



Netherlands Commission for  
**Environmental Assessment**

# Comments on Generic Terms of Reference for EIA

## CENTRAL AMERICA

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# Memoria del Secretariado de la NCEA

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**Para :** IUCN Costa Rica (Sra Marta Perez de Madrid, Sra. Melany Slattery)  
**De :** NCEA (Sra. Ineke Steinhauer)  
**Discado directo:** + 31 30 234 76 54  
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## 1. Introduction

IUCN Mesoamerica asked NCEA comments on three documents related to Generic Terms of Reference for EIA in Central America:

- 1) Diagnosis document
- 2) Proposal for generic ToR
- 3) Proposal for specific ToR for three sectors: road projects, tourism projects and non-metal mining projects.

## 2. Observations and comments

### 1. Diagnóstico

No queda muy claro por qué se hace un diagnóstico de los diferentes países, sin que se hace un análisis o se saque una conclusión: el texto en 1.5.5. no dice mucho. Solamente se hace una comparación con Colombia y Brazil: por qué con estos 2 países? y cuál el propósito de la comparación?

### 2. Segunda parte

En general es un documento muy útil y de fácil acceso. Si se compara los diferentes apartados de los TdR (enumerados en el III.2) con 'nuestro' formato de TdR para EIA (véase abajo en inglés), vemos gran coincidencia. Sin embargo, hay ciertas diferencias.

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Sigo en inglés,

### **Suggestion after III. 2.1 Metodología**

We usually put more emphasis in that the EIA also pays attention to the justification of the project. Therefore we usually start the TdR with a chapter on 'Problem analysis and objectives'. In the EIA report, the problems which are assumed to be solved by realisation of the project should be stated in clear terms and the underlying causes should be analysed. The EIA report must contain a clear definition of the objectives of the proposed activity to enable identification and formulation of implementation alternatives and to furnish criteria for monitoring and evaluation. The objectives should logically ensue from the problem analysis and be specific and if possible quantified (e.g. % of reduction of diseases, improvement of soil and water quality in comparison with certain standards)'.

### **III.2.2. Marco legal, político e institucional**

OK, but always try to be as specific as possible: 'The EIA report should indicate which of these laws etc. are specifically applicable to this project, including preconditions these may put on the project. The EIA report should also assess the probability of compliance of the intended activity with legislative and regulatory considerations and policies'.

Also, put a bit more emphasis in the institutional component, which is now lacking, e.g. 'The EIA report must give a clear description of the institutional framework, including competent (licensing) authorities directly involved in the approval and execution of the project and in the control of the executed works. The EIA report must also indicate which competent (licensing) authority is committed to the follow-up activities once project activities are finished and how maintenance of e.g. mitigation measures taken will be secured'.

After this chapter include a section on Public and Agency involvement: In the present document you mention under IV Consulta Pública that this has to be done according to the legislation of each country. You could stimulate the initiator of a project to go a step further by including the following text:

'The EIA report must contain an inventory and description of all stakeholders involved in or affected by the project and how their opinions and interests did influence the contents of the EIA report. The EIA must indicate in which way the stakeholders are involved in the project, its environmental management plan and follow-up'

### **III.2.3. Descripción del proyecto**

This part is very well elaborated. Although alternatives are mentioned here, give more attention, because in a way this is the most important added value of EIA (not just impact description and mitigation, but more pro-actively trying to look for the alternative most friendly to the environment).

'The EIA report should address relevant alternative options for each of the project activities, in terms of location, routing and methods applied. The EIA report should also justify the selected alternative and indicate in which way environmental and social considerations have been taken into account'.

### **III.2.5. Descripción del medio ambiente**

Mention is made of Table 3, which however is not included in the document.

Also the emphasis of the document is primarily on environmental impacts, whereas we would suggest to also specifically include socio-economic impacts (later on in table 2 these impacts are indeed mentioned).

The EIA report must contain a description of the current situation of the natural and socio-economic environment and its development if no project will be established (the autonomous development or reference situation). This serves as a basis for comparison of the impacts of various alternatives'

### **III.2.6. Pronóstico de la calidad ambiental del área de influencia**

We usually include a chapter here which is called 'comparison of alternatives:

'Environmental and socio-economic impacts of alternatives must be compared, leading to at least the preferred alternative of the proponent and the alternative contributing maximally to sustainability. All alternatives must be compared according to international and commonly accepted standards as much as possible. The comparison must yield the preferred alternative for implementation. For comparison, selection and valuing of alternatives discriminating economic, technical, ecological and social criteria have to be identified.

### **III.2.7. Medidas ambientales**

Here we have a slightly different approach. In the Netherlands there is a legal requirement that an 'alternative most friendly to the environment' has to be developed which is part of the comparison of alternatives. In quite some cases this alternative is chosen by the project developer as the preferred alternative, which implies that mitigation measures often are an integral part of the project. In these cases no separate Plan de Gestión Ambiental has to be formulated. In other cases mitigation measures as part of the environmental license conditions; therefore we usually do not apply the concept of PGA's, although we do have monitoring and evaluation requirements. In the EIA report an environmental monitoring plan must be presented.

### **III.2.8. Análisis de Riesgos**

In most cases we also consider 'gaps in knowledge' as a potential risk, especially in the case that a lack of information and knowledge may significantly influence impacts and the consequent need for mitigation measures. The EIA report should also indicate in which way and through which means serious knowledge gaps can be filled in or alleviated, now and in the course of the project.

## **3. Tercera parte**

No he leído esta parte con mucho detalle. Solamente me parece que hay que incluir una explicación al inicio, diciendo que estos TdRs sectoriales siempre tendrían que ser re-elaboradas/adaptados para el proyecto y contexto específico. De esta manera se asegura que el EIA tendrá la información necesaria para la toma de decisiones. Simplemente dando por ejemplo los TdRs sectoriales para carreteras a un desarrollador generaría el riesgo de tener EIA's con mucha información irrelevante