MINISTRY OF LANDS AND MINERAL RESOURCES

DEPARTMENT OF LANDS & SURVEY

FORESHORE UNIT

OUR LANDS & MINERALS; SMART MANAGEMENT FOR GROWTH.

Todays Presentation:-

1. Organization Structure – Foreshore unit
2. Statutory requirements
3. Foreshore Lease Application Process
4. Qoliqoli Fishing Rights Custodians
5. Impact of EIA, CEMP & OEMP Decisions on foreshore lease application
6. Mangrove Management Plan

1. Foreshore Unit Structure

Minister of Lands & Mineral Resources

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Permanent Secretary

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Director of Lands

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Assistant Director of Lands

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Foreshore Unit

Foreshore Unit

- To provide effective, efficient and systematic assessment of all foreshore applications to be in line with Government initiatives in developing a sense of societal and environmental responsibility by making sure that the development not only complements the applicants needs - but also meets the needs of the nation while safe guarding resources for future generations.

- These needs are identified by consulting all relevant stakeholders and taking into consideration their comments and concerns

Nature of Development:

- **Leases and Licenses over any foreshore Development.**
  - Jetty
  - Marina
  - Integrated Tourism Development
  - Wet leases
  - Gravel/Sand Extraction
  - MPA
  - Aquaculture
  - Mangrove Harvesting

2. Statutory Requirements

- Section 2 of Environment Management Act 2005 defines foreshore as meaning ***"the shore of the sea, channels or creeks, that is alternatively covered and uncovered by the sea at the highest or lowest tides"***.
- Section 2 of the State Lands Act [Cap 132] defines State land as "***all public lands in Fiji, including foreshores and the soil under the waters of Fiji…"***

Section 21 State Lands Act

- Section 21 further requires for all leases of foreshore to be approved by the Minister of Lands and Mineral Resources

- Section 21 states that :-

21 (1) No lease of any Crown foreshore land or of any soil under the waters of Fiji shall be made without the express approval of the Minister and such approval shall not be granted unless the Minister declares that such lease does not create a substantial infringement of public rights.

Section 21 State Lands Act (cont.)

(2) Before such approval is given or declaration made, the substance of the lease together with a sufficient description of the property intended to be comprised therein, shall be inserted by the applicant, with the prior approval of the Director of Lands-

(a) in two consecutive issues of the ordinary Gazette; and

(b) twice, within seven days of such first issue, in a newspaper circulating in Fiji,

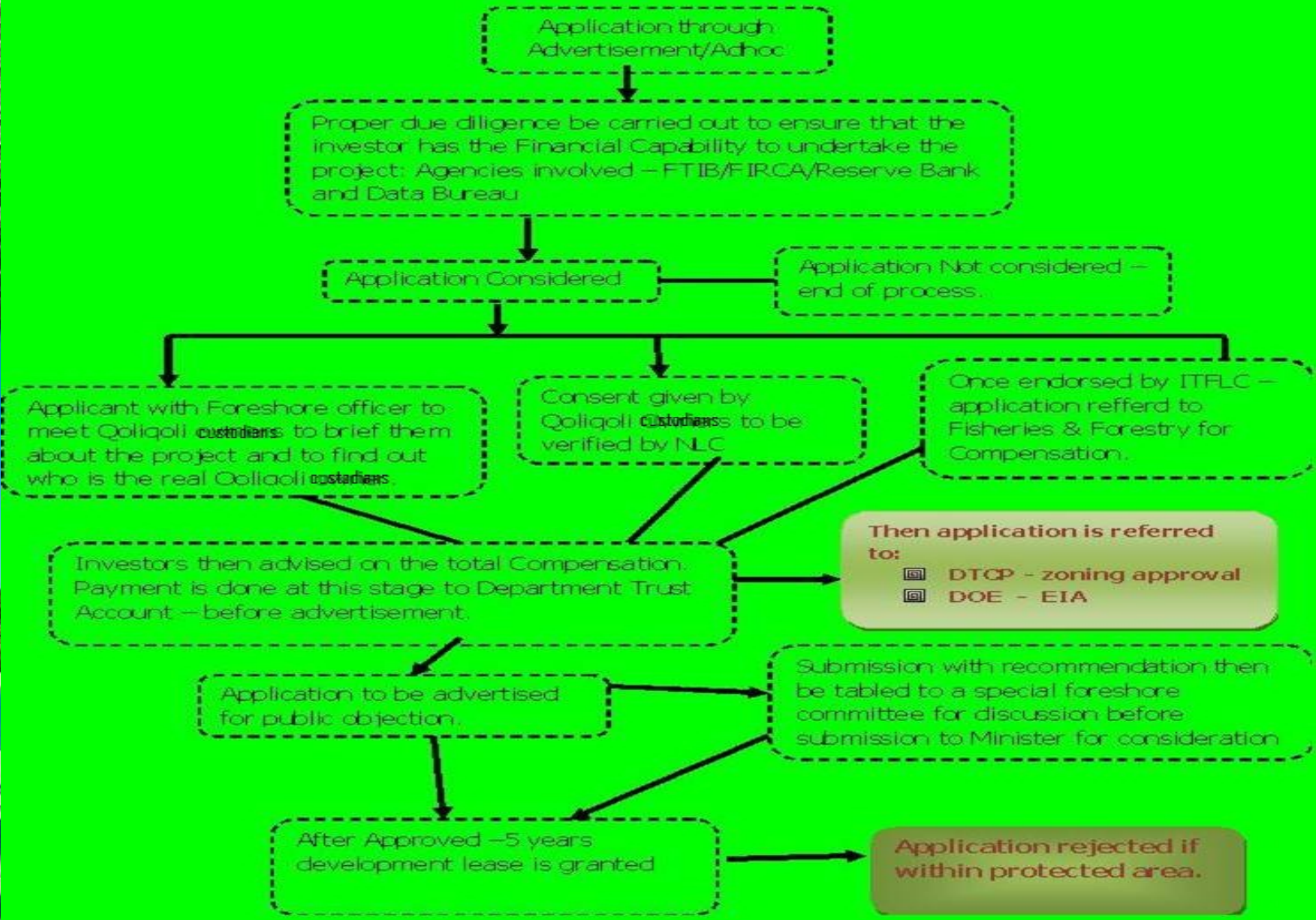
together with a notice calling upon persons having objections to the making of such lease to send them in writing to the Director of Lands not later than thirty days after the date of such second insertion in the Gazette.

Section 21 State Lands Act (cont.)

- (3) All such objections made in accordance with the provisions of subsection (2) shall be considered by the Minister.

3. Foreshore Lease Application Process

Foreshore Application



4. Rights of Qoliqoli Fishing Rights Custodians

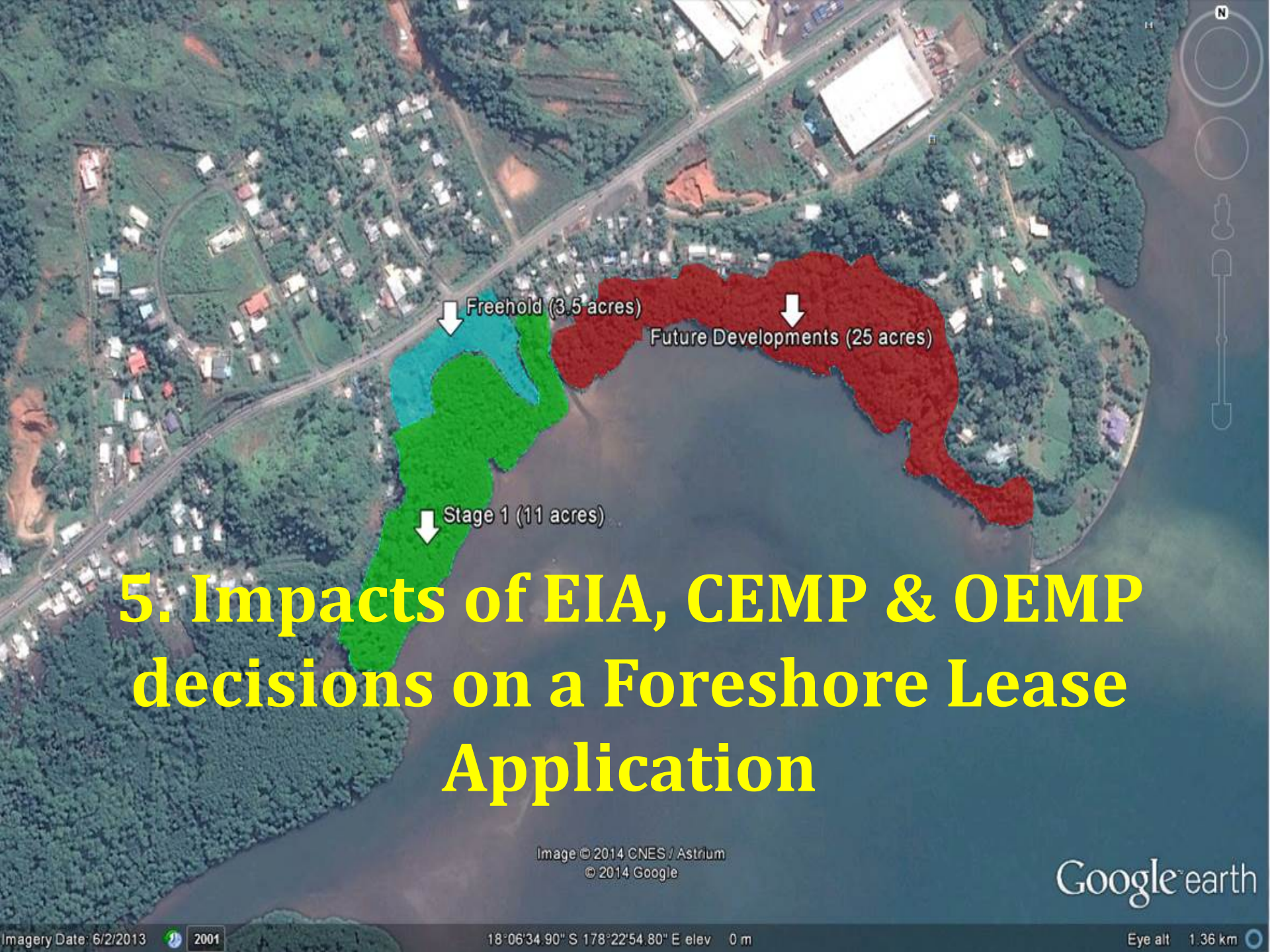
- Qoliqoli Fishing Rights Custodians – Usage Rights.
- Existence of Customary Fishing Grounds & Customary Fishing Rights – recognized.
- Nature of Rights:

Fishing Rights – right to fish in a customary fishing grounds.

Records for Qoliqoli boundaries is administered by ITLC

Rights of Qoliqoli Fishing Rights Custodians Con't

- Fishing Rights are lost by:
  - ✓ Use of Foreshore by State;
  - ✓ Issuing of leases/licenses by the State
- Compensation to be provided – loss of fishing rights
- Such recompense is not payable as of right.
- In cases where the developers or co developers are the owners of Fishing rights, and have consented in writing to waive their right (right to use fishing ground and compensation for loss of fishing ground), the projects are exempted from the recompense policy for loss of fishing rights.



5. Impacts of EIA, CEMP & OEMP decisions on a Foreshore Lease Application

Environmental Assessments (EIA, CEMP, OEMP)

- During the application stage the application is referred to the DOE to comment on the application and to determine which environmental assessment study the applicant to undertake, as this is part of our requirements or conditions in any foreshore application process.
- **Environmental Impact Assessment (EIA)** can be defined as the process of identifying, predicting evaluating and mitigating the biophysical, social and other relevant effects of development proposals prior to major decisions being taken and commitments made.
- **Construction Environmental Management Plan (CEMP)** details the scope of constructional works of the development, possible environmental impact from the construction phases and mitigation measures that could be implemented to minimize or alleviate the environmental hazard

Environmental Assessments (EIA, CEMP, OEMP) (Con't)

- **Operation Environmental Management Plan (OEMP)** is similar to CEMP but mainly focusing on the operational phase of the development.
- The purpose of the Environmental studies (EIA, CEMP & OEMP) is to ensure that decision makers consider environmental impacts before deciding whether to permit new projects or not.

6. Mangrove Management Plan (MMP)

- **MMP2013 has been prepared by Dr.Dick Watling -** Environment Consultants Fiji (ECF) for the Department of the Environment (DoEnv).as the focal point for the Mangrove Eco Systems for Climate Change Adaptation and Livelihood Project (MESCAL).

Features of MMP 2013

- ***A modern policy for mangrove management*** - A more conservative approach to mangrove conversion is required in view of climate change impacts and adaptation values and the need to provide explicit conservation requirements.
- *Establishment of an effective on-the-ground implementation capacity for mangrove management, monitoring and enforcement etc.* - This is crucial to the future management of mangrove as a whole; and the roles of communities, customary owners of traditional fishing rights will be the key.
- *Compensation* –The review of the Compensation Procedure on Mangrove Conversion and a one-off payment procedure to Traditional Fishing Rights Custodians.

- *Proposed Legislations for Mangrove Protected Areas* - It is proposed that a National Biodiversity Offset Scheme is introduced whereby any proponent, if approved, would then require the proponent to identify an appropriate area of mangroves and arrange for permanent protection as Mangrove reserve and contribute to Mangrove Trust Fund which would be used for establishment and management of a National Mangrove Reserve System.
- *Establishment of consistent and transparent TFROs consent procedure* -There is no clear consent procedure in place; hence the need to adopt a more transparent and accountable procedure as guideline in obtaining consent from TFRO.
- *Phasing out of commercial mangrove harvesting* - There is a vast amount of underutilized land where fuel wood can be readily grown and there is a rapid international development of fast growing hybrid species for fuel wood. As such there is little logic in allowing commercial timber extraction.

- *Adoption of EIA guidelines for mangrove conversion / impacting activities*-The EIA process provides the logical and most appropriate forum for multi-stakeholder assessment of any developments affecting mangroves.
- *Preparation of accurate database of converted mangroves* - This is required for understanding of cumulative impact of mangroves at any one location and this will assist in decision making while considering conversion applications.
- *Approval on Mangrove conversion by Department of Lands (DoL) through the advice of National Environment Council (NEC)* - A formal mangrove conversion approval procedure requiring DoL to act on the advice of NEC.
- *Preparation of a Mangrove Management Scheme Plan for Suva and Nadi Bay areas* - This will allow for better management of mangroves in high demand areas.

- *Incorporated Climate change adaptation measures into mangrove management* – The need to consider mangroves as a measure reducing coastal erosion and storm surge damages; hence mangrove retention and restoration may be a cost effective solution to climate change


THE END