



ATKINS

St Lucia Coastal Habitat Mapping Project

Improving Our Understanding through
training and awareness raising



ENVISION



www.atkinsglobal.com

**Discussion on how current EIA
process and institutional systems
work and could be improved for
better decision making in the
coastal zone**

Jonathan McCue & Martin Le Tissier

Current EIA process and institutional system

- Why are we looking at this?

The intention is then to use the outcomes of the previous Session (10), coupled with the outputs of the Coastal Engineering half day event on 3 July to, enable a “List of Future Improvements” to be created and debated in relation to the EIA system.

Where is an EIA Required?

- Hotels of more than the number of rooms specified in the Regulations;
- Sub-divisions of more than the number of plots specified in the Regulations;
- Residential development of more than the number of units specified in the Regulations;
- Any industrial plant which in the opinion of the Head of the Physical Planning and Development Division is likely to cause significant adverse environmental impact.
- Quarrying and other mining activities
- Marinas
- Land reclamation, dredging and filling of ponds
- Ports
- Dams and Reservoirs
- Hydro-electric projects and
- Desalination plants
- Water purification plants
- Sanitary land fill operations, solid waste disposal sites, toxic waste disposal sites and other similar sites
- Gas pipeline installations
- Any development projects generating or potentially generating emissions, aqueous effluent, solid waste, noise, vibration or radioactive discharge
- Any development involving the storage and use of hazardous materials Coastal Zone Developments
- Developments in wetlands, marine parks, national parks, conservation areas, environmental protection areas or sensitive environmental areas.

Lots of Examples

But are they consistent?

What is the EIA Procedure?

- The developer submits an application for full approval or approval in principle to the executive secretary of the Development Control Authority (DCA).
- Application is considered by the Technical Staff of the Physical Planning Section. Along with an appraisal, recommendations are made to the DCA Board on the proposal.

What problems arise here?

What is the EIA Procedure?

- DCA refers the application to the referral agencies for the development of Terms of References (TOR). During this phase a site visit with the referral agencies as well as a presentation by the developer is made.
- TOR is submitted to the DCA Board for approval and then sent to the developer.

Are we happy with current ToR content for coastal projects?

Draft Terms of Reference Structure for EIA

- Objectives and background to the proposal
- Study area and boundaries
- Alternatives to be examined
- Opportunities for public involvement
- Impacts and issues to be studied
- The approach to be taken
- Requirements for mitigation and monitoring
- Information and data to be included in the EIA report
- Timetable and requirements for completion of the EIA process.

What is the EIA Procedure?

- Developer seeks the services of a consultant to prepare the EIA based on the TOR. The consultant's team's qualifications are outlined to the Executive Secretary and the DCA Board for approval.
- The Board's decision is sent to the developer
- The developer contracts the consultant to prepare the EIA

What is the EIA Procedure?

- The developer submits copies (hard and electronic) of the EIA to the Executive Secretary.
- DCA disperses the EIA to the referral agencies who revert with comments in a timely manner.
- Application is considered by the DCA Board with recommendations based on the responses received from referral agencies
- Upon receipt of the approval in writing from the DCA Board, the developer can commence development only after first informing the DCA in writing

How are development actions monitored?

Frailties of the current EIA System (1)

- ***Approach and time-schedule for EIA enforcement*** –
- The process is too lengthy and very complicated.
- There are many stages and hence time consuming.
- Consequently, in many cases, when legal action is pursued, and the perpetrator is brought before a magistrate, the evidence required to convict them is no longer available.
- ***Capacity*** - inadequate human and financial resources to facilitate monitoring the developer's adherence to the conditions of approval.

Frailties of the current EIA System (2)

- Lack of public consultation on many coastal developments which are subject to EIA and also poorly completed Social Impact Assessments (SIA).
- **Monitoring and Surveillance** – DCA officers denied access to development sites (to monitor construction approaches).
- Developers often ignore the conditions of approval issued by the DCA and make changes to the development plans without informing the Authority eg: Queen's Chain set back issues.

Frailties of the current EIA System (3)

- ***Penalties for Non Compliance too low***
- Most developers see it is more economically viable to pay the fine and continue with the illegal practice.
- ***Conflicts of Interest in EIA preparation*** – DCA concerned when conflicts of interest arise where public servants are involved in the preparation of EIAs. Referral agencies are therefore unable to undertake a thorough review of the Environmental Impact Statement (EIS).

Discussion Question 1

- How can EIA be used to better purpose to promote specific national environmental or sustainability goals?

Discussion Question 2

- Add to the list of strengths and weaknesses of the current EIA process (regarding coastal habitat management). And discuss how the effectiveness of this system could be improved?

Discussion Question 3

- What processes currently exist nationally for EIA capacity building and are they effective? If not, what approach would you recommend to strengthen efforts to build EIA capacity? What further support is required for such EIA capacity building?

Discussion Question 4

- Is the EIA process suited to the types of coastal projects and activities that take place in St Lucia? How could the EIA process be adapted to make it more effective and efficient?

Key messages (1)

The following represent the key messages for future consideration in St Lucia:

- Instil the St Lucia Coastal Habitat Mapping Project Future Vision Concepts **EARLY IN THE PROCESS** to planners and decision makers on an SEA trans-national Caribbean level.
- Instil the principles of ICZM to help SEA plans/programmes to prepare integrated objectives, even if SEA is not mandatory. Objectives should attempt to acknowledge or where possible restore the natural resilience of the coast to sea level rise and human induced pressures.

Key messages (2)

- Ensure mechanisms are set up to enable knowledge on coastal management issues to be better communicated at various temporal and spatial scales, thus helping to support the implementation of SEA for plans/programmes.
- Strengthening networks for the exchange of coastal management information and expert knowledge between the Caribbean States (between coastal and non coastal experts) is vital.

Key messages (3)

- Integrating coastal habitat management data and information in plan-making is NOT an onerous task and its incorporation into expected planning procedures required for the preparation of a SEA plan should be straight forward.
- Training on coastal management risk appraisals to SEA policy makers (engineers and planners etc) is now strongly recommended.

What Actions Could be undertaken?

- Possible opportunity for coastal habitat management issues to be considered in a National “*State of the Marine Environment Report*” which includes all aspects needed for future SEAs;
- Ensure that relevant national and international (where possible) coastal experts are involved in the SEA process (creation of a Steering Committee?).

ICZM Delivery in St Lucia – Issues in 2009

The SD&EU was established as recently as 2000 to coordinate environmental functions.

The SD&EU Department carries a very large portfolio and there is an acute staff shortage. This appears to be the trend for all the relevant entities.

The Coastal Zone Management Advisory Committee is a sectoral body which should be charged with the responsibility to coordinate IWCAM activities and to lead on the initiative.

ICZM in St Lucia – So what is needed now – Discuss!

- **Is it a monitoring system** for agencies that discharge environmental functions, since conditions of approval relating to various permits/licences are often not monitored and enforced (low priority at present).
- **Is it ways to improve enforcement** - Consideration should be given to establishing enforcement capacity within key agencies, e.g. in the Department of Environmental Health or Physical Planning Unit,.
- **Do we need a formal Coastal Land Use Plan** - St. Lucia has no land use plan which constrains efforts aimed at sustainable land use.
- **How can we incentivise Sustainable Development?** - needs to be tied into good management and land use / coastal zone development practices.
- **How can we make ICZM important!** - Environmental matters are not given high priority in the court system, (set up an “Environmental Court”).