

COALITION TO PROTECT CLIFTON BAY

## KEEPING UP THE FIGHT!



MOSS PLANTS BAHAMIAN FLAG ON LAND AT NYGARD CAY TO HIGHLIGHT CAMPAIGN



ACTIVISTS SEEK NYGARD PERMITS COURT ORDER

**Coalition in major freedom of information push**  
Private sector group promises 'financial and technical' resources to government if needed to get FOIA enacted

**BUSINESS**  
Lyford residents challenge govt over Nygard consultation

By NEIL HARTNELL  
Tribune Business Editor  
Environmental activists are seeking a Supreme Court Order that would compel Peter Nygard to produce documents showing all dredging/construction activities in the sea off his Lyford Cay homes had been approved by the Government.  
The Coalition to Protect Clifton Bay, now Save the Bays, in a December 18, 2013, summons, is calling on the Court to force the Canadian fashion designer to provide

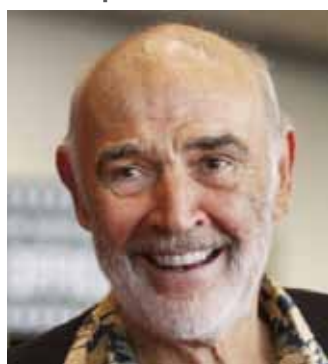
[www.savethebays.bs](http://www.savethebays.bs)

Connect with us



# Lyford residents challenge govt over Nygard consultation

Sir Sean Connery, Sarkis Izmirlian and a former U.S. senator among those claiming consultation 'not adequate'



Sir Sean Connery  
Actor



Sarkis Izmirlian  
Chairman & CEO, Bahamar



Nicholas Brady  
Fmr. U.S. Senator & Treasury Secretary

Originally Published in The Nassau Guardian

By: Alison Lowe

July 9th, 2014 Over 100 residents of Lyford Cay have taken legal action against the Bahamian government over what they claim is a botched public consultation process regarding fashion mogul Peter Nygard's plans for his property in the community.

Actor Sir Sean Connery; former U.S. Senator and Treasury Secretary Nicholas Brady; billionaire American hedge fund manager Louis Bacon; businessman, adventurer and philanthropist, Sir Christopher Ondaatje, and Sarkis Izmirlian, chairman and chief executive officer of Baha Mar, the \$3.5 billion mega-resort currently under development on New Providence, are among the 103 applicants in the action, filed Monday.

The legal action launched by the high-net-worth residents is intended to challenge how the government went about a 21-day public consultation process initiated with respect to certain building and land-related

applications made by Nygard.

The action claims that residents are "very concerned about significant environmental degradation that has been caused" by Nygard's development activities at the property to date.

Nygard, purported to be worth close to \$900 million, owns a lavish Mayan temple-inspired compound at the tip of Lyford Cay. He is seeking permission from the government to gain rights over certain areas of land surrounding his property and to develop certain structures there.

The Lyford Cay legal action, seeking a judicial review of the process, claims the government-initiated consultation was not "proper or adequate" and ultimately "unlawful", as critical information about the application made by Nygard and reports commissioned by the government with respect to his earlier development activities were not made public prior to its close on July 8.

Information that was not provided for viewing

includes a site plan produced by Nygard that is expected to outline what exactly Nygard is planning on building on his property.

Maintaining that, as residents and neighbors of Nygard, they have a right to have their views on his application considered before any decision is made by the government on Nygard's requests, the residents also argue that insufficient time was provided for the consultation, launched June 18.

As a result, any decision that would arise from the consultation would be "unlawful by reason of procedural unfairness", claim the residents.

The application states: "To date, despite making previous verbal and written requests for certain key pieces of information required for the purposes of making meaningful representations, (the residents) have still not been provided with this. Moving for judicial review now is thus the only way of preserving their right to properly engage in the consultation process."

**SAVE THE BAYS**  
COALITION TO PROTECT CLIFTON BAY

## Please sign Our Petition

Thank you for helping Save Our Environment...

Scan code to sign on your smartphone

or log on [www.chn.ge/15068LY](http://www.chn.ge/15068LY)

The Lyford Cay action follows another similar action filed the same day by a local environmental non-governmental organization, Save the Bays, with respect to the consultation process. Save the Bays, in its application for judicial review and an order halting the consultation until other unresolved litigation involving Nygard is determined, called the consultation process "fundamentally flawed".

Save the Bays is a longstanding opponent of how Nygard has gone about developing his property, having pointed to concerns over the environment. In particular, it has highlighted concerns that structures placed by Nygard may be blocking

the natural flow of sand on to the nearby Clifton Bay beach, made famous in the James Bond movie "Thunderball".

Brady, a former U.S. senator from New Jersey and treasury secretary under former U.S. Presidents Ronald Reagan and George H.W. Bush, who is listed as an applicant in the action, told Guardian Business on Monday: "I'm not a Bahamian citizen, but I've been coming here since 1949 and I'm a strong believer in the rule of law. As I understand it, Crown land is Crown land, and I don't think it's meant to be tinkered with. I strongly support the Save the Bays initiative, and I hope the government takes into account the

argument they have put forward. I think most of the Bahamian people I've spoken with also support them."

Another listed resident, Stuart Cove, owner of The Bahamas' leading dive operation, Stuart Cove's Dive Bahamas, said it would be a "mockery of the system" if the government approves Nygard's applications.

The Supreme Court will now consider the arguments and determine if the two suits can proceed to the next stage.

A spokesperson for Nygard Cay did not respond to messages seeking comment.

# K.B. sings the Hits for the Environment!

**NEW**

- HOLD DEY FEET TO DA FIRE
- SAVE THE BAYS
- DEY SELLING
- CONCHSERVATION
- DREAM FOR OUR BAHAMALAND
- IT'S UP TO WE
- DEY SELLING 2.0
- SWEET BIMINI

listen & watch on **YouTube**

Request songs on your favorite radio station!

# Flawed Process For Nygard Plans

Originally published in The Tribune on July 11, 2014

By RASHAD ROLLE  
Tribune Staff Reporter  
rrolle@tribunemedia.net

IN the face of mounting legal pressure and international attention, the government has been forced to extend its public consultation process on Peter Nygard's proposed expansion plans at Simms Point/Nygaard Cay for a further 21 days. In an embarrassing climbdown it has also had to admit to confusion and flaws in the process thus far.

Letters obtained by The Tribune yesterday, signed by Director of Physical Planning Michael Major and sent to Save The Bays (STB), the environmental group leading the opposition to the development, show that the consultation period has officially been extended because of the department's failure to obtain certain information about Mr Nygard's plans and its failure to disclose certain documents.

Concerned residents had requested the information and documents in order



Peter Nygard

to make meaningful representations with respect to Mr Nygard's applications.

Lawsuits were filed this week against the government by STB and wealthy Lyford Cay property owners, including Baha Mar Chairman Sarkis Izmirlian and retired British actor Sir Sean Connery, seeking a judicial review of the process.

On June 18, the government announced the start of the initial 21-day public consultation period that ended on Wednesday with respect to Mr Nygard's applications for Crown land and approvals for building,

dredging and other types of development in the surrounding seabed.

Mr Major noted in a letter dated July 6 that despite the start of the public consultation process, his department has not received applications from Mr Nygard with respect to certain "future buildings" in his site plan.

He said that Mr Nygard's "set of architectural plans displayed are incomplete and insufficient to secure a building permit."

He added: "The plans displayed represent all of the plans submitted with the application. It is customary that more

plans are required by the relevant agencies as the application progresses through the approval



Nygaard Cay

process."

Mr Major also said that copies of certain relevant documents cannot be

given to residents and apologised for not having a study that considers the sustainability of Mr Nygard's work electronically available for inspection.

"While it is not possible to provide copies of the documents for each request, three printed copies of each document are available to accommodate simultaneous inspections," the letter said. "The department will continue to make available for public inspections, all of the information submitted in respect to planning applications during the consultation period."

"We apologise for the unavailability of the

BEST Commission's web page." "In light of the initial difficulties in obtaining the digital information, consideration will be given for a reasonable extension to the consultation period."

That extension was granted in a letter dated July 9.

Earlier this week, American television personality Nancy Grace and former US Treasury Secretary Nicholas Brady were among the 103 people who jointly sued the government while expressing concerns about environmental degradation and alleged unauthorised activities by Mr Nygard that they believe have already taken place in the area.

The government's consultation exercise has been labelled a "farce" by some critics who believe that the government might try to sanction Mr Nygard's plans as a favour for his financial support to the Progressive Liberal Party (PLP) over the years.

The Tribune understands that STB will be before the Supreme Court on Monday to continue to press the case for judicial review.



## THE ENVIRONMENT SPEAKS...

**NOW LIVE ON**



**97.5 FM CABLE 951 OR LISTEN ONLINE**

**EVERY MONDAY @ 5-6PM**

**JOIN THE DISCUSSION!**



**Freeport 351-6175  
Nassau 326-8255**



**CO-HOSTED BY**  
**JOE DARVILLE** Director of Education  
**GAIL WOON** Founder of EARTHCARE  
**NIKIE SEVERE** YEA Educational Facilitator

Find more info online at [www.savethebays.bs](http://www.savethebays.bs)

Facebook SaveTheBays Twitter @SaveTheBays



# Islands In The Stream: The battle for the soul of Bimini

But many local people are themselves determined to halt the construction. "What is happening on and around that little gem in the ocean, Bimini, will go down in the history of the Bahamas as the greatest potential tragedy to an eco-system," said Joseph Darville, founder of the Save Our Bays action group.

The cruise ship pier is currently under construction, despite continuing attempts by environmentalists to halt the project through the courts.

Bimini, the island in the Bahamas beloved by Hemingway, is at war with a Malaysian consortium planning a large-scale development. And it is a battle which is turning the islanders against each other

Originally Published in The Telegraph

By: Harriet Alexander July 6th, 2014

It is the paradise retreat where Ernest Hemingway set his novel Islands In The Stream – a place so relaxing and unspoilt that the author described it as being "like the end of the world".

Bimini, the smallest habitable island in the Bahamas, may be only 50 miles off the coast of Florida, but its 2,000

inhabitants have resisted the onslaught of mass tourism – preferring to attract a small, elite clientele of divers, big-game fishermen, and Caribbean connoisseurs of Hemingway's ilk.

But now the once sleepy seafaring community is under threat. A Malaysian consortium has won approval to start bringing up to 500,000 tourists a year to a casino and a hotel on the nine-square-mile island, and is currently accused of damaging coral reefs by dredging channels

for its cruise ships.

And the development is even turning neighbours against each other, with local workers and the government, who support it, squaring up to environmentalists, opposition politicians, and marine experts such as Fabien Cousteau – grandson of the marine biologist Jacques Cousteau – who campaigned against the resort's creation.

Lloyd Edgecombe, Bimini's chief councillor, accused campaign groups of



The Ocean Dredger "Niccolo Machiavelli" during operations in Bimini

making trouble for locals who want the jobs the resort will bring. He said "a lot of offensive things about Bimini people" had been coming from such

groups. "They are basically calling the people of Bimini stupid," he said. "These outsiders are coming here and want to make an uproar."

- article continued on website: [www.savethebays.bs](http://www.savethebays.bs)

## International & Local Headlines

The Nassau Guardian | Wednesday, June 11, 2014 | B3

**BUSINESS**

**PUSH | FOIA one of a list of 'corrective measures' for economy**

The Nassau Guardian | Friday, June 27, 2014 | Section B

**BUSINESS**

Sponsored by: **ROYAL FIDELITY**

VISIT US ONLINE: WWW.ROYALFIDELITY.COM

**IDB: Freedom of Information Act 'very important'**

**SUPREME COURT MOVE OVER NYGARD EXPANSION PLANS**

By AVA TURNQUEST, Tribune Staff Reporter, [aturnquest@tribunemedia.net](mailto:aturnquest@tribunemedia.net)

been futile because the government has not disclosed enough information about the application read: "The issue as a fight among environmentalists, the Bahamas the 1960s Flipper TV series about a super-intelligent tycoon Peter Nygard and his well re- least

**QC: Don't reward \$35m Nygard 'law breaking'**

By NEIL HARTNELL, Tribune Business Editor, [nhartn@tribunemedia.net](mailto:nhartn@tribunemedia.net)

THE GOVERNMENT was yesterday urged not to reward two decades of alleged law-breaking by approving Peter Nygard's new development application, a well-known QC suggesting he had seized land worth \$35 million without permission.

Fred Smith, the Callender's & Co partner, said Nygard City's near-doubling in size by almost three acres with out the necessary permits, approvals had given its Canadian fashion mogul owner "an extremely valuable asset" of the Bahamian people's ex-

NYGARD CAY

**Court halts Peter Nygard work in Clifton Bay area**

See PG B4

FRED SMITH

**MailOnline**

Home | News | U.S. | Sport | TV&Showbiz | Australia | Femail | Health | Science | Money | V

Travel Home | Destinations | Holiday Types | Expert Reviews | Mail Travel | Travel Boards | Travel Blog | Celeb

**Bahamas beach from THAT Daniel Craig Bond scene 'under threat' from fashion tycoon Peter Nygard... who plans to build anti-aging research centre on the coast**

By SARAH GORDON

PUBLISHED: 11:20 GMT, 7 July 2014 | UPDATED: 14:58 GMT, 7 July 2014

**Winnipeg Free Press**

July 15, 2014 SCHOOL DAY 1

NEWS | ARTS & LIFE | BUSINESS | SPORTS | TRAVEL | OPINION | MEDIA | Homes

LOCAL | CANADA | WORLD | SPECIAL COVERAGE | CORRECTIONS | STAFF BIOGRAPHIES | SUBMIT A NEWS TIP

Winnipeg Free Press > Local > NYGARD UNDER GUN IN BAHAMAS

**LOCAL**

Winnipeg Free Press - PRINT EDITION

**Nygard under gun in Bahamas**

Group claims estate plans threat to environment

By: Martin Cash  
Posted: 07/9/2014 1:00 AM | Comments: 25 | Last Modified: 07/10/2014 4:37 PM | Updates

**Nygard gave money to PLP - then asked for help over land issues**

**theguardian | TheObserver**

News | Sport | Comment | Culture | Business | Money | Life & style

**News > World news > Bahamas**

**Sean Connery joins Bahamas campaign to stop billionaire developing mansion**

Activists claim fashion mogul Peter Nygard's proposed development risks environmental damage to beaches

# Robert F. Kennedy, Jr., and Waterkeeper Alliance Urge Government Action in The Bahamas to Prevent Environmental Destruction

Decades of Disregard for Law Draw Concern, Petition Drawing Thousands



Call for Action – Robert F. Kennedy, Jr., president of the 200-group strong global marine environmental movement Waterkeeper Alliance, today called on the government of The Bahamas to reject an application by Peter Nygard. Kennedy has dived the area and has long been a proponent of the protection of Clifton Bay.

Waterkeeper Alliance, the global environmental organization dedicated to defending every person's right to clean water, today called on the Bahamian government to reject an application by Peter Nygard that would permit damaging construction and grave environmental destruction at Nygard Cay.

"Peter Nygard's application for construction should be rejected by the government because it will recklessly ruin one of The Bahamas' most precious marine

habitats," said Robert F. Kennedy, Jr., Waterkeeper Alliance President. "The people of the Bahamas are taking action. More than five thousand have signed a petition calling on Prime Minister Christie and the Bahamian government to enforce the law and protect Crown Land and sea beds at Nygard Cay, and we add our voice of support to this cause."

According to research by Save The Bays, a Bahamian-based member of the Waterkeeper

Alliance, the area known as Simms Point/Nygar Cay's Clifton Bay dock has been littered with wire structures of rocks, cinder blocks and debris. By dumping these manmade structures into the precious sea grass beds of Clifton Bay, they create an artificial beach around Nygard's land. A study by the University of Miami revealed alarming news about this action: the restructuring of the shoreline "has changed the marine habitats dramatically within about 100 meters of the shore,

with the most notable damage being the loss of reef areas to the west."

For years, the Bahamian government claimed the activity was illegal and unpermitted. However, Nygard recently sought "a declaration of ownership" for the land that has

accreted to Nygard's property thanks to his dredging and artificial construction. If approved, the Bahamian government would set a precedent that other individuals and corporations can take public lands and destroy natural habitats, opponents say.

"We intend to keep a spotlight on the Bahamian government and will mobilize concerned citizens in the Bahamas and across the globe to take action until Bahamian officials are transparent with the public and demonstrate a commitment to the preservation of these precious and fragile environments," said Kennedy. "Clean waters and healthy ecosystems are critical to quality of life and tourism in the Bahamas. Why the Bahamian government is jeopardizing their environment and largest economic driver can be explained by one thing and one thing only – recklessness – and we intend to work with our partners in the Bahamas to stop it."

For more information and to sign STB's petition, please visit: [www.savethebays.bs](http://www.savethebays.bs)

## Save The Bays Hits 15,000 friends on Facebook, believed to be record number for a Bahamian NGO



15,000

If you ever doubted that the Bahamian public cared about the environment, a milestone that occurred early this morning should have erased those doubts. At 9:14 am, environmental advocacy group Save The Bays topped 15,000 Likes on Facebook, believed to be an all-time record for a Bahamian charity, non-governmental or non-profit organization. The organization dedicated to protecting and preserving the Bahamian marine environment and coastal areas was founded a little over one year ago.

"This is an historic day for Save The Bays which picked up more than 1,000 Likes in the last few weeks with two major issues on the table," said Lindsey McCoy, CEO. "Our push for a Freedom of Information Act, particularly in light of the development that went on in Bimini when locals could not get information about what was planned despite begging for it, and now the public consultation over Nygard Cay drove people to our website and to our Facebook page."

According to several of Save The Bays' directors, freedom from government contribution or mandates from other funding sources has allowed the group to speak out without fear of financial repercussions.

Save The Bays has also benefitted from being able

to draw on the expertise of several marine scientists and environmental experts and counts among its directors well-known spokespeople including environmental attorney Romauld Ferreira, Earthcare director Gail Woon, re-Earth director Sam Duncombe, Save Guana Cay's Troy Albury and many more. Retired principal Joseph Darville serves as Education Director and has taken the message of the value of the environment into dozens of classrooms.

And one of the nation's highest-ranking attorneys, Fred Smith, QC, has filed legal action on five separate matters ranging from unregulated development to accountability for oil pollution. In addition to nearly daily press releases, many radio shows, including a weekly show Voice of The Bays: The Environment Speaks on Love 97.5 every Monday at 5 pm, Save The Bays organized a major demonstration, bringing together some 21 groups, including the Bahamas Chamber of Commerce and the Bahamas National Trust, calling for passage of a Freedom of Information Act. A petition on the Save The Bays website, [www.savethebays.bs](http://www.savethebays.bs), calling for an environmental protection act and other measures has nearly 6,000 signatures.

# SAY NO TO NYGARD!

## BAHAMIANS SPEAK OUT ON FACEBOOK

	<p><b>Lindsey McCoy</b> Enough is enough, the Bahamian people must stop this man. <small>Like</small></p>
	<p><b>Michael Gray</b> How does one apply for a permit after the fact? <small>Like</small></p>
	<p><b>Anna Thomas</b> No! make him go back (if possible) to original size of property. <small>Like</small></p>
	<p><b>John &amp; Michelle</b> Hell no. Enough is enough.. hoggish..... want too much.... <small>Like</small></p>
	<p><b>Wendy Brown</b> No No No remove him NOW!!!! <small>Like</small></p>
	<p><b>Benny Smith</b> If his exploits are going to benefit him, bring about negative changes to our beach, without restitution, then NO, no to the expansions. <small>Like</small></p>
	<p><b>Wendy Williams Brown</b> He don't need another piece of property! Stop selling our land out to non Bahamians &amp; making it so hard for us to get half an acre! <small>Like</small></p>
	<p><b>Wendy Williams</b> I am wondering if this man would have been so presumptuous to take it upon himself to just expand. I feel, someone gave him permission to do that. Only in the Bahamas! SMH <small>Like</small></p>
	<p><b>Wendy Williams</b> Nooooooooooooo, now make him pay for the land he double ILLEGALLY at today's market value &amp; penalize him!!!! <small>Like</small></p>
	<p><b>John Gray</b> It's plain and simple , we Bahamians, need to stop talking about everything and just get up and do something about it....talk talk talk....make a stand and do something. <small>Like</small></p>

### "IS THIS A COUNTRY FOR SALE?"

### "NOT ANOTHER INCH MORE!"

### "IS HE IS GETTING AWAY WITH WHATEVER HE WANTS TO DO?"

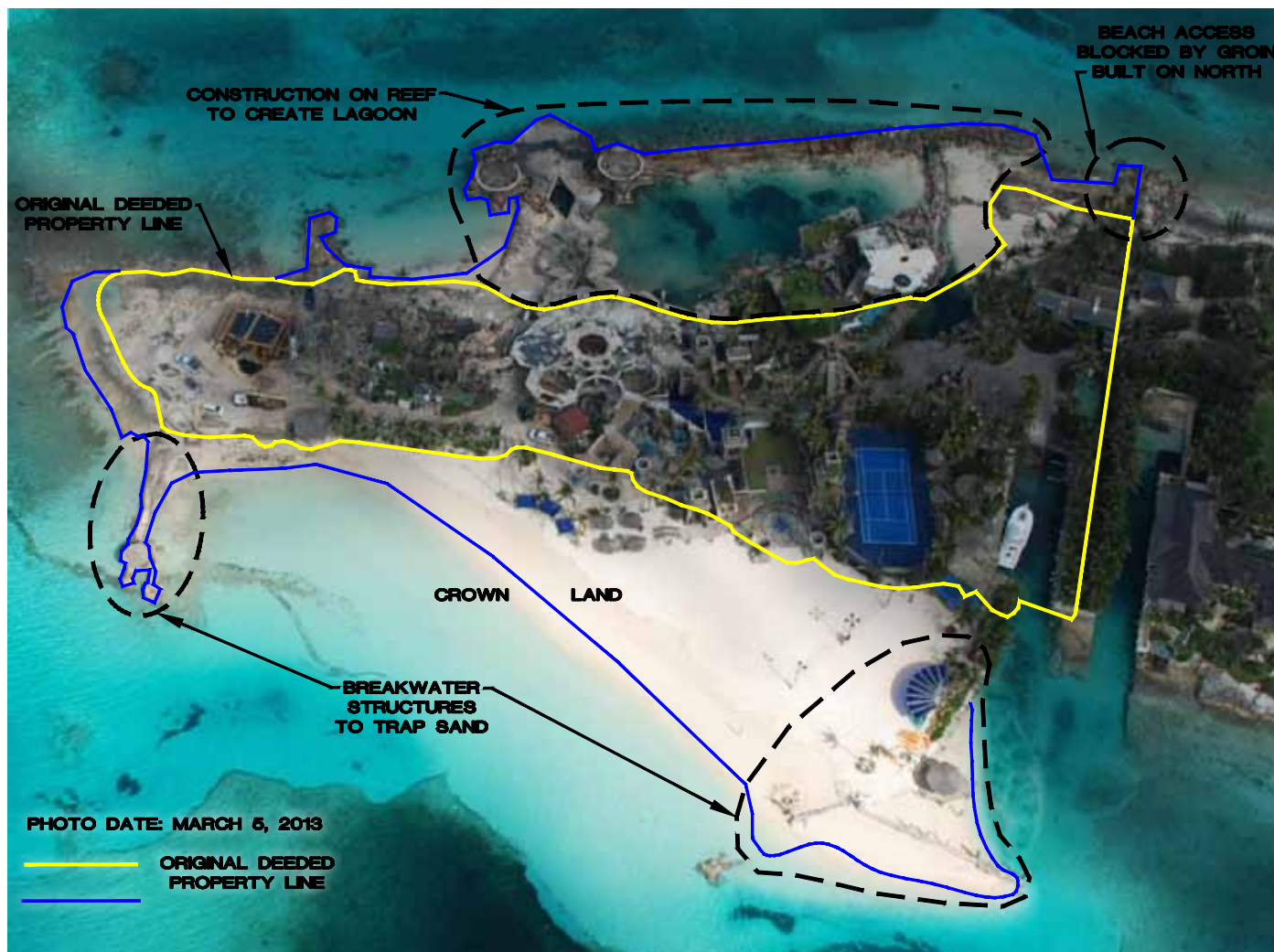
LET YOUR VOICE BE HEARD, FIND US ON **facebook**

stay connected

[www.savethebays.bs](http://www.savethebays.bs)

THANK YOU FOR YOUR SUPPORT, WE CAN WIN THIS FIGHT!

# Save The Bays Releases 3-Minute Nygard Cay Video, Commends Government for Seeking Public Input



**COASTAL CREEP** – The coastline of Nygard Cay has steadily expanded into the surrounding waters over the past three decades. A number of unauthorized methods have been used to claim large sections of seabed, to the detriment of the surrounding environment.

Days before a public consultation process is expected to close, the fast-growing environmental

advocacy group Save The Bays today released a video exposing some two decades of illegal land

acquisition by dredging and filling activities by a foreign private citizen operating without permits

and now requesting the right to expand.

The 3-minute video, prepared by Conch Salad TV for Save The Bays, shows close-up waterfront sights for the first time behind the gates of Nygard Cay, the exclusive and exotic retreat at the tip of Lyford Cay with tentacles into Clifton Bay. Activities at the cay, owned by Canadian fashion mogul Peter Nygard, have long aroused concern by civic organisations and neighbours, including residents of Lyford Cay, in addition to dive tour operators, fishermen and

locals who are watching its impact on nearby Jaws Beach.

The video follows the history of dredging and trapping sand and reveals that ongoing activities were carried out without necessary permits. The issue drew renewed attention when a court issued a stop order until permits were in place following legal action by Save The Bays.

“Documents from Town Planning show that government officials have been aware of Mr. Nygard’s unregulated, un-permitted activities for 15-20 years,” says Save The Bays in the video, the latest in its investigation series. Now, Nygard is applying to have permits granted retroactively which would allow him to claim ownership of land he accreted from the seabed. Estimates have placed the value of that land at as high as \$35 million.

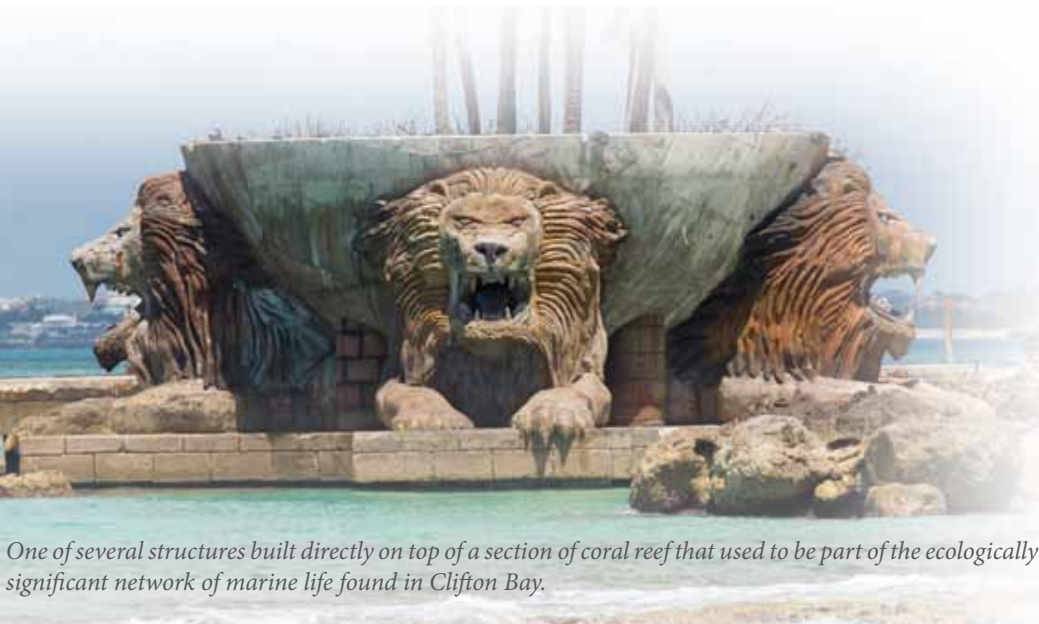
One of several structures built directly on top of a section of coral reef that used to be part of the ecologically significant network of marine life found in Clifton Bay.

One of several structures built directly on top of a section of coral reef that used to be part of the ecologically significant network of marine life found in Clifton Bay. “...Would any regular Bahamian be allowed to get away with this? The marine environment in The Bahamas belongs to the public.” according to the video which is available for viewing or downloading at [www.savethebays.bs](http://www.savethebays.bs).

The video shows clips of massive museum-worthy structures of lions built atop coral reefs and a clear outline of land initially acquired in 1984 when Nygard purchased what was then called Simms Point and the nearly doubling of size since that time by means of trapping sand.

“But now, the government has decided to do what is right. Before granting any permits, the public has been given the opportunity to voice their opinion,” says Save The Bays, commending government for “allowing the public to have a voice.”

“We really hope people will take advantage of this opportunity to express their opinion before the consultation period closes on July 8,” said Bays’ CEO Lindsey McCoy. “Since the letters have to go to the Department of Physical Planning and they do not seem to have e-mail set up for receiving letters, we urge you to drop them off in person, get a receipt or e-mail to us at [info@savethebays.bs](mailto:info@savethebays.bs) and we will be happy to deliver them to the Department and e-mail you the receipt. This is a chance for Bahamians to defend the natural resources which belong to all of us and must be preserved for future generations. No one whether foreign or local should be allowed to destroy resources, develop private or commercial property without permits or take land that belongs to all of us.”



One of several structures built directly on top of a section of coral reef that used to be part of the ecologically significant network of marine life found in Clifton Bay.

**Join the Fight,**  
*Save The Bays*  
**Sign the Petition!**

Sign the Petition online  
[www.chn.ge/15068LY](http://www.chn.ge/15068LY)



## Dear Prime Minister of Our Beautiful Bahama Land!

As you know, The Bahamas is lucky enough to have some of the Most Beautiful Waters on Earth. Our Bahamian Bays are beautiful, truly some of the world’s most spectacular natural wonders.

But one by one...throughout Our Beautiful Bahama Land...they are disappearing.

You can make it your Environmental Legacy to Help **Save The Bays** before Paradise is Lost!

Save The Bays and the Bahamian community call on Your Government to stop harmful development in The Bahamas.

Specifically we ask for positive action to protect against devastating threats to our marine environment and the marine life that depends on it.

- 1. Pass an Environmental Protection Act.**
- 2. Create a Marine Park at Clifton Bay** so that Clifton Heritage Land site and the Bay can be one unique protected Land and Sea Park for future generations of Bahamians and our guests to celebrate and enjoy, as the start of the West New Providence Marine Managed Area to save our unique and vital Seven Mile Barrier Reef

### Marry our Land and Sea Heritage!

- 3. Protect our Crown Land and Sea Beds at Nygard Cay** and enforce the Rule of Law. Please do not give away our land and sea and instead stop unregulated and harmful development impacts at the Cay.
- 4. Stop Oil Spills** and pass laws to make those who ruin our waters financially and criminally responsible!
- 5. Pass Conchervation Laws** to save our depleting national treasure from Extinction!
- 6. Pass a Freedom of Information Act** so that you put the Bahamian People In The Know; all true democracies throughout the world enjoy and prosper from this fundamental right.

**Now is Your Time to Save The Bahamian Bays!!**

Sincerely,  
*Your Name Here!*

# More than 60,000 people represented at FOIA rally



UNITY – Save The Bays education director Joseph Darville introduces FNM leader Dr. Hubert Minnis to the crowd at Wednesday's Freedom of Information Rally in Rawson Square. The official opposition party was one of more than 20 organizations and groups which took part in the event, collectively representing more than 60,000 people around the country.

The leaders and top representatives of more than 20 groups and organizations were in among the crowd at Wednesday's Freedom of Information Rally in Rawson Square, collectively representing more than 60,000 people according to veteran educator Joseph Darville. Darville, one of the directors of fast-growing

social and environmental advocacy group Save The Bays, lead organizer of the rally, said the combined membership of political parties, trade unions and citizen activist groups represented constitute a formidable social force that politicians ignore at their own risk. "It seems like every entity in The Bahamas was represented besides the

PLP," he said, asking why the governing party seems to be "afraid" to engage with those calling for the rapid enactment of a Freedom of Information Act. Among the many speakers at the event were the leaders of the other two major political parties in The Bahamas, as well as the secretary general of the Trade Union Congress

(TUC), an umbrella entity representing more than 10,000 workers. Free National Movement leader Dr. Hubert Minnis connected the lack of an FOIA to the degradation of the country's precious natural resources through unregulated development, which has been given the green light by successive governments behind a veil of secrecy. Using the example of the massive dredging operation currently going on in Bimini, which experts say will destroy one of the most pristine and ecologically significant reef systems in the region, Minnis said renowned visitors Martin Luther King, Jr. and Earnest Hemingway must be "turning over in their graves" over what is taking place in that island. Meanwhile, Branville McCartney, leader of the Democratic Alliance (DNA), said the FOIA passed but not enacted by the former FNM government was deficient and needs to be replaced, but urged government not



DNA Leader – Branville McCartney, leader of the DNA, called on government to enact "a Freedom of Information Act with teeth to create a real democracy." McCartney was among leaders of civic organisations, unions and political parties who addressed the Freedom of Information rally in Rawson Square Wednesday. Among the groups represented were the TUC (Trade Union Congress), the Bahamas Public Services Union, BREEF, The Bahamas National Trust, the Bahamas Chamber of Commerce, the Grand Bahama Human Rights Association, the Bahamas Humane Society, the FNM, the DNA and many more.



Rev. C.B. Moss addresses the crowd at the Freedom of Information Rally

to delay in taking action. "The time has also come for our government to put an end to the culture of secrecy which has existed in this country for the past 40 years and the first step toward making that happen is implementing a Freedom of Information Act," he said. "A real Freedom of Information Act that will have teeth!"

# Top judge warns against permits for Bimini developer



Pilings driven into the seabed off North Bimini as part of the preliminary work for Resorts World's controversial 1,000 foot pier and accompanying 4.5 acre docking "island".

One of the country's top judges has warned of implications for the rule of law if the controversial Bimini Bay development is allowed to forge ahead while still subject to judicial challenge. Court of Appeal Justice Abdulai Conteh told lawyers for the government and Resorts World Bimini that any construction at the resort site could put the entire case at risk. "In a democracy, no self-respecting government would do anything to jeopardize proceedings before the court," he said. "When there is a contested issue, one should not change the facts on the ground until a decision is made." Justice Conteh's comments

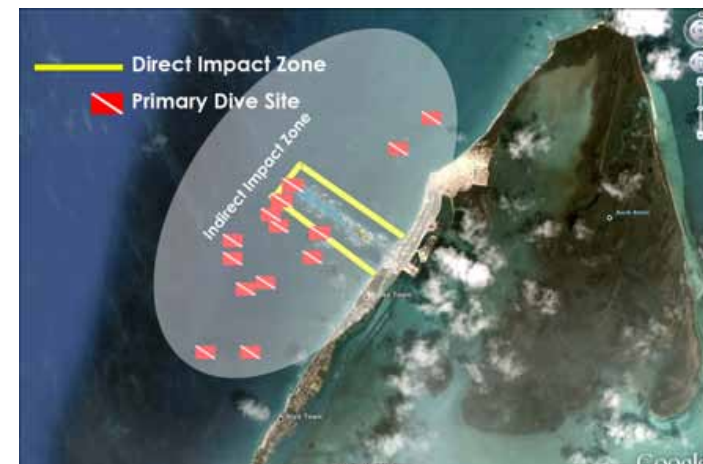
came as the appeal, lodged by environmental groups Bimini Blue Coalition and Save The Bays, was again adjourned - this time to June 2. When the new date was announced, lead lawyer for the environmentalists Fred Smith, QC, expressed concern that construction would be allowed to advance in the meantime. "Development continues, dredging continues," the Callenders & Co attorney and partner said. Pointing to other resort developments contested on the grounds of environmental damage, Smith said: "The government continued to give permits in secret, without disclosure to the appellants. By the time the trial came, it was a fait

accompli, and a total waste of time." Turning to the lawyer for Resorts World, John Wilson of McKinney, Bancroft and Hughes, Smith asked the court: "Will he give an undertaking not to dredge?" But Wilson would only say that his client will give a commitment not dredge unless it has the appropriate permits. When asked directly if any permits had in fact been granted, he said he did not know. Justice Conteh intervened, saying he believes Smith's concern "goes to the heart of the matter" as it speaks to whether there is respect for the legal process. "It's more than a precept, and it is applicable in the

Bahamas - it's about the rule of law," he said. The judge then asked the government's lawyer, David Higgins of the Attorney General's office, "Can't you say, 'I will advise my client to hold the status quo?'" Higgins said he would have to take instructions before answering, while Wilson said the developer would object to any such declaration, as it would lead to "demobilization, at considerable costs." For his part, Smith said he was glad to hear Justice Conteh's statements, adding that he "would come back on that" as the proceedings continue. A veteran environmental and human rights campaigner, Smith has described the Bimini

case as fundamental to regulation and orderly development in the Bahamas. "The time has come when the Bahamas is no longer the Wild West development show," he said. The current appeal was

brought against the Supreme Court's ruling that unless Smith's clients pay a collective \$650,000 'security for costs' to the government and Resorts World Bimini, the Judicial Review action would be dismissed.



The developers plan to thrust the pier into the midst of some of the world's most impressive dive sites. Environmentalists say the project will cause extensive damage to the marine ecosystem.



Trail of destruction: Evidence of the development's incursion into the extremely delicate and ecologically invaluable mangrove forests of Bimini.

# SAY NO TO NYGARD!



Counsel & Attorneys

27<sup>th</sup> June, 2014

**The Hon. Philip E. Brave Davis**  
Deputy Prime Minister & Minister of Works and Urban Development  
Ministry of Works & Urban Development  
John F. Kennedy Drive,  
Nassau, New Providence,  
The Bahamas  
Fax No. (242) 326-6629

**Mr. Michael Major**  
Director of Physical Planning  
Ministry of Works & Urban Development  
Nassau,  
New Providence,  
The Bahamas  
Fax No. 242 (328) 3206

**Mr. Wilshire Bethel**  
Chairman,  
Town Planning Committee  
Ministry of Works & Urban Development  
Nassau, New Providence, The Bahamas  
Fax No. (242) 328-3206

Dear Sirs,

Re: Government Notice and Public Notice published on 18<sup>th</sup> June, 2014 by the Ministry of Works and Urban Development and the Department of Physical Planning-Simms Point/Nygard Cay and Surrounding Sea Beach

We act for the Coalition To Protect Our Beaches

We refer to the

Please also confirm by return that no decision will be taken on any application by or on behalf of Mr Nygard in relation to the property at Simms Point, Lyford Cay and surrounding sea bed without our client being first-

- (i) afforded an opportunity to inspect and applications together with all supporting (including all reports) and;
- (ii) without our client being given adequate meaningful representations.

Yours sincerely

**CALLEDERS**

Frederick R. M. S.

CC:

**The Rt. Hon. Perry G. Christie**  
Prime Minister and Minister of Finance  
(The Minister responsible for Crown Lands)  
Office of the Prime Minister  
Cecil Wallace-Whitfield Centre, Cable Beach  
Nassau, New Providence, The Bahamas  
Fax No. (242) 327-5806

**The Hon. Glenys Hanna-Martin, M.P.**  
Minister of Transport and Aviation  
Minister responsible for Maritime Affairs, Ports and Harbours)  
Floor, Manx Dockendale Centre  
Nassau, New Providence, The Bahamas  
Fax No. (242) 328-1325

**Hon. Kenred Dorsett**  
Minister of the Environment and Housing  
Cecil Wallace-Whitfield Centre,  
Nassau, New Providence, The Bahamas  
(242) 326 2650

**Richard Hardy**  
Director, Department of Lands and Surveys  
1000 Strong Street  
Nassau, New Providence, The Bahamas  
(242) 322-5830

## CONFIRMATION OF THE GOVERNMENT'S INTENTION TO REINSTATE THE COASTLINE - SIMMS POINT, LYFORD CAY, NEW PROVIDENCE

Your reference:  
Our reference: L&S/58744

Mr. Peter Nygard  
P. O. Box CR 54697  
Nassau NP  
Bahamas

Dear Sir:

### CONFIRMATION OF THE GOVERNMENT'S INTENTION TO REINSTATE THE COASTLINE - SIMMS POINT, LYFORD CAY NEW PROVIDENCE

You would be aware of the previous discussions with the Government regarding the intention to cause the coastline at Simms Point, Lyford Cay, New Providence to be reinstated in accordance with the attached photomap, which shows the coastline (mean high water mark) as the inland border of the area coloured pink.

The Government has sought and obtained bids from two suitably qualified firms, Tycoon Management and Marine Construction, in the amounts of \$2,750,000.00 and \$2,737,000.00, respectively to carry out the necessary construction works. The two bids are being reviewed and you will be advised of the outcome.

**OFFICE OF THE PRIME MINISTER**  
P. O. Box CB-10980  
Nassau, Bahamas

21<sup>st</sup> July, 2010

Our Reference: OPM/L&S/10

Mr. Peter Nygard  
P.O. Box CR 5469  
Nassau, Bahamas

Re: Reinstatement of Coastline - Simms Point, Lyford Cay, New Providence

Dear Sir,

Over the years the property originally purchased by you has expanded significantly as shown on the enclosed photo map. This accretion of land has resulted from the strategic placement of groves and docks at Simms Point.

"I am directed to advise that the Government is not minded to approve a lease of the accreted land and request that you remove any structures that would have been erected on this land over the years."

I am directed to advise that the Government is not minded to approve a lease of the accreted land and request that you remove any structures that would have been erected on this land over the years.

I am further directed to advise that going forward no applications for construction on or occupation of the accreted land will be approved by any of the agencies of the Government.

It would be appreciated if you would cause the coastline at Simms Point, Lyford Cay, New Providence to be reinstated according to the enclosed photo map, which shows the original coastline (mean high water mark) as the inland border of the area colored pink.

Yours sincerely,

"It would be appreciated if you would cause the coastline at Simms Point, Lyford Cay, New Providence to be reinstated according to the enclosed photo map, which shows the original coastline (mean high mark) as the inland border of the area colored pink"

Adjmk  
Permanent Secretary, Ministry of the Environment  
Permanent Secretary, Ministry of Works and Transport  
Director of Public Works  
Director of Physical Planning  
Director of Lands and Surveys  
Director, Port Department

## NYGARD CAY

July 10<sup>th</sup>

"Perry: ...I understand that this brings my total pledge and contributions to the party and some of its members up to \$45,000 to date - quite significant I think you will agree. I ask you to help me bring to a final conclusion a few "housekeeping" issues before I come back..."

Perry:

Under separate cover, I have sent a pledge for the PLP party for \$10,000.

I understand that this brings my total pledge and contributions to the party and some of its members up to \$45,000 to date - quite significant I think you will agree.

I ask you now to help me bring to a final conclusion a few "housekeeping" issues before I come back!

We have been given approval to build "off" our property onto the beach area (Crown property) see attached letter.

Also I have been informed by Mine Rolle that our request to have the property included into our land and deemed to be a legal fact. Therefore, I would like now to make arrangements to have it so done through my lawyer Geoffrey Johnstone.

I have also been informed now by Mine Rolle that the government has now officially approved the changing of the name of the property from "Nygard Cay" to "Perry's Cay".

"Obviously this whole world is based on one hand helping the other and you know that I am prepared to do whatever is in my capacity to help out The Bahamas and the PLP party and of course yourself in any way I can."

# NOW EXTENDED UNTIL JULY 30<sup>th</sup> SAY NO TO NYGARD APPLICATION

## Share Your Comments, write to The Government

Please send your comments on the Nygard permit applications to:

**Director of Physical Planning PO Box N-1611, Nassau Bahamas or via Fax 242-328-3206**  
**Phone 242-322-7550/2 or 328-3202 You can also copy the Prime Minister**  
**Sir Cecil Wallace Whitfield Centre**  
**P O Box CB 10980**  
**Nassau, N.P., The Bahamas**  
**Fax (242) 327-5806**

**All comments must be made by July 30th.**

Plans can be viewed at the Department of Physical Planning in the Ministry of Works Building (ground floor) Application #116140

The independent report on the impact of Nygard's development on the coastal area can be read here Lyford Cay Beach Investigation Report or can be viewed at [www.Best.bs](http://www.Best.bs)



# BECOME A MEMBER, IT'S FREE

Become a part of the  
**fight of this generation!**  
**SIGN UP ONLINE TODAY**  
[www.savethebays.bs](http://www.savethebays.bs)

Connect with us

