

IN THE SUPREME COURT OF BELIZE, A.D. 2002

Action No. 61

IN THE MATTER of an application for leave to apply for
Judicial Review

AND

IN THE MATTER of a decision by the National Environmental
Appraisal Committee made on Friday, November 9, 2001 to
Approve an Environmental Impact Assessment by Belize Electric
Company Limited

AND

IN THE MATTER of a Decision of the Department of the Environment or of the
National Environmental Appraisal Committee made on Friday, November 9th 2001 to
grant environmental clearance to the Macal River Upstream Storage Facility Project

AND

IN THE MATTER of the Environmental Protection Act Chapter 328
of the Laws of Belize, Revised Edition, 2000, and the Regulations
made thereunder

THE QUEEN

AND

DEPARTMENT OF ENVIRONMENT
BELIZE ELECTRIC COMPANY
LIMITED

RESPONDENTS

AND

Ex parte BELIZE ALLIANCE OF
CONSERVATION NON GOVERNMENTAL
ORGANIZATIONS (BACONGO)

APPLICANT

ESPINOSA GARRETA
NOTARIO DE LIMA
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CERTIFICO: Que la firma que antecede de
Don: GILBERT GREEN JEREMY
ALAN
Identificado con PASAPORTE N. 86028788.
Es auténtica la misma que legalizo, más no
el contenido del documento, de lo que doy fe.

San Isidro, 19 ABR. 2002

RAMON ESPINOSA GARRETA
NOTARIO DE LIMA



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AFFIDAVIT

I, JEREMY GILBERT-GREEN of Montreal, Quebec, Professional Engineer, HEREBY MAKE OATH AND SAY as follows:-

- (1) I am a Professional Engineer licensed to practice in Quebec, Canada and the United Kingdom.
- (2) I am a graduate in Civil Engineering from The University of Witwatersrand in South Africa.
- (3) I am employed as Vice President - Latin America, Energy Division of AMEC, responsible for hydroelectric related activities. AMEC is a world-renowned Engineering and Environmental Consulting firm.
- (4) I have overall project responsibility within AMEC for the Environmental Impact Assessment (EIA) which is the subject of this application.
- (5) I was invited to and attended the meeting of NEAC on November 8, 2001 to discuss a number of items in the EIA including issues relating to the geological data in the EIA.
- (6) At the meeting there was expressed specific concern with the classification of the rock in the area on which the dam is intended to be built. While the report refers to the rock as granite some believe the rock to be sandstone. The chemical composition of granite and sandstone are very similar. I addressed this concern by answering questions asked and by explaining further that even if there were differences in opinion in the classification of the rock, the physical characteristics of the rock, which had been thoroughly tested, would not be any different.
- (7) *cloud* The dam design is based not on the classification of the rock but the laboratory analysis of its load bearing characteristics and water permeability. Dams can be built on many types of foundation material and are designed based on the properties of the material in question.
- (8) *need to see rock before the dam* The laboratory analysis of the rock at the dam site indicates it to be suitable for the construction of the dam as proposed. The design will not change based on final classification of the rock. *Amec is*
- (9) At the EIA stage a final design for the Dam is not yet settled upon. Only a high level or preliminary design is completed. A more detailed design is done upon approval of the EIA, taking into consideration any additional information learned or constraints imposed by the process prior to tendering the project.
- (10) While we did not consider that additional site investigation work was required, we did not object to the proposal by the Department of the Environment (DOE) and Belize Electric Company Limited (BECOL) that a further review of the rock in question would be carried out. This was to be done as part of the Environmental Compliance Plan.

SWORN by JEREMY GILBERT-GREEN at Lima, Peru, on the 18th day of April, 2002

[Handwritten signature]

Before me,

Notario
3045
com.pe
com.pe

CERTIFICO: Que la firma que antecede de
Don: GILBERT-GREEN, JEREMY
ALLAN
Identificado con PASAPORTE N° BC 088788
Es auténtica la misma que legalizo, más no
el contenido del documento, de lo que doy fé.

San Isidro, 19 ABR. 2002

RAMON ESPINOSA GARRETA
NOTARIO DE LIMA

