



14 June, 2013

The Rt. Hon. Perry Gladstone Christie
Prime Minister & Minister of Finance
Sir Cecil Wallace Whitfield Centre
PO Box CBI0980
Nassau, The Bahamas

Dear Prime Minister Christie,

We, are writing to you with regards to the unregulated development taking place at Blackbeard's Cay (Balmoral Island) and to request that the development of the intended dolphin facility, be stopped immediately.

Our research has uncovered that this development has circumvented the proper channels and is in breach of the Planning and Subdivisions Act, Marine Mammal Protection Regulations, Animal Protection and Control Act and Port Authority Act, for all of the reasons outlined below.

The Blackbeard's Cay (Blue Illusions Ltd) development was approved by the National Economic Council on 22nd November 2011, and by the Town Planning Committee on 22nd November 2012. At no point did the Department of Physical Planning or the Town Planning Committee hold any public consultation in the form of a "Public Meeting" as is legislated in Clause 14 and 15 of the Planning and Subdivisions Act, stated thus:

14. Notice of Public Meeting for Land Use Plan Amendment. Within twenty-one days after a complete application for a Land Use Plan Amendment has been submitted to the Department, the Director shall give notice to the public of the application and the public meeting in accordance with the Regulations.

15. Public Meeting for Land Use Plan Amendment.

(1) A public meeting shall be held by the Department to present the Land Use Plan Amendment application to the public and to afford discussion between the public and the Department regarding any issues or concerns of the application.

(2) A public meeting shall be held within two months after the complete application is received by the Department in accordance with the Regulations and at least fourteen days after the notice of public meeting is given in accordance with section 14.

(3) Public meetings shall not form part of the public record for applications and shall be informal and solely for the purpose of informing and answering questions from the public.

We write to voice our objection, as Bahamian citizens, at not being consulted on this venture and not being afforded an opportunity to weigh in on the development.

Additional requirements of the Planning and Subdivisions Act, in Clause 33(1) (a-g), are that an Environmental Impact Assessment (EIA) and Statement be submitted showing all impacts of the development on the surrounding environment and suitability for the development. The Bahamas Environmental Science Commission confirms that no EIA was ever conducted on this facility:

33(1) An Environmental Impact Statement is required to be submitted to the Department as part of any proposed type of development which is —



- (a) likely to give rise to significant effects on the environment by virtue of its nature, size or location;*
- (b) of national importance;*
- (c) proposed for sensitive lands or for lands with natural importance;*
- (d) significant in terms of size or complexity;*
- (e) of a nature that may have potentially adverse environmental effects;*
- (f) a development of regional impact; or*
- (g) required by The Ministry of the Environment*

The location of this facility is completely exposed to adverse environmental factors that not only affect Blackbeard's Cay, but also the well being of the marine mammals it intends to home. We are concerned that the dredging, which has obviously taken place, will affect the coral and fishing beds downstream and that the fecal matter produced by the dolphins in the sea pens will negatively affect the entire area. Consider the Cozumel study conducted by Thomas J. Goreau, Ph.D. President, Global Coral Reef Alliance, that demonstrated how the fecal matter produced by dolphins kept in sea pens had negatively affected a reef system miles downstream by smothering it in a layer of algae. This is worrying given the fact that the Bahamas National Trust is earmarking the area just West of Blackbeard's Cay as its next major protected Marine Park. We have to ask: Why have there been no Environmental Studies that speak to all of these concerns?

Furthermore we are deeply concerned at the proposal for dolphins to be held captive in this facility for a number of reasons outlined below. All are in contravention to the Marine Mammal Protection Regulations (MMPAR) and Animal Protection and Control Act thus:

1. There is no ability to quarantine animals properly as there is no way to prevent the water flow between pens, which are only separated by nets. It is stated in the MMPAR:
 - 24.(1) Every licensee shall have a quarantine program and facilities to prevent the introduction of infectious diseases.*
 - (2) There shall be a quarantine programme for the arrival of new dolphins at a facility.*
 - (3) Open water enclosures used for quarantine purposes, shall be located in a way that prevents the spread of any disease from animal to animal through natural water movement, and at a distance from other enclosures deemed adequate by the attending veterinarian after consultation with the designated veterinarian.*
2. The pens are not deep enough and are in breach of the MMPAR that states the requirement to be 9 feet. Depth readings at mid tide are currently 7 feet, they would be even lower at low tide. It is stated in the MMPAR:
 - 37 (2) Every swim area shall have a constant minimum average depth of nine feet at mean low tide.*
3. There was no evidence of a gates system to allow dolphins to be separated, therefore dolphins would have to be lifted over the current net system when they need to be separated, but there was no evidence of lifting apparatus. It is stated in the MMPAR:
 - 37 (4) Every dolphin shall be trained to recognize its non-interactive area particularly when the same is an adjoining enclosure accessed through gates.*
4. There is no protection from boat fuels or fuels being brought onto the island for use in the facility. There is only one dock where the dolphins are kept for importation of



supplies to the island. It is stated in the MMPAR:

4. No facility shall be licensed unless such facility is located —

. (d) in an area where it will not be subject to any fuel, oil or toxic chemical pollution.

And

41. (13) No fuel shall be transferred within 1000 feet of a dolphin enclosure unless appropriate measures in compliance with the local governing bodies are in place to protect marine mammals in the event of an oil spill.

5. There was no evidence of complete separation of the dolphins from the public therefore risking harassment by the public. Bare in mind the experience of two dolphin that died at Connyland zoo in Switzerland as a result of partying public throwing heroine substitute drugs into their water. It is stated in the MMPAR:

30. (1) A licensee shall cause visitors to be restricted from a dolphin area by either fencing or roping off that area in the facility.

We are further more concerned at the breaches in the Animal Protection and Control Act which make this facility inhumane and cruel.

We would assert that Blackbeard's Cay will be in contravention to the following sections of this Act by keeping dolphins in enclosures that offer no protection from the sun (dolphins suffer from sunburn), ocean surges or hurricanes, ocean traffic noise (of which there is a great deal at Blackbeard's Cay), high turbidity in the water caused by dredging at locations surrounding the cay and the probable, continual dredging at the cay necessary to maintain suitable depths. All of these aspects will undoubtedly cause the dolphins "unnecessary suffering" and would constitute as "inadequate protection from the environment...":

29. Offences of cruelty to animals.

(1) Any person who —

(e) commits or omits any act which results in an animal being caused unnecessary suffering,

...commits an offence and shall be liable on summary conviction for a first offence to a fine not exceeding five thousand dollars or imprisonment for a term not exceeding six months or both fine and imprisonment, and, for a subsequent offence to a fine not exceeding twenty thousand dollars or imprisonment for a term not exceeding twelve months or both fine and imprisonment.

(2) Any person who —

(b) keeps any animal in any enclosure without sufficient exercise, adequate protection from the environment and change of air;

A previous employee of Blackbeard's Cay informed us that 40 stingrays were enclosed there in 2008, yet only 12 of these were surviving by 2012 when the facility closed for renovations. No official from the Department of Marine Resources ever visited the site and no veterinarian was on site, as is mandated. He cited the terrible water turbidity, the ocean surges and storms, all of which ravaged the island, stripped the beach and stranded many of the animals on the shore. The location of this facility is severely flawed and it is lunacy to expect dolphins to survive this.

We question the ability of members of the Department of Marine Resources to properly assess the facility for dolphin habituation annually. To our knowledge there are no marine mammal



experts on staff who are well versed with the requirements of a dolphin environment or able to properly ascertain the health of an animal or the attributes of any enclosure.

It is our belief that this venture is headed by St Maarten national – Samir Andrawos. This is an individual under considerable speculation and allegations of corruption and bribery in his own country and we object to the approval of this individual for any lease, or operation, or management of our lands. How has this individual been allowed to come into our country and completely circumnavigate the majority of our regulations on development? Our own Bahamian nationals are bogged down in bureaucracy yet a foreigner, and one with a tarred reputation already, can march in to Nassau, and set up business in a sector supposedly reserved for Bahamians, with very little hindrance. This is unacceptable.

We, along with our international allies, have contacted the Carnival Cruise Lines to inform them of our opposition to this venture and we will continue to pressure them to cease from the promotion of captive dolphin facilities and instead, promote sustainable environmental excursions that herald our rich culture, natural assets and history and which do not exploit animals. We are confident that this continued global pressure will be successful as Carnival Cruise UK stopped promoting captive dolphin excursions in 2010, citing them “unsustainable”. It is only a matter of time before their US counterparts follow suit.

“...in order to maintain its commitment to the environment Carnival UK has elected not to operate tours which involve interaction with captive dolphins”

(Carnival UK Sustainability Report 2010).

With a changing tide in the worlds tourism markets towards a more sustainable, environmentally conscious model of interaction with nature, we wonder why The Bahamas appears to be supporting an excursion model which has long since passed its sell by date. We see that there are also plans surfacing for a fifth dolphin facility in Grand Bahama East End as heralded by Ian Fair in the Nassau Guardian and Tribune which we will also publically oppose.

Other countries are fast amending their legislation to adopt bans on dolpinariums (Australia, New Zealand, Hungary, United Kingdom, Chile, Cyprus, Croatia, Slovenia, Iceland, Norway, Costa Rica, and most recently India) recognizing that these sentient beings are not well conserved, or cared for, in facilities that limit their biological instincts.

We have been trying to get to the bottom of this venture since February and have been stonewalled by varying Government Ministries. Minister Gray in Agriculture, Marine Resources and local Government kindly gave us a meeting on Monday June 10 but then spent 13 out of the 15 minutes allocated to us on the phone to someone else. He then told us that the dolphin import permits had been approved 3 weeks ago for the importation of 2 dolphins and that we were meeting with the wrong person. Interesting that the Director of Fisheries, Michael Braynen, advised us on June 6th that there were no permits issued and then on June 12 that Blackbeard’s Cay had requested permits for 8 dolphins. We have requested meetings with yourself, Minister of Tourism and Minister Dorsett in Environment have been but been put on the back burner. We have also requested information from the Port Authority, the Bahamas Environmental Science Commission and the Bahamas Investment Authority and have been given none. I hope that you can understand our total frustration at the lack of transparency cooperation



from your Government. Is there something to hide?

We respectfully request a meeting with you to discuss this venture and to openly discuss the viability of it given our concerns. We also request a full review of this enterprise and a written response to our letters.

Yours Sincerely,

A handwritten signature in black ink that reads "Sam Duncombe". The signature is fluid and cursive, with the first name "Sam" being more prominent.

Sam Duncombe
Director

cc. The Hon. Kenred Dorsett
The Hon. Obediah Wilchcombe
The Hon. Philip Davis