

HANDBOOK ON THE
**Environmental Impact
Assessment Process
in Sri Lanka**



The Asia Foundation

Handbook on the Environmental Impact Assessment Process in Sri Lanka



The Asia Foundation

Compiled by the Environmental Foundation Limited
Supported by The Asia Foundation

This handbook is only a Quick Reference Guide. Kindly peruse the relevant Acts and Regulations for in-depth information.

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Handbook on the Environmental Impact Assessment Process in Sri Lanka was compiled after thorough research on the existing legal framework and procedures associated with the Initial Environmental Examination (IEE) and the Environmental Impact Assessment (EIA) processes in Sri Lanka.

We are thankful to The Asia Foundation for supporting Environmental Foundation Limited (EFL) to carry out a gap analysis on the existing laws pertaining to the EIA/IEE process in Sri Lanka. This handbook is based on the prevailing laws and steps relating to the EIA/IEE processes.

We are also thankful to the resource persons and stakeholders who have provided their insights and shared their invaluable knowledge during the project. Furthermore, we are thankful, and appreciative to the people who have contributed towards the completion of this handbook, and the individuals and institutions whose existing research and publications have aided us in our research.

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We are grateful to the entire team at EFL for coordinating, editing, and supporting the research of this publication.

Handbook on the Environmental Impact Assessment Process in Sri Lanka is for all the stakeholders involved in the EIA/IEE process in Sri Lanka including you the readers, activists, developers, State Authorities and the public.

About the Handbook

This handbook is prepared by Environmental Foundation (Guarantee) Limited, as a part of its mandate to support the effectual implementation of environmental regulations. The handbook is supported by The Asia Foundation, and Environmental Foundation (Guarantee) Limited presents this handbook with the aim of providing practical guidance on process of national EIA/IEE.

The definitions and explanations of the EIA/IEE adopted in this handbook are taken from Sri Lanka's National Environmental Act, No. 47 of 1980 and its amendments, guidelines issued by Central Environmental Authority (CEA) and the other special laws that refer to the EIA process. These special laws include: Coast Conservation and Coastal Resource Management Act, No. 57 of 1981, Fauna and Flora Protection Ordinance, No. 02 of 1937 and its amendment in 1993 which introduced the EIA process, Greater Colombo Economic Commission Law, No. 4 of 1978 (Board of Investment of Sri Lanka Law), Tourism Act, No. 38 of 2005 (repealing Ceylon Tourist Board Act, No. 10 of 1966) , North Western Province Environmental Statute, No. 12 of 1990.

This handbook is written for policy-makers and practitioners, and the public who need materials on EIA/IEE process to understand the rights and obligations involved in the EIA/IEE process. This handbook is designed with reference to the laws, guidelines, and contains flow charts, infographics and designs to disseminate information relating to the EIA/IEE process.

The objectives of the Handbook

- To disseminate requirements of EIA/IEE according to the EIA/IEE regulations of Sri Lanka.
- To inspire and guide the public to participate in the EIA process.
- To inform and guide the steps of EIA/IEE process.
- To demonstrate the advantages of improvements in the EIA/IEE practice to facilitate better-informed planning decisions.

For Whom is this EIA Handbook?

- Public officials of relevant authorities.
- The community.
- Students in law, environmental sciences, and development planning.

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List of Abbreviations

AC - Coast Conservation and Coastal Resource Management Advisory Council
BIQ - Basic Information Questionnaire
CCCRMA - Coast Conservation and Coastal Resource Management Act, No. 57 of 1981
CEA - Central Environmental Authority
DG - Director General
DG of CC - Director General of Department of Coast Conservation and Coastal Resource Management
EFL - Environmental Foundation (Guarantee) Limited
EIA - Environmental Impact Assessment
FFPO - Fauna and Flora Protection Ordinance, No. 02 of 1937
IEE - Initial Environmental Examination
NEA - National Environmental Act, No. 47 of 1980
NGO - Non-governmental Organisation
NWPES - North-Western Province Environmental Statute, No. 12 of 1990
PP - Project Proponent
PAA - Project Approving Agency
TEC - Technical Evaluation Committee
TOR - Terms of Reference

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Introduction

An Environmental Assessment is what the investors and the government can use to ‘think before you leap’ in the development process. According to the Central Environmental Authority (CEA), EIA is the process of predicting the potential impacts of development on the natural and social environment. In Sri Lanka, EIA was first introduced by the Coast-Conservation Act, No. 57 of 1981, which made EIA a legal requirement for projects within the coastal zone. Thereafter, the National Environmental (Amendment) Act, No. 56 of 1988 and Amendment Act of 2000 made EIA mandatory for all prescribed projects throughout Sri Lanka.

The Environment as defined for EIA consists of 3 main components:



Physical or the non-living
(Air, land and water)



Biotic
(Plants and animals)



Social
(People and everything they create - infrastructure, economy, culture)

There are many institutions involved in the EIA process: government institutions designated as Project Approving Agencies, Project Proponent, EIA Consultants, Technical Experts, and the public. This handbook is mainly targeted at the public, who are an essential part of the EIA process but often left behind.

This handbook intends to provide the necessary information and equip the public to enable their effective participation in the EIA Process. This handbook also provides pertinent information by simplifying the law and codifying the relevant laws and regulations into a single document.

The handbook is structured as simple Question & Answer (Q&A) segments and short topic discussions explaining the key terms regarding legal provisions. Simple explanations, flow charts and infographics are used to enable a better understanding of the process. The structure of the handbook is as follows:
The purpose and scope of EIA, Definition of key terms, Information relating to the steps of an EIA process.

Purposes of an EIA

- EIA addresses environmental considerations.
- Incorporates environmental concerns into the decision-making process.
- Anticipates to, avoid or minimise the adverse effects of development proposals.
- Protects the ecosystem services and ecological processes of natural systems.
- Promotes sustainable development which optimises resource usage and management opportunities.
- Saves time and money spent on attending to harmful aftermath of a project.
- EIA can save the lives of humans and wildlife and prevent wastage of resources.

An EIA can save the lives of humans and wildlife and prevent wastage of resources.

Who is involved in the EIA process, and what do they do?

- **The project proponent (PP)** proposes the project and prepares the EIA report.
- **EIA consultants** are tasked by the PP to prepare the EIA. The report should contain the names and qualifications of the consultants who were involved.
- **Project Approving Agency (PAA)** are designated as per section 23Y of the NEA as contained in Gazette Extraordinary No. 772/22 of 24.06.1993 and No. 859/14 of 23.02.1995 amended by 978/13 of 04.06.1997 and 1373/6 of 29.12.2004. PAA gives the final decision or environmental clearance.
- **Technical Evaluation Committee (TEC)** reviews the EIA report. This is a temporary committee formed for each IEE/EIA. This consists of technical experts and the committee is responsible for the preparation of the TEC report to be used in the decision making. TEC should be chaired by a member of the EIA Cell of the PAA and it should communicate all evaluations and decisions to the EIA Oversight Committee.
- **EIA Cell** is established within each PAA for each subject area. EIA cell is responsible for administering the EIA process within the PAA. They liaise with the PPs.
- **EIA Oversight Committee** consists of members representing each of the primary components of PAA. There will be a representative of the CEA as an observer of the Committee. This committee reviews the EIA and advises on the EIA process decisions, oversees whether the PAA complies with the EIA requirements and NEA, makes project decisions based on completed EIAs, and assesses issues and makes recommendations.



What is the difference between EIA and IEE?

This difference is set out in the NEA. According to section 33 of NEA, an IEE is done for a project that has fewer environmental impacts. An EIA is done for a project that has significant environmental impacts. This definition is replicated by other statutes.

What does an IEE encompass?

- A report in writing.
- Highlights possible impacts of a prescribed project on the environment.
- Has a view to determining whether the deliberated impacts are significant and requires an EIA .
- Further details as prescribed by the Minister.

What does an EIA encompass?

- A written analysis of a prescribed project.
- Contains an environmental cost-benefit analysis if such analysis is prepared.
- Includes a description of avoidable and unavoidable adverse environmental effects of the proposed prescribed project.
- Includes a description of alternatives to the activity which may be less harmful to the environment together with reasons why such alternatives were rejected.
- Contains a description of any irreversible or irretrievable commitments of resources required.

What are 'Prescribed Projects'?

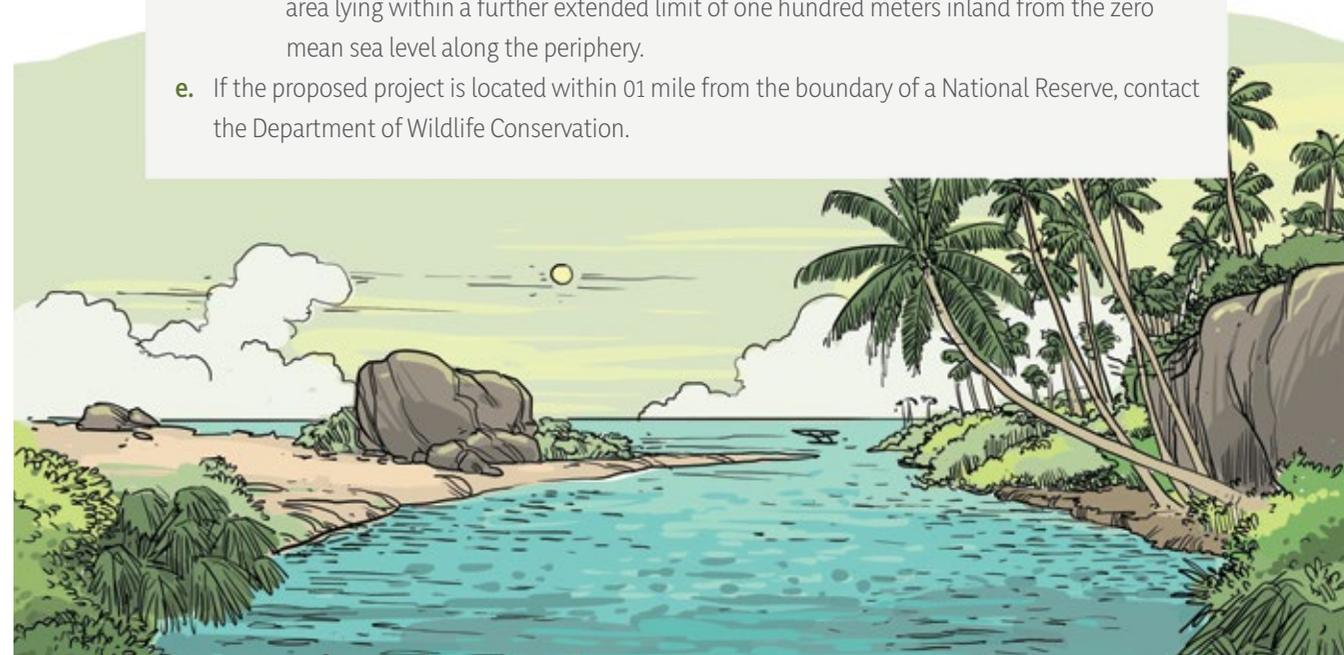
According to section 23 Z of NEA, projects that require EIAs are known as Prescribed Projects.

Based on the project magnitude and location, Prescribed Projects have been declared by the Minister. These are listed in Gazette Extraordinary No. 772/22 dated 24.06.1993 and amended by Gazette Extraordinary No. 1104/22 dated 05.11.1999 and Gazette Extraordinary No. 859/ 14 dated 23.02.1995.

How to identify projects that require an EIA?

The projects that require EIAs are known as Prescribed Projects. The booklet titled 'Simple Questions and Answers on EIAs' published by CEA provides guidance on identifying whether a project requires an EIA or not. Following steps can be followed in identifying whether a certain project requires an EIA:

- Contact CEA – upon filling the Basic Information Questionnaire (BIQ), CEA would communicate whether the project requires an EIA.
 - BIQ is available at the EIA Unit at CEA Headquarters or the provincial/district offices of the CEA.
 - It is also downloadable from the CEA website.
- Refer Gazette Extraordinary No. 772/22 dated 24.06.1993 amended by Gazette Extraordinary No. 1104/22 dated 05.11.1999 and No. 859/ 14 dated 23.02.1995, if the project is located anywhere other than the North Western Province.
- If the proposed project is in the North-Western Province, contact the North Western Provincial Environmental Authority.
- If the proposed project is within the Coastal Zone, contact the Director-General of Coast Conservation and Coastal Resource Management.
 - Coastal Zone means the area in between 300 meters landwards from the mean highwater line and 2 kilometers seawards from the mean low water line.
 - In the case of any water body; a 2 km distance from the water area when you draw a line perpendicular to the mouth of the water body.
 - and shall include any body of water so connected to the sea, and shall also include the area lying within a further extended limit of one hundred meters inland from the zero mean sea level along the periphery.
- If the proposed project is located within 01 mile from the boundary of a National Reserve, contact the Department of Wildlife Conservation.



Who approves IEEs/ EIAs?

Decision on the approval of the IEE or the EIA is given by the PAA

Certain Ministries and departments are designated as PAAs by Extraordinary Gazettes No. 859/14 dated 23.02.1995, No. 978/13 dated 04.06.1997 and No. 1373/6 of 29.12.2004. They are as follows:

- a. The Ministries to which the following subjects are assigned are identified as PAAs: National Planning, Irrigation, Energy, Agriculture, Lands, Forests, Industries, Housing, Construction, Transport, Highways, Fisheries, Aquatic Resources, Plantation Industries
- b. The Department of Coast Conservation and Coastal Resource Management
- c. The Department of Wildlife Conservation
- d. The Department of Forest
- e. The Central Environmental Authority
- f. The Urban Development Authority
- g. The Geological Survey and Mines Bureau
- h. Sri Lanka Tourism Development Authority
- i. The Mahaweli Authority of Sri Lanka
- j. The Board of Investment of Sri Lanka

PAA appoints a TEC which evaluates the EIA/IEE report and submits observations. These observations guide the PAA in making its decision.

Duties of the PAA in the EIA process, according to the General Guidelines to PAAs issued by the CEA:

- Ensure all prescribed projects are subject to EIA/IEE requirements
- Ensure and guide proper scoping processes for EIAs/IEEs
- Draft Terms of Reference (TOR) for IEEs or EIAs
- Establish, conduct and participate in the technical evaluation and reviews during and after the preparation of the EIA report
- Ensure public notification and the availability of EIA reports for public review
- Evaluate and respond to comments received from the public or other agencies
- Establish necessary mitigatory measures and ensure that they are incorporated in any permit or approval conditions
- Ensure implementation of conditions through effective monitoring

Projects in the Coastal Zone of Sri Lanka

For the Development Projects in the Coastal Zone; Coast Conservation and Coastal Resource Management Act, No.57 of 1981 applies. This regulates all other laws in terms of permits for development activities in the Coastal Zone, including the NEA as amended. The Director-General of Coast Conservation and Coastal Resource Management (DG of CC) has the discretion to identify which projects should follow the EIA process.

- **Section 14** – Any development activity within the Coastal Zone requires a permit from the DG of CC.
- **Section 15** – DG of CC considers multiple factors when granting the above permits.
- **Section 16** – DG of CC may require the applicant for above permits to submit an IEE or EIA or both. If the information in IEE is enough, an EIA is not needed. This IEE may be forwarded to the Coast Conservation and Coastal Resource Management Advisory Council (AC) for its comments. AC must comment within 30 days. If the IEE is insufficient, the DG of CC may require an EIA. Once EIA is received, DG of CC submits a copy to AC to comment within 60 days and Gazettes EIA's availability for the public to comment upon and forward the same to DG of CC, within 30 days of the notification. When DG decides on the grant of permit, he considers all the public comments within 60 days - including AC's comments.



Projects in the Vicinity of Protected Areas

Provisions of Fauna and Flora Protection Ordinance, No.02 of 1937 (FFPO) applies to National Reserves and development projects in the vicinity of National Reserves. PAA under FFPO is the Department of Wildlife Conservation.

Section 9A – No entity is allowed to carry out a development activity within 01 mile distance (1.6 km) of the boundary of a National Reserve without the prior written approval by way of a permit issued by the Director General of Wildlife Conservation (DG of Wildlife Conservation). DG may require an IEE or EIA related to such development activity and submits a copy of the same to the Committee appointed by the DG of Wildlife Conservation for comments within 60 days. Notice is gazetted inviting the public to comment upon IEE or EIA within 30 days of such notice, to the DG. DG considers all the comments made and decides on the grant of the permit within 60 days after receiving comments.



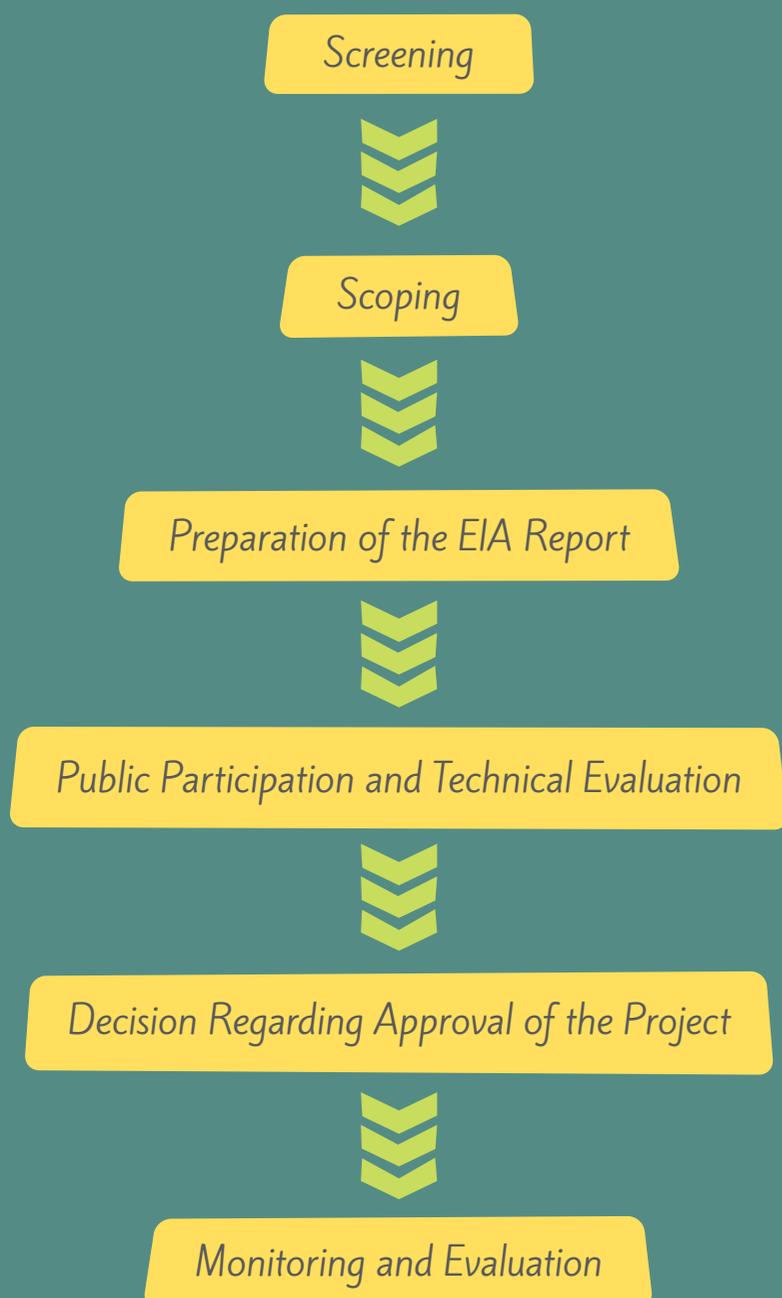
Projects in the North-Western Province

The North Western Province Environmental Statute, No. 12 of 1990 (NWPEs) is a provincial Statute and the North Western Province is the only Province with its own Environmental Statute.

The NWPEs has its own process of assessment of environmental impacts and project approval within the province, which is separate from the central process managed by the CEA.

- **Section 43** – All prescribed projects by any entity within the North Western Province must obtain approval from the relevant PAAs.
- **Section 44** – PAA shall require an IEE or EIA to grant approval for the prescribed project proposed within the province. Notice is gazetted and published in certain newspapers on the availability of IEE or EIA to be commented upon by the public within 30 days of such notice, to the PAA. A public hearing may be held. Once the project is approved, approval is gazetted and published in certain newspapers.
- **Section 45** – PAAs determine the procedure for approval of projects.
- **Section 46** – If PAA does not grant approval, the PP can appeal to the Secretary of the Ministry of Environment in the North Western Province. Decision of the Secretary is final, provided that the Secretary obtains the observations of the Provincial Environmental Advisory Council.
- **Section 47** – If the approved project is altered or abandoned, PAA must be informed to take action. Fresh approval would be required in alterations.
- **Section 48** – PAAs must report to the North Western Province Environmental Authority regarding approved prescribed projects.

Steps in the EIA Process



Screening

This is the first step in the EIA process resulting in the decision whether an EIA is necessary or not. This step helps in determining the impact of the proposed project. The criteria to conduct the screening is set by the PAA.

Scoping

This helps to identify the important issues during the assessment. It sets the framework or boundaries of the assessment and establishes what the EIA/IEE will include and provide guidance for the development of Terms of References (TOR).

In Sri Lanka, according to the CEA Guidance booklet for Implementing the EIA Process No. 2 - A General Guide for Conducting Environmental Scoping, there are five steps in the EIA Process:

1. Preliminary Information - The PP is required to submit information on the nature, scope and location of the proposed project along with location maps and any other information that may be required by the PAA.
2. Environmental Scoping - It is the process of identifying important issues which must be addressed in the EIA/IEE reports.
3. Public Participation - The most crucial aspect of the process where the provision for public participation is contained in the NEA and other relevant enactments and regulations.
4. Decision Making - The PAA shall either grant approval subject to specified conditions or reject a proposed project.
5. Monitoring - The PAA monitors compliance with conditions and the effectiveness of mitigatory measures.

The Guidelines also state that the PAA may,

- Set page limits for the scoping document
- Set a schedule and time-lines
- Identify sectors and required expertise
- Hold early scoping meetings

EIA Preparation

It is the duty of the PP to prepare the EIA/IEE. No time limit is allocated for the preparation. The EIA report is a compilation of important project components.

The report includes the following:

- A description of the project
- Assessment of social and environmental impacts
- Mitigation measures
- Management and monitoring plans



Public Participation

As per Article 28(f) of the Constitution, every person in Sri Lanka must protect nature and conserve its riches. Therefore, the citizens have a compelling legal duty to participate in the EIA process as they are the major stakeholders of the impacts of a proposed project.

Who is the “Public”?

The public includes individuals, local communities, women, men, youth, as well as Non-Governmental Organisations (NGOs). It should also cover ‘affected parties’- communities living close-by to the development site and ‘interested parties,’ who have a greater reflection on environmental matters.

Eg.: *Eppawela Case* - mentioned that comments from statutory or other legal persons, organisations whether incorporated or not, and comments from individuals are welcomed as public comments.

NEA recognises public participation as a step in the EIA process. The notice of availability of the EIA report for public review once prepared must be published in newspapers in Sinhala, English and Tamil languages. Thirty days are given for public comments.

Public comments are sent to the PP for review and responses. They are required to respond by making every effort to modify and introduce alternatives including the proposed action and give serious consideration to provide supplementary information in the document and make factual corrections.

According to the NEA, if it is decided by the PAA, a public hearing will be granted.

Public Hearing Process

Members of the public who have sent their written comments to the PAA are called for a public hearing if the PAA decides that it should be held. The *Upper Kotmale Hydropower Case* is an example whereas a settlement, a public hearing was granted.

Here is some pertinent information about public participation in the IEE/EIA process:

Can the public comment on IEEs?

Under NEA and CCCRMA, IEE is not open for public comments. NEA only considers IEE as a 'public document' and is open for public inspection, not comments. But it can be argued that under FFPO and NWPES, IEE is open for public comments, as these laws enable IEEs open for public comments.

What are the time limits for Public Participation in each legislation?

The 30-day period will vary depending on the date of publication of the notice in the newspapers.

Eg.: If the Tamil notice appears in the newspaper on the 10th of November whereas the Sinhala notice appears in the newspaper on the 01st of November, the 30 days will be counted from the 10th of November.

The regulations on public comments are as follows:

- **NEA** – Within 30 days from the date the notice was published on newspapers.
- **CCCRMA** – Within 30 days from the date the gazette notification was published.
- **FFPO** – Within 30 days from the date the gazette notification was published.
- **NWPES** – Within 30 days from the date the notice on newspapers and gazettes was published.

Where can the public get access to the EIA reports?

CEA guidebook states that PAAs should establish procedures to make the EIAs readily available to the public for reading.

The places are Colombo (Library of CEA in Battaramulla), the District Office, Local Authority and Divisional Secretariat in which the project is proposed. At the relevant PAA, the report will be available. PAAs should establish an efficient process to allow copies of EIAs to be made upon public request and on payment of reproduction costs. Recent practice shows that EIA reports are made available on the PAA's website as well.



Does the public get an acknowledgement when they submit comments?

Generally, no acknowledgement would be provided. However, as public comments should be submitted in a written format, if the comments are posted via Registered Post, the signed postal receipt by the PAA with the postal department can be proof of delivery.

Are translations available for EIAs?

Several copies of translations of EIAs in all three languages are made available at the relevant places for public inspection.

- Translations must be made available when asked, if they are not provided. *EFL has demanded and has received Sinhala translation of the EIA report associated with the Kirinda Fishery Harbour Project in 1992.*
- Recent practice shows that translations of EIAs are made available on the CEA's website/ the PAA's website.
- However, it is observed that the translations that are made available should be accurate and complete.

Can the public see the comments made by the public?

The current practice is that only the CEA, PAA, TEC and the PP can view the public comments, unless a member of the Public makes a written request.

What are 'public hearings,' when would they be held?

- A public hearing may be held at the discretion of the PAA when it thinks that it would be in the 'public interest.'
- What is 'Public Interest'?
 - i. When the proposed activity is highly controversial and more expressions of the public views are essential to make a decision.
 - ii. When the proposed project might cause unusual national or regional impacts.
 - iii. When it might threaten nationally important environmentally sensitive areas.
 - iv. When a formal request for a public hearing has been requested by an interested party.
- If it is decided to hold a public hearing, it should be held immediately after the expiration of the 30 days for public comments and before the PP is asked to share remarks on the comments of the public and the agencies.



Decision about the EIA

PAA appoints a Technical Evaluation Committee (TEC) to evaluate the EIA/IEE report.

The purpose of the review is to confirm information and methodology used in the preparation of the EIA report. It would also verify whether the report addresses all the critical and cumulative impacts and all relevant mitigation measures.

- Based on the recommendations of the TEC, the PAA will either grant approval subject to specified conditions or reject a proposed project.
- If the PAA is not CEA, PAA should obtain the concurrence of CEA prior to granting approval for EIA.

EIA only gives environmental clearance; PP needs to obtain other permits before they commence the project activity if they have received the EIA/IEE approval from the PAA.

Monitoring

According to the CEA Guidelines Booklet, the success of the EIA process depends on effective monitoring of the conditions imposed by the PAA. Monitoring by the PAA involves compliance with the conditions and effectiveness of the mitigatory measures.

Most development projects involve regular monitoring indicators. The information collected during monitoring activities help to ensure that the priorities listed in the environmental management plan and mitigation measures are properly implemented.

What are Preliminary Information Requests?

PAA has the responsibility to obtain information from PP at the earliest practical stage regarding the nature, location and impacts of a proposed project that requires an IEE or EIA, according to the Guidance for IEE/EIA process by CEA. The checklists and the questionnaires are available at the CEA. The preliminary information can:

- Help the PAA determine whether an IEE or EIA is required.
- Help the PAA identify the requirements and issues for the scoping process.

Can the decision of a PAA be appealed?

- Yes, if you are the PP you can appeal to the Secretary of the Ministry of Environment if your project has been refused approval.
- Applicable law - section 23DD of NEA and section 46 of NWPES.

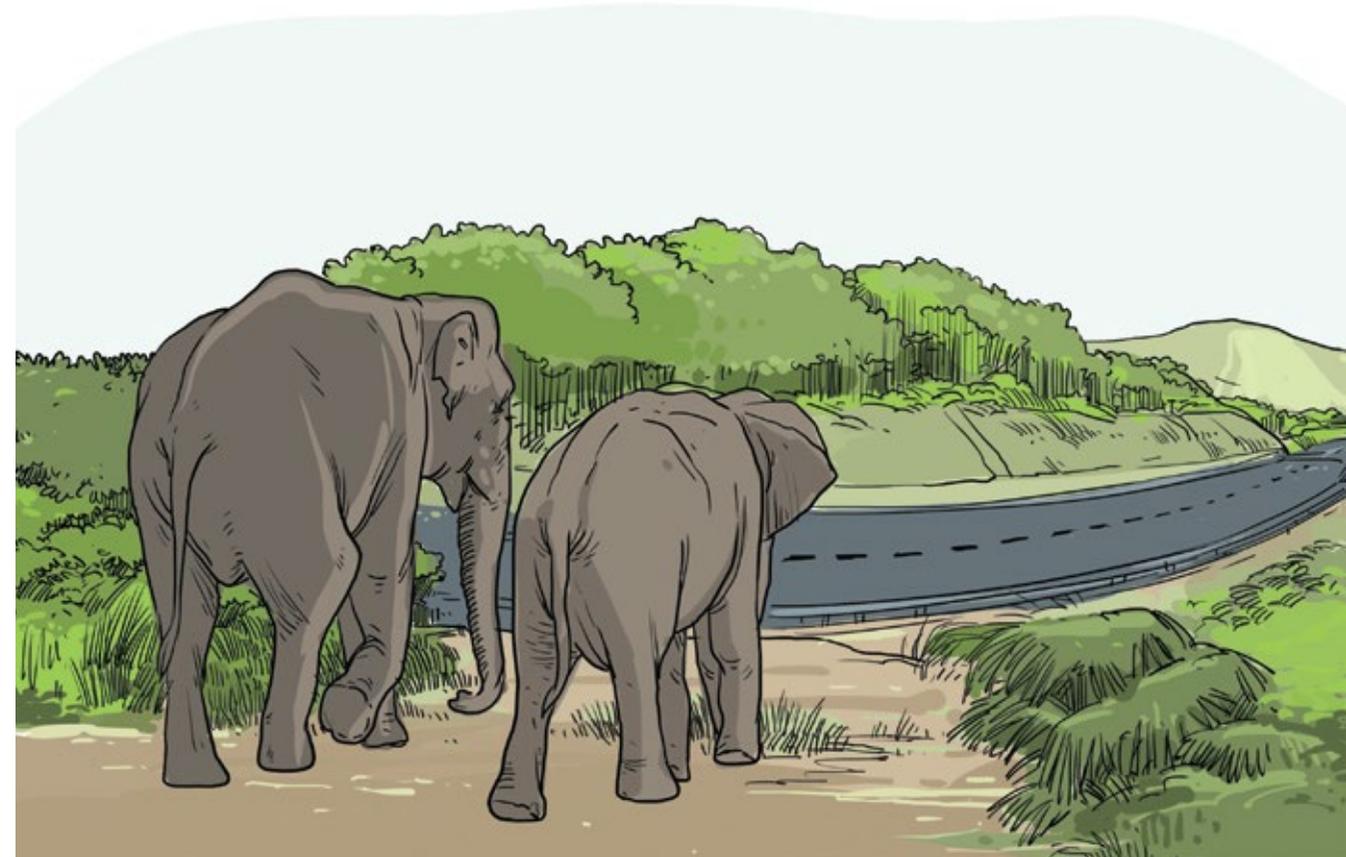
Can an EIA report be challenged in court?

- If the steps of the IEE/ EIA process are not followed and if the project is approved by the PAA exceeding or abusing its power, a Writ of Certiorari can be sought against the PAA. *The Bomburu Ella Mini Hydropower Case* is an example where the court issued a writ of certiorari quashing the approval given for the project by PAA.



What are the environmental impacts addressed in the IEEs/ EIAs?

- The CEA recognizes three primary areas that need to be addressed in an EIA report.
- The areas are: the physical, biological and social aspects that will be directly or indirectly affected by the project.
- Hence, impacts on **water resources, pollution issues, impacts on soil and land use, impacts on forests, wildlife and biological diversity, and impacts on socio-economic and cultural conditions** are considered.
- Inadequate consideration of these areas/ topics in an EIA report can be a reason for a project to be rejected by a PAA.
 - *Water's Edge case* - Court observed that inadequate attention was given in the EIA report regarding the appropriate monitoring measures. It also stressed that analyzing costs and benefits of the project and investigating the viability of the mitigatory measures was vital. The court held that the project is not in the interest of the public and nullified the land conveyance.
 - *The Southern Expressway and Katunayake Expressway projects* - They were subjected to heavy public opposition. Numerous cases opposing the projects were filed by the residents in the affected areas and as a result, projects were delayed for years.



What are the stages in the EIA process where public participation is required?

Sri Lanka has a mechanism for public commenting in the EIA process. This mechanism is laid down in the 'Guidance for Implementing the Environmental Impact Assessment Process - No. 03, Public Participation Handbook' issued by the CEA.

Scoping Process

- a. Scoping involves a series of formal and informal meetings with people who may be affected by the proposed project either directly or indirectly, or who may have special knowledge of the project area and its environs.
- b. This aids the PAA and the affected people to assess the proposed project and identify the potential environmental issues and alternative strategies that they believe are important in determining TOR of the IEE/ EIA.
- c. It also helps in setting realistic and measurable goals and objectives for the IEE/ EIA.
- d. Scoping is of two types: Formal Scoping and Informal Scoping. Both these types of meetings should be conducted as a part of any EIA/IEE process.

i. Formal Scoping

A wide spectrum of people with extensive knowledge or expertise is gathered to aid the PAA to identify the issues to be addressed in IEE/ EIA. They will also identify possible alternatives to the proposed project. The cooperating agencies with jurisdiction by law or with special expertise to IEE/ EIAs and authorised agencies that develop and enforce environmental standards should comment in formal scoping.

Eg.: Specialists of subject areas: Government Officials like Wildlife officers, Officers of National Building Research Organisation, Scientists, Lawyers and NGOs.

ii. Informal Scoping

Includes interviews with individuals and groups, and reviews existing data. Many of these interviews are conducted in the affected areas with people who will be directly or indirectly affected by the proposed project.

Eg.: Local farmers, merchants, teachers and religious leaders.

Consultancy with the PP/ Preparers of EIA

- a. Consultants have been advised to contact the concerned parties and discuss the possible effects of the proposed project on the environment.
- b. The Public Participation Handbook of CEA states the public has a right to contact the project proponent and make their concerns known.
- c. The contact details of the proponent or the consultants can be obtained from the CEA, PAA or the developer.

Public Commenting Process

The public commenting process has differences in its implementation under NEA and other relevant laws.

NEA

- Once PAA receives the EIA report, notice must be published in one newspaper each in Sinhala, Tamil and English languages, notifying the place and times at which such report shall be available for inspection by the public to make comments.

CCCRMA

- If IEE is insufficient, DG of CC may require an EIA, or initially require an EIA, or both IEE and EIA may be required.
- Once the EIA is received, DG of CC Gazettes its availability for the public to comment and forward the same to the DG of CC.

FFPO

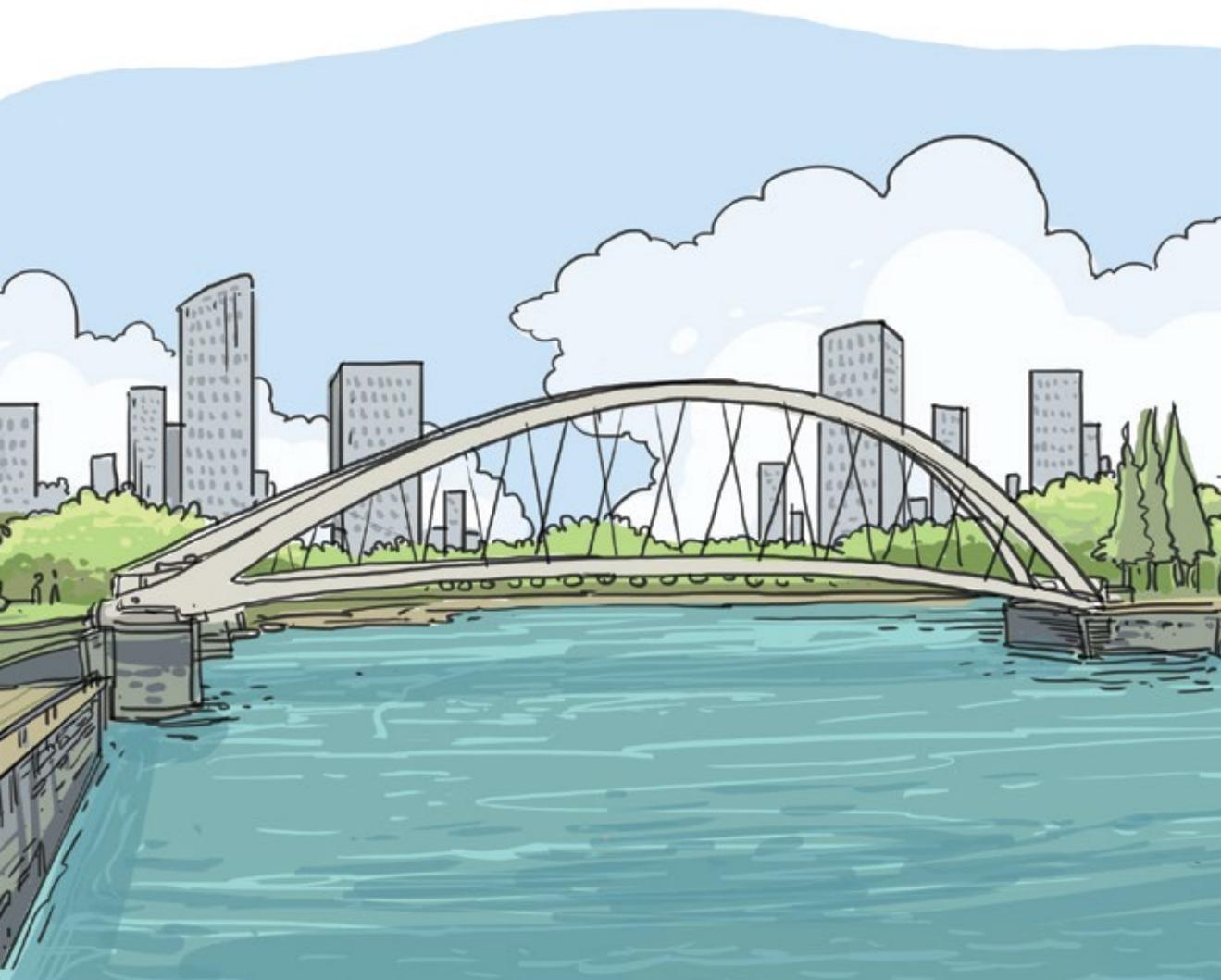
- Once the DG of Wildlife Conservation receives the IEE or EIA related to such development activity, notice is Gazetted inviting the public to comment upon the IEE or EIA to the DG.

NWPES

- Once the PAA receives IEE or EIA, notice is Gazetted and published in one newspaper each in the Sinhala, Tamil and English languages, notifying the place and times at which such report shall be available for public inspection and to be commented by the public, to the PAA.

Who conducts the monitoring and evaluation of the completed project?

- a. PAA/ CEA conducts the monitoring and evaluation. CEA District Offices are involved in the process, and the PAA can include conditions in the approval of a project.
- b. Monitoring and Evaluation are conducted in several stages per Environmental Management and Monitoring Plan.
- c. However, CCCRMA and FFPO do not contain statutory provisions regarding post-approval monitoring.



How does EFL help?

EFL's objective is to conserve and protect Sri Lanka's natural environment through legal and scientific means. The organization joins the general public in promoting advocacy and with public interest litigation where necessary. Through EFL's efforts like this, to distribute knowledge, EFL plays an active role in shaping the public perspective on their environmental rights.

Likewise, EFL explains technical jargon in EIA/IEE reports, sends comments to PAAs on EIA/IEE reports, in addition to pursuing legal action.

Contact us to understand what remedies you have if you or your village has been affected due to the commencement of a prescribed project that has not submitted an EIA.



List of References

Case Law

- *Amarasinghe and Others v The Attorney-General and Others* (Colombo – Katunayake Expressway Case) [1993] 1 Sri LR 376
- *Bulankulama and Others v Secretary, Ministry of Industrial Development and Others* (Eppawela Case) [2000] 3 Sri LR 243
- *Environmental Foundation Limited v Secretary, Ministry of Forestry and Environment and Another* (Upper Kotmale Hydropower Case) [1999] CA.No.: 1023/98
- *Environmental Foundation Limited v Central Environmental Authority and Others* (Bomburu Ella Mini Hydro Power Project Case) [2006] 3 Sri LR 57
- *Heather Therese Mundy v Central Environmental Authority and Others* SC Appeal 58/2003
- *Sugathapala Mendis and Another v Chandrika Kumaratunga and Others* (Waters Edge Case) [2008] 2 Sri LR 339

Statutory Instruments

- Coast Conservation and Coastal Resource Management Act, No. 57 of 1981 as amended
- Fauna and Flora Protection Ordinance, No. 02 of 1937 as amended
- National Environmental Act, No. 47 of 1980 as amended
- North Western Province Environmental Statute, No.12 of 1990

Guidelines under the Statutes

- Central Environmental Authority, *Guidance for Implementing the Environmental Impact Assessment (EIA) Process: No. 1 - A General Guide for Project Approving Agencies (PAA)* (4th edn, Central Environmental Authority 2006)
- Central Environmental Authority, *Guidance for Implementing the Environmental Impact Assessment (EIA) Process: No. 2 - A General Guide for Conducting Environmental Scoping* (3rd edn, Central Environmental Authority 2006)
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- Central Environmental Authority, *Simple Questions and Answers on Environmental Impact Assessment (EIA)* (2nd edn, Central Environmental Authority 2005)

Books and Reports

- Environmental Foundation Limited, 'Past, Present, Future of the Process of Assessment of Environmental Impact Assessment in Sri Lanka : Review of The Gaps and Needs' (2020)
- Environmental Foundation Limited, *Your Environmental Rights and Responsibilities: A Handbook for Sri Lanka – Revised Edition I* (2nd edn, Environmental Foundation Limited 2019)

Websites

- Central Environmental Authority, 'Steps in EIA Process' (*Central Environmental Authority*, 26 August 2013) <<http://www.cea.lk/web/en/steps-in-eia-process>> accessed 12 January 2022

Environmental Foundation (Guarantee) Limited (EFL) is a non-profit organisation that engages in public interest litigation and environmental advocacy via scientific investigations and conservation projects. EFL has been instrumental in influencing policies and has conducted awareness programmes on topics from waste management to biodiversity conservation.

Since 1981, EFL has been recognised as an impartial and apolitical organisation that has spearheaded the sustainable use of Sri Lanka's natural resources. EFL also extends its legal and scientific support to various government institutions to facilitate the protection of the environment.

During the past four decades, EFL has established itself as a driving force in promoting environmental justice in Sri Lanka.

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