

ENVIRONMENT IMPACT ASSESSMENT



DEPARTMENT OF ENVIRONMENT

Mandate

Environment Management Act 2005 (EMA Act 2005), it is an act for the protection of the natural resources and for the control and management of developments, waste management and pollution control and for the establishment of a national environment council and for related matters.

Environment Impact Assessment Unit (EIA)

Environment Impact Assessments (EIA) for developments is required under Part 4 the Environment Management Act 2005 (EMA). In supporting the implementation of the Act, the Environment Management (EIA Process) Regulations 2007 was prescribed setting out detailed procedures for EIA of proposed development activities.

The 5 stages to the EIA Process are:

1. EIA screening
2. EIA Scoping & Processing of ToR
3. Preparation of the EIA report
4. Review of the EIA report
5. Decision on the development proposal

What is EIA?

Environmental Impact Assessment (EIA) aims to predict environmental impacts at an early stage in project planning and design, find ways to reduce adverse impacts and shape projects to suit the local environment.

What does the Department do?

The Department examines and processes development proposals, monitors development and ensures compliance.

What is the legislation?

In Fiji, EIA for developments is required under the Environment Management Act 2005 (Act). To support the implementation of the Act, the Environment Management (EIA Process) Regulations 2007 was prescribed setting out detailed procedures for EIA of proposed development activities.

What is the EIA process?

1. Screening to determine whether an EIA is required for the proposed development proposal
2. Scoping to determine the scope of the EIA report
3. Preparation of the EIA report by the proponent
4. Review of the EIA report
5. Decision on the development proposal.

Which activities require EIA under the Environment Management Act 2005?

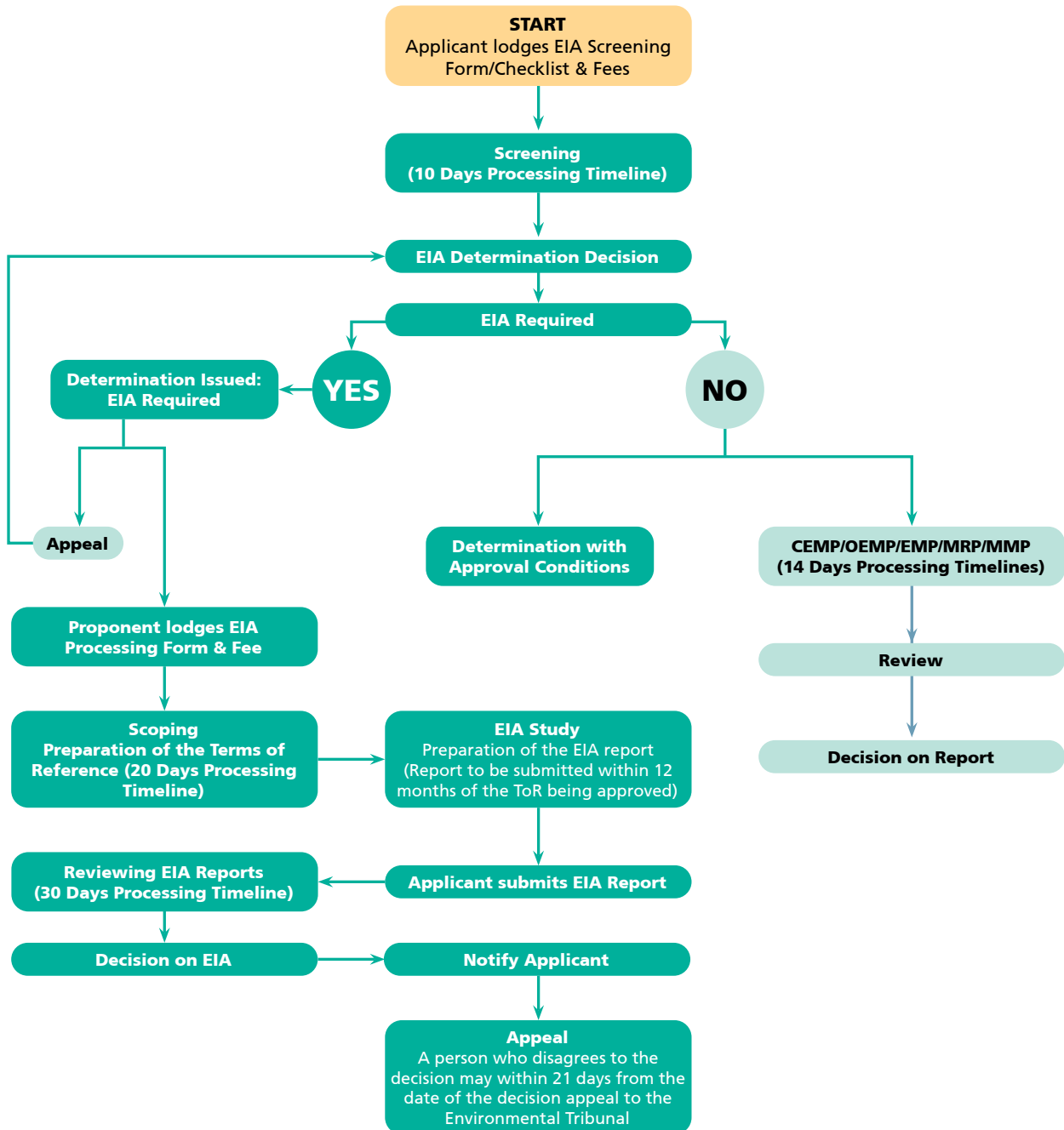
The Act applies to development activities or undertakings.

“Any activity or undertaking likely to alter the physical nature of the land in any way, and includes the construction of buildings or works, the deposit of wastes or other material from outfalls, vessels or by other means, the removal of sand, coral, shells, natural vegetation, sea grass or other substances, dredging, filling, land reclamation, mining or drilling for minerals, but does not include fishing.”



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ENVIRONMENT IMPACT ASSESSMENT PROCESSING FLOWCHART



What is the relationship between the EIA process and other government approvals?

The EIA process must be completed before any other government approval is issued in relation to a development activity or undertaking.

EIA Screening

Purpose of EIA Screening

The purpose of the screening stage is to determine whether the proposed development requires environmental impact assessment.

Who needs to apply for EIA screening?

Every individual, corporate entity or government agency must submit an EIA screening application for this determination before undertaking any work that will alter the nature of any land, including the foreshore or seabed. If the proposal will cause significant environmental or resource management impact, the development proposal is subject to the Environment Impact Assessment process.

How does the proponent apply for EIA screening?

The proponent must apply for EIA screening using the prescribed form, accompanied by the prescribed fee, a locality plan and any other information, plans or drawings needed to describe the proposed development. The prescribed fee is \$255.55.

What is the EIA Screening Timeline?

If the proposed development activity requires an EIA, the timeframe is within 10 days of receiving the complete EIA Screening application.

Do I have Rights of Appeal on the EIA screening Determination?

If the proponent is dissatisfied with the screening determination, they may appeal in writing to the Permanent Secretary, whose decision is final.

EIA Scoping

How does the proponent apply to proceed with the EIA process?

If the proponent decides to proceed with the application, they must make an application using the prescribed form (Form: EM/EIA2 EIA Processing Application) to proceed with the EIA process and must be accompanied by the prescribed fee.

The application must include:

- Details of any changes from the original proposal, as described in the screening application; and
- Proposed terms of reference for the EIA study.



What is the fee for processing an EIA application?

The processing fee is charged according to the value of the development proposal, based on the following scale:

Value of the Development	Processing Fee
Value Not exceeding \$249,999	\$1022.22
Value exceeding \$250,000 – \$499,999	\$1533.32
Value exceeding \$500,000 – \$999,999	\$2044.44
Value exceeding \$1,000,000 – \$2,499,999	\$2555.55
Value exceeding \$2,500,000 – \$4,999,999	\$3066.67
Value exceeding \$5,000,000 – \$7,499,999	\$3577.77
Value exceeding \$7,500,000 – \$9,999,999	\$4088.89
Value exceeding \$10,000,000	\$5111.10

What does the processing authority do during the scoping stage?

The purpose of the scoping stage is to establish the scope and terms of reference for the EIA study.

During the scoping stage, the processing authority:

- must inspect the proposed development site;
- may take samples of soil, water or other material from the site;
- may consult with the proponent, or any agency or person with relevant knowledge and expertise;
- may seek the involvement of the public in the scoping process

What is the time limit for completing the scoping stage?

Scoping of a proposal must be completed within 20 days from the date that the proposal is received by the processing authority. TOR for the EIA study must be approved by the Director Environment.

EIA Report

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Who is responsible for preparing the EIA report?

The EIA report must be prepared by a registered EIA consultant.

What are the requirements for submission of the EIA report?

The EIA report must be submitted to the processing authority (four hardcopies, plus one electronic copy in PDF format) and the EIA Administrator (one hardcopy).

What is the time limit for submission of the EIA report?

The EIA report must be submitted within 12 months of the terms of reference being finalized unless the proponent has obtained a written extension of time from the processing authority.

What are the public notification requirements for the EIA report?

Once the EIA report has been submitted, the Department will make the complete report available at appropriate locations for inspection by the public and for purchase at cost.

The Department may give notice of the publication of the report on every radio or television station that broadcasts in the area of the site, and in every newspaper that circulates in the area of the site. In the case of major development proposals, this requirement is mandatory.

If such public notice is given, the advertisement must set out the locality and nature of the development, where copies of the EIA report can be obtained, how the public can comment on the report, and the time limit for submission of comments; being 28 days.

EIA Review

Who is responsible for reviewing the EIA report?

Once the EIA report has been published, the Department must arrange for the report to be reviewed by either a registered review consultant (not the consultant who prepared the EIA report) or a review committee, as directed by the Director for Environment.

Each committee may have up to ten members, drawn from the relevant industry, government agencies, non-government organizations, local communities, and academic institutions.

The committee must complete the review of the EIA report and make its recommendations within 30 days of the submission of the EIA report.

What are the public consultation requirements during the review stage?

The proponent must conduct public consultation on the EIA report, including at least one public meeting held in the vicinity of the proposed development. Notice of a review meeting must be given by the proponent at least seven (7) days before the meeting:

- on every radio or television station that broadcasts in the area of the site, in the indigenous and commonly used languages of the area; and
- In every newspaper that circulates in the area of the site, in the indigenous language of the area.

The notice must set out the locality and nature of the development, where copies of the EIA report can be obtained, the location and time of the meeting, and the time limit for submission of comments.

Every review meeting must be held no later than 21 days after the submission of the EIA report. This means that interested parties will have at least 7 days to comment on the report.

What is the time limit for the EIA review report?

The Department must make its decision in relation to the development proposal within 35 days of the submission of the EIA report.

The Department may:

- not approve the proposal;
- recommend any additional study on the proposal; or
- Approve the proposal, with or without conditions.

EIA Decision

EIA approval is only valid for the specific activity or undertaking described in the development proposal.

Does the proponent need to apply for other approvals?

EIA approval does not constitute approval of the proposal under any other law, and the proponent must apply for approval under any other law(s) relating to the proposal.

What is the time limit for notifying the proponent of the EIA decision?

The Department must inform the proponent of its decision within 7 days of the decision.

Who can appeal the EIA decision?

Any person who disagrees with the decision of the Department may appeal to the Environmental Tribunal.

What is the time limit for appealing the EIA decision?

The appeal must be lodged within 21 days of the decision.

When is the proponent required to pay an environmental bond?

EIA approval may be made subject to the payment of a cash bond as a security for the probable cost of preventing or mitigating any environmental damage to the area and its surroundings. The nature and amount of the environmental bond may be agreed between the Director and the proponent or, in the absence of agreement, determined by the Permanent Secretary.

How does the authority ensure compliance with conditions of approval?

If an environmental management plan was required as part of the EIA report by the terms of reference, it must:

- include an environmental monitoring and surveillance program of action;
- Provide for an environmental monitoring committee to verify that the environmental protection plan is being fulfilled and adverse impacts of the proposal documented.

Following the approval of a development proposal, the Department or an approving authority may conduct inspections of the development site to monitor compliance with any conditions of approval.





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