



HANDBOOK ON ENVIRONMENTAL IMPACT ASSESSMENT IN SABAH

THIRD EDITION

EPD SABAH

Handbook on Environmental Impact Assessment in Sabah

Third Edition



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Preface

The environmental assessment system in Sabah has been established for over two decades, initially based on the Conservation of Environment Enactment 1996 and subsequently the Environment Protection Enactment 2002.

This is the third edition of the Handbook on Environmental Impact Assessment in Sabah, revising the second edition which was published in 2005. While the legislative basis of this edition remains the same as the second edition, namely the Environment Protection Enactment 2002 and the Prescribed Activities Order 2005, the objective of this update is to further improve the implementation of the environmental assessment system in Sabah. The update is aimed at improving the effectiveness of the environmental assessment process, through increased transparency and clarity on the procedure, and through enhanced guidance on the study process to improve the quality and focus of the impact assessment reports.

This handbook aims to guide project proponents, environmental consultants, and other stakeholders in the environmental assessment process, in the preparation of the relevant reports to ensure that the environmental assessment system remains a relevant and effective tool for the protection and enhancement of the environment in Sabah.

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Message

I wish to congratulate the Environment Protection Department (EPD) Sabah for successfully publishing the third edition of the Handbook on Environmental Impact Assessment in Sabah with a new look approach.

EPD Sabah has come a long way in implementing the EIA System since its establishment in 1998. Maintaining the balance between development and a healthy environment is challenging and requires meaningful coordination among relevant stakeholders. As stated in the Sabah State Policy on the Environment 2017, the State Government recognises that the environment is an integral part of, as well as a strategic pillar of, sustainable development, which requires the adoption of appropriate policies incorporating environmental factors and standards into all development activities in order to maintain environmental and social sustainability.

Therefore, proper planning and effective strategies that take into account environmental factors from the initial stage of development are imperative. Mainstreaming environmental elements into early planning of development activities could minimise negative impacts on the environment and prevent major issues at a later stage.

Let us work together to ensure the objective of our State Policy on the Environment i.e. to maintain a healthy environment based on clean air, healthy rivers, vibrant forests, productive land, bountiful seas and cohesive communities contributing to the prosperity of the State and its people are achieved.

(DATUK SR. HAJI MOHD YUSRIE ABDULLAH)
PERMANENT SECRETARY
MINISTRY OF TOURISM, CULTURE AND ENVIRONMENT

EPD SABAH

Foreword

The environment assessment system in Sabah has been established for over two decades, initially based on the Conservation of Environment Enactment 1996 and subsequently the Environment Protection Enactment 2002.

This publication is the third edition of the Handbook on Environmental Impact Assessment in Sabah which is a revision of the second edition published in 2005. While the legislative basis of this edition remains the same as the second, namely the Environment Protection Enactment 2002 and the Environment Protection (Prescribed Activities) Order 2005, the objective of this update is to further enhance the implementation of the environmental assessment system in Sabah. The update is aimed at improving the effectiveness of the environmental assessment process, through increased transparency and clarity of the procedure, and through enhanced guidance on the study process to improve the quality and focus of the impact assessment reports. The improved features in the Handbook include strengthening of the screening process and public involvement, inclusion of project alternatives in project description, a change in the impact assessment report format and additional guidance.

I sincerely hope this Handbook will be able to guide project proponents, environmental consultants, and other stakeholders in the environmental assessment process and in the preparation of the relevant reports to ensure that the environmental assessment system remains a relevant and effective tool for the protection and enhancement of the environment in Sabah.

VITALIS J. MODUYING
DIRECTOR
ENVIRONMENT PROTECTION DEPARTMENT, SABAH

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Abbreviations

AEC	:	Agreement of Environmental Conditions
BRSO	:	Borneo Rectified Skew Orthomorphic
CD	:	Compact disc
EIA	:	Environmental Impact Assessment
EPE	:	Environment Protection Enactment
ECR	:	Environmental Compliance Reports
EO	:	Environmental Officer
EPD	:	Environment Protection Department
FGD	:	Focus Group Discussion
GA	:	Government Agencies
IA	:	Impact Assessment
IAIA	:	International Association for Impact Assessment
IDI	:	In-Depth Interviews
IUCN	:	International Union for Conservation of Nature
JPEG	:	Joint Photographic Experts Group
NGO	:	Non-Governmental Organisations
NGT	:	Nominal Group Technique
PDF	:	Portable Document Format
PMM	:	Proposal for Mitigation Measures
QR	:	Quick Response Code
SOP	:	Standard Operating Procedures
TOR	:	Terms of Reference
WGS	:	World Geodetic System
ZOI	:	Zone of Impact



Reading Guide

This Handbook is arranged according to the following sections:

Chapter 1

Introduction

- Introductory and background material, including the scope of this Handbook, objectives and benefits of impact assessment, impact assessment guiding principles.
- This section also outlines the roles and responsibilities of the parties involved in impact assessment.
- An overview of the impact assessment procedure in Sabah is provided.

Chapter 2

Proposal for Mitigation Measures (PMM)

- A technical guide to carry out a Proposal for Mitigation Measures (PMM) study.
- Covers best practice methods and tips for project description, scoping, undertaking baseline studies, impact prediction and evaluation, mitigation measures and development of monitoring programme.
- Report preparation requirements and quality control are also outlined.

Chapter 3

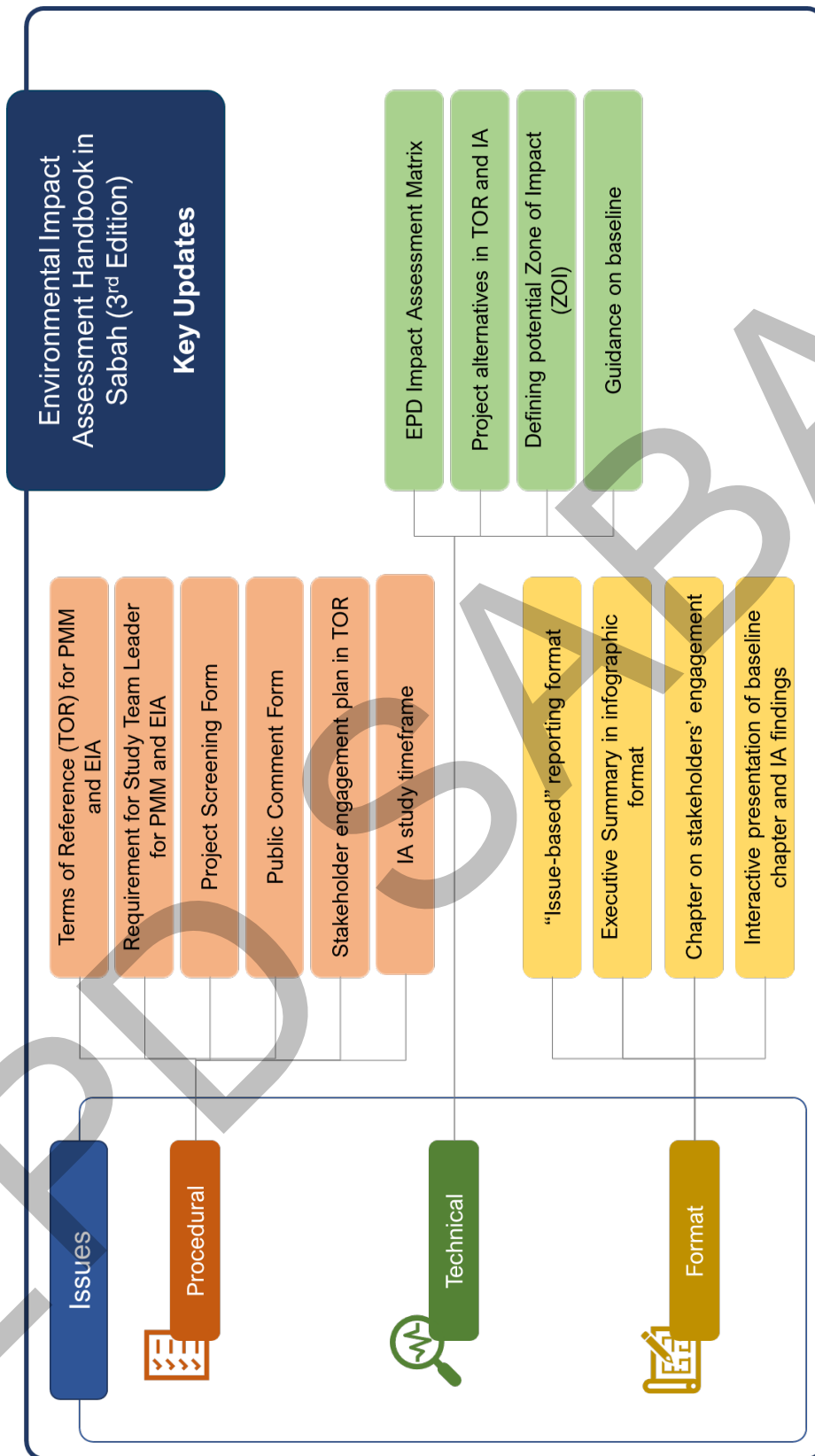
Environmental Impact Assessment (EIA) Report

- A technical guide, primarily for environmental consultants, to carry out an Environmental Impact Assessment (EIA) study.
- Covers best practice methods and tips for project description, scoping, undertaking baseline studies, impact prediction and evaluation, mitigation measures and development of monitoring programme.
- Report preparation requirements and quality control are also outlined.

Annexes

Supporting information and Additional Guidance

- Annexes providing supporting information such as list of legislation, screening form examples, guidance for preparation of Terms of Reference reports, Proposal for Mitigation Measures and Environmental Impact Assessment reports.



Key Updates of the Environmental Impact Assessment Handbook in Sabah (3rd Edition)



CHAPTER 1

INTRODUCTION

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1 Introduction

1.1 Scope of Handbook

This is the third edition of the Handbook on Environmental Impact Assessment in Sabah (to be referred to as the Handbook). It has been prepared in accordance with the requirements under Section 15 of the Environment Protection Enactment 2002 (EPE 2002), to provide an understanding of the environmental assessment procedures in Sabah, and to guide the preparation and submission of impact assessment reports for review and approval. For the purpose of this handbook, the term impact assessment (IA) shall collectively refer to Proposal for Mitigation Measures (PMM) and Environmental Impact Assessment (EIA) reports.

The Handbook aims to provide an understanding of the IA process and procedures to a broader audience including project proponents, government agencies (GAs), environmental consultants and other interested parties, while also providing technical guidance to environmental consultants and reviewers on what constitutes a comprehensive and high-quality IA report.

The Handbook sets out the principles, requirements, procedures and/or guidelines for:

- Project Screening - deciding whether a project is a prescribed activity and what level of assessment is required;
- Undertaking scoping for IA;
- The preparation of the terms of reference of the impact assessment study;
- Undertaking the PMM and EIA studies;
- The preparation and review of the PMM and EIA reports;
- The issuance of environmental approval or non-approval;
- The formulation of conditions of the environmental approval; and
- The environmental monitoring programme and audit requirements.

“Department” in this handbook refers to the Environment Protection Department.
“Director” in this handbook refers to the Director of the Department.

1.2 Applicability of the EIA Handbook

This EIA Handbook shall only be used within the framework of the EPE 2002 and its subsidiary regulations.



1.3 Environmental Impact Assessment in Sabah

According to the International Association for Impact Assessment (IAIA), environmental impact assessment is defined as:

“The process of identifying, predicting, evaluating and mitigating the biophysical, social, and other relevant effects of development proposal prior to major decisions being taken and commitments made.”

This definition is in line with the EPE 2002 and the Environment Protection (Prescribed Activities) (Environmental Impact Assessment) Order 2005 (EIA Order 2005) that describes an environmental impact assessment as a detailed assessment, in quantitative and qualitative terms, of the likely environmental impacts of a development activity, the measures required to prevent, mitigate or abate any adverse environmental impacts, or to protect the environment, and the monitoring programme required to ensure compliance with mitigation measures and to monitor residual impacts.

The EPE 2002 administered by the Department applies for activities which fall within the State’s jurisdiction, including activities associated with the exploitation, development and use of land and natural resources including water, soil, minerals, forest, and other resources.

Section 12 of the Enactment provides for the Minister to prescribe any development as a Prescribed Activity for which an EIA report is required to be submitted to the Director for approval. The Environment Protection (Prescribed Activities) (Environmental Impact Assessment) Order 2005 (or the EIA Order 2005) has been established to effectuate the provisions of this Enactment.

The Minister, through the EIA Order 2005 prescribes 12 types of activities, which are then classified by the Director by virtue of the same Order into two groups, which differ in the type of IA report submission to EPD (Figure 1.1):

- (i) Proposal for Mitigation Measures (PMM) report – seven activities listed under the First Schedule (refer to **Annex 1**); or
- (ii) Environmental Impact Assessment (EIA) report – 12 activities listed under the Second Schedule (refer to **Annex 1**), which can either be a Normal EIA or Special EIA.

Submission of the report for the approval of the Director is mandatory before the commencement of any of the prescribed activities listed in the Order; failure to do so is an offence under Section 12A of the EPE 2002.



In addition to the above, Section 12C(1) provides for a Master EIA report, that states: *“The Director may direct any person to prepare and submit a master environmental impact assessment report where the prescribed activities consist of smaller individual development activities to be carried out in stages and which is subject to individual review or approval.”*

Sections 13 and 14 of the EPE 2002 also provide for an IA (EIA or PMM) for activities that are not in the prescribed list of activities, as follows:

- Under Section 13, the Director may require an EIA or PMM report to be submitted by an applicant for any activity not prescribed under Section 12 if the Director is of the opinion that the development activity has, or is likely to have, an adverse effect on the environment; and
- Section 14 requires any governmental authority to immediately notify the Director in writing if a development activity under their jurisdiction is included in the list of prescribed development activities, or if the governmental authority is of the opinion that an EIA report or a PMM is required.

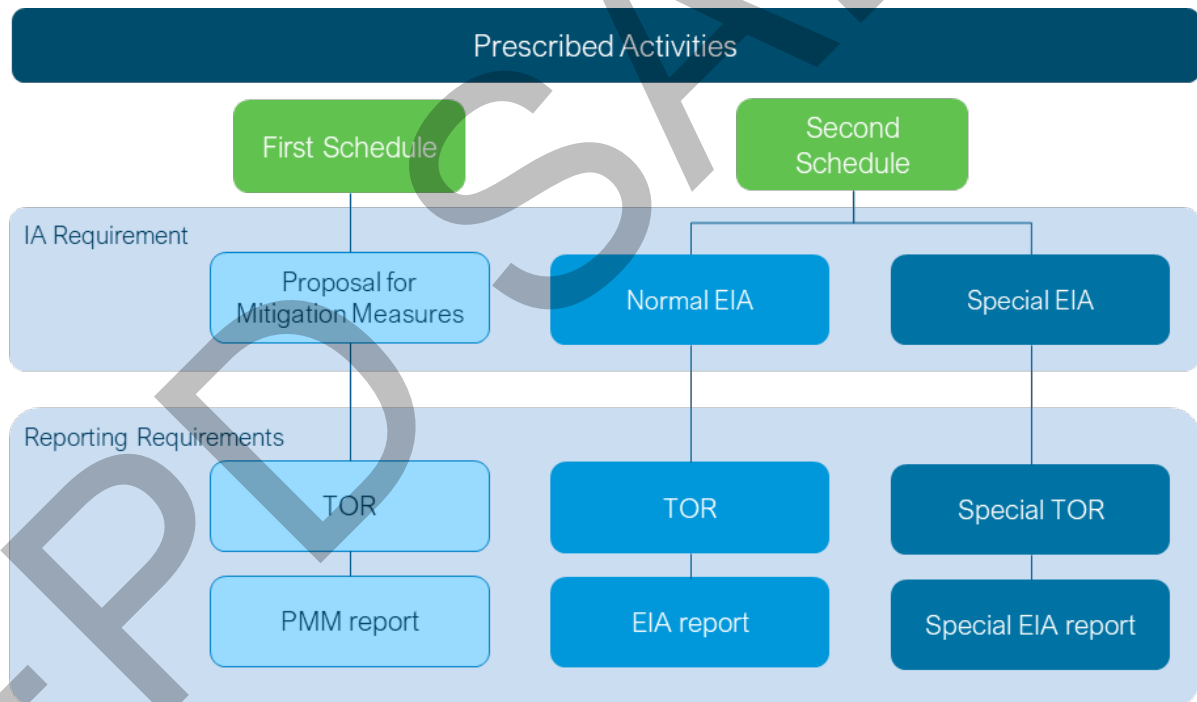


Figure 1.1 Overview of types of IA in Sabah based on the EIA Order 2005, and their reporting requirements.



1.3.1 Proposal for Mitigation Measures (PMM) Report

A Proposal for Mitigation Measures (PMM) report provides a description of the likely environmental impacts of a development activity and the measures required to prevent, mitigate or abate any adverse environmental impacts or to protect the environment.

The prescribed activities requiring PMM reports are normally of low magnitude in terms of area and sensitivity. The impacts are known or can be predicted even without a detailed assessment study, and the mitigation measures and monitoring mechanisms comprises standard practices available. Hence the focus of a PMM report is on the site-specific mitigation measures and monitoring programmes.

1.3.2 Environmental Impact Assessment (EIA) Report

An Environmental Impact Assessment report provides a detailed assessment, in quantitative terms wherever possible, of the likely environmental impacts of a development activity and the measures required to prevent, mitigate or abate any adverse environmental impacts or to protect the environment.

The prescribed activities requiring such a report are normally of high magnitude in terms of area and sensitivity, and thus require detailed study to predict the potential impacts and to formulate practical, realistic and effective mitigation measures and monitoring programmes.

There are two types of EIA, namely **Normal EIA** and **Special EIA**. Normal EIAs are usually conducted for projects where the environmental impacts are localized, and the local sensitivities are not significantly affected. **Special EIAs** are conducted for projects having special magnitude and sensitivity regarding the environmental impacts which may extend beyond the geographical boundaries of the project site and / or can adversely affect the welfare of local communities. A comprehensive and detailed assessment of the primary and key environmental issues and impacts are required to evaluate the significance of the environmental impacts, and to formulate appropriate mitigation measures and monitoring programmes.

The requirement for either a Normal or Special EIA is decided by the Department, and the main criteria used to determine the type of EIA studies are summarised as follows:

- Extent of focus of primary issues of concern (extent of scope or number of key issues of concern) and / or depth of analysis required;
- Environmental sensitivity of location, including local sensitivities such as aesthetic or cultural concerns;
- Magnitude / severity of potential impacts;
- Geographical extent of potential impacts; and
- Significance to government policies and guidelines.



1.4 Objectives of IA

The objectives of impact assessment are:

- (a) To examine and select the most appropriate development options available whenever possible;
- (b) To identify, predict and wherever possible quantify the significance of any adverse impact on the community and environment likely to be affected by the development activity;
- (c) To formulate and incorporate appropriate abatement and mitigating measures into the development plan;
- (d) To determine appropriate and effective programmes for monitoring environmental compliance and residual impact; and
- (e) To identify wherever possible, the environmental costs and benefits of the development activity to facilitate decision-making.

1.5 Benefits of IA

Benefits may include the following:

- (a) It presents the information required by the authorities in a structured manner facilitating the decision-making process and granting of permits and approvals;
- (b) It allows the project team to systematically evaluate the potential environmental problems from a proposed development, and to identify key areas which require special consideration for environmental controls;
- (c) It can reduce costs and timeframe by identifying and quantifying primary and secondary consequences which may require re-design or the introduction of expensive pollution control measures, compensation or other costs at a later date;
- (d) A project that has been designed to suit the local environment most likely can be completed on time and within budget, and can avoid difficulties along the way;
- (e) A project that conserves the natural resources it relies upon will continue to be sustainable for many years to come;
- (f) It assists in establishing long-term management objectives and plans to ensure the project continues to be sustainable in the long term; and
- (g) A project that yields benefits without causing serious environmental problems is more likely to bring credit and recognition to its proponents.



1.6 IA Guiding Principles

The impact assessment process shall be guided by the following principles (International Association for Impact Assessment (IAIA), 1999):

- (a) **Purposive** – the process should inform decision-making and result in appropriate levels of environmental protection and community well-being;
- (b) **Rigorous** – the process should apply “best practicable” science, employing methodologies and techniques appropriate to address the problems being investigated;
- (c) **Practical** – the process should result in information and outputs that assist with problem solving and are acceptable to and able to be implemented by proponents;
- (d) **Relevant** – the process should provide sufficient, reliable and usable information for development planning and decision-making;
- (e) **Cost-effective** – the process should achieve the objectives of EIA within the limits of available information, time, resources and methodology;
- (f) **Efficient** – the process should impose the minimum cost burdens in terms of time and finance on proponents and participants consistent with meeting accepted requirements and objectives of EIA;
- (g) **Focused** – the process should concentrate on significant environmental effects and key issues (i.e., the matters that need to be taken into account in making decisions);
- (h) **Adaptive** – the process should be adjusted to the realities, issues and circumstance of the proposals under review without compromising the integrity of the process, and be iterative, incorporating lessons learned throughout the proposal’s life cycle;
- (i) **Participative** – the process should provide appropriate opportunities to inform and involve the interested and affected public, and their inputs and concerns should be addressed explicitly in the documentation and decision making;
- (j) **Interdisciplinary** – the process should ensure that the appropriate techniques and experts in the relevant biophysical and socio-economic disciplines are employed, including use of traditional knowledge as relevant;
- (k) **Credible** – the process should be carried out with professionalism, rigor, fairness, objectivity, impartiality and balance, and be subject to independent checks and verification;
- (l) **Integrated** – the process should address the interrelationships of social, economic and biophysical aspects;



- (m) **Transparent** – the process should have clear, easily understood requirements for EIA content, ensure public access to information, identify the factors that are to be taken into account in decision-making, and acknowledge limitations and difficulties; and
- (n) **Systematic** – the process should result in full consideration of all relevant information on the affected environment, or proposed alternatives and their impacts, and of the measures necessary to monitor and investigate residual effects.

1.7 Roles and Responsibilities of Parties Involved

The roles and responsibilities of the various individuals and organisations involved in IA are briefly described below.

1.7.1 Project Proponent

The project proponent is an individual or organisation that is proposing to undertake a development and that submits or proposes the project for review and acceptance. The proponent may be from the public or the private sector and may be appointed or delegated to implement the project by a project owner. The project owner, where distinct from the proponent, may be the sponsor, end user, or beneficiary of the project.

The proponent is responsible for all aspects related to the development of the project including the environmental planning of the project and its associated cost. They would delegate the task of conducting the impact assessment of the project to a competent IA consultant, but the proponent remains ultimately responsible for the content of the IA report on their project.

The proponent shall also declare their agreement and commitment to the mitigation measures and monitoring programmes outlined in the IA report, and allocate sufficient resources and staff to implement the recommended environmental management and monitoring programmes accordingly. The proponent shall be the key driver for ensuring self-regulation in environmental management through mainstreaming of the IA recommendations throughout the project implementation phases.

Where an IA report is approved by the Department, the proponent will be required to sign an undertaking to comply with the terms and conditions of the Department's approval. The signatory shall be a Company Director or Senior Officer delegated by the Company Director.

During the project implementation, wherever necessary, the proponent shall appoint an Environmental Officer to carry out the day-to-day monitoring of the environmental management measures and initiate remedial action when necessary. The proponent shall also appoint an environmental consultant to monitor or audit compliance with mitigation measures during project implementation.



1.7.2 Environmental Consultant

The IA report shall be submitted by an Environmental Consultant firm (company) registered with the Department. The Consultant typically comprises a team of individual environmental consultants from various disciplines relevant to the proposed project and is appointed by the project proponent. These study team members shall be EPD-registered individual consultants who shall maintain professionalism in conducting a comprehensive IA study and produce a quality IA report that is useful for decision-making purposes.

The IA team shall be led by a Study Team Leader, who shall take overall responsibility for the implementation of the IA study, and preparation and review of the IA report as outlined below.

Study Team Leader

Only **EPD-registered environmental consultants** with at least **one year's experience** as a registered Environmental Consultant under current Department regulation are qualified to be appointed as Study Team Leader.

The Study Team Leader, as a competent and experienced Environmental Consultant, must be able to provide guidance to the IA team members on the direction of IA study and the level of assessment required, and conduct a thorough overall review of the report with regards to its adequacy and quality. The team leader will have the following tasks:

- (i) To select the team members. Members must be selected based on the expertise required to address the types of impact from the project activity. The team leader is responsible for ensuring the selected team members are competent to conduct the relevant studies;
- (ii) To lead the scoping exercise for the proposed study. The scoping exercise shall include thorough discussion with all team members and other interested parties;
- (iii) To coordinate and assign tasks to team members;
- (iv) Provide guidance for the team members on the direction of the studies especially on the required assessments;
- (v) To be fully responsible for the quality of the submitted reports, particularly in terms of information consistency and coherency; and
- (vi) To present and defend the IA findings to the EPD and review panel, where required.



Study Team Members

The registered environmental consultants on the study team are responsible for ensuring that the environmental impacts from a project are correctly identified, assessed and mitigated. This encompasses the following core tasks:

- (i) Scoping relating to the area of expertise;
- (ii) Preparing the Terms of Reference (scope and methodologies) for carrying out the IA study;
- (iii) Carrying out the impact assessment (prediction and evaluation) of the project activities;
- (iv) Advise on the steps and actions to mitigate potential negative impacts of the activities, including monitoring requirements; and
- (v) Ensuring the quality of the assessment and IA report meets the requirements of EPD and any specific Environmental Impact Assessment Guidelines and does not contain any false or misleading information.

1.7.3 Agencies and Experts

Technical Agencies and Experts

Government agencies (GAs) and individuals who have technical expertise and experience in specific areas have an important role to play in providing relevant inputs on environmental impacts, impact prediction and evaluation techniques, mitigation measures and monitoring programmes. The inputs from these agencies and individuals may be sought by the Department whenever deemed necessary. These GAs and individual experts have a responsibility to understand the IA process, review the scoping findings and assess the IA report based on its adequacy to evaluate and recommend measures to address the identified issues of concern.

The EIA Review Panel

The review of the EIA Reports is carried out by an ad hoc panel established by the Department. Members of the review panel will include representatives from relevant GAs, and, where deemed necessary by EPD, other experts, who have technical experience in the areas relevant to the proposed project. The technical areas may include potential project



environmental impacts, impact study methodologies, and applicable mitigation measures. Additionally, Non-Governmental Organisations (NGOs) may also be invited to sit on the panel as general representatives or as an expert panel member.

The review panel provides technical input to the Department to assist the Director in making a decision on the report.

1.7.4 The Public

Public engagement in the IA process is a direct method of obtaining information on the concerns of the impacted community resulting from the project implementation. Some form of public engagement will generally be carried out by the project proponent and environmental consultants, which may include public town hall sessions, focus group dialogues, and in the case of **Special EIA**, the public display of EIA Reports.

The role of the public in the EIA process includes a variety of aspects, including:

- Providing information on the project site - its sensitivities, uses and values attached to it that may be used for scoping and evaluation of impacts;
- Input or feedback on perceived environmental impacts and concerns that may arise from the project, for which the environmental consultants and the Department should consider in the evaluation of impacts; and
- In the case of **Special EIA**, to provide feedback on the Terms of Reference report for the Special EIA (“Special TOR”) and Special EIA report during the public display of these reports. Further information on public comments to the Special TOR and Special EIA reports are given in Section 3.

1.7.5 Project Approving Authority

The IA report is approved or rejected by EPD. Nevertheless, IA approval does not constitute project approval. The project approving authority is the Government Authority that has the task of deciding, in view of the environmental and development costs, and the benefits of the proposed project to the community, how (or whether) a project should proceed.

1.8 Overview of Procedure

A general overview of the impact assessment (IA) procedure in Sabah is illustrated in Figure 1.2. Key features of the procedure are outlined below and discussed further in the following subsections:



1. Screening;
2. Selection of Environmental Consultants;
3. Scoping:
 - a. Preparation and submission of Terms of Reference
 - b. Public display of TOR for **Special EIA**
 - c. EPD decision on TOR
4. Undertaking the IA study:
 - a. Preparation and submission of PMM report
 - b. Preparation and submission of EIA report
 - c. Public display of **Special EIA**
5. Report Review Process;
6. Decision on Report and Conditions of Approval; and
7. Monitoring.

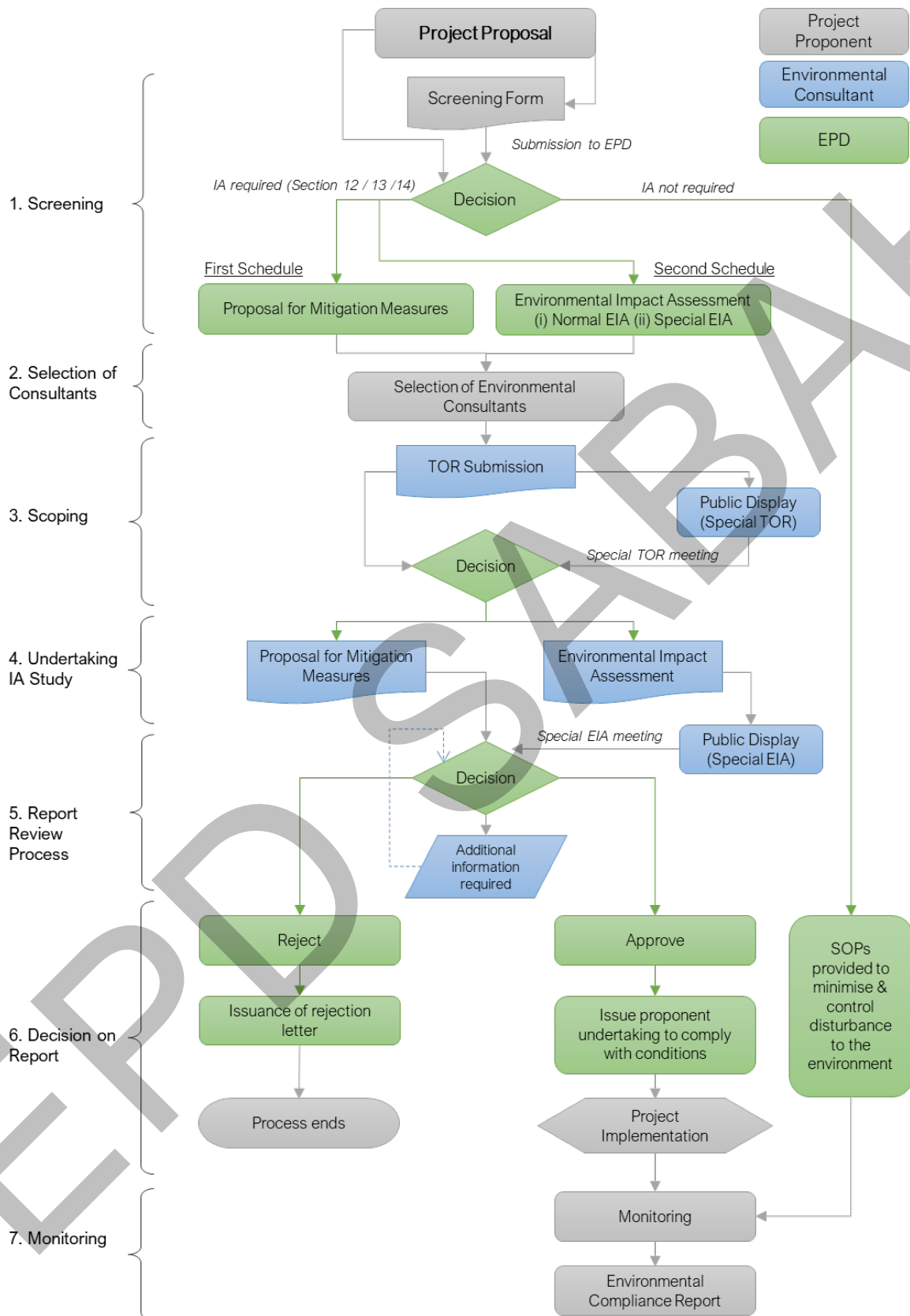


Figure 1.2 General overview of IA procedure in Sabah.



1.8.1 Selection of Environmental Consultants

The project proponent is required to engage a study team comprising of environmental consultants registered with the Department (as per Section 50 of EPE 2002) to prepare the PMM or EIA reports, including the TOR. The study team members shall hold a valid certification of practice issued by the Department and shall be led by a Study Team Leader with the appropriate experience (see also Section 1.7 on the roles of the environmental consultant). This is to ensure that the preparation of the report is undertaken in accordance with the requirements and guidelines as described in this handbook. A list of registered environmental consultants can be obtained from the Department's office or website.

1.8.2 Project Screening

Screening is the first part of the IA process where it is determined whether a formal impact assessment study is required for a particular project, and if so, what kind of assessment.

The Environment Protection (Prescribed Activities) (Environmental Impact Assessment) Order 2005 provides a list of prescribed activities for which a Proposal for Mitigation Measures report or Environmental Impact Assessment report is mandatory for all development activities prescribed under the First Schedule and Second Schedule, respectively (refer to **Annex 1**). Nevertheless, the EPE Section 13 also provides for an IA even for activities that are not in the prescribed list of activities, if the Director is of the opinion that the development activity has, or is likely to have, an adverse effect on the environment, while Section 14 allows for an IA for activities under the jurisdiction of a governmental authority if that authority is of the opinion that an environmental impact assessment report or a proposal for mitigation measures report is required. In addition, the requirement for a **Special EIA** is also made on the basis of the likely scale of a project's impact and site sensitivities.

As such, project screening involves more than a comparison against the prescribed activities list, and pertinent information shall be submitted to the Department to enable a proper assessment of a proposed project's likely scale of impact.

For projects under the Second Schedule of the EIA Order 2005 and other projects which may cause environmental impacts and hence may require IA under Sections 13 and 14, project proponents are advised to complete and submit a Project Screening Form to the Department to determine whether the proposed development activity requires an IA report, or in the case of EIA, whether the activity should undergo a Normal or Special EIA process. A sample of the Project Screening Form is given in **Annex 2**.

Upon submission of the Project Screening Form, EPD will review the project activities and site, and the proponent will be informed as to whether an IA report is required, and if so, what type of assessment (PMM, EIA or Special EIA), see Figure 1.3.

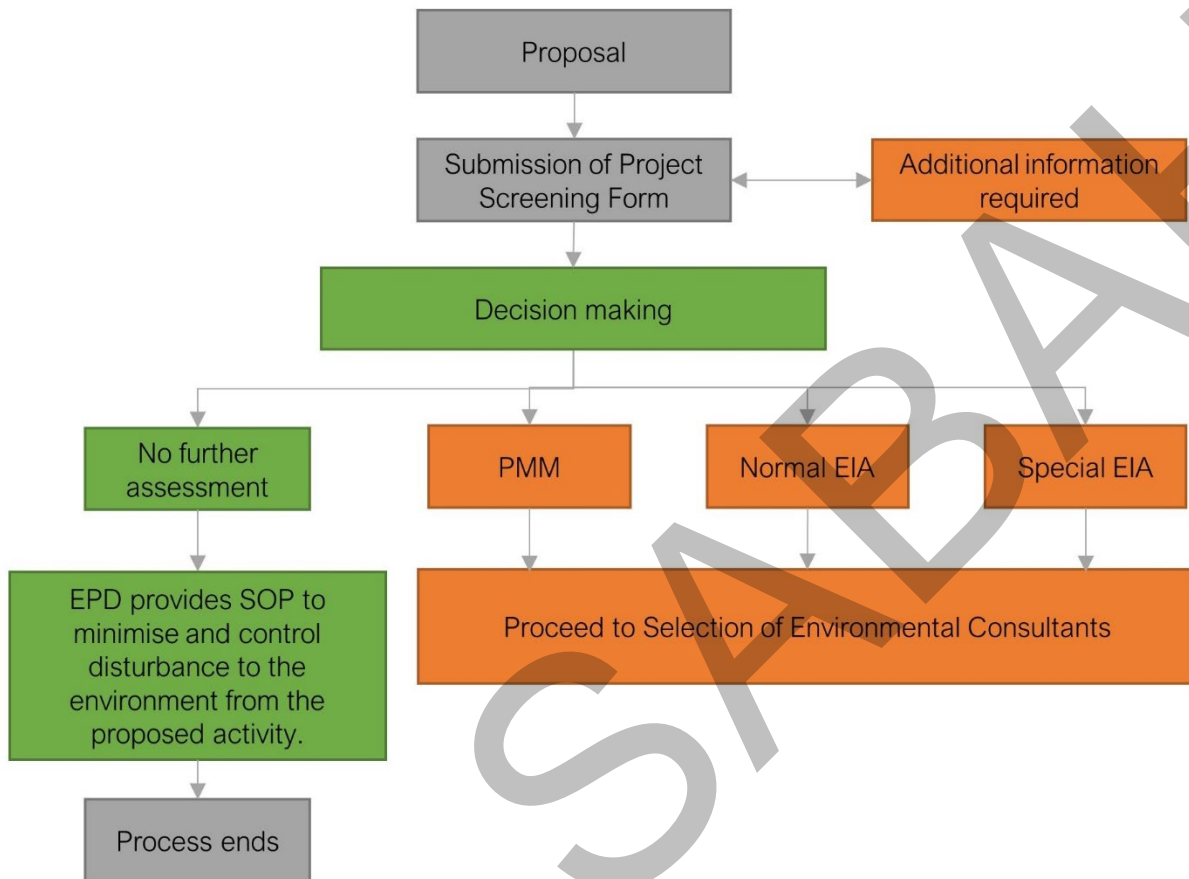


Figure 1.3 Screening Process.

EPD SABAH