



# LESOTHO Government Gazette

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## LEGAL NOTICE NO. 55 OF 2021

**Environmental Impact Assessment Regulations, 2021**

Pursuant to section 113 of the Environment Act, 2008<sup>1</sup>, I,

**LEKHETHO RAKUOANE**

Minister responsible for the environment make the following regulations -

**Citation and commencement**

1. These regulations may be cited as the Environmental Impact Assessment Regulations, 2021 and shall come into operation on the date to be appointed by the Minister by notice in the gazette.

**Interpretation**

2. In these regulations, unless the context otherwise requires -

“Act” means the Environment Act, 2008;

“affected parties” means a person or group of persons having an interest and likely to be directly affected by the project, socially, economically, culturally, health wise and otherwise due to residing within or in close proximity to the area on which a proposed project is to be undertaken;

“cost-benefit analysis” means a systematic process for calculating and comparing economic and environmental benefits and costs of a decision, policy, program or project with a view to ensure sustainability of benefits;

“Department” means the Department of Environment;

“Director” means the Director of the Department of Environment;

“developer” means the proponent of a development project or activity that is subject to an environmental impact assessment process;

“environment” means the physical factors of the surroundings of the

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human beings including land, water, atmosphere, climate, sound, odour, taste and the biological factors of plants and animals and the social factors of aesthetics and includes both natural and the built environment;

“economic analysis” means the use of valuation techniques which take into account the internal and external financial costs and benefits of a project, including the direct and indirect use values, as well as the option, existence and bequest values of the environment;

“environmental audit” means the systematic, documented, periodic and objective evaluation of how well an environmental organization, management of an activity and equipment are performing in conserving the environment and its resources;

“environmental auditor” means a person responsible for carrying out periodic audits of activities or projects which are likely to have adverse impacts on the environment;

“environmental impact assessment” means a systematic examination of a project or activity conducted to determine whether or not that project or activity may have adverse impact on the environment;

“environmental practitioner” means a person or organization appointed by the proponent to undertake environmental planning, assessment or auditing of a development project or activity;

“environmental inspector” means a person designated under section 89 of the Act;

“environmental law” means any law which relates to environmental issues;

“environmental monitoring” means the continuous determination of actual and potential effects of any project, activity or phenomenon on the environment whether short term or long term;

“environmental impact statement” means the report containing scientific, technical, social, economic investigations and surveys, study conducted to determine the possible environmental impacts of a proposed project and measures to mitigate their effects as provided under sections 20, 21

and 22 of the Act and as described in regulations 7, 8, 9 and 10;

“environmental tribunal” means a judicial or quasi-judicial body established under section 98 of the Act;

“gender” refers to the social attributes and opportunities associated with being male and female and the relationships between women and men and girls and boys, as well as the relations between women and those between men;

“general public” includes interested persons;

“guidelines” means methodology for implementation of environmental impact assessment requirements adopted by the Department under section 35 of the Act;

“health impact assessment” means a combination of procedures, methods and tools by which a policy, programme or project may be assessed as to its potential effects on the health of a population, and the distribution of those effects within the population;

“interested party” means a person or group persons having an interest in a proposed project or any environmental impact assessment process, whether that person is an affected person or not, which interest is manifested by voluntary participation in the public participation or any other environmental impact assessment process anticipated in these regulations;

“line ministry” means a ministry, department, parastatal or agency in which any law vests functions for the protection, conservation or management of any segment of the environment or whose activities may have an impact on the environment as defined in this Act;

“local authority” has the same meaning as in the Local Government Act, 1997<sup>2</sup>;

“Minister” means the Minister responsible for the environment;

“Ministry” means the Ministry responsible for the administration of these regulations;

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“mitigation measures” include engineering works, technological improvements, management measures and ways and means of ameliorating losses suffered by environment, individuals and communities including rehabilitation, compensation and resettlement;

“non-governmental organisation” means an organ of civil society created to promote or foster the interests of its members or the public at large;

“occupational health and safety” means the health and safety of employees in the workplace;

“public participation” means an effective and active involvement of people who are enabled and empowered to participate as a right in the decision making and to influence and have control of those decisions;

“project” has the same meaning as assigned to it under section 2 of the Act;

“proprietary information” has the same meaning as assigned to it under section 95(5) of the Act;

“record of decision” means an official result of the authority’s assessment including grounds and reasons for the final conclusion taken;

“significant impact” means an impact which by its magnitude, duration, intensity, severity or probability of occurring may have an effect on an important aspect of the environment;

“social costs” means the total costs of an activity, including all costs incurred by society as a result of the activity;

“socio-economic environment” means that part of the environment that has its origin or being in human activities (e.g. social, economic, cultural, political and health);

“specialist” means a person who has the necessary qualifications and experience to carry out a specialist study;

“specialist study” refers to an in-depth study of a specific component of the environment by a qualified specialist to inform the assessment or

evaluation of the impacts of an activity;

“specialised process” means a process to obtain information which is not readily available without undertaking the process and is necessary for informing an assessment or evaluation of the impacts of an activity;

“stakeholders” includes individuals, communities, Government ministries, private organizations, non-governmental organisations or others having an interest or stake in both Environmental Impact Assessment Policy and the outcomes or impacts of a proposed project or activity;

“strategic environmental assessment” means the process of subjecting public policy, programmes and plans to tests for compliance with sound environmental management;

“sustainable development” means development that meets the needs of the present generation without compromising the ability of future generations to meet their needs by maintaining the carrying capacity of the supporting ecosystems; and

“technical advisory committee” means the Technical Advisory Committee established under section 13 of the Act.

### **Preparation and submission of project brief**

3. (1) A developer shall, in addition to the requirements of the project brief provided for under section 20 of the Act, prepare and submit, to the Director, a project brief stating -

- (a) a description of desirability of the project;
- (b) a description of how the environment may be affected, including cumulative impacts that may occur as a result of the undertaking during all phases of the project;
- (c) relevant legislation, policies, planning tools and guidelines;
- (d) a description of environmental issues which may be



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affected by the project;

- (e) a description of all alternatives identified relating to the site, layout, route, process or design of the project;
- (f) the design of the project, as well as the processes and procedures that are involved;
- (g) the materials (liquid, solid and gaseous) that the project shall use and discard or emit throughout its lifecycle;
- (h) the number of people that the project will employ, the environmental and economic cost-benefit analysis and the social benefits to the local community and the nation in general;
- (i) environmental management plan;
- (j) description of the public participation process undertaken in preparation of compiling the project brief and a summary of comments received during the process or a proposal; and
- (k) corporate social responsibility, and access and benefit sharing for their natural resource use.

(2) The project brief submitted pursuant to subregulation (1) shall be -

- (a) submitted in fourteen copies and a soft copy;
- (b) accompanied by a fee set out in Schedule V; and
- (c) submitted in a form provided in Schedule I.

(3) Where the Director is satisfied that the project brief complies with the Act and these regulations, he shall, within fourteen days of receipt of the project brief -

- (a) submit copies of the project brief to the relevant line

ministry, non-governmental organisations, interested and affected parties and the local authorities under whose jurisdiction the proposed project or activity is intended to take place; and

- (b) require the line ministry, non-governmental organisations, interested and affected parties and the local authorities under whose jurisdiction the proposed project or activity is intended to take place, to make comments and submit them to the Director within thirty days of receipt of the project brief.

(4) Where the relevant line ministry, the interested parties, affected parties, local authority or non-governmental organisation fails to make comments pursuant to subregulation (3), the Director may proceed to consider the project brief without its comments.

### **Approval of the project brief**

4. (1) The Director shall, where the project -
- (a) is likely to have significant impact on the environment; or
  - (b) brief does not have sufficient information or mitigation measures to address the anticipated impact,

request that the developer undertake an environmental impact study pursuant to section 19(1) of the Act.

- (2) The Director shall, if he is satisfied that the project -
- (a) will have no significant impact on the environment;
  - (b) brief discloses sufficient mitigation measures to address the anticipated impacts,

issue an environmental impact assessment approval as set out in Schedule II with such terms and conditions as he may determine.

(3) Where the Director requires that the developer undertakes an environmental impact study pursuant to subregulation (1), he shall notify the developer, in writing, within a period of fourteen days of receipt of the comments.

### **Information on scope of study and expertise required on the environmental impact assessment**

5. (1) A developer shall, pursuant to regulation 6(2), provide the Director with information on the scope of study and expertise required on the environmental impact assessment for approval.

(2) The Director shall, within thirty days of receipt of the information on scope of study and expertise required on the environmental impact assessment, determine whether the information complies with the Act and these regulations.

(3) The Director shall, where the information provided by the developer does not comply with the Act or these regulations, require the developer to provide the necessary information.

### **Application for certificate of approval as an environmental practitioner or environmental auditor**

6. (1) No person shall undertake an environmental impact assessment, unless he has obtained a certificate of approval as an environmental practitioner or auditor from the Director.

(2) A person who wishes to undertake an environmental impact assessment, pursuant to section 21(7) of the Act, shall submit an application to the Director.

(3) An application made pursuant to subregulation (1) shall be -

(a) in the form set out in Schedule III; and

(b) accompanied by a fee set out in Schedule VI.

(4) The Director shall, where the application meets the requirements of the Act and these regulations, issue a certificate of approval as set out in Form D of Schedule IV.

(5) A person who contravenes a provisions of this regulation commits an offence and is liable on conviction and to a fine not less than Five Thousand Maloti or imprisonment for a period not less than 2 years or both.

### **Public participation**

7. A developer shall -

- (a) engage all interested parties and affected parties in the public participation;
- (b) shall, in engaging all interested and affected parties pursuant to subregulation (1) -
  - (i) publicise the intended project, its anticipated effects and benefits in three local newspapers with wide circulation and over three radio stations with wide broadcasting in a language understood by the interested parties and affected parties, for at least three times in a period of not less than thirty days; and
  - (ii) seek and obtain views of interested and affected parties through public meetings on the project and its effects;
- (c) within thirty days of the meeting, where necessary, report back to the affected community and interested parties on the outstanding and pending issues on the project; and
- (d) invite the Director as an observer.

### **Environmental impact statement**

8. (1) The developer shall submit, pursuant to section 21 of the Act, fifteen copies of the environmental impact statement to the Director.

(2) The environmental impact statement submitted under subregulation (1) shall be -

- 
- (a) in a form set out in Schedule I; and
  - (b) accompanied by a fee set out in Schedule VI.

### **Comments from the line ministry**

9. (1) The Director shall, where the environmental impact statement complies with the Act and these regulations, submit the 15 copies of the environmental impact statement to the relevant line ministry.

(2) The relevant line ministry shall, within thirty days of receipt of the environmental impact statement, submit comments to the Director.

(3) The Director may, where the relevant line ministry fails to make comments within the period specified in subregulation (2), make a decision without comments of the line ministry.

### **Comments from interested and affected parties**

10. (1) The Director shall, where the environmental impact statement complies with the Act and these regulations -

- (a) enable access to copies of the environmental impact statement to interested and affected parties within thirty working days of receiving the environmental impact statement; and
- (b) invite interested and affected parties to make comments within thirty days of receiving the environmental impact statement.

(2) The Director may, where the interested and affected parties fail to make comments within the period specified in subregulation (1)(b), make a decision without comments from interested and affected parties.

(3) The invitation made pursuant to subregulation (1) shall -

- (a) be publicised in three local newspapers with wide circulation and over three radio stations with wide broadcast, in a language understood by the affected

communities, for at least three times in a period of not less than thirty days;

- (b) state the nature and location of the project, and the place where the -
  - (i) the environment impact statement will be made available; and
  - (ii) comments will be submitted.

### **Public hearing**

11. (1) The Director shall, where necessary after receiving comments from interest and affected parties or the general public, hold a public hearing, if he is of the opinion that a public hearing will enable him to make a decision.

(2) The date and venue of the public hearing shall be announced through three local newspapers with wide circulation and three radio stations with wide broadcast in a language understood by the affected communities, for at least three times in a period of not less than thirty days.

(3) The developer shall be given an opportunity to answer any question made at the public hearing and where necessary, provide further information relating to the project.

### **Decision of Director**

12. (1) The Director may, after considering the -

- (a) comments made pursuant to these regulations;
- (b) environmental impact statement; and
- (c) any other information the Director may consider necessary,

approve the project or part of the project and issue an environmental impact assessment licence with such terms and conditions as he may determine.

(2) Where the Director is of the opinion that the information in the environmental impact statement is not sufficient for him to make a decision or the environmental impact statement does not comply with the Act or these regulations the Director may require that the developer -

- (a) conduct a further study on the project;
- (b) submit additional information on the project to enable him to make a decision on the project;
- (c) redesign the project; or
- (d) reject the project where, even after the remedial measures have been in place, the project will still have detrimental impact on the environment.

(3) The decision made by the Director pursuant to this regulation shall be communicated to the developer within a period of fourteen days from the date the decision was taken.

- (4) The licence issued pursuant to subregulation (1) shall be -
- (a) valid for a period of two years;
  - (b) renewable if a developer complies with the conditions stipulated in the licence; and
  - (c) in form D as set out in Schedule V.

### **Suspension or revocation of environmental impact assessment licence**

13. (1) The Director may -
- (a) suspend an environmental impact assessment licence where -
    - (i) the developer fails to comply with the terms and conditions set out in the environmental impact assessment licence;

- (ii) the impacts result in situations which may require investigations for purpose of protecting human health or any other component of environment;
- (b) revoke an environmental impact assessment license, where -
  - (i) during suspension the developer fails to comply with the conditions set out in the environmental impact assessment licence;
  - (ii) the impacts results in situations which may require investigations for the purposes of protecting human health or any other component of environment;
  - (iii) there is a substantial modification in implementation or operation of the project;
  - (iv) there is a substantial undesirable effect on the environment; and
  - (v) it is established that the information or data given by the developer in support of his application for environmental impact assessment licence was false.

(2) Where an environmental impact assessment licence is suspended pursuant to subregulation (1)(a), the developer shall stop any further developments until he has complied with the terms and conditions determined by the Director.

(3) An environmental auditor may undertake inspections or review documents to confirm compliance with the terms and conditions of the environmental licence.

### **Register**

14. (1) The Director shall keep and maintain a register of the following -



- 
- (a) a project brief;
  - (b) an environmental impact assessment;
  - (c) an environmental impact statement;
  - (d) a report on public comments and public hearing or any other information submitted to the Director under these regulations; and
  - (e) any other information that the Director may determine.

(2) A person who wishes to access documents referred to in sub-regulation (1) shall do so upon payment of a fee set out in Schedule VI.

### **Protection of proprietary information**

15. (1) Where at any stage of the process of implementing these regulations, a developer claims, in writing, that any information submitted to the Director is proprietary information, the Director may -

- (a) request the developer to submit evidence to determine whether the information is proprietary or not;
- (b) take adequate measures to prevent disclosure of such information that qualifies as proprietary information in terms of these regulations;
- (c) reject the claim that the information is proprietary where such information does not qualify as proprietary information in terms of these regulations.

(2) The Director shall, where he rejects the claim that the information is proprietary, communicate the decision to the developer, in writing.

### **Auditing by developer**

16. (1) A developer shall prepare and submit environmental audit report to the Director.

(2) The environmental audit report prepared and submitted pursuant to subregulation (1) shall contain the following information -

- (a) a presentation of the type of activity being audited;
- (b) an indication of the various materials, including non-manufactured material, the final products, by-products, and wastes generated;
- (c) a description of different technical activities, processes and operations of the project;
- (d) a concise description of the national environmental legislative and regulatory frameworks relating to ecological and socio-economic matters;
- (e) a description of the potentially affected environment including the biological, physical, social, economic, health and cultural environments;
- (f) a prioritisation of all past and on-going concerns of the project;
- (g) a detailed and systematic assessment of compliance with each aspect of the environmental management plan;
- (h) detailed recommendations for corrective actions for all non-compliances identified, their cost, timetable and mechanism for implementation;
- (i) an indication of the measures taken under the environmental management plan to ensure implementation is of acceptable environmental standards;
- (j) a non-technical summary outlining the key findings and recommendations of the auditor; and
- (k) any other information that the Director may determine.

(3) The Director may, after studying the audit report, require that the developer take specific remedial measures to ensure compliance with the terms and conditions of the environmental impact assessment licence, the environmental impact statement or environmental management plan.

(4) The Director shall communicate the remedial measures to the developer, in writing, specifying the period within which the remedial measures shall be taken.

(5) Where the developer fails to implement the remedial measures pursuant to subregulation (3), the Director shall revoke the environmental impact assessment licence.

### **Strategic environmental assessment of policies, plans and programmes**

17. (1) A relevant line ministry shall, in consultation with the Director, subject all proposals for the development or implementation of public policy, plans and programmes to a strategic environmental assessment, to determine the cumulative effects of such policy, plan or programme, as well as the direct and indirect impacts of such policy, plan or programme on the environment and on the implementation of other policies, plans and programmes in the same area or sector.

(2) The strategic environmental assessment referred to in subregulation (1) shall take the following into consideration -

- (a) the sustainable use of natural resources;
- (b) human settlement, health and cultural issues;
- (c) socio-economic factors;
- (d) the protection and conservation of biodiversity;
- (e) the protection and conservation of landscapes with special scenic beauty as well as the protection and conservation of the built environment where there is special historic or cultural significance; and
- (f) other related policies, plans and programmes.

(3) Where the relevant line ministry has undertaken, or has commissioned a strategic environmental assessment pursuant to subregulation (1), it shall submit the report of the assessment to the Director.

(4) The strategic environmental assessment report submitted under subregulation (1) shall include the following information -

- (a) summary of the potential significant cumulative negative and positive impacts of the proposed policy, programme or plan;
- (b) potential opportunities to promote or enhance environmental benefits;
- (c) environmental constraints preventing or hindering the successful implementation of the policy, plan or programme;
- (d) the agreed environmental quality objectives which could include: limits of acceptable change, legislated standards, industrial norms or other goals and targets;
- (e) recommendations for mitigation measures;
- (f) alternative policy, programme or plan options to ensure compliance with the Act;
- (g) the strategic environmental assessment report for policy, programme or plan specified in this regulation shall state the following -
  - (i) the purpose and rationale of the policy, programme or plan taking into consideration socio-economic, health, environmental and cultural issues;
  - (ii) alternatives and strategies of the policy, programme or plan;
  - (iii) areas and sectors affected by the policy,

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programme or plan;

- (h) environmental analysis covering -
  - (i) baseline information focusing on areas potentially affected;
  - (ii) relevant legislative framework and related policy documents;
  - (iii) summary of views of key stakeholders consulted;
  - (iv) predicted cumulative impacts of the policy, programme or plans;
  - (v) alternative policy options and comparison against environmental quality objectives such as limits of acceptable change, legislated standards, industrial norms or other goals and targets;
  - (vi) on-going projects and how they affect and are affected by policy, programme or plan;
- (i) recommendations outlining -
  - (i) suggested legal, policy and institutional changes;
  - (ii) proposed mitigation measures;
  - (iii) strategic environmental monitoring and evaluation programmes; and
  - (iv) relevant technical appendices such as stakeholder meetings referred to in the assessment.

### **Transitional provision**

18. An application for an impact environmental impact assessment licence

lodged with the Director under the Environment Act, 2008 before the coming into operation of these regulations shall not be subjected to the requirements under these regulations, but an application which failed to meet the requirements and is being re-lodged shall be subjected to these regulations.

**DATED:**

**ADVOCATE LEKHETHO RAKUOANE  
MINISTER OF TOURISM, ENVIRONMENT AND CULTURE**

**NOTE**

1. Act No. 13 of 2008
2. Act No. 6 of 1997

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**SCHEDULE I**

**FORM A**

**APPLICATION FOR SUBMISSION OF A PROJECT  
BRIEF/ENVIRONMENTAL IMPACT ASSESSMENT:  
ENVIRONMENT ACT, 2008:**

**(reg 3(2)(c) & Act 8(2)(a))**

*(To be filled in triplicate and attach 15 copies)*

**(Tick where appropriate)**

**PART A :                   DETAILS OF DEVELOPER**

1.     **Name of developer (person/firm):** .....
- Postal and physical address: .....
- Telephone No.: ..... Fax no: .....
- E-mail .....
  
2.     **Name of contact person:**
- Postal and physical address: .....
- Telephone No.: ..... Fax no: .....
- E-mail .....

**PART B**

Summary of Project Brief/Environmental Impact Assessment

3.     **Title of proposed project** .....
- .....
  
4.     **Objectives and scope of the project** .....
- .....
- .....

**5. Location of the proposed project :**

Name of Village .....  
Name of Village Chief .....  
Name of Council .....  
Name of District .....  
GPS Coordinates .....

**6. Description of activities .....**

**PART C**

**DECLARATION BY DEVELOPER**

I hereby certify that the particulars given above are correct and true to the best of my knowledge and belief.

.....  
Name Position Signature

On behalf of ..... Date:.....  
(Firm name and seal)

Attach a copy of a certified copy of certificate of EIA practitioner.  
Attach proof of payment of application fee

Part C:

**FOR OFFICIAL USE**

Comments.....

Name of Officer.....

Submit to:

Director of Environment  
Ministry of Tourism, Environment and Culture  
6TH Floor Post Office Building  
Kingsway  
P.O. Box 10993  
Maseru 100

Telephone: +26622311767 Fax: + 266 22311139 e-mail.....



**SCHEDULE II**

**PROJECT BRIEF/ENVIRONMENTAL IMPACT ASSESSMENT  
LICENCE: ENVIRONMENT ACT, 2008**

**(reg. 4 (2))**

This is to certify that the Project Brief/Environmental Impact Assessment/ State-  
ment for the proposed project titled:.....

whose objective(s) are (briefly describe purpose).....  
.....

**Location of the proposed project:**

- Name of Village.....
- Name of Village Chief.....
- Name of Council.....
- Name of District.....
- GPS Coordinates.....

**Description of activities**.....  
.....  
.....  
.....

**Name of developer (person/firm):** .....

- Postal and physical address: .....
- Telephone No.: ..... Fax no: .....
- E-mail.....

**Conditions of license**

1. This license is valid for a period of .....  
(time within which the project should commence from date hereof.)
2. ....
3. ....
4. ....
5. ....

Dated this.....Day of.....20.....

Signature.....  
(seal)

Director of Environment  
Ministry of Tourism, Environment and Culture



FOR OFFICIAL USE

Approved/not approved.....

Comments.....  
.....  
.....

Officer ..... Sign ..... Date .....

NB: Please submit the following:

- (a) Application Form in duplicate
- (b) curriculum vitae of all applicants
- (c) prescribed fee

To: Director of Environment  
Ministry of Tourism, Environment and Culture  
6TH Floor Post Office Building  
Kingsway  
P.O. Box 10993  
Maseru 100

Telephone: +266 22311767 Fax: + 266 22311139 e-mail: .....

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**SCHEDULE IV**

**CERTIFICATE OF REGISTRATION AS AN ENVIRONMENTAL  
IMPACT ASSESSMENT AUDITOR/ PRACTITIONER:  
ENVIRONMENT ACT, 2008**

**(reg. 6(4) & 12(4)(6))**

This is to certify that (firm/individual name).....

Physical and residential address.....

Has been registered as an Environmental Impact Assessment/Audit Practitioner in accordance with the provisions of the Environment Impact Assessment Regulations and is authorized to practice in the capacity of lead practitioner/practitioner/Firm of Practitioner.

Dated this ..... Day of ..... 20 .....

Signature .....

(seal)

Director of Environment  
Ministry of Tourism, Environment and Culture

**Conditions of Certificate**

1. The certificate expires on.....
2. ....
3. ....

**SCHEDULE V**

**FEES PAYABLE FOR PROJECT BRIEFS AND ENVIRONMENTAL  
IMPACT ASSESSMENT: ENVIRONMENT ACT, 2008**

**(reg. 3(2)(b))**

1. (1) Category A and B: the amount payable shall be 3% of the total cost of the project plus withholding fee of 2% of the total cost of the project.
- (2) Category C: the amount payable shall be M1,000.00.

**AN APPLICATION FEE FOR REGISTRATION AS ENVIRONMENTAL**

**2. IMPACT ASSESSMENT AUDITOR OR PRACTITIONER**

- (1) Professionals – M500.00
- (2) Students with valid student card – M300.00

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## SCHEDULE VI

### CATEGORISATION OF PROJECTS SUBJECT TO ENVIRONMENTAL IMPACT ASSESSMENT (EIA) ENVIRONMENT ACT, 2008

(regs. 6(3)(b), 8(2)(b) & 14(2))

As per section 19 (3) which states “notwithstanding subsection (1), the Minister may by regulations, prescribe -

- (a) The category of projects or activities for which only a project brief is required by reason of their nature, scope, scale and location;
- (b) The category of projects or activities for which only an environmental impact assessment is required by reason of their nature, scope, scale and location.

Therefore the schedule on categorisation of projects is made as follows: Category A, Category B and Category C;

**Category A:** projects which are likely to cause a range of significant negative environmental impacts whose extent and magnitude cannot be determined without a detailed study. Similarly, appropriate mitigation measures cannot be devised until results of this study have been obtained. These projects can only be implemented after a full Environmental Impact Assessment (EIA) study which involves detailed studies and consultations have been carried out.

**Category B:** projects which may cause limited number negative environmental impacts, but the impacts relevant mitigation actions are known. These can be implemented after limited environmental study (Project Brief or Environmental Management Plan as the case may be) has been carried out.

Where, **Category C** involves: Projects which are not expected to result in any significant negative environmental impacts, either individually or cumulatively and which do not require any additional study. An application is submitted to the Department.

Further, irrespective of the above-mentioned categories, an EIA is required in all the projects that are proposed to be located in environmentally sensitive areas

where environmentally sensitive areas include -

- (a) selected development areas;
- (b) protected natural environments, wilderness areas, nature reserves or national parks;
- (c) mountain catchment areas;
- (d) national heritage sites;
- (e) archeological and paleontological sites;
- (f) graves and burial sites;
- (g) national gardens of remembrance;
- (h) conservation areas;

And,

- (a) streams and river channels and their banks;
- (b) meteorites;
- (c) lake areas;
- (d) wetlands;
- (e) floodplains and wetlands;
- (f) indigenous forests;
- (g) high potential agricultural land;
- (h) caves;
- (i) green belts or public open space in municipal areas;
- (j) battle fields;
- (k) island in rivers;
- (l) biotic assemblages and communities;
- (m) habitat of Red Data Book Species;
- (n) architectural precincts;
- (o) aquifers and aquifer recharge areas;
- (p) areas with high natural water table;
- (q) damaged land;
- (r) unstable soil;
- (s) natural resource areas (including minerals);
- (t) sites of geological significance;
- (u) geologically and geo-technically unstable areas;
- (v) areas or sites of outstanding natural beauty;
- (w) scenic drives and panoramic views;
- (x) areas or sites of special scientific interest;
- (y) areas or sites of religious or spiritual significance;
- (z) areas or sites of special social, cultural or historical interest;



- (aa) bird migration sites

## **1. Urban and rural including:**

### **Category A**

- (a) designation of new areas before designation process commences, an assessment is required, which includes zoning, then zone-specific EIA
- (b) establishment of industrial estates less than 500m<sup>2</sup> floor area-cancelled
- (c) expansion: recreational areas
- (d) area equals to or greater than 1000m<sup>2</sup>
- (e) shopping centers and complexes area equals to or greater than 1000m<sup>2</sup>
- (f) hotels and other tourist facilities area or total floor area equals to or greater than 1000m<sup>2</sup>

### **Category B**

- (a) Establishment recreational areas area less than 1000m<sup>2</sup>
- (b) shopping centers and complexes area less than 1000m<sup>2</sup>
- (c) hotels and other tourist facilities
  - (i) area or total floor area less than 1000m<sup>2</sup>
  - (ii) introduction of walkways, trails
- (d) buildings with a total floor space of 1000m<sup>2</sup> or more

### **Category C**

buildings with a total floor space less than 1000m<sup>2</sup>

## **2. Transport: construction, upgrading and maintenance of -**

### **Category A**

- (a) major roads more than 3km;
- (b) airports and airfields;
- (c) railways;
- (d) cable ways and cable stations.

**Category B**

- (a) major roads less than 3km;
- (b) bridges;
- (c) pipelines;
- (d) water transport activities bridges;
- (e) Boats;
- (f) public transport mode transfer facilities (taxi ranks, train stations).

**Category C**

- (a) Bridges;
- (b) Foot-bridges.

**3. Dams, rivers and water resources including -****Category A**

- (a) Reservoir;
- (b) Levees;
- (c) storage dams;
- (d) weirs;
- (e) canals longer than 1 Kilometer;
- (f) channels when volume is 10 million m<sup>3</sup> per annum;
- (g) aqueducts;
- (h) river diversions; and
- (i) water transfers;
- (j) construction of pipelines and water reticulation systems category;
- (k) projects or activities affecting other water resources such as ground water, spring and wells.

**Category B**

- (a) construction of flood control schemes;
- (b) upgrading of flood control schemes;
- (c) upgrading of pipelines and water reticulation systems.

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**Category C**

- (a) Water bottling

**4. Mining, mineral extraction including quarrying and open-cast extraction (prospecting) of -****Category A**

- (a) precious stones, minerals and metals;
- (b) coal;
- (c) stone and slate for commercial purposes;
- (d) gravel for commercial purposes;
- (e) clay commercial purposes;
- (f) Tunneling;
- (g) Diamonds;
- (h) limestone and dolomite for commercial purposes;
- (i) base metals;
- (j) sand mining for commercial use.

**Category B**

- (a) Aggregates;
- (b) artisanal mining.

**Category C**

- (a) sand mining for domestic use;
- (b) Clay mining less than a tonne;
- (c) limestone and dolomite for domestic use.

**5. Forestry related activities including -****Category A**

- (a) deforestation and afforestation;
- (b) timber harvesting for commercial purposes;
- (c) propagation of invasive alien species.

**Category B**

- (a) timber processing

**Category C**

- (a) timber harvesting for domestic use

**6. Agriculture including -****Category A**

- (a) manufacture of chemical and pesticides and other agro-chemicals;
- (b) introduction of new crops (Biotechnology);
- (c) introduction of new animals (Biotechnology);
- (d) introduction of new animals into new habitat;
- (e) release of any organism outside its natural area of distribution that is to be used for biological pest control;
- (f) genetic modification of organisms and release of such organisms;
- (g) Aquaculture above 5 tonnes;
- (h) Land developments for the purpose of field crops in areas larger than 100 ha;
- (i) Use of pesticides for professional purposes both in the agriculture and horticulture sectors and in other sectors with a stored quantity equal or greater than 5 tons;
- (j) Use of agro-chemicals.

**Category B**

- (a) large scale agriculture cultivation on virgin land;
- (b) use of agro-chemicals;
- (c) use of new pesticides;
- (d) mass commercial production of livestock and feedlot farming installations;
- (e) aerial spraying;
- (f) large scale land reclamation;
- (g) Aquaculture less than 5 tonnes.

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**Category C**

- (a) storage of chemical and pesticides and other agro-chemicals
- (b) transportation of hazardous waste chemical and pesticides and other agro-chemicals

**7. Processing and manufacturing industries including-****Category A**

- (a) explosives and ammunition plants;
- (b) bricks and earth works;
- (c) foundries;
- (d) plants for manufacturing or assembling of motor vehicles;
- (e) industries producing, handling, treating, or disposing effluent;
- (f) industries emitting major atmospheric pollutants;
- (g) bulk distribution facility;
- (h) non hazardous substance;
- (i) production on pharmaceutical products;
- (j) manufacturing of batteries;
- (k) manufacturing of iron and steel products;
- (l) manufacturing of electronics;

**Category B****Processing and manufacturing industries including -**

- (a) brick and earthworks;
- (b) brewing and malting;
- (c) abattoirs and meat processing plants;
- (d) food processing plants;
- (e) bulk-grain processing plants;
- (f) mineral processing plants;
- (g) smelting and refining of ores or minerals;
- (h) bulk distribution facilities of hazardous substances;
- (i) industries transporting or storing hazardous substances or other chemical products;
- (j) electroplating of iron and steel products;
- (k) manufacturing of non metallic products- cement, glass, rubber, fibre, tiles, lime, plastic materials.

**Category C**

- (a) tailoring of textiles;
- (b) bulk distribution facilities;
- (c) Packaging;
- (d) assembly of iron and steel products;
- (e) assembly of electronics.

**8. Energy and electric infrastructure including -****Category A**

- (a) production of oil and gases;
- (b) thermal power production;
- (c) production of oil and gases;
- (e) hydro-power production;
- (f) exploration and extraction of oil and gases;
- (g) processing of oil and gas;
- (h) construction of oil refineries;
- (i) construction of depots (gas,oil,petrol,diesel);
- (j) windfarm projects;
- (k) nuclear power generation;
- (l) deep drilling-
  - (i) geothermal drilling
  - (ii) drilling for storage of neuclear waste material
- (m) nuclear installations

**Category B**

- (a) electrical transmission lines more than 220Kv or more than a kilometer long;
- (b) electrical substations;
- (c) Solar power projects;
- (d) cable-way and cable way stations;
- (e) construction of filling stations.

**Category C**

- (a) storage and transportation of oils and gases;
- (b) drilling for water supply;

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- (c) domestic wind power generation and solar power generation.

**9. Waste handling, storage, transport, treatment and disposal including-**

**Category C- not applicable**

**Category B**

- (a) transport and storage of hazardous substances or waste;
- (b) incineration plants;
- (c) recycling plants for non-hazardous materials;
- (d) bio-gas digesters.

**Category A**

- (a) sites for solid waste and wastewater treatment;
- (b) sites for hazardous waste disposal;
- (c) sewerage treatment and disposal works;
- (d) activities or practices that may produce offensive odours;
- (e) industrial effluent;
- (f) major atmospheric emissions;
- (g) recycling plants for hazardous materials;

**10. Nature conservation areas including -**

**Category A**

- (a) creation of national parks and game reserves;
- (b) hunting and harvesting of fauna and flora for commercial purposes;
- (c) introduction of alien species of fauna and flora into ecosystem;
- (d) introduction of new species; wildlife or trees.

**Category B**

- (a) establishment of natural heritage sites;
- (b) translocation of wildlife;
- (c) identification and establishment of protected areas;
- (d) wildlife ranching(farming);

- (e) hiking trails.

**11. tracks for cars and motorcycles -**

**Category A**

- (a) Permanent tracks of cars and motor cycle

**Category B**

- (a) Recreational and competitive motor sport and motocross

**12. Communication facilities, including telephone, telephone and radio transmission masts -**

**Category B**

- (a) Construction of communication towers and radio transmission masts;
- (b) Mobile phone base antenna.

**Category C**

- (a) Upgrading of Construction of communication towers and radio transmission masts.