

THE ENVIRONMENTAL PLANNING AND PROTECTION ACT OF 2005

ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS

(DRAFT May 18, 2005)

**Citation and
Commencement**

1. These regulations should be cited as the Environmental Impact Assessment Regulations of 2005, or the EIA Regulations. These regulations take effect on the _____ day of _____, 2005.

Definitions

2. In these regulations:

“The Act” means the Environmental Planning and Protection Act of 2005;

“Active Public Consultation” (APC) means an event or activity carried out by the Project Proponent that actively solicits comments from members of the public. APC must go beyond passive measures such as simply informing the public. APC may include such activities as public meetings, community surveys, questionnaire campaigns, or other similar active opinion gathering activities;

“Basic Environmental Assessment” (or “BEA”) means the study conducted pursuant to these regulations in order to determine whether Category B projects, as defined by these regulations, are environmentally acceptable;

“Commencement of construction” means any physical activity taken to begin development of a proposed project, including clearing of vegetation, breaking ground, dredging, grading, erecting any structure, or in any way altering the physical characteristics of a site. As applied to programs or policies that are not of a physical nature but are subject to these regulations, “commencement of construction” means preparation activities undertaken in preparation for implementation of such programs or policies;

“Confidential Business Information” (or “CBI”) means information of a commercially sensitive, proprietary, or privileged nature that is submitted to the Department by Project Proponents as part of the EIA process. Project Proponents may declare any information submitted to the Department to be CBI. The Department shall hold strictly confidential and shall not reveal to any party outside of the Department any information declared by Project Proponents to be CBI;

“Construction” means the physical development of projects, and also encompasses activities undertaken in preparation for the implementation of programs or policies subject to these regulations;

“Decision Document” means documentation developed by the Department in order to document decisions taken by the Department pursuant to these regulations. Decision documents are public documents. They present the supporting data and rationale for decisions taken by the Department regarding proposed projects (e.g. decisions to grant or withhold Environmental Clearances and Environmental Permits to Operate);

“Environmental Clearance” means formal permission from the Department to commence construction of a project (with specified conditions). Environmental Clearance is granted by the Department for a proposed project after thorough review of the associated EIA or BEA, and upon determination by the Department that the project is environmentally acceptable. Project Proponents must obtain Environmental Clearance before they may commence construction of proposed projects. Environmental Clearance allows Project Proponents to construct only, and not to commence operation;

“Environmental Clearance Conditions” means the set of requirements, consisting of environmental mitigation and management measures (including monitoring requirements), which the Department establishes as part of the terms of the Environmental Clearance. The Environmental Clearance is conditional on the faithful execution by the Project Proponent of the Environmental Clearance Conditions, and may be revoked by the Department should the Project Proponent fail to comply with any of the Environmental Clearance Conditions;

“Environmental Impact Assessment” (or “EIA”) means the study conducted pursuant to these regulations in order to determine whether Category A projects, as defined by these regulations, are environmentally acceptable.

“EIA Process”, or “EIA Program” means generally the entire process described by these regulations whereby proposed projects are vetted for environmental acceptability (encompassing both EIA and BEA);

“Environmental Impact Assessment Division” (or “EIA Division”) means an administrative division within the Department the main role of which is the implementation of these regulations on behalf of the Department;

“Environmental Management Plan” (or “EMP”) is a plan drawn up by the Project Proponent outlining the environmental management measures that will be carried out during construction and implementation of the proposed project, in order to ensure that the proposed project is environmentally acceptable. The EMP includes the Environmental Clearance Conditions established by the Department during the EIA/BEA review;

“Environmental Monitoring and Enforcement Division” means an administrative division within the Department responsible for implementing environmental monitoring and enforcement programs on behalf of the Department;

“Environmental Permit to Operate” means formal permission from the Department to commence operation of a project. An Environmental Permit to Operate is granted by the Department for a project only after construction is complete. The Department shall grant an Environmental Permit to Operate only when the Department has ascertained that the project has been constructed and can be operated in full compliance with applicable environmental standards and with the Environmental Clearance Conditions established for the project by the Department during the EIA process. Project Proponents may not commence operation of their projects until they have obtained an Environmental Permit to Operate;

“Environmentally acceptable” as applied to proposed projects means that the projects:

- (i) comply with all established environmental standards and requirements;
- (ii) are environmentally beneficial, have no impact on the environment, or have no negative environmental consequences that outweigh the benefits of the projects;
- (iii) are deemed by the Department to be suitable for the granting of an Environmental Clearance and Environmental Permit to Operate.

The determination as to whether a proposed project is environmentally acceptable is made by the Department, on the basis of the EIA process set forth in these regulations.

“Making [documents] freely available” means placing at least one copy of documents or information specified in these regulations in a public office, library, schoolhouse, or meeting room, where any member of the public will have free and unrestricted access to them during normal business hours. In order for a document to be freely available it must be made available in a location reasonably near the site of the subject proposed project. A document that is freely available may be viewed by members of the public at its display location, but may not be taken away from that location for review;

“Department” means the Department of Environmental Planning and Protection, as created under the Act;

“Operation” means the continuous, long-term functioning or implementation of projects, commencing upon completion of construction or preparation;

“Plain English” means language that avoids the use of jargon or technical terms to the extent possible, and is easily understandable to members of the public who have no specialized technical training;

“Project Proponent” means the person, party, organization, agency, or company seeking to obtain Environmental Clearance or an Environmental permit to Operate

for a proposed project. The Project Proponent is generally the primary investor, planner, owner, or operator of a proposed project;

“Proposed project” (or “project”) means any new project, which has potential for significant impact on the environment, and is therefore subject to these regulations. This includes not only physical projects, but also programs and policies, whether proposed by private, government, or other entities. For purposes of these regulations “new project” means all proposed project that is in the feasibility study stage or earlier stages of development and has not yet received a Certificate of Approval under the Environmental Health Services Act or final approval under the Town Planning Act at the time that these regulations go into effect. “Proposed project” also encompasses modifications, additions, or expansions to existing projects when these modifications, additions, or expansions pose the potential for significant impact on the environment. “Proposed project” and “project” as used in these regulations encompass interchangeably projects at any stage of development including the planning, review, construction, and operation stages;

“Public” means any interested party, including individuals or groups from the public or private sector. Any party who takes interest in any proposed project or EIA process conducted pursuant to these regulations falls within the meaning of “public” as used herein, and is accorded the rights and privileges with respect to the EIA process outlined in these regulations.

“Significant impact” means that which has a substantial, or potentially substantial, adverse change in the environment.

Purpose of the Environmental Assessment Process

3. The purposes of the Environmental Impact Assessment process is to:
- (a) Support the Government of The Bahamas in achieving its desired environmental protection and sustainable development objectives, by ensuring that full information is available regarding the environmental implications of every development decision affecting the environment;
 - (b) Ensure that environmental (including social, cultural, and socioeconomic) considerations are fully integrated into the planning process for all proposed projects;
 - (c) Ensure that every project developed in The Bahamas is consistent with the Government’s environmental protection and sustainable development objectives, and generally is as environmentally sound and sustainable as practical;
 - (d) Enhance investment and development in The Bahamas by
 - (i) providing a consistent, reliable, and transparent set of criteria defining environmentally acceptable projects;
 - (ii) providing a consistent, reliable, and transparent set of procedures with a finite duration, whereby proposed projects are vetted for environmental acceptability; and
 - (iii) providing assurance to prospective investors that the quality of the environment will be protected, and that the investors’ projects can never be negatively impacted by future, environmentally unacceptable developments.

Roles, Responsibilities, Rights

- 4.—(1) Project Proponents have the following responsibilities under these regulations:
- (a) Obtain an Environmental Clearance via the EIA process before commencing construction on any proposed project subject to these regulations;
 - (b) Obtain an Environmental Permit to Operate via the EIA process before commencing operation of any proposed project subject to

these regulations;

- (c) At the screening step in the EIA process, either:
 - (i) notify the Department of the intent to implement a project, and provide the Department with a detailed project description; or
 - (ii) self-screen the proposed project to determine whether it is subject to the EIA regulations, and if so whether it is a category A or B project as defined by these regulations;
- (d) In the event of self-screening, obtain from the Department the appropriate guidelines or checklists for conducting an EIA/BEA for the proposed project;
- (e) Notify the Department and the public of the intent to conduct a BEA/EIA for the proposed project;
- (f) Retain a multi-disciplinary team with adequate professional qualifications to assess fully and objectively the potential environmental impacts of the proposed project;
- (g) Conduct (or cause to be conducted by a consultant or other party) the EIA/BEA as required for the proposed project, including the EMP;
- (h) Carry out all active public consultation (APC) activities required by the Department as part of the EIA/BEA preparation step. At least one APC is required during the preparation of every EIA; the Department may require one or more APC activities during preparation of a BEA. The Project Proponent is responsible for:
 - (i) arranging and conducting the APC activities;
 - (ii) covering all costs of conducting the APC, including the cost of venue for public meetings;
 - (iii) adequately notifying the public of upcoming APC activities;
 - (iv) collecting all comments offered by the public;
 - (v) responding to comments in the EIA/BEA document;
- (i) Submit the EIA/BEA and EMP documents to the Department for review at the beginning of the review step, in the numbers of copies specified by the Department;
- (j) Arrange and cover all costs associated with any public consultations required by the Department during the review step;
- (k) Give good faith consideration to all comments and suggestions provided by the public, determine whether the project may be improved by the adoption of project modifications suggested by the public, and where appropriate modify the proposed project and the associated EIA/BEA/EMP accordingly;
- (l) Adopt project modifications (mitigation measures) identified by the Department as required in order for the proposed project to obtain environmental clearance;
- (m) Finalize the BEA or EIA and an EMP at the end of the review step, including:
 - (i) listing all public comments received, and indicating the response to these comments, particularly project modifications adopted in response to comments;
 - (ii) reflecting changes in environmental impacts as a result of the modifications/mitigation measures required by the Department;
- (n) Provide complete, accurate, relevant, and unbiased analyses

throughout the EIA/BEA preparation and review process;

- (o) Ensure that the project site or facility is available at all times for inspection by the Department, as deemed necessary by the Department for investigation of matters pertaining to the EIA process;
 - (p) Make freely available to the public all documents prepared in connection with the EIA regulations, including:
 - (i) detailed project descriptions submitted to the Department at the beginning of the screening step;
 - (ii) EIAs, BEAs and EMPs submitted to the Department at the beginning of the review step;
 - (iii) finalized EIAs, BEAs and EMPs prepared at the end of the review step;
 - (q) Faithfully execute during project construction and operation all measures specified by the Department as conditions of granting the project environmental clearance;
 - (r) Notify the public through audio and print media of the intent to conduct an EIA/BEA or the status of the EIA/BEA at the required points in the EIA process; including:
 - (i) at the end of the screening step;
 - (ii) upon submittal of the EIA or BEA and EMP to the Department at the beginning of the review step;
 - (iii) upon completion of the review step and commencement of the construction step;
 - (iv) upon completion of the construction step and the beginning of the final inspection step; and
 - (v) upon commencement of operation;
 - (s) Use plain English in BEA, EIA, EMP, and public notification documents;
 - (t) Defray the cost of participation in public consultation activities and public consultations for genuinely interested parties who are unable to bear these costs, as directed by the Department;
 - (u) Conduct pre-operational start-up testing if required by the Department in order to ascertain compliance of the project after construction with environmental performance conditions required by the Department;
 - (v) Pay to the Department any service fees charged by the Department for conducting activities pursuant to these regulations.
 - (w) Obtain all other approvals or permits applicable to the project in addition to the Environmental Clearance and Environmental Permit to Operate granted via the EIA process;
 - (x) Decommission, demolish, and remove all structures and return to its original contours and conditions all land associated with projects subject to these regulations for which construction was commenced in the absence of an Environmental Clearance.
- (2) Project Proponents have the following rights under these regulations:
- (a) Determine what parts of the information submitted to the Department during the EIA process is Confidential Business Information (CBI), and maintain throughout the EIA process the confidentiality of CBI (provided that the Department shall determine what information must be disclosed as part of the EIA process, and may refuse Environmental Clearance if the Project Proponent chooses not to disclose such information).

- (b) Appeal Department decisions under the EIA process to the Courts including the Environmental Court.
- (3) The Department has the following responsibilities under these regulations:
- (a) Implement these regulations, and ensure compliance with these regulations on the part of Project Proponents and all other affected parties;
 - (b) Publicize and disseminate information about these regulations so that all concerned parties can be reasonably expected to be aware of these regulations and their respective responsibilities and rights pursuant to these regulations;
 - (c) Produce guidelines to clarify, elaborate on, or provide instruction for complying with any aspect of these regulations. Such guidelines may include criteria or example lists for project screening; checklists of key environmental issues for common project types, or others;
 - (d) Screen proposed projects at the request of Project Proponents, and determine whether the projects:
 - (i) are subject to these regulations, and
 - (ii) if so, are category A or category B projects as defined by these regulations;
 - (e) Assist in scoping proposed projects at the request of Project Proponents, identifying key environmental issues to be assessed during the EIA/BEA, and specifying whether any special studies are required (e.g., environmental hazard assessments, emergency management plans, or others);
 - (f) Provide guidance on the EIA process to the staff of other agencies, Project Proponents, and the public;
 - (g) Conduct site visits as appropriate for investigating matters pertaining to the EIA process;
 - (h) Conduct all reviews of documents and proposed projects under the EIA process in a timely manner, completing all reviews within the time limits specified in these regulations;
 - (i) Review Detailed Project Descriptions, BEAs, EIAs, and EMPs submitted by Project Proponents for adequacy and completeness, informing Project Proponents in a timely manner if such documents are not complete, and indicating what additional information is required;
 - (j) Coordinate and take the lead in conducting the technical review of information provided in EIAs/BEAs submitted by Project Proponents, for the purpose of determining whether the subject proposed projects are environmentally acceptable;
 - (k) Request and integrate input from other agencies during the review step as appropriate and necessary in order to effect thorough environmental reviews of proposed projects;
 - (l) Determine and inform Project Proponents whether:
 - (i) a Public consultation is required during the Scoping step;
 - (ii) active public consultation (APC) is required in connection with BEAs;
 - (iii) more than one APC activity is required in connection with each EIA, and if so how many APC activities are required;
 - (iv) a Public consultation is required during the Review step;

- (m) Attend and participate in Public consultations (and APCs if so desired), and consider public comments regarding the environmental aspects of proposed projects during the Review step;
- (n) Identify mitigation and management measures required in order to make proposed projects environmentally acceptable;
- (o) Make the final determination as to whether proposed projects are environmentally acceptable;
- (p) For proposed projects deemed environmentally acceptable:
 - (i) determine the mitigation measures and environmental management measures to be required as conditions of the Environmental Clearance;
 - (ii) inform the Project Proponent of the identified conditions;
 - (iii) issue the Environmental Clearance upon finalization of the EIA/BEA/EMP by the Project Proponent to reflect the conditions of the Environmental Clearance;
- (q) For proposed projects deemed not acceptable as proposed, inform the Project Proponent of this determination and the reasons for it;
- (r) Monitor projects during the construction step to ascertain compliance with Environmental Clearance conditions;
- (s) Revoke the Environmental Clearance for and stop construction on any project that is deemed to be under development or construction in a manner that clearly contravenes the associated Environmental Clearance Conditions (via the enforcement mechanisms afforded the Department under the Act);
- (t) Inspect projects at the end of the construction step to ascertain compliance with Environmental Clearance Conditions;
- (u) Make the final determination as to whether projects comply with Environmental Clearance Conditions after construction;
- (v) For projects deemed to comply with Environmental Clearance Conditions after construction:
 - (i) establish conditions of operation (if different from Environmental Clearance Conditions);
 - (ii) inform Project Proponent of identified conditions;
 - (iii) issue the Environmental Permit to Operate upon formal agreement to the Conditions of Operation by the Project Proponent.
- (w) Notify the public of all decisions pertaining to the EIA process, particularly decisions to:
 - (i) grant or deny Environmental Clearances;
 - (ii) grant or deny Environmental Permits to Operate

and make available to the public Decision Documents outlining the reasons for each decisions and listing the conditions associates with Environmental Clearances and Environmental Permits to Operate.
- (x) Set and charge service fees from Project Proponents to cover the Department's cost in carrying out activities under these regulations.
- (y) Review statements from Project Proponents Regarding Confidential Business Information, and:
 - (i) determine whether any information declared to be CBI by the Project Proponent is critical to the full understanding by the Public of the environmental implications of the proposed project

- and therefore must be made public;
- (ii) if so, notify the Project Proponent as to what information must be made public for purposes of the EIA process, and allow the Project Proponent to either agree or withdraw application for Environmental Clearance;
- (z) Take all actions and avail of all powers and remedies afforded to the Department under the Act, to:
- (i) Prevent the commencement of construction of, or stop construction on, any proposed project for which Environmental Clearance has not been granted;
- (ii) Prevent commencement of operation of, or stop operation of, any proposed project for which an Environmental Permit to Operate has not been granted;
- (iii) Cause the decommissioning, demolition, and removal of all structures and the return to natural contours and conditions of all land associated with proposed projects for which construction or was commenced in the absence of an Environmental Clearance.
- (4) Agencies other than the Department with jurisdiction by law or with special expertise regarding any environmental impact or issue associated with proposed projects have the following responsibilities pursuant to these regulations:
- (a) Provide review of EIAs, BEAs, or EMPs in the area of the agencies' respective areas of jurisdiction or expertise, upon request from the Department or at the request of the Agency itself in cases where the Agency has legal jurisdiction over the proposed project.
- (b) Provide comments to the Department regarding the projects addressed in the reviewed EIAs, BEAs, or EMPs, at the request of the Department, within the time period specified in these regulations;
- (c) Support the Department in the scoping step upon request by the Department, by assisting in determining the appropriate scope of BEAs and EIAs;
- (d) Coordinate other permit approvals with the EIA process.
- (5) The public and interested parties have the following rights pursuant to these regulations:
- (a) Access and review the Detailed Project Descriptions, BEAs, EIAs, and EMPs submitted to the Department by Project Proponents (except for any parts of these documents deemed by the Project Proponent to be CBI, and deemed by the Department to be unimportant to the Public's full understanding of the environmental consequences of the proposed project) ;
- (b) Access and view all decisions of the Department pertaining to the EIA process, including supporting Decision Documents;
- (c) Submit comments regarding any proposed at any time in the EIA process, and have these comments responded to by the Project Proponent (as part of the finalized EIA/BEA);
- (d) Participate in active public consultation activities and public consultations organized by Project Proponents in connection with EIAs/BEAs, submit comments, and have these comments responded to by the Project Proponents (as part of the finalized EIA/BEA);
- (e) Assist in a voluntary and nonofficial, private capacity in the monitoring of project construction and operation (from outside the project property line unless invited inside by Project Proponents) to ascertain compliance of projects with Environmental Clearance

Conditions and conditions of Environmental Permits to Operate, and submit complaints to the Department where noncompliance is detected;

- (f) Appeal Department decisions under the EIA process to the Environmental Court.

Projects Subject to These Regulations and the Environmental Assessment Process

- 5.—(1) These regulations apply to all new proposed projects in The Bahamas that have the potential for significant impact on the environment. This includes:
- (a) both physical projects and also programs and policies;
 - (b) projects, programs, or policies proposed by private, government, or other entities.
 - (c) all proposed projects that are in the feasibility study or earlier stages of development and have not yet received a Certificate of Approval under the Environmental Health Services Act or final approval under the Town Planning Act at the time that these regulations go into effect, and all projects proposed after the date that these regulations go into effect;
 - (d) modifications, additions, or expansions to existing projects when these modifications, additions, or expansions pose the potential for significant impact on the environment.
- (2) Schedules A and B provide example criteria defining projects that have significant impact on the environment. Schedule C provides example criteria defining projects that have no significant impact on the environment and are therefore not subject to these regulations. The Department shall provide further guidance for determining whether proposed projects have the potential for significant impact on the environment

Categories of Projects Subject to the EIA Process

- 6.—(1) Projects subject to the EIA requirement will be categorized into two categories: A or B
- (a) Category A projects are larger and more complex projects that are expected to have several, wide-ranging, severe, and/or complex impacts on the environment, or expected to affect sensitive or unique environments. A full Environmental Impact Assessment (EIA) is required for every Category A project;
 - (b) Category B projects are those for which associated impacts are expected to be few, and limited in severity and extent. A Basic Environmental Assessment (BEA) is required for every Category B project
- (2) Schedules A and B provide example screening criteria for determining whether projects are Category A or Category B projects with respect to these EIA regulations. The Department shall provide further guidance for screening proposed projects to determine whether they fall into Category A or Category B.

Procedures

Steps in the EIA Process

- 7.—(1) The EIA process involves the following steps:
- (a) Screening;
 - (b) Scoping;
 - (c) Assessment;
 - (d) Review;
 - (e) Environmental Clearance;
 - (f) Construction/initiation phase;
 - (g) Inspection/review of the completed project;
 - (h) Environmental Permit to Operate;
 - (i) Operational and closure phases.

- (2) Schedule D of these regulations contains a series of figures that present the steps in the EIA process in detail. In the event of any inconsistency between the text of these regulations and the figures presented in Schedule D, the text of these regulations shall prevail.
- (3) The EIA process is intended to parallel the overall planning and implementation process of projects, and to provide information to the planning process so that the overall plans and designs of proposed projects may be improved by making them more environmentally sound. In order for the EIA process to serve this purpose the EIA process must be initiated as early as practicable in the planning of a proposed project.
 - (a) The screening and scoping steps of the EIA process should be carried out in the pre-feasibility study phase of a proposed project;
 - (b) The assessment and review steps of the EIA process should be carried out during the feasibility study stage of a proposed project;
 - (c) Environmental Clearance should be obtained early in the detailed design stage of a project;
 - (d) The Environmental permit to operate should be obtained at the end of the construction phase and during the trial and commissioning phase of a project.

Screening Step

8.—(1) The purpose of the Screening Step is to determine:

- (a) whether a proposed project is subject to the EIA regulations; and
- (b) if so, whether the proposed project is a Category A or B project as defined in these regulations.
- (2) The screening step should be initiated by the Project Proponent after the conceptual design for a project is complete.
- (3) The screening step may proceed in one of two ways:
 - (a) The Project Proponent may self-screen and categorize the proposed project; or
 - (b) The Project Proponent may request that the Department conduct the screening of the proposed project.
- (4) If the Project Proponent chooses to conduct self-screening, he shall do so at his own risk. In particular, in the event that the Project Proponent incorrectly screens a proposed project as not being subject to the EIA process and proceeds with project implementation, said Project Proponent may be required by the Department to stop and desist from project construction or operation. Remedies that may be taken by the Department in such cases may include but are not limited to: requiring the Project Proponent to complete the EIA process with respect to the project; requiring the Project Proponent to permanently desist from development of the project; requiring the Project Proponent to demolish and remove all structures, reverse any modifications to the landscape, and return the land to its natural condition; require the Project Proponent to pay the full cost of remediation of any environmental damages; or bring a case before the Environmental Court for sanction or prosecution of the Project Proponent
- (5) If the Project Proponent has any doubt about the proper screening of a proposed project, the Project Proponent should request that the Department conduct the project screening step.
- (6) When a Project Proponent decides to self-screen and categorize a proposed project, the following steps shall be followed:

- (a) The Project Proponent shall determine whether the proposed project is subject to these regulations. If the Project Proponent deems that the proposed project is not subject to these regulations, then the Project Proponent may proceed with the proposed project without further regard to these regulations (provided that the Department may review this screening decision at any time).
 - (b) If the Project Proponent determines that the project is subject to these regulations, then the Project Proponent shall undertake the following:
 - (i) The Project Proponent shall determine whether the proposed project is a Categories A or B project as defined by these regulations
 - (ii) The Project Proponent shall define the scope of the BEA or EIA, as appropriate;
 - (iii) The Project Proponent shall provide the Department with a Detailed Project Description and notify the Department of intention to prepare a BEA or EIA, as appropriate.
 - (iv) In coordination with the Department, the Project Proponent shall notify the public of intention to prepare a BEA/EIA and make the Detailed Project Description freely available to the public.
- (7) When a Project Proponent decides to request that the Department conduct the screening and scoping for a proposed project, screening shall involve the following steps:
- (a) The Project Proponent shall submit a Detailed Project Description to the Department;
 - (b) The Department shall determine if the Detailed Project Description is complete and, if necessary, shall request the Project Proponent to provide additional information.
 - (c) The Department shall screen the proposed project.
 - (d) If the Department concludes that the proposed project is not subject to these regulations, the Department shall notify the Project Proponent. The notification shall indicate the following:
 - (i) The proposed project is not subject to the EIA regulations; and
 - (ii) The Project Proponent may proceed with the project without further regard to these regulations (provided that the Project Proponent shall obtain all applicable clearances from other agencies, as appropriate).
- (8) If the Department determines that the proposed project is subject to these regulations, the Department shall determine whether the proposed project is a Category A or B project, and shall inform the Project Proponent of these screening decisions.
- (9) The Department shall complete its review and inform the Project Proponent of its decisions in the screening step within the following time periods:
- (a) The Department shall determine whether the Detailed Project Description is complete, and in the event that it is not complete shall request additional information from the Project Proponent within 15 working days of submittal of the Detailed Project Description to the Department;
 - (b) The Department shall complete all deliberations and inform the Project Proponent of its screening decisions within 20 working days of submittal of a complete Detailed Project Description.

- Scoping Step** 9.—(1) The purpose of the Scoping Step is to focus each EIA on the key environmental issues associated with the project, and to ensure that each EIA addresses all important issues, by identifying the key environmental issues associated with the subject proposed project.
- (2) Project Proponents may at their discretion carry out the scoping step on their own (i.e., scope the EIA/BEA themselves, and not request that the Department conduct the scoping). When the Project Proponent carries out the scoping step, scoping shall involve the following steps:
- (a) The Project Proponent shall obtain the relevant checklists and guidelines available from the Department and shall determine the scope of the BEA/EIA for the proposed project.
- (b) The Project Proponent shall submit a notification to the Department and, in coordination with the Department, shall notify the public of the intention to prepare a BEA/EIA. The Project Proponent shall also make the Detailed Project Description available to the public.
- (3) When a Project Proponent has requested that the Department conduct the screening and scoping for a proposed project scoping shall involve the following steps:
- (a) The Department shall evaluate the need for a public consultation as part of the scoping process, based on the complexity of the project and the likely level of public interest or controversy associated with the project. If the Department determines a public consultation is needed, the following steps shall be followed:
- (i) In coordination with the Department, the Project Proponent shall arrange and conduct a public consultation.
- (ii) The Department shall consider the comments obtained during the public consultation.
- (b) The Department may also request input to the scoping process from other agencies;
- (c) The Department shall identify the key environmental issues associated with the project, considering public comment and input from other agencies if any, and notify the Project Proponent of the result of the scoping process. The notification shall include the following:
- (i) Identification of key issues and focus of the BEA/EIA, as appropriate;
- (ii) For Category B projects, a checklist of issues to be examined during the BEA;
- (iii) Identification of any special studies required as part of BEA/EIA;
- (iv) Any relevant guidance documents prepared by the Department; and
- (v) For category A projects, determination regarding need to develop special terms of reference for the EIA.
- (d) Upon receipt of this notification the Project Proponent shall submit a notification to the Department and, in coordination with the Department, notify the public of his intention to prepare a BEA/EIA. The Project Proponent shall also make the Detailed Project Description available to the public.
- (4) The Department shall complete its review and inform the Project Proponent of its decisions in the scoping step within the following time

periods:

- (c) Where the Department determines that a public consultation is necessary during scoping, the Department shall inform the Project Proponent of this decision within 30 working days of the submittal of a complete Detailed Project Description;
- (d) Where a public consultation is held during the scoping step, the Department shall complete all deliberation and shall inform the Project Proponent of its scoping decisions within 20 working days of the completion of the public consultation;
- (e) Where no public consultation is held during the scoping step, the Department shall complete all deliberations and shall inform the Project Proponent of its scoping decisions within 50 working days of the submittal of a complete Detailed Project Description.

**Assessment
Step**

10.—(1) The purpose of the Assessment Step is to carry out a thorough assessment of the likely environmental impacts of a proposed project.

- (2) This assessment, in the form of an EIA or BEA, is carried out by the Project Proponent, and is documented in a report that is submitted to the Department. The checklist of items to be considered as part of the BEA is presented in Schedule E. The general scope of an EIA and contents of an EIA report are presented in Schedule F. (Note that these Schedules provide general examples only; the BEAs or EIAs for particular proposed projects may vary in content from the information presented in these schedules).
- (3) The Assessment Step for Category B projects shall involve the following elements and conditions:
 - (a) The Project Proponent shall prepare a BEA, which shall include an Environmental Management Plan (EMP).
 - (b) The Project Proponent shall prepare the BEA and EMP in accordance with the guidance/checklist provided by the Department.
 - (c) If the Project Proponent requested that the Department conduct the screening and scoping for the proposed project, the Project Proponent shall prepare the BEA in accordance with the terms established by the Department
 - (d) Schedule E of these regulations presents the general checklist to be used for the preparation of BEAs (Note that this Schedule provides a general example only; the BEAs for particular proposed projects may vary in content from the information presented in Schedule E).
 - (e) As part of the preparation of a BEA, the Department may require that the Project Proponent conduct APC in accordance with the following conditions:
 - (i) The Project Proponent shall conduct the APC process as early in the preparation of the BEA as reasonably possible.
 - (ii) The Project Proponent shall document the comments received during the APC and shall prepare responses to those comments and incorporate them into the BEA.
- (4) The Assessment Step for Category A projects shall involve the following elements and conditions:
 - (a) The Project Proponent shall prepare an EIA, which shall include an Environmental Management Plan (EMP).

- (b) The Project Proponent shall prepare the EIA in accordance with the guidance provided by the Department.
 - (c) If the Project Proponent requested that the Department conduct the screening and scoping for the proposed project, the Project Proponent shall prepare the EIA in accordance with the established by the Department;
 - (d) Schedule F of these regulations presents a general outline for an EIA (Note that this Schedules provides a general example only; the EIAs for particular proposed projects may vary in content form the information presented in these Schedule F).
- (5) As part of the preparation of an EIA, the Project Proponent shall conduct at least one active public consultation (APC). The Department may require that the Project Proponent conduct additional APC activities (and/or the Project Proponent may decide independently that additional APCs would be beneficial) during the assessment step. APC activities shall be conducted in accordance with the following conditions:
- (a) The Project Proponent shall conduct at least one APC process that shall take place as early in the preparation of the EIA as reasonably possible.
 - (b) Additional APC activities may take place mid-way in or near the conclusion of the assessment step
 - (c) The Project Proponent shall document the comments received during the APCs and shall prepare responses to those comments and incorporate them into the EIA.
- (6) The Project Proponent shall give good faith consideration to all comments and suggestions provided by the public, determine whether the project may be improved by the adoption of project modifications suggested by the public, and where appropriate modify the proposed project and the associated EIA/BEA/EMP accordingly;
- (7) The Project Proponent shall submit the EIA/BEA report and EMP to the Department for review. The Project Proponent shall only submit a BEA/EIA report and EMP to the Department for review when the document is complete to the best judgement of the Project Proponent.

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| Review Step | <p>11.- (1) The purpose of the review step is to allow the Department to study the information submitted by the Project Proponent in the EIA/BEA, gather additional information from other sources as appropriate, and based on this information, determine whether the proposed project is environmentally acceptable.</p> <p>(2) Review of a BEA/ EIA shall be coordinated and largely conducted by the Department.</p> <p>(3) When the Project Proponent submits the document to the Department for review, the Department shall determine if the document submitted is administratively complete and, if necessary, shall request that the Project Proponent provide additional information.</p> <p>(4) The Department shall complete this deliberation and if necessary shall request additional information from the Project Proponent within 20 working days of submittal of the EIA/BEA.</p> <p>(5) Once the Department deems that the BEA/EIA is complete, the Department will proceed to review the document to determine the environmental acceptability of the subject project. This review shall involve the following three activities, which shall occur concurrently, as appropriate:</p> |
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- (a) Internal review by the Department;
 - (b) Determination by the Department as to whether technical input is required from other government agencies to complete the review of the document;
 - (c) Determination by the Department as to whether it is necessary to hold a public consultation as part of the document review process.
- (6) If the Department determines that technical input is required from other government agencies to complete the review of the document:
- (a) The Department shall forward the document to those government agencies with relevant expertise, requesting a review of the appropriate sections of the document, indicating the period of time available to complete the review
 - (b) The Department shall follow up and collect comments from the agencies from which comments are solicited.
- (7) If a government agency receives a request from the Department to perform a review of a BEA or an EIA, that agency shall provide substantive comments in writing to Department within the period of time established in the request, but in every case within 25 working days of the request.
- (8) If the Department concludes that a public consultation must be held to complete the review of the document:
- (a) The Department shall instruct the Project Proponent to notify the public and to arrange a public consultation;
 - (b) The Project Proponent shall arrange the public consultation;
 - (c) The Department shall lead the public consultation;
 - (y) The Project Proponent shall document the comments presented during the public consultation, and shall give good faith consideration to all comments and suggestions provided by the public. The Project Proponent shall determine whether the project may be improved by the adoption of project modifications suggested by the public, and where appropriate modify the proposed project and the associated EIA/BEA/EMP accordingly.
- (9) Where the Department determines that a public consultation is required during the review step, the Department shall inform the Project Proponent of this within 20 working days of submittal of a complete EIA/BEA.
- (10) The Department shall consider comments received from other government agencies and/or the public, as appropriate.
- (11) Based on the Department's review of the BEA/ EIA as well as on the comments provided by other government agencies and the public, the Department shall assess the need for further information from the Project Proponent to complete the review of the document. If the Department concludes that additional information is necessary to complete the review of the BEA or EIA, as appropriate:
- (a) The Department shall instruct the Project Proponent to provide additional information;
 - (b) The Project Proponent shall develop the additional information requested and submit an addendum to the BEA or EIA, as appropriate, by the Department; and

- (c) The Department will repeat the review process described above starting with paragraph 11-(4).
- (12) The Department shall complete its actions under paragraphs (1) through (10) and inform the Project Proponent of its decision whether additional information is required [as provided in paragraph (11)] within the following time periods:
- (a) In cases where a public consultation is required, the Department shall complete its actions under paragraphs (1) through (10) and inform the Project Proponent of its decisions as provided in paragraph (11) within 40 working days of the conclusion of the public consultation;
- (b) In cases where no public consultation is required, the Department shall complete its actions under paragraphs (1) through (10) and inform the Project Proponent of its decisions as provided in paragraph (11) within 60 working days of submittal of a complete EIA/BEA.
- (13) Upon determination by the Department that the EIA/BEA documentation provided by the Project Proponent is sufficient, the Department shall determine if the proposed project is environmentally acceptable. The Department may identify mitigation and management measures that it deems necessary in order to make the proposed project environmentally acceptable.
- (14) If the Department concludes that the proposed project is not environmentally acceptable as proposed:
- (a) The Department shall notify the Project Proponent that the proposed project is not environmentally acceptable as proposed and that Environmental Clearance is denied, and shall provide the reasons for this decision;
- (b) The Project Proponent may wish to revise the plans for the proposed project in an effort to make it environmentally acceptable. Generally, very substantial revisions to the proposed project will be required in order to make it environmentally acceptable.
- (c) If the Project Proponent decides to revise the plans for the proposed project, he shall prepare a document detailing the revisions to those plans and shall submit it to the Department for scoping. The EIA process shall then be carried out for the revised proposed project, starting at the scoping step.
- (15) If the Department concludes that the proposed project is environmentally acceptable:
- (a) The Department may identify mitigation and management measures that it deems must be adopted for the proposed project in order to make the proposed project environmentally acceptable, and may decide that such measures should be incorporated into the Environmental Clearance as Environmental Clearance Conditions;
- (b) The Department shall inform the Project Proponent that the proposed project has been deemed environmentally acceptable, and of the proposed Environmental Clearance Conditions.
- (16) The Department shall complete its actions under paragraphs (13) through (15) and inform the Project Proponent as to whether the proposed project is environmentally acceptable [as provided in paragraphs (14) and (15)] within the following time periods:
- (a) Where no additional information is required from the Project Proponent under Paragraph (11) the Department shall complete its deliberations and inform the Project Proponent as to whether the

proposed project is environmentally acceptable [as provided in paragraphs (14) and (15)] within 20 working days of the end of the time periods specified in paragraph (12);

- (b) Where additional information is required from the Project Proponent under Paragraph (11) the Department shall complete its deliberations and inform the Project Proponent as to whether the proposed project is environmentally acceptable [as provided in paragraphs (14) and (15)] within 20 working days of submittal by the Project Proponent of the required additional information;
- (17) The Project Proponent shall revise the EIA/BEA and EMP for the proposed project as appropriate, to:
- (a) Reflect and incorporate the Environmental Clearance Conditions;
 - (b) Document all public comments received during the assessment and review steps, and indicate the Project Proponent's response to all comments (particularly any modifications to project design adopted in response to public comment);
 - (c) Reflect any changes to the design of the proposed project adopted as a result of Department or public comment during the review step.
- (18) After completing these revisions, the Project Proponent shall submit the finalized EIA/BEA and EMP to the Department for final review and approval.
- (19) The Department shall determine if the changes in design of the proposed project and the revised EIA/BEA and EMP are acceptable.
- (20) If the Department determines that the revised EIA/BEA and EMP is not acceptable:
- (a) The Department shall notify the Project Proponent of the deficiencies identified in the EIA/BEA and EMP and shall request that the Project Proponent revise the proposed project design and/or the EIA/BEA and EMP documents and resubmit them for approval; and
 - (b) The Project Proponent may revise the proposed project design and/or the EIA/BEA and EMP documents to address the deficiencies identified by the Department and resubmit the revised EMP to the Department for review and approval.
- (21) Upon determination by the Department that the revised proposed project design and the revised EIA/BEA and EMP are acceptable, the Department shall proceed to issue an Environmental Clearance for the project.
- (22) The Department shall complete its actions under paragraphs (19) through (21) within the following time periods:
- (a) Where further revisions are required to the project design, EIA/BEA, and EMP as provided in paragraph (12), the Department shall inform the Project Proponent of this requirement within 20 working days of submittal of the finalized EIA/BEA and EMP;
 - (b) The Department shall proceed to issue the Environmental Clearance for the proposed project within 25 working days of submittal by the Project Proponent of an acceptable finalized EIA/BEA/EMP.

**Environmental
Clearance**

12.—(1)

Once the Department determines that a proposed project is environmentally acceptable and the finalized EIA/BEA and EMP are acceptable, the Department shall issue an Environmental Clearance for the proposed project.

- (2) The Environmental Clearance shall state the Environmental Clearance Conditions to which the proposed project will be subject. These may include, but are not limited to, the following:
- (a) Environmental mitigation and management measures to be implemented by the Project Proponent during the construction, operation, and closure phases of the project.
 - (b) Project Proponent's responsibility to implement the EMP, as approved, during the construction/initiation phase.
 - (c) Department's right to monitor and inspect the project site and Project Proponents activities of environmental relevance during the construction phase.
 - (d) Project Proponent's responsibility to notify the public that the final BEA or EIA, as appropriate, and the respective EMP, are available for review and of his intention to commence construction subject to the Environmental Clearance Conditions.
 - (e) Period of time during which the Environmental Clearance will be in force.
 - (f) Procedure to be followed in the event that the Project Proponent has not completed the construction of the proposed project within the period of time indicated in (e).
- (3) The Project Proponent shall notify the public that the final BEA or EIA, as appropriate, and the respective EMP, are available for review and of his intention to commence construction subject to the Environmental Clearance Conditions.

**Monitoring
During
Construction
Phase**

- 13.—(1) The Project Proponent shall faithfully implement the EMP, including the Environmental Clearance Conditions, during the construction phase of the project from the earliest ground breaking activities through the end of construction.
- (2) The Department shall monitor the implementation of the EMP/Environmental Clearance Conditions during the construction phase of the project.
 - (3) The Department may establish appropriate mechanisms to involve the public on a voluntary basis to assist the Department to monitor the implementation of the EMP during the construction/initiation phase of the project.

**Inspection/
Review of
Completed
Project**

- 14.—(1) The EIA and Monitoring and Enforcement Divisions of the Department shall conduct a joint inspection and review of the project shortly after construction has been completed. The purpose of the inspection and review is to determine the project's environmental compliance with the EMP and the Environmental Clearance Conditions prior to issuing the Environmental Permit to Operate.
- (2) If the Department determines that the project is not in compliance with the Environmental Clearance Conditions, the Department shall notify the Project Proponent of the following:
 - (a) The deficiencies identified in the project; and
 - (b) The fact that the Environmental Permit to Operate can not be issued until the project is brought into full compliance with the Environmental Clearance Conditions.
 - (3) The Project Proponent may address the deficiencies in the project and/or the EMP identified by the Department and request that the Department conduct a new inspection and review of the project.

Environmental Permit to Operate

- 15.—(1) Upon determination by the Department that the project as constructed is in compliance with the Environmental Clearance Conditions, the Department shall issue an Environmental Permit to Operate for the project.
- (2) The Environmental Permit to Operate shall state the any additional operating conditions that the Department may deem necessary in order to ensure that the project remains environmentally acceptable during operation. Such conditions may include, but not limited to, the following:
- (a) Mitigation, management, and compensatory measures to be implemented by the Project Proponent during the operation phase, including during ongoing reclamations and temporary closures, as appropriate, and during the final closure phase, including final reclamation, as appropriate.
- (b) Project Proponent’s responsibility to implement the EMP and Environmental Clearance Conditions, as approved, during the operation and closure phase.
- (c) Department’s right to monitor and inspect the project site and the Project Proponent’s activities of environmental relevance during the operation and closure phase.
- (d) Project Proponent’s responsibility to notify the public of his intention to initiate operations subject to the Environmental Operating Conditions.
- (3) The Project Proponent shall notify the public of his intention to initiate operations subject to the Environmental Clearance Conditions and the Environmental Operating Conditions.
- (4) Upon granting of the Environmental Permit to Operate, the Department shall transfer the file for the subject project to the Department’s Monitoring and Enforcement Division, which will assume responsibility for environmental monitoring compliance of the project with the Environmental Clearance Conditions and the Environmental Operating Conditions throughout operation and closure of the project.
- (5) The Department shall issue the Environmental Permit to Operate within the following time periods:
- (a) Where the project as constructed is found not to be in compliance with the Environmental Clearance Conditions, the Department shall inform the Project Proponent of this determination within 30 working days of the date on which the Project Proponent informs the Department that construction is complete;
- (b) Where the project is found to be in compliance with the Environmental Clearance Conditions, the Department shall issue the Environmental Clearance to Operate within 40 working days of the date on which the Project Proponent informs the Department that construction is complete.

Operational and Closure Phases

- 16.—(1) The Project Proponent shall faithfully implement the EMP, including the Environmental Clearance Conditions and the Environmental Operating Conditions associated with the project throughout the operating and closure phases of the project.
- (2) The Department, through the Enforcement and Monitoring Division, shall monitor the implementation by the Project Proponent of the EMP during the operating and closure phases of the project, and shall administer the Environmental Operating Permit (including suspending or revoking this permit for cause) according to the powers and responsibilities accorded to the Department in the Act.
- (3) The Department may establish appropriate mechanisms to involve the

public on a voluntary basis to assist the Department to monitor the implementation of the EMP during the operating and closure phases of the project.

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| Appeals | 17. –(1) | <p>Project Proponents, members of the public, or representatives of other agencies may appeal any decision taken by the Department pursuant to these regulations within fourteen days of being notified of such decision;</p> <p>(2) Appeals must be to the Minister in the first instance. When an appeal is made to the Minister, the Department and the appellant shall work in good faith to negotiate a remedy that is satisfactory to all parties, provided that the Department may only negotiate remedies that are fully consistent with the requirements of these regulations;</p> <p>(3) If the Department and the appellant are not able to reach a negotiated settlement, and after all administrative remedies are exhausted, the appellant may raise an appeal to a court of appropriate jurisdiction, such as the Environmental Court.</p> |
| Fees | 18. –(1) | <p>The Department may charge Project Proponents service fees to cover the cost to the Department of carrying out certain activities associated with the EIA process. Activities for which the Department may charge fees include:</p> <p>(a) Screening and scoping;</p> <p>(b) EIA/BEA review;</p> <p>(c) Issuance of the Environmental Clearance;</p> <p>(d) Inspection of projects at the end of the construction phase; and</p> <p>(e) Issuance of the Environmental Permit to Operate.</p> <p>(2) All fees charged by the Department pursuant to this section will be commensurate with the amount of effort the Department must expend in carrying out the associated activities. Fee rates will be based on proposed project size and complexity. The Department may decide to charge higher fees for carrying out a certain activity with respect to larger and more complex projects, and lower fees for carrying out the same activity with respect to smaller and less complex projects.</p> <p>(3) Fees to be charged by the Department pursuant to this section will be specified in an administrative order issued by the Department. The Department may update the fee schedule periodically to reflect changes in operational costs.</p> |
| Public Access to All Documents and Decisions | 19.— (1) | <p>Project Proponents shall make all BEAs, EIAs, and EMPs submitted to the Department freely available to the public.</p> <p>(2) The Department shall make all decisions regarding BEAs, EIAs, and EMPs freely available to the public. This includes the supporting Decision Documents.</p> <p>(3) The Department and Project Proponents shall retain comments received from the public through the consultation process, public consultations, and comment periods, for a reasonable period, and shall make these comments freely available for public review</p> <p>(4) The Department and Project Proponents shall make clear in the public notifications required during the EIA process where interested persons can access all information made public pursuant to these regulations.</p> <p>(5) The Department and Project Proponents shall make documents available at a location reasonably close to the proposed project site (e.g., at local government offices or libraries). The public is to be provided unrestricted</p> |

access to at least one copy of each document (and possibly additional copies, as specified by the Department on a case-by-case basis) during normal business hours.

- (6) If the Department determines that a Project Proponent has not provided free and timely public access to documents that must be made freely available pursuant to these regulations, the Department may delay or withhold the granting of Environmental Clearances or Environmental Permits to Operate until such time as the Project Proponent has, in the view of the Department, satisfied this requirement.
- (7) Where members of the public request separate, additional copies of materials made freely available under these regulations, the Department and Project Proponents shall provide such additional copies as may be requested, and should endeavor to provide these copies free of charge or at reduced cost. The Department and Project Proponents may charge the recipients for these extra copies at a rate that is not more than the actual costs of reproducing copies.
- (8) Whenever possible, the Department and Project Proponents shall make information associated with the EIA process available in electronic format on the Internet, on web sites maintained or utilized by the Department and the Project Proponent.

**Confidential
Business
Information**

- 20.—
- (1) Project Proponents may declare certain portions of the information submitted to the Department pursuant to these regulations (i.e., portions of EIAs, BEAs, or EMPs) to be Confidential Business Information (CBI). In such cases, the Department shall review the information declared to be CBI, and will determine whether this information is critical to the public's to full understanding of the environmental implications of the proposed project. If not, the Department may allow the Project Proponent to remove the CBI from versions of the EIA, BEA, or EMP made available to the public.
 - (2) If the Project Proponent declares certain information submitted to the Department pursuant to these regulations to be CBI, but the Department determines that all or some of the declared CBI is critical to the public's full understanding of the environmental implications of the proposed project, the Department shall inform the Project Proponent that the proposed project can not be reviewed or granted Environmental Clearance by the Department unless some or all of the declared CBI is disclosed to the public. In such cases, the Project Proponent may either:
 - (a) Agree to public disclosure of that information which the Department deems to be critical to the public's full understanding of the environmental implications of the proposed project; or
 - (b) Withdraw the application for Environmental Clearance (and, if so desired, withdraw the information previously submitted to the Department) and abandon the proposed project.
 - (3) In all cases the Department shall hold strictly confidential any information submitted to the Department pursuant to these regulations and declared by Project Proponents to be CBI, until such time as the Project Proponents agree to the public disclosure of this information

SCHEDULE A

EXAMPLE CHARACTERISTICS OF CATEGORY A PROJECTS

This Schedule contains examples of project characteristics or potential impacts that would ordinarily result in the categorization of projects as Category A projects during the screening step outlined in the EIA Regulations. This is not intended to be an exhaustive or definitive list of characteristics that make proposed projects Category A projects. In addition, projects that exhibit only limited forms of only one or two of the following characteristics may not necessarily be deemed Category A projects, as Category A projects are defined as proposed projects that have the potential for several, severe, and widespread environmental impacts. Project categorization pursuant to the EIA regulations is highly specific to each proposed project, and must be conducted on a case-by-case basis.

A project would ordinarily be deemed a Category A project if it has the potential for any two or more of the following, or if it involves a severe case of one of the following:

- (a) Irrevocably commit, degrade, or destroy any unique or limited environmental resource, or a significant portion of any environmental resource;
- (b) Conflict with adopted environmental objectives of the Government of The Bahamas or the environmental plans and goals of the community where it is located;
- (c) Substantially affect a rare or endangered species of animal or plant or the habitat of the species;
- (d) Interfere substantially with the movement of any resident or migratory fish or wildlife species;
- (e) Substantially diminish habitat for fish, wildlife or plants, or result in the conversion of significant amounts of hitherto undisturbed natural or wild terrain for human use;
- (f) Alter or destroy a coral reef or have an indirect impact on the health of a coral reef (e.g., degrade water quality through siltation);
- (g) Destroy a relatively large portion of sea grass or other marine habitat;
- (h) Substantially degrade surface water quality, including fresh and saline waters, or involve the release of significant amounts of pollutants to surface waters or result in the release of significant amount of freshwater;
- (i) Cause substantial flooding, erosion, or siltation;
- (j) Contaminate a public water supply;
- (k) Substantially degrade or deplete ground water resources, or involve the release or cause the percolation/leaching of contaminants to any ground water resource;
- (l) Interfere substantially with ground water recharge;
- (m) Significantly degrade air quality, or involve release of significant amounts of atmospheric pollutants;
- (n) Disrupt or adversely affect a prehistoric or historic archaeological site or property of historic or cultural significance to a community or ethnic or social group or a paleontological site except as part of a scientific study;
- (o) Induce substantial growth or concentration of population;
- (p) Extend a sewer trunk line with capacity to serve new development;
- (q) Disrupt or divide the physical arrangement of an established community;
- (r) Displace a large number of people;
- (s) Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system;
- (t) Conflict with established recreational, educational, religious or scientific uses of an area;
- (u) Have a substantial, demonstrable negative aesthetic effect;
- (v) Increase substantially the ambient noise levels for adjoining areas;
- (w) Create a potential public health hazard or involve the use, production or disposal of materials that pose a hazard to people or animal or plant populations in the area affected;
- (x) Expose sensitive receptors to substantial pollutant concentrations via any medium or pathway;
- (y) Encourage activities that result in the use of large amounts of water, or energy;
- (z) Generate large amounts of solid waste or any significant amount of litter;
- (aa) Convert prime agricultural land to nonagricultural use or impair the agricultural productivity of prime agricultural land;
- (bb) Convert important recreational or tourism areas to other uses, or impair the environmental quality of recreational or tourism areas;
- (cc) Convert prime fisheries areas to uses not consistent with the function of the area as a fishery; or impair the productivity of prime fisheries areas;
- (dd) Interfere with emergency response plans or emergency evacuation plans.

SCHEDULE B**EXAMPLE CHARACTERISTICS OF
CATEGORY B PROJECTS**

This Schedule contains examples of project characteristics or potential impacts that would ordinarily result in the categorization of projects as Category B projects during the screening step outlined in the EIA Regulations. This is not intended to be an exhaustive or definitive list of characteristics that make proposed projects Category B projects. In addition, projects that exhibit several or severe forms of the following characteristics could be deemed Category A projects. Project categorization pursuant to the EIA regulations is highly specific to each proposed project, and must be conducted on a case-by-case basis.

A project would ordinarily be deemed a Category B project if it has the potential for any of the following:

- (a) Redevelop land in an urban or area or area already under intensive human use, where the only issues are minor impacts to the utility system and local traffic;
- (b) Have minor impacts to the movement of any resident or migratory fish or wildlife species;
- (c) Comply with water quality and wastewater release standards;
- (d) Induce only minor growth or concentration of population;
- (e) Displace a small number of people;
- (f) Cause only a minor increase in traffic in relation to the existing traffic load and capacity of the street system;
- (g) Avoid or cause only minor negative aesthetic effect;
- (h) Increase the ambient noise levels for adjoining areas to a minor extent;
- (i) Use, produce, store or dispose of small amounts of materials that pose a hazard to people or animal or plant populations in the area affected;
- (j) Involve the release of contaminants of relatively low human or ecological toxicity to a single medium.

SCHEDULE C

EXAMPLES OF PROJECTS THAT WOULD NOT ORDINARILY BE SUBJECT TO THE EIA REGULATIONS

This Schedule contains examples of potential projects that would not normally be subject to the EIA Regulations or require an EIA review, as they do not have a significant effect on the environment. This is not intended to be an exhaustive or definitive list of projects that may not be subject to the EIA regulations.

In addition, projects such as those listed below could possibly be deemed subject to the EIA Regulations if they are deemed to have the potential for significant environmental impact. For example, projects normally not subject to the EIA Regulations may be deemed subject to these regulations for the following reasons:

- (1) Location. A project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant and subject to the EIA Regulations;
- (2) Cumulative Impact. A project that ordinarily has no or insignificant impact on the environment may pose a significant impact due to the cumulative impact of successive projects of the same type in the same place, over time. Projects that, in combination with other projects, pose the potential for significant cumulative impacts on the environment may be deemed subject to the EIA Regulations;
- (3) Unusual Circumstances. Projects that ordinarily have no or insignificant impact on the environment may be deemed subject to the EIA Regulations where there is a reasonable possibility that the project will have a significant impact on the environment due to unusual circumstances;

Project screening pursuant to the EIA Regulations is highly specific to each proposed project, and must be conducted on a case-by-case basis.

The following types of projects would ordinarily not be subject to the EIA Regulations:

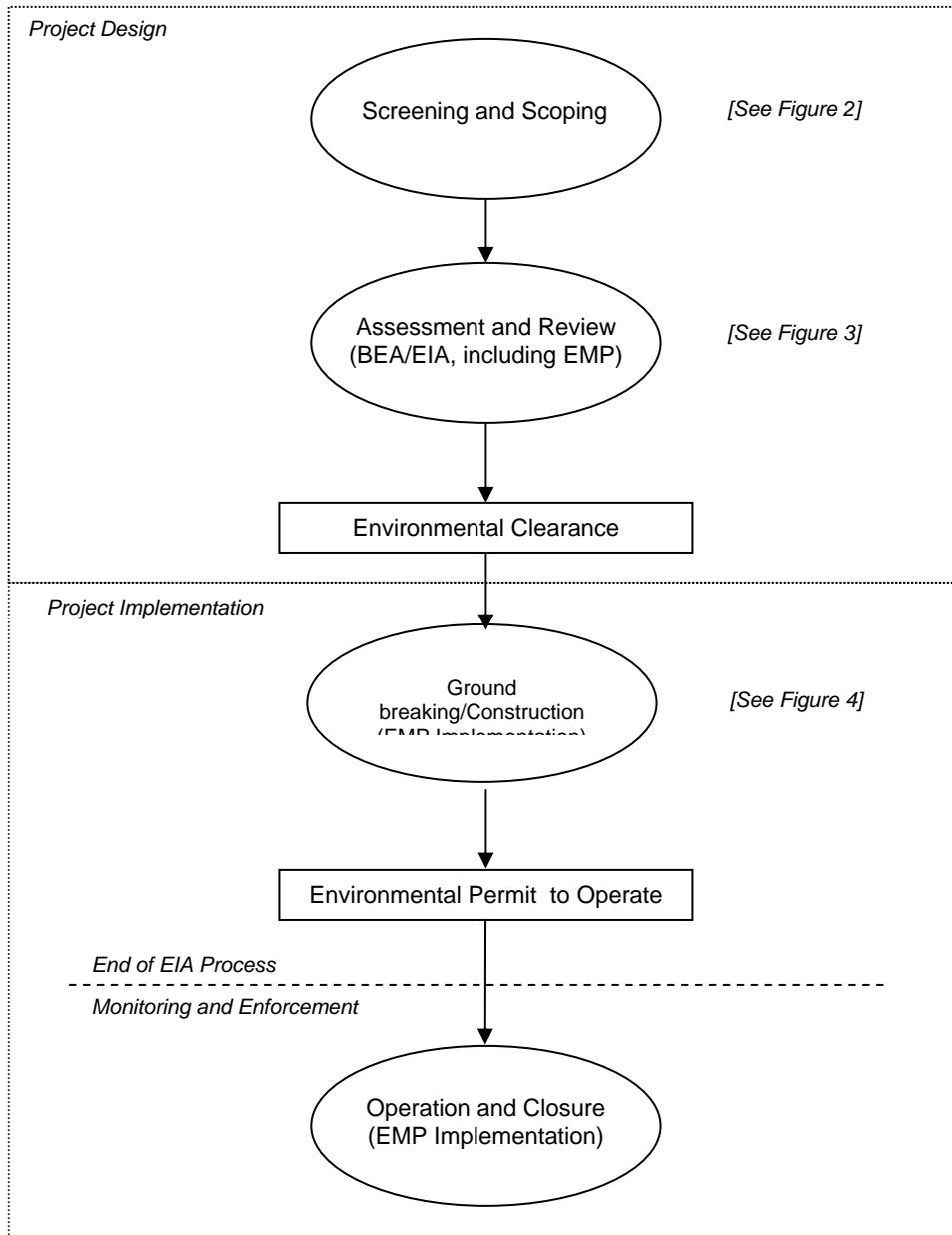
- (1) The operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of prior or existing use. The types of "existing facilities" itemized below are not intended to be all-inclusive of the types of projects which might fall within this area. The key consideration is whether the project involves negligible or no expansion of an existing use. Examples include but are not limited to:
 - (a) Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances;
 - (b) Maintenance or minor reconfiguration of existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services;
 - (c) Maintenance of existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety);
 - (d) Restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety, unless it is determined that the restoration will be substantial will constitute a significant change in the existing structure;
 - (e) Additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less and the area in which the project is located is not environmentally sensitive;
 - (f) Addition of safety or health protection devices for use during construction of or in conjunction with existing structures, facilities, or mechanical equipment, or topographical features including navigational devices;
 - (g) New copy on existing signs;
 - (h) Maintenance of existing landscaping, native growth, and water supply reservoirs;
 - (i) Maintenance of fish screens, wildlife habitat areas, artificial wildlife waterway devices, streamflows, springs and waterholes, and stream channels (clearing of debris) to protect fish and wildlife resources;
 - (j) Fish stocking by the appropriate Government Agency, if this involves only species native to The Bahamas and does not involve imported, exotic, or genetically modified species
 - (k) Division of existing multiple family or single-family residences into common-interest ownership and subdivision of existing commercial or industrial buildings, where no physical changes occur which are not otherwise exempt;
 - (l) Demolition and removal of individual small structures, such as:
 - (i) One single-family residence. In urbanized areas, up to three single-family residences
 - (ii) A duplex or similar multifamily residential structure. In urbanized areas, up to six multifamily dwelling units;
 - (iii) A store, motel, office, restaurant, or similar small commercial structure if designed for an

- occupant load of 30 persons or less. In urbanized areas, up to three such commercial buildings on sites zoned for such use;
- (iv) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences;
- (m) Minor repairs and alterations to existing dams and appurtenant structures under the supervision of the appropriate Government Department;
- (n) Conversion of a single family residence to office use;
- (o) Preparation of existing agricultural land for seeding or raising of a new season's crops or harvesting of crops, if this involves only traditional crops, and does not involve exotic, imported, or genetically modified crop species;
- (2) The replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including but not limited to:
- (a) Replacement or reconstruction of existing schools and hospitals to provide hurricane resistant structures which do not increase capacity more than 50 percent;
- (b) Replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity;
- (c) Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity;
- (d) Conversion of overhead electric utility distribution system facilities to underground including connection to existing overhead electric utility distribution lines where the surface is restored to the condition existing prior to the undergrounding;
- (3) The construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure;
- (4) Minor public or private alterations in the condition of land, water, and/or vegetation that do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. Examples include, but are not limited to:
- (a) Grading on land with a slope of less than ten percent, except that grading shall not be exempt in a waterway or in any wetland;
- (b) New gardening or landscaping, including the replacement of existing conventional landscaping if the new gardening or landscaping does not involve the use of exotic, imported, or genetically modified species;
- (c) Filling of earth into previously excavated land with material compatible with the natural features of the site;
- (d) Minor alterations in land, water, and vegetation on existing officially designated wildlife management areas or fish production facilities which result in improvement of habitat for fish and wildlife resources or greater fish production;
- (e) Minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc.;
- (f) Minor trenching and back-filling where the surface and original contour is restored;
- (g) Maintenance dredging where the spoil is deposited in a spoil area authorized by all applicable regulatory agencies;
- (g) The creation of bicycle lanes on existing rights-of-way;
- (5) Basic data collection, research, experimental management, and resource evaluation activities that do not result in a significant disturbance to an environmental resource;
- (6) Actions taken by regulatory agencies (other than construction activities) as authorized by law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment. Examples include but are not limited to wildlife preservation activities;
- (7) Activities limited entirely to inspections, to check for performance of an operation, or quality, health, or safety of a project;
- (8) Construction or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to:
- (a) On-premise signs;
- (b) Small parking lots;
- (c) Seasonal or temporary use items such as lifeguard towers, mobile food units, portable restrooms, or similar items in generally the same locations from time to time in publicly owned parks, stadiums, or other facilities designed for public use;

- (9) Acquisition of lands for fish and wildlife conservation purposes including preservation of fish and wildlife habitat, establishing ecological reserves and preserving access to public lands and waters where the purpose of the acquisition is to preserve the land in its natural condition;
- (10) Minor additions to existing schools within existing school grounds where the addition does not increase original student capacity by more than 25 percent or ten classrooms, whichever is less;
- (11) Division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the local land use plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than 20 percent;
 - (c) Acquisition, sale, or other transfer of land in order to establish a park where the land is in a natural condition or contains historical or archaeological resources and either:
 - (d) The management plan for the park has not been prepared, or
 - (e) The management plan proposes to keep the area in a natural condition or preserve the historic or archaeological resources, and does not propose to change the area from its natural condition or cause substantial adverse change in the significance of the historic or archaeological resource;
- (12) Establishment of agricultural preserves on existing agricultural land, the making and renewing of open space contracts or the acceptance of easements or fee interests in order to maintain the open space character of the area;
- (13) Transfers of ownership in interests in land in order to preserve open space, habitat, or historical resources. Examples include but are not limited to:
 - (a) Acquisition, sale, or other transfer of areas to preserve existing natural conditions, including plant or animal habitats;
 - (b) Acquisition, sale, or other transfer of areas to allow continued agricultural use of the areas;
 - (c) Acquisition, sale, or other transfer to allow restoration of natural conditions, including plant or animal habitats;
 - (d) Acquisition, sale, or other transfer to prevent encroachment of development into flood plains;
 - (e) Acquisition, sale, or other transfer to preserve historical resources;
- (14) Any minor cleanup actions taken to prevent, minimize, stabilize, mitigate, or eliminate the release or threat of release of a hazardous waste or substance;
- (15) Projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources;
- (16) Projects characterized as in-fill development meeting the conditions described in this section:
 - (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations;
 - (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses;
 - (c) The project site has no value as habitat for endangered, rare or threatened species;
 - (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality;
 - (e) The site can be adequately served by all required utilities and public services.

**SCHEDULE D
EIA PROCESS FLOW DIAGRAM**

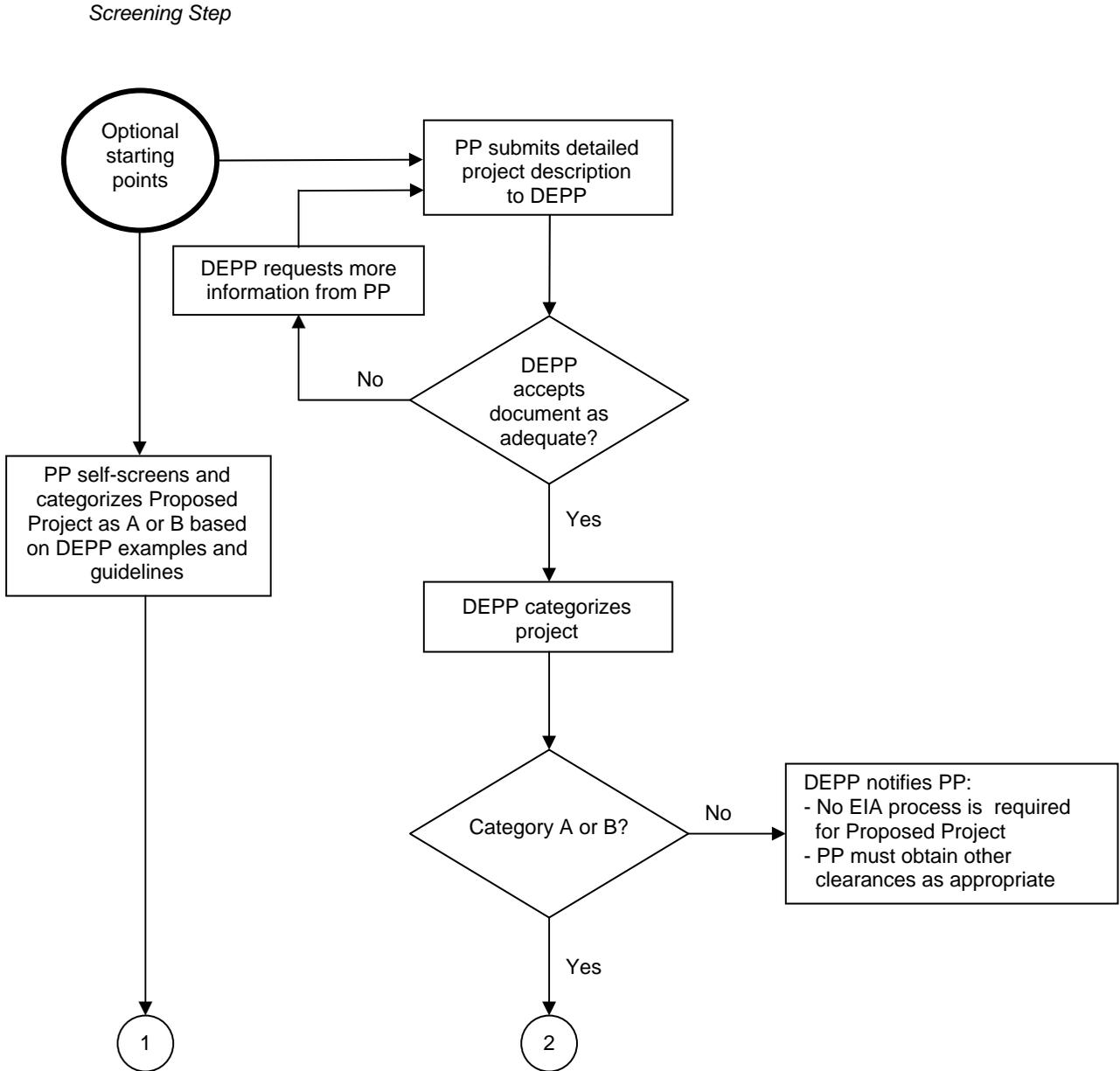
Figure 1 EIA Process - Overall Map



List of Abbreviations:

- APC: Active Public Consultation
- BEA: Basic Environmental Assessment
- EIA: Environmental Impact Assessment
- EMP: Environmental Management Plan
- ME: Monitoring and Enforcement
- DEPP: Department for Environmental Planning and Protection
- PP: Project Proponent

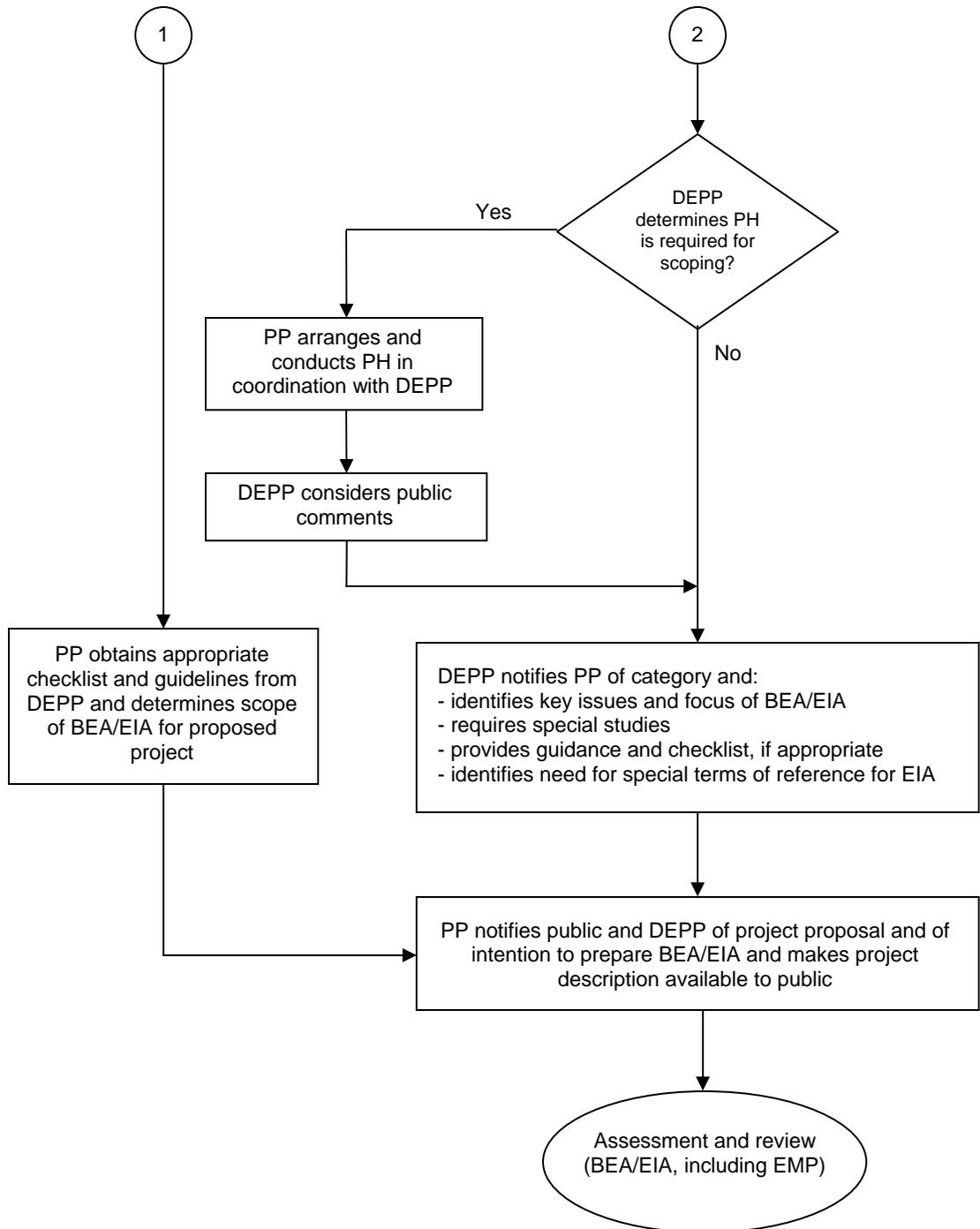
Figure 2 EIA Process - Screening and Scoping (page 1)



Note: List of abbreviations is presented on Figure 1.

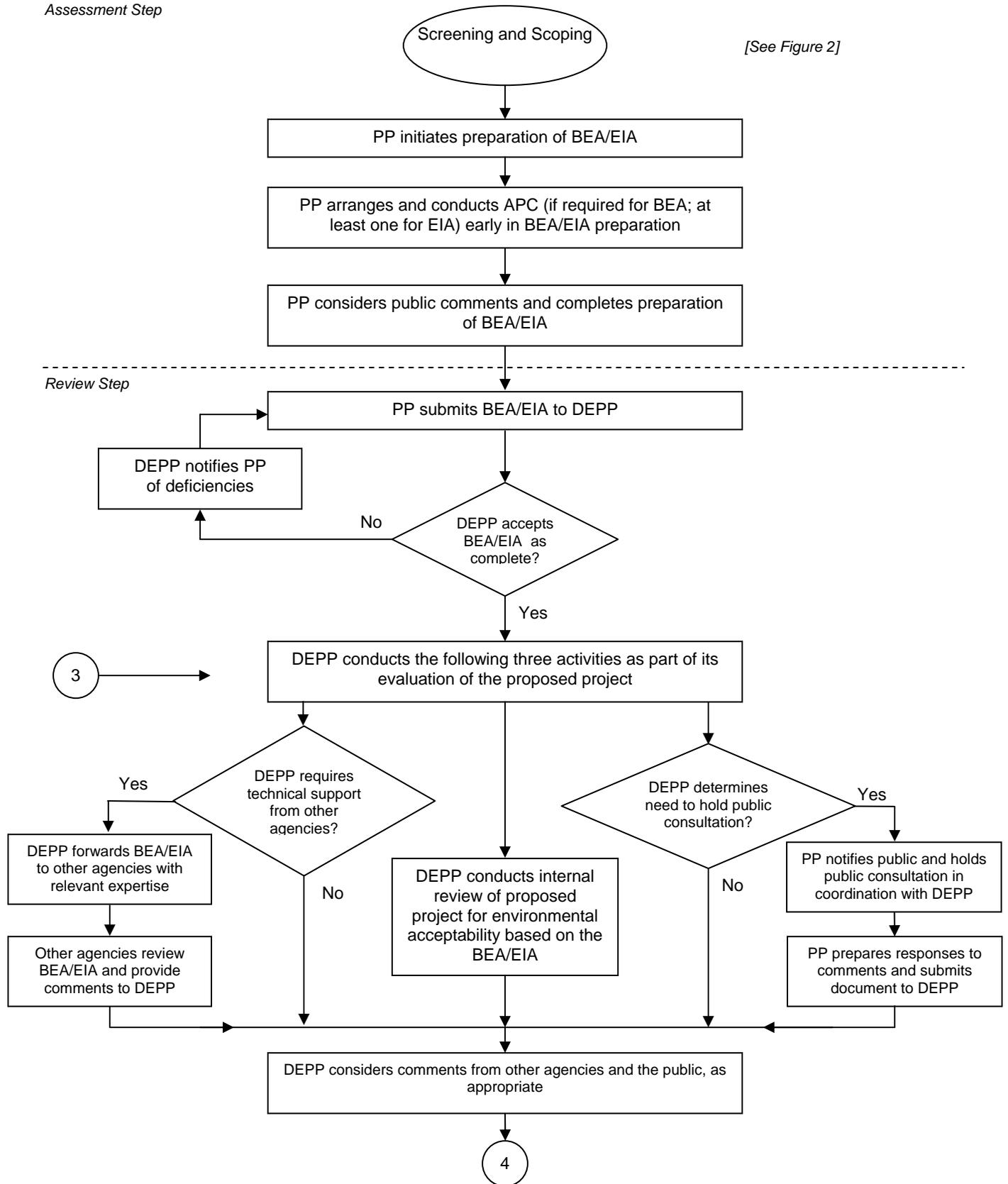
Figure 2 (Continued) EIA Process - Screening and Scoping (page 2)

Scoping Step



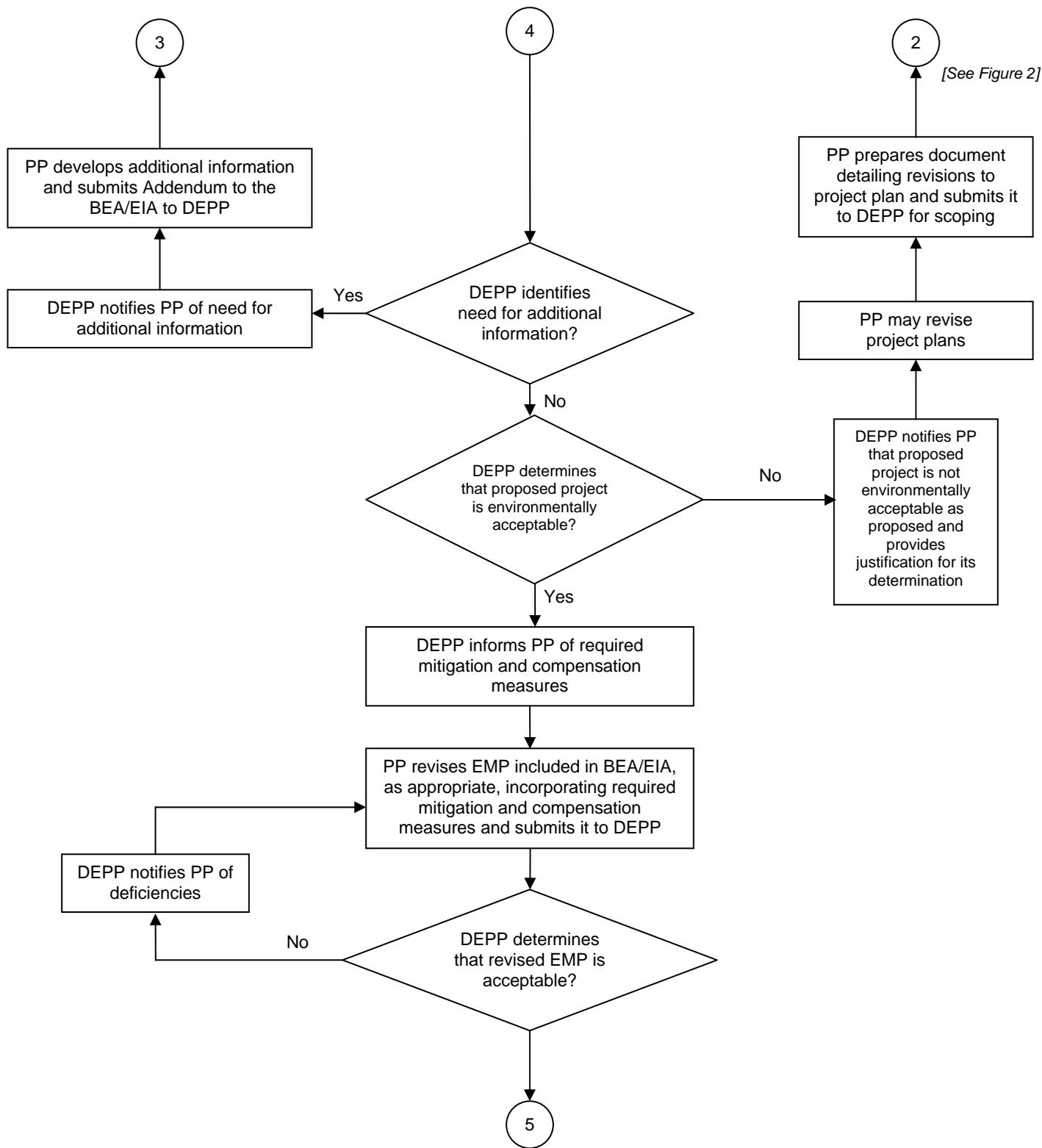
Note: List of abbreviations is presented on Figure 1.

Figure 3 EIA Process - Assessment and Review (page 1)



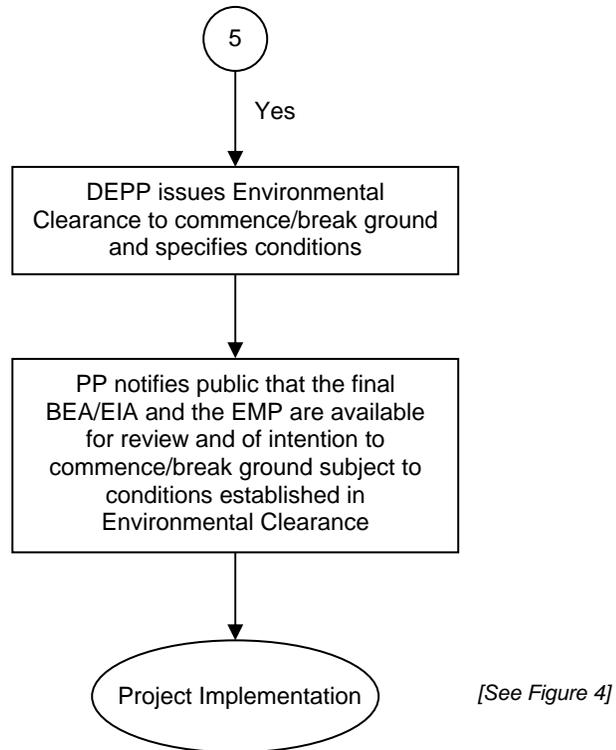
Note: List of abbreviations is presented on Figure 1.

Figure 3 (Continued) EIA Process - Assessment and Review (page 2)



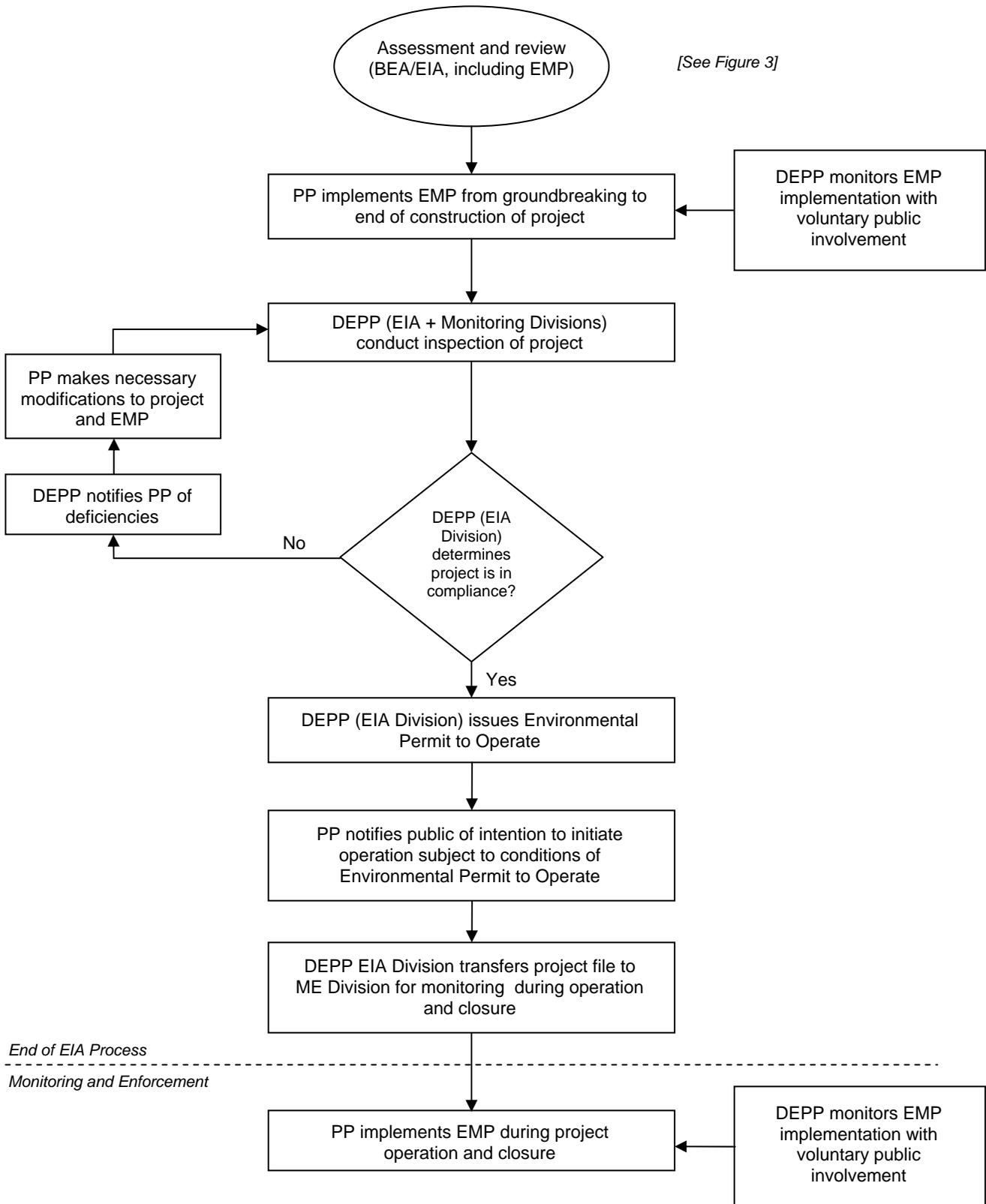
Note: List of abbreviations is presented on Figure 1.

Figure 3 (Continued) EIA Process - Assessment and Review (page 3)



Note: List of abbreviations is presented on Figure 1.

Figure 4 EIA Process - Project Implementation



Note: List of abbreviations is presented on Figure 1.

Category	Potentially Significant Beneficial Impact	Potentially Beneficial Impact	No Impact	Potentially Adverse Impact	Potentially Significant Adverse Impact
(c) Alter the exposure of certain sensitive receptors to water pollutants?					
(d) Alter drainage flow/patterns or absorption rates of surface water?					
(e) Occur within a floodplain?					
(f) Result in discharge to surface waters (both fresh and saltwater) and alter surface water quality (e.g., temperature, turbidity, dissolved oxygen, salinity)?					
(g) Result in siltation to a surface water body (both freshwater and marine areas)?					
IV. BIOLOGICAL RESOURCES – Will the project:					
(a) Affect globally, regionally, or locally rare plant or animal species or their habitat?					
(b) Affect the overall biodiversity of the affected ecosystem(s)?					
(c) Affect coral reef communities?					
(d) Affect mangroves?					
(e) Affect sea grass beds?					
(f) Affect dunes?					
(g) Affect other sensitive coastal environments?					
(h) Affect freshwater, riparian, or other coastal wetlands (i.e., non-mangrove areas such as salt marshes)?					
(i) Affect upland habitats?					
(j) Affect protected areas (e.g., parks, wildlife refuges, marine sanctuaries)?					
V. AIR QUALITY – Will the project:					
(a) Alter local air quality directly (e.g., from construction activities or the nature of the project)?					
(b) Alter local air quality indirectly (e.g., from an increase in cars, boats, parking lots)?					
(c) Alter the exposure level of certain sensitive receptors to air pollutants?					
VI. CULTURAL RESOURCES – Will the project:					
(a) Disturb known archaeological resources?					
(b) Likely disturb undiscovered archaeological resources?					
(c) Disturb historical resources and places of historical significance?					
(d) Disturb religious resources, and/or affect the current and future use of those resources?					
VII. ENERGY – Will the project:					
(a) Be consistent with existing energy conservation plans?					

Category	Potentially Significant Beneficial Impact	Potentially Beneficial Impact	No Impact	Potentially Adverse Impact	Potentially Significant Adverse Impact
(b) Involve renewable resources?					
(c) Involve non-renewable resources (e.g., minerals) that could be of future value to the region?					
VIII. SOCIOECONOMICS – Will the project:					
(a) Directly or indirectly result in increased population growth in the project vicinity?					
(b) Affect unemployment/job availability?					
(c) Directly or indirectly result in additional (i.e., non-project related) economic growth in the project vicinity?					
(d) Affect fish, shellfish, or other commercially important marine species?					
(e) Affect the local housing availability?					
(f) Displace or otherwise affect existing housing developments, especially involving minority and low-income communities?					
(g) Impact public health and safety due to the intentional or unintentional release of hazardous substances, flammable liquids, toxic pollutants, etc.?					
(h) Impact worker health and safety due to the intentional or unintentional release of hazardous substances, flammable liquids, toxic pollutants, etc.?					
IX. COMMUNITY SERVICES – Will the project:					
(a) Affect availability of, or demand for, fire protection services?					
(b) Affect availability of, or demand for, police protection?					
(c) Affect availability of, or demand for, medical and other health care services?					
(d) Affect availability of, or demand for, public water services, including municipal water supplies and storm water drainage?					
(e) Affect availability of, or demand for, public wastewater services?					
(f) Affect availability of, or demand for, schools and related educational support services?					
(g) Affect availability of, or demand for, communication systems?					
(h) Affect availability of, or demand for, power?					
(i) Affect availability of, or demand for, solid waste disposal services?					

Category	Potentially Significant Beneficial Impact	Potentially Beneficial Impact	No Impact	Potentially Adverse Impact	Potentially Significant Adverse Impact
X. AESTHETICS – Will the project:					
(a) Result in objectionable odors to surrounding areas?					
(b) Affect local noise standards (or existing conditions)?					
(c) Affect visibility or view sheds (e.g., scenic views)?					
(d) Create light or glare?					
XI. RECREATION – Will the project:					
(a) Affect the quality of land-based recreational opportunities?					
(b) Affect the quality of water-based recreational opportunities?					
(c) Increase the demand for recreational facilities or opportunities?					
(d) Affect the quality and quantity of open space?					
XII. TRANSPORTATION – Will the project:					
(a) Affect the local roadway infrastructure directly or indirectly (i.e., congestion, quality)?					
(b) Affect the local waterway infrastructure directly or indirectly (i.e., congestion, quality)?					
(c) Alter emergency access to the project area and surrounding areas (e.g., during natural disaster events)?					
(d) Create hazards for pedestrians, bicyclists, commercial boats, pleasure craft, etc.?					
(e) Affect the likelihood of transportation accidents, including oil spills, highway collisions, etc.?					

(C) EXPLANATION FOR CHECKLIST RESPONSES

Category	Explanation
I. LAND USE – Will the project:	
(a) Be compatible with existing land use in the project area?	
(b) Be compatible with zoning and/or other land use requirements?	
(c) Be compatible with environmental laws, policies, and/or regulations applicable to the nature of the project and/or required of the Project Proponent?	
(d) Include unique or unusual landforms (e.g., bluffs, dunes, geological formations) in the immediate project area (i.e., project footprint)?	
(e) Include unique or unusual landforms (e.g., bluffs, dunes, geological formations) in the project vicinity (i.e., surrounding areas)?	
II. GEOLOGY – Will the project:	
(a) Include activities, such as construction, that involve disturbance to soils (e.g., excavation, disturbance, alteration)?	
(b) Result in the subsidence of land?	
(c) Influence landslides or mudflows?	
(d) Influence erosion and changes in topography?	
(e) Be located in a seismically active area?	
III. WATER QUALITY – Will the project:	
(a) Alter the quality, amount, direction, or rate of flow of groundwater?	
(b) Affect any municipal or private drinking water supplies?	
(c) Alter the exposure of certain sensitive receptors to water pollutants?	

Category	Explanation
(d) Alter drainage flow/patterns or absorption rates of surface water?	
(e) Occur within a floodplain?	
(f) Result in discharge to surface waters (both fresh and saltwater) and alter surface water quality (e.g., temperature, turbidity, dissolved oxygen, salinity)?	
(g) Result in siltation to a surface water body (both freshwater and marine areas)?	
IV. BIOLOGICAL RESOURCES – Will the project:	
(a) Affect globally, regionally, or locally rare plant or animal species or their habitat?	
(b) Affect the overall biodiversity of the affected ecosystem(s)?	
(c) Affect coral reef communities?	
(d) Affect mangroves?	
(e) Affect sea grass beds?	
(f) Affect dunes?	
(g) Affect other sensitive coastal environments?	
(h) Affect freshwater, riparian, or other coastal wetlands (i.e., non-mangrove areas such as salt marshes)?	
(i) Affect upland habitats?	
(j) Affect protected areas (e.g., parks, wildlife refuges, marine sanctuaries)?	
V. AIR QUALITY – Will the project:	

Category	Explanation
(a) Alter local air quality directly (e.g., from construction activities or the nature of the project)?	
(b) Alter local air quality indirectly (e.g., from an increase in cars, boats, parking lots)?	
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(a) Disturb known archaeological resources?	
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(a) Be consistent with existing energy conservation plans?	
(b) Involve renewable resources?	
(c) Involve non-renewable resources (e.g., minerals) that could be of future value to the region?	
VIII. SOCIOECONOMICS – Will the project:	
(a) Directly or indirectly result in increased population growth in the project vicinity?	
(b) Affect unemployment/job availability?	
(c) Directly or indirectly result in additional (i.e., non-project related) economic growth in the project vicinity?	

Category	Explanation
(d) Affect fish, shellfish, or other commercially important marine species?	
(e) Affect the local housing availability?	
(f) Displace or otherwise affect existing housing developments, especially involving minority and low-income communities?	
(g) Impact public health and safety due to the intentional or unintentional release of hazardous substances, flammable liquids, toxic pollutants, etc.?	
(h) Impact worker health and safety due to the intentional or unintentional release of hazardous substances, flammable liquids, toxic pollutants, etc.?	
IX. COMMUNITY SERVICES – Will the project:	
(a) Affect availability of, or demand for, fire protection services?	
(b) Affect availability of, or demand for, police protection?	
(c) Affect availability of, or demand for, medical and other health care services?	
(d) Affect availability of, or demand for, public water services, including municipal water supplies and storm water drainage?	
(e) Affect availability of, or demand for, public wastewater services?	
(f) Affect availability of, or demand for, schools and related educational support services?	
(g) Affect availability of, or demand for, communication systems?	
(h) Affect availability of, or demand for, power?	
(i) Affect availability of, or demand for, solid waste disposal services?	

Category	Explanation
X. AESTHETICS – Will the project:	
(a) Result in objectionable odors to surrounding areas?	
(b) Affect local noise standards (or existing conditions)?	
(c) Affect visibility or view sheds (e.g., scenic views)?	
(d) Create light or glare?	
XI. RECREATION – Will the project:	
(a) Affect the quality of land-based recreational opportunities?	
(b) Affect the quality of water-based recreational opportunities?	
(c) Increase the demand for recreational facilities or opportunities?	
(d) Affect the quality and quantity of open space?	
XII. TRANSPORTATION – Will the project:	
(a) Affect the local roadway infrastructure directly or indirectly (i.e., congestion, quality)?	
(b) Affect the local waterway infrastructure directly or indirectly (i.e., congestion, quality)?	
(c) Alter emergency access to the project area and surrounding areas (e.g., during natural disaster events)?	
(d) Create hazards for pedestrians, bicyclists, commercial boats, pleasure craft, etc.?	
(e) Affect the likelihood of transportation accidents, including oil spills, highway collisions, etc.?	

SCHEDULE F

MODEL OUTLINE FOR AN EIA DOCUMENT

The model outline presented below contains the type of information that is ordinarily expected in an EIA. However, the structure and content of an EIA should be tailored to the specific proposed project and the environmental issues relevant to that project and its location. Each EIA should be focussed carefully on significant environmental issues. EIAs must not contain extraneous information not directly pertinent to the analysis of significant environmental issues, and need not address any of the topics listed below that are clearly not applicable to the subject proposed project. EIAs must, however, address all significant environmental issues associated with a proposed project. Note that for certain projects the Department may require special analyses and studies in addition to the topics in the outline below, such as an environmental hazards analysis, emergency contingency plan, or cost/benefit analysis.

1. Executive Summary
 - 1.1. Description of Proposed Project and Alternatives
 - 1.2. Definition of the Area of Influence
 - 1.3. Environmental Impacts
 - 1.4. Agency Consultation and Public Involvement
 - 1.5. Environmental Management Plan
 - 1.6. Conclusions Regarding Environmental Acceptability of the Project
 - 1.6.1. Compliance with applicable environmental standards and requirements
 - 1.6.2. Comparison of unavoidable negative environmental impacts to project benefits
2. Description of Proposed Project and Alternatives
 - 2.1. Description of Proposed Project
 - 2.2. Description of Alternatives
 - 2.2.1. The “No-action” Alternative
 - 2.2.2. Other Alternatives Considered
 - 2.3. Comparison of Environmental Consequences for Proposed Project and Alternatives
3. Agency Consultation and Public Involvement
 - 3.1. Agency Consultation Activities and Results, Including Required Permits
 - 3.2. Public Involvement Activities and Results
4. Baseline Description of Affected Environment¹
 - 4.1. Physical Environment
 - 4.1.1. Climate
 - 4.1.2. Topography
 - 4.1.3. Geology
 - 4.1.4. Water Quality
 - 4.1.5. Air Quality
 - 4.1.6. Noise
 - 4.2. Natural Environment
 - 4.2.1. Terrestrial Ecosystems
 - 4.2.2. Aquatic Ecosystems
 - 4.2.3. Protected Habitat
 - 4.3. Socioeconomic Aspects
 - 4.3.1. Land Use
 - 4.3.2. Population
 - 4.3.3. Economy
 - 4.3.4. Transportation
 - 4.3.5. Infrastructure and Public Services
 - 4.3.7. Cultural Resources
 - Archaeological and Historic Resources

¹ This is a list of subjects that may arise during the environmental review process, but it is not exhaustive. Actual subjects will vary by project.

- Paleontological Resources
 - Tourist and Recreational Areas
 - Visual Quality and Aesthetics
 - Native Populations
- 4.3.8. Community organizations

5. Anticipated Environmental Impacts of the Proposed Project²

- 5.1 Impacts to the Physical Environment
- 5.1.1 Erosion/Sedimentation Impacts
 - 5.1.2 Water Quality Impacts
 - 5.1.3 Air Quality Impacts
 - 5.1.4 Noise Impacts
 - 5.1.5 Solid and Hazardous Waste Impacts
 - 5.1.6 Fire and Hurricane Risks
- 5.2 Impacts to the Natural Environment
- 5.2.1 Terrestrial Ecosystem Impacts
 - 5.2.2 Aquatic Ecosystem Impacts
 - 5.2.3 Protected Habitat Impacts
- 5.3 Socioeconomic Impacts
- 5.3.1 Land Use Impacts
 - 5.3.2 Visual and Aesthetic Impacts
 - 5.3.3 Impacts on Neighborhoods and Communities
 - 5.3.4 Relocation Impacts
 - 5.3.5 Traffic Impacts
 - 5.3.6 Economic Impacts
 - 5.3.7 Cultural Resource Impacts

6. Environmental Management Plan

- 6.1. Mitigation Measures
- 6.2. Periodic Management Measures
- 6.3. Implementation Plans
- 6.4. Monitoring Plans

7. Conclusions Regarding Environmental Acceptability of the Proposed Project

- 7.1. Compliance of the Proposed Project with Applicable Environmental Standards and Requirements
- 7.2. Comparison of Unavoidable Negative Environmental Impacts to Project Benefits

Appendices

- References
- Qualifications of Personnel Involved in the Preparation of the EIA
- Impact Assessment Methodologies
- Sampling data

² For each subject, summarize the impact assessment methodology used and the significance criteria applied to the potential impacts. For more substantive subjects, provide a detailed description of the impact assessment methodologies in the appendices.