

Introduction to Environmental Impact Assessment in Sri Lanka

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PURPOSE OF AN EIA

- The purpose of an EIA is to ensure that development plans or projects under consideration are environmentally sound and sustainable
- The environmental consequences are recognized and taken into account early in project design.

HISTORY OF EIA IN SRI LANKA

■ 1981

- Legal provisions for EIA included in Coast Conservation Act No. 57 of 1981 (Provisions Restricted to Coastal Zone Only).
- Identification of Projects for EIA at the discretion of the Director General, Coast Conservation.

■ 1988

- Amendments to the National Environment Act mandates EIA for “Prescribed Projects” island wide.

■ 1990

- Legal provision for EIA included in North Western Provincial Environmental Statute No. 12 of 1990.
- EIA is required for “Prescribed Projects” (within the North Western Province).

■ 1993

- Legal provision for EIA included in the Fauna and Flora Act No. 49 of 1993.
- Any development activity within 1 mile of the boundary of any National Reserve should undergo IEE / EIA process.

MAJOR PROVISIONS IN THE NEA ON EIA

- EIA /IEE process is mandatory only for “Prescribed” projects.
- 23 State Agencies have been designated as Project Approving Agencies (PAA).
- Public inspection and comment on EIA reports.
 - (Public hearing is at the discretion of the PAA).

PRESCRIBED PROJECTS

- Published in Government Gazette (Gazette Extra Ordinary No 772/22 of 24th June and No 1104 of 5th November 1999)

The projects are prescribed according to two categories.

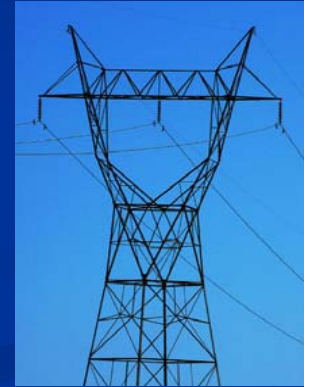
1. By type and magnitude

Eg. Thermal power projects over 25 MW.

Hotels over 99 rooms

Highways over 10 km

Filling of wetlands over 4 ha.



2. By location

Eg. If projects are located in an environmental sensitive area such as river reservations, forest reserves etc., the project should undergo an IEE/EIA (irrespective of the magnitude)



PROJECT APPROVING AGENCIES SET OUT IN THE GAZETTE EXTRA ORDINARY NO 859/14 OF 23RD FEBRUARY 1995.

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

PROJECT APPROVING AGENCIES

- The Department of Coast Conservation
- The Department of Wildlife Conservation
- The Forest Department
- The urban Development Authority established by the Urban Development Law No. 41 of 1978.
- The Central Environmental Authority established by the National Environmental Act No. 47 of 1980.
- The Geological Survey and Mines Bureau established by the Mines and Minerals Act No. 33 of 1992.
- The Ceylon Tourist Board established by the Ceylon Tourist Board Act No. 10 of 1966.
- The Mahaweli Authority of Sri Lanka established by the Mahaweli Authority of Sri Lanka Act No. 23 of 1979.
- 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.

LEVELS OF EIA

- Two levels
 - IEE (Initial Environmental Examination)
 - EIA (Environmental Impact Assessment)
- PAA decides whether an IEE or EIA is required
- Criteria for selecting is the significance of impacts

PUBLIC PARTICIPATION

- The EIA report is open for public for 30 days
- IEE reports are not required to open for public
- PAA must publish notices in the Gazette and the National Newspapers inviting the public to make comments
- Public hearing may be held at the discretion of the PAA

EIA PROCESS

Determining whether an EIA is necessary (Screening)



Deciding on the coverage of the EIA (Scoping)



EIA study and Preparation of the EIA Report



Reviewing the EIA report
(Technical review and public review)



Decision making



Follow up monitoring

SCREENING

- Determining whether an EIA is necessary for a project
- Screening is done by reference to the prescribed list
- If any component of the project falls within the prescribed category, the whole project becomes prescribed.

Scoping

- Scoping is undertaken by the PAA
- The purpose of scoping is
 - to identify potential impacts of the project
 - to decide whether the project requires an IEE/EIA
 - to draft the Terms of Reference (ToR) for the IEE / EIA study
- All relevant stakeholders are invited for the scoping.

EIA REPORT PREPARATION

- EIA report is prepared by the proponent or consultants hired by the proponent in accordance with the ToR.
- EIA report contains the following as a minimum
 - Proposed action and reasonable alternatives
 - Environmental condition before the project implementation
 - Forecast the significant impacts of the project
 - Impact mitigation
 - Recommendation
- The proponent is responsible for submitting the EIA report to the PAA.
- The EIA report should be prepared in all 3 languages

TECHNICAL REVIEW

- PAA appoints a Technical Evaluation Committee (TEC) to review
 - The IEE/EIA report
 - Public comments received
 - responses from the proponent for further clarifications
- TEC comprises of related agencies and skilled professionals

DECISION MAKING

- PAA takes the decision whether to grant approval or refuse approval based on the recommendations of the TEC.
- Approval is granted (if approved) subject to specified conditions.

Contd.

- If rejected the PP can make request from the Secretary of Ministry of Environment.
- If approved compliance monitoring is to be done in order to ensure the conditions stipulated in the environmental approval are adhered to.

END



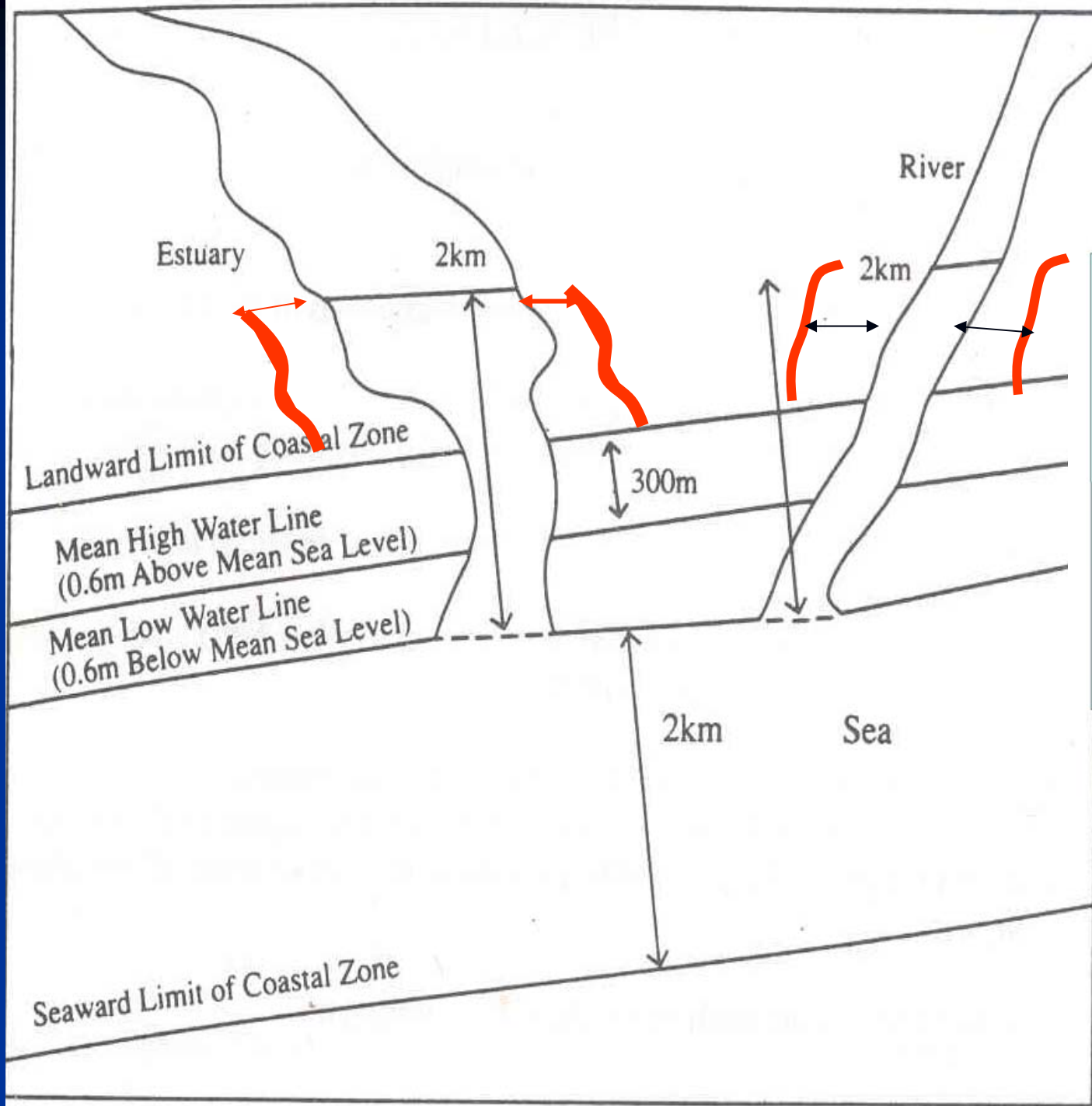
EIA in other Laws

- Coast Conservation Act
- Flora and Fauna Protection Act
- North Western Provincial Environmental Statute



Sri Lanka- District Map

Proposed Administrative area covered under Regional and Sub-regional offices of CEA



National reserves

- National reserves have been gazetted under Flora and Fauna Protection Act.
- The Director General Wildlife Department will decide the EIA requirement within one mile of the boundary of any National reserves.