



Appendix — Environmental Assessment and Review Framework

Environmental Assessment and Review Framework
July 2013

INO: Coral Reef Rehabilitation and Management: Coral Triangle Initiative (COREMAP-CTI) Project

This Environmental Assessment and Review Framework is a document of the borrower. The views expressed herein do not necessarily represent those of the ADB Board of Directors, Management, or staff, and may be preliminary in nature.

Asian Development Bank

A. Introduction

1. The Coral Reef Rehabilitation and Management: Coral Triangle Initiative Project (COREMAP–CTI, the Project) aims to manage coral reef resources, associated ecosystems and biodiversity in a sustainable manner for the welfare of coastal communities. The design of COREMAP-CTI reflects a phased and incremental approach. The first or initiation phase known as COREMAP Phase I (1998–2004) represented the pilot phase leading to the design of COREMAP Phase II (COREMAP II). The second or acceleration phase, COREMAP II (2004–2011) represented the initial implementation phase. The proposed Project is the third and final phase which aims to (i) complete remaining gaps in Phase II; (ii) “institutionalize” Phase II interventions; and (iii) build a “model” of coral reef rehabilitation and management program in Indonesia for replication and up-scaling in new areas. “Institutionalization” will mean integrating community-based activities within local Government functions and policies, and facilitate learning networks and institutional partnerships across regional and national institutions for project sustainability. The Project will align with Indonesia’s National Plan of Action (NPOA) for the Coral Triangle Initiative (CTI). The Project will follow a project financing modality for a sector loan.
2. The Project is financed by the Asian Development Bank (ADB) and the World Bank. The ADB-financed portion of the project would cover three national and seven sub-national marine protected areas (MPAs) in primarily eastern and western parts of Sumatra Island, western part of Indonesia¹. The World Bank would cover an additional seven MPAs in the eastern part of Indonesia².
3. The Project is categorized as Category B for Environment under ADB’s Safeguard Policy Statement (SPS) 2009, which requires the development of Initial Environmental Examinations (IEEs). This is equivalent to Indonesia’s requirement for Environment Management Effort / Environmental Monitoring Efforts (UKL/UPL). This rating will be enforced through selection criteria of subprojects to ensure that no subproject interventions under any component will exceed this rating. Three sample IEEs have been prepared for three representative (core) subproject areas, one for a national level MPA and two for subnational MPAs (Annexes xxx – IEEs for Anambas, Mentawai, and Bintan. The purpose of this Environmental Assessment and Review Framework (EARF) is to provide the procedure for environmental assessment and review of subproject activities that are to be proposed in target MPAs as identified and selected during the course of project implementation to screen infrastructure interventions, set up institutional arrangements in relation to environmental management and monitoring, and define environmental assessment requirements in accordance with the existing procedures to comply with the applicable laws and regulations of the Government of Indonesia and with ADB’s SPS 2009.
4. This EARF is prepared based on the (i) review of the selected infrastructure completed under COREMAP Phase II, (ii) discussion with the Executing Agency, provincial and district /city government officials from respective planning, public works and environmental agencies, and village organizations (POKMAS) and community members; and (iii) review of the relevant documents.

¹ ADB sites are: Anambas, Bintan, Mentawai, Gilli Matra, Pulau Pieh, Batam, Nias, Natuna, Lingga, and Tapanuli Tengah.

² World Bank sites are: Padaido (Biak), Kapoposang, Sawu Sea, Banda, Raja Ampat, Waigeo-Raja Ampat, and Aru (southern part).

B. Overview of Type of Subprojects to be Assessed

5. The project will have four outputs: (i) Strengthened coral reef management and institutions; (ii) Improved ecosystem based resources management; (iii) Improved and sustainable marine-based livelihoods; and (iv) project management.
6. The subprojects to be assessed are limited to: (i) MPA management effectiveness; (ii) ecotourism; and (iii) livelihood.
7. The typical interventions/infrastructures in this assessment include, among others, MPA office and facilities, marina and facilities, mooring buoys, jetty, turtle hatchery, fish cage culture, fish processing improvement, trading center & handicraft shop, gazebo, surveillance post, and information center. Also livelihood activities related to mariculture like grouper and seaweeds, pond culture like catfish and fish processing activities.

C. Country's Environmental Assessment and Review Procedures

8. The Indonesia's environmental assessment and review procedures are described in AMDAL - Analisis Mengenai Dampak Lingkungan Hidup or the Indonesian EIA system. The relevant environmental assessment laws and regulations include:
 - Law of Republic Indonesia No. 32 of 2009 on Environmental Protection and Management Law (amended Environmental Management Law or Law No. 23/1997) is now the primary law on environmental assessment.
 - Law of Republic Indonesia No. 22 of 2009 regarding Regional Governance.
 - Law of Republic Indonesia No. 26 of 2007 regarding Spatial Planning.
 - Government of Republic Indonesia No. 27 of 2012 on Environmental Permit (revoked Government Regulation No.27/1999 which requires actions to implement EIA)
 - Minister of Environment Regulation No.05 of 2012 on the Type of Business Plan and/or Activities that require EIA (revoked Minister of Environment Decree No.11/2006 on the list of projects requiring EIA).
 - Minister of Environmental Regulation No.17 of 2012 regarding Guideline of Public Participation in AMDAL Process and Environmental Permission.
 - Minister of Environmental Regulation No.17 of 2010 regarding Environmental Audit
 - Minister of Environmental Regulation No.15 of 2010 regarding Requirement and License Procedure of AMDAL Commission
 - Ministry Regulation of Environmental No.13 of 2010 regarding Environmental Management Plan and Environmental Monitoring Plan and Notification Obligation of Environmental Management and Monitoring
 - Minister of Environmental Regulation No.07 of 2010 regarding Competence Certification of AMDAL Arranger and Requirement of Competence Training Institution for AMDAL Arranger

- Minister of Environmental Regulation No.24 of 2009 regarding Guidance for Evaluation of AMDAL Document
 - Minister of Environmental Regulation No.22 of 2009 regarding Procedure of Environment Competence Registration
 - Minister of Environmental Regulation No.06 of 2008 regarding Procedure of License for AMDAL Commission at the Regency/Municipality Level
 - Decree of Head of BAPEDAL No. 056 of 1994 regarding Guidelines of Determination of Significance
9. The Ministry of Environment (MOE) is responsible for environmental impact assessment (EIA) at the national level while the Local Environmental Impact Control Agencies (BAPEDALDA) have the responsibility at the provincial and district levels. Under the AMDAL system, each individual business plan and/or activity must be screened for coverage and compliance. An investment project is categorized into one of three types: (i) project requiring an EIA report (Analisis Dampak Lingkungan, or ANDAL report); (ii) project requiring Environmental Management Effort (Upaya Pengelolaan Lingkungan or UKL) and Environmental Monitoring Effort (Upaya Pemantauan Lingkungan or UPL); and (iii) projects that do not require ANDAL or UKL-UPL but are obliged to submit a statement of management and environmental monitoring ability (Surat Pernyataan Kesanggupan Pengelolaan dan Pemantauan Lingkungan Hidup or SPPL). The MOE Regulation No.05 of 2012 lists the types of investment activities (with sector specific thresholds) that require the preparation of EIA or ANDAL. Investment activities will be assessed by responsible environment agency at central, provincial or district, depending on their level of authority as allowed by law. - The simplified steps of the AMDAL screening process under the new regulation (5/2012) are described in Annex 1 – The AMDAL environmental screening process simplified flow chart. As all project interventions in the sample subprojects are (i) not among those listed under Annex I of MOE Regulation No 5/2012 that require EIA or ANDAL report; (ii) those, while within or adjacent to protected areas as listed in Annex III, are excluded under Article 3 paragraph (4) of the same regulation; and (iii) not among those activities that are assessed to generate significant negative impacts to the environment, the environmental assessment that maybe required by Minister of Environment (MoE), governor of the province or regent of a district that is to be under the project are UKL/UPL's.
10. The AMDAL system, which was recently revised and strengthened under the new law (Law 32/2009), substantially conforms to the ADB SPS 2009, and requires all projects to complete the AMDAL process prior to implementation. Table 1 shows the comparison between projects that categorized under ADB classification system and those that are screened according to AMDAL procedures. Category A projects under ADB is similar to projects that require ANDAL, while Category B projects under ADB matches those projects that require UKL-UPL. The counterparts for Category C projects are those projects that require 'statement of management and environmental monitoring ability' (SPLL). One key difference lies in the classification criteria used. ADB uses the significance of potential environmental impacts as criteria in the classification, while the AMDAL primarily uses a positive list of projects and sector-specific thresholds that require EIA. The AMDAL system also provided specific eligibility criteria for a project to be environmentally feasible³ like spatial plans' conformity with laws and regulations, non-interference of the project with the

³ MOE Regulation No. 16 of 2012 Annex II.

social value of the society or with the existing business/activity, non-disruption of the project with ecological integrity, etc., which makes the new AMDAL evaluation procedure more stringent in terms of data or documentary requirements. Table 1. shows the comparison between ADB and AMDAL project categories.

Table 1. Comparison between ADB and AMDAL Project Categories

ADB Project Categories	AMDAL Project Categories
Category A: Projects with potential for significant adverse environmental impacts, requiring an environmental impact assessment (EIA)	ANDAL: Projects with potential for substantial impacts on the environment requiring Environmental Impact Analysis or ANDAL report
Category B: Projects judged to have some adverse environmental impacts, but of lesser degree and/or significance than those for category A projects, and requiring an initial environmental examination (IEE)	UKL-UPL: Projects not required to have ANDAL are obliged to have Environmental Management Efforts/Plan (UKL) and Environmental Monitoring Efforts/Plan (UPL)
Category C: Projects unlikely to have adverse environmental impacts.	SPLL: Projects that do not require ANDAL or UKL/UPL are obliged to submit a 'statement of management and environmental monitoring ability' or SPLL

D. Specific Procedures to be used for the Subprojects under the Sector Loan

11. To avoid duplication of work between ADB and government requirements, this EARF will be based mainly on AMDAL, which is mandatory requirement for all projects in Indonesia, and has well-established system with legally-mandated procedures for screening and evaluation of projects, public consultation and information disclosure, issuance of environmental recommendations and permits, dispute resolutions, sanctions and penalties for violations, and environmental monitoring of projects. As such, compliance with the AMDAL shall be considered a compliance with the ADB requirements as well, subject to the review procedures that are adopted in this EARF.
12. ADB procedure on the categorization of the project using the Rapid Environmental Assessment (REA) will be maintained for screening and monitoring purposes. This is based on the most sensitive component, meaning that if one part of the project poses a potential for significant adverse environmental impact, that part would be excluded from the Project to ensure category B for environment of the Project by ADB's SPS 2009 will be the maximum threshold categorization in terms of impact or in other words "no category A project will be selected"..
 - 1) Responsibilities and Authorities
13. The Directorate General of Marine, Coast, and Small Islands (DG of MCSI) of the Ministry of Marine Affairs and Fisheries (MMAF), as the Executing Agency (EA) of the COREMAP-CTI Project, has overall responsibility for project management and administration and will host the Project Management Office (PMO).

14. An Environmental Management Unit (EMU), which will be established in the PMO, will play a lead role in implementing the EARF provisions of the Project, and will be responsible for ensuring that the environmental requirements and procedures of the government are complied with, such as the preparation of summary information on business plan/project activities, UKL-UPL, SPPL; the REA, the environmental categorization form, and environment management and monitoring plans, are incorporated in every stage of the subproject/MPA activities.
15. The EMU will be headed by a government officer with expertise in environmental management, and assisted by a junior government officer with expertise in marine and coastal management. Both will be assigned by the EA from DGCSI, to ensure that an environmental management system, including mitigating measures, environmental monitoring, and the acquisition of government permits and clearances, is effectively implemented. One national environmental consultant with extensive experience in marine, fisheries and coastal management and infrastructure projects, engaged by the Project at the EMU-PMO, will assist in capability building, as well as to periodically audit the implementation of the mitigation measures and monitoring plan in every MPA, and to advise the project on issues related to environmental management.
16. Capacity-building activities and budget for environmental management, in particular for training needs related to compliance monitoring, and water quality monitoring, are listed in Table 2.
17. Project Implementing Units (PIUs) at the district/regency and UPT level are responsible for implementing the subproject activities, with support from the national and local/district/UPT environmental consultants and in collaboration with the participating Coral Reef Resource Management Agency/Board (LPSTK) and community groups (Pokmas). Among other functions, the PIUs are also tasked with the preparation of REA checklist, and AMDAL studies and documents pertaining to the UPL-UKL or SPLL, whichever is required by relevant local environmental authority as well as the implementation of Environmental Management Plans or UKL, and Environmental Monitoring Plan or UPL. PIU may be assisted by government-accredited local environmental consultants and Project's regional advisors.
18. . UKL-UPL or SPLL documents will be submitted by PIU/PMO to the relevant environment authority at district or provincial level for approval and for issuance of environmental clearance/permit as part of the AMDAL process. Some initial samples of AMDAL documents may be furnished to ADB for review (please see paragraph 21).
19. The Project partners (Provincial and District Fisheries Office, LPSTK, Pokmas) will also assist in the implementation of environmental safeguards and in environmental monitoring within their area of operation.

2) Environmental Criteria of Subproject Selection

20. In selecting subprojects, it is recommended that the environmental criteria to be used for the initial screening include: (a) the subproject must be in compliance with the approved zoning and management plan of the MPA; (b) the potential adverse environmental impacts of the subproject are not significant so that it will not surpass environmental category B under ADB guidelines, or would require an ANDAL (EIA) under the government's requirements.

21. A negative list has been developed to exclude activities that may be harmful to the environment and the people or incompatible with the purpose of the project. The ineligible sub-projects include the following:

- Purchase or compensation for land;
- Road construction into protected areas;
- Repair of government offices;
- Meeting halls and places of worship;
- Environmentally hazardous materials such as chainsaws, explosives, pesticides, herbicides, insecticides, asbestos and other potentially dangerous materials
- Fishing boats (beyond the weight limit set by the government);
- Activities that have alternative prior sources of committed funding;
- Activities for fiesta and other religious and cultural activities;
- International travel;
- Salaried activities that employ under-aged children;
- Consumption items;
- Maintenance and operation of infrastructure built from project funds.

22. For general guidance, the following are the additional list of prohibited investments based on ADB policies:

- Production or activities involving harmful or exploitative forms of forced labor or child labor;
- Production of or trade in any product or activity deemed illegal under the Philippines laws or regulations or international conventions and agreements or subject of international phaseouts or bans, such as (a) pharmaceuticals, pesticides, and herbicides; (b) ozone-depleting substances, (c) polychlorinated biphenyls and other hazardous chemicals, (d) wildlife or wildlife products regulated under the Convention on International Trade in Endangered Species of Wild Fauna and Flora and (e) transboundary trade in waste or waste products;
- Production of or trade in weapons and munitions, including paramilitary materials;
- Production of or trade in alcoholic beverages, excluding beer and wine;
- Production of or trade in tobacco;
- Gambling, casinos and equivalent enterprises;
- Production of or trade in radioactive materials, including nuclear reactors and components thereof;
- Production of, trade in, or use of unbounded asbestos fibers;
- Commercial logging operations or the purchase of logging equipment for use in primary tropical moist forests or old-growth forests; and

- Marine and coastal fishing practices, such as large-scale pelagic drift net fishing, harmful to vulnerable and protected species in large numbers and damaging to marine biodiversity and habitats.

23. The project will also not fund the following activities that would give rise to significant environmental impacts:

- Any activity that will impact on population migration (voluntarily or not)
- Any activity that requires land acquisition. If a piece of land is required for the implementation of a micro-project, the land will become part of community donations and a selected village forum shall provide a written statement stating that the individual landowner does not suffer from any disadvantage.
- A large-scale agricultural activity
- Design of land conversion to convert a forest into agricultural grounds
- Agricultural programs that impact on population migration
- Large-scale water drainage and irrigation projects
- Construction of water channels in marsh habitat or native forest
- Productive forest projects
- Conversion of mountain forest areas for transfer of uses
- Commercial logging
- Housing development
- Industrial plants and industrial estates, including expansion, rehabilitation or modification
- Reclamation and new land development,
- Manufacturing, transportation and uses of pesticides or other toxic materials
- Construction of seaport and airport

3) Procedures for Environmental Assessment of Subprojects

- a) Environmental Classification, Performance Monitoring and Audit at the MPA subproject level

24. **ADB Project Categorization.** The PIU, with the assistance of the district environmental consultant, will undertake the Rapid Environmental Assessment (REA) for each subproject activity that may potentially have environmental impacts at the MPA level with its interventions to determine its initial environmental category under ADB's SPS 2009. A quarterly evaluation will be prepared thereafter for environmental monitoring and audit purposes, and to ensure that the subproject or any of its interventions will not exceed Category B at any stage of subproject implementation. A completed environmental categorization form of each subproject and REA checklists will be submitted to PMO for review and endorsement. The ADB will review as needed and audit the project categorization forms. .

25. **AMDAL Project Classification.** Each intervention/activity (i.e. marina, mooring buoys, jetty, trading center, handicraft, grouper mariculture, etc.) of the subproject shall follow and comply with the government's screening process and procedures for environmental assessment, which are discussed in the AMDAL system and its relevant regulations. This will begin with the preparation of summary information to be submitted by PIU/PMO to the district or provincial environmental offices concerned, which will determine the environmental assessment needed for the activity (UKL-UPL or SPPL - see Annex I for the process). Any activity that will require an ANDAL (EIA), will not be selected.

b) Preparation and Approval of Environmental Documents at the activity/intervention level under each MPA subproject

26. In line with the sample subproject IEE's, for each subproject activities with some environmental impact, UKL/UPL or SPPL will be prepared and processed by the PIU, in consultation with the Coral Reef Resource Management Agency/Board (LPSTK) /Pokmas and the regional advisor under the project, through the local environment department (BAPEDALDA).

27. Under the new regulation (Annex IV, MOE Regulation No. 16 of 2012), a UKL-UPL form will be filled by the proponent (PIU) and documents like maps, proof of compliance with spatial planning, proof of business activity principle that will be carried out, statement of proponent, and other information about the planned activity, will be attached.

28. The preparation of SPPL by the PIU will follow the format under Annex V of MOE Regulation No. 16 of 2012.

29. The assessment documents prepared by the PIU (UKL-UPL or SPPL) of the subproject interventions/activities as required by the EARP will be reviewed and approved, following the process outlined below:

- i. Filled-up form of UKL-UPL or SPPL of the subproject intervention/activity will be submitted by the PIU to the head of the district, governor or through its local environmental department (BAPEDALDA) for processing and approval or to Ministry of Environment.
- ii. Upon approval by the governor or regent of the UKL/UPL or SPPL, the PIU will submit the UKL/UPL or SPPL to the PMO for consolidation and a selected numbers will be submitted to ADB for review but the information has to be retained in PMO for ADB review and audit purposes..
- iii. The first UKL/UPL of each type of intervention/activity will be submitted to ADB for review and concurrence. If this is deemed by ADB as of satisfactory quality, subsequent UKL/UPLs will be certified by the Project Director and submitted to ADB upon request. ADB may conduct assessment of the compliance with its environmental safeguards policy of the Project on a random basis.

c) Public Consultation and Information Disclosures

30. Public consultation and information disclosures in accordance with ADB and government requirements will be complied for all subprojects during the UKL-UPL, SPPL or IEE preparation phase. This is to inform the stakeholders of the proposed subproject

components and to encourage input to identify overlooked environmental issues. The information disclosed and feedback provided at the consultation sessions will be summarized, attendance recorded, and the document attached as an annex to the environmental assessment report.

31. Invited attendees at environmental assessment consultations is expected to include national and local government agencies, community organizations/representatives, NGOs, academic and religious institutions.
32. Environmental documents such as the business plan/project activities, UKL/UPL and SPPL, IEE and REA are subject to public disclosure; therefore, these documents should be made available in Bahasa Indonesia and English languages, and made available to the public on ADB website upon request

d) Implementation

33. The implementation of mitigation measures and additional environmental safeguards, as described in the Environmental Management Plan or UKL, will be primarily the responsibility of the PIU at the district level based on contracts with the contractor/developer, and under the supervision of the PMO through the EMU. The PIUs, which may be assisted on a contractual basis, by local environmental consultants, shall coordinate with all parties involved to implement the UKL. The Regional advisor will support PIU in implementation.

e) Monitoring and reporting

34. The environmental monitoring plan or UPL of the subprojects will also be mainly implemented by the PIU at the district level. The PIU can call on the District Fisheries Office, LPSTK and EMU in the conduct of field inspection and monitoring of the subproject interventions. Water quality monitoring based on site specific needs (typically biochemical oxygen demand , pH, total suspended solids, ammonia, etc) will be done . Field inspection of mitigating measures and safeguards will also be done to coincide with the field monitoring survey. A simple monitoring form will be prepared for this purpose by the EMU. All environmental monitoring reports will emanate from PIUs and will be submitted to the EMU/PMO for review and consolidation. The PMO will integrate the consolidated environmental reports of all subproject specific activities into its quarterly progress reports to the EA (MMAF) and the ADB for review.

E. Confirmation that Environmental Assessment and Review Procedures conforms to ADB's Environmental and Social Safeguard Policies

35. The procedures developed under the Project ensures to screen and assess potential impacts associated with infrastructure and livelihood interventions, set up institutional arrangements in relation to environmental management and monitoring, and define environmental assessment requirements. The developed procedures with the proposed consultants' inputs are adequate to comply with the applicable laws and regulations of the Government and with ADB's SPS 2009.

F. Grievance Redress Mechanism

36. The grievance redress mechanism (GRM) is meant for people seeking satisfactory resolution of their complaints on the environmental performance of the project. The mechanism will ensure that (i) the basic rights and interests of every affected person by poor environmental performance of the project are protected; and (ii) their concerns arising from the poor environmental performance of the project during the phases of design, construction and operation activities are effectively and timely addressed.
37. The PMO, PIUs, the province and the regency concerned will make the public aware of the GRM through public awareness campaigns, training and capacity building. Each office will nominate and train one of their staff to be a Grievance Point Person (GPP) for environment-related issues. Any person who has complaints regarding the environmental performance of the subproject during pre-construction, construction and operation phases shall have access to the GMR described in the subsequent section.
38. The GPP will ensure that:
- (i) the grievance redress mechanism and the contact details of the GPPs are publicly disclosed, and posted in the offices of the affected communes and in strategic places of the subproject's area of influence;
 - (ii) the grievance redress mechanism is accessible to all affected communities;
 - (iii) the public, especially the residents and passers-by in the vicinities of influence of the subproject, are aware of their rights to access, and shall have access to, the mechanism free of administrative and legal charges; and
 - (iv) a registry of grievances received is maintained for reporting to ADB and higher Government authorities on associated follow-up, resolution or non-resolution of issues.
39. Households or groups of households wishing to complain about the effects of construction works on their property, production system, economic well-being, spiritual life, quality of surface and ground water, quality of air, health, safety, welfare, or any other assets of their lives shall make their complaint using the standard complaints form provided by the GPPs.
40. The Grievance Investigation and Resolution process is outlined below:
- Step 1: Complaint form will be sent by affected persons (APs), affected households (AHs) or groups of households to the GPP of the relevant PIU.
- Step 2: If the complaint is judged as valid, within 15 days from the date the complaint is received, the GPP of the relevant PIU will organize meetings with the relevant agencies/contractors/subcontractors to discuss how to resolve the matter. All meetings will be recorded and copies of the minutes of meetings will be provided to APs/AHs.
- Step 3: The relevant PIU shall take such mitigation measures as agreed in meetings from step 2 within 15 days, or some other period acceptable to the parties referred to in step 2.

Step 4: When the complaint is resolved, the Complaint Form needs to be signed by Complainant/ head of Household, the relevant parties, and annotated at each stage of process by the PIU with copies to be sent to the relevant agency.

Step 5: If no understanding or amicable solution is reached, or if no response is received from the relevant PIU within 15 days after the registration of complaint, the APs/ AHs can appeal to the relevant agency of the district, who will decide and take mitigation measures within one month of receiving the appeal.

Step 6: If no understanding or amicable solution is reached, or if no decision or mitigation measure is received from the relevant agency within 15 days after the registration of complaint, the APs/ AHs can appeal to the relevant district head or governor of the province through their GPP, who will decide and take mitigation measures within one month of receiving the appeal.

Step 7: When the complaint is resolved, the Complaint Form needs to be signed by Complainer/ head of Household, the relevant parties, the relevant governor of the province, and annotated at each stage of process by the GPP of the governor of the province.

Step 8: If no understanding or amicable solution is reached, or if no response is received from the relevant governor of the province within 15 days after the registration of complaint, the APs/ AHs can appeal to the PMO through their GPP. The PMO will provide a decision and take mitigation measures within one month of receiving the appeal.

Step 9: When the complaint is resolved, the Complaint Form needs to be signed by Complainer/ head of Household, the relevant parties, the relevant PIU, and the PMO with copies to be sent to ADB.

Step 10: If the AP/AH is still not satisfied with the decision of the PMO in the absence of any response within the stipulated time, the AP as a last resort may submit his/her case to the court to redress their grievance.

G. Staffing Requirements and Budget

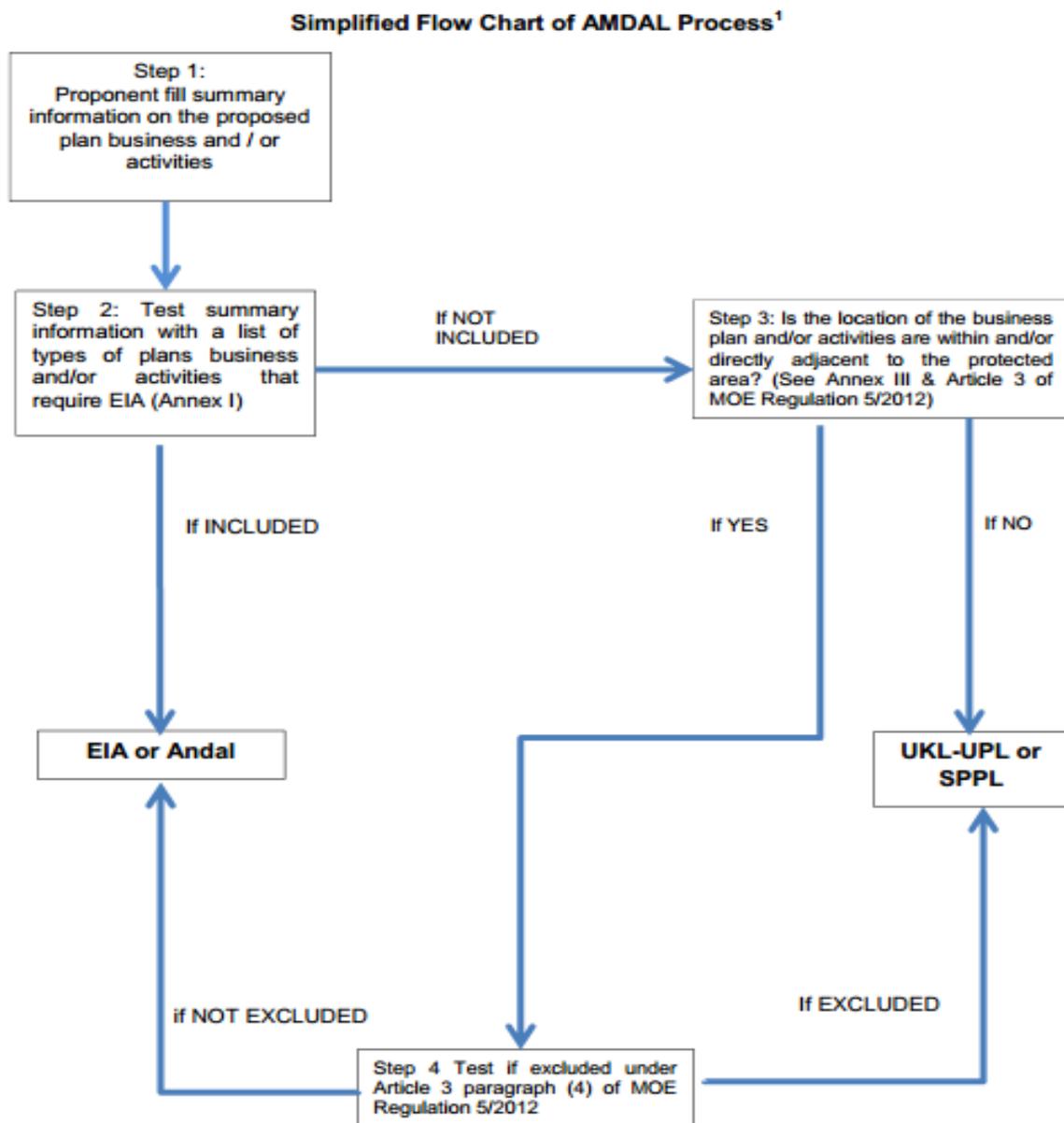
41. The EMU, which is to be established in the PMO, is headed by an assigned government officer with expertise in environmental management, and assisted by a junior government officer with expertise in marine and coastal management, both of whom are appointed by the EA (DGCSI-MMAF). An environmental consultant or specialist (national) will be engaged by the project to assist the EMU and provide advice in environmental management. The TOR of the national consultant is in Annex 2.
42. At the district level, the PIU can engage local environmental consultants to prepare the environmental documents that will be required by the government and ADB and to undertake monitoring activities. The proposed TOR of the local consultant is listed in Annex 3. The regional advisors under the project will assist the PIU.
43. Budget Estimates of Environmental Management. The cost of EMU staffing in the PMO is included in the budget of executing agency under the loan including engagement of the national environmental consultant.. The environmental report preparation, implementation of mitigation measures and environmental monitoring, including travel and survey expenses

will come from PMO budget. The Project proposes to allocate a total amount Rp16,828 million, which is described in detail in Table 2 below.

Table 2. Proposed budget for Environmental Management of the Project

Cost Item	Particulars	Total Amount (Rp million)
UKL-UPT and SPPL preparation and permitting	80 Villages	800
Water Monitoring survey per subproject	Year 1 to Year 5 (Rp.0.3M/sample x 2 /yr x 5years x100 parameters)	300
Total		1100

Annex 1. Simplified Flow Chart of AMDAL Process



Annex 2 - Proposed Terms of Reference of the National Project Environmental Management Specialist (to be assigned at EMU/PMO):

The specialist will have appropriate tertiary qualifications in the areas of environmental management/science, or equivalent, and will have more than 10 years of extensive experience working in the fields of marine, fisheries and coastal management. Knowledge in infrastructure as well as monitoring and project evaluation experiences will be an advantage. S/he should have proper accreditation from the government as environmental assessment consultant and should be fluent in English and Bahasa Indonesia. Familiarity with ADB environmental safeguard system is an advantage. Specific tasks include the following:

- 1) Responsible for effectively and efficiently carrying out the environmental management plans and obligations of the project;
- 2) Review Rapid Environmental Assessment (REA) of the subprojects ;
- 3) Assist the PIUs and PMO in the preparation of all Initial Environmental Examinations (IEEs) for subprojects that are determined as category B for environment according to ADB's SPS 2009;
- 4) Provide technical guidance, capacity building, support and advice to PIUs, EMU and local government concerned in all aspects of environmental management;
- 5) Develop sample UKL/UPLs and SPPLs for subproject interventions/activities;
- 6) Provide guidance in the preparation of UKL/UPL and SPPL of each subproject intervention/activity and develop strategy to effectively carry out the submission of environmental assessment documents to the concerned government offices and the ADB;
- 7) Review various reports/assessments and other relevant background information available regarding the project or collect additional information to update him/herself with the current status of environment related aspects the subprojects and familiarize him/herself with potential environmental issues relevant to the proposed interventions in each subproject area;
- 8) Supervise the implementation of the IEEs, and UKL-UPLs , including the mitigating and monitoring activities per subproject areas;
- 9) Lead in the conduct of capacity building/training of environment personnel in the MPAs;
- 10) Consolidate progress and monitoring report on the environment for the project; and
- 11) Review the preparation of environmental documents per subproject activities, which will be submitted to the regional BAPEDALA offices and to ADB for approval.

