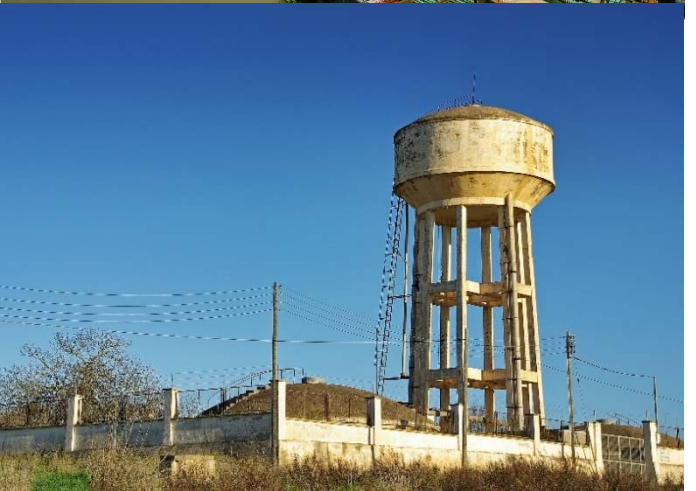




Netherlands Commission for
Environmental Assessment

CAPE VERDE (ORIO11 / CV / 21)

Comparison of results of EIA review of Mindelo
Cruise Terminal by Cape Verde DNA against the
NCEA Quick Scan (Review) of the Draft ESIA for
the 'Maintain and develop Cape Verde as an
attractive cruise destination' Project



26 July 2017
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Advice of the Secretariat

To Netherlands Enterprise Agency (RVO.nl)

Attn Ms Fenna Houcamp

CC Ms Alessandra Desoff, Mr Thomas Vintgens, Ms Mirjam Keijzer

From The Netherlands Commission for Environmental Assessment (NCEA)

Date 26 July 2017

Subject **Comparison of the results of EIA review of Mindelo Cruise Terminal by Cape Verde National Directorate of Environment (dd. 5 June 2017) against the NCEA Quick Scan (Review) of the draft ESIA for the 'Maintain and develop Cape Verde as an attractive cruise destination' project (September 2015, and updated in December 2016)**

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1. Introduction

Upon request of the RVO, the NCEA performed a Quick Scan of a draft EIA report for a Cruise Terminal in Cape Verde in September 2015. The project was subsequently scheduled for ACORIO approval in December 2016. In November 2016, the RVO approached the NCEA to give its opinion on a Memorandum of February 2016 and an updated version of the EIA report of January 2016. This opinion was needed in the preparation of an RVO visit to Cape Verde in December 2016.

- The Memorandum reflected how comments of an independent consultant (hired by the project owner) on the draft EIA of 2015 had been dealt with. The memorandum clearly explained how and where these comments had been included in the EIA.
- The January 2016 version of the EIA report had been slightly modified as compared to the version that NCEA had reviewed in its Quick Scan of September 2015. In terms of some extra text here and there. However, the contents of the EIA were not changed significantly. The EIA did not contain any Annexes referred to in the main text, which is an omission, as for example Annex 7 would have shown the results of Stakeholder analysis, and Annex 8 would have given a first outline of an Environmental and Social Management Plan (ESMP).
- The NCEA's comments and recommendations of September 2015 were not recognised in the updated EIA report. Therefore these were still all relevant, and could be taken into consideration by RVO during its visit to Cape Verde in December 2016.

During an RVO–NCEA telephone call on 8 December 2016 it was concluded that RVO would:

- check whether the NCEA Quick Scan advice had in fact reached the developer and, if so, why nothing had been done with NCEA comments;
- check whether the Annexes to the EIA report could be made available;
- check whether the EIA report had already been submitted to the local environmental authorities.

In addition, it was agreed that the RVO would again read the NCEA Quick Scan with the aim to prepare a set of priority questions to the developer and authorities in Cape Verde.

Mr Reinoud Post, who had prepared the NCEA Quick Scan advice, facilitated this process by:

- highlighting the main points of concern of the NCEA advice in the telephone call;
- comparing the 2015 and 2016 versions of the EIA report (see annotated version in the Annex, with his comments);
- indicating issues which could be dealt with at a later stage (highlighted in yellow in the Annex).

The RVO did not have the ACORIO meeting in December, but this topic was dealt with in the March 2017 ACORIO meeting. The ACORIO decided not to proceed to the next phase with this project because:

- information was lacking with regard to the economic feasibility, and;
- the anchoring of the project in the Cape Verde Government Strategies. This is currently being further assessed with the help of Erasmus University;
- the ACORIO was not convinced of the quality of the EIA (for which the NCEA Quick Scan formed the basis). It was therefore decided to wait for the review of the EIA report by the local environmental authorities (DNA).

The RVO received the latter review report of 5 June 2017 and requested the NCEA to:

- give an opinion on the DNA report;
- indicate whether the NCEA agrees with the DNA conclusions, including the conditions;
- assess whether the DNA conclusions address the problems and gaps that the NCEA had mentioned in its Quick Scan.

2. Findings

The detailed findings are included in the Annex (observations by Ineke Steinhauer are new, the annotations of Reinoud Post – in yellow – are still visible). The main observations are summarized below.

Regarding the document of the DNA (RF: 303/DNA/2017) of 5 June 2017, the NCEA has the following observations:

- In Par. 2.6 the DNA presents a Table giving an overview of potential environmental impacts and mitigation measures, and distinguishes between the construction and operation phase. Also, for some issues monitoring requirements are provided. It is not entirely clear whether this Table has been composed by the members of the DNA review commission, or whether it has been copied from the EIA report (this cannot be verified as Annex 8 of the EIA report, outline of ESMP, is still not available).
- The mitigation measures all seem reasonable and also reflect some of the concerns of the NCEA. In the DNA conclusion, it is stated that these corrective actions will need to be applied. However, they are not specific in terms of: who is held responsible for executing these measures. For example: *‘if necessary, increase capacity of desalinization plant’*. This cannot be the responsibility of the developer, but should probably be taken care of by the Sao Vicente authorities. In addition, no budget estimates are given for each of the mitigation measures, which is relevant information for decision making on the project.
- Table 2.6 with the mitigation measures, and conditions 1 to 17 in Chapter 4 of the DNA document provide certain guarantees that the most important impacts are ‘in the picture’. However, these do not fully cover the issues that were highlighted by the NCEA in its Quick Scan (see from 3.2.3. onwards in the Annex for details).
- **NCEA recommendation:**
RVO could consider to put as conditions to the Grant approval the following:
 - The DNA conditions should be further specified, by means of a requirement to the developer to further detail the outline of the ESMP (Annex 8 to the EIA report) and complement it with the issues mentioned by NCEA in its Quick Scan (see Annex).
 - This could be aligned with condition no. 11 of DNA: *“Present to the AIA entity, the environmental report every six months. This should include complementary studies (e.g. monitoring of sediment quality), compliance with minimization measures, plans for monitoring the works and monitoring (in particular water quality)”*.

Chapter 3 of the DNA document “Analysis of the content” refers to a meeting between DNA and the project developer, *“where some issues considered relevant were raised that were not mentioned in the EIA report”*. These were partly answered during the meeting, and partly

clarified later by means of a note sent to DNA, which is said to be attached, but is not provided. Also, reference is made to a technical opinion requested from the National Institute for Fisheries Development, which is neither attached.

- **NCEA recommendation:**

The RVO should ask for these missing notes as in Chapter 4 of the DNA document, Conditions: under item 1 it is stated that *'The project shall comply with what is set out in the EIA, as well as in the clarification note....'*

Finally, it is NCEA's impression that the DNA review has focussed primarily on environmental impacts and safety for workers, but less so on the impacts of the project on local inhabitants. It is stated that there was no reaction from the public during the DNA review, but it is unclear whether a real effort has been made. Stakeholder consultation apparently has taken place as part of the EIA study, but no evidence is given for this.

- **NCEA recommendation**

The RVO could ask the DNA to provide more insight in the stakeholder participation process as it is a requirement according to article 4 e), of the Decree Law No. 29/2006: *'ensure public participation in the decision-making process'*. (See Chapter 1 of DNA document).

3. NCEA conclusion regarding the RVO questions

The NCEA is of the opinion¹ that the DNA report reflects the good effort made by the local authorities to perform a quality review of the EIA report. Many of the relevant potential negative impacts are mentioned, and mitigation measures are provided. In addition a number of relevant conditions (17) and recommendations (4) are highlighted.

The NCEA shares the DNA conclusions and conditions, but is of the opinion that a number of critical issues raised in the NCEA Quick Scan still remain unaddressed. Also, the conditions put by DNA are formulated in a rather general way (no mention of who is responsible for the implementation of each of the mitigation measures and its budget implications). This will hamper the environmental and social monitoring of the project during implementation.

The NCEA was not informed on whether some of the gaps and problems highlighted in the Quick Scan have already been discussed and (partly) clarified by the RVO team during its visit to Cape Verde. Also the study of the Erasmus University is still ongoing which will address some of the NCEA concerns.

In its findings above, the NCEA gives a number of recommendations to RVO to remedy some of the shortcomings which still remain.

¹ NB; The DNA report as reviewed by NCEA was not complete, 2 annexes were missing. Therefore the NCEA opinion is based on the available information only.

Annex: Annotated version

Introduction

The global cruise market has shown an ongoing increase in numbers of tourists. To accommodate the demand new vessels are launched with larger capacity. The market is predicted to grow further. One of the key growth strategies of the Cape Verdean government is the transformation of the Cape Verdean economy into an internationally competitive, maritime-oriented and services-based economy. This effort is led by the tourism industry as the economy's most dynamic growth sector that aspires developing Cape Verde as an attractive cruise destination.

In that context the Cape Verdean Ministry of Infrastructures, Transports and Telecommunications, represented by its executive vehicle ENAPOR, has proposed a project with the objective to contribute to national economic growth by developing Cape Verde as an attractive cruise destination. The project comprises the realization of a dedicated cruise ship terminal and auxiliary facilities in the port of Porto Grande at Mindelo on the island of Sao Vicente and the development of the local tourist industry (local offer of touristic products) in Sao Vincente and St. Antão. The Ministry of Infrastructures, Transports and Telecommunications has applied to the Dutch ORIO facility for project funding. This facility is managed by the Dutch Enterprise Agency (RVO). According to the Cape Verdean EIA regulation, this project is subject to environmental impact assessment (EIA). A draft ESIA report was submitted to ORIO in April 2015. The RVO has requested the Netherlands Commission for Environmental Assessment (NCEA) to advise on the quality of the ESIA. In addition to the ESIA, the RVO has made available to the NCEA the project related ORIO Application Form and the Mindelo, Cape Verde Comprehensive Cruise Market Assessment, to which the ESIA refers.

In this report the NCEA presents the conclusions of the Quick Scan review that it has undertaken of the ESIA report. The review is done having taken knowledge of the information contained in the ORIO Application Form and the Cruise Market Assessment. Note that the NCEA does not express an opinion on the project itself, but comments on the quality and completeness of the ESIA. In the case of shortcomings, the consequences for decision making are assessed and recommendations are given for supplementary information needed to address these shortcomings. The NCEA advice is intended to inform decision-making at the RVO on project funding, and the funding conditions. Also the local authorities may benefit from the advice.

1.1 Approach to this Quick Scan

This Quick Scan review advice is a so-called NCEA 'Advice of the secretariat'. It has been prepared by the technical secretaries of the NCEA, by means of a desk study. Input has been provided by two external experts: Mr Gerco de Jong (environmental, ESIA and port safety expert) and Mr Van Maanen (hydrogeology and water expert). Note that a Quick Scan review neither constitutes a full in-depth, technical review of the ESIA report, nor are conclusions

verified on the ground with a site visit¹. In the next chapter, the main overarching observations of the NCEA are set out. Here we address the key focal points for this ESIA. In chapter 3 we give more detailed comments on each aspect of the ESIA, taking into account to Cape Verdean EIA requirements. In 3.2 the NCEA summarily assesses the compliance of the ESIA with the IFC Performance 1 'Assessment and Management of Environmental and Social Risks and Impacts'.

2. Key observations

2.1 The ORIO application

The NCEA

- The ESIA describes a project that is different from the project proposed in the ORIO application². From the ORIO proposal and specifically from the market study, it becomes clear that the receiving tourist industry in São Vicente and St Antão (the 'soft infrastructure', page 71 of the Cruise Market Assessment) is not up to standard and that making the investment in the cruise terminal without developing the receiving tourist infrastructure is possibly a risky investment. Development of the local tourist industry is therefore made part of the proposed project in the ORIO proposal. The ESIA does not address this element of the project and focusses on the physical infrastructure only.
 - The ORIO application proposes for development of the 'soft infrastructure' (result 6) a budget of 100.000 euro while the proposed budget for the hard infrastructure amounts € 30.000.000.
- The NCEA recommends:
- to see to it that all documents are coherent and address the same project;
 - to ascertain that the budget figure for the local sector development element of the project is the correct figure.

The ESIA

The ESIA includes substantial valuable information on potential environmental and social impacts of the construction and functioning of the proposed cruise terminal and increased influx of tourists. Notably the analyses of the degree of pollution of the to be dredged materials and the ecological study of Sao Vicente merit to be mentioned in this context. However the NCEA also observes that:

- the ESIA neither satisfies the Cape Verdean requirements on EIA, nor the performance standard 1 of the International Finance Corporation (IFC);

¹ Not having visited the project site and the receiving environment, the NCEA secretariat cannot guarantee the relevance of all observations it has made in this Quick scan. A site visit would facilitate a kind of 'scoping after the fact' and lead to an improved and more funded review advice that could provide guidance to formulation of a better ESIA.

² The information in the ESIA is not always coherent with the information in the ORIO-application. Some examples:

- Lay-out of the terminal: Figure 1 and 2 of the application and figure 1.2. in the ESIA. The application seems to date from 2011 or 2012 and includes a much more modest berth than described in the ESIA from 2015. The question seems justified whether the information contained in the application, under which the figures, is still correct.
- 4.4.3 of the ESIA with regard to the contribution to climate change and p. 42 of the application differ in their conclusions as the ESIA indicates: 'no contribution', application indicates 'contribution'.

Met opmerkingen [IS1]: Hier wordt in de reactie van DNA niets over gezegd, maar ik denk dat dit onderdeel is van jullie vragen die jullie bij Erasmus Universiteit hebben neergelegd tav. econ. haalbaarheid?

- the technical content of the ESIA does not allow for an adequate judgement of all possible environmental and social impacts and is specifically deficient on the following aspects:
 - the project is not justified referring to Cape Verdean declared (enacted) policy and Cape Verdean planning decisions made;
 - the project description is incomplete;
 - the ESIA does not consider alternatives;
 - relevant potential impacts have not been addressed;
 - the ESIA presents no proof of stakeholder consultations;
 - the ESIA does not include a compliant Environmental and Social Management Plan and monitoring plan.
- The NCEA recommends to supplement the ESIA on the aspects mentioned.

3. Overall review and conformity with national EIA procedure of Cape Verde

3.1 Introduction

The basis for EIA in Cape Verde is law no 86/IV/93. Article 30 imposes EIA and article 33 imposes environmental licensing. Decree-law 14/97 determines the contents of an EIA report (in its annex 1). The Cape Verdean regulatory framework does not include scoping but its Environmental Information System (SIA)³ provides guidance on the required structure of the EIA. Decree-law 29/2006 determines for which activities EIA should be done and how it should be done. Ports and port installations should go through EIA (number 10), as should dredging activities (number 11).

The EIA legislation of Cape Verde does not distinguish A or B category EIAs. However, the activity described in this project does fall under the EIA subject activities as described in Decree-law 29/2006. This implies that an EIA might need to be submitted to the relevant Cape Verde authority for approval.

Although the ESIA refers to the Cape Verdean EIA legislation, it does, according to the NCEA, not apply in sufficient detail the structure indicated on the SIA website. The DG Environment (DGA) is not mentioned in the list of interviewed institutions and has probably not been consulted. By law 29/2006 article 13. 4. the DGA must approve the team that prepares the EIA. The ESIA does not present information that the team that prepared it has been approved by DGA.

- The NCEA advises to double check with the Cape Verdean EIA authorities if the project is following the appropriate procedural steps, confirm the application of the full EIA requirement and check EIA requirements that apply when the ESIA report will be submitted to DGA.

Met opmerkingen [IS2]: Dit is nu ondervangen doordat DNA is betrokken.

³ <http://www.sia.cv/index.php/avaliacao-de-impacte-ambiental-aia/estrutura-do-eia>

In the following paragraph, the review follows the structure (not the numbering) of the EIA as proposed by the SIA, addressing only the chapters on which NCEA has observations.

3.2 Review findings

3.2.1 General observations

- The draft ESIA-report is not finished. It includes observations (in blue) and questions that amongst others ENAPOR should answer (e.g. pages 11, 13 and 80, sections that ENAPOR should fill in and comments from FFCD (pages 2 and 5; unclear who/what FFCD is). Reinoud Nov. 16: Dit is in de januari 2016 versie van de ESIA niet meer het geval, het ESIA is dus nu definitief
- Presentation:
 - the ESIA report does not follow instructions of the Cape Verdean Directorate General for the Environment (DGA) as published on the SIA website of Cape Verde on structure of the ESIA. Instead of following the required structure, it describes baseline, potential impact, mitigation measures and monitoring issues per resource. The result of this approach is that the report becomes much less accessible and clear; Reinoud Nov. 16: Het is uiteraard aan DGA om te bepalen welke eisen ze aan de presentatie stellen en of ze afwijking van de instructie op hun web-site acceptabel vinden
 - tables in the main text body and in annexes 2 and 3 are difficultly readable.
- The ESIA does not make clear for which decision(s) the ESIA is prepared and which authorities are competent to take the decision(s).
- For a next draft of the ESIA, the NCEA advises to include the contributions of all partakers in the project, to follow the structure as proposed by the DGA, to improve readability of tables and to include details on decision-making procedures in Cape Verde

Met opmerkingen [IS3]: Is nu ondervangen door betrokkenheid DNA

3.2.2 Legal and policy context

The ESIA chapter (2) on Legal Policy and Regulatory Framework:

- does list applicable laws, decrees and conventions but does not deduct from these the set of environmental and social requirements, norms and standards with which the proposed project must comply. Hence, on the basis of this ESIA it cannot be judged whether the proposed project will indeed comply with all relevant requirements;
- The NCEA recommends to include in the ESIA information (tables) that presents the applicable agreements and conventions, laws, decrees and norm and standard sets and describes qualitatively and quantitatively their implication for the proposed project.
- Does not justify the project in relation to the Cape Verdean development policy and planning in force. From own verification of documentation published on the internet, the NCEA observes that :
 - the project is not foreseen in the most recent tourism sector development strategy for Cape Verde (2010-2013);
 - the inventory of the Sao Vincente tourism infrastructure (2014) does not make mention of the proposed project;
 - the project is not mentioned in the 2012 spatial plan (EROT) for Sao Vincente;

Met opmerkingen [IS4]: DNA verwijst in hun condities nrs. 3, 12, en 14 naar specifieke lokale wetgeving mbt. de maritieme sector, en vereisten tav. waste en waste water.

- the project is not mentioned in the list of ENAPOR projects for Porto Grande. ENAPOR, however, does make mention (in its list of projects for Porto Grande) of a project of establishing a new container terminal on the opposite shore of the Mindelo bay (the same bay in which the Cruise Terminal will be established). Although the project design dates back to 2004 and concrete dates for its execution are not mentioned on the ENAPOR website, the plan does not seem to be abolished. The ESIA leaves this plan undiscussed. Reinoud Nov. 16: Het project om een container terminal in de Mindelo Baai te bouwen staat niet meer op de ENAPOR web-site (die geheel is herzien t.o.v. 2015). Het is belangrijk te weten of het project definitief van de baan is.
- The NCEA recommends that the ESIA addresses the status of the ENAPOR plan. If execution is still on the agenda, it should be mentioned under the chapter 'autonomous development' and various chapters of the ESIA should assess the impact of the proposed cruise terminal as cumulative to impacts of this already planned port development. Moreover, if the plan is still on the agenda, it opens opportunities for development of possibly less environmentally invasive and cheaper alternatives for the proposed cruise terminal on the existing container terminal.
- As there is no reference to any relevant sector, spatial and tourism policy in the ESIA, it cannot be checked whether this initiative fits within the priorities of Cape Verdean Government. The ESIA should further elaborate on this aspect.

Met opmerkingen [IS5]: Ik neem aan dat dit wordt bekeken op dit moment door Erasmus Universiteit.

3.2.3 The description of the project

The NCEA observes the following:

- The description of the project brings little detail on many aspects of the project. This is specifically problematic if impacts and risks may be expected from the aspect to be described. Aspects for which too little detail is given and on the basis of which no impact or risk assessment is possible include:
 - reclamation of the marina beach (may influence geohydrology);
 - environmental characteristics at the location where 96.000 m³ of dredged material will be dumped (location may have values, e.g. currents may change);
 - building materials needed and their quarrying. ESIA states that materials will be mostly of local origin but gives no mining locations and quantities;
 - time line indicating the various development activities;
 - port safety:
 - existing and future handling of hazardous materials and fuels; Reinoud Nov. 16: Hier wordt in de 2016 versie van de ESIA heel summier iets over gezegd.;
 - projections in time of port calls (in addition of cruise calls and taking into account the planned new container port in the bay of Mindelo); Reinoud Nov. 16: Lijkt dus van de baan.
 - contingency plans, emergency and oil spill response and emergency response equipment; Reinoud Nov. 16: Hiervan wordt in de 2016 versie van de ESIA over gezegd dat dit de verantwoordelijkheid van de olielevancier is. Er wordt niet vermeld of de noodzakelijke materialen en deskundigheid ook daadwerkelijk aanwezig zijn.

Met opmerkingen [IS6]: In DNA stuk staat in 2.5 heel summier project description.

Met opmerkingen [IS7]: In condities 5 tm 10 staan voorwaarden genoemd over dit aspect.

Met opmerkingen [IS8]: Conditie 2 stelt dat een work plan moet worden gemaakt en aan DNA moet worden gestuurd voor 'consideration'. Mogelijk dat deze aspecten daarbij aan de orde komen.

Met opmerkingen [IS9]: Conditie 4 stelt dat use of explosives and dredging niet plaats mag vinden tussen augustus en oktober.

Met opmerkingen [IS10]: In conditie 12 wordt verwezen naar waste legislation in place

Met opmerkingen [IS11]: Conditie 7 stelt dat het is vereist om maatregelen te nemen om oil spillage te vermijden.. Tevens in Table 2.6: 'in emergency circumstances equipment available to clean-up. State of the art procedures and facilities to prevent spills. Oil spill contingency plan.

- o nautical safety:
 - projections of nautical movements in time per category;
 - organisation of nautical safety;
 - equipment necessary to facilitate nautical safety; Reinoud Nov. 16: In de 2016 versie van de ESIA wordt verwezen naar nautical simulations die zijn uitgevoerd. Deze zijn niet bijgevoegd en er is ook geen referentie toegevoegd. De vermelde conclusies uit die simulaties zijn dus niet verificerbaar.
- o infrastructure for port access, circulation plan;
- o cruise ships' expected use of port services: water and fuel bunkering and acceptance and treatment of garbage, waste water, bilge water and dirty ballast water, the capacity of Porto Grande to adequately deliver these services and the expected environmental and social impacts thereof (Porto Grande is not ISO 16304 certified); Reinoud Nov. 16: In de 2016 versie van de ESIA wordt hier summier iets over gezegd. Er is niet aangegeven of de verantwoordelijke instanties en bedrijven (geen namen) de aangegeven services ook daadwerkelijk en met voldoende kwaliteit kunnen leveren.
- Phasing of the project: the ESIA distinguishes planning and preparatory phase, construction phase and operational phase. The decommissioning phase of the project is not described (as required by DGA). The ESIA justifies not describing the decommissioning phase referring to the expected life time of the terminal. This expected lifetime is not given.
- Employment offered by the project in various phases is not given.
- Development of additional infrastructure (power lines, water etc.) is not described.
- Paragraph 3.4.4 of the ESIA mentions a volume to be dredged of 105.000m³. The ESIA does not provide information (detailed map with dredging locations and quantities) that allows to verify the correctness of this figure. Also, the ESIA does not describe the location where 96.000 m³ of the dredged material will be disposed. Dredging can be done in various ways, with, depending on the equipment used, varying levels of environmental impact. The ESIA does not describe the dredging method that will be applied, and hence, the environmental impacts cannot be assessed.
- The NCEA recommends to include a more complete description of the project activities in the ESIA, allowing the reader to fully understand what exactly is being proposed, including all the aspects listed above which are currently lacking. On the basis of this more complete description of the project the NCEA recommends to repeat scoping to identify additional issues that need to be addressed in the following chapters of this EIA.

Met opmerkingen [IS12]: Conditie 2 stelt dat work plan moet worden gemaakt en ingediend bij DNA, en refereert o.a. naar access road and entrance.

Met opmerkingen [IS13]: De Tabel als onderdeel van 2.6 van DNA stelt dat 'offer facilities for the intake of sewage water. Control spills of.....that have signed MARPOL. Maar blijft onduidelijk wie dit nu moet garanderen.

Met opmerkingen [IS14]: Conditie 17 stelt hiervoor eisen.

Met opmerkingen [IS15]: Mogelijk onderdeel van vereist workplan, conditie 2

Met opmerkingen [IS16]: Conditie 5 tm 10 vragen hierover meer detail

Met opmerkingen [IS17]: Een aantal onderdelen blijft dus nog onduidelijk, en zouden mogelijk als condities kunnen worden gesteld in ORIO grant agreement.

3.2.4 Alternatives

The ESIA presents a justification for not studying alternative locations for the terminal. Alternatives for speed of tourism development (e.g. in line with the speed of development of the 'soft' local tourism infrastructure), types of vessels the terminal must be able to accommodate, capacity of the terminal (e.g. phased development), terminal lay out, relating infrastructure etc. are not described in the ESIA. Some alternatives seem to have been studied, as the ESIA makes reference to a market study (July 2014) and scenario's in that study. The alternative scenario's themselves have however not been included in the ESIA.

Probably the conclusions of this market study determine the package of requirements for the cruise terminal⁴. NCEA wonders whether this package has indeed been formulated⁵. If it has been formulated it is not reproduced in the ESIA. Reinoud Nov. 16: De ESIA lijkt er van uit te gaan dat de aanleg van een terminal die een sprong van 2.000 toeristen per dag in het toeristen seizoen naar 10.000 toeristen per dag (gerefereerd wordt naar een scenario 2) automatisch leidt tot ontwikkeling van voldoende infrastructuur voor adequate opvang en prettig bezighouden van die toeristen. De market studie uit 2004 maakt duidelijk dat deze aanname twijfelachtig is. Andere scenario's die in de market study zouden zijn onderzocht zijn niet in de ESIA behandeld.

- Good practice EIA usually puts specific emphasis on the development of alternatives, requiring a separate chapter with a full description of realistic alternatives, allowing comparison of costs and benefits of each alternative, and associated mitigation measures. If this is not possible, the consultant is required to provide an explanation and a justification of the choices made. Yet, the NCEA notes there is very limited information on alternative options to the project. Therefore, the NCEA recommends a more elaborate description of alternative options to the project, to such an extent that equal comparison of alternatives is made possible. Interesting alternatives to consider would for example be the ones mentioned above.

Met opmerkingen [IS18]: In de DNA notitie wordt niet gerefereerd naar (het ontbreken van) de beschrijving van alternatieven in de ESIA.

3.2.5 Base line and autonomous development

The NCEA has the following observations:

- The ESIA presents very few base line data in a quantified way. As a consequence, comparison with norms and standards and measuring/judging of project impacts are impossible.
- The ESIA correctly describes the baseline with regard to the quality of the dredged material and credibly motivates that, according to Dutch regulations, there are no limitations (in terms of quality) to dispose of the material.
- Without plausible argumentation, the ESIA states that maintenance dredging is expected not to be necessary. The ESIA doesn't give information on possible existing or future to be expected sediment transports. The statement that maintenance dredging will not be necessary cannot be verified.
- The ESIA states (page 34) that coastal infrastructures are already vulnerable to the climate and will be more vulnerable due to climate change. Thus climate change must have consequences for design parameters for the cruise terminal project. The ESIA does not make projections (over the life time of the terminal) of the development of climate change related parameters like mean sea level, currents, wave height and direction in extreme conditions, frequency and seasonality of extreme conditions (storms) and wind speed in extreme conditions. It does not describe which extreme values have been chosen as design parameters for the infrastructure, and how these have worked out in the design and in management prescriptions for the terminal.
- The ESIA states that salt intrusion in coastal aquifers is a problem in São Vicente but does not specify the locations where the problems are located. This can be relevant as the project involves dredging along the coast. Dredging can pierce impermeable layers

Met opmerkingen [IS19]: Still the case, DNA however does not make a comment on this aspect.

Met opmerkingen [IS20]: This is indeed mentioned by DNA in the table as part of par. 2.6. It is stated that 'berth construction must be adapted to changing climate' and 'the threat of hurricanes and adverse weather must be considered in the context of its potential impact on cruise ship industry'

Met opmerkingen [IS21]: To some extent mentioned in table 2.6: Adapt design to hydro dynamic changes: currents, winds, sediment transport (erosion and sedimentation).

⁴ Including requirements with regard to port services and local tourism infrastructure.

⁵ If the package has been formulated it cannot have been used as basis for the ORIO application (which dates back to 2011).

and cause or increase salt water intrusion. If this will not be the case, the ESIA should have made that credible.

- Drinking water: NCEA doubts the figures given in the ESIA (6.600 m³/day in 2009). NCEA found São Vicente's production levels of drinking water to be 3.200 m³ per day for 2010 while demand was 5000 m³ per day. In 2010 drinking water supply to cruise ships and to visiting tourists concurred with drinking water supply to inhabitants. The ESIA should provide reliable information on the 2015 situation.
- Soil quality at the landside and water quality in the port and bay: the assessment is not, but should be part of the ESIA.
- The NCEA recommends a revision of this chapter on baseline information and autonomous development along the lines of the above observations. Specific attention will need to be paid to the verifiability of the information.

Met opmerkingen [IS22]: Issue not addressed by DNA

Met opmerkingen [IS23]: Table 2.6 states: 'vessels and tourists put pressure on the scarce drinking water availability' and proposes 'if necessary, increase capacity of desalinization plant'

Met opmerkingen [IS24]: Issue not addressed by DNA

Met opmerkingen [IS25]: Table; 2.6. mentions 'study of soil quality once buildings have been removed.'

Met opmerkingen [IS26]: Issue not addressed by DNA, therefore baseline information remains unknown

Met opmerkingen [IS27]: Many of the above observations remain valid.

3.2.6 Impacts

- With exception of the quality of Dredged materials and ecological impact of dredging in de bay of Mindelo, nearly all impacts are described utterly summarily and qualitatively. The appreciation of their importance lacks a thorough basis.
- In general, impacts of dredging have been addressed in sufficient detail, but impacts of dredging on wave penetration in the harbour under normal conditions and under extreme situations (including climate change effects) have not been assessed. Reinoud Nov. 16: Er wordt gerefereerd aan een SVASEC studie uit 2015. Op bladzijde 35 van de 2016 ESIA wordt aangegeven dat bij ontwerp en impact meting rekening gehouden is met een zeespiegelstijging van 25 cm in de komende 50 jaar. Dat is een conservatieve aanname. Volgens Velicogma & Wahr (2006) is de stijging 37 cm in 2040 en ongeveer 80 cm over 50 jaar. Als die studie het juist heeft kan dat consequenties hebben voor het ontwerp en de impact meting.
- Het is van belang te weten van welke stijging de SVASEC studie uit gaat en ook of deze studie rekening houdt met het feit dat de baai uitgebaggerd is. Ik zou er graag even een deskundige naar laten kijken.
- Impacts of disposal of 96.000 m³ of dredged materials have not been addressed. What has correctly been assessed is their granular composition and degree of pollution, leading to the conclusion that, according to Dutch standards, they can be disposed of on open sea.
- The ESIA shows that the highest levels of pollution in materials to be dredged are found near-shore and, not surprisingly, coincide with the highest levels of silt and clay in the material. Silt and clay will remain suspended over longer times than the coarser fractions sand and gravel. As a consequence, the pollution that is present will probably partly disperse over Mindelo bay if no low turbidity generating equipment is used for dredging. The ESIA does not identify this specific risk but does propose to mitigate it by carefully selecting the dredging method. This is all the more important as the cruise ships will time and again re-disperse the sediment (page 58) in the bay. The ESIA (ecological study) has assessed that marine fauna can cope with temporary (<3 weeks) exposure to turbidity. It has not assessed the impact on the fauna of permanent (10 times a week repetitive from cruise ships and additional times if the proposed container terminal will materialize) exposure to turbidity caused by the vessels.

Met opmerkingen [IS28]: DNA stelt in condities 5 en 6 een paar voorwaarden, maar weinig specifiek: location for marine dump should take into account following aspects.....so as to minimize the impact etc.

Met opmerkingen [IS29]: Table 2.6: 'careful selection of dredging techniques and equipment, bubble-curtains if needed. Other mitigation measures as reported. Preferably <3 weeks at each'

Met opmerkingen [IS30]: Issue also mentioned by DNA in Table 2.6: 'cruise vessel operations create turbulence and increased turbidity' and therefore 'cruise vessel operations according to IMO and MARPOL convention standards'

- The study area in the ESIA is limited to São Vicente. The project, however, will have impacts on both São Vicente and St. Antão, as the tourists are also foreseen to make day-trips to St. Antão. The receiving environment and impacts on St Antão and the route in between should also have been addressed in the ESIA.
- Cumulative impacts of the proposed cruise terminal and the projected container terminal in the same bay of Mindelo are not addressed.
- The NCEA recommends to provide additional information on those impacts which are currently described insufficiently or are lacking in this ESIA report, These should be formulated in a SMART way as much as possible.

Met opmerkingen [IS31]: Issue remains unaddressed.

Met opmerkingen [IS32]: Zie eerdere opmerking 3.2.2.

Met opmerkingen [IS33]: Recommendation still partly valid

3.2.7 Environmental Management Plan

- The choice of mitigating measures is not underpinned and justified; the effectiveness of mitigating measures and the impacts of the measures themselves and residual impact are not assessed.
- Annex 3 summarises mitigation measures. It remains unclear who will be responsible for application of these mitigation measures, when they will be implemented and whether the cost of their implementation is part of the project budget or coverage (and implementation of the plan) is guaranteed from other sources. In this sense Annex 3 cannot be considered as a being part of a valid Environmental and Social Management Plan (ESMP).
- The NCEA recommends the elaboration of an ESMP, and its direct integration in the ESIA report. The EMP should present its information in a form allowing for a quick and accessible overview of 1) project impacts (type and significance), 2) their mitigation including agencies responsible for mitigation and budget requirements and coverage, 3) residual impacts (after mitigation), so that the decision maker can easily appreciate the acceptability of the proposed project.

Met opmerkingen [IS34]: As stated earlier in NCEA mail of nov. 2016: Het EIA bevat overigens geen enkele Annex, dit is een omissie, want bijv. Annex 7 zou moeten gaan over de resultaten van Stakeholders analysis en Annex 8 zou een eerste aanzet moeten even tot een Env en Social Management Plan (ESMP). Die zitten er nu niet bij.

Met opmerkingen [IS35]: Dit is ook niet uitgewerkt in Table 2.6 van DNA

3.2.8 Monitoring plan

Annexe 3 summarises monitoring items. It remains unclear who will be responsible for implementing monitoring, and whether the cost of monitoring is part of the project budget or coverage is guaranteed from other sources. In this sense Annex 3 cannot be considered as a being part of a valid Environmental Management Plan.

- Similarly, the NCEA recommends the elaboration and integration in the EIA report of a detailed plan to monitor implementation of the ESMP. This monitoring plan should specify per impact the parameters to be monitored and the agency responsible for monitoring. The plan should also assess the institutional capacity of the responsible agency (agencies) and reporting obligations on project monitoring. The monitoring plan can be integrated in the ESMP.

Met opmerkingen [IS36]: Recommendation still valid, although Table 2.6 of DNA mentions some items that need monitoring, but without specifying who is responsible for doing so.

3.2.9 ESIA conclusion

The NCEA has the opinion that the ESIA comes to conclusions on the basis of too little information of too low quality.

Met opmerkingen [IS37]: DNA gives its conditional approval in chapter 6: Opinion of the AIA Commission.

- The NCEA concludes that the ESIA does not comply with Cape Verdean regulations and requirements on EIA and recommends, before submitting the ESIA to the DGA, to supplement the ESIA following the NCEA recommendations given in each paragraph above.

3.3 Conformity with IFC performance standard 1

Performance standard 1 (2012) states in Guidance note 27 that the national legislation is leading in the question whether a full scale ESIA is required or a limited or focussed ESIA will suffice. Decree-Law 29/2006 does not distinguish EIA categories. To comply with PS1, full scale e.i.a. is applicable to this project.

In addition to the requirements of the Cape Verdean EIA regulatory framework, PS1 requires early stakeholder analysis and engagement planning (para 25 – 28), disclosure of project information (para 29) and consultation of the public (para 30). The ESIA presents no information on public consultation events. In the case of this project this is particularly important as the development of the 'soft tourism infrastructure', (condition for success of the project according to the cruise market study) requires involvement of many stakeholders.

On the consultation issue, the ESIA does thus not comply with the PS 1, nor with good practise EIA.

- The NCEA recommends to supplement the ESIA process with public consultation actions and reports as soon as possible i.e. motivated identification of stakeholders (individuals and groups)⁶ report(s) on the stakeholder consultation meetings, a listing of stakeholder's views and standpoints and a reaction of the proponent on how these views and standpoints will be taken into account.

Met opmerkingen [IS38]: Annex 7 zou moeten gaan over de resultaten van Stakeholders analysis, maar zit er niet bij. Dus kan niet worden geverifieerd.

Met opmerkingen [IS39]: Chapter 3 of DNA document states that: 'the EIA assessment took place within legal procedures without major constraints and there was no reaction from the public'. Het wordt niet duidelijk of er wel of niet actief is gevraagd om publieke input.

⁶ An explanation of their interest in the project and how the project might affect their employment and/or current livelihoods.