Sri Lanka

EIA profile

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Overview ESIA procedure

The EIA procedure in Sri Lanka consists of screening during which it is decided if a full EIA or an IEE is required, scoping, assessment, review and the decision on the approval of the EIA report. Thereafter, compliance monitoring is conducted.

Major documents that are compiled as part of the EIA process are the Terms of Reference (scoping), the environmental impact statement, and monitoring reports.

Screening

Screening process

Screening is required. The PAA is responsible for the decision whether an EIA or IEE is required. This screening decision is made in consultation with the CEA. Screening is undertaken on the basis of the list of projects that require impact assessment.

Sensitive areas

There are provisions for sensitive areas. In addition to the listed projects, projects to be sited in environmentally sensitive areas also require IEE/EIA, irrespective of their size or scale. A list of ten “Environmentally Sensitive Areas” is also given in the gazette notification. The 1993 amendment to the Fauna and Flora (Protection) Ordinance states that prior written approval from the Director of Wildlife is necessary for any development activity within one mile (1.6km) of the boundary of any National Reserve and mandates that such projects should undergo the EIA process as stipulated by the NEA.

Scoping

Scoping process

The PAA invites the participation of those affected and queries the proponent for clarification during a scoping meeting, for which a general format is given in the CEA guidance. External experts can attend the scoping meeting. During scoping, the PAA is required to:

- Determine the scope and the significant issues to be analysed in depth in the IEE or EIA;
- Determine the reasonable alternatives that should be addressed in the IEE or EIA;
- Identify and eliminate from the detailed study those issues that are not significant or that have been covered by prior studies or environmental reviews;

- Set the IEE or EIA terms of reference and ensure regular communications with the developer in the preparation of the required document.

The CEA has issued a guide on scoping as a part of the guidance material.

Contents of the scoping document

Scoping outcome includes documentation of the recommendations of the participants, overview of the environmental issues to be investigated in the EIA and an identification of the possible alternatives to be developed. These outcomes are the basis for the Terms of Reference for the EIA.

Assessment

Assessment process

There are no prescribed assessment methods. However, coverage of social and environmental issues in EIA is mandatory. Economic issues are also covered in the EIA report. Cost benefit analysis is encouraged, though not mandatory.

source

Ramani Ellepola, CEA (By e-mail corespondense; April 2009)

Contents of the EIA report

I) Executive summary;

II) Legal requirements;

III) Description of proposed activities and alternatives including mitigation measures;

IV) Affected environment;

V) Environmental impacts of proposed activities and alternatives

VI) Extended Cost -Benefit Analysis, if one has been prepared by the proponent;

VII) Proposed monitoring plan: including institutional responsibilities and procedures for reporting and analysis and;

Appendices: List of EIA preparers, references, backup data and analyses.

Accreditation of consultants

At present there is no accreditaton process for EIA consultants.

source

Ramani Ellepola, CEA (By e-mail corespondense; April 2009)

Review

Review process

The PAA or CEA is responsible for the review of the EIA. The CEA recommends that co-operating agencies are involved with the review of the EIA. For example, agencies with relevant jurisdiction or expertise, or which are authorized to develop and enforce environmental standards, should comment on assessments. There are no non-government experts involved in review perse, but informal meetings and interviews with relevant people and organisations are recommended by the CEA. These can guide the decision on the content and issues to be covered in the analysis and will be used to collect information during the EIA. The PAA checks the EIA document before it goes to public review. The PAA is obliged to announce the availability of the EIA report through notices appearing in three national newspapers in the three languages.

Review expertise

Governmental experts check the EIA report, and there is possibility to involve additional, external experts.

Decision making

Integration of ESIA into decision-making

All activities earmarked as 'prescribed projects' under the NEA need official approval of the EIA report before an approval of the project decision can be given.

The PAA, in agreement with the CEA, decides whether an IEE or an EIA may be approved.

Decision justification

Not specified.

Possibilities for appeal

Final approval of the EIA report may be repealed.

Follow-up

Compliance monitoring

Monitoring is required. The EIA regulations state that it is the duty of the Project Approving Agency to forward to CEA its report, which contains a plan to monitor the implementation of every approved project.

The PAA or the CEA can make site inspections to ascertain the level of compliance. The EIA Cell of CEA can review the monitoring decisions of the PAA, including the evaluation of the compliance monitoring reports. These can be evaluated in liaison with the proponent and the public.

Non-compliance penalties

If the proponent violates the conditions, set because of the EIA, the approval may be revoked.

Guidelines for administrative charges have been issued by the CEA. There are no specific penalties for EIA condition violations at present.

source

Ramani Ellepola, CEA (By e-mail corespondense; April 2009)

Stakeholder engagement

Access to information

The NEA states that the PAA should upon receipt of an IEE or EIA issue a notice in the government gazette and in three newspapers (in English Sinhala and Tamil languages) notifying the public on the place and times at which the reports is available for inspection and invite the public to make comments on it. Any member of the public may then make comments within 30 days.

The public are supposed to pay for the cost of receiving the information (cost of reproduction).

ESIA practice

Annual no. of ESIAs

Number of projects requiring EIA per year is estimated as less than 50. There are between 50-100 projects requiring an IEE annually.

Central ESIA database

EIA reports are available at the CEA library. It is required under NEA to send the EIAs of the approved activities to the CEA.

Professional bodies

Centre for Environmental Justice (CEJ): Since 2004, this centre has been working towards good governance and environmental justice. They assist people in exercising their environmental rights.

source

http://www.ejustice.lk/article%2017-%20Sri%20Lankan%20EIA%20Process%20-Theory%20and%20Practice.htm

Relevant links

- Sri Lanka EIA and SEA overview at UNU SEA wiki
- UN ESCAP Description Institutional setting Sri Lanka

Background information

History of ESIA

The National Environmental Act No. 47 of 1980 laid the basis for environmental management in Sri Lanka. This act established the Central Environmental Authority (CEA) as the lead government agency for environmental protection in Sri Lanka. Environmental assessment was first introduced in coastal areas by the Coast Conservation Act No. 57 of 1981 (GOSL, 1988a; 1981). EIA became a legal requirement throughout the country by the enactment of an amendment to the National Environmental (amendment) Act No. 56 of 1988. This act stipulates that approval of major development projects (public, private, national or international) requires the preparation and review of either an Initial Environmental Examination (IEE) and/or an Environmental Impact Assessment (EIA). After regulations and orders required to implement the EA process were introduced in June 1993, EIA was effectively mandatory.

Certain EIA requirements of the NEA were amended in 1999. Furthermore, NEA was amended in 2000 by the NEA (Amendment) Act, No 53. The amendment specified the powers of the Minister in charge of environment in determining activities that require EIA license, stipulated the penalty for non-compliance with EIA requirements and made IEE or EIA reports public documents.

source

Mackee J, J Obbard and C Briffet, 2001. Journal of Environmental Assessment Policy and Management Vol. 3, No. 2 (June 2001) pp. 209?240

Legal framework

Enabling law

The National Environmental Act (NEA) no. 47 (1980) forms the legal basis for environmental protection in Sri Lanka. This act was amended to reflect EIA requirements by the National Environment (Amendment) Act No: 56 of 1988.

National detailed regulation

National Environmental Regulations (Procedure for approval of projects) Regulations, No. 1 of 1993 issued under NEA, Act No 47 of 1980. These regulations provide a procedural framework for conducting EIA.

source

Mackee J, J Obbard and C Briffet, 2001. Journal of Environmental Assessment Policy and Management Vol. 3, No. 2 (June 2001) pp. 209–240

Guidelines

CEA has published generic EIA guidelines and sectoral guidelines for the agricultural and transport, tourism, irrigation, energy sectors. These guidelines include:

- 1995 Guidelines for implementing the EIA process; A general guide for Project Approving Agencies.
- 1995 Guidelines for implementing the EIA process; A general guide for conducting environmental scoping;
- 1997 Environmental Guidelines for Agricultural Sector Projects in Sri Lanka and;

- 1997 Environmental Guidelines for Road and Rail Development in Sri Lanka.

source

Mackee J, J Obbard and C Briffet, 2001. Journal of Environmental Assessment Policy and Management Vol. 3, No. 2 (June 2001) pp. 209?240

Sector specific procedures or regulations

There are no sector specific procedures or regulations on EIA in Sri Lanka. The regulations and procedures in place at present, apply to all "prescribed projects" which require IEE or EIA as the case may be.

source

Ramani Ellepola, CEA (By e-mail corespondense; April 2009)

Scope of application

EIA is mandated only for ?prescribed projects? as published in a Gazette Notification. They could be public or private, national or foreign projects.

Exemptions from application

Exemptions can be made for certain projects, for example, in case of emergency response.

The Minister in charge of the environment is mandated to make exemptions from EIA.

Institutional setting

Central ESIA authority

Central Environmental Authority (CEA) is the main EIA authority. It operates under the Ministry of Environment and Renewable Energy.

Other key (governmental) parties

- Environmental Council: Appointed by the Minister in charge of the Environment and consists of a multi-disciplinary team of government and public officials to advice CEA on any matters pertaining to its responsibilities, powers, duties and functions, including EIA.
- Project Approving Agencies (PAA): These include Ministries, Government Departments and authorities as published by the order made under section 23 Y of NEA in Gazette Extraordinary No. 772/22 of 1993. The PAAs evaluate EIAs that fall under their jurisdictions.

(De)centralisation of mandates

There is vertical decentralisation and CEA is mandated to appoint District Environmental Agencies to assist it in discharging its duties. 22 State Agencies have been designed as ?Project Approving Agencies? (PAA) for the administration of the EIA process with the Central Environmental Authority (CEA) bearing

the primary responsibility. There are also provisions for the PAAs to delegate powers relating to the approval of projects to a provincial council, upon a written agreement by the Minister in charge of the environment.

Payment system

The proponent pays for the administration of the EIA process. The PAA is responsible for assessing and obtaining all necessary administrative costs from the proponent. CEA stipulates that PAA should establish budgetary provisions for meeting EIA costs. Additionally, a fund may be established and administered by the CEA to help PAAs to meet operational costs of implementing the EIA requirements. There are guidelines on levying of administrative charges issued by CEA.

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