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1. Letter from DGIS dated 7 March 1997, in which the Commission has been asked to submit an advisory review
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## 1. INTRODUCTION

The Palestinian National Authority (PNA) intends to construct a port in the Gaza Strip to support economic development of the Gaza Strip and the West Bank. The PNA is also the competent authority in the Gaza Strip and on the West Bank. The PNA decides on matters concerning the seaport. The Netherlands government is the competent authority with regard to agreement on the ORET funding of the Gaza seaport.

Port construction is an activity that, according to OECD standards (Organisation for Economic Co-operation and Development) and international loan agreement conditions, requires an Environmental Impact Assessment (EIA) in support of decision-making. The EIA-procedure started in February 1995 with the preparation of a 'Notification of intent'. Objective of the EIA on Gaza seaport is to provide both competent authorities with relevant information on the environmental effects of the activity so that well-informed decisions can be made.

The Commission for EIA (the Commission) published advice for Terms of Reference (ToR) for the EIA on 1 March 1995. The DGIS issued the ToR in the same month. The Environmental Impact Statement (EIS) was published on 1 April 1996. The Commission published an advisory review on 29 April 1996. In this document the Commission advised to present additional information on environmental impacts in a supplement to the EIS.

By letter dated 7 March 1997 (appendix 1) the Minister for Development Cooperation requested the Netherlands Commission for EIA to assist the port development and the associated decisions in a process of 'planning through incremental environmental evaluation'<sup>1</sup>. The Commission responds positively to this request. The approach implicates that, subsequently, the Commission will submit review advice on additional environmental information on relevant moments in time. The present document advises on review of the EIS and a number of supplements. The Commission has received the following supplements:

- ! The lay-out of the port (August 1996);
- ! Additional EIS for the Gaza Seaport, borrow areas (16-1-'97);
- ! Additional EIS for the Gaza Seaport, further observations including conditions of the sea-floor (16-1-'97);
- ! Port of Gaza Institutional Plan, main report (External Draft);
- ! Environmental Impact Statement for the Gaza seaport, Additional report (30-5-'97).

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1 In this process information on the design, construction and exploitation of the port is made available and reviewed at consecutive moments in time in a step by step incremental planning and decision-making approach. Results of the consecutive reviews are used in shaping the port design, in defining construction methods and in defining the institutional set-up and exploitational routines of the port.

The environmental information required for decision-making on design, construction and exploitation of the port in its development phase 1A<sup>2]</sup> is limited as compared to the information required for the port in its development phase 3<sup>3]</sup>. In order to avoid unnecessary delays in decision making on phase 1A of port development the Commission at this stage decided to focus its review of the environmental information in the EIS and the supplements on phase 1A of port development. Review of environmental information on phase 3 of port development can be done when realisation of this phase is due.

The expert membership of the working group that formulated this second advice for review is identical to that of the working group that advised on Terms of Reference and on review of the EIS. Unless stated otherwise, this review concerns the EIS including the supplements mentioned in this chapter.

The Commission has noticed that location IVa of the Basic Design Study is still the selected location for port construction. In this advice the Commission has assumed that this location is conclusive.

## **2. APPRECIATION OF THE QUALITY AND ADEQUACY OF THE EIS**

The Commission has the opinion that the EIS provides appropriate and sufficient information on environmental effects of construction and operation of the Gaza Port and that this information allows for informed decision-making.

## **3. POINTS THAT NEED FURTHER ATTENTION**

### **3.1 Port and port facilities**

The EIS recommends to link port construction to ratification of MARPOL<sup>4]</sup>. The Commission has the opinion that ratification of MARPOL can realistically not be expected in phase 1A of port development.

However, the Mediterranean Sea is declared 'restricted area' under MARPOL. This means that no wastes of any type can be dumped in the sea. As a consequence any port in the Mediterranean must provide services for reception of wastes. The EIS indicates that the port itself will not provide facilities for reception, treatment and disposal of various types of liquid waste from ships calling at the port. It states that these services will be contracted out.

The Commission does not oppose contracting out of waste reception services. However, the responsibility for implementation of a completely reliable registration system for these wastes must pertain to the Port Authority, enforced by an effective governmental control agency.

This (environmental management) must be a major point of attention in the elaboration of the institutional structure of the port. The recommendations in the Institutional Plan fully answer the

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2 In development phase 1A the port is designed to handle vessels of 15000 dead weight tons (DWT). In the Basic Engineering Study and the EIS, however, handling of ships of 5000 DWT is foreseen in this phase 1A.

3 In phase 3 the port is capable to handle vessels of 70.000 DWT. In the phases 1B handling facilities are improved in comparison to development phase 1A. In development phase 2 handling capacity is increased to vessels of 20.000 DWT.

4 MARPOL: an international treaty on prevention of pollution of the sea, ratified by the members of the International Maritime Organisation (IMO)

questions on the institutional set-up put forward in the Commissions' advice for Terms of Reference of 1 March 1995. The Commission recommends to assist the PNA in bringing about these institutional structures and in gaining experience in effective port management.

### 3.2 Sand bypassing

As stated in the EIS coastal erosion is the most important environmental impact of the sea port. Annual sand bypassing is compulsory to compensate this erosion. A first beach nourishment must be carried out at the moment the construction of the breakwater starts. Sand must be supplied north of the newly constructed breakwater, located at the fish-auction.

The first nourishment must be accomplished with some 350,000 m<sup>3</sup> of sand that can be found on the sea bottom. The Commission does not expect that this sand mining will have substantial negative environmental effects.

The Netherlands Government has guaranteed sand bypassing for a period of five years. After this five year period sand bypassing must continue. On this issue the EIS recommends:

- ! "The PNA is to ensure that the position of the coastline north of the port does not recede beyond the position of January 1996"<sup>5</sup>].
- ! "The PNA is to ensure that a reservation is made in the annual port budget of US\$ 2 million. This amount is to be transferred to the next budget year if dredging is not carried out in that budget year".

The Commission recommends to give high priority to this point in the contacts with the PNA and in the institutional arrangements that will be elaborated.

### 3.3 Transport

The EIS states that during a construction period of 12 months a transport frequency of one heavy truck per minute will be reached on existing roads. The EIS does not quantify the hinder aspects and the expectations with regard to accidents and casualties of this transport frequency. Taking into account the actually prevailing traffic density in and around Gaza city, the Commission has the opinion that the targeted transport frequency will not be realised without difficulty. Moreover, it will be accompanied by considerable hinder and casualties. Therefore, the Commission advises to evaluate possibilities for and environmental consequences of constructing a temporary road, exclusively used by construction traffic.

### 3.4 Pollution

The EIS states that executing the borings material with a foul odour has been found. Pollution may thus be expected. However, no results of physical and chemical analysis of dredged material have been given in the EIS. As this material may be used as fill material the Commission recommends to apply physical and chemical analysis of this material in order to assess the degree and character of the pollution and the risk this pollution implies. Avoidance of further pollution of Wadi Gaza and the coastal area is the responsibility of the agencies to which treatment of waste waters of Gaza city is attributed.

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5 "Assuming a not yet eroded coastline at that date".

### 3.5 Resettlement issues

Provisions for resettlement and compensation are not dealt with into detail in the EIS. As resettlement is part of the initiative the Commission recommends to avoid encroachment of the area, to develop a resettlement plan for those who have to move and see to it that the families that have to resettle are properly informed and compensated.

### 3.6 Monitoring and evaluation

Considering the status of development of its institutional structures, the Commission thinks that the PNA needs considerable technical and institutional support in order to be able to accomplish the multitude of tasks related to guidance of (environmentally) safe port construction and exploitation. The Commission recommends to ascertain that sufficient assistance is given to the PNA. Also, the Commission recommends to involve the donor agencies actively in the monitoring of the environmental performance of the project in its various phases and in evaluation of the entire project after a given period.