

CAYMAN ISLANDS



Supplement No published with [Extraordinary  
Gazette] No dated , 2009.

**A BILL FOR A LAW 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; TO GIVE EFFECT TO THE PROVISIONS OF 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; TO GIVE EFFECT TO RELATED PROVISIONS OF 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; AND FOR INCIDENTAL AND CONNECTED PURPOSES**

## **MEMORANDUM OF OBJECTS AND REASONS**

This Bill seeks to promote and secure biological diversity and the sustainable use of natural resources. The Bill also seeks to protect and conserve endangered, threatened and endemic animal and plant species and their habitats as well as the natural variety of wildlife in the Cayman Islands.

The Bill would also provide for protected terrestrial, wetland and marine areas and give effect to the provisions of 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 (“SPAW”) and to related provisions of-

- (a) the Convention on Wetlands of International Importance especially as Waterfowl Habitat;
- (b) the Convention on Biological Diversity;
- (c) the Convention on the Conservation of Migratory Species of Wild Animals; and
- (d) the United Nations Framework Convention on Climate Change.

### **PART I- PRELIMINARY**

Clause 1 provides the short title and the commencement.

Clause 2 sets out definitions for the purposes of the legislation.

### **PART II- ADMINISTRATION**

Clause 3 provides for the establishment of the National Conservation Council (“the Council”) which shall have the following functions-

- (a) promoting the biological diversity and the conservation and sustainable use of natural resources in the Islands;
- (b) co-ordinating the establishment and adoption by the public and private sectors of national policies for the conservation and sustainable use of natural resources, including but not limited to-
  - (i) the use of wetlands and wetland resources; and
  - (ii) the excavation of aggregate and fill materials;
- (c) establishing and maintaining protected areas and conservation areas and conserving, maintaining and restoring their natural resources in accordance with Part III;
- (d) conserving, maintaining and restoring populations and critical habitats of protected species in accordance with Part IV;

- (e) 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;
- (f) promoting wider understanding and awareness of the significance of the ecological systems of the Islands, the benefits of conserving natural resources and of the provisions of this Law and the Conventions;
- (g) publicising the establishment of protected areas and the designation of protected species and raise 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;
- (h) encouraging public involvement, particularly by local communities, in the planning and management of protected areas and the conservation of protected species;
- (i) 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;
- (j) 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;
- (k) 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; and
- (l) promoting national plans for the sustainable management, conservation and enhancement of sinks and reservoirs of greenhouse gases.

Clause 4 provides that the Council may appoint advisory committees to assist it in its duties.

Clause 5 sets out the powers and duties of the Director of the Department of the Environment (“the Director”).

### **PART III- CONSERVATION OF LAND**

Clause 6 provides that the Governor in Cabinet may, on the advice of the Council, by order designate any area of Crown land as a protected area or as a buffer zone in accordance with this legislation.

Clause 7 sets out the purposes of a protected area.

Clause 8 provides the procedure for designating an area as a protected area.

Clause 9 provides that a management plan shall be formulated and adopted for each protected area. The management plan shall serve as a guide for all activities relating to the management, administration and conservation of the protected area to ensure that the purposes and objectives for which the area was established are met and maintained.

Clause 10 provides that a management plan may contain directives consistent with the plan for the prohibition or regulation of activities within a protected area.

Clause 11 provides for changes in the status of protected areas.

Clause 12 deals with the establishment of conservation areas.

Clause 13 provides that an owner of land may, as part of an agreement under clause 12 or in the interests of the conservation of any natural resource, covenant with the Governor in Cabinet, for such consideration as may be agreed, that the land be made subject, either permanently or for a specified period, to an easement or to a condition restricting the use or development of the land in such a way as may be specified in the agreement.

The Governor in Cabinet shall have the power to enforce the covenant against persons deriving title from the owner as if the Governor in Cabinet owned adjoining land and the covenant had been expressed to be for the benefit of that adjoining land.

#### **PART IV- CONSERVATION OF WILDLIFE**

Clause 14 defines protected species.

Clause 15 empowers the Council to amend Schedule 1 by order. It also provides that a person may at any time petition the Council to add a species to or delete a species from Schedule 1 or to list a species in a different Part of Schedule 1.

Clause 16 provides that the Council shall, with the prior approval of the Governor in Cabinet, develop and implement plans for the conservation of protected species whose range includes the Islands. In developing conservation plans the Council shall give priority to threatened or endangered species that are most likely to benefit from such plans, particularly species that are at risk from development projects or other forms of economic activity.

Clause 17 provides that the Council shall determine whether each protected species is also listed under SPAW or the Migratory Species Convention and, if not, whether any regional or international co-operation and assistance is desirable for the protection and recovery of the species, in which case the Council shall submit a nomination for listing under the Conventions as may be appropriate.

Clause 18 provides for measures the Council may take in order to prevent a species from becoming endangered.

#### **PART V- PERMITS AND LICENCES**

Clause 19 deals with permits which the Council is empowered to issue under the Law.

Clause 20 deals with the licences which the Council may grant to a Caymanian to engage in hunting or collecting a protected species.

Clause 21 provides that an applicant for a permit or a licence shall pay the prescribed fee and shall provide such information in connection with the application as the Council may require. Every permit and licence shall be subject to summary revocation or suspension by the Council for non-compliance with any of its conditions or with any provisions of this legislation or where it is necessary in the opinion of the Council for the proper management and protection of a protected species or its critical habitat.

#### **PART VI- ENFORCEMENT AND PENALTIES**

Clause 22 provides for the appointment of conservation officers for the purpose of carrying out and enforcing the provisions of this legislation.

Clause 23 empowers the Director to issue cease and desist orders in certain circumstances, for example where a person performs an act which would be an offence under this Law or permits another person to do so or where a person fails to comply with any of the conditions attached to a permit or a licence under this legislation. A person who fails to comply with a cease and desist order commits an offence.

Clause 24 provides generally for offences against the legislation.

Clause 25 makes it an offence to commit certain acts in protected areas.

Clause 26 provides for offences relating to protected species.

Clause 27 deals with offences committed in Cayman waters.

Clause 28 provides that any person who, not being authorised or permitted under this legislation, knowingly imports into or introduces, possesses, transports or releases in any part of the Islands an exotic or genetically altered live specimen commits an offence.

Clause 29 deals with offences by corporations. Where an offence is committed by a body corporate, every person who, at the time of the commission of the offence, was a director, general manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to have committed the offence unless he proves that-

- (a) the offence was committed without his consent or connivance; and
- (b) that he exercised all such reasonable diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his function in that capacity and to all circumstances.

Clause 30 provides for the issue of injunctions in certain circumstances.

Clause 31 provides general penalties for offences under the legislation.

#### **PART VII- GENERAL**

Clause 32 provides for appeals against seizure.

Clause 33 provides for appeals against decisions of the Council- appeals lie to the Governor in Cabinet and thereafter on a point of law only to the Grand Court.

Clause 34 provides that every vessel, other than one owned or operated by the Government of another country, while engaged in governmental non-commercial service or which is otherwise exempt under international law, shall comply with the provisions of this Law while in Cayman waters.

Clause 35 provides in part that every entity and public officer shall comply with the provisions of this legislation and shall ensure that its or his decisions, actions and undertakings are consistent with and do not jeopardise the protection and conservation of a protected area or buffer zone or any protected species or its critical habitat as established pursuant to this legislation.

Clause 36 provides for schedules of inspections.

Clause 37 provides for environmental assessments.

Clause 38 provides for judicial review of actions taken by or of the failure to take action on the part of the Council, the Director or any other person under the Law.

Clause 39 empowers the Governor in Cabinet to approve fees for permits, licences and for any other activity within a protected area.

Clause 40 provides for the establishment of a conservation fund to be used for the acquisition and management of protected areas and for measures to protect and conserve protected species and their critical habitat.

Clause 41 provides that the provisions of the Public Management and Finance Law (2005 Revision) apply to the management of the conservation fund.

Clause 42 provides that the Governor in Cabinet may from time to time give to the Council in writing such general directions as appear to the Governor in Cabinet to be necessary in the public interest and the Council shall act in accordance with such directions.

Clause 43 provides for the making of regulations by the Governor in Cabinet.

Schedule 1 sets out the species protected under the legislation.

Schedule 2 sets out the composition of the Council.

Schedule 3 lists the contents of a management plan.

**ARRANGEMENT OF CLAUSES**

**PART I- PRELIMINARY**

1. Short title and commencement
2. Interpretation

**PART II-ADMINISTRATION**

3. National Conservation Council
4. Advisory committees
5. Functions of the Director

**PART III – CONSERVATION OF LAND**

6. Designation of protected area or buffer zone
7. Purposes and objectives of a protected area
8. Procedure for designation
9. Management plan
10. Protective measures
11. Changes in status of protected areas
12. Conservation areas
13. Conservation agreements

**PART IV- CONSERVATION OF WILDLIFE**

14. Protected species
15. Listing procedure
16. Conservation plans

17. International measures
18. Preventative measures

**PART V-PERMITS AND LICENCES**

19. Permits
20. Licences
21. General

**PART VI- ENFORCEMENT AND PENALTIES**

22. Conservation officers
23. Cease and desist orders
24. Offences generally
25. Offences in protected areas
26. Offences relating to protected species
27. Offences in Cayman waters
28. Exotic species
29. Offences by corporations
30. Injunctions
31. Penalties

**PART VII- GENERAL**

32. Appeals against seizure
33. Appeals against the decisions of the Council
34. Vessels
35. General obligations

36. Schedules of inspections
37. Environmental assessments
38. Judicial review
39. Fees
40. Conservation fund
41. Applicability of the Public Management and Finance Law (2005 Revision)
42. Directions to the Council by the Governor in Cabinet
43. Regulations

SCHEDULE 1

SCHEDULE 2

SCHEDULE 3

CAYMAN ISLANDS

**A BILL FOR A LAW 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; TO GIVE EFFECT TO THE PROVISIONS OF 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; TO GIVE EFFECT TO RELATED PROVISIONS OF 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; AND FOR INCIDENTAL AND CONNECTED PURPOSES**

ENACTED by the Legislative Assembly of the Cayman Islands.

**PART I - PRELIMINARY**

1. (1) This Law may be cited as the National Conservation Law, 2009.

Short title and  
commencement

(2) This Law shall come into force on such date as may be appointed by order made by the Governor in Cabinet, and different dates may be appointed for different provisions of this Law and in relation to different cases.

Interpretation

2. In this Law-

“adverse effect” means an effect that may result in the physical destruction or detrimental alteration of a protected area, a conservation area, an area of critical habitat or the environment generally and includes, without prejudice to the generality of the term-

- (a) alterations that may impair the capacity of the area to function as a habitat beneficial to wildlife;
- (b) development that may increase the potential for damage to the area from floods, hurricanes or storms;
- (c) alterations of salinity levels, nutrient balance, oxygen concentration or temperature that may be harmful to wildlife or the ecological or aesthetic value of the area;
- (d) alterations of hydrology, water flow, circulation patterns, water levels or surface drainage that may be harmful to wildlife or the ecological or aesthetic value of the area or that may exacerbate erosion;
- (e) alterations that may interfere with the public use and enjoyment of the area;
- (f) the discharge of pathogens, dissolved or suspended minerals or solids, waste materials or other substances at levels that may be harmful to wildlife or the ecological or aesthetic value of the area;
- (g) changes in littoral or sediment transport processes that may alter the supply of sediment available for those processes or that may otherwise exacerbate erosion;
- (h) alterations that may increase losses of the area from a rise in the sea level with respect to the surface of the land, whether caused by an actual sea level rise or land surface subsidence;
- (i) emissions of air pollutants at levels that may impair the air quality of the area;
- (j) alterations that may hinder or impede the movement or migration of wildlife;
- (k) alterations that may impair the capacity of a beach ridge to function as a protective barrier and as a reserve of sand for beach nourishment during storms; and
- (l) alterations that may impair the capacity of the area to act as a sink or reservoir of greenhouse gases or enhance its potential as a source of greenhouse gases.

“advisory committee” means a committee established under section 4;

“area” means an area of land;

“area of special concern” means an area needing special protection or controlled use in order to stabilise or restore important ecological features or functions;

“arms” includes firearms, batons, handcuffs and pepper spray;

“biological diversity” means the variability among living organisms from all sources, including terrestrial, marine and other aquatic ecological complexes of which they form part, and includes diversity within species, between species and of ecological systems;

“buffer zone” means an area designated as a buffer zone under section 6;

“candidate species” means a species other than a protected species whose status under this Law is under investigation and consideration;

“Caymanian” has the meaning assigned by the Immigration Law (2007 (2007 Revision) Revision);

“Cayman waters” means the inland and territorial waters of the Islands;

“cease and desist order” means an order under section 23(1);

“Central Planning Authority” means the Central Planning Authority established under the Development and Planning Law (2007 (2007 Revision) Revision);

“Climate Change Convention” means the United Nations Framework Convention on Climate Change (New York, May 1992);

“collect” in relation to a specimen includes to cut, uproot, pick, gather or remove the specimen from its original habitat;

“conservation agreement” means an agreement under section 12;

“conservation area” means an area of privately owned land that is regulated by a conservation agreement;

“conservation officer” means a person appointed under section 22;

“conservation plan” means a plan under section 16;

“Conventions” means the Climate Change Convention, Ramsar, the Migratory Species Convention, the Global Convention, the Regional Convention and SPAW and any amendments and successors to those Conventions;

“coral” includes all species of marine coral and specimens thereof;

“Council” means the National Conservation Council established under section 3;

“court” means the Grand Court;

“critical habitat” means the specific area or areas of land containing the physical, biological and ecological features needed for the conservation of a species;

“direction” means a direction made by the Governor in Cabinet under this Law;

“directive” means a directive made by the Council under this Law and includes an interim directive under section 10(3) or 16(7);

“Director” means the Director of the Department of government responsible for the environment;

“district” means the district of Bodden Town, East End, George Town, North Side, West Bay, Cayman Brac or Little Cayman;

“ecological system” means a dynamic complex of species and their non-living environment interacting as a functional unit;

“endangered species” means a species that has been recorded in the wild in the Islands or whose range includes any part of the Islands and-

- (a) that is in danger of extinction throughout all or part of its range;  
or
- (b) whose survival is unlikely if the factors jeopardising it continue to operate;

“endemic species” means a species whose breeding range is limited to the Islands or any part thereof;

“entity” means any ministry, portfolio, statutory authority, government company, the Office of the Complaints Commissioner and the Audit Office;

“environmental assessment” means an assessment under section 37;

“exotic species” means a species whose natural range does not include the Islands or, with reference to a specific Island, does not include that Island, and “exotic” shall be construed accordingly;

“fish pot” means a wire trap for catching fish;

“Global Convention” means the Convention on Biological Diversity (Rio de Janeiro, June 1987);

“government company” has the meaning assigned by the Public Management and Finance Law (2005) Revision; (2005 Revision)

“greenhouse gases” means gaseous constituents of the atmosphere, both natural and anthropogenic, that absorb and re-emit infrared radiation;

“hunt” includes to pursue, stalk, trap or kill;

“incidental taking” means the taking of a species that is incidental to and not the purpose of an otherwise lawful activity;

“indigenous species” means a species, other than an exotic species, whose breeding range includes any part of the Islands;

“injure” means to change adversely, whether in the long or short term, a chemical, biological, ecological or physical attribute;

“land” includes land covered with water and any terrestrial, wetland or marine area within the Islands;

“Law” includes any regulation, directive, order, direction and management or conservation plan given, made or adopted under this Law;

“licence” means a licence granted under section 20(1);

“management plan” means a management plan for a protected area made under section 9;

“marine area” includes any terrestrial or wetland area forming part of the same ecological system;

“migratory species” means a species whose range includes any part of the Islands but which only occurs or occurs primarily in the Islands seasonally or during its migration;

“Migratory Species Convention” means the Convention on the Conservation of Migratory Species of Wild Animals (Bonn, June 1979);

(1997 Revision)

“National Trust” means the National Trust for the Cayman Islands established under the National Trust Law (1997 Revision);

“natural resource” means any living or non-living resource that contributes to the conservation of or to the scientific, biological, ecological, cultural, educational, recreational, archaeological, aesthetic or other value or potential value of an area of land;

“noxious substance” includes explosives and any substance not authorised under this Law by means of which a live specimen may be killed, stupefied or otherwise harmed;

“Part 1 species” means a species listed in Part 1 of Schedule 1, being an endangered or threatened species or a species otherwise requiring protection at all times;

“Part 2 species” means a species listed in Part 2 of Schedule 1, being a species that may only be hunted or collected in accordance with regulations or a conservation plan for that species;

“permit” means a permit granted under section 19(1);

(2004 Revision)

“proprietor”, in relation to land or area, means the person registered under the Registered Land Law (2004 Revision) as the owner, chargee or lessee of that land or area;

“protected area” means-

(2003 Revision)

(a) an area designated as a protected area under section 6 and any contiguous buffer zone;

(2007 Revision)

(b) an animal sanctuary designated in section 82 of the Animals Law (2003 Revision); and

(c) a marine park as defined by the Marine Conservation (Marine Parks) Regulations (2007 Revision);

“public officer ” means a person employed by an entity but does not include any member of the Cabinet or of the Legislative Assembly;

“protected species” means a species referred to in section 14;

“Ramsar” means the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar, Iran, February 1971);

“range” means all the areas in which a species naturally occurs, whether permanently, seasonally or temporarily, including areas which it crosses or flies over whether on migration or otherwise;

“Regional Convention” means the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Cartagena de Indias, Colombia, March 1983);

“Register” means the leaf of the Land Register kept in respect of a parcel of land or a registered lease under the Registered Land Law (2004 Revision); (2004 Revision)

“Registrar” means the Registrar of Lands appointed under section 5 of the Registered Land Law (2004 Revision);

“reservoir” means a component or components of the climate system where a greenhouse gas or a precursor of a greenhouse gas is stored;

“significant reasons” means-

- (a) a determination with respect to a protected area that, based upon reasonable factual evidence and after full consideration of the purposes for which the area was designated as a protected area, an overriding public interest would be clearly and convincingly advanced by changes in the protected status of the area and that no other reasonable alternative exists; or
- (b) a determination with respect to a protected species that, based upon generally accepted scientific procedures and clear and reasoned evidence, the population levels and conservation status of the species in the Islands are such that special protection under the Law is no longer necessary on those grounds;

“sink” means any process, activity or mechanism which removes a greenhouse gas, aerosol or precursor of a greenhouse gas from the atmosphere;

“SPAW” means the Protocol Concerning Specially Protected Areas and Wildlife to the Regional Convention (Kingston, Jamaica, January 1990);

“spear gun” includes a mechanical or pneumatic spear gun, a Hawaiian sling, a pole stick, a stick spear, harpoon, rod or any device with a pointed end which may be used to impale, stab or pierce any marine life, but does not include a striker;

“species” mean any species or subspecies of wildlife or any geographically or genetically separate population thereof;

“specimen” means an animal or plant, whether live or dead, or any part or derivative thereof and includes, in the case of an animal, an egg, sperm, gamete or nest and, in the case of a plant, a seed or spore;

(2005 Revision)

“statutory authority” has the meaning assigned by the Public Management and Finance Law (2005 Revision);

“striker” means a wooden pole at least ten feet in length with no more than two barb-less prongs attached to one end;

“sustainable use” means the use of the components of biological diversity or natural resources in a way and at a rate that does not lead to their long term decline, thereby maintaining their potential to meet the needs and aspirations of present and future generations;

“take” means to collect, hunt, kill, destroy, damage, injure, disturb, harass, harm, wound, capture, molest or impede a live specimen in any way or to attempt to do so, and includes incidental taking;

“terrestrial area” includes any wetland or marine area forming part of the same ecological system;

“threatened species” means a species that has been recorded in the wild in the Islands or whose range includes the Islands and-

- (a) that is likely to become endangered within the foreseeable future throughout all or part of its range if the factors causing its numerical decline or the degradation of its habitat continue to operate; or
- (b) that is rare and at risk of becoming endangered or extinct because it usually occurs only in restricted geographical areas or habitats or its population is thinly scattered over a more extensive area;

“vessel” includes any aircraft, hovercraft, ship, boat, lighter and other floating craft and all gear and equipment carried thereon;

“wetland” means any area of marsh, swamp, mangrove or other non-marine water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, and includes any terrestrial or marine area forming part of the same ecological system;

“Wider Caribbean Region” has the same meaning given to the term “Convention Area” in Article 2(1) of the Regional Convention; and

“wildlife” means all populations of live animals and plants in the Islands other than captive-bred, domesticated or cultivated specimens and “wild” shall be construed accordingly.

## **PART II - ADMINISTRATION**

3. (1) There is established a National Conservation Council which shall exercise the powers and carry out the duties imposed on it by this Law.

National Conservation  
Council

(2) The Council shall consist of the eleven voting members specified in Schedule 2 and such additional persons as may be co-opted in accordance with subsection (5).

(3) Five voting members of the Council constitute a quorum.

(4) The decisions of the Council shall be by simple majority and the chairman shall have a casting vote.

(5) The Council may co-opt such persons as it considers necessary to be additional members of the Council, but such persons shall not have the right to vote at meetings of the Council or any of its committees or subcommittees.

(6) Subject to the provisions of this Law, the Council may regulate its own procedure.

(7) The Governor in Cabinet may amend Schedule 2 by Order.

(8) The Council has the following functions-

- (a) promoting the biological diversity and the conservation and sustainable use of natural resources in the Islands;
- (b) co-ordinating the establishment and adoption by the public and private sectors of national policies for the conservation and sustainable use of natural resources, including but not limited to-
  - (i) the use of wetlands and wetland resources; and
  - (ii) the excavation of aggregate and fill materials;
- (c) establishing and maintaining protected areas and conservation areas and conserving, maintaining and restoring their natural resources in accordance with Part III;
- (d) conserving, maintaining and restoring populations and critical habitats of protected species in accordance with Part IV;

- (e) 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;
- (f) promoting wider understanding and awareness of the significance of the ecological systems of the Islands, the benefits of conserving natural resources and of the provisions of this Law and the Conventions;
- (g) publicising the establishment of protected areas and the designation of protected species and raise 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;
- (h) encouraging public involvement, particularly by local communities, in the planning and management of protected areas and the conservation of protected species;
- (i) 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;
- (j) 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;
- (k) 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; and
- (l) promoting national plans for the sustainable management, conservation and enhancement, as appropriate, of sinks and reservoirs of greenhouse gases.

(9) In carrying out its powers and duties the Council may, subject to any directions of the Governor in Cabinet, enter into agreements and other co-operative arrangements with regional agencies, interstate agencies, voluntary organisations and other persons for the purpose of this Law and the Conventions.

(10) Without prejudice to the generality of subsection (9), arrangements pursuant to the subsection may provide for-

- (a) the regulation, promotion and co-ordination of surveys and research relating to natural resources;
- (b) the conservation of particular species pursuant to Articles IV and V of the Migratory Species Convention;
- (c) the establishment and operation of joint or regional conservation plans or management bodies for protected species;

- (d) the taking of joint or harmonised enforcement measures in respect of any laws relating to protected species or their critical habitats; and
- (e) the establishment of contingency plans for emergency responses to activities or events that present or may present a danger to biological diversity in the Wider Caribbean.

(11) The Council, subject to any directions of the Governor in Cabinet, may make orders and issue directives for the purpose of giving effect to the provisions of this Law and such orders and directives may include-

- (a) criteria for identifying endangered or threatened species or other species needing protection under this Law;
- (b) the form and content of a petition under section 15(3);
- (c) procedures for determining the circumstances under which permits and licences may be granted under Part V;
- (d) measures governing the methods and conditions under which the captive breeding or artificial propagation of protected species may be allowed;
- (e) procedures for regulating and controlling wild populations and the import, introduction, possession, transportation and release of exotic or genetically altered specimens;
- (f) procedures for consultation by entities pursuant to section 35(2); and
- (g) the carrying out of environmental assessments under section 37.

(12) The Council may delegate any of its functions, other than the making of orders and the issuing of directives, to the Director or to any committee or sub-committee of its members.

(13) The Council shall, no later than three months after the end of each year, prepare and cause to be laid before the Legislative Assembly a report on the administration and enforcement of this Law for that year.

4. (1) The Council may appoint advisory committees consisting of members of the Council, district representatives and persons with knowledge and experience of conservation issues to assist it in the performance of its powers and duties under this Law.

Advisory committees

(2) A committee under subsection (1) shall have such powers and duties as the Council may specify.

5. (1) The Director shall-

Functions of the Director

- (a) administer and enforce the provisions of this Law;

- (b) appoint a person to be secretary to the Council;
- (c) advise and support the Council in the performance of its powers and duties under this Law; and
- (d) carry out such functions as may be required by the Council or the Governor in Cabinet.

(2) In carrying out his functions the Director may do all or any of the following-

- (a) establish and maintain monitoring programmes for the purposes of-
  - (i) assessing the condition of natural resources and ecological systems in the Islands and assessing the impact of ongoing or proposed activities on them;
  - (ii) identifying and evaluating national and regional trends in the status of species in the Islands and the Wider Caribbean Region; and
  - (iii) assessing the effectiveness of and ascertaining compliance with management and protective measures under this Law;
- (b) compile comprehensive inventories of areas that-
  - (i) contain rare or fragile ecosystems;
  - (ii) are reservoirs of biological diversity;
  - (iii) are of ecological value in maintaining significant natural resources;
  - (iv) are important for indigenous or migratory species;
  - (v) act as significant sinks or reservoirs of greenhouse gases; or
  - (vi) are of scientific, biological, cultural, recreational, archaeological, educational or aesthetic value;
- (c) identify potential protected areas, buffer zones, conservation areas and areas of critical habitat and recommend to the Council the measures that should be taken under this Law to protect them;
- (d) carry out research on and monitor user impact on the natural resources, habitats, species and populations of protected areas;
- (e) inform the organisation or Government responsible for bureau duties under Ramsar at the earliest possible time should the ecological character of any wetland in the Islands included in the List of Wetlands of International Importance under Ramsar be likely to change or has changed as a result of development, pollution or other human act;
- (f) compile comprehensive inventories of species whose range includes the Islands;
- (g) monitor the populations of indigenous or migratory species and identify endangered, threatened, endemic or other species and their critical habitats requiring protection under this Law;

- (h) carry out and provide support for research and surveys into the protection and management of wildlife, including but not limited to identifying candidate species and determining the population status and habitat needs of species whose survival may be endangered or threatened, and co-operate with research and monitoring programmes in the Wider Caribbean Region;
- (i) develop conservation plans for each protected species taking into account traditional cultural needs and any regional programmes under the Conventions;
- (j) develop criteria for determining whether wild populations or proposed introductions of exotic or genetically altered species might cause harm to any of the natural resources of the Islands and procedures for regulating and controlling such populations and introductions;
- (k) where appropriate, nominate protected areas and protected species for inclusion on any applicable regional or international lists maintained pursuant to any of the Conventions;
- (l) supervise and be responsible for the work of the conservation officers;
- (m) keep the Secretariat of the Migratory Species Convention informed of those species listed in Appendix I or II to the Convention whose range includes any part of the Islands and, at least six months prior to each ordinary meeting of the Conference held pursuant to the Convention, on the measures being taken to implement the provisions of the Convention for those species; and
- (n) make such periodic reports as may be required by the Climate Change Convention describing the steps taken or envisaged to implement the Convention.

(3) The Director, whenever necessary, shall carry out his functions in consultation with entities, government agencies, district representatives and advisory committees.

### **PART III - CONSERVATION OF LAND**

6. The Governor in Cabinet may, on the recommendation of the Council, by order designate any area of Crown Land as a protected area or as a buffer zone in accordance with this Law.

Designation of protected area or buffer zone

7. (1) A protected area shall have one or more of the following purposes or objectives-

Purposes and objectives of a protected area

- (a) to conserve, maintain and restore habitats and their associated ecological systems critical to the survival and recovery of species

which are endangered, threatened, endemic or migratory species or of special concern for any other reason;

- (b) to conserve, maintain and restore examples of representative or unique ecological systems and their physical environment of adequate size to ensure their long-term viability and to maintain biological and genetic diversity;
- (c) to conserve, maintain and restore the productivity of ecological systems and natural resources that provide economic or social benefits or are important for the protection and maintenance of life-support systems, including air and water and other ecological processes;
- (d) to facilitate the regeneration of wildlife in areas of special concern;
- (e) to conserve, maintain and restore areas of special biological, scientific, recreational, archaeological, ecological, cultural, educational or aesthetic value, including areas of special concern and areas whose ecological or biological processes are beneficial to the functioning of the ecosystems of the Wider Caribbean; and
- (f) to encourage ecologically sound and appropriate use, understanding and enjoyment of the area.

(2) In addition to meeting one or more purposes and objectives in subsection (1), the selection of a protected area shall be based on a consideration of the following criteria-

- (a) naturalness;
- (b) biological diversity;
- (c) ecological importance;
- (d) biogeographic importance;
- (e) scientific importance;
- (f) international, regional or national significance;
- (g) the practical feasibility of protection and management; and
- (h) potential for nature tourism.

(3) Crown land outside of, but contiguous to, a protected area may be designated by the Governor in Cabinet as a buffer zone under section 6 if its designation is recommended by the Council to assist the protection or conservation of the protected area.

(4) Activities in a buffer zone shall be restricted in the management plan only so far as may be necessary to ensure that such activities are compatible with achieving the purposes of the protected area.

8. (1) A nomination of an area for protected status may be made by any person or organisation upon the submission to the Council of a proposal which shall contain the following information-

Procedure for  
designation

- (a) a description of the area in sufficient detail to plot its boundaries and any proposed buffer zones on a map or chart;
- (b) a statement of the reasons why the area should be selected for protection having regard to the purposes and objectives in section 7 (1) and the criteria in section 7(2);
- (c) a description of any protected species or other species of special concern known to reside in or migrate through the area; and
- (d) any conservation problems known to be associated with the area and any special protective measures which may be required.

(2) A proposal for a protected area shall be received and evaluated by the Council and, for this purpose, the Council may, in its discretion, consult such persons or bodies as it thinks fit and hold public hearings to assist it in the evaluation of the proposal.

(3) The Council shall determine whether the nominated area serves a purpose or objective specified in section 7(1), having regard to the criteria in section 7(2); and

- (a) if the area is Crown land, whether to recommend to the Governor in Cabinet that a protected area order be made; or
- (b) if the area is not Crown land, whether to recommend to the Governor in Cabinet that the area be acquired by the Crown and a protected area order be made.

(4) Where the Council recommends that a protected area order be made under subsection (3) in respect of any land, the Council shall also determine-

- (a) whether any contiguous Crown land should be designated in the order as a buffer zone; and
- (b) whether any contiguous land which is not Crown land should be acquired by the Crown and designated in the order as a buffer zone.

(5) The Council, before submitting a recommendation to the Governor in Cabinet to designate a protected area in accordance with a proposal, shall publish a notice of the proposal in at least two issues of a public newspaper circulating in the Islands in each of two consecutive weeks.

(6) The notice referred to in subsection (5) shall-

- (a) identify the area concerned and any proposed buffer zones and explain the effects of the recommendation;

- (b) specify a place or places, which shall include a place in the relevant district, where copies of the proposal may be inspected by the public; and
- (c) state the address to which written objections or representations with regard to the recommendation should be sent.

(7) The Council shall take into account any written objection or representation with regard to the proposal received within twenty-eight days of the date of the latest notice referred to in subsection (5), or such longer period as may be stated in the notice, and shall thereafter take one of the following steps-

- (a) submit the original proposal, together with copies of all written objections or representations, to the Governor in Cabinet;
- (b) amend the original proposal and re-advertise it in accordance with this section;
- (c) amend the original proposal and, provided the amendments are not substantial, submit the amended proposal, together with copies of all written objections or representations, to the Governor in Cabinet; or
- (d) withdraw the recommendation.

Management plan

9. (1) A management plan shall be formulated and adopted for each protected area.

(2) The management plan for a protected area shall comply with the requirements set out in Schedule 3 and shall serve as a guide for all activities relating to the management, administration and conservation of the protected area to ensure that the purposes and objectives for which the area was established are met and maintained.

(3) The Director shall, as soon as practicable after a protected area has been designated and prior to any development that may have an adverse effect on the area, prepare a management plan for approval by the Council.

(4) The Director, before submitting a management plan to the Council, shall-

- (a) send copies of the plan to any entities, or government agencies that may be affected by the plan; and
- (b) publish notice of the plan in at least two issues of a public newspaper circulating in the Islands in each week of a period of two consecutive weeks.

(5) The notice referred to in subsection (4) shall specify a place or places, which shall include a place in the relevant district, where copies of the management plan may be inspected by the public and state the address to which

written objections or representations with regard to the plan may be sent within a period of twenty-eight days from the latest publication of the notice or such longer period as the notice may specify.

(6) The Director shall take into account any written objections or representations with regard to the plan received in accordance with subsection (5) and may make such amendments to the plan as he thinks fit in the light of the objections and representations before referring it to the Council, together with copies of all the objections and representations, for confirmation.

(7) The Council may adopt a management plan submitted by the Director with such modifications as it may consider necessary, having regard to the written objections and representations received pursuant to subsection (5) and the views of the Director; and the plan shall take effect upon being published in the Gazette.

(8) A management plan shall be reviewed and revised by the Council at least once every five years and any proposed amendments shall be advertised and approved in accordance with the procedure set out in this Part for the adoption of a management plan.

10. (1) A management plan may contain directives consistent with the provisions of the plan for the prohibition or regulation, including management and licensing, of activities within the protected area.

Protective measures

(2) Without prejudice to the generality of subsection (1), directives made under this section may-

- (a) prohibit or regulate the entry of persons, animals, vehicles;
- (b) prohibit or regulate vessels so far as may be consistent with rights of passage and navigation under international law;
- (c) prohibit or regulate any activity that is likely, individually or cumulatively, to harm or adversely affect a protected area or that is otherwise not compatible with the purposes for which a protected area was established;
- (d) prohibit or regulate the dumping or discharge of waste or other substances;
- (e) prohibit or regulate the taking of specimens;
- (f) prescribe measures to protect, conserve and restore natural processes and ecological systems within a protected area, including but not limited to the protection of water lenses, water flow, seasonal wetlands, sinks, reservoirs, soil and subsoil integrity and the seabed;

- (g) prescribe measures to protect, conserve and restore wildlife populations;
- (h) prescribe the types of development that would be compatible with the purposes for which a protected area was established or prohibit or regulate any development, construction or building, including roads, public works or utility services, that might adversely affect a protected area;
- (i) prohibit or regulate any archaeological activity, including the removal, damage or disturbance of any object that could be considered an archaeological object;
- (j) prohibit or regulate any activity involving the exploration, exploitation or modification of the soil, subsoil integrity or the seabed;
- (k) impose fees for entry into or the use of a protected area or for any licence or permit for activities in a protected area; and
- (l) create zones within a protected area for the purpose of prohibiting, restricting or permitting specified activities within a particular zone.

(3) Until such time as a management plan has been adopted for a protected area, the Council may, on the advice of the Director, make such interim directives as may be necessary to protect the area including, but not limited to, any of the measures set out in subsection (2).

(4) Any directives made under subsection (3) shall cease to have effect on the adoption of a management plan for the protected area.

Changes in status of  
protected areas

11. (1) The Governor in Cabinet may, subject to subsection (2), by order remove the designation of any land as a protected area or a buffer zone by amending or revoking an order made under section 6.

(2) No order shall be made under subsection (1) unless-

- (a) the Council, having regard to all material considerations, certifies in writing that a significant reason exists to justify the order;
- (b) if the land is listed under any of the Conventions, such procedures as the Convention may require for any change in its status are followed; and
- (c) another area certified by the Council as comparable in terms of natural resources, ecological functions, biodiversity and size will be designated as a protected area within such period as may be agreed with the Council.

Conservation areas

12. (1) An area, not being Crown land, which meets one or more of the purposes and objectives for a protected area or a buffer zone set out in section 7

may, on the recommendation of the Council to the Governor in Cabinet, become a conservation area by agreement between the proprietor and the Governor in Cabinet.

- (2) An agreement made under subsection (1) shall-
  - (a) specify the management, administration, financial and enforcement responsibilities of the Governor in Cabinet and the proprietor to ensure furtherance of the objectives for which the area was chosen as a conservation area;
  - (b) identify any regulations, directives or other restrictions on use that shall apply to the area; and
  - (c) specify such other measures as may be considered necessary and appropriate to ensure furtherance of the purposes and objectives for which the area was selected as a conservation area.

13. (1) A proprietor of land, in so far as he is legally capable of doing so, may, as part of an agreement under section 12 or in the interests of the conservation of any natural resources, covenant with the Governor in Cabinet, for such consideration as may be agreed, that the land be made subject, either permanently or for a specified period, to an easement or to a condition restricting the use or development of the land in such a way as may be specified in the agreement.

Conservation agreements

(2) A covenant under subsection (1) entered into by a proprietor of a lease shall be capable of existing only during the subsistence of the lease.

(3) Subject to subsection (2), the Governor in Cabinet shall have the power to enforce the covenant referred to in subsection (1) against persons deriving title from the proprietor as if the Governor in Cabinet owned adjoining land and the covenant had been expressed to be for the benefit of that adjoining land.

(4) An easement or a condition restricting the use or development of land contained in an agreement under this section shall, on presentation to the Registrar, be noted in the incumbrances section of the Register of the land or lease burdened by it as if it were an easement or restrictive agreement referred to in Division 5 of the Registered Land Law (2004 Revision) and had been expressed to be for the benefit of adjoining land.

(2004 Revision)

#### **PART IV- CONSERVATION OF WILDLIFE**

14. The species of wildlife listed in Parts 1 and 2 of Schedule 1 are protected species under this Law.

Protected species

Listing procedure

15. (1) Subject to the following provisions of this section, the Council may make by Order such modifications to Schedule 1 as it considers necessary or desirable for any of the following purposes-

- (a) in the case of Part 1, to list-
  - (i) all endangered or threatened species listed for the time being in Annex I or II to SPAW or Appendix I or II to the Migratory Species Convention whose range includes the Islands; and
  - (ii) all other species which, having regard to the considerations in subsection (4), require protection under this Law at all times; and
- (b) in the case of Part 2, to list species which, having regard to the considerations in subsection (4), require protection under this Law other than for such limited hunting or collecting of specimens as may be permitted by regulations or a conservation plan.

(2) Any person or organisation, at any time, may petition the Council to add a species to or delete a species from Schedule 1 or to list a species in a different Part of Schedule 1.

(3) A petition under subsection (2) shall be in such form and contain such information as the Council may specify.

(4) In determining whether any species should be listed in Schedule 1, the Council shall have regard to all material considerations including-

- (a) whether, on the best available information, the species appears to be in danger of extinction throughout part or all of its range and unlikely to survive as a result of the continuation of factors jeopardising that species;
- (b) whether, on the best available information, the species-
  - (i) appears to be likely to become endangered in the foreseeable future if the factors causing its numerical decline or the degradation of its habitat continue to operate; or
  - (ii) appears to be rare and either potentially or actually subject to decline and possible endangerment and extinction;
- (c) whether the species-
  - (i) is of ecological significance;
  - (ii) is of biogeographic significance;
  - (iii) is of scientific significance;
  - (iv) is of national or regional significance;
  - (v) has potential for nature tourism;

- (vi) is endemic to the Islands;
  - (vii) is of recreational significance;
  - (viii) is of cultural significance;
  - (ix) is of educational significance;
  - (x) is of aesthetic value; or
  - (xi) is of economic value; and
- (d) whether the species has been identified as requiring protection or other conservation measures by any competent intergovernmental or international agency or organisation or by any other country in the Wider Caribbean Region.

(5) If the Council determines that a candidate species should be protected under this Law, the Council shall list the species in the appropriate Part of Schedule 1.

(6) If the Council determines that a species should be deleted from Schedule 1 or listed in a different Part of Schedule 1, the Council shall-

- (a) publish notice of the proposal, with a summary of the reasons for it, in at least two issues of a public newspaper circulating in the Islands in each of two consecutive weeks; and
- (b) take into account any representations made within fourteen days of the date of the latest notice referred to in paragraph (a), or such longer period as may be stated in the notice, before deciding whether a directive removing the species from Schedule 1 or listing the species in a different Part of Schedule 1 should be made.

(7) If the Council determines not to accept the recommendation of a petition under subsection (2), it shall give written notice of its reasons to the person or organisation submitting the petition.

(8) No order shall be made under subsection (1) deleting a species from Schedule 1 unless-

- (a) the Council certifies in writing that a significant reason exists to justify the order;
- (b) if the species is listed in Annex I or II to SPAW or Appendix I or II to the Migratory Species Convention, that the species has been de-listed in accordance with SPAW or the Convention as the case may be; and
- (c) the Council, having regard to the criteria in subsection (4) and all other material considerations, is satisfied that the order is reasonable.

16. (1) The Council shall formulate and adopt a conservation plan for each protected species whose range includes the Islands.

(2) In formulating and adopting conservation plans, the Council shall-

- (a) act in accordance with any directions given by the Governor in Cabinet; and
- (b) give priority to threatened or endangered species that are at risk from development projects or other forms of economic activity or that would otherwise be most likely to benefit from such plans.

(3) Conservation plans shall set out the steps which the Council considers to be necessary to achieve the conservation and survival of the species and its critical habitat and shall include-

- (a) in the case of species listed in Part 1 of Schedule 1-
  - (i) objective, measurable criteria which, when met, would result in a determination that the species be removed from that Part of Schedule 1; and
  - (ii) estimates of the time required and the costs involved to carry out those measures needed to achieve such goals and to achieve any intermediate steps towards that goal;
- (b) in the case of species listed in Part 2 of Schedule 1 -
  - (i) a prohibition of all non-selective means of hunting or collecting specimens and of all actions likely to cause the local disappearance of the species or serious disturbance to any of its populations;
  - (ii) where appropriate, the regulation of hunting or collecting specimens by reference to size, quantity, time of year or any other factor; and
  - (iii) the regulation of the taking, possession, transport or sale of specimens.

(4) The Council, before adopting a conservation plan, shall publish notice of the plan in at least two issues of a public newspaper circulating in the Islands in each of two consecutive weeks and the notice shall-

- (a) identify the species concerned;
- (b) outline any proposed restrictions in the conservation plan on taking specimens;
- (c) specify a place or places where copies of the plan may be inspected by the public; and
- (d) state the address to which written objections or representations with regard to the plan should be sent.

(5) The Council shall take into account any written objections or representations with regard to the plan received within twenty-eight days of the

date of the latest notice referred to in subsection (4), or such longer period as may be stated in the order, and may make such amendments to the plan as it thinks fit in the light of such objections or representations.

(6) The Council, following the procedure in subsection (4), shall submit the conservation plan, together with copies of all the written objections and representations received, to the Governor in Cabinet and shall not adopt the plan if, within a period of thirty days from the date of submission, the Council receives written notice from the Governor in Cabinet setting out reasons why the plan as submitted should not be adopted.

(7) Until such time as a conservation plan has been adopted for a protected species, the Council may, on the advice of the Director, make such interim directives as may be urgently required for the immediate protection of that species, including but not limited to the prohibition of hunting or collecting of specimens and disturbance of its critical habitat.

(8) The Council shall report the making of an interim directive under subsection (7) to the Governor in Cabinet and the directive shall cease to have effect on the adoption of a conservation plan for the species concerned or at such earlier time as the Council or the Governor in Cabinet may direct.

17. (1) The Council shall determine whether each protected species is also listed under SPAW and the Migratory Species Convention and, if not, whether any regional or international co-operation and assistance is desirable for the protection and recovery of the species, in which case the Council shall submit a nomination for listing under the Conventions as may be appropriate.

International measures

(2) Within ninety days from the listing of a species in the Annex to SPAW or the Appendices to the Migratory Species Convention that is not a protected species and for which a legally effective reservation has not been entered on behalf of the Government, the Council shall determine-

- (a) whether the range of the species includes any part of the Islands; and
- (b) if so, whether there exists any permit or licence that authorise the taking of the species in the Islands.

(3) Within thirty days of any determination under subsection (2) that the range of the species includes the Islands, the Council shall by Order add the species to Schedule 1 as follows-

- (a) if the species is listed in Annex I or II to SPAW or Appendix I or II to the Migratory Species Convention, the species shall be added to Part 1 of Schedule 1;

- (b) if the species is listed in Annex III to SPAW, the species shall be added to Part 1 or 2 of the Schedule if the Council considers this appropriate; and
- (c) in either case, the Council shall thereupon cancel any existing permit or licence relating to the species that is incompatible with its protected status.

(4) For any species deleted from the Annexes to SPAW or the Appendices to the Migratory Species Convention, the Council shall undertake a review of the status of the species in the Islands, having regard to the considerations in section 15(4), to determine whether the species should also be deleted from Schedule 1.

Preventative measures

18. In order to help prevent a species from becoming endangered or threatened, the Council may-

- (a) identify any species whose numbers appear to be in decline;
- (b) prescribe an optimal population level for the species;
- (c) refuse to issue permits or licences for the taking of the species or for activities that are likely to have a negative impact on the species or its critical habitat unless there is a prior determination by the Council that the activity will not result in any reduction in the population of the species below the optimal level;
- (d) on a periodic basis, review the population status of the species and assess the adequacy of the previously established population level; and
- (e) develop and implement a conservation plan for any species whose population falls below optimal levels for the purpose of restoring the population to its optimal level.

#### **PART V- PERMITS AND LICENCES**

Permits

19. (1) The Council may, subject to subsection (2), grant a permit to any person exempting him, subject to any limitations and conditions specified in the permit, from such of the provisions of this Law as may be specified in the permit.

(2) The Council shall not grant a permit unless it is satisfied that-

- (a) in the case of a permit authorising an activity in a protected area, the activity is compatible with any management plan for the area or that appropriate and enforceable conditions can be imposed to ensure such compatibility;
- (b) in the case of a permit authorising an activity with regard to a protected species or its critical habitat, the activity is compatible with any conservation plan for the species or that appropriate and

- enforceable conditions can be imposed to ensure such compatibility and that the activity will not jeopardise or put at risk any population of the species; and
- (c) that the activity authorised by the permit-
    - (i) is justified for scientific, educational or management purposes; or
    - (ii) will help prevent significant damage to any critical habitat or crops.

(3) The Council may, as a condition of granting a permit, require the applicant to post a bond in a form acceptable to the Council in such amount as the Council may determine, having regard to the potential damage to natural resources from the activity and the costs of remedying that damage.

(4) The Council shall report the details of any permit granted pursuant to subsection (1) relating to a Part 1 species in accordance with any applicable provisions of the Conventions and shall make available to the public copies of all relevant documents.

20. (1) The Council may grant a licence to a Caymanian exempting him from any of the provisions of Part IV of this Law to meet traditional or cultural needs if the Council is satisfied that- Licences

- (a) the hunting or collecting of a protected species will not be detrimental to the survival of that or any other protected species or its critical habitat;
- (b) the activity will not significantly reduce any population of a protected species; and
- (c) the activity will not have an adverse effect on the maintenance of a protected area or on any ecological process.

(2) A licence shall specify the name of the person who is engaged in the activity and a description of the activity including-

- (a) the purpose of the activity and the place and times at which it may be carried out;
- (b) a complete description of the methods, materials and equipment that may be used in the activity; and
- (c) a limit on the number, size and type of specimens that may be hunted or collected under the licence.

(3) The Council shall report the details of any licence granted pursuant to subsection (1) relating to a Part 1 species in accordance with any applicable provisions of the Conventions and shall make available to the public copies of all relevant documents.

(4) Subject to section 21(2), a licence shall be valid for such period not exceeding two years as may be specified in the licence.

General

21. (1) An applicant for a permit or a licence shall pay the prescribed fee and shall provide such information in connection with the application as the Council may require.

(2) Every permit and licence shall be subject to summary revocation or suspension by the Council for non-compliance with any of its conditions or with any provisions of this Law or where it is necessary in the opinion of the Council for the proper management and protection of a protected species or its critical habitat.

(3) Where a permit or licence has been cancelled or suspended under subsection (2), the Council shall notify the person named in the permit or licence of the cancellation or suspension.

(4) A person who fails to comply with a condition in a permit or licence commits an offence.

#### **PART VI – ENFORCEMENT AND PENALTIES**

Conservation officers  
(2007 Revision)

22. (1) For the purpose of carrying out and enforcing the provisions of this Law conservation officers shall be appointed in accordance with the Public Service Management Law (2007 Revision).

(2) Conservation officers shall, for the purpose of performing their duties under this Law, have all the powers and immunities of constables acting generally in the ordinary course of their duty and every constable shall, for the purpose of enforcing this Law, have all the powers of a conservation officer.

(3) A conservation officer, with the written authority of the Director given in accordance with directions of the Governor is entitled in the performance of his duties to carry such arms as may be specified in the written authority.

(4) A conservation officer, in addition to his other powers under this Law, may-

- (a) interrogate any person found in possession of or having control of a specimen;
- (b) require to be produced and examined and take copies of any permit or other documents required under this Law;

- (c) whenever he reasonably suspects any person of having contravened any provision of this Law, search that person and his property and anything in his possession or under his control;
- (d) at any reasonable time and (if required to do so) upon producing evidence of his appointment as a conservation officer, enter any land or premises where any specimen of a protected species is or is reasonably believed to be kept;
- (e) seize any specimen that he reasonably suspects has been obtained or removed in contravention of this Law; and
- (f) collect any exotic, feral or genetically altered specimen.

(5) If a conservation officer is satisfied that there is reasonable evidence of an offence under this Law, he may arrest and detain any person suspected of the offence and seize any vessel or vehicle and any noxious substance, firearms, speargun, trap, net, cage and other article or equipment used in its commission.

(6) Any specimen seized or collected under subsection (4)(e) or (f) shall become the property of the Crown and may be disposed of in such manner as the Council may direct.

(7) Anything seized under subsection (5) shall, subject to any decision of the court or to the results of an appeal under section 32(1), become the property of the Crown and shall, subject to subsection (8), be disposed of in such manner as the Council may direct.

(8) The owner of a vehicle or vessel seized pursuant to this section shall have the right to recover ownership of it on payment to the Crown of such sum not exceeding its market value as the Governor in Cabinet may specify.

(9) Any person who assaults, obstructs, intimidates, refuses to give his name and address or gives a false name and address to, or gives any other false information to a conservation officer in the performance of his duties commits an offence.

23. (1) The Director may, without prejudice to any other proceedings under this Law, issue an order in writing to any person-

Cease and desist orders

- (a) who performs any act which would be an offence under this Law, or permits any other person to do so, requiring him to cease and desist the unlawful act forthwith or by such date as may be specified in the order;
- (b) who fails to comply with any condition attached to a permit or licence, requiring him to cease and desist the activity for which

the permit or licence was issued forthwith or by such date as may be specified in the order;

- (c) who fails to consult the Council pursuant to section 35(2), requiring him to cease and desist the action in respect of which the consultation was required forthwith or by such date as may be specified in the order; or
- (d) who fails to submit an environmental assessment within the time specified by the Council or who fails to comply with any condition or directive to which an environmental assessment is subject, requiring him to cease and desist the activity in respect of which the environmental assessment was required forthwith or by such date as may be specified in the order.

(2) Where the person to whom an order is issued under subsection (1) fails to comply with the order, the Director may take such steps as he considers appropriate to ensure the cessation of the activity to which the order relates.

(3) Where authorised by the Director pursuant to subsection (2), a conservation officer or constable may use such reasonable force as he may consider necessary for the purpose of ensuring compliance with the order.

(4) A person who fails to comply with a cease and desist order commits an offence.

Offences generally

24. A person who contravenes this Law commits an offence.

Offences in protected areas

25. (1) A person who, within a protected area or a conservation area, not being authorised or permitted under this Law or under a conservation agreement-

- (a) takes a specimen;
- (b) damages, destroys or otherwise causes the loss of a natural resource;
- (c) damages, destroys or otherwise causes the loss of a natural or cultural feature or any sign or facility provided for public use and enjoyment;
- (d) clears land for cultivation or any other purpose;
- (e) deposits rubbish, litter or waste of any kind; or
- (f) dredges, quarries, extracts sand or gravel, discharge waste or any other matter or in any other way disturbs, alters or destroys the natural environment,

commits an offence.

(2) Where, in a protected area or a conservation area, a person has possession or control of a specimen or a natural resource, he shall be deemed, unless he prove otherwise, to have taken it within that area.

26. (1) Subject to subsection (2), a person who, not being authorised or permitted under this Law-

Offences relating to protected species

- (a) takes or permits any other person to take a specimen of a protected species;
- (b) permits any domesticated animal to take a specimen of a protected species;
- (c) has a specimen of a protected species in his possession or control; or
- (d) exposes or offers for sale, exchange or donation, or purchases a specimen of a protected species,

commits an offence.

(2) This section does not apply to a Part 2 species unless a conservation plan has been adopted for that species or regulations made under this Law or continued in force by virtue of section 44(5) apply to it.

27. A person who, not being authorised or permitted under this or any other Law-

Offences in Cayman waters

- (a) uses a noxious substance for the purpose of taking any specimen in Cayman waters;
- (b) takes a specimen in Cayman waters while equipped with any kind of underwater breathing apparatus;
- (c) has a spear gun in his possession or takes a specimen in Cayman waters with the aid of a spear gun or has in his possession a specimen taken from Cayman waters with the aid of a spear gun;
- (d) uses or attempts to use any seine or gill net for the purpose of taking a specimen in Cayman waters;
- (e) has a fish pot in his possession or takes a specimen with the aid of a fish pot in Cayman waters or has in his possession a specimen taken from Cayman waters with the aid of a fish pot;
- (f) feeds, attempts to feed or provides or uses food to attract any shark in Cayman waters;
- (g) directly or indirectly causes or permits any pathogens, dissolved or suspended minerals or solids, waste materials or other substances to flow or to be discharged or put into Cayman waters;

- (h) directly or indirectly cuts, carves, injures, mutilates, removes, displaces or breaks any underwater coral or plant growth or formation in Cayman waters;
- (i) in Cayman waters extracts sand or gravel or otherwise disturbs the sea bed by mechanical means; or
- (j) while diving in Cayman waters, whether using underwater breathing apparatus or not, wears gloves of any type,

commits an offence.

Exotic species  
(2003 Revision)  
(1997 Revision)

28. Notwithstanding the provisions of the Animals Law (2003 Revision), the Plants (Importation and Exportation) Law (1997 Revision) and the Endangered Species Trade and Transport Law, 2004 any person who, not being authorised or permitted under this Law, knowingly imports into or introduces, possesses, transports or releases in any part of the Islands a live or viable specimen of an exotic or genetically altered species commits an offence.

Offences by  
corporations

29. Where an offence under this Law is committed by a body corporate, any person who, at the time of the commission of the offence, was a director, manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to have committed the offence unless he proves-

- (a) that the offence was committed without his consent or connivance; and
- (b) that he exercised all such reasonable diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his function in that capacity and to all circumstances.

Injunctions

30. (1) Where, on the application of the Director, it appears to the court that a person has done or is about to do or is likely to do any act constituted or directed towards the commission of an offence under this Law, the court may issue an injunction ordering any person named in the application-

- (a) to refrain from doing any act that the court considers may constitute or be directed towards the commission of an offence under this Law; or
- (b) to do any act that the court considers may prevent the commission of an offence under this Law.

(2) The court shall not issue an injunction under subsection (1) unless forty-eight hours notice has been given to the person named in the application or the urgency of the situation is such that the service of notice would not be in the public interest.

31. (1) A person who commits an offence under this Law shall be liable to a fine of five hundred thousand dollars or to imprisonment for a term of four years or to both.

(2) Where a person has been convicted of any offence under this Law, the court may, having regard to the nature of the offence and the circumstances surrounding its commission, make an order in addition to any other punishment that may be imposed under this Law having any or all of the following effects-

- (a) prohibiting the offender from doing any act or engaging in any activity that may result in the continuation or repetition of the offence;
- (b) disqualifying the offender from holding any licence or permit under this Law either permanently or for such period of time as the court considers appropriate;
- (c) directing the offender to take such action as the court considers appropriate to remedy or avoid any harm to the environment or to any natural resources that results or may result from the act or omission that constituted the offence;
- (d) directing the offender to compensate the Crown, in whole or in part, for the cost of any remedial or preventative action taken by or on behalf of the Council or the Director as a result of the act or omission that constituted the offence;
- (e) directing the offender to perform community service in a protected area or in furtherance of the conservation of a protected species;
- (f) directing the offender to post such bond or pay such amount of money into court as will ensure compliance with any order made pursuant to this section; and
- (g) forfeiting to the Crown any specimen that was the subject of the offence and any vehicle or vessel or any noxious substance, firearm, speargun, trap, net or other article or equipment in respect of or by means of which the offence was committed.

(3) In making an order under subsection (2) forfeiting a vessel or a vehicle, the court may in the order specify a sum, not exceeding its market value, on the payment of which to the Crown the owner of the vessel or vehicle may recover ownership of it.

(4) Where the court makes an order under subsection (2) directing the offender to pay compensation to the Crown, the costs constitute a debt to the Crown and may be recovered as such in any court of competent jurisdiction.

**PART VII - GENERAL**

Appeals against seizure 32. (1) A person aggrieved by the seizure by a conservation officer under this Law of any item other than a specimen may, within ten days of the date of the seizure, appeal to the Council by serving on the Council notice in writing of the intention to appeal and the grounds of the appeal.

(2) The Council may defer the hearing of an appeal pending the outcome of any criminal proceedings which have been or may be brought in respect of the incident giving rise to the seizure.

(3) On the hearing of an appeal, the Council may confirm, vary or reverse the action of the officer and shall by notice give written reasons for its decision to the appellant.

(4) A person aggrieved by a decision of the Council under subsection (3) may, within fourteen days of the date on which he received notice of the written reasons for the decision, appeal against the decision on a point of law only to the court.

Appeal against decisions of the Council

33. (1) A person aggrieved by a decision of the Council-

- (a) refusing an application for a permit or a licence;
- (b) imposing a condition on a permit or a licence;
- (c) revoking or suspending a permit or a licence; or
- (d) under section 35,

may, within ten days of the date on which notice of the decision is given, appeal against it to the Governor in Cabinet by serving on the Governor in Cabinet notice in writing of the intention to appeal and the grounds of the appeal.

(2) On the hearing of an appeal, the Governor in Cabinet may, having regard to the provisions of this Law and the public interest, confirm, vary or reverse the decision appealed against or exercise any other power that the Council could have exercised under this Law and the Governor in Cabinet shall give reasons for his decision to the appellant.

(3) Any person aggrieved by a decision of the Governor in Cabinet under subsection (2) may, within fourteen days of the date on which notice of the written reasons for the decision was given, appeal to the court against the decision on a point of law only.

Vessels

34. (1) Every vessel, other than one owned or operated by the government of another country while engaged in governmental non-commercial service or which

is otherwise exempt under international law, shall comply with the provisions of this Law while in Cayman waters.

(2) Without prejudice to subsection (1) and subject to subsection (3), this Law applies to-

- (a) all vessels belonging to the Government; and
- (b) all privately owned vessels registered in the Islands under the Merchant Shipping Law (2005 Revision). (2005 Revision)

(3) The Governor in Cabinet, after consultation with the Council, by order, may exempt a non-commercial vessel belonging to the Government from the application of any provision of this Law upon a finding based upon substantial evidence that compliance by the vessel is not reasonable for the time being, and shall include in the order a date on which a review of the determination of the exemption shall be made.

(4) All vessels to which this Law applies shall comply with its provisions at all times while in the waters of the Wider Caribbean Region and, while in the waters under the jurisdiction of any country that is a party to SPAW, shall comply with the written laws of that country as are consistent with international law relating to the protection of the marine environment and the conservation of marine resources.

(5) Subject to subsection (6), on a request from a country which is a party to SPAW for any investigation as to whether a vessel to which this Law applies may have violated any of that country's laws referred to in subsection (4), the Director shall cause the matter to be investigated.

(6) An investigation may be undertaken under subsection (5) only after the country requesting the investigation has furnished sufficient evidence to satisfy the Director that a violation has occurred.

(7) Upon completion of an investigation, the Director shall inform the country requesting the investigation of the action taken or proposed.

35. (1) Subject to subsections (2), (3) and (4), every entity and public officer shall comply with the provisions of this Law and shall ensure that its or his decisions, actions and undertakings are consistent with and do not jeopardise the protection and conservation of a protected area or any protected species or its critical habitat as established pursuant to this Law. General obligations

(2) For the purposes of subsection (1) the Council shall formulate and issue directives giving guidance to entities and public officers on their duties under this

Law, and any action taken in full accordance with such guidance shall be deemed to be in compliance with this Law.

(3) Every entity and public officer shall, in accordance with any directives made by the Council, consult with the Council and take into account any views of the Council before taking any action including the making of any decision or the giving of any undertaking or approval that would or would be likely to have an adverse effect on the environment generally or on any natural resource.

(4) Every entity and public officer, in accordance with any directives made by the Council, shall apply for and obtain the approval of the Council before taking any action including the making of any decision or the giving of any undertaking or approval that would or would be likely to have an adverse effect, whether directly or indirectly, on a protected area or on the critical habitat of a protected species.

(5) In the case of a proposed action to which subsection (4) applies, the Council may, having regard to all the material considerations in this Law-

- (a) agree to the proposed action subject to such conditions as it considers reasonable, in which case the originating authority shall ensure that the proposed action is made subject to such conditions, or
- (b) if the Council considers that the adverse impact of the proposed action cannot be satisfactorily mitigated by conditions, the Council shall so direct the originating authority and that authority shall refuse to agree to or proceed with the proposed action.

(6) Any person aggrieved by a decision of the Council under this section may appeal against it to the Governor in Cabinet in accordance with the procedure in section 33.

Schedules of inspections

36. (1) At the time that the Council agrees to a proposed action subject to conditions imposed pursuant to section 35(5)(a), it may in its discretion direct that a schedule of inspections be carried out by or on behalf of the Director to ensure compliance with the conditions.

(2008 Revision)

(2) Where a schedule of inspections has been required by the Council under subsection (1), the Central Planning Authority or the Development Control Board shall not issue a certificate of completion pursuant to the Development and Planning Law (2008 Revision) in respect of the proposed action until the Council has certified that the conditions imposed pursuant to section 35(5)(a) have been complied with.

37. (1) In any consultations pursuant to section 35(3), the Council may, in its discretion and within such times as it may specify, require an environmental assessment to be carried out of the proposed action.

Environmental  
assessments

(2) An environmental assessment shall-

- (a) assess the proposed action having regard to its direct, indirect and cumulative impact and the need to-
  - (i) protect and improve public health and social and living conditions;
  - (ii) preserve natural resources, ecological functions and biological diversity;
  - (iii) protect and conserve protected areas, buffer zones and conservation areas;
  - (iv) protect and conserve protected, endemic and migratory species and their habitats; and
  - (v) avoid any adverse effects of climate change on the quality of the environment;
- (b) be carried out by a person approved by the Council; and
- (c) comply with any directives of the Council under section 3(11)(g).

(3) All documents relating to an environmental assessment shall be available for public inspection and review.

(4) The preparation of an environmental assessment under this Part and the costs of monitoring inspections pursuant to section 36(1) shall be at the expense of the person undertaking or intending to undertake the proposed action; and for that purpose the Council may require the provision of a performance bond or an escrow account in a form acceptable to the Council and in such amount as may be specified by the Council having regard to-

- (a) the total cost of the proposed action;
- (b) the estimated costs of restoration for any potential damage to the environment or natural resources identified by the Director;
- (b) the applicant's past record of compliance with the Law; and
- (c) the estimated costs of monitoring the proposal.

38. (1) Any person may, without prejudice to any other legal redress he might have, make an application to the court for the judicial review of any act or omission of the Council, the Director or any other person that is alleged to be in violation of any provision of this Law.

Judicial review

(2) A person shall not commence an action under subsection (1) against the Council, the Director or the other person unless at least thirty days written notice of the alleged violation has been given to the Council, the Director and the

other person and the Council, Director or the other person has thereafter failed to diligently take all reasonable steps to redress the violation alleged.

Fees

39. The Governor in Cabinet shall, not more than once each year, approve a tariff of fees to be charged for-

- (a) the issue of permits;
- (b) the issue of licences; and
- (c) any other activity within a protected area as the Governor in Cabinet may determine.

Conservation fund

40. (1) There is hereby established a conservation fund to be used for the acquisition and management of protected areas and for measures to protect and conserve protected species and their critical habitat.

(2) The fund shall be managed by the Council.

(3) Any fees paid under this Law and any fines, compensation and costs imposed in respect of offences under this Law shall be collected and paid into the fund, together with any voluntary contributions or grants by individuals or organisations.

(2005 Revision)

(4) The Government may make additional appropriations to the fund from the revenue, borrowings or other funds of the Government in accordance with the Public Management and Finance Law (2005 Revision).

(5) In addition to its reporting duties under section 3(13), the Council shall, no later than three months after the end of each year, prepare and cause to be laid before the Legislative Assembly a report on its administration of the conservation fund including details of all income and expenditure for that year.

Applicability of the Public Management and Finance Law, (2005 Revision)

41. The Council is an entity as defined in the Public Management and Finance Law (2005 Revision) and the provisions of that Law apply to the Council, to the management of the fund and more particularly-

- (a) to the income and expenditure budget relating to the conservation fund for each financial year; and
- (b) to the preparation, maintenance, auditing and publication of the accounts relating to the conservation fund.

Directions to the Council by the Governor in Cabinet

42. The Governor in Cabinet may give to the Council in writing such general directions as appear to the Governor in Cabinet to be necessary having regard to the provisions of this Law, the Conventions and the public interest and the Council shall act in accordance with such directions.

43. (1) The Governor in Cabinet may make regulations- Regulations
- (a) designating land as a protected area or a buffer zone and prescribing conditions applicable to each area or zone;
  - (b) regulating or prohibiting the captive breeding or artificial propagation of protected species;
  - (c) prescribing the days of the year on which, and the circumstances and conditions under which, a specimen of a Part 2 species may be taken;
  - (d) prescribing limitations, whether by number, size or any other criteria, on specimens of Part 2 species which may be taken;
  - (e) controlling or prohibiting whether generally or in respect of any specified area of land or of any specified species, genus, family, order or class of animal or plant, the methods which may be employed in taking specimens;
  - (f) controlling or prohibiting whether generally or in respect of any specified species, genus, family, order or class of animal or plant, the import and export of specimens;
  - (g) requiring persons to render returns with respect to activities involving specimens containing such information as may be prescribed;
  - (h) controlling or regulating populations of exotic or genetically altered species;
  - (i) prescribing the powers and responsibilities of conservation officers;
  - (j) prescribing insignia and badges which may be displayed or worn exclusively by conservation officers;
  - (k) prescribing measures for the protection of wildlife from damage by anchors and similar devices;
  - (l) prescribing forms of applications, permits and licences;
  - (m) regulating the administration and management of the conservation fund and the dispersal of funds therefrom; and
  - (n) relating to such other matters as may be necessary or desirable pursuant to this Law or the Conventions.
- (2) Any power of the Governor in Cabinet to make regulations or an order under this Law includes power-
- (a) to make different provisions in relation to different cases or classes of case;
  - (b) to provide for such exceptions, limitations and conditions, and to make such supplementary, incidental, consequential or transitional provisions; and
  - (c) to impose fees or to provide for the waiver of fees in certain circumstances,

as the Governor in Cabinet considers necessary.

(3) Regulations made under this Law may provide that the contravention of any provision constitutes an offence and may prescribe penalties for any such offence not exceeding the maximum fine and term of imprisonment prescribed in this Law for any offence under this Law.

Section 14

## SCHEDULE 1

### PART 1

Kingdom	Category	Detail	Scientific Reference
Animalia	Bats	All species	Chiroptera all species
Animalia	Birds	All indigenous or migratory species - <i>except those specifically listed in Part 2</i>	Aves all species
Animalia	Corals and Anemones	All hard and soft corals (including Gorgonians, Black corals & Telestaceans)	Anthozoa species
Animalia	Corals	Fire corals	Milleporidae species
Animalia	Corals	Lace corals	Stylasteridae species
Animalia	Crocodile	American crocodile	<i>Crocodylus acutus</i>
Animalia	Fish (marine, bony)	Tilefish	<i>Malacanthus plumieri</i>
Animalia	Fish (marine, bony)	Filefish	Monacanthidae species
Animalia	Fish (marine, bony)	Angelfish	Pomacanthidae species
Animalia	Fish (marine, bony)	Jewfish, Goliath grouper	<i>Epinephelus itajara</i>
Animalia	Fish (marine, cartilaginous)	Sharks and rays - <i>except those specifically listed in Part 2</i>	Elasmobranchii all species
Animalia	Iguana	Grand Cayman Blue Iguana	<i>Cyclura lewisii</i>
Animalia	Iguana	Lesser Cayman Islands Iguana	<i>Cyclura nubila caymanensis</i>
Animalia	Insect	Chestnut Leaf butterfly	<i>Anaea echemus</i>

		(endemic)	<i>daneliana</i>
Animalia	Insect	Pygmy Blue butterfly (endemic)	<i>Brephidium exilis thompsoni</i>
Animalia	Insect	Lucas' Blue butterfly (endemic)	<i>Hemiargus ammon erembis</i>
Animalia	Insect	Swallowtail butterfly (endemic)	<i>Papilio andraemon taylori</i>
Animalia	Invertebrates (marine)	Echinoderms	Echinodermata all species
Animalia	Invertebrates (marine)	Sponges	Porifera all species
Animalia	Invertebrates (marine)	Chiton, Sea meat / beef	Polyplacophora species
Animalia	Snails (marine)	Periwinkles	Littorinidae species
Animalia	Snails (marine)	Bleeding Teeth	Neritae species
Animalia	Snails (marine)	Conch - <i>except those specifically listed in Part 2</i>	Strombidae all species
Animalia	Snails (marine)	Tritons	Tritonidae all species
Animalia	Snails (marine)	Tuns	Tonnidae all species
Animalia	Snails (marine)	Cassidae	Cassis tuberosa
Animalia	Snails (marine)	Cassidae	Cassis madagascariensis
Animalia	Snails (marine)	Cassidae	Cassis flammea
Animalia	Snails (marine)	Cassidae	Phalium granulatum (all varieties)
Animalia	Snails (marine)	Cassidae	Cypraeacassis testiculus
Animalia	Snail (terrestrial)	Little Cayman snail	<i>Cerion nanus</i>
Animalia	Mammals (marine)	Whales, Dolphins, etc.	Cetacea all species
Animalia	Mammals (marine)	Manatees	Sirenia all species
Animalia	Turtle (marine)	Loggerhead turtle	<i>Caretta caretta</i>
Animalia	Turtle (marine)	Green turtle	<i>Chelonia mydas</i>
Animalia	Turtle (marine)	Leatherback turtle	<i>Dermochelys coriacea</i>
Animalia	Turtle (marine)	Hawksbill turtle	<i>Eretmochelys imbricata</i>
Animalia	Turtle (marine)	Kemp's Ridley turtle	<i>Lepidochelys kempii</i>
Plantae	Plant	Critically endangered	<i>Aegiphilia</i>

Plantae	Plant	endemic Critically endangered endemic	<i>caymanensis</i> <i>Agalinis kingsii</i>
Plantae	Plant	Critically endangered endemic	<i>Banara caymanensis</i>
Plantae	Plant	Critically endangered endemic	<i>Casearia staffordiae</i>
Plantae	Plant	Critically endangered endemic	<i>Chamaesyce bruntii</i>
Plantae	Plant	Critically endangered endemic	<i>Dendropemon</i> <i>caymanensis</i>
Plantae	Plant	Critically endangered endemic orchid	<i>Dendrophylax</i> <i>fawcettii</i>
Plantae	Plant	Critically endangered endemic orchid	<i>Encyclia kingsii</i>
Plantae	Plant	Critically endangered endemic cactus	<i>Epiphyllum</i> <i>phyllanthus</i> var. <i>plattsii</i>
Plantae	Plant	Critically endangered endemic bromeliad	<i>Hohenbergia</i> <i>caymanensis</i>
Plantae	Plant	Critically endangered endemic cactus	<i>Opuntia millspaughii</i> <i>caymanensis</i>
Plantae	Plant	Tea Banker, Critically endangered endemic	<i>Pectis caymanensis</i> var. <i>robusta</i>
Plantae	Plant	Critically endangered endemic	<i>Pisonia margarettiae</i>
Plantae	Plant	Endemic orchid	<i>Pleurothallis</i> <i>caymanensis</i>
Plantae	Plant	Critically endangered / extinct endemic	<i>Salvia caymanensis</i>
Plantae	Plant	Critically endangered endemic	<i>Terminalia</i> <i>eristachya</i> <i>margarettiae</i>
Plantae	Plant	Critically endangered orchid	<i>Tolumnia</i> (= <i>Oncidium</i> ) <i>calochilum</i>
Plantae	Plant	Critically endangered orchid	<i>Tolumnia</i> (= <i>Oncidium</i> ) <i>variegata</i>
Plantae	Plant	Critically endangered endemic	<i>Verbesina</i> <i>caymanensis</i>

## PART 2

Kingdom	Category	Detail	Scientific Reference
Animalia	Bird	Blue-winged teal	<i>Anas discors</i>
Animalia	Bird	White-winged dove	<i>Zenidia asiatica</i>
Animalia	Centipede	Centipede	<i>Leptophilus caribeanus</i>
Animalia	Copepod	Copepod	<i>Longipedia americana</i>
Animalia	Copepod	Copepod	<i>Tisbe caymanensis</i>
Animalia	Crab	Land crab	<i>Cardisoma guanhumi</i>
Animalia	Crab	Soldier crab (Hermit)	<i>Coenobita clypeatus</i>
Animalia	Fish (aquatic, bony)	Mosquitofish	<i>Gambusia xanthosoma</i>
Animalia	Fish (aquatic, bony)	Mosquitofish	<i>Limia caymanensis</i>
Animalia	Fishes (marine, bony)	Fry, Silversides	Atherinidae species
Animalia	Fishes (marine, bony)	Herrings	Clupeidae species
Animalia	Fishes (marine, bony)	Anchovies	Engraulidae species
Animalia	Fish (marine, bony)	Nassau grouper	<i>Epinephelus striatus</i>
Animalia	Fish (marine, bony)	Goggle eyes	<i>Selar crumenophthalmus</i>
Animalia	Fish (marine, bony)	Y-Lined blenny	<i>Starksia y-lineata</i>
Animalia	Fish (marine, bony)	All bony fish - <i>except those specifically listed in Part 1 or elsewhere in Part 2</i>	Teleostei species
Animalia	Fish (marine, cartilaginous)	Southern stingray	<i>Dasyatis americana</i>
Animalia	Insect	Coleoptera	<i>Callida caymanensis</i>
Animalia	Insect	Coleoptera	<i>Carpelimus sordidus</i>
Animalia	Insect	Monarch butterfly	<i>Danaus plexippus</i>
Animalia	Insect	Coleoptera	<i>Derancistrus (Elateropsis) caymanensis</i>
Animalia	Insect	Coleoptera	<i>Derancistrus</i>

			<i>(Elateropsis) nigricornis</i>
Animalia	Insect	Coleoptera	<i>Derancistrus (Elateropsis) nigripes</i>
Animalia	Insect	Coleoptera	<i>Diastolinus caymanensis</i>
Animalia	Insect	Coleoptera	<i>Diastolinus dentipes</i>
Animalia	Insect	Coleoptera	<i>Diastolinus diformis</i>
Animalia	Insect	Coleoptera	<i>Diastolinus inflatitibia</i>
Animalia	Insect	Coleoptera	<i>Diastolinus minor</i>
Animalia	Insect	Little Cayman cicada	<i>Diceroprocta caymanensis</i>
Animalia	Insect	Grand Cayman cicada	<i>Diceroprocta cleavesi</i>
Animalia	Insect	Cayman Brac cicada	<i>Diceroprocta ovata</i>
Animalia	Insect	Coleoptera	<i>Dyscinetus imitator</i>
Animalia	Insect	Coleoptera	<i>Eburia caymanensis</i>
Animalia	Insect	Coleoptera	<i>Eburia concisispinis</i>
Animalia	Insect	Coleoptera	<i>Eburia lewisi</i>
Animalia	Insect	Coleoptera	<i>Elaphidion lewisi</i>
Animalia	Insect	Coleoptera	<i>Elaphidion thompsoni</i>
Animalia	Insect	Coleoptera	<i>Elaphidion truncatipenne</i>
Animalia	Insect	Coleoptera	<i>Leptostylus lewisi</i>
Animalia	Insect	Coleoptera	<i>Leptostylus thompsoni</i>
Animalia	Insect	Diptera	<i>Lutzomyia caymanensis braci</i>
Animalia	Insect	Heteroptera	<i>Ochrostethus nigriceps</i>
Animalia	Insect	Coleoptera	<i>Osorius lewisi</i>
Animalia	Insect	Heteroptera	<i>Ozophora fuscifemur</i>
Animalia	Insect	Heteroptera	<i>Ozophora minuscula</i>
Animalia	Insect	Heteroptera	<i>Ozophora pallidifemur</i>
Animalia	Insect	Coleoptera	<i>Phaleria caymanensis</i>

Animalia	Insect	Coleoptera	<i>Phyllophaga caymanensis</i>
Animalia	Insect	Coleoptera	<i>Protosphaerion caymanensis</i>
Animalia	Insect	Ant Lion	<i>Psammoleon reductus</i>
Animalia	Insect	Coleoptera	<i>Stizocera caymanensis</i>
Animalia	Insect	Coleoptera	<i>Trientoma kochi</i>
Animalia	Invertebrate (aquatic)	Isopod	<i>Anopsilana crenata</i>
Animalia	Invertebrate (marine)	Tulip mussel	<i>Cosa caribbaea</i>
Animalia	Invertebrate (marine)	Commissioner Gerrard's clam	<i>Transenella gerrardi</i>
Animalia	Lizard	Western Grand Cayman Blue-Throated anole	<i>Anolis conspersus conspersus</i>
Animalia	Lizard	Eastern Grand Cayman Blue-Throated anole	<i>Anolis conspersus lewisi</i>
Animalia	Lizard	Little Cayman Green anole	<i>Anolis maynardi</i>
Animalia	Lizard	Bush Lizard, Cayman Brac Brown anole	<i>Anolis sagrei luteosignifer</i>
Animalia	Lizard	Yellow Galliwasp	<i>Celestus crusculus maculatus</i>
Animalia	Lizard	Lesser Cayman Islands Curly-tailed lizard	<i>Leiocephalus carinatus granti</i>
Animalia	Lizard	Grand Cayman Curly-tailed lizard	<i>Leiocephalus carinatus varius</i>
Animalia	Lizard	Cayman Brac Ground gecko	<i>Sphaerodactylus argivus argivus</i>
Animalia	Lizard	Little Cayman Ground gecko	<i>Sphaerodactylus argivus bartschi</i>
Animalia	Lizard	Grand Cayman Ground gecko	<i>Sphaerodactylus argivus lewisi</i>
Animalia	Lobsters	Lobsters	Palinura species
Animalia	Lobster	Spiny lobster	<i>Panulirus argus</i>
Animalia	Scorpion	Scorpion (endemic)	<i>Heteronebo caymanensis</i>
Animalia	Slug	Slug (possibly endemic)	<i>Veronicella laevis</i>

Animalia	Snail (terrestrial)	<i>Alcudia lewisi</i>
Animalia	Snail (terrestrial)	<i>Brachypodella caymanensis</i>
Animalia	Snail (terrestrial)	<i>Cerion martinianum</i>
Animalia	Snail (terrestrial)	<i>Cerion pannosum</i>
Animalia	Snail (terrestrial)	<i>Choanopoma caymanense</i>
Animalia	Snail (terrestrial)	<i>Chondropoma caymanbracense</i>
Animalia	Snail (terrestrial)	<i>Chondropoma caymanbracense parvicaymanense</i>
Animalia	Snail (terrestrial)	<i>Chondropoma caymanense</i>
Animalia	Snail (terrestrial)	<i>Cyclopilsbrya fonticula</i>
Animalia	Snail (terrestrial)	<i>Eutrochatella fisheri</i>
Animalia	Snail (terrestrial)	<i>Geomelania alemon</i>
Animalia	Snail (terrestrial)	<i>Hemistrochus lewisiana</i>
Animalia	Snail (terrestrial)	<i>Hemistrochus streatori</i>
Animalia	Snail (terrestrial)	<i>Lacteoluna caymanbracensis</i>
Animalia	Snail (terrestrial)	<i>Lacteoluna caymanensis</i>
Animalia	Snail (terrestrial)	<i>Lacteoluna steveni</i>
Animalia	Snail (terrestrial)	<i>Lacteoluna summa</i>
Animalia	Snail (terrestrial)	<i>Lacteoluna trochella</i>
Animalia	Snail (terrestrial)	<i>Lucidella caymanensis</i>
Animalia	Snail (terrestrial)	<i>Microceramus caymanensis</i>
Animalia	Snail (terrestrial)	<i>Pineria perpusillus</i>
Animalia	Snail (terrestrial)	<i>Proserpinula lewisi</i>
Animalia	Snail (terrestrial)	<i>Spiraxis caymanensis</i>
Animalia	Snail (terrestrial)	<i>Spiraxis subrectaxis</i>
Animalia	Snail (terrestrial)	<i>Stoastoma atomus</i>
Animalia	Snail (terrestrial)	<i>Strobilops wenziana</i>

Animalia	Snail (terrestrial)		<i>Tudora rosenbergiana</i>
Animalia	Snail (terrestrial)		<i>Varicella adolescentia</i>
Animalia	Snail (terrestrial)		<i>Varicella caymanensis</i>
Animalia	Snail (terrestrial)		<i>Varicella infantia</i>
Animalia	Snail (terrestrial)		<i>Varicella pinchoti</i>
Animalia	Snail (marine)	Whelk	<i>Cittarium pica</i>
Animalia	Snail (marine)	Queen conch	<i>Strombus gigas</i>
Animalia	Snail (marine)	Alfred's turbonille	<i>Turbonilla alfredi</i>
Animalia	Snake	Grand Cayman Racer	<i>Alsophis cantherigerus caymanus</i>
Animalia	Snake	Cayman Brac Racer	<i>Alsophis cantherigerus fuscicauda</i>
Animalia	Snake	Little Cayman Racer	<i>Alsophis cantherigerus ruttyi</i>
Animalia	Snake	Grand Cayman Water Snake	<i>Tretanorhinus variabilis lewisi</i>
Animalia	Snake	Grand Cayman Ground Boa (Lazy snake)	<i>Tropidophis caymanensis caymanensis</i>
Animalia	Snake	Little Cayman Ground Boa (Wood snake)	<i>Tropidophis caymanensis parkeri</i>
Animalia	Snake	Cayman Brac Ground Boa (Lazy snake)	<i>Tropidophis caymanensis schwartzi</i>
Animalia	Snake	Cayman Brac Blind Snake	<i>Typhlops biminiensis epactia</i>
Animalia	Snake	Grand Cayman Blind Snake	<i>Typhlops caymanensis</i>
Animalia	Turtle (aquatic)	Taco River Slider (Hickatee)	<i>Trachemys decussata angusta</i>
Plantae	Plant		<i>Allophylus cominia</i> var. <i>caymanensis</i>
Plantae	Plant		<i>Argythamnia proctorii</i>
Plantae	Plant	Black Mangrove	<i>Avicennia germinans</i> (= <i>nitida</i> )
Plantae	Plant		<i>Beloglottis</i>

			<i>costaricensis</i>
Plantae	Plant		<i>Buxus bahamensis</i>
Plantae	Plant		<i>Caesalpinia bonduc</i> var. <i>caymanensis</i>
Plantae	Plant		<i>Catalpa longissima</i>
Plantae	Plant		<i>Cedrela odorata</i>
Plantae	Plant		<i>Celtis trinervia</i>
Plantae	Plant	Sister Island's Cayman Ironwood endemic	<i>Chionanthus</i> <i>caymanensis</i> <i>caymanensis</i>
Plantae	Plant	Grand Cayman Ironwood endemic	<i>Chionanthus</i> <i>caymanensis</i> <i>longipetala</i>
Plantae	Plant	Cocoplum	<i>Chrysobalanus icaco</i>
Plantae	Plant		<i>Colubrina</i> <i>arborescens</i>
Plantae	Plant	Silver Thatch Palm	<i>Coccothrinax</i> <i>proctorii</i>
Plantae	Plant	Buttonwood	<i>Conocarpus erectus</i>
Plantae	Plant		<i>Consolea</i> <i>millspaughii</i> <i>caymanensis</i>
Plantae	Plant		<i>Cordia laevigata</i>
Plantae	Plant	Broadleaf	<i>Cordia sebestena</i> var. <i>caymanensis</i>
Plantae	Plant		<i>Crossopetalum</i> <i>caymanense</i>
Plantae	Plant		<i>Daphnopsis</i> <i>americana</i>
Plantae	Plant		<i>Dendropanax</i> <i>arboreus</i>
Plantae	Plant		<i>Drypetes sp.</i>
Plantae	Plant		<i>Encyclia cochleata</i>
Plantae	Plant		<i>Erythrina velutina</i>
Plantae	Plant	Smokewood	<i>Erythroxylum</i> <i>confusum</i>
Plantae	Plant		<i>Euphorbia</i> <i>cassythoides</i>
Plantae	Plant		<i>Evolvulus</i> <i>squamosus</i>
Plantae	Plant		<i>Faramea</i>

			<i>occidentalis</i>
Plantae	Plant		<i>Iva imbricata</i>
Plantae	Plant		<i>Jatropha divaricata</i>
Plantae	Plant	Washwood	<i>Jaquinia keyensis</i>
Plantae	Plant	White Mangrove	<i>Laguncularia racemosa</i>
Plantae	Plant		<i>Licaria triandra</i>
Plantae	Plant	Lignum Vitae	<i>Lignum vitae</i> ( <i>Guaiaacum officinale</i> )
Plantae	Plant		<i>Margaritaria nobilis</i>
Plantae	Plant	Little Cayman & Cayman Brac Banana Orchid	<i>Myrmecophila thomsoniana minor</i>
Plantae	Plant	Grand Cayman Banana Orchid	<i>Myrmecophila thomsoniana thomsoniana</i>
Plantae	Plant	Orchid	<i>Oeceoclades maculata</i>
Plantae	Plant		<i>Phyllanthus caymanensis</i>
Plantae	Plant	Cayman Islands endemic	<i>Pilostyles globosa</i> var. <i>caymanensis</i>
Plantae	Plant		<i>Rauvolfia nitida</i>
Plantae	Plant	Red Mangrove	<i>Rhizophora mangle</i>
Plantae	Plant		<i>Ruppia maritima</i>
Plantae	Plant	Glassworts	Salicornia species
Plantae	Plant	Inkberry	<i>Scaevola plumieri</i>
Plantae	Plant	Grand Cayman endemic	<i>Scolosanthus roulstonii</i>
Plantae	Plant		<i>Sophora tomentosa</i>
Plantae	Plant		<i>Tillandsia festucoides</i>
Plantae	Plant		<i>Trichilia havanensis</i>
Plantae	Plant		<i>Turnera triglandulosa</i>
Plantae	Plant		<i>Zanthoxylum coraceum</i>
Plantae	Plant		<i>Zamia integrifolia</i>
Plantae	Plant		<i>Zanthoxylum flavum</i>

Plantae	Plant (marine)	Eel grass	<i>Halodule wrightii</i> (= <i>ciliate</i> / <i>bermudensis</i> / <i>beaudettei</i> )
Plantae	Plant (marine)	Manatee grass	<i>Syringodium filiforme</i> (= <i>Cymodocea manitorum</i> )
Plantae	Plant (marine)	Turtle grass	<i>Thalassia testudinum</i>
Proctoctista	Plants (marine)	Green algae	Chlorophyta species
Proctoctista	Plants (marine)	Brown algae	Phaeophyta species
Proctoctista	Plants (marine)	Red algae	Rhodophyta species

**SCHEDULE 2**

Section 3

Composition of the Council

1. The Council shall consist of the following voting members-
  - (a) the Director or his nominee from the Department of the Environment;
  - (b) the Assistant Director of Research in the Department of the Environment;
  - (c) the Permanent Secretary in the Ministry with responsibility for the environment or his nominee from the Ministry;
  - (d) the Chief Agricultural and Veterinary Officer or his nominee from the Department of Agriculture;
  - (e) the Director of Planning or his nominee from the Department of Planning;
  - (f) a person nominated by the National Trust; and
  - (g) five persons appointed by the Governor in Cabinet, including at least one a resident of either Cayman Brac or Little Cayman and two selected from a list of persons with appropriate scientific or other relevant expertise compiled for that purpose by the Director.
2. The Council shall elect a Chairperson from among its members.
3. Members of the Council appointed under paragraph 1(g) shall hold office for a term of two years and shall be eligible for re-appointment.

**SCHEDULE 3**

Section 9

Management Plan

A management plan shall contain-

1. A description of the natural resources and physical features of the protected area with a particular emphasis on endangered, threatened and endemic species and their habitats.
2. The goals and purposes of the protected area and the problems that must be addressed in order to achieve those goals and purposes, including but not limited to-
  - (a) threats to the proper ecological functioning of the area;

- (b) current and future demands for the use of the area and its resources;
- (c) traditional uses and rights;
- (d) planned or potential development in the vicinity; and
- (e) the need for any buffer zones to safeguard the purposes of the area.

3. A description of the management, administrative, scientific and support needs required to achieve the goals and purposes of the protected area, including but not limited to-

- (a) permit and licensing systems;
- (b) regulation of and restrictions and prohibitions on use;
- (c) zoning areas;
- (d) the co-ordination of the work of government departments, agencies and statutory authorities;
- (e) plans for the surveillance and monitoring of and research into all natural resources;
- (f) enforcement of the provisions of this Law;
- (g) budgeting, revenue generation and fundraising;
- (h) staffing; and
- (i) involvement of the local community.

Passed by the Legislative Assembly this      day of                      2009.

Speaker.

Clerk of the Legislative Assembly.