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***Open letter to the Editorial Board of The Compass from the Chair of the National Conservation Council***

The editorial in Monday's edition of the Compass opines that "small and large developers [need to be unshackled] from unnecessarily burdensome – at times even foolish – rules and regulations" associated with the National Conservation Law.

At issue is the authority of the NCC to require an Environmental Impact Assessment (EIA) where a major development poses environmental threats that are not sufficiently well-defined, understood or mitigated in the submitted proposal. In such circumstances the EIA procedure is necessary to inform the NCC's advice to, and by extension inform, the government entity that is being called on to issue the approval.

For all the reasons given below, the NCC and DoE are unapologetically insistent that further and independent analysis be carried out of the proposed removal of 1,225 linear feet of beach rock from the Seven Mile Beach Marine Park before Cabinet considers a precedent-setting approval which could impact not only biological and coastal resources but also endanger the sustainability of the vital tourism pillar of our economy.

The NCL requirement for all government entities to consult with the NCC before giving approvals that could have adverse effects on biodiversity and sustainable use of natural resources came into effect in August 2016. Since that time, the DoE on behalf of the NCC, has processed and reviewed a total of 368 consultations/project applications.

- 346 (94%) were recommended for approval without the need for an Environmental Impact Assessment (EIA) though a number received advice on means to maintain habitat and biodiversity;
- 10 (2.7%) were recommended for refusal;
- 6 (1.6%) applications were recommended to be deferred for a variety of reasons including incomplete applications or insufficient information provided by the applicant; and
- 6 (1.6%) were the subject of Screening Opinions recommending EIAs.

In its General Meetings (which are held in public and reported in the media), the NCC has voted to uphold the DoE's recommendations for five EIA all involving road corridors through sensitive primary habitat, four of which had no strategic assessment of actual need, and including the 10-mile proposed East-West Arterial extension which had always been acknowledged by Government to be necessary; and also the EIA on the application from Crymble Ltd (Dart) to remove beach rock from the Seven Mile Beach Marine Park.

It should be abundantly clear that the EIA procedure is invoked sparingly, and only when the NCC and DoE agree that there are such significant gaps, in either the technical information available for the assessment of potential impacts, or in the technical expertise available, that additional studies and assessment are required. This point cannot be overstressed – conducting an EIA involves time and resources in preparing the

Terms of Reference and Draft Environmental Statement, reviewing large volumes of technical studies and carrying out required public consultations. An EIA decision is therefore never taken frivolously. It must always be remembered that an EIA does not make the decision on a project; it is a tool that assists decision-makers in making fair, technically sound, transparent and robust decisions, weighing the adverse environmental effects against other considerations such as societal benefits, employment and other economic opportunities.

In addition to the 368 applications referred to above many pre-application meetings have been conducted by DoE with prospective developers (at their request). Indeed, one of the developers singled out by the editorial opted to consult with the DoE/NCC early on in the development of their plans. HHG have written to DoE: "Once again I am impressed with the thoroughness of the Department of Environment's analysis of the Pageant Beach situation, and I express again our thanks to you and your colleagues for our very constructive and helpful meetings and discussions." To date we have not received either an application or request for a pre-application meeting from the proponents of development on the former Treehouse restaurant site.

With specific reference to the proposed Crymble project a number of corrections are required. First, the current application is not for a resort but for the removal of beach rock within the Seven Mile Beach Marine Park. The trial removal of a small portion of the beach rock was approved late last year by Cabinet, against the recommendation of the NCC. A condition of that approval was that the applicant is required to carry out a 12 month study to document the changes in the beach and offshore profiles as a result of the rock removal. Presumably this is the year-long study referred to in the editorial. The application for the removal of the full 1,225 linear feet of beach rock, submitted in February 2017, before the expiration of that study period, resulted in the NCC requiring an EIA. Second, the beach rock removal is proposed to take place within the country's largest marine protected area. Notwithstanding the fact that the application was accompanied by several technical studies and reports, independent coastal engineering advice sought by the DoE indicates that significant additional analysis and/or project modifications are required to justify the proposed activity and predict its probable outcome.

The requirement to undertake EIA's is enshrined in the legally-binding Environment Charter between the UK and the Cayman Islands signed by the current Honourable Speaker in 2001. Further, Cayman is committed under the Charter to ensure that environmental impact assessments include consultation with stakeholders. The EIA Directive implements this undertaking by providing for two separate opportunities for public input regarding the possible impacts (both positive and negative) of a proposal. In the beach rock removal case this is doubly important as it is ultimately public property (Seven Mile Beach and the marine environment) that is at stake.

The NCC congratulates the new Minister on his appointment and looks forward to working with him to carry on the important work started under the National Conservation Law towards the goals of conserving native species and habitats treasured by all of us with enduring ties to the Cayman Islands and the critical ecosystem services they provide for the wellbeing of current and future generations.

Yours faithfully



M. Christine Rose-Smyth  
National Conservation Council – Chair