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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

AFFIDAVIT

I RAMON FRUTOS of No. 4 9th Street San Ignacio, Cayo District, Belize
Meteorologist HEREBY MAKE OATH AND SAY as follows:

1. I have a Bachelors of Science Degree In General Meteorology awarded In
1993 from Millersville University in Pennsylvania United States. I have a
Masters Degree in Applied Meteorology from Reading University England
awarded in 1996.

2. I have worked with the Meteorology Department since June of 1977.
3. I am the head of the Hydrology Unit in the Meteorology Department and since 1998 I have been a member of the National Environmental Appraisal Committee ("NEAC") established under the Environmental Impact Assessment Regulations.
4. The Environmental Impact Assessment (the "EIA") study for the Macal River Upstream Storage Facility Project (the "MRUSF") was delivered to our office in August 2001.
5. I read the EIA including Volume IV of Part 2 which dealt with public consultation and reflected reactions, views, comments and concerns in relation to the MRUSF. I also consulted with officers in my department and discussed with them issues arising in the EIA.
6. In about 1999 a document which was a draft of an EIA for the MRUSF was delivered by the intended developer to the Department of the Environment and I received a copy of the said document for examination.
*see Fabio 2, 7
see Sukhmadan 13*
7. In the course of the last three years there has been considerable public debate and comment on the MRUSF. I attended a public forum on the project at the Radisson Hotel in Belize City some years ago at which presentations were made both for or against the project.
8. From the information that I gathered from public debate and the consultation report in the EIA I was very aware of public concerns and views in relation to the MRUSF and took these into consideration in the process of determining whether I would vote for or against the approval of the EIA.
inform and been d at HEAC
9. There were some pages missing from the copy of the EIA which I received but this was satisfactorily rectified.
10. I considered the EIA to be very comprehensive and adequate. It is certainly well above average in standard compared to other EIA's which I have seen since I have been a member of NEAC.
11. I regarded the request for more information sent after the meeting of 24th October 2001 to be for the supply of certain supplementary details.
*2 letter
nil sent*
12. Having received additional information from the developer supplied by letter, CD and in the NEAC meeting with representatives of the developer and the consultants on the 8th of November 2001 I considered that the aggregate information supplied was sufficient to enable me to make an informed decision on whether or not to vote in favour of the project.
on 5 Nov
13. The EIA contains certain mitigation and monitoring measures. It was our department's view that these measures should be elaborated upon and that this could be adequately done through an Environmental Compliance Plan.

SWORN by RAMON FRUTOS)

At *Bellevue*

On the 3rd day of April 2002

) *Ramon Frutos*

Before me,

Audrey Grinage
AUDREY GRINAGE

This Affidavit is filed on behalf of the Department of the Environment and the Ministry of Natural Resources.