

ON APPEAL FROM THE COURT OF APPEAL OF BELIZE

BETWEEN:

BACONGO

and

The Queen

and

The Department of the Environment

Belize Electric Company Limited

Appellant

1st Respondent

2nd Respondent

Affidavit of Keith Prufer

Dated 21st July 2003 on behalf of the Appellant

I, Keith Prufer of 7030 Haley Center, Auburn University, Alabama, USA, MAKE OATH AND SAY as follows:

1. I am an Instructor in the department of Sociology, Anthropology, Criminology and Social Work at Auburn University. I obtained my Ph.D. from Southern Illinois University at Carbondale in 2002 specializing in the Precolumbian Maya archaeology. I have more than eight years of experience working as an archaeologist in Belize, mapping Maya centers and caves in the Maya Mountains of southern Belize. My research has been supported by the National Science Foundation, Sigma Xi – The Scientific Research Society, and the Foundation for the Advancement of Mesoamerican Studies, Inc.
2. I have visited, as part of a wildlife assessment, the Upper Macal and Raspaculo River Valley, the area that would be impacted by the proposed Chalillo dam. During my visit I observed unlooted Maya sites that could provide substantive insights into local settlement patterns, economic interactions, and environmental adaptations of the Precolumbian Maya. I cannot overemphasize the rarity of finding unlooted Maya sites, and only the remoteness of the area has allowed such sites to survive.
3. I have read the archaeological studies contained in the Environmental Impact Assessment for the Chalillo dam. It is my considered opinion that, due to the short duration of the studies, their limited geographic scope, and the lack of detail in their reporting, these studies provide only partial

and fragmentary data on the area that would be affected by the Chalillo project. I have no doubt that the dam would adversely affect important cultural resources, including the structures and sites I observed during my visit to the area, which have not been included in the EIA.

4. It is my considered opinion as someone who has worked in the Maya Mountains for eight years that a much more thorough investigation, including detailed surveys and excavations, would be needed in order to make a reasonable assessment of the cultural value of the sites and artifacts that would be affected by the Chalillo dam.
5. I have read the Environmental Compliance Plan (ECP) “mitigation measures” for Archaeology (section 1.0 through 1.04). It is my professional opinion that the archaeology studies described in the ECP should have been conducted before taking the decision to go forward with this project. Otherwise, it is impossible to know the value and extent of the cultural resources that would be destroyed. I have doubts that any independent, professional archaeologist could reasonably conclude that the studies conducted and described in the EIA are sufficient to evaluate the potentially irreversible damage the Chalillo dam would cause to cultural resources.
6. I can state without reservation that the measures described in the ECP do not meet the minimum professional standards for a project of this nature. For example, the ECP states that:

“The archaeological surveys, excavation and salvaging shall be conducted during the estimated 18-months construction phase. If excavation and salvaging within the impoundment area is incomplete then the remaining archaeological works, at higher elevations, shall be conducted during the subsequent dry seasons. BECOL shall assist in this endeavor by controlling the level of the impounded water within the reservoir.”
7. This plan is wholly inadequate. Archaeological excavations, by their very nature, take time in order to minimize loss of data from sites that are being studied. The project impact area is huge, heavily vegetated, and difficult to assess. With the exception of the limited EIA study archaeological investigations have never been conducted in the project area. Eighteen months is an unreasonably short window of time to

mitigate adverse effects to the number of sites that potentially may be found in the Macal and Raspaculo valleys (the extent of these sites is still unknown).

8. The notion that sites could be partially excavated, flooded by the dam in one season, and then excavated further the following season makes little sense from an archaeological standpoint. The very act of inundating the site would cause major, irreversible damage to archaeological contexts.
9. Due to the proximity of the Upper Macal River Valley to Caracol and other significant sites, and due to its remoteness, it is quite possible that important unknown and unlooted sites will be found in the area to be impacted.
10. The only way to determine the extent of cultural resources is to develop a comprehensive archaeological survey and mitigation plan for the region. Subsequent investigations would take much longer than the few weeks allotted to the studies reported in the EIA. The information included in the existing EIA, while fragmentary, indicates the region was heavily occupied by the Precolumbian Maya.
11. If a public hearing is held in Belize on the proposed Chalillo dam, and if requested by Belizean groups or individuals, I would be very glad to share my perspective and professional opinion on the project. This would include my observations of the unlooted Maya sites that would be affected by the dam, but do not appear in the EIA. I would also present my views on the need to conduct a far more thorough evaluation of the archaeology of the area in order to make a rational assessment of the potential harm that the dam would cause to Belize's cultural resources and heritage.

Sworn to by the above-named)
Keith Prufer at Auburn University,)
Alabama, USA)
on the day of July)
2003) _____

Before me,
