

**COMMENTS ON REPORT OF THE HIGHWAY REVIEW COMMITTEE
DEBE TO MON DESIR SEGMENT
SAN FERNANDO TO POINT FORTIN HIGHWAY**

A. SCOPE OF REPORT:

This report seeks to highlight the validity of information presented in the Report of the Highway Review Committee (HRC).

For each of the relevant sections in the report the comments on the HRC have been grouped as follows:

- a) Comments that contain errors of fact
- b) Comments that contain misleading statements
- c) Comments that offer opinions that are not properly justified
- d) Comments that illustrate errors of conclusion

B. COMMENTS ON RELEVANT SECTIONS

Section 1.0 URBAN REGIONAL PLANNING

Introduction

The work of the Highway Review Committee (HRC) was evaluated and this process yielded the following information.

It would appear that most of the HRC's comments lend additional support for the highway project as proposed. A major portion of the HRC's comments in the area dealing with 'Urban Regional Planning' relates to a review of all of the development plans that impact upon the area within which the San Fernando to Point Fortin Highway runs. These plans, some prepared before and after the project documents were submitted to the approval agencies, all claim that the San Fernando to Point Fortin Highway was an important project and formed part of their proposals.

1.1 Comments that contain errors of fact

- P. 40, Sec 1.5.1 (ii): The HRC is making the incorrect statement that no planning permission can be obtained unless a CEC is first granted by the EMA.

This statement is not factual and refers only to projects that also require an EIA as part of the CEC process.

1.2 Comments that contain misleading statements

- P. 29. Line 10: The HRC is claiming that the more attention needed to be given to the impact that the highway will have on the 'landscape of the south western peninsular'.

This statement is unclear and misleading as it can be interpreted in a variety of ways by the reader.

- P. 29, 2nd paragraph: The HRC is claiming that the potential adverse impacts of the proposed highway in terms of induced development that does not have planning permission, cannot simply be mitigated by having proper land use plans with enforced policy by the relevant authority (in this case the TCPD). The HRC however quotes this same argument as voiced by the TCPD on p. 31, 2nd- to- last paragraph, where the NPDP is quoted as calling for 'strong land use controls, particularly with respect to agriculture and conservation areas'. The HRC is therefore claiming that projects like the proposed highway should be withheld because the planning authority does not have the capacity to manage enforcement.

If this is so, then the planning authority should be strengthened otherwise positive development projects such as the highway will be stymied.

- P. 29, Second-to-last paragraph: The HRC is claiming that the proposed highway will split communities and services. The MOWI is claiming however that the new frontage roads running parallel to the highway, would allow the parties on both sides of the alignment to still connect via overpasses and interchanges along the route.

The HRC perhaps has not grasped this point as it refers only to interchanges and overpasses and not the local frontage roads which are the key to the continued connectivity. In addition, the point must be made that built development along much of the Debe - Mon Desir segment is loosely scattered and very often unauthorised. In reality, it is virtually impossible to find a clear path through the apparent maze without separating parts of the 'community', as dispersed as these communities are, because they are unplanned and likely unauthorized.

- P. 41, Sec. 1.6: The HRC claims that the planning for the project need to benefit from a wider comprehensive plan that 'seeks to balance land use and transportation needs'. The planning for the project however was done in the context of the 1974 South West Region Plan and the 1984 National Physical Development Plan, as reported by the HRC. As indicated elsewhere by the HRC, both of these plans included proposals for the highway to Point Fortin.

1.3 Comments that offer opinions that are not properly justified

- The HRC claims, at page 29, Mapping, that “a land use survey should have been undertaken to determine the exact location of the properties to be acquired and the use to which each one is put, and the results of the survey mapped and submitted with the EIA”.

This comment does not benefit from an understanding of the problems associated with doing detailed land use surveys in rural and agricultural areas where mapping is often incomplete or outdated and access on the ground sometimes very difficult, particularly for agricultural lands. At the preliminary stage of an EIA, without the benefit of land surveyors’ inputs, it would have been very difficult to spatially locate the alignment, structures and unfenced agricultural properties on the ground. The only option at this early stage in the project cycle would have been to do a preliminary identification of structures and parcels using secondary sources of data, including existing cadastral mapping and the most recently available aerial photography, supplemented by a practical level of ground-truthing.

- P. 40, Sec 1.5.2: The HRC is imputing that either no CEC was obtained for the Petit Morne residential development or that it was obtained after the Outline Planning Permission was obtained from the TCPD (June 15, 2010).

The HRC has not indicated the date of a CEC being granted but it is the understanding of the MOWI that indeed one was obtained by the EMBD. The date of any CEC is to be compared to the date for the Outline Planning Permission

- The HRC, at page 28 ‘Other comments of the consultant’, claims that ‘the TOR, at 2.1, specified that the study area should also identify adjacent and proposed developments in south west Trinidad, industrial developments in particular, that could influence the project. There are two large projects, viz., the Union Industrial Estate and Port at Brighton, and the La Brea Industrial Estate and Port which are both shown on the map at Figure 4.13 of the EIA but for which no other information is given. These are quite

significant for their employment-generating potential and for the impact which the highway might have on their sustainability, and needed to have been examined and discussed in some detail.”

The point needs to be made that an EIA relates primarily to the impacts of the project on the receiving environment, and not the other way around. At worst, if adequate information was not included in the project with respect to the industrial developments that could benefit from the project, then including such additional information makes the case for the project even stronger.

1.4 Comments that illustrate errors of conclusion

- P. 39 Sec. 1.5.1: It would appear that the HRC does not realize that the highway segment referred to as 'Debe to Mon Desir' consistently stops at the Fyzabad Interchange in the west, in both the CEC and planning applications. The St. Mary's to Point Fortin segment includes a 'spur' running to the east that connects with the Debe to Mon Desir segment in its western extremity.

The result of this misconception is that the HRC erroneously concluded that Planning Permission for the area between the Fyzabad Interchange and Mon Desir was granted before the CEC was obtained as they were comparing the date of the Planning Permission for the St. Mary's to Point Fortin segment with the date of the CEC for the Debe to Mon Desir segment.

Section 2.0 ENVIRONMENT

2.1 Comments that contain errors of fact

- The third objective of the HRC, “To ascertain the veracity of technical issues raised by the respective parties and the consequences/impacts in respect of the Mon Desir to Debe Segment, keeping in mind international best practice” was not addressed by the HRC.
- P. 64 Paragraph 2

“The most glaring failure of the EMA in the review was with regard to the definition of the Study Area. As described above, the EIA should have been rejected outright for this reason and sent back to the preparer to re-do”

FACT: The study area was determined by the EMA and was described in the TOR. There was a requirement to properly identify the Study Area. This was done in the EIA and accepted by the EMA.

2.2 Comments that contain misleading statements

- The Environmental Consultants held several “interdisciplinary meeting amongst the members of the HRC to discuss all issues at hand”.

FACT: Only one meeting was held with National Infrastructure Development Company Limited (NIDCO) and Ministry of Works and Infrastructure (MOWI) whilst the HRC failed to meet with EMA and EcoEngineering Consultants

- P. 52 Section 2.4.2 Scoping

The HRC indicated that there is an omission of a proper scoping exercise prior to the development of a TOR.

FACT: A proper scoping exercise was done in the feasibility study.

- P. 54 Section 2.4.3 Terms of Reference Deficiencies- 1st Sentence

The Oropouche Lagoon is an area of particular Environmental Sensitivity

FACT: Every single ecosystem on or around the Right of Way (ROW) is of a particular environmental sensitivity. Then why single out the Oropouche Lagoon (See EcoEngineering Comments).

- P. 62 Section 2.5.7 Method for Assessing Impacts and Proposing Mitigation Measures

The entire paragraph is misleading.

FACT: The proposed Mitigation Measures were adequate.

- P. 62 - Section 2.5.8. Analysis of Alternatives

The Consultant calls for two other alternatives presented by the HRM to be considered:

(a) Upgrade of Murray Trace

(b) Building of elevated segments of South Trunk Road along the existing Mosquito Creek

FACT:

- ✓ **Through Public Consultations the residents prepared an alternative route which was considered and evaluated.**

✓ **The HRM route proposed was from Debe to Paria Suites.**

- P. 66 Section 2.9.2

Item 3: “A Social Impact Assessment and Environmental Economic Study of this Project must be done to inform a decision to proceed or not to proceed. This study should capture broad segments of the affected communities and should seek to get opinions from both antagonists as well as protagonists of the highway”

FACT: This process was adequately captured during the EIA Process namely the Public Consultation Exercise.

Item 4: “A proper evaluation of possible impacts on the Siparia Forest Reserve should be done to inform further decisions.”

FACT: An evaluation of the impact of the construction of the highway on the Siparia Forest Reserve (SFR) was conducted and it was found that there are no expected negative impacts because the Highway Alignment does not affect the SFR.

Item 5: “The construction of the Debe to Mon Desir segment of the Highway (SHHE) should not proceed until the recommended studies are done and it can be scientifically demonstrated that residual impacts are low.”

FACT: Again, the EIA process captured all the relevant studies and was already used to aid in the decision of proceeding with the development of the Debe to Mon Desir segment of the Highway (SHHE).

2.3 Comments that offer opinions that are not properly justified

- P. 46- 3rd Paragraph, 1st line- “ It should be noted that the TCPD, the Wildlife Division and the Soil Experimentation Station (Centeno) were also invited to be part of the technical review panel, however from the documentation held in the public record **it would appear** that the invitations to TCPD and the Wildlife Division were not accepted.”

FACT: This statement lacks justification and the HRC cannot assume the invitations were not accepted.

- P. 53. Section 2.3.10. Further Extension of Review Period. Last line - “The Authority was well within its legal bounds at this time to issue a refusal of the application based on Sub-rule 6 (2)”.

FACT: This statement is misleading and is not justified since there were no reasons for EMA having to refuse the application.

- Page 54. Section 2.43. TOR Deficiencies 2nd to Last Paragraph- “This could give the impression that there was an initial lack of understanding of how severely the acquisitions could have affected the receiving communities”.

FACT: The CEC and EIA processes are well documented by the EMA and confirms to World Bank Standards. The TOR is acceptable by World Bank Standards.

- P. 63. Section 2.6 – Public in EIA Reviews – 1st Line – 1st Paragraph- “As evidenced by the initiation of this review, the proposed Debe to Mon Desir highway segment has been the source of many objections”.

FACT: This statement is very generalised and is not justified since the HRM represents a minority of the population against the Highway.

- P. 63 Section 2.6 The Role of the Public in the EIA Review Process

The HRC states that “the lack of documented public concerns from the local communities seems to have been a missed opportunity by those who are calling for a reversal of the decision to proceed with the Highway. If public comments had been submitted in writing iterating many of the concerns being brought forward during this HRC review and in the great

detail that has been presented by the HRM to the HRC, the EMA should have had to have demonstrated greater consideration of the perceptions of this group.”

FACT: The above opinion of the HRC implies that the information received during Public Review of the EIA Process was insufficient when compared to the detailed information presented by the HRM.

These issues presented by the HRM were NOT submitted during the allocated time period for Public Comment. It must be noted that the MOWT followed all protocol regarding the timelines required for Public Comment. To this end, it can be concluded that the HRM simply did not present their issues during the required time to the EMA and for the HRM to present information at this time has a great negative cost impact on the Government of the Republic of Trinidad and Tobago (GORTT).

- P. 64 - First Line “The review and Assessment Report was a poorly done assessment of the EIA and did not go far enough in getting the preparers to correct its deficiencies”.

FACT: Again, this statement of the HRC has not been adequately justified in the Report.

- P. 65 Section 2.8 – Main Conclusions

FACT: All of the points highlighted in this section are arguable as they are referring to the EIA Review Process carried out by the EMA. It must be noted that the MOWT again satisfied all the requirements put forward by the EMA during the EIA Process.

2.4 Comments that illustrate errors of conclusion

- The HRC found that the EIA was not acceptable and should have been rejected by the EMA.
- The outline submission in support of the CEC Application 1372/2006 EIA and Response to Review and Assessment (RAR) Responses could give the impression that insufficient effort was extended to identifying and mitigating the most important impacts posed by this Highway.

FACT: There is no evidence to support this claim made by the HRC.

- The Conclusions and Recommendations Sections did not address Objective 3 of the HRC.
- There was no mention of whether the EIA satisfies the TOR.

FACT: the EIA met all the conditions outlined in the TOR.

Section 3.0 SOCIAL IMPACTS

3.1 Comments that contain errors of fact

- Page 80. Section 3.7. Evaluation of issues raised by the HRM.

The consultant argued on behalf of the HRM by citing two samples- Sample 1 on page 81 and Sample 2 on page 82.

The two examples put forward can be used in any textbook as examples of bias in sampling a population. Clearly, the samples were taken in areas where the people objected to the construction of the Highway.

The consultant failed to take into account the terms and conditions mentioned in the CEC regarding relocation issues. In addition, he failed to address the provision of lands at Petit Morne etc. for persons to be relocated.

The consultant supports Mr. Boodhai's views without giving proper justification.

- Section 3.9. The statement here that there is not enough data in the current EIA to adequately assess the Social Impacts directly conflicts with that of Mr. Eden Shand who found that the EIA contained enough information to enable a decision on the project.
- Did the information provided in the EIA satisfied the TOR.
The reviewer failed to address this issue.

3.2 Comments that contain misleading statements

- Pg74 Section 3.5 Conformity with the Requirements of the SIA and with "Best Practices". The reviewer : In our view, a major failing of the SIA components of the EIA related to the Debe to Mon Desir segment of the Solomon Hochoy Highway Extension to Point Fortin project begins with inadequate scoping.

FACT: SIA studies have been done for this area. It can be found in the EIA for St. Mary's Junction to Pt. Fortin Segment.

- Pg 75 Section 3.6 Geographic Scope, Paragraph 4. The claim that there was an inappropriate use of gathering techniques, a restricted target group and a failure to clearly identify impacts in a manner to allow for quantification for cost benefit analysis and for purpose of mitigation is misleading.

FACT: A range of data gathering techniques as indicated in Appendix L and within the EIA was used to gather socio-economic data and opinions from person residing and operating businesses along the Debe to Mon Desir.

FACT: The geographic area which was identified to select the target groups for the conduct of social surveys and Public Consultations was identified with guidance from Section 2.3.3, Pg 9 of the TOR which was prepared and finalized in consultation with the EMA and the public. The extent of consultations and surveys was concentrated within the ROW, however, times, venues and location of Public Consultations was open to all members of the public and was advertised in the newspapers for each meeting. Therefore, any person who had an interest in the project and did not reside or operate along the ROW can attend and let their views be heard.

FACT: Identification of impacts in a manner for the so as to be able to quantify them for cost benefit analysis and for the purposes of mitigation was not a requirement of the TOR for this EIA. Identification of potential impacts for the EIA was conducted in accordance with documents published by the Commonwealth Secretariat, the World Bank Environment Department and EcoEngineering

3.3 Comments that offer opinions that do not have a factual basis

- Pg 76 Section 3.6 Geographic Scope Paragraph 4. The author assumes that attempts to obtain information on the details of acreages and types of crops/species harvested as requested by the TOR were not made. Information which was available at the time was sought and what was available included in the EIA. Attempts to obtain data now may be more successful after the period of time the EIA was prepared and this report written.
- Pg 78 Section 3.6 Geographic Scope. The author interjects his /her opinion into the report by stating an opinion on the need for re-visiting communities for identifying change in opinions for the project. It was prudent to re-interview persons after a two year delay

caused by the exploration of alternatives expressed by residents which is expressed and part of the final EIA.

In addition initial interviews were conducted as a matter of a requirement of the TOR and any subsequent re-interviews was conducted in the interest of the project prior to submission and the granting of the CEC

3.4 Comments that illustrate errors of conclusion

- Pg 74 Section 3.6 Geographic Scope. It is very inaccurate that the HRC would concluded in Paragraph 2 that the geographic scope of the project is considerably expanded with the conduct of works along a second corridor involving the widening and reconstruction of approximately 12 km of the Southern Main Highway and Southern Trunk Road from Dumfries Road to Delhi (Mon Desir).

FACT: Works along this second corridor along the Southern Main Road to Paria Suites is actually covered under another CEC 1078/2005. Due to the Scope of this Project there was no need to conduct an EIA as this was not deemed necessary by the EMA and as such no SIA studies were necessary as there were no significant social issues to be dealt with.

- Pg 76 Section 3.6 Geographic Scope, Paragraph 2.

The Reviewer: The first point to note is that the use of focus groups to collect socio-economic data is inappropriate.

FACT: Focus group consultations can be used to gather socio-economic data are an excellent way to get feedback on ideas, plans and strategies. The information collected helps shape initiatives and inform decision making. Providing these opportunities for input ensures the community is aware of what is being done and

feels engaged in the process. It must be emphasized that Focus Groups meetings was a method of data collection suggested by the EMA (Pg 18 Section 2.9 of the TOR) and was not the only type of meeting used to gather socio-economic data for the project. Information collated was done with what was available at the point in time for the project summaries. Information available now may not have been available at the time the EIA was prepared and submitted.

CONFLICTING VIEWS

Section 2.0 ENVIRONMENT

- P. 53, Section 2.4.1 Terms of Reference (TOR) as required by the Certificate of Environmental Clearance (CEC) Rules.

FACT: The HRC agreed that the TOR covers the critical views of development and conforms to World Bank Standards.

This statement conflicts with another statement on Page 54 – Section 2.4.2. – Scoping, where the HRC ‘out of the blue’ stated that there were flaws in the TOR as reflected by an omission of a proper scoping exercise. The scoping exercise was done in the feasibility study phase. The HRC went on to list deficiencies in the TOR on Page 54 – Section 2.4.3. TOR Deficiencies.

- P. 54 – Section 2.4.3. TOR Deficiencies Last Paragraph. The HRC states “As is typical with EMA TORs, but nevertheless a drawback, the TOR does not require the use of quantitative methods to assess impacts, except in the area of risk and coastal hydrodynamics”.

FACT: The TOR was developed according to World Bank guidelines. However the HRC insists that quantitative assessment is critical to this project in the areas of hydrology, drainage and assessment of human impacts.

- P. 62 – Section 2.5.6. “Consultations seem to have been done at least in keeping with the requirements of the EMA’s TOR”.

FACT: HRC said Consultants done in accordance with TOR above whereas on Page 63.Last Paragraph the HRC stated that there was a lack of documented public concerns from local communities.

CONFLICTING VIEWS- Chapter 2 VS Eden Shand

Chapter 2/HRC	Eden Shand's Report
<p>1. Page 62. Section 2.5.7.1</p> <p>Consultant calls for entire chapter in Proposed Mitigating Measures to be done.</p>	<p>Page 183. Table</p> <p>Consultant gave this entire chapter – a high quality grading.</p>
<p>2. Section 2.5.6</p> <p>Public and Stakeholder Part. 1st Paragraph, Last Line states “A number of concerns were raised during the public consultation meetings by affected community members and not resolved in the EIA.”</p>	<p>Consultations seem to have been done at least in keeping with the required of the TOR.</p>
<p>3. Page 65. Section 2.8 – Conclusion</p> <p><u>EIA was not acceptable.</u></p>	<p>Page 182.</p> <p>EIA acceptable – Contains enough information to enable a decision.</p>
<p>4. Page 55. Section 2.5.1. Rationale for Projects Reviewer – states that:</p> <p>There are no specific goals or objectives that explains why this segment is needed and who needs it.</p> <p>Page 62. Section 2.5.8.</p> <p>Called for examination of two alternatives based on presentation of HRM.</p>	<p>Shand Page 180 – 1st Paragraph states:</p> <p>The body of the report contains sufficient detail about purpose and objectives of the development.</p> <p>Page 181. Section 13 – Reviewer states:</p> <p>Consideration of advantages and disadvantages of alternative routes and alignments was completely done.</p> <p>A clear case was made for the route and alignment finally selected. The justification for the chosen route on the grounds of accessibility for the settlements of Debe, Penal, Siparia and Fyzabad was indisputable.</p>

CONFLICTING VIEWS – SOCIAL IMPACTS

Social Impacts Assessment	Social Component of EIA
<p>Page 76</p> <p>Focus groups to collect socio – economic data inappropriate.</p> <p>Page 85. Section 3.9</p> <p>HRC states- “There is not enough data in the current EIA to adequately assess the social impacts, to classify them in terms of severity and to plan adequately to mitigate them”.</p>	<p>Focus groups were used during the public consultations. This is a good approach.</p> <p>(a) Page 183. – Eden Shand</p> <p>There is enough information to enable on decision in the project.</p> <p>(b) Review of Social Components. Page 159. Section 3.2</p> <p>The TOR for SIA was adequate. Overall the EIA complied with the social components of the TOR.</p>

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