

REVISED DRAFT ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2020

Submitted by: reEarth, the Bahamas Reef Environment Educational Foundation, Save the Bays, Waterkeepers Bahamas, and the Waterkeeper Alliance

Arrangement of Regulations

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**ENVIRONMENTAL PLANNING AND PROTECTION
ACT, 2019
(NO. 40 OF 2019)**

ENVIRONMENTAL IMPACT ASSESSMENT

REGULATIONS, 2020

The Minister, in exercise of the powers conferred by section 12 of the Environmental Planning and Protection Act, 2019 (*No. 40 of 2019*), makes the following Regulations —

PART I - PRELIMINARY

1. Citation and Commencement.

These Regulations may be cited as the Environmental Impact Assessment Regulations, 2020 or the EIA Regulations. These regulations take effect on the _ day of _, 2020.

2. Interpretation.

In these Regulations —

“**Act**” means the Environmental Planning and Protection Act, 2019;

“**Certificate of Environmental Clearance**” means the certificate granted pursuant to regulation 6;

“**confidential business information**” (or “**CBI**”) includes trade secrets, sales and marketing plans, new product plans, notes associated with patentable inventions or such other information ~~that may harm a project proponent~~; where the harm to the Project Proponent is shown to outweigh substantially the value of its release to inform the public;

“**Director**” means the Director of Environmental Planning and Protection;

“environmental clearance conditions” means any conditions specified by the Director in a Certificate of Environmental Clearance;

“Environmental Impact Assessment” (or “EIA”) means an assessment to identify the environmental, social, and economic impact of a project prior to decision making and aims to predict **environmental** impacts at an early stage **to enable informed decisions as to proceeding with a proposed project** and **find ways to identify methods** to reduce adverse impact and shapes projects to suit the local environment and present the prediction and option to decision makers;

“Environmental Management Plan” (or “EMP”) means a plan used to ensure that undue or reasonably avoidable adverse impacts of the construction, operation and decommissioning of a project are prevented and that positive benefits of the project are enhanced. The plan outlines the environmental management measures that will be carried out during construction and implementation of the proposed project, and includes the Environmental Clearance Conditions established by the Department during the EIA review;

“Operation” means the continuous, long-term functioning or implementation of projects, commencing upon completion of construction or preparation;

“Proposed project” (or “project”) ~~means any project, plan, program or policy that is in the feasibility stage of development and includes any demolition, abandonment, decommissioning, modification, addition or expansion to an existing project.~~ means any development that proposes a man-made change to the environment or any ecosystem, whether for business, sports or residential purposes, including a physical project, plan, program or policy of the private sector, government or any other entity that has not yet received final approval from all the relevant agencies.

“Public” means any interested party, including individuals or groups from the public or private sector. Any party who takes interest in any proposed project or EIA process conducted pursuant to these regulations falls within the meaning of “public” as used herein, and is accorded the rights and privileges with respect to the EIA process outlined in these regulations;

PART II – PROCEDURES FOR PROPOSED PROJECTS

PRELIMINARY REVIEW OF PROPOSED PROJECTS

3. Prohibition against commencing proposed projects.

- (1) No person shall commence or proceed with a proposed project until a Certificate of Environmental Clearance has been granted in accordance

with these Regulations.

- (2) Where a person commences a project without the grant of a Certificate of Environment Clearance, the Director shall direct the person to cease and desist with all activities related thereto and may make one or more of the decisions specified in regulation 7(2).

4. Mandatory application for preliminary review of proposed projects.

- (1) Any person who proposes to carry out a proposed project (hereinafter referred to as a “project proponent”) shall make an application for a preliminary review of the proposed project in the form provided for in Part A of the *First Schedule* and pay the requisite fee.
- (2) The project proponent shall attach to an application referred to in paragraph (1), the information specified in Part B of the *First Schedule*.
- (3) If the Director is not satisfied that sufficient information to make a decision has been provided, the Director may give notice in writing to the project proponent requesting such additional information as the Director considers necessary.
- (4) Where a project proponent indicates that there is information that should be treated as confidential business information, the Director shall review the information and —
 - (a) determine whether such information is critical for disclosure to the the general public and interested parties; and
 - (b) if so, notify the project proponent as to what information must be disclosed to the general public and interested parties;

- (c) if such information is determined to be confidential business information, it will be treated as such.
- (5) Where the project proponent does not agree with a decision of the Director, he may —
- (a) appeal the decision in accordance with regulation 14; or
 - (b) withdraw the application for a Certificate of Environmental Clearance.
- (6) The Department shall maintain a register of applications received by the Department for a Certificate of Environmental Clearance (“the register”) and:
- (a) where the Department receives an application for a Certificate of Environmental Clearance the Director must cause details of the application to be entered in the register.
 - (b) The Director must publish the register on a website maintained by the Department (the Department’s Website) in a manner that is accessible to the public;
 - (c) the Director must also or make arrangements for inspection of the physical register by the public.
- (7) The Director must publish on the Department’s Website and must make arrangements for inspection by the public of—
- (a) applications received by the department for a Certificate of Environmental Clearance
 - (b) consultation and other reports received by the Department in connection with such applications, and
 - (c) accompanying documents and information received by the department in support of such applications.
- (8) The following information must be published on the department’s Website—
- (a) the address or location of the proposed project;
 - (b) a description of the proposed project;
 - (c) the date by which any representations about the application must be made, which must not be before the last day of the period of 21 days beginning with the date on which the information is published;
 - (d) where and when the application may be inspected; and

(e) how representations may be made about the application.

REQUIREMENTS FOR CERTIFICATE OF ENVIRONMENTAL CLEARANCE

5. Determination of application for proposed project.

- (1) Upon review of the application, the Director shall examine or cause to be examined such application to determine whether —
 - (a) an Environmental Impact Assessment (hereinafter referred to as an “EIA”); or
 - (b) an Environmental Management Plan (hereinafter referred to as an “EMP”),
is required.
- (2) All projects specified in the *Second Schedule Part A* shall require an EIA and EMP.
- (3) Where the Director is satisfied that a proposed project —
 - (a) does not require an EIA or EMP, the Director may, grant a Certificate of Environmental Clearance to a Project Proponent in the form provided for in the *Fourth Schedule* specifying any environmental clearance conditions required;
 - (b) requires an EIA or EMP, the Director shall advise the Project Proponent, interested parties, and the general public of the process—
 - (i) to be followed for the preparation and submission of an EIA or EMP in accordance with these Regulations; and
 - (ii) for review by the Director in accordance with regulation 14;
 - (c) is not suitable to proceed in The Bahamas, the Director may shall refuse the grant of a Certificate of Environmental Clearance, and inform the Project Proponent of this determination and the reasons for such refusal.
- (4) The process to be followed for preparation and submission of an EIA and obtaining Environmental Clearance shall include the following:
 - (a) The EIA process involves the following steps:
 - (i) Screening
 - (ii) Scoping
 - (iii) Assessment
 - (iv) Review

(v) Environmental Clearance

The details of each step are provided in the *Third Schedule Part C* to these regulations.

(b) The EIA process is intended to parallel the overall planning and implementation process of projects and to provide information to the planning process so that the overall plans and designs of proposed projects may be improved by making them more environmentally sound. In order for the EIA process to serve this purpose, it must be initiated as early as practicable in the planning of a proposed project:

(i) The screening and scoping steps should be carried out in the pre-feasibility study stage of the proposed project;

(ii) The assessment and review steps should be carried out during the feasibility study stage of the proposed project;

(iii) Environmental Clearance should be obtained early in the detailed design stage of the project.

6. Grant of Certificate of Environmental Clearance.

A Certificate of Environmental Clearance shall be granted in the form provided for in the *Second Fourth Schedule* and shall specify any environmental clearance conditions to be complied with.

7. Failure to comply with conditions of Certificate of Environmental Clearance.

- (1) The Director shall inspect or cause to be inspected the activities being carried out in respect of a project for which a Certificate of Environmental Clearance has been issued, to determine whether the project is being carried out in compliance therewith.
- (2) Where a project is not being carried out in accordance with the Certificate of Environmental Clearance, the Director may —
 - (a) cause the decommissioning, demolition, and removal of any structure erected;
 - (b) direct the return to natural contours and conditions of all land associated with proposed projects for which construction was commenced;
 - (c) stipulate any directions to be followed in respect of the activities.

8. Environmental performance bond.

- (1) The Director shall fix the amount to be deposited as security by the project proponent

for performance of the project for a sum sufficient to cover the probable cost of any matters that may arise for the foreseeable life of the proposed project

- (2) The sum to be deposited pursuant to paragraph (1) shall be no less than five per cent and no more than fifty per cent of the value of the project.
- (3) The environmental performance bond may be —
 - (a) paid in cash, the sums of which must be deposited into the Environmental Administration Fund in accordance with section 8 of the Ministry of the Environment Act, 2019;
 - (b) secured by indemnity insurance, which shall be assigned to the Department until the activity to which the bond relates ceases or the development is abandoned, or decommissioned; or
 - (c) secured by a guarantor, through a reputable financial institution.

PROCESS TO BE FOLLOWED FOR PREPARATION AND SUBMISSION OF AN EIA OR EMP

9. Responsibilities of Project Proponent.

The Project Proponent shall —

- (a) conduct a pre-feasibility study of the proposed project to ascertain whether the project can be carried out in compliance with the Certificate of Environmental Clearance granted under regulation 6;
- (b) retain a multi-disciplinary team with adequate professional qualifications to assess fully and objectively the potential environmental impacts of the proposed project;
- (c) conduct (or cause to be conducted by a consultant) the EIA and EMP as required for the proposed project;
- (d) give good faith consideration to all data, information, comments, and suggestions provided by the public, determine whether the project should proceed or may be improved by the adoption of project modifications suggested by the public, and where appropriate, modify the proposed project and the associated EIA and/or EMP accordingly;
- (e) adopt project modifications and mitigation measures identified by the Department as required in order for the proposed project to obtain Environmental Clearance;
- (f) secure the environmental performance bond as required by

regulation 8;

- (g) conduct a consultative process as specified in regulation 11, the details of the outcome of which shall be included in the EIA or EMP;
- (h) cover the cost of all fees associated with the project and the applications made under these regulations as well as the EIA and EMP processes.

10. Notice of public consultation.

- (1) The Department shall give to the general public and interested parties, no less than ~~three~~ four weeks notice of a consultative process to be conducted by a Project Proponent regarding a proposed project.
- (2) A notice issued under subsection (1) shall —
 - (a) state the name of the Project Proponent and the area in which the proposed project is to be carried out;
 - (b) state the date and time of the consultative process;
 - (c) state the location of the consultative process;
 - (d) a short description of the project;
 - (e) invite comments in writing or submitted online via the Department's Website from the general public and interested parties with respect thereto;
- (3) The notice provided under subsection 1 shall be published on the Department's Website.
- (4) The Department's website shall provide access for the public to submit comments online.
- (5) The Department shall publish on the Department's Website all comments received and shall also forward all written comments received pursuant to subsection (2)(e) to the Project Proponent so that the Project Proponent may address such comments during the consultative process.

11. Conduct of consultative process.

- (1) The mode and procedure of a consultative process shall be determined by the Department and shall involve active public consultation. Consultations may be required at any stage of the EIA process, such as scoping and review, as specified in the *Third Schedule (Part C)*.
- (2) During the consultative process, the Project Proponent shall —
 - (a) provide detailed information —
 - (i) concerning the proposed project and the potential effects to

- the environment;
- (ii) on any possible impacts to adjacent properties and communities to the proposed project; and
 - (iii) on any protected areas or species that may be impacted by the proposed project.
- (b) provide an opportunity for any public concerns to be aired
 - (c) make a written record of all concerns raised for inclusion in the EIA and the response of the Proponent to each concern.
- (3) The Director shall —
- (a) Publish all information provided by the Project Proponent under regulation 11(2) on the Department's Website.
 - (b) Ensure that sufficient information is put into the public domain to enable an effective and informed dialogue on the issues.
 - (c) Establish on the Department's website a method for members of the public to request to receive electronic notification of the availability of documents and decisions and opportunities for public comments and consultations throughout the EIA process.
 - (d) attend or nominate a representative to participate in the consultative process;
 - (e) ensure that all comments received pursuant to regulation 11(2), have been adequately addressed by the Project Proponents.
- (4) During the course of an environmental impact assessment, the Project Proponent shall provide an opportunity for meetings between the Project Proponent and interested members of the public, especially within or immediately adjacent to the geographical area of the proposed project in order: (a) to provide information concerning the proposed project to the people whose environment may be affected by the proposed project; and (b) to record the concerns of the local community regarding the environmental impact of the proposed project
- (5) Following a consultation exercise, the project proponent shall provide the Director with a summary of who responded to the consultation exercise and a summary of the views expressed which summary shall be published by the Director on the Department's Website.

12. Submission of EIA or EMP by Project Proponent.

Upon the completion of the consultative process, the Project Proponent shall prepare and submit electronically and in writing the EIA or EMP to the Director as shown in the Form in the *Third Schedule*.

13. Notice of submission of EIA or EMP.

Once the EIA or EMP has been submitted to the Director, the Director shall publish it on the Department's Website and the Project Proponent shall as soon as practicable give notice on the Department's Website and in any newspaper published and in general circulation in The Bahamas stating —

- (a) that the consultative process in respect of a proposed project has been completed in accordance with regulation 11;
- (b) that an EIA has been prepared in respect of the proposed project;
- (c) that the EIA or EMP has been submitted to the Department for review;
- (d) a date, place and time where a copy of the EIA or EMP may be inspected free of charge;
- (e) that the EIA may be viewed on the Department's Website and providing a link by which to access it.
- (f) that any person may during the stated period therein make objections and representations to the Department in writing or via the Department's Website in relation to the proposed project;
- (g) the deadline and address, including website address, for the receipt of any objections and representations.

REVIEW OF ENVIRONMENTAL IMPACT ASSESSMENTS AND MANAGEMENT PLANS

14. Director to inform Project Proponent of decision after review.

- (1) Upon receipt of the EIA and/or EMP, the Director shall examine or cause to be examined the document for accuracy and completeness and —
 - (a) Shall publish the EIA on the Department's Website
 - (b) shall determine whether further studies are required;
 - (c) may require a public hearing in respect of the proposed project
 - (d) may provide guidance on the EIA and/or EMP process to the staff of other agencies, Project Proponents, and the public.
 - (e) where the EIA and/or EMP is deficient in any respect, will require the Project Proponent —
 - (i) to conduct further work or studies
 - (ii) to supply further information;
 - (iii) to amend the EIA or EMP accordingly;

~~(f) may direct that copies of the EIA or EMP be made available for review by third parties as directed by the Department; and~~

- (g) may resubmit the EIA or EMP at a later mutually agreeable date.
- (2) The Department shall inform the Project Proponent of its decision within sixty days of the date of submission of the completed EIA or EMP and may require that further or additional studies be carried out.
- (3) The Department shall make all decisions regarding EIAs and EMPs freely available to the public via the Department's Website.

PART III MONITORING AND COMPLIANCE-

15. Responsibility of the Project Proponent

The Project Proponent shall faithfully implement the EMP, including the Environmental Clearance Conditions, during the construction phase of the project from the earliest ground-breaking activities through the end of construction.

16. Responsibilities of the Department

- (1) The Department shall monitor the implementation of the EMP and Environmental Clearance Conditions during the construction phase of the project.
- (2) The Department may establish appropriate mechanisms to involve the public on a voluntary basis to assist the Department to monitor the implementation of the EMP during the construction/initiation phase of the project.
- (3) The Department shall conduct inspection and review of the project shortly after construction has been completed. The purpose of the inspection and review is to determine the project's environmental compliance with the EMP and the Environmental Clearance Conditions.

17. Lack of Compliance

- (1) If the Department determines that the project is not in compliance with the Environmental Clearance Conditions, the Department shall notify the Project Proponent of the following:
 - (a) The deficiencies identified in the project; and
 - (b) The fact that the project must be brought into full compliance with the Environmental Clearance Conditions.
- (2) The Project Proponent may address the deficiencies in the project and/or the EMP identified by the Department and request that the Department conduct a new inspection and review of the project
- (3) Any person who having received a notice under regulation 17 fails to remedy the deficiencies identified commits an offence and is liable to a penalty stipulated

under section 60 of the Act.

18. Environmental Audit

An Environmental Audit shall be conducted in the following circumstances:

- (a) An environmental officer appointed under s 5 of the Act may, at all reasonable times, enter on any land, premises or other facility related to a project for which an environmental impact assessment has been made under these regulations, to determine the accuracy of the projections made in the environmental impact assessment.
- (b) A member of public, after showing reasonable cause, may petition the Agency, to cause an audit to be carried out on any project.

PART IV – MISCELLANEOUS

19. Affected or interested parties.

- (1) Any person who is likely to be affected by a proposed project or has a special interest in a proposed project may during normal business hours request to review the detailed project description of any EIA or EMP submitted by a Project Proponent, other than —
 - (a) documents to be treated as confidential business information in accordance with regulation 4(4); or
 - (b) any document which the Director deems the release thereof to be a threat to national security.
- (2) A person referred to in paragraph (1) may appeal a decision of the Director to the Minister as it relates to a determination of an EIA or EMP.

20. Penalty for false or misleading information.

Any person who —

- (a) provides false or misleading information under these Regulations;
or
- (b) is found to be in breach of any of the provisions of these Regulations,

commits an offence and is liable to a penalty to a fine stipulated under section 60 of the Act.

21. Continuance of EIA or EMP applications.

Every application made under any other law or policy that has not been determined prior to the commencement of these Regulations, shall be taken to be

an application made under these Regulations and these Regulations are to apply accordingly.

22. Appeal.

- (1) Any person shall be at liberty to oppose the grant of a Certificate of Environmental Clearance Provided that —
 - (a) he has given written notice to the Department and to the project proponent of his intention to oppose the grant and has stated in such notice in general terms the grounds of opposition;
 - (b) such notice has been given to the Department and the project proponent applicant not more than 14 days after the EIA has been published to the Department's Website or, in the case where a Certificate of Environmental Clearance has been granted without an EIA, not more than 14 days after the Certificate of Environmental Clearance has been granted.
- (2) Any applicant for a certificate of Environmental Clearance or any person under subsection (1) who shall be dissatisfied with the decision of the Director shall have a right of appeal to the Minister.
- (3) An appellant shall within fourteen days of the date of the notice of the decision, deliver to the Minister a notice of appeal such notice shall be accompanied by a statement of the grounds of appeal and of the appellant's case in support thereof.
- (4) A copy of the notice of appeal, together with a copy of the statement of the grounds of appeal and of the case in support thereof, and a copy of the notice of the Director's decision shall at the same time be delivered by the appellant to the Minister and the Department .
- (5) The Minister may vary or reverse such decision.
- (6) The decision of the Minister shall be communicated to the appellant and the Department in writing.
- (7) The Department shall publish a copy of any appeals and decisions on the Department's Website.
- (8) Any appellant under subsection (2) who is not satisfied with the decision of the Minister may appeal to a Judge of the Supreme Court by giving notice of appeal in writing to the Registrar of the Supreme Court and to the Minister within fourteen days of the decision of the Minister, and the notice of appeal shall be given, and the appeal shall be heard and determined in accordance with rules made under the Supreme Court Act, and the Minister and the Department shall give effect to any order made by the Supreme Court on any such appeal.

FIRST SCHEDULE

PART A

APPLICATION FOR PRELIMINARY REVIEW OF PROPOSED PROJECT

This Form must be completed in addition to the Certificate of Environmental Clearance Application

1. Please state the Activity as well as the purpose of the project for which the Certificate of Environmental Clearance application is being submitted.

List all the Activity/Activities that apply:_____

Purpose:_____

Please select the category of the proposed project:

Category of intended activity: New Modification

Abandonment Decommissioning

2. This Application package contains:
J or X

- (a) Completed Certificate of Environmental Clearance Application Form A (signed and dated)
- (b) Evidence of payment of prescribed application Fee (\$100.00)
- (c) Where the Applicant is the property owner: Evidence of certified copies of proof of ownership (e.g. deed, license/lease agreement)
- (d) Where the Applicant is not the property owner: An authorisation letter from property owner(s) supported by proof of ownership and a copy of a valid form of identification from the owner(s)
- (a) Letter of Authorisation for agent/consultant (*if applicable*)
- (b) Where the Applicant is a Company:

- (i) Certificate of Environmental Clearance Application Form stamped with the company stamp and supported by a Certificate of Incorporation; []
- (ii) Tax Compliance Certificate or other similar documentation []
- (c) All attached documents submitted in Triplicate (3 copies) []

I declare that the information provided on the application form and supporting documents is true and correct. I hereby acknowledge that any wilful false statement makes me liable to be subjected to civil proceedings for fraudulent misrepresentation.

Signed..... Applicant {Print Name}

Date.....

PART B

APPLICATION FOR A CERTIFICATE OF ENVIRONMENTAL CLEARANCE

This form must be completed in **triplicate**

Essential additional information such as plans, maps, diagrams, photographs or text must be included in the application as an appropriately referenced attachment.

To: The Department of Environmental Planning and Protection

I/We hereby apply for a Certificate of Environmental Clearance (Certificate of Environmental Clearance).

Signed.....
Applicant/Agent or Attorney (Print Name)

Signed.....
Company Director/CEO/ Corporate Secretary (Print Name)

(Company Stamp) Date.....

.....
FOR OFFICIAL USE ONLY

Application Received..... Received by:

(Date)

(Signature)

Acknowledgement Sent..... (Date)

Ref. No.

Category of intended activity: New [] Modification [] Abandonment/ Decommissioning []

PROJECT CLASSIFICATION

Activity Definition

Application requires Certificate of Environmental Clearance: Yes [] No []

Application requires EIA: Yes [] No []

Application requires EMP: Yes [] No []

A. GENERAL INFORMATION

1. Name of applicant
2. Postal Address
3. E-mail address)
4. Telephone No. Fax No.
5. Location of proposed activity:
 - (a) Island/Constituency
 - (b) Street Name and Lot No.)
6. Do you own the property on which the activity is intended to be carried out?
Yes [] No []

If Yes, please attach certified copies of Proof of ownership. If No, what is the nature of your interest in this property? Please attach supporting documents, justifying your claim (e.g. lease).

7. Names and addresses of adjoining property owners and leaders of nearby communities:

8. Previous Application for Certificate of Environmental Clearance for this site?
Yes [] No []

If yes, Reference No. of most recent application

9. Activity for which Certificate of Environmental Clearance required (state the activity and definition categories under which you are applying - refer to Certificate of Environmental Clearance Order) as well as the purpose of the project.
Activity Definition

Purpose:

10. Site Description (physical setting of the proposal, both developed and undeveloped areas)

Give an outline description of the physical features of the site to include information on:

- (a) Topography and gradient i.e. generally flat rolling/undulating terrain or hilly

- (b) Are there any springs or aquifers in or adjacent to the site? Yes [] No []

- (c) Are there any lakes or drainage within or adjacent to the project site?
Yes [] No []

- (d) Are there any ponds, reservoirs or wetland areas within or contiguous to the project site? Yes [] No []

- (e) What is the predominant soil type? ~~Clay-based Sand Loam Alluvial~~

- (f) How far is the projected site from the coast?

- (g) Present site land use: Residential, Agricultural, Commercial, Industrial or

Forestry?

11. Estimated project capital (\$)

B. DESCRIPTION OF INTENDED ACTIVITY

12. Description of the Intended Activity, which must include information on:

(a) Total area intended for the activity (~~ha or m²~~ acres or sq ft)

(b) Percentage of the total surface area allocated to covered space and paved areas
(%)

(c) Portable water consumption rate (m³ gallons/day)

(d) Process water consumption rate (m³ gallons/day)

(e) Production output rate, if different from above (metric tons per annum)

(f) Intended commencement date

Site Preparation and Construction Phase

13. Does the project site require major earthworks, such as clearing cutting, excavation, grading, blasting or dredging? Yes [] No []

If yes, state the method of disposal (and disposal site) of material generated as a result

(a) Does the site require filling, reclamation, coastline stabilisation or alteration? If yes, state the source and quantity (metric tons) of material required.

(b) Would the project require major waterworks, such as abstraction, diversion of

water courses, or creation of standing water bodies? Yes [] No []
If yes, give an estimate of the volume of water to be impounded (gallons or m³)
or the rate of abstraction (gallons or m³/day) and the source of this water

(c) Would the site require infrastructure and utility development access to:

- Roads or bridges Yes [] No []
Sewage system Yes [] No []
Power generating or transmission facilities Yes [] No []
Telecommunications installation Yes [] No []
Modification of a drainage system Yes [] No []

If yes, give details

14. Will the project require relocation of people houses facilities from the site? If
yes, give details:

15. What percentage of the intended project area would be cleared of vegetation?

16. State mitigation measures for adverse impacts resulting during site preparation
and the construction phase.

Operational Phase

For this section, please provide quantities or volumes if known. If data provided is estimates,
please indicate this. If data is unknown at this time, please indicate this.

17. State the required raw/input materials. Provide the quantities/volumes (kg, or

metric tonnes~~/or~~ m³) to be kept in stock for the project as well as their respective rates of **daily** consumption (kg, ~~or~~ metric tons ~~or~~ m³ per day).

- (a) Would the activity require any ancillary process related **to** chemicals (e.g. catalysts, pesticides)? If yes, state the quantity (kg, ~~or~~ metric tonnes~~/or~~ m³) and rate of consumption.

- (b) State the final products to be derived and the **annual** rate of production (metric tons~~/or~~ m³ per year)

-
- (c) State any intermediate products resulting from this activity indicating the rate of **annual** production (metric tons~~/or~~ m³ per year) and their fate.

- (d) State the rate of production (metric tons per year) and method of disposal of domestic solid waste generated during the operational phase.

- (e) List, characterise and quantify (metric tons per year) process related solid waste. State the method(s) and location intended for their disposal.

19. Indicate the mode(s) of transport intended for materials and equipment necessary for the operational phase.

20. Will the activity generate air emissions (i.e. particulate emissions such as dust or pollutant gaseous emissions) during the operational phases? Yes [] No []
If yes, describe types and sources and provide an estimated emission rate or loading

21. Will the activity routinely produce odours (i.e. for more than 1 hour per day)?
Yes [] No []

22. Will the activity generate significant levels of noise (i.e. for more than 1 hour per day at levels exceeding 60 dB) during its operational phase? Yes [] No []

23. Will the project have adverse effects on the aesthetics of the area where it is located (i.e. result in radical changes of the landscape, such as scarring/mass vegetation removal)? Yes [] No []

24. State mitigation measures for adverse impacts resulting during the operational phase.

25. State the expected lifespan of this activity

C. CONFIDENTIALITY

26. (a) Do you consider any information provided here to be a trade secret or other confidential business information and that such information be omitted from the Register? Yes [] No []

(b) Give details

27. Other relevant information

28. Please list any attachments included in the application

SECOND SCHEDULE

PROJECTS REQUIRING AN EIA

[Regulation 5(2)]

The following shall be considered as Schedule 2 projects:

A full Environmental Impact Assessment shall be completed for any project, program or activity with the following purposes:

- 1) A trading port, an inland waterway which permits the passage of vessels or a port for inland waterway traffic capable of handling such vessels.
- 2) A waste-disposal installation for the incineration or chemical treatment or final disposal of waste.

- 3) An installation designed solely for the permanent storage or final disposal of any waste.
- 4) An integrated chemical installation, that is to say, an industrial installation or group of installations where two or more linked chemical or physical processes are employed.
- 5) Any airport or runway.
- 6) Lease of more than five (5) acres of Crown Lands.
- 7) Major waterworks: dam, impoundments, alteration of shoreline, alteration of groundwater, diversion of water courses,
- 8) Any cruise ship and related facilities.
- 9) Any port.
- 10) Any shipyard facilities.
- 11) Any military installations or exercises.
- 12) Infrastructure Projects:
 - a) Construction of hospitals with outfall into beach fronts used for recreational purposes.
 - b) Industrial estate developments for medium and heavy industries.
 - c) Construction of national highways and other roads of more than 10 miles in length.
 - d) Construction of new subdivisions.
- 13) Chemical Industry:
 - a) The treatment of intermediate products and production of chemicals (insecticides, fungicides, herbicides and other pesticides).
 - b) The production of pesticides or pharmaceutical products, paints, varnishes, elastomers or peroxides.

- c) Industrial carbon.
- d) Alkalis.
- e) Electrochemical (metallic sodium, potassium and magnesium, chlorides, perchlorates and peroxides).
- f) Electrothermal products (artificial abrasive, calcium carbides).
- g) Phosphorous and its compounds.
- h) Nitrogenous compounds (cyanide, cyanamide and other nitrogenous compounds).
- i) Halogens and halogenated compounds (chlorine, fluorine, bromine and iodine).
- j) Explosives (including industrial explosives, detonators and fuses).
- k) Any hazardous substances

14) Petroleum:

- a) Oil exploration (including seismic testing)
- b) Oil production
- c) Oil refining
- d) Oil storage and shipment
- e) expansion of facilities

15) Cement:

- a) Production of cement
- b) Asbestos cement products
- c) Drugs and Pharmaceuticals
- d) Manufacturing of drugs and pharmaceuticals including vitamins

(antibiotics and indigenous systems of medicines covered)

16) Energy Projects:

- a) Any large installation for the production of electricity, steam or hot water
- b) An industrial installation for carrying gas, steam or hot water, or the transmission of electrical energy by overhead or underwater cables

17) Industrial Processing of Metals:

- a) An installation for the production (including smelting, electro-plating, refining, drawing or rolling) of non-ferrous metals, other than precious metals
- b) Boiler making or manufacturing reservoirs, tanks and other sheet metal containers
- c) An installation for the roasting of metallic ores.

17) Agriculture, including:

- a) Large scale farms of more than 5 hectares.
- b) Poultry of more than 50 birds.
- c) Rearing of 100 or more sheep, goats or pig.
- d) Rearing of more than 50 cattle.
- e) Use of new or existing pesticides, fungicides, herbicides
- f) Logging
- g) Exceptionally a smaller farm in an ecologically sensitive or densely populated urban area.

18) Other Projects

- c) Establishment of mines and quarries
- b) Installation for the disposal of solid waste or waste from mines and quarries
- c) A site for depositing sludge
- d) The manufacturing, packing, loading or placing in cartridges of gunpowder or other explosives
- e) Underwater testing of submarines, sonar or other marine vessels, equipment or navigation technology
- f) Bridges
- g) Water, gas or oil pipelines
- h) Drilling for the purposes of utilizing ground water resources, including geothermal energy
- i) Aquaculture
- j) Commercial fishing operations
- k) Seabed Mining
- l) Projects in National Parks or protected areas
- m) Projects in areas containing:
 - i) Inland and Ocean Blue holes
 - ii) Wetlands
 - iii) Coral Reefs
 - iv) Threatened or Endangered Species

Made this day of
MINISTER RESPONSIBLE FOR THE ENVIRONMENT

, 2020

THIRD SCHEDULE

(Regulation 5)

PART A

OUTLINE FOR AN ENVIRONMENTAL IMPACT ASSESSMENT

Guidelines for preparation of an Environmental Impact Assessment

Below is an outline for the layout of an EIA. The structure and content should however be tailored to the specific proposed project and the environmental issues relevant to that project and its location.

The EIA must —

- (a) focus carefully on significant environmental, social, and economic issues.
- (b) not contain extraneous information not directly pertinent to the analysis of significant environmental issues, and need not address any of the topics listed below that are clearly not applicable to the subject proposed project.
- (c) address all significant environmental, social, and economic issues associated with a proposed project with adequate scientific and technical rigor.

Note that for certain projects the Department may require special analyses and studies in addition to the topics in the outline below, such as an environmental hazards analysis, emergency contingency plan, or cost/benefit analysis.

The Environmental Impact Assessment shall include the following:

- (a) Cover Page. A single page listing the title of the proposed project and its location; the name, address, and telephone number of a contact person, a designation of the report as draft or final and a one-paragraph abstract of the EIA report;
- (b) Summary. A summary of the proposed project, preferably not exceeding 15 pages in length, accurately and adequately describing the contents of the EIA report. The summary should highlight the conclusions, areas of controversy and issues remaining to be resolved;
- (c) Table of Contents. A list and page number index of the chapters, sections and subsections

- in the EIA report, including a list of tables and a list of figures and appendices;
- (d) Policy, Legal and administrative Framework. Any policy, legal or administrative issues that may have an impact on the proposed development;
- (e) A description of the development proposed, comprising information about the site, the design and size and scale of the development, and its immediate surroundings;
- (f) A description of the environment (local and regional);
- (g) Significant Environmental Impacts. The data necessary to identify and assess the main effects which the proposed development is likely to have on the environment;
- (h) A description of the likely significant effects, direct and indirect, on the environment of the development, explained by reference to its possible impact on: human beings; flora; fauna; soil; water; air; climate; material assets, including the cultural heritage and landscape; natural resources; the ecological balance; and any other environmental factors which need to be taken into account;
- (i) A presentation of all reasonable alternatives in comparative form, exploring each alternative, including the no-action alternative, and the reason why certain alternatives were recommended or eliminated. The object is to identify the least environmentally damaging alternative that satisfies the basic purpose and the need for the proposed action;
- (j) Environmental consequences of the project as proposed, and the alternatives, identifying any adverse effects that cannot be avoided if the action is implemented, all mitigation measures to be employed to reduce adverse effects, the relationship between short-term uses of the environment and the enhancement of long-term productivity, and any irretrievable or irreversible commitments of resources that would occur if the action were implemented as proposed;
- (k) A mitigation plan;

(l) A monitoring plan;

(m) Inter-agency and public/non-governmental organisations involvement;

(n) Report on public hearings (if any);

(o) A summary in non-technical terms of the language specified above.

The Environmental Impact Assessment shall include all of the following information and shall be structured as follows:

1. Executive Summary
 - (a) Description of Proposed Project and Alternatives
 - (b) Definition of the Area of Influence
 - (c) Environmental Impacts
 - (d) Social Impacts
 - (e) Economic Impacts
 - (f) Agency Consultation and Public Involvement
 - (g) EMP
 - (h) Conclusions Regarding Environmental Acceptability of the Project
 - (i) Compliance with applicable environmental standards and requirements
 - (j) Comparison of unavoidable negative environmental impacts to project benefits
2. Description of Proposed Project and Alternatives
 - (a) Description of Proposed Project
 - (b) Description of Alternatives
 - (c) The “No-action” Alternative
 - (d) Other Alternatives Considered
 - (e) Comparison of Environmental Consequences for Proposed Project and Alternatives
3. Agency Consultation and Public Involvement

- (a) Agency consultation activities and results, including required permits
 - (b) Public involvement activities and results
4. Baseline Description of Affected Environment
- (a) Physical Environment
 - (i) Climate
 - (ii) Hurricane Risks
 - (iii) Wind and Storm Surge Risks
 - (iv) Topography
 - (v) Geology
 - (vi) Water Quality
 - (vii) Air Quality
 - (viii) Noise
 - (b) Natural Environment
 - (i) Terrestrial Ecosystems
 - (ii) Aquatic Ecosystems
 - (iii) Protected Habitat
 - (c) Socio-economic Aspects
 - (i) Land Use
 - (ii) Population
 - (iii) Economy
 - (iv) Transportation
 - (v) Infrastructure and Public Services
 - (d) Cultural Resources
 - (e) Archaeological and Historic Resources
 - (f) Paleontological Resources
 - (g) Tourist and Recreational Areas
 - (h) Visual Quality and Aesthetics
 - (i) Native Populations
 - (j) Community organizations
5. Anticipated Environmental Impacts of the Proposed Project
- (a) Impacts to the Physical Environment
 - (i) Erosion/Sedimentation Impacts
 - (ii) Water Quality Impacts
 - (iii) Air Quality Impacts
 - (iv) Noise Impacts
 - (v) Solid and Hazardous Waste Impacts
 - (vi) Fire and Hurricane Risks
 - (vii) Greenhouse Gas Emissions Impacts
 - (viii) Climate Change Impacts (including sea level rise, intensifying storms)
 - (b) Impacts to the Natural Environment
 - (i) Terrestrial Ecosystem Impacts

- (ii) Aquatic Ecosystem Impacts
- (iii) Protected Habitat Impacts
- (c) Socio-economic Impacts
 - (i) Land Use Impacts
 - (ii) Visual and Aesthetic Impacts
 - (iii) Impacts on Neighbourhoods and Communities
 - (iv) Public Health and Infectious Disease

- (v) Relocation Impacts
 - (vi) Traffic Impacts
 - (vii) Economic Impacts
 - (viii) Cultural Resource Impacts
6. Environmental Management Plan **Summary**
- (a) Mitigation Measures
 - (b) Periodic Management Measures
 - (c) Implementation Plans
 - (d) Monitoring Plans
7. Conclusions Regarding Environmental Acceptability of the Proposed Project —
- (a) Compliance of the Proposed Project with Applicable Environmental Standards and Requirements
 - (b) Comparison of Unavoidable Negative Environmental Impacts to Project Benefits
8. ~~Report of Public Hearings~~ **Appendices**
- (a) References
 - (b) Review of Public Hearings, Comments, and Responses**
 - (c) Qualifications of Personnel Involved in the Preparation of the EIA
 - (d) Impact Assessment Methodologies
 - (e) Sampling data

PART B

OUTLINE FOR AN ENVIRONMENTAL ~~IMPACT ASSESSMENT~~ **MANAGEMENT PLAN**

Guidelines for preparation of an Environmental Management Plan

Below is an outline for the layout of an EMP. The structure and content should however be tailored to the specific proposed project and the environmental issues relevant to that project and its location.

The EMP must include —

1. Executive Summary
2. An overview of the project description, **including details of the location, general activities, and project schedule**
3. Roles and responsibilities for environmental and social management

4. Key environmental and social risks as identified from the project EIA, including as appropriate consideration of emissions to air, water and land, climate change impacts, noise & vibration, dust, general discharges, traffic impacts and waste management impacts, oil fuels and chemicals, waste management, marine impacts and other potential site specific issues and impacts to ground contamination, ground water and drainage, and ecology.
5. A summary of plan contents
6. Mitigation measures for construction and operation phases and control plans, having regard to identified environmental impacts. An emergency management plan should also be included
7. A framework for Environmental Supervision
8. A framework for Environmental Monitoring including monitoring and auditing procedures for audits, monitoring, and inspections.
9. Communication and reporting procedures
10. Training and capacity building requirements
11. Plan monitoring and review procedures
12. Additional Studies
13. EMP Implementation
14. Preliminary EMP costs
15. Legislative and Regulatory Compliance
16. Appendices
 - i. Emergency response plan
 - ii. Hurricane preparedness plan
 - iii. Spill response plan
 - iv. Environmental inspection checklist
 - v. Construction staff training material
17. Additional Information

PART C

STEPS IN THE EIA PROCESS

A. SCREENING STEP:

- (1) The purpose of the Screening Step is to determine whether a proposed project is subject to the EIA regulations.
- (2) The screening step should be initiated by the Project Proponent after the conceptual design for a project is complete.
- (3) The screening step may proceed in one of two ways:
 - (a) The Project Proponent may self-screen and categorize the proposed project; or
 - (b) The Project Proponent may request that the Department conduct the screening of the proposed project.
- (4) If the Project Proponent chooses to conduct self-screening, he shall do so at his own risk. In particular, in the event that the Project Proponent incorrectly screens a proposed project as not being subject to the EIA process and proceeds with project implementation, said Project Proponent may be required by the Department to stop and desist from project construction or operation. Remedies that may be taken by the Department in such cases may include but are not limited to: requiring the Project Proponent to complete the EIA process with respect to the project; requiring the Project Proponent to permanently desist from development of the project; requiring the Project Proponent to demolish and remove all structures, reverse any modifications to the landscape, and return the land to its natural condition; require the Project Proponent to pay the full cost of remediation of any environmental damages; or bring a case before the Supreme Court for sanction or prosecution of the Project Proponent
- (5) If the Project Proponent has any doubt about the proper screening of a proposed project, the Project Proponent should request that the

Department conduct the project screening step.

- (6) When a Project Proponent decides to request that the Department conduct the screening and scoping for a proposed project, screening shall involve the following steps:
 - (a) The Project Proponent shall submit a Detailed Project Description to the Department;
 - (b) The Department shall determine if the Detailed Project Description is complete and, if necessary, shall request the Project Proponent to provide additional information.
 - (c) The Department shall screen the proposed project.
 - (d) If the Department concludes that the proposed project is not subject to these regulations, the Department shall notify the Project Proponent. The notification shall indicate the following:
 - (i) The proposed project is not subject to the EIA regulations; and
 - (ii) The Project Proponent may proceed with the project without further regard to these regulations (provided that the Project Proponent shall obtain all applicable clearances from other agencies, as appropriate).
- (7) If the Department determines that the proposed project is subject to these regulations, the Department shall indicate that an application for Environmental Clearance should be completed.

B. SCOPING STEP:

- (1) The purpose of the Scoping Step is to focus each EIA on the key environmental, social, and economic issues associated with the project, and to ensure that each EIA addresses all important issues, by identifying the key environmental issues associated with the subject proposed project.
- (2) The Scoping Step occurs during the Department's review of application

for Environmental Clearance. Scoping involves the following steps:

- (a) The Project Proponent shall provide documentation of the proposed scope of the EIA.
- (b) The Department shall include public consultation as part of the scoping process.
 - (i) In coordination with the Department, the Project Proponent shall arrange and conduct a public consultation.
 - (ii) The public comment period at this stage shall be no less than three weeks from the release of the document with the proposed scope of the EIA.
 - (iii) The Department shall consider the comments obtained during the public consultation.
 - (iv) In preparing the EIA, the Project Proponent shall consider comments obtained during the public consultation.
- (c) The Department may also request input to the scoping process from other agencies;
- (d) The Department shall identify the key environmental issues associated with the project, considering public comment and input from other agencies if any, and notify the Project Proponent of the result of the scoping process. The notification shall include the following:
 - (i) Identification of key issues and focus of the EIA, as appropriate;
 - (ii) Identification of any special studies required as part of the EIA;
 - (iii) Any relevant guidance documents prepared by the Department.
- (e) Upon receipt of this notification the Project Proponent shall submit a notification to the Department and, in coordination with the Department, notify the public of her intention to prepare an

EIA. The Project Proponent shall also make the Detailed Project Description available to the public.

C. ASSESSMENT STEP:

- (1) The purpose of the Assessment Step is to carry out a thorough assessment of the likely environmental impacts of a proposed project.
- (2) This assessment, in the form of an EIA, is carried out by the Project Proponent, and is documented in a report that is submitted to the Department. The general scope of an EIA and contents of an EIA report are presented in the *Third Schedule*. (Note that these Schedules provide general examples only; the EIAs for particular proposed projects may vary in content from the information presented in these schedules).
- (3) The Assessment Step shall involve the following elements and conditions:
 - (a) The Project Proponent shall prepare an EIA.
 - (b) The Project Proponent shall prepare the EIA in accordance with the guidance provided by the Department.
 - (c) If the Project Proponent requested that the Department conduct the screening and scoping for the proposed project, the Project Proponent shall prepare the EIA in accordance with the guidance provided by the Department;
 - (d) The *Third Schedule* of these regulations presents a general outline for an EIA (Note that this Schedule provides a general example only; the EIAs for particular proposed projects may vary in content from the information presented in these schedules).
- (4) As part of the preparation of an EIA, the Project Proponent shall conduct at least one active public consultation (APC). The Department may require that the Project Proponent conduct additional APC activities (and/or the Project Proponent may decide independently that additional APCs would be beneficial) during the assessment step. APC activities shall be conducted in accordance with the following conditions:

- (a) The Project Proponent shall conduct at least one APC process that shall take place as early in the preparation of the EIA as reasonably possible.
 - (b) Additional APC activities may take place mid-way in or near the conclusion of the assessment step
 - (c) The Project Proponent shall document the comments received during the APCs and shall prepare responses to those comments and incorporate them into the EIA.
- (5) The Project Proponent shall give good faith consideration to all comments and suggestions provided by the public, determine whether the project may be improved by the adoption of project modifications suggested by the public, and where appropriate modify the proposed project and the associated EIA accordingly;
- (6) The Project Proponent shall submit the EIA report to the Department for review.

D. REVIEW STEP:

- (1) The purpose of the review step is to allow the Department to study the information submitted by the Project Proponent in the EIA, gather additional information from other sources as appropriate, and based on this information, determine whether the proposed project is environmentally acceptable.
- (2) Review of an EIA shall be coordinated and largely conducted by the Department.
- (3) When the Project Proponent submits the document to the Department for review, the Department shall determine if the document submitted is administratively complete and, if necessary, shall request that the Project Proponent provide additional information.
- (4) Once the Department deems that the EIA is complete, the Department will proceed to review the document to determine the environmental acceptability of the subject project. This review shall involve the following three activities, which shall occur concurrently, as appropriate:

- (a) Internal review by the Department;
 - (b) Determination by the Department as to whether technical input is required from other government agencies to complete the review of the document;
 - (c) Determination by the Department as to whether it is necessary to hold a public consultation as part of the document review process.
- (5) If the Department determines that technical input is required from other government agencies to complete the review of the document:
- (a) The Department shall forward the document to those government agencies with relevant expertise, requesting a review of the appropriate sections of the document, indicating the period of time available to complete the review
 - (b) The Department shall follow up and collect comments from the agencies from which comments are solicited.
- (6) If a government agency receives a request from the Department to perform a review of an EIA, that agency shall provide substantive comments in writing to the Department within the period of time established in the request.
- (7) The Department shall include public consultation as part of the review process.
- (a) The Department shall instruct the Project Proponent to notify the public and to arrange a public consultation;
 - (b) The Project Proponent shall arrange the public consultation;
 - (c) The Department shall lead the public consultation;
 - (d) The Project Proponent shall document the comments presented during the public consultation and shall give good faith consideration to all comments and suggestions provided by the public. The Project Proponent shall determine whether the project may be improved by the adoption of project modifications suggested by the public, and where appropriate modify the

proposed project and the associated EIA accordingly.

(e) The public comment period at this stage shall be no less than 60 days from the public release of the EIA.

(8) The Department shall consider comments received from other government agencies and/or the public, as appropriate.

(9) Based on the Department's review of the EIA as well as on the comments provided by other government agencies and the public, the Department shall assess the need for further information from the Project Proponent to complete the review of the document. If the Department concludes that additional information is necessary to complete the review of the EIA, as appropriate:

(a) The Department shall instruct the Project Proponent to provide additional information;

(b) The Project Proponent shall develop the additional information requested and submit an addendum to the EIA, as appropriate, by the Department; and

(c) The Department will repeat the review process described above starting with paragraph 4, noting that the public consultation process at this stage shall be no less than 3 weeks.

(10) Upon determination by the Department that the EIA documentation provided by the Project Proponent is sufficient, the Department shall determine if the proposed project is environmentally acceptable. The Department may identify mitigation and management measures that it deems necessary in order to make the proposed project environmentally acceptable.

(11) If the Department concludes that the proposed project is not environmentally acceptable as proposed:

(a) The Department shall notify the Project Proponent that the proposed project is not environmentally acceptable as proposed and that Environmental Clearance is denied, and shall provide the reasons for this decision;

(b) The Project Proponent may wish to revise the plans for the

proposed project in an effort to make it environmentally acceptable. Generally, very substantial revisions to the proposed project will be required in order to make it environmentally acceptable.

(c) If the Project Proponent decides to revise the plans for the proposed project, he shall prepare a document detailing the revisions to those plans and shall submit it to the Department for scoping. The EIA process shall then be carried out for the revised proposed project, starting at the scoping step.

(12) If the Department concludes that the proposed project is environmentally acceptable:

(a) The Department may identify mitigation and management measures that it deems must be adopted for the proposed project in order to make the proposed project environmentally acceptable, and may decide that such measures should be incorporated into the Environmental Clearance Certificate as Environmental Clearance Conditions;

(b) The Department shall inform the Project Proponent that the proposed project has been deemed environmentally acceptable, and of the proposed Environmental Clearance Conditions.

(13) The Project Proponent shall revise the EIA for the proposed project as appropriate, to:

(a) Reflect and incorporate the Environmental Clearance Conditions;

(b) Document all public comments received during the assessment and review steps, and indicate the Project Proponent's response to all comments (particularly any modifications to project design adopted in response to public comment);

(c) Reflect any changes to the design of the proposed project adopted as a result of Department or public comment during the review step.

(14) After completing these revisions, the Project Proponent shall submit the finalized EIA to the Department for final review and approval.

- (15) The Department shall determine if the changes in design of the proposed project and the revised EIA are acceptable.
- (16) If the Department determines that the revised EIA is not acceptable:
 - (a) The Department shall notify the Project Proponent of the deficiencies identified in the EIA and shall request that the Project Proponent revise the proposed project design and/or the EIA and resubmit them for approval; and
 - (b) The Project Proponent may revise the proposed project design and/or the EIA to address the deficiencies identified by the Department and resubmit the revised EIA to the Department for review and approval.
- (17) Upon determination by the Department that the revised proposed project design and the revised EIA are acceptable, the Department shall proceed to issue an Environmental Clearance for the project.
- (18) On completion of the review and approval of the EIA, the Project Proponent may also be required to complete an EMP. The review process for the EMP will follow the same process outlined in points (1) through (21) as was done for the EIA.

E. ENVIRONMENTAL CLEARANCE:

- (1) Once the Department determines that a proposed project is environmentally acceptable and the finalized EIA and EMP are acceptable, the Department shall issue an Environmental Clearance for the proposed project.
- (2) The Environmental Clearance shall state the Environmental Clearance Conditions to which the proposed project will be subject. These may include, but are not limited to, the following:
 - (a) Environmental mitigation and management measures to be implemented by the Project Proponent during the construction, operation, and closure phases of the project.
 - (b) Project Proponent's responsibility to implement the EMP, as

approved, during the construction/initiation phase.

- (c) Department's right to monitor and inspect the project site and Project Proponents activities of environmental relevance during the construction phase.
- (d) Project Proponent's responsibility to notify the public that the final EIA, as appropriate, and the respective EMP, are available for review and of her intention to commence construction subject to the Environmental Clearance Conditions.
- (e) Period of time during which the Environmental Clearance will be in force.
- (f) Procedure to be followed in the event that the Project Proponent has not completed the construction of the proposed project within the period of time indicated in (e).

(3) The Project Proponent shall notify the public that the final EIA, as appropriate, and the respective EMP, are available for review and of his intention to commence construction subject to the Environmental Clearance Conditions.

~~THIRD~~ **FOURTH** SCHEDULE

(Regulation 6)

DEPARTMENT OF ENVIRONMENTAL PLANNING AND PROTECTION

CERTIFICATE OF ENVIRONMENTAL CLEARANCE

Application Reference No.

This is to certify that of
..... has this day been granted a Certificate of
Environmental Clearance for the following proposed project:

.....

This Certificate shall remain valid until revoked or suspended.

General terms and conditions and specific conditions to this Certificate are annexed.

Dated this..... day of , 20

Director

Made this day of , 2020

MINISTER RESPONSIBLE FOR THE ENVIRONMENT