



# Tokelau

Proposed Environmental Impact Assessment Policy and Guidelines

SPREP – EDNRE facilitated consultation



#### A. Introduction - Why EIA Is Important for Tokelau?



EIA stands for Environmental Impact Assessment and is a tool for sustainable development

It supports proactive planning & decision making process: identifies impacts and proposes actions, methods and design changes to reduce the potential for negative impacts and aims to enhance the positive impacts/outcomes <u>before</u> development commences

The EIA addresses both:

> negative & positive impacts of development on the environment

➢impacts of the environment on the development e.g. flooding due sea level rise, climate change (increased frequency and magnitude of extreme weather events), coastal erosion, tsunami.





## What is EIA & what does it do?

- Environmental Impact Assessment (EIA) is a tool used to identify, predict, assess and mitigate environmental, social and other relevant effects of proposed developments prior to major decision makings and commitments.
- EIA embodies the steps for the identification of potential impacts from projects or to projects and *alternatives* in order to reduce the severity of impacts and enhance the positive outcomes from a project





## **B: The Tokelau EIA Policy**

Purpose:

- The commitment and leadership of Tokelau in ensuring environmental sustainability and the achievement of sustainable development through the effective application of Environmental Impact Assessment (EIA).
- Currently, there is no specific policy on EIA for Tokelau which makes it difficult for DOEDNRE to have any formal and direct role on EIA for development projects in Tokelau.
- EIA is often carried out for, and by the donor or funding agency. This is the current practice for projects externally funded or, by the Government of New Zealand.





#### Goal

Contribute to the effective achievement of sustainable development for Tokelau.

#### Objectives

The objectives of the EIA policy are to:

- strengthen the capacity of DoEDNRE on EIA
- provide information, promote awareness and improve understanding of decision makers and key stakeholders on the benefits of undertaking EIA
- define and establish EIA institutional set-up/system, process, and requirements
- set minimum requirements for effective and meaningful public consultation and stakeholder engagement during the EIA process
- define the roles of the Taupulega, government authorities and agencies that contribute to, and make decisions on the EIA process; and
- clarify the roles of assisting external experts and organizations.



#### Key Guiding Principles



The EIA Policy is guided by nine key principles:

- i. **Participative** the process should provide appropriate and timely opportunities to inform and involve interested and affected parties
- ii. **Transparency** the process should have clear, easily understood requirements for EIA content, ensure public access to assessment and decisions
- iii. **Certainty** process/timing agreed in advance
- iv. **Accountability** decision makers responsible for their actions and decisions
- v. **Credibility** the process should be carried out with professionalism, impartiality and objectivity and be subject to independent checks and verification.
- vi. **Cost effectiveness** environmental protection at the least cost to society
- vii. **Flexibility** adaptable to deal efficiently with any proposal and decision situation.
- viii. **Practicality** information/outputs readily usable in decision making and planning
- ix. Adaptive the process should be adjusted to the realities, issues and circumstances of the proposals under review without compromising the integrity of the process





- All donor funded national infrastructural projects to be taken through the Division of Environment of the DoEDNRE to coordinate and manage the application of the EIA process on behalf the General Fono and the Taupulega.
- All village development/infrastructural projects application (eg: building of sea walls, communal or private) are to be submitted to the Division of Environment of the DoEDNRE to screen on behalf of the Taupulega as part of the EIA process.





Relationship to the Tokelau National Strategic Plan (TNSP), 1 July 2016 – 30 June 2020 and beyond.

- This policy responds and contributes to the TNSP Goal 5 Long Term outcome for 'A well maintained and managed environment for Tokelau' through effective EIA application.
- The implementation of the policy will start immediately, administered by the Division of Environment of DoEDNRE



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Financial and human resource implication

 There will be financial requirements to assist DoEDNRE build its capacity which would include costs for establishing the EIA institutional systems and processes as well as personnel costs

# Legal implications

• This policy provides the basis for establishing EIA Rules for Tokelau which would incorporate the EIA policy and procedures

## Relations with other agencies

• DoEDNRE will collaborate closely with identified agencies during the implementation of the EIA policy and procedures





## Governance of the EIA Policy

- The General Fono (National EIA Competent Authority) overall Authority on EIA Implementation
- The Taupulega (Village Council of Elders) administering the EIA policy at the village and atoll level.
- The National EIA Policy Coordinator EIA Implementing Agency (DEDNRE)
- Development proponent design and implementation of the proposed development.
- Relevant Government Departments National EIA Collaborating Bodies



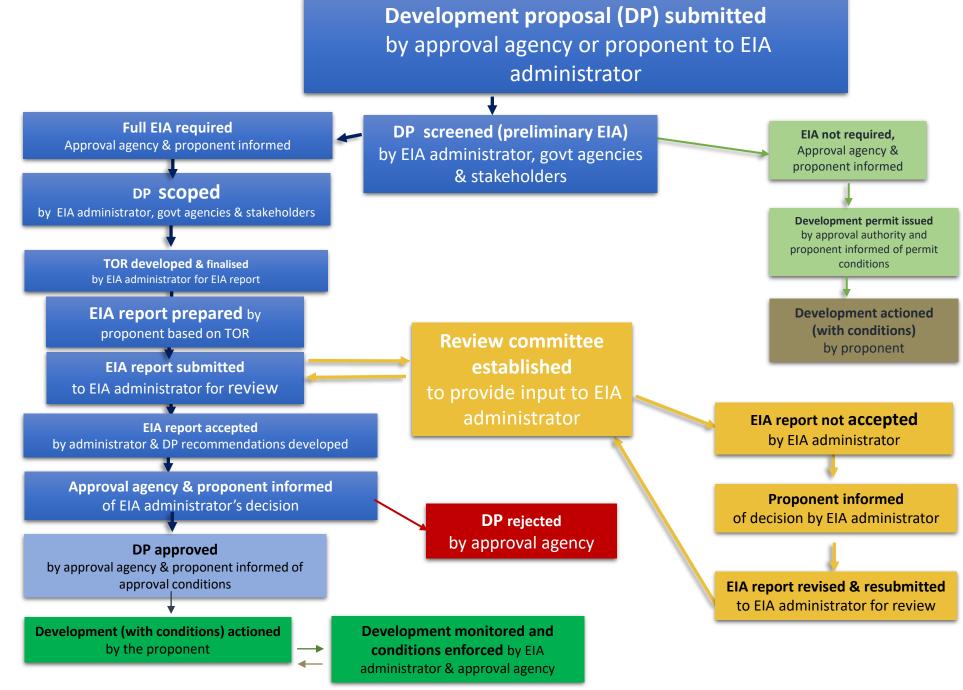


#### C. Environmental Impact Assessment (EIA) Implementation Procedures

Purpose

The purpose of the Government of Tokelau National EIA implementation procedure is to:

- Implement the National EIA Policy; and
- Provide guidance and assistance with the establishment, administration, and implementation of an EIA process and system



Adapted from Regional EIA guidelines



#### Main Stages of the EIA Process



- **1. Proponent Proposal Identification**: Proponent identifies a development project and informs the EIA regulating authority, the Division of Environment of EDNRE.
- 2. Screening: The Division of Environment of the EDNRE will screen the proposal.
- **3. Scoping:** The purpose of scoping is to identify the environmental impact issues of the development proposal
- 4. Impact Analysis: to be conducted by a qualified EIA consultant engaged by the proponent
- 5. Mitigation and Impact Management: Mitigation involves exploring options to either avoid or reduce the environmental impacts of a development project.
- **6. Reporting and Reviewing**: Reporting involves communicating the results of the EIA to the decision-making institutions.
- 7. Decision-making and Implementation: This includes deciding whether to approve or reject the proposed activity setting out the reasons for the approval or rejection and if approved to set the environmental management conditions the activity needs to comply with during implementation.
- 8. **Public Involvement**: It is important the public are kept informed throughout the stages of the EIA process and provided with opportunities to comment and raise issues of interest and concern to them
- **9. Appeals**: Both the public and the proponent will be given the opportunity to appeal any approval decision to DOEDNRE who will record the appeal and submit it to the relevant Taupulega and if there is any further disagreement an appeal to the General Fono can be made.



# Areas of Responsibility



- The General Fono: Ultimate decision making body for national development project approval.
- **The Taupulega**: EIA competent authority responsible for administering the EIA policy at the village and atoll level
- The National EIA Policy Coordinator The management, implementation and coordination of the EIA process will be carried out by the DoEDNRE
- **The Development Proponent**: The Proponent or Developer is responsible with the direct management of the design and implementation of the proposed development.
- Relevant Government Departments (National EIA Collaborating Bodies): support and provide valuable information for the effective implementation of the Tokelau EIA Policy