

2023

Annual Report



**National
Conservation
Council**
Cayman Islands

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



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Executive Summary

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

During 2023 Council was inquorate for several months (March through July) awaiting the (re)appointment of members. Despite this hiatus the Council was still able to advance a number of conservation issues, most notably

- Interim Directive for the necessary immediate designation of blue iguana critical habitat to protect the iguanas and their habitat from unplanned roadworks in the area and the associated effects it will be expected to cause particularly vehicle speed and alien species intrusion into the hitherto wild areas.
- Empanelling of several Environmental Assessment Boards to facilitate the timely and thorough review of several significant development proposals.
- Entering into a first MOU for the creation of a Conservation Area.
- Submission of the completed, and publicly consulted, species conservation plan for colonial nesting seabirds to the Cabinet.

In Memorium

On 17 July 2023 McFarlane "Mac" Conolly (70), the 2022 chairman and an original member of the National Conservation Council, died after getting into difficulties while snorkeling off Colliers Beach. He is missed by his community and all who knew him, not least his friends and colleagues on the National Conservation Council over the years.



Chapter 1

Cayman Islands National Conservation Council

1.1 Purpose

The National Conservation Council (the Council, NCC) is established by, and to facilitate the goals of, the National Conservation Act 2013 (the Act, NCA), that is: to promote and secure biological diversity and the sustainable use of natural resources in the Cayman Islands; to protect and conserve endangered, threatened and endemic wildlife and their habitats; to provide for protected terrestrial, wetland and marine areas; and to give effect to the provisions of certain international conventions:

- the Protocol Concerning Specially Protected Areas and Wildlife to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean region,
- the Convention on Wetlands of International Importance (especially as waterfowl habitat)
- the Convention on the Conservation of Migratory Species of Wild Animals,
- the Global Convention on Biological Diversity, and
- the United Nations Framework Convention on Climate Change).

The Central Mangrove Wetland absorb floodwaters from the surrounding farmland and communities. Nutrients from its 8,500 acres of mangrove forests and shrublands then flow into North Sound each summer, fertilizing food chains which support culturally and economically important species like snappers and lobsters.



Chapter 1

Cayman Islands National Conservation Council

1.2 Statutory Functions

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

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

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Cayman Islands National Conservation Council

1.2 Statutory Functions (Cont'd)

(j) promoting the adoption of guidelines by entities for the integration of conservation issues into their decision making processes and for the achievement of the sustainable use of natural resources;

(k) promoting district, national and regional initiatives, including co-operative enforcement measures and mutual assistance in the enforcement of national laws, in order to further the objectives of the Conventions;

(l) promoting national plans for emergency responses to activities or events, whether caused naturally or not, that present a grave and imminent danger to biological diversity and encouraging international co-operation to supplement such national plans;

(m) promoting national plans for the sustainable management, conservation and enhancement, as appropriate, of sinks and reservoirs of greenhouse gases; and

(n) carrying out such other functions and duties as are specified under this Act and the regulations;

and in subsection (12):

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

(a) criteria for identifying endangered or threatened species or other species needing protection under this Act;

(b) criteria for evaluating proposals for the establishment and management of protected areas and for the measures required to protect and conserve protected species and their critical habitat;

(c) criteria for the application for, and grant of, monies from the Fund;

(d) criteria for the review, assessment and reporting of activities funded in whole or in part by monies from the Fund;

Chapter 1

Cayman Islands National Conservation Council

1.2 Statutory Functions (Cont'd)

- (e) the form and content of a petition under section 16(3);
- (f) procedures for determining the circumstances under which permits and licences may be granted under Part 5;
- (g) measures governing the methods and conditions under which the captive breeding or artificial propagation of protected species may be allowed;
- (h) procedures for regulating and controlling wild populations and the import, introduction, possession, transportation and release of alien or genetically altered specimens;
- (i) procedures for consultation by entities pursuant to section 41(3); and
- (j) the carrying out of environmental impact assessments under section 43.

1.3 About this Report

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

This is the ninth annual report of the National Conservation Council and covers the period from 1 January 2023 to 30 December 2023 inclusive.



Chapter 1

Cayman Islands National Conservation Council

1.4 Composition of Council

The Act regulates the composition of the Council. The Council is composed of thirteen voting members (section 3(2)):

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

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

The Department of Environment (DoE) is charged with appointing a Secretary to the Council (section 6). John Bothwell, Manager of the Department's Legislation Implementation and Coordination Unit, has remained as Secretary throughout 2023 and since the Council's inception in 2014.



Stuart Mailer
Chair



Steve Broadbelt
New Member
East End



Lucille Seymour
New Member
George Town



Ian Kirkham
New Member
East End

Chapter 1

Cayman Islands National Conservation Council

1.4 Composition of Council

The Council for 2023 were as follows:

Representation	January - February	August - December
East End	McFarlane Conolly (Chair)	Steve Broadbelt
North Side	Edward Chisolm	Ian Kirkham
West Bay	Lisa Hurlston- McKenzie	Lisa Hurlston- McKenzie
George Town	Jessica Harvey	Lucille Seymour, MBE
Bodden Town	Pierre Foster	Pierre Foster
Sister Islands	Harrison Bothwell	Harrison Bothwell
National Trust	Frank Roulstone	Frank Roulstone
Dept of Agriculture	Adrian Estwick	Brian Crichlow
Director of Planning / Representative	Haroon Pandohie Richard Mileham	Haroon Pandohie Richard Mileham
Director of Environment	Gina Ebanks-Petrie	Gina Ebanks-Petrie
DoE Deputy Research	Timothy Austin	Timothy Austin
General Member	Patricia Bradley	Patricia Bradley
General Member	Stuart Mailer	Stuart Mailer (Chair)

Chapter 2

Council Activities January - December 2023

2.1 Governance

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

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

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

(1) If a member of the Council has any pecuniary or other interest in any matter to be dealt with by the Council he shall disclose the fact to the Chairman and shall not take part in any meeting at which the matter is considered or discussed.

(2) A member of the Council who fails to comply with subparagraph (1) commits an offence and is liable-

(a) on summary conviction to a fine of twenty thousand dollars and to imprisonment for two years; or

(b) on conviction on indictment to a fine of fifty thousand dollars and to imprisonment for five years,

unless he proves that he did not know that matter in which he had an interest was the subject of consideration at that meeting.

(3) A disclosure under subparagraph (1) shall be recorded in the minutes of the meeting of the Council.

Council members are also subject to the provisions of the Standards in Public Life Act and were required to file a declaration of interests with the Commission for that Act. Access to that register of interests would be through the Commission on Standards in Public Life.

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

Chapter 2

Council Activities January - December 2023

2.2 Meetings

The Council held General Meetings in 2023 on August 23rd and December 6th.

Agendas with working papers, and Minutes (once approved), of the meetings can be found at <https://conservation.ky/general-meetings>. In accordance with the statutory requirement and the Council's Policy and Procedure Manual, the agenda and working papers for the meetings were published in advance and the public was able to view the proceedings of each General Meeting in full and live on YouTube. The meeting recordings can be viewed at [National Conservation Council \(NCC\) General Meetings - YouTube](#).

Council also conducts non-binding working groups approximately every three weeks in order to prepare for the general meetings. Council occasionally considers procedural items at these sessions or via correspondence, with those items often being ratified at the next appropriate General Meeting.

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

2.3 Entry into Force of the National Conservation Act

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



Chapter 2

Council Activities January - December 2023



2.4 Implementation of the National Conservation Act

During 2023 the implementation of the National Conservation Act continued with ongoing efforts to improve management of protected species and important natural areas.

2.4.1. Interim Directive for Blue Iguana Critical Habitat issued.

2.4.2. Procedures for control of stray and feral cats by the public, issued under section 6(2)(k) of the Act, in order to prepare for future cat pounds at the Department of Agriculture to enhance the legal control of alien invasive feral cats by members of the public who wish to do so.

2.4.3. Successful defence of the Central Planning Authority's appeal to the Cayman Islands Court of Appeal of the Council's successful Judicial Review of the CPA's illegal decision to grant planning approval regardless of the Council's directions under section 41(4) of the Act.

2.4.4. Updated directives to better operationalise the historic practice (since the time of the Marine Conservation Board) of limiting fish pots to two pots per licence holder (previously per household).

2.4.5. Entered into an MOU with CBRAC (Coast to Bluff Recreational Access and Conservation) for the purpose of making (the first) conservation areas.

2.4.6. Issued updated section 41 Guidance Notes after the outcome of the Judicial Review so that the DoE (acting on delegated authority of the Council) does not accidentally pre-empt applicant's prerogative for a s41(3) and then a s41(4) consultation, if the applicant so wishes.

2.4.7. Updated Council's approval for the administrative renewal of spear guns by the DoE to include resumption of relicensing spear guns last renewed between 12 Sept 2014 and 30 Sept 2015.

2.4.8. Draft Seabird Conservation Plan delivered to Cabinet.

2.4.9. The Council continues to recommend Turtle Friendly Lighting for any development on coastlines frequented by nesting turtles, and to encourage existing properties to take part in the Environmental Protection Fund supported retrofit programme administered by the Department of Environment.

Other actions will be covered in more detail in the rest of the report.

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Council Activities January - December 2023

2.5 Invasive Species

The current Green Iguana Culling Program, utilising a ‘bounty’ approach, officially began in November 2018, although smaller pilot programs had been trialled annually since 2016, and remained in progress through 2023.

Cornwall Consulting remain as the contracted Cull Management Team with a competitively tendered contract awarded from April 2022 to December 2023. Though successful so far there is still concern that the bounty style approach to control the green iguana population may have reached the limit of its effectiveness. As iguanas become more skittish and dispersed the bounty per iguana has had to be increased. For financial sustainability, and to target areas with low iguana catch rates but high biological or social value, new approaches will be needed in the future.

In 2023, targeted green iguana culling led by the Department of Environment continued on Cayman Brac and Little Cayman with the assistance of community volunteers. The establishment of green iguanas on either of the sister islands brings with it the potential for interbreeding between the invasive green iguanas and the endemic endangered rock iguanas.

Further targeted invasive species control efforts were carried out on Cayman Brac (particularly for the support of nesting seabirds) and Little Cayman (particularly to reduce the take of juvenile iguanas by feral cats) by DoE staff and a grant funded alien species control officer based on Cayman Brac.



A juvenile Sister Islands Rock Iguana

Alien Species Control on Little Cayman

Rodents are an invasive species to Little Cayman and present a biosecurity risk if their population goes unmanaged. The citizens of Little Cayman believe the feral cat population have kept the rodent population balanced, and controlling the feral cat population will result in an increase in the rodent population. Even though evidence from feral cat necropsies of cats caught in Little Cayman have showed very few rodent remains. In respect for community concerns rat population surveys have continued in conjunction with feral cat removals.

The house cat (*Felis catus*) has become invasive in the Cayman Islands, readily becoming feral and living and breeding in the wild around human habitations and throughout the interior of all three islands. Such feral cat populations are well documented to be extremely harmful to natural resources, and in the Cayman Islands their impacts on endemic, endangered and protected species are known to be severe.

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Council Activities January - December 2023

2.5.1 Sister Island Alien Species Controls

In 2023 the Department of Environment continued to undertake the targeted removal of feral rats and cats in partnership with the Royal Society for the Protection of Birds (RSPB). In Cayman Brac this work occurred in critical brown booby nesting habitat. This has resulted in a remarkable improvement to the breeding success of these birds. In Little Cayman the alien species control work has already significantly reduced the take of juvenile rock iguanas by feral cats, thereby removing one significant threat to the continued health of that species' population on Little Cayman.

2.5.2 Alien Species Regulations

The National Conservation (Alien Species) Regulations (2022) came into effect during 2023, except for Part 3 which remains the subject of a Judicial Review application. It is hoped that the Judicial Review will be heard by the Court and decided in 2024.

2.6 Section 41 Consultations and EIAs

Under Section 41 of the National Conservation Act all Government entities are required to consult with the National Conservation Council before granting a permit or licence, or making some other decision, that would be likely to have an adverse effect on the environment. Section 43 of the Act allows the Council, where necessary, to require the proponent to carry out an Environmental Impact Assessment (EIA). When an EIA is initiated, the Council appoints an Environmental Advisory Board (EAB) to regulate the process.

The need for several EIAs were considered in 2023.

Aqua Bay condominium, Seven Mile Beach

Council decided that an EIA is not needed, but that mitigation measures with respect to turtles should be secured by conditions if the development is approved by the Central Planning Authority.



Chapter 2

Council Activities January - December 2023

2.6 Section 41 Consultations and EIAs

Airport Expansions, voluntarily submitted (or screened by the DoE) for EIA

- New Radar Installation
 - DoE concluded (and reported to Council) that formal EIA screening was not needed.
- General (Private) Aviation Terminal (Grand Cayman)
 - Council decided that an EIA was not needed, but provided guidance on issues that could be considered or addressed by the Cayman Islands Airport Authority through the section 41 review process.
- Cayman Brac Airport Expansion
 - Council decided that an EIA is needed.
- Runway Extension, all three islands
 - Applicant requested to go straight to scoping by an Environmental Assessment Board (EAB). Council accepted and appointed EABs for each project.

Scott's Quarry (Cayman Brac) – After The Fact application, Extension of Quarry application

- Council decided that an EIA is not needed. (Although there are significant issues surrounding both the after-the-fact and the expansion applications, which the Development Control Board should carefully consider, an EIA is not needed to understand the impacts of the applications.)

K-Rock Quarry (Grand Cayman)

- This was a project which Council had already screened as requiring an EIA. Council appointed the Environmental Assessment Board.

Chapter 2

Council Activities January - December 2023

2.6 Section 41 Consultations and EIAs

The status of all active EIAs can be found on:

<https://conservation.ky/current-eias>.

Any that have produced public reports can be found on:

<https://conservation.ky/eia-reports>.

At the end of 2023 the following EIAs were active:

Cayman Islands Airports Expansions

- Scoping in process; proponent will have to select consultants for next phase(s) of the EIA.

ReGen Integrated Solid Waste Management System (ISWMS)

- After EAB review and public consultation in 2023, the Proponent is finalising the Final ES and preparing the Environmental Management Plan. EIA should be finalised in 2024.

East-West Arterial

- EIA is being conducted

Port Zeus Brac Marina

- Proponent voluntarily instigated EIA recognizing it would be of benefit to their project and likely be a national development requirement. Terms of Reference for the EIA being drafted by the proponent, in consultation with the Environmental Assessment Board.



Bridled Terns arrive in Barkers Cay to breed.

Chapter 2

Council Activities January - December 2023

2.6 Section 41 Consultations and EIAs

EIAs remain international best practice at a relatively minor cost for those projects that require them, especially compared to the potential savings they can identify for the project. They are an important tool for assuring the public that environmentally, socially and economically appropriate decision-making is occurring. The activation of EIAs in local legislation has gone a long way to raising the profile of the Cayman Islands which in February 2013 were assessed as “weak” in each of the four areas of environmental governance (species, sites, development control and people) evaluated by the Foundation for International Environmental Law and Development (FIELD). Having EIA legislation also assists the Cayman Islands in achieving commitments made under the Convention on Biological Diversity, the Ramsar Convention, the 2001 Environment Charter, and the Cayman Islands Constitution Order 2009.

Unfortunately, the non-acceptance of Council recommendations, or even Directions under the Act, in some instances remains a significant problem. Non-acceptance of Direction could leave the non-complaint Government agency, or even private sector entities acting on the advice or permission of the non-compliant Government entity, open to legal challenge or prosecution.



In late 2021 the NCC was given leave by the Court to apply for a Judicial Review of a decision of the Central Planning Authority not to require certain conditions as directed by the Council when they issued Planning Permission. The Judicial Review of the CPA decision overwhelmingly concluded that the actions and procedures of the NCC were lawful and that choosing not to include the Council’s directions was unlawful. However, the CPA appealed this decision to the Cayman Islands Court of Appeal. In 2023 the Cayman Islands Court of Appeal dismissed the appeal and ordered that the decision of the CPA be quashed.

Despite the court rulings which have confirmed the application of the Act, Council Directions continue to not be applied by the relevant authorities.

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Council Activities January - December 2023

2.7 Climate Change

NCC Climate Change Committee End of Year Report - during 2023 the CCC has engaged in the following on behalf of the NCC:

2.7.1 Draft Climate Change Policy 2023-2050

- a. Following completion and publication of the Climate Change Risk Assessment 2022 (CCRA) in which our previous chair, the late McFarlane Conolly, and other members of the NCC provided local expertise identifying risks to and opportunities arising from biodiversity and habitats and their economic implications for the wider society. The CCRA informed the crafting of the draft Climate Change Policy.
- b. Cementing NCC's views of and work on safeguarding species and habitats in the public consultation draft and subsequent revised draft has been through the DoE's membership on the Ministry of Sustainability & Climate Resiliency-led Technical Working Group.
- c. The publicly consulted, revised draft will shortly go to Cabinet for consideration and approval.
- d. The Ministry is working to integrate climate-related NCC and DOE considerations into the draft Implementation Plan for the recently approved National Food & Nutrition Security Policy.

2.7.2 Role of ESG (Environment, Society & Governance) in climate action – Spectrum 2023 Conference, Sept 2023

- a. The National Trust was instrumental in introducing the showing of a short film: "Save our Wild Isles – Banking on a Wilder Tomorrow", which was followed by a panel discussion involving the CCC Chair. She echoed the views of those interviewed regarding the urgency of local action on the interconnected climate and biodiversity crises, the effects of which are measurable in our islands.

Chapter 2

Council Activities January - December 2023

2.7 Climate Change

2.7.2 Role of ESG (Environment, Society & Governance) in climate action - Spectrum 2023 Conference, Sept 2023

b. Globally, ESG builds on the strengths of national jurisdictions to safeguard biodiversity and habitats against local environmental offences and extinction exacerbated by climate change. Locally, ESG should promote sustainable use of our natural capital to deliver societal benefits to the people of the Cayman Islands, including climate resiliency. CCC Chair reminded the audience that the local environment contributed CI\$62 million in value to the Cayman Islands in 2020; mangroves alone provided amenity value of \$1.3 billion. The economic prosperity and well-being of our people are therefore fundamentally reliant on effective management of the environment and an understanding of the value it provides.

c. ESG can help entities and the jurisdiction meet national aspirations toward the global goals of protecting 30% of marine and terrestrial biodiversity by 2030, halving GHG emissions by 2030 and reach net zero by 2050. Cayman is a laggard with roughly 12% of our total land area under some form of protection; not helped by the pace of development which has contributed to the loss of 72% of western Grand Cayman mangroves since 1976. Nature-positive solutions offered through innovative insurance and lending products can help increase that figure while enhancing physical and economic climate resiliency.

d. Financial Services sector has an important role to play in disincentivising practices that increase physical climate risks and vulnerability. It can facilitate and incentivize best development practices through responsible lending that enhances climate resilience by capitalizing on sustainable finance opportunities for safeguarding the ecosystem services of nature and biodiversity that exist locally (e.g. use of residual trusts, allocation of CSR spending to R&DD, etc.). The insurance sector can reduce underwriting of risk or heavy reliance on costly risk transfer mechanisms. [In 2010 CCRIF estimated climate change impacts would incur expected losses of up to 7% of Cayman Islands' GDP annually by 2030, but implementing a suite of adaptation measures (including coral reef/mangrove restoration and enhancement) would avoid up to 89% of these losses.]

Chapter 2

Council Activities January - December 2023

2.7 Climate Change

2.7.2 Role of ESG (Environment, Society & Governance) in climate action - Spectrum 2023 Conference, Sept 2023

e. During the same week as the Spectrum conference, the Cayman Islands formally joined the UK Blue Belt Programme, which seeks to expand offshore marine protection and monitoring, and sustainable finance to support these and other activities, e.g. further marine spatial planning and management, capture and use of sargassum, blue carbon projects, and other social or high tech enterprise.

2.7.3 UK's ratification of the Paris Agreement Extension to the Cayman Islands

a. CCC members have been part of the Ministry-led technical group engaging with the UK Department for Energy Security & Net Zero (DESNZ) since last year on possible extension-in-principle of this multilateral environmental agreement.

b. Final decision by Cabinet is anticipated along with additional discussions to be held in the COP28 UK Pavilion.

2.7.4 UN Climate Change Conference COP28 in Dubai, 30 Nov to 12 Dec 2023

a. Chair attended and spoke on the following panels regarding climate finance and solutions to loss & damage in small Islands in the wider context of climate finance, and pathways to net zero in the UKOTs. Conversations also included the role of protected areas in nature-based adaptation to climate changes, and the strides the Cayman Islands has made in recent years to enhance marine and terrestrial protections.

b. Chair prepped the Cayman Youth Delegation (supported by Sustainable Cayman, Island Innovation, and the International National Trust Organisation) on the expectations of the UNFCCC, COP28 UAE Presidency, and Cayman Islands Government/UKOTs.

Chapter 3

Financial

All accounts for the National Conservation Council and the Environmental Protection Fund are held and administered by the relevant Departments and Ministries of the Cayman Islands Government. The following information and tables are for qualitative purposes only and are as reported by the relevant agencies. Accounts for financial reporting or auditing purposes should be sourced from the Ministry of Finance.

3.1 Environmental Protection Fund – Land

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

The Council hereby reports that in Fiscal Years (FY) 2022 & 2023 the following amounts were approved and allocated by Finance Committee from the Environmental Protection Fund and spent by the Ministry of District Administration and Lands for the acquisition of land for conservation purposes.

FY 2022-2023 (CI Dollars)	BUDGET	ACTUAL	ACTUAL
EA 146: Acquisition of Land – Conservation Purposes (Budget Period 2022-2023)	FY 2022/23	FY 2022	FY 2023
	7,000,000.00	2,657,489	4,029,350
Grand Total (\$6,686,839)	7,000,000.00	2,657,489	4,029,350

1. The 1997 legislation describes the purpose of the Fund as “defraying expenditure incurred in protecting and preserving the environment of the Islands”

Chapter 3

Financial

3.1 Environmental Protection Fund – Land

Rate of purchase of lands identified for protection continue to remain a concern for the Council. While spending practically the entire \$7 million 2-year budget may seem to be ‘on target’ it should be noted that the limited budget often meant that the Government had to wait for relatively small parcels to come on market (or for direct sale offers to be negotiated) before a purchase could occur. This compares poorly to the relatively large areas that will need to be acquired relatively quickly to achieve a biologically or culturally useful volume of protected areas, despite recognising the unlikelihood of achieving the international 30-by-30 goal of 30% of land area protected by the end of 2030.

With the public nominations in 2022 of more areas for consideration for protection we encourage the Government to consider dedicating more funds for the acquisition of larger areas in fiscal years 2024 and 2025. Such acquisitions would build upon purchases of land carried out by the Ministry of District Administration and Lands in 2023 that leveraged other Government funds to acquire properties for future government purposes which included properties, sometimes large parcels, already identified as priorities for conservation or which would otherwise be suitable for conservation.

Protected Areas are an essential tool in providing safe spaces where humans and wildlife can thrive in nature for generations to come.

The specific properties acquired in 2023 by the Ministry of District Administration and Lands with Environmental Protection Funds are listed in the table below, along with a condensation of the advice issued by the Department of Environment under delegated authority of the National Conservation Council.



Chapter 3

Financial

Properties acquired in 2023 by the Ministry of District Administration and Lands with Environmental Protection Funds

GL Date	Block	Parcel	Description	NCC/DoE Advice
13-Jun-23	44B	399	0.67 acre extension to Gov. Russell Beach in Bodden Town	Although the parcel is turtle nesting habitat, the DoE would not support the use of the Environmental Protection Fund (EPF) to acquire this parcel.
2-Nov-23	57E	224	1 acre extension to the Bo Miller North Side Public Beach	Although the parcel may be suitable to purchase for the purpose of beach access by expanding Bo Miller Beach, and is critical turtle nesting habit, DoE would not consider this site to offer value for money for the stated purpose of conservation.
2-Nov-23	87A	77	0.68 acres Little Cayman Tarpon Lake beachfront	The purchase of this parcel could connect Tarpon Lake and a Marine Reserve (both Protected Areas) (with modifications to the bisecting main road) and is close to parcels recently acquired by the government (Block 86A Parcels 75 and 76).
3-Nov-23	87A	35 & 36	0.92 acres Little Cayman North Coast beachfront	We strongly encourage that the site is managed sensitively and carefully with due consideration to the enjoyment of natural places.
28-Dec-23	86A	45 & 46	3.97 acres Little Cayman Kingston Bight	The proposed sites are located between two protected areas (Tarpon Lake and a Marine Reserve) and could connect them (with modifications to the bisecting main road). There is already a similar Crown-owned parcel which was protected and joins the two protected areas. We would be highly supportive of this purchase only if subject to a Section 7 Protected Areas Order so that the parcel can be protected under the NCA.
27-Dec-23	91A	107	0.29 acres Little Cayman Mary's Bay beachfront	Although the parcel is a turtle nesting beach and adjacent to a Marine Protected Area, the DoE would not support the use of the Environmental Protection Fund (EPF) to acquire this parcel.

Chapter 3

Financial

3.1 Environmental Protection Fund – Land

Unfortunately none of these properties were previously identified as priority areas for protection and several properties are unlikely to be best managed for the country as protected areas, e.g., Bo Miller Public Beach extension in North Side. The Department of Environment (DoE) provided section 41 reviews of each proposed acquisition under delegated authority from the National Conservation Council (NCC). (See Appendix for full reviews.) Council encourages future acquisition of land with Environmental Protection Funds should be from those identified by the Council as priorities for acquisition to become protected areas and, once acquired, they should be promptly protected.

Still, the notification by the Ministry of District Administration and Lands at the start of 2024 of their successful acquisition at the end of 2023 of other larger parcels that had been identified as targets for conservation, or which would be well managed for the use and benefit of future generations as part of a protected area, was welcome news and a final, positive, highlight for conservation in the Cayman Islands in 2023.

3.2 Environmental Protection Fund – Conservation Projects

During 2023 CI\$893,196 was spent from the Environmental Protection Fund on conservation management projects and activities. Note that although the total spent on these projects was CI\$944,288, only \$893,196 came from EPF and the balance was covered from the regular DOE recurrent budget.

Project Code	Project Name	2023 Expenditure
ENV0004	Sister Islands Rock Iguana Program	\$16,662
ENV0005	Cayman parrot Amnesty	\$500
ENV0006	Turtle Friendly Lighting	\$66,186
ENV0008	Legal Advice for NCC	\$58,304
ENV0009	Green Iguanas	\$775,459
ENV0010	Nassau Grouper Monitoring	\$23,735
ENV0011	Stony Coral Tissue Loss Disease	\$3,442
TOTAL		\$944,288

Several of these projects are also supplemented with grant funding, in addition to Department of Environment project funding, e.g., boat costs, or funding from international partners, e.g., visiting scientists. Most particularly The Stony Coral Tissue Loss Disease and Nassau Grouper projects are heavily dependent on outside direct and indirect funding support not reflected in these totals.

Chapter 3

Financial

3.2 Environmental Protection Fund – Conservation Projects

The green iguana culling programme remains on target and operating at the expected cost. However the two year budget originally appropriated was known to be insufficient and that supplemental funding would have to be requested. This is unfortunately expected again during the 2024/25 budget biennium.

Legal advice for Council continued to be needed as expert outside legal representation was required to successfully defend to the Court of Appeal the successful prosecution of the Judicial Review of the Central Planning Authority. While the Judicial Review and then the Court of Appeal included costs orders in favour of the Council payment of the aggregate costs awarded is still pending. Regardless, as the CPA have now appealed to the Privy Council it is likely that Environmental Protection Fund or other conservation funds will have to continue to be used to enforce proper application of the Act. This draws attention to one challenge of enforcing section 41 directions as the Council would have to engage in several Judicial Reviews a year to address every instance of Government agencies not adhering to lawful directives.

The Parrot Amnesty, funded by the EPF since 2020 resulted in hundreds of parrots now legally owned, increased enforceability on the prohibition against taking or keeping wild native parrots into captivity, and dozens of releases of injured and rehabilitated birds that wouldn't have been saved without the Environmental Protection Fund having been available to support the programme.



Chapter 4

2024 Goals & Objectives

With the National Conservation Act now substantially in force the National Conservation Council will balance long-term policy direction with short-term initiatives to achieve those longer-term goals, while maintaining a watching brief on ongoing conservation operations. These ongoing operations for 2024 will include:

1. Protected Areas

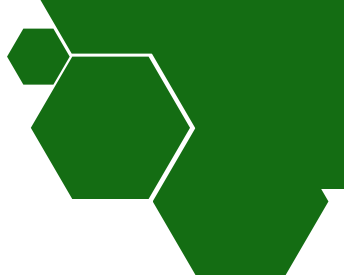
- a. Call for biannual public nominations and identification of priority areas for conservation;
- b. Protection of areas identified as priorities for conservation;
- c. Management Plans for select existing or pending protected areas, both marine and terrestrial, including vision statements created in partnership with other stakeholders such as the Ministry of District Administration & Lands.

2. Protected Species

- a. Completion of the Conservation Plans for Seabirds and Wild Marine Turtles;
- b. Conservation Plans for additional species, potentially including land crabs, native parrots, Cayman Sage (*Salvia caymanensis*).

3. Conservation Management

- a. Public Education & Outreach celebrating the 10th anniversary of the Act;
- b. Support the adoption and effective implementation of the National Climate Change and Energy policies;
- c. Implementation, including Public Education & Outreach, of the Alien Species Regulations, especially the regulation of prohibited species;
- d. Continue to assist the considered development of the Cayman Islands in the best interests of the Caymanian people through the requirement and oversight of Environmental Impact Assessments so that major public and private capital projects can be done in the most prudent manner available to proponents and the authorising agencies.



Appendix: Land Acquisition s41 Reviews

Section 41 consultation reviews of proposed acquisitions of land by the Ministry of District Administration & Lands, provided by the Director of the Department of Environment (DoE) under delegated authority from the National Conservation Council (NCC) (section 3 (13) of the National Conservation Act (NCA), 2013).

Block: 44B Parcel: 399 (15 June 2023)

The stated purpose for the acquisition of 44B/399 is to extend Governor Russell Beach which is adjoining. It is also stated that the existing foundation on this site will be used to install a small one-stall restroom as opposed to disturbing any other location along Governor Russell Beach and that no other amenities are planned. It has been highlighted that the seller of 44B/399 recently cleared the vegetation from this location using mechanical means without Planning and/or DoE/NCC permission.

The subject parcel is predominantly man-modified with invasive vegetation (mainly scaevola and casuarinas). The near-shore beach rock is a natural feature along this coastline and helps to anchor the beach. Please note that the DoE would not support a request to remove the beach rock.

In addition, based on over 20+ years of monitoring, the coastline of this parcel has also been identified as **turtle nesting habitat**. All marine turtle species are listed in Part 1 of Schedule 1 to the NCA, as being 'protected at all times'. Artificial lighting on and around turtle nesting beaches is one of the greatest threats to the survival of Cayman's endangered sea turtle nesting populations. Bright lights on or near the beach can deter female turtles from nesting and cause baby turtles to crawl away from the sea, where they die from dehydration, exhaustion, predators, or vehicles.

If there are future plans to develop this site with infrastructure or structures, we recommend the Ministry reaches out to the DoE at the earliest opportunity, especially prior to submitting a planning application, for recommendations on minimising impacts to the beach and turtle nesting.

Although the parcel is turtle nesting habitat, the DoE **would not** support the use of the Environmental Protection Fund (EPF) to acquire this parcel. There is a process outlined in the National Conservation Act, and guidelines produced to acquire parcels through the EPF. Provided that the above is understood, the DoE has no objection to the purchase.



Appendix: Land Acquisition s41 Reviews

Block 57E Parcel 224 (22 June 2023)

Stated Purpose: Preservation of Turtle Nesting Beach

The site is a man-modified parcel next to Bo Miller Beach. The DoE provided feedback on the acquisition of this parcel in October 2022. At the time, it was proposed to be acquired using the Environmental Protection Fund (EPF) however it had not been nominated to become a Protected Area and therefore was not recommended for purchase using the EPF.

The beach is designated Critical Habitat for sea turtles 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) under the National Conservation Act (NCA). The parcel itself is man-modified. There has been recent clearing in the vicinity of this site and therefore the ecological value of this parcel may have been further reduced. Therefore, although this parcel may be suitable to purchase for the purpose of beach access by expanding Bo Miller Beach, we would not consider this site to offer value for money for the stated purpose of conservation.

Block 86A Parcel 77 and 78 (22 June 2023)

Stated Purpose: Underbrushing for Beach Access

The site is primary habitat, consisting of coastal shrubland. It is adjacent to Tarpon Lake which is a newly protected area under the National Conservation Act. The main boardwalk provides access to Tarpon Lake and is a tourism and recreational amenity. It is also adjacent to a Marine Reserve (a Marine Protected Area under the National Conservation Act).

We support the purchase of this parcel especially as it connects Tarpon Lake and a Marine Reserve (both Protected Areas) and is close to parcels recently acquired by the government (Block 86A Parcels 75 and 76).

There should be no clearing of the site, including underbrushing. The site is coastal shrubland, which is underrepresented in existing protected areas. As the site is adjacent to both a Terrestrial and a Marine Protected Area and contains primary habitat, any future development, land clearing or site works proposed for the site must be the subject of a separate consultation with the National Conservation Council. We strongly encourage that the site is managed sensitively and carefully with due consideration to the enjoyment of natural places. In keeping with its proximity to protected areas, the site should be retained in a natural state as far as possible. If beach access is proposed, only a hand-cut path to the beach should be installed to preserve the native coastal vegetation.

Appendix: Land Acquisition s41 Reviews

Block 87A Parcel 35 and 36 (22 June 2023)

Stated Purpose: Underbrushing for Beach Access

There should be no clearing of the site, including underbrushing. The site is coastal shrubland, which is primary habitat. We strongly encourage that the site is managed sensitively and carefully with due consideration to the enjoyment of natural places. The site should be retained in a natural state as far as possible. If beach access is proposed, only a hand-cut path to the beach should be installed to preserve the native coastal vegetation.

Block 86A Parcels 45 and 46, Kingston Bight (19 December 2023)

At the time of consultation, it was indicated that the acquisition was to prevent commercial development. The site is:

- Adjacent to Tarpon Lake Terrestrial Protected Area under the NCA,
- Adjacent to a Marine Reserve, a Marine Protected Area under the NCA,
- Part of a very important mangrove fringe around the edge of South Hole Sound.

Therefore, the site is very environmentally sensitive, although it has been partially filled near the roadside in the past. The fringing mangroves are absolutely critical to the health of the marine environment including the reef. For example, our research indicates that the South Hole Sound mangroves are extremely important for sharks. A study undertaken in Cayman found that areas with proximity to marine nurseries (i.e. fringing mangroves) had a fish biomass 249% higher than in areas with no nursery access (i.e. no nearby fringing mangroves). For large-bodied individuals of nursery species (>25 cm total length), fish had 203% higher biomass when in close proximity to nurseries. All in all, it is vital that the fringing mangroves along South Hole Sound are protected to the greatest extent possible.

Mangroves are also important as a natural buffer to help mitigate coastal and storm-derived impacts such as flooding and shoreline erosion. Mangroves are protected species under Part 2 Schedule 1 of the NCA with an adopted Conservation Plan. It is an offence under the NCA to 'take' mangroves unless certain criteria are met. The Mangrove Conservation Plan is available at

<https://conservation.ky/wp-content/uploads/2021/01/Species-Conservation-Plan-for-Mangroves-FINAL.pdf>

Appendix: Land Acquisition s41 Reviews

Block 86A Parcels 45 and 46, Kingston Bight (19 December 2023) Cont'd

The proposed sites are located between two protected areas and would connect them (see Figure 1). There is already a similar Crown-owned parcel which was protected and joins the two protected areas. We would be highly supportive of this purchase only if subject to a Section 7 Protected Areas Order so that the parcel can be protected under the NCA.

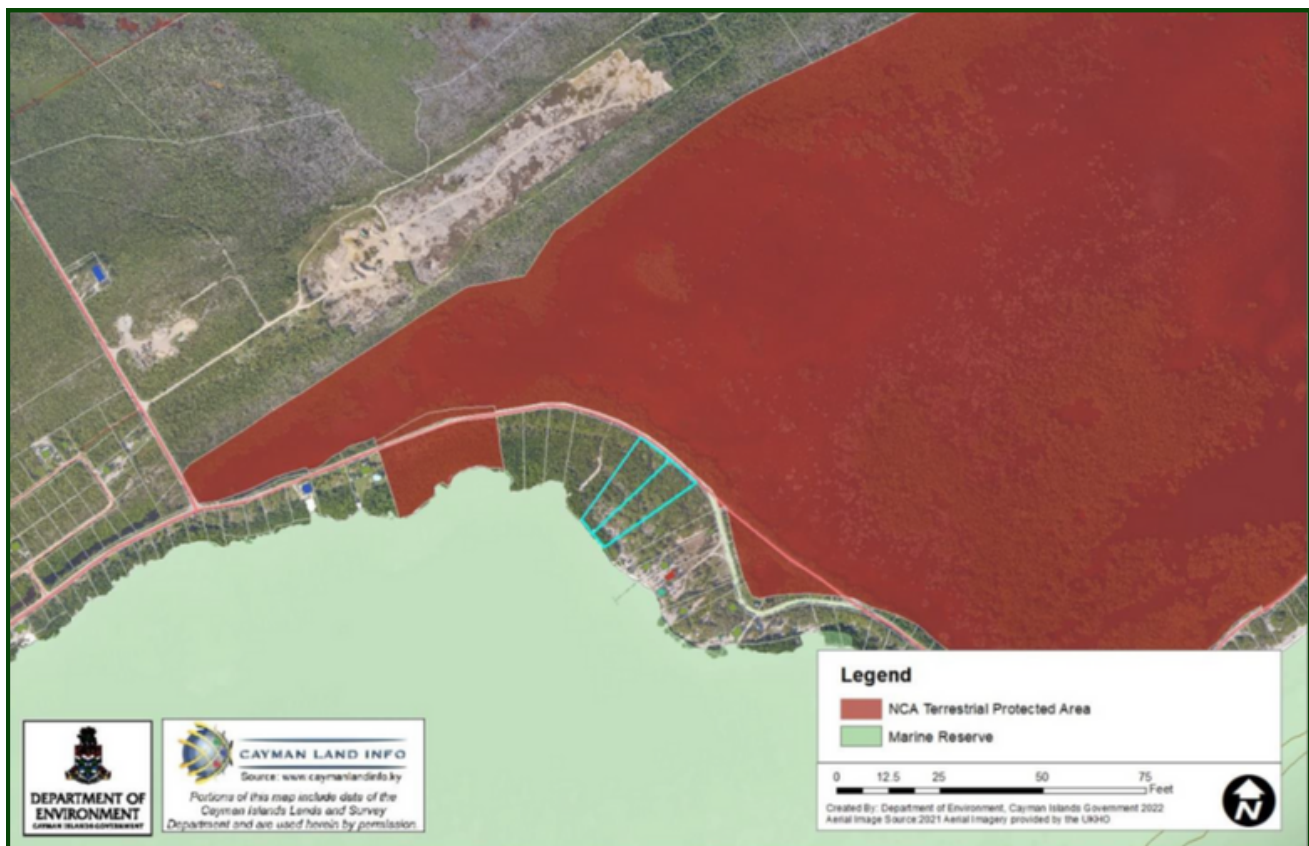


Figure 1. The proposed acquisition sites connect a Terrestrial Protected Area (Tarpon Lake) and a Marine Protected Area (South Hole Sound Marine Reserve) under the National Conservation Act.



Little Cayman

Appendix: Land Acquisition s41 Reviews

Block: 91A Parcel: 107 (7 December 2023)

During the time of consultation, it was stated that there are no immediate plans for the parcel as there is a nearby beach access but that it could potentially be protected as there is turtle nesting in the vicinity of the nearby beach access.

The parcel proposed for purchase is adjacent to a Marine Reserve with a No Dive Zone overlay, a Protected Area under the National Conservation Act (2013). The site contains a mixture of vegetated regrowth and some remnants of coastal shrubland. The beach of the subject parcel is a turtle nesting habitat. The beach located approximately 200 feet to the west of the subject parcel is proposed **critical sea turtle nesting habitat** in the draft Species Conservation Plan for Sea Turtles as shown in Figure 1.

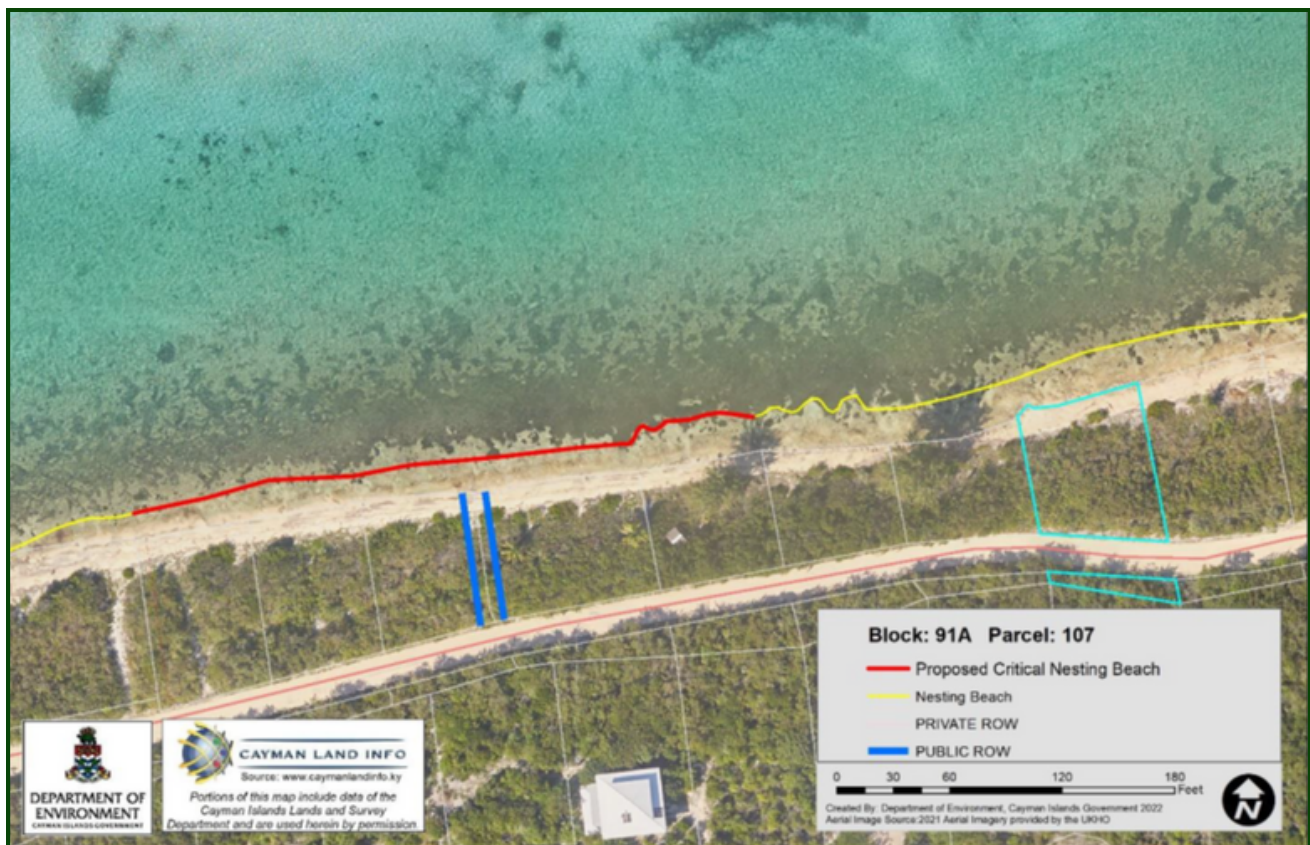


Figure 1: Aerial imagery showing the proposed parcel for purchase highlighted in light blue and its proximity to proposed Critical Sea Turtle Nesting Habitat (shown as a red line on the map).

Appendix: Land Acquisition s41 Reviews

Block: 91A Parcel: 107 (7 December 2023)

Cont'd

If the Government acquires the parcel, it should be retained in its natural state. Coastal habitat incorporates a variety of salt and wind-tolerant flora. Native coastal vegetation is becoming rarer as development on the coast increases. Coastal shrubland is high in ecological value, providing a biodiverse habitat for native wildlife in addition to stabilising the shoreline and reducing erosion. Once vegetation has been cleared, it often results in wind-borne erosion of the land and general coastal erosion. Coastal vegetation is therefore important for the integrity of the beach to ensure there is an appropriate nesting habitat for sea turtles. Beach vegetation is also thought to play an important role in sea turtle nest site selection, hatch success, hatchling fitness, sex ratio, and sea finding. Hence, every effort should be made to retain as much native vegetation as possible.

Therefore, if there are any plans to develop the site with infrastructure or land clearing, we recommend that the Ministry reaches out to the DoE at the earliest opportunity for recommendations for minimising impacts to the beach and turtle nesting, such as the inclusion of turtle friendly lighting. The Ministry is reminded that activities such as land clearing legally require consultation under Section 41 of the National Conservation Act.

Please note, that although the parcel is close to a designated critical turtle nesting habitat and adjacent to a Marine Protected Area, the DoE **would not support** the use of the Environmental Protection Fund (EPF) to acquire this parcel. There is a process outlined in the National Conservation Act, and guidelines produced to acquire parcels through the EPF. Provided that the above is understood, the DoE has no objection to the purchase.



Little Cayman mangroves

Cayman Islands National Conservation Council

2023 Annual Report

MARCH 2024



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Stony Coral Tissue Loss Disease (SCTLD)
social media post



Prohibited Species
Registration & Education Campaign