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Environment Programme



10th Pacific Islands Conference

**NATURE CONSERVATION
AND PROTECTED AREAS**

Nature Conservation Action for a Resilient Pacific

Module 10: Scoping for EIA



What is Scoping and why is it important?

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What is Scoping?

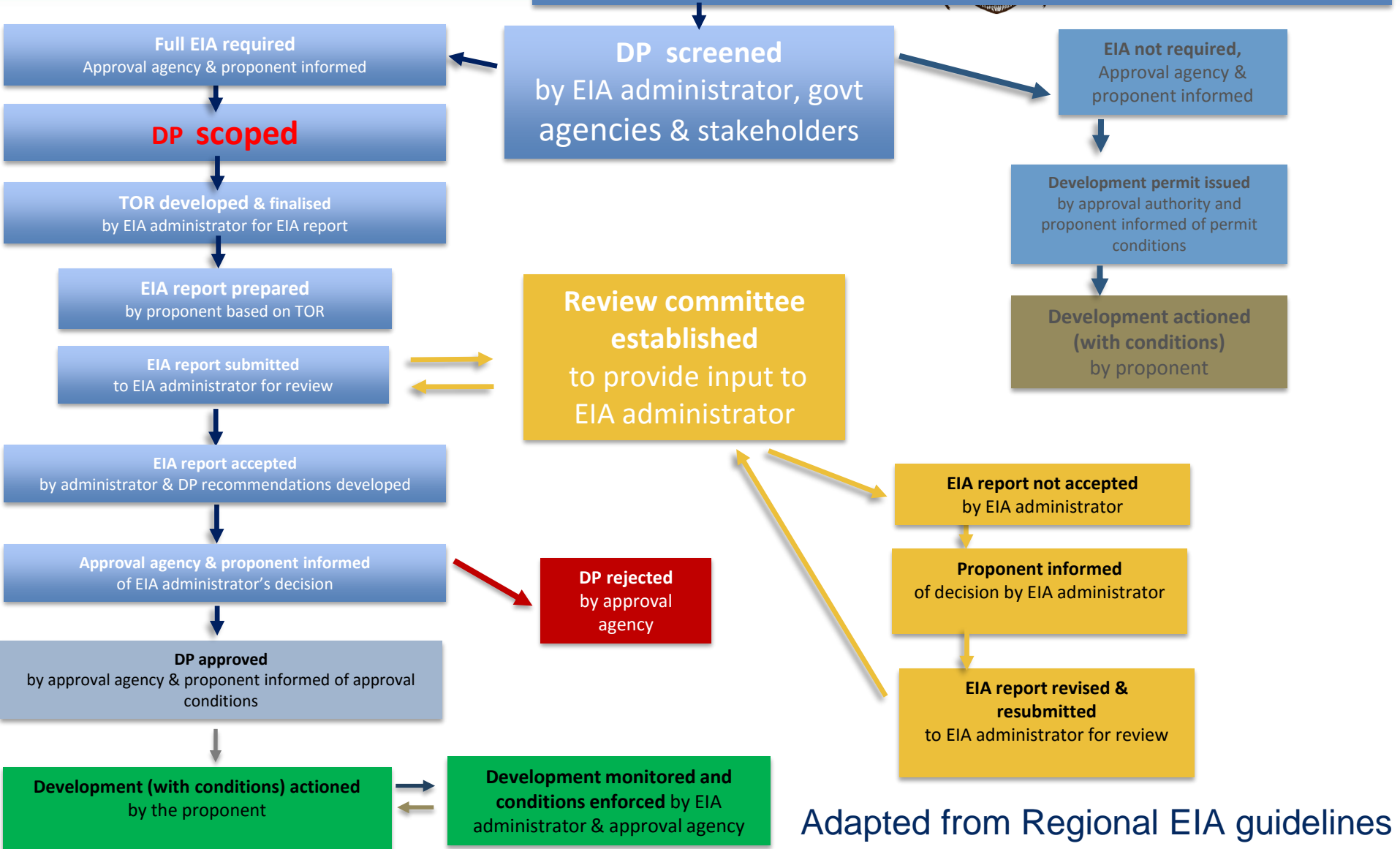
- It is the stage whereby the regulator (with the developer and stakeholder engagement) identifies and highlights the **major impacts** of the proposed development.



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



Adapted from Regional EIA guidelines

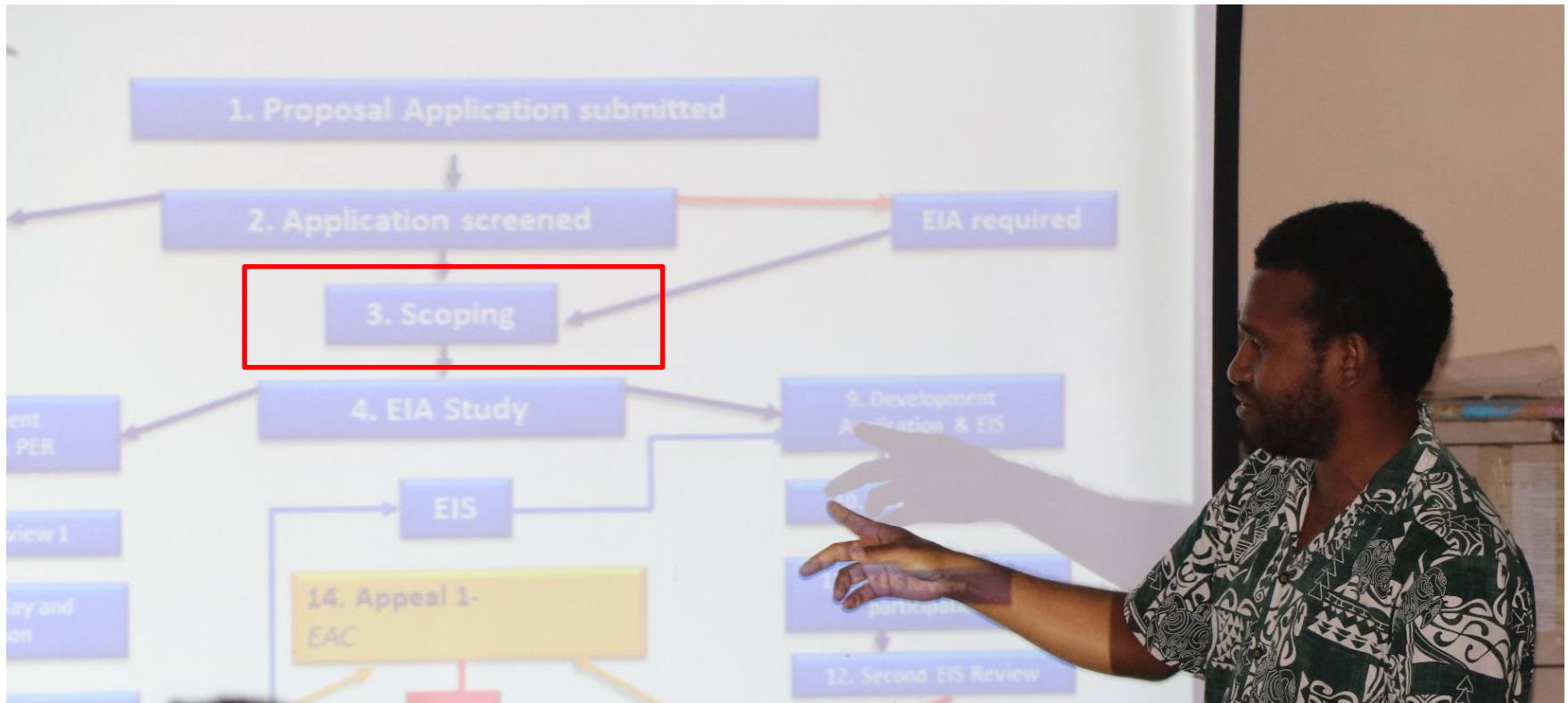


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In most jurisdictions Scoping is legislated

But what is scoping and how does it fit in
with an Environmental Impact Assessment?





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Example Scoping Regulations

“**scoping**” in relation to a development proposal means the process set out in regulation 6C to determine the scope of the environmental impact assessment report in order to ensure that the report addresses all relevant issues and concerns arising out of the development proposal

Tuvalu 2017 EIA Regulations

Upon receipt of notification by the EPA Board that the project has been determined to have potential for significant environmental impact, **the project proponent shall notify, in writing, all public agencies responsible for resources affected by the project or otherwise having jurisdiction over the project. This written notice shall request comments on the proposed scope for the EIS.**

The EPA Board shall arrange a joint meeting to determine the scope of the EIS. Such scope shall be determined based on information gathered in the Preliminary EIS, any comments which may have been received, and professional judgement. Should the EPA Board consider that possible uncertainty of the environmental consequences of the project exists the EPA Board may require that the scope of the EIS include an Environmental Risk Assessment of the project.

FSM Yap Part 3



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How do you scope?

- Identify the main issues to be addressed by an EIA,
- Know the location(s) and existing data sources
- Determine what information needs to be collected, from baseline studies and the methodology that should be used to evaluate their significance.



Be sure to consider

- Both (+ve, -ve) issues & impacts that the EIS needs to address
- Who are the key stakeholders directly affected or interested people/groups – public, government agencies, industry
- Consideration of relevant legislation, policies, strategies & MEAs – link EIA process with broader-scale planning





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What does it involve?

- Development of **terms of reference** (ToR) that outline the required format & content of an EIS
- Again Primarily a desk-based exercise BUT important to **be familiar with the development location & local issues**
- So you can take a site visit if you need to, to get a clearer picture





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Critical thinking what is this?



Know the site and its history to understand its risks and potential impacts from the development

Key issues with doing it right

- There is usually a time constraint* from receiving an application screening it to determine an EIA is needed then Scoping the ToR
- Primarily a desk-based exercise BUT important to be familiar with location & local issues
- Evaluating a development's size, features, physical location & land status, social/cultural setting, relevant legal/policy matters – is it a prescribed development?
- Considering potential impacts (+ve, -ve):
 - are they likely to be significant?
 - do they need further investigation?
 - will they require management?



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Things to check

- Has the site selection **presented alternatives?**
- Are there actions to anticipate and **avoid** impacts on biodiversity and ecosystem services;
- and where avoidance is not possible do they, **minimise?**; and where impacts occur, is there a possibility to **restore?**;
- Do significant residual impacts remain?



So when scoping

- Always remember to take a precautionary approach
- Ask questions when things are unclear or vague
- Request further information, clarification or verification
- Then focus the ToR





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Who develops the ToR?

Should be led by regulator (e.g. ECD in MECCDM SI; PUMA in Samoa; EPA in Yap, DEPC in Vanuatu; DoE Tuvalu etc)

- Assistance can be provided by the applicant, or consultants with *specialist* knowledge
- Consultation can be undertaken with govt agencies & the general public to help identify issues & impacts
- Important to note regional organisations such as SPREP
- can also help with developing the ToR.





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Importance of ToR

- Need clear Terms of Reference (ToR) so the:
 - Applicant understands which issues & impacts they need to focus on in their EIA studies and report
 - Upon completion of studies and submission of EIA report the regulator can crosscheck ToR if the report is adequate
 - Regulator and project has a point of reference if a legal challenge is made, especially after a development commences
- If ToR are not well prepared, an EIA can miss important information or be 'cluttered' with unnecessary details

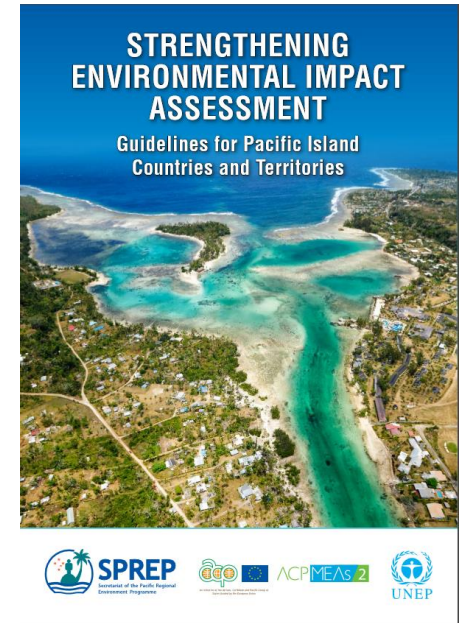


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SPREP recommends ToR Minimum Requirements

- Non technical summary
- Introduction
- Background information
- Details of proponent/developer
- Details of specialist consultant who prepare EIS
- Legal Requirements
- Study Area
- Scope of work to be conducted during study
- Flexibility – with negotiation
- Description and purpose of action
- Alternatives, including the proposed action
- Affected environment
- Environmental Consequences
- List of preparers; and
- Appendices (if any)



The SPREP Regional EIA guidelines also provide a toolkit for developing a ToR



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TOOL 2 Terms of reference template (p43 of guidelines)

- Generic terms of reference (ToR) template to assist EIA officers with drafting ToR for different projects.
- Template covers a range of topics often addressed in an EIA report
- Can be tailored by EIA officers (or the proponent) to suit the type of project under assessment
- ToR preparation should be guided by countries' relevant (environmental) laws, acts and other applicable policies, regulations or legislation.
- ToR are to be project specific not only listing general topics but also include specific information requests related to the project's anticipated impacts.