



22 February 2017

Screening Opinion for Proposed Central Mangrove Wetland Arterial – Ministry PLAHI

Prepared by the Department of Environment for the National Conservation Council

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

The **proposed project** is for an unspecified width, approximately 4.5 mile north/south arterial route from Rum Point Drive, through the Central Mangrove Wetland, connecting to Harvey Stephenson Drive (which ultimately connects to Anton Bodden Drive and Bodden Town Road) - see attached plan. Please note that 0.75 miles of the proposed route, heading south from Rum Point Drive to the south-west corner of Block 40A Parcel 29, is also intended to serve a second proposed road, which is the subject of separate EIA Screening Opinion.

Before providing its Screening Opinion, the DoE would like to advise the NCC that based on international best practice and as carried out in other jurisdictions, the requirement for new road corridors should firstly be informed by a strategic level overview – commonly known as a **Strategic Environmental Assessment (SEA)**. Some of the key objectives of the SEA process are to ensure the protection of the environment and to integrate environmental considerations into the preparation and adoption of plans with a view to promoting sustainable development. SEA also works to inform the decision-making process through the identification and assessment of the significant and cumulative effects of a plan on the environment at a strategic level and to enable consultation on the potential effects with a wide range of stakeholders. Such stakeholders would include relevant Government departments and agencies (e.g. National Roads Authority, Department of Environment, Planning Department, Water Authority), landowners (not just along the road corridor), the wider community, non-governmental organisations.

It is unclear what level of strategic assessment for the proposed road has been carried out and whether it forms part of the National Roads Authority's identified future infrastructure requirements, which would have considered the high-level costs and benefits of the proposed scheme. The arbitrary selection of a road corridor without an SEA or any form of strategic consideration is not an approach supported by the DoE.

Having considered the proposal and accompanying correspondence from the MLA for North Side contained in the email from the Ministry of PLAHI (dated 1 February 2017) against the screening criteria outlined in the EIA Directive, the Department of Environment (DoE) is of the opinion that **the proposed road requires an Environmental Impact Assessment (EIA) prior to gazettal** predominantly based on the following factors:

1. The proposal clearly falls within Section 5 (ii) of Schedule 1 of the EIA Directives i.e. *Transportation infrastructure, including planning or construction of new roads, and of road extensions.*
2. The proposed roadway will bisect a substantial area of wetland habitat identified as forming part of the Central Mangrove Wetland (CMW). As the ecological heart of Grand Cayman, the CMW is critical to many important natural processes which are vital to the long-term wellbeing of the residents of the Cayman Islands. It is part of a large scale water flow system, filtering and conditioning the surface water and shallow ground water which supports the mangrove communities and flows into North Sound. Other important functions include storm protection and flood mitigation; shoreline stabilization and erosion control; groundwater (freshwater lens) recharge; retention of sediments and pollutants; export of organic matter to the North Sound; stabilization of local climate conditions, particularly rainfall and temperature; carbon storage; provision of nursery grounds and habitat for a variety of marine and terrestrial biodiversity including species on Schedule 1 Part 1 of the NCL. The CMW has been designated as an Important Bird Area under the criteria established by Birdlife International as it supports at least 1,500 individuals or 83% of the Cayman Islands' population of the globally significant West Indian Whistling-duck, and the endemic Cayman Parrot, *Amazona leucocephala caymanensis*, breeds in outer monospecific black, black/white and black/red mangrove zones (1,145 ha) of the southern CMW. (<http://www.birdlife.org/datazone/sitefactsheet.php?id=19723#FurtherInfo>).

The scope and characteristics of the potential significant effects of the proposed road scheme on this nationally important resource will require assessment of the direct and indirect impacts affecting the natural environment of the area including but not limited to:

- a. An assessment of the ecological function and value of the specific natural resources that will be affected by the construction and operation of the road;
 - b. An assessment of the impacts associated with changes to the hydrology and drainage patterns of the area which could affect the CMW basin and the North Sound as a result of the road construction;
 - c. An assessment of impacts to off-site natural resources due to the excavation and/or mining of the significant quantities of aggregate required for construction of the 4.5 miles of road, and
 - d. An assessment of any onsite and off-site impacts associated with the de-mucking and disposal of significant quantities of peat overburden within the road corridor.
3. The proposed road runs adjacent to and bisects Crown land (Block 34A Parcel 5 and Block 41A Parcel 3, respectively) which has been identified for legal protection under the National Conservation Law (2013) and is currently the subject of public consultation until 2 May 2017. The proposed road alignment conflicts with the conservation objectives for this land. The Protected Area Nomination states that:

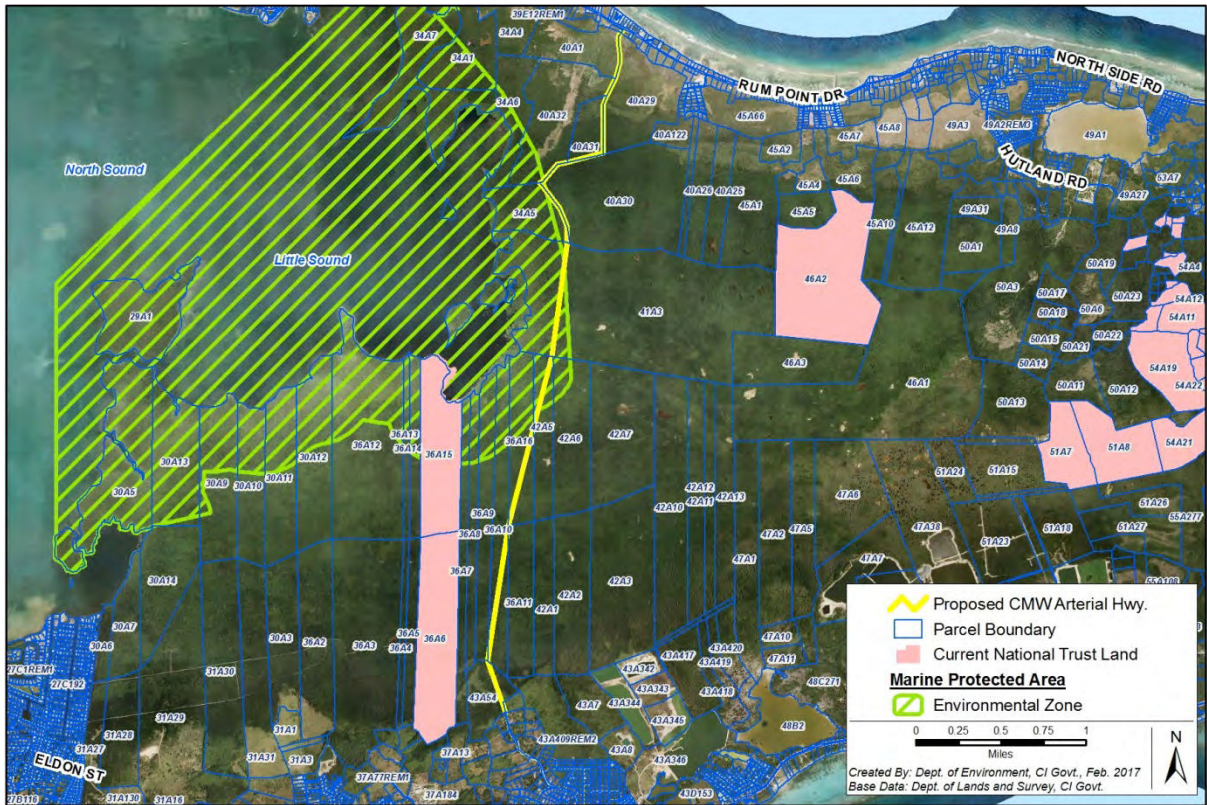
“Protecting the Crown lands in the Central Mangrove Wetland will be a major step towards the protection of the Central Mangrove Wetland as a cohesive ecosystem, which is necessary in order to maintain its ecological functions which benefit us all”.

4. The proposed road alignment passes through the Environmental Zone which is a Protected Area under the National Conservation Law (2013).
5. Detailed geotechnical investigations will have to be carried out along the entire path of the proposed road in order to identify any potential constraints on the proposed alignment and/or construction methodology. Although peat depths in excess of 16 feet have been measured in this general area, site-specific geotechnical information along the entire path of the proposed road is not available and would be extremely difficult to obtain without additional environmental impact.
6. The need for a **public road** along this route has not been objectively evaluated. Large tracts of pristine primary habitat of high ecological and biodiversity value will be adversely affected with the proposed route alignment (approximately 1,528 acres immediately adjoining the road). In the absence of any strategic environmental overview of the proposed alignment, informed by input from the Departments of Planning and Environment, the National Roads Authority and the Water Authority, together with extensive public consultation (i.e. wider consultation than those landowners who stand to prosper from their land being unlocked), the sustainability of this road proposal needs due consideration. The EIA procedure prescribed in the NCC’s gazetted Directive (June, 2016) provides opportunities for public consultation at appropriate points in the process, including determining the scope of the EIA, prior to agreeing the Terms of Reference.

International Considerations:

As well as all the considerations outlined above, the NCL gives effect to relevant provisions of a number of multilateral environmental agreements to which Cayman is a contracting party through the UK. The Convention on Wetlands of International Importance (RAMSAR) is one such agreement and commits Contracting Parties to formulate and implement their planning so as to promote the conservation and wise use of all wetlands in their territory, through means such as conducting environmental impact assessments before transformations of wetlands (Article 3). Also, the Environment Charter signed by the Cayman Islands Government in 2001 commits the Cayman Islands to “undertake environmental impact assessments before approving major projects and while developing our growth management strategy” (Commitment 4). It is worth noting that the Bermuda Court of Appeal recently found that the Charter is a legally binding document on the government.

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).



Proposed Road