

TRANSLATION

**SALA (SEEM) Secretariat for Environmental Enforcement Matters, The United States -
Panama Trade Promotion Agreement (TPA)**

Environmental Communication No.:
SALA-CA-PMA/001/2020
Toabré-Antón and Antón Wind Power Projects

**ACKNOWLEDGMENT OF RECEIPT OF ENVIRONMENTAL COMMUNICATION
(SPANISH)**

Panama, February 17, 2020.

Re: Communication regarding the application of environmental legislation, pursuant to Article 17.8 of the Environmental Promotion Treaty between Panama and the United States of America, referring to the possible breach of the Transparency Law, Law No. 6 of January 2002, regarding information requested on the Toabré-Antón Wind Farm and the Antón Wind Farm projects.

Environmental Communication presented by: Personal Email Web

Receipt date: February 15, 2020

Communication No.: SALA-CA-PMA/001/2020

Petitioner/signor of the communication:

Eng. Onel Martínez, Mrs. Nidia Alveo

General information of the petitioner:

Address: Not stated
Phone number(s): (507)6236-8022, (507)6732-4031
Email: omartinezsiesna@gmail.com
Website: Not stated


Gonzalo G. Sierra T.

Traductor Público Autorizado
Inglés al Español y Viceversa
No. 6737 de 28 de Diciembre de 2018
República de Panamá

Party Country: Panama

We hereby acknowledge the receipt of the environmental communication presented, which has been assigned the code SALA-CA-PMA/001/2020, Toabré-Antón and Antón wind projects.

From now on, the Secretariat will review the document presented in accordance with the requirements established in Article 17.8.2 of the Environmental Chapter 17, of the Trade Promotion Agreement (Treaty) between Panama and the United States of America which establishes:

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"17.8 Submissions on Enforcement Matters: ... 2. The secretariat may consider a submission under this Article if the secretariat finds that the submission:

- a. is in writing in either English or Spanish;*
- b. clearly identifies the person making the submission;*
- c. provides sufficient information to allow the secretariat to review the submission, including any documentary evidence on which the submission may be based;*
- d. appears to be aimed at promoting enforcement rather than at harassing industry;*
- e. indicates that the matter has been communicated in writing to the relevant authorities of the Party and indicates the Party's response, if any; and*
- f. is filed by a person of a Party."*

If the stated requirements are met, we will process the Communication in accordance with the relevant provisions of the Panama-United States TPA.

Likewise, we hope to finalize and publish a public notice about your Communication, at the same time that it will be made fully available to the Parties and the public through an electronic version on the Secretariat's website, on the **Communications section**. We will keep you informed of the progress of this procedure.

Any electronic information or contact that you make or provide should be directed to the e-mail address bcarranza@sala-seem.org or to the telephone numbers and facilities of the Secretariat; in the latter case, during working hours, from 8:30 am to 4:30 pm.

Any correspondence that we have to send you, will be sent to the email address that you have provided us and that is described at the top of this receipt for now, however, it would be convenient if you could also provide us with a physical address in case of that it is necessary to send correspondence physically. The correspondence will be sent to the attention of Eng. Onel Martínez and/or Mrs. Nidia Alveo, until we receive written notice from you indicating otherwise.


Sincerely

(SIGNATURE, ILLEGIBLE)

Bethzaida E. Carranza Chávez

Executive Director

Secretariat for Environmental Enforcement Matters, The United States - Panama Trade Promotion Agreement (TPA)


Gonzalo G. Sierra T.

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SALA (SEEM) Secretariat for Environmental Enforcement Matters, The United States -
Panama Trade Promotion Agreement (TPA)

PUBLIC NOTICE

Environmental Communication Receipt


Gonzalo G. Sierra T.

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TWO PANAMANIAN CITIZENS SUBMITTED AN ENVIRONMENTAL COMMUNICATION BEFORE THE SECRETARIAT FOR ENVIRONMENTAL ENFORCEMENT MATTERS OF THE UNITED STATES - PANAMA TRADE PROMOTION AGREEMENT, FOR THE ALLEGED BREACH OF ENVIRONMENTAL LEGISLATION IN THE REPUBLIC OF PANAMA, WITH RESPECT TO THE DATA/INFORMATION REQUEST REGARDING THE TOABRE-ANTÓN AND ANTÓN WIND POWER PROJECTS.

Panama City, February 19, 2020. On February 15, 2020, citizens Nidia Alveo and Onel Martínez, representing the communities of North Coclé and Central Penonomé, personally submitted an Environmental Communication to the Secretariat at an outreach activity taking place in the city of Penonomé. An Environmental Communication addressed at the SALA (SEEM) Secretariat for Environmental Enforcement Matters, The United States - Panama Trade Promotion Agreement (TPA USA-PANAMA).

In the Communication, identified as No. SALA-CA-PMA/001/2020 named "Toabré-Antón and Antón Wind Power Projects", the senders indicate, among other things, that they sent a request for information to the Ministry of Environment of the Republic of Panama regarding the aforementioned wind power projects, and that after the term for the delivery of said information had elapsed, no response has been received.

The SALA-SEEM is currently analyzing the Environmental Communication presented, to determine its compliance with the requirements established in Article 17.8.2 of Chapter 17 of the US-Panama TPA and thus, to comply with the admissibility requirements, so that they can continue with the corresponding procedure.

Information soon will be available at the official website of the secretariat www.sala-seem.org.

SALA (SEEM) Secretariat for Environmental Enforcement Matters, The United States - Panama Trade Promotion Agreement (TPA)

City of Knowledge, Building 111 | info@sala-seem.org | +507 317-3228

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**SALA (SEEM) Secretariat for Environmental Enforcement Matters, The United States -
Panama Trade Promotion Agreement (TPA)**

Toabré-Antón and Antón Wind Power Projects

Communication No.: SALA-CA-PMA/001/2020

Determination No. 001/2020

Date: Monday March 16, 2020

**Determination No.001/2020 regarding the verification of compliance with Article 17.8
subparagraph 2 of the Trade Promotion Agreement between Panama and the United States
(TPA-Panama-USA).**

Communication No.:

SALA-CA-PMA/001/2020

Toabré-Antón and Antón Wind Power Projects

Reception date:

February 15, 2020

Petitioner/signor of the Communication:

Eng. Onel Martínez

Mrs. Nidia Alveo

Party Country: Panama

I. Introduction

On Saturday, February 15, 2020, citizens Onel Martínez and Nidia Alveo, on their own behalf and representing the communities of North Coclé and Central Penonomé, presented an Environmental Communication to the Secretariat for Environmental Enforcement Matters (SALA-SEEM), of the Trade Promotion Agreement (Treaty) between Panama and the United States (TPA USA-Panama), in which they assert that they sent a request for information to the Ministry of Environment of the Republic of Panama regarding the aforementioned wind power projects, and that after the term for the delivery of said information, said information has not been received.


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Pursuant to Article 17.8 of the Trade Promotion Agreement (Treaty) between Panama and the United States, the procedure relative to the Application of Environmental Legislation is established through which, "Any person of a Party may file a submission asserting that a Party is failing to effectively enforce its environmental laws. Such submissions shall be filed with a secretariat or other appropriate body ("secretariat") that the Parties designate." [1].

In accordance with subparagraph 2 of the aforementioned article 17.8, and section 5 of the Secretariat's Work Procedure, it is the responsibility of the Secretariat to verify the content of the Communication presented and determine if it meets the requirements established by the Agreement. If it is resolved that the Communication meets the established requirements, it will be determined whether it merits the request for a response from the Party, following the parameters of section 4 of article 17.8.

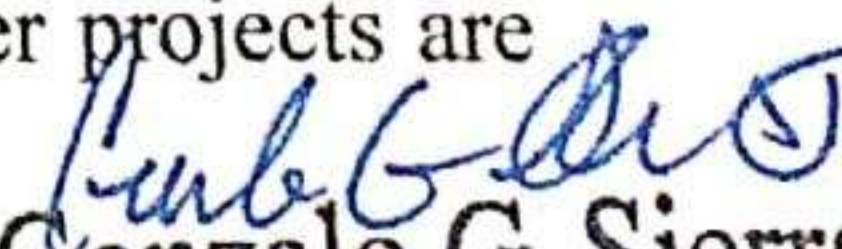
II. Summary of the content of the Communication presented

In the Communication, identified with the No. SALA-CA-PMA/001/2020, denominated as "Toabré-Antón and Antón Wind Farms", the senders assert that "On Tuesday, December 10, a letter with around 60 questions regarding these projects was received at the MiAmbiente Coclé Regional Office. Later, we received a letter from MiAmbiente on Friday, January 10 (30 calendar days later) requesting an extension for their reply. As of the current date, more than the 30 calendar days (granted by law) have passed in the requested extension period and we have not received any kind of formal reply"

The senders also point that: "These projects were approved in 2007 and 2008 with an inadequate categorization..." and that "Upon the wrong categorization of these projects there was also a violation or an omission of conducting an appropriate public consultation, so today the wind power company is carrying out its work, and the communities are unaware of the project in all its magnitude and feel invaded, violated and ignored by the company...". They also assert that "We ask the authorities to cancel the concession and restart a transparent process from the beginning, but the authorities only desire to continue forward with the project." "We have sent formal letters to the company, but they have ignored us. We have held meetings with the Governor's Office of the province, in where we have reached agreements to have monthly meetings and to conduct visits with the authorities... none of this was accomplished by the authorities" [2].

Point 8 of the presented Communication describes the following: "We consider that neither the wind power company nor the authorities should discuss this problem with separate communities. We request that the meetings be held with the organized group of various communities together"

Copies of the different notes that have been presented to administrative authorities such as the Ministry of Health, the Governor's Office of the Province and the Ministry of the Environment, asking questions and requesting information about the development of wind power projects are provided as evidence.


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III. Communication Analysis

The Secretariat is responsible for verifying the compliance with the requirements established in subparagraph 2 of article 17.8 of the Agreement (Treaty), which provides:

"17.8 Submissions on Enforcement Matters: ... 2. The secretariat may consider a submission under this Article if the secretariat finds that the submission:

- a. is in writing in either English or Spanish;*
- b. clearly identifies the person making the submission;*
- c. provides sufficient information to allow the secretariat to review the submission, including any documentary evidence on which the submission may be based;*
- d. appears to be aimed at promoting enforcement rather than at harassing industry;*
- e. indicates that the matter has been communicated in writing to the relevant authorities of the Party and indicates the Party's response, if any; and*
- f. is filed by a person of a Party."*

Verification of compliance with the requirements set forth in Article 17.8, subparagraph 2, of the TPA Panama-USA for the submission of Environmental Communications:

Requirement	Meets	Fails	Justification
a. It is presented in writing either in English or Spanish;	X		The Communication, as well as the documents that have been provided as evidence, were presented in Spanish.
b. Clearly identifies the person presenting the communication;		X	<p>Petitioners are uniquely identified by name and telephone number. They have not attached general personal data such as personal identity number (cedula), address and/or email.</p> <p>Likewise, it is pointed out that the Communication is presented on behalf of the communities of the North of Coclé and Penonomé Centro, but there is no attached document that registers this representation or signatures that describe it.</p> <p>The text of the Communication also refers to the fact that there is an organized group with which they wish to hold the meetings, but no name, address or any other general information about this group or how to identify or locate it is provided.</p>
c. Provides sufficient information to allow the secretariat to review it, and including the	X		<p>In addition to the written communication, the petitioners attached 5 documents filed with different institutions namely:</p> <p>- Note submitted to the Ministry of Environment on</p>

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			company that develops the wind power projects and their alleged breaches, not the Party or the application of the legislation.
e. It indicates that the matter has been communicated in writing to the relevant authorities of the Party and, if there is one, the response of the Party;	X		In addition to the relationship of exposed facts, attached to the Communication are copies of notes submitted by the petitioners before various public authorities and they assert that these have not been answered. In such documents, the stamps with the dates of receipt are observed from the institutions to which they were presented.
f. It is presented by a person from a Party <i>Gonzalo G. Sierra T.</i> Gonzalo G. Sierra T. Traductor Público Autorizado Inglés al Español y Viceversa No. 6737 de 28 de Diciembre de 2018. República de Panamá		X	The description of the general information of the Communication includes only the telephone number and the name of the petitioners, for which reason additional information is warranted, in order to clearly identify that they are persons of one of the signatory Parties of the Treaty. In the event that the organization referred to in the Communication is registered in Panama, the corporation data must be provided to prove that it is a juridical person of the Party.

Pursuant to the provisions of section No. 6 of the Work Procedures Guide for SALA-SEEM TPA USA-Panama:

“If the Secretariat determines that a communication does not meet the stipulated requirements, the Secretariat will promptly notify the petitioner of the requirements that have not been met and the reasons why the Secretariat has determined that the communication will not proceed. The Secretariat will grant the petitioner 30 calendar days to present to the Secretariat a new version of the communication that meets all the requirements. If the deadline has expired and the petitioner does not send a new version, or if he has submitted a new version and still does not meet the requirements, the presentation will be archived and the process will end” - the highlighting is ours- .

IV. Determination of the Secretariat

After evaluating the content of the Environmental Communication presented by the petitioners, and verifying compliance with the formal requirements for the admissibility of the Communication, which are established in subparagraph 2 of article 17.8 of the Treaty, the Secretariat in compliance with its functions hereby **DETERMINES** that the Communication **DOES NOT COMPLY** fully with the requirements set forth in the Treaty.

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In response to the foregoing, the Secretariat provides that the petitioners be given a period of **thirty (30) calendar days**, in order to **correct the missing information** and modify the aspects that have not been made clear, as explained in the table above, and in this way, to **present a new version of the Communication**, fulfilling all the requirements.

NOTIFY the petitioners and the Environmental Affairs Council for the purposes set forth in the Environmental Chapter 17 of the TPA Panama-US and the SALA-SEEM Work Procedure.

Bethzaida E. Carranza Ch.

Executive Director

(FOOTNOTES)

[1] Article 17.8 subparagraph 1 on Communications related to the application of Environmental Legislation. Chapter 17. TPA Panama-USA

[2] The cited texts have been extracted directly from points 2, 3 and 4 of the Communication presented.


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Penonomé, Saturday, February 15, 2020

Mrs. Betzaida Carranza

SALA (SEEM) Secretariat for Environmental Enforcement Matters, United States-Panama Trade Promotion Agreement (TPA)

Through this letter and on behalf of the communities of North of Coelé and Central Penonomé, the undersigned Nidia Alveo and Onel Martínez wish to make the following communication regarding the wind power projects Toabré Antón and Antón to be built in the province of Coelé, based on the following aspects:

- 1) On Tuesday, December 10, a letter with around 60 questions regarding these projects was received at the MiAmbiente Coelé Regional Office. Later, we received a letter from MiAmbiente on Friday, January 10 (30 calendar days later) requesting an extension for their reply. As of the current date, more than the 30 calendar days (granted by law) have passed in the requested extension period and we have not received any kind of formal reply.
- 2) These projects were approved in 2007 and 2008 with an inadequate categorization. They were approved under Category II, even when the magnitude of the projects provided many reasons to have them under Category III. The Toabré Antón Wind Power Project will occupy 2,000 Hectares and the Antón Wind Power Project will occupy 8,000 Hectares. All wind farms are and should be classified under Category III, for being high impact mega-projects. For example, El Coco Wind Farm, along the Inter-American Highway in Penonomé, the first wind farm in Panama, was duly categorized. The authorities say that this situation can no longer be corrected.
- 3) Upon the wrong categorization of these projects there was also a violation or an omission of conducting an appropriate public consultation, so today the wind power company is carrying out its work, and the communities are unaware of the project in all its magnitude and feel invaded, violated and ignored by the company. We ask the authorities to cancel the concession and restart a transparent process from the beginning, but the authorities only desire to continue forward with the project.
- 4) We have organized a consolidated group of several communities and have sent formal letters to the company, but they have ignored us. We have held meetings with the Governor's Office of the province, in where we have reached agreements to have monthly meetings and to conduct visits with the authorities during the month of November. Arrived November, December and January and none of this was accomplished by the local authorities or MiAmbiente. The wind power company is only meeting with isolated rural communities, because they can offer small benefits to these communities and nothing more.
- 5) The wind power company was temporarily closed in late September of 2019, but was opened on January 8, 2020. There was a formal request in writing to MiAmbiente, to meet with the

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communities before reopening the project, but such request was ignored and the wind power project was opened without the knowledge of the communities.

6) Currently we have requested water extraction permits and so far the permits have not been issued. In many occasions, the communities have demanded to see the permits of the water trucks of the wind power company, and they leave the site because they do not have them. The authorities have rationalized the water in the communities, due to the scarcity of water which is becoming increasingly worse.

7) Part of the area in where the Toabré Antón Wind Power Project is located was as a protected area of the Panama Canal Basin (Pérez Balladares period), but through another law (Martin Torrijos period) it was excluded. This violates the International Environmental Principle of Non-Regression.

8) We consider that neither the wind power company nor the authorities should discuss this problem with separate communities. We request that the meetings be held with the organized group of various communities together. Moreover, this problem should not be discussed only with the communities of North Coclé. The communities of Central Penonomé and the rest of the province of Coclé should be included when discussing this situation.

9) Currently the wind power company is under a process in the Public Ministry due to the various anomalies that these projects have presented.

Thanking you for your attention and hoping that you can bring your good actions for the benefit of the affected communities;

Sincerely,

(SIGNATURE, ILLEGIBLE)

Engineer Onel Martinez, Cellphone: 62368022

(SIGNATURE, ILLEGIBLE)

Attorney Nidia Alveo, Cellphone: 67324031


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Republic of Panama

NATIONAL GOVERNMENT

MINISTRY OF ENVIRONMENT

Panama, January 10, 2020

DM-0064-2020

Mrs. NIDIA DEL CARMEN ALVEO BARRIOS

City of Penonomé


Gonzalo G. Sierra T.

Traductor Público Autorizado
Inglés al Español y Viceversa
No. 6737 de 28 de Diciembre de 2018
República de Panamá

Respected Mrs. Alveo Barrios:

I am pleased to write to you, in response to your note dated December 6, 2019, in which you request detailed information and copies of a series of aspects, specifically 56 questions, related to the projects: Toabré-Antón Wind Power Project and Antón Wind Power Project.

In this regard, we inform you that based on article 7 of Law 6 of January 22, 2002, which dictates rules for transparency in public administration, the entity requires extending the term in order to collect the requested information, whenever it is a complex or extensive inquiry.

By virtue of the foregoing, the entity will notify you once it has all the information requested, in order to effectively deliver it in the terms provided in Law 6 of 2002.

Without anything else to discuss, we appreciate your attention to this matter.

Sincerely,

(SIGNATURE, ILLEGIBLE)

MILCIADES CONCEPCIÓN

Minister of Environment

(SEAL: REPUBLIC OF PANAMA, MINISTRY OF ENVIRONMENT)

MC/DBC/(illegible)

Received: (SIGNATURE, ILLEGIBLE), Nidia Alveo Barrios, 27/1/2020, 3:35 pm

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Penonomé, December 6, 2019

Mr. MILCIADES CONCEPCIÓN

Minister of Environment, Republic of Panama

Delivered at the office


Gonzalo G. Sierra T.

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Respected Minister,

Hereby and on behalf of the communities affected in the Penonomé District and the Antón District by the Toabré-Antón and Antón Wind Power Projects, through Transparency Law No. 6 of January 2002, we wish to request the detailed information and copies of the following aspects of these projects:

1) These projects were approved in 2007 and 2008. We wish to obtain a copy of all the documentation, reports, and updates, among others, that have allowed this project to start its construction in 2017 and remain under it in 2019, more than 10 years after being approved, including the documentation of the process of suspension of operations of the wind power company in 2019.

Please make a chronological outline of this documentation.

2) Has the company complied with the delivery every 6 months, before the corresponding Regional Environmental Administration office, for its evaluation and approval, during the implementation of mitigation, control and compensation measures, a report on the implementation and effectiveness of these measures, according to what is indicated in the Environmental Impact Study? We need the list of certified and independent professionals of the wind power company that have developed these reports in chronological order.

3) Of the five criteria used to define the category of the environmental impact study in 2007-2008, which were the criteria affected in order to define the projects as category II?

4) Which are the criteria affected by these projects, at present?

5) Why is this category II environmental impact study not canceled?, since wind power farms due to their large size significantly impact the environment. For example, the Wind Power Farm in the Inter-American Highway in Penonomé, district of El Coco, and other wind power farms that are on the website of MiAmbiente, are under category III.

6) By miscategorizing these projects, the proper citizen consultation for these projects that will impact the environment and the communities to a great extent was ignored. Will MiAmbiente

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put in place some kind of measure to remedy this aspect, taking into account that proper public consultation is of paramount importance?

7) Upon improperly categorizing an environmental impact study, what measures will the current authorities put in place with the employees and company that in 2007 and 2008 improperly presented and approved these studies as category II?

8) We need the list of owners, residence addresses, addresses of affected land lots, size of the land lots, and the type of impact that these lands suffer. We request a copy of the property rental contracts for wind power turbines and power lines received by MiAmbiente for the payment of taxes to be paid, updated to 2019. And we need to receive a copy of the contracts that are being added until reaching 100% of the contracts signed by the owners.

9) When the work of the Toabré Wind Power Project was suspended, they were authorized to work only on mitigation measures. What assessment could be done to verify this situation? Why is the transportation of wind power turbine parts taking place from Panama City to Penonomé, if this is not within the mitigation measures?

10) The environmental impact study indicates that the wind power company will supply its water from the surrounding areas to conduct its work. Why will this be done at no cost to the company? Do you have any documentation regarding this topic or are the corresponding payments made for this water supply? What is the average capacity of the water sources in the communities around the wind power project? How much water do communities require to supply themselves as a priority every day? How many people are in these communities? How much water does the company require to carry out its work? What mechanisms were developed by MiAmbiente so that the communities are not affected by the operation of the company? Are there studies over this matter when the project was approved (2007-2008)? Are there updated studies in 2019?

11) The wind power company carries out its work at the highest point of the Cordillera Central (Central Mountain Range), removing all the land around it. What studies have been carried out to determine the quality of water used by the communities and that the water shall not be affected by the activities of the wind power company?

12) In the approved environmental impact study, reference is made to a letter delivered to ANAM in where the wind power company agrees to deliver 30% of the income coming from the power generation to the communities, by way of carbon credits. We would need a copy of that letter. And the mechanism that MiAmbiente will put into place in order to convert this income into benefits for the affected communities.

13) The environmental impact study references the Toabré river, locating it within a basin that runs towards the south of our district. Please confirm what basin is this, and if it runs northbound, towards the Panama Canal Basin.


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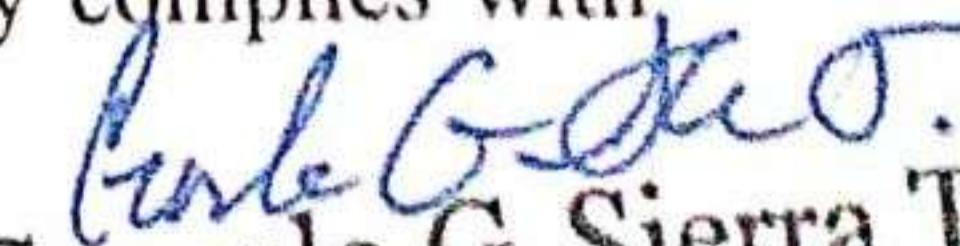
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- 14) In the copy of the environmental impact study submitted for approval there are only 2 minutes of meetings held with the owners and communities. But in another part of the environmental impact study, it is reported that 30 meetings were held. Please specify why there is this difference. What measures will be taken if there is incorrect information?
- 15) In the environmental impact study, the wind power company promised to improve the roads of the communities. Define which roads are to be improved and the amounts to be invested for these improvements coming from the income and resources of the wind power company and not with resources from the government or state.
- 16) The approved environmental impact study is the formal document that supports the legality of the project, signed by the Minister of the Environment and the legal representative of the company. If the company does not comply with any of the formal commitments of the environmental impact study, what measures will the Ministry of Environment take with the wind power company?
- 17) Define wind power projects and solar panels are in operation to this date, and which are pending approval. Include their geographic location, size, approved category and current status.
- 18) The environmental impact studies mentioned above are not on the MiAmbiente website. When will they be available, like the rest of the other renewable energy projects?
- 19) Is there a possibility that other wind power energy projects be categorized as category II, even when the impact is massive?
- 20) What is the detail of the project being classified as a Clean Development Mechanism, CDM (MDL, for its acronym in Spanish)? And the project's PIN?
- 21) Give us the specific detail of what would happen or what are the scenarios to happen if for some reason MiAmbiente decides to suspend the license or concession of these projects? What legal documents support this situation? What are the amounts to be paid, by involved entities or wind power company?
- 22) What detailed inventory of affected houses and displacement of people is held for each wind power turbine or section of the power line?
- 23) Does MiAmbiente have a mechanism to certify that before entering a land property an inventory of flora and fauna that will be affected by the company has been made and if the owner has been duly paid? if MiAmbiente is not the responsible entity, over whom will this responsibility fall upon or who guarantees that in fact the wind power company complies with this provision?


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24) Is there an inventory of water sources and water springs from which the communities supply themselves? Include a daily, weekly and monthly production and replenishment values.

25) The coordinates presented in the environmental impact study refer to 2000 hectares of land, but there is a difference with what is verified by computer programs, showing 4000 hectares. Please specify why there is a difference. Provide a copy of the plans with this detail and coordinates.

26) In the environmental impact study, the company specifies that the quality of life of the communities in general will be improved. Please explain how is this situation being carried out?

27) In meetings held with the community, owners and the wind power company in 2008, the company explained that the project would allow them to put electricity, water and roads in optimal conditions. Explain how this will be done? What is the social benefit that these communities in the poorest areas of Coclé will receive, coming from a multimillion dollar project such as these wind power projects?

28) When the wind power company installs the wind power turbines, electrical towers and tension line, the environment or landscape of these rural areas suffers a visual degradation due to substituting a natural element for an artificial one. Is there any kind of compensation for the affected communities?

29) Wind power turbines emit noise that affects the birdlife and residents of the communities. What studies have been done to evaluate this situation and how will constant monitoring be carried out?

30) What mechanisms are in place so that the oils and other fluids used by wind power turbines do not contaminate the environment? How does MiAmbiente ensure that the wind power company in situations in where fuels, oils, paints and other substances used during their work are properly handled or stored and are not discharged into the water bodies or soil?

31) In the event of a wind power turbine, power line, other element of the wind power project or company vehicle affecting the flora, fauna or persons of the community, is there any compensation? Is there any type of insurance? What are the details of this?

32) What is the minimum distance between a wind power turbine, electrical tower, or tension line to the houses or places where people gather? Has a study been carried out to define that humans will not be affected at this distance?

33) What is the minimum distance between a wind power turbine or an electrical tower to a road or path in where people transit? In the event of one of these elements falling, will it fall on the road or path?


Gonzalo G. Sierra T

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34) What is the minimum distance between a wind power turbine, electrical tower, or tension line to water springs, streams, rivers, creeks or any other source of water?

35) In the event that any of the wind power projects ends or closes operations, how will the Ministry of Environment verify that all project facilities are removed? Not only those located on the surface, but also those that lie underground.

36) Does the Ministry of Environment regulate or verify that the Equator Principles are being properly carried out by the wind power company? How are they verifying it? Details?

37) Does the Ministry of Environment have any procedure where it intervenes, in the event that a community complaint is not adequately addressed by the wind power company?

38) What is the rescue plan for each area of the wind power project?

39) What is the status of tree felling permits?

40) What is the status of ecological compensation?

41) What is the progress status of the work?

42) Who will ensure compliance with the provision mentioned in the resolution of approval of Environmental Impact if at any time there are archaeological findings these are to be communicated directly to INAC today the Ministry of Culture? As we know, this has happened and we do not know if they were reported at the time?

43) Who will ensure compliance with the provision regarding the authorized sites for solid and liquid waste generated during the construction, operation and abandonment stage of the project?

44) We request copies of the reports that MiAmbiente must have on file, stating that for every tree felled they have planted ten (10) native tree species of the zone and that they are providing the necessary maintenance to upkeep them. On what schedule is this work being carried out by geographical area, and how will it be followed up in the next 5 years? Provide details regarding this activity.

45) How will MiAmbiente guarantee that the flow of water runs free, from the streams existing in the project area affected by it, that they are kept in their original state or that the existing ecosystem is preserved? Do you have documentation to support this activity?

46) Has the wind power company complied with all the rules, permits, approvals and regulations regarding the design, construction and location of all the structures and infrastructures involved in the development of the project issued by the competent authorities and institutions in this type of activities? Provide us with a copy of the construction plans of the wind power projects.


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- 47) Has the company complied, for the construction of new roads and the provision of access roads and bridges, with the submission for their approval the plans of the aforementioned before the competent authorities?
- 48) Has the company complied with, before beginning the works, with the land use certification issued by the Ministry of Housing (MIVI)? Provide details on this.
- 49) Will the company stop all activity if during any of the stages of the project there were to be findings of archaeological nature and give immediate notice to INAC?
- 50) Has the wind power company avoided the erosive effects on the soil of the land where it will build as well as during operation of the project? What measures and actions have been implemented during the construction and operation phase to control surface water runoff and sediment transfer?
- 51) Has the wind power company processed, prior to felling a tree, the appropriate permits before the Regional Environmental Administration and does it have the corresponding Ecological Compensation Resolution No. AG-0235-2003 of June 12, 2003? What are the details of this process?
- 52) The wind power company during the construction and operation phase has complied with Law 24 of June 7, 1995, for which the wildlife legislation is established and other provisions are issued. What detail are there on this subject?
- 53) What are the details regarding training of the local population of the area to occupy the jobs that this project generates. How many jobs will only be available under construction and how many will be permanent during the operation phase of the project?
- 54) The wind power company is legally and financially liable for the process of negotiation, relocation and compensation to those affected by the nature of the project. Who ensures that this is done properly? What are the details of these activities?
- 55) Has the wind power company developed the carbon capture component (CER) and the Clean Development Mechanism (CDM)? Details?
- 56) Has the wind power company informed MiAmbiente prior to execution about any modifications or changes in techniques and measures that are not covered by the Environmental Impact Study? Details?

We previously requested at least one meeting with the authorities of MiAmbiente Coclé once a month, and a meeting with the communities before authorizing the wind power company to return to work 100%. Hoping you take into account our requests.

With copy


Gonzalo G. Sierra T.

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Mrs. Chiara Ramos, Director of MiAmbiente Regional Office, Coclé
National Authority of Transparency and Access to Information ANTAI
Ombudsman
Justice and Peace Commission

Sincerely,

(SIGNATURE, ILLEGIBLE)

Mrs. Nidia Del Carmen Alveo Barrios

Cellphone: 62368022


Gonzalo G. Sierra T.

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