

Application /re-submission 19147; 18 October 2023: Boatyard at Mt Hartman Bay

The Coral Cove Group (CCG) is a community of some 320 individuals and group representatives made up of residents of the L'Anse aux Epines (LAE) community, regular visitors to the area from within Grenada and from overseas, environmental groups, civil society organisations and NGOs.

The referenced application is for a boatyard for the storage, repair and maintenance of 150 boats on five acres at the apex of Mt Hartman Bay. It seeks consent for a commercial boatyard with a haul-out facility (mobile crane), a slipway, a two-storey office building, a restaurant and bar, sublet workrooms, a two storey apartment building and other auxiliary services. Regrettably, despite knowing of the community's deep concern, the Authority did not see fit to inform any community group that a re-application had been submitted on 18th October 2023. We were not aware of it until late December and then from our own initiative rather than from the Authority's. We are very concerned that the Authority has not actively sought community views (see s. 2.0 below).

We are totally opposed to a boatyard development in this location. Our government agencies responsible for agriculture, health, environment and climate resilience have also registered problems that this boatyard will create in this location. It is clear that available mitigation measures cannot reduce the serious adverse effects to acceptable levels. We encourage the Authority to reject this application unequivocally and to state that the site is not suitable for this use now or in the future. If Grenada really needs another boatyard, there are more suitable locations.

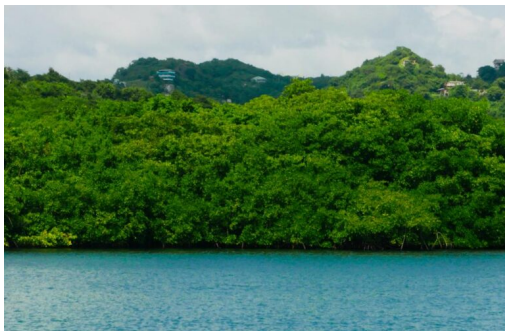
1.0 Adverse effects on the environment, the community and nature

Adverse effects include the following.

- Permanent destruction of old and established mangroves
- Contamination of the bay with aquatic poisons
- Incompatibility with adjoining residential, recreational and tourism uses
- Piling, dredging and disturbance of the seabed
- Removal of natural habitat and violation of international agreements
- A significant increase in the number of boats discharging waste into the bay

1.1 Permanent destruction of old and established mangroves

The Bay frontage of the site is lined with ancient and healthy mangroves.



The sea edge of the site onto Mt Hartman Bay

These will have to be removed for the construction of a slipway, a haul out crane ramp and hardstanding for boat storage on cradles and props. The Environmental Impact Assessment (EIA) claims that approximately 80 feet of mangrove will be removed permanently to allow access to the sea for the haul-out ramp and slipway. But this is not what is shown on the scaled plans. These indicate that up to double this amount will have to be removed for this purpose alone.

In addition, inspection of the application plans indicates that the adjacent section of mangroves defined as “undisturbed” in the application documentation (EIA) will also have to be removed for the construction of hardstanding with boulders wrapped in Geotextile fabric down to the sea. The seabed will be dredged to allow boats to manoeuvre and approach the haul out area thus removing any possibility for replanting of mangroves in the future since there will be nothing to plant them in.

Destruction of the native mangroves is now a very important issue in Grenada. They protect the coastline including reducing the effects of storm surges, they filter the water and provide nursery conditions for much marine life including, when adult, the fish caught by the local fishing industry and consumed locally.

In his review of the original application, the then Chief Agricultural Officer, Trevor Thompson, stated:

“The mangroves provide a natural stabilization and filtration system which is essential to the survival of the ecosystem of the bay. They filter the incoming runoff water from the surrounding areas, as well as form part of the nursery system for fish and other aquatic species that are part of the biodiversity of the area. Removal or destruction of the mangroves in order to facilitate the construction of the boatyard and marina will severely affect the quantity and quality of sediments, which enter the sea. In addition, the fish and other aquatic species indigenous to the area will therefore lose the area where some would usually spawn and pass their juvenile stages and others will live out their entire lives.

The mangroves also perform the function of stabilization of the edge of the waterways, which will be lost on its removal. This can lead to erosion of the banks of the waterways, especially during periods of heavy rainfall. In addition, the weight of the machinery, building installations, boats etc. can cause instability of the banks, if remedial action is not taken.

Additionally, the filtration function performed by the mangroves will be removed, allowing the entry of additional sedimentation into the bay, affecting the flora and fauna.

Mangroves also form an essential part of the habitat of the Grenada Dove, which will be destroyed during this proposed construction.”

The Birds Caribbean NGO website notes:

The Mt. Hartman Estate also encompasses the largest expanse of black mangroves on the island, as well as red mangroves, providing an important “nursery” for fisheries stock to the Woburn fishing community. The mangroves and wetlands act as a buffer zone for land-based pollution, and a natural filter for water. Mangroves have repeatedly been shown to provide protection from storms, hurricanes, and floods. The two wetlands provide critical habitat for numerous species of resident and migratory shorebirds and waterbirds, including many species of conservation concern.
<https://www.birdscaribbean.org>

To allow the destruction of any amount of mangroves in this important location will set a precedent and open the door to further destruction around Mt. Hartman Bay. The LAE community has recommended the area be designated an Environmental Protected Area (see 1.3 below) in which no destruction of natural habitat is permitted.

1.2 Contamination of the bay with aquatic poisons

Boatyards exist to store, repair and maintain boats. Engine and boat maintenance, power washing and wet and dry sanding to remove old antifouling paint, painting etc. produces run-off of chemicals and contamination of soil, ground water and sea building up over time. Antifouling applied to boat hulls is toxic to aquatic life. Most antifouls are now copper or zinc based and some of the compounds used can accumulate in marine organisms and into marine wildlife further up the food chain – and into humans. Concentrated amounts enter the marine environment during the removal of antifouling paint, which occurs mostly by water blasting or mechanical scraping and sanding and can form concentrated deposits in the sediments around boatyards and marinas. Chemicals like Muriatic Acid are often used in preparing the boat hulls for new toxic antifouling paint. Even with some re-cycling of wash water using a wash pad, poisons eventually reach the sea. Studies from boatyards around the world show that, even with high standards of re-cycling, soil and sea contamination with copper, zinc and even lead is prevalent despite the latter having been banned for decades. No such wash pad appears on the application plans.

With the absence of strong sea currents to clear out this dead-end of the Bay, chemical (and biological) contamination will threaten the existence of marine life and could result in increased green algae growth in the closed end of the bay affecting residents and Secret Harbour and would be fatal to marine life.

Some examples of studies of how boatyards contaminate and pollute are shown below.

Contamination of a boatyard for maintenance of pleasure boats

Britta Eklund, Lisen Johansson , Erik Ytreberg. *Journal of Soils and Sediments*, 2014

Source identification and assessment of sediment contamination of trace metals in Kogarah Bay, NSW, Australia

YM Alyazichi, BG Jones, E McLean. *Environmental Monitoring and Assessment*, 2015

Pleasure boatyard soils are often highly contaminated

B Eklund, D Eklund. *Environmental Management*, 2014

Metal contamination at recreational boatyards linked to the use of antifouling paints - investigation of soil and sediment with a field portable XRF

M Lagerström, M Norling, B Eklund. *Environmental Science and Pollution Research International*, 2016

Marine pollution from antifouling paint particles

A Turner. *Marine Pollution Bulletin*, 2010

Trace metals in antifouling paint particles and their heterogeneous contamination of coastal sediments

N Singh, A Turner. *Marine Pollution Bulletin*. 2009

Should it be useful for the Authority's review and evaluation, we could provide abstracts of the essential findings of this and other research.

The Ministry of Agriculture and the Ministry of Climate Resilience and the Environment also raised serious concerns about contamination.

1.3 Incompatibility with adjoining residential, recreational and tourism uses

Boatyards are noisy and dirty and visually intrusive (with chain link fencing and razor wire for security) and boatyard use is incompatible with the existing residential, leisure and boutique hotel uses in the LAE area. It will blight any tourism related uses on Mt Hartman including an upmarket hotel or medical tourism.



A typical boatyard

The community-led Local Development Plan (LDP) for LAE was recently submitted in draft to the Authority under the Physical Planning and Development Act 23, 2016, Part III (the Act). It is clear that a boatyard is a totally unsuitable use in this location. The LDP recommends the coastal area of Mt Hartman be designated as an Environmental Protected Area (EPA) under the Act, S. 48. Community consultation by CCG of its 320 subscribers shows total opposition to a boatyard in this location with not a single respondent in favour. The LDP states:

“A proposal to develop a commercial boatyard on the five acres of adjacent Mt Hartman land has been opposed by the community in the courts resulting in no development occurring and expiry of the planning consent. A boatyard is an inappropriate use for this land requiring the removal of mangroves lining the coast, dredging and piling of the seabed and producing aquatic poisons as boats are stripped of old antifouling paints and repainted. Over development and/or inappropriate development of Mt Hartman could have extensive adverse impact on LAE including removal of natural land habitat, contamination of Mt Hartman Bay and marine life, coastal protection and mangrove loss, visual impact as natural dry forest and mangroves are replaced with concrete, and water supply and traffic generation issues.”

A boatyard in this pristine location would make another big hole in our “Pure Grenada” branding – already looking a bit thin – and in our international environmental protection agreements (see 1.5 below).

The noise and toxic dust of boatyard operations and the planned bar/restaurant so close to adjacent residences will make them uninhabitable and risk legal challenge and damages claims.

1.4 Piling, dredging and disturbance of the seabed

The EIA states that the seabed will be dredged to a depth of 7 feet to allow boats up to 100 feet in length to manoeuvre and approach the slipway and crane ramp of 70 tonnes capacity (EIA s.2.3.1). In practice, 7 feet

is likely to be insufficient – larger yachts have drafts of 6-7 feet – and the dredging must continue out into the shallow bay to allow boat access. The crane lift ramp will extend 96 feet into the Bay (EIA Fig 2.9). Landfill works will be extensive and up to the waters edge. The boat haul out slope tracks will be piled into the seabed. The site will no longer have natural vegetation to slow and absorb rainwater run-off, which will be collected in a series of concrete box drains and discharged to the sea (the hardstanding created must be solid or concrete so that boats can be securely strapped down during storage as demanded by hurricane boat insurance). All of these will cause silting and increased turbidity in Mt Hartman Bay adversely affecting marine life, residents and Secret Harbour. This will wreck the natural eco-system of the marine environment. Disturbed sediment and surface silt run off will pollute the Bay. The Ministry of Agriculture commented on the original application *“dredging and piling will destroy the natural habitat of the existing aquatic species”* with negative effects on *“the population of lobsters and queen conch which currently form part of the biodiversity of the area”*.

The application is unclear about a marina/floating jetty component. Some drawings show a floating deck with boat spaces, some do not. EIA Figure 1.1 (s. 1.3) shows a floating deck to the front of the site and a second at the eastern end in front of someone else’s land; Fig 2.4 has a label in the sea “Floating deck” but shows nothing; Fig 2.5 shows a floating deck at the western end of the site in a position requiring boats to access via water in front of someone else’s land; Fig 2.6 shows nothing. The EIA states that although one is shown on Fig 2.5 of the EIA, *“a floating jetty has since [been] removed from the development plans”*. So it appears that it is not part of the application and, in any case, a proposal for a marina/floating jetty has not been subject to an EIA so cannot be granted permission as part of this application (S. 22 (3) of the Act).

The EIA was completed and submitted in February 2022 before architectural and engineering plans were available and submitted in May 2022. The EIA clearly states that a marina is not part of the application yet as late as 22 July 2022 the Authority’s Environmental Committee Status Report states that there will be a “floating deck accommodating forty six (46) berths”. It would appear that up to shortly before approving the original application on 30 August 2022 the Authority had not read the EIA in any detail. Indeed, the Grant of Permission of 30 August 2022 still includes “a marina” for which there are no drawings and no evaluation in the EIA studies. To give planning consent to a marina component without an EIA would be procedurally improper under the Act and open to legal challenge.

In practice it is not clear how a boatyard could operate without a floating jetty to moor boats waiting to be hauled out or waiting to voyage after being re-floated and there would appear to be insufficient room for this without encroaching on the waterfront of the neighbouring properties.

1.5 Removal of natural habitat and violation of international agreements

The proposed boatyard would remove 5 acres of dry scrub woodlands and mangroves and replace them with concrete ramps, decking, hardstanding for boat storage and various buildings. This area of Mt Hartman is habitat for small mammals, reptiles and birds including the endangered Grenada Dove. The site is also about 1.2 km from the Woburn Clarke’s Court Bay Marine Protected Area (MPA) and about 0.75 km from the Mt. Hartman National Park Grenada Dove Sanctuary. Destruction of this habitat would be another blow for conservation. Dredging, piling and contamination would destroy the seagrass bed needed by turtles including green turtles and critically endangered hawksbills and other marine life of the Bay.

Grenada is a party and signatory to a number of regional and international conventions protecting species and marine and coastal eco-systems, including:

- UN Convention on Biological Diversity

- UNESCO Convention for the Protection of the World Cultural and Natural Heritage
- Convention for the Protection and Development of the Marine Environment of the Wider Caribbean (a legally-binding regional agreement under the United Nations)
- UN SPAW Convention (Protocol for Specially Protected Areas and Wildlife)
- Convention on International Trade in Endangered Species (CITES).

As a signatory of United Nations Educational, Scientific and Cultural Organisation’s (UNESCO) Convention for the Protection of the World Cultural and Natural Heritage, Grenada is required “To ensure that effective and active measures are taken for the protection, conservation and presentation of the cultural and natural heritage situated on its territory . . .” (Article 5). ‘Natural heritage’ includes “areas which constitute the habitat of threatened species of animals and plants of outstanding universal value from the point of view of science or conservation”.

Grenada is a member of the Caribbean Regional Ocean Scape Project (CROP) and the Eastern Caribbean Regional Ocean Policy (ECROP) aiming to achieve the “Blue Economy” to ensure the use of oceanic resources is sustainable through the maintenance of ocean ecosystems. Grenada receives financial and technical support for these from the Global Environment Fund through the World Bank and, through the OECS, the EU is funding the Biodiversity Support Programme for Coastal Environments (BioSPACE).

The Planning and Development Authority has statutory duties under the Physical Planning and Development Control Act, 23, 2016 (s 38) as “the national service for the identification, protection, conservation and rehabilitation of the natural and cultural heritage of Grenada, in accordance with the United Nations Educational, Scientific and Cultural Organisation’s Convention for the Protection of the World Cultural and Natural Heritage, to which Grenada is a party.” The destruction of mangroves and the contamination of aquatic life are not actions protecting the natural heritage and are now vital issues for Grenada. This is the wrong place for a boatyard.

1.6 A further increase in the number of boats discharging waste into the bay

Mt Hartman Bay is already over-populated with leisure boats. Whilst the Secret Harbour marina is small with limited capacity, many more boats are moored to buoys or anchored. These boats discharge untreated human waste – and often pet waste -into the Bay. They also pump out bilge water containing engine oil and other contaminants. The addition of a boatyard of 150 boat capacity will add considerably to this problem and the location at the top of the Bay means that wastes will not be flushed out by currents into the open sea but will remain more concentrated within the Bay.

2.0 Rights to participation in environmental decision making

The Physical Planning and Development Control Act, 23, 2016 is clear that an EIA is required for this application (s.22 (1), (2) and (3)) and provides a legitimate expectation that there shall be “procedures for public participation in the Environmental Impact Assessment process, and public scrutiny of any report on an Environmental Impact Assessment submitted to the Authority.” S.22 (4) (e). The Act requires the “Authority shall maintain a register containing particulars of . . . the development, which is the subject of the application.” (s. 69 (1) (a)) and “any person is entitled to access to the information recorded in it free of charge and to take copies of the information on payment of the prescribed fee.” (s. 69 (4)). A statutory duty of public consultation also arises at common law in that it would be irrational not to consult on such a significant development and that not having done so would itself provide a case for judicial review – the

more so since the Authority was patently aware of community concern from the judicial review claim against the first planning application granted consent on 30 August 2022.

Grenada has been a signatory of the Escazú Agreement since 26 September 2019, ratified on 20 March 2023 (<https://www.cepal.org/en/escazuagreement>). The Agreement guarantees the full and effective implementation of the rights of access to environmental information, public participation in the environmental decision-making process and access to justice in environmental matters, and the creation and strengthening of capacities and cooperation, contributing to the protection of the right of every person of present and future generations to live in a healthy environment and to sustainable development. Of particular relevance, it ensures the public's right to participation and, for that purpose, commits to implement open and inclusive participation in environmental decision-making processes. The rights guaranteed by the Agreement must be honoured by Government and its agents and can be enforced directly through the courts.

3.0 Comments on the Environmental Impact Assessment

The EIA Executive Summary highlights and emphasises only three adverse impacts:

- siltation of the nearshore marine environment during land clearing, excavation and reclamation during periods of intense or prolonged rainfall
- air pollution from windblown dust from cleared land and trucks
- added stress on the public water supply.

Although other impacts and suggested mitigation measures are mentioned (EIA s. 6 and s. 7) we do not consider that many impacts have been given sufficient weight or that suggested mitigation measures could deal acceptably with those impacts. Government experts from Ministry of Climate Resilience and Environment, Ministry of Health and Ministry of Agriculture also raise many of these points. Issues include:

- the adverse effects of poisonous chemicals run-off entering the food chain
- the adverse effects of airborne chemical particles on neighbouring residents and visitors
- the adverse effects of dredging on the marine environment
- the adverse effects of piling of the seabed on the marine environment
- the run-off of silt and pollution in the daily operations of boat scraping and power washing and the increased run-off caused by removal of all natural vegetation (the EIA assessment of site drainage was done before a drainage plan was prepared and available to assess)
- the effects of sewage treatment effluent flows discharged to the sea (the EIA states that effluent flows will be used for landscape irrigation needs and the surplus discharged to the sea – s. 2.4.6)
- destruction of the mangroves and erosion of the natural environment they sustain and contain including water filtration and nursery functions for sea life and the resulting negative impact on the local fishing community

- dust from vehicles accessing and leaving the site on an unpaved road during operations (47 parking spaces) affecting neighbouring residents and Secret Harbour
- noise from repair activities and restaurant music and entertainment only a few feet from residences
- light pollution from security floodlights all night (all other boatyards in Grenada have this) adversely affecting residences and wildlife.

All of these are health hazards, safety risks or environmental degradation impacts that should be taken into account in evaluating and deciding the application. The scientific research literature shows incontrovertibly that boatyards are the source of dangerous contamination – see examples listed above – and we submit that this is incompatible with adjacent residential, leisure and tourism uses, protection of the natural environment and the local fishing industry. These hazards cannot be sufficiently mitigated in practice to justify consent for boatyard use in this location. Once mangroves and their soil are gone they're gone and once poisons are washed from boat hulls they will eventually enter the soil and sea even if some mitigation measures may slow the process. 'Mitigated' does not mean eliminated.

The fact that the original application was approved is not relevant to the decision the Authority will make on this re-application. Evaluation of the original application was completed by the previous Board of the Authority without community consultation. Because the community was not made aware of the original application until well after consent had been given, we were unable to bring community objections to the Authority before it made its decision. This time we are able and, for the reasons summarised in this submission, we request the Authority to take full account of the strong technical and social objections of the community – and relevant government and private sector experts - and reject this application.

Coral Cove Group
contact@coralcovegrenada.org