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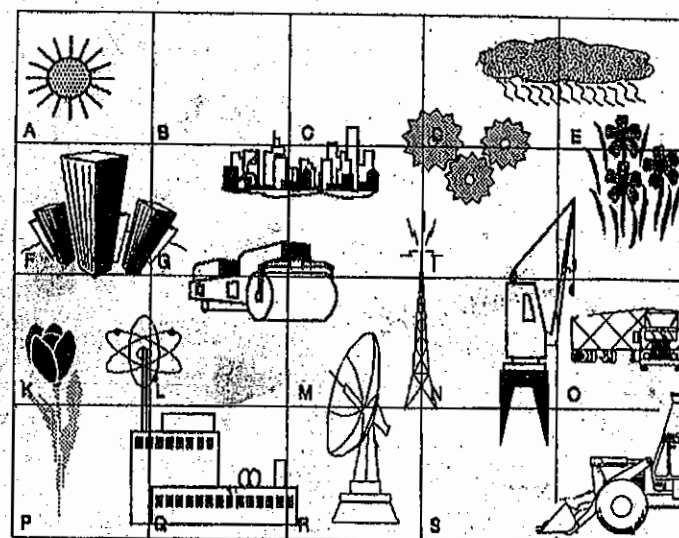
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Printed by Jayanthi Printers

GUIDANCE FOR IMPLEMENTING THE ENVIRONMENTAL IMPACT ASSESSMENT (EIA) PROCESS

No 1 : A General Guide for Project Approving Agencies (PAA)



Central Environmental Authority
Ministry of Environment
Fourth Edition - 2006

GUIDANCE FOR IMPLEMENTING THE EIA PROCESS

A Standard Agreed EIA Procedure Based on the Gazettes (Extra ordinary) No: 772/22 dated 24th June 1993, No: 859/14 dated 23rd February 1995, No: 978/13 dated 4th June 1997, No: 1104/22 dated 5th November 1999, No: 1108/1 dated 29th November 1999 and No. 1159/22 dated 22nd November 2000, No 1373/6 dated 29th December 2004 of the Democratic Socialist Republic of Sri Lanka

A GENERAL GUIDE FOR PROJECT APPROVING AGENCIES



This document shall be referred to as:

“Guidance for Implementing the EIA Process, No.1 : A General Guide for Project Approving Agencies, Central Environmental Authority, Sri Lanka, 2006”

ACKNOWLEDGEMENT

This document was reprinted in 2006 with the financial assistance of the Netherlands Funded Project on Institutional Strengthening and Capacity Building for Environmental Programs.

First Edition	- 1993
Second Edition	- 1995
Third Edition	- 1998
Amended Fourth Edition	- 2006

Edited by:

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FOREWORD

Environmental Impact Assessment (EIA) has become a widely accepted tool in environmental management since its inception. In Sri Lanka, Legal requirement for EIA is provided under the regulations of the National Environmental Act as well as under few other legislations.

The EIA process is managed and monitored by the Central Environmental Authority (CEA) and implemented through Project Approving Agencies (PAA). In addition to the PAAs, a large number of people and institutions involve in the EIA process. A clear understanding of the EIA process by all those involved in the process is essential to the success of the process.

This document has been prepared and published by the CEA to assist the PAAs in the proper implementation of the EIA process. Although the document is mainly intended for the PAAs, it will help everyone involved and interested in the EIA process in Sri Lanka.

Eng. Karunasena Hettiarachchi
Chairman
Central Environmental Authority

FOREWORD TO THE FIRST EDITION

Environmental Impact Assessment has gained wide recognition as an useful tool for promoting environmentally sound and sustainable development. In Sri Lanka, the EIA process was first introduced through the legislation of the Coast Conservation Act No. 57 of 1981. This was confined to only a 300 meter strip of land along the coastal zone of the island. Subsequently an EIA system for the whole country was administratively introduced in January 1984, by a decision of the Cabinet of Ministers. It was made applicable to all development activities including public and private sector projects.

The statutory introduction was made by an amendment to the National Environmental Act (Act No. 56 of 1988). As required by this amendment projects that should undergo the EIA process and the procedures and methods to be adopted were gazetted on 24th June 1993 and are contained in Gazette Extra - Ordinary No. 772/22. The process is managed and monitored by the Central Environmental Authority and implemented through 17 State Agencies. An unique feature of the EIA process is that it is an open process allowing for public participation in decision making.

Several guidelines on the implementation of the EIA process have been developed by countries in the region, donor agencies and banks such as the World Bank and the Asian Development Bank. Although these could be made use of to a certain extent in the implementation of the EIA process in Sri Lanka, it should be noted that these have to be adapted to reflect the unique environmental characteristics of the country. In view of this, the CEA in association with NAREPP/IRG have commenced the preparation of a series of guidance documents for implementing the EIA process in Sri Lanka.

G.K. Amaratunga
Chairman
CENTRAL ENVIRONMENTAL AUTHORITY.

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1. INSTITUTIONAL RESPONSIBILITIES

1.1 Purpose of the EIA requirement:

The purposes of Environmental Impact Assessment (EIA) are to ensure that development options under consideration are environmentally sound and sustainable and that environmental consequences are recognized and taken into account early in project design. EIAs are intended to foster sound decision making, not to generate paperwork. The EIA process should also help public officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore and enhance the environment.

The National Environmental Act No. 47 of 1980 (NEA) is our basic national charter for protection and management of the environment. The NEA was amended by Act No. 56 of 1988 to include a provision relating to environmental impact assessment contained in Part IV C of the statute entitled “Approval of Projects”. The Part IV C of the NEA was further amended by Act No 53 Of 2000. Under the provisions of section 23 Z of the NEA the EIA process applies only to “Prescribed Projects” which have been specified by the Minister in charge of the subject of Environment in Gazette Extra-ordinary No. 772/22 of 24th June 1993 and the list of prescribed projects was amended by Gazette Extra Ordinary No 1104/22 of 6th November 1999 and Gazette Extra Ordinary No 1108/1 of 29th November 1999. The NEA process implements through designated Project Approving Agencies (PAA) as prescribed by the Minister under Section 23 Y of the NEA. Under Section 23 CC of the NEA, regulations have been made by the Minister stating the procedures that should be followed in order to achieve the EIA requirements of the NEA.

The orders and regulations are included in Gazette Extra-ordinary No. 772/22 of 24th June, 1993 as amended by Gazette Extra Ordinary No 1159/22 of 22nd November 2000.

1.2 Goals of Project Approving Agencies (PAA):

At present, 23 state agencies have been specified as Project Approving Agencies (PAA) by the Minister under Section 23Y of the NEA as contained in Gazette Extra-Ordinary No. 259/14 of 23rd February 1995, Gazette Extra Ordinary No. 978/13 of 4th June 1997 and in Gazette Extra Ordinary No. 1373/6 of 29th December 2004. The EIA practices and procedures of every PAA should ensure that high quality environmental information is available to public officials and citizens before decisions are made and before the government makes any significant commitment of environmental resources. To achieve this goal, Project

Project Approving Agencies should to the fullest extent possible:

- Interpret and administer the applicable provisions of the NEA and the National Environmental (Procedure for approval of projects) Regulations as gazetted from time to time, to implement the EIA process.
- Subject all Prescribed Projects to the EIA Process
- Make the EIA process useful to decision makers and the public by emphasizing real environmental issues and alternatives resulting in concise, clear, well focused assessments.
- Integrate EIA requirements with other planning and environmental review procedures required by law or by agency practice so that all such procedures run concurrently rather than consecutively.
- Facilitate public involvement in decisions which affect the quality of the environment.
- Use the EIA process to identify and assess reasonable alternatives to proposed actions that may avoid or minimize adverse effects on the quality of the environment.
- Use all practicable means, consistent with NEA requirements and other essential considerations of national policy to restore and enhance the quality of the environment and avoid or minimize any possible adverse environmental effects of their actions.

1.3 EIA/PAA Inter-Agency Committee

The CEA will help PAAs meet these objectives through an EIA/PAA Inter-Agency Committee, established under the chairmanship of the Secretary of the Ministry in charge of the subject of Environment. The Committee will be convened by the CEA. The Committee is intended to help the Ministry and the CEA to oversee and facilitate the EIA process. The committee shall include representatives of all PAAs, and participation of NGOs will also be invited. The functions of this committee will be:

- (a) to review the positional status of the implementation of the EIA process;
- (b) to advise and guide the PAAs;
- (c) to recommend approaches for integrating EIAs into national policy and planning frameworks.

This committee will meet as and when required.

1.4 PAA responsibilities:

It is the responsibility of every Project Approving Agency (PAA) to carry out the requirements stated in section 1.2 effectively and practically. Primary responsibilities of the PAA are to:

- subject all prescribed projects to IEE/EIA requirements;
- ensure and guide proper scoping processes for EIAs/IEEs;
- draft Terms of Reference (ToR) for IEEs or EIAs;
- establish, conduct and participate in technical evaluation and reviews during and after EIA preparation;
- ensure public notification of availability of IEE/EIA for public review;
- evaluate and respond to comments received from the public or other agencies;
- establish necessary mitigatory measures and ensure that they are incorporated in any permit or approval conditions;

- ensure implementation of the conditions through effective monitoring
- help investors and EIA preparers to apply information to EIAs that is available within the PAA and its components;
- obtain concurrence of the CEA prior to making an EIA project decision.

1.5 PAA operating procedures:

To carry out these responsibilities each PAA should establish its own operating procedures that match its own organization and meet its own particular needs. PAAs are advised to establish the following procedures and management practices:

1.5.1 EIA Cell

(a) Legal responsibility for all decisions of the PAA respecting the EIA process is:

- for a PAA Ministry, the Secretary;
- for a PAA Department, the Head;
- for a PAA Authority/Bureau, the Chief Executive

(b) An EIA Cell should be established within each PAA for each subject area. The EIA cell will be responsible for administering the EIA process within the PAA. It may have a small permanent staff, or it may depend on staff from other components of the PAA. A member of the cell should be designated as the focal point to interact with CEA, other PAAs and members of the public on all matters connected with the EIA process. Focal points of the PAA represent the PAA/EIA Inter Agency Committee.

(c) Facilitate EIA preparation through close liaison with PPs.

(d) Receive and evaluate compliance monitoring reports

1.5.2 EIA Oversight Committee

The Secretary of the PAA Ministry, or the Head of the PAA Department or the Chief Executive of the PAA Authority/Bureau should chair an EIA Oversight Committee whose administrative secretary will be a member of the EIA Cell of the PAA. The Committee should include a small number of members representing each of the primary (and environmentally important) components of the PAA, including components with legal responsibilities affecting project approval. The committee will meet as and when required. A representative of the CEA could be an observer of the proceedings of the Committee.

If any member of the Oversight Committee is a proponent of a project being reviewed, such member shall desist from being a member of the Oversight Committee.

It's duties are to:

- Advise the chairman (as the legally responsible person for EIA compliance under the NEA) on EIA process decisions;
- Oversee PAA compliance with EIA requirements and policies of the NEA;
- Identify needs for policy and procedural direction to PAA components to improve EIA compliance;
- Make project decisions based on completed EIAs;
- Assess problems and make recommendations;

1.5.3 Technical Evaluation Committee (TEC)

A temporary Technical Evaluation Committee should be formed for each IEE/EIA for which a PAA is the responsible agency. This Evaluation Committee should be comprised of technical level people charged with all technical aspects of the EIA process. The committee should prepare a TEC report to be used in decision making. Technical personnel may

include members of the EIA Oversight Committee, experts from within the PAA, and others from government agencies, NGOs, academic institutions and elsewhere. However, the PAA must ensure that such technical personnel have no conflicts of interest with the preparation of the EIA by the project proponent. The PAA may wish to establish a list of appropriate technical experts to draw upon. The Technical Evaluation Committee should be chaired by a member of the EIA Cell of the PAA. It should communicate all technical evaluations and decisions to the EIA Oversight Committee, referred to above. It will meet as often as necessary. The Evaluation Committee may also serve as the PAA's monitoring arm to ensure compliance with EIA mitigation/monitoring requirements. Role of the CEA in this committee will be to administer the procedure in respect of EIA.

1.6 PAA as designated appropriate agency

Project proponent can submit Preliminary Information (PI) to CEA and on following criteria, CEA will decide an appropriate PAA.

A single PAA will be established as responsible for guiding the preparation of an IEE or EIA. Actual preparation of the IEE/EIA will be the responsibility of the developer or project proponent (PP). Determination of the appropriate PAA will be based on the following unranked criteria:

- the PAA having jurisdiction over the largest area or
- having jurisdiction over diverse or unique ecosystems or
- within whose jurisdiction the environmental impacts (resource depletion) are likely to be the greatest,
- the PAA having statutory authority to license or otherwise approve the prescribed project.

If PAAs are unable to agree among themselves on which agency will be the appropriate agency, or if there is unreasonable delay in making a decision, any of the PAAs or a project proponent shall request the CEA to determine which agency should be the lead agency. The CEA will promptly designate a

responsible PAA based on the above criteria and will notify the PP and the PAAs concerned.

If a PAA is the project proponent, the CEA will identify the appropriate PAA.

1.7 Co-operating Agencies

It is advisable that upon request of the responsible PAA, any other state agency which has jurisdiction by law or has special expertise should be a co-operating agency in the IEE/EIA process. In such cases, the designated PAA should:

1. Request the participation of each co-operating agency in the EIA process at the earliest possible time;
2. Use the environmental analysis and proposals of co-operating agencies with jurisdiction by law or special expertise, to the maximum extent possible, consistent with its responsibility as the appropriate PAA;

Each co-operating agency should:

1. Participate in the EIA process at the earliest possible time, including the scoping process;
2. Assume (on request of the designated PAA) responsibility for developing information for the EIA process.
3. Make available staff support at the designated PAA's request and normally use its own funds for this purpose.
4. Integrate its own permit/licensing or other legal functions relating to the prescribed project into the information gathering, analysis and decision schedule of the IEE/EIA.

2. PROCEDURES FOR COMPLIANCE WITH REGULATIONS

2.1 Preliminary Information (PI) requests

It is the responsibility of PAAs to obtain information from project proponents at the earliest practical stage regarding the nature, location and impacts of a proposed project that requires an IEE or an EIA. CEA has already compiled checklists and questionnaire in order to collect Preliminary Information. PAA may use them for obtaining Preliminary Information from project proponents. Information requested should:

- help the PAA determine whether an IEE or EIA is required;
- help the PAA identify questions and issues for attention in the scoping process, including whether an IEE or EIA is required and what such documents should require;
- to the extent possible, satisfy requirements for an IEE if no EIA is required.

PAAs may obtain help from the CEA and other PAAs on preliminary information forms and questionnaires.

2.1.1 Notice of adequacy of Preliminary Information

Once the PAA is satisfied that adequate preliminary information has been received, the PAA should acknowledge its receipt in writing within six (6) days. When documents are found inadequate, the PAA should so inform the PP as early as possible.

2.2 Scoping

There should be an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action. This process is termed scoping.

As part of the scoping process the appropriate PAA should:

1. Invite the formal and informal participation of all concerned agencies, the proponent of the action and other interested persons (including representatives of the affected public and others who might not be in accord with the action on environmental grounds);
2. Determine whether the PP should be asked to prepare an IEE or EIA, unless an adequate IEE has already been presented.
3. Determine the scope and the significant issues to be analyzed in depth in the IEE/EIA; (reasonable alternatives that should be addressed in the case of an EIA should also be determined at the scoping).
4. Determine reasonable alternatives that should be addressed in the IEE/EIA
5. Identify and eliminate from detailed study the issues which are not significant or which have been covered by prior studies or environmental reviews;
6. Set the Terms of Reference (ToR) for the IEE/EIA;
7. Communicate regularly with the developer in the preparation of the required document;

As part of the scoping process the responsible PAA may:

1. Set page limits on the required document;
2. Set schedules and time periods as necessary
3. Identify the sectors of required expertise for preparing the IEE/EIA
4. Hold an early scoping meeting or meetings which may be integrated with other early meetings or processes already established by the PAA.

2.2.1 Scoping Guidance Document

Detailed guidelines on the scoping process is already issued as guidance No. 2 by the CEA for assistance to PAAs.

2.3 Criteria for IEE or EIA – Determination of Significant Impacts

PAAs should determine whether an IEE or EIA is required for a proposed project based on an assessment of the likely significance of the impacts of the proposed project on the environment. EIAs, rather than IEEs, should be required for prescribed projects under the regulations that are likely to have significant impacts on the environment. PAAs should develop their own criteria for determining significant impacts in the form of checklists and other guides based on USAID, World Bank, Asian Development Bank, and other materials. The following is a basic approach for guidance.

Significant environmental impacts: “Significant impacts” should be determined based on considerations of both context and intensity:

(a) Context: This means that the significance of an action should be analyzed in several contexts such as, the impacts on the nation as a whole, impacts on a particular region or type of activity and impacts on a specific community. Significance varies with the setting of the proposed action. Both short and long-term effects are relevant.

(b) Intensity: This refers to the severity, magnitude or nature of impact likely from a proposed project. The following may be considered, among other in evaluating intensity:

1. Impacts that may be considered both beneficial and adverse. A significant impact may occur even if the proponent or PAA believes that on balance the effect will be beneficial;
2. The degree to which the proposed action affects public health or safety;
3. The degree to which a proposed action would affect unique characteristics of a geographic area, such as religious or cultural resources, archaeological resources (including those that may exist but have not been legally designated), nature reserves, wetlands, scenic areas, ecologically crucial areas, environmentally sensitive areas or endangered or threatened species to plants or animals;

4. The degree to which the impacts on the environment and related social conditions are likely to be highly controversial;
5. The degree to which the possible effects on the environment are highly uncertain or involve unique or unknown risks;
6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration;
7. Whether the action is related to other actions whose impacts are individually insignificant but which cumulatively are apt to be significant. Significant impacts may occur if it is reasonable to anticipate a cumulatively significant impact on the environment. These impacts cannot be avoided by terming an action temporary, or by breaking it down into small component parts (for example, one segment of a large irrigation project).
8. The degree to which a proposed action may affect the right of future generations to benefit from environmental and cultural resources.

2.4 Preparing the Terms of Reference (ToR)

Effective and efficient compliance with the NEA will require that IEEs undergo the simplest possible process of preparation consistent with their basic purpose. In issuing a ToR for an IEE, PAAs should substantially follow the basic format for IEEs included in Appendix I. Guidance could be obtained from CEA on ToR preparation.

PAAs should prepare the ToR for preparation of an EIA in order to achieve the following objectives:

- a. EIAs should be analytic rather than encyclopedic.
- b. EIAs should discuss impacts in proportion to their significance. There should be only brief discussion of other than significant issues.
- c. EIAs should be concise and should be not longer than absolutely necessary to comply with the NEA and its regulations.
- d. EIAs should serve as the means to assess the environmental impacts of the proposed prescribed project and reasonable alternatives, rather than to justify decisions already made.

ToRs should be concise and they should follow a regular format to facilitate compliance by proponents, consulting entities, and efficient IEE/EIA review by the PAA. ToRs should ensure that EIAs are prepared to meet the EIA requirements and format discussed in Section 3.

2.5 Timing of EIA process

A project proponent should commence the IEE/EIA process as close as possible to the time that it develops the proposal. By ensuring that project proponents do this the PAA can ensure that IEE/EIA preparation can be completed in time to meet decision making schedules and deadlines. The IEE/EIA should be prepared early enough so that it can practically contribute to the decision making process and will not be used to rationalize or justify decisions already made.

For projects directly undertaken by public entities, the IEE/EIA should be prepared at the feasibility or pre-feasibility (go-no go) stage. The EIA may be supplemented at a later stage if necessary. For applications by private proponents to the PAA, appropriate environmental assessments should be commenced immediately after the application and preliminary information are received and as early in the planning stage as possible.

3. EIA CONTENT AND FORMAT

3.1 Recommended Format

EIAs should be prepared using a format that will encourage good analysis and clear presentation of the alternatives including the proposed action. The following standard format for EIAs should generally be followed unless the agency determines that there is a compelling reason to do otherwise.

- Inner Cover sheet
- Table of Contents
- Executive Summary
- Proposed Action's Purpose, Need and Legal Requirements
 - purpose of the EIA, EIA preparation process, legal actions required by government to approve action;
- Proposed Action and Reasonable Alternatives
 - description of proposed action and description of alternatives to the activity together with the reasons why such alternatives were rejected.
- Affected Environment
- Environmental Consequences of Proposed Action
 - direct, indirect and cumulative impacts, irreversible and irretrievable commitments of resources together with an analysis on the significance of impacts.
- Mitigatory Measures
 - Means to mitigate adverse environmental impacts.
- Extended Benefit Cost Analysis
 - Include if one has been prepared by the Project Proponent.

- Proposed Monitoring Plan
 - Including institutional responsibilities and procedures for reporting and analysis.
- Appendices
 - List of EIA preparers, references, backup data and analyses

Appendix 2 provides additional guidance on the contents of the major sections of an EIA.

4. THE COMMENTING PROCESS

4.1 Public Notice

On receipt of the IEE/EIA the PAA should make preliminary assessment of its adequacy as expected in the ToR. If found adequate on *prima facie* review, only EIA document should open for public scrutiny for a period of 30 working days and must be so announced in the gazette and one newspaper in English, Sinhala and Tamil. The 30 day commenting period will begin on the day in which a notice under subsection (2) is published. 30 days will be calculated excluding public holidays and Sundays.

4.2 Duty to comment

Cooperating agencies with jurisdiction by law or special expertise with respect to any IEE/EIA and agencies which are authorized to develop and enforce environmental standards, should comment on assessments within their jurisdiction, expertise or authority and within the time period specified for comment.

4.3 Public comment facilitation and evaluation

PAAs should establish procedures for making EIAs readily available to the public for reading in Colombo and in the district or division in which the project is proposed. PAAs should establish an efficient process to allow copies of EIAs to be made for the public upon request and upon payment of the full reproduction costs by the requesting party or parties. PAAs should forward all comments received to the PP for review and response. Upon receipt of the PPs written response to comments (see Appendix 2), the PAA should evaluate the responses before making a decision.

4.4 Public Hearings

The NEA states that a public hearing may be held at the discretion of the PAA when it thinks that it would be in the public interest to do so. A variety of situations may fall within the meaning of "public interest," and these cannot be exhaustively defined. Factors for the PAA to consider are:

- whether a proposed prescribed project is highly controversial, whether more expressions of public views are essential to make decision;
- whether the proposed prescribed project might cause unusual national or regional impacts;
- whether it might threaten a nationally important environmentally sensitive area;
- whether a formal request for a public hearing has been requested by an interested party.

If it is decided to hold a public hearing, it should be held immediately after the expiration of the 30 day period for public comments and before the PP is asked formally to comment on public and agency comments.

5. IMPLEMENTING THE DECISION

5.1 Monitoring of Projects

Mitigation and other conditions established in the IEE/EIA during its review and committed to as part of the decision should be implemented by the developer and monitored by the PAA. The PAA should:

- a. Include appropriate mitigation conditions in grants, permits or other approvals.
- b. Conditional funding of government actions on mitigation by the proponent.
- c. Establish monitoring processes and monitoring responsibilities of public/private entities;
- d. Establish a means for compensating for monitoring costs by the government through fees, bonds or other measures
- e. Upon request, inform commenting agencies on progress in carrying out proposed mitigation measures adopted by the agency making the decision.
- f. Upon request, make available to the public the results of relevant monitoring.

5.2 Timing of agency action

PAAs should follow the schedule requirements in the EIA regulations. These time requirements, legally only directory are important to achieve the goals of the EIA process as an efficient management tool. Two other requirements are also critical:

- a. No decision on the proposed action should be made or recorded by a PAA during the 30 day public review period.
- b. No action by the PAA on the proposed action should be taken until the PP has responded to comments received on the EIA.

5.3 Emergencies

Consistent with legal requirements, where emergency relief circumstances (for example, land slides or floods) make it necessary to take an action with significant environmental impact without observing the provisions of these regulations, the agency taking the action should consult with the CEA about alternative arrangements.

5.4 Administrative Charges

The PAA is responsible for assessing and obtaining all necessary administrative costs from the PP. PAAs should establish budgetary provisions for meeting necessary EIA costs. However, a fund may be established, administered by the CEA, to help PAAs to meet operational costs of implementing the EIA requirements. Guidelines on levying of administrative charges is already issued by CEA for assistance of PAAs.

6. ABBREVIATIONS AND TERMINOLOGY

Abbreviations

CEA	-	Central Environmental Authority
EIA	-	Environmental Impact Assessment
IEE	-	Initial Environmental Examination
NEA	-	National Environmental Act
NGO	-	Non Government Organization
PAA	-	Project Approving Agency
PI	-	Preliminary Information
PP	-	Project Proponent
TOR	-	Terms of Reference
TEC	-	Technical Evaluation Committee

TERMINOLOGY

Co-operating agency

“Co-operating agency” means any agency other than an appropriate PAA agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposed project.

Cumulative impact

“Cumulative impact” is the impact on the environment which results from the incremental impact of the action when added to other past, present and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

Effects

“Effects” include:

- a. Direct effect which are caused by the action and occur at the same time and place.
- b. Indirect effects which are caused by the action and are later in time or further removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate and related effects on air and water and other natural systems including ecosystems

Environmental effects and impacts as used in this document are synonymous. Effects include ecological (such as the effects on natural resources and on the components, structures and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social or health, whether direct, indirect or cumulative. Effects may also include those resulting from actions which may have both beneficial and detrimental effects even if on balance the agency believes that the effect will be beneficial.

Appropriate PAA

The “appropriate” PAA is the ministry/department/authority or other public entity that is responsible for the EIA process for a proposed prescribed project.

Mitigation

“Mitigation” includes:

- a. Avoiding the impact altogether by not taking a certain action or parts of an action.
- b. Minimizing impacts by limiting the degree of magnitude of the action and its implementation
- c. Rectifying the impact by repairing, rehabilitating or restoring the affected environment.
- d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- e. Compensating for the impact by replacing or providing substitute resources or environments.

APPENDIX 1

Preparation of ToRs for IEEs

IEEs are intended to be brief documents, generally no longer than 10 pages, to help decision makers to ensure that projects are implemented with appropriate mitigation measures that avoid significant impacts.

PAAs may wish to establish page limits, checklists or other guides for PPs to meet IEE requirements effectively and efficiently.

In general, IEEs should contain the following sections:

- Summary (1 page)
- Proposed Action's Purpose, Need and Legal Requirements
 - Legal actions required by government to approve action;
- Proposed Action
 - Brief description of proposed action, including any mitigation measures designed to reduce environmental impacts. The IEE may need to contain a description of reasonable alternatives
- Affected Environment
- Environmental consequences of proposed action
- Mitigation and Monitoring Plan
- Appendices
 - List of IEE preparers, references, backup data and analysis

APPENDIX 2

A. EIA CONTENT AND FORMAT

1. Recommended Format

Agencies should use a format for EIAs that will encourage good analysis and clear presentation of the alternatives including the proposed action. The following standard format for EIAs should generally be followed unless the agency determines that there is a compelling reason to do otherwise.

- Inner cover sheet
- Table of contents
- Executive Summary
- Proposed Action's Purpose, Need and Legal Requirements
 - purpose of the EIA, EIA preparation process, legal actions required by government to approve action;
- Proposed Action and Reasonable Alternatives
 - description of proposed action, no action alternative, other reasonable alternatives including why such alternatives were rejected.
- Affected Environment
- Environmental consequences of Proposed Action
- Identification of impacts and analysis on significance of impacts
- Mitigatory measures
 - Means to mitigate adverse environmental impacts.
- Benefit Cost Analysis
 - Included if one has been prepared by the Project Proponent
- Proposed Monitoring Plan
 - including institutional responsibilities and procedures for reporting and analysis
- Appendices
 - List of EIA preparers, references, backup data and analysis

The major sections are described below:

2. Guidance on EIA content

(a) Inner Cover sheet

The inside cover sheet should not exceed one page. It should include:

1. The title of the proposed action that is the subject of the assessment;
2. A list of preparers, including the consulting company (if any) responsible for the preparation of the EIAR. The original document should be authenticated by the preparers or by a responsible individual/s from the consulting company (if any)
3. The name, address and telephone number of responsible person at the agency who can supply further information on the document;
4. A paragraph abstract of the EIA (for use in public notices of EIA availability);

The main text of the document should be translated into Sinhala and Tamil and made available for public scrutiny.

(b) Executive Summary

Each EIA should contain an adequate and accurate summary. It should emphasize the major choices to be made, major conclusions, topics of controversy (including issues raised by agencies and the public in the scoping process) and the issues to be resolved (including the choice among alternatives). Summaries should not normally exceed 5 pages.

(c) Purpose, need and legal actions required by agencies

The EIA should briefly specify the underlying purpose and need to which the preparers are responding in proposing the alternatives including the proposed action.

This section should include a concise description of the legal steps required and actions that must be taken (and findings that must be made) by specified government agencies in order to approve the project. In this way the EIA can be a management tool to identify all information needed to meet various legal requirements for project approval.

(d) Proposed action and reasonable alternatives

This section describes the proposed action and reasonable alternatives, which

1. should include those agreed upon in the scoping process. If subsequently determined to be unreasonable the reasons should be discussed in this section;
2. may include reasonable alternatives not discussed at the scoping stage.
3. may be more restricted for private proposals than for government proposals because realistic options may be more restricted.
4. should always include the "no action" alternative, meaning one based on current practices without approval of the proposed project.
5. should always state clear reasons for rejecting the alternatives in preferences to the one recommended.

(e) Affected environment

The EIA should succinctly describe the environment of the area (s) to be affected by the proposed project.

- Descriptions should be no longer than is necessary to understand the effects;
- Data and analyses in an assessment should be commensurate with the importance of the impact;
- Less important material should be summarized, consolidated or simply referenced.

Preparers should avoid useless bulk in assessments and should concentrate effort and attention in important issues. Verbose descriptions of the affected environment are themselves no measure of the adequacy of an EIA.

(f) Environmental consequences of proposed action

This key section provides the scientific and analytic basis for identifying and evaluating the environmental impacts of the proposed action. Impacts include:

1. Direct and indirect effects and their significance, including biological/ecological, health, historic or cultural resource impacts;
2. Natural or depletable resource requirements of the project including any irreversible or irretrievable commitments of resources affected if the proposal is implemented.
3. Adverse environmental effects which cannot be avoided if the proposal is implemented;
4. A statement evaluating the significance of impacts.

(g) Mitigatory Measures

Feasible and implementable mitigatory measures should be submitted.

(h) Monitoring Plan

This section should include following

- Parametous to be menitoured with prequenties
- Institutional respansibility and procedures for reporting

(i) List of preparers

The EIA should list the names, together with their qualifications (expertise, experience professional disciplines) of the persons who were primarily responsible for preparing the EIA or its significant background papers.

(j) EIA Appendix

If an agency prepares an appendix to an EIA it should:

- a. Consist of material prepared in connection with an EIA (as distinct from material which is not so prepared and which is incorporated by reference);
- b. Normally consist of material which substantiates any analysis fundamental to the impact assessment;
- c. Normally be analytic and relevant to the decision to be made;
- d. Be circulated with the EIA or be readily available on request

B. GENERAL GUIDE FOR PREPARING EIAs

1. Page limits

The text of EIAs (excluding appendices) should normally be less than 50 pages. For proposals of unusual scope or complexity it should normally be no more than 100 pages.

2. Writing

Environment impact assessments should be written in plain language and may use appropriate graphics so that decision makers and the public can readily understand them. PPs or consulting entities should employ writers or editors to write, review or edit assessments that will be based upon the analysis and supporting data from natural and social sciences.

3. Language

IEEs/EIAs may be in English, Sinhala or Tamil, but PPs must be advised that it may become necessary for the document to be made available to the public in Sinhala and Tamil at the public inspection.

4. Incorporation by reference

PPs should incorporate material into an EIA by reference when the effect will be to reduce bulk without impeding agency and public review of the action.

5. Incomplete or unavailable information

When a PP is evaluating reasonably foreseeable significant adverse effects on the environment in an EIA and there is incomplete or unavailable information, the PP should always make clear that such information is lacking.

1. If the incomplete information relevant to reasonably foreseeable significant adverse impacts is essential to a reasoned choice among alternatives and the overall costs of obtaining it are not exorbitant, the PP should include the information in the EIA.
2. If the information relevant to reasonably foreseeable significant adverse impacts cannot be obtained because costs of obtaining it are exorbitant or the means to obtain the data are unknown, the PP should include within the EIA.
 - a statement that such information is incomplete or unavailable;
 - a statement regarding the relevance of the incomplete or unavailable information to an evaluation of reasonably foreseeable significant adverse impacts on the environment.
 - An analysis of any significant risks to and impacts on, the environment based on a "worst case" eventuality (such as the bursting of a dam, explosion of a refinery or nuclear incident from a nuclear power plant).

6. Extended benefit cost analysis

As it would facilitate the final decision making, project proponents are encouraged to use Extended Benefit Cost Analysis for the project alternatives considered. Guidelines prepared by CEA on Extended Benefit Cost Analysis is provided in Appendix - 8.

7. Methodology and scientific accuracy

PPs should ensure the professional integrity, including scientific integrity of the discussions and analyses in EIAs. They should identify any methodologies used and should make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the assessment. A PP may place discussion of methodology in an appendix. The CEA is in the process of preparing a document on EIA methodology.

C. PROJECT PROPONENT'S RESPONSE TO COMMENTS

PPs should assess and consider comments made by the public, agencies and the PAA and should respond by one or more of the means listed below, stating its response in the final assessment. Possible responses are to:

1. Modify alternatives including the proposed action, and/or incorporate mitigating measures.
2. Develop and evaluate alternatives not previously given serious consideration by the PP.
3. Supplement, improve or modify its analysis
4. Make factual corrections
5. Explain why the comments do not warrant further PP response citing the sources, authorities or reasons which support the PP's position and if appropriate, indicate those circumstances which would trigger PP's reappraisal or further response.

APPENDIX 3

Forms

- 1) Acknowledgement of Preliminary Information
- 2) Inadequacy of Preliminary Information
- 3) Scoping notice
- 4) ToR notice
 - (4a) For IEE
 - (4b) For EIA
- 5) Receipt of IEER / EIAR
- 6) Notice of adequacy of EIAR
- 7) Notice of inadequacy of EIAR
- 8) Public comment notice
- 9) Public hearing notice
- 10) Notice calling for project proponent to respond to public comments
- 11) Final decision on IEER/EIAR
 - (11a) Granting approval (EIAR)
 - (11b) Refusing approval (EIAR)
 - (11c) Granting approval (IEER)
 - (11c) Refusing approval (IEER)
- 12) Public notice of final decision

1) ACKNOWLEDGEMENT OF PRELIMINARY INFORMATION

We acknowledge receipt of preliminary information sent by you on the proposed *(name of the project*) for which you have sought approval under Part IV C of the National Environmental Act No. 47 of 1980 as amended by Act No. 56 of 1988. This information will be subjected to environmental scoping in order to determine whether what is required is an IEE report or EIA report and the terms of reference therefore. Our determination will be sent to you, in terms of regulation 6 (iii) of the National Environmental (procedure for approval of projects) Regulations No. 1 of 1993.

.....
PAA

2) INADEQUACY OF PRELIMINARY INFORMATION

This is to notify you that the information supplied by you on the *(name of the Project*) for which you have sought approval under Part IV C of the National Environmental Act No. 47 of 1980 as amended by Act No. 56 of 1988 is inadequate to be treated as "Preliminary Information" for the purposes of the National Environmental (procedure for approval of projects), Regulations No. 1 of 1993. In particular you have not yet submitted the following information:-

1.
2.
3.
4.

It is in your interest to submit this information at your earliest, since otherwise, we cannot take any steps to process your application for approval.

.....
PAA

3) SCOPING NOTICE

The proposed (*name of project*) initiated by the (*project proponent*) is pending approval by the (PAA) under section 23 AA (1) of the National Environmental Act. In terms of Reg. 6(2) of the National Environmental (Procedure for approval of projects) Regulations No. 1 of 1993, you are invited to attend a scoping meeting to be held at the (*place*) on the (*date*) at (*time*) in order to enable the (PAA) to determine whether what is required to be prepared by the (*Project Proponent*) is an IEE Report or EIA Report and to determine the issues to be covered in the IEE/EIA report.

You are welcome to make your contributions orally or in writing. Your special comments on the following issues will be appreciated.

1.
2.
3.
4.

A description of the project is annexed herewith. (*Extract form Preliminary Information*)

.....
PAA

4a) IEE TERMS OF REFERENCE NOTICE

Further to environmental scoping held in terms of regulation 6 (ii) of the National Environmental (Procedure for approval of projects) Regulations No.1 of 1993, you are required to prepare an IEE report of the proposed (*name of Project*) the terms of reference for which are attached hereto.

Please submit the IEE report together with (*number ...*) copies thereof. The document should be translated into Sinhala & Tamil languages and (*number*) copies thereof should also be furnished.

.....
PAA

4b) EIA TERMS OF REFERENCE NOTICE

Further to environmental scoping held in terms of regulation 6 (ii) of the National Environmental (Procedure for approval of projects) Regulations No. 1 of 1993, you are required to prepare an EIA Report of the proposed (*Name of Project*), the terms of reference for which are attached hereto.

The EIA report must address all matters referred to in the ToR. In the case if an EIAR, fails to address the matters referred to in the ToR it will render the EIAR inadequate and in terms of regulation No. 10 of the National Environment (Procedure for approval of projects) Regulations No. 1 of 1993, the (*Project Proponent*) will be required to make necessary amendments and resubmit the report.

Please submit the EIA Report together with (*number*) copies thereof. The document should be translated into Sinhala & Tamil languages and (*number*) copies thereof should also be furnished.

.....
PAA

5) RECEIPT OF EIAR/IEER

We acknowledge receipt of the EIA/IEE report of the proposed (*name of the Project*) submitted by you in terms of the National Environmental Act.

.....
PAA

6) NOTICE OF ADEQUACY OF EIAR

This is to notify (*project proponent*) that the EIA report submitted by you on (*date*) is prima facie, adequate and will be opened for public inspection and comment in terms of the National Environment (Procedure for approval of projects) Regulations No. 1 of 1993.

.....
PAA

7) NOTICE OF INADEQUACY OF EIAR

This is to notify you, in terms of Regulation 10 of the National Environmental (procedure for approval of projects) Regulations No. 1 of 1993, that the EIA report submitted by you on (*date*) is, prima facie, inadequate. In particular the EIA report has not addressed the following items referred to in the ToR:-

1.
2.
3.
4.

Please make necessary amendments to the EIA report and re-submit the same together with (*number*) copies thereof and translations in Sinhala & Tamil.

.....
PAA

8) PUBLIC COMMENTS NOTICE

NOTIFICATION
UNDER SECTION 23 BB, SUBSECTION (2) OF THE
NATIONAL ENVIRONMENTAL ACT

(name of the project

The Report on the Environmental Impact Assessment study/Initial Environmental Examination Study of the proposed (name of the project) submitted by (project proponent ...) under section 23 BB (1) of the National Environmental Act No. 47 of 1980 as amended by Act No. 56 of 1988 and Act No 53 of 2000 will be available for inspection by the public at the following locations between 8.30 am and 4.15 pm for a period of 30 days from the date of the advertisement (except Sundays and Public Holidays).

- •
- •

Any member of the public may within 30 days submit their comments in writing on the above document to the (PAA

.....
PAA

9) PUBLIC HEARING NOTICE

EIA STUDY OF THE PROPOSED (name of the project

Further to the written comments received from the public in terms of section 23 BB (3) of the National Environmental Act on the EIA study of the proposed (name of the project) submitted by the (Project Proponent ...) under section 23 BB (i) of the National Environmental Act, it has been decided to hold a public hearing under section 23 BB (3) of the National Environmental Act. You are invited to attend the public hearing to be held at the (place) on the (date) at (time) and to make oral or written submission in support of your written comments.

.....
PAA

CC: (Project Proponent) you are invited to attend this hearing. You may bring along the personnel who prepared the EIAR.

NB Public hearing notice need only be served on those who have made written comment in response to the public inspection notice.

10) NOTICE CALLING FOR PROJECT PROPONENT TO RESPOND TO PUBLIC COMMENTS

Annexed please find written comments received from the public {/ and further submissions / comment s/ evidence / received during the public hearing held} * on the EIA report submitted by you. Please respond to these comments as fully as possible. Please note that we cannot process your application for approval further until we receive your responses.

.....
PAA

Enclosed – copies of written comments / submission / evidence

* {optional}

11a) FINAL DECISION ON EIAR (Granting approval)

(name of the project)

This is to inform you that the (Project Approving Agency.....) after study of the EIA report of the proposed (name of the project) and review of the comments received from the public and your responses to such comments, has decided, with the concurrence of the CEA, in terms of regulations 13 of the National Environmental (procedure for approval of projects). Regulations No. 1 of 1993, to grant approval for the implementation of the above project subject to the following conditions:-

1. The project should be concluded within (date.....) unless upon written application within thirty days prior to this date (project approving agency.....) extends this time.
2.
3.
4.

We wish to draw your attention to regulation 17 which states;

- 17.i A project proponent shall inform the appropriate Project Approving Agency of-
 - (a) any alteration to a prescribed project approved under regulations 9 (i) and 13 (i) and/or
 - (b) the abandonment of such approved project
- ii. The project proponent shall where necessary obtain fresh approval in respect of any such alterations that are intended to be made to such project. The Project Approving Agency shall in consultation with the Authority determine the scope and format of the supplemental report required to be submitted for such alterations.
- iii. The project proponent shall, where a project is abandoned, restore the project site to a condition as specified by the Project Approving Agency.

.....
PAA

11b) FINAL DECISION OF EIAR (Refusing approval)

(name of the project)

This is to inform you that the (Project Approving Agency) after study of the EIA report of the proposed (name of the project.....) and review of the comments received from the public and your response to such comments, has decided, with the concurrence of the CEA, in terms of regulations 13 of the National Environmental (procedure for approval of projects) Regulations No. 1 of 1993, to refuse approval for implementation of the above project for the following reasons.

1.
2.
3.

.....

PAA

11c) FINAL DECISION ON IEER (Granting approval)

(name of the project)

This is to inform you that the (Project Approving Agency.....) after study of the IEE report of the proposed (name of the project) has decided, in terms of regulations 9 (i) of the National Environmental (Procedure for approval of projects). Regulations No. 1 of 1993, to grant approval for the implementation of the above project subject to the following conditions:-

1. The project should be concluded within (date.) unless upon written application within thirty days prior to this date (project approving agency) extends this time.
2.
3.
4.

We wish to draw your attention to regulations 17 which states:

17. i. a project proponent shall inform the appropriate Project Approving Agency of-
 - (a) any alteration to a prescribed project approved under regulations 9 (i) and 13 (i); and/or
 - (b) the abandonment of such approved project
- ii. The project proponent shall where necessary obtain fresh approval in respect of any such alterations that are intended to be made to such project. The Project Approving Agency shall in consultation with the Authority determine the scope and format of the supplemental report required to be submitted for such alterations.
- iii. The project proponent shall, where a project is abandoned,

restore the project site to a condition as specified by the
Project Approving Agency.

.....
PAA

11d) FINAL DECISION ON IEER (Refusing approval)

(name of the project.....)

This is to inform you that the *(Project Approving Agency)* after study of the IEE report of the proposed *(name of the project...)* has decided, in terms of regulation 9 (i) of the National environmental (Procedure for approval of projects), Regulations No. 1 of 1993, to refuse approval for implementation of the above project for the following reasons.

1.
2.
3.

.....
PAA

12.

PUBLIC NOTICE OF FINAL DECISION

NATIONAL ENVIRONMENTAL ACT PUBLIC NOTICE OF FINAL DECISION (EIAR)

(PROJECT APPROVING AGENCY)

(name of project)

NOTIFICATION UNDER SECTION 23 BB (4)

This is to inform the public that after a study of the EIA report of the above project, review of the comments received from the public and the project proponents responses to such comments the *(PAA.....)* has decided, with the concurrence of the CEA, in terms of regulation 13 of the National Environmental (Procedure for approval of projects) Regulations No. 1 of 1993 to grant approval for the implementation of the above project subject to specified terms and conditions.

.....
PAA

Appendix 4

PROJECTS AND UNDERTAKINGS PRESCRIBED BY THE HON MINISTER IN CHARGE OF THE SUBJECT OF ENVIRONMENT FOR WHICH APPROVAL SHALL BE NECESSARY UNDER THE PROVISIONS OF PART IV C OF THE NATIONAL ENVIRONMENTAL ACT (AS CONTAINED IN GAZETTES (EXTRA-ORDINARY NO. 772/22 OF 24TH JUNE 1993, NO. 1104/22 OF 6TH NOVEMBER 1999 AND 1108/1 OF 29TH NOVEMBER 1999)

SCHEDULE

Part I

PROJECTS AND UNDERTAKINGS IF LOCATED WHOLLY OR PARTLY OUTSIDE THE COASTAL ZONE AS DEFINED BY COAST CONSERVATION ACT NO. 57 OF 1981 (*Fig 1*)

1. All river basin development and irrigation projects excluding minor irrigation works (as defined by Irrigation Ordinance chapter 453)
2. Reclamation of land, wetland area exceeding 4 hectares
3. Extraction of timber covering land area exceeding 5 hectares
4. Conversion of forest covering an area exceeding 1 hectare into non-forest uses
5. Clearing of land areas exceeding 50 hectares
6. *Mining and Mineral Extraction*
 - ◆ Inland deep mining and mineral extraction involving a depth exceeding 25 meters

- ◆ Inland surface mining of cumulative areas exceeding 10 hectares
- ◆ All off shore mining and mineral extractions.
- ◆ Mechanized mining and quarrying operations of aggregate, marble, limestone, silica, quarts and decorative stone within 1 kilometer of any residential or commercial areas

7. *Transportation systems*

- ◆ Construction of national and provincial highway involving a length exceeding 10 kilometers.
- ◆ Construction of railway lines
- ◆ Construction of airports
- ◆ Construction of airstrips
- ◆ Expansion of airports or airstrips that increase capacity by 50 percent or more

8. *Port and harbour development*

- ◆ Construction of ports
- ◆ Construction of harbours
- ◆ Port expansion involving an annual increase of 50% or more in handling capacity per annum

9. *Power generation and transmission*

- ◆ Construction of hydroelectric power stations exceeding 50 Megawatts
- ◆ Construction of thermal power plants having generation capacity exceeding 25 Megawatts at a single location or capacity addition exceeding 25 Megawatts to existing plants
- ◆ Construction of nuclear power plants
- ◆ all renewable energy based electricity generating stations exceeding 50 Megawatts.

10. *Transmission lines*

- ◆ Installation of overhead transmission lines of length exceeding 10 kilometers and voltage above 50 kilovolts

11. *Housing and building*

- ◆ Integrated multi-development activities consisting of housing, industry, commercial infrastructure covering a land area exceeding 10 hectares.

12. *Resettlement*

- ◆ Involuntary resettlement exceeding 100 families other than resettlement effected under emergency situations.

13. *Water supply*

- ◆ All ground water extraction projects of capacity exceeding ½ million cubic meters per day.
- ◆ Construction of water treatment plants of capacity exceeding ½ million cubic meters

14. *Pipelines*

- ◆ Laying of gas and liquid (excluding water) transfer pipelines of length exceeding 1 kilometer

15. *Hotels*

- ◆ Construction of hotels or holiday resorts or projects which provide recreational facilities exceeding 99 rooms or 40 hectares, as the case may be

16. *Fisheries*

- ◆ Aquaculture development projects of extent exceeding 4 hectares
- ◆ Construction of fisheries harbours
- ◆ Fisheries harbour expansion projects involving an increase of 50% or more in fish handling capacity per annum

17. *All tunneling projects*

18. *Disposal of waste*

- ◆ Construction of any solid waste disposal facility having a capacity exceeding 100 tons per day.
- ◆ Construction of waste treatment plants treating toxic or hazardous waste

19. *Development of all Industrial Estates and Parks exceeding an area of 10 hectares*

20. *Iron and Steel Industries*

- ◆ Manufacture of iron and steel products of production capacity exceeding 100 tons per day using iron ore as raw material
- ◆ Manufacture of iron and steel products of production capacity exceeding 100 tons per day using scrap iron ore as raw material

- ◆ Smelting of aluminium or copper or lead of production capacity exceeding 25 tons per day

22. *Basic Industrial Chemicals*

- ◆ Formulation of toxic chemicals of production capacity exceeding 50 tons per day
- ◆ Manufacture of toxic chemicals of production capacity exceeding 25 tons per day

23. *Pesticides and Fertilizers*

- ◆ Formulation of pesticides of combined production capacity exceeding 50 tons per day
- ◆ Manufacture of pesticides of combined production capacity exceeding 25 tons per day

24. *Petroleum and Petrochemical*

- ◆ Petroleum refineries producing gasoline, fuel oils, illuminating oils, lubricating oils and grease, aviation and marine fuel and liquefied petroleum gas from crude petroleum
- ◆ Manufacture of petro-chemicals of combined production capacity exceeding 100 tons per day from production processes of oil refinery or natural gas separation.

25. *Tyre and Tube Industries*

- ◆ Manufacture of tyre and tubes of combined production capacity exceeding 100 tons per day from natural or synthetic rubber

- ◆ Manufacture of refined sugar of combined production capacity exceeding 50 tons per day

27. *Cement and Lime*

- ◆ Manufacture of Cement through production of clinker
- ◆ Manufacture of lime employing kiln capacity exceeding 50 tons per day

28. *Paper and Pulp*

- ◆ Manufacture of paper or pulp of combined production capacity exceeding 50 tons per day.

29. *Spinning, Weaving and Finishing of Textiles*

- ◆ Integrated cotton or synthetic textile mills employing spinning, weaving, dyeing and printing operations together of combined production capacity exceeding 50 tons per day

30. *Tanneries and Leather Finishing*

- ◆ Chrome tanneries of combined production capacity exceeding 25 tons per day
- ◆ Vegetable (bark) of combined production capacity exceeding 50 tons per day

Provided however, where the projects and undertaking set out in items 20 to 30 are located within Industrial Estates and parks as described at (19) above, the approval shall not be necessary under the provisions of Part IV C of the Act.

31. Industries which involved the manufacture, storage or use of Radio Active Materials as defined in the Atomic Energy Authority Act No. 19 of 1969 or Explosives as defined in the Explosives Act No. 21 of 1956, excluding for national security reasons.

32. All projects and undertaking listed in Part I irrespective of their magnitudes and irrespective of whether they are located in the coastal zone or not, if located wholly or party within the areas specified in part III of the Schedule.

- 32(a) Construction of all commercial buildings as defined by the Urban Development Authority Law, No. 41 of 1978 and the construction of dwelling housing units, Irrespectively of their magnitudes and irrespective of whether they are located in the coastal Zone or not, if located whlly or party within the areas specified in Part III of this schedule.

33. Iron and Steel

34. Non-Ferrous Basic Metal

35. Basic Industrial Chemicals

36. Pesticides and Fertilizers

37. Synthetic Resins, Plastic materials and Man-made Fibres

38. Other Chemical Products

39. Petroleum and Petro-chemical Products

40. Tyres and Tubes

41. Manufacturing and Refining of Sugar

42. Alcoholic Spirits

43. Malt Liquors and Malt

44. Cement, clinker and Lime

45. Non-metallic Mineral Products

46. Paper, Pulp and Paperboard

47. Spinning, Weaving and Finishing of Textile

48. Tanneries and Leather Finishing

49. Shipbuilding and Repairs

50. Railroad Equipment

51. Motor Vehicles

52. Air Craft

TABLE III

1. Within 100 m from the boundaries of or within any area declared under

- ◆ The National Heritage Wilderness Act No. 3 of 1988;
- ◆ The Forest Ordinance (Chapter 451);

whether or not such areas are wholly or partly within the Coastal Zone as defined in the Coast Conservation Act No. 57 of 1981.

2. Within the following areas whether or not the areas are wholly or partly within the Coastal Zone:

- ◆ any erodable area declared under the Soil Conservation Act (Chapter 540)
- ◆ any Flood Area declared under the Flood Protection Ordinance (Chapter 449) and any flood protection area declared under the Sri Lanka Land Reclamation and Development Corporation Act 15 of 1968 as amended by Act No. 52 of 1982.
- ◆ 60 meters from the bank of a public stream as defined in the Crown Lands Ordinance (Chapter 454) and having a width of more than 25 meters at any point if its course.
- ◆ any reservation beyond the full supply level of a reservoir
- ◆ any archaeological reserve, ancient or protected monument as defined or declared under the Antiquities Ordinance (Chapter 188).
- ◆ any area declared under the Botanic Gardens Ordinance (Chapter 446)
- ◆ within 100 meters from the boundaries of or within any area declared as a Sanctuary under the Fauna and Flora Protection Ordinance (Chapter 469)

- ◆ within 100 meters from the high flood level contour of or within a public lake as defined in the Crown Lands Ordinance (Chapter 454) including those declared under section 71 of the said Ordinance.

In these regulations unless the context otherwise requires;

“hazardous waste” means any waste which has toxic, corrosive, flammable, reactive, radio active or infectious characteristics.

“reservoir” means an expanse of water resulting from man made constructions across a river or a stream to store or regulate water. Its “environs” will include that area extending up to a distance of 100 meters from full supply level of the reservoir inclusive of all islands falling within the reservoir.

APPENDIX 5

NATIONAL ENVIRONMENTAL (PROCEDURE FOR APPROVAL OF PROJECTS) REGULATIONS NO. 1 OF 1993 AS CONTAINED IN GAZETTE EXTRA-ORDINARY NO. 772/22 OF 24TH JUNE 1993

1. These Regulations may be cited as the National Environmental (Procedure for approval of projects) Regulations No. 1 of 1993.
2. (i) A project proponent shall not perform the functions and duties of a Project Approving Agency. In the event of a Project Approving Agency becoming a project proponent, the Authority shall designate an appropriate Project Approving Agency.
 - (ii) The Authority shall determine the appropriate Project Approving Agency in case where more than one Project Approving Agency is involved.
3. In respect of any prescribed project for which an Environmental Impact Assessment Report is required the Project Approving Agency shall grant its approval only with the concurrence of the Authority.
 1. Any devolution of the functions of a Project Approving Agency to a Provincial Council, relating to the approval of projects shall be done only with the written concurrence of the Minister.
 2. A project proponent of any proposed prescribed project shall as early as possible submit to the project approving agency preliminary information on the project requested by the appropriate project approving agency.
6. (i) The project approving agency shall acknowledge in writing receipt of such preliminary information within six days (Fig 2).

- (ii) The project approving agency shall in consultation with the Authority subject such preliminary information to environmental scoping, in order to set the Terms of Reference for the Initial Environmental Examination Report or Environmental Impact Assessment Report, as the case may be and in doing so the project approving agency may take into consideration the views of state agencies and the public.
 - (iii) The project approving agency shall convey in writing to the project proponent the Terms of Reference referred to in paragraph (ii) above within fourteen days in the case of an Initial Environmental Examination Report and thirty days in the case of an Environmental Impact Assessment Report from the date of acknowledge receipt of the preliminary information.
 - (iv) Where, if on environmental scoping the project approving agency considers that the preliminary information submitted by the project proponent as required in regulations 5 above, is adequate to be an Initial environmental Examination Report, the project approving agency shall proceed as specified hereinafter.
7. (i) Every project proponent shall submit to the project approving agency such number of copies of the Initial Environmental Examination Report as required by the Project Approving Agency.
 - (ii) Upon receipt of an Initial Environmental Examination report the Project Approving Agency shall submit a copy thereof to the Authority, and by prompt notice published in the Gazette and in one national newspaper published daily in the Sinhala, Tamil and English languages, invite the public to make written comments, if any, thereon to the Project Approving Agency, within thirty days from the date of first appearance of the notice, either in the Gazette or in the newspaper.

- (iii) The notice referred to in paragraph (ii) above shall specify the times and places at which the report shall be made available for public inspection.
 - (iv) The Project Approving Agency shall make available copies of the report to any person interested to enable him to make copies thereof.
8. (i) It shall be the duty of the Project Approving Agency, upon completion of the period of public inspection, to forward to the project proponent the comments received from the public, for review and response, within six days from the date of completion of the period of public inspection.
- (ii) The project proponent shall in writing respond to such comments to the Project Approving Agency.
9. Upon receipt of such responses referred to in regulation 8 (ii) above, the Project Approving Agency shall within a period of six days either:
- (i) grant approval for the implementation of the proposed project subject to specified conditions; or
 - (ii) refuse approval for the implementation of the proposed project with reasons for doing so.
10. Upon receipt of an Environmental Impact Assessment Report the Project Approving Agency shall, within fourteen days, determine whether the matters referred to by the Terms of Reference as set out in regulation 6 (1) above are addressed and if the report is determined to be inadequate the Project Approving Agency shall require the project proponent to make necessary amendments and re-submit the report, together with the required number of copies.

- 11.(i) Upon receipt of the report, as specified in regulation 10 above, the Project Approving agency shall submit a copy thereof to the Authority and by prompt notice published in the Gazette and in one national newspaper published daily in the Sinhala, Tamil and English languages invite the public to make written comments, if any, thereon to the Project Approving Agency within thirty days from the date of the first appearance of the notice, either in the Gazette or in the newspaper.
- (ii) The notification shall specify the time and places at which the report shall be made available for public inspection.
- (iii) The Project approving Agency shall make available copies of the report to any person interested to enable him to make copies thereof.
12. It shall be duty of a Project Approving Agency, upon completion of the period of public inspection or public hearing, if held, to forward to the project proponent comments received for review and response, within six days. The Project Proponent shall respond to such comments in writing to the Project approving Agency.
13. Upon receipt of such responses as referred to in regulation 12 above, the Project Approving Agency shall with the concurrence of the Authority, within thirty days either:
- (i) grant approval for the implementation of the proposed project subject to specified conditions; or
 - (ii) refuse approval for the implementation of the proposed project, with reasons for doing so.
14. It shall be the duty of all Project Approving Agencies to forward to the Authority a report which contains a plan to monitor the implementation of every approved project, within thirty days from granting of approval under regulations 9 (i) and 13 (i) by such agencies.

15. The Project Approving Agency shall publish in the Gazette and in one national newspaper published daily in the Sinhala, Tamil and English languages the approval of any project as determined under regulations 9 (i) and 13 (i) hereto.
16. (i) The Project Approving Agency shall specify a period within which the approved project shall be completed.
- (ii) a project proponent may, within thirty days prior to expiry of such period, make an application in writing to the Project Approving Agency for an extension of time for the completion of the proposed prescribed project.
17. (i) a project proponent shall inform the appropriate Project approving Agency of
- (a) any alteration to a prescribed project approved under regulations 9 (i) and 13 (i); and/or
- (b) the abandonment of such approved project
- (ii) The project proponent shall where necessary obtain fresh approval in respect of any such alterations that are intended to be made to such project. The Project Approving Agency shall in consultation with the authority determine the scope and format of the supplemental report required to be submitted for such alterations.
- (iii) The project proponent shall, where a project is abandoned, restore the project site to a condition as specified by the Project Approving Agency.
18. The Project Approving Agency shall communicate to the Project Proponent the administrative charges to be levied by the Project Approving Agency for the purposes of the approval of projects. The Project Approving Agency shall follow the procedure set out in guidelines prepared by the Authority.

19. In the regulations

- "Authority" means the Central Environmental Authority;
- "Project Proponent" means any Government Department, Corporation, Statutory Board, Local Authority, Company, Firm or Individual who submits any prescribed project for approval;
- "preliminary information" shall include a description of the nature, scope and location of the proposed project accompanied by location maps and any other data as may be requested for by the Project Approving Agency;
- "Environmental scoping" means determining the range and scope of proposed actions, alternatives and impacts to be discussed in an Initial Environmental Examination Report or Environmental Impact Assessment Report;
- "Report" means an Initial environmental Examination Report or an environmental Impact Assessment Report as the case may; and "days" means any day other than a public holiday as defined by the Holiday Act No. 29 of 1971.

APPENDIX 6

PROJECT APPROVING AGENCIES SET OUT IN THE GAZETTE EXTRA-ORDINARY NO. 859/14 OF 23RD FEBRUARY 1995 AND GAZETTE EXTRA ORDINARY NO.1373/6 OF 29TH DECEMBER 2004.

1. The respective Ministries to which the following subjects are assigned:-
 - (a) National Planning
 - (b) Irrigation
 - (c) Energy
 - (d) Agriculture
 - (e) Lands
 - (f) Forests
 - (g) Industries
 - (h) Housing
 - (i) Construction
 - (j) Transport
 - (k) Highways
 - (l) Fisheries
 - (m) Aquatic Resources
 - (n) Plantation Industries
2. The Department of Cost Conservation
3. The Department of Wild Life Conservation
4. The Urban Development Authority established by the Urban Development Law, No. 41 of 1978
5. The Central Environmental Authority established by the National Environmental Act, No. 47 of 1980
6. The Geological Survey and mines Bureau established by the Mines and Minerals Act, No. 33 of 1992

7. The Ceylon Tourist Board established by the Ceylon tourist Board, Act No. 10 of 1966
8. The Mahaweli Authority of Sri Lanka established by the Mahaweli Authority of Sri Lanka, Act No. 23 of 1979.
9. The Board of Investment of Sri Lanka established by the Greater Colombo Economic Commission Law, No. 4 of 1978 as amended interalia by Act No. 49 of 1992
10. Forest Department

APPENDIX 7

THE EIA PUBLICATIONS OF CEA

1. Guidance for Implementing the Environmental Impact Assessment (EIA) Process No. 1 A General Guide for Project Approving Agency (PAA), 2006.
2. Guidance for Implementing the EIA Process No. 2 – A General Guide for Conducting Environmental Scoping – 2003.
3. Environmental Guideline for Road and Rail Development in Sri Lanka, 1997.
4. Environmental Guideline for Agricultural Sector Projects – 1997.
5. The Gazette Extraordinary No. 772/22 of 24th June 1993.
6. The Gazette Extraordinary No. 859/14 of 23rd February 1995.
7. The Gazette Extraordinary No. 978/13, 24th June 1997.
8. The Gazette Extraordinary No. 1104/22 of 5th November 1999.
9. The Gazette Extraordinary No. 1108/1 of 29th November 1999.
10. The Gazette Extraordinary No 1159/22 of 22nd November 2000
11. The Gazette Extraordinary No 1373/6 of 29th December 2004
12. The EIA Experience in Sri Lanka

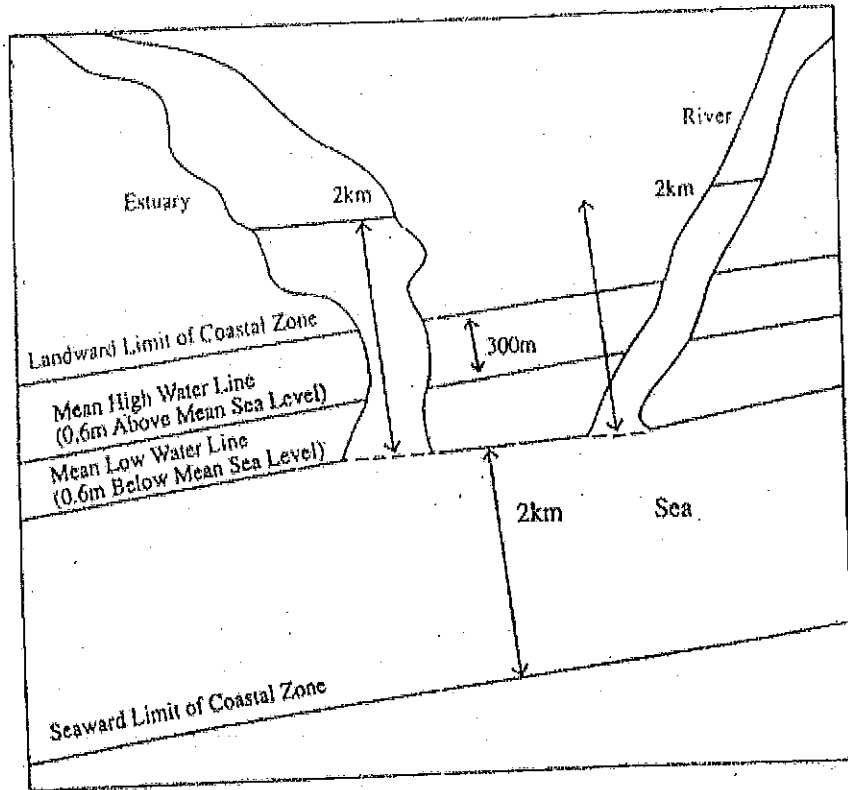
APPENDIX 8

AMENDED NATIONAL ENVIRONMENTAL (PROCEDURE FOR APPROVAL OF PROJECTS) REGULATIONS SET OUT IN THE GAZETTE EXTRA' ORDINARY NO. 1159/22 OF 22.11.2000

National Environmental (procedure for approval of projects) Regulation No. 1 of 1993 published in Gazette Extraordinary No. 772/22 of June 24, 1993 is hereby amended as follows:-

- (1) In regulation 7 therefore
 - (a) by the substitution for paragraph (ii) thereof of the following:
 - (ii) upon receipt of an Initial Environmental Examination Report, the Project Approving Agency shall submit a copy thereof to the Authority.
 - (b) by the repeal of paragraphs (iii) and (iv) of that regulation:
- (2) by the repeal of paragraphs (i) and (ii) of regulation 8 thereof;
- (3) by the substitution for regulation 9 thereof of the following:
 - (i) grant approval for the implementation of the proposed project subject to specified conditions; or
 - (ii) request the project proponent to submit an Environmental Impact Assessment report; or
 - (iii) refuse approval for the implementation of the proposed project with reasons for doing so.

Figure 1
The Sri Lanka Coastal Zone

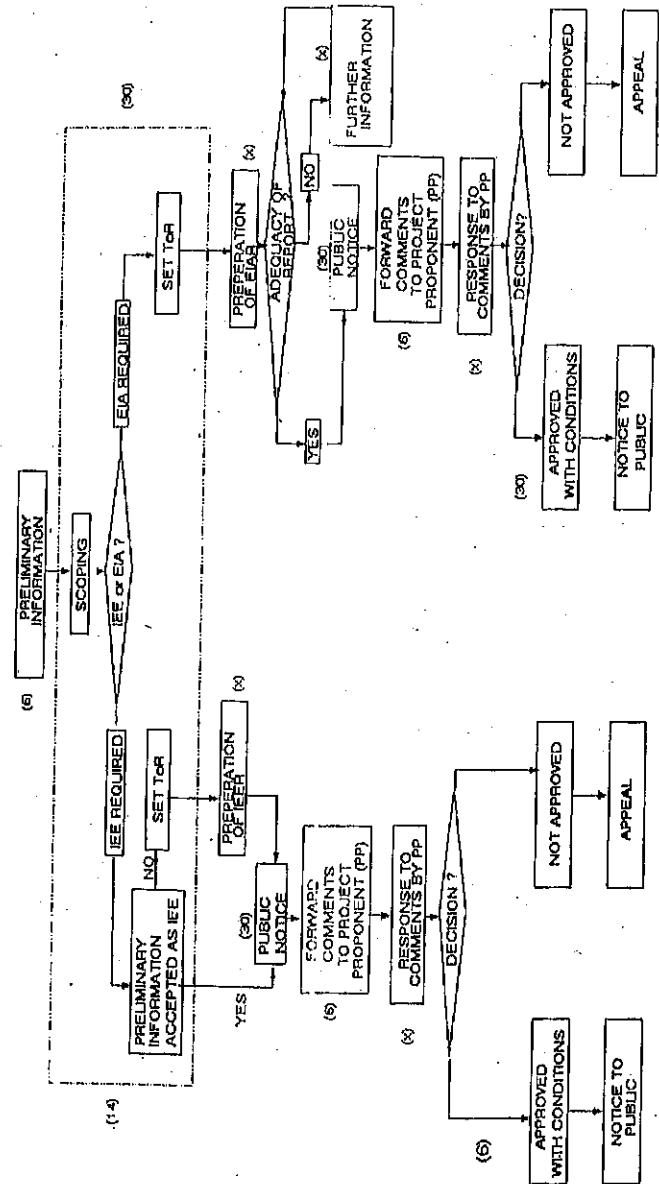


The "Coastal Zone" is defined in the Coast Conservation Act as.....

"That area lying within a limit of three hundred meters landwards of the Mean High Water Line and a limit of two kilometers seawards of the Mean Low Water Line and in the case of rivers, streams, lagoons, or any other body of water connected to the sea either permanently or periodically, the landward boundary shall extend to a limit of two kilometers measured perpendicular to the straight base line drawn between the natural entrance point thereof and shall include waters of such rivers, streams and lagoons or any other body of water so connected to the sea".

By definition the natural entrance points are defined with respect to the mean low water line.

ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURE



NOTE : Bracketed figures indicate MAXIMUM number of days

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