



## Peninsula Citizens for Sustainable Development

General Delivery, Placencia Peninsula, Belize

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22 December 2008

### Via Facsimile and Email Transmissions

Department of the Environment

10/12 Ambergris

Belmopan, Belize

Re: Comments on Project Proposal for a Real Estate Development, Astera Development

Dear Environmental Officer:

Following are our comments on the proposed Astera development proposal submitted to DOE in October 2008 by Jacob Silver for NBP Investments, Ltd.

- **A full Environmental Impact Assessment is required for this project under Schedule I of the 2007 Revised Environmental Regulations, Sections 8(h), 9(a) and 9(b):**
  - **Schedule I, Section 8(h)** requires a full EIA for construction of hotels, resort facilities and golf courses within or *in close proximity* of the boundaries of a protected area or world heritage site.

*The Port Honduras Marine Reserve abuts the Astera development site and the Payne's Creek protected area is 1 kilometer away.*

A 96-condo development (12 condo buildings with 8 condos in each) is definitely a hotel, especially when the Proposal itself states that BOTH the condos and the houses to be constructed on lots are to be sold as time shares or investment shares rather than outright purchases. Purchasers will not receive certificates of title and the lots will actually not be legally subdivided. (See 2<sup>nd</sup> paragraph of Overview on page 2 of the Astera Proposal.)

- **Schedule I, Section 9(a)** requires a full EIA when dredging for land reclamation and/or creation projects will use a volume of material of more than 50,000 cubic yards along the coast, cays and ecologically sensitive waterways.

The Proposal states that “approximately” 40,000 cubic yards of fill will be dug from 3 canals to obtain adequate fill to elevate the lower areas of the property by 3 feet.

The proposal also states that a purportedly existing water course will require additional dredging to deepen the channel. *(Please note that the Village Council Chairman for Punta Negra says that there has NEVER been an existing waterway in this area.)*

According to the Dept of Geology, a permit has already been given for dredging of 9,700 cubic yards of fill for this existing watercourse, for a total of 49,700 cubic yards, a *de minimis* 300 cubic yards less than the 50,000 cubic yards required under Schedule I, Section 9(a).

Since the developers only know “*approximately*” how much fill will be needed for this wetland area, the precautionary principle requires that a full-fledged EIA be performed.

- **Schedule I, Section 9(b)** requires a full EIA for any land reclamation or creation project in excess of 10 acres along the coast or in a wetland. Most of this site is a wetland. As acknowledged in the Proposal itself, 3 feet of fill will be needed to produce developable land on the 14 acres to be cleared and developed under this *initial* Proposal. Area residents also describe this land as very low and swampy, and a marine biologist for TIDE noted several small ponds in the area approximately 50 meters from the shoreline.
- **Jetties.** Two 120-foot jetties will be constructed in the Sea to prevent the access canal for the site from being filled in by sand. An analysis needs to be made of the effect of these jetties on erosion of properties south of the proposed development. In addition, the developer has not identified any measures to prevent or mitigate downstream erosion.
- **Presence of endangered species at the Proposed Development Property.** According to Celia Mahung, Executive Director of TIDE, the TIDE marine biologist found that the beach is a nesting site for Hawksbill Turtles, a critically endangered species. The Proposal contains absolutely no information on other flora or fauna that may be on the proposed development site. Without this information, DOE cannot make an assessment of the environmental effects of this proposed development.
- **Water Issues:**
  - Where will the reverse osmosis system be located? Where will the injection and production wells for the reverse osmosis system be located – neither is even mentioned in the Proposal.
  - Potable water is estimated at 25,000 gallons - does this include water for the swimming pool, bar and restaurant, toilets and irrigation?
  - Where will swimming pool water be drained?
- **Liquid Wastes.** Where will the sludge from the BESST system (or other system) be disposed of if this type of sewage treatment plant is required? How will septic systems be pumped out if septics are even feasible given the wetlands nature of this area?
- **Connection of Freshwater Lake to Sea.** The Astera Retreat Site Plan (such as it is) that is provided in the Proposal shows the 3 proposed canals connecting to the freshwater lake on the site and then to the Sea. This lake includes tarpon and the Bay Snook, which is very rare in Belize. Both are valuable sportfish, with tourists from Monkey River and Placencia fishing the lake. In addition, the Chairman of Punta Negra Village, which is adjacent to the proposed development, states that the Village uses the lakewater to supplement its water supply during the dry seasons. This very valuable freshwater lake could be destroyed if it is connected to the Sea via the proposed canal system, and connection should not

be allowed. In addition, it is critical to determine what other species of fish and other marine life inhabit this lake so that DOE can make a proper assessment of environmental impacts.

- **Failure of DOE to comply with Village Council Act..** DOE has not consulted with Punta Negra Village as mandated by Section 49(a) of the Village Council Act, reproduced below. Until such a consultation occurs, DOE cannot make a decision about the proposed development:

Section 49(a), Village Council Act: Any Ministry or Department of Government intending to make any decision or policy or to carry out any act affecting a village shall consult with the council before doing so and, as far as practicable, take the views of the council into account.

- **Capability of Developer.** The Certificates of Title copied in the Proposal gives NBP Investment's address as 201 Lorine Lane, Malibu, California. According to the public records for the Assessor of the County of Los Angeles, this is a 3 bedroom/4 bath house of 3,610 square feet belong to Efrat and Hidai Friedman, a married couple.

According to court records from the United States and Canada, Mr. Hidai is guilty of securities law violations, has been under criminal indictment and has been sued by individual investors. All of these legal cases stem from what a bankruptcy court involved with these matters described as the sale of private investment funds based on worldwide real estate. In addition, the Website of NBP Investments describes the fund as investing in Belize, Panama and other world-wide real estate investments. (See Case No. 07-22719 of the federal bankruptcy court for Colorado, Nov. 2007 and [www.nbpi.net](http://www.nbpi.net))

Also, both Mr. Hidai and his wife, Efrat Hidai, admitted to defrauding investors and violating the securities laws of Alberta, Canada. See *Klytie's Developments Inc., Re, 2007 ABASC 351*, [http://www.albertasecurities.com/Enforcement/Enforcement%20Orders/15181/Klytie\\_s\\_Developments\\_Inc.\\_-\\_SAandU\\_-\\_2007-06-05\\_-\\_2447209v6.pdf](http://www.albertasecurities.com/Enforcement/Enforcement%20Orders/15181/Klytie_s_Developments_Inc._-_SAandU_-_2007-06-05_-_2447209v6.pdf)

**While we do not know what relationship the Friedmans have with NBP Investments Ltd, the fact that the corporation uses their home as its official address should require DOE to proceed with extreme caution, and to involve the Attorney General's Office in investigating the NBP Investment fund.**

Sincerely,

Peninsula Citizens for Sustainable Development, Ltd.

By: 

Mary V. Toy, First Vice President