

Order #
of the Minister of Environmental Protection and
Natural Resources of Georgia
(insert date)

on Approval of the Enclosed Environmental Impact
Assessment Guidelines for Motorways, Expressways
and State Highways

for the purpose of execution of the Paragraph 1 of the Article 40 of the Law of Georgia on Licensing and Permits and the Resolution #154 of the Government of Georgia “On Approval of the Environmental Impact Assessment Regulations” dated September 1, 2005:

1. Approve the enclosed Environmental Impact Assessment Regulations
2. Approve the enclosed Environmental Impact Assessment Guidelines for Motorways, Expressways and State Highways
3. Publish the present Order within 7 days after its inclusion into the Normative Acts State Register
4. The present Order shall enter into force at the date of publication.

G. Papuashvili

Environmental Impact Assessment Guidelines for
Motorways, Expressways and State Highways

Chapter I. General Provisions

Article 1. Normative act which served as a basis and purpose for approval of the Environmental Impact Assessment Guidelines for Motorways, Expressways and State Highways

Environmental Impact Assessment Guidelines for Motorways, Expressways and State Highways is approved on the basis of the Paragraph 1 of the Article 40 of the Law of Georgia on Licensing and Permits, on the basis of the Georgian General Administrative Code of 1999, and the Paragraph 4 of the Article 8 of the Law of Georgia on State

Ecological Expertise of October 15, 1996 and for the purpose of execution of legislative norms stipulated by this Article.

Article 2. Scope of Guidelines

The present Guidelines regulates the rule of execution of Environmental Impact Assessment for Georgian motorways, expressways and state highways; relations between the state and the society in the field of identification, study and assessment of potential environmental impact of the activity as well as in the field of normative-methodological provision of the EIA procedure.

Article 3. Legal Basis of Guidelines

The present Guidelines are based on the Laws of Georgia on Licensing and Permits, on Environmental Protection, on State Ecological Expertise, on General Administrative Code and on Environmental Permits, and other laws and regulations, as well as on international conventions, agreements and treaties.

Article 4. Purpose and Objectives of the Guidelines

1. The purpose of the present Guidelines are as follows:

a) Definition of the rule for the EIA procedure for the activity planned by the project developer at the stage of its study and examination and normative-methodological provision.

b) Consideration of public environmental, economic and social interests in the process of planning of industrial, economic and other activities and determination of public participation.

c) Consideration of interests of the developer, the state and the public in decision-making on the matters related to the development of the planned activity.

2. The objectives of the present Guidelines are as follows:

a) Definition of rules, principles and methods for study of direct and indirect impact of the planned activity on human health and safety, flora and fauna, soil, air, water, climate, landscape, ecosystems and historical-cultural monuments or on the combination of all abovementioned factors.

Article 5. Definitions

1. Environmental Impact assessment (EIA) – a procedure of study and investigation of the planned activity which is aimed at protection of certain environmental attributes, human as well as landscape and cultural heritage. Environmental Impact Assessment studies, identifies and describes potential direct and indirect impact on human health and safety, flora and fauna, soil, air, water, climate, landscape, ecosystems and historical-cultural monuments or on the combination of all abovementioned factors, including impact of the abovementioned factors on cultural values (heritage) and social and economic factors (for development projects). EIA is a process which provides information for decision-making process. EIA itself is not a decision-making procedure, it is a strictly defined tool used during the decision-making process.

2. Activity – industrial, economic and any other activity, implementation of development plans and programs, including implementation of infrastructural projects, development and sectoral development plans, projects and programs on protection, use and utilization

of water, forest, minerals and other natural resources existing on the territory of Georgia, as well as technical and technological renovation.

3. Developer – agent, natural or legal person which initiates the activity and applies for obtaining environmental permit for conduction of the activity to the body authorized to issue environmental permits.

4. Environmental Permits – written decision issued by the Ministry of Environmental Protection and Natural Resources the form and the procedure for its issuance is regulated by the Georgian Legislation.

5. Linear Structure – motorway, railway, any pipeline, pipe (except the internal network of buildings and the section between the building and connection point to the main network), air rope-way, air and cable communication lines, including power transmission and communication lines.

6. Screening - is a process by which a decision on the need of EIA for a project shall be taken.

7. Scoping - is a process to determine which information should be gathered during the EIA study and how it should be presented in the EIA report.

8. The terms motorways, expressways and state highways shall be agreed in accordance with internationally approved practice.

Article 6. Rule and Procedure for Conducting EIA

Preparation

1. The EIA procedure is determination of the nature and quality of a source of potential environmental impact identified during preparation of documents for the Category I activity in accordance with the list established by the Legislation and obtaining permits for this activity, as well as integrated assessment of their environmental, social and economic consequences.

2. Preparation of EIA is to be undertaken by the developer. It is an initial stage of the EIA procedure. It covers the environmental and social-economic balance of the future development and precedes the decision on the feasibility of the activity and the relevant project to be made by the developer.

3. The EIA covers identification, description and study of consequences of direct and indirect impacts in the context of the planned activity:

- a) on human living environment and health
- b) on flora and fauna
- c) on natural and modified ecosystems
- d) on landscapes
- e) on air, water and soils
- f) on historical monuments and cultural values
- g) on social and economic factors

Article 7. Environmental Impact Assessment Report for Motorways, Expressways and State Highways shall contain the following information:

1. A brief description of the major components of the proposed project, a statement of the need for it and the objectives it is intended to meet, the implementing agency, a brief history of the project, (including alternatives considered), its current status and timetable, and the identities of any associated projects.

2. Goals. This section should describe the need for the project in the context of the local and national situation and strategy. The effect on economic and social development goals of the locality, country and region should be described. If the project is an element of an overall development program in the area, then a description of the other program elements must be presented. A physical and engineering description of the project should be provided.

3. Environmental assessment requirements shall reflect any rules and guidelines which govern the conduct of the assessment or specify the content of its report. They may include international and/or national laws and/or rules related to environmental review and impact assessment.

4. The standards which project components must address to be environmentally acceptable including air emission standards, receiving water quality standards, and occupational health and safety requirements shall be specified.

5. The study area. This section will specify the boundaries of the study area for the assessment. (e.g., water catchment, airshed). Where appropriate, specify the right-of-way width and alignment for transportation corridors for raw material and product shipments. If there are adjacent or remote areas which should be considered with respect to impacts of particular aspects of the project, identify them.

6. Baseline data. This section should include descriptions of the area of influence or study area (which should be determined at initial scoping) and the relevant physical, biological and socioeconomic conditions. The data presented should be relevant to decision-making regarding project location, design, operation, and mitigation measures for adverse impacts. The source, accuracy and reliability of the data should be clearly stated.

7. Environmental impacts. A prediction of the changes in the environment resulting from project construction and operation are to be considered, and an assessment of the impacts on the surrounding physical, biological, and human systems, should be presented. This prediction should include positive as well as negative impacts. Mitigation measures should be identified as well as any negative impacts for which there are no mitigative measures.

8. The engineering plans should reflect “best practice” in road alignment and construction to ensure that potential negative environmental impacts are minimized. In addition to the construction site, consideration should also be given to quarries siting and other construction related factors.

Article 8. EIA Report shall contain the following:

- a) General: effects on biodiversity caused by facilitation of access to and spontaneous settlements in natural areas; effect on hydrology due to construction of road; impacts on arid and semi-arid lands; impacts on coastal zone management; impacts on land resources caused by clearing, topsoil removal (desertification), grading, filling, and paving.

- b) Air quality: air pollution from asphalt plants; dust; noise from construction equipment and blasting.
- c) Land resources: loss of vegetative cover; foreclosure of other land uses; landslides; erosion; desertification; litter.
- d) Hydrology: modification of natural drainage patterns; changes in groundwater elevation; flash flooding.
- e) Water quality: stream and lake sedimentation; use of pesticides; fuel and oil spills; water pollution from spills or accumulated contaminants on road surfaces.
- f) Biological: interference with evolution of wildlife and livestock.
- g) Socio-economic/cultural: interference with movements of people; destruction of important cultural/historic sites; increased demand for motor fuels; accidents with and/or displacement of non-motorized methods of transport; effects to local and regional economy; presence of non-resident labor force; injury or death to people attempting to cross roadways; accidents involving hazardous materials in transit; induced development (“urban sprawl”); increased motorized transportation (with possible increased dependency on imported fuels); impairment of non-motorized transportation economy due to changes in land use and/or increased availability of motorized alternatives.

Article 9. Analysis of Alternatives

1. This section should provide a brief description of possible alternatives to the project design. These may include alternative location, site layout, technologies, design options, and management systems. The reasons why the various alternatives considered were rejected should be documented.
2. Alignment is often the key factor determining impacts associated with a road project. The alignments considered and the reasons for selection of the final alignment should be clearly presented. Additional issues may include increased access to formerly remote areas, and engineering alternatives including type of road surface, drainage management, and river crossing structures. Bridge and tunnel alternatives should also be clearly addressed.

Article 10. Environmental Management Plan (EMP)

1. This section should include details of the management initiatives to be implemented during both the construction and operational phase of the road. The EMP will need to account for monitoring of environmental parameters and the influence of mitigation measures on environmental impacts.

Article 11. Managing the EIA process for motorways, expressways and state highway construction

1. Proper management of the EIA process is important because of the complex nature of the various involved parties and because of the multi-disciplinary nature of the environmental information involved. To be specific, proper management must take into account the following:
2. Each of the steps of the EIA process (e.g. scoping, impact assessment and review) should be divided into phases with clear tasks, roles and responsibilities. At the end of each phase, intermediate decisions should be made to accept or reject the outcome and to determine the work that still has to be done. *The new Law of Georgia shall determine a*

specific EIA procedure. It will include both formal and informal collaboration of all involved authorized agencies.

3. This procedure shall specify
 - a) the initial project description,
 - b) the objectives of the EIA process,
 - c) the sequential steps of the procedure (i.e. documents and decision points),
 - d) the time frame,
 - e) provisions for consultation and participation,
 - f) the actors and their roles.

4. The size of these documents depends on the complexity of the decision-making problem (i.e. the number of environmentally relevant issues) and the degree of openness and transparency. The most complex step is the assessment itself.

Article 12. Applying management tools - other tools for EIA process management

1. The initiator may appoint an EIA process manager, who is in charge during the whole EIA process. The following management tools are particularly helpful in the assessment step:

- a) setting clear targets for the EIA report and its intermediate drafts;
- b) setting up an inter-disciplinary team of experts (e.g. ecologists), traffic modellers, socio-economic experts, landscape planners, etc.);
- c) ensuring good collaboration exists between the planning and environmental authorities;

2. Enabling effective feedback to be made between assessment results and the planning process, for example by:

- a) drawing up organization charts;
- b) preparing internal draft plans and assessments which are circulated among those taking part in the planning and assessment work;
- c) stationing planners and environmental experts in the same location;
- d) applying team-building techniques;
- e) providing sufficient time and resources to open up the assessment and planning phase by encouraging external parties and the public to comment on the drafts;
- f) ensuring that the results of the evaluation are taken into consideration in the final decision.

Article 13. Monitoring

1. The monitoring of immediate and longer-term induced impacts and their mitigation shall be carried out, e.g. land settlement or forest exploitation. If not integral to a road or transportation sector operation, certain impacts may be sufficiently important to justify companion planning and development steps, with their own monitoring functions.

2. Monitoring of construction impacts and of the timely and correct implementation of required mitigating measures should be carried out according to a site-specific plan, by technical offices having mandate, personnel and the necessary capacities. In general, the most critical project elements to be monitored are:

- a) the implementation and effectiveness of erosion and sedimentation control measures,

- b) disposal of debris and wastes,
- c) management and reclamation of borrow pits, and
- d) materials handling and storage areas.

Article 14. Responsibilities of the Ministry in conduction of the EIA process

- 1) The Ministry of Environment (MoE) is responsible for implementation of the EIA process cycle, from scoping to final evaluation and approval.
- 2) At the first stage, the MoE must decide whether the project purpose and description as submitted in the general format are adequate. If not adequate, it informs all parties about it.
- 3) The MoE forms an EIA Expert team of representatives of related institutions and organizations, Ministry officials, the project owner and/or its representatives as appropriate and requests enough copies of the application from the developer to furnish each representative with his/her own copy.
- 4) Chairing and secretarial functions of this expert team are the responsibilities of the Ministry. The MoE may also take a responsibility to invite other more specialized experts if needed.
- 5) If it is discovered that applicable legislation does not allow for the project execution for any reason before the submission of the EIA report to the Ministry, it will be stated in an official report and the developer will be informed. If this fact is discovered after EIA report submission, then an “EIA Negative” order is given by the Ministry.
- 6) The results of the scoping meeting held by the expert team, including the detailed format for the final EIA report and the task force and professional branches assigned for consultation by the experts, must be communicated by the MoE to the developer. The MoE also shall be responsible for conducting public hearings.
- 7) The MoE shall check the EIA report submitted by the developer and determine whether it is in accordance with the format that was assigned to the developer within _____ working day period.
- 8) It may then assign a period of up to ____ months to make changes or corrections as required. If the EIA report is in compliance with the format, it is copied for each member of the commission, and mailed with an invitation to the next meeting for the examination of the EIA report by the MoE. The Ministry must then notify the public through an appropriate medium (internet) that the EIA report appraisal is occurring, and that the report is available for public viewing.
- 9) The Ministry then takes into account all the studies brought forth by the project and the history of the meetings of the past months, and issues an EIA Positive or an EIA Negative order within _____ working days. It notifies all the concerned parties through an appropriate medium about the decision made.
- 10) For projects that receive either an “EIA Not Required” or an “EIA Positive” order, the Ministry monitors the events that occur during the implementation of the project and ensures that they adhere to what has been agreed upon on in the EIA report.
- 11) The Ministry may also consult various experts and related institutions as necessary in the matter. The developer in either of these situations is responsible for providing reports on their activities in the construction, operation and post-operation phases, as well as copies of their various permits, to the Ministry. The Ministry forwards these items to the regional departments so that they can inform the public.

- 12) If it is found that the construction has begun on a project without the complete execution of an EIA and without an “EIA Not Required” or an “EIA Positive” order, the works are suspended until one of these two orders comes through.
- 13) If various conditions were set out in the EIA report or preliminary EIA report that are not met during the execution of the project, a non-extendable period of _____ working days may be granted by the MoE in order to fulfill the requirements. If after this period is complete the requirements have not been met, the project is suspended by the MoE until the requirements are finally met.
- 14) A number of other items are generally the responsibility of the MoE:
 - a) Extra time within the time period established by the legislation can be appended in case of existence of positive reason.
 - b) Changes in project ownership require the new owner to take over all responsibilities from the previous owner in terms of the EIA. In case of disputes, the Ministry always has the final word.
 - c) The Ministry is permitted to carry out many kinds of educational and public-awareness activities in the field of EIA in cooperation with other organizations, at local, national or international levels.
 - d) For applications involving several projects, the Ministry may decide that a single EIA report or EIA preliminary report is required as opposed to multiple reports.

Article 15. The EIA Expert Team

1. The main purpose of the EIA expert team is to come to an overall assessment of the project.
2. Based on the developer’s informational presentation on the intended project, the expert team decides within _____ working days of the informational meeting when, where, how and for how long information will be made publicly available for participatory purposes before the first public participation event occurs, and the dates for site visit, public participation meeting and scoping meeting are set.
3. After public consultations, the MoE gives the proponent the specific format for the EIA report, the proponent prepares the report and submits it to the MoE, and then the expert team has a _____ working day period to examine the report.
4. The expert team may ask the developer for detailed information on what measurements and analyses were performed, and in doubt the site may be visited, samples re-taken, or other expert advice sought.
5. The EIA report is reviewed by experts from five perspectives:
 - a) whether the report as a whole and its attachments are appropriate and correct;
 - b) whether the scientific calculations and analyses are correctly and appropriately done;
 - c) whether the possible impacts are thoroughly assessed;
 - d) whether mitigating measures have been taken up to minimize environmental impacts, and
 - e) whether public consultations have been held properly and whether public inputs have been taken into account properly.

6. The review should be complete within a thirty working day period after the expert meeting. The report on the review process is prepared and signed by the expert members.
7. On completion of the review phase, and receipt of the report from the expert team on the EIA report, the developer has a ____ working day period to correct the EIA report to reflect the judgments of the review meeting and re-submit it. As well, the developer must submit a signed document stating that the project and the final EIA report and annexes are his/her responsibility.

Article 16. Public Consultations

The public participation meeting is held to obtain the views of interested parties regarding the project. The concerned public is invited, through the medium of an announcement in a medium – usually one local and one national newspaper – that is determined by the MoE and that is specific to each particular project. At such a gathering, public views are invited after a presentation by the developer on the purpose and planning for the project. They are held to:

I - Determine the specific purpose and objectives that public involvement is to accomplish for the project. For example, what information does the transport agency want to collect from the public or to communicate to the public? What potential or actual conflicts between the agency and public groups or individuals may need to be resolved?

II -Identify the public which either might be interested in participating or whose participation is necessary in order to achieve the objectives. Which groups or types of people are of interest? What are their demographic characteristics, how many might be expected to participate, what are the relationships between groups, etc.?

III -Select a technique (or techniques) for interacting with the public which will achieve the objectives. Selection criteria include: (1) type and size of concerned public, (2) agency resources in terms of money and staff expertise, and (3) time available to plan and implement the technique.

IV -Select suitable notification technique(s) for reaching the desired public with the desired information. Selection criteria are similar to those used for interaction criteria in III above.

V -Determine if the public needs assistance to be able to interact with the transport agency. Select assistance techniques.

VI -identify how the results of the public involvement are to be specifically incorporated into project development, in particular how they are to be used either in the course of environmental studies or in the final decision making at the end of environmental studies.

VII -Determine how the techniques are to be evaluated.