surrounding areas near existing quarries in Cayman. The nature of the extraction processes and haulage of material offsite may cause dust to be created onsite and offsite on the vehicular routes. Additional dust may also be created by processing activities.

Regular and persistent nuisance may affect local amenity. The degree of nuisance experienced depends on the rate of deposition, and is discernible at two levels:

- Nuisance experienced when the dust cover is sufficient to be visible when contrasted to an adjacent clean surface, such as when a finger is wiped across the surface. This is particularly annoying when it occurs regularly over long periods; and
- Severe nuisance experienced when the dust cover is perceptible without a clean reference surface for comparison. This usually occurs over short periods during very dusty conditions and the level of concern and potential for nuisance is normally directed related to the number and proximity of receptors.

Nuisance complaints are usually associated with periods of peak deposition, occurring during particular weather conditions. There is a “normal” level of dust deposition in every community and it is only when the rate of deposition is high relative to the norm that complaints tend to occur. The effects of dust on a community will therefore be determined by three main factors:

- The short-term dustiness during periods of dry weather;
- The frequency or regularity with which these occur; and
- The duration of the site activities that contribute dust.

Therefore, increasing the amount of quarrying activity and the number of vehicular trips with loaded material is likely to increase the effects of dust on a community and may increase the degree of nuisance. Compared to the 2010 population, according to the Economics and Statistics Office, Bodden Town recorded the highest growth rate at 40.8% in the 2021 census of population and housing. Therefore, there is an increasing number of residential receptors in the surrounding area of the site.

The Proposed Quarry will likely exacerbate the existing nuisance issues given the application contains no discussion of control measures. **An EIA is required to address these impacts and mitigation is likely to include a Dust Management Scheme which shall be agreed prior to development commencing and implemented throughout the lifespan of the quarry working.**

Noise and Vibration

There is no relevant information readily available which quantifies the baseline acoustic environment at locations surrounding the Proposed Quarry. Although there are not residential receptors directly adjacent to the quarry, there are existing residential populations around Bodden Town. There are also existing quarrying activities within a relatively open and flat landscape where sound could potentially travel long distances. As outlined above with respect to air quality, the population of Bodden Town has grown 40.8% in the 11 years from 2010 to 2021 and is

likely to continue to increase, introducing additional residential receptors near to the quarrying activities. The working processes, extraction, processing and exportation which will be conducted on site as part of the Proposed Quarry may have the potential to have an effect on the surrounding area in terms of noise. A noise assessment will assess the potential levels of noise generation and provide suggestions of suitable mitigation activities to be undertaken should they be required. **An EIA is required to address these impacts.**

Conclusions

The DoE recommends that the Proposed Quarry be the subject of an EIA.

The EIA is required to address potential significant adverse effects from the Proposed Quarry on terrestrial ecology and site hydrology , especially on Meagre Bay Pond Protected Area. The National Conservation Act requires that the Proposed Quarry must be designed in such a way to reduce adverse effects on a protected area. . The EIA must ensure that the Proposed Quarry is in accordance with the Meagre Bay Pond Management Plan which has been adopted by Cabinet.

In addition, a key goal of the EIA process is to ensure that an Environmental Management Plan is developed and implemented. The Environmental Management Plan will outline any monitoring that has been identified as necessary and will contain measures to mitigate significant impacts on the Protected Area.

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).



15 December 2022

Notice of National Conservation Council Decision

Ref: Krock Quarry EIA

- 1) The proposed action is an approval by the Central Planning Authority for the proposed development, a quarry by Krock Ltd at block 43A parcel 417.
- 2) The views or approval of the National Conservation Council are required by the Central Planning Authority under section 41 of the National Conservation Act, 2013. Under section 43(1) of the Act, "In any consultations pursuant to section 41(3) or before granting an approval under section 41 (4), the Council may, in its discretion and within such times as it may specify, require an environmental impact assessment to be carried out of the proposed action."
- 3) The proposed development is a quarry and so falls within Schedule 1 (those proposed activities which need to be screened to determine if an Environmental Impact Assessment is required) of the National Conservation Council's Directive for Environmental Impact Assessments (EIAs) issued under section 3(12) (j) and which has effect under section 43(2) (c) of the National Conservation Act.
- 4) The proposed quarry was considered by the National Conservation Council at its General Meeting on 14 December 2022.
- 5) Council noted a variety of factors, including but not limited to
 - a. The Department of Environment's screening opinion for a quarry for Krock Ltd at 141/417, updated 7 December 2022.
 - b. The presence of other quarries in the area.
 - c. The proximity of the proposed quarry to the Meagre Bay Pond protected area.
 - d. That the area is being used for quarries but that some of this activity is having an effect on the Meagre Bay Pond protected area and the hydrology of the surrounding area and its hydrological connection to the central mangrove wetland.
 - e. The goals of the Meagre Bay Pond Protected Area Management Plan, which was adopted by Cabinet on 15 February 2022, which are relevant to this proposed quarry.
 - f. The potential impact of the proposed quarry on the ecology and hydrology of the protected area and nearby natural areas.
 - g. The potential impact of the proposed quarry increasing nuisance dust, noise and vibration pollution on the surrounding area and nearby community.
- 6) Council decided that an Environmental Impact Assessment is required for this proposed action.
- 7) It should be communicated to the Central Planning Authority, and by the Central Planning Authority through their usual and sufficient means of communication to the appropriate parties, that the Central Planning Authority and a person aggrieved by a decision of the National Conservation Council may, within 21 days of the date on which the decision of the Council is received by them, appeal against the Council decision to the Cabinet by serving on the Cabinet notice in writing of the intention to appeal and the grounds of the appeal (Section 39 of the National Conservation Act, 2013).

John Bothwell

John Bothwell – Manager, Legislation Implementation & Coordination Unit
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Please see our website www.Conservation.ky

Procedures for control of stray and feral cats by the public

National Conservation Act 2013, section 6 (2) (k)

1. Purpose

Since the passage of the National Conservation (Alien Species) Regulations 2022 (the “Alien Species Regulations”), members of the public, veterinarians and animal charity workers have variously sought clarity from the Department of Environment (“DoE”) over how these Regulations affect cats in particular. These Procedures are intended to provide clarity and guidance to the public in this matter.

2. Legal framework

These procedures are made and may be implemented under the National Conservation Act 2013 (the “NCA”), section 6 (2) (k), while remaining fully subject to the Animals Act (2015 Revision) (the “Animals Act”) and orders by Cabinet made under sections 50 and 88 of the Animals Act.

Cabinet has, under section 50 of the Animals Act, established Pounds for stray and feral cats on Grand Cayman and on Cayman Brac, operated by the Department of Agriculture (DoA).

Cabinet has also, under section 88 of the Animals Act, exempted DoA and DoE from sections 60 and 63 of the Animals Act.

3. Procedures available to the public on Grand Cayman and Cayman Brac

Under the Alien Species Regulations with specific reference to cats, it is legal for any person to trap a stray or feral cat that is causing a nuisance and/or environmental harm on their property, or on other property with permission of the property owner or manager.

The Animals Act and the Alien Species Regulations both require trapping and subsequent treatment of a cat to be done in a humane fashion. The following options are currently accepted to meet these legal requirements, specifically in relation to cats being trapped by members of the general public under these Procedures:

- Live trapping may be performed using cage traps only.
- Traps should not be left set and unattended for periods exceeding 12 hours, and must be continuously shaded if set during sunlit hours.
- Trapping of tame companion cats from known owners’ residences close by should be avoided, and any such cats that are unintentionally trapped should be returned to their owners if known.
- Otherwise any cat which is trapped should be transported to the Stray and Feral Cat Pound on Grand Cayman or Cayman Brac at the earliest possible opportunity.

4. Operation of the Stray and Feral Cat Pounds

The operation of the Stray and Feral Cat Pounds lies solely with the Department of Agriculture, and may be varied at any time at the discretion of the Director DoA. Initial arrangements are laid out here for convenience of reference.

Pound Locations:

Cage banks for holding cats in the Pounds are located in the DOA's former detector dog building and/or ancillary enclosures at Lower Valley, Grand Cayman, and will also be located at the DOA offices at Spot Bay on Cayman Brac, with access secured against unauthorized entry.

In both locations the DOA is the Poundkeeper as specified in the Animals Act. Specific to cats, the Poundkeeper (*inter alia*) is exempted by Cabinet Order from Sections 60 and 63 of the Animals Act, and is authorized to euthanize unclaimed and ownerless (feral) cats under the National Conservation (Alien Species) Regulations 2023.

Submissions to the Pounds:

Cats may be submitted to the Pound on Grand Cayman on weekdays excepting Public Holidays, between the hours of midday and 1:00pm, and between 3:30pm and 4:30pm.

On Cayman Brac cats may be submitted to the Pound during weekday working hours.

The Pounds will be staffed during these specified hours by DOA officers, who will also be responsible for daily care and management of the cats and cages in the Pounds.

DOA will record details of the cat and the person submitting it, using the same DOA Animal Pound form that is currently in use also for dogs.

Any person submitting a cat to the Pound on behalf of another person (the originating person), must supply the originating person's details as well as their own.

Pound keeping:

Submitted cats will be held alive in the Pounds, in individual cages with food, water and a litter tray available, for six calendar days unless claimed by and returned to a confirmed owner in that time. The day of delivery to the Pound is defined as day 1.

Any cat which remains unclaimed by an owner past 4:30pm on day 6 in the Pound, shall be deemed to be feral (lacking any identifiable owner) and shall be euthanized by DOA as soon thereafter as practicable.

Retrieval from the Pound:

Any owner of a missing cat may contact or visit the Pound offices to inquire whether their cat has been placed in the Pound. The owner is required to provide proof of their own identity, at least one ID-quality photograph of their missing cat, details of any microchip record and other identifying features for their cat and information on the location from which it went missing. If this information creates a likely match to a cat in the Pound, the owner may be allowed to view the cat to confirm ownership.

Speculative inspection of the cats in the Pound by any person claiming to have lost a cat but unable to provide photographic or other substantial identification for the missing cat, is not permitted.

Retrieval by a person acting on behalf of a cat's owner is permitted provided that they can provide the owner and cat's details in full, and can meet the requirements below on behalf of the owner.

A confirmed owner may retrieve their cat from the Pound after fulfillment of the following requirements:

1. payment of the standard Pound fees (\$25 impoundment fee, and \$10 per calendar day for care of their cat while in the Pound)
2. A microchip must be implanted in the cat if one is not already present. This may be done by DOA at a charge to cover the cost
3. The owner must supply a collar with the cat's name on an attached tag, to place on the cat before regaining possession.

No cats may be released from the Pound except to their confirmed owners or a person acting on their behalf, who have met the requirements to retrieve them.

Regardless of the above, no cat may be released to any person who originally submitted that cat to the Pound.

Records of cats submitted to and received from the Pound will be treated as confidential information, such that owners and submitters of cats will not be identified to each other.

Access to the Pound:

Access to the Pound shall routinely be restricted to DOA officers managing the Pound, caring for the cats, and performing the necessary veterinary procedures; and to owners of any missing cats with a likely match in the Pound when accompanied by a DOA officer.

Other persons may only access the Pound by prior arrangement and for specified purposes, subject always to permission from DOA and with any associated conditions DOA may impose.

5. Procedures available for control of feral cats in environmentally sensitive areas

Additional Procedures are already established which are specific to control of feral cats in Little Cayman and other key environmentally sensitive sites in the Cayman Islands. These Procedures are laid out under separate cover and remain in effect.

These and other Procedures made under the National Conservation Act 2013, section 6 (2) (k) may be updated by Director DoE from time to time, in consultation with DoA in cases involving feral specimens, and subject to approval by the National Conservation Council.

6. Approvals

- a. Made by the Director, Department of Environment under NCA section 6 (2) (k):

[Date stamp and signature]

- b. Consultation with the Department of Agriculture under the National Conservation (Alien Species) Regulations 2022, section 15 (2):

[Date stamp and signature]

- c. Approval by the National Conservation Council under section 15 (1):

[Date and NCC Chairman's signature]