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EIA Report Review

Tokelau EIA Train the Trainer
Virtual Workshop
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Gregory Barbara, SPREP

Environmental Assessment and Planning Officer

gregoryb@sprep.org





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Don't review on your own, work as a team





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An EIA review involves

- Evaluating if an EIS (EIA report):
 - addresses the ToR (Terms of Reference)
 - is complete & accurate
 - uses appropriate impact assessment or technical methods
 - has reached fair conclusions
- Examining identified impacts of the project on the environment & identified impacts of the environment on the project (i.e. hazards, natural change processes)
- This includes review of the Environmental Management Plan
- Evaluating, whether it meets Tokelau's laws



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Development proposal (DP) submitted
by approval agency or proponent to EIA
administrator

DP screened (preliminary EIA)
by EIA administrator, govt agencies &
stakeholders

Full EIA required

DP SCOPED

TOR developed & finalised

EIA report prepared
by proponent based on TOR

EIA report submitted
to EIA administrator for review

EIA report accepted
by administrator & DP recommendations developed

Approval agency & proponent informed
of EIA administrator's decision

DP approved
by approval agency & proponent informed of approval
conditions

Development (with conditions) actioned
by the proponent

Development monitored and
conditions enforced by EIA
administrator & approval agency

EIA not required,
Approval agency &
proponent informed

Development permit issued
by approval authority and
proponent informed of permit
conditions

Development actioned
(with conditions)
by proponent

Review committee
established
to provide input to
EIA administrator

DP rejected
by approval
agency

EIA report not accepted
by EIA administrator

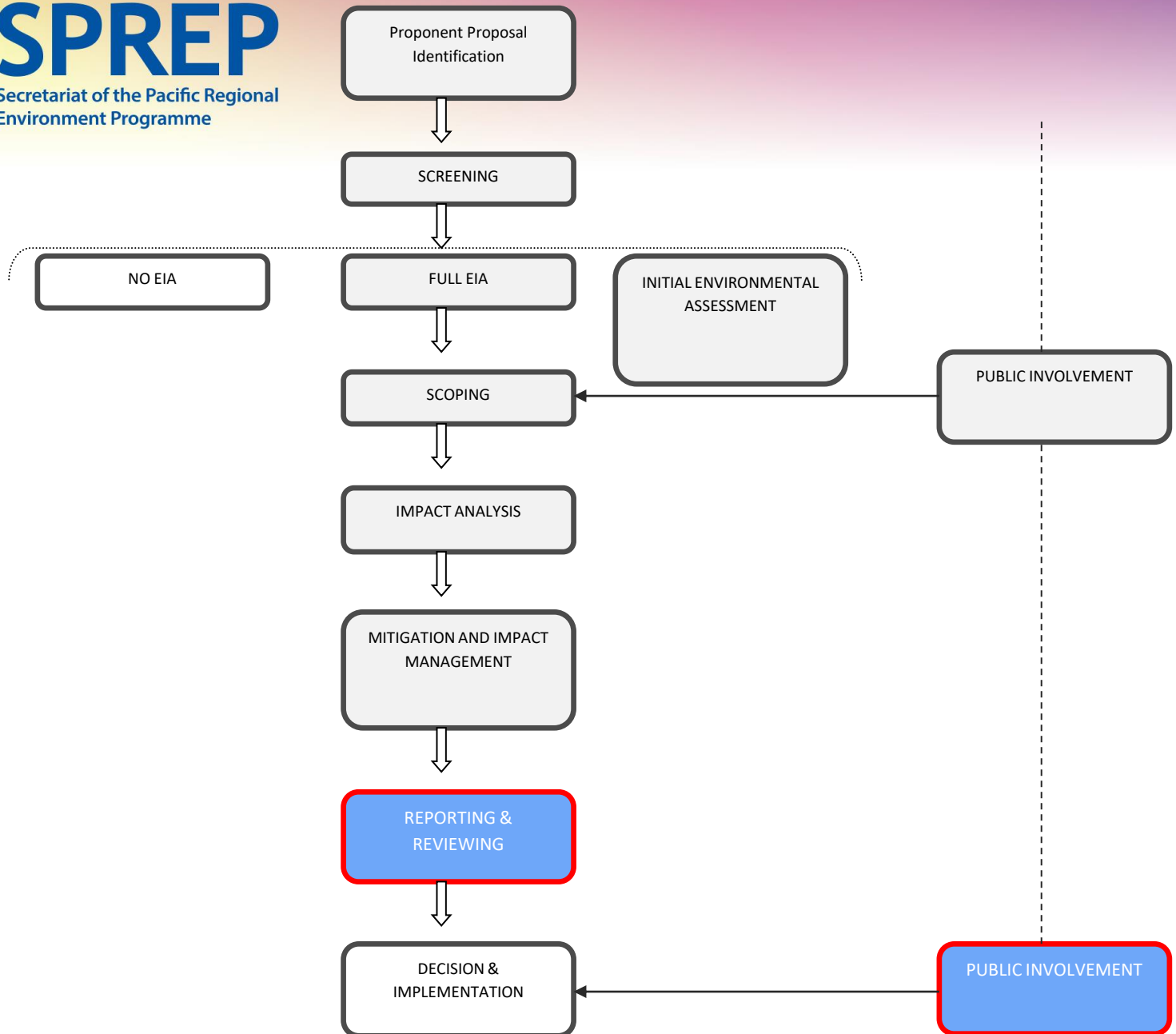
Proponent informed
of decision by EIA administrator

EIA report revised &
resubmitted
to EIA administrator for review

Adapted from Regional EIA guidelines



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What to check

A key aspect of the EIS study that is often done poorly is the public consultation process. While public consultation should take place early on in the project preparation be sure to check during the review whether it has been adequate.

- Determining what monitoring & reporting will be required (is the EMP adequate?)
- Considering if the proposed development is aligned with broader planning & policy frameworks

The SPREP Regional EIA guidelines provides a useful reviewers toolkit



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Reviewers need to be able to determine

- If the EIS contains sufficient information and detail, and an acceptable standard;
- what key issues and impacts the EIS highlights for the development; and
- what recommendations or recommended conditions should be provided to the development approval authority.

➤ The key is to examine the EIS report alongside the ToR



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Technical analysis

- The EIA Board could prepare a technical analysis report based on all opinions or comments on the:
- The Draft EIS/EIA and EMP;
- Any further information submitted by the proponent;
- The results of any meetings held by the EIA Board;
- Any comments and suggestions submitted by the public;

checklists provided in SPREP Regional Guidelines can assist in preparing the EIS and EMP technical analysis report.



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Final Review of EIS

Once the proponent has addressed the feedback and finalised the EIS and EMP

- The Final EIS is reviewed, and provided all procedures and documents are in accordance with the legislation the Director/EIA Board/General Fono can pass a decision on the development, based on:

- the information in the development application and EIS;
- any objections received and any information provided in support of the objections; and
- the objects of the Environment Act.

Are all EIS approved?

...in some jurisdictions the EIA Board do not approve the proposed project **if it finds any practicable alternative or practicable mitigation measures, within the powers of the project proponent, which could substantially reduce the impact the project may have on the environment to an acceptable level.** Nor do the EIA Board approve a proposed project **if it is not in compliance with all applicable laws, regulations, and rules.**



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EIA review: outcomes

- Terms & conditions (examples...)
 - erosion and sediment control measures
 - dredge monitoring triggers for shut down
 - working hours/period restrictions (to reduce noise impacts or impacts to migratory animals/recruitment)
 - sourcing of construction materials from less-sensitive areas
 - water quality monitoring by independent expert
 - tree replanting, to compensate for vegetation cleared



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EIA review – top tips

1. Use critical analysis skills
2. Cross check the ToR (for EIS)
3. Use a template or evaluation sheet
4. Invite community/stakeholder input
5. Ask questions
6. Call on assistance (don't work alone)
7. Record reflections & recommendations





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What to check

Reviewing the EIA report and Environmental Management Plan (EMP or EMMP)

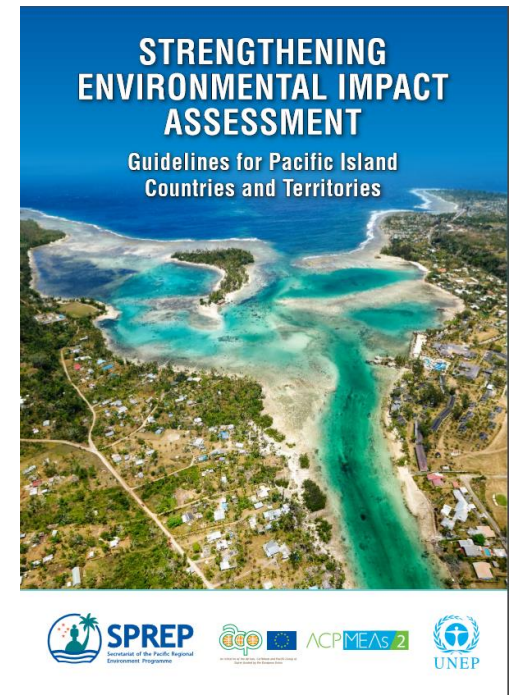
The SIX Ws!

- **What** mitigation measures will be implemented?
- **Who** will do the implementing?
- **When** will the implementing be done?
- **Where** will the implementing be done?
- **Which** environmental standards/requirements will be met?
- **What** residual impacts will remain, & will they be acceptable to affected stakeholders?

Remember there are toolkits to assist in EIA reviews

SPREP Regional EIA Guidelines

- The SPREP Regional EIA guidelines provide a checklist to assist with reviewing an EIS
- You can send questions and assistance requests directly to SPREP
gregoryb@sprep.org or joped@sprep.org



- For further information including the regional EIA guidelines and to register with **PNEA**, officers can visit: <http://pnea.sprep.org>



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EIA review: practical exercise

Instructions:

1. Work in groups & review part of an EIA report
2. Use the template provided to assist with your review & focus on:
 - a) Section 2 – answer questions that are relevant to **your EIA**
 - b) Section 3 – identify any issues that need to be carefully managed or that need to be followed up with the proponent, or any additional info to be provided
3. Write down any conditions you think should be attached to a project permit