

**Comments on the Review of the Debe to Mon Desir Segment
of the
Solomon Hochoy Highway Extension to Pt. Fortin
Conducted by Consultants appointed by the Joint Consultative Committee**

The purpose of a highway is to provide transportation access and egress to and from an area of human habitation or activity. In this respect, the consultants appointed by the Joint Consultative Committee (J.C.C.) have confirmed NIDCO's position that

- i. The highway segment from Debe to Mon Desir is needed
- ii. The route selected is the appropriate route
- iii. The Re-Route Movement's proposed route is not recommended.

However, the consultants suggest further work with respect to addressing the internal traffic and traffic management concerns within the fast developing urban communities of the area. NIDCO is committed to continuing this work, which, while not impacting on the highway designs in a significant way, will enhance the quality of service which the highway will bring to the communities concerned.

It has been erroneously reported in the Media that Planning Permission for the highway has lapsed. This is not true. **Full Planning Permission has been received and is in effect for the entire highway.** The planning consultants have pointed out that such planning approval is subject to receipt of approvals from the Director of Highways and Drainage, the respective Regional Corporations and the EMA. These approvals have all since been obtained by NIDCO and the Ministry of Works and Infrastructure.

In respect of the resettlement sites at Petit Morne, Golconda and Cedar Hill, outline planning approval has been received for all sites, while final planning permission has been received for Petit Morne. NIDCO and the Ministry of Works and Infrastructure are currently seeking final approval for Golconda and Cedar Hill. Residents, farmers and squatters will only be resettled on these sites when such final approvals have been received and the associated conditions of approval fulfilled.

The consultants have concluded that the hydrological and hydraulic studies conducted were sufficient to provide design parameters for the several culverts and bridges which are required to ensure that the highway construction does not impede the flow of water and exacerbate flooding. Flooding concerns therefore cannot now be considered impediments to design and construction of the highway. Indeed, NIDCO expects that the Design/Build process under the contract with OAS will afford further on going opportunity for this issue to be further addressed thereby providing additional safeguards against flooding.

The consultants have however indicated that there should have been a comprehensive water management study of the Oropouche River Basin as a prelude to development of a project of this magnitude. Although the transportation experts have confirmed that the case for the highway is beyond question, it would have been desirable for the project to have been placed in the context of a more comprehensive research and planning scenario.

This notwithstanding, the highway is part of the National Physical Infrastructure Development Plan for Trinidad and Tobago and has been identified as a key component in the development of the South Western Peninsula. In addition, NIDCO and the Ministry of the Environment and Water Resources are in the process of carrying out further water management studies in this and all other river basins in the country in order to ensure that such issues are continuously addressed in project planning and execution.

In dealing with an area as sensitive as the Oropouche Lagoon, it is difficult to determine when enough research has been conducted or when the studies which have been conducted are sufficient. The Environmental Management Authority (EMA) is the legally constituted body to determine this. The EMA has granted Certificates of Environmental Clearance (CEC) to the Ministry of Works and Infrastructure (MOWI) for all segments of the highway and the existence and legal validity of these CECs have neither been challenged by the consultants nor been judicially impugned. However the consultants have expressed the view that the EMA was too easily satisfied and should have required more from the Ministry prior to approval.

The consultants have therefore recommended that further studies should be carried out on the environmentally sensitive areas before NIDCO proceeds with construction of the highway between Debe and Mon Desir. It must be borne in mind that all of this is retrospective and is seeking to introduce new academic benchmarks which have never hitherto been applied to public infrastructure projects in the country. In any event, such claims are being ventilated long after the statutory limits for challenge have expired. The reality is that there is in existence a binding contract governing the relationship between NIDCO and Construtora OAS Ltda which stands.

NIDCO therefore proposes to continue works on the segment of the highway already assigned to the contractor and to allocate new areas to it in a timely fashion in order to avoid potentially expensive and damaging claims against NIDCO and the Government of Trinidad and Tobago.

NIDCO stands ready to cooperate fully with the EMA and the Ministry of the Environment and Water Resources and it will ensure that all relevant regulatory obligations are met prior to the contractually due date for handing over of this segment to the contractor, and that these continue to be met on an ongoing basis.

Finally, NIDCO notes the concerns of the consultants regarding the Social Impact Assessments and related matters. It should be noted that additional comprehensive social surveys have been conducted by Consultants to NIDCO subsequent to the receipt of the CECs, as a prelude to property acquisition. Resettlement planning is also currently being carried out by Consultants in respect of the Petit Morne, Golconda and Cedar Hill sites and other areas so far identified for relocation of displaced residents and farmers.

NIDCO is also in the process of taking steps to reduce the number of occupied homes to be removed from the Debe to Mon Desir area. This is from an indicative figure of 248 estimated prior to the review, to approximately 100 at this time. This has been achieved by a combination of design changes, including reduction of the proposed Right Of Way from 100m to approximately 60m in some areas, and simplification of interchanges and connector roads, consistent with existing and proposed traffic demand and the proposed implementation of adequate traffic management solutions in urban areas.

NIDCO will continue to take all appropriate steps to minimise any and all adverse impacts that the process of highway construction may have on the affected communities, individuals and business establishments, while securing the social and economic interests of the people of Trinidad and Tobago and protecting the Government and the tax paying public from adverse claims under the existing design/build contract with Construtora OAS Ltda.

Dr. Carson Charles
President
NIDCO

17 April, 2013