

DEPARTMENT OF ENVIRONMENT

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

Frequently Asked Questions (FAQs)

BACKGROUND

A key mandate for the Department of Environment is the protection of natural resources and for the control and management of developments, waste management and pollution control and others. In Fiji, Environmental Impact Assessment (EIA) for developments is required under the *Environment Management Act 2005* (EMA). 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.

To maintain control and for the sustainable use of our natural resources, EIA is a tool used “to identify the environmental, social and economic impacts of any project prior to decision-making. It aims to predict environmental impacts and potential degradation at an early stage of a project (planning and design), find ways to reduce adverse impacts, shape projects to suit the local environment, and present the predictions and options to the decision-makers.

Section 12 of the Act establishes the EIA Unit within the Department of Environment to examine and process every development proposal received by it or referred to it from approving authorities.

KEY STAGES

What are the key stages in the EIA process under the Environment Management Act 2005?

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.

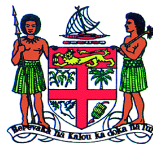
Which activities require EIA under the Environment Management Act?

The Act provides for the environmental impact assessment of a broad range of activities and undertakings. In particular, the Act applies to ‘**development activities or undertakings**’, which are defined to include:

“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.”

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.



DEPARTMENT OF ENVIRONMENT

STEP 1: 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 \$242.22.

What is the EIA Screening Timeline?

- If the proposed development activity requires an EIA, the timeframe is within 14 days of receiving the complete EIA Screening application.
- If the proposed development activity does not require an EIA, the timeframe is within 12 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.

STEP 2: EIA SCOPING (EIA PROCESSING APPLICATION)

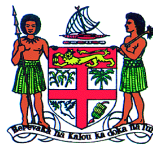
How does the proponent apply to proceed with the EIA process?

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; an
- 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:



DEPARTMENT OF ENVIRONMENT

Value of the development proposal Fee	Fee
Value Not exceeding \$249,999	\$968.89
Value exceeding \$250,000 – \$499,999	\$1453.33
Value exceeding \$500,000 – \$999,999	\$1937.78
Value exceeding \$1,000,000 – \$2,499,999	\$2422.22
Value exceeding \$2,500,000 – \$4,999,999	\$2906.67
Value exceeding \$5,000,000 – \$7,499,999	\$3391.11
Value exceeding \$7,500,000 – \$9,999,999	\$3875.56
Value exceeding \$10,000,000	\$4844.44

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 30 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.

STEP 3: PREPARATION OF THE EIA REPORT

The EIA report for a proposal is based on the EIA study. The EIA report must provide comprehensive report of the potential impacts of the proposal, and suggest measures to mitigate the impacts.

What is the purpose of the EIA report?

The EIA report for a proposal is based on the EIA study. The EIA report should provide a comprehensive report of the potential environmental impacts of the proposal, and suggest measures to mitigate these impacts.

Who is responsible for preparing the EIA report?

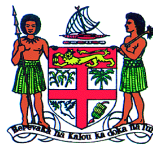
The EIA report must be prepared by a registered EIA consultant.

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 finalised, unless the proponent has obtained a written extension of time from the processing authority.



DEPARTMENT OF ENVIRONMENT

PUBLICATION OF EIA REPORT

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.

STEP 4: EIA REVIEW

REVIEW COMMITTEES

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 organisations, local communities and academic institutions.

The committee must complete the review of the EIA report and make its recommendations within 35 days of the submission of the EIA report.

REVIEW MEETINGS

What are the public consultation requirements during the review stage?

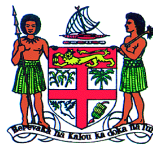
The proponent must conduct public consultation on the EIA report, including at least one public meeting held in the vicinity of the proposed development.

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.



DEPARTMENT OF ENVIRONMENT

STEP 5: EIA DECISION

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.

EFFECT OF APPROVAL

What is the effect of the EIA approval?

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.

NOTIFICATION AND APPEAL

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.

ENVIRONMENTAL BOND

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.

COMPLIANCE INSPECTIONS

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.