

**Review of the Application for a Beach Licence and “Implementation
Plan of the Geotechnical Investigation for the First-Stage Container
Terminal Project”
in the Portland Bight Protected Area (vicinity of Goat Islands)**

Done by

CCCC Water Transportation Consultants Co. Ltd.

Review prepared by:

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**With technical assistance from the
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This document contains the professional opinion of the Jamaica Environment Trust (JET). In arriving at our opinion we made every reasonable attempt to ensure that our resource persons are informed and reliable and experts in the area in which their comment and analysis is sought. JET encourages readers to apply their own critical analysis to the information provided in this document and by others, particularly where JET's opinion differs from those others.

With technical assistance from the Environmental Law Alliance Worldwide (ELAW), the Jamaica Environment Trust (JET) evaluated the application for a beach licence and the Implementation Plan of the Geotechnical Investigation for the “First stage container terminal project” to be conducted in the Portland Bight Protected Area (vicinity of Goat Islands) dated January 2014.

GENERAL COMMENTS

This beach licence application to conduct a geotechnical survey concerns the proposal to construct a port and industrial park near or on the two Goat Islands as well as on the adjacent mainland in the Portland Bight Protected Area (PBPA). The Jamaica Environment Trust (JET) does not support the construction of this development in this location due to its protected status, the nearby valuable natural resources identified under many different laws and international agreements and conventions and the general lack of transparency that has attended this matter. See Annex 1 for a summary of the protected area designations for the PBPA.

JET notes on the website of the National Environment and Planning Agency (NEPA) the existence of the Final Draft of the Strategic Environmental Assessment (SEA) Policy which states, *inter alia*:

SEA will be mandatory where a proposed Policy, Plan or Programme (PPP) to be undertaken by the ministries/agencies outlined:

- *Will affect natural resources (e.g., increased production of timber)*
- *Will affect large geographical areas or involve particularly radical changes in the ecological or landscape structures or in the land use of local areas*
- *Will affect particularly vulnerable or sensitive areas such as coastal zones, habitats for rare or endangered species or areas of specific recreational value*
- *Is expected to cause considerable adverse impacts on the environment*
- *Is likely to affect the achievement of environmental quality goals*
- *Is likely to affect the number, location, type and characteristics of sponsored initiatives which could be subject to project-level environmental assessments (e.g., a tourism policy leading to the construction of new resorts)*
- *Will involve a new process, technology or delivery arrangement with important environmental implications*
- *Could result in significant interactions with the environment because of its scale or timing*
- *Will make it difficult to comply with, established environmental objectives, policies or guidelines*
- *Presents any particular risk or may be particularly harmful or irreversible, e.g. emission of heavy metals or toxic substances*
- *Will affect the possibilities of ensuring sustainable national development in Jamaica or preventing environmental damage.*

*(Final Draft Policy on Strategic Environmental Assessment, November 2003, Page 24
http://www.nepa.gov.jm/policies/SEA/FinalDraft_SEAPolicy_July2003.pdf)*

JET insists that a project the size and scope of the port and industrial park in the PBPA near to the Goat Islands must be the subject of a SEA. JET is unsure whether or not the Policy on Strategic Environmental Assessment was ever finalized, but nonetheless, we regard this document as a clear statement of Government policy and intent.

SPECIFIC COMMENTS

The Geotechnical Investigation involves the use of drilling equipment to drill borehole cores at 26 locations. Any of these boreholes on land or within dense mangrove areas raises the question as to how the proponent would bring a drilling rig to the location of the borehole. The drilling equipment described on Page 10 of the Implementation Plan includes a 2-ton winch, a diesel engine and a 6-metre derrick. This is not equipment that can easily be transported to the location of a borehole and in the absence of existing roads or helicopter transport, access roads or tracks will have to be cleared. This alone would cause considerable damage to important natural resources.

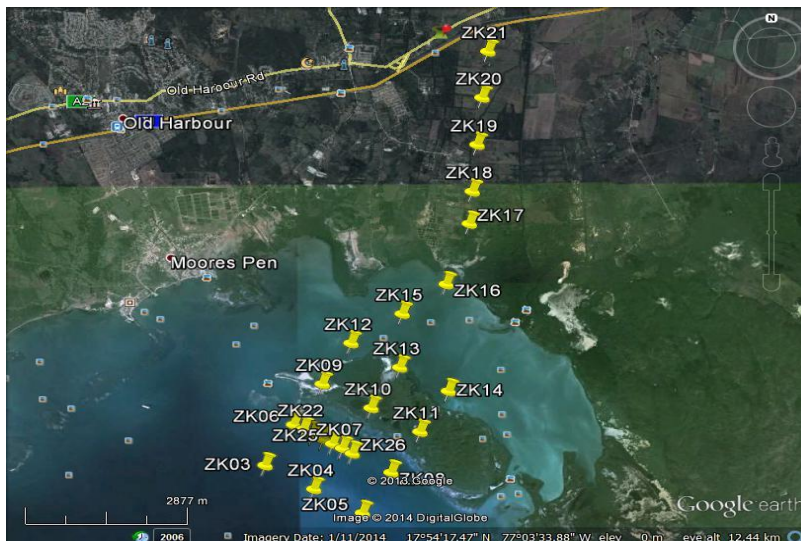
The project proponent provides the following assurances (Page 19 of the Implementation Plan for the Geotechnical Investigation) that new access roads would not be required:

8.4. Flora, Fauna and Benthos Assessment

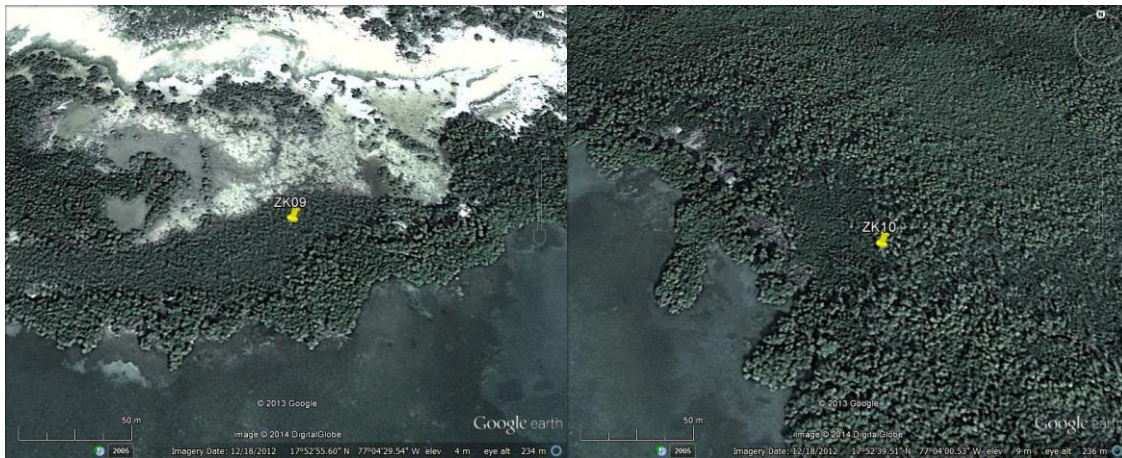
- c) It should be ensured that the borehole location will avoid damaging the coral and protected plant (mangrove). The borehole location can be adjusted if needed.
- a) All boreholes on land are either along existing roads or at the sea shore, so no flora, fauna and benthos will be destroyed when mobilize equipment to the site by roads or by the sea.

The coordinates of the 26 proposed boreholes are indicated in Table 2.1 on page 5 of the Implementation plan for the Geotechnical Investigation. We used Google Earth to pinpoint the exact location the project proponent would build boreholes. Please see the attached file: [Jamaica-Goat Island boreholes.kmz](#)

At least four of the boreholes that the project proponent desires to drill - ZK09, ZK10, ZK11 and ZK13 – are on Little or Great Goat Island itself.



Please see the following close ups of the location of boreholes ZK09, ZK10, ZK11 and ZK13, showing that they surrounded only by extensive vegetation.



Close up of proposed borehole ZK09

Close up of proposed borehole ZK10



Close up of proposed borehole ZK11

Close up of proposed borehole ZK13

Based on these Google Earth images dated 18 December 2012, we conclude there are no existing roads anywhere close to these proposed borehole locations and transporting drilling equipment will likely cause extensive damage to vegetation of high ecological value namely, mangroves, forest and seagrass beds, several of which are within the Galleon Harbour Fish Sanctuary. We wish to highlight that under section 11(2) of the Beach Control Act when an application is received for use of the foreshore or floor of the sea, the Natural Resources Conservation Authority is required to consider the protection of the public interests in regard to fishing, bathing or recreation, or protection of the environment.

Submitted by:
Jamaica Environment Trust
March 11th, 2013

Annex 1

Table 1: Legal Protection under Jamaican Law

Year declared	Type of protected area	Legal instrument	Names of Areas	Reasons for Protected Status
1999	Protected area	Natural Resources Conservation Authority Act (1991) (Section 5)	Portland Bight Protected Area	Protection of ecosystem services and biological diversity
1996	(2) Forest Reserves	Forest Act	Peake Bay and Hellshire Forest Reserves	Conservation of forests soil and water resources, provision of parks and other recreational amenities, protection and conservation of endemic flora and fauna.
Various years (1994-2004)	(6) Game Sanctuaries	Wildlife Protection Act	Little Goat Island, Great Goat Island, Amity Hall, West Harbour-Peake Bay, Cabarita Point, Long Island	Protection of wildlife from hunting and the taking of eggs and the introduction of predators such as dogs.
2009	(3) Fish Sanctuaries	Fishing Industry Act	Three Bays, Galleon Harbour, Salt Harbour	Protection fish spawning and nursery areas from fishing in order to allow fish populations to recover.

Sources: (NEPA 2011) (GOJ 1991) (Forestry Department 2013)

Table 2: International designations for the Portland Bight Protected Area

Year	Type of area	Organisation	Name of area	Rationale / purpose for designation
2006	Wetlands of international importance	Ramsar Convention	Portland Bight Wetlands and Cays	Internationally important for conservation of biological diversity, particularly waterfowl. To promote conservation of habitat (spawning ground, nursery and/or migration path on which fish stocks depend).
2009	Important Bird Area	BirdLife International	Portland Bight IBA	Areas of habitat for globally threatened birds, thus priority conservation areas.
2010	Alliance for Zero Extinction site	Alliance for Zero Extinction	Hellshire Hills	Survival of globally threatened species, especially the Jamaican Iguana
2011	Key Biodiversity Areas in the Caribbean Islands Biodiversity Hotspot	Critical Ecosystems Partnership Fund	Braziletto Mountains, Portland Ridge and Bight, Hellshire Hills	Areas where globally threatened species of wildlife occur, as defined by IUCN. Conservation strategy is to integrate biodiversity conservation into landscape and development planning and implementation.
2012	Biosphere Reserve (conditional approval)	United Nations Educational, Scientific, and Cultural Organization (UNESCO)	Portland Bight Biosphere Reserve	To conserve biodiversity in terrestrial and coastal ecosystems while allowing sustainable use. (Application suspended in 2013)

Sources: (Levy 2008), (BirdLife International 2009), (BirdLife International 2013), (CEPF 2011), (IUCN 2013), (NEPA 2011), (UNESCO 2013)