



## Effective Engagement in Environmental Impact Assessments

### Checklist

The following Checklist is aimed at facilitating review of Environmental Impact Assessments (EIA) by stakeholders and members of the public. Further detailed information and a comprehensive list of resource is contained in BirdLife South Africa's Guide to Effective Engagement in Environmental Impact Assessment Processes, and Frequently Asked Questions (FAQ) document.

#### Abbreviations used in the Checklist:

|          |  |
|----------|--|
| BAR:     | Basic Assessment Report  |
| BID:     | Background Information Document                                    |
| DFFE:    | Department of Forestry, Fisheries, and the Environment             |
| DMRE:    | Department of Minerals and Energy                                  |
| EAP:     | Environmental Assessment Practitioner                              |
| EAPASA:  | Environmental Assessment Practitioners Association of South Africa |
| EIA:     | Environmental Impact Assessment                                    |
| EIR:     | Environmental Impact Report  |
| FAQ:     | Frequently asked questions   |
| IAIA:    | International Association for Impact Assessment                    |
| I&APs:   | Interested and affected parties                                    |
| PPP:     | Public Participation Process                                       |
| SACNASP: | South Africa Council for Natural Scientific Professions            |
| SANBI:   | South Africa National Botanical Institute                          |

| Checkpoint   | Requirement  |
|--|--|
| Is the Environmental Assessment Practitioner (EAP) qualified to undertake the EIA?   | EAPs must be registered with Environmental Assessment Practitioner's Association of South Africa (EAPASA). If the EAP is not registered (either in-training or newly qualified), the EIA reports must still be reviewed and signed-off by a registered EAP. A list of registered practitioners is available on the EAPASA website ( <a href="http://eapasa.org">http://eapasa.org</a> ).   |
| Is the EAP independent?  | The EAP must be an independent environmental consultant with no association with or ties to the Applicant, other than being paid fair remuneration for EIA work. The language of the report should reflect a balanced and impartial stance and not be written in support of, or provide motivation for, the development. The Code of Ethics that EAPs subscribe to, on registration with EAPASA, are available in the Rule Book on the EAPASA website ( <a href="https://eapasa.org/site/wp-content/uploads/2020/04/EAPASA_Rule_Book.pdf">https://eapasa.org/site/wp-content/uploads/2020/04/EAPASA_Rule_Book.pdf</a> ). |
| Do you understand the language used in the EIA and the associated Public Participation Process (PPP)?                      | If the language in the initial Background Information Document (BID) (intended to provide stakeholders with a basic outline of the proposed development as a basis for comments) or the subsequent EIA reports, is not the dominant language in the area in which the development site is located, you can request that the documents be translated. You can also request that a translator be present at public participation events.   |
| Have the minimum legal requirements for PPP been met?  | <p>Minimum requirements:</p> <ul style="list-style-type: none"> <li>• Noticeboards to be placed on site measuring at least 60cm by 42cm</li> <li>• Written notice to be provided to key stakeholders</li> <li>• Advertisements in the languages spoken in the area, in at least one local newspaper or an official gazette</li> <li>• Advertisement in one provincial or national newspaper if the activity has an impact extending beyond the boundaries of the metro or municipality (local or district).</li> </ul>   |
| Have Interested and Affected Parties (I&APs) been given sufficient information and opportunity to comment on the proposal? | The EAP has the responsibility to facilitate access to information and to empower people to participate by providing accessible opportunities for all people, including youth, vulnerable, disabled, and/or elderly people. If you are unable to attend a public meeting, you can request a one-on-one meeting with the EAP or any other member of the EIA team.   |
| Are all relevant I&APs included in the process?  | The Protection of Personal Information Act (POPIA) does not allow contact details of individuals to be made public without their permission. However, it is still possible to check that relevant landowners, neighbours, NGOs, conservation authorities etc. are listed in the register of I&APs. This register must be included in the   |

| Checkpoint   | Requirement  |
|--|--|
|  | Basic Assessment or full Scoping and EIA report (refer to the Effective Engagement Guideline for an explanation of the difference between a Basic Assessment and full Scoping and EIA Report).   |
| Is there a thorough description of the proposed project and the affected environment and is all the information relevant?                          | EAPs often have number of projects on the go at the same time, and may occasionally replicate information in different reports. This is unacceptable and is indicative of an EAP not being sufficiently diligent in their work. It is important to check that all the information, including maps, geographical co-ordinates, site data and project information is accurate and relevant to the proposal under scrutiny.   |
| Has notification of the EIA process been sent to potential I&APs at the Application stage?   | Notification should be provided in the form of a Background Information Document (BID), prior to the preparation and circulation of the draft Basic Assessment Report (BAR) for smaller projects and prospecting applications, and the Draft Scoping Report & EIR for larger projects (refer to the Effective Engagement Guideline for submitting written comments at this stage). This is because the issues and concerns raised are intended to guide the scope of investigations and level of detail in the assessment. |
| Is there an unreasonable or non-sensical disclaimer in the 'small print' in the assessment reports?  | Sometimes EAPs and their employers include standard legal disclaimers in the reports, by which they seek to absolve themselves from being responsible for the accuracy of the information in the report, and in respect of any outcome that linked to the information. This is inappropriate in an EIA context, given the purpose of an EIA is to provide expert information and an evidentiary basis for decision-making.   |
| Have all comments and concerns raised, and the responses on the part of the EAP, been included in the draft BAR or the draft Scoping Report & EIR? | The purpose of the initial information sharing is to gather issues and concerns that should be reflected in the draft Basic Assessment Report or the draft Scoping Report & EIR. This process must be transparent and it is important to check that all correspondence between yourself and the EAP is included verbatim in the reports that go to the Competent Authority.  |
| Has a reference number been provided, and name of the case officer within the office of the Competent Authority?                                   | All Applications submitted to the Province, the DFFE, or the office of the Department of Minerals and Energy (DMRE) in the case of exploration or mining related activities, must be allocated a reference number. This number must be included on the reports and correspondence with I&APs. It is advisable to cite this number should you wish to correspond directly with the Competent Authority.   |
| Have all the relevant legislative and other policy plans and documents been presented and explained in the draft Basic                             | EAPs sometimes copy and paste generic lists of relevant legal and policy requirements. It is important to check that all requirements are pertinent and have been clearly explained. It is also important that planning documents are included and discussed, including  |

| Checkpoint  | Requirement   |
|---|---|
| Assessment or the draft Scoping and EIA Report?   | <p>Environmental Management Frameworks, Bioregional Plans, Spatial Development Frameworks, and Integrated Development Plans. These documents should be obtainable from your local municipality. The land use categories and guidelines in these documents should be adhered to. If a development does not fit within the planning framework or vision for an area, a convincing motivation must be provided for why there is a deviation. If rezoning of land is a pre-requisite for a development, this is also an opportunity for you to raise concerns, given that all rezoning applications must be advertised for public comment. The EAP should be working closely with the planners and local authority.</p>   |
| Has the Department of Forestry, Fisheries and the Environment's (DFFE) Screening Tool been applied? | <p>The maps and reports generated by the DFFE screening tool must be included in the draft Basic Assessment Report or the draft Scoping Report &amp; EIR. A site sensitivity verification report (based on a site visit) is necessary regardless of the sensitivity level identified by the screening tool. If a high or medium sensitivity is allocated there must be an investigation by a specialist to confirm whether the species is likely present, and how it may be impacted (for more detail please see Box 2 in the Engagement Guideline).</p> <p>The Screening Tool can be accessed on the DFFE website:<br/> <a href="https://screening.environment.gov.za/screeningtool/#/pages/welcome">https://screening.environment.gov.za/screeningtool/#/pages/welcome</a>.</p>   |
| Have qualified, taxa-specific specialists been appointed?   | <p>Natural scientists appointed to undertake specialist studies should be registered with SACNASP (South African Council for Natural Scientific Professions). Floral and faunal species in different habitats (terrestrial, marine, wetlands, riparian etc.) should be studied separately rather than grouped under a general "biodiversity" or "ecological" specialist study. If there is a risk of impacting a specific species of conservation concern, taxon-specific assessments will be necessary (for example an avifaunal impact assessment conducted by a specialist, with demonstrable species knowledge, as per the definition of "specialist" in the EIA Regulations)</p> <p>Specialist studies must be undertaken in accordance with DFFE's Species Protocols and SANBI's Specialist Study Guidelines:<br/> <a href="https://www.dffe.gov.za/sites/default/files/gazetted_notices/nema_criteteriathemeidentification_environmentalauthorisations_g43855gonl150.pdf">https://www.dffe.gov.za/sites/default/files/gazetted_notices/nema_criteteriathemeidentification_environmentalauthorisations_g43855gonl150.pdf</a></p> <p><a href="https://www.sanbi.org/news/national-protocols-and-guidelines-standardise-requirements-for-specialist-studies-in-eias/">https://www.sanbi.org/news/national-protocols-and-guidelines-standardise-requirements-for-specialist-studies-in-eias/</a></p> |

| Checkpoint  | Requirement   |
|---|---|
| Have all mandated specialist studies been included?                                   | Application of the Screening Tool has been a mandatory step in the EIA process since October 2019. Its purpose is to identify site sensitivities and prescribe expert or specialist studies. If a study prescribed by the Screening Tool is not commissioned from a specialist, a detailed justification must be provided by the EAP for why not. A likely reason is because a site visit may reveal that the Screening Tool is inaccurate in respect of a particular area. If this is the case, clear evidence (including photos) must show that site conditions do not match what is indicated by the Screening Tool. |
| Have all the sensitive environmental features of a site been identified and assessed? | As implied in the answer to the previous question, the desk-top Screening Tool may underestimate or overestimate the sensitivity of a site. If you know of a threatened habitat or species that has not been identified, it is important to raise this issue with the EAP and insist that ground-truthing is undertaken to confirm the accuracy of the outcomes of the Screening Tool.  |
| Are details of the Appeal process provided in notification of the approval of an EIA? | If and when a listed activity has been approved, the consultant is obliged to inform all registered I&APs of their right to appeal the decision. The appeal process is also open to individuals or organisations who were not registered or did not participate in the EIA.   |