



Netherlands Commission for
Environmental Assessment

Comments on the Sector Guidelines for EIA

Memorandum by the NCEA

17 March 2006



Advice of the Secretariat

To Ministry of Environment, Georgia
Attn Minister of Environment of Georgia, Mr Papuashvili
From Mr Arend Kolhoff (Technical Secretary - Netherlands Commission for Environmental Assessment)
Date 17 March 2006
Subject Comments on the sector guidelines for EIA

By: Secretariat of the Netherlands Commission for EIA
Advice DGIS 06-03

1. GENERAL COMMENTS

1.1 The sector guidelines provide a lot of information, are in general well justified and I am sure can provide guidance in the scoping process. My main concern is the presentation of these guidelines and as a consequence accessibility of the information.

The sector guidelines were drafted as legal documents by numbering articles. I am curious to know for what reason. I have never seen that before. In my opinion there is no reason to make legal documents of these guidelines and formal approval is in my opinion not necessary. In case there is no good reason to present these guidelines in this way I recommend to skip the articles.

In the present set up the guidelines are not easy to use and thus not encouraging for the target group. In my opinion that is because of the following reasons:

- as stated above, the legal set up of the document, article 1, 2, ... etc., and guidelines are presented as sections;
- no clear structure is applied; guidelines for the execution of scoping process and guidelines for the contents of the ToR for the EIA are mixed up;
- the density of information is extremely high in each section and therefore more difficult to use;
- For each of the three sector guidelines a different structure is used.

Recommendations:

Choose one structure for all the guidelines and split the sector guidelines documents in three parts:

Part 1; General information on provisions, activities in the sector that are mandatory to EIA, definitions.

Part 2; Guidelines for the process. These guidelines could also be included in the manual but for the time being I suggest to keep these guidelines in each sector document separated.

Part 3; Guidelines for the ToR for the EIA study and report. I suggest to follow the structure in the Guidelines for drafting ToR for project EIA, see Appendix 1 of this report for a structure that could be well used for the sector guidelines. This is the one I have presented and distributed last week at the training. This Guidelines document is developed to guide the expert(s) in drafting project specific ToR for EIA. In my view this document could be used as a step by step manual resulting in ToR for the execution of an EIA. The sector guidelines then, should be used to provide sector specific information. This means that the two documents should always be used together. Of course it might be possible to develop each sector guideline as a stand alone document for the guidance but that requires a lot of extra work. In my opinion, this extra effort is not necessary as experience shows that after a while the manual is part of the institutional memory of the people who work with scoping for EIA on a daily basis and they'll only make use of the sector guidelines when they are dealing with scoping of EIA for these sectors.

Furthermore, it is advisable to:

Include a Table of Contents to improve the user-friendliness of the sector guidelines.

Follow the same structure in each sector document because that will be recognised more easily by the users.

Enlist the guidelines one by one, not too concised, for more user-friendliness.

With respect to the contents of each of the guidelines I recommend:

To mention the type of activities for each specific sector that are subject to EIA according to Georgian legislation (category I and II). It might not yet be possible to include these???? yet. To be included in part 1.

To include in a separate section in part 3 a list of potential activities for each of the sectors. Because that provides the opportunity to check whether all activities as proposed by the proponent are mentioned and will be considered in the ToR. For example, borrow pits for dredging or construction camps for road construction are easy to forget.

In my view alternatives are part of the most important aspects of EIA and adequate scoping can provide a lot of guidance as well as suggestions. I advise to highlight the section on alternatives and make it more robust.

Finally, you could start thinking of the contents of a general manual on EIA, in which a number of more general articles could be included instead of putting these in the sector guidelines.

2. SECTOR GUIDELINES ON WASTE

In addition to the above mentioned general recommendations, I suggest:

In general the information in the articles 7 – 11 contain good quality guidelines but the information is completely mixed up and should be re-structured. For example article 9 is completely mixed up and article 8 and 11 provide guidelines on alternatives and should be combined in one section on alternatives. You can use the structure presented in Appendix 1 of the Guidelines for drafting ToR for project EIA to restructure part 3 of these sector guidelines on waste.

Furthermore, mainly focus on solid waste and hardly on hazardous waste.

3. SECTOR GUIDELINES ON ROADS

In addition to the above mentioned general recommendations, I suggest:

Article 9 on alternatives is not encouraging at all. I would like to see examples of alternatives as well as mitigating measures.

One of the most important problems caused by construction of new roads is fragmentation of natural habitats. The term fragmentation is not mentioned and in the section on alternatives / mitigating measures, no information is provided to avoid or minimize (the impacts) of fragmentation.

Article 11 for example is a section to be included in part 2 on Guidelines for the process.

4. SECTOR GUIDELINES ON PORTS

In addition to the above mentioned general recommendations, I suggest:

To look carefully at these guidelines because they are much more detailed than the other two guidelines. For example, article 14 is very general and I doubt the added value of this information in these guidelines.

As stated before also these guidelines are mixed up and contain a lot of duplication.