

## 4.1a IMPROVING EIA EFFECTIVENESS

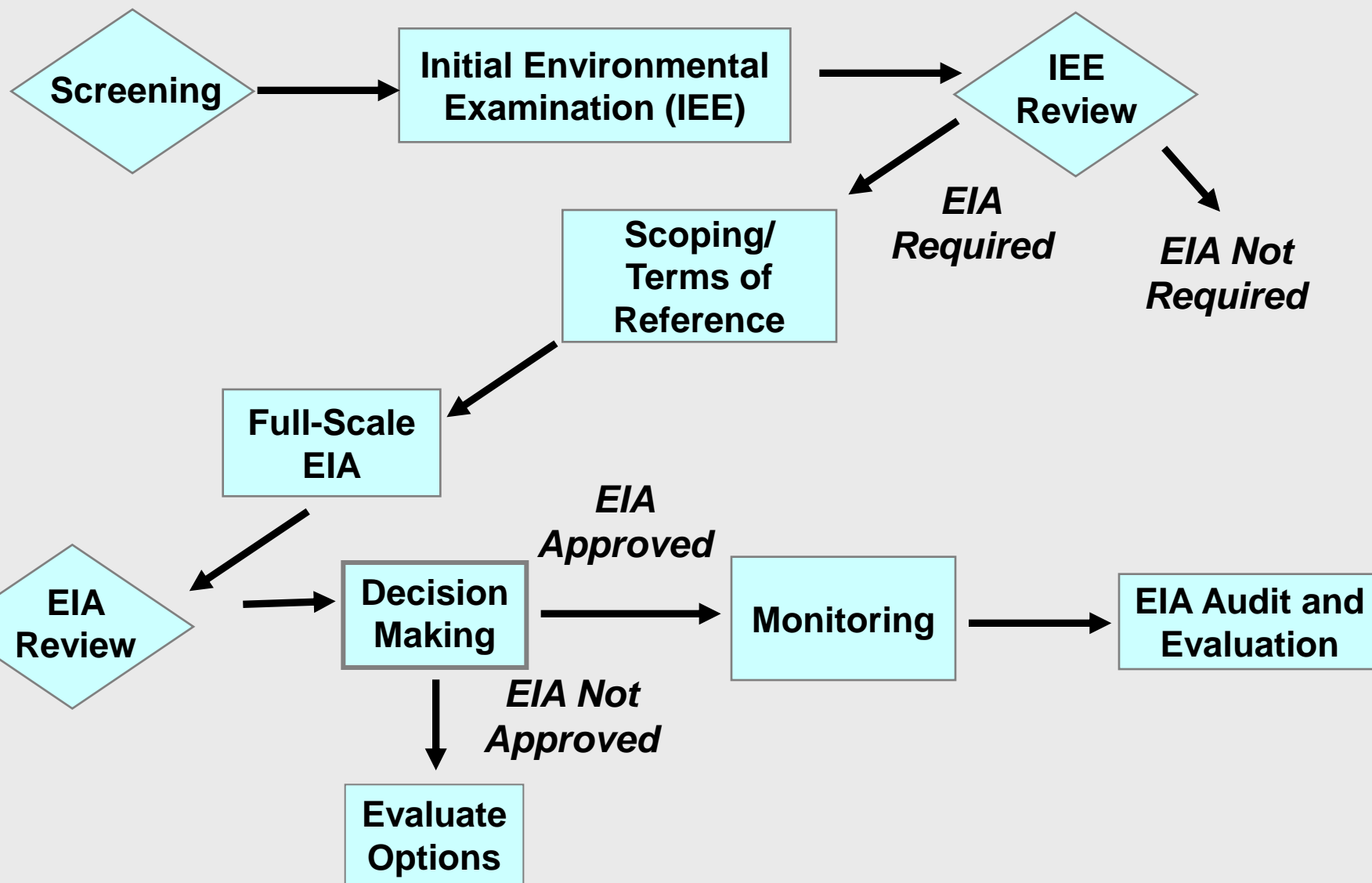


# Improving EIA Effectiveness: Overview



- ➔ Processes guiding EIA practice that are designed to improve effectiveness include:
  - ❑ Better Terms of Reference
  - ❑ More Comprehensive Assessment of Alternatives
  - ❑ Building/Maintaining Effective Relationships with Project Proponents
  - ❑ Managing Consultants Proactively
  - ❑ More Effective Public Participation and Information Dissemination
  - ❑ Incorporation of EMPs into Bid Documents, Procurement Contracts, and Permits to Operate

# EIA Major Steps and Process



# Major Steps in the EIA Process



- **Screening:** Determine whether a proposed project or activity requires an EIA and, if so, what level of environmental review is necessary
- **Initial Environmental Examination (IEE):** Rapid environmental evaluation that makes use of information already available
- **Scoping:** Establishes TOR for full-scale EIA including spatial and temporal boundaries, important issues and concerns, significant effects and factors to be considered
- **Full-Scale Assessment:** Qualitative/quantitative analysis of significant environmental impacts, selection of appropriate mitigation measures
- **EIA Review and Decision Making**
- **Monitoring and Follow-Up:** monitor implementation and effectiveness

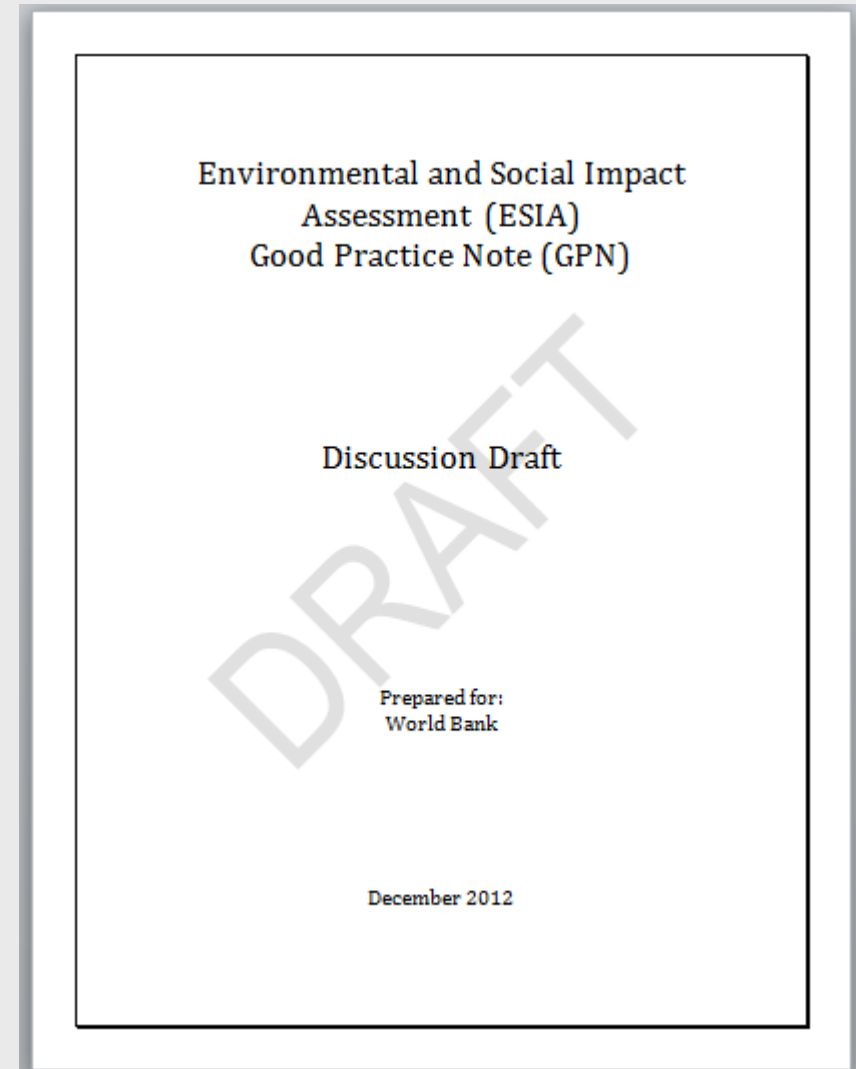
- **Early project planning** – screening, team structure, scoping, consultations, TORs and report structure
- **Conducting EIA** – define area of influence, legal framework, define project activities, analyze project alternatives, adequate data collection, identify impacts and significance, mitigation measures, residual impacts, monitoring and follow up measures
- **EMPs** – construction contractors to submit plans, multiple levels of supervision, adequate resources, disclosure to affected stakeholders, regular review
- **Special issues** – ecosystem services, indigenous peoples, resettlement, labor and supply chains, indirect impacts, cumulative effects, climate change, health, etc.
- **Organization and management** – contracting, government capacity, proponent responsibilities, externalities, communication, experts, monitoring

# Good Practice Information



- There are multiple good sources of information on best practices in EIA
- There is no excuse for poor performance in EIA practice in the GMS
- ADB has funded a Compendium of EIA Practice in Asia available at:

**<http://www.aecen.org/eia-compendium>**







## ASIAN ENVIRONMENTAL COMPLIANCE and ENFORCEMENT NETWORK

[HOME](#) [WHO WE ARE](#) [WHAT WE DO](#) [NEWS & EVENTS](#) [RESOURCE LIBRARY](#) [CONTACT US](#)

### EIA Compendium

### Environmental Impact Assessment Compendium in Asia



Click on the map to the left or the list below to access each country's EIA laws and regulations, news, and links to other resources on the web.

<a href="#">Cambodia</a>	<a href="#">Nepal</a>
<a href="#">China</a>	<a href="#">Pakistan</a>
<a href="#">India</a>	<a href="#">Philippines</a>
<a href="#">Indonesia</a>	<a href="#">Singapore</a>
<a href="#">Japan</a>	<a href="#">Sri Lanka</a>
<a href="#">Korea</a>	<a href="#">Thailand</a>
<a href="#">Laos</a>	<a href="#">Vietnam</a>
<a href="#">Malaysia</a>	<a href="#">Others</a>
<a href="#">Maldives</a>	

# Better Terms of Reference



- First agree on the structure of the team, which should emerge from the scoping exercise. Is there a need for a fisheries specialist or an indigenous peoples specialist? What should be the mix of international and local experts?
- Second, map out a draft outline of the final EIA report and its appendices, as this will help to frame the TORs
- Use the outline of previous similar projects to help prepare this outline, but take the local context into account
- Set some overview or general TORs for the whole team, as well as really detailed TORs for each specialist
- If the consulting firm is given the task of writing the draft TORs don't allow them the luxury of cutting corners



- Too often the alternatives are limited to another location or another technology. The goal should be to identify the specific services or public/private goods that the project is intended to deliver and see if there are alternative ways of meeting the same needs
- For example, a hydropower project could examine not only alternative locations for the dam, power lines and other facilities, but also other technologies to deliver the same amount of electricity, or energy efficiency to save the same amount of electricity
- The “no project” alternative should always be investigated
- Alternatives should also be extended to the operational and decommissioning stages. For example, alternative materials might be selected so that recycling is possible at the decommissioning stage

# Relationship with Project Proponent



- The relationship between the project proponent and the environment agency is critical, as it is the project “owner” who can make the key design changes or allocate additional budget to improve the environmental outcomes
- The EIA consultants have very limited independence and must deliver an outcome that will satisfy the project proponent and often the parent engineering company
- Building trust with the project proponent by demonstrating that the intention is to improve the project design is the best possible outcome

- EIA is a structured process to anticipate, analyze and disclose environmental consequences **of proposed projects or activities** – but this is all mediated through the perspectives of the EIA consultants
- The environment agency should ensure that the relationship with the consultants is friendly but professional, with no uncertainty about who is in the driving seat – their expertise should not be used to intimidate the environment agency staff
- Schedule regular meetings with the consultants while they are undertaking the investigation, but ensure that minutes are kept so there can be no claim of collusion or corruption
- If the consultants are under-performing replace them!

- Delays in project approval and cost increases occur when EIA is commenced too late in the project cycle (requiring retrofit of equipment or re-design) or when there are protests by NGOs or affected stakeholders, who feel they were not consulted
- A public participation and information communication plan needs to be agreed with the project proponent and the EIA consultant before the work starts, and adjusted if potential conflicts are identified during the EIA investigations
- Relevant information about the project and the environmental implications should be translated into local languages (and dialects) and made available in multiple public locations

# Public Participation (cont.)



- Particular effort must be made to contact affected people who may be nomadic or live outside urban areas (such as fishing communities living on boats)
- As most projects involve winners and losers a grievance mechanism must be agreed from the outset





- Environmental outcomes are often only as good as the skills of the bulldozer driver or the construction company – despite the EIA's proposed mitigation measures in the EMP





- As the EIA is often conducted at the same time as a feasibility study, there is often a lengthy gap between feasibility and construction
- To cover this gap, the mitigation and monitoring measures included in the EMP should be incorporated into bidding documents and construction contracts
- Once a contract is awarded to a construction company, they should be required to update the EMP and indicate how they will implement it
- Once construction is completed, a permit to operate may be required. In this permit, the measures to deal with residual environmental impacts and for monitoring during operation should be included

# Thank You

