



NATIONAL ENVIRONMENT & PLANNING AGENCY

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THE NATURAL RESOURCES CONSERVATION AUTHORITY ACT

The Natural Resources Conservation (Permit and Licences) Regulations, 1996

Enforcement Notice (Pursuant to Section 18)

TO: National Road Operating & Constructing Co., Ltd
11-15 Oxford Road
Kingston 5

WHEREAS it appears to the **NATURAL RESOURCES CONSERVATION AUTHORITY** (the **AUTHORITY**) that the activities of an undertaking carried out or appearing to be carried out by you, as set out in Part A of the Schedule are such as to pose a serious threat to the natural resources and/or to the public health as described in Part B thereof:

The AUTHORITY hereby requires that as per the dates stated in this Notice -

- (a) Take the steps set out in **Part C** hereof to correct and ameliorate the effect of the activity and, where appropriate, restore the natural resources to its condition before the activity took place;
- (b) Cease the offending activity immediately.

TAKE NOTE that an Appeal against this Notice may be made to the Authority in accordance with Section 34 of the Act, within 28 days of the effective date of this Notice.

NB. NOTWITHSTANDING ANY APPEAL AGAINST THIS NOTICE IT SHALL REMAIN IN EFFECT PENDING THE FINAL DETERMINATION OF THE APPEAL

If you fail to comply with this Notice, you may be prosecuted, and the Minister may take such steps as he considers appropriate to ensure the cessation of the activity to which this Notice relates.

SCHEDULE

PART A

Causing or allowing excessive sedimentation of the coastal ecosystem in the Old Fort Bay Area of St. Ann, this being the result of the washing down of silt, solid waste and debris associated with construction and preparation activities along K61 to K67 of Section 3 being undertaken by JAMAICA NORTH SOUTH HIGHWAY in and/or surrounding Old Fort Bay in the parish of St. Ann.

PART B

1. **Sedimentation** may result in:

- (a) Smothering and stressing of coral reefs and associated marine life which may ultimately result in their death;
- (b) Smothering of the seagrass beds which shelter and protect the beach which may result in their death which is highly likely to negatively impact shoreline stability;

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Any reply or subsequent reference to this communication should be addressed to the Chief Executive Officer, to the attention of the officer dealing with the matter, and the reference quoted where applicable.

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- (c) Poor water quality, impacting recreational use and public health due to accumulation of sediment in the water column and floor of the sea;
 - (d) Increased turbidity which reduces the penetration of light and the resultant limitation of coral reef development.
2. The **Pollution** of the harbour with solid waste and debris is highly likely to impact human health.

PART C

NOW THEREFORE, National Road Operating & Constructing Co., Ltd shall ensure that the following is done to the satisfaction of the AUTHORITY **within five (5) working days** of the effective day of this Notice:

1. Complete all outstanding slope protection, scour mitigation and slope rehabilitation works;
2. Install drainage and hydraulic structures/features (inclusive of but not limited to check dams and sediment ponds/basins);
3. Provide, calculations, specifications, sizes, spacing and geo-referenced locations for the structures/features set out in 2 above;
4. Conduct clean-up activities east of the Harbridge Gully on each occasion that rainfall results in the accumulation of solid waste and debris and sediment deposits
5. Undertake other activities that will ensure that the constitutional right to enjoy a healthy and productive environment free from threat of injury or damage from environmental abuse and degradation of the ecological heritage is strictly adhered to.

FURTHER, the following should be to the satisfaction of the **AUTHORITY** and **within the stated timelines**:

6. Conduct an assessment of the sediment loading to get a baseline of the sediment levels in the Bay. This assessment shall **be conducted for a minimum period of one (1) year** in between the western boundary of the Harbridge Gully outfall and the eastern boundary of the Little River drainage channel outfall. The first assessment falls due fifteen (15) days after the effective date of this Notice and thereafter for eleven (11) consecutive months.
7. Conduct a coastal assessment of the water quality. This assessment shall be **conducted for a minimum period of one (1) year** in between the western boundary of the Harbridge Gully outfall and the eastern boundary of Little River drainage channel outfall. The first assessment falls due thirty (30) days after the effective date of this Notice and thereafter for eleven (11) consecutive months.
8. Submit a mitigation and monitoring plan **monthly for a period of 1 year**. The first report falls due thirty (30) days after the effective date of this Notice and thereafter for the following eleven (11) consecutive months.

TAKE FURTHER NOTE all best engineering practices shall be adopted at all times in carrying out the activities mandated.

TAKE FURTHER NOTE that this Enforcement Notice does not negate JAMAICA NORTH SOUTH HIGHWAY COMPANY LIMITED's responsibility under the Environmental Permit to provide a comprehensive Sediment Control and Migration Mitigation and Monitoring Plan for K61 to K67 to the satisfaction of the Authority and thereafter full implementation.

Dated this 8th day of APRIL 2016.

The effective date of this Notice is 13 day of April 2016.



Peter Knight, JP
for Natural Resources Conservation Authority

Served by Richard Nelson
on 8 April 2016.



