

EIGHT SIGNIFICANT PROBLEMS WITH THE ENVIRONMENTAL IMPACT  
ASSESSMENT DOCUMENT FOR THE PROPOSED LIGHTHOUSE POINT PROJECT

Dinah Bear, Esquire\*

Thank you and greetings to everyone. I am going to briefly outline 8 major problems with the document characterized as the Environmental Impact Assessment for Disney Cruise Line's proposed Lighthouse Point development.

1. *Purpose of EIA:* This document suggests a fundamental misunderstanding of the purpose of EIA. The purpose is not to document the impacts of a decision that has already been made and suggest a bit of mitigation. Rather, the highest purpose of EIA is to evaluate the environmental and related social and economic impacts of a proposed action and alternatives to that action to inform decisionmaking. As it stands, the document does not conform to international and U.S. standards for EIA.
2. *Alternatives:* Everyone thinks about alternatives when they make personal decisions. And indeed, we are told that Disney considered alternative locations for this proposed project. But this isn't just a private decision – it's a public one that will affect the communities, wildlife and environment of this island for a long time, possibly centuries. The EIA needs to identify both site and project alternatives and analyze their impacts for public review and comment. Alternatives are a required part of EIA in many contexts, including implementation of international agreements to which the Bahamas is a party – The Convention on Biological Diversity and the Ramsar Convention on wetlands. And it's the Bahamian law!
3. *Scope of Analysis:* The preponderance of effects analysis and mitigation measures in this document focus on construction of the project. Those are important effects, but the longest lasting effects may well be from the presence of thousands of people recreating in the area and the necessary support systems, such as transportation, to keep the resort. That analysis is woefully lacking.
4. *Cumulative effects/climate:* To properly analyze such effects, the EIA should identify not only the environmental baseline and the effects of construction and operations of the proposed resort, but also analyze those impacts along with the synergistic effects of other actions occurring now and in the foreseeable future that will affect this part of Eluthera. An overwhelmingly significant aspect of such analysis must be related to climate change, including sea level rise – not just the impacts of the project on climate change, but very importantly here, the effects of climate change on affected resources, such as fish stocks, and on the project itself.
5. *Missing baseline data:* The document reveals some very important gaps in baseline information – for example, do sea turtles nest on these beaches? What are the migration patterns of bonefish and how will they be affected? Are there coral reefs within the project footprint? How will the project likely affect island communities? The document has 3 paragraphs on surrounding communities that explain where the Bahamas and Eluthera are and the size of the human population. This is totally unsatisfactory. The EIA should include analysis of the likely impacts of the project on the culture and social structure of the island, as well as the economic effects.
6. *Secret studies:* Then there is analysis that apparently has been done but that has not been shared with the public. For example, Appendix H presents summary tables and charts of the economic study but not the study itself. Why not? Does the study address only beneficial impacts of the project?

7. *Superficial or no analysis*: The analysis of effects is quite superficial for a number of issues and focuses primarily on positive impacts. For example, for the proposed transformation of the road leading into the project area from a road that currently a road that will have the capacity to service more than 15,000 vehicles a day through dry, broadleaf evergreen forest, the analysis is “greater mobility”; not a word about the effects on the forest.

8. *Mitigation suggestions*: The document promises much in the way of mitigation . . . much of it to be developed sometime in the future . . . and much of it presented as options, to be informed by an Environmental Management Plan (EMP) and adaptive management. But the document fails to provide for an adequate foundation for adaptive management and the purpose of an EMP by failing to provide adequate analysis to set responsible benchmarks. It remains unclear what Disney is actually committing to in the way of mitigation and what the likely effects of the mitigation might be if implemented.

**Conclusion**: This is a very disappointing show by such an iconic American company that has long been identified with spotlighting nature. The Walt Disney Company has said that it would approach this project with the same level of environmental stewardship and sensitivity that it brings to other Disney projects around the world.” I can say with confidence that this document would never be published in the shape that it’s in right now in California, the birthplace of Disneyland and the Disney company.

**RECOMMENDATION**: A revised or supplemental EIA document informed by comments and expert analysis on this draft should be circulated for public review and comment.

\* *Credentials*: Ms. Bear oversaw the implementation of environmental impact assessment procedures in 85 federal agencies in the United States for 25 years, as Deputy General Counsel and General Counsel for the President’s Council on Environmental Quality. Additionally, she headed exchanges on environmental law and environmental impact assessment with Japan and the USSR and was involved in international negotiations regarding environmental impact assessment. She independently reviewed this document at the request of Waterkeepers Bahamas.

#### References:

*United Nations Environmental Programme, Goals and Principles of Environmental Impact Assessment*

*Principles of Environmental Impact Assessment Best Practice*, International Association for Impact Assessment, in cooperation with Institute of Environmental Assessment, UK

*Directive 2011/92/EU of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment, as amended by Directive 2014/52/EU*

*Strengthening Environmental Impact Assessment: Guidelines for Pacific Island Countries and Territories*, Secretariat of the Pacific Regional Environmental Programme, United Nations Environmental Programme

*Environmental Impact Assessment and Strategic Environmental Assessment*, Convention on Wetlands

*Biodiversity-Inclusive Impact Assessment in the Context of the Convention on Biological Diversity and the 2030 Agenda: Ways Forward*, Secretariat of the Convention of the Convention on Biological Diversity

Environmental Impact Assessment Regulations, 2020, Official Gazette, The Bahamas, Reg. 5(2)), 2<sup>nd</sup> Schedule, 9/15/20.

National Environmental Policy Act

Environmental Impact Assessment of Nongovernmental Activities in Antarctica

State of Hawaii environmental impact statement rules